

**Town of Newington  
Board of Selectmen  
May 7, 2001 Meeting Minutes**

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Present: Board of Selectmen (BOS), Chairman Christopher Cross (C), Selectmen Cosmas Iocovozzi (I), & John (Jack) O'Reilly (R); also, Executive Assistant (EA) Robert M. Belmore.

Chairman Cross called the meeting to order at 6:35 p.m.  
Pledge of Allegiance was recited.

Minutes: Motion by R, second by I to accept the meeting minutes of 4/16, 4/23, and 4/28, 2001 as Drafted. Motion passed, 3-0 vote.

**Mott Cove Public Hearing**

Chairman Cross opened the public hearing regarding the town's acceptance of Mott Cove Road as a town owned and maintained road.

Gary Kiedaisch, 6 Mott Cove Road, expressed a drainage concern with the road and said the Board may want to check the crown of the road. He mentioned that pooling on the road had eventually frozen during the winter. He wasn't sure if this was attributable to the snow not being pushed back far enough during plowing operations or what. Mr. Kiedaisch said he *did* support the Town's acceptance of the road.

Chairman Cross explained his on site visit with Mr. Kiedaisch and his conversation with the developer, Ms. Susan Lembcke. During the discussions Ms. Lembcke arrived. The Board expressed their concern and asked her to clean the center island of the road as well as the shoulders.

Motion by Cross, 2<sup>nd</sup> by O'Reilly to continue the hearing for 2 weeks until the next regular Selectmen's meeting; approved with a 3-0 vote. Hearing was continued until Monday, May 21, 2001 at 6:30 p.m.

After the meeting the Board conducted a brief site visit with Ms. Lembcke to point out the areas they wanted addressed.

**Animal Control Officer (ACO)**

Town ACO Jan Stuart met with the Board for an annual discussion of issues. ACO Stuart explained a recent situation with a stray Rotweiller and a potential \$53 charge for emergency boarding – however the owner was located in time before she needed to authorize the charge. Motion by I, 2<sup>nd</sup> by R, 3-0 vote to authorize the town ACO to pay up to \$100 per animal for emergency care.

Stuart explained the problems she was having with her radio. It failed too often. She suggested she turn in her pager and radio, and purchase a Nextel cell phone in their place. Chairman Cross mentioned that he supported a change considering the hours of response she takes on to handle calls. It was decided that Selectman O'Reilly would check with the police chief about getting a Nextel.

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ACO Stuart said she was having a problem getting a match to her vehicle's hub caps (i.e., her town car was missing one). She had found 4 at PEP Boys for \$40.

Motion by I, 2<sup>nd</sup> by R, 3-0 vote to authorize the purchase of the 4 hub caps by the ACO.

A Beaver dam concern was discussed. It was decided that Selectman Iocovozzi would contact NH Fish & Game and then take appropriate action to correct the situation.

The Board authorized the purchasing of a new leash by ACO Stuart. The Board also authorized room being made in the Office Vault for an animal control department file.

**Signature Folder**

1. Verizon Pole License: the Board voted 3-0 to authorize the Chairman to contact Attorney Upton to clarify the license language.
2. BOS signed Intent to Cut Timber forms for Hawkeye Funding LLC.
3. The Selectmen approved a town hall facility use agreement for Seabreeze and waived the fee, 3-0 vote.
4. The Board signed several reappointment forms for alternate Board of Adjustment members: Russell Cooke, Edna Mosher, and Frederick Lane.
5. It was decided that Chairman Cross would look into Mr. Beals' request for a property tax abatement.

**Bids**

1. Motion by R, second by I, 3-0 vote to award work to the second floor of the police station's emergency management area to Guy Young based on his 3/16/2001 proposal (last 4 items only in phase I) at a cost of \$10,072 – to complete phase 1 proposed work).
2. Motion by R, second by I, 3-0 vote to award work to the town hall trim to Paul's Siding Specialist, Inc. at a cost of \$3,510.00 based on their 4/28/2001 proposal – provided the trim had appropriate "venting" areas.
3. Motion by R, second by I, 3-0 vote to authorize the mowing of the town cemetery at a cost of \$500 per mow to Northeast Mowers through the month of May (& through Memorial Day). A proposal by Burns Yard Work at \$900 per mow was also considered.

**New Business & Correspondence**

1. The Board decided to re-open the Home Depot charge account and authorize the Chairman to sign the appropriate forms to do so.
2. The Board discussed the decision handed down by the NH Supreme Court overturning the Superior Court decision that the State Property Tax was unconstitutional. Chairman Cross reported on his discussions with town counsel.

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Motion by R, 2<sup>nd</sup> by I, 3-0 vote to authorize the expenditure of \$5,000 to the Coalition legal fund and further commit the Town of Newington in supporting the appeal of the NH Supreme Court's recent decision (that overturned the unconstitutionality decision of the State Property Tax - by the Superior Court).

Motion by I, 2<sup>nd</sup> by R, to authorize the expenditure of up to \$5,000 in legal funds to investigate the necessary options involved for the Town of Newington to invoke action under Article 10 of the New Hampshire Constitution's Bill of Rights. Discussion regarding the language of Article 10 and the right to rebellion against an unbearable tax. The Board decided the intent of the motion would include authorizing Chairman Cross to pursue the engagement of appropriate counsel to represent the Town in this endeavor.

Motion passed, 3-0 vote.

3. The Board reviewed a letter regarding conditions to be followed for painting of the town's parsonage building.
4. Chairman Cross mentioned the upcoming PDA meeting and a Board meeting to discuss related issues with town counsel, Attorney Malcolm McNeil.
5. Chairman Cross mentioned the recent disbursement of funds for rental of hydrants paid to the City of Portsmouth and the need to address future payments.
6. The Board reviewed several other correspondence items.

Meeting was adjourned at 7:55 p.m.

Respectfully submitted,

*Robert M. Belmore*