

TOWN OF NEWPORT, NEW HAMPSHIRE

Board of Selectmen Minutes of November 7, 2022

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

SELECTMEN ABSENT: Jeffrey Kessler, Chairman

STAFF PRESENT: *BOS Room:* Hunter F. Rieseberg, Town Manager

COMMUNITY MEMBERS PRESENT: *BOS Room:* Bert Spaulding, Sr.; Josh and Allyssa Stevens, KA Stevens & Sons, LLC; *via zoom:* Virginia Irwin, Town Moderator; Rick Cretarola

NCTV: John Lunn, NCTV

CALL TO ORDER: Vice Chairman Connell 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: accepted as presented

MINUTES FROM PREVIOUS MEETING(S): October 3, 2022 - On a motion by Selectman Burroughs, seconded by Selectman Tellow; *the Board voted to approve the minutes of the October 3, 2022 BOS with the following correction: page 5, last line, October 14, 2022 should be November 7, 2022. The amended minutes passed 4-0-0.*

October 17, 2022 - On a motion by Selectman Tellow, seconded by Selectman Burroughs; *the Board voted to approve the minutes of the October 17, 2022 BOS meeting as presented. The motion passed 4-0-0.*

NPS October 17, 2022 - On a motion by Selectman Tellow, seconded by Vice Chairman Connell; *the Board voted to approve the NPS minutes of the October 17, 2022 BOS meeting as presented. The motion passed 3-0-1 (Burroughs abstained).*

CONSENT AGENDA: On a motion by Selectman Tellow, seconded by Selectman Burroughs; *the Board voted to approve the Consent Agenda of the November 7, 2022 BOS meeting as presented. The motion passed 4-0-0.*

OPEN FORUM: none

COMMUNICATIONS: Selectman Tellow congratulated the Newport Football team and wished them well in their endeavors. Selectman Burroughs encouraged everyone to go out and vote on November 8, 2022 at Newport High School 245 North Main Street from 8 am to 7 pm. Selectman Sayer had nothing to share at this time. Vice Chairman Connell expressed the public's concern about things that have taken place at the BOS meetings and their concerns about the Board members (behavior). Other Board members had also received calls and letters with the same concerns. Vice Chairman Connell then commented on Mrs. Ella Casey's beautiful celebration of life (at the South Congregational Church) and

the wonderful job eulogizing her and her accomplishments. Representatives from the State of NH attended to honor her. Town Manager Rieseberg had nothing to share at this time.

INFORMATIONAL: Community Center Update - Vice Chairman Connell stated Town Manager Rieseberg met with the building architect, Director of Recreation Peter J. Lovely, some BOS members, the Rec Advisory Committee, Friends of Rec and the Building Committee. The Town was continuing to raise money and obtain pledges. \$8.4 million is currently committed to the Community Center. The construction estimate is still \$8.5 million. Newport is waiting for an answer on the \$1 million of Governor's Office for Emergency Relief and Recovery (GOFERR) federal funds through the state. When asked, he stated they estimated that \$500,000-\$600,000 is still needed to reach the amount needed to cover construction costs.

- ❖ \$200,000+ was needed immediately to develop construction documents. Donors came forward to pay for their development.
- ❖ The next documents needed to be developed are the bid documents.
- ❖ They had removed \$100,000 in construction costs. When asked what had been removed, Vice Chairman Connell stated benches (will be fund raiser: memorial benches), interior painting (ceilings: would only have a primer coat), and changed the composition of one exterior wall of the building (it will have the same R-value). The group also agreed to remove one exterior sunshade for cost savings.
- ❖ The timeline for the construction and bidding has been moved back. Everything hinged on the federal budget passing and money being awarded to Senator Shaheen (4.78 million dollars)

Brownsfield Cleanup Grant Application - Town Manager Rieseberg gave a brief explanation on the application to acquire a Brownsfields Cleanup Grant. He told the Board the Town has tried to obtain one for three years. They will submit a reapplication of the Brownsfield grant again this year. The money is slated for the cleanup of the Ambargis Mill property at 8 Greenwood Road, Newport, NH. Newport townspeople have already approved matching grant funding for the project by a vote at Town meeting in 2019. On a motion by Selectman Tellor, seconded by Selectman Burroughs; ***the Board authorized the Town of Newport's reapplication for a Brownsfield Cleanup Grant as it relates to the Ambargis Mills and to authorize Town Manager Rieseberg to sign any and all related documents. The motion passed 4-0-0.***

Sand Hill Road Bridge-Bert Spaulding, Sr. - Mr. Spaulding, Sr. stated he did not believe the Board had done wrong; but it was their responsibility to correct things that (got past them and) are wrong. Mr. Bert Spaulding, Sr. addressed the Board and gave them new documentation concerning the Sand Hill Road Bridge that he had acquired from the NH Department of Transportation (DOT).

1. March 14, 2022: Letter from NH DOT detailing to Todd Cartier the reasons KA Stevens & Sons, Inc. were awarded the contract for the Sand Hill Bridge.
2. March 24, 2022: Letter from Todd Cartier to C.R. Willeke (NH DOT) asking that the bid from KA Stevens & Son, Inc. be rejected. (Cartier sent letter to NH DOT with fictitious complaints/lies).
3. April 21, 2022: Letter from NHDOT to Todd Cartier (PWD) agreeing to award the contract to Neil H. Daniels, Inc. because of information in letter of March 24th from Todd Cartier. (Mr. Spaulding, Sr. said the loss of the contract was a loss of local jobs and more costs incurred by the Town and state for the construction).
4. March 14, 2022: Timeline with construction closure and reopening of Sand Hill Bridge. Daniels stated the bridge would be reopened by September 1, 2022; as of November 7, 2022 the bridge is not done. (Vice Chairman Connell and Selectman Tellor commented on the document, stating Daniels had asked for and received a 3 month extension).

Mr. Spaulding, Sr. informed the BOS he had originally asked the Town for the documents in a Right to Know request (5 day timeframe). He had not received them after 15 days (and was told they would need

to go to the town attorney before the Town released them). The NH DOT had complied with his request (October 24, 2022) within 47 minutes of receiving it.

5. August 30, 2021: Email to Josh Stevens from Craig Sartwell (Newport PW) informing him of six ton load limit on Coon Brook Road 2nd bridge. (Mr. Spaulding, Sr. commented on the posting of the bridge and the inconveniences and hardships it caused to the Stevens, their employees and customers).

Vice Chairman Connell asked Mr. Stevens if he had been told (by the Town) he had a right to a hearing concerning the load limit change. Mr. Stevens had not been informed of the right. Vice Chairman Connell stated he should have been told (of the hearing). Moving forward the Town of Newport would be doing business differently. The Newport Department of Public Works will not alter the weight limits on a bridge (in Newport) without following the process as stipulated in RSA 231:191 (he read aloud the RSA to the public and the Stevens). Vice Chairman Connell said this was the way that the initial change of the Coon Brook Bridge should have been done. He wanted to make sure that Mr. Stevens knew that if a change affects a business, they have a right to a hearing before the BOS (pursuant to RSA 231:191). Vice Chairman Connell said that it was a new policy and they would make sure it was taking place. Also, the Public Works Department (PWD) has been asked to default to the (NH) state bridge ratings. If there was a concern, the PWD was to inform you (individuals affected) of your right of a hearing. The Coon Brook Bridge has been returned to an E2 Rating. That's what we have been dealing with (since September 19, 2022), the bridge and not the road. It is important that the Stevens and the public understand that the policy is in place and will be followed. Mr. Spaulding, Sr. asked if the BOS needed to approve the new policy. Selectman Burroughs stated he did not believe that they needed to approve following the law. Mr. Spaulding, Sr. stated the Board had called it a policy (for the Town). He was told training has been given on following the law. Mr. Spaulding, Sr. stated there were two entities: the Town of Newport and the Stevens. He said something is wrong. He will continue to drive that point home; between two people or three people something is wrong. Mr. Spaulding, Sr. listed:

1. Sand Bids (contractor whose bid was not on time was awarded the contract). He asked them to check the recording of the Highway Garage camera for that day.
2. Maple Street Sewer: Stevens was told he needed an Open Road Permit (the Town does not have an ordinance to enforce a permit). Mr. Spaulding, Sr. made a Right to Know Request for every other person that was asked to do an Open Road Permit within the last year and a half. He expects it (information) within his 5 day legal timeframe. Mr. Spaulding, Sr. will make a decision as to whether he takes the information to court if in violation of his first Amendment Right (for the previous and current request). He told the Board that the whole culture has to change as to right and wrong.
3. Signs on Maple Street: were installed and had to be removed. He asked if the BOS was aware of it.
4. Lastly, there are two Town officers that are directly or indirectly responsible (irresponsible?). He reminded the BOS of a NH Municipal Association document on Contracting 101 he had presented to them; the Town could make it mandatory (fairness) in a policy. Mr. Spaulding, Sr. stated that if something else was wrong with the bridge; if one thing was wrong there were most likely other things being done wrong.

Mr. Spaulding, Sr. listed fairness, doing things right and being honest as all pieces of the puzzle he has presented to them at the meeting; the Board of Selectmen has to make a decision. It is wrong and needs to end. Selectman Burroughs thanked Mr. Spaulding, Sr. for bringing the problems to light. A lot of the things have been addressed; a lot of things went on behind closed doors (NPS). The BOS can't fix things if they do not know they're broken. It is a failure to train or a failure to supervise (personnel). There are corrective measures (education/training) are now in place to take care of things. Hopefully it will not be repeated. Mr. Spaulding, Sr. said that employees are hired and trained. Personnel (doctors, teachers, and police) go through training. Newport has Highway Department personnel (administrators) who have not gone through training. Why? Why wouldn't they get to know the laws that affect what they do? It is wrong. None of the problems should have happened (signs on Maple Street, the contracts). Mr.

Spaulding, Sr. stated it comes back to one place; in this BOS room (he pointed to Rieseberg) because obviously something is wrong, drastically wrong. Vice Chairman Connell (said he had to be careful, it was possible litigation); said Mr. Spaulding, Sr. mentioned a change in culture. He believed Town Manager Rieseberg has begun to start changing the culture in Newport. Vice Chairman Connell had a lengthy discussion with him. We can't unring the bell, but we can make sure it doesn't happen again.

1. Contracts should go to the lowest bidder
2. They (BOS) have made changes to bond permits
3. The BOS wants to be fair

Vice Chairman Connell stated he had received phone calls calling into question the credibility of the BOS members. He didn't like it, but they have a right to question his credibility. The BOS is stepping up; the town manager is stepping up to make sure things are done in a proper manner.

- 1) Sand Bids-errors were made in the way it was done; we admit it. He voiced his concern why the Stevens did not get a chance to bid on it. It shouldn't have happened.
- 2) The road (bridge) posting. He personally apologized that it took so long to have it come to light (to the BOS). The Stevens should have been told (right away) that they had a right to have a hearing in front of the BOS. It wouldn't have taken long to get the process going.

He apologized; they (Mr. and Mrs. Stevens) and their business have suffered. Selectman Burroughs asked if there was litigation now, or threat of litigation. He was told not at this time. Vice Chairman Connell thanked Mr. Spaulding, Sr. for all his work (research). A lot has been said about the Town and Town Manager Rieseberg on how we do business. Vice Chairman Connell said the Board is now aware; the town manager needs to let the BOS know (of happenings). There is a beginning of a culture change. Mr. Spaulding, Sr. addressed Vice Chairman Connell and stated if he had been the Chair on the 17th, he didn't believe the problems would have gone on so long. Between squelching what was being done and acknowledging it, are two different things. Continuing, he explained the Right to Know request and litigation; and the ability to discuss problems that are potentially a litigation subject. He asked that the Board learn Right to Know request details and 91-A details. Mr. Spaulding, Sr. stated the BOS and town manager need to know what their responsibilities are. Town Manager Rieseberg addressed Vice Chairman Connell and stated he had asked the Town attorney to contact the petitioner (Mr. Spaulding, Sr.) and inform him the Town would not make deadline and to arrange for an alternative date. The attorney assured Town Manager Rieseberg he would contact Mr. Spaulding, Sr. and later stated that he had contacted him. He had nothing in writing at the time of the BOS meeting. Vice Chairman Connell hoped to get back to communication.

Street Opening Bond Request for River Street, Newport, NH-Josh & Alyssa Stevens (K.A. Stevens & Sons, Inc.) - Mr. Stevens addressed Vice Chairman Connell and stated he had asked the Board four meetings ago for some information on the street opening bond.

(From the minutes of September 19, 2022: Mr. Stevens stated he was working on a project at Maple Manor. He said that the Town (via Todd Cartier) has enforced a "Street Opening Bond" on his company. He was not refusing payment; he was requesting an explanation of the procedure of how the Town calculates the charge to various contractors. Mr. Stevens asked Chairman Kessler if there was a matrix for the costs. When asked, Town Manager Rieseberg stated to his knowledge there was no matrix. He gave his opinion as to why the Stevens were being charged a bond. In discussion it was stated Mr. Cartier said it was new. He was quoted a \$5,000 Bond for work on River Street, and \$25,000 bond for work on Maple Street.)

Since the September 19th meeting he has had multiple correspondences with the DPW director. There was a citing of a bond requirement which did not pertain to a Street Opening Bond; Mr. Steven's last correspondence with the director was asking if it was an ordinance (as had been discussed at the September 19, 2022 BOS meeting). He was told it was something the BOS will be doing, however it was not one now. Mr. Stevens's assumption was that until it is an ordinance he would continue to do business as he has for the last twenty (20) years. He was at the Board meeting to make things fair. If it is required of KA Stevens, it should be required of everyone (any contractor who works in the community). Vice Chairman Connell asked if there was an amount set for KA Stevens. He was told there were two different

amounts; Mr. Stevens was not given a reason as to why the bond amounts were picked. One was \$5,000 for River Street and one was \$25,000 for Maple Street. In other communities that KA Stevens works in it is clearly stated on the note (permit) the dollar amount. In other Towns with the Bond ordinance, the PW Director is given authority to change the amount depending on the work necessary for the job (their BOS signs off on the amount). Currently in the Newport Ordinances it does not state whether an excavation permit is required, etc. He said the bond was a good thing; but it needs to be implemented. Vice Chairman Connell stated that it could be fixed by just talking to Town Manager Rieseberg. Mr. Stevens agreed to meet with Town Manager Rieseberg. Their decision will be sent to the BOS. Selectman Burroughs said that that was fine for a short term fix; going forward the Town and contractors needed consistency. They should be able to look on the (Newport) website and see what permits were required and their costs. Town Manager Rieseberg said that the Public Works Department has been tasked with establishing a set of permits and costs. When Vice Chairman Connell asked when they would be done, Town Manager Rieseberg did not know, he stated several months (he told the BOS the lengthy procedure the director and Town will be taking). Vice Chairman Connell asked Mr. Stevens to make an appointment with Town Manager Rieseberg (not Todd Cartier). Mrs. Stevens said the town manager (Rieseberg) has been cc'd on all correspondence with Mr. Cartier (Public Works Director), John Jeacopello (Water & Sewer Superintendent) & Craig Sartwell (Highway Superintendent) to Josh Stevens. He (Rieseberg) is aware of what has been going on. Vice Chairman Connell asked that Mr. Stevens meet with Town Manager Rieseberg and resolve it. Mrs. Stevens asked what they were resolving. She was told the price of the bond. Mrs. Stevens told Vice Chairman Connell they are now (again) being given conflicting directions and information; to speak to a different person and that now there is a bond.

