

**TOWN OF NEWPORT, NEW HAMPSHIRE**  
**Board of Selectmen Minutes of October 3, 2022 - Regular Business Meeting**  
**Municipal Building, 15 Sunapee Street, Newport, NH 03773**  
**Remote Access: Zoom.com - Meeting ID: 897 5187 9233 Passcode: 480207**  
**+1 (253) 215-8782 US (audio only, long-distance fees may apply)**

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**SELECTMEN PRESENT:** *BOS Room:* Jeffrey Kessler, Chairman; Barry Connell, Vice Chairman; Herbert Tellow, Jr.; Keith Sayer, James Burroughs

**SELECTMEN ABSENT:** none

**STAFF PRESENT:** *BOS Room:* Hunter F. Rieseberg, Town Manager; Paul Brown, Finance Director; Liselle Dufort, Town Clerk

**COMMUNITY MEMBERS PRESENT:** *BOS Room:* Bert Spaulding, Sr.; Josh and Allyssa Stevens; Dick Wentzell, Virginia Irwin, Dwight LaFountain, Nick Catsum, Pamela Bellavance, Doug Rings, Margaret Drye

**NCTV:** Alex Zander, 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.

**AGENDA REVIEW:** accepted as presented.

**MINUTES FROM PREVIOUS MEETING(S):** September 19, 2022 - Selectman Tellow made a motion *to approve the minutes of the September 19, 2022 BOS meeting.* It was seconded by Selectman Connell. *In discussion the following items were amended:*

- *Page four, last paragraph, first line: "Pike Hill" should read "Coon Brook Road".*
- *Page seven, motion to accept the Chamber of Commerce's request should read year 2023 instead of 2022 for all events starting with 02/02/22.*
- *NPS information should read (additional information was given to the recording secretary):*

On a motion by Chairman Kessler, seconded by Selectman Tellow; *the Selectmen voted by roll call to enter into non-public session(NPS) pursuant to RSA 91-A: 3II(e)Litigation at 8:29 p.m. The motion passed 5-0-0.*

Present were Selectboard members Jeffrey Kessler, Keith Sayer, Herbert Tellow, Jr.; James Burroughs and Barry Connell. Town Manager Hunter Rieseberg was also in attendance.

*The Board exited non-public session RSA 91-A: 3II(e)Litigation.* Chairman Kessler made a motion *to enter nonpublic session pursuant to RSA 91-A:3 II(a)Personnel.* It was seconded by Selectman Tellow. *The motion passed 3-2-0 (Burroughs and Connell no).*

No votes or decisions were made.

The Board *exited non-public session RSA 91-A:3 II (a) Personnel at 10:06 pm.*

There was no action taken.

*The Board voted unanimously to adjourn at 10:06 p.m. The motion passed 5-0-0.*

Chairman Kessler called for a vote to approve the amended minutes. *The motion passed 5-0-0.*

NPS September 19, 2022 - Selectman Tellow made a motion *to approve the minutes of the NPS of September 19, 2022.* It was seconded by Chairman Kessler. In discussion, an additional NPS, motion and vote was added to the minutes. The amended NPS minutes read:

On a motion by Chairman Kessler, seconded by Selectman Tellow; *the Selectmen voted by roll call to enter into non-public session(NPS) pursuant to RSA 91-A: 3II(e)Litigation at 8:29 p.m. The motion passed 5-0-0.*

Present were Selectboard members Jeffrey Kessler, Keith Sayer, Herbert Tellow, Jr.; James Burroughs and Barry Connell. Town Manager Hunter Rieseberg was also in attendance.

*The Board exited non-public session RSA 91-A: 3 II (e)Litigation.* Chairman Kessler made a motion to enter nonpublic session pursuant to RSA 91-A:3 II (a)Personnel. It was seconded by Selectman Tellow. *The motion passed 3-2-0 (Burroughs and Connell no).*

The Board *exited non-public session RSA 91-A:3 II (a)Personnel at 10:06 pm.*

No votes or decisions were made.

*The Board voted unanimously to adjourn at 10:06 p.m. The motion passed 5-0-0.*

Chairman Kessler called for a vote to approve the amended NPS minutes. *The motion passed 5-0-0.*

**CONSENT AGENDA:** On a motion by Selectman Connell, seconded by Selectman Tellow; *the Board voted to approve the Consent Agenda of the October 3, 2022 BOS meeting as presented. The motion passed 5-0-0.*

**OPEN FORUM:** (for the entire open forum, go to: [www.netv-nh.org](http://www.netv-nh.org)) Ms. Margaret Drye, candidate for state representative, introduced herself to the Board and viewing public. She hoped to see everyone around town. The Board thanked her for attending the meeting.

Mr. Dick Wentzell addressed the BOS and stated he was bringing to their attention *RSA 37:4 Oath and Bond*; the abuse of power and violation of office (of the current Town Manager). He asked that they act on his concern.

Mr. and Mrs. Stevens addressed the Board about:

- 1) The Coon Brook Road Bridge posting. He asked the Board if they had follow-up information.

(From the September 19, 2022 minutes: *Town Manager Rieseberg stated it was the first time he has heard of this. He asked that the subject be postponed to the October 3, 2022 meeting when he will bring an update on the concern.*)

Town Manager Rieseberg stated he did not know the topic would be brought up at the October 3, 2022 meeting. He believed that some engineers (one from Daniels, one from Hoyle, Tanner & Associates) have inspected the bridge and recommended that for the life and safety of the bridge the weight load should be reduced (documentation is on his office desk). Mrs. Stevens asked if there was consultation done with the NHDOT (by the Town). She was told no, the NHDOT was busy. She gave documentation (previous inspection reports, date they would be coming next, the current rating of the bridge from the state inspectors and state recommendations) to the Board that she had received from the NHDOT-Bridge Section concerning the Coon Brook Road Bridge. She spoke to a NHDOT bridge engineer (after the September 19<sup>th</sup> meeting). The last inspection of the bridge was in July 2022. Their preliminary report of the inspection was included in the document packet. The state rated it 5/5 without any deficiencies. It should not be posted. The Stevens gave further information on the town bridges (22), state ratings, and the state process of changing the rating and asked if other Newport bridges were also posted 'to preserve them'. Town Manager Rieseberg addressed the Board members and explained the steps that the Town has taken in good faith (had engineers look at the bridge). He will forward their reports to K.A. Stevens if they wish. After additional information by Town Manager Rieseberg, he was asked when the engineers assessed the bridge; it has been posted for over a year. Selectman Connell discussed the problem with the Stevens. He wanted the whole story; he did not want an important Town business harmed. Mr. Doug Ring, Newport, asked when the Selectboard knew about the bridge (condition). He was told two weeks ago. Mr. Ring repeated the statement, that the Board was not aware of a downgraded bridge (for over a year).

Mr. Spaulding, Sr. made a Right to Know request for all engineering documents that the Town has gotten from any licensed engineer that pertain to the Coon Brook Bridge 144/30. Using a copy of the document

packet that the Board had received, he reviewed each page, concentrating on correspondence to Mrs. Stevens and the (144/30) state inspection reports with pictures dated July 21, 2020; Jan 26, 2021; July 7, 2022. The photos showed significant improvements over time. The state gave it (144/30) a 5/5/5 rating. The Town posted it for a 6 ton limit. Mr. Spaulding, Sr. gave several scenarios to the Board of hardships in posting the bridge for 6 tons. He said something was wrong. Mr. Spaulding, Sr. reminded the Board that in 2020 he informed them of a bridge in disrepair. It has not been inspected, posted or closed. Heavy machinery still passes over it. He repeated, something is wrong. He asked the Selectmen to do their job. The state inspects the bridges every two years. He reminded them of his Right to Know request (see above). Chairman Kessler said that the Board will continue to pursue the issue and see that the bridge is posted correctly. Town Manager Rieseberg agreed with Chairman Kessler. Selectman Burroughs stated that the BOS was responsible for the posting of signs. Every spring the signs go up "per the order of the Selectboard"; it is under the BOS purview. Mr. Spaulding, Sr. said that roads and bridges were under their purview. The BOS could also appoint someone. Selectman Burroughs stated that he saw it as a solution to the problem (of irregularities). Mr. Spaulding, Sr. asked about the sand bidding for the Town of Newport. The lowest bidder had not been awarded the contract. The contract was awarded to a company who did not get their bid in on time. He asked what was going on at the Highway Garage. Something was wrong. He asked for the use of exit interview questionnaires to go to the BOS. The BOS will get a feel of the employees and any problems. He has been asked to drive a plow truck this winter. He informed the Board that he will definitely not drive for Newport. Mr. Spaulding, Sr. reminded the Board of the culvert on Chandler Mills Road that the Town has refused to fix. He received an email stating the Town would put more dirt on top of it. They would stop using all his land as a staging and turnaround area. It was no longer needed. After a lengthy discourse on previous and current wrongs to townspeople as well as out-of-towners, Mr. Spaulding, Sr. said that if Town Manager Rieseberg didn't fix things, he would have to go. RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing....he said the Town has been threatened but not in writing. The Board could continue to talk about it and solve the problem(s).

Mr. Ring:

- addressed Selectman Burroughs and asked if he had made a motion to make the road right (change the posting). Selectman Burroughs stated it (posting) was still under discussion. He has not made a motion.
- stated that Coon Brook Road looked beautiful after the flood. He wanted the BOS to consider that Mr. Stevens cares a lot about the Town.
- Spoke in favor of exit interview questionnaires going to the BOS
- Was concerned about bid rigging in the Town of Newport

He asked for Town Manager Rieseberg's resignation. If he did not see improvements, he will call the NH Attorney General's office. Chairman Kessler encouraged Mr. Ring to call the attorney general's office on October 4, 2022 and express his concerns.

Mr. Spaulding, Sr.:

- ❖ Said that Town Manager Rieseberg has brought 20 million dollars in grants to Newport
- ❖ Said corrections need to happen in a timely manner (people are being hurt)
- ❖ The Board could find out information from an exit interview (questionnaire). It should be the BOS purview, a check and balance of town administration.
- ❖ The bid situation was illegal
- ❖ Told the Board to solve the problem(s)

Mr. Stevens spoke to the bidding on sand from the Highway Department. He passed out and explained documentation he had received from the Newport Public Works Department. Three companies had received bid packets. KA Stevens was on the Town list of potential contractors for two years; they were not invited to bid in 2022. He asked the Board if there was a reason for his company not to be included in the bid process. Chairman Kessler stated Town Manager Rieseberg has spoken to the parties involved. Some errors have been made by the Highway Department. Mr. Stevens gave his opinion of the process to correct the error. He stated the contract should go to Carroll Concrete. They were the only responsible bidders who were approached; they followed the rules as stated in the bidding packages.

Selectman Connell forcefully stated the bidder who got his bid in late shouldn't have gotten the contract. You can't just say, hey mistakes were made. Selectman Connell said to withdraw the bid and give it (contract) to Carroll Concrete. This is getting out of hand, it is not right. It needs to be taken up as an Action Item (to change the award). He was not going to say, mistakes were made, sorry. Enough is enough! Town Manager Rieseberg cautioned the Board on action. He will discuss the information in nonpublic session because it dealt with personnel. Selectman Connell was tired (of the problems). He wanted something done. They (Board) were constantly told that (problems) needed to be looked into. A mistake was made. Do something to correct it. Mr. Spaulding, Sr. agreed with Selectman Connell. Employees are leaving, contractors are being hurt, and the public is being hurt. A wrong was done. Begin the fix. He explained to the Stevens that it was now politics; a NPS could change things, but it won't be done. Selectman Burroughs stated that they could change the posting of the road at the meeting. He moved it as an Action Item. There was a debate among Board members and Town Manager Rieseberg about adding an action item to change the posting of the road. Town Manager Rieseberg gave a lengthy explanation of how he has addressed the various concerns brought forth at the meeting. Mrs. Stevens asked what the normal protocol was if there was a potential deficiency of a Town bridge. There was no definite answer. She said that asking Daniels to inspect the Coon Brook Road Bridge was a conflict of interest. The Town should go to NHDOT; they were bridge specialists. She asked for the date and time that the two engineering firms were contracted and inspected the Coon Brook Road bridge (when the bridge was posted or two weeks ago). She joined Mr. Spaulding, Sr. with his 91-A Right to Know request for all information pertinent to the Coon Brook Road Bridge. Mr. Spaulding, Sr. reiterated that in 2020 he had brought the dangers of a Chandler Mills Road Bridge to their attention. Its load limit still has not been reduced.

**COMMUNICATIONS:** Selectman Tellor had nothing to share at this time. Selectman Burroughs had nothing to share at this time. Selectman Connell wanted to compliment the people who put together the Newport Times. They do an outstanding job. Selectman Sayer had nothing to share at this time. Chairman Kessler 1. Thanked voters that came out for the primary voting as well as the people that worked the polls. He encouraged everyone to vote on November 8<sup>th</sup> at the General Election. Voting will be at the Newport High School (245 North Main Street); 2. On Saturday, October 1<sup>st</sup> at the Corbin Covered Bridge the Reprisal Chapter, National Society Daughters of the American Revolution (NSDAR) presented an award to Arnold Graton and to the NH Society for the Preservation of Covered Bridges; 3. This weekend is Homecoming Weekend. After the parade the train mural (community event) will be erected on the side of the Johnson Block. Town Manager Rieseberg had nothing to share at this time.

**INFORMATIONAL:** Community Center Update - Chairman Kessler stated the Town was still pursuing grants and donations for the Community Center. They will continue to keep the Town informed.

**ACTION ITEMS:** Economic Corporation of Newport, Inc. (ECON) Amended Range Lease Agreement - Chairman Kessler explained that the Town leases approximately 2 acres of land from ECON for their shooting range. Town Manager Rieseberg said before the BOS was a renewal of a lease the Town has had. The proposed lease agreement will be between ECON and the Town for the use of two (designated) acres for a firing range (on the ash landfill property). It supports training for Newport and surrounding police departments, Ruger and the Town's Recreation Department. The Town needed the BOS to accept the terms of agreement. After a general discussion on the lease agreement, Selectman Tellor made a motion *that the Selectboard accept the amended range lease agreement between the Economic Corporation of Newport, Inc. and the Town of Newport and further authorize Town Manager Hunter F. Rieseberg to sign the agreement and any other pertinent documents.* It was seconded by Selectman Burroughs. *The motion passed 5-0-0.*

General Election Polling Hours-November 8, 2022 - Chairman Kessler addressed the Board and stated that the Primary election hours were from 8 a.m. to 7 p.m. The Selectboard has the discretion to change those hours. He asked the interest of the Board. Town Clerk Liselle Dufort spoke to the Board about the upcoming midterm election voting to be held in Newport at the high school gym (245 North Main Street)

on Tuesday, November 8, 2022. She explained the RSA 659:4 (a) IV which allowed the Selectboard to extend the times the polls are open. Town Moderator Irwin addressed the BOS and explained the BOS has the authority to change the hours of Town voting without restriction (14 days prior posting is required). Any change that is made for state and federal elections needed to be scheduled by the Selectboard 60 days in advance of voting. They have passed that deadline for the upcoming election. Polling hours will be from 8 a.m. to 7 p.m. Town Moderator Virginia Irwin reminded them and the viewing public that absentee ballots were available for voters. She also informed the Selectboard that due to conflicts, the high school will be open in May during the Town meeting (voting). The Town could discuss this with the school administration or move voting to a Saturday. There was a brief discussion between Chairman Kessler and Town Moderator Irwin on future time changes.

Golf Course Discretionary Easement: Finance Director Brown informed the Board that the request had been withdrawn.

Application for Funding from State Water Trust-North Newport Well - After a brief discussion on the application, location and use of funding for the proposed North Newport Well; a motion was made by Selectman Tellor *to approve the application submission for funding to assist with the North Newport Well from New Hampshire Drinking Water & Groundwater Trust Fund (DWGTF) and further authorize Town Manager Hunter F. Rieseberg to sign any and all documents.* It was seconded by Selectman Sayer. *The motion passed 5-0-0.*

Review and Approval of Grants (see attachment) - Selectman Tellor made a motion *to accept the list of (#52-#90) grant opportunities as presented.* It was seconded by Selectman Burroughs. *The motion passed 5-0-0.*

There was no further scheduled business in the public meeting. On a motion by Selectman Burroughs, seconded by Selectman Connell; *the Board voted unanimously to adjourn at 8:48 p.m.*

Respectfully submitted,



Maura Stetson, Scribe

**The next regular meeting of the Board of Selectmen is scheduled for October 14, 2022 at 6:30 p.m.**

Approved on: November 7, 2022