

**TOWN OF NEW DURHAM
BOARD OF SELECTMEN
August 6, 2020, 7:00 p.m.
Public Session
New Durham Town Hall**

Final Approved 08-20-20

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/87037880119?pwd=cDlEUdFTTitkVU9QRTdnaURjRm1xdz09>
Meeting ID: 854 2911 9424 Password: 080614
Or via telephone number: 1-646-558-8656
Meeting ID: 854 2911 9424 Password: 080614

Technical difficulties contact Town Administrator Scott Kinmond at skinmond@newdurhamnh.us or 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

David Swenson, Chairman – via Zoom at Town Hall
Cecile Chase – via Zoom
Dorothy Veisel – via Zoom

ALSO PRESENT

Scott Kinmond, Town Administrator – via Zoom
David Bickford, Resident – via Zoom
Rudy Rosiello, Resident – via Zoom
Terry Jarvis, Resident – via Zoom

CALL TO ORDER

Chair Swenson resumed the Board of Selectmen public session meeting at 7:00 p.m. He stated the meeting was opened at 6:00 p.m. and immediately entered nonpublic session pursuant to RSA 91:A.

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 they are 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 and the Town's website. Chair Swenson confirmed the meeting was posted appropriately with access numbers. He stated in the event the public is unable to access the meeting it would be adjourned and rescheduled. Chair Swenson stated in the event they need to go into non-public session a separate phone number for the Board of Selectmen members to use and they will then reenter nonpublic session. 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 made a motion to seal the minutes of the nonpublic session of the August 6, 2020 Board of Selectmen meeting for reasons that it may adversely affect reputation of one other than the Board. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

PUBLIC INPUT

None.

AGENDA REVIEW

Chair Swenson added under New Business: Information on the 2021 Highway Block Grant; Potential Mower Opportunity.

Chair Swenson added under Old Business: Assessing RFP Update

Town Administrator's Report

The Board reviewed the signature consent manifest for the dates of 7/23/2020 to 8/6/2020.

2020 2nd Quarter Budget Review

Town Administrator presented the 2nd Quarter Budget versus actual expenses for review by the Board. He explained the report looks a bit different due to the new software system and noted the budget is approximately at the 40% expended mark as of 06/30/20; the percentages of each department were also highlighted. There was discussion whether the fund balance guideline would be able to be maintained given some shortfalls in the property tax revenue following the first billing; it was noted the current tax revenue deficit is at about 8.1%. Should a TAN be needed prior to year end it is estimated that interest on TAN would be 2%. Chair Swenson noted there are some expenses that may not be fully recognized in the budget yet such as gasoline.

DES 319 Grant Engineering – Weston & Sampson Engineering Task Order

Town Administrator stated he has been working with Mr. Quimby on putting together a task order for the project at the intersection of South Shore and Merrymeeting Roads. He stated an estimation of the phases and costs was presented in the amount of \$33,410. The grant paperwork has been submitted.

Chair Swenson made a motion to approve the Engineering Task Order dated July 23, 2020 from Weston and Sampson for the South Shore Stormwater Improvement Project for the engineering fee amount of \$33,410 and authorize the Board Chair to sign contingent upon receipt of approval of grant funding. Selectman Chase seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Land Swap Update – Wetlands Delineation Survey

The Board reviewed a plot plan outlining the location of markers and property boundary lines for the Library. Town Administrator explained having this land will be beneficial for mitigation and expansion but would result in the Town having to ask for a variance for the wetland setbacks and potential Department of Environmental Services wetlands permit. Mr. Bickford noted Tom Varney felt the area would be suitable for parking. Town Administrator Kinmond stated it certainly has value to the Town and the Board discussed possible uses.

Tax Collection History (2017– 2020)

Town Administrator Kinmond presented a spreadsheet of first and second tax billing collection history. He stated the shortfall in prior years on the first billing was around 2% with the second billings are typically more delinquent averaging 6% and the combined is 8.85%. For FY2020 the first billing shortfall was around 8.1% which is significantly higher than prior years.

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Chair Swenson stated the Board received a letter from the Governor Wentworth School District in response to a letter initiated by the Town of Effingham; he stated the letter indicates the district usually has an unreserved fund balance of \$1.2 million and the School Board claims they push that back to the Towns each year. He stated this year because of the pandemic there is a projected \$2.5 million unreserved fund balance and the School Board has stated they will give that back proportionally to the towns. New Durham has not yet seen any relief at this point.

NEW BUSINESS

Elections – PPE & Staff Stipends

The Board reviewed the appointment recommendations from the Town Clerk.

Selectman Chase made a motion to nominate Leon Kenneth Lashley of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Tatiana Cicuto of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Wendy Fenderson of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Maureen Knepp of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Joan Swenson of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – abstain. Motion passed 2-0-1.

Selectman Chase made a motion to nominate Fred Quimby of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Cynthia Quimby of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Linda Calloway of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the

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motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Andrea Guba of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Heather Ann Freeman of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Theresa Jarvis of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Angela Pruitt of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Donna S. Young of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate David Shagoury of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to nominate Jennifer Lynn Thompson of New Durham, New Hampshire as an Inspector of Elections with a term to expire August 31, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Chair Swenson stated it has been noted many of the individuals willing to volunteer for this position, are in a vulnerable group for the pandemic and it may be of interest to put a small stipend to show appreciation. He stated some other towns are doing this for election workers; the costs may be reimbursable under GOFFER and this would be applicable only to workers not required to be at the election.

Chair Swenson made a motion to recognize the Inspectors of Elections that work for the primary in September of 2020; for those who work half a day at \$25 and those who work a full day at \$50. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Yield Tax Abatement – Map 218, Lot 12

Chair Swenson stated the Town Forester has reviewed this and there may be a recognizable abatement in the amount of \$84. Town Administrator confirmed with NH Department of Revenue that the Board can utilize the data by the Forester and there is an appeal process for the applicant.

Selectman Veisel made a motion to abate the Timber Yield Tax for Map 218, Lot 12 in the amount of \$84 for timber cut #19-325-19T. Selectman Chase seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Meetinghouse LCHIP Grants – Unassigned Fund Balance to Meetinghouse CRF

Selectman Veisel stated she had a request about the deposit of the LCHIP grant funds noting it had not gone into the CRF and the committee would like to know when the funds will be available. Chair Swenson stated Town Administrator Kinmond is working to verify with the auditor that the funds were not already expended.

2021 Budget Schedule – Joint BOS / Budget Committee Meeting

Chair Swenson stated the dates suggested by the Budget Committee for a joint meeting with the Board of Selectmen were August 13 at 6:00 p.m. or August 20 at 7:00 p.m. The Board concurred with August 13, 2020 as the preferred date.

Meeting Schedule

Next regularly scheduled Select Board meeting is August 20, 2020, 6:00 p.m.

Highway Block Grant Update

Chair Swenson stated the Board received notification from the State of New Hampshire of the award of the 2021 Highway Block Grant in the amount of \$111,475.73 which is roughly \$6,000 less than the 2020 Highway Block Grant.

Department of Public Works Request – Mower

Chair Swenson stated the DPW often rents a mower for roadside mowing typically in the amount of \$14,000 – \$15,000. He noted the mowing has not been done this year but there is an opportunity to purchase a used mower for \$13,500 which is less than the amount budgeted for a rental. Chair Swenson suggested utilizing funds from the CRF rather than from operational funds; Selectman Chase and Veisel agreed. The Board concurred it would be advantageous to move forward given the pay-back of one year or less. Town Administrator Kinmond stated this could also be used by Parks /Rec and to take care of mowing slopes in conjunction with the 54 miles of Town roadsides.

Chair Swenson made a motion to approve the purchase of the 1987 Ford Tractor with Tiger roadside boom rotary mower from Thomas Hersey Construction of Enfield, NH with Purchase Order #2701 amount not to exceed \$13,500. Funding to come from the Highway Equipment CRF account 01-5000-10-062. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

OLD BUSINESS

Ethics Committee Appointment

Chair Swenson stated the nomination was made at the last meeting followed by a two-week vetting period per Town appointment policy. He stated several comments were received during the vetting

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period and he does not believe the Select Board can move ahead on the appointment. The Board concurred.

Right-to-Know Request for Legal Opinion Regarding 2020 Town Warrant

Chair Swenson stated this was discussed in non-public session as well as with legal counsel; he stated it is unusual to have a legal opinion made public. However, for this specific case, the Board feels the legal opinion was narrowly defined on the issue of Warrant Article 13 and is allowed.

Chair Swenson made a motion to authorize the Town Administrator to release the legal opinion dated January 2, 2020 from Town Counsel to the individual that asked for the Right-to-Know request. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.

Chair Swenson clarified this is specific to this issue and does not apply to other legal opinions.

Impact Fees – Collection Timing Update

The Building Inspector requested the Board review the collection of impact fees; Chair Swenson explained there are differing opinions of collecting at the time a permit is issued or at the time the certificate of occupancy is issued. He stated there are some accounting issues involved in this process. It is his opinion that the current process is of the least risk and cost to the Town. Risks include tracking errors and accounting costs would be higher while the current risk is the owner failing to pay the impact fee. Town Administrator Kinmond stated there have been a couple of non-payment of impact fees over the last few years and one is still in small claims court. He stated they can use a form showing the property owner is responsible for this fee at the time of the permit's expiration or the issuance of a certificate of occupancy. He also explained the process of applying a lien to a property until the fee is paid. Ms. Jarvis stated the Zoning Board of Adjustment often adds contingencies and asked if payment of impact fees is something that could be added; if all conditions are not met, the variance is not valid. Chair Swenson suggested that be discussed with legal counsel. Continued review by the TA and Code Enforcement Officer will be done.

Assessing RFP

Chair Swenson stated the current contract ends December 31, 2020; the RFPs are due August 25, 2020. Town Administrator Kinmond stated no responses have been received to date.

Space Needs Study – Next Steps

The Board reviewed the draft study. Chair Swenson suggested forming a group of town people to review, comment, prioritize, etc. The Board concurred with having representatives from various departments including a member of the Board of Selectman, 1-2 department heads, a Budget Committee representative, a CIP representative, and 2 – 3 community members. Selectman Veisel stated she is willing to be the Board of Selectman representative. The Board members will contact assigned community members to request their involvement; the first meeting is anticipated to be in about 2 weeks. Meetings may be held twice per month ending in November with a maximum of 2 hours / meeting.

Approval of Minutes

Meeting of July 23, 2020 – Postponed.

ADJOURN

New Durham Board of Selectmen Meeting

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**Chair Swenson made a motion to adjourn. Selectman Chase seconded the motion. Roll Call
Vote: Selectman Veisel – aye; Selectman Chase – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The meeting was adjourned at 8:55 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary