

TOWN OF NEWPORT, NEW HAMPSHIRE
Board of Selectmen Minutes of May 1, 2023 - REVISED
Regular Business Meeting, Municipal Building, 15 Sunapee Street, Newport, NH 03773
Remote Access: Zoom.com - Meeting ID: 829 5291 9637 Passcode: 900805
+1 (253) 215-8782 US (audio only, long-distance fees may apply)

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

STAFF PRESENT: Hunter F. Rieseberg, Town Manager; Paul Brown, Finance Director

COMMUNITY MEMBERS PRESENT: Bert Spaulding, Sr., Jeff North, Kate Luppold, Doug Ring, Tim Beard, Donna Mahair, Virginia Irwin, Eeva Malool, Margaret Coulter, Bella Osgood, Rick Kloeppel, Larry Schissel

NCTV: 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)

AGENDA REVIEW: 1. Requests Change to Agenda: To dedicate the 2022 Town Annual Report, not on agenda. (by Chairman Kessler) Kessler presents the Town's 2022 Annual Report to Eeva Malool, Roy Malool's late wife, in dedication to Roy Malool, who is honored in the 2022 Town Annual Report.

MINUTES FROM PREVIOUS MEETING(S): April 10, 2023 - On a motion by Selectman Connell, seconded by Selectman Tellor; *the Board voted to approve the minutes of the April 10, 2023 BOS meeting as presented. The motion passed 4-0-1(Sayer abstained).*

April 17, 2023 - On a motion by Selectman Tellor, seconded by Selectman Sayer; *the Board voted to approve the minutes of the April 17, 2023 BOS meeting as presented. The motion passed 5-0- 0.*

April 25, 2023 - On a motion by Selectman Connell, seconded by Selectman Tellor; *the Board voted to approve the minutes of the April 25, 2023 BOS meeting as presented. The motion passed 3-0- 2. (Burroughs and Sayer abstained).*

Chairman Kessler expressed his dissatisfaction with the way past public forums have been conducted, noting the community's disapproval of how specific agenda items were addressed. In light of this feedback, Kessler proposes certain modifications to improve the public forum, such as implementing time limits. Kessler proceeds to read the School Board public comment procedures and suggests that the Board of Selectmen adopt a similar format for this meeting. This would involve moving the public forum to the end of the meeting and asking individuals to "sign up" to speak 15 minutes prior to the meeting. Each person wishing to make a public comment would be given 5 minutes to express their views, followed by an additional 1 minute for discussion by the Board. Selectman Connell expresses agreement with Kessler's proposal but suggests discussing the details further in the next meeting to allow time for those who wish to speak to prepare. Selectman Sayer supports Kessler's stance and emphasizes the importance of adhering to the unwritten decorum rules of a Board of Selectmen meeting. However, Selectman Burroughs, although supportive of the idea, believes that the School Board procedures should be separated from the discussion. Burroughs argues that imposing time limits on the open forum undermines the opportunity for open dialogue between the public and the Board. Nonetheless, Burroughs agrees with the notion of moving the public forum to the end of the meeting. Selectman Tellor echoes Burroughs'

sentiment, opposing the implementation of time limits on the open forum. Chairman Kessler clarifies to the Board that these proposed changes to the public forum are merely ideas and should not be seen as definitive decisions. Kessler concludes the discussion, expressing a desire to continue the conversation at a later date. Selectman Connell agrees that the topic of the public forum should be revisited in the next meeting to further deliberate on it.

INFORMATIONAL: Main Street Parking Committee Update - Boardman Connell introduced the members of the Main Street Parking Committee present at the meeting, namely Jeff North, Virginia Irwin, and Donna Mahair. He then asked Chairman of the Main Street Parking Committee, Jeff North to provide an update on the work of Main Street Parking Committee. Mr. North presented an updated map and design plan outlining the committee's efforts to preserve Main Street parking spaces. He discussed his research on the cost of striping these spots and his coordination with NHDOT contacts to stay informed about the upcoming Fall paving schedule. Additionally, Mr. North mentioned his discussions regarding compliance with MUTCD standards for striping, including consultations with a private company that estimated the cost of striping parking spots to be around \$15-\$20 per spot. Mr. North's design plan incorporated the removal of two crosswalks while ensuring adherence to ADA guidelines, including the addition of a wheelchair accessible ramp in front of the Newport Opera House, connecting to Newport Fitness. He also addressed concerns about a fire hydrant located along the sidewalk crossing, expressing hope that it would be relocated by the State, but without confirmation at the moment. If the fire hydrant remains, adjustments would need to be made to the proposed ADA sidewalk to ensure compliance. Furthermore, Mr. North responded to comments regarding the proposed ramp and sidewalk "green signs" potentially obstructing the view of the Historic Opera House. He requested that the Board support the Main Street Parking Committee's independent striping of parking spots downtown and the establishment of a single crossing from Newport Fitness to the Newport Opera House. Boardman Kessler inquired about the number of parking spaces gained with the current proposed plan. Mr. North indicated that the plan would increase the existing 66 parking spaces to 89 parking spaces by removing two crosswalks and adjusting the parking spaces to a 60-degree angle. Kessler raised a question regarding the reduction of handicap parking spaces from 7 to 6. Mr. North agreed that an additional handicap space could be added to take advantage of an already present curb cut. Selectman Connell mentioned that the State would stripe the crosswalks at no cost. However, if the Board decides against adding a ramp in connection to the crosswalk connecting Newport Fitness to Newport Opera House, the State would not be responsible for it. Mr. North argued that adding a wheelchair ramp would be unnecessary as other entrances to downtown businesses lack ADA-compliant qualities. He also mentioned an ongoing ADA project at the back of the Opera House, which would render a front ramp unnecessary and obstructive to the view of the historic building. Boardman Connell inquired if the Heritage Commission could provide input on the potential disturbance caused by the ramp and crosswalk sign in front of the Opera House. Biddy Irwin confirmed that the Heritage Commission objected to the proposal due to its lack of alignment with the building's historic nature. Selectman Tellor asked Mr. North about the width of the parking spots, and he confirmed that they would vary from 8.5 to 15 inches. Town Manager Rieseberg raised concerns about the new design plans and how they compared to the State's latest rendering of parking spaces. Mr. North explained that his design would expand the number of parking spaces by an additional 23 compared to the State's proposal. The motion was then presented to the Board, considering whether to fill in the two crosswalks that are currently there with the State's assistance.

Selectman Connell made a motion to adopt the proposed areas presented by Mr. North, which involved removing (2) crosswalks and replacing them with a (1) crosswalk from Newport Fitness to the Newport Opera House. The remaining (2) removed crosswalks to be filled in by the State. The motion also included the decision to have the Main Street Parking Committee responsible for the middle proposed crosswalk. Furthermore, the Board voted against adding a ramp connecting the middle crosswalk-Newport Fitness to the Opera House. Selectman Sayer seconded the motion.

Further discussion took place regarding the logistics of removing the crosswalks while maintaining an

opening at the median. Selectman Burroughs agreed with Selectman Teller that if the crosswalk was being removed, it should be entirely eliminated. Selectman Connell amended his motion to ensure that the crosswalk area in front of Harrington's would be filled in.

With a unanimous vote of 5-0-0, the Board accepted Mr. North's Phase I striping plans as proposed by the Main Street Parking Committee. Selectman Kessler clarified that Town Manager Hunter Rieseberg would convey the plans and discussion from the meeting to the NHDOT representative during tonight's meeting.

Airport Master Plan Volunteer Committee - Town Manager, Hunter Rieseberg, addresses the Board regarding the Airport Master Plan Volunteer Committee. Rieseberg explains that the Town is in the process of updating the Airport's Master Plan in compliance with FAA guidelines. He suggests part of the process includes forming a committee that comprises members from the Airports Advisory Committee for their input, with one open spot designated for a community member not directly involved with the Airport's operations. The Town plans to provide more information about this committee on the Town website to attract volunteers.

Community Power Coalition Committee - Town Manager, Rieseberg discusses the Community Power Coalition Committee and the need to establish a committee to gather community input for this initiative. He requests the Board's acceptance of the committee and asks for a determination of its size. More details about the committee will be made available on the Town website to encourage interested volunteers. Chairman Kessler proposes reviewing the request for a reasonable committee size at the next meeting.

Town Warrant and Polling Procedures - Chairman Kessler reminds the public about the Town Warrant and Polling Procedures. Town voting is scheduled for Tuesday, May 9th, from 8:00 am to 7:00 pm at Newport Middle High School Gym. The Town Warrant and sample ballot are accessible on the Town's website. Chairman Kessler provides an overview of the articles up for vote, including positions for Selectboard, Town Clerk, Town Treasurer, Collect Trustee of the trust funds, a bond for the Wastewater Treatment Plant, a bond for the North Newport well, increases in salaries for Town employees, and a DPW raise. Moderator Biddy Irwin adds that absentee ballots must be submitted by 5:00 pm on May 9th. Bert Spaulding encourages residents to support the Wastewater Treatment Plant upgrade, while Selectman Sayer asks the public to consider the consequences of voting against it. Chairman Kessler and Finance Director, Paul Brown also highlight the favorable interest rate of 1.5% and urge support for the project. Public comments express favorability towards Article V.

ACTION ITEMS: Chairman Kessler informs the Board about the ongoing public hearings regarding the establishment of the Newport Power Coalition, a cooperative electricity buying program that offers a low rate approximately 20% lower than Eversource. He mentions that 33 communities in New Hampshire are already participating in this program. The Board will need a positive vote at the Town meeting to proceed. Chairman Kessler explains that if approved, the coalition will be established in April 2024, replacing Eversource as the default electricity provider. Residents will have the option to opt-out once the coalition is established.

a.) Establishment of the Electric Aggregate Committee (EAC): ***Selectman Burroughs proposes a motion to establish an Electrical Aggregation Committee, responsible for developing a plan for the Electrical Aggregation Program. The motion is seconded by Selectman Connell.*** Jeff North emphasizes the importance of monitoring rates, as third-party companies may not automatically adjust rates. With the committee in place, they can take responsibility for monitoring these changes, relieving the burden on residents. ***Town Manager Hunter Rieseberg requests an amendment to the motion to specify the number of committee members. Selectman Burroughs amends the motion to include a total of five members for the Newport Power Coalition.***

b.) Authorization for the Town Manager to enter into the Joint Power Agreement: ***Selectman Tellor moves to authorize Town Manager Hunter Rieseberg to enter into the Joint Power Agreement with the Community Power Coalition of New Hampshire.*** This agreement aims to support members, municipalities, and counties in developing and implementing electric aggregation plans. ***Selectman Burroughs seconds the motion, and it passes unanimously.***

c.) Appointment of primary and alternate representatives to CPCNH: The Board discusses the composition of the Electric Aggregate Committee. Selectman Burroughs expresses his willingness to participate. Town Manager Rieseberg clarifies that the Board of Directors positions have already been allocated, but the vote is about appointing a primary and alternate representative. ***Selectman Connell makes a motion to appoint Selectman Burroughs as the primary representative and Jeff North as the alternate representative. Selectman Tellor seconds the motion, and it passes with Selectman Burroughs abstaining.***

Application for the Appointment of Gene Thomas: Appointment of Gene Thomas, full-member to the Zoning Board Adjustment with their term expiring the June 2025. ***Selectman Burroughs made a motion to accept the appointment of Gene Thomas as a full-member of the Zoning Board of Adjustment with term expiring June 2025. Selectman Tellor seconds this motion.*** Tim Beard comments on the designation, and the number of vacant spots. Currently, all Zoning Board positions are full with only an alternate position open. Bert Spaulding speaks up and professes his resignation from the Zoning Board to accommodate this vacancy. ***Selectman Connell makes a motion to accept Spaulding's resignation as a full board member for the Zoning Board with the provision that he is appointed the new alternate position expiring June 2025. Selectmen Burroughs seconds the motion. The motion passed 5-0-0.*** Chairman Kessler repeats original motion made by Selectman Burroughs to accept Gene Thomas as a full member of the Zoning Board. ***With no further discussion, the motion passed 5-0-0.***

State of New Hampshire Transportation Alternatives Program Project Agreement (Sidewalk Project): Town Manager Rieseberg informs the Board about the project timeline and budget changes for the State of New Hampshire Transportation Alternatives Program (TAP) Sidewalk Project. The construction, originally planned for 2024-2025, is now projected to begin in 2028, resulting in a doubled project cost. The current cost stands at \$718,299, with the Town's share being \$179,575, making the total cost \$897,874. Selectman Kessler mentions the typical annual expenditure for sidewalks, which ranges from \$120,000 to \$130,000. Selectman Tellor raises a question about the affordability of the project and whether it can be revisited by a future board if costs exceed what the Town can reasonably afford. ***Selectman Connell makes a motion to reaffirm the Board's support for the State's TAP Sidewalks Renovation Program agreement and authorizes Town Manager Hunter Rieseberg to sign any related documents. Selectman Tellor seconds the motion, and it passes unanimously.***

State of New Hampshire Grant - Project Permission for Twin Ridge Mountain Snowmobile Club Inc.: Hunter Rieseberg, the Town Manager, explains that the snowmobile club is seeking approval to apply for a grant that would help fund repairs to a dilapidated bridge on one of their trails. The bridge is located on a Class VI Road owned by the Town, requiring approval from the Board. The Town is seeking the Board's support in securing the grant for the snowmobile club. Selectman Burroughs inquires about the bridge's usage, specifically whether it is restricted to snowmobiles and ATVs or open to vehicles as well. Rieseberg clarifies that the bridge is currently used only by snowmobiles and ATVs but is structurally capable of supporting vehicles. Chairman Kessler raises concerns about the Town's liability in this matter. Rieseberg assures the Board that as long as the repairs are pursued for recreational use and in support of the club's grant application, the Town will not be liable. Bert Spaulding suggests installing signage to prevent vehicle traffic on the bridge. Selectman Burroughs requests a plan detailing the construction's location to better understand its impact on roadway traffic. Rieseberg explains that this is a two-step process, with the first step being authorization for the club to apply for the grant. Once grant approval is received, they will begin the design work in collaboration with the State and the local club,

and the review process will be presented to the Board. The public expresses their support for the snowmobile club and acknowledges their contribution to maintaining neglected trail systems. ***Selectman Burroughs makes a motion to approve the grant aid project commission form for the Twin Ridge Mountaineers Snowmobile Club Inc., allowing them to construct the bridge. The approval will be subject to the Board's review at a later date, and the Town Manager, Hunter Rieseberg, is granted authority to sign the necessary permission form. Selectman Tellor seconds the motion, and it passes with a unanimous vote of 5-0-0.***

Newport's Farmers Market- Coffin Cellars Winery: A request is made to waive the ordinance prohibiting alcohol service on the Town Common during the Newport Farmers Market hours. Selectman Kessler confirms that there haven't been any previous issues regarding alcohol service on the Common. Board members raise questions about liability, and Rieseberg confirms that the winery would need to provide a certificate of insurance. ***Selectman Sayer makes a motion to waive the ordinance and allow alcohol service within the boundaries of retail sales and sample tastings during the Newport Farmers Market. This permission is granted to Coffin Cellars Winery from May 26, 2023, to September 29, 2023, between the hours of 3:00 pm and 6:00 pm. Selectman Burroughs seconds the motion. Selectman Connell opposes the motion. The motion passes with a vote of 4-1-0.***

Delegation of Authority - Town's Department of Business and Economic Affairs InvestNH Municipal Per Unity Grant Program: Rieseberg explains that the Delegation of Authority needs to be renewed every 30 days to continue receiving the grant. Selectman Kessler reviews and reads aloud the language written in the delegation of authority. ***Selectman Tellor makes a motion to accept the renewal of the Delegation of Authority, seconded by Selectman Connell. The motion passes unanimously with a vote of 5-0-0***

Authorization for the Town Manager to sell real estate acquired through tax sale: Town Manager, Rieseberg informs the Board that the Town has acquired three properties through tax sale and requests authorization to negotiate their sale through public auction or other means as necessary. Bert Spaulding suggests removing diction such as "auction." ***Selectman Burroughs makes a motion to grant authorization to the Town Manager, Hunter Rieseberg, to sell the real estate acquired through tax sale by auction or sealed bid. Keith Sayer seconded the motion. The motion passes unanimously with a vote of 5-0-0.***

Approval of the proposed 10-year lease between the Town and the Newport Opera House Association for the use of the Town's Opera House: Town Manager, Rieseberg, explains that the Town Meeting has approved a 10-year lease between the Town and the Newport Opera House. He presents the executed agreement and requests the Board's approval of the presented rental rates and usage terms, etc. Selectman Tellor proposes a correction on page 2, changing the annual fee of 2033 from \$585,00.00 to \$585,000.00. ***Selectman Burroughs makes a motion to accept the proposed lease with the corrected amendment made by Selectman Tellor. The motion is seconded by Keith Sayer. The motion passes with a vote of 4-0-1, with Chairman Kessler abstaining.***

Sugar River Golf Club LLC. Discretionary Easement Application: Chairman Kessler explains that the Board reviewed and approved this application in April but now needs to make necessary adjustments to the discretionary easement application before submission. ***Selectman Tellor makes a motion to approve page 203 of the discretionary easement application. The motion is seconded by Jim Burroughs. The motion passes unanimously with a vote of 5-0-0.***

OPEN FORUM: Biddy Irwin addresses the missing item on tonight's agenda concerning access to the Town Common and reminds the Board that the Farmers Market will begin on May 27th. She informs the Board that the Heritage Commission has approved the Library Art Center mural on the Petal Patch building and recommends that the Board approves it as well. Additionally, she suggests approving the

appointment of Kate Russell, who has been part of the Heritage Committee and has served on the Monuments and Memorials Committee. She also proposes making the Monuments and Memorials Committee a sector of the Heritage Committee. ***Jim Burroughs suggests adding an action item to appoint Kate Luppold to the Monuments and Memorials Committee. Selectman Burroughs makes a motion to appoint Kate Luppold to the Monuments and Memorials Committee. The motion is seconded by Selectman Sayer. With no further discussion, the motion passes unanimously with a vote of 5-0-0.***

Larry Schissel, representing the Conservation Commission, follows up on two concerns. One abutter is worried about trees from the Town Forest overhanging their shed and suggests assessing the Town's boundaries and mitigating the risk. Additionally, yard waste, such as leaves and other organic material is being improperly dumped around town, and the Conservation Commission requests that the Town find a proper location for residents to dispose of their yard waste. Chairman Kessler mentions that the Town picks up leaves four Mondays in October and November in the central part of town. Selectman Connell suggests looking into regulations regarding tree removal. The discussion revolves around determining ownership of the property, with Schissel stating that it belongs to the Town based on grant regulations. Rieseberg suggests that the owners of the shed bring the issue to the Town for assessment since it is Town-owned property.

Kate Luppold, representing the Library Arts Center, speaks about the Apple Pie Crafts Fair and driving on the Town Common. She encourages the Board to consider public interest when establishing Common regulations and suggests waiting a year before making a decision.

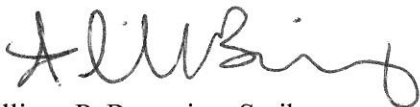
Bert Spaulding expresses his disagreement with Selectman Kessler's request to change the language used in the meeting. He refers to the request as "constitution trespass" and claims it limits language use during the meeting, which he believes violates his First Amendment rights. Selectman Sayer suggests that refraining from using negative language in a meeting is a reasonable request. Tim Beard emphasizes the importance of public comment and suggests keeping it at the beginning of the meeting without limiting its scope.

Doug Ring asks the Board about the normal procedures for bid openings in the Town. He believes that all bids should be opened in front of the public. Chairman Kessler informs Ring that bids are indeed opened in the Town office at a designated time stated in the bid documents.

Meeting entered Non-Public Session at 10:09 pm until 11:12 pm.

Meeting adjourned at 11:12 pm.

Respectfully submitted,



Allison P. Browning, Scribe

The next regular meeting of the Board of Selectmen is scheduled for **May 15, 2023 at 6:30 pm.**

Approved: June 5, 2023