

NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
April 6, 2020, 6:00 p.m.

Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.

Final Approved 04-20-20

PRESENT

Chair David Swenson – via Zoom (On site at Town Hall)
Selectman Cecile Chase – via Zoom
Selectman Dorothy Veisel – via Zoom

ALSO PRESENT

Scott Kinmond, Town Administrator – via Zoom (On site at Town Hall)
Terry Jarvis, Chair of Budget Committee / ZBA / Resident – via Zoom
David Bickford, Resident – via Zoom

CALL TO ORDER

Chair Swenson called the meeting to order at 6:06 p.m. He confirmed the meeting was posted appropriately and the purpose of this meeting is to look at actions taken initially in light of the COVID-19 pandemic. Chair Swenson stated that due to the State of Emergency declared by Governor Sununu and pursuant to Executive Order #12, the Town is authorized to meet electronically. He stated there is no physical location to observe this meeting, however, in accordance with the Order it was confirmed that public access to the meeting is being provided by telephone, with additional access possibilities by video (Zoom); all members of the Board of Selectmen and Town Administrator have the ability to communicate contemporaneously during this meeting; the public has access to contemporaneously listen and participate via links posted on the agenda. Chair Swenson stated Selectman Chase has not joined the meeting yet but they have a quorum at this point. All motions will be by roll call. He confirmed with Selectman Veisel that no one else is present at her video location; he confirmed he is alone as well and at Town Hall. Chair Swenson stated that in the event they need to go into non-public session a separate phone number will be used for the Board of Selectmen members to use and they will then reenter nonpublic session.

Public Input

David Bickford, resident, stated that during the meeting of February 4, 2020 in response to social media comments in which Selectman Veisel responded that her family trust does not provide any financial support for the Police Department. Mr. Bickford stated that Selectman Veisel was correct in that no Veisel family trust financial support has been given to the Police Department. Mr. Bickford stated that Jeff Martin is the trustee of the Martin Revocable Trust of 2006 in which owns Selectman Veisel's house, he is her son, and he also is the owner, in his own name, where Police Chief Bernier resides.

Mr. Bickford stated on December 31, 2019 he attended the Board of Selectmen meeting to speak about petition Warrant Article #13, to which Chair Swenson stated he was not

prepared to discuss as the Board had just received the document. Mr. Bickford stated the Board of Selectmen then went into non-public session and when they came out, Article 13 was discussed. Mr. Bickford stated he thinks that was a poor action.

Agenda Review

Chair Swenson added under New Business: Budget Concerns.

Town Administrator's Report

Zoom – How it works

Town Administrator Kinmond stated he posted a “How To” page on the Town website relative to accessing meetings by phone or video and if anyone has any problems or questions please direct them to call Town Hall or email TA Kinmond at the information provided on the agenda and website.

COVID 19 Emergency Policies

Town Administrator Kinmond stated this addresses the emergency sick leave act put in to place by the U.S. President and is part of his executive order and provides 80 hours of sick time for full and part time staff which may be affected by the pandemic. He stated it outlines six conditions within the order which is basically an emergency FMLA and presented a document regarding the notice from Primex addressing employees affected by COVID-19. Town Administrator Kinmond stated that currently all Town staff are working although the facilities are not open to the public. He stated this policy will exempt first responders from this provision and includes fire, police and can also include public works departments. Town Administrator Kinmond stated he is undecided whether to include the public works and stated it is up to the Board of Selectmen if they want to include that department. He stated there has been one employee tested with a negative result but there have been some employees who have had symptoms and self-quarantined who have now fully recovered.

Chair Swenson stated they have previously discussed this and concurs with the exception of police and fire and suggested modifying the motion to include “designated DPW personnel” for the exception. Town Administrator Kinmond explained they have already determined all Town Hall employees as essential but the question comes up for DPW in the event one of their family members have to be quarantined and whether the DPW employee will be part of or exempt from the sick time policy, noting there are employees who have no sick time on the books or are too new to have accrued any. Chair Swenson clarified that as an employer they would be asking an employee to stay at home if they or a family member have symptoms. Town Administrator Kinmond recommended going forward on a case by case basis. Edits were made to the draft policy.

Chair Swenson made a motion to adopt the Emergency Policies per the March 30, 2020 memo from Town Administrator Kinmond in response to the COVID-19 global health pandemic, effective April 1, 2020 and shall remain in effect until its expiration date of December 31, 2020 or until rescinded. This policy exempts New Durham Fire and Police and designated Department of Public Works personnel. Selectman Veisel seconded the motion.

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

Selectman Chase joined the meeting at 6:39 p.m. Chair Swenson confirmed with Selectman Chase that no one else is present at her video location.

Police Department eCrash Equipment Grant

Town Administrator Kinmond explained this is a matching grant through the NH Department of Safety and is something being phased with all municipalities and is part of e-ticket and accident data collection. He stated this allows the officers to enter data through the tablets in the cruisers and send it to Concord. The total amount to be matched by the Town is \$450 but the federal portion is \$1800. Chair Swenson confirmed that amount would be covered in the PD equipment budget.

Selectman Veisel made a motion to accept the New Hampshire Department of Safety e-Crash Equipment Grant in the amount of \$1,800. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase –aye; Chair Swenson – aye; Motion passed 3-0-0.

DPW – COVID-19 Virtual Learning / Training

Town Administrator Kinmond stated they have done many things at Town Hall with regards to social distancing and telecommuting, for which policies were previously approved by the Board of Selectmen in March. He stated nearly all Town Hall functions are continuing with some modifications to the processes to avoid having employees working in the same workspaces. Town Administrator Kinmond stated there are limited appointments with the public and staff is utilizing gloves and masks. However, it is more difficult with DPW when part time staff is as many as 7 employees. They are trying to stagger shifts as well as opportunities for staff to use PTO time and take advantage of virtual learning and training during this time. A written summary overview is then required of the employees participating in the training in lieu of being at work. Chair Swenson confirmed the hours in training are being tracked as such in payroll in case they are able to get some reimbursement down the road.

Chair Swenson made a motion to extend the closure of all Town buildings under the same processes noted previously until May 4, 2020. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase –aye; Chair Swenson – aye; Motion passed 3-0-0.

Chair Swenson asked Town Administrator Kinmond about the energy review and noted there seem to be many heating pipes which need insulating and suggested seeing if that could be done now by DPW or other staff should regular projects be postponed due to the pandemic. Town Administrator Kinmond confirmed all piping in the Town Hall needs to be insulated.

NEW BUSINESS

Veteran's Tax Credit – Map 253, Lot 036

The Board reviewed the application for a Veterans Tax Credit. Chair Swenson confirmed this was reviewed and recommended by the contract assessor.

Selectman Veisel made a motion to approve a Veterans Tax Credit in the amount of \$500 for Map 253, Lot 036. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase –aye; Chair Swenson – aye; Motion passed 3-0-0.

Budget Concerns – Revenue Shortfalls

Chair Swenson stated in looking at the revenue budget for this year there are at least three lines which he has major concerns about actual revenues meeting budgeted amounts. These include but not limited to line for the meals and room tax, highway block grant, and the \$40,000+ as a special budget which came from the State. He stated should it be zero for all three of those, it could be a \$250,000 revenue shortfall for this budget year. Chair Swenson suggested they have Town Administrator Kinmond begin working with department heads to review their budgets to determine where this shortfall could be accommodated. Selectman Chase concurred and suggested they look at the capital outlay and the scheduled purchases to see where they could hold off. Chair Swenson stated that legally capital improvement is designated to certain expenditures and may require special meetings to do otherwise. Selectman Chase suggested looking into postponing the purchases as well as getting guidance from New Hampshire Municipal Association and Town Counsel.

Selectman Veisel suggested Town Administrator Kinmond look into approaching the school district in regards to the large bill coming due there. Chair Swenson concurred. Town Administrator Kinmond stated the school district will require the Town pay; he stated in regards to capital items being purchased from capital reserve funds that these are already earmarked for specific purposes although road project funding is raised through taxation and that could be deferred and utilized to help the shortfall. He stated he has already been working with the department heads to get prepared going forward and they have put a freeze on any non-essential purchases. Selectman Chase stated she would like to know the plans of the school district for looking at their budget in the event this goes on for a longer period of time.

Terry Jarvis, resident / Chair of the Budget Committee and ZBA, stated the capital expenses which come from ETF's and capital reserves were voted on by the legislative body and asked which projects they could put a hold on and what is the amount of the unanticipated fund balance. She asked if they could freeze all department spending and anything other than salaries and benefits need to have justification.

OLD BUSINESS

Future Meetings

April 20, 2020, 6:00 p.m.

*New Durham Board of Selectmen Meeting
April 6, 2020*

Mr. Bickford asked whether the public Zoom meeting would be continued after the nonpublic session and if any decisions would be made when the Board comes back to public session. Chair Swenson replied he does not know at this point at what time the non-public portion will conclude. Selectman Chase suggested making sure they do not come back and make decisions to ensure transparency with the public, and if decisions are needed, to make a special meeting or put off until the next meeting. Town Administrator Kinmond recommended continuing the public meeting until the next meeting date.

The public meeting was continued until Monday, April 20, 2020 unless noticed otherwise.

Chair Swenson made a motion to leave public session and enter into nonpublic session but leave the public until such time a dually called meeting is posted and informed to the public or until April 20, 2020 at 6:00pm, or which ever comes first, and 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 Veisel 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 8:51 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary