

Town of Newington, NH  
Board of Selectmen  
Meeting Minutes Monday, August 5, 2013

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**Call to Order:** Chair Rick Stern called the August 5, 2013 meeting at 6:40 PM.

**Present:** Chairman Rick Stern, Jan Stuart and Cosmas Iocovozzi

**Absent:** Town Administrator, Martha Roy

**Public Guests:** Jane Mazeau; Justin Richardson; Theresa Tomlinson; Jeff Parks, Construction Manager with Bauen Corp; Langdon Library Trustees: Steve Bush; Granville Knox, Lea Lamson; and Melissa Prefontaine

**Minutes Approval:**

*Jan Stuart moved to table approval of the July 1 and 22, 2013 Meeting Minutes. Cosmas Iocovozzi seconded, and the motion passed 3-0*

**Manifest Approval:**

*Jan Stuart moved to approve the Manifest dated 7/30/2013 for \$167,178.47. Cosmas Iocovozzi seconded, and all were in favor, 3-0.*

**Library Boundary Discussion:**

Selectman Jan Stuart began the discussion saying she was dumbfounded when they received an email that has gone all around Town saying the Board of Selectmen were not going to approve the building permit for the Langdon Library Expansion construction. Selectman Stuart said the Board had not made any decisions, and just wanted to have a discussion to know what the boundaries of the construction were going to be.

Melissa Prefontaine said the Library's email was in response to an email they received from the Board, which said, "...we do not plan to issue a building permit."

Selectman Stuart said that only meant until they discussed where the boundaries were. Chairman Rick Stern said he had spoken to her before and said the 1949 Warrant Article 18 that was referenced talked about landscaping, but didn't talk about buildings. Chairman Stern said there had been no agreement where the construction boundary lines would be.

Melissa Prefontaine said the Library Trustees asked for clarification as to what the Board of Selectmen wanted from them, and didn't get a clear response. Ms. Prefontaine said the Library is on Town sanctioned land and there is no separate deed, and their legal counsel advised them that it wouldn't make any difference since they weren't taking over private land or wetlands. She said they had asked to be on the BOS

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agenda since June, so it was quite disconcerting to receive an email that said the building permit would not be issued.

Selectman Stuart said she thought their meeting was just to discuss what the boundaries were, and who would be responsible for the care and maintenance, and had nothing to do with issuing the building permit.

Ms. Prefontaine said those discussions should not impact the scheduled construction of the building.

Selectman Iocovozzi said the cemetery is behind the Library and the Board has concerns with the possibility of an indentured servants' burial ground across from the horse sheds. Ms. Prefontaine said they had an archeological evaluation the area and found nothing. Selectman Iocovozzi said the Board hadn't seen any reports, and it is not always possible to detect remains after 100 years, as was the case when Portsmouth began digging and found a cemetery, and they were concerned with the cemetery buffer zone.

Jane Mazeau asked why the Board waited so long to bring these questions up, and Selectman Iocovozzi said they were brought up four months ago, and they did not receive any response. Ms. Prefontaine said they were in communication. Chairman Stern said he could not make a decision based on individual conversations. Ms. Prefontaine agreed that the Trustees wanted discussions in a public forum, but said the Board had 30 days to come up with issues in writing, and that time had come and gone.

Justin Richardson of Old Post Road said the Library Trustees came before the Conservation Commission, and Steve Bush was asked to define the area then in regard to the Town Forest. They were also asked during the Bond meeting in January and during Town Meeting in March, but only one Warrant Article was brought up. However, the Board of Selectmen does not have the authority to convey land, and the Library Trustees do not have the authority to accept the land without a Town vote. Chairman Stern said it was shown that the Warrant Article took the Library out of the Town Forest. There was some question whether the 1949 Warrant Article 18 passed or not, but Town Administrator, Martha Roy found confirmation that it did. Ms. Prefontaine added that they looked at old surveys and there was no indication that the Town Forest was on the same side as the Library, and Attorney Paul Sanderson with the Local Government Center said the Town Forest couldn't be in the same place as the Library and Meeting House zone. Justin Richardson said that area wasn't really a Town Forest as we know it today, and the answer an attorney gives is based only on the questions they're asked.

Chairman Stern said there was a way to rectify the situation with a memorandum of agreement based on the 1949 Warrant Article 18. The Library Trustees said that would be acceptable. Theresa Tomlinson asked for clarification of the measurements, and Chairman Stern said the measurements were from the original building, and to the stone wall, but would not include the whole parking lot because they didn't want to alter the measurements approved in the Warrant Article.

Justin Richardson said he was concerned with the legalities, and suggested they could get a certified copy of the 1949 Minutes and record them at the registry of deeds.

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He also said they could add on 100' to the plan that surveyor, Dave Hislop already made, have the Selectmen and the Library sign it, and record it at the registry to show where the line is.

***Jan Stuart moved that the Library Trustees accept the Langdon Library expansion building lot as shown on the map based on the 1949 Warrant Article 18 that said, "To see if the Town will vote to place in the charge of the Library Trustees, the care and landscape, gardening of the Town's lawns, shrubs and trees surrounding the Langdon Library, to a distance of 100 feet on the North, East and South sides, and to the old stone wall 150 feet more or less, on the West side, or do anything in relation thereto." Cos locovozzi seconded, and all were in favor, 3-0.***

Selectman locovozzi asked if the building inspector had been through everything, and Jeff Parks, Construction Manager with Bauen Corp said he had spoken with him. Mr. Parks said he still didn't know what the status of the City of Portsmouth completing the new water lines, but they would run the line from the building out to a stub at the road. Chairman Stern said they are trying to work with Portsmouth and the Portsmouth Development Authority, but they did not expect anything in writing.

**Old Business:**

- 1) Selectman Stuart reported that they had a new sign for Fox Point.
- 2) Selectman locovozzi said they were seeing tractor trailer trucks parked half on and half off Piscataqua Drive beside the American Buffet restaurant, and asked what happened to the "No Parking" signs the Planning Board voted for to prevent the edge of the road from breaking up.
- 3) A discussion on whether traffic control officers were included in road construction bids or not. Chairman Stern said supplying traffic control officers could be a contingency to accepting bids. Selectman Stuart said some contractors didn't included flagmen, and she would like to see more consistency in the bids. Selectman locovozzi said the Portsmouth Department of Public Works decides if there are flaggers or officers assigned. Chairman Stern said it was poorly coordinated when they tried to provide their own in Newington before. Selectman locovozzi said there is special training for traffic control, and not all are trained. Chairman Stern said the Newington Police Department is trained in traffic control.
- 4) There was a discussion on the condition of Fox Point Road. Selectman locovozzi said he thought they should wait until all the building construction was done, but Chairman Stern said they couldn't wait. Justin Richardson said maple saplings were blocking visibility to the left when coming onto Fox Point Road from Old Post Road, and they should be taken down.

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***Jan Stuart moved to hold off repairs to Fox Point Road and Old Post Road until after September 15 when September Fest was over. Cosmas Iocovozzi seconded, and all were in favor.***

**Gate Clicker Requests:**

A discussion ensued regarding how many gate clickers to Arboretum Drive should be given out. Selectman Iocovozzi asked how many clickers had been given out, and who had them. Chairman Stern and Selectman Stuart said it was not known, but Assistant, Theresa Tomlinson would call the company to find out. Selectman Stuart said they now had a rule to only give out one clicker per family, but in the beginning multiple clickers were given out to more than one household member. They also considered putting a time limit with an annual renewal on the clickers.

Chairman Stern asked if they should address the issue with the PDA because the Town made the agreement before they knew the affects of the Spaulding Turnpike construction. Selectman Stuart said it was a touchy subject and didn't think that would be a good idea because she was concerned that the PDA could shut them out completely.

The Board decided to table further requests until more information was obtained.

**New Business:**

1) Discussion ensued regarding damage done to Town roads from utility repairs, leaving bumps and dips in the roads. Chairman Stern wondered if they should pull the bonds on any roads that were not repaired properly, but Selectman Iocovozzi said it would be a touchy subject considering the City of Portsmouth provides and maintains the water lines in Newington, and plows all of Gosling Road. Chairman Stern then asked if they might consider hiring someone else to do the paving. Justin Richardson referred to RSA 236:9 and 10 that says it is unlawful to construct within a town roadway without the town's permission, and they have to notify the town even in an emergency. Mr. Richardson said they could also add to the Town regulations that they would have to restore the road to its previous condition.

2) Selectman Iocovozzi said after many years of allowing the Seacoast Ensemble to practice for free in the Town Hall auditorium, they are charging the Town to play during the 1713 celebration which was signed in a contract by former Administrative Assistant, Bea Marconi.

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***Cosmas locovozzi made a motion to allow the Seacoast Ensemble to practice in the Town Hall on August 22, and September 10, 2013, and they would review further dates later. Jan Stuart seconded, and all were in favor, 3-0.***

3) Selectman Stuart encouraged contest participants for the 1713 Celebration parade on September 14, 2013 by dressing up, and decorating their bikes, baby carriages, etc. There will be two \$200 cash prizes and one \$100. prize for the best entries. The setup will begin at 10:30 a.m. from the Thermo Scientific lot to the old Town Hall.

**Next Meeting:** Monday, August 26, 2013

**Adjournment:**

***Cosmas locovozzi moved to adjourn at 8:08 p.m. Jan Stuart seconded, and all were in favor, 3-0.***

**Respectfully**

**Submitted by:** Jane K. Kendall, Recording Secretary