

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

**Minutes for Meeting of June 27, 2016
6:30 pm, Municipal Building**

SELECTMEN PRESENT: Jeff Kessler, Chairman; Todd Fratzel Vice Chairman, David Hoyt, John Hooper II, Bill Wilmot

STAFF PRESENT: Shane P. O'Keefe, Town Manager

COMMUNITY MEMBERS PRESENT: Bruce Burroughs, Tom Hubert, Bill Walsh, Gary Nichols, David Kibbey, Bert Spaulding, Sr.; Donald Clarke (resident of Claremont, NH)

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

MINUTES FROM PREVIOUS MEETING: June 20, 2016

With the consensus of the Board, the minutes of the June 20, 2016 meeting were tabled until the July 11, 2016 BOS meeting.

CONSENT AGENDA: On a motion by Selectman Fratzel, seconded by Selectman Hooper; *the Board voted to approve the Consent Agenda for June 27, 2016. The motion passed 5-0-0.*

OPEN FORUM: none

COMMUNICATIONS: none

INFORMATIONAL: none

ACTION ITEM:

Use of Ash Landfill for Police Department firing range

Town Manager O'Keefe stated that Economic Corporation of Newport (ECON) had met a week ago and discussed the use of the Ash Landfill, and had reiterated its interest in allowing the use of the Ash Landfill for a firing range. O'Keefe noted that he had been approached by Sturm Ruger, Inc. who was immediately interested in using a limited area of the site for short term testing of firearms as well as establishing a long term testing area in the community. ECON would like to discuss a way to make it happen at the Ash Landfill.

Town Manager O'Keefe stated there were various ways to make it happen both short term and long term. One way would be to have ECON lease the land to the Town to establish a firing range for the Newport Police Department and to allow Sturm Ruger to use occasionally it as well. The Town would have to lease the land from ECON. Town Manager O'Keefe stated that was where the proposed arrangement stood. He asked the BOS if they wanted to pursue discussions further.

Chairman Kessler asked O'Keefe if ECON had met the morning of July 27, 2016. He was told no, the ECON Executive Committee had met and discussed this item. They had discussed when the entire ECON Board could meet depending on the BOS decision.

Chairman Kessler addressed the Board and asked if they any interest in pursuing the discussion.

Selectman Fratzel stated that it had been discussed in ECON for two or three years. Nothing had come to fruition concerning the ash landfill's use. He did not know the long term decision; but was in favor of the proposal and allowing the Sturm Ruger Company to use the site as a firearms testing range.

Selectman Wilmot concurred with Selectman Fratzel in supporting the proposal. The Town should do everything it could to assist in creating the fire range.

Chairman Kessler addressed the Board members and asked if there was anyone with concerns with moving forward and assisting Sturm Ruger Company with a firearms testing range.

Selectman Hooper stated that he felt the Town should do all they could to support Sturm Ruger. His concern was if the Town or any other entity was creating it through the Police Department, that the Department got use of the firing range as well. In talking to Police Chief Burroughs he stated that the Police Department could benefit from the use of the proposed range as well. Short term it was a win-win situation. It was a very good deal on face value.

Town Manager O'Keefe explained to the BOS and public that currently the Police Department used an area on the airport grounds for their firing range. It was not an ideal location.

Chairman Kessler asked for clarification from Town Manager O'Keefe. He asked if the process was for the BOS (Town) to lease the land from ECON. He was told yes.

Continuing, he further asked if they would lease the land for one year. He was told yes. Town Manager O'Keefe stated that the Town could not enter into a long term lease; it could be a short term lease, a one year lease that was renewable by both parties. The Town would then with an agreement such as a revocable license allow Sturm Ruger Company to use the facility. Explaining further, he stated that the Town allowed other entities to use areas owned by the Town.

Selectman Hoyt asked if a specific area of the landfill would be used and how large the area was. He was told it would not be the entire area; a specific portion of the land had been previously discussed as a potential firing range. It was an ancillary area to the Ash Landfill. DES was aware and "on board" with the project.

Selectman Hoyt asked if there was work that needed to be done at the location to make it a viable firing range. Both Selectman Fratzel and Town Manager O'Keefe stated that for the short term nothing would be necessary.

There was a general discussion on the area in question and the avenues they would broach with a potential long term agreement. Selectman Fratzel stated they should take baby steps and create specific rules and regulations for the use of the firing range. He explained his position further.

Chairman Kessler addressed the public in attendance and stated he would accept brief comments. He acknowledged Mr. Spaulding, Sr.

Mr. Spaulding, Sr. spoke in favor of the proposal.

Mr. Bruce Burroughs spoke in favor of the proposed gun range.

Mr. Tom Hubert spoke in support of the project and encouraged the BOS to support it as well.

Mr. Bill Walsh spoke in favor of the project. He stated if the Town retained ownership of the property, that mandatory planning and zoning regulations would not apply. Chairman Kessler stated that ECON

owned the land, not the Town of Newport. Newport would be leasing it from ECON. Town Manager O'Keefe explained that as an occupant, the Town would not be subject to zoning.

Donald Clarke, resident of Claremont, echoed the importance of having the firing range. He spoke in support of it. Mr. Clarke also introduced himself as the President of the Sullivan County Sportsman Club. Addressing the BOS, he stated that if in the future they were going to open the range to public use his club would have an interest.

Chairman Kessler asked if there were further comments. There were none.

On a motion by Selectman Wilmot, seconded by Selectman Fratzel; ***the Board voted to determine that there is a need to establish a municipal firearms shooting range for the Police Department on available property within Newport, and that a portion of the Ash Landfill site, currently owned by ECON, is a suitable location for this use and should be expeditiously pursued for this purpose. The motion passed 5-0-0.***

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***the Board voted to authorize the Town Manager to negotiate and execute a one-year renewable lease of a portion of the Ash Landfill for use as a municipal firearms shooting range for the Police Department, that such use of this property is considered a governmental use of the land per RSA 674:54 I and does not constitute a substantial change in use or substantial new use of the property. The motion passed 5-0-0.***

On a motion by Selectman Fratzel, seconded by Selectman Hooper; ***the Board voted to authorize the Town Manager to allow for occasional and infrequent use of the municipal firearms shooting range by other parties pursuant to guidelines established by the Board of Selectmen. The motion passed 5-0-0.***

Town Manager O'Keefe stated he would set up a meeting with ECON on Friday morning. Board Representative Fratzel would be unable to make the meeting. On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to appoint Chairman Kessler to sit for Selectman Fratzel at the ECON meeting on Friday, July 1, 2016. The motion passed 4-0-1 (Kessler abstained).***

Town Manager O'Keefe stated he had directed the Town Attorney to draft a lease agreement between ECON and the Town.

Audit Questionnaire

Chairman Kessler asked for a motion to go into NPS. Town Manager O'Keefe requested that the Board take care of the audit business before NPS. Town Manager O'Keefe explained that the Town was finishing their annual audit. The Town needed to have the Board complete a questionnaire. He requested the Board's approval to have Chairman Kessler fill out the questionnaire on behalf of the BOS. On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to authorize the Chair to sign the documents from Newport's auditors Plodzik & Sanderson on behalf of the Board of Selectmen. The motion passed 4-0-1 (Kessler abstained).***

Mr. Spaulding, Sr. addressed the Chair and asked for a copy of the texts of the Board's motions as drafted by the Town Manager. A copy was given to him then and there.

Chairman Kessler then asked for a motion to go into non-public session to discuss a real estate matter.

NON-PUBLIC SESSION(S):

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; ***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 Selectboard entered NPS at 6:54 p.m. Present were the Board members Jeffrey Kessler, Todd Fratzel, William Wilmot, David Hoyt and John Hooper II, and Town Manager Shane O'Keefe.

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *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 7:01 p.m.*

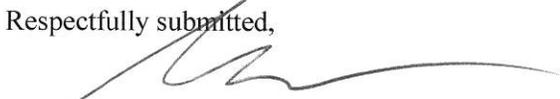
On a motion by Selectmen Fratzel, seconded by Selectman Wilmot; *the Selectmen voted by roll call to seal the minutes of the non-public session. The motion passed 5-0-0.*

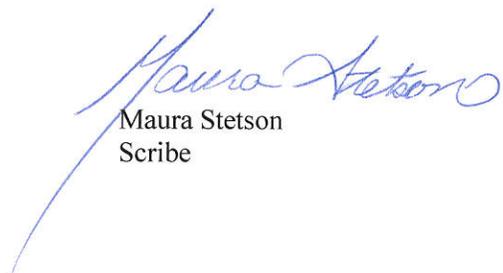
ADJOURNMENT:

There being no further business in the public meeting, on a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to adjourn at 7:02 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