

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen
Minutes for Meeting of November 21, 2016
6:30 pm, Municipal Building

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

STAFF PRESENT: Hunter Rieseberg, Interim Town Manager; Paul J. Brown, Finance Director; James Burroughs, Police Chief; Larry Wiggins, Director of Public Works; Tammy Flewelling, Sr. Deputy Tax Collector; Amy Spreadbury, Water Department; Kaara Gonyo, Assessing Assistant; Ernest Rowe, Police Department

COMMUNITY MEMBERS PRESENT: none

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

AGENDA REVIEW: accepted as presented.

MINUTES FROM PREVIOUS MEETING(S): September 12, 2016 Non-Public Minutes #1; November 7, 2016.

Minutes from Non-Public Session (NPS) #1 of September 12, 2016:

On a motion by Selectman Hoyt, seconded by Selectman Hooper; *the Board voted to approve the minutes of NPS #1 of September 12, 2016. The motion passed 5-0-0.*

Minutes of November 7, 2016:

On a motion by Selectman Wilmot, seconded by Selectman Hoyt; *the Board voted to approve the minutes of November 7, 2016. The motion passed 5-0-0.*

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

PUBLIC HEARING:

Moose Conservation License Plate Program Grant

Interim Town Manager Rieseberg stated that the public hearing was on a grant that the Town Clerk's office had applied for. He explained that the money from the grant would go towards document restoration and preservation efforts. The posting requirements have been reviewed with the State and the public hearing has been properly posted.

Chairman Kessler read the public notice for the Moose Conservation License Plate Program Grant into the record.

'...Accept grant monies in the amount of \$8, 304 from the Moose License Conservation Grant. These funds are to be used in the conservation project entitled, "2016 Book Restoration Project" to be carried out by the Town Clerk's office. The public is invited to attend. The public notice was posted on November 15, 2016 in the Town Office and November 16, 2016 in the Newport Post Office.'

Chairman Kessler addressed the public in attendance and asked if anyone was in attendance to speak on the public hearing. There was no one who wished to comment.

Chairman Kessler then read aloud a letter that had been sent from the New Hampshire State Library congratulating Mrs. Adelaide Kozlik on being awarded the 2016 Moose Plate Grant.

Chairman Kessler stated that Mrs. Kozlik had written the application for a second Moose Plate Grant. Due to the busy work schedule in the Town Clerk's Office, much of the work had been done on her own time. The New Hampshire State Library had awarded the Town of Newport \$8,304 for this 2016 Book Restoration Grant to continue the preservation and digitizing of Newport's early Town records. It is a continuing effort on her and the Town Clerk's part. He thanked and congratulated them on their hard work.

Chairman Kessler addressed the public in attendance and asked for any comments. There being none, Chairman Kessler closed the public hearing.

On a motion by Selectman Wilmot, seconded by Selectman Hooper; ***the Board voted to accept the grant and authorize Interim Town Manager Hunter Rieseberg to sign any documents necessary for the \$8,304.00 Book Preservation Project. The motion passed 5-0-0.***

COMMUNICATIONS:

Selectman Wilmot had nothing to share at this time.

Selectman Hooper stated that the Library Arts Center was currently having its annual Gallery of Gifts. It is a good way to support the Library Arts Center. He encouraged people to check it out.

Selectman Hoyt had nothing to share at this time.

Selectman Fratzel had nothing to share at this time.

Chairman Kessler addressed the viewing public and thanked the citizens who had voted in the general election on November 8, 2016. He stated that 3,001 registered voters participated at the polls.

Interim Town Manager Rieseberg reminded people of his 'open door policy' and extended an invitation to stop by and meet him or to call. He stated that he had met several people from the Newport community and had discussed issues that were important to them. He thanked everyone for the warm reception he has had.

INFORMATIONAL:

Personnel Policy Update

Chairman Kessler stated that in an October BOS meeting they had gone over pages 1-24 of the proposed Personnel Plan. The BOS continued reviewing the revised policy beginning on page 25. Questions and comments included:

Page 28: Grievance Procedure. Selectman Wilmot asked if the policy was the same or similar as the Newport unions as well. Police Chief Burroughs said yes.

Page 31. Section 3. Finance Director Brown explained that employees previously did not have to show proof of insurance to decline purchasing it from the Town. The Affordable Care Act (ACA) states that an employee now has to show proof of other insurance. The proof of insurance is required in the police union contract; Finance Director Brown requested that the BOS add the same sentence in the Personnel Plan under Health Insurance.

Chairman Kessler addressed Finance Director Brown and asked if it was to be in compliance with the ACA. Brown explained yes and also the philosophy behind the addition. Chairman Kessler requested that Brown provide the BOS with the correct wording for the Personnel Policy.

Page 37. Longevity. Selectman Fratzel asked how much the increased revisions would cost the Town. Finance Director Brown stated he would get the information for him. After a short discussion, Selectman Fratzel requested a summary and projected costs. Town Manager Rieseberg stated that they would put together a graph illustrating the three different longevity amounts.

Chairman Kessler addressed Finance Director Brown and asked if it was a separate line item in the budget. Brown stated no and explained how it was listed. It would be presented to the Board at the December 5, 2016 meeting.

Page 41. Selectman Fratzel asked if wearing seat belts had been addressed. Police Chief Burroughs referred him to E. 1. and the additional wording which addressed seat belts.

Page 44. Selectman Fratzel asked if his concerns of approving any/all expenses of the Town Manager had been addressed. There was a discussion among the Board members about potential approvals and how expenses would be proved. Selectman Fratzel stated there were checks and balances for every other employee; who would do it for the Town Manager. There was a general discussion on oversight.

Police Chief Burroughs asked if it should go into the Personnel Plan or into the Town Manager's contract. Selectman Fratzel stated that he felt it should be in the Personnel Plan.

Page 44. C.1. New wording proposed was, "...such expense will be approved in advance by the Department head; in the case of the Town Manager such expenses will be authorized in advance by the Chair of the BOS."

Page 47. #6. Passwords. Selectman Wilmot addressed Finance Director Brown and asked what the Town password policy was. Brown stated there was no set policy in place. There was a general discussion on password policies. Finance Director Brown stated that the Town IT personnel had stated a formal policy would be initiated in the near future. Selectman Wilmot encouraged the Town to initiate a password policy as a general practice in the way it does business. Finance Director Brown gave a general overview of the use of passwords in the Town. Selectman Wilmot asked Police Chief Burroughs if the police department had a password policy. He stated yes, and briefly explained.

Chairman Kessler stated that the subject needed further review and asked that it not be done in the public meeting.

The BOS completed their review of the Personnel Plan.

Chairman Kessler addressed the public in attendance and asked if there was anything in the first half (pages 1-24) that they would like the BOS to re-address. He acknowledged Police Chief Burroughs. Burroughs stated that there had been a discussion on the method and times of payroll. He did not know if it was anything that needed to be addressed at the November 21, 2016 meeting.

Interim Town Manager Rieseberg stated that they had talked to the police union about the frequency of pay-changing from weekly pay to a bi-weekly pay schedule. Payroll would potentially also be electronically deposited into an account. Rieseberg stated it might be a good time to include it in the personnel policy.

Electronic and bi-weekly pay was less costly for the Town as well as more efficient. Interim Town Manager Rieseberg explained that the transition would be slow and employees would be given advanced notice.

Police Chief Burroughs stated there would be a clause in the Personnel Plan concerning payment. Some individuals would continue to receive paper checks.

There was a general discussion between the BOS, Town Manager and Finance Director Brown about the cost effectiveness of the transition.

Ms. Amy Spreadbury addressed the Chair and stated she had returned her original copy of the handbook with grammatical and spelling errors highlighted. She asked if the Board had received her comments and corrections.

Police Chief Burroughs stated that he had corrected many of them already (in his revisions). He knew that the BOS wanted a 'clean' copy. In the clean copy they would get all the corrected spelling and grammatical errors.

Selectman Hooper addressed Police Chief Burroughs and commended him on all the corrections and changes to the personnel plan.

Chairman Kessler addressed the public in the room and thanked them for attending the meeting and participating in the discussion of the Personnel Policy. He stated that the cleaned copy would be presented at the December 5, 2016 BOS meeting or soon after.

Budget Expectations

Chairman Kessler stated that in preparation for budget season, the BOS should be providing the department heads with guidance on what they would like to see in their budgets; what the BOS wanted them to concentrate on and the final budget impact the BOS is looking for.

Continuing, Chairman Kessler stated that the Town budget is influenced by the school budget. The previous Tuesday, the School administration had presented a budget that would create a \$4.00 increase on the tax rate. Their default budget (2016 FY) was \$1.30 on the tax rate. There was a meeting on the 17th; Chairman Kessler was not aware of changes stated in that meeting. He gave a short statement on the finances of the school department.

He addressed the Board members and asked for their input. He stated there would be increased health insurance costs and other items. Town Manager Rieseberg addressed the Chair and stated that there would be a 16% increase in the health insurance premiums for an approximate \$130,000 Town-wide increase plus annual inflation. He stated if the BOS had a flat budget, they were "going backwards". He stated it would mean using some of the operating budget to achieve a zero increase for inflation. He wanted to mention those goals to the BOS as they underwent their budget season. The budget will reflect the department's needs, not their wants. He reviewed the process that he and the Town departments would undertake to create a proposed budget.

Selectman Wilmot asked for a projected price of diesel and fuel oil. Finance Director Brown stated that the recommendation to department heads will be to calculate \$.10 above the current fuel price. He had not seen any long term projections.

Selectman Fratzel stated that his perspective last year and it continues was to try to be under the \$30.00 tax rate. Fratzel stated that he would like Rieseberg and Finance Director Brown to sit down with school administrators and talk about what is really needed in the schools and what concessions could be made to

lower the tax burden. The Town should not have to bend over to help them (with a bare bones budget). The Town needed to have a proactive conversation with the school.

Chairman Kessler announced the Budget Advisory Committee's (BAC) schedule to work on the school budget will be:

December 7, 13, 15, 28.

January 4, 11, 18, 25.

Meetings will begin at 6-6:30 p.m. in the Lou Thompson Room or the Conference Room of the SRVTC in Newport.

The school will be presenting a budget to the BAC for their meetings; hopefully it will be refined during the BAC meetings.

There was additional discussion on the potential tax rate and building studies (Town and School). It was stated that the guidance to department heads from the BOS was a proposed ceiling on the tax rate.

Fireworks-Commercial Displays

Town Manager Rieseberg stated that the agenda item was included to get input from the Board members on their thoughts on permissible fireworks in the community. He knew that Class "C" had been allowed in Newport. The NH State Department of Safety wanted Newport to articulate their policy on fireworks displays. Chairman Kessler addressed Police Chief Burroughs and stated, for clarification, that the only fireworks the Town displayed was during Winter Carnival. Police Chief Burroughs stated that was correct. He stated that one individual in Town did testing of commercial grade fireworks. He had to go through a permitting process, the Police Chief's approval and the Fire Chief's approval in order to do it. The process was pre-established by State law.

Chairman Kessler asked questions concerning potential insurance and Town liability during fireworks displays either public or private. Selectman Hoyt stated there was potential liability to the Town.

When asked, Police Chief Burroughs stated there wasn't from the police department viewpoint; he couldn't answer for the fire department.

Selectman Hoyt expressed his opinion of not having firework displays in Newport and explained the research he had done years ago. He had presented his findings to the Town years ago and it was shot down. He reiterated that he was against having/hosting fireworks in the community.

Selectman Hoyt addressed the subject of the private individual who tests commercial grade fireworks and the procedure he undertakes. He discussed potential Town liability.

It was the consensus of the Board members to have the Town Manager investigate the subject further and return to the BOS with his findings.

Planning Board- CIP

Selectman Hoyt addressed the BOS and stated that the Planning Board wanted to reestablish the Capital Improvements Plan (CIP). In order to do this, the Planning Board needed to design a committee. They had decided that a seven member committee would be formed consisting of:

1 Selectman

1 School Board member

1 Planning Board member-Bert Spaulding, Sr.

1 Budget Advisory Committee member

3 Citizens at large

Staff Representatives (non-voting):

Planning & Zoning Administrator
Finance Director
School Business Administrator

It was asked that the three citizens' at large individuals apply through the regular board application process.

The BOS could make the recommendations, but the Planning Board will choose who is on the CIP. Selectman Wilmot asked what the term was. Finance Director Brown stated there was no term specified.

Chairman Kessler stated the CIP needs to be formed to look at Capital Projects needed in the Town and the School and to prioritize them so as to not burden the taxpayers.

Selectman Wilmot asked what their authority and expectations were. He was told advisory. Selectman Wilmot also asked if they presented recommendations to the BOS and School Board. He was told yes. Lastly, he asked if their recommendation went on the warrant articles at voting time. He was told yes, as advisory.

Finance Director Brown explained the process of the CIP. He answered all additional questions.

Selectman Hoyt stated that the Planning Board had requested that the BOS assign the Finance Director as a staff representative. The school board would assign the school business administrator as a member of the CIP. The Town Manager would assign the Town department heads to attend meetings as needed.

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; ***the Board voted to appoint Selectman Hoyt as BOS representative to the CIP. The motion passed 4-0-1 (Hoyt abstained).***

On a motion by Selectman Wilmot, seconded by Selectman Hooper; ***the Board voted to appoint Selectman Fratzel as BOS alternate representative to the CIP. The motion passed 3-2-0 (Fratzel and Hoyt nay).***

There was a discussion on Town administrators being appointed. Town Manager Rieseberg stated that if the BOS agreed, he and Finance Director Brown might switch off at some of the meetings. The Board members concurred.

Selectman Hooper spoke to the viewing public and stated that from his attendance at a Planning Board meeting, the citizen at large positions did not seem as daunting as they sounded at the BOS meeting. He stated the positions were open to everyone.

Town Owned Properties Update

Interim Town Manager Rieseberg addressed the Board and discussed the handout sheet that listed the twenty one (21) tax deeded properties in Newport (Attachment 1). He explained how the Town would develop a study on the properties with the goal to return them to the tax rolls.

Town Newsletter and Website

Town Manager Rieseberg stated that the Town has contracted for a revision to the Town's website. It has been suggested that part of the revision would be to add an electronic Town newsletter. He explained the concept for the Board. Selectman Hooper stated that he had spoken to individuals who would like to have updates on the Town. An employee was interested in being tasked with the responsibility.

There was a general discussion on the potential newsletter.

ACTION ITEMS:

Water Use Restriction Ordinance

Mr. Larry Wiggins stated that in October the Town had initiated Mandatory Water Restrictions. Since then, the Water Department has been asked to write a water ordinance for the Town, to make the restrictions more enforceable. For public knowledge he stated that:

Newport is currently 36" below the dam. The Pond was holding its water level. The water department had been supplementing the pond water with water from the Pollards Mills well approximately five days a week. By curtailing the use of the Gilman Pond by individuals outside of Newport, the demands on the water has decreased to 250,000-275,000 gallons per day.

If the department had not used the well, Mr. Wiggins was not sure where the Gilman Pond water level would be.

Mr. Wiggins stated that the points were:

The need for the Mandatory Water Ban was real.
Conserve water usage inside the house.

A water ordinance has been written based on one by the NHDES. It was drafted by Interim Water Superintendent David Brennan. In the memo to the BOS he outlined his reasons for the need of a water ordinance. Mr. Wiggins agreed with him. Mr. Wiggins stated that the Water Ordinance included monetary penalties if not complied with. They were: 1st violation was a warning. 2nd violation was a \$50.00 fine. 3rd violation was a \$100-\$10,000 fine and discontinuance of water service. A reactivation fee of \$75.00 will be charged before water service is restored.

He left enacting and enforcing it to the BOS discretion.

Selectman Wilnot asked if in the future the BOS could talk about a new well. Mr. Wiggins explained the Water System Study the Public Works Department had done and the 3 Phase Well Development Program that they were undertaking. The first phase was a geographical study and the second was a physical analysis. They were in the third phase of investigating and drilling potential sites for wells. There was a short discussion on the Well Development Program between the BOS and Mr. Wiggins.

Chairman Kessler asked if a public hearing was necessary for the enactment of the Water Ordinance. He was told yes.

After a short discussion concerning the water situation and enforcement of the Water Ordinance, Police Chief Burroughs suggested that the Water Ordinance be put in the Police Ordinances. In this way the police department could keep track of who violated the ordinance and how many times. The police could write the citations and follow through with collecting the fines. The ordinance would be easier to enforce. He also suggested a different stratum of monetary penalties.

1st: \$100; 2nd: \$500; 3rd: \$1,000-\$10,000 and discontinuance of water service was proposed by Selectman Fratzel. The other Board members agreed with the new monetary fines. Police Chief Burroughs stated that the words "may be" would be inserted into the language for the ordinance. The BOS members would be sent the revised ordinance. The public hearing would be expedited and held on December 5, 2016.

APPOINTMENTS:

Heritage Commission-Brian Kelly

On a motion by Selectman Fratzel, seconded by Selectman Hoyt; *the Board appointed Brian Kelly to the position of Alternate Commission member of the Heritage Commission, with his term to expire in June 2017. The motion passed 5-0-0.*

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted by roll call to enter into non-public session pursuant to 91-A:3 II (b) Hiring a Public Employee and RSA 91-A:3 II (d) Real Estate at 8:05 pm. The motion passed 5-0-0.*

On a motion by Selectman Fratzel, seconded by Selectman Wilmot; *the Board voted to exit NPS at 9:17 p.m. The motion passed 5-0-0.*

On a motion by Selectman Wilmot, Seconded by Selectman Hooper; *the Board voted unanimously to adjourn at 9:21 p.m.*

The next regular meeting of the Board of Selectmen is scheduled for December 5, 2016 at 6:30 p.m.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Maura Stetson".

Maura Stetson
Scribe

Approved on: December 5, 2016