

Town of Newington, NH
Board of Selectmen Meeting Minutes
Monday December 4th, 2023

Present: Chair Bob Blonigen, Selectman Brandon Arsenault, Selectman Chris Wayss, Police Chief Mike Bilodeau, Library Trustee Chair Jack O'Reilly, Library Trustee Paul Pellitier, Library Trustee Meaghan Wayss, Library Director Lara Berry, Dock Master Peter Welch, Historical Society Treasurer Lulu Pickering, Resident Wil Gilbert, Town Administrator Martha Roy, Finance Director Sheryl Bagley and Eleanor Boy, Recorder.

B. Blonigen called the meeting to order at 5:36pm. Followed by the Pledge of Allegiance.

Minutes Approval: B. Arsenault moved to approve the minutes of November 14th, 2023. C. Wayss seconded the motion. All were in favor. C. Wayss moved to approve the minutes of November 28, 2023. B. Blonigen seconded the motion. B. Arsenault abstained. All others were in favor.

Manifest Approval: B. Arsenault moved to approve the manifest for \$54,581.92 dated 11/30/2023. C. Wayss seconded the motion. All were in favor.

Facility Use Requests:

B. Arsenault moved to approve the following facility use request;
Recreation Committee-Town Hall-Cooking Class-February 10, 2024.

C. Wayss seconded the motion. All were in favor.

B. Arsenault moved to approve the following facility use request;
Recreation Committee-Old Town Hall-CPR Class-February 17, 2024.

C. Wayss seconded the motion. All were in favor.

B. Arsenault moved to approve the following facility use request;
Wayne Semprini-Old Town Hall-Holiday Party-December 17th.

C. Wayss seconded the motion. All were in favor.

Library Trustees-MOU Discussion:

The Selectmen reviewed a draft Memorandum of Understanding prepared by the Library Trustees.

J. O'Reilly said that the Library will take over the their payroll beginning with the first paycheck in January 2024. The Town will continue to pay the library's portion of the building insurance, audit costs and worker's comp insurance. The town will pay these bills, then S. Bagley will let them know the amount of the library's portion and then that amount will be deducted from the next quarter's request. J. O'Reilly said that the

library's budget is only 3% of the entire town budget. The Library will begin using their new EIN number in 2024.

B. Arsenault said that he previously had concerns over the town paying the bill and paying the money upfront, but it sounds like the process has been worked out. S. Bagley said that this process is her preference.

B. Arsenault asked for an update on other concerns the Selectmen had. L. Berry said that she has been in touch with the providers of the insurance and found out that the Library would be able to have the same rates as the town. J. O'Reilly said that they will get the same rate on propane as the town.

The Selectmen also prepared their own MOU and it was reviewed. M. Roy pointed out that the last line in the Selectmen's MOU and the last line in the Library's MOU had different language. The Selectmen's version came from the town's attorney and the Selectmen prefer this language. J. O'Reilly said that he would change it.

C. Wayss asked if the Library Trustees had gotten a legal opinion regarding getting a separate EIN and what was the opinion. J. O'Reilly said that the Library Trustees were taking a very conservative approach to this issue. L. Berry said that she had contacted several libraries that have a separate EIN and they have had no problems. C. Wayss asked to see the legal opinion the Library got so that it could be shared with the Selectmen and the Town residents. L. Berry said that she would like to get the Trustees approval to share this legal opinion, but said that the Trustees had received a legal opinion and made the decision to go forward with this process. C. Wayss asked that the Trustees share this legal opinion with the Selectmen, so it could be read into the record at a meeting.

C. Wayss asked that the MOU contain details about which responsibilities are the Library's and which responsibilities are the Town's. Everything needs to be spelled out in black and white under different headings. There shouldn't be bullet points in the MOU.

M. Roy said that she would email J. O'Reilly the Selectmen's version of the MOU.

The MOU will be added to the December 18th Selectmen's agenda.

C. Wayss said that he wouldn't sign the MOU without seeing the legal opinion about the separate EIN.

B. Arsenault said that he felt nervous signing the MOU without making sure that everything is in order and the Board has done their homework to make sure that this change is in the best interest of the Town. B. Arsenault has concerns about this being

the best use of taxpayers' money, the duplicate costs and the potential problems with a separate EIN.

C. Wayss would like dates added to the MOU. The last payroll done by the Town would be the December 28th paycheck and the first payroll to be done by the Library would be January 11th.

C. Wayss moved to authorize M. Roy to send the corrected MOU to the Library Trustees on Tuesday, December 5th. B. Arsenault seconded the motion. All were in favor.

Peter Welch-Dock Master:

Skiffs-P. Welch said that the dock is running out of space for all the skiffs. P. Welch worked with the Police Department and was only able to ID 6 out of the 20 skiffs on the dock. P. Welch would like Newington to start requiring skiff stickers in 2024. B. Arsenault liked this idea and said that requiring stickers for the kayaks at Fox Point worked out well. The stickers could be Coast Guard stickers with a control number on it, the same as the kayaks, and be handed out at Town Hall. Discussion ensued about having the Town Clerk distribute stickers like the resident stickers. P. Welch said that there is currently no charge for a skiff on the dock. M. Roy said it might be worth charging something for skiffs considering the cost to repair the dock.

Discussion ensued about the four kayaks that are still in the Town's storage. B. Blonigen thought the Town should sell the kayaks that no one has claimed. B. Blonigen asked that all kayaks be removed by December 15th. B. Blonigen asked that this information be put on the website.

Parking at Fox Point-P. Welch said that very few of the people parking at Fox Point are displaying either their town stickers or parking passes. M. Bilodeau said that there has been a concern about people sharing their Newington stickers. A parking ticket at Fox Point would be \$125 according to the town ordinance. The Town needs to be proactive with making residents aware that parking tickets will begin to be given out to people at Fox Point without a resident sticker or parking pass. The new policy for kayaks has worked out very well. Awareness is the key. It will be a huge headache when the Town starts enforcing the parking at Fox Point. The ordinance hasn't been enforced in years. B. Blonigen asked that this new action be put in the newsletter.

Gangway & Signage-P. Welch also said that the nonskid surface of the gangway should be redone as several people have noted the slippery surface. P. Welch said that nonskid paint could be purchased for \$200. A temporary "caution" sign should be put there and the "Newington Residents Only" sign needs to be replaced.

The Extension/Dingy Floats-P. Welch said that the connecting floats on the dock are coming to the end of their service life. They will probably come apart in a storm or a large wake as the fasteners fail or pull out of the dried pressure treated wood. Chip Taccetta and six volunteers have offered to construct new floats in Chip's garage, but they need funding for the materials. Also, the pilings on the north side of the float midway are loose which may be an indication that one or both of the pilings have failed and would require replacement. It would make sense to install two new piles at the end of the dock next to the gangway. This would allow for additional skiff storage and allow the gangway to be lifted using a cross piece on the pilings which would also add stiffness to the pilings. The total cost for all of this work is between \$42,000-\$45,000.

C. Wayss said that the Selectmen had just voted on the 2024 budget. They used some money from the undesignated fund to offset the tax rate, but it still increased. C. Wayss understands the necessity for this project but can't vote for a \$42,000 project that only impacts 30-50 town residents. The Selectmen pushed hard to cut the budget and had to make some difficult decisions; it would be hard to approve spending that kind of money for the benefit of so few residents. P. Welch said that he understood, but just wanted to make the Selectmen aware of what he knew about the dock's condition. B. Arsenault thought they could take another look at this project after Town Meeting. C. Wayss said that he appreciated all the work that P. Welch has done on this project.

McIntyre Road No Parking Ordinance:

M. Bilodeau said that there is an issue with people parking on both sides of McIntyre Road near the Pease runway and would like the Selectmen to consider a no parking ordinance for McIntyre Road. Signs could be posted to support the ordinance. B. Arsenault said that he has no issue with putting up signs in that area. C. Wayss asked if a public hearing was required for this. M. Roy said that the Selectmen could issue a temporary ordinance to be followed by a Town meeting vote in March. C. Wayss said that he agrees with the Chief's recommendation. B. Arsenault said he did too.

A vote would be taken at the December 18th Selectmen's meeting about this temporary ordinance. M. Bilodeau said that he would work on the verbiage for the ordinance.

Portsmouth Waterline Replacement MOU:

The Board reviewed the most recent version of the MOU between Newington and Portsmouth Water. Discussion ensued about the temporary easement that has expired and the MOU that Portsmouth Water is proposing now.

B. Arsenault said that this MOU has a lot of items the Town had asked for in it, but it isn't clear that this project is just for a valve replacement, but they are still asking for the same work area. B. Blonigen pointed out that this MOU says that if this project doesn't get completed this year this document is in effect for eternity. B. Arsenault said that this MOU says that the parties agree that the terms of this agreement shall apply to any

future project. Also, it says that in an event that the project is delayed to a future year the Town shall execute and deliver to the City a fully executed and authorized easement in substantially similar form to the easement attached as Exhibit A. B. Arsenault said that he wasn't in favor of this MOU as it is written. If Portsmouth needs some extra space for the valve replacement he could understand that, but Newington can't give a laydown area easement on Fox Point in perpetuity. As the conditions change and times change, it will be worth it to look at it on its own. B. Blonigen didn't like the language that said that the parties agree that the terms of this agreement shall apply to any future project. The Board wants to look at each future project on its own merits. C. Wayss pointed out that in Section 1A, section 5 says that the City shall provide the Town with a restoration plan for the laydown area and the City shall, by and through the contractor, cause the restoration plan to be affected following substantial completion of the project. C. Wayss said that this sounds like Portsmouth is going to tell Newington what they are going to do, which is not what was discussed previously. Newington said that we would hire a landscape architect to plan the area and the City of Portsmouth would pay for it. B. Blonigen pointed out the Section 6 says that Portsmouth shall replace any trees which are cut outside of the easement area. Which means that they aren't going to replace any of our trees that they are going to cut in the easement area. They are going to remove the ones in the right of way that will not be replaced, but C. Wayss wants them to replace the trees they remove from the easement and plant new trees outside of the easement area. So, if they cut ten trees in the easement, they need to plant ten trees outside of the easement.

B. Arsenault asked M. Roy to reply to the City of Portsmouth and ask that they create an agreement that includes the work that is contracted and that the Board would like to consider the work outside of the right of way in a separate agreement. We would like to look at them individually depending on the project.

B. Blonigen said that there is a lot of good in this agreement, but a couple of things need to be worked out. Put this item on the December 18th agenda.

The Board needs a sperate MOU for the proposed valve work to be done outside of the permanent easement area, with a temporary easement just around the valve area.

B. Arsenault asked M. Roy to get clarification on what the valve project looks like and what they need for easements for that project.

B. Blonigen agreed that Newington could sign an MOU for the valve work but will consider future projects separately.

Portsmouth said that they could replace the waterline on Little Bay Road. M. Roy reached out to them and said that Newington would like to pave Little Bay Road next year and would they consider replacing the waterline and they said yes, they would in

2024 which means waiting to pave until 2025. Little Bay Road has ten patches on it from various water leaks.

Access To Old Town Hall Historical Society Area Request:

B. Blonigen read the letter that Lulu Pickering sent to the Selectmen;

November 28, 2023

Board of Selectmen

Please have Jeremy unlock the doors at the Old Town Hall every Wednesday from 9am to 3pm so I can access the Schoolhouse Museum. I am unable to add materials to our boxes, access photos, catalog or inventory without access to or materials.

Lulu Pickering
Treasurer & Board Member
Newington Historical Society

B. Blonigen said that he would like to hear from both the Historical Society and the Historic District Commission before making any decisions regarding access to the Old Town Hall. There are questions about ownership of the materials in the Old Town Hall that need to be answered before access to the Old Town Hall is granted. C. Wayss agrees that everyone needs to know what belongs to which groups.

B. Blonigen would like John Chamberlain and the Historic District Commission to be aware of the access to the Old Town Hall. They are currently doing great work preserving historical items in the Town Hall.

That space was given to the Historical Society by a Town Hall vote. B. Blonigen asked M. Roy to find out who the President of the Historical Society is and get a list of their board members. We need to get both groups in a meeting to discuss going forward with this issue.

L. Pickering said that everything in the Old Parsonage and the Old Town Hall belongs to the Historical Society and asked why the Selectmen are locking them away from their items. The Town owns the buildings but nothing inside the Parsonage or the first floor of the Old Town Hall.

M. Roy said that the concern is that the HDC would like to document the items in that area in the Old Town Hall. They are hearing from some members of the Newington Historical Society that documenting the items in the Schoolhouse Museum is fine and then they are hearing from L. Pickering that it isn't ok.

L. Pickering said to not confuse the Historical Society trying to do their work with other boards in town. The Historical Society is trying to do that. L. Pickering asked what the Selectmen's concerns are.

B. Blonigen said that the Board had sent out a letter to the HDC and the Historical Society meet the Selectmen jointly so that they can find out who owns what and who's responsible for what and who's doing what.

L. Pickering asked the Board to trust them when they say that the items in these buildings belongs to a nonprofit organization not the Town and is not under the jurisdiction of the Selectmen to decide what happens to it. L. Pickering didn't understand how we got to this point because it is incomprehensible to everyone.

B. Blonigen said that when the Board had the locks changed at the Old Town Hall, they received several phone calls telling us that we had done a good job.

L. Pickering said that she got phone calls from people who were very angry. B. Blonigen asked L. Pickering to tell them to call the Selectmen.

C. Wayss said that when the locks were changed the Building Inspector told us that there was an untold number of keys out in the public to the Town buildings.

B. Arsenault said that there were too many keys out there that couldn't be accounted for so the Board asked the Building Inspector to change the locks on the Old Town Hall so there would be some control over who has access to the building. The items in the Old Town Hall were valuable to the Historical Society, the Historic District Commission and the Town and they should be protected. You could come to the Town Hall at any point and ask for a key to the Old Town Hall.

L. Pickering said that there are two warrant articles that gave the Historical Society exclusive use of the Old Parsonage and the Schoolhouse Museum. As a result, over the last 70 years, the Historical Society has created two museums full of artifacts and photos that were donated to the Historical Society a nonprofit organization. This material doesn't belong to the Town. There are only three keys out there, one for the Historical Society President, Treasurer and the Tavern Keeper.

B. Blonigen said that the Board decided to change the locks because of the information they had been given.

L. Pickering said that she has spent the last seven years developing those files to be preserved for generations to come. There is no issue with letting the Historic Society continue to do their work.

C. Wayss read the Old Parsonage warrant article from 1948:

To see if the Town will vote to turnover the care, management, upkeep and preservation of the Old Parsonage, so called to the Newington Historical Society for a museum and authorize and direct the Selectmen to lease the land and buildings known as the Old Parsonage to the Newington Historical Society for a term of 50 years at an annual rental of \$1. The lease to contain a provision that all monies or gifts from donations or paid admission will be held by the society and used for the management, preservation and perpetuation of the property.

That lease expired in 1998. There was not an additional warrant to extend this arrangement. L. Pickering would like to see the attorney's opinion on this.

The only solution to this problem is a written MOU, that says the two spaces are to be used to preserve artifacts.

The Selectmen want to get the two groups together so we can sort out the issues.

C. Wayss read the 1989 Warrant Article about the Old Town Hall (first floor room) passed by the Town:

To see if the Town will vote to reserve the downstairs of the Old Town Hall for exclusive use of the Historical Society. Excluded from the downstairs area will be the front hall and stairs, the kitchen and back addition which houses bathrooms and a storage area.

L. Pickering thought her request was a compromise because she wasn't asking for a key, just asking for access to the Schoolhouse Museum.

M. Roy pointed out that the HDC did fund a person last year to work with Lulu to restore or scan documents. Taxpayers have contributed to the Historical Society goals. Hopefully we can all work together on this. That is why the Board wanted to have a meeting with everyone.

B. Blonigen said that he would share the attorney's opinion with the HDC and the Historic Society when they come to meet with the Board.

YMCA Recreation Summer Camp Contract:

The Board reviewed the proposed agreement between the Town and the YMCA. M. Roy said that the agreement was reviewed by the Town attorney and the Recreation Committee is in favor of this contract. B. Arsenault said that the Recreation Committee has done a great job with this new agreement that has a positive effect on the town budget. C. Wayss agreed and said that the Recreation Committee showed great

flexibility to make these changes of offering a weekly option and having the YMCA be the administrator of the camp sign ups etc.

NHDOT Consultant Survey of Bloody Point Depot Property:

M. Roy said that she received an email from RKG Associates asking for the Board's opinion on what should be done with the Depot property. M. Roy would like to send this email to the HDC and the Conservation Commission. J. Krebs has been in contact with this group.

Retention Procedure for Department Head Personnel Records-Legal Recommendation:

The Board has received an email from the Town Attorney regarding how personnel records of department heads should be stored.

B. Blonigen doesn't want to make anyone do anything they are uncomfortable with doing. Legally the Board has been told that they can hire an HR Director to store the files or we can purchase a file box system. If departments want to take advantage of the file box system they want to. The boxes would be kept in the vault in the Town Hall and the Boards/Commissions will be the only ones with a key to their box.

C. Wayss said that this was only about Department Head files. The Selectmen intend to do this with M. Roy's file. In a lock box in the vault. The opinion the Board got said that this was a best practice. If the Board of Fire Engineers, the Police Commissioners or the Library Trustees would like their department head files stored in the vault, a separate lock box would be purchased for that purpose. The keys to that lock box would only be held by those boards, not the Board of Selectmen or anyone at the Town Hall. The Selectmen are not mandating any board to do this.

B. Arsenault said that most of these ideas come to the Selectmen by a suggestion by a resident. The Selectmen don't try to come up with ideas to make things more difficult. The Board asks the Town attorney for an opinion on the subject and then the Board will offer the opinion to others. B. Arsenault agrees 100% that the Board should share the legal opinion to all the committees and boards, so they understand where it comes from.

Bonfire:

The location of the bonfire will be the same as previous years, bring a food item to share.

M. Roy will contact the Fire Chief and the Recreation Committee tomorrow about setting this up.

Public Comment:

There was none.

C. Wayss said that B. Arsenault will be attending the Budget Committee meeting this Wednesday and C. Wayss will be attending the Budget Committee meeting on the 13th.

Adjournment: B. Arsenault moved to adjourn at 8:35pm. C. Wayss seconded the motion. All were in favor.

Respectfully submitted, Eleanor Boy, Recorder