



**Office of the Board of Selectmen  
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**NEWTON BOARD OF SELECTMEN**

**DATE: TUESDAY, MAY 17, 2022**

**TIME: 7:30PM**

**LOCATION: NEWTON TOWN HALL, 2 TOWN HALL ROAD and  
ZOOM CONFERENCE CALL**

**PUBLIC MEETING MINUTES**

**Zoom Conference phone number 929-205-6099**

**Meeting ID 818 7979 5674**

<https://us02web.zoom.us/j/81879795674>

**I. Call to Order**

Chairman Burrill called the meeting to order at 7:30pm. In attendance were Selectmen Matthew A. Burrill, Chairman, Charles R. Melvin Sr., Robert Marchand Jr. Town Administrator Nancy J. Wrigley, and Selectmen's Secretary Diane M. Morin. The non-public session was audio taped. The public meeting was videotaped; the public meeting minutes were transcribed and typed by Secretary Morin. The non-public session minutes were transcribed and typed by Town Administrator Wrigley.

Selectman Lawrence Foote was not present.

Chairman Burrill announced that effective May 17, 2022, Selectman Edvin Crnolic has resigned as a member of the Board of Selectmen. Mr. Crnolic cited personal and work scheduling conflicts which did not allow him to fully commit as a Selectmen. The Board thanked him for his time as a Selectman.

**Chairman Burrill moved to accept the resignation of Selectman Edvin Crnolic effective May 17, 2022. Seconded by Selectman Melvin with a unanimous vote.**

Chairman Burrill explained the steps that will need to be taken to appoint a replacement. Secretary Morin stated that from her research of the RSA's, the Board appoints an interim Selectman until the next annual town meeting. At that time, interested residents can file for candidacy to fill out Mr. Crnolic remaining term which would be until 2024.

Chairman Burrill suggested the Board ask for letters of interest and/or resumes from residents to fill the interim position and that they hold a candidate's night for the Selectmen and residents to ask questions of the candidates.

Selectman Melvin stated that when he was involved in filling a vacant Selectman's seat, the Board interviewed candidates in a non-public session. Secretary Morin will ask NHMA for their opinion.

The Board discussed a deadline for interested residents to submit a letter of interest and/or resume to the Board. The candidate's night would not be on a normally scheduled meeting. The Board decided to accept letters of interest and/or resume until May 31, 2022, and to hold a candidate's night on June 1, 2022, beginning at 6:00pm at the Town Hall.

**Selectman Marchand moved to advertise for the vacant Selectmen's seat in the next edition of the Carriage Towne News, to accept letters of interest and/or resumes from residents until May 31,**

**2022, and to hold a Candidate's Night on June 1, 2022, beginning at 6:00pm at the Town Hall. Seconded by Selectman Melvin with a unanimous vote.**

II. Scheduled Business

**A. Southern New Hampshire Industrial Park – Request for use of easement on Howard Lane**

Mr. Barry Gier, with Jones and Beach Engineers, Inc. is representing Southern New Hampshire Industrial Park. They are working with their client on phase 2 of the project. They are asking the Town to use a Town easement on Howard Lane as an emergency road. Town ordinances do not allow for a cul-de-sac to be over 1000 feet in length. For this reason, they are looking to use the easement on Howard Lane for the emergency exit. He stated that the emergency road would not be used for any other purpose. The Planning Board sought legal advice on how to proceed with allowing the developer to use the Town's easement. Counsel advised the Planning Board that it was a Board of Selectmen's decision to allow the use of the easement.

Chairman Burrill clarified that there would be no vehicle traffic unless there was an emergency and only if emergency vehicles were unable to access the area via Puzzle Lane. Mr. Gier stated that is correct. Emergency use only and only if the proposed Industrial Way road was blocked.

Selectman Melvin asked if they are proposing to have emergency vehicles drive past Puzzle Lane and enter through Howard Lane. Mr. Gier stated that would only happen if Puzzle Lane and the proposed Industrial Way roads were blocked.

Selectman Melvin asked to clarify that the request is to use the easement until Puzzle Lane is completed, in a future phase, which will then connect to the proposed Industrial Way. Mr. Gier stated that is correct. They discussed the width of the easement and what improvements would need to be done.

Mrs. Mary Ellen Davenport of Howard Lane addressed the Board. She stated that the easement has always been a path. She does not believe the developer is acting in good faith. She stated that the developer goes to every land use board seeking variances and does not follow the rules. She fears that there will be large vehicles utilizing the road and policing the area would be hard to do.

Mr. Matthew Clohecy of Howard Lane addressed the Board and expressed his distrust of the developer as well. He would prefer to keep the street as is.

Mr. Dan Sweeney of Howard Lane addressed the Board. He stated that he would prefer not to have the easement used as an emergency road. He asked who would open the gate on Howard Lane to allow the emergency vehicle through? He stated that it is a residential street and not a commercial road.

Planning Board Administrator Assistant (PBAA) James Doggett addressed the Board. He stated that he shared the legal opinion that the Planning Board received concerning the easement with Secretary Morin who forwarded it to the Board for their review. He explained that the roadway was meant to be a public roadway connecting to another public roadway as recorded with the Registry of Deeds in 1986. Chairman Burrill asked if Puzzle Lane is a private road. PBAA Doggett stated that Puzzle Lane is being proposed as a private road.

Mr. Gier stated that the Planning Board legal opinion he received advised the Planning Board that the Board of Selectmen would need to approve the use of the easement. He explained that emergency road would be 12 feet wide with a locked gate.

Selectman Marchand stated that the Planning Board has taken jurisdiction only. He does not believe that the Board can give permission to use the easement because it would connect to a private road.

Selectman Melvin asked what is the great need for this? Mr. Gier stated that it is for emergency use only due to the town ordinance that states a cul-de-sac cannot be over 1000 feet long. The proposed road, Industrial Way, would be over 1000 feet and therefore an emergency access road is needed.

Ms. Marilyn Mancini of Howard Lane addressed the Board. She asked when the last emergency in that area was. She stated that the level of noise from the area is constant all day long and is very distracting.

Chairman Burrill asked if the Planning Board asked for a solution for emergency access and why? Mr. Gier stated because the proposed road, Industrial Way, will be over 1000 feet and is a cul-de-sac an emergency access road is needed. He stated that the Board could stipulate that once Puzzle Lane is connected to Industrial Way the emergency road could be removed.

Chairman Burrill asked if the Board denies the request, what other options are available? Mr. Gier stated that the Planning Board could grant a waiver from the length restriction. A second option would be for the developer to construct the remainder of Puzzle Lane and connect into Industrial Way.

Chief Alcadinho addressed the Board. He did not have any objections on the length of the proposed cul-de-sac, Industrial Way. He does not believe there will be an issue gaining access to the area. He stated that Puzzle Lane has only one access. Selectman Melvin stated that originally Puzzle Lane was a private road, and the Board of Selectmen accepted the road has a public road.

Chairman Burrill recommends that the Board of Selectmen and the Planning Board need to hold a joint public hearing and to include, the Road Agent, Fire Chief and Attorney Diane Gorrow. This will allow residents to express their opinion.

Road Agent Mike Pivero addressed the Board. He stated that when Sargent Woods was initially built there was only one way in and out which exceeded the length of a cul-de-sac, but it is a private road. He stated that if there's an emergency on a public road, he can clear any obstructions but if it's a private road he is not allowed to use Town funds to clear the private road. However, if there's an emergency on a private road, he will do what is necessary to ensure the safety of all.

Mr. Dave Davenport of Howard Lane addressed the Board. He stated that the easement is overgrown and blocked with debris.

**Chairman Burrill moved to hold a joint public hearing with the Planning Board. Seconded by Selectman Marchand. Burrill – aye, Marchand – aye. Melvin – nay.**

Selectman Melvin asked if the Board will be sending certified letters to all abutters. Mr. Gier offered to assist with sending the abutters notice.

**B. Conservation Commission – Report on tax map 12-1-1 from DES**

Mrs. Trisha McCarthy, Conservation Commission Secretary, addressed the Board. She informed the Board that there was no audio or video at the beginning of the meeting via Zoom.

She asked that when there is an agenda topic that has a tax map that the street be included as well.

She stated that the National Heritage Bureau informed the Conservation Commission of a Blanding's turtle located near the town owned property off Thornell Road. Although the turtle is not located on the property they are known to travel over a mile. She stated that this information was given to her verbally and she is waiting for something in writing.

She stated that at the Conservation Commission meeting held on May 11, 2022, this property was discussed. The Commission did not object to selling the property at that time. However, it has come to their attention that there is an Atlantic White Cedar Swamp in the area. Although it is not located on the property, it is crucial for wildlife habitat to maintain the area for them. She read a statement from the State concerning this type of area. She stated that the property owner of 17 Thornell Road would need to meet all State and local requirements to build in that area. Conservation Commission is requesting any correspondence and/or applications whether State or local receive a copy.

Mr. Ryan Norman addressed the Board. He stated that as a builder it would be his responsibility to meet State and local requirements.

Mrs. McCarthy stated that Conservation Commission would prefer not to sell the land but to keep it as open space.

Mr. Norman stated that if he does/does not purchase the land, there will be no change in the open space he is planning. There will be the same number of houses.

The Board discussed whether to sell the property. Selectman Melvin stated that only abutters can purchase the land because it is landlocked. Per State laws, to sell the property, there must be a right of way to access the property.

Chairman Burrill stated that the land was acquired through tax deeding. Town Administrator Wrigley stated that there are other properties that should be sold and placed back on the tax roll.

Mrs. Diane Heer of Thornell Road addressed the Board. She expressed concerns with ensuring the wetlands are kept safe. She would like to see the land kept as is under ownership of the Town.

Mrs. McCarthy agreed that land without houses owned by the Town should be kept as open space. The Town could transfer the property to the Conservation Commission for preservation.

Mr. Norman stated that his plan is to not put in as many houses as possible but to keep the area for his use. He stated that the property would fit in nicely with his parcel.

Selectman Melvin stated that if the Town keeps the property there would be no one building on it. Mr. Norman stated that he sees his new home being built on part of the property. He believes the Town should offer to sell the property and if Conservation wants the property, they could bid on it using Conservation funds.

Mrs. Heer stated that there is value in keeping the land as open space.

PBAA Doggett stated that the Town zoning laws, allows for cluster development on 20+ acres. Mr. Norman could build his proposed 3 homes on the site using the cluster method. A greater portion of the land would be kept as open space. Mr. Norman stated that he could potentially build 9 homes on the current parcel he owns.

The Board decided to not sell the property at this time. Mr. Norman asked if this could be revisited. The Board stated in the affirmative.

Mr. Norman stated that at the Conservation Commission meeting that he attended the commission did not object and he felt blindsided.

Mrs. McCarthy stated that the commission only learned about the white cedar swamp after the meeting. She stated that during the meeting, the commission stated several times that they would encourage the Town to keep the property.

### **C. Capital Improvement Plan update**

Secretary Morin informed the Board that the Historical Society and Cemetery Trustees have submitted their proposals. The Library is working on theirs.

The Board instructed Secretary Morin to resend an email to all departments heads to have their completed forms for the Capital Improvement Plans in by May 27, 2022.

### **D. Quote for Feasibility Study – Police Station**

Chairman Burrill explained that the Police Station is an older building that is in need of repairs. The proposed feasibility study will help the Town decide how to move forward with improvements. He stated that the Town could use the same type of study for other buildings as well. Selectman Marchand would like to start with one building. Selectman Melvin stated why would we want to spend \$9,000 on the building when you can see what is needed. Secretary Morin stated the cost of the feasibility study is over \$18,000.00.

Selectman Marchand stated the proposal goes into details to bring the Police Station up to standards. Chairman Burrill recommends a Request for Proposal (RFP) be advertised due to the cost of the study.

Mr. Joe Simone of Quaker Street addressed the Board. He asked where does the Master Plan fit in. Chairman Burrill stated that this would feed into the Master Plan. Mr. Simone asked where the funds would come from to pay for this. Chairman Burrill stated there are different funds that could be drawn from. Mr. Simone asked which building would be next in line. Chairman Burrill stated that is why the Town needs a strategy and the Master Plan and Capital Improvement Plan will help guide the Town.

Town Administrator Wrigley stated that the accounts need to be funded by the voters. The whole building needs to be looked at as a whole and not just the cosmetics.

The Board discussed if this is the proper time to do the study.

**Selectman Marchand moved to place an ad for a Request for Proposal for a feasibility study of the Police Station. Seconded by Chairman Burrill for discussion.**

Chairman Burrill asked Secretary Morin to include a submit by date that is appropriate.

**The motion passed with a unanimous vote.**

Road Agent Mike Pivero stated that because the Board announced the cost from the vendor for the feasibility study it puts that company at a disadvantage. Now competitors know the bid that they need to be below. Chairman Burrill stated that is correct, but the Selectmen do not have to choose the lowest bid. They have the right to choose the company that best suits the Town's needs.

Mrs. McCarthy asked if the feasibility study will include life safety issues. The Board stated it would include all of it. Chief Alcaindinho stated that the Board might want to consider engaging an engineering firm as well.

The Board asked Secretary Morin to work on the RFP for the feasibility study of the Police Station.

#### **E. Road Agent – Rental equipment agreement**

Road Agent (RA) Mike Pivero addressed the Board and informed them that he has not raised his rental fees that he charges the Town since 2008. Now that the cost of fuel and equipment has risen dramatically, he will need to raise the rental fees. He provided a couple of options. He can adjust his rental rates to include a fuel surcharge, or the Town can pay the difference of the fuel cost prior to the increase.

Selectman Marchand asked RA Pivero what his choice would be. RA Pivero responded that either way would work. He is looking to cover his costs so that he is not losing money renting to the Town. He is not looking for answers tonight but wanted to make the Board aware.

Selectman Marchand moved to pay RA Pivero a fuel surcharge from a base rate. Motion was not seconded.

Chairman Burrill asked RA Pivero to come back with prices.

Selectman Marchand rescinded his motion.

**F. Status of new fire truck**

Fire Chief Alcainho addressed the Board. He informed the Board the new fire truck went back to the dealer after the shake down to address issues found. He went on to say that some of the parts were on back order which held up making the repairs to the truck. While the truck was at the dealer, a safety recall notification for the rear axle was received. The manufacturer of the rear axle issued the recall. The replacement parts should be in this week and if the parts arrive on time, the truck will be back in service by the end of the week.

Chief Alcainho requested from the Board that if there are any questions about his department to reach out to him as the department head.

Selectman Melvin asked if the Town is losing time on the warranty. Chief Alcainho stated that once the truck was delivered the warranty period began. He did inform the Board that the manufacturer of the truck gave the Town an extra year on the warranty.

**G. Update on Electronic Devices and inventory**

Town Administrator (TA) Wrigley is working on gathering the information on what each department has for devices.

Chairman Burrill is looking to see who uses a Town issued phone or receives a stipend and what vendor they are using for cellular service.

Mr. Simone asked as a Trustee of Trust Fund, will he get a reimbursement for using his personal phone for town business. Chairman Burrill stated that is why we need the information and a policy.

Mr. Simone asked about the current policy. TA Wrigley stated that the one she received from Primex is similar to the current policy.

The Board needs to have the information before they can decide how to proceed.

Mr. Simone stated that if the responsible people are not responding to the request for information, they should be asked what the holdup is.

TA Wrigley stated that she will send out a second email.

Mr. Simone asked how much the stipend is. TA Wrigley guessed it was around \$200.00 per quarter.

Mr. Simone stated that as a member of the ARPA committee they have sent out a request to departments for their input on utilizing the funds. The respond has not been good.

TA Wrigley will provide an update at the June 7, 2022, Board of Selectmen meeting. She mentioned to Mr. Simone that she did not receive his information about any town owned devices he has. Mr. Simone stated he did not receive the email.

**H. Review – Show New England Baseball Academy at Greenie Park**

Secretary Morin stated that the league has not used the park. Mr. Simone asked why not. Secretary Morin offered that the fields were not up to their standards.

Mr. Simone stated he was at Greenie Park and the fields look good, but the infields need some weeding. He suggested spraying the weeds.

**I. Intent to cut – Tax map 4-7-1 on hold**

Mrs. McCarthy stated that the intent to cut has a 40.2 acre parcel on the Newton side and 45 acre parcel on the Kingston side. The Town of Kingston's Conservation Commission holds an easement on the entire property and maintains it for the Town of Newton as well. The requestor has filed an intent to cut

previously and did not follow the guidelines. She spoke with Kingston's Highway person who speculated that the person may be trying to circumvent the guidelines by applying for the intent to cut in Newton.

She stated because of the easement the Town does not need to allow any cutting of trees. The area could have a forestry plan which would allow for logging. She will reach out to Kingston for more information and forward it the Board.

TA Wrigley stated that it sounds like the intent is to clear cut. The logger needs to be notified that the intent has not been signed. Selectman Melvin stated there should be a 25 foot buffer zone. Mrs. McCarthy will forward the intent to cut to Kingston's Road Agent and ask him to contact the logger.

#### **J. Update on Marshall Property**

Secretary Morin stated that the Town received the insurance adjustor estimate to repair the damage from the leaking roof. TA Wrigley will contact the insurance company to see where the check is.

Chairman Burrill would like to have a real estate appraisal before any decision is made. The Board discussed how to sell the property.

Secretary Morin asked Mrs. McCarthy if some of the land is conservation land. She agreed that some of it might be conservation land. Secretary Morin believes the entire property is included.

Mr. Simone suggested the Town deed it over to the Conservation Commission.

Secretary Morin stated that she believes the property might need to be subdivided to remove the conservation portion of the land. The Board would need to consider the cost of subdividing the parcel to sell the house only.

Secretary Moring stated that the contents belong to the historical society, and they will deal with it.

The Board asked Secretary Morin to contact 3 realtors to provide an appraisal.

#### **K. Update – Town Administrator job description**

Chairman Burrill would like the Board to accept the job description and want ad for the Town Administrator's position.

**Selectman Melvin moved to approve the job description and want ad for the Town Administrator's position. Seconded by Selectman Marchand with a unanimous vote.**

Chairman Burrill will reach out to MRI and inform them that the Board approved the job description and want ad.

#### **III. Other Business**

**A.** Selectman Marchand stated that he spoke with Secretary Morin to research a grant writer for road work.

**B.** Selectman Melvin stated that the Road Agent was allowed to use the Butler Building during construction of the Fire Station and now that it is completed, his company should move out or the Town should be charging rent. Looking at the manifest, an individual that works for the Road Agent, spent 2 days working on a vehicle so that they could plow.

TA Wrigley stated that as the Road Agent we should not be charging him for office space. Selectman Melvin stated that he also uses 2 of the bays to work on his vehicles. He has no problem with the Road Agent using the office but does when the name of his company is on the building and mailbox.

**C.** Mr. Simone apologized for not checking his town email where he found the email from TA Wrigley requesting information about Town owned devices.

D. Chairman Burrill announced that the employee on administrative leave has turned over the town owned phone. He asked what the Board would like to do with it.

**Selectman Melvin moved to do a forensic test on the phone. Seconded by Selectman Marchand with a unanimous vote.**

Chairman Burrill suggested to TA Wrigley that she contact the Police Department for possible companies that could perform the test.

E. Selectman Melvin stated that Selectman Marchand and himself interviewed the candidate for the Office Manager for the Police Department and they believe she is well suited for the position.

F. Chairman Burrill announced that there was a meeting of the Records Board on Monday. An email will be going out to all department heads, boards, committees, and commissions requesting information on how many records they have. Once that is known, the Records Board will work on storage needs and disposing of unnecessary records.

Mrs. McCarthy asked to include Conservation, Recreation, and the Stewardship Committee on the email.

**G. Manifest**

**Chairman Burrill moved to sign vendor manifest dated May 17, 2022, in the amount of \$781,187.89 of which \$731,038.00 goes towards the Sanborn Regional School District June 2022 payment. Seconded by Selectman Melvin with unanimous vote.**

**Chairman Burrill moved to sign Cable Revolving Fund vendor manifest dated May 17, 2022, in the amount of \$4,593.88. Seconded by Selectman Melvin with a unanimous vote.**

IV. Approval of Minutes

**Selectmen's non-public and public meeting minutes dated May 11, 2022**

**Chairman Burrill moved to accept the non-public and public meeting minutes dated May 11, 2022, as written. Seconded by Selectman Melvin with a unanimous vote.**

**Nonpublic Session under RSA 91-A:3 II (a) – Compensation (c) – Reputation**

**Selectman Marchand moved to go into non-public session at 9:52pm under RSA 91 A:3 II (a) – Compensation. Seconded by Selectman Melvin with a roll call vote: Marchand – aye, Melvin – aye, Burrill – aye.**

**Selectman Marchand moved to close the non-public session at 10:14pm. Seconded by Selectman Melvin with a roll call vote: Marchand – aye, Melvin – aye, Burrill – aye.**

**Selectman Marchand moved to go into non-public session at 10:14pm under RSA 91-A: 3 II (c) Reputation. Seconded by Selectman Melvin with a roll call vote: Marchand – aye, Melvin – aye, Burrill – aye.**

**Selectman Marchand moved to close the non-public at 10:20 pm. Seconded by Chairman Burrill with a roll call vote: Marchand – aye, Melvin – aye, Burrill – aye.**

V. Scheduled Business – Continued

**L. Seal non-public minutes**

**Chairman Burrill moved that the Board just came out of a non-public session under RSA 91-A: 3 II (a) and (c) and that they keep all matters discussed confidential until in the opinion of the majority of the Board the circumstances no longer apply except to the Bookkeeper. Seconded by Selectman Melvin. Burrill – aye, Melvin – aye, Marchand – aye.**

VI. Adjourn

**Selectman Melvin moved to adjourn at 10:21pm. Seconded by Selectman Marchand.**

Respectfully submitted,

Diane M. Morin  
Board of Selectmen Secretary