

**Town of Newport, New Hampshire
Board of Selectmen**

**Minutes for Meeting of March 21, 2016
6:30 pm, Municipal Building**

SELECTMEN PRESENT: Gary Nichols, Chairman; Todd Fratzel, Vice Chairman; David Hoyt, William Wilmot, Jeff Kessler

STAFF PRESENT: Shane P. O’Keefe, Town Manager; Paul Brown, Finance Director; Ken Dennis, Buildings and Grounds

COMMUNITY MEMBERS PRESENT: Beth Cassorla, Brian Rossiter, Kurt Minick, Bert Spaulding, Sr.

CALL TO ORDER: Chairman Nichols called the meeting to order at 6:30 p.m. followed by the Pledge of Allegiance.

AGENDA REVIEW: The agenda was accepted as presented.

MINUTES FROM PREVIOUS MEETING: February 29, 2016, March 7, 2016
Minutes from NPS #4 of February 29, 2016.

There were three changes noted from the previously reviewed draft of the minutes.

A motion was made by Selectman Wilmot, seconded by Selectman Fratzel to approve the February 29, 2016 minutes. A minor correction was proposed by Selectman Hoyt. The second and motion was withdrawn. The Board members noted and accepted the additional change. Then, on a motion by Selectman Wilmot, seconded by Selectman Fratzel; *the Board voted to approve the minutes of the fourth NPS of February 29, 2016 as amended. The motion passed 5-0-0.*

On a motion by Selectman Kessler, seconded by Selectman Wilmot; *the Board voted to approve the minutes of the March 7, 2016 meeting as presented. The motion passed 4-0-1 (Fratzel abstained).*

CONSENT AGENDA: On a motion by Selectman Hoyt, seconded by Selectman Fratzel; *the Board voted to approve the Consent Agenda for March 21, 2016. The motion passed 5-0-0.*

OPEN FORUM:

Mr. Kurt Minick addressed the Board and spoke on the possibility of a “one financial house” of Town and School administration. Reading from a prepared statement he stated he hoped the Board of Selectmen (BOS) would not consider implementing the model in Newport and having Newport be one of the state’s testing areas.

There was a general discussion between Board members and Mr. Minick on a study of the possibility as well as assistance the Town had given the School in the past. Questions were asked of the legislative process. The Board and Finance Director stressed that the process to potentially allow the policy would first have to pass through the state legislature.

Mr. Bert Spaulding, Sr. rebutted Mr. Minick’s stand and expressed his own viewpoint on the subject. He asked if representatives from the Town had gone to Concord to express their views. He was told yes.

Mr. Minick again addressed the BOS and asked if anyone from the Newport School had gone to Concord to testify at a committee hearing. He was told that no one from the School had gone to Concord, the School Superintendent Gallagher had attended a local meeting.

Mr. Spaulding then addressed the BOS and expressed at length his frustration with the problems he perceived to be having with the Planning Board and the proposed "three minute rule" for public comment at their meetings. He told the BOS members of his plans to oppose the rule in future Planning Board meetings.

COMMUNICATIONS:

Selectman Wilnot had nothing to share at this time.

Selectman Kessler stated that Wednesday, March 23, 2016 was when individuals could begin to sign up to run for Town offices. Sign-ups would close on Friday, April 1, 2016. Positions available for the 2016 Town Meeting vote were:

- Two BOS positions (Selectman Kessler would be running for reelection)
- Trustee of Trust Fund for a 2year term.
- Trustee of Trust Fund for a 3year term.
- Supervisor of the Checklist

There would be a Candy Drop at the airport on Friday, March 25, 2016 at 11a.m. weather permitting. Lastly, as a school update, there had been a second community meeting concerning the placement of students (in buildings) for next year on Monday, March 21, 2016. There would be a presentation on the subject at the Thursday, March 24, 2016 School Board meeting.

Selectman Hoyt had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Chairman Nichols addressed the Board members and stated they had received a petition concerning the Planning Board. He asked if they would like to take action on it. The Board members did not.

Town Manager O'Keefe addressed the BOS, stating:

- ❖ A Public Hearing notice had mistakenly been posted for this evening regarding acceptance and expenditure of \$120,000 of State Bridge Aid funds for the Coon Brook Road Bridge. The hearing will be held on April 4, 2016.
- ❖ Figures on septic and water at the wastewater treatment facility were previously scheduled for discussion at the March 21, 2016 agenda; if acceptable by the BOS they would be discussed at the April 4, 2016 meeting. The Board members concurred with his request.
- ❖ A Public Hearing on the optional motor vehicle registration fee will be held on April 18, 2016 in accordance to statutory requirements.
- ❖ The Bond Hearings held on March 7, 2016 were appropriate per state statute.
- ❖ The legal issue with the Planning Board filed by Mr. Spaulding has cost the Town \$4,750 to date.
- ❖ The schedule for the Town flushing the water mains is proposed for Sunday, April 17, 2016 through Saturday, April 30, 2016.

Mr. Spaulding addressed the Chair and asked if the BOS would be taking action on his petition before them concerning the Planning Board. Chairman Nichols stated he had addressed the issue with the Selectmen and their decision was to take no action. Mr. Spaulding again spoke on the issue of the petition with the BOS, and the cost incurred by the Town. Mr. Spaulding expressed his future plans on the subject.

INFORMATIONAL:

Cemetery Rates

Mr. Ken Dennis, Buildings and Grounds Manager, addressed the BOS and stated that he was again before the BOS to discuss the current cemetery fees and proposals for increases to them. Mr. Dennis stated he had researched five communities with similar populations as Newport and had acquired the prices they charge. He had then taken the average amount and compared it with Newport's (Attachment 1). He recommended that the Town increase its rates across the board. Mr. Dennis informed the BOS members that one town set a 15% increase in its rates every three (3) years. There was a general discussion concerning Newport's current burial rates versus other community's current rates. The Chair requested that Mr. Dennis return on April 4, 2016 with formal recommended rate increases. The Board members concurred with this request. A Public Hearing on the proposed new rates would then be held on April 18, 2016. The Chair asked Mr. Dennis to provide the rates to the BOS for their information.

Opera House Rental Rates

An increase of Opera House rental fees was discussed. Mr. Dennis went down the list of fees currently charged. The Board members and Mr. Dennis held a general discussion on current fees and potential increases. Mr. Dennis suggested that a flat rate be charged and the various services not be itemized. Town Manager O'Keefe requested that Mr. Dennis return to the BOS on April 4, 2016 with his recommended increases. Selectman Hoyt offered to assist Mr. Dennis with his proposal to the BOS. Chairman Nichols asked Mr. Dennis to meet with Town Manager O'Keefe to make his final proposal to the BOS.

Town Common Bandstand

Selectman Wilmot addressed Mr. Dennis and asked if the bandstand roof would be fixed this year. After confirming with Finance Director Brown, Mr. Dennis stated yes. It would be repaired with original wooden shake shingles; monies not covered by the Town would be raised by private donations.

There was a general discussion by Board members and Mr. Dennis on other items in need of repair in Town.

Hazardous Properties

Town Manager O'Keefe conveyed the actions taken on properties in Newport that needed to be demolished. He hoped to bring official information to the Board at the April 4, 2016 meeting.

Former Lil Red Baron

The property and building of the former L'il Red Baron Restaurant at the airport was discussed. Town Manager O'Keefe reviewed the actions that had transpired over the last six months. Options for the future were discussed between Board members and the Town Manager. It was the decision of the Board to continue discussion of conveyance of the property during non-public session (NPS).

Tax Deed Properties

Town Manager O'Keefe addressed the BOS and reviewed the tax deeded properties in Newport. He explained the procedures to be taken with various parcels and the potential cost that would be incurred by the Town. Among questions raised was: How can property rights be relinquished?

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to authorize continuing the process as outlined by Town Manager O'Keefe and to authorize the 90 day notice of sale of the two properties (13 Sullivan Street and 8 Central Street). The motion passed 5-0-0.***

There was general discussion by Mr. Spaulding and the BOS members on "owner unknown" properties. Finance Director Brown stated that the Town was over the three year constraint to process the properties.

Town Manager O'Keefe requested that a list of the properties be available for discussion at the April 4, 2016 meeting. Mr. Spaulding addressed the Board and stated his research on one property labeled unknown owner. There was a discussion on the properties.

Outdoor Entertainment Noise Regulations

Selectman Kessler addressed the BOS concerning a complaint on noise regulations. Police Chief Burroughs had previously addressed the BOS and explained the State noise regulations as they affect the Town. Selectman Kessler indicated that there was an establishment that held outdoor functions with loud noise. It had been occurring every week for the past couple of years. As a resident he was concerned as to how the entertainment was being regulated and the fact that there had also been complaints from other citizens concerning the same noise issue. Town Manager O'Keefe passed out copies of the noise regulation statutes to the BOS members (RSA 179:19,II and RSA 644:2,III). After further explanation and a short discussion of the noise regulations, Selectman Kessler stated he would first address his concerns to Police Chief Burroughs and see what recourse he could get. Chairman Nichols stated that the item could be put on the April 4, 2016 agenda if needed.

ACTION ITEMS:

2017 Budget Review and Discussion

Town Manager O'Keefe addressed the BOS and asked if there were any changes to be made to the 2017 Budget. There was a general discussion on the topic.

Town Manager O'Keefe suggested reconsidering fuel costs in the budget given the recent rise in prices. Finance Director Brown addressed the BOS, passed out a handout with current and potential fuel prices. He reminded the BOS members of the percentages and stated there could be a public hearing the night before the Deliberative Session (April 4, 2016) on the fuel prices should the Board wish to amend the budget. Town Manager O'Keefe also noted that any individual could amend the budget at the Deliberative Session. There was a short discussion among the Board members. The BOS requested that Finance Director Brown email them the revised figures. They took no action on holding a public hearing.

Mr. Spaulding addressed the BOS and expressed at length his concern on the condition of the south end of the airport runway, noting that it is subject to erosion and ice damage from the river. Town Manager O'Keefe addressed Mr. Spaulding and explained some erosion control measures that the airport managers were taking to deal with the problem. After a short discussion it was announced that hazard mitigation efforts at the Airport would be on the April 4, 2016 agenda.

Finance Director Brown addressed the BOS and requested a vote on the bottom line budget of \$13,103,956. The tax rate would be \$11.34.

On a motion by Selectman Kessler, seconded by Selectman Fratzel; ***the Board voted for a bottom line budget of \$13,103,956 with an anticipated tax rate of \$11.34. The motion passed 5-0-0.***

2016 Town Meeting Warrant

Town Manager O'Keefe and the BOS members went through a draft of the fifteen (15) Warrant Articles to be voted on at the 2016 Town Meeting.

Special considerations noted were:

2. Selectman Kessler requested that the Zoning Ordinance Amendment be made readily available to the public in order for them to vote knowledgeably. After a short discussion it was decided that a copy would be included in the Town Report for people to read.

3. The bond tax impact and duration was discussed. It was questioned whether the wording of the Warrant Article could be changed. Finance Director Brown gave a suggestion for addition wording to the Bond Warrant Articles.

4. Make similar note at the end of the Bond Warrant Article

5. The addition of the tax impact was requested.

8. Specified that the monies would come from sewer users.

10. Town Manager O'Keefe reiterated that the Warrant Article would legalize deposits from previous Town Meetings into the fund.

13. Mr. Spaulding expressed his displeasure with this Warrant Article and gave a history of the information pertaining to the proposed article. There was a short discussion on the addition of the article. On a motion by Selectman Kessler, seconded by Selectman Fratzel; ***the Board voted to forward Warrant Article 13 to the voters to decide. The motion passed 5-0-0.***

14. On a motion by Selectman Kessler, seconded by Selectman Fratzel; ***the Board voted to add "recommended by the BOS" to the Warrant Article. The motion passed 4-1-0 (Nichols voted nay).***

15. Information was read concerning this Warrant Article. Town Manager O'Keefe explained that if passed the Warrant Article would not be binding, it would be advisory only. Chairman Nichols read a legal opinion into the record to this effect. Because it was not a money item, no recommendation was provided by the BOS.

Mr. Bert Spaulding addressed the Chair and as a Right to Know request asked for, "A copy of the Warrant Article, the petition for article fifteen and legal note concerning the article being "advisory only." Town Manager O'Keefe hand delivered the requested information to Mr. Spaulding during the meeting.

APPOINTMENTS:

On a motion by Selectman Kessler, seconded by Selectman Wilmot; ***the Board voted to appoint Hillary Halleck to the Community Center Committee effective immediately. Her term will end at the termination of the committee. The motion passed 5-0-0.***

Town Manager O'Keefe reviewed the steps to get the Warrant Articles official and posted.

Addressing the public in attendance and viewing on NCTV Chairman Nichols listed the volunteer positions open on Town Boards, Committees and Commissions. He asked anyone interested to contact the Town Manager's office.

Chairman Nichols addressed the BOS and added NPS RSA 91-A:3, II(a) *Personnel* to those already on the agenda.

NON-PUBLIC SESSION(S):

On a motion by Selectman Kessler, seconded by Selectman Hoyt; ***the Board voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(a), Personnel Matters; RSA 91-A:3, II(c), Reputation Matters; and, RSA 91-A:3, II (d) Consideration of the acquisition, sale, or lease of real or personal property. The motion passed 5-0-0.***

The Board took a break for a few minutes.

The BOS entered NPS #1 at 8:48 pm, pursuant to RSA 91-A:3, II (a) Personnel Matters. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 9:46 p.m.***

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Selectmen voted by roll call to seal the minutes of the non-public session. The motion passed 5-0-0.***

On a motion by Selectman Kessler, seconded by Selectman Wilmot; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(c), Reputation Matters. The motion passed 5-0-0.***

The BOS entered NPS #2 at 9:47 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 9:52 p.m.***

The Board did not vote to seal the minutes.

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II (d) Consideration of the acquisition, sale, or lease of real or personal property. The motion passed 5-0-0.***

The BOS entered NPS #3 at 9:53 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 9:59 p.m.***

On a motion by Selectman Wilmot, seconded by Selectman Kessler; ***the Selectmen voted by roll call to seal the minutes of the non-public session. The motion passed 5-0-0.***

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II (d) Consideration of the acquisition, sale, or lease of real or personal property. The motion passed 5-0-0.***

The BOS entered NPS #4 at 10:00 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

On a motion by Selectman Hoyt, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 10:04 p.m.***

On a motion by Selectman Kessler, seconded by Selectman Hoyt; ***the Selectmen voted by roll call to seal the minutes of the non-public session. The motion passed 5-0-0.***

ADJOURNMENT:

There being no further business in the public meeting, on a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to adjourn at 10:05 pm.*

The next meeting of the Board of Selectmen (budget review) is scheduled for Monday, April 4, 2016 at 6:30 p.m., though a special meeting may be necessary prior to that date.

Respectfully submitted,



Maura Stetson
Scribe

Approved on: April 4, 2016

Town of Newport, New Hampshire
Board of Selectmen

Non-Public Meeting Minutes #2 – March 21, 2016

On a motion by Selectman Kessler, seconded by Selectman Wilmot; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(c), Reputation Matters. The motion passed 5-0-0.***

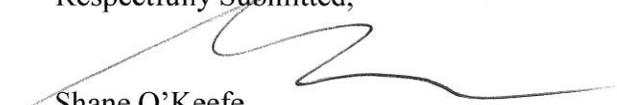
The BOS entered NPS #2 at 9:47 pm. Present were the Board members Gary Nichols, Todd Fratzel, William Wilmot, Jeffrey Kessler and David Hoyt, and Town Manager Shane O'Keefe.

The Board discussed the proposed acquisition of several properties by tax deed and the impact that it may have on several individuals, a few of whom are disabled. After acquisition by the Town, the residents would need to be removed from the premises in order to allow for subsequent sale. There was consensus of the Board to proceed with the tax deeding of properties previously discussed on September 21, 2015.

On a motion by Selectman Fratzel, seconded by Selectman Kessler; ***the Board voted to leave non-public session and return to public session. The motion passed 5-0-0. The non-public session ended at 9:52 p.m.***

The Board did not vote to seal the minutes.

Respectfully Submitted,



Shane O'Keefe
Town Manager

Approved on April 4, 2016.