

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Community Room  
February 4, 2020, 8:00 a.m.**

**Final Approved 03-09-20**

**PRESENT**

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

**ALSO PRESENT**

Scott Kinmond, Town Administrator  
Jeff Allard, Chair of Planning Board  
Bruce York, Tri City Trailblazers ATV Club  
Bill Slater, Tri City Trailblazers ATV Club  
Randy Orvis, Tri City Trailblazers ATV Club  
Celeste Chase, Parks and Recreation Director

**CALL TO ORDER**

Chair Swenson called the meeting to order at 8:00 a.m. He stated that due to her schedule Selectman Veisel is unable to attend today's meeting. Selectman Veisel confirmed she is unable to attend and she is alone. It was noted all votes would be by roll call.

**Appointments / Announcements**

**Planning Board – Commercial Development Plan Informational Comments**

Jeff Allard, Chair of the Planning Board, stated the Planning Board has been working on the zoning ordinance and it seems that some are not being enforced and asked the Board of Selectmen to be aware of these. He stated the first is the Dark Skies Ordinance and one of the properties which led to the request for this ordinance was on South Shore Road but is unsure of the number. Mr. Allard stated the ordinance was clear and indicates lighting must be shielded and pointed down; however, this property lighting is clearly seen across the lake. He suggested the Code Enforcement Officer be notified. Mr. Allard stated there appears to be four properties that violate the Trailers Ordinance, one of which is 259 Merrymeeting Lake Road. He noted another property is 42 Brackett Road which appears to have more than 2 trailers; 240 South Shore Road; and 120 South Shore Road. Both South Shore Road properties violate the 75' setback. Mr. Allard noted all violations of the zoning ordinance have a fine schedule. Town Administrator Kinmond stated at least three of the four of these cases are currently under investigation, in the process, or are destined for district court with the possibility of going up to Supreme Court. He noted there is another case currently in district court. It was also noted the position of the Code Enforcement Officer (CEO) is only a part time position. Town Administrator Kinmond explained the CEO is an arm of the land use boards and the chairs of those boards have full authority to inquire with the CEO and ask for investigations and updates. Chair Swenson summarized that action is being taken on the cases Mr. Allard referenced.

Mr. Allard stated the Planning Board upcoming plans for this year include looking to update Impact Fees and as well as Soil Types within Town. He stated they held a few public forums last year but didn't get a huge response and suggested forming a committee to discuss the desires of residents regarding commercial development and what type of commercial environment they want to create in New Durham. Mr. Allard stated New Durham is unique in its natural resources, largely Merrymeeting Lake as well as Birch Ridge Community Forest, Merrymeeting Marsh and River. He suggested they might be able to build a commercial environment around these features. Mr. Allard stated he has been in contact with someone from UNH who is looking to help communities develop their commercial areas around their natural resources and the individual will be attending an upcoming Planning Board meeting. He stated the Town also has 7 historic sites on the National Registry. Chair Swenson suggested being sure to include representation from the existing businesses within Town in the planning process. Selectman Chase asked if this was worked on during the Master Plan and stated the Boodey Farmstead seems to be inline with what he is suggesting. There was discussion about how commercial development affects the tax base and Mr. Allard stated he hasn't found any direct correlation between a lower tax rate in towns with more development.

#### **Tri City Trailblazers ATV Club–Trail**

Randy Orvis, Tri City Trailblazers ATV Club, presented a map of Farmington with a portion of New Durham depicted; he stated they have about 18 miles of trails which begin at the Somersworth Walmart, continuing down to Rollinsford. He stated their goal is to eventually connect everything through Rochester and noted there is a demand in Farmington for local ATV trails. Mr. Orvis stated Johnson's is willing to be a "destination point" for loading / unloading and parking trailers and there is an area on Libby Road owned by Jay Stonner, who is willing to permit parking on those wood lots. He stated that per the State if there is a destination on each end of the trail Route 11 will be opened up. They are now asking for permission from New Durham to utilize the Class VI roads of Kaime Road, Libby Road, Bennett Road and a section of Jenkins Road. The areas noted in red on a map on display at the meeting indicate landowners in New Durham who are cooperating with the opportunity to establish a snowmobile trail. Mr. Orvis stated he sees lots of opportunity for commercial development related to these trails. He explained that once the trails are approved they can get state funding and the trails are covered under the state insurance policy as well. He also explained that the old railroad beds are restricted from having wheeled motorized vehicles and require approval from the federal government to change that. Town Administrator Kinmond asked if they have any other agreements with towns regarding use of Class VI roads. It was noted they have not gotten that far with other towns yet. Chair Swenson asked Town Administrator Kinmond to contact Town Counsel for legal advice for providing permission for use of the Class VI roads; he also requested a formal written summary from TriCity Trailblazers of the specific roads being proposed for use. Selectman Veisel asked about details regarding hours the ATVs would be going through as it a residential area. It was noted the hours of use are restricted already for ½ hour before sunrise and ½ hour after sunset and they cannot run at night; all ATVs must have a manufacturer's installed spark resister which regulates the noise and must have mufflers.

**Nomination for Appointment – Parks & Recreation Commission**

Celeste Chasse, Parks and Recreation Director, stated there was a resignation from the Commission and presented three applications from interested individuals. She stated there is one opening and asked if the Board could put the commission back up to seven members from five to allow for more input and diversity within the commission. Town Administrator Kinmond stated it had been seven but there was a struggle around 2016/17 getting the seats filled and having a quorum in attendance. He stated increasing the seats could open the Commission to more input and involvement from the community. Selectman Chase asked if there are enough interested individuals to fill the seats. Ms. Chase replied there is. Selectman Veisel stated she would be opposed to increasing the number noting there was a period of time when the Commission couldn't meet due to lack of a quorum. Town Administrator Kinmond stated if there are people that are interested they can open it up and if it doesn't work out the Board of Selectmen can reduce the number again. Selectman Chase stated the new Director seems to be getting people interested and involved so wants to support that improvement.

**Selectman Chase made a motion to increase the membership on the Parks and Recreation Commission from five to seven members. Chair Swenson seconded the motion. Roll Call: Selectman Veisel – nay; Selectman Chase – aye; Chair Swenson – aye. Motion passed 2-1-0.**

The Board reviewed the volunteer applications for Chad Chase, Carol Allyn and Scott Goodspeed. Ms. Chasse explained that two of the individuals were involved with the playground project, noted all three continuously volunteer and gave a summary of their involvements.

**Selectman Chase made a motion to nominate Carol Allyn to the Parks and Recreation Commission. Chair Swenson seconded the motion. Roll Call: Selectman Veisel – abstain; Selectman Chase – aye; Chair Swenson – aye. Motion passed 2-0-1.** Selectman Veisel abstained.

**Selectman Chase made a motion to nominate Chad Chase to the Parks and Recreation Commission. Chair Swenson seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

It should be noted that Chad Chase is not in any way related to Selectman Chase.

**Selectman Chase made a motion to nominate Scott Goodspeed to the Parks and Recreation Commission. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Administrator's Report**

Town Administrator Kinmond distributed the Consent Signature Manifest for the dates of 12/31/19 to 2/4/20 for review by the Board.

**Police Department Purchase Order – 2020 Dodge Durango AWD Police Cruiser**

Town Administrator Kinmond stated he has been working with the Police Chief regarding the rotation of vehicles and stated car #3, an all wheel drive sedan, is up for replacement. He noted they haven't been able to make any trade with it and the process needs to be started in order to have delivery for early summer. Chair Swenson stated the projected CRF balance is about \$70,000 so there are sufficient funds although there will be additional costs than just the purchase of the vehicle. Town Administrator Kinmond stated the Police Chief is still working on proposals for the up-fit of lighting, etc.

**Selectman Chase made a motion to authorize purchase order #2687 in the amount of \$32,835 to Central Chrysler Jeep Dodge RAM of Raynam, MA, for the purchase of a 2020 Dodge Durango AWD Special Police Utility Vehicle per NH State Bid #8002601 and said expenditure to come from Police Cruiser CRF, account 01-5000-10-075. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Department of Public Works Purchase Order – 3yd Dumping Steel Hopper for Solid Waste Facility**

Town Administrator Kinmond stated this would be utilized at the transfer station for the collection of mixed paper and explained that currently they have to pay for disposal of mixed paper because it is not clean enough (extra water, etc.). They are trying to foster a few locations throughout NH in the old paper mills for reusing those and recycling the paper. He stated they have problems with keeping it dry and the proposed plan will reduce costs and the hopper can be used for other materials as well.

**Selectman Chase made a motion to approve purchase order #2689 in the amount of \$2,563.24 to Global Industrial of Chicago, IL for the delivery and purchase of a 3yd Dumping Steel Hopper for use at the Solid Waste Facility. Said purchase to come from Solid Waste Facility Equipment account, 01-5000-10-074. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Town Administrator NHIT Training Trustee Institute 2/9–2/12**

Chair Swenson stated Town Administrator Kinmond is a board member for the Interlocal Trust and they offer educational training meetings that Town Administrator Kinmond would like to attend. Chair Swenson stated he supports educational opportunities for all employees with the proviso that they be job related and the employee provides information upon completion of the educational opportunity on how it benefits the Town and will be used in the employee's work. Town Administrator Kinmond stated he sees this as professional development time and the expenses are covered by the Trust; the 2-½ days of training will cover employee benefit plans.

**Chair Swenson made a motion to authorize the Town Administrator to leave from February 7, 2020 to February 12, 2020 as a professional development leave time and to provide a report of the training and how it may assist him in his duties as Town**

**Administrator. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**CAI GIS Internet Services Annual Maintenance Agreement**

Town Administrator Kinmond presented the annual maintenance agreement for cartographic services which support the online tax cards and tax maps.

**Selectman Chase made a motion to authorize purchase order #2690 in the amount of \$2,400 to CAI GIS of Littleton, NH for the annual maintenance fee for GIS internet services. Said expenditure to come from account 01-4152-10-330. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Civic Plus 5 year Annual Website Host Agreement**

Town Administrator Kinmond presented a five-year agreement for review by the Board. He explained this is for hosting town and schools websites and the Town has been a client of the company for many years, although the business name is new. It was noted the agreement is for five years but the renewal is year-to-year. Town Administrator Kinmond confirmed they have good support from the company as well as training. He stated if they changed companies it would be a huge undertaking and they don't have the staff to do that at this time.

**Selectman Chase made a motion to enter into a one year renewal agreement with Civic Plus for the Town's webhost for its website. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Pope Memorial Humane Society–Annual User Agreement**

Town Administrator Kinmond stated this was formerly the Cocheco Valley Humane Society and presented for review, an annual agreement that allows the Town to bring stray animals to the society. He stated he has gone over this with Police Chief Bernier, as he is the Animal Control Officer, noting he does budget for these costs.

**Selectman Chase made a motion to enter into an annual agreement with Pope Memorial Humane Society for law enforcement access for stray, abandoned, abused, unwanted and surrendered cats, dogs and small animals, per the fees outlined within. Said expense borne by the owners or the PD operating budget. 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 authorize Chair Swenson to sign the agreement with Pope Memorial Humane Society on behalf of the New Durham Board of Selectmen. 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 authorize Chair Swenson to sign the contract with Civic Plus on behalf of the New Durham Board of Selectmen. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Electricity Purchasing Contract Extension – First Point Power**

Town Administrator Kinmond stated the contract with First Point Power comes up for renewal in October and the broker advised they can look to lock-in rates now; a summary of update rates was presented and reviewed. It was also recommended to go with a 37 month agreement; Town Administrator Kinmond stated it would be a \$3,241 savings over the 37-month period.

**Selectman Chase made a motion to enter into a 37-month electricity supplier contract extension with First Point Power at a fixed kilowatt price of \$0.078 which will begin October 2020 and run through October 2023 and authorize the Chair to sign on behalf of the New Durham Board of Selectmen. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**New Business**

**EPA Public Hearing Comments – F&G Powder Mill Fish Hatchery Discharge Permit Select Board Letter**

Chair Swenson stated there is an EPA public hearing on Wednesday, February 5, 2020 at 7 p.m. at the Elementary School. He commended Mr. Quimby for his work on the cyanobacteria mitigation project and permits and Chair Swenson presented for Board review a draft letter to the EPA from the Board of Selectmen. Chair Swenson explained the letter indicates support of the work of the cyanobacteria mitigation steering committee and the water quality committee and notes areas of concern in the current EPA permit draft for Powder Mill Fish Hatchery. The Board reviewed the draft letter. Chair Swenson stated there are five specifics that the Board of Selectmen feel need to be addressed in the permitting which have not been properly addressed to date by EPA. Selectman Chase noted the five proposed remedies: summer monthly limit on total phosphorus, limit on the net increase of total phosphorus load over a year, reconsideration of the phosphorus limit established should future water quality testing show continued degradation, and a time line for expected improvements.

**Selectman Chase made a motion to approve the letter to the EPA containing the Board of Selectmen comments regarding the draft discharge permit for the Powder Mill Fish Hatchery and to approve electronic signatures of the Board. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Nomination for Appointment – New Durham Water Quality Committee**

Chair Swenson stated there is an opening on the committee for a resident of New Durham with the resignations of Art and Susan Hoover.

**Chair Swenson made a motion to nominate Mike Gelinas of New Durham, NH as a member of the New Durham Water Quality Committee with a term to expire March 31, 2023. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Nominations for Appointment – Alternate Inspector of Elections**

The Board reviewed the nominations for appointment of Alternate Inspector of Elections. Chair Swenson explained these would be appointments due to time being of the essence with the upcoming election on February 11.

**Selectman Chase made a motion to appoint Leon Lashley of New Durham as an Alternate Inspector of Elections with a term to expire August 1, 2020 or until a successor is appointed and qualified. 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 appoint Autumn Gaska of New Durham as an Alternate Inspector of Elections with a term to expire August 1, 2020 or until a successor is appointed and qualified. 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 appoint Maureen Knepp of New Durham as an Alternate Inspector of Elections with a term to expire August 1, 2020 or until a successor is appointed and qualified. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Request for Membership Status Change – Boodey Farmstead Committee**

Town Administrator Kinmond stated Ms. Orlowicz was unable to attend but made a request through the committee for Crissa Evans to become a regular of the Boodey Farmstead Committee. Ms. Evans had gone into an associate member status when she moved west but stayed very connected with the committee and has now returned to the area. The Committee requests that her membership be changed back to a full member.

**Selectman Chase made a motion to change the membership status of Crissa Evans from associate member to member of the Boodey Farmstead Committee with a term to expire March 31, 2023. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Solar Energy System Exemption-Map 250, Lot 107**

Town Administrator Kinmond stated the town assessor has reviewed and approved the exemption for a solar system being installed.

**Selectman Chase made a motion to approve the Solar Energy System Exemption for Map 250, Lot 107. Said exemption in the amount of \$32,900. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Tax Collector’s Recommendation Tax Repayment Arrangement – Map 243, Lot 029**  
The Board reviewed the Tax Collector’s recommendation for a payment plan.

**Chair Swenson made a motion to authorize the Tax Collector to enter into a tax repayment arrangement with the owner for Map 243, Lot 029. Said arrangement to be reviewed at the end of 2020 and that the owner keep current and full payment of all new tax bills. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Legal Service Engagement Letter – Steven Whitley, Esq., Drummond / Woodsum Attorneys at Law**

Town Administrator Kinmond stated at the last meeting the Board discussed keeping a current code violation case file with Mr. Whitley at his new firm due to continuity and cost considerations. An engagement letter was reviewed by the Board.

**Selectman Chase made a motion to enter into an engagement for legal services with the legal firm of Drummond / Woodsum, Attorneys at Law, of Manchester, NH and to authorize Chair Swenson to sign on behalf of the Board of Selectmen. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

## **OLD BUSINESS**

### **Engineering Services Update**

Town Administrator Kinmond presented a summary of the proposed hourly rates from the various engineering firms. He stated Westin and Sampson have asked to provide more detailed rates regarding the specific needs of the town and it was agreed to having them do so. Based on the previous work done by the engineering bid qualification committee Westin and Sampson were the vendor of choice but did not have acceptable costs per Select Board review. Based on resubmittal of costs this vendor is cost competitive with lower ranked entities.

**Selectman Chase made a motion to enter into a general engineering contract with Westin and Sampson of Portsmouth, NH following a quality based selection process with negotiated costs for services rates provided on January 15, 2020. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Future Meeting**

March 9, 2020, 6:00 p.m., New Durham Town Hall

### **Other**



Chair Swenson updated Selectman Veisel on the changes made to the budget and articles at the Deliberative Session.

**REVIEW AND APPROVAL OF MINUTES**

Meeting of December 31, 2019 – Review of minutes postponed due to time constraints and other required business.

**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 10:24 a.m.

The Board reentered public session at 10:57 a.m.

Chair Swenson stated while in nonpublic the Board discussed issues as defined in the motion to enter non-public.

In response to social media erroneous comments, Selectman Veisel stated categorically her family trust does not provide any police department employees property rentals.

**Chair Swenson made a motion to seal the minutes of the nonpublic session of February 4, 2020 for reasons that it may adversely affect reputation of one other than the Board. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Selectman Chase made a motion to make a conditional offer of employment to Candidate #1 for a full time position on the New Durham Police Department at \$25.50 per hour based on the candidate's level of experience in both police department and management fields. This candidate will not be eligible for other increases being reviewed in 2020. 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 make a conditional offer of employment to Candidate #2 for a part time position on the New Durham Police Department at**

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**\$24.00 per hour based on the candidate's level of experience in both police department and management fields. This candidate will not be eligible for other increases being reviewed in 2020. Selectman Veisel 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 11:00 a.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary