

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

**Minutes for Meeting of May 16, 2016  
6:30 pm, Municipal Building**

---

**SELECTMEN PRESENT:** Jeff Kessler, Chairman; Todd Fratzel, Vice Chairman; David Hoyt, William Wilmot, Jr.; John Hooper II

**STAFF PRESENT:** Shane P. O'Keefe, Town Manager; James Burroughs, Police Chief

**COMMUNITY MEMBERS PRESENT:** Bert Spaulding, Sr.

**CALL TO ORDER:** Town Manager O'Keefe called the meeting to order at 6:30 pm followed by the Pledge of Allegiance. He then called for nominations for the office of Chairman of the Board of Selectmen.

**BOARD ORGANIZATION:**

Nomination and selection of Chair

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to appoint Mr. Kessler as Chairman of the Board of Selectmen (BOS) for the 2016-17 fiscal year. The motion passed 4-0-1(Kessler abstained).*

Town Manager O'Keefe handed the meeting to Chairman Kessler.

Chairman Kessler asked for nominations for the office of Vice Chairman.

Nomination and selection of Vice Chair

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Board voted to appoint Mr. Fratzel as Vice Chairman of the BOS for the 2016-17 fiscal year. The motion passed 4-0-1(Fratzel abstained).*

Adopt Ethics Policy

Town Manager O'Keefe explained the procedure of approving first the Code of Ethics and then the Selectboard Operating Guidelines & Handbook. Chairman Kessler asked for a motion to approve the Code of Ethics. On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to reaffirm the Ethics Policy. The motion passed 5-0-0.*

Adopt Selectboard Operating Guidelines & Handbook

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to approve the Board of Selectmen Operating Guidelines & Handbook with the proposed changes on page 8, (2)b. and (2)g.* Chairman Kessler told Town Manager O'Keefe that he would like one other area he would like a change in. Page 8, (2) e. Agenda Packets. He would like any information given to the BOS members be readily available to the public. He would like it rewritten to reflect the course of acquisition of documents. Chairman Kessler stated that information cited in (2) e. not under the jurisdiction of RSA 91-A. Copies could be posted on the website and/or sent via email. After a short discussion between the Chairman, Town Manager and Board it was decided that the wording of (2) e. would remain as it was written until the changeover of the Town website. Chairman Kessler called for a vote. *The Board voted to approve the Selectmen Operating Guidelines & Handbook with the proposed changes. The motion passed 5-0-0.*

**AGENDA REVIEW:** Town Manager O’Keefe requested the BOS move the EMS Week Proclamation to after the vote on the Consent Agenda. The request was denied. There was a discussion of where to place the Summer Meeting Schedule, Informational or Action Items (Kessler).

**MINUTES FROM PREVIOUS MEETING(S):** May 2, 2016

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to approve the minutes of the May 2, 2016 meeting with the following corrections: page 1. Nothing was recorded about a birthday celebration for Mr. Nichols and the bottom of page 3. “A gentleman addressed”...should read ... “Kurt Minick”... The motion passed 4-0-1 (Hooper abstained).*

**CONSENT AGENDA:** On a motion by Selectman Wilmot, seconded by Selectman Fratzel; *the Board voted to approve the Consent Agenda for May 16, 2016. The motion passed 5-0-0.*

**PUBLIC HEARING(S):**

**Pursuant to RSA 31:95-e, the acceptance of personal property in an amount of up to \$25,000 to be given as a gift to the Town by Sturm Ruger, Inc., specifically firearms and associated firearms accessories for use by the Police Department.**

Chairman Kessler read the Public Notice into the record and opened the public hearing. Chairman Kessler acknowledged Police Chief Burroughs and asked him to explain the proposed gift from the Sturm, Ruger & Co., Inc. Police Chief Burroughs explained the firearms and equipment that Sturm Ruger was offering to the police department in Newport. He told the Selectmen of the special engraving that the company proposed to add to the handguns; other towns would be gifted firearms but only the Newport Police Department’s would have special engraving. Concluding, he stated it was a very generous gift from Sturm Ruger, Inc.

Chairman Kessler opened the hearing to the public. There was no participation by the community member in attendance. He then closed the public hearing.

Town Manager O’Keefe stated that the Board needed to vote to accept the firearms and accessory items. The company should be thanked for their generosity to the Town. Chairman Kessler asked for a motion.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to accept the gift of firearms and associated firearms accessories in an amount of up to \$25,000 from Sturm, Ruger, Inc., and to send a thank you to the Sturm Ruger Company. The motion passed 5-0-0.*

Town Manager O’Keefe offered to write the thank you letter to be signed by him, the BOS and Police Chief Burroughs. The Board agreed.

There was a short discussion on the firearms and the customized engraving between the BOS and Police Chief Burroughs.

**OPEN FORUM:** Chairman Kessler addressed the public in attendance and asked if anyone would like to speak to something not on the agenda. Bert Spaulding, Sr. addressed the Chair and asked Chairman Kessler to read from a paper he submitted. Chairman Kessler obliged. Mr. Spaulding, Sr. then addressed the Town Manager and Board members and gave a lengthy discourse on the history of his complaints and the most current events concerning the Planning Board. He occasionally stopped and explained his viewpoints and previous and current actions to Selectman Hooper. Mr. Spaulding stated that he had been told that the Planning Board was under the purview of the BOS. He asked what they would do to correct the situation as he was not going to stop requesting their intervention.

Selectman Hoyt expressed his opinion that Mr. Spaulding's requests were reasonable. He stated that he had voted against the recent actions that the Planning Board had taken regarding elimination of a public forum from its meeting agendas. Selectman Hoyt stated his opinion was that every citizen had a right to speak at Planning Board meetings. Selectman Wilmot asked what authority the BOS had to direct the Planning Board's actions. Town Manager O'Keefe stated they did not have much authority over the Planning Board actions. The BOS appointed the individuals; the members did their work based on the statutes. The BOS could remove or deny reappointments to any Board if it chooses.

There was a general discussion among the BOS members concerning various aspects of Mr. Spaulding, Sr.'s concerns including meeting procedures and term lengths. For clarification, Selectman Wilmot asked if the BOS appointed members and the Boards chose their Chairman and Vice Chairman. Town Manager O'Keefe concurred, stating they elected their officers and adopted rules of procedure (which the Planning Board had just revised).

Chairman Kessler stated that the BOS had not been providing the Planning Board guidance on items in their purview. There was further discussion concerning meetings not being held and potential work sessions that could be held in lieu of a case. Selectman Fratzel requested that the Planning Board members be invited to the June 6, 2016 BOS meeting to discuss public participation instead of a follow-up letter. He gave his opinion as to why the Planning Board should have public participation included in their Rules of Procedure. Three Board members had voiced a concern over their decision to eliminate public participation from the Planning Board's Rules of Procedure.

Chairman Kessler proposed the BOS have a joint meeting on June 6, 2016 with the Planning Board. It would be the day before the Planning Board's regularly scheduled meeting. He acknowledged Mr. Spaulding, Sr.

Mr. Spaulding stated he believed the next Planning Board meeting would be held on June 14, 2016. It was agreed. Mr. Spaulding addressed Mr. Hooper and gave his synopsis of the reason for the issue at hand.

BOS members then brainstormed the issues they would discuss with the Planning Board members. Items were: the workload for their Board, review the history of the Town's open communication with its citizens, review of the report they had just completed and its implications to the Planning Board.

Town Manager O'Keefe stated he had asked Planning & Zoning Administrator Julie Magnuson to write up a work plan for the upcoming year. Chairman Kessler stated he would like to invite Ms. Magnuson to the joint meeting. Chairman Kessler asked for a motion for the BOS action.

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; ***the BOS voted to invite the Planning Board members to the June 6, 2016 BOS meeting to discuss the topics listed above and anything else that might come before the two Boards. The motion passed 5-0-0.***

Mr. Spaulding, Sr. asked which rules of procedure would apply at the joint meeting. He was told it would be a meeting of the BOS.

Town Manager O'Keefe informed Chairman Kessler and the Board members that legally it would be a joint meeting (a quorum of two Boards); Chairman Kessler asked, for clarification, if the meeting would primarily be a BOS meeting. Town Manager O'Keefe stated yes, that it would be a joint meeting within the BOS meeting.

#### **COMMUNICATIONS:**

Selectman Wilmot stated the high school prom would be Saturday, May 21, 2016. Police Chief Burroughs was asked what the traffic and crowd control would be. Police Chief Burroughs explained.

Selectman Hoyt stated that a Capital Improvement Program (CIP) Committee meeting could be discussed with the Planning Board. Chairman Kessler stated that the CIP was under the purview of the Planning Board and that could be discussed at the June 6, 2016 meeting.

Town Manager O'Keefe stated that, related to the CIP, the Town was preparing a Request for Proposals for an architect or engineer to look at the Town's buildings for needed repairs. Chairman Kessler asked if it was being done in conjunction with the school. Town Manager O'Keefe stated no, but that it could be adjusted to include Town and School buildings after a discussion of shared monetary responsibilities. There was a short discussion on the CIP.

Selectman Wilnot addressed Town Manager O'Keefe and asked for the progress on the bandstand roof. Town Manager O'Keefe stated that work was in progress. He did not have a date for completion.

Selectman Hoyt also stated he had been approached by a gentleman who would like to make a presentation to the Board concerning changing lighting in the Town buildings and lights to LED lighting. He would forward contact information to the Board and Town Manager.

Selectman Fratzel had nothing to add at this time.

Selectman Hooper addressed the Board and stated he had recently attended two functions in Newport. One was the 'Business after Hours' that was held at the Historical Society. It was well attended and nicely put on. The second was the Sunshine Social. They did a fantastic job. It was well attended and had raised money for both the Library Arts Center (LAC) and the Opera House.

Chairman Kessler stated he had attended a meeting of the NH Association of Regional Planning Commission's second annual meeting. The commissioners discussed the strengths, weaknesses, opportunities and the threats related to regional planning commissions.

He thanked the voters for reelecting him to the Board of Selectmen and thanked Jake Clarke for running for Selectman. He encouraged Mr. Clarke to run again in the future.

Town Manager O'Keefe stated that:

- ❖ He had gone to a conference with Police Chief Burroughs put on by Primex. It was informative and he had been able to network with his peers.
- ❖ He was going to attend a municipal solar energy workshop in Lebanon on Tuesday, May 17, 2016. There was a short discussion on alternative energy.
- ❖ He had run the Sunshine 5K race. Recreation Director P.J. Lovely and volunteers had done an excellent job coordinating the event.
- ❖ He gave a synopsis of the recent court decision in the case of Penta versus the Town of Newport. The decision requires the engineering firm of AECOM to pay all costs of legal defense for the Town in the case, and approximately \$100,000 in litigation costs could now be reimbursed.
- ❖ Regarding cases before the Board of Tax and Land Appeals (BTLA), abatement appeals were denied, and rulings were found in the Town of Newport's favor on two properties: the McHugh property at 60 Beech Street and the Collins property at 87 Sunapee Street.
- ❖ He had news on the hazardous properties the BOS had been discussing. The property at 324 Bradford Road had been entirely cleaned up. Selectman Hoyt asked if the clean-up was as of May 16, 2016. Town Manager O'Keefe stated yes. There was a discussion concerning the completeness of the clean-up. Fire Chief Conroy had been out to inspect the property and confirmed that it had been entirely cleaned up.

- ❖ He gave information on properties needing demolition. The owner of 12 Ash Street has been given official notice to remove the building, and the owner of 24 Sullivan Street has taken out a demolition permit and would be doing it voluntarily.

Selectman Fratzel asked what the timeframe and procedure was for demolition on the two lots. Town Manager O'Keefe explained the procedure. Selectman Fratzel also asked about the property on Union Street. Town Manager O'Keefe stated that groundwork for that property was being done, with the Health Officer and the Building inspector now involved. The official process would take months to complete.

### **INFORMATIONAL:**

#### Review Town Meeting ballot vote

Town Manager O'Keefe addressed the Board members and gave a general overview of his opinion as to how well work at the polls went.

Chairman Kessler asked for comments on the voting. Selectman Fratzel stated he was glad the two Bonds had passed. Work would now be able to be done on projects in Town that really needed it.

Town Manager O'Keefe explained the process the projects would now go through.

Chairman Kessler again stated his disappointment of the failure of Article 11 to pass. He explained the passing of Article 11 would have provided an additional source of revenue for road and bridge projects which would not depend solely on property taxes. He stated he will recommend it in next year's ballot and have it explained better to the voters. Chairman Kessler asked for an update from the Highway Department on which roads in Town would be worked on this fiscal year.

#### Discuss EMS study

Town Manager O'Keefe addressed the BOS and gave them the monetary proposals for the EMS studies from firms that had returned responses to the Town's RFP. There was a discussion on the cost charged by the firms, of Newport's RFP and of the EMS Assessment done for the Town of Bow, NH and the price it paid.

There was a general discussion by the Board members and Town Manager concerning the scope of work for Newport, the timeframe required by a firm to do their assessment and the encumbrance of funds.

Selectman Hoyt requested that the Town Manager request the RFP and the scope of work requested by Bow, NH in their search. He also asked that Newport's RFP scope of work be rewritten and then submitted to JLN Associates to see if their proposal was the same. Town Manager O'Keefe offered to email to the Selectmen all of the responses to Newport's RFP. There was a discussion on various ways to obtain the scope of work and pricing information from the firm. Selectman Hooper requested that the Bow EMS and Fire Departments be contacted for feedback on the assessment done. The Selectmen decided to review all available information and return to the June 6, 2016 BOS meeting with a contractual decision.

Mr. Spaulding, Sr. asked if the monies would come out of the 2015-16 or 2016-17 fiscal year funds. Town Manager O'Keefe stated the money would be encumbered from the 2015-16 fiscal year.

#### Summer meeting schedule

There was a short discussion on the summer meeting schedule for the BOS meetings. Three options were presented to the Board for consideration. On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Board voted to meet using the Alternate 3 schedule of June 6 and 20, July 11 and August 8, 21, 29; and September 19. The motion passed 5-0-0.***

#### Town Manager evaluation schedule

There was a general discussion among the BOS members on the procedure and date for the Town Manager's annual evaluation.

Chairman Kessler stated that forms would be sent to BOS members by August 1, 2016; completed forms would be sent to the Chair by August 8<sup>th</sup> for the BOS meeting on August 15, 2016. The Board concurred.

Chairman Kessler addressed the Board members and stated they would go back to the 2016 Summer Meeting Schedule. Chairman Kessler stated he noticed a typographical error with the Summer Meeting Schedule dates. A new motion with the correct dates was requested.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to meet using the Alternate 3 schedule of June 6 and 20, July 11, August 1, 15, 29; and September 19. The motion passed 5-0-0.***

#### **ACTION ITEMS:**

##### EMS Week Proclamation

Chairman Kessler read aloud the proclamation: "Emergency Medical Services Week May 15-21, 2016 Town of Newport, NH" in full (Attachment 2). It was signed by the Board members.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board proclaimed May 15-21, 2016 "Emergency Medical Services Week. The motion passed 5-0-0.***

Police Chief Burroughs informed the Board that May 15-21 was also National Police Week. Chairman Kessler stated that the BOS also acknowledged the members of the Police Department for all that they did.

##### Selectboard Committee and Board assignments

Chairman Kessler explained the role of the BOS Representative on boards and committees. The Selectmen volunteered or were appointed to serve as the BOS representative and alternate to each Board and Committee as needed. This included: Airport Advisory Committee, Wilmot; Budget Advisory Committee, Kessler, Fratzel as alternate; ECON, Fratzel; Historic District/Heritage Commission, Hooper; Planning Board, Hoyt, Hooper as alternate; Recreation Advisory Council, Wilmot, Hooper as alternate; Upper Valley Lake Sunapee Regional Planning Commission (2), Wilmot and Kessler; Zoning Board of Adjustment, Kessler, Fratzel as alternate; NCTV, Kessler; CIP, Hoyt; Rec/School Field/Facility, Fratzel.

##### Designation of authorization for Clean Water SRF Loan

Town Manager O'Keefe addressed the Board and stated that the agenda item dealt with the phosphorus removal project in the waste water treatment plant in Newport, NH. He stated that the original loan agreement specifically identified former Town Manager Paul J. Brown as the authorized signatory. The NH State Revolving Fund Loan (SRF) Program was asking that the information be updated to state that the Town Manager, naming O'Keefe as the incumbent, be the authorized signatory. Chairman Kessler asked for a motion to designate the position of Town Manager. On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Board confirmed that the position of Town Manager, currently held by Shane P. O'Keefe, was authorized to sign the contract for the Clean Water SRF Loan on behalf of the Town of Newport, NH. The motion passed 5-0-0.***

##### Application form for boards, commission & committees

Town Manager O'Keefe addressed the Board and presented a revised application form for future candidates of boards, commissions and committees. He explained the items that had been deleted from the previous application form and that the consolidation had changed it from a two-page application to a one-page application. He requested the BOS adopt the proposed form. On a motion by Selectman

Wilmot, seconded by Selectman Fratzel; *the Board voted to adopt the proposed form as presented. The motion passed 5-0-0.*

Selectman Fratzel asked the Chairman Kessler if the BOS would be holding a retreat in 2016. Chairman Kessler stated yes. Selectman Fratzel asked if they could decide on a date for it. There was a discussion on scheduling and a facilitator. The Board members discussed and agreed that both June 13 and 27, 2016 were available to them. Town Manager O'Keefe stated that he would contact the facilitator and contact the BOS members with the date. They decided to meet at 5:00 p.m. in the BOS room.

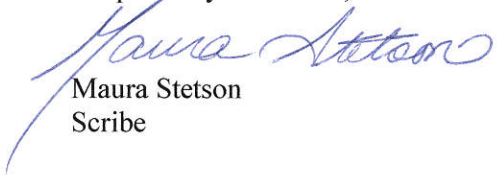
**APPOINTMENTS:** none

**ADJOURNMENT:**

There being no further business in the public meeting, on a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to adjourn at 8:15 pm.*

**The next meeting of the Board of Selectmen is scheduled for Monday, June 6, 2016 at 6:30 p.m.**

Respectfully submitted,



Maura Stetson  
Scribe