

**NEW DURHAM BOARD OF SELECTMEN
New Durham Community Room
August 19, 2019, 8:00 a.m.**

Final Approved 08-29-19

Present

Chair David Swenson
Selectman Cecile Chase
Selectman Dorothy Veisel

Also Present

Scott Kinmond, Town Administrator
Don Vachon, Road Agent
Peter Varney, Fire Chief
Michael Varney, Fire Captain
Neal Burn, Fire Lieutenant
David Stuart, Deputy Fire Chief
Keith Gibbons, resident
Ann Gibbons, resident
Alan Wysocki, resident
Robert Buxton, Hudson Fire Chief / President of NH Fire Chiefs Association
Brent Lemire, Executive Director NH Fire Chiefs Association

Call to Order

Chair Swenson called the meeting to order at 8:02 a.m.

New Hampshire Fire Chiefs Association – Firefighter Exposure Risks

Chair Swenson stated about six months ago Fire Chief Varney issued a report to the Board of Selectmen outlining some of the new regulations for Fire Department safety. Chair Swenson stated that the Board wanted to be fully aware of the issues but want to be sure to handle it responsibly. To augment this approach the Board has looked to outside resources and guidance to become better informed of the issues and New Durham's response to them.

Chair Swenson noted an RFP was approved recently by the Board of Selectmen to move forward with a space needs study, including the Fire Department, to address both space and potentially selected equipment safety issues. Chair Swenson also noted there were articles relative to the subject in the July / August 2019 New Hampshire Municipal Association publication New Hampshire Town and City. These articles included input from Primex as well as the NH Firefighting Academy; copies were previously distributed for review by the Board of Selectmen.

Selectman Chase joined the meeting at 8:09 a.m.

*New Durham Board of Selectmen Meeting
August 19, 2019*

Robert Buxton, Hudson Fire Chief and President of NH Fire Chiefs Association, gave an overview of the project and state regulation changes begun about 3 years, in conjunction with Governor Sununu, to deal with safety especially that related to fire department exposure to cancer causing materials and the current legislation in the State of NH. Chief Buxton stated they have worked to create an environment for firefighters where they can work to make worker's compensation claims and its collaborative effort between the State, municipalities, and the firefighters association. He explained that SB541 legislation and the scenarios in which claims can be valid, including the implementation of best practices by towns and fire departments. Chief Buxton explained the responsibility by the towns and departments to develop programs that limit exposure involve improved cleaning of gear and wearing appropriate protection. He explained there are AFG grants available for improving fire department handling of personnel gear and outlined the uses for funding in helping departments make changes. Chair Swenson confirmed with Fire Chief Varney that he gets the notifications for the grants available.

There was discussion of the after-retirement coverage for firefighters which is built into the legislation as well as the average age of firefighters, particularly in communities north of Concord.

Chair Swenson stated Chief Buxton referenced how things are done differently now than in the past and asked for more detail on how the clean up processes have changed. Chief Buxton replied that in the past they somewhat resisted cleaning gear but they are now thinking about how that affects the firefighters health. He explained a simple process begins with rinsing immediately with water on-site after fighting the fire; some departments no longer allow employees to wear the gear back to the fire house but box them up for washing; showers in firehouse facilities are a possibility as well and one of the easiest processes to implement.

Chair Swenson asked if the reference made earlier to firefighters making claims and whether when completing incidents reports if proof of exposure specific to an incident is needed or whether a general statement on all incident reports that there may have been exposure is sufficient. Chair Swenson stated he would like Town Counsel to review the form and asked TA Kinmond to have this done.

Chair Swenson stated NDFD do not currently have a shower and asked Fire Chief Varney if they can somehow implement that. Fire Chief Varney explained they do not have the plumbing and drainage as the current drains go down into catch basins. Chief Buxton explained many departments have to catch and filter the runoff as part of their systems. Selectman Veisel asked if there is any option for showers and storage of equipment off-site, somewhere that the water could be handled better. Town Administrator Kinmond explained an option is a de-contamination room that keeps the gear all in one room until it has been through the extractor room and works to keep items from contaminating others. Selectman Chase stated that while it is beneficial to the communities, many small communities struggle with the costs and financing multimillion-dollar facilities. Fire Chief Varney stated in the past they used Alton's extractor and now New Durham has their own as well as every firefighter having a second set of gear. He explained they

currently wash down the gear on the scene but that is difficult to do in the winter and cold.

Chief Buxton suggested working with a grant-writer as if option if they pursue a grant route for funding. He stated his department worked to set up capital reserve accounts as well. Chair Swenson stated they have worked over the recent years to provide New Durham Fire Department and residents state-of-the-art equipment including a new ambulance, SCBAs, etc. Fire Chief Varney explained all fees collected for ambulance services go to the department's revolving fund for ambulance replacement when needed.

Request for Building Permit on Private Road–Pine Point Rd – Map103, Lot 014

Alan Wysocki, resident / applicant, gave an overview of his plans to build a cottage on his property noting it was considered a buildable lot with a septic design being approved for the previous owner of the lot in the 1990s. He kept the design in effect with renewal every four years but allowed it to lapse a few years ago. Recently it was disapproved by the NHDES for the shoreline permit. Mr. Wysocki stated a perk test was done and nothing has changed for the septic requirements but he wasn't ready to build a house. Mr. Wysocki stated under the shoreline protection act, the NHDES permit requires having plans presented for building to be constructed in order for the septic design to be approved. The Board reviewed the application as well as decisions of the Zoning Board of Adjustment on the case. Chair Swenson asked if they have a road maintenance agreement for the Pine Point Road where the lot is located. It was noted they do work with the neighbors on the road to take care of the road; there is also an agreement with Mr. McKay for maintaining the roads near the gravel pit. Chair Swenson stated they will need to provide a copy of the road maintenance agreement if it exists; it was indicated there is not a written agreement currently and the Board of Selectmen advised the applicant to get something in writing, suggesting the Land Use assistant may be able to provide an example of an agreement. It was clarified that the road is a private road not a class VI road. Mr. Wysocki asked if there are specific requirements for building on a private road versus a class VI road. Chair Swenson replied a waiver of liability and road maintenance agreement would be necessary for review by Town Counsel. Town Administrator Kinmond explained the road maintenance agreement would come under the purview of the subdivision but it would be treated differently than a Class VI, as long as it remains a private road, in order for a building permit to be issued. Mr. Wysocki stated he is concerned with signing a waiver and getting insurance for his home. Town Administrator Kinmond explained it is a protection for the Town in the event maintenance of the road falls through and other houses were built in the future. Selectman Chase encouraged them to formalize the association and develop an agreement for the private road.

Town Administrator's Report

The Board reviewed a summary presented by Town Administrator Kinmond regarding the space needs study. Town Administrator Kinmond explained he did some further research regarding the fee structure variances between the companies and was able to get a more detailed outline of the costs involved with the project. This information was reviewed and discussed by the Board. Town Administrator Kinmond noted he has talked

with others who have used the services of the companies that bid on the RFP and suggested the Board could wait for some more information to come in to be able to make a better comparison between the companies. The Board discussed the contingency percentage and concurred with moving forward with a not-to-exceed cost.

Selectman Chase made a motion to award the bid to AG Architects P.C. of Dover, NH for the contract for the Facilities Space Needs Study, with a project budget of \$28,900 plus a 10% contingency. Said expenditure to come from the Town Buildings Improvements ETF Account 01-5000-20-066. Selectman Veisel seconded the motion. Motion passed 3-0-0.

Tax Collector's Request for 2019 Tax Deeding

Town Administrator Kinmond presented a memorandum from the Tax Collector summarizing properties involved noting those properties which have currently occupied structures. He also provided an email from Town Counsel regarding the process of tax deeded and liens for occupied properties noting the process is pretty similar but if the sale exceeds the amount of the back taxes they need to escrow the excess amount over taxes due for at least ten years. Chair Swenson stated there are 15 properties listed with almost half being occupied. The Board reviewed the list of properties presented.

Chair Swenson made a motion to authorize the 2019 Tax-Deed of the properties in accordance with the recommendations of the Tax Collector as presented on August 19, 2019 from the memo dated August 7, 2019. Selectman Veisel seconded the motion. Motion passed 3-0-0.

DPW-Bid Package for Hauling & Disposal of Municipal Solid Waste & Construction Debris

Town Administrator Kinmond explained this bid package is similar to the one done in 2016 and a fee schedule was presented for all commodities handled by the facility. The Board discussed the costs of disposing of materials as well as the higher costs of single-stream recycling and the higher costs when items are not properly separated. Town Administrator Kinmond explained some of the ways they are able to generate a small amount of revenues from some of the recyclable materials. By consensus of the Board, it was agreed to have Town Administrator Kinmond move forward with putting the RFP out for bid.

Selectman Chase left the meeting at 10:05 a.m.

DPW-Winter Sand Bid Award

Town Administrator Kinmond stated the bids were received, opened publically and reviewed by the Department of Public Works, with the Director also reviewing the materials from the lowest bidder. The Board reviewed the bids.

Chair Swenson made a motion to award a three-year bid to ACMCI, Charles McKay and to authorize the purchase order #2650 in the amount not to exceed \$20,000 to ACMCI, Charles McKay of New Durham, NH for one year, 2019, for

approximately 1,380 cubic yards of winter sand. Said expenditure to come from Account 01-4132-10-663. Selectman Veisel seconded the motion. Motion passed 2-0-0.

DPW – Dust Control Liquid Purchase Order

The Board reviewed the recommendation from the Public Works Director.

Selectman Veisel made a motion to approve purchase order #2237 to Innovative Surface Solutions in an amount not to exceed \$17,000, at the rate of \$0.97 per gallon, for 17,000 gallons of liquid magnesium chloride for dust control for 2019. Said expenditure to come from Account 01-4312-10-665. Chair Swenson seconded the motion. Motion passed 2-0-0.

RFQ – Engineering Services

Town Administrator Kinmond stated the Town needs to consider opening an RFQ for engineering services. Chair Swenson stated he prefers to use RFPs which can incorporate RFQ section to obtain that information. Town Administrator Kinmond explained in order to do grants to NHDOT and possibly NH DES they will be required to go through an RFQ process for engineering services as it should be based on qualifications as opposed to the dollar amount and explained the interview process with this type of bid request. The Board by consensus agreed that TA Kinmond should proceed to issue the document for the Town's engineering services.

Nomination for Reappointment – Heidi Duford, Town Treasure and Ann Brady, Deputy Town Treasurer

Town Administrator Kinmond explained that after some research it was determined the term was due to expire in 2019 but it was somewhat unclear when it changed from elected to an appointed position.

Chair Swenson made a motion to make the Town Treasurer appointment a three year appointment. Selectman Veisel seconded the motion. Motion passed 2-0-0.

Chair Swenson made a motion to nominate Heidi Duford as New Durham's appointed Town Treasurer with a term of office to expire March 31, 2022. Selectman Veisel seconded the motion. Motion passed 2-0-0.

Chair Swenson made a motion to nominate Ann Brady as New Durham's appointed Deputy Town Treasurer with a term of office to expire March 31, 2022. Selectman Veisel seconded the motion. Motion passed 2-0-0.

2019 Dog Warrant

Town Administrator Kinmond presented a list of dogs the Town Clerk and Tax Collector have been working to track down and get the fees paid; he explained after this list is reviewed and approved by the Board of Selectmen, the Police Department to do their part in trying to locate the owners.

Chair Swenson made a motion to authorize the 2019 Town Clerk's Dog Warrant for the Police Department to take action under state statute as necessary for the penalties. Selectman Veisel seconded the motion. Motion passed 2-0-0.

Public Notice – Downing Pond Draw Down for Dam Repairs

Chair Swenson read the public notice making residents aware of Downing Pond of a draw down of approximately 2+/- feet, beginning September 15, 2019 and is expected to last through November 2019 for the purposes of dam and hydrant work by New Durham DPW. Town Administrator Kinmond noted all property abutters were also notified by mail.

Approval of Minutes

Postponed.

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. Roll Call: Selectman Veisel – aye; Chair Swenson – aye. Motion passed, 2-0-0.

The Board entered nonpublic session at 10:27 a.m.

The Board reentered public session at 10:49am

Chair Swenson made a motion to seal the minutes of the nonpublic session of August 19, 2019 for reasons that it may adversely affect reputation for one other that the Board. Selectman Veisel seconded the motion. Motion passed 2-0-0.

Adjourn

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

The meeting was adjourned at 10:51 a.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary