

TOWN OF NEWPORT, NEW HAMPSHIRE

Board of Selectmen Minutes of January 16, 2023 - Regular Business Meeting

Municipal Building, 15 Sunapee Street, Newport, NH 03773

Remote Access: Zoom.com - Meeting ID: 810 7960 4568 Passcode: 651400

+1 (253) 215-8782 US (audio only, long-distance fees may apply)

SELECTMEN PRESENT: Jeffrey Kessler, Chairman; Herbert Tellor, Jr.; James Burroughs, Keith Sayer, Barry Connell, Vice Chairman

SELECTMEN ABSENT: none

STAFF PRESENT: *BOS Room:* Hunter F. Rieseberg, Town Manager; retired Interim Police Chief Barry Hunter; Interim Police Chief Alex Lee; Newport Police Officers: Paul Beaudet, Cody Foster, Jerome Burdick, Charles McLeman, Dakota Titorenko, Alex Marvin, Robert Selfridge, Shawn Seymour, Kristal Rowe

COMMUNITY MEMBERS PRESENT: *BOS Room:* Brittany Mills, Michelle Foster, Jason Foster, Zoey Foster, Anthony Laplaca, New Hampshire State Police; Virginia Irwin, Melinda Newcomb, Phillip Newcomb and Bert Spaulding, Sr.

NCTV: John Lunn, NCTV

CALL TO ORDER: Chairman Kessler called the meeting of the BOS to order at 6:30 p.m. followed by the Pledge of Allegiance (For full meeting, go to: www.nctv-nh.org)

CEREMONIAL SWEARING IN: Town Manager Rieseberg addressed the Selectboard and stated that Barry Hunter has resigned his position as Interim Police Chief. Town Manager Rieseberg said that he appreciated Police Chief Hunter's assistance and dedication to the Town of Newport during their transition time. He gave an exemplary account of his character. He informed the Board that the Town was again in need of an Interim Police Chief. (Officer) Alex Lee of the Department has stepped forward to take over the position for a year while the Town looks for a replacement Police Chief. There will be a formal swearing in of Interim Police Chief Lee in a few weeks. Among his first duties is to swear in the Department's newest officer. Interim Police Chief Lee addressed the Selectboard and stated he was proud of the number of officers present (see staff listing above). Their support was a testament to the close-knit family of the Newport Police Department. Interim Police Chief Lee told the Board that Officer Foster grew up in the area and is currently a Newport resident. He graduated from Keene State College with a Bachelor's Degree in Criminal Justice and is a member of the Army National Guard. Officer Foster has attended the NH police academy during the fall 2022 session where he excelled. Police Officer Foster will be working in a solo status in Newport as of February 2023. This will allow Detective Alex Marvin to return to the Criminal Investigations Division. Town Manager Rieseberg addressed Officer Cody Foster and read aloud a prepared statement appointing him as an Officer in the Newport Police Department. After Interim Police Chief Lee swore in Officer Foster, Cody's fiancée, Brittany Mills came forward and pinned on his badge. The Selectboard congratulated Officer Foster and new Interim Police Chief Alex Lee. They thanked Mr. Barry Hunter for his service to Newport and thanked the officers for attending and supporting Officer Foster and Interim Police Chief Lee.

AGENDA REVIEW: ADD: nonpublic sessions: RSA 91-A:3 II (e) Litigation and (c) Reputation (Kessler)

MINUTES FROM PREVIOUS MEETING(S): December 19, 2022 - On a motion by Selectman Connell, seconded by Selectman Tellor; *the Board voted to approve the minutes of the December 19, 2022 BOS meeting as presented. The motion passed 5-0-0.*

January 2, 2023 - On a motion by Selectman Burroughs, seconded by Selectman Connell; *the Board voted to approve the minutes of the January 2, 2023 BOS meeting as presented. The motion passed 4-0-1 (Burroughs abstained).*

CONSENT AGENDA: On a motion by Selectman Tellor, seconded by Selectman Sayer; *the Board voted to approve the Consent Agenda of the January 16, 2023 BOS meeting as presented. The motion passed 5-0-0.*

OPEN FORUM: Mr. Spaulding, Sr. spoke to the Selectboard about two things: The abatement they had approved for applicant Jon Livadas at the December 19, 2022 Public Hearing. He said that the abatement equals \$300,000 for three years. He spoke about the needs (affordable housing), the costs to the taxpayer and the number of potential (school age) children. Citing a study, he stated that the applicant and Selectboard did not use its information. He hoped the project came out well for the community. RSA 98-E:1 & 98-E:2 Public Employee Free Speech Rights under New Hampshire Law. Mr. Spaulding, Sr. read aloud RSA 98-E:1. Mr. Spaulding, Sr. stated it is important to note RSA-E:2 “No person shall interfere with a person’s right to freedom of speech...” He stated it has happened in the town (Newport). He informed the Board that an employee did an exit interview (with written questionnaire). It was his (Spaulding’s) understanding the written exit interview was not made available to the entire board. When Mr. Spaulding, Sr. asked why, he was told it was the purview of the Town Manager (to share with the Board). He stated if a Town Manager abuses employees verbally and other ways; protects other employees, the Board should get the exit interviews. It was his understanding that Mr. Cody Osgood was in attendance and would like to read aloud his exit interview. He asked that the Chairman recognize Mr. Osgood so he could read it aloud. Chairman Kessler acknowledged Mr. Cody Osgood. Mr. Osgood stated he had filled out an exit interview questionnaire. He had emailed a copy to each Selectman in September 2022. He asked if they had received it (yes). He then read aloud the questionnaire. His answers consistently stated problems concerning Todd Cartier, Public Works Director. Mr. Osgood informed them of Mr. Cartier’s favoritism, treatment/inconsistent treatment of employees, poor supervision of employees, inappropriate training (by Cartier), and Mr. Cartier’s erratic behavior. Mr. Osgood had not voiced his concerns because he believed nothing would change and he feared how he would be treated. It was obvious that Mr. Cartier and the Town Manager have a very close relationship. The employees concerns that were voiced never went past either Mr. Cartier or Town Manager Rieseberg. Now that he has left employment, he felt free to voice his concerns to the Selectmen. He hoped things would improve for his coworkers. (He asked a Selectman to join in his exit interview; he did not want what was said to be buried in paperwork or misconstrued by Town Manager Rieseberg). Concluding, Mr. Osgood stated he wanted to make this information known to the public so every taxpayer in Newport that is watching knows what is going on at the highway department garage. Mr. Spaulding, Sr. asked if the BOS would vote to have every exit interview (written) go to the entire Board. He thought that it would serve the entire community by doing so. If the Board is not aware of the reasons for employees leaving; how can they (BOS) advocate for them (employees)? Continuing, he spoke about the rental of equipment instead of using the Town’s. If Town equipment is sitting in the yard (not being used) and the PWD rents the same equipment the Town is taking taxpayer dollars to buy equipment (ex. excavator) as well as taxpayers money for rentals. He stated the cost savings of using Town owned equipment versus renting a machine and operator. Mr. Spaulding, Sr. said Mr. Osgood hoped that by speaking to the BOS, the Selectmen would change things; make them better. Mr. Spaulding, Sr. reminded them of other concerns brought to the Board (by taxpayers): Sand Hill Bridge, the sand bid, and the unlawful posting of the Coon Brook Bridge. Things are supposed to be done to protect the taxpayer.

Chairman Kessler acknowledged Mrs. Stetson. She stated she had two items. One was the North Newport Well. In December the Board had discussed having a hydrogeologist, Mr. Frank Getchell come and give a presentation (at BOS meeting) so that people will understand what is happening. It was the second meeting in January; she wondered when the presentation will be given. Chairman Kessler stated it is still being planned; it would be at a standalone meeting. Town Manager Rieseberg stated it would be discussed later in

the meeting. Mrs. Stetson then stated there have been articles in the Valley News about electricity; communities banding together in the Community Power Coalition of New Hampshire. It is something that has to be done on the Board of Selectmen level in order for residents to get a lower price of electricity. Is Newport considering joining? Currently there are 27 municipalities (in the coalition); Keene and Lebanon are among them (she knew there were 3 others up in the Upper Valley). Are the Selectmen looking into or considering it at all for the residents in Newport? He stated no. Mrs. Stetson stated she receives calls from townspeople; she was asking questions for them. Chairman Kessler said Norwich Solar is in Town and reduces bills-Mrs. Stetson said that was for the municipality. Chairman Kessler said that he called Eversource and got a lower rate. After a very brief discussion, Chairman Kessler said the Board would have to look into it.

COMMUNICATIONS: Selectman Sayer had nothing to share at this time. Selectman Burroughs had nothing to share at this time. Selectman Tellor had nothing to share at this time. Chairman Kessler informed the Board and public that the School Board would have a continuation of their (2023-2024) Budget Public Hearing on January 17, 2023 at 5 pm in the Lou Thompson Room. Town Manager Rieseberg had nothing to share at this time; he would look into information brought to the Board. Selectman Connell thanked Mr. Osgood for attending and speaking to the Board. It was his understanding was that it was an emergency (rental of excavator) and that no one knew how to run the Town excavator. Selectman Burroughs was also asked about the equipment rentals. He had learned there was an operator and working excavator for one of the projects in which a rental was used. He had been asked why the Town was renting an excavator. Selectman Burroughs asked if the Town had a policy of Open Bidding for lowest rental price for emergency rental of equipment. Town Manager Rieseberg stated it was up to the Public Works Director's discretion (the company to use). In discussion, Mr. Spaulding, Sr. stated if an operator was trained on a piece of equipment, they could run all similar equipment (ex. excavators). He stated that the Town had had Mr. Osgood as a grader operator; now that he is no longer employed by the Town, they had used a loader on Chancellors Mill Road. It did a terrible job. He said the Town has to want to change things (at Public Works) for things to improve.

INFORMATIONAL: Deputy Fire Chief Chris Marcotte Retires - Town Manager Rieseberg stated Deputy Fire Chief Chris Marcotte has retired after 38 years as a firefighter for the Town of Newport. Board members and Town Manager Rieseberg did not want his retiring to go unnoticed or unrecognized. They thanked Mr. Marcotte for his years of dedicated service and asked Town Manager Rieseberg to put out the word that call firefighters were needed. The Board members were told that Mr. David McCrillis will be the new Deputy Chief. Selectman Connell made a motion *to officially thank Mr. Marcotte for his 38 years of service, and wished him well in the future. The Board directed that a letter of thanks and appreciation be sent to him by the Town.* It was seconded by Mr. Tellor. *The motion passed 5-0-0.*

Heritage Commission & Monuments and Memorials Committee-Virginia Irwin - Mrs. Irwin stated the theme of the meeting was asleep at the switch. She was in attendance to speak about the Heritage Commission, the Historical District Commission and the Monuments and Memorials Committee as well as the BAC. Chairman Kessler asked for the roles of each commission and committee. Mrs. Irwin complied. Heritage Commission - Required under RSA 41:14A, (it talks about the duties of the Heritage Commission). Its purpose is to oversee and opine on activities in Town that are of historical significance and ought to be preserved or state there ought to be a reason for them not to be preserved. It is required that the Zoning Board ask the Heritage Commission to review many different applications (for cases before them). Historic District Commission - Created March 11, 1980 at Town Meeting. It is a physical location. The location is the downtown area, from the Baptist Church to the water fountain. Mrs. Irwin stated it is permissible under state law to have the two commissions co-join and do things collectively; but the Historic District talks about the physical location and the Heritage Commission talks about the whole town. Depending upon what is coming before the Board or Zoning Board, anything that happens in the Historic District the Historic District Commission (by law) must opine on. She gave examples:

- 1) The Marquis de Lafayette Marker on the Common (by the sidewalk across from the Sugar River Bank.). No one had consulted with the Historic District Commission.
- 2) The benches on the Common. No one had consulted the Historic District Commission.

Continuing, Mrs. Irwin said there are requirements to have input from the two commissions on things that affect the historic district and the historic area of the Town. It is the BOS responsibility to make appointments and to make sure that they meet. She asked when the last time someone was appointed (by BOS) to the Historic District Commission or the Heritage Commission. She knew the participant requirements: a member of the Board of Selectmen, member of the Public Works Department, member of the historical society and two people at large. Monuments and Memorials Committee she told of a green granite bench that was to be gifted and placed in the center of the Common. It would have limited the use of certain areas of the Common. The Town turned down the gift; and subsequently created the Monuments and Memorials Committee in September of 2008. (She does not have a signed (BOS) copy of the rules and regulations of the Committee). They review gifts proposed to the Town that are going to be put in public spaces so that there is no problem (something that is aesthetically pleasing to the Town). The reasoning: once the Town has a gift, they are responsible for the maintenance. She listed some of the gifts: the (Campbell) park at the top of Central Street, second bench for Campbell Park; Ransom/Tracy Park (near bridge) contains monuments to fallen soldiers, granite bench on Sunapee Street where people fish; she didn't know why. A granite bench showed up without knowledge at the airport (Parlin Field). She said that with the Monuments and Memorials Committee they have been able to control what is placed on public land. She said that the BOS is responsible to appoint members to the Monuments and Memorials Committee. Mrs. Irwin said that the BOS could vote to get rid of the Historic District as well as a Monuments and Memorials Committee. The BOS is required by law to appoint people to the Heritage Commission. To undo the Heritage Commission, they have to go to a vote of the Town, get permission from the state. The Board needs to do some research, look in files and see some of the history, and who is currently appointed to the committees and reappoint people. She said that Newport Times would be a good way to advertise (she volunteered to write an article for the BOS). She said the last time the Monuments and Memorials Committee met (2020) they approved a boulder for a park at the Corbin Covered Bridge dedicated to Andy Andrews and Ray Reid. It is lovely. (Selectman Tellor had done research on it to make sure the FAA and Airport Advisory Board did not have a problem with the monument). Chairman Kessler said the BOS would take her up on the article for the Newport Times. She was the most knowledgeable on the Commissions. They spoke about the clock donated to the Historical Society. Mr. John Lunn addressed the Board and stated that the Historical District is now a part of the Heritage Commission. The BOS only needs to find members for one committee (established around 1996). How the Heritage Commission works is written into the Town's Zoning Ordinances (what was Chairman Kessler planning to do). BAC - Mrs. Irwin, spoke as Town Moderator. The moderator is responsible for appointments to the BAC. She said she has written the Town three times for the current list of BAC members. She has not gotten a response. She informed the BOS that the School Board would be submitting their budget on January 17, 2023. Traditionally the BAC would begin to meet on January 18, 2023 to go over the School budget. She did not know who the BAC members were. Members include a BOS rep (Kessler), a School Board rep. There was a discussion on the other members on the committee. Mr. Spaulding, Sr. is an appointed person at large through 2025. David McCrillis is appointed until 2024. Seth Wilner is appointed through 2023. Chairman Kessler said for anyone interested in being on the BAC (independent advisory board) it is a commitment of about four months (School and Town). Mrs. Irwin asked Chairman Kessler what he was planning to do. The Town appoints the BAC members. Chairman Kessler stated Seth Wilner would be contacted to schedule a meeting of the BAC to review the school budget. Mrs. Irwin said February 4, 2023 is the School Deliberative Session. Chairman Kessler directed Town Manager Rieseberg to have the Town contact Mr. Seth Wilner (he texted Mr. Wilner during the meeting). Mrs. Irwin said she was available to appoint anyone that is interested in serving and willing to commit to the BAC.

Selectboard Meeting Schedule (Budget)/Bond Hearings and Public Information Meetings - Town Manager Rieseberg addressed the Board and presented a proposed meeting schedule (Jan-May): Regular BOS

meetings will be held on: January 16, February 6 & 20, March 6 & 20 April 3 & 17; Public Information Meetings:

- ❖ February 6 at 6:30 pm (state presentation on Main Street resurfacing/repaving)
- ❖ TBD Wednesday in February or March for Waste Water Treatment plant
- ❖ TBD Wednesday in February or March for North Newport Well

Bond Public Hearing: March 20

BOS Budget Review: February 2, 9, 13, 16, 23

BAC Review: March 7-24

Last day for petitioned articles and union cost items: March 14

Deliberative Session: April 4

Town Meeting: May 9

- 1) Mrs. Irwin asked if the School had been contacted about any conflict on May 9th. She was told the Town Clerk has been in contact; the Town had not heard anything.
- 2) Mrs. Irwin asked if the people of Croydon would be invited to the presentation for the North Newport Well; many were concerned.

When informed of the Towns' decision to have individuals work on behalf of Commissions; Mrs. Irwin emphatically told the Town Manager that one or two people could not be asked to sit on behalf of a commission. He had to do due diligence and let the whole commission know; it was in the RSAs.

Community Center Update: Warrant Article (Spaulding) - In discussion, Mr. Spaulding, Sr. stated he had been contacted by several people concerned that the BOS will begin construction of the Community Center without having the necessary funding. He suggested a small monetary Warrant Article to cover any unforeseen construction overages. Mr. Spaulding, Sr. said if the BOS didn't and they go forward, but then have to ask the Townspeople for additional money, it will be a hard sell. He asked why the BOS didn't ask for it this year. People (that are talking to Spaulding) are saying they turned it down twice (to not pay for a new recreational center). He said he does not support building a center if they (Town) don't have the funding. He asked the Board to entertain a Warrant Article. Chairman Kessler said that the Town doesn't know what it will cost; the bid documents are being prepared. In February it will go out to bid. When the Town gets the bids back; they will know what it costs. 8.8 million dollars in grants and donations are committed to the project (4.785 million dollars are waiting for distribution from the federal government. Up to one million dollars in GOEFFER funds are being awaited for distribution from the state). The Town has been in contact with both state and federal agencies. There was additional discussion on having sufficient funding.

ACTION ITEMS: Elderly/Disabled (handicapped and Blind) Exemption Abatements - After an explanation on the abatements by Finance Director Brown, Selectman Connell made a motion *to authorize abatements of people who qualify for the elderly, handicapped and blind exemptions as of April 1, 2022 and abate those taxes as presented; based on information submitted to the Board.* It was seconded by Selectman Burroughs. *The motion passed 5-0-0.*

Newport Farmers Market Waiver of Fees for Rental of the Common in 2023 - After a lengthy discussion between the Board and Mr. Scheuer on waiving rental fees on the Common, driving on the Common, potential blocking of the areas that afford vehicle access to the Common; a security deposit from the Farmers Market group, and revising the rental agreement for the Town Common; Selectman Burroughs made a motion *to waive the rental fee, hold a (\$150) security deposit and revise the Town Common Rental Agreement to change 3. A. to state that only foot traffic will be allowed on the Town Common. In addition, Town Manager Rieseberg was directed to erect an approved physical barrier at the edge of the pavement.* It was seconded by Selectman Connell. *The motion passed 5-0-0.*

The Farmers Market will be held on Fridays from May 26th through Friday, September 29, 2023.

Mr. Richard Scheuer asked that the Town send the revised agreement to him; the Town has his contact information. Finance Director Brown will look into whether the Farmers Market group has a security deposit on file. The Board thanked Mr. Richard Scheuer for his patience (it was a long meeting).

There being no further business in the public meeting, on a motion by Selectman Connell, seconded by Selectman Teller; *the Selectmen voted by roll call to enter into non-public session (NPS) pursuant to RSA 91-A: 3II(e) Litigation and (c) Reputation at 8:59 p.m. The motion passed 5-0-0.*

Respectfully submitted,



Maura Stetson, Scribe

The next regular meeting of the Board of Selectmen is scheduled for February 6, 2023 at 6:30 p.m.

Approved on: February 6, 2023