

**Town of Newington
Board of Selectmen
August 20, 2001 Meeting Minutes**

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. (Meeting was tape recorded.)

Chairman Cross called the meeting to order at 6:30 p.m.
The Pledge of Allegiance was recited.

- Terri Spinney, School Board Rep.

The Board & T. Spinney discussed the playground equipment situated at the elementary school. Selectman O'Reilly gave Spinney a copy of the March 17, 1990 town meeting minutes. O'Reilly said that the equipment was purchased by the Town not the school district, therefore the Selectmen should be involved in any decision regarding the disposition of the equipment. Spinney said the school district had been maintaining the equipment and the school board had intended to notify the Selectmen. She said the School Board was acting in the best interest of the children regarding their recent vote to pull the equipment due to safety concerns raised after an inspection.

Chairman Cross said there was an urgency to act since school was about to start and it would take time to line up a contractor to complete any improvements to the playground equipment. Cross said whether it's the school or town, it all comes from the same taxpayers. Discussion.

Motion by R, second by I, 3-0 vote to turn over the maintenance of the playground equipment to the school. T. Spinney said the school would take steps to make the equipment safe. (Later in the meeting James Leger asked the Board who would have the liability should the equipment fail, the school or the town.)

1. Motion by R, second by I, 3-0 vote to accept the meeting minutes of July 31 and August 6, 2001. Approval of the August 9, 2001 meeting minutes was continued.
2. Signature Folder
 - a. Motion by R, second by I, 3-0 vote to approve a property tax abatement.
 - b. The Board reviewed and approved town (hall) facility use application/s.
 - c. Motion by I, second by R, 3-0 vote to approve the sale of cemetery lot/s to Nancy Perkins at a total cost of \$1,800.00 (forwarded by cemetery superintendent William Beals).
 - d. Belmore presented & explained the MS-1 Extension Request to DRA and MS-4 Revised Revenue Report. The Board voted 3-0 to request an extension for filing until November 1, 2001 due to the town wide property revaluation. The Board of Selectmen voted 3-0 to have the Chairman sign the MS-4 form and approved the \$490,079 fund balance use as revenue to reduce the tax rate and approved the \$300,000 overlay request. The BOS commended Belmore for the work on these items.
 - e. The Board reviewed and signed the manifest.

**Town of Newington
Board of Selectmen
August 20, 2001 Meeting Minutes**

3. New Business & Correspondence
 - a. The Board discussed the designated neighborhood area descriptions identified by the property revaluation company. Discussion. Motion by R, second by I, 3-0 vote to accept the neighborhood as provided by the Sansoucy firm and to forward them to the town planner for his review.
 - b. The Board reviewed an August 17, 2001 Computer Network Upgrade Memo from Tom Morgan. Motion by R, second by I to accept Morgan's recommendation to purchase the Microsoft Office software XP upgrades. Discussion. It was pointed out that the computer budget line might end up being overspent by year's end. Motion passed, 3-0 vote, to authorize Morgan to complete the upgrade purchase and installation.
 - c. Motion by R, second by I, 3-0 vote to re-appoint the town planner, Tom Morgan, as the town representative to the Seacoast MPO Technical Advisory Committee.
 - d. Chairman Cross gave the Board an update regarding the two summer recreation program tuition enrollment issues. The Board will notify T. Spinney on receipt of the requested paperwork and final action taken.
 - e. Cross briefed the BOS on his attendance at the September 15, 2001 Budget Committee meeting, issues raised by the BudCom included: CRF – capital reserve funds needing to be forwarded to the trustees of the trust funds and areas of under & over line spending. Cross also mentioned receipt of the treasurer memo concerning check signing. Board Members talked about pursuing a monthly payment schedule from the school district.
 - f. Chairman Cross and the Board acknowledged receipt of resignation letters from the Electrical Inspector Larry Wahl and Plumbing/Mechanical Inspector Robert Hart, Jr.; both dated August 15, 2001 and effective August 17, 2001. Chairman Cross commented on letters that he had sent to each of them. Selectman Iocovozzi suggested holding off on any discussion until later.
 - g. Chairman Cross gave brief updates to the Board on a variety of issues including the Murray tax deed issue, and receipt of the McIntyre Road Deed from the Air Force, & Pike Industries notice that they would be completing the Little Bay Road project Tues., Sept. 11 through Thurs., September 14.
 - h. The Board reviewed several other letters and notices received, and tabled (3-0 vote) discussion of the letter from Attorney McNeil regarding hiring a noise consultant (for a future session).
 - i. The BOS discussed an August 17, 2001 request for public records from Attorney Jed Callen of Baldwin, Callen, Hogan, & Kidd. The Board approved sending a letter back indicating that the City of Portsmouth supplies Newington residents with municipal water and that they had no recollection of any Newington Town vote involving fluoridation to the public water supply.

**Town of Newington
Board of Selectmen
August 20, 2001 Meeting Minutes**

- j. The Selectmen reviewed a proposal from R.G. Young and Son for construction of a railing on each side of the old ferry landing at the Fox Point town dock location as recommended by the town docks coordinator. Discussion: maintenance? Ledge? Notice to DES? Motion by R, second by I, to award the project to Young at the proposed cost of \$2,480.00. Mrs. Cynthia Cross asked the Board if there was any requirement to post bid requests sought by the Town. Discussion. Selectmen pointed out that this project needed to be expedited because of the recent mishap there. Selectmen pointed out that they attempt to get more than one quote on larger projects.

• **Personnel Matter**

Chairman Cross made some general comments regarding the issue to be discussed by the Board, that is, town building inspector (BI) Douglas George. Cross said the Board of Selectmen had directed the BI to enforce town codes at their April 2, 2001 meeting. Discussion by the Board. The BOS then allowed comment from the public in attendance.

The Chair recognized Russell Cooke of 41 Hannah Lane and Vice Chairman of the town's BOA. Mr. Cooke gave out copies of his 2-page written statement addressed to the Selectmen & entitled "Subject: Town Building Codes and Buildings Inspector Responsibilities" and he read it for the record (copy attached to minutes). Mr. Cooke's statement included his comments that he (BI) is competent, his demeanor is professional and his input is constructive and helpful (to the BOA). Cooke also suggested a warrant article to make BOCA and NFPA codes applicable to one and two family dwellings.

Mrs. Barbara Hill stated that town building inspectors have never been qualified and (people) have gotten away with murder. Selectman O'Reilly said that historically the planning board forwards zoning ordinance changes to town meeting. Dennis Hebert, Vice Chairman of the Planning Board (PB), said he was involved with discussions with the planning board regarding the hiring of the new building inspector. It was stated that the rules would now be enforced. Hebert said BI George had been attending planning board meetings and had showed support and was working well with the PB on zoning and code issues. Discussion – the enforcement of the State Energy Code was brought up. Chairman Cross said the Board had received positive comments and negative allegations about the BI and the Board was going to discuss his work to date in nonpublic session.

Mrs. Cynthia Cross was recognized by the Board. She read for the record a two page written report entitled "Statement for Doug George" (copy attached to minutes). Mrs. Cross' statement characterized BI George as having "integrity, honesty, fair-mindedness, commitment, incorruptibility", and other traits. Peggy Adams was recognized by the Board. Mrs. Adams said she and her husband, Jack, had known BI George for years and he had built their home in 1983. Mrs. Adams said she had found him to be organized, fair, honest, caring, and they loved and respected him. Adams said they were appalled that they might lose him, she didn't know who was complaining but would like to.

**Town of Newington
Board of Selectmen
August 20, 2001 Meeting Minutes**

James Leger said he supported the change to conduct inspections, but he could see nothing that had been done wrong to let an employee go. Leger said perhaps better direction needed to be given by the Board of Selectmen and by the Planning Board. Discussion. Chairman Cross said that the Board would now be going into nonpublic session as allowed by law, Cross then asked Douglas George if he would like the Board to conduct the discussion in public (in lieu of nonpublic)?

BI Douglas George said, thanks for the opportunity, my reputation will not be tarnished by the ranting and ravings of certain public officials, it is important for the citizens to know (what is going on). George said (Selectman) Cos had put his finger in my face and said I had better resign or he would fire me in public in front of a reporter, that he never liked me, I was not the right person and he never voted for me and he told me who he had wanted. George went on to say that the electrical and plumbing inspectors came to the (past) meeting in a concerted effort to ambush me; Selectman – you, Iocovozzi, called me a liar. George said, I request you make this a public meeting and I waive the right to a private meeting.

Chairman Cross said the meeting was therefore required to be public. Selectman Iocovozzi suggested Larry and Bobby, the other inspectors be present to present their concerns. Discussion took place including some shouting back and forth between those present. Selectman Iocovozzi said there had been some dissemination of information concerns among the inspectors. Mrs. Barbara Hill asked the Board if there was an illegal petition going around about the building inspector. The Board members concurred that they had not heard of one nor seen one.

(Mrs. Hill asked to bring up a couple of unrelated items. She asked the Board for permission to conduct the town-wide yard sale on September 15th. The Board was OK with it. She also asked the Board to be sure to follow proper protocol regarding the town's memorandum of understanding & any future transfer of the town forest back to the town from the PDA.)

Chairman Cross said the BI had three (3) complaints and one (1) commendation in his file, let's address these. Selectman Iocovozzi said the other two inspectors said the building inspector had lost his credibility. D. Hebert said he hadn't heard any of the specifics. Iocovozzi said it was what the inspectors said. George said he would like them (resignation letters) to be read into the record. BI George said he was directed to enforce codes by the Board of Selectmen. Iocovozzi said he wanted the other two inspectors present for the discussion. George said he was ambushed and (maybe) fired for lack of communications with the Board of Selectmen.

Selectman Iocovozzi said he had been hearing this (about problems) for six (6) months. He (I) said, I lost two inspectors because of you, Doug. George said, that's not fair. Chairman Cross read the two letters of resignation: from electrical inspector Larry Wahl and from plumbing/mechanical inspector Bobby Hart. Cross gave his response to some of their comments stated in their letters. D. Hebert asked if the Board had told the BI to

**Town of Newington
Board of Selectmen
August 20, 2001 Meeting Minutes**

enforce codes. Selectmen Cross & Iocovozzi, both stated, yes. Selectman O'Reilly said it was not a question of code enforcement but of over-enforcing. He said he would go back to people to get specifics. O'Reilly said Bobby Hart was a little more specific than Larry; he brought out professionalism, not intelligence or ability as issues. Mrs. Cross asked what the electrical and plumbing inspectors knew about construction. Selectman Iocovozzi said they had concerns that the BI was over-stepping himself into the plumbing and electrical inspections. BI George said, not so, and the letters state that the Board of Selectmen are the cause (of their resignations) not the building inspector.

J. Leger said the BI got direction from the PB and BOS. D. Hebert said you need documentation before taking any action/s. BI George said he didn't care to talk to individuals, but was happy to refute the issues in any letters. Mrs. Cross asked Selectman Iocovozzi why he said (to Selectman Cross) be his friend, ask him to resign and why he didn't want to work it out instead. Iocovozzi said, rather lose one, not two (inspectors).

Motion by Selectman O'Reilly to reconvene to discuss this matter on Monday, September 10, 2001 at 6:30 p.m. Amended to include – and, to have Douglas George continue as the building inspector until that meeting. Motion, as amended, second Selectman Iocovozzi, Roll call vote by Chairman Cross: Iocovozzi – yes, O'Reilly – yes, Cross – yes. Motion passed unanimously, 3-0 vote.

Meeting was adjourned at 9:00 p.m.

Respectfully submitted,

Robert M. Belmore