

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Town Hall**  
**September 10, 2018, 6:00pm**

*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.*

**Present:**

Chair David Swenson  
Selectman Cecile Chase  
Selectman Dorothy Veisel

**Also Present:**

Scott Kinmond, Town Administrator  
David Bickford, resident  
W. J. Allard, resident  
Kenneth Fanjoy, resident  
Steve Sousa, resident  
Michelle Sousa, resident  
John Chase, resident  
Angie Hobbs, resident  
G. Hobbs, resident  
Nancy Rhoades, property owner  
Peter Rhoades, property owner  
Paula Fuller, resident  
Mark Fuller, resident  
Terry Jarvis, resident  
Ron Gehl, resident  
Paula Gehl, resident  
Cathy Box, resident  
Melanie Maguire, resident

**Call to Order**

Chair Swenson called the meeting to order at 6:01pm.

**Appointments/Announcements**

Chair Swenson noted the Primary Elections are scheduled for September 11, 2018 with the polls being open from 8:00am to 7:00pm at the New Durham School.

**Birch Ridge Preservation Notice**

Chair Swenson stated that the Board received notification the SELT group received a grant award towards the preservation of the Birch Ridge area. Chair Swenson stated a press release should be forthcoming from the SELT group.

**Public Input**

David Bickford, resident, stated Brackett Road is much improved although some ditching is still needed. He stated he is also proposed to selling nonconforming lots in the Copple Crown area and referenced zoning maps and soil maps for the area indicating steep slopes along with the recommended uses of these types of areas. Mr. Bickford suggested when properties come back to the Town is a good opportunity to combine lots as well as having the Planning Board review the lots for their recommendations.

Chair Swenson added under New Business: school budget meeting review; New Hampshire Municipal Association legislative policy meeting.

Town Administrator Kinmond noted the Town Clerk has indicated some of the alternate inspectors of elections will be unable to cover at the September 11 elections due to medical issues. Chair Swenson stated he doesn't want to make any additional appointments at this point as there seems there will still be adequate coverage.

**Town Administrator's Report**

Town Administrator Kinmond presented the Consent Manifest for the period of August 27 to September 10 for review by the Board.

**Assessing/Finance Software Upgrades**

Town Administrator Kinmond explained the current assessing system being used, noting it has worked well but new software has now been developed which have added functions which are beneficial. He noted it may require a change of vendor and explained the changes which will make some functions incompatible, as well as the approximate conversion expenses. Town Administrator Kinmond presented a spreadsheet of comparisons between software system options as well as vendors. He explained the finance software system as well is in need of upgrades and presented information relative to comparisons of finance software and vendors for review by the Board. The Board concurred to have Town Administrator Kinmond develop an RFP.

**Position of Building Inspector - 2019 Budget**

Jeff Allard, resident, clarified he is not here as a member of the Planning Board and stated he would like to request the Board of Selectmen to consider increased time for the Building Inspector/Code Enforcement Officer. He explained he has heard good feedback about Mr. Abbott who does his job well. Mr. Allard outlined his reasoning in requesting additional time for the position of Mr. Abbott and also outlined some recommendations for the positions including hiring an assistant or splitting the roles.

**Town of New Durham & Town of Middleton Agreement for Waiver of Yield Taxes**

Town Administrator Kinmond distributed an updated agreement for review by the Board and explained municipalities are exempt from property taxes between other municipalities, and noted this has now been updated in the system with the assessor. He confirmed NH Department of Revenue will be sending confirmation of this to maintain in the property files.

**Public Hearing**

***Application for Building Permit(s) for Construction on a Class VI Road (Bennett Rd) Map 264, Lots 17 & 18***

Chair Swenson opened the public hearing at 7:05pm.

Peter Rhoades, applicant, presented an overview of his plans for the property at Map 264, Lot 17 and 18. He presented maps and explained where they propose to build a house in order to make the lots more saleable. He stated the proposals would adhere to the Class VI roads policy.

Steve Simpson, abutter, stated they own a lot further down on Bennett Road, and explained in 1987 he was denied to build on the road, followed by an approval for a house further down on the road. He stated last year he requested to subdivide his lot but was denied with a suggestion made to put in a right-of-way instead which he decided against.

Terry Jarvis, resident, clarified she is not representing the ZBA. She recommended having a Civil Engineer, paid for by property owners, evaluate Bennett Road to see if it could be upgraded to a Class V road and also have something done in the deeds that Bennett Road be maintained by all current and successor owners with monitoring by the Town. Ms. Jarvis reiterated the Town of New Durham is not liable for the maintenance of the road or any damages to properties on the road. She noted there also needs to be a turn-around to meet the criteria of accommodating safety vehicles with approval by the Fire Chief and Police Chief. Ms. Jarvis stated she believes no further permits should be issued for the road until all the road conditions have been met.

John Chase, resident, Jenkins Road, stated he believes Bennett Road is a terrible example for subdivision expansion, particularly since it doesn't meet the minimum engineering requirements and the emergency travel lane standards are not met. It is not up to Class V standards in any way. Mr. Chase stated he doesn't want to be forced into any sort of neighborhood agreement and recommended that any permits issued require Bennett Road be brought up to standards.

Melanie Maguire, resident, Jenkins Road, gave statements regarding the history of Class VI roads in the Town and outlined her concerns with allowing further development of Class VI roads. She also referenced meeting minutes from Mr. Rhoades' time on the Board of Selectmen and noted he was very opposed to building on the Class VI roads. She questioned Mr. Rhoades intentions, who is not a resident of the Town at this time.

Ron Gehl, resident, stated he has experience dealing with Class VI roads with the Board of Selectmen and Planning Board, and stated he has always been opposed to building on these roads particularly with unplanned subdivisions. He reiterated the historical errors made in past building on the Class VI road and recommended ignoring those as precedents.

Jeff Allard, Chair of the Planning Board, stated he wants to be sure the Board of Selectmen is aware of the memo from the Planning Board that outlines the recommendation that the Planning Board also review these types of issues. He explained there was an issue with the permit of the Whites on a Class VI road and attempts were made to bring up the road to Class V standards although it could not be done.

Chair Swenson stated this application as initially presented to the Board of Selectmen although the Board requested the recommendations of the Planning Board. He outlined the five recommendations presented.

Mr. Rhoades stated his lots are building lots, not wood lots and these are very different situation than the process of the case with the Whites. He stated the Town does have a Class VI road policy and hopes the Board will follow the guidelines in the policy instead of adding other restrictions as a property owner, he has rights as well.

George Hobbs, abutter, asked for clarifications about past actions regarding land on this road. It was noted some lots were woodlots so required additional steps to make it buildable. Mr. Allard explained the process of changing and eliminating the woodlot status.

Chair Swenson closed the public hearing at 7:47pm.

Chair Swenson asked Town Administrator Kinmond to include discussion for the Board on the September 24 meeting agenda.

### **Structures on Woodlots Report**

Town Administrator Kinmond distributed an updated list of the woodlot properties and explained Ms. Zuzgo researched how each was being taxed and this was included in the summary. He explained some were clearly subdivided and the woodlot status was just never updated. The Board reviewed and discussed the circumstances of each lot and Town Administrator Kinmond will continue working on the research with Ms. Zuzgo and explained the recommendations by legal counsel. Chair Swenson stated the Board of Selectmen have done due diligence to ensure the Town has the proper tax revenue for the properties that have the mixed description. Chair Swenson asked Town Administrator Kinmond to ask legal counsel who has the responsibility for making sure the description is accurate.

**Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Town of Middletown excavation and timber yield taxes for New Durham Map 219, Lot 012 in exchange for continued working cooperative between the Towns of Middleton and New Durham, DPW/Public Safety/Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Veisel seconded the motion. Discussion:** Selectman Chase confirmed the state statute says taxes can't be assessed, she doesn't think that can be added as part of the motion. **S Chair Swenson rescinded his motion. Selectman Veisel rescinded her second.**

**Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Middletown excavation and timber yield taxes according to State regulations for New Durham Map 219, Lot 012 in exchange for continued working cooperative between the Towns of Middleton and New Durham, DPW/Public Safety/Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Veisel seconded the motion.**

**Chair Swenson rescinded his motion. Selectman Veisel rescinded her second.**

**Chair Swenson made a motion to authorize an agreement whereas the Town of New Durham will waive the Middletown excavation and timber yield taxes according to State regulations for New Durham Map 219, Lot 012 in recognition of continued working cooperative between the Towns of Middleton and New Durham, DPW/Public Safety/Highway Departments until such time as the subject property is no longer owned by the Town of Middleton. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

**Purchase Order to Cintas Fire Protection- Fire Suppression System**

Town Administrator Kinmond presented a purchase order for the purchase of a fire suppression system in the Community Room.

**Selectman Veisel made motion to approve purchase order #2592 in the amount of \$2,850 to Cintas Fire Protection of Bow, NH for the purchase and installation of a Guardian fire suppression system with fire alarm module. Said expenditure to come from the Improvements of Town Buildings, account 01-5000-02-066 and to further request the Trustee of Trust funds to withdraw and transfer said funds from account 01-4916-10-066 to the General Fund. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

**New Business**

***Application for Property Tax Credit Veteran Tax Credit Map 206, Lot 033***

The Board reviewed the application for a property tax credit for a veterans tax credit.

**Selectman Chase made a motion to approve the Application for Property Tax Credit for Veteran Tax credit in the amount of \$500 for Map 206, Lot 033. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

***Land Use Change Tax -Removal of 10.2 acres Current Use, Map 267, Lot 017***

The Board reviewed the application and Town Administrator Kinmond explained the lot is currently in current use and the penalty of 10% of the assessed value would be paid by the property owner.

**Selectman Chase made a motion to approve the land use change by removing 10.2 acres from current use for Map 267, Lot 017, and authorize the Tax Collector to**

**collect the land use tax in the amount \$3,315. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

***Boodey Farmstead Committee Associate Member Appointment***

Town Administrator Kinmond stated no comments were received on the nomination made by the Board two weeks ago.

**Selectman Chase made a motion to appoint Rick Fogg of Alton, NH as an associate member of the Zachariah Boodey Farmstead Committee. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

**Selectman Chase made a motion to nominate ????? as an alternate inspector of elections. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

Chair Swenson stated he attended the Wentworth Regional School District budget meeting. He gave an overview of the meeting and explained it was an explanatory session which outlined the budget process of the district and presented the 2019 budget. Chair Swenson stated he asked some questions regarding the student population in relation to the budget which will have a 6% increase in 2019. He stated he was concerned about the budget committee failing to have minutes of their meetings but was assured this would be changing. There was also discussion at the budget meeting to have representatives from the towns attend future meetings. Selectman Chase stated she has seen other models in various districts which help the smaller towns with having a voice in the budget process and suggested these may be helpful in this situation as well.

**Copple Crown Village District**

Chair Swenson stated he received a request by the Board of Commissioners to meet with the Board of Selectmen to address continuing issues within the district. The Board discussed whether it would be added to a regular meeting. Selectman Chase suggested a special work session and legal counsel will be requested for input. Town Administrator Kinmond stated he briefly discussed with the board some suggestions for assessments for the road reconstruction needs. Town Administrator Kinmond will confirm the meeting for September 19 at 6:00pm.

**Old Business**

***Tax Deeded Property Sales-Review of Contract for Auction Services***

Town Administrator Kinmond stated he is still waiting for the contract from the auction company for the Board to sign. It was noted the terms are already agreed upon but formal action will wait for the contract.

***Master Plan Strategy-Review of Responsibilities and Reporting***

The Board reviewed the summary of the responsibilities as compiled and edited by Chair Swenson. It was agreed to submit to the Planning Board for review.

***Human Resources Policy Review – Continued***

*New Durham Board of Selectmen Meeting*

*September 10, 2018*

*DRAFT*

The Board reviewed the edits discussed at the last workshop but further review was tabled.

**Approval of Minutes**

Meeting of August 28, 2018 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

Meeting of August 27, 2018 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

**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. Motion passed, 3-0-0.**

**Roll Call: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye.**

The Board entered nonpublic session at 9:04pm.

The Board reentered public session at 9:35pm.

**Adjourn**

**Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion. Motion passed, 3-0-0.**

The meeting was adjourned at 9:36pm.

Respectfully Submitted,

Jennifer Riel, Recording Secretary