

**Board of Selectmen's Meeting Minutes**  
**Monday, August 17, 2009**  
**Town Hall – Newington NH**

***Chr. O'Reilly called the meeting to order at 6:36pm.***

Present: Chairman Jack O'Reilly, Selectmen Jan Stuart and Cosmas Iocovozzi (*arrived at 6:42*), Administrative Assistant Beatrice Marconi, Doreen & Rick Stern, Dave Sweeney, Gail and Jack Pare, Jack Hoyt, Justin Richardson, Joe Walsh, Nick Field, Al and Sue Smith, and Tim Field.

Pledge of Allegiance was recited.

**1713 Celebration**

Selectman Stuart spoke of a Town wide recognition of Newington's 300<sup>th</sup> celebration as it is coming up on us in 2013 and now is a good time to pull together a steering committee. She felt there should be some preplanning, perhaps subcommittees formed, all depending on the size of the affair. Chr. O'Reilly asked if she could be talking about establishing a capital reserve or funding it. Selectman Stuart said it depended on its size, ie: parade, marching bands, etc etc.

**Volunteer Appreciation Dinner**

Chr. O'Reilly stated that because of the number of wonderful volunteers that have dedicated their time to the Town of Newington, it would be nice to have an appreciation dinner for them. Selectman Stuart agreed. At budget time for 2010, this will be addressed.

**Salt Contract 2009/2010**

Morton Salt offered the town a price of \$53.98 p/ton for salt good til April 2010. Last year salt was \$59.23. ***Selectman Stuart moved to approve Morton Salt's price p/ton at \$53.98. Seconded by Chr. O'Reilly. Motion passed 2-0.***

**Veteran's Memorial**

Gail Pare of HDC and Historical Society asked the Selectmen about adding names to the Veteran's monument and asks if the Board would like not only wars listed but conflicts as well. Al Smith, in the audience, suggested the Town use the Federal guidelines for Veterans.

**Minute Approval** (*Selectman Iocovozzi Arrived*)

***Selectman Iocovozzi moved to accept the minutes of August 3 (Jan was absent). Chr. O'Reilly seconded. Motion carried 2-0. Selectman Iocovozzi moved to accept the minutes of July 20, Selectman Stuart seconded. Motion carried 3-0.***

**Decal Policy 86-02**

Chr. O'Reilly started the discussion with the statement, the ordinance as written needs tweaking. Selectman Iocovozzi stated that our Police Department could not enforce this policy as written as it had no bite. Police Commissioner Jack Hoyt verified. Sue Smith of S. Newington stated that the decal requirement as written was the portion that upset her as she is disabled and felt it was denying her right as she didn't own a car. Tim Field of S. Newington asked if a resident has ever been denied access because of too many non-residents. Selectman Stuart answered that there had been problems accessing the boat ramp. Mr. Field added that the ticketing/towing was a bit extreme. Selectman Stuart brought up an E-mail from resident

Chris Bellmare which Chr. O'Reilly read portions of, which addressed that the Selectmen should consider exceptions but still maintain the strength to enforce. Selectman Stuart emphasized that the reason the decal requirement was needed was that it made the Police Officers ability to spot a non-resident plate so much easier. Mrs. Smith stated that the Town cannot proceed with this ordinance as written as it is clearly discriminative to a disabled individual in fact, she goes on to say, that the boat ramp nor the beach area have handicapped parking spaces. Jack Pare said that his nephew had a letter signed (for dashboard) by the Board which worked in the past. Selectman Iocovozzi felt a sticker (decal) or card – was best - something visible and in sight. The decals are registered to particular cars and/or tied to a resident. Clean and simple he said. Tim Field said that a guest pass was good, however on occasions when a guest pops over, it is unreasonable to think that residents just can't go and that they then have to wait for a Selectmen's meeting. Selectman Stuart spoke up and said that there are exceptions the Board is working on. We have sample guest passes that could be left at the Fire Dept which is open 24/7. The kinks are still being worked out. Selectman Stuart went on to say that the public showed concern with Fox Point being heavily utilized by a large amount of out of town cars. The Board had to respond. She stated that the Board spoke to the Chief and asked if the decal process would help with enforcement. The Chief said it would. Cos spoke up and stated he liked the idea for guest passes for bona fide out of town vehicles like a written note for the windshield with resident name and plate stating with bona fide guest (and phone number). Dave Sweeney cautioned that the pavilion, when built, will be a draw for trouble. Jack Hoyt asked if Fox Point was still closing at 9:00pm with Selectman Stuart answering yes, however, the Selectmen recognize that there will be exceptions like fishing or late night boating. (added Chr. O'Reilly). He'd (Ms. Hoyt) would like to personally see the hour restrictions eliminated. Plus, he adds, it is a town road and all are welcomed to travel on a public way resident or not. He suggested the town consider a ticketed gate to the boat ramp as there are those who need access to their boat after hours like in cases of storms for bailing, etc. Al Smith spoke of the restrictions of residents and bona fide guests and stated that the sticker process is a problem. Again, Selectman Stuart stated that the decal system would help with enforcement and alleviate tying up dispatch. The Police Department, when enforcing, should use discretion said Mr. Smith. Selectman Stuart, with Chr. O'Reilly agreeing, stated that a public hearing is a better platform to address everyone's concerns and agreed that the ordinance needed tweaking. Sue Smith echoed once again and referred to the National Disability Act that the ordinance must be changed and must be changed today unless certain things are implemented to address certain circumstances ie: residents without vehicles who wish to frequent the Point whos transportation is only via a non resident's car. She goes on to state that she has always had great respect for the Police Officers but the decals should be for people, not vehicles and that the PD should be advised to use discretion. Cos says that the note system is the simplest. Tim Field echoed his thoughts. Chr. O'Reilly again mentioned the exception clause in the ordinance (and listed several instances where exceptions were granted) and that it wasn't written to prohibit or discourage residents in any manor. (He then showed sample passes for non-resident vehicles). Chr O'Reilly suggested the Selectmen issue a non-resident pass this evening to Ms. Smith. Selectman Iocovozzi said the note in wind shield is the way. Selectman Stuart felt the note system showed lack of control. Justin Richardson said this problem is not unique to Newington. The laws have to be directed and written with clarity. It is workable, as seen in other communities - however too many exceptions makes enforcement clouded. After further discussion, **Selectman Iocovozzi then moved for the resident to temporary write a note for the windshield for Bona Fide guests' vehicles to include their name (resident and vehicle owner), address, phone number, date and sticker or plate number. Selectman Stuart seconded for discussion but** stated that the policy should be more efficient. Dave

Sweeney suggested a template in the next newsletter. Chr. O'Reilly called for the vote, *motion passed 3-0 on a roll call vote.*

### **Fox Point Pavilion Update**

Selectman Stuart reports that as of the last meeting of the building steering committee, no figures were available.

### **Fox Point Lease Update**

Selectman Stuart gave an overview about having a family available to move in and that the vote to demolish in the future still stood but it wasn't a vote to 'not rent' for the time being. Dave Sweeney presented a petition placed at the transfer station and stated there was a need for housing. Selectman Iocovozzi spoke of the costs and would like to re coop at lease some and is in favor of temporarily leasing the house until 'a date certain' stipulated in the lease.

Jack Pare spoke of the old mansion and how this rental unit was part of the game room and if vacant, our highway staff would have to mow it which meant costs. He also stated that there would be less calls to the Police Dept if it were occupied. Mr. Pare went on to talk about work force housing and did not discount the use of rental agents. Gail Pare noted that there may even be grant money available for maintenance. Selectman Stuart stated that she was one to vote to keep the rent low as the occupants are a set of eyes and cautioned the use of grant money as it may have an effect on non-resident restrictions. She went on to say that very little town money has been dedicated to the upkeep of the rental unit. Chr. O'Reilly noted that the new rent includes a reduction and eliminates mowing. Selectman Stuart stated that the Fox Point steering committee was not willing to use the excuse to tear down the house to build the pavilion. Selectman Iocovozzi repeated that the town does not make good land lords. Chr. O'Reilly said that if the house was torn down, it is a win win situation with the town being able to use the existing utilities. For years, he continued, Selectman Iocovozzi has been encouraging the house to be torn down. A public hearing will ultimately be in the forecast, however the decision will still be that of the Board. He went on to state that whether people are there or not will not prevent vandalism. Nor can the Town live in fear that if people are not down there something will happen. If something is going to happen, it will if people are there or not. Doreen Stern said that the isolation factor would be a draw for trouble. G. Pare spoke of the comparison of rent income vs. costs to maintain. Regarding a date certain lease, it must be less than a year. It must have an expiration date but then could be extended on a month to month basis. Chr. O'Reilly and Selectman Iocovozzi were concerned about the building becoming vacant when necessary and didn't want a hold up. Selectman Stuart wanted it on record that it would be over a year before anything is done. Chr. O'Reilly stated that the March meeting could effect the rental and it 'could' come down in April. May 1<sup>st</sup> was placed on the table to discuss if this was reasonable. ***Selectman Stuart moved to lease the property at Fox Point for an expiration date of May 1. Selectman Iocovozzi seconded.*** Chr. O'Reilly then had comments. He spoke of the reduction of \$500 in rent. He asked of a security deposit request – Selectman Stuart felt requesting a security dep for a unit that may be torn down didn't make sense. Chr. O'Reilly asked if the Board was aware of the Town's attorney cautioning the town that if the renters just could not find another unit to move to, the town then ultimately could be forced to keep the lease active for a time the judge deems reasonable. Jan did not feel that this tenant would give the town delays. Chr. O'Reilly ended by stating that the town attorney from the LGC advised the Board to have the lease reviewed to make sure all the t's were crossed. Selectman Stuart then questioned why these issues were just now surfacing rather than a few months ago. Selectman Stuart stated that the Board directed her to handling the rental issues a few months ago. Why the change? In the end, the Selectmen will see what happens at the public hearing. Ultimately, regarding the capacity

of the septic system, an engineer can determine if it is adequate. When the vote was called for, *Selectman Iocovozzi voted yes, Selectman Stuart voted yes and Chr. O'Reilly voted no. Motion passed 2-1.*

### **School Generator**

Chr. O'Reilly stated that this would be a 50/50 match with the school being deemed as a second emergency shelter. A letter of support came in from the SAU.

### **Town Facilities Use Requests**

Piscataqua River Brass- Town Hall Audi – Aug 23 – 6:30 til 9 pm (fee waived)

Surprise Birthday Party – Old Town Hall – noon til 10:00pm

DOT State of NH–Town Hall Audi – Intermodal Transportation – Oct 22 - 7-9pm (waived)

Bly – Old Town Hall – Wedding – Kitchen & 2<sup>nd</sup> Floor

*Selectman Iocovozzi moved to approve the above requests – seconded by Selectman Stuart Motion passed 3-0*

Dave Sweeney asked if Board would consider having a different stop sign configuration at the entrance to Fox Point past the Mott Pond. Selectman Iocovozzi said that it would be senseless as no one knows what a stop sign means at that site.

Next Meeting will be Aug 31 with only one BOS meeting at this time planned for the month of Sept.

Justin Richardson invited the Selectmen to come to the Conservation Comm meeting this Thursday as they would be discussing the court case filing.

Selectman Iocovozzi moved to adjourn at 8:48pm. Seconded by Selectman Stuart. Motion passed 3-0.

Respectively submitted,

Beatrice Marconi  
Administrative Assistant  
Newington