

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

**Minutes for Meeting of June 20, 2016
6:30 pm, Municipal Building**

SELECTMEN PRESENT: Jeff Kessler, Chairman; David Hoyt, John Hooper II

STAFF PRESENT: Shane P. O'Keefe, Town Manager; Paul Brown, Finance Director; James Burroughs, Police Chief; Larry Wiggins, PE; Director of Public Works Department

SCHOOL REPRESENTATIVES PRESENT: Cynthia Gallagher, Superintendent; Terry Wiggins, Business Administer; Shannon Howe, School Board Representative; Brian Anderson, PE; Vanasse Hangen Brustlin, Inc.

COMMUNITY MEMBERS PRESENT: Ella Casey, Executive Director Newport Chamber of Commerce; Donna Mahir, President Newport Chamber of Commerce; Rick Schatz, Rick Exline, Rusty Fowler, Ray Kibbey, David Kibbey, Bert Spaulding, Sr.

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

AGENDA REVIEW: Change order of agenda under Action Items. Fee waivers would be heard first (by Kessler), add Action Item: Extension of Town Manager Vacation Days (by O'Keefe).

MINUTES FROM PREVIOUS MEETING: June 6, 2016, June 13, 2016

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board approved the minutes of the June 6, 2016 meeting as presented. The motion passed 3-0-0.*

Minutes from Non-Public Session (NPS) of June 6, 2016:

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to approve the minutes of the NPS of June 6, 2016. The motion passed 3-0-0.*

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board approved the minutes of the June 13, 2016 meeting as presented. The motion passed 3-0-0.*

Minutes from Non-Public Session (NPS) of June 13, 2016:

A motion to approve was made by Selectman Hoyt.

For clarification, Selectman Hooper asked for the procedure for a change to a NPS. Chairman Kessler explained that if the change was the reason or revealed the reason for the NPS, the Selectmen would wait and discuss the requested change in NPS. If it was a clerical or grammatical correction that would not reveal the subject of the NPS, the correction could be voiced in public.

Selectman Hooper then seconded Selectman Hoyt's motion. *The Board voted to approve the minutes of the NPS of June 13, 2016. The motion passed 3-0-0.*

CONSENT AGENDA: On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to approve the Consent Agenda for June 20, 2016. The motion passed 3-0-0.*

PUBLIC HEARINGS:

A. Proposed amendments to Town Ordinance Chapter 11, Restricted Parking on Designated Streets, per RSA 41:11, and RSA 47:17, VII, VIII, and XVIII

Pursuant to RSA 41:11, and RSA 47:17, VII, VIII, and XVIII, the amendment of Chapter 11 of the Town Ordinances, such chapter being titled “Restricted Parking on Designated Streets”, to consider various changes that provide updated and/or consistent regulatory language, change or establish parking regulations on various streets, establish compact vehicle spaces, and require proper regulatory signage or markings.”

Chairman Kessler read the Public Hearing Notice into the minutes of the meeting and opened the hearing to the public.

Police Chief Burroughs addressed the BOS and public and said that since the last meeting on changes to Ordinances in Chapter 11 he had met with residents in the School Street area as well as reviewing the proposed layout change of the school parking lot. It would not be necessary to designate the parking along School Street as school-related use only parking. Section 11.20 proposed change is: *“No automobile or vehicle shall be parked on the northerly side of School Street.”* Police Chief Burroughs explained the changes were from the school not needing additional parking than what was on the provided in the proposed school parking lot and also because of the potential needs of the Catholic Church and additional parking needs of the residents on School Street during the week. The fourteen additional parking spots that the proposed school plan made the previously proposed amendment to Section 11.20 unnecessary.

Chairman Kessler asked Police Chief Burroughs to read and clarify the newly proposed Section 11.20. He read: *“No automobile or vehicle shall be parked on the northerly side of School Street.”* He stated that vehicles currently park on the southerly side of the street, opposite the resident’s homes.

Chairman Kessler then asked Police Chief Burroughs to read and explain the definition of compact vehicle, where it is proposed to apply and where the Town will be addressing the concept of compact parking only. Chief Burroughs stated that the only other addition to the Chapter 11 Ordinance was in the proposed Section 11.28 **Compact Only Vehicle Parking**. He read from the Ordinance that one was defined as a vehicle with a bumper to bumper length of less than 17 feet. Continuing, he read the proposed Section 11.28.1 *“On Main Street from the southern end of the center island, a distance of 125 feet north to the first established cross walk. All parking within this designated area along the center island shall properly signed and designated as parking for “Compact Vehicles Only.”*”

Chief Burroughs explained that the reason for the newly designated spots were for traffic flow and prevent congestion. Four parking spots on the northbound side and four parking spots on the southbound side would be designated to ensure traffic flow. For further clarification of the proposed area he stated that the parking spots would be on the center island, four in front of the Fitness Center (southbound) and four in front of the County Building (northbound).

Mrs. Ella Casey addressed Police Chief Burroughs and asked, for clarification, if signage would be located in the parking spots. Police Chief Burroughs stated yes, stating that the Ordinance states that the parking spaces be properly signed and identified. He explained the signage that would be used.

Chairman Kessler addressed Mrs. Casey and clarified that all of the Town parking regulations are effective only if they have proper signage to identify it. Police Chief Burroughs agreed with the clarification.

Chairman Kessler then opened the public hearing to the public for questions or comments on Chapter 11.

Town Manager O'Keefe asked about parking on School Street and the time after school when the traffic is two-way and not one-way. He asked about the potential of parking on both sides of the street. Police Chief Burroughs stated the narrowness of the street deters this. It had not been a significant problem that it had had to be addressed.

There being no further questions or comments Chairman Kessler closed the public hearing at 6:42 p.m.

OPEN FORUM: none

COMMUNICATIONS:

Selectman Hoyt had nothing to share at this time.

Selectman Hooper stated that Friday's Town employee picnic was nice. He commended Mr. Ken Dennis on a fine job putting it on. He thanked the Richard's Free Library for hosting the Board of Selectmen's retreat on June 13, 2016.

Chairman Kessler also thanked the Town for the picnic. Friday was another successful Farmers Market and Saturday was a successful Chamber Day on the Common. A good time was had by all. Chairman Kessler congratulated the 2016 Newport High School graduates and thanked all the individuals who assisted with the ceremony.

Town Manager O'Keefe gave information on:

- ❖ The L'il Red Baron property. He stated that there was now a tentative agreement with the former tenants and the Bank of NH. The former tenants are in the process of removing their equipment and other items from the building. They have agreed to pay the Town a storage fee of \$325/mo. dating back to November 2015 because the Town has kept their equipment safe in the building. The next step, tentatively to be completed by August 2016, is that the bank will be auctioning off some of the kitchen equipment. The Town will then go through the subdivision process and offer the site for sale.

Chairman Kessler stated the Town was still looking for uses for the property and was willing to work with any individual or group interested. They should talk to Town Manager O'Keefe about it.

- ❖ Tax Deeding concerning the two properties owned by Mr. Wilcox, one at 60 Sunapee Street the other at 17 Maple Street. Back in September 2015 the Selectmen authorized the tax deeding process. For the Town to begin the process they would have had to evict handicapped individuals. The property was now empty and would be sold for nonpayment of taxes. Town Manager O'Keefe wanted clarification that the Board still wanted him to proceed with the tax deeding process.

Chairman Kessler stated the Selectmen had already voted to have the Town Manager proceed.

(From the minutes of the September 21, 2015 minutes: On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to proceed with the tax deeding on all the properties that were not identified by a letter A or letter B on their list which were properties that have agreements or are in bankruptcy. The motion passed 5-0-0.*)

- ❖ Chamber Day. Town Manager O'Keefe had been a judge at the Nano BrewFest portion of the event. It was a lot of fun.

INFORMATIONAL:

Parking on School Street

Police Chief Burroughs addressed the BOS and introduced Mr. Terry Wiggin, School Business Administrator for Newport School District. Mr. Terry Wiggin introduced himself and Mr. Brian Anderson, PE of Vanasse Hangen Brustlin, Inc. of Bedford, NH. He addressed the Board members and

stated there were two concerns the school was trying to solve with the addition of another grade at the Richards Elementary School as well as issues that had been problematic for a long time there. One: parking. Two: removing parent traffic off of School Street and the offloading of children on School Street. The school, along with Police Chief Burroughs, was trying to alleviate the traffic problems with the school buses. Their Progress Proposal would be presented at the BOS meeting.

Mr. Brian Anderson, PE addressed the BOS and public. He stated he would be showing the proposed new parking at the school as well as a new proposed exit for school buses. Using a posted site plan he explained his proposal, new parking, a new bus exit, and proposed striping for the parking lot. Mr. Anderson explained the proposed striping and reconfiguring of school parking for a smooth traffic flow.

Mr. Anderson stated there would be staff on site directing and educating drivers as to the appropriate travel flow. There would also be proper striping to indicate the travel route of the buses.

Selectman Hoyt asked if only buses would exit by the driveway onto Sunapee Street. Mr. Anderson stated yes. Selectman Hoyt asked if there would be signage. Mr. Anderson stated the plan currently did not show signage; it could be added. Mr. Terry Wiggin stated the school had discussed signage and striping configurations to go along with it. Mr. Anderson pointed out the striping for Selectman Hoyt.

Police Chief Burroughs addressed the BOS and stated that Mrs. Eeva Malool had been volunteering her time to direct traffic during pick-up and drop off. The crossing guard (formerly at Towle School) as well as Mrs. Malool would be at Richards School educating parents and directing traffic in the coming school year.

Chairman Kessler asked Police Chief Burroughs what the impact would be if School Street was one-way going in the opposite direction. He asked for the number of vehicles that would be impacted. Police Chief Burroughs estimated 50-100 vehicles. They discussed the practicality of changing the direction of the street-both in summer and winter months. Police Chief Burroughs stated that not changing traffic flow on School Street minimizes the amount of educating of drivers there will be.

Selectman Hooper stated he believed that it would be easier for vehicles to turn onto School Street from Beech Street than turning onto School Street from Cheney Street. There was a short discussion concerning the direction of the traffic among the BOS.

Mr. Paul Brown asked a few informational questions.

- He asked Mr. Anderson about the entrance from Beech Street, if it would be for buses only. Mr. Anderson answered yes, it was designated for buses only.
- He asked if there were provisions for parents dropping off their students who also had to meet with teacher(s). Police Chief Burroughs stated they had discussed moving some of the handicap designated parking spots and having the "old" staff parking spaces be for visitor parking. The need for temporary visitor parking had been discussed.

Chairman Kessler asked what the current policy was. He was told parents parked on School Street.

- Mr. Brown asked if they were proposing moving staff parking out onto School Street. He was told no. Chief Burroughs explained why.
- Mr. Brown asked if the fourteen additional parking spots were shown on the site plan. He was told yes. Mr. Anderson explained that currently the parking lot was underutilized. The new striping would fix that. He explained the proposed parking layout.

Selectman Hoyt asked if the exit (onto Sunapee Street) had been approved by the NHDOT. Mr. Anderson stated that once the plan was finalized and agreed on by all local departments an application would be submitted to the NHDOT for approval for a driveway permit. Mr. Terry Wiggin stated that

during initial plans outside engineers saw buses enter Beech Street and stated that the exit onto Sunapee Street would increase traffic safety. There was a discussion on the use of the Sunapee Street exit.

Mr. Bert Spaulding, Sr. asked if the proposed traffic plan would definitely alleviate the problems with traffic, especially with the additional traffic (due to student population increase). Mr. Anderson stated he could not speak to that. He explained he was not familiar with the whole picture. Mr. Anderson stated it would improve upon what Richards School currently had. Mr. Spaulding asked several questions concerning the use or future use of the school using additional Church land to park on.

Mr. Spaulding asked what the estimated cost of the proposed driveway and parking modifications were. He asked if it would be approximately \$50,000-70,000.

Mr. Anderson concurred with the estimate. Addressing Mr. Spaulding he stated the modifications would not solve all the problems but it would address many of the safety concerns. He listed them for the public.

Mr. Brown asked if the bus exit was right turn only. Mr. Anderson stated that was correct. Mr. Brown then asked what direction the eastbound buses would take. Mr. Terry Wiggin stated that the bus would turn right and go around the little common before heading up Sunapee Street eastbound. Only one bus would need to do this.

There were other questions and discussions, including the number of buses using the exit (approximately 6), the grade of the driveway (6-7%) and Town and DOT requirements for the driveway. Mr. Terry Wiggin stressed that the private driveway would be maintained by the school contractor, not the Town.

Selectman Hoyt stated that looking at the plan, in reality he did not believe that the proposed modifications would work. He explained his reasons being people not reading and obeying signage and not following the proposed traffic pattern. Police Chief Burroughs explained the education part of the plan for success of the physical modifications.

Mr. Bert Spaulding, Sr. reiterated his proposal to use the Catholic Church land for additional parking for the school. Mr. Terry Wiggin addressed Mr. Spaulding, Sr. and stated the presentation was not of a feasibility study. The school had to solve the safety problems for the 2016-2017 school year beginning in September. The school had to work within the constraints of its own property and the budget it has. Mr. Spaulding, Sr. continued his argument that the school should investigate the use of the Church property and also criticized the way he perceived the school had gone about doing this and other projects.

Selectman Hoyt asked if work would be done immediately (the summer of 2016). He was told yes. Selectman Hoyt asked who would do the work. He was told that was unknown. Chairman Kessler asked if Mr. Terry Wiggin would be going to the Planning Board with this proposal. He was told that Ms. Magnuson had been contacted. They would be going to the Planning Board for an Informational Session in July.

Mr. Brown asked Mr. Anderson if there had been a calculation of lost playground space. He was told yes and was given the lost and added space from the area. Mr. Anderson also indicated paved playground space for the 5th grade students. He gave a further explanation concerning the current swale and what will be done to it in the future to increase space.

Selectman Hoyt addressed Mr. Larry Wiggins, PE and asked if he had had a chance to review the proposed plans before the meeting. He stated he had not.

Town Manager O' Keefe asked for the size of the parking spaces. Mr. Anderson stated 9'x18' and explained the reason for the size.

Mr. Spaulding addressed Mr. Wiggin and stated that the Newport Planning Board required 10 foot wide parking spaces. He explained the reason. He again asked that the school explore the use of Church property for parking.

Chairman Kessler introduced Newport School Superintendent Cynthia Gallagher and School Board Representative Shannon Howe. He asked if they had questions on the proposed project. Ms. Howe said that the School Board had not yet had the presentation or discussion that was given to the BOS. Ms. Howe had taken notes of the public's concerns.

Selectman Hooper asked Mr. Anderson if research had been done on the current drainage swale. He asked if the swale had been designed for the additional water runoff from the non-permeable area. He was told it was suitably designed for the load it would receive.

Chairman Kessler thanked Mr. Terry Wiggin and Mr. Anderson for attending the BOS meeting and for their presentation.

Tax Repayment Agreement – 133 Sunapee Street

Town Manager O'Keefe addressed the BOS and explained the tax repayment agreement between the Town and the owners of 133 Sunapee Street. He explained the memorandum that had been drawn up by the Town attorney for repayment in order for the owner to keep his property. Town Manager O'Keefe stated he had worked with repayment agreements in the past, but none of this dollar amount and length of time.

Chairman Kessler acknowledged Mr. Rick Schatz, the property owner at 133 Sunapee Street. Mr. Schatz introduced his property manager, Mr. Rick Exline. Mr. Schatz stated he had owned the property since 2002. He had had good tenants and paid his taxes. He explained the problems which began in 2008 with tenants unable to pay their rent and consequently him not paying his bills. He told the BOS of the hardship losing the property would create for him and stated he wanted to work out a payment agreement with the Town.

Mr. Schatz then explained the timeline from 2007-2014 with the payment plan he had with the Town and the problems he had had with money not being credited to his account. He stated he was still under 'bankruptcy protection'. Addressing the BOS he stated that the memorandum drafted by Attorney Tanguay didn't state the exact amount owed to the Town or the interest rate. He stated his frustration with unknown factors. He asked the BOS for 90 days to get his affairs in order so that he would be able to keep up with repayments agreed upon by both Mr. Schatz and the Town of Newport.

Mr. Exline was acknowledged by the Chair. Mr. Exline stated that he was the owner of Cannon Real Estate Co., Inc. He had been contracted by Mr. Schatz in August 2015 to manage the property. He explained the uphill battle his company had faced in assisting Mr. Schatz and in dealing with not only the physical building but also the tenants in residence. Mr. Exline thanked Police Chief Burroughs and Fire Chief Conroy for all their assistance with the tenants and building.

Town Manager O'Keefe gave numbers of previous monthly payments due. There was a short discussion with Finance Director Brown concerning the tax amount due to the Town and past payments that were not deposited.

Selectman Hoyt asked Finance Director Brown when the last time the Town had received money on the property taxes. He stated July or August of 2015.

Selectman Hoyt asked how far back Mr. Schatz liens went. He was told 2008.

Mr. Schatz gave a proposal of paying down his back taxes. Selectman Hooper addressed Mr. Exline and asked for reiteration of facts. Mr. Exline was hired in September. Yes. The number of units rented then? Six. Four were not paying rent. Eviction processes were started.

Both Mr. Exline and Mr. Schatz described the problems that occurred within the last nine months.

Chairman Kessler addressed Town Manager O'Keefe and asked him, as tax collector what he would like to see to convince the BOS to defer the tax deeding process. Town Manager O'Keefe gave a proposed payment of \$1500/month to show Mr. Schatz was serious.

Selectman Hoyt asked what action the BOS could take with a signed contract in place. Town Manager O'Keefe explained either court or tax-deed the property. There was a discussion on the course of action.

Mr. Spaulding, Sr. addressed the BOS and gave his opinion on the Town going into an agreement with Mr. Schatz.

Mr. David Kibbey asked if the Town would take the tax deed for the full amount or have a sale and anything above the money owed would belong to the buyer. Town Manager O'Keefe stated that if the Town went to tax deed that they would collect everything that was owed them. The discussion of value of the property was discussed, comparing the tax assessed versus the actual market value (about ½ the tax assessed amount in the market).

Selectmen Hoyt and Hooper agreed that auctioning off the property would allow the Town to recoup its money.

Selectman Hoyt addressed Town Manager O'Keefe and asked what the BOS options were. Town Manager O'Keefe stated that they could: 1. Defer to September and have a specified payment plan per month or 2. Take the property now for nonpayment of taxes.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to take the property at 133 Sunapee Street for tax lien. The motion passed 3-0-0.***

Chairman Kessler thanked Mr. Schatz and Mr. Exline for attending the meeting. Town Manager O'Keefe stated he would start the tax deeding procedures.

Water line extension - Springbrook Park

Town Manager O'Keefe stated that Mr. David Kibbey was in attendance. He proposed putting in a water main on his own land to connect existing mains on Springbrook Road and Popple Way. Using maps provided to the Selectmen, Mr. Kibbey explained his project, stressing that one reason he was doing it was for fire protection of the residences on the properties.

There was a general discussion on the project.

Chairman Kessler asked Mr. Larry Wiggins if he had any questions or concerns.

Mr. Wiggins stated that:

- ❖ He agreed that the proposed project would be good for fire protection and water quality.
- ❖ He stated he had referenced the pertinent Town Ordinances (see Rules and Regulations of the Newport Water Department on the Town website). He thought the Ordinance stated that the road

needed to be accepted as highway, street or road by the Town. He did not know if the road had been accepted by the Town.

(Mr. Kibbey stated that the road had not been accepted by the Town as a highway.)

- ❖ The Ordinance further states that a contract needed to be made between Mr. Kibbey and the Commissioners.
- ❖ Mr. Wiggins stated that the map provided by Mr. Kibbey was not clear.
- ❖ He would like to see some documentation that the road (for the project) was a highway.
- ❖ Mr. Wiggins stated that the NHDES requirements (*including Section Env-Dw 404.02 Submission of Construction Proposals. Any person proposing to supply water for domestic uses as a public water system shall not construct any new system or enlarge any existing system without first submitting detailed plans of the proposed construction to the department and securing its approval in accordance with the applicable requirements of this chapter.*) He stated this implied plans and specifications need to be submitted.
- ❖ Mr. Wiggins did not know Mr. Kibbey's intended construction schedule but inspections for workmanship, water quality and disinfections needed to be scheduled. As built would also be required.

Selectman Hoyt addressed Mr. Kibbey and asked if he would be paying for the water project. Mr. Kibbey stated yes. He then asked if Mr. Kibbey wanted permission to tie into the Town water line. Mr. Kibbey stated yes; that it would be for everyone's benefit.

Mr. Kibbey had a letter from Mr. Fraser Michaud (circa 1990's) stating that all roads were built to Town standards. Mr. Wiggins stated that the letter did not mean that the roads were accepted. There was a discussion on the condition of the roads, whether they were public or private and providing water to the park.

Chairman Kessler stated there were questions from Mr. Wiggins concerning DES requirements that the BOS needed to see. He recommended that Mr. Kibbey work with Mr. Wiggins to see what the current standards are and make sure that all concerns are addressed. Mr. Kibbey agreed. Chairman Kessler stated it sounded as though the water project would benefit the neighborhood, the Town needed to make sure they proceeded properly with it.

Oak Street Bridge Project – Change Order

Town Manager O'Keefe stated that a change order was before them. In reviewing the engineering and environmental review process for the new Oak Street Bridge, there will be enhanced historical and cultural resource reviews. The State of NH will pay 80% of the cost. The 20% that the Town will pay will be \$4,340. The Town has the money and the BOS was being kept abreast of the monetary contracts. Chairman Kessler asked if he had been given the authority (by the BOS) to sign the Change Order. Town Manager O'Keefe stated he had.

Summer Paving Projects

Chairman Kessler acknowledged Mr. Wiggins. Mr. Wiggins addressed the BOS and stated he had gone out to bid for the summer 2016 paving projects. Low bidder was United Construction. Their bid came under budget at \$173,780.75. The Public Works Department (PWD) is suggesting that with the surplus monies Old Goshen Road be paved as well at a cost of \$50,000. Mr. Wiggins was looking for approval from the BOS to do it.

Chairman Kessler addressed Mr. Wiggins and stated that with the extra work costs would be \$224,000. Mr. Wiggins stated there were contingency plans as well. He explained that the cost of the total project would depend on the width and depth of the paving needed on the existing contractual roads.

Chairman Kessler asked if the PWD had money left over from previous paving years. Town Manager O'Keefe stated that there was approximately \$71,000 of past years encumbered paving funds. He explained the concerns with using the encumbered funds at this time. Chairman Kessler asked if there were maintenance uses for the surplus money from the paving projects. There was a discussion on potential uses. Finance Director Brown stated the Town would have to check the origin of the PWD money; some was earmarked from Town Warrants for overlay only. There was additional discussion on the use of the paving money.

Mr. Spaulding, Sr. gave his opinion of unused and encumbered funds in the Town.

Town Manager O'Keefe stated he would look into the different options for the July 11, 2016 BOS meeting. Chairman Kessler stated they should be prioritize the projects and that he would defer to Mr. Wiggins and his staff for a prioritized list of projects.

Mr. Wiggins asked for clarification. The BOS wanted him to award the contract to United for the original paving and then negotiate something for the additional amount? Town Manager O'Keefe stated the Town had already accepted the initial bid from United Construction. The Board was discussing what to add on to it. Mr. Wiggins asked if they would be negotiating for sidewalks and streets for the additional amount. Town Manager O'Keefe said to Mr. Wiggins that the Board wanted him to look at options.

There was a short discussion on time lost with a new RFP instead of contracting straight with United. Town Manager O'Keefe stated options would be looked at and information brought to the July 11, 2016 BOS meeting. Chairman Kessler asked in addition for a list of top ten roads and sidewalks on the PWD list.

Economic Development Summit

Due to length of meeting this Informational Item was postponed until the July 11, 2016 meeting.

Water & Sewer Department matters

Town Manager O'Keefe stated that in December 2015 Mr. Bob Naylor, Water Department Superintendent, had given his six month notice for retiring. Town Manager O'Keefe stated that the Town had held an intensive search for a replacement for Mr. Naylor's position, to no avail. They did have one candidate who would work for 6 months. He will begin on July 5, 2016. It was only a temporary solution for the Town and Department. Town Manager O'Keefe would keep the BOS up to date with the progress of a replacement.

Town Manager O'Keefe stated it was a real loss to the community. Chairman Kessler thanked Mr. Naylor for his many years of service to Newport. He stated that Mr. Naylor had gone above and beyond to ensure the Town's water was safe.

Public Works Director Larry Wiggins praised Mr. Naylor in his 29 years of dedicated service to the Town of Newport.

ACTION ITEM:

Fee waivers for use of Town property - Newport Chamber of Commerce

Chairman Kessler addressed the Board members and stated that the Chamber of Commerce was requesting a waiver of the new fee schedule for their organization's events on the Common and in the Opera House.

Chamber of Commerce President Donna Mahir addressed the BOS, gave a list and short synopsis of the events they put on. She explained they paid the maintenance fee when using the Opera House did not pay

for the use of the Common for (free) Concerts on the Common. She gave financial information to the BOS and stated all money went back to the Town.

There was a brief discussion among the Board members and Town Manager O'Keefe.

A motion was made by Selectman Hoyt ***to waive applicable rental fees for the use of the Town Common and the Opera House by the Newport Chamber of Commerce for listed events during the 2016-2017 fiscal year. Security deposits and user fees shall still apply.***

President Mahir asked what Selectman Hoyt was proposing how much were they going to charge the Chamber per event.

Selectman Hoyt stated that his motion was for the Opera House, not the Common.

President Mahir reiterated her question, stating that the Chamber had been paying \$125 per event. Selectman Hooper addressed the Board and stated he believed the amount charged the Chamber should remain the same as previous years.

Selectman Hoyt's motion was to maintain the new user fee and waive the rental fee for the Newport Chamber of Commerce. The new rate would be \$300 for each event as of July 1, 2016.

Chairman Kessler called for a second. The motion died for lack of a second. Selectman Hooper spoke in favor of the Chamber and for keeping the agreement to previous year's rates.

Mr. Spaulding, Sr. spoke in support of the Chamber.

On a motion by Chairman Kessler, seconded by Selectman Hooper; ***the Board voted to waive applicable rental fees for the use of the Opera House by the Newport Chamber of Commerce for listed events during the July 1, 2016-June 30, 2017 fiscal year. The rental fees charged will be \$125.00 per event. The motion passed 3-0-0.***

On a motion by Chairman Kessler, seconded by Selectman Hooper; ***the Board voted to charge the Chamber of Commerce the same fees for the July 1, 2016-June 30, 2017 fiscal year at the same rate they are currently being charged for use of the Town Common. The motion passed 3-0-0.***

Town Ordinance Amendments – Chapter 11

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted pursuant to authority granted under RSA 41:11, and RSA 47:17, to adopt amendments to Chapter 11 of the Town Ordinance, related to "Restricted Parking on Designated Streets" to include the changes made on June 20, 2016 on 11.20. The motion passed 3-0-0.***

FY2016 Encumbrances

Finance Director Brown stated that the BOS had been given a list of projects that are being proposed to be done with surpluses in the current year. Some items were discussed in the Budget process: cuts to the police department phones, buying and repairing equipment in the PWD, etc. What the Board had was a list requested expenditures. He read them aloud. Finance Director Brown gave a synopsis of different encumbered funds.

Mr. Bert Spaulding, Sr. made a Right to Know request for the list that Finance Director Brown had given the BOS. He also asked to be given, prior to July 11, 2016 a list of the encumbrances that would be discussed. So he could look and research the information.

Selectman Hoyt asked if the BOS could postpone voting on the encumbrances until they had a full Board. Finance Director Brown stated yes. Town Manager O'Keefe stated it would be nice to authorize some of the encumbrances, such as the Fire/EMS study agenda item.

Selectman Hoyt asked to table the FY2016 Encumbrances until July 11, 2016. The Board members agreed.

Chairman Kessler addressed Finance Director Brown and reiterated Mr. Spaulding, Senior's request to have any new encumbrances available to him. Town Manager O'Keefe stated that he would receive them the same time as the BOS.

Authorize expenditure of funds - Fire/EMS study

There was a short discussion on the Fire/EMS Study and hiring JLN Associates, LLC. Chairman Kessler stated he wanted to make clear that it was not to be construed that the BOS was concerned with the quality of service we receive from the Fire/EMS Department. He gave a testimony of witnessing the quality and professionalism he had observed by the EMS over the weekend.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to authorize up \$14,500 of surplus funds from FY2016 for the purpose of funding a Fire/EMS services study, and to authorize the hiring of JLN Associates, LLC of Old Lyme, CT to perform the study and to authorize Town Manager O'Keefe to sign any contracts. The motion passed 3-0-0.***

Purchasing policy waiver - Revaluation Contract

Finance Director Brown stated that it was time to reevaluate property in Newport. The Town had been encumbering funds to ease the tax burden of the contract. Finance Director Brown gave a history of Avitar's work and their systems in the Town of Newport and requested that the BOS waive the purchasing policy for bidding and award the 2017 contract for valuation update to Avitar Associates.

There was a discussion between the Board members and Finance Director Brown concerning going out to bid. Finance Director Brown stated that could be done, but warned the BOS that there was a history poor quality work done by other companies for surrounding towns that had gone out to bid. Those towns wound up having to have a valuation redone because of the poor quality of the work. Finance Director Brown stated that that potential scenario as well as the quality and experience of Avitar Associates caused him to come before the Board with his request. Town Manager O'Keefe testified to the quality of the company.

After a general discussion the BOS decided not to waive their purchasing policy. An RFP would be drawn up for the Newport 2017 revaluation contract.

Extension of Town Manager Vacation Days

Town Manager O'Keefe explained his paid vacation schedule and stated that the BOS had agreed that he could use unused days in fiscal year 2016-17. He requested an extension for the three remaining days until the end of July 2016.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to award an extension to Town Manager O'Keefe on his remaining vacation days until July 31, 2016. The motion passed 3-0-0.***

APPOINTMENTS:

Committee & Board appointments

Airport Advisory Board

On a motion by Selectman Hooper, seconded by Selectman Hoyt; ***the Board voted to appoint Harold Yanofsky and John Merriman to the Airport Advisory Board as full members, each with a three-year term extending to June 2019. The motion passed 3-0-0.***

Conservation Commission

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to appoint Bruce Burroughs to the Conservation Commission as a full member, with a three-year term extending to June 2019. The motion passed 3-0-0.***

Heritage Commission

On a motion by Selectman Hooper, seconded by Selectman Hoyt; ***the Board voted to appoint Jacqueline Cote and Cathryn Baird to the Heritage Commission as full members, each with a three-year term extending to June 2019. The motion passed 3-0-0.***

Planning Board

Selectman Hoyt began a motion to appoint-he was interrupted by Mr. Spaulding, Sr. Mr. Spaulding, Sr. asked if there could be discussion on the appointments. Chairman Kessler gave him the floor. Mr. Spaulding, Sr. asked if the BOS was filling seats tonight (June 20, 2016). He said the BOS had an application from an individual for a position on the Planning Board. He asked if the BOS was entertaining appointments of people not on the Board to fill vacant seats. Chairman Kessler stated that the BOS had an application from an individual for the Planning Board and the BOS would definitely consider it at the June 20, 2016 meeting. Selectman Hoyt addressed Mr. Spaulding, Sr. and stated he had been in the process of making that motion (when he was interrupted).

Mr. Spaulding, Sr. spoke with Chairman Kessler about when appointments would be made by the BOS. He asked if it was possible to speak to candidates that were on the BOS list. Confused, Chairman Kessler stated only if the candidates were up for reappointment. People who are on the Planning Board who are not up for renewal were not being discussed at the meeting. Mr. Spaulding, Sr. presented an application for himself to the Planning Board. Chairman Kessler read the header aloud and stated it was for a Committee or Commission appointment. Mr. Spaulding, Sr. was applying as an applicant for the Planning Board.

Addressing the BOS he stated the Planning Board had a three-year term open and a one-year term open. He suggested that the BOS entertain his appointment for a one-year term. The BOS and Town Manager asked about the one-year opening. Mr. Spaulding, Sr. stated that a letter of resignation from Mr. Jeff North had been read at the meeting. The request of an Alternate position was being sent to the BOS for appointment. There was a discussion on full and alternate position openings on the Planning Board.

There was a short discussion on interviewing and questions asked of potential candidates as a means of vetting them.

Chairman Kessler addressed Mr. Spaulding, Sr. and thanked him for volunteering for the position.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to appoint Kenneth Merrow and Raymond Kibbey to the Planning Board as full members, and David Kibbey as an alternate member, each with a three-year term extending to June 20, 2019. The motion passed 3-0-0.***

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to appoint Raymond Kibbey to the Planning Board as a full member, with a three-year term extending to June 20, 2019. The motion passed 3-0-0.***

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to appoint Bert Spaulding, Sr. to the Planning Board as full member, to fill a one-year term extending to June 2017. The motion passed 3-0-0.***

Chairman Kessler acknowledged Mr. Rusty Fowler. Mr. Fowler stated he had lived in Newport for two years. He asked if after the appointments at tonight's meeting if there were going to be any openings on the Planning Board. Chairman Kessler stated no. Mr. Fowler said that he wanted to introduce himself to the Board. He had an application filled out, but did not bring it because he knew that candidates were not considered at meetings. He asked if in the near future if he passed in an application would he be considered the next time there was an opening? Chairman Kessler stated that Mr. Fowler should pass in his application to the Town Manager. He told Mr. Fowler the appropriate procedure for selecting and appointing candidates.

Addressing the Board Members, he stated he had lived in Claremont for seventy (70) years and was retired. He had served several years on the Planning Board in Claremont and several years on their Conservation Commission. He again stated that he wanted to introduce himself to the Board members and let the BOS know that in the future he would like to be considered as a Planning Board member.

For clarification, Chairman Kessler asked if he currently lived in Newport. Mr. Fowler stated yes.

He reiterated that he had many years of service on the Claremont Planning Board and asked to be considered for appointment to the Newport Planning Board in the future.

Recreation Advisory Council (RAC)

On a motion by Selectman Hooper, seconded by Selectman Hoyt; ***the Board voted to appoint Kassy Matz-Helie to the Recreation Advisory Council as a full member, with a three-year term extending to June 2019. The motion passed 3-0-0.***

Chairman Kessler told the viewing public that the RAC was looking for two student representatives to be on the Council.

Zoning Board of Adjustment

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to appoint Elizabeth Cassorla to the Zoning Board of Adjustment as a full member, with a three-year term extending to June 2019. The motion passed 3-0-0.***

Town Manager O'Keefe stated that new notices of vacancies would be posted.

NON-PUBLIC SESSION(S):

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(e), Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the Town. The motion passed 3-0-0.***

The Board took a break for a few minutes.

The BOS entered NPS at 9:25 pm. Present were the Board members Jeffrey Kessler, David Hoyt and John Hooper, and Town Manager Shane O'Keefe.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to leave non-public session and return to public session. The motion passed 3-0-0. The non-public session ended at 9:30 p.m.*

The Board did not vote to seal the minutes.

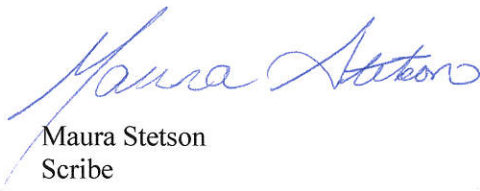
ADJOURNMENT:

There being no further business in the public meeting, on a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to adjourn at 9:31 pm.*

The next regular meeting of the Board is scheduled for July 11, 2016 at 6:30 p.m.

Respectfully submitted,

Shane O'Keefe
Town Manager



Maura Stetson
Scribe

Approved on: July 11, 2016

Town of Newport, New Hampshire
Board of Selectmen

Non-Public Meeting Minutes #1 – June 20, 2016

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board of Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A:3, II(e), Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed by or against the Town. The motion passed 3-0-0.***

The BOS entered NPS at 9:25 pm. Present were the Board members Jeffrey Kessler, David Hoyt and John Hooper, and Town Manager Shane O'Keefe.

Regarding the case of Spaulding v. Newport, wherein Bert Spaulding, Sr. is suing the Town and Planning Board Chairman Howard Dunn for allegedly limiting the content of his political speech, those present reviewed and discussed the proposed settlement agreement between the Town and Mr. Spaulding prepared by the Town's attorney Andrew Livernoise. It was noted that the plaintiff's attorney has agreed to the settlement, and that the case between Mr. Spaulding and Mr. Dunn, assuming the Selectboard approves the proposed settlement, is being separated and handled in another manner by Attorney Livernoise. The agreement acknowledges that it is a compromise of disputed claims, and the Town continues to deny that any Town official ever violated Mr. Spaulding's constitutional rights.

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to approve the proposed settlement agreement and to authorize the Town Manager to execute the agreement on behalf of the Town. The motion passed 3-0-0.***

On a motion by Selectman Hoyt, seconded by Selectman Hooper; ***the Board voted to leave non-public session and return to public session. The motion passed 3-0-0. The non-public session ended at 9:30 p.m.***

The Board did not vote to seal the minutes.

Respectfully Submitted,


Shane O'Keefe
Town Manager

Approved on July 11, 2016.