

**NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
April 22, 2019, 6:00 p.m.**

Final Approved 5-13-19

Present

Chair David Swenson
Selectman Cecile Chase
Selectman Dorothy Veisel

Also Present

Scott Kinmond, Town Administrator
Dana Berry, Resident
David Bickford, Resident
Mark D'Entremont, Resident
Richard Leonard, Resident
Cadence Proctor, Resident

Call to Order

Chair Swenson called the meeting to order at 6:00 p.m. He stated the Public Hearing for the ambulance rates was posted for 7:00 p.m. so that will be held at that time. Chair Swenson noted the State of New Hampshire legislature budget that has been passed by the House and has some issues directly related to municipalities with regards to increasing percentages for money returned to municipalities, continuation of highway block grants, and potential changes in the state portion of education funding.

Appointments/Announcement

Public Input

David Bickford, resident, stated he thinks the base wages for wage adjustments should be in public session. He stated he would like the Board of Selectmen to put perambulation of Town lines on the agenda and referenced the state statute requiring perambulation of all town lines every seven years.

Agenda Review

Town Administrator Kinmond added under New Business: letter from NH DES relative to PFAS water quality testing for the Town wells on 4 and 6 Main Street. He explained this is due to the wells being in close proximity to a fire station; the DES will assist in the testing if the Town would like it done.

Town Administrator Kinmond added under Old Business: Cemetery Trustee nomination.

Town Administrator's Report

Town Administrator Kinmond distributed the Consent Signature Manifest for the dates of April 8 to April 22, 2019 for review by the Board.

Town Administrator Kinmond distributed a summary of the Solid Waste Facility hours of operation discussion of the last meeting on April 8. He stated he has discussed this with the Director of Public Works and the Solid Waste Supervisor in regards to the hours of operation as well as traffic patterns. He stated they have started doing daily traffic counts and presented a summary of the data collected; he noted the DPW and Supervisor do not recommend any changes to the hours of operation at this time. Selectman Chase stated she has been there many times recently and noted how well they are keeping the operation neat and organized. Selectman Veisel stated she has found the Supervisor to be very willing and open to improvements. By consensus of the Board the recommendation is to maintain the current hours of operation. Chair Swenson thanked the resident requesting the hours changes as it provides an update to verify the SWF operation is providing proper services.

Smith Ball-field Playground Equipment

Chair Swenson stated at the last discussion there was the initial presentation for the desired equipment to be purchased; there was some questions by the Board of Selectmen along with the request for a review by the Parks and Recreation Director. He noted that after that review there doesn't appear to be any major changes. The Board reviewed and discussed the equipment proposal; Town Administrator Kinmond explained there were some savings with changes in shipping. Chair Swenson outlined the current fund balance of the CRF and the Board discussed funding options. By consensus of the Board it was agreed a formal action for acceptance is needed from the Parks and Recreation Committee.

Chair Swenson made a motion to approve the playground equipment as recommended in the spreadsheet distributed to the Board of Selectmen on April 22, 2019 and to authorize expenditure of an amount not to exceed of \$25,250 for the said purchase of the playground equipment for the Smith Ball Field facility. Said expenditure to come from the Smith Ball Field CRF account 01-5000-10-076 and to authorize the Board of Selectmen Chair and / or Town Administrator to sign purchase orders pursuant to the policy. Selectman Veisel seconded the motion. Motion passed 3-0-0.

It was noted and agreed by consensus of the Board of Selectmen that while the Select Board or Town Administrator have the authority for handling the administrative functions including the purchase order per the purchasing policy, the Parks and Recreation Commission has the responsibility for project oversight. They may delegate that oversight but retain the accountability for the project.

First Quarter Financial Report

Town Administrator Kinmond distributed a summary of the first quarter financial report for review by the Board. He noted the Budget Committee will also be meeting Wednesday to review this information. Town Administrator Kinmond stated he is now making these reports available on the Town website as well.

Adopt-A-Spot Opportunities

Town Administrator Kinmond stated he is going to initiate this year's Adopt-a-Spot for businesses, clubs, or groups to take over beautification of a section of gardens or an area near public roads. He stated they will need people to help out and more information along with volunteer applications will be available on the website shortly. Selectman Chase suggested contacting Shea Joy who works closely with Pearson's Greenhouses, a local business, to make the opportunities known to master gardeners within the Town.

Public Hearing – Ambulance Billing

Chair Swenson opened the public hearing at 7:02 p.m.

Fire Chief Varney stated rates have not been raised since 2015 and explained the revenues go into an account for replacing equipment and the ambulance vehicle itself.

Chair Swenson asked for a comparison of the number of runs between now and past years. Fire Chief Varney explained the number of runs is pretty consistent. However, the purpose of the runs has varied from medical to fire. He stated a majority of transports are Medicaid / Medicare and those bills are paid at the rate Medicaid determines.

Mr. Bickford noted insurance will sometimes cover some of the costs and asked what a person can expect to pay out of pocket. Fire Chief Varney explained it depends on the type of call billed and also explained how calls are coded and the different services provided to different calls. The Board reviewed and discussed the recommended increases.

Chair Swenson closed the public hearing at 7:33 p.m.

Chair Swenson proposed some small adjustments to the originally proposed rate changes and the Board reviewed these suggestions.

Selectman Chase summarized the comparison of the recommended rates and Chair Swenson's recommendations. She also suggested reviewing rates every other year.

Chair Swenson made a motion to modify the current New Durham ambulance rates to those which were discussed: BLS Emergency, \$600; BLS Non-Emergency, \$475; ALS Non-Emergency Base Rate \$400, ALS 1 Emergency Base Rate, \$800; ALS 2, Emergency Base Rate \$1,100; Specialty Care Transport, \$1,050; Mileage, \$32; Airways \$117.40; Cardiac, \$201.80; Defibrillation, \$129.80; IV Administration \$135.13; non-covered mileage, \$12.65; oxygen, \$64.20; Treatment/Sign-off, \$200, with the understanding that these rates will be reviewed in twelve to twenty four months, effective May 1, 2019. Selectman Chase seconded the motion. Discussion: It was clarified that the rates are at least the Medicaid / Medicare approved amounts. Motion passed 3-0-0.

Road Surface Management Update

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Town Administrator Kinmond stated he worked with Don Vachon to take a look at the roadways and what has been proposed in the 2019 budget. He stated they have seen some changes in roads that will require different treatments and some with a higher cost such as repaving and reclaiming versus shim overlays. Town Administrator Kinmond stated they are also working to finalize the RSMS update from 2017 to 2019. He stated they are also putting together some projections for work in 2020 and 2022; he also outlined the various treatments recommended for various roads based on surveys and calculations of the road conditions.

By consensus of the Board the road recommendations were accepted as presented.

Selectman Chase made a motion to approve the Road Surface Management Update as presented on April 22, 2019. Chair Swenson seconded the motion. Motion passed 3-0-0.

Town Administrator Kinmond stated he would be putting the bid package together to get it out by next week.

Community Room Usage

Chair Swenson stated there was a request for the Community Room to be opened for other uses than what it already is. He noted it is already available for use by the Town Committees or affiliates, civic groups, or other non-profit organizations but the current request is for private use; he stated he felt it may not be worth the additional liability to do so. The Board reviewed and discussed the current policy. Town Administrator Kinmond gave suggestions for other aspects to be included such as insurance, deposits, etc. Selectman Chase suggested there are other opportunities for renting halls for private use and doesn't want to get into that. The Board agreed by consensus to maintain the current use policy.

New Business

Municipal Volunteer Talent Application-Parks and Recreation Commission

The Board reviewed and discussed the application for a volunteer to the commission.

Chair Swenson made a motion to nominate Darlene McDermott to the Parks and Recreation. Selectman Chase seconded the motion. Motion passed 3-0-0.

Appointment Review Policy

The Board reviewed and discussed edits made by Town Administrator Kinmond and Board Chair as presented. Further edits were also discussed.

Chair Swenson made a motion to approve the New Durham Appointment Policy on Boards, Committees, and Commissions Appointed by the Board of Selectmen as presented and amended on April 22, 2019. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Reappointment Review

The Board reviewed the applications for reappointment. Chair Swenson stated the Board of Selectmen need to also appoint a Board of Selectmen representative to the Cyanobacteria Mitigation Steering Committee.

Selectman Veisel made a motion to appoint Chair Swenson as the Board of Selectmen representative to the Cyanobacteria Mitigation Steering Committee with Selectman Chase as the alternate. Selectman Chase seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to nominate Mark Sullivan for reappointment to the Conservation Commission with an expiration date of March 31, 2022. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to nominate Andrew Hernandez for reappointment to the Parks and Recreation Commission with an expiration date of March 31, 2022. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to nominate Dorothy Veisel for reappointment to the Parks and Recreation Commission with an expiration date of March 31, 2022. Selectman Chase seconded the motion. Motion passed 2-0-1. Selectman Veisel abstained.

Chair Swenson made a motion to nominate Shawn Bernier for reappointment to the Highway Safety Committee with an expiration date of March 31, 2022. Selectman Chase seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to nominate Don Vachon for reappointment to the Highway Safety Committee with an expiration date of March 31, 2022. Selectman Chase seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to nominate Scott Kinmond for reappointment to the Highway Safety Committee with an expiration date of March 31, 2022. Selectman Chase seconded the motion. Motion passed 3-0-0.

New Hampshire Department of Environmental Services – PFAS Testing

Chair Swenson stated this topic received a lot of discussion at the New Hampshire Municipal Association Board Meeting as it could significantly impact all towns. He stated the issue is the State is looking to reduce the allowable limits in the local water systems but do so without supporting state funding. It was noted the allowable limits have not yet been changed and the State is still in the research phase. The State DES has offered to provide initial testing for the Town if authorized to do so from the appropriate body.

Chair Swenson made a motion to request that DES do PFA testing for the Town of New Durham's Town Hall and Fire Station well at the cost of DES. Selectman Chase seconded the motion. Discussion: Selectman Chase asked if they can do the

testing when they do it for cyanobacteria. Chair Swenson noted it is different; Town Administrator Kinmond stated the letter indicates this is a high priority and will be doing it as soon as possible. **Motion passed 3-0-0.**

Petition to Select Board to grant Right of Way for Removal of Lumber.

Chair Swenson summarized the request is for the Board of Selectmen to grant a right-of-way for removal of lumber pursuant to RSA 231:4, 40-42 for Map 245, Lot 015. He stated additional information was received from the applicant and others and this was reviewed by the Board. Chair Swenson noted there has not been anything presented at this point which would change his mind on the request. Town Administrator Kinmond stated he has been in contact with the applicant and it was noted a letter from an abutter indicating that working out an agreement for crossing their property for timber harvesting was possible. He noted he also did a rough calculation of the timber tax. The Board discussed the usual course of action for landowners to timber their properties and the use of abutters' properties for rights of way. Town Administrator Kinmond stated from the research he has done it seems that there is an opportunity for the applicant but if the Board of Selectmen denies the petition to grant a right of way for timbering the applicant could take the Town to court. Selectman Chase confirmed that on the advice of Town Counsel the Board of Selectmen is under no obligation to grant the petition.

Selectman Chase made a motion to deny the request for right-of-way for removal of lumber from Map 245, Lot 015 based on the information provided from Town Counsel. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Chair Swenson noted the Intent to Cut was signed by the Board of Selectmen but that in no way signifies any approval of a right-of-way or other approval for timbering the property; the signatures only indicate receipt of the application.

Cemetery Trustee

Town Administrator Kinmond stated the Town Clerk, Stephanie Mackenzie, attended the most recent Cemetery Trustee meeting and Freeman Goodrich, a former member of the Planning Board, expressed interest to the current Board of Cemetery Trustees and is willing to fill the vacant third seat. The Board reviewed copies of the meeting minutes.

Chair Swenson made a motion to nominate Freeman Goodrich as a Cemetery Trustee with a term to expire according to New Hampshire law. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Approval of Minutes

Meeting of April 8, 2019 – 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. 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 of 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 8:49 p.m.

The Board reentered public session at 9:41 p.m.

Selectman Chase made a motion to approve as Interim / Transitional part time employment extension to P&R Director Nichole Hunter with an hourly wage of \$22.50 per hour, not to exceed ten hours per week, and not to exceed time of ninety days, during the selection, hiring, and on-boarding process of a new Parks and Recreation Director. Selectman Veisel seconded the motion. Discussion: Chair Swenson stated he wouldn't be able to vote in support for this due to the prior and current wage rates. **Motion passed 2-1-0.**

Other

Selectman Chase made the suggestion to consider finding out if the state would allow perambulation by drone. Town Administrator Kinmond will research the possibility.

Adjourn

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

The meeting was adjourned at 9:44 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary