

Town of Newington, NH
Board of Selectmen Meeting Minutes
Monday April 1st, 2024

Present: Chair Brandon Arsenault, Selectman Chris Wayss, Selectman Bob Blonigen, Project Manager Paul Deschaine and Town Administrator Martha Roy.

B. Blonigen called the meeting to order at 5:30pm.

C. Wayss moved to enter a nonpublic session at 5:30pm per RSA 91-A:3 II (e) Legal. B. Blonigen seconded the motion. B. Arsenault asked for a roll call vote: B. Blonigen-Yes, B. Arsenault-Yes, C. Wayss-Yes. All were in favor.

B. Arsenault moved to return to public session at 6:42pm and to seal the minutes indefinitely seconded by C. Wayss. B. Arsenault asked for a roll call vote: B. Blonigen-Yes, B. Arsenault-Yes, C. Wayss-Yes. All were in favor.

Minutes Approval: B. Blonigen moved approve of the minutes of March 18, 2024. C. Wayss seconded the motion. All were in favor.

Manifest Approval: B. Blonigen moved to approve the manifests for \$35,232.19 dated 3/21/2024 and \$81,869.21 dated 3/28/24. C. Wayss seconded the motion. All were in favor.

Facility Use Requests:

B. Blonigen moved to approve the following facility use request:
Graduation Party-Heather Geraci-Cole-Old Town Hall & Grove-6/22/24-2pm-10pm
C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Birthday Party-Dennis Brewster-Town Hall-8/3/24 -12pm-8pm
C. Wayss seconded the motion. All were in favor.

B. Blonigen moved to approve the following facility use request:
Tennis-Recreation Committee-Tennis Courts-Tuesdays 5/7-8/29/24 and Thursdays 4/4-9/26/24.

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

B. Blonigen moved to approve the following facility use request:
Tennis-Newington School-Laura Stone & Kara Anderson-4/1, 4/8,4/15, 4/29, 5/6 and 5/20-After School Activity-10 to 15 participants-3pm-4pm

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

C. Wayss moved to approve the following facility use request:
Tennis-Recreation Committee-Tennis Courts-Tuesdays 5/7-8/29/24 and Thursdays 4/4-9/26/24.

B. Blonigen seconded the motion. All were in favor.

B. Arsenault moved to table approval of the following facility use request until insurance is submitted that includes alcohol liability:

Lobster Bake-Warwick Club (Skip Link)-Fox Point -9/22/24 -12pm-8pm

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

B. Blonigen moved to approve the following facility use request:

Birthday Party-Dana Nowell & Jessica Morgan-OTH & Grove -5/11/24 -9am-2pm

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

Paul Deschaine-Education Funding Court Cases:

The Board thanked P. Deschaine for all the work he does on behalf of the Town.

P. Deschaine said that HB 1195, the SAU Funding apportionment bill, passed the House with a small amendment of no concern to Newington. The next step is that it will get scheduled in the Senate and we will see where it goes.

B. Arsenault asked what the opposition was to this bill. P. Deschaine said that it seemed to be the potential purpose of this bill. He said that there was no particular choice at the moment to make a change to SAU 50's calculation. If and when a new calculation could be considered, Newington and other towns would be able to make a request for a change in the calculation of its portion of the taxes. Other people had been seeing bills regarding cooperative school districts, which do have the ability to change their portion of their SAU tax bill and this may have caused confusion.

The Conval Rand cases are both on appeal to the State Supreme Court. The Supreme Court has issued a stay on both cases. As of now no changes will occur.

The State of NH led the appeal on the Conval case and the Coalition communities led the appeal on the Rand case. Both supported each other. There is a lot of speculation on what is going to happen next year and it is very hard to predict. P. Deschaine provided the Board with a calculation of what he thinks would be the impact of the Rand case on Newington in 2023. If the Rand case would have been in effect in 2023 and Newington had to pay \$784,915 to the State the local tax rate would increase to \$11.03. If both Conval and the Rand cases were put into effect it would mean that the tax rate would go to \$14.39 per thousand.

P. Deschaine said that HB 1583 passed the House once from the Education Committee and then it was sent to the Finance Committee Division 2. There was an amendment proposed that brought it to the Conval level and required the excess SWEPT to be returned to the State and it also capped school district expenditures. The amended version of the bill will be heard shortly.

B. Arsenault asked if the Coalition is doing their job on this new amendment. P. Deschaine said that they are trying their best.

M. Roy said that would have a huge financial impact on Newington and would the Board consider more firepower. Should the Town reach out to one of our attorneys to testify on Newington's behalf?

B. Arsenault pointed out that , in regard to the HB 1583 amendment, this issue is changing week by week. P. Deschaine said that he has heard that Senate leadership is not in support of the amendment action at all.

B. Arsenault asked how funding for schools in the State without any income tax will be figured out. Will a court have to decide. P. Deschaine said that the Conval case has already gone to court once and the Supreme Court couldn't rule until they knew what the actual numbers were, so the Justice put a number on it and told communities that they had to turn over that amount to the State and it has to be spent on the constitutional mandate to fund education. The argument is that the Justice overstepped his authority because it was an appropriation and that is the authority of the Legislature. P. Deschaine believes it is a persuasive argument. The Coalition could support another bipartisan commission to study how to fund education, **not** how we are spending the funds on education.

P. Deschaine said that the State needs to start looking at a better way to raise money in the state for education, instead of relying on the property tax. The Coalition met with two education committee members to discuss this issue. The Selectmen will send a letter to the Finance Committee members in opposition of the amendment.

P. Deschaine updated to Board on the COPS Grant and said that the equipment has been ordered and expected it to be operational by this summer.

B. Blonigen asked about the federal grant for Shattuck Way and said that the area over there is growing and growing. P. Deschaine said that he is explaining the importance of that area when he applies for grants.

Portsmouth Waterline Replacement Project-Little Bay Road Update:

M. Roy said that Portsmouth is planning to replace the Little Bay Road waterline from Gundalow Landing to Fox Point Road. There is only one culvert (the one by Fox Point Road) that is in disrepair in that area that will need to be worked on prior to Portsmouth completing this work. It is a 4,200-foot project, they will be making an eight-foot-wide cut in the road, and this will delay the town's plans to pave Little Bay Road until 2025. The waterline replacement will happen from August to November.

Bloody Point Depot Acquisition:

B. Arsenault said that the Bloody Point Depot Acquisition has been an ongoing issue for several Boards of Selectmen.

M. Roy said that the Town Planner had a discussion with Lulu Pickering and was told that the proposal from the consultant, that was hired by DOT, is to divide it into three parcels. M. Roy said that on the plan there is a book and page listed for tract C & B already, which means that those are lots defined and deeded at the County Registry. Tract A is separate and doesn't appear to be deeded, but it mentions that it is acquired by Acts of 1981(House Bill 419). There are already three separate lots. M. Roy invited Helen Frink to come in and speak with the Board about this issue. H. Frink would like the Board to review all the materials before she comes in to talk about it to make sure everyone is on the same page. M. Roy reached out to the DOT consultant and asked for more details on the proposal, but he said he couldn't discuss it at this time.

B. Arsenault said that he thought one of the lots was on the backside of Rockingham Electric. B. Blonigen said that he thought it was. B. Arsenault said that there is a tract on the left of Shattuck after the underpass by the bridge, a tract where the depot is and the other tract is on the right side of Shattuck, that is basically useless. B. Blonigen said that he doesn't believe the State was offering Newington the tract by the bridge because it has an easement on it in case, they have to enlarge the bridge. B. Blonigen believes that the State was offering the tract by Rockingham Electric, but it would be a non-conforming lot. M. Roy said that Helen Frink had the same concern. B. Arsenault thought the next step would be to have the DOT or the consultant come talk to the Board.

C. Wayss voiced his concerns about taking on another old building in town and spending a lot of money to repair it. B. Arsenault said that the residents have continued to express their disinterest in maintaining an old building. B. Arsenault said that you usually get one shot at a historical building and the Board needs to get all the information in order to make an informed decision on what is the best interest for Town or not. C. Wayss said that he sees both sides of the argument. On one side, it's a multimillion-dollar project to restore it and does the Town need another building to maintain. On the other side this area is historically significant. Helen Frink has offered to write the grants for this project. The Board needs to hear everything.

B. Blonigen said that a previous Board asked if the State keeps the building, then the State wouldn't have to do shoreline mitigation or protection. The Board then asked what would happen if the Town owned it and the State said they didn't know.

B. Arsenault pointed out that as of now the Board doesn't know what the parcel is, what the proposal is or what the terms are. This Board needs to be caught up and educated on exactly what the proposal is and then can make an informed decision about the property knowing what the tax impact would be for tax payers and the impact would be for the historical significance of the building.

Dog Ordinance Information Mailer:

B. Arsenault thanked M. Roy for putting together the letter. C. Wayss thought that the letter is straight forward as a notice to residents clarifying what the current dog ordinance is and what was voted on at the Town Meeting in March. The letter will go out to all dog owners and copies will be available at the Town Hall for anyone to pick up. B. Arsenault thought that the RSAs should be attached to this letter. **B. Arsenault moved to send out the letter as written, but to add a copy of the RSA. C. Wayss seconded the motion. All were in favor.**

Review of Sealed Minutes:

The Board had already reviewed the nonpublic minutes from 9/6/05 and decided to unseal those minutes. **B. Blonigen moved to table the decision about the 1/17/06 nonpublic minutes until the Board receives more information. C. Wayss seconded the motion. All were in favor.**

Anonymous Letter: Bullets Purchase with Tax Dollars:

B. Arsenault said that the Selectmen received an anonymous letter. B. Arsenault said that the Selectmen have welcomed residents' opinions on issues. The Selectmen appreciate people's feedback and hope the residents appreciate the Selectmen discussing issues in public. B. Arsenault read the letter:

Select Board of Newington,

I am against guns, killing and violence and think that tax dollars should not be used to buy bullets.

Anonymous

B. Blonigen said that he took this letter from a completely different viewpoint and thinks this letter is a satirical jab at the Board for discussing the purchasing of alcohol with tax dollars issue that was recently discussed. B. Blonigen thought that it was completely irresponsible to talk about taking away the one of the Police Department's tools to do their job. B. Blonigen wouldn't support this suggestion at all.

C. Wayss agreed that if the Board agrees or disagrees, residents are entitled to their opinions and agree with reading the letter in public unless the Board is asked not to. C. Wayss stands behind the Police officers and wouldn't do anything to reduce their capabilities.

Aquaculture License Application-Floating Shellfish Cages-Fox Point:

There is a Pubic Hearing on an Aquaculture License Application scheduled for April 23rd. This application is to modify a portion of an existing 3.5 acre site for the use of

floating shellfish cages for the culture of multiple shellfish species in Broad Cove, Little Bay, NH.

M. Roy said that currently the cages sit on the bay floor. In the new proposal the cages would be floating. This is a concern for boaters and swimmers. M. Roy encouraged anyone who has a concern to go to the public hearing on the 23rd to speak about it. C. Wayss asked if the town had any say in this change. B. Arsenault said not really. B. Blonigen is concerned with the size of the area. B. Arsenault didn't think that it was the best use of the bayfront property that the Town tries to protect. M. Roy suggested that the Board put together a letter to be sent to Fish and Game outlining the Town's concerns. C. Wayss asked if the applicant could come in and give the Board a presentation of their proposal. The attached drawing doesn't give a good idea of what is proposed. The Board discussed how the cages would be positioned and the problems that could be caused for boaters off Carters Lane.

B. Arsenault asked if the plans could be posted on the website and also do an "email blast" to get the information out there and ask for input to come back to the Selectmen and to include the email listed for Fish & Game. The Board could draft a letter asking for clearer information.

B. Arsenault said that the documents say that Fish & Game will address questions that the Selectmen have before the public hearing and there is a 14-day public comment period after the public hearing takes place and can be extended if requested.

C. Wayss said that in the paperwork it says that the floating cages will only be located on the eastern two acres of the farm. B. Arsenault pointed out that it also says that the farm is not located near any navigational channel and there will be lights on buoys to mark the floating gear.

USAF Soil Sampling Access Agreement Request:

M. Roy said that the USAF is asking permission to get further access to Town property to take soil samples. The Board reviewed a map of the requested locations which includes two locations near the school playground and several in the Town Forest, with most of them being taken from the Pease side of Arboretum. The USAF will not be drilling new wells, just taking soil samples. They would like to start in April.

B. Blonigen wanted to make sure that the USAF doesn't take these samples during school hours. They should be done on the weekends, during school vacation or during the summer months.

B. Arsenault asked that the Board receive the results of the tests on these samples. B. Arsenault asked if there was a conservation easement in the Town Forest.

M. Roy said that there is no conservation easement in the Town Forest property, but will let the Conservation Commission and the School Board know of the soil sampling activities in those areas.

C. Wayss pointed out that the paperwork says that they will be using hand tools at the school to get the samples and they will be using hand tools and a small tract mounted direct push drilling rig in the Town Forest.

C. Wayss moved to conditionally approve the USAF authorization to take soil samples at the school and the Town Forest with the following requirements:

- 1. The USAF is not to disturb the school during school hours**
- 2. The USAF needs to send the results to the Selectmen**
- 3. The School Board and Conservation will be notified of the intended actions.**

B. Blonigen seconded the motion. All were in favor.

2023 Abatement Requests:

B. Arsenault pointed out that abatement requests are usually discussed in a non-public meeting because the information is very sensitive. M. Roy said that she just wanted to notify the Board of the requests and the Assessor can meet with the Board to discuss the recommendations that he has.

B. Arsenault doesn't think it benefits the Town to discuss one or all of the 2023 abatements requests. B. Blonigen would like to hear from the Assessor before the Board makes any decisions.

B. Arsenault said that the cemetery on the Mazeau property is cared for by the Cemetery Trustees. Financially, the Town will offer part of the solution with the upkeep of that cemetery. B. Arsenault thanked C. Wayss for all his work on this issue.

B. Arsenault said that the Board has received a lot of applications for Town Boards and will be looking at those later in the week.

B. Arsenault would like to get an update from the Town Planner about what projects and the progression of these projects that are happening in Town. B. Arsenault would like the Planner to attend a Selectmen's meeting. B. Blonigen pointed out that the Planner is supervised by the Chair of the Planning Board and asked that this request is run by him.

B. Arsenault asked for an update on Community Power. M. Roy said that the latest rates were very encouraging and should be considered. B. Arsenault asked that this subject be put on the next available agenda. B. Blonigen asked that the public be notified about this meeting so they can get the information.

B. Arsénault would like the Selectmen to meet with the School Board and get that on the calendar.

Public Comment:

C. Wayss moved to adjourn at 8:31pm. B. Blonigen seconded the motion. All were in favor.

Respectfully submitted, Eleanor Boy, Recorder