

**NEW DURHAM BOARD OF SELECTMEN**

**New Durham Town Hall**

**April 28, 2020, 10:00 a.m.**

**FINAL APPROVED 05-04-20**

*DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.*

*In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2*

*Attendees log into: Join Zoom Meeting*

<https://us02web.zoom.us/j/93271054126?pwd=R2pGZG9LNDdXUzRXR2hNQnJkQmpkdz09>

Meeting ID: 932-7105-4126; Password: 367194

Or via telephone number: 1-301-715-8592 US

Meeting ID: 932-7105-4126; Password: 367194

Technical difficulties contact Town Administrator Scott Kinmond at

[skinmond@newdurhamnh.us](mailto:skinmond@newdurhamnh.us) or by phone at 603-556-1516

*Note: Town of New Durham offers no security assurances to those connecting via PC to a third party software and hardware not configured or controlled by our IT service provider.*

**Present**

Chair David Swenson – via Zoom

Selectman Cecile Chase – via Zoom

Selectman Dorothy Veisel – via Zoom

**Also Present**

Scott Kinmond, Town Administrator– via Zoom

Joe Haas, resident of Gilmanton– via Zoom

David Bickford, resident– via Zoom

**Call to Order**

Chair Swenson called the public portion of the April 28, 2020 Board of Selectmen meeting to order at 10:08 a.m. Chair Swenson stated that due to the State of Emergency declared by Governor Sununu and pursuant to Executive Order #12 pursuant to Executive Order 2020-04 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 the Town is providing public access to the meeting 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 confirmed the meeting was posted appropriately with access numbers. He stated that in the event the public is unable to access the meeting it would be adjourned and rescheduled. Chair Swenson stated all motions would be taken by roll call; roll call attendance was taken for those participating in the Zoom meeting. Chair Swenson confirmed all participants, including the Board of Selectmen

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members, are alone; he confirmed he is alone as well and physically present at New Durham 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.

Chair Swenson stated today's meeting began at 9:00 a.m. in nonpublic session and entered 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.*

**Chair Swenson made a motion to seal the nonpublic session minutes of the April 28, 2020 meeting for reasons that it may adversely affect reputation of one other than the Select Board. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated this meeting is in response to what the Board sees as potential 2020 revenue shortfalls and expense issues. .

Chair Swenson stated the New Hampshire Municipal Association (NHMA) recently sent out a survey to all towns in NH, of which about 54% responded. Chair Swenson gave a summary of the results. The survey did not account for any reduction in State funding such as rooms and meals revenue and the highway block grant. The overall estimated cost impact to date for all towns responding is \$7.64 million with anticipated future costs to be approximately \$27.2 million. Some of the areas of significant concern on the expense side were an increase in welfare costs, need for a TAN with many Towns not previously needing one, an increase in legal fees, an increase in costs for property tax abatement, and increased costs in elections. On the revenue shortfall side areas of concern include property tax delinquencies and inability to borrow from cash flow, and other revenue shortfalls such as from motor vehicles. Chair Swenson indicated that in many Towns a large part of property taxes are received from mortgage escrows and the, therefore, significant impact may be seen more on the second tax billing. On the school side districts are not statutorily authorized to borrow tax anticipation notes (TAN) but must rely on the periodic payments from the municipalities; For Towns layoffs and furloughs are highly likely along with cutting of town services.

**Public Input**

David Bickford, resident, thanked the people who are cleaning up the sides of the roads.

Mr. Bickford stated there are many inaccuracies on the Town website including the membership list of the Planning and Zoning boards. Mr. Bickford suggested if they find they need cash upfront due to taxes being down they could go to tax sale for tax deeded property, which gets them money up front when they sell the deeds to investors.

Joe Haas, resident of Gilmanton, referenced the Con-Val case in which the SAUs are suing the State. This is currently in Superior Court; the next brief is due May 20, 2020 with oral arguments to be held in June 2020. He stated the decision will then come down to the legislature and suggested that there may be many filing abatements for the overpayment or to avoid paying the May and November tax bills. Mr. Haas stated he would forward the latest brief by Attorney Michael Tierney to Town Administrator Kinmond.

Mr. Bickford stated he doesn't see the opinion having much effect on New Durham. Based on his calculations the Town is pretty much in the middle of things and the tax percentages will just be shifted.

#### **Town Administrator's Report**

Chair Swenson stated he has asked Town Administrator Kinmond to come forward with some suggested areas of savings. He also outlined some areas of concern he sees: the current budget has the revenue for room and meals tax at \$140,000 and that may be impacted if the State does something unusual but will likely be more of a hit for 2021; the motor vehicle estimation is \$575,000 but there may be a 20-25% shortfall (\$100,000 +/-); recycling revenues may have a \$15,000 shortfall; a \$40,000 revenue from the State will not be received until after July 1, if at all. Interest on investments is usually about \$5,000 but that may be problematic as well for a total possible shortfall of \$300,000; additionally, the budget raised by taxation amount is about \$3,000,000 and if they calculate a 10% delinquency rate, that would be an additional \$300,000 revenue shortfall which would then be up to \$600,000 revenue shortfall for 2020. On the school side, there could be another \$600,000 shortfall among the State and county revenues. This would be important should a TAN be required.

Chair Swenson stated Town Administrator Kinmond has gone to department heads and informed them the Board of Selectmen is looking for ways to manage expenses and cut back where they can. Chair Swenson stated the Select Board and Budget Committee have tried to keep all budgets fairly tight and he stated that based on an analysis he did for both 2019 and 2020 about 2/3 of the Town's budget are salaries, benefits and insurance costs.

Town Administrator Kinmond presented a summary of areas which they may find opportunities for expense reductions. He stated the Fire Department will be deferring rust / corroded area repairs to the ladder truck which would be about \$10,000; he clarified this is only a deferment as it is something that will come back up and need to be addressed in the future.

Chair Swenson stated he disagrees that any motion would use the word defer as he believes its needs to be considered a reduction in expenditure item for anything that is not an emergency need in 2020. Selectman Chase stated she doesn't understand the legal ramifications between "deferment" and "reduction".

**Chair Swenson made a motion not to expend the \$10,000 in the Fire Department budget for the ladder truck repairs unless an emergency occurs or revenue projections change for the better. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson outlined the Department of Public Works suggested reductions: not expend for the roadside mower rental for \$14,000; not expend for the excavator rental for \$10,000; not expend miscellaneous for \$1,000 and sell the 2013 International Dump truck for an estimated amount of \$10,000 for a total of \$35,000 not expended in 2020.

Selectman Veisel asked if these are all supported by the Road Agent. Town Administrator Kinmond confirmed that is correct.

**Chair Swenson made a motion not to expend in 2020: the roadside mower rental for \$14,000; the excavator rental for \$10,000; miscellaneous for \$1,000 and sell the 2013 International Dump truck for an estimated amount of \$10,000 for a total of \$35,000, unless current revenue projections change for the better. Selectman Veisel seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson asked if the truck is ready to sell now. Town Administrator Kinmond confirmed it is.

Chair Swenson stated the DPW Grounds Maintenance suggested reduction is fertilization contract in the amount of \$4,669.

**Chair Swenson made a motion not to expend \$4,669 for the fertilization contract unless current revenue projections change for the better. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated there is the opportunity to not expend \$10,000 in the Boodey Farmstead / 1772 Meetinghouse budget; he confirmed with Town Administrator Kinmond that there is no commitment by contract. Town Administrator Kinmond stated he doesn't believe there is but will double check to be sure.

**Chair Swenson made a motion not to expend \$10,000 in the Boodey Farmstead / 1772 Meetinghouse budget, unless current revenue projections change for the better provided that a commitment for expenditure has not yet been made. Selectman Chase seconded the motion. Roll Call: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Town Administrator Kinmond stated for 2020 they budgeted a revenue amount of \$117,000 for the Highway Block Grant and forecasted about \$50,000 to be withdrawn from the Capital Reserve Fund to be used towards road projects for a total of \$167,000 with an additional \$202,000 to come from taxation. He recommended holding off on spending those dollars; he explained the funds from the State (\$117,000) are protected by statute. However, if there is a reduction in revenues there may be less being allocated in 2021. Town Administrator Kinmond explained in order to keep the contract price for paving per the contract they would need to do at least the portions previously outlined for Old Bay Road and Birch Hill; they could potentially do less if the asphalt price goes down given current oil pricing. He stated the Road Agent has been contacted by both the chip seal and paving contractors to know if they will be going forward with scheduled road maintenance. Chair Swenson and Selectman Chase noted the feedback from the community is that Birch Hill Road really needs work. Town Administrator Kinmond explained they would plan to expend just up to the \$167,000. Only expending this amount would save \$202,000 in 2020. Chair Swenson stated they would not be cancelling the chip sealing of other areas (i.e. \$202,000), just postponing at this time a decision until later in the year.

Chair Swenson asked if anyone has input relative to service reductions and suggested this be a future discussion and welcomed input from the community.

#### **Next Meeting**

Monday, May 4, 2020 – Non-Public Session at 5:00 p.m.; Public Session at 6:00 p.m.

Selectman Chase left the meeting at 11:05 a.m.

#### **Approval of Minutes**

Minutes review from meeting of April 20, 2020 – Postponed.

#### **Other**

Town Administrator Kinmond stated he was contacted by a business in Town who is being affected by the large influx of people coming to their second homes in town; the business is being contacted for opening the homes in preparation for their arrival and has indicated concern about those coming and placing others at risk, and suggested putting up a sign to request quarantine for 14 days. Chair Swenson stated he is not in favor of that and doesn't know how it could be enforced. Selectman Veisel asked how they would go about that. Town Administrator Kinmond explained they have a sign they could use from the Parks and Recreation Department. Selectman Veisel suggested the Merrymeeting Lake Association could send out a letter welcoming residents back and encouraging them to respect social distancing guidelines. Chair Swenson stated he would be in agreement with a positive letter requesting respect for others as opposed to quarantine. He stated he would suggest it to the Association president.

#### **Adjourn**

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**Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion.  
Roll Call: Selectman Veisel – aye; Selectman Chase – had left the meeting; Chair  
Swenson – aye. Motion passed 2-0-0.**

The meeting was adjourned at 11:11 a.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary