

Town of Newington, NH  
Board of Selectmen Meeting Minutes  
Monday May 3rd, 2021

**Present:** Chair Ted Connors, Selectman Mike Marconi, Selectman Bob Blonigen, NH State Senator Rebecca Perkins Kwoka (via phone), NH State Rep Joan Hamblet, NH State Rep Dennis Malloy, Police Chief Mike Bilodeau, Fire Chief EJ Hoyt, Co-Chairs; HDC Chair Lulu Pickering, Residents; Bob Siede and Mark Phillips, Paul Deschaine, Martha Roy, Town Administrator and Eleanor Boy, Recorder.

T. Connors called the meeting to order at 5:02pm followed by the Pledge of Allegiance.

**Minutes Approval:** M. Marconi moved to approve the minutes of April 19th, 2021. B. Blonigen seconded the motion with all in favor.

**Manifest Approval:** M. Marconi moved to approve the manifests for \$23,596.60 dated 4/22/2021 and \$77,597.60 dated 4/29/2021. B. Blonigen seconded the motion with all in favor.

**Facility Use Requests:**

M. Marconi moved to approve the following facility use request.

Jessica Morgan and Dana Nowell-Old Town Hall & Picnic Grove-May 8<sup>th</sup>-Birthday Party

B. Blonigen seconded the motion with all in favor.

**Paul Deschaine:**

**Dual Pole issue status-**

The draft agreement between the towns and Consolidated Communications came in today and both sides are very close to an agreement. Newington has 107 poles that need to be removed. The agreement says that 28 poles will be removed in year 1, 28 in year 2, 28 in year 3 and 23 in year 4. They are very close to an agreement. The following are the key points of the draft settlement agreement with Consolidated Communications regarding the removal of dual poles.

1. Consolidated Communications (CCI) acknowledges the problem and commits to correct it.
2. CCI commits to removing a minimum of 213 poles per year within the communities participating in the agreement until the total number of identified dual poles have been removed. Each community's annual total of poles is proportional to the percentage of the overall total number of dual poles each community has.
3. CCI must provide twice annual reporting on the progress made to remove the numbers of poles obligated under the agreement.

4. The agreement creates a single point of contact with CCI to deal with complaints and to administer the terms of the agreement.
5. CCI commits to do everything reasonably within its power to not add to the total number of dual poles and therefore the annual commitment is to a net annual reduction of annual poles.
6. The agreement provides for an affirmation right of the participating communities to enforce the agreement independent of any other regulatory procedures that may exist.
7. The agreement recognizes the individual communities' continued authority to regulate utility pole placement within the ROW that existed prior to the agreement.
8. This agreement expedites within the participating communities the removal of dual poles that may have taken 10-15 years to address the issue let alone remove them.

B. Blonigen asked what would happen if the Board signed the agreement and then Consolidated Communications was sold to someone else. P. Deschaine said that there is a successor clause in the agreement. M. Marconi asked if the Town was going to continue to tax the dual poles until they are removed. P. Deschaine said yes.

**Donor Town Update-**The school funding issue is now up to the legislature. The school funding coalition has been activated and has hired a lobbyist to represent their concerns. \$363 million is needed State wide for education funding. \$100 million will have to be taken from property taxes to fund this.

**Noxious Fumes Update-**

There are still outstanding questions to the DES regarding the Sprague Energy permit modification request. P. Deschaine sent the following questions to NH DES:

1. Where in the process is the review of the application? When is the review expected to be completed and your agency's finding shared? When will the public process of review and comment occur?
2. What is the process for public comment? Your agency's cover letter dated March 2, 2021 referenced a public notice of a draft permit/decision. This seems premature in terms of making a decision and the taking public comment. Please help me understand this regulatory process that allows a decision to be reached before any public comment.
3. How long is the comment period once the public notice of a draft permit/decision is issued?
4. This application references that it is a permit modification. What permit are they modifying? The only current permit shown on the DES One-Stop permit portal for this facility owner is permit #SP-0082, which is for the stationary emissions for boilers and generators on site. This permit seems extremely dissimilar to the emissions referenced in the application, which are for storage tanks and loading

racks. Are all these sources considered one emissions site regardless of the cause of the emission?

5. The application pertaining to the individual tanks come under the description of "Other Tank Type (specify)" since they are not Floating Top Tanks, which form the application appear to be a more common tank type. How uncommon are these Fixed Top Tanks that Sprague is using? Are fixed topped tanks more likely to release emissions into the air? When should that storage technology be upgraded?
6. The tanks were either built in 1959 or 1973. What is the typical life of storage tanks. Are the tanks of an obsolete design and technology that could contribute to the release of odors we are experiencing under normal operating conditions.
7. The loading racks are of a 1973 vintage and do not use a submerged delivery system. Instead, it is stated in the application as being a "splash" delivery system. Does this type of system and delivery technology contribute more to emissions than the submerged delivery system? Should that system be modified and updated to reduce emissions?
8. This application is relative to their facility off of Shattuck Way. They also operate a similar facility, although a smaller one off of Patterson Lane in Newington. Are there any permits for the Patterson Lane facility? If so, can they be provided since there is no reference to one on the One-Stop system. Should there also be a permit application for the Patterson Lane facility?
9. Under what regulatory standard will this application be reviewed? A cursory look at the statutes (RSA 125-C & RSA 125-I) would seem to invoke Env-A 1217, 1218, 1400 and 1700. Are these the guiding regulations for this application. If so, which specific subsections apply? If not or if the review is not limited to those regulations referenced, what are the other regulations involved upon which your review and decisions will be made.

#### **Lulu Pickering:**

#### **Archeological Dig in Historic District-**

The Historic District Commission is proposing to do an archeological dig in the historic area where it is believed that there are unmarked graves. The area is just outside the current boundaries of the cemetery and near the horse shed. There could be burial shafts there. If something is found the commission would like to make a memorial garden to protect the area and to remember those buried there. They would like to start in May but need the Board's approval to move forward. M. Roy stated that she thinks that part of that area is within the library's boundaries. L. Pickering said that the planned dig is nowhere near the library. The cost of the dig is \$2,930 and would be taken out of the HDC special project budget line. **M. Marconi moved to approve the proposed archeological dig by the HDC for \$2,930. B. Blonigen seconded the motion with all in favor.**

### **Train Depot-**

There are still many issues about the Train Depot property transfer to the Town of Newington. How many acres are being transferred? How much money is going to be given to the Town to fix up the property? The Division of Historical Resources needs to get an idea from the Town about how committed they are about this project.

L. Pickering would like to put together another committee to determine if this project is worth it. T. Connors said that he didn't think the Town could take on another old building that we would have to fix up and maintain. T. Connors doesn't think the town could take over the property without \$2 million from the State to be used to fix up the property. L. Pickering reminded the Board that Fox Point and the Town Forest are beloved properties in Newington, but would never have happened if the Board didn't act to preserve them. The Town must look forward 10-20 years, is there a value there for Newington? T. Connors wonders if the town can afford this property, the shoreline restoration alone could cost \$2 million. L. Pickering said that this feedback is drastically different than the last time she talked about this with the Selectmen. This type of project only comes around every 40 years. B. Blonigen said that the feedback is different because of the amount of money that the State has proposed to give Newington. They are only offering \$150,000 and the Board discussed the \$2 million dollar amount at the last meeting. It isn't nearly enough and that changed the feedback for the project. The Board decided to table this item until June 1<sup>st</sup>.

### **Town Forest Committee Appointment:**

B. Blonigen moved to appoint Keith Frizzell to the Town Forest Committee. M. Marconi seconded the motion with all in favor.

### **Privatization Research:**

The Board decided to pursue this issue further when they have two Reps to Pease. M. Roy will reach out to the Portsmouth City Manager to discuss their thoughts on the issue. Portsmouth wants to hang on to the current municipal agreement.

### **Hodgdon Farm Road Naming in Portsmouth:**

M. Phillips explained to the Board that Hodgdon Farm Road was named in Newington 45 years ago. Portsmouth has named another road in Portsmouth with the name Hodgdon in it and are now proposing a 300-apartment complex with this name also. This has been causing problems with deliveries to Hodgdon Farm Road in Newington because we share a zip code with Portsmouth. M. Phillips also thought it would be an issue with the 911 system. M. Roy explained that she has consulted with the Police and Fire Chiefs and they said that the 911 system uses cell tower location to determine where an emergency call is coming from and would know if it was Newington and not Portsmouth. T. Connors explained that they tried to get Newington its own zip code, but were unsuccessful. There is an NH law that requires roads to not have the same name. The Board will send a letter to the DOT Commissioner.

**Meeting with PDA Reps:**

The Board decided to hold off on this meeting until the new rep is sworn in. M. Roy will let the Greenland Board of Selectmen know that the Newington Board is going to wait on this.

**Road Paving Bid Review & Awards:**

M. Marconi moved to award the paving, grinding and new culvert work to Bell and Flynn for the following roads; Hodgdon Farm Road, Airport Road and McIntyre Road. The contract will be reviewed by legal counsel. B. Blonigen seconded the motion with all in favor.

M. Marconi moved to award the paving contract for Fox Point Road to R&D Paving. The contract will be reviewed by legal counsel. B. Blonigen seconded the motion with all in favor.

**Adams Homestead Easement:**

B. Blonigen moved to sign and accept the easement agreement for the Adams Homestead property. M. Marconi seconded the motion with all in favor.

T. Connors asked the Selectmen's Planning Board Rep to ask the Planning Board to look into addressing the conservation easement issue in the next zoning ordinance review.

M. Roy asked when the Board would like to do the final walk through of the Fire Department's addition. T. Connors said that as soon as the final "punch list" is completed then they will set a date.

**Surplus equipment:**

The Town received one bid for the old building department camera equipment for \$200 from Charlie Smart.

M. Marconi moved to award the bid to Charlie Smart for the camera equipment. B. Blonigen seconded the motion with all in favor.

T. Connors thanked the State Reps for attending the meeting. D. Malloy said that P. Deschaine has done an outstanding job on the Donor Town issue.

**Adjournment:** M. Marconi moved to adjourn at 6:42pm. B. Blonigen seconded the motion with all in favor.

Respectfully submitted,  
Eleanor Boy  
Recorder