

**NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
January 14, 2019, 6:00 p.m.**

Final Approved 1-28-19

Present:

Chair David Swenson
Selectman Cecile Chase
Selectman Dorothy Veisel – via telephone

Also Present:

Scott Kinmond, Town Administrator

Call to Order

Chair Swenson called the meeting to order at 6:12 p.m. He stated Selectman Veisel has joined the meeting via telephone. Selectman Veisel confirmed she is unable to attend the meeting due to her schedule and she is alone where she is present. Chair Swenson noted that all Board votes for this meeting will be taken by roll call vote.

Appointments/Announcements

Fred Quimby, distributed a summary of the chemical and DASH harvesting of milfoil for 2019 noting the acreage requiring treatment was increased by the State of NH. He presented a summary of interactions with the State and funding sources. There is a State 25% matching grant along with the Town's budgeted amount which will allow 20.9 acres to be treated. A map of Jones Pond was also reviewed to show the recommended treatment area along with a couple acres of treatment in Marsh Pond. Chair Swenson explained a formal letter was sent to the State indicating that since milfoil and cyanobacteria is fed by the same nutrients and the prevalent point source is from the hatchery, the State should be fully responsible for the milfoil. No response has been received and Chair Swenson stated he will be sending a follow up letter but at this point the CRF is currently funded to cover the milfoil treatments.

There will be a Cyanobacteria Mitigation Steering Committee meeting on Thursday, January 16, 2019 at 6:30 p.m. at the Alton Town Hall.

Mike Gelinas, resident, stated he walked the SELT property in Birch Ridge with the SELT Land Manager and suggested the best place for a parking area would be the Town beach parking lot. It could be doubled in size and is flat. The Board discussed the options with expanding parking and parking restrictions for residents; it was agreed the Merrymeeting Road site where the logging has already cleared a space would be a better parking option for non-residents.

Cathy Allyn, 1772 Meetinghouse Committee, gave the Board an update on the projects happening at the Meetinghouse. She stated volunteers have been working to clear the area; a volunteer will be regularly taking care of the Meetinghouse cemeteries as well as

flagging the small stones. Ms. Allyn stated there was an open house during New Durham Day with many attending; there was also a joint open house with John Meridian's house with murals. She stated the foundation project is also now completed. Ms. Allyn stated the committee would like to suggest to the Board of Selectmen to put out an RFP for the structural repairs as soon as possible as any qualified contractors are booked out at least one year. Chair Swenson suggested the committee draft an RFP to submit to the Board for review along with supporting documents.

Agenda Review

Chair Swenson added under New Business: Cemetery Trustee Vacancies.
Town Administrator Kinmond added under New Business: Notice from Primex On Premium Holiday.

Town Administrator's Report

Town Administrator Kinmond distributed the Consent Manifest for the dates of December 31, 2018 to January 14, 2019, for review by the Board.

CAI Technologies WEBGIS Support Contract 2019 – 2020

Town Administrator Kinmond distributed a contract from CAI Technologies and explained this is for services to support the GIS maps on the Town website, and confirmed the amount is the same as the previous contract. The Board reviewed and discussed the contract. Town Administrator Kinmond explained Ms. Zuzgo is the current liaison with the company as she communicates and changes any lot line adjustments as needed.

Selectman Chase made a motion to renew the annual contract with WEBGIS CAI Technologies of Littleton, NH in the amount of \$2,400. The 2019 expense to come from account 01-4130-20-343. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

It was agreed by consensus of the Board that Ms. Zuzgo would continue to be the liaison based on the recommendation of the Town Administrator.

Parking & Roadway Ordinance

Town Administrator Kinmond stated legal counsel reviewed the parking and roadway ordinance and the Board reviewed the edits which were incorporated. The Board discussed the warning and ticketing process. Town Administrator Kinmond explained there is a database which will track violations.

Selectman Chase made a motion to adopt a local ordinance under NH RSA 41:11 and NH RSA 47:17, XIII, to be titled as Parking and Roadway Obstruction Ordinance. Said ordinance as presented and written is hereby adopted by the Board of Selectmen effective this date January 14, 2019 and replaces the previous ordinance, titled Ordinance Regulating the Obstruction of Class V Roads in New Durham dated May 1, 2003. Selectman Veisel seconded the motion. Roll Call:

Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

DPW Light Equipment Operator Interview Schedule

Town Administrator Kinmond stated another application was received with a total of three in hand and anticipates one additional application being submitted. He stated he will need a Board of Selectmen member to sit on the interview board which is anticipated to be held next week.

Municipal Software Review Schedule

Town Administrator Kinmond explained they need to review the municipal software proposals stating there is a wide range of the options with different pros and cons between the vendors. He stated there is no software that will do all the functions including assessing, financing, AR, etc. and explained the different capabilities between the current vendor and other vendors' programs. Chair Swenson clarified the first priority is not the assessing piece but the day-to-day operations such as finance and tax collecting but also understands that assessing may be the easiest to transition.

New Business

Tax Abatements – Map 111, Lot 003, Map 111, Lot 001, Map 109, Lot 058

Town Administrator Kinmond stated there were some lot line adjustments and these have been reviewed and approved by the contract assessor.

Selectman Chase made a motion to authorize an abatement of \$1,639 to Map 111, Lot 003 and issue corrected supplemental tax warrant in the amount of \$1,628; said refunded amount being \$11. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to issue a supplemental tax warrant for tax year 2018 in the amount of \$2,776 which shall be collected as follows: Map 111, Lot 003 in the amount of \$1,628; Map 111, Lot 001 in the amount of \$693 and Map 109, Lot 058 in the amount of \$456. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

2019 Anticipated Revenue Review

Town Administrator Kinmond distributed a summary of the 2019 Anticipated Revenue Review and stated through the budget process there was discussion about revenue, noting projected amounts were included in this summary, including capital and trust funds. He stated about \$60,000 of the unassigned fund balance is also included. The Board reviewed and discussed the summary as well as the amount from the unassigned fund balance. Town Administrator Kinmond explained it will help people see they are trying to do what they can to have a balanced budget.

Selectman Chase made a motion to approve the 2019 Anticipated Revenues in the amount of \$1,194,296. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Chair Swenson noted this will rescind any prior action by the Board on revenues and this new number is the one in place.

2019 Default Budget Review

Town Administrator Kinmond distributed the 2019 Default Budget for review by the Board. The Board reviewed and discussed the number presented. Town Administrator Kinmond noted FICA, Medicare, are not included, but adjustments were made for the wage adjustments approved in 2018.

Review–Warrant Article Recommendations - 2019 Town Warrant

The Board reviewed the draft articles for the 2019 Town Warrant:

Chair Swenson stated the Second Session, the voting on all warrant articles shall be held on **Tuesday, March 12, 2019 from 8:00 A.M. to 7:00 P.M.** in the New Durham School Gymnasium, located at 7 Old Bay Road in New Durham, NH, where there will be voting by official ballot for the election of Town Officers and all Warrant Articles with any amendments or legal changes as made at the Deliberative Session to be held on February 4, 2019 at the New Durham School.

ARTICLE 1: *To choose all necessary town officers for the ensuing year:*

Number of Positions	Office	Term of Office
1	Selectman	3 Years
2	Budget Committee	3 Years
1	John C. Shirley Cemetery Trustee	2 Years
1	John C. Shirley Cemetery Trustee	3 Years
2	Library Trustees	3 Years
2	Planning Board	3 Years
1	Supervisor of the Checklist	6 Years
1	Town Clerk	3 Years
1	Trustee of the Trust Funds	3 Years
2	Zoning Board of Adjustment	3 Years

Chair Swenson noted Articles 2 through 5 are reserved for Planning Board ordinance changes.

Chair Swenson made a motion to recommend Article 6: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by the vote of the first session, for the purposes set forth therein, totaling \$3,057,148. Should this article be defeated, the default

budget shall be \$3,045,117, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold a special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. Majority Vote Required. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 7: To see if the Town will vote to raise and appropriate the sum of \$356,370 for the purposes of a Road Program with \$116,000 to come from Highway Block Grant Aid, \$215,370 to come from taxation, and the remainder of \$25,000 to come from the Road Construction Capital Reserve Fund. Majority Vote Required. Estimated 2019 Tax Rate Impact: \$ 0.53 per \$1,000 assessed valuation. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 8: To see if the Town will vote to raise and appropriate the sum of \$214,000 to be placed in previously established Capital Reserve Funds as follows with said funds to come from taxation:

Account	Established	2019
Highway Equipment	March 15, 2006, Article #12	\$25,000
Highway Trucks	March 4, 1988, Article #9	\$65,000
Library Technology	March 13, 2007, Article #7	\$500
Vehicle & Equipment Maintenance	March 10, 2010, Article #15	\$20,000
Milfoil	March 9, 2009, Article #7	\$20,000
Solid Waste Equipment	March 10, 2010, Article #14	\$45,000
Police Cruiser	March 15, 2000, Article #7	\$14,000
Smith Ball Field & Equipment	March 13, 2007, Article #9	\$10,000
1772 Meetinghouse Restoration	March 15, 2000, Article #14	\$5,000
Public Safety Facilities Improvements	March 10, 2010, Article #17	\$5,000
Fire Department Ancillary Equipment	March 10, 2015, Article #5	\$2,500
Dry Hydrants	March 14, 2001, Article #10	\$2,000

Total		\$214,000
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Majority Vote Required. Estimated 2019 Tax Rate Impact: \$ 0.53 per \$1,000 assessed valuation. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 9: To see if the Town will vote to raise and appropriate the sum of \$155,000 to be placed in previously established Expendable Trust Funds as follows with said funds to come from taxation:

Account	Established	2019
Computer Systems & Office Equipment	March 13, 1996, Article #11, Revised March 9, 2011, Article #26	\$20,000
Accrued Benefits Liability	March 13, 1996, Article #16	\$20,000
Records Management	March 23, 1999, Article #23	\$10,000
Town Buildings & Improvements	March 15, 2000, Article #15	\$75,000
Dam Maintenance	March 13, 2018, Article #13	\$30,000
Total		\$155,000

Majority Vote Required. Estimated 2019 Tax Rate Impact: \$ 0.38 per \$1,000 assessed valuation. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 10: To see if the Town will vote to raise and appropriate the sum of \$5,000 for the purposes of funding contributions to Health & Other Agencies i.e. Cornerstone VNA, CAP of Strafford County and Haven etc., with this sum to come from authorizing the withdrawal of \$5,000 from the JC Shirley Timber Trust (Trust Fund #28). Said trust established for the purpose to “benefit of the Town of New Durham for such lawful purposes as the Town may direct at its annual meeting.” Majority Vote Required. Estimated 2019 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 11: To see if the Town will vote to change the purpose of the existing “Milfoil Treatment” Capital Reserve Fund (CRF), to the “New Durham Water Quality & Milfoil Treatment” Capital Reserve Fund, said purpose expanded for the preservation, prevention, and mitigation treatments of New Durham’s Watersheds and Water Bodies, and designate the Board of Selectmen as agents to expend. Two-Thirds Vote Required. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to recommend Article 12: To see if the Town will vote to authorize the Select Board to make a property exchange by the acceptance of real property being approximately 1.18 Acres, a portion of Tax Map 250, Lot, 112, said property to be merged with Tax Map 250, Lot 113 and in exchange for said exchange, the Select Board would transfer tax deeded property Tax Map 250, Lot 111 located at 13 Birch Hill Rd. ownership to said owner of Tax Map 250, Lot 112. Majority vote required. Estimated 2019 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation. Chair Swenson seconded the motion.

Discussion: Chair Swenson explained if this passes the Town will be obligated to merge the adjacent properties the Town would then own. Town Administrator Kinmond stated they will merge the piece that is received in exchange to the other existing lot instead of keeping the lots separate. This lot is significant wetlands but would allow for greater storm water mitigation for the library lot as well as other potential options for library use.

Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Chair Swenson stated the Budget Committee voted on the two articles with specific appropriation requests. The following three articles are all brought by petition and the Budget Committee did not feel the Article 13 was under the prevue of the Budget Committee since it did not have a specific appropriation request.

Selectman Chase made a motion to recommend Article 13: That in the future Capital Reserve Funds and Expendable Trust Funds be listed and voted on individually on the Town Warrant. Submitted by Petition. Majority vote required. Estimated 2019 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation.. Selectman Veisel seconded the motion.

Discussion: Selectman Chase stated they listed all the CRF funds in a block and this petition suggests that voters should be able to voice their opinion. She stated there is a Deliberative Session where everyone is allowed to voice their opinion and each article can be discussed in detail with the opportunity to make CRF item changes at that time and suggested that avenue be used. Chair Swenson concurred noting the CIP, Budget Committee, and Board of Selectmen discuss these accounts extensively with all meetings being open to the public.

Roll Call: Selectman Veisel – no; Selectman Chase – no; Chair Swenson – no. Motion does not pass with a 0-3-0 vote as the motion was stated. The Board of Selectmen does not recommend this Article.

Selectman Chase made a motion to recommend Article 14: To see if the Town will vote to raise and appropriate the amount of \$100,000, to be added to the Meetinghouse Capital Reserve Fund, previously established, for urgently needed structural repair. Further, to direct the Board of Selectmen to work with the Meetinghouse Restoration Committee to find qualified restoration contractors and complete this work as soon as possible. This sum to come from the unassigned fund balance. No amount to be raised from taxation”. Submitted by Petition. Majority vote required. Estimated 2019 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation. The Budget Committee does not recommend this Article. Selectman Veisel seconded the motion.

Discussion: Chair Swenson stated the petition article is misleading by stating that there is no tax impact since that is only correct for part of 2019. It will impede the Board of Selectmen’s ability to use the unassigned fund balance (UFB) to reduce the tax rate in late 2019 and 2020 as there may not be sufficient balance for tax rate reduction if the UFB is used for this Article.

Roll Call: Selectman Veisel – no; Selectman Chase – no; Chair Swenson – no. Motion does not pass 0-3-0 vote as the motion was stated. The Board of Selectmen does not recommend this Article.

Selectman Chase made a motion to recommend Article 15: To see if the town will vote to raise and appropriate the amount of \$8,000 to be added to the New Durham Parks & Recreation Capital Reserve Fund, for updating and replacing the Smitty Way Playground equipment. This sum to come from unassigned fund balance. No amount to be raised from taxation. Submitted by Petition. Majority vote required. The Budget Committee does not recommend this Article.

Discussion: Selectman Chase noted the petition indicates the funds to come from the Unassigned Fund Balance (UFB). If that is done the funds will be unavailable to be used to bring down the tax rate in the future. Chair Swenson stated funds have already been placed in a CRF for this project.

Roll Call: Selectman Veisel – abstained; Selectman Chase – no; Chair Swenson – no. Motion does not pass 0-2-1 votet as the motion was stated. Selectman Veisel abstained as she is a member of the Parks and Recreation Committee. The Board of Selectmen does not recommend this Article.

Chair Swenson made a motion to recommend Article 16 : To conduct any other business which may legally come before the Town. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0. The Board of Selectmen recommends this Article.

Town Administrator Kinmond confirmed the articles reviewed and recommended tonight have already been reviewed and approved by legal counsel.

Future Meeting Schedule

January 28, 2019, 7:00 p.m., New Durham Town Hall
February 4, 2019, 6:30 p.m., New Durham School
February 4, 2019, 7:00 p.m., Deliberative Session, New Durham School
February 5, 2019, TBD if needed

Cemetery Trustee Nominations

Chair Swenson stated there are two open positions on the Cemetery Trustee board. Per NH State statute the Board of Selectmen may fill vacancies until the next election, which will be March 12, 2019. He stated the two nominees are Darlene Checci and Doug Gilmore. These nominations are needed as the Cemetery Trustees do not have a quorum to meet at this point.

Selectman Chase made a motion to nominate Doug Gilmore to the Cemetery Trustees with a term to expire March 2019. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Darlene Checci to the Cemetery Trustees with a term to expire March 2019. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Primex Premium Holiday

Town Administrator Kinmond stated notification was received indicating the Primex Board approved a premium holiday distribution for workers' compensation based on the fiscal results of 2017. A refund will be received by New Durham in the amount \$16,748.73 effective December 31, 2018. He explained the refund could be applied to the future premium.

Selectman Chase made a motion that the premium holiday refund from Primex of \$16,748.73 be applied to 2019 premium charges from Primex. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Old Business

Approval of Minutes

Meeting of December 10, 2018 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Meeting of December 31, 2018 Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Roll Call:**

Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. 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. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant & (e)- Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

The Board entered nonpublic session at 8:50 p.m.

The Board reentered public session at 9:51 p.m.

Chair Swenson made a motion to seal the minutes of the nonpublic meeting of January 14, 2019 for reasons that it may adversely affect reputation other than the Board. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Adjourn

Chair Swenson made a motion to adjourn. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

The meeting was adjourned at 9:52 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary