

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Town Hall  
May 18, 2017, 7:00p.m.**

***Final Approved 06-01-17***

**Present**

Chair David Swenson  
Selectman Cecile Chase  
Selectman Rod Doherty

**Also Present:**

Scott Kinmond, Town Administrator  
David Bickford, resident  
Fred Quimby, resident  
Terry Jarvis, resident  
Ellen Phillips, resident  
Joan Swenson, resident  
Corey White, non-resident  
Dot Veisel, resident  
Carol Allen, resident  
Virginia Fanjoy, resident  
Kenneth Fanjoy, resident  
Robert Chase, resident

**Call to Order**

Chair Swenson called the meeting to order at 7:00pm.

**Public Hearing**

Chair Swenson opened the Public Hearing at 7:00 p.m. and stated the hearing is being held as a result of the NH State Legislation regarding the postponed New Durham March 2017 elections. He stated HB 329 was signed by the Governor and noted New Durham postponed the March election and therefore fell under the provisions of HB 329. Under the bill any persons elected during the postponed elections are fully ratified but any non-elected office item on the ballot must be ratified at public hearing. He further explained the process for doing so. The Board of Selectmen had no further comment and Chair Swenson asked for public comment.

David Bickford, resident, asked if there are other options or this is just to ratify the elections. Chair Swenson replied the intent is to legally ratify them in accordance with the state statute.

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Terry Jarvis, resident, stated she is in favor of the Board of Selectmen to ratify the elections and believes the Town Moderator made the best decision in the safety interests of residents.

Greg Quimby, resident, stated he also encourages the Board of Selectmen to ratify the election.

Town Administrator Kinmond confirmed the public hearing needs to be closed, motion taken by the Board of Selectmen, and the minutes need to be posted with the resolution.

After asking for any additional public comment and hearing no further public comment Chair Swenson closed the Public Hearing at 7:08 p.m.

**Chair Swenson made a motion to approve the resolution as follows: Whereas the Town of New Durham had the 2017 Town Meeting voting session scheduled for March 14, 2017, from 8:00am to 7:00pm, at the New Durham School located at 7 Old Bay Road, in accordance with RSA 40:13. On March 13, 2017 at 8:02am, the New Hampshire Bureau of Homeland Security and Emergency Management provided a bulletin from the National Weather Service. The NWS issued a winter storm warning for all of New Hampshire for "major winter storm". The prediction of the NWS was for 12-18" of snow, with 1-4" per hour possible. Blizzard conditions were possible with gusts of wind of 30-40 mph. Governor Chris Sununu warned citizens to avoid travel on the roadways unless it was absolutely necessary. State offices and liquor stores were closed in anticipation of the winter storm. On March 13, 2017 at approximately 3:00pm, Town Moderator Pro-Tem Richard Leonard, determined the forecasted weather presented unnecessary risks to the citizens of New Durham and election staff who would need to travel to the polls to vote and staff the polls. In making this decision, the Moderator received information from the New Hampshire Municipal Association and Town Counsel, Attorney Richard Sager as to the authority of the moderator to postpone the town voting day pursuant to RSA 40:4. RSA 40:14 duties reads as follows:**

**The moderator postponed the voting date from March 14, 2017 to March 16, 2017. The voting times remained the same but the location changed from the New Durham School the New Durham Fire Station Community Room. The notice was posted on the Town website on March 13, 2017 at 4:00pm. The notice was also posted at the New Durham School and the Fire Station. The information was provided to WMUR television station with its schooling notice. The Town Clerk was present at the voting location of March 14, 2017 from 8:00am to 2:00pm. She provided information to any voters who arrived to vote as to the date of the postponement. Only 8 voters came to the polling place on March 14, 2017. Therefore, the Moderator acted within his authority. Further, he acted in the best interests of the voters by postponing the voting session of Town Meeting in the interests of public safety. Safety of the citizens of this Town is of the foremost concern. The decision to postpone ensured the safety of the citizens and allowed the processes of democracy to occur without unduly infringing upon the right to vote.**

**The Advice provided by the NHMA and Town Counsel is in accordance with the law. The interpretation of the law in this case demonstrates the finest traditions of the legal profession. The NHMA has demonstrated its role in providing training assistance, advocacy on behalf of local government in this state and the high level of professionalism that we have come to expect. After properly noticed Public Hearing on this date, in accordance with HB 329, which was passed into law on April ??? 2017.**

**We do hereby ratify the 2017 Town Meeting and all actions taken by the legislative body by vote of the people on March 16, 2017. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

### **Appointments/Announcements**

Corey White, Farmington resident, presented a request for him to build a residential home on a Class VI Town road. He stated he is aware of the Town guidelines for this situation and stated they are looking for a waiver on the distance limitation, noting the guidelines indicate requests would be reviewed on a case-by-case basis. He presented copies of the tax maps which indicate the location of the building and stated it's been reviewed by Brown Engineering of Barrington, NH. Chair Swenson replied that according to New Durham requirements, a Planning Board review and comments would be needed prior to action by the Board of Selectmen. Chair Swenson explained to Mr. White to contact the Land Use Clerk to get on the Planning Board agenda so that this requirement can be met.

### **Public Input**

David Bickford, resident, stated they are supposed to have anyone who has not served on a board to be interviewed before appointment, and gave the appointment of Rod Doherty as an example. He stated it appears the Board of Selectmen overlooked that with his appointment. Chair Swenson replied that the Select Board followed the requirements of the state RSA in making the Select Board replacement appointment and so no process was overlooked.

Mr. Bickford stated in the Board's minutes of 4/26/17 there are two sets of approved minutes which are identical. Chair Swenson replied they would be revisiting those minutes tonight as there is a name correction in one of the motions that needs to be done.

Ken Fanjoy, resident, asked for follow-up on the solid Waste Facility hours increase. Chair Swenson replied Town Administrator Kinmond is in the process of discussing this with the Public Works Director and will hopefully have some additional information at next month's meeting.

### **Agenda Review**

Chair Swenson added discussion of the CIP.

Selectman Chase added discussion of the cable access channel.

**Town Administrator's Report**

Town Administrator Kinmond presented a memo regarding the 2017/2018 road program. He stated Matt Ingham reviewed what had previously been provided and reviewed the road segments relative to maximizing preservation work prior to getting a RSMS study conducted. Town Administrator Kinmond they are on the list for the Strafford County Regional Planning to have that study done. He explained the reviews of roads and summary of work completed and needed. Chair Swenson stated there is a possibility that the road grant amount from the State may be increased for 2017. Terry Jarvis, resident, asked for clarification of work to be done on Kings Highway. Town Administrator Kinmond replied the work done prior was not overlay and this was scheduled from 2016 but unable to be completed due to weather, etc. Chair Swenson confirmed guardrail improvements are also slated for 2017. Town Administrator Kinmond replied there are various sections for replacement and quotes have been obtained from various vendors. Town Administrator Kinmond stated there had been talk that if funds are available, to do things that support the following year's work. Selectman Chase asked if the study will explain the costs of what is needed. Town Administrator Kinmond replied that's not typical as there are additional costs that vary depending on hidden attributes of the roads.

Chair Swenson questioned some of the proposed road work costs as they are significantly different and lower than those developed by contracted engineers in the Town's 2016 road study. He requested the TA develop criteria used to make the decision on which roads to work on, how priorities for which roads worked are made, and an explanation of how there could be such as wide cost variance between the contracted study and current estimates.

Town Administrator Kinmond stated the police department has requested to an internal and external posting for a full time officer. He suggested approving the request for internal for ten days. Further discussion of this was on the agenda and is noted later in these minutes.

**Board of Selectmen Regular Meeting Schedule**

Chair Swenson stated he is pleased with the progress the current Board of Selectmen is making with regards to meeting business being completed and suggested that the Board move to one meeting a month for the months of June, July, and August. Selectman Chase suggested one meeting per month and additional meetings scheduled as needed. The following dates were set for regular Board of Selectmen meetings: June 1, July 6 and August 3. Chair Swenson noted additional meetings would be needed after that point due to budget scheduling, etc.

**Revaluation CRF Warrant Article**

Chair Swenson stated with the ratification of the non-elected official warrant articles, the article for closing the Valuation CRF did pass. This is an unanticipated revenue source to the Town. He explained the Town is committed to a cyclical valuation process which will have a projected cost of about \$117,000 and suggested

encumbering that portion of the unanticipated revenues from the CRF funds for this cyclical revaluation. Town Administrator Kinmond confirmed the Board of Selectmen signed a contract with the appraisal company to do the work and when he put the budget together he anticipated the funds to come from the Revaluation CRF account. TA Kinmond will check with DRA to assure the ability of this funding to be used for that purpose.

**Chair Swenson made a motion to encumber \$120,000 from the unanticipated revenue from the closure of CRF Revaluation CRF account to fulfill the revaluation contract with Cross Country through 2021. Selectman Chase seconded the motion. Motion passed 3-0-0.**

### **Tax Warrant**

Chair Swenson stated the Board of Selectmen took action on May 15 to allow the tax billing reconciliation process to proceed and to meet the NH statutory requirements. However, the exact dollar amount was unknown at that time as there was a reconciliation process ongoing.

**Chair Swenson made a motion to approve the Tax Collector's Property Tax Warrant which states as follows: In the name of the State of New Hampshire, you are directed to collect the taxes herewith committed to you, amounting to the sum of \$4,639,526.00 with interest at 12% after July 5, 2017 and all sums paid on or before that date. Furthermore, the Tax Collector shall remit all money collected to the Town Treasurer or the Town Treasurer's designee, as provided by RSA 41L29VI, at least on a daily basis or weekly basis whenever tax receipts total \$1,500 or more. In accordance with RSA 76:13, interest due on taxes listed for properties submitted to you of less than \$2 may be waived if in your good judgment do not warrant collection. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

### **Ethics Committee Training Request**

Town Administrator Kinmond stated the chair of the committee has submitted information for NHMA training workshop and is proposing to have a representative come to New Durham to provide an ethics training seminar. It was clarified the workshop would be open to all department heads, boards and committees. Dot Viesel, Ethics Committee, explained the workshop would be tailored to the New Durham policies.

### **Ethics Policy Amendment**

Town Administrator Kinmond distributed a copy of the recently revised Ethics Policy.

**Selectman Chase made a motion to approve the Town of New Durham Ethics Policy as revised by the Ethics Committee. Chair Swenson seconded the motion. Motion passed 3-0-0.**

**Tax Deeded Properties**

Chair Swenson stated that when he reviewed the list in 2014 there was a total assessed value of \$1,300,000 in Town owned tax deeded properties. He stated there are some issues with the current list based on actions taken by the Board in 2014 and these are being worked with the Tax Collector, Town Clerk, and Assessor. Therefore, he would prefer not to go through the list tonight but wants the current Board of Selectmen to be aware of the issues involved and would like to have it on the agenda for June.

The Board reviewed the proposed Sale of Town Property Policy with revisions discussed in a previous Select Board meeting.

**Selectman Chase made a motion to approve the Sale of Town Property Policy as presented May 18, 2017. Chair Swenson seconded the motion. Motion passed 3-0-0.**

The Board of Selectmen Operational Guidelines were reviewed and discussed.

**Selectman Chase made a motion to approve the Operational Guidelines as presented. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

The Board of Selectmen reviewed the Police Department job posting and discussed it with alignment to the hiring policy.

**Selectman Chase made a motion to post the position for the full time police officer for ten business day period closing at the end of business day, June 2, 2017. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

**Approval of Minutes**

Meeting of May 17, 2017 – Non-Public Session: Edits were made. **Chair Swenson made a motion to approve the minutes as amended. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

Meeting of May 4, 2017 – Public Meeting: Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

Meeting of April 20, 2017 – Public Meeting: Edits were made. **Chair made a motion to reapprove the minutes as amended on May 18, 2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

**Chair Swenson made a motion to enter into nonpublic session pursuant to RSA 91-A: 3 II (a) – the dismissal, promotion or compensation of any public employee or the disciplining of such employee; (c)- matter which, if discussed in public would likely affect adversely the reputation of any person; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in**

**public, would likely benefit a party or parties whose interests are adverse to those of the general community. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

**Roll Call: Selectman Doherty – Aye; Selectman Chase – Aye; Chair Swenson – Aye.**

The Board left public session at 9:18 p.m.

The Board reentered public session at 10:01 p.m.

**Chair Swenson made a motion to seal the minutes of the nonpublic session pursuant to RSA 91-A: 3 II (c)- matter which, if discussed in public would likely affect adversely the reputation of any person. Selectman Doherty seconded the motion. Motion passed 3-0-0.** Chairman Swenson noted that while in nonpublic session they discussed personnel matters.

### **Adjourn**

**Selectman Chase made a motion to adjourn the meeting, Selectman Doherty seconded the motion. Motion passed 3-0-0.**

The meeting was adjourned at 10:02 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary