

**TOWN OF NEW DURHAM  
BOARD OF SELECTMEN  
July 23, 2020, 8:00 A.M.  
New Durham Town Hall**

*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

Join Zoom Meeting

<https://us02web.zoom.us/j/87037880119?pwd=cDIEUDFTTitkVU9QRTdnaURjRm1xdz09>

Meeting ID: 870 3788 0119 Password: 932784

Or via telephone number: 1-646-558-8656

Meeting ID: 870 3788 0119 Password: 932784

*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**

David Swenson, Chairman –via Zoom, at Town Hall

Cecile Chase –via Zoom

Dorothy Veisel –via Zoom

**ALSO PRESENT**

Scott Kinmond, Town Administrator–via Zoom at Town Hall

Richard Perrin, U.S. Census Bureau- via Zoom

David Bickford, resident – via Zoom

Mike Gelinis, resident – via Zoom at Town Hall

Shawn Bernier, Police Chief - via Zoom at Town Hall

Ron Uyeno, resident – via Zoom

**CALL TO ORDER**

Chair Swenson called the meeting to order at 8:01am.

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. 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 will be used 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.

## **PUBLIC INPUT**

### **Powder Mill Snowmobile Club Use of Class VI Roads and Trail Road Crossings**

Mike Gelinas stated he would like the Board to take a look at three lots on the tax-deeded property list, before the properties are offered to abutters. He also presented an update list of all snowmobile trails in Town as the club wants to get official permission from the Board for the use of Class VI roads. Mr. Gelinas explained the club has trail maintenance vehicles and notes from the State of NH were presented to the Board, indicating the Board has authority on snowmobile vehicles. He presented a permission form for review and written approval by the Board.

David Bickford, resident, stated there were errors in the minutes of the June 22, 2020 Board of Selectmen meeting and proceeded to outline these.

Richard Perrin, partnership specialist in Strafford County with the U.S. 2020 Census, stated the census is still going on, and there is online and telephone help available with a contact phone of 1-844-330-2020. He stated the information collected during the census is kept confidential and safe; he outlined the information collected in order to obtain an accurate and complete count of the entire population in the United States. Mr. Perrin explained federal funding is based on these census numbers. He asked the Board of Selectmen to help by putting the information on the Town website and offered a media tool kit to utilize on the website. Chair Swenson asked Town Administrator Kinmond to post information on the Town website.

## **AGENDA REVIEW**

Chair Swenson added two items under New Business: school related voting location; school funding.

Chair Swenson added under New Business: assessing related issues

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

Chair Swenson stated the Select Board Consent Signature Manifest 06/18/20 to 07/23/20 will be attached to the meeting minutes.

### **Department of Public Works 2020 Crack Sealing Bid**

The Board reviewed the Department of Public Works 2020 Crack Sealing bids.

**Chair Swenson made a motion to approve Purchase Order #2698 in the amount of \$14,900 to Connecticut Sealcoating, Inc. for the purchase and installation of rubber crack sealing on Tash Road, Valley Road, Quaker Road, Berry Road, and the upper part of Birch Hill Road, with said expense to come from account 01-4312-10-679. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

### **Solid Waste Facility–MSW & C&D Containers**

The Board reviewed the purchase orders for the Solid Waste Facility MSW and C&D containers.

**Chair Swenson made a motion to approve Purchase Order #2699 in the amount of \$12,680 to**

**Waste Equipment of Lebanon, NY for the purchase of one 130 yard open top roll off C&D container and one 40 yard octagon steel compactor container delivered to New Durham Transfer Station. Said expense to come from Solid Waste Facility Equipment CRF account 01-5000-10-074. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

Chair Swenson asked if these items will be covered by the GOFERR reimbursement funds; Town Administrator Kinmond replied he will be putting them in the request based on the increase in volume that has driven this expenditure. He noted it was not a regular line budget item although it was in the Capital Improvement Plan. The significant increase in volume has made it a necessity at this time.

### **Parks / Recreation Ballfield Maintenance**

The Board reviewed the purchase order for infield mix. Chair Swenson suggested the funding for this come from the CRF and