

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

**Minutes for Meeting of July 11, 2016  
6:30 pm, Municipal Building**

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

**STAFF PRESENT:** Paul Brown, Finance Director and Acting Town Manager; Larry Wiggins, Director of Public Works; Bill Scanlon, Highway Superintendent; James Burroughs, Chief of Police

**COMMUNITY MEMBERS PRESENT:** 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:** Add discussion of credit card usage in the Town Clerk's office under Informational (by Hoyt); add non-public session (NPS) *RSA 91-A:3, II(a) Personnel* (by Fratzel)

**MINUTES FROM PREVIOUS MEETING(S):** June 20, 2016 & June 27, 2016

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to approve the minutes of the June 20, 2016 meeting as presented. The motion passed 3-0-2 (Fratzel and Wilmot abstained).*

Minutes from the Non-Public Session (NPS) of June 20, 2016:

On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Board approved the minutes of the NPS of June 20, 2016. The motion passed 3-0-2 (Wilmot and Fratzel abstained).*

On a motion by Selectman Wilmot, seconded by Selectman Fratzel; *the Board voted to approve the minutes of the June 27, 2016 meeting with the following addition: page 2, last line, add "Tom" to Mr. Hubert for clarification. The amended minutes were approved 5-0-0.*

Minutes from the Non-Public Session (NPS) of June 27, 2016:

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board approved the minutes of the NPS of June 27, 2016. The motion passed 5-0-0.*

**CONSENT AGENDA:** On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to approve the Consent Agenda for July 11, 2016. The motion passed 5-0-0.*

**OPEN FORUM:**

Mr. Bert Spaulding, Sr. addressed the Board members, gave a succinct rendition of his opinion of the problems within the Planning Board, the fact that he was asked to abide by the Town Planning Board policies and the law and how in his opinion they (Planning Board) were not. Mr. Spaulding, Sr. again challenged the BOS to correct his perceived problems with the Planning Board. Mr. Spaulding, Sr. also stated his complaints concerning Town Manager Shane O'Keefe's position of support of the Planning Board. After additional comments he informed the Board of Selectmen (BOS) that he would return when Town Manager O'Keefe was present and reiterate his comments to him.

Mr. Spaulding continued, sharing his opinion of the various errors made by Town Manager O'Keefe. He told the Selectmen that he would continue to air his opinions to the BOS. He openly admitted that some information he had stated was hearsay. He thanked them for their time.

Police Chief Burroughs addressed the BOS and stated he wanted to publicly address the complaints the Police Department had received by residents and the Post Office on inappropriate parking on Park Street during the Farmers Market on Fridays and during events on the common on Saturdays. He stated that on Friday, July 15, 2016 there would be an officer at the Park Street location to direct and educate the vendors and visitors on parking. There was to be no parking in front of the Post Office, which was for Post Office business only. Handicapped parking spots were being abused as well and the police officer would be educating vehicular drivers of that as well.

Reiterating, Police Chief Burroughs stated the following would be addressed on Park Street:

1. Vendor parking
2. Handicap Parking spaces
3. Visitor parking
4. Post Office Only Parking

Police Chief Burroughs continued, and explained the new parking arrangement for vendors and visitors during the Apple Pie Crafts Fair. There was a short discussion on current problems and proposed changes in vendor and visitor parking and congested areas around the common. The BOS thanked him for the information.

## **COMMUNICATIONS:**

### Board of Selectmen

Selectman Wilmot had nothing to share at this time.

Selectman Hooper had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Selectman Hoyt addressed Mr. Wiggins and asked if there was a concern with the water level of Gilman Pond or the wells due to the lack of rain. Mr. Wiggins stated there was no concern at this time.

Chairman Kessler stated that the Executive Director of the Upper Valley Lake Sunapee Region Planning Commission (UVLSRPC) was leaving. There would be an interim Executive Director while the Commission searched for a new executive director.

Acting Town Manager Paul J. Brown relayed the following:

- ❖ The Fire/EMS Study Contract had been sent to JLN Associates, LLC. The Town was awaiting signatures from the company representatives. He relayed the procedure that would take place when the signed contract was returned to the Town Manager.
- ❖ Seven applications had been received for the full-time fire fighters position in Newport. The Board was given the procedure they would undergo before interviews. Town Manager O'Keefe and Selectman Wilmot would sit in on interviews of the applicants.
- ❖ The increase in the Town's share of the county tax had been sent to Newport. Finance Director Brown explained the annual fluctuations of the county taxes; he would be researching the amount given to Newport this year. There was a discussion on the county tax rate and a lengthy discussion on the school tax rate. Mr. Spaulding, Sr. requested the tax impact from the combination of County/Town/School.
- ❖ 88.8% of Town taxes had been collected thus far. It was the highest collected through the month of July in years.

## **INFORMATIONAL:**

### Summer Paving Projects

Mr. Wiggins addressed the BOS and stated that the Highway Department had put the paving projects out to bid. The contract was awarded to United Construction. They were contracted to pave Pine Street, Pike Hill and Page Hill. Mr. Wiggins gave the breakdown for the paving contract and reminded the Board members that it was within the dollar amount they had requested. The Board members concurred.

Mr. Scanlon addressed the BOS and explained the procedure taken to acquire original the proposals as well as for the additional paving. There was a discussion on the paving requests and concerns with some of the street infrastructures. Mr. Scanlon stated he was requesting permission from the BOS to add the following work to the initial contract: Old Goshen Road, Elm Street (from Elm Street intersection to 11&103) and Belknap Avenue (from Pine Street to bridge). Mr. Scanlon gave the breakdown of costs to the BOS and stated that the grand total for the projects would be: \$308,645.50\* (not including mobilization, bonding and sweeping).

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; ***the Board voted to authorize Town Manager O'Keefe to sign an amended contract for the expansion of the paving project using the balance of the \$250,000.00 from this year plus encumbered funds from previous years paving projects. The motion passed 4-0-1 (Fratzel abstained).***

#### Requests for Proposals (RFP) – Revaluation and Building analyses

Acting Town Manager Brown stated that at a previous BOS meeting there had been discussion on the revaluation and building analyses. It was requested that proposals be put out to bid. The BOS had copies of the RFP which would be mailed to all revaluation firms who were licensed to do mass reappraisal work in the State of NH.

There was a short discussion on RFPs and revaluation of the Town

Acting Town Manager Brown continued, stating the second RFP was for a municipal facility condition assessment. It was for an evaluation of the Town buildings; for their condition and to give a recommendation for the building's repairs and maintenance as well as an estimated cost for the improvements. Acting Town Manager Brown stated the RFP before the Selectmen was in draft form. He was awaiting notification from the school to see if they wanted to be included in the condition assessment.

Continuing, Brown stated that assessments often look at use of buildings and future needs of the buildings; not future condition. He asked if the Board wanted to include that aspect in the RFP. He gave examples of potential questions. Did the BOS want to look at condition now and then have a Phase Two to look at future needs?

Selectman Fratzel asked if Newport could ask for alternate quotes. The Board would then have the information. There was a short discussion on the use of the different RFPs and the amount of work for each one. Alternate quotes would be requested. Acting Town Manager Brown informed the Board that the RFPs were proposed to be mailed by the end of July 2016; work would potentially be completed by the end of November 2016.

#### Economic Development Summit

Chairman Kessler stated he had not completed information for the summit.

There were items that needed to be established:

- Date (early fall-a Saturday in September)
- Facilitator
- Who would be invited

Chairman Kessler stated he would meet with Town Manager O'Keefe and decide the above. He asked for participants from the Board.

Chairman Kessler stated he had attended an ECON meeting on July 1, 2016. He informed them he did not see much action from the group. ECON told Kessler that they needed an executive director. They are an all-volunteer board, thus the lack of action. Chairman Kessler stated he discovered they did not have an annual report or tax statement other than tax return. He stated he would like the BOS to get a copy of their financial report. The Town contributed \$25,000 to ECON annually. There was a discussion between Finance Director Brown and Chairman Kessler as to ECON's finances and their being economically sustainable.

Selectman Fratzel gave his thoughts on an ECON executive director and the finances that went with it. He stated the Board repeatedly talked about economic development. He encouraged the ECON Board to move forward.

Chairman Kessler listed local groups that should be involved in the process:

- ✚ Revite
- ✚ County
- ✚ Chamber of Commerce
- ✚ The Schools

Chairman Kessler stated ECON also needed to review their bylaws.

Chairman Kessler stated he had been asked by individuals about broadband availability. He had looked at the limitations in the Newport area and NH as opposed to the availability in VT. He stated that there wasn't any leadership in Concord to sponsor a bill to make broadband available to all citizens.

Chairman Kessler reiterated that a potential date for the summit would be mid-September to early October.

#### Richards School parking

Chairman Kessler stated that on July 20, 2016 representatives from the School and Vanasse Hangen Brutlin, Inc. attended the BOS meeting and gave a presentation concerning a proposed parking lot at Richards School. He asked Acting Town Manager Brown for clarification on the exit driveway. Brown stated that the exit driveway and proposed parking lot were tabled. The school would be restriping the parking lot, using the crossing guard for traffic issues on School Street, and studying the possibility of changing the direction of vehicular traffic on School Street. School representatives will return to the BOS if their study shows a change of direction of vehicular traffic on School Street is a potential improvement. Acting Town Manager Brown continued to explain actions the school would take with the project tabled.

There was additional conversation on the project.

#### Amendments to Personnel Policy

Chairman Kessler requested that the minutes recognize that the BOS had received the proposed amendments to the personnel policy and show that the subject was tabled until the next meeting. The BOS members concurred to table the "Amendments to Personnel Policy" to the next regular BOS meeting.

There was a short conversation among Board members concerning the proposed changes.

#### Credit Card Usage

Acting Town Manager Brown explained the history of credit card usage. He stated that it has not been a high priority administratively, but it could be if the BOS wanted it to be.

There was a discussion on initially using it in the Town Clerk's office and then branching out to other departments. The complaints received have been concerning not being able to use credit cards for vehicle registration. The additional charge of the credit card fee would be added to the individual buying the vehicle registration; not absorbed by the Town. There were additional complaints in the Town Office concerning bad checks.

Chairman Kessler requested an update at a future meeting.

**ACTION ITEMS:**

**FY2016 Encumbrances**

Chairman Kessler stated the Board had been given a list of encumbrances (\$252,700) and list of expenditures (\$245,595) from various departments.

Acting Town Manager Brown briefly reviewed the list of expenditures. He acknowledged Mr. Scanlon and asked that he explain the line item Loader transmission replacement (W9). Mr. Scanlon complied and explained the problem to the Board members. He stated that he wanted to try a \$400 replacement part before he invested a lot of money in the Loader. Brown addressed the Board, stated he would like to try the \$400 fix, still encumber the original funds and if they were necessary the request to spend would go back to the BOS. There was a discussion on returning funds to the tax payer and current Town fund balances. Finance Director Brown informed the BOS that Newport was already below the state recommended fund balance.

Brown stated that there were two additional items to the list.

1. A one-ton truck for Cemetery and Grounds. Brown explained its problems to the Board members.

Selectman Fratzel stated he was upset that it was before the BOS now and not during budget season. Brown told Selectman Fratzel that it had been addressed during the budget season; a new one-ton truck was in Mr. Dennis' budget and had been cut.

Selectman Fratzel refuted this and asked why vehicles and equipment were not inspected properly. The departments also waited until equipment died to request new ones. Selectman Fratzel gave a dialogue on proper procedure for equipment and vehicle maintenance and reporting to the Selectboard.

There was a discussion with Brown as to the immediacy of acquiring a one-ton truck for Cemetery and Grounds. Chairman Kessler and Brown discussed the memo sent to the Board as well as the line item for \$30,000 for a used one-ton truck. Brown answered all questions concerning the one-ton that had been found by Mr. Dennis and informed them that the one-ton the Buildings and Grounds had been using was formerly from the Water Department.

2. Municipal parking lot maintenance agreement. Acting Town Manager Brown gave historical information concerning the parking lot. He gave new information concerning the \$10,000 which would go toward the project of paving and beautifying the lot. The Selectboard held a short discussion concerning the project.

Selectman Hoyt asked general questions concerning the line item for the Sidewalk Tractor center pin. Mr. Spaulding, Sr. addressed the Board and Mr. Scanlon concerning individuals who did in-line boring of the center pin for repairs. He stated he would get names and report them to Mr. Scanlon.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to approve the expenditure of \$245,595 in encumbrances for additional projects in the 2016 budget. The motion passed 5-0-0.*

Guidelines for use of Police Department firing range

Police Chief Burroughs informed the BOS that the Police Department had done some ‘Sight/Sound Studies’ at the new municipal firearms shooting range located on the ash landfill property. He told them the results of the testing and gave a positive report on using the location.

Chief Burroughs then told the BOS that the Newport Police Department had a firing range policy in place. Acting Town Manager Brown stated that the new draft policy document before them was for the ash landfill area and had been finalized on July 12, 2016 by different sources. Police Chief Burroughs had worked over the weekend on it and Brown had had legalize added. Consistent formatting and font was necessary throughout the document.

He also informed the Board that Town Manager O’Keefe had instructed Police Chief Burroughs not to use the range again until the Town had heard from the New Hampshire Department of Environmental Services (NHDES) on whether ECON needed a permit modification for the site. ECON might need a landfill closure plan permit modification. There was a general discussion on the firing range and any hurdles there might be.

Selectman Fratzel addressed Police Chief Burroughs and asked for clarification whether the policy he was presenting to the BOS was for use by those other than the Newport Police Department. Acting Town Manager Brown stated that the policy was for everybody who would use the firing range. Selectman Fratzel stated that in the draft the BOS had stated it was for those other than the Newport Police Department. It should be changed in the policy.

Police Chief Burroughs stated that Selectman Fratzel was correct. Continuing, he stated that the Newport Police Department had a mirror policy in place. The Sturm Ruger Company had a very similar policy in place; they would not have to relearn a new firing range policy.

Acting Town Manager Brown stated that Sturm Ruger Company legal counsel had looked at the policy and wanted to review any license agreement that the Town of Newport drew up.

After further lengthy discussion on several aspects of the policy, Chairman Kessler requested that the subject be tabled to a special BOS meeting concerning completed guidelines and policy for the Newport Police Department firing range. The Board members concurred.

Mr. Spaulding, Sr. gave his opinion on the subject of the firearms shooting range.

NHMA Legislative Policy recommendations

Acting Town Manager Brown explained that NHMA is the Towns’ legislative body in Concord. Every year they send out a summary of their work. NHMA was looking for people to vote in support of their slate of action (copies were before the BOS members). Brown explained the course of action available and stated that legislation would not be drafted until October or later.

Chairman Kessler tabled the subject to the 2<sup>nd</sup> BOS meeting in August; August 15, 2016.

## **APPOINTMENTS**

### Zoning Board of Adjustment - Alternate

On a motion by Selectman Fratzel, seconded by Selectman Hooper; *the Board voted to appoint Timothy Beard to the Zoning Board of Adjustments as an alternate, with a one-year term extending to June 2017. The motion passed 4-0-1 (Kessler abstained).*

## **NON-PUBLIC SESSION(S):**

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; *the Board 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 and RSA 91-A:3, II(a), Personnel Matters. The motion passed 5-0-0.*

The Selectboard entered NPS at 8:08 p.m. Present were Board members Jeffrey Kessler, Todd Fratzel, William Wilmot, David Hoyt and John Hooper II, and Acting Town Manager Paul J. Brown.

*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 8:20 p.m.*

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted to seal the minutes of the first NPS. The motion passed 5-0-0.*

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board voted unanimously by roll call vote to enter into NPS #2.*

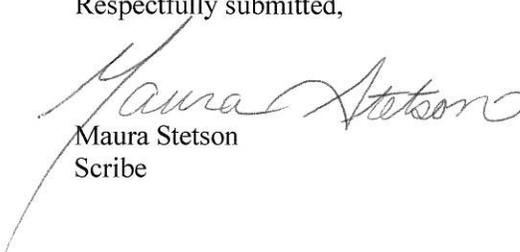
The second NPS ended at 8:45. On a motion by Selectman Hoyt, seconded by Selectman Wilmot; *the Board voted to seal the minutes of NPS #2. The motion passed 5-0-0.*

## **ADJOURNMENT**

There being no further business in the public meeting; *the Board voted unanimously to adjourn at 8:50 p.m.*

**The next meeting of the Board of Selectmen is scheduled for Monday, August 1, 2016 at 6:30 p.m.**

Respectfully submitted,

  
Maura Stetson  
Scribe

Approved on: August 1, 2016