Coon Brook Road- Josh & Alyssa Stevens (K.A. Stevens & Sons, Inc.) - Mr. Stevens told the Board of an email sent to Public Works (cc'd Rieseberg) concerning repair work done on Coon Brook Road. They had received repeated emails from the PWD about when it was going to be done; the Stevens wanted to make everyone aware that their work was completed on Coon Brook Road (at Stevens cost). Mr. Stevens said he still would entertain doing a long term fix on the road; he explained the drainage issues that needed to be corrected. They were prepared to do that; it would potentially stop extensive annual maintenance on the road. Vice Chairman Connell addressed Town Manager Rieseberg and asked if it should be completed by the Town. Town Manager Rieseberg did not give a conclusive answer. Vice Chairman Connell addressed Mr. Stevens and stated that the railings on Coon Brook Road Bridge needed to be replaced. Mr. Stevens agreed. He asked Mr. Stevens to talk to Town Manager Rieseberg about having them replaced by the Town. It is all about communication. Vice Chairman Connell stated the DPW employees work hard; at this point he wanted Mr. Stevens to work directly with Town Manager Rieseberg. Town Manager Rieseberg agreed to Vice Chairman Connell's request. Mrs. Stevens asked if there would be an assessment of Coon Brook Road that they needed to be aware of. (From the minutes of October 17, 2022: *Chairman Kessler stated the bridge is now E2. The road and bridge were both fine. Town Manager Rieseberg said it was not necessarily true. The Public Works Department will do a methodical systematic approach to evaluate all town roads...*). Vice Chairman Connell told her no; if it does come up, they will have a right to a hearing.

Town Elections-Town Moderator Irwin - Town Moderator Virginia Irwin informed the public that voting was November 8, 2022 at the Newport Middle High School. Election officials are expecting a good turnout. She assumed that the BOS has appointed pro tems (to ensure a quorum) if they are unable to attend. She asked the Board to let the election officials know who will be the pro tems for the selectmen. Town Moderator Irwin stated she only knew that Mr. Larry Cote had been appointed. She asked the Selectboard present who would be there.

- 1) Vice Chairman Connell stated he would be there all day.
- 2) Selectman Burroughs stated he will be there in the morning and again in the afternoon (no times given)
- 3) Selectman Tellor stated he would be there all day.

Town Manager Rieseberg said that the schedule the BOS made was given to the Town Clerk 10 days ago. Town Moderator Irwin stated she wanted to make sure the (Selectmen & pro tems) sign ups were still the same. She reminded them that the counting of the ballots has changed; therefore it will take longer to process. She asked for patience from the voters wanting the results. Vice Chairman Connell stated for clarification that voting times were 8 am to 7 pm. Town Moderator Irwin agreed, stating that anyone in the building at 7 pm. will be allowed to vote. She asked if there were questions. Vice Chairman Connell asked if anyone has requested to be an observer. Town Moderator Irwin clarified: anyone can be an observer. A challenger is a person appointed by a political party and comes to the polls with a letter. She assumed there would be one or two challengers. She explained the provisions made for both. Vice Chairman Connell thanked Town Moderator Irwin. He stated the election officials always did a fantastic job. Town Moderator Irwin gave the credit to Town Clerk Liselle Dufort.

ACTION ITEMS: Revised Personnel Safety Policy - After a brief discussion, Selectman Burroughs *made a motion to accept the Revised Personnel Safety Policy.* It was seconded by Selectman Tellor. *The motion passed 4-0-0.*

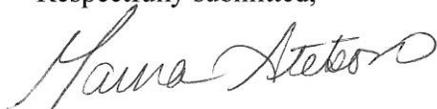
Accept and expend NH State Library Grant - \$8,260.00 - Town Manager Rieseberg stated the grant would go toward (Town) document restoration. The grant is written and submitted by the Town Clerk's office. After a brief discussion, Selectman Burroughs made a motion *to accept and expend the NH State Library Grant in the amount of \$8,260.00 and to authorize Town Manager Rieseberg to sign all documents pertaining to the grant.* It was seconded by Selectman Sayer. *The motion passed 4-0-0.*

Town of Goshen Ambulance Services Contract - After a brief discussion, Selectman Tellor made a motion *to accept the Goshen Ambulance Services Contract for years 2023-2025.* It was seconded by Selectman Sayer. *The motion passed 4-0-0.*

Revised Newport Opera House Rental Contract - After a brief explanation on who the proposed contract affected, and questions and comments from the Selectboard and public, Vice Chairman Connell tabled the agenda item to the November 21, 2022 BOS meeting pending additional information from Town Manager Rieseberg.

There being no further business in the public meeting, Selectman Burroughs *made a motion to adjourn at 8:10 pm.* It was seconded by Selectman Sayer. *The motion passed 4-0-0.*

Respectfully submitted,



Maura Stetson, Scribe

The next regular meeting of the Board of Selectmen is scheduled for November 21, 2022 at 6:30 p.m.

Approved on: November 21, 2022