

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Town Hall  
September 19, 2018, 6:00 p.m.**

**Final Approved 10-17-18**

**Present:**

Chair David Swenson  
Selectman Cecile Chase – excused absence  
Selectman Dorothy Veisel

**Also Present:**

Scott Kinmond, Town Administrator  
Walter Mitchell, Town Attorney  
David Bickford, resident  
Pat Grant, resident  
Paula Pero, resident  
Rick Pero, resident  
Ron Uyevo, resident  
Bria Seay, resident  
Leona LeBlanc, resident  
Rich Jackson, resident  
Wes Seay, resident  
Michael Bedard, resident  
Eric McFarlin, resident  
Lauren Todd, resident  
Charles Todd, resident  
Fred Skinner, resident  
Virginia Skinner, resident  
Kellie Woodcock, resident

**Call to Order**

Chair Swenson called the meeting to order at 6:05 p.m.

Chair Swenson stated the Board of Selectmen requested Town Counsel Walter Mitchell be present for this meeting with some issues being discussed where his input could be beneficial.

**Copple Crown Village District**

Chair Swenson stated there have been many meetings over the last several months and this meeting was requested from the Copple Crown Village District Treasurer and Copple Crown Village District Commissioners to discuss the financial situation of the Village District. It was noted only one of the two District Commissioners was present (Virginia Skinner).

*New Durham Board of Selectmen Meeting  
September 19, 2018*

Chair Swenson stated it was the understanding of the Board that all three Copple Crown Village District Commissioners had resigned at one point but it was clarified one was not an official, written resignation, and is still on the Commission. Ms. Skinner stated she was appointed by Corey Bisson after the resignations and a meeting was held on September 16, 2018. Chair Swenson noted the composition of the board may not have a legal standing and deferred to Town Counsel. Mr. Mitchell stated his conclusion is that a single member does not have a quorum in order to make an appointment nor accept a resignation.

Ms. Skinner stated the current Copple Crown Village District budget is not enough to maintain all the expenses of the Village District and outlined the number of homes and expenses. She explained the funds they have are only enough to “Band-Aid” problems that come up and would like help and direction in resolving the issue. Mr. Mitchell recommended the Commission get counsel from their own attorney.

Town Administrator Kinmond stated he attended a meeting with the Village District at which time the topic of dissolving the district was discussed and he also recommended at that time the Commission seek legal advice. He also explained the relationship between the Town and District being two distinct governing groups.

Rich Jackson, resident of Copple Crown Village District, questioned whether it was legal for a commissioner to appoint another commissioner explaining in the past the district members voted on this. Chair Swenson referenced the RSA relative to appointments as it relates to Selectmen which may not be directly applicable to the Village District Commissioners.

Paula Pero, resident of Copple Crown Village District, stated at the same time Corey Bisson resigned so did Cindy Wheeler (Village District Treasurer) but now they are back.

Leona LeBlanc, resident of Copple Crown Village District stated she questioned the resignations and was told everything would be turned over to the Town on the Monday following (August 22, 2018).

Lauren Todd, resident of Copple Crown Village District, reiterated they need someone to help run the district until an election can be held.

Bria Seay, resident of Copple Crown Village District, stated they don’t seem to have been well informed and stated that since the resignations many residents were working to get more people involved but as that started the commissioners seemed to want their seats back.

Chair Swenson asked if the Village District currently has legal counsel. Ms. Skinner replied she doesn’t know the answer to that question.

*New Durham Board of Selectmen Meeting  
September 19, 2018*

Charles Todd, resident of Copple Crown Village District, stated while it is not many families, there are many projects that will never be able to be done due to the past embezzlement but it's a safety risk with the roads and water serving the families.

It was noted the water issue was known about in March but nothing was done; the work needed to be done to plow trucks was well known but nothing was done. There were also concerns outlined regarding Mr. Bisson's apparent lack of concern and action. It was also questioned what recourse the residents have in resolving the major issues. Concerns were raised in that there are few documents and instruction for new commission members to know what is going on.

Mr. Mitchell stated concerns expressed about the existing / most recent commissioners issue is interesting but the New Durham Board of Selectmen have no authority on this matter. He explained that the process for Village District dissolution, which involves the Commissioners making the recommendation to dissolve and call a district meeting to vote on it with a 2/3 majority. Mr. Mitchell stated it is then the decision of the Board of Selectmen to step in to gather the assets, determine debts, etc. and then prepare a tax warrant. However, the Board of Selectmen responsibilities end there with the option for petitioning the Town to take over the roads, etc. at the following Town Meeting. Mr. Mitchell also gave recommendations for moving ahead with replacing the Commission Board members, including petition by residents to the court, as there is currently no quorum. There was also discussion of whether a resignation is official and at what point it can be rescinded. There was also explanation and discussion about the taxes paid by residents of the District, and noted the residents pay an association fee and the roads are not kept to the same standards as the Town roads.

Selectman Veisel asked if there is a charter for the Village District. It was clarified there are some covenants but those are not with the Secretary of State as a charter would be. Some residents noted their deeds have no covenants. Mr. Mitchell clarified that even if the covenants were in the chain of title and not on the current owner's title it is still binding.

It was also clarified the District needs their own municipal attorney if there is none now. There are concerns there are not funds to hire an attorney and a resident asked if the Town can step in to help. Chair Swenson replied the Town has no legal authorization to do so. Selectman Veisel suggested they might qualify for some sort of catastrophic aid as there could be water issues if the problems are not resolved.

Chair Swenson recommended the concerned residents look at Village District Regulations, including RSA 670:2, 4, 12 and possibly 669:63 and 52:21.

David Bickford, resident, explained the District was created because developers went bankrupt and lots were already sold so the owners agreed to take care of the roads themselves. He stated it is similar when there are private roads or building on class VI roads.

*New Durham Board of Selectmen Meeting  
September 19, 2018*

Mike Bedard, resident of Copple Crown Village District, stated that since the district is its own municipal entity, are they also allowed to choose which town they associate with or pay taxes to. Chair Swenson suggested that question would be for their legal counsel.

**Adjourn**

**Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion.  
Motion passed 2-0-0.**

The meeting was adjourned at 7:27 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary