

**NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
September 10, 2018, 6:00 p.m.**

Final Approved 9-24-18

Present:

Chair David Swenson
Selectman Cecile Chase
Selectman Dorothy Veisel

Also Present:

Scott Kinmond, Town Administrator
David Bickford, resident
W. J. Allard, resident
Kenneth Fanjoy, resident

Also Present for Public Hearing Portion of Meeting:

Steve Sousa, resident
Michelle Sousa, resident
John Chase, resident
Angie Hobbs, resident
G. Hobbs, resident
Nancy Rhoades, property owner
Peter Rhoades, property owner
Paula Fuller, resident
Mark Fuller, resident
Terry Jarvis, resident
Ron Gehl, resident
Paula Gehl, resident
Cathy Box, resident
Melanie Maguire, resident

Call to Order

Chair Swenson called the meeting to order at 6:01 p.m.

Appointments/Announcements

Chair Swenson noted the Primary Elections are scheduled for September 11, 2018 with the polls being open from 8:00 a.m. to 7:00 p.m. at the New Durham School. He urged all to vote as the winning individuals in contested races would be those you will vote on at the November 2018 election.

Birch Ridge Preservation Notice

Chair Swenson stated that the Board received notification the SELT et al group received one the several grant awards toward the acquisition of the Birch Ridge area. Chair

*New Durham Board of Selectmen Meeting
September 10, 2018*

Swenson stated a press release should be forthcoming from the SELT group formally notifying the public of this significant funding milestone.

Public Input

David Bickford, resident, stated Brackett Road is much improved although some ditching is still needed.

He stated he is opposed to selling lots in the Copple Crown area and referenced zoning maps and soil maps for the area indicating steep slopes along with the recommended uses of these types of areas indicating that these may make the lots nonconforming. Mr. Bickford suggested when properties come back to the Town is a good opportunity to combine lots as well as having the Planning Board review the lots for their recommendations.

Chair Swenson added under New Business: School Budget Meeting Review; New Hampshire Municipal Association Legislative Policy Meeting.

Town Administrator Kinmond noted the Town Clerk has indicated some of the alternate inspectors of elections will be unable to cover at the September 11 elections due to medical issues. Chair Swenson stated he does not want to make any additional appointments at this point as there seems there will still be adequate coverage and would prefer to follow the appointment policy on this.

Town Administrator's Report

Town Administrator Kinmond presented the Consent Manifest for the period of August 27 to September 10 for review by the Board.

Assessing / Finance Software Upgrades

Town Administrator Kinmond explained the current assessing system being used noting it has worked well but new software has now been developed which have added functions which are beneficial. He noted it may require a change of vendor and explained the changes which will make some functions incompatible as well as the approximate conversion expenses. Town Administrator Kinmond presented a spreadsheet of comparisons between software system options as well as vendors. He explained the finance software system as well is in need of upgrades and presented information relative to comparisons of finance software and vendors for review by the Board. The Board concurred to have Town Administrator Kinmond develop an RFP but wishes the due date to be scheduled on or about November 30, 2018. Chair Swenson also suggested an Request for Information (RFI) might be used as a preliminary document to identify vendors of interest to the Town's specifications.

Position of Building Inspector - 2019 Budget

Jeff Allard, resident but representing the Planning Board with this input, stated he would like to request the Board of Selectmen to consider increased time for the Building Inspector / Code Enforcement Officer. He explained he has heard good feedback about Mr. Abbott who does his job well. Mr. Allard outlined his reasoning in requesting

additional time for the position of Mr. Abbott and also outlined some recommendations for the positions including hiring an assistant or splitting the roles.

Town of New Durham & Town of Middleton Agreement for Waiver of Yield Taxes

Town Administrator Kinmond explained municipalities are exempt from property taxes between other municipalities and noted this has now been updated in the system with the assessor. He confirmed NH Department of Revenue will be sending confirmation of this to maintain in the property files.

Public Hearing

Application for Building Permit(s) for Construction on a Class VI Road (Bennett Rd) Map 264, Lots 17 & 18

Chair Swenson opened the public hearing at 7:05 p.m.

Peter Rhoades, applicant, presented an overview of his plans for the property at Map 264, Lot 17 and 18. He presented maps and explained they need the waiver request approved in order to make the lots more saleable. He stated the proposals would adhere to the Class VI roads policy.

Steve Simpson, abutter, stated they own a lot further down on Bennett Road and explained in 1987 he was denied to build on the road followed by an approval from someone else for a house further down on the road. He stated last year he requested to subdivide his lot but was denied with a suggestion made to put in a right-of-way instead which he decided against.

Terry Jarvis, resident, clarified she is not representing the ZBA. She recommended having a Civil Engineer, paid for by property owners, evaluate Bennett Road to see if it could be upgraded to a Class V road and also have something done in the deeds that Bennett Road be maintained by all current and successor owners with monitoring by the Town. Ms. Jarvis reiterated the Town of New Durham is not liable for the maintenance of the road or any damages to properties on the road. She noted there also needs to be a turn-around to meet the criteria of accommodating safety vehicles with approval by the Fire Chief and Police Chief. Ms. Jarvis stated she believes no further permits should be issued for the road until all the road conditions have been met.

John Chase, resident, Jenkins Road, stated he believes Bennett Road is a terrible example for subdivision expansion, particularly since it doesn't meet the minimum engineering requirements and the emergency travel lane standards are not met. It is not up to Class V standards in any way. Mr. Chase stated he doesn't want to be forced into any sort of neighborhood maintenance agreement and recommended that any permits issued require Bennett Road be brought up to standards.

Melanie Maguire, resident, Jenkins Road, gave statements regarding the history of Class VI roads in the Town and outlined her concerns with allowing further development of Class VI roads. She also referenced meeting minutes from Mr. Rhoades' time on the

*New Durham Board of Selectmen Meeting
September 10, 2018*

Board of Selectmen and noted he was very opposed to building on the Class VI roads. She questioned Mr. Rhoades intentions as he is not a resident of the Town at this time. She also indicated that she offered to purchase Map 264 Lot 018 from Rhoades but was declined.

Ron Gehl, resident, stated he has experience dealing with Class VI roads with the Board of Selectmen and Planning Board and stated he has always been opposed to building on these roads as they essentially are unplanned subdivisions. He reiterated the historical errors made in past building on the Class VI road and recommended ignoring those as precedents.

Jeff Allard, Chair of the Planning Board, stated he wants to be sure the Board of Selectmen is aware of the memo from the Planning Board that outlines the recommendation that the Planning Board also review these types of issues. He explained there was an issue with the permit of the Whites on a Class VI road and attempts were made to bring up the road to Class V standards although it could not be done.

Chair Swenson stated this application was initially presented to the Board of Selectmen and the Select Board requested recommendations from the Planning Board. He outlined the five recommendations presented from the Planning Board.

Selectman Veisel noted that there may be steep slope, etc. issues which need to be identified and that all costs of utility installations must be borne by the property owner.

Mr. Rhoades stated his lots are building lots not wood lots and these are very different situation than the process of the case with the Whites. He stated the Town does have a Class VI road policy and hopes the Board will follow the guidelines in the policy instead of adding other restrictions as a property owner. He stated that he has rights as well.

George Hobbs, abutter, asked for clarifications about past actions regarding land on this road. It was noted some lots were woodlots so required additional steps to make it buildable. Mr. Hobbs stated that the original owner of this property requested a subdivision waiver and was denied by Mr. Rhoades when he was a Selectman.

Mr. Fuller, resident and former New Durham Road Agent, confirmed that the original owner, John Robbins, did go before the Board several years ago to get permission. He also noted that the Class VI road being discussed is a "decent road".

Selectman Chase stated that the road is in good shape but two vehicles cannot pass. She also noted the road is bordered by stone walls and the road width varies.

Chair Swenson closed the public hearing at 7:47 p.m.

Chair Swenson asked Town Administrator Kinmond to include discussion for the Board on the September 24 meeting agenda.

Structures on Woodlots Report

Town Administrator Kinmond distributed an updated list of the woodlot properties and explained Ms. Zuzgo researched how each was being taxed and this was included in the summary. He explained some were clearly subdivided and the woodlot status was just never updated. The Board reviewed and discussed the circumstances of some lots and Town Administrator Kinmond will continue working on the research with Ms. Zuzgo and will obtain recommendations by legal counsel. Chair Swenson stated the Board of Selectmen have done due diligence to ensure the Town has the proper tax revenue for the properties that have the mixed description. Chair Swenson asked Town Administrator Kinmond to ask legal counsel who has the responsibility for making sure the corrective tax records and change in description is done, i.e. Planning Board, Select Board, etc.

Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Town of Middletown's excavation and timber yield taxes for New Durham Map 219, Lot 012 in exchange for continued working cooperative between the Towns of Middleton and New Durham DPW / Public Safety / Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Veisel seconded the motion. Discussion: Selectman Chase confirmed the state statute says taxes can't be assessed, she doesn't think that can be added as part of the motion. **Chair Swenson rescinded his motion. Selectman Veisel rescinded her second.**

Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Middletown excavation and timber yield taxes according to State regulations for New Durham Map 219, Lot 012 in exchange for continued working cooperative between the Towns of Middleton and New Durham, DPW / Public Safety / Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Veisel seconded the motion.

Chair Swenson rescinded his motion. Selectman Veisel rescinded her second.

Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Middletown excavation and timber yield taxes according to State regulations for New Durham Map 219, Lot 012 in recognition of continued working cooperative between the Towns of Middleton and New Durham, DPW / Public Safety / Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Chase seconded the motion. Motion passed 3-0-0.

Purchase Order to Cintas Fire Protection- Fire Suppression System

Town Administrator Kinmond presented a purchase order for the purchase of a fire suppression system in the Community Room.

Selectman Veisel made motion to approve purchase order #2592 in the amount of \$2,850 to Cintas Fire Protection of Bow, NH for the purchase and installation of a Guardian fire suppression system with fire alarm module. Said expenditure to

come from the Improvements of Town Buildings, Account 01-5000-02-066 and to further request the Trustee of Trust funds to withdraw and transfer said funds from Account 01-4916-10-066 to the General Fund. Selectman Chase seconded the motion. Motion passed 3-0-0.

New Business

Application for Property Tax Credit Veteran Tax Credit Map 206, Lot 033

The Board reviewed the application for a property tax credit for a Veteran's Tax Credit.

Selectman Chase made a motion to approve the Application for Property Tax Credit for Veteran Tax Credit in the amount of \$500 for Map 206, Lot 033.

Selectman Veisel seconded the motion. Motion passed 3-0-0.

Land Use Change Tax -Removal of 10.2 acres Current Use, Map 267, Lot 017

The Board reviewed the application and Town Administrator Kinmond explained the lot is currently in current use and the penalty of 10% of the assessed value would be paid by the property owner.

Selectman Chase made a motion to approve the land use change by removing 10.2 acres from current use for Map 267, Lot 017 and authorize the Tax Collector to collect the land use tax in the amount \$3,315. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Boodey Farmstead Committee Associate Member Appointment

Town Administrator Kinmond stated no comments were received on the nomination made by the Board two weeks ago.

Selectman Chase made a motion to appoint Rick Fogg of Alton, NH as an associate member of the Zachariah Boodey Farmstead Committee. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Alternate Inspector of Elections Nomination

Selectman Chase made a motion to nominate Mara Kerns-Robertson as an alternate inspector of elections. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Governor Wentworth School District Budget Process Meeting

Chair Swenson stated he attended the Wentworth Regional School District budget process meeting. He gave an overview of the meeting and explained it was an explanatory session which outlined the budget process of the district for the 2019 budget. Chair Swenson stated he asked some questions regarding the student population in relation to the budget which will have a 6% increase from the period of 2017 to 2019. He stated he was concerned about the budget committee failing to have minutes of their meetings but was assured this would be changing. There was also discussion at the budget meeting to have representatives from the school district's towns attend future budget development meetings. Selectman Chase stated she has seen other models in

various districts which help the smaller towns with having a voice in the budget process and suggested these may be helpful in this situation as well.

Copple Crown Village District

Chair Swenson stated he received a request by Treasurer Wheeler on behalf of the Copple Crown Village District Commissioners to meet with the Board of Selectmen to address continuing issues within the Village District. The Board discussed whether it would be added to a regular meeting. Selectman Chase suggested a special work session and Chair Swenson stated that legal counsel will be requested for input. Town Administrator Kinmond stated he briefly discussed with the Commissioners some suggestions for assessments for the road reconstruction needs. Town Administrator Kinmond will confirm the meeting for September 19 at 6:00 p.m.

Old Business

Tax Deeded Property Sales-Review of Contract for Auction Services

Town Administrator Kinmond stated he is still waiting for the contract from the auction company for the Board to sign. It was noted the terms are already agreed upon but formal action will wait for the contract.

Master Plan Strategy-Review of Responsibilities and Reporting

The Board reviewed the summary of the responsibilities as compiled and edited by Chair Swenson. It was agreed to accept / approve of this update of Master Plan related Select Board activities and submit the information to the Planning Board.

Human Resources Policy Review – Continued

The Board received a draft PTO policy from information discussed at the last workshop but further discussion was tabled until the Board had a chance to more fully review the information.

Approval of Minutes

Meeting of August 28, 2018 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Meeting of August 27, 2018 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel 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; (b) – the hiring of any person as a public employee; (c)-matter which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. Selectman Veisel seconded the motion. Motion passed, 3-0-0.

Roll Call: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye.

*New Durham Board of Selectmen Meeting
September 10, 2018*

The Board entered left public session at 9:04 p.m.

The Board reentered public session at 9:35 p.m.

Chair Swenson made a motion to seal the nonpublic minutes of September 09, 2018 for reasons that it may adversely affect reputation. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Adjourn

Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion. Motion passed 3-0-0.

The meeting was adjourned at 9:36 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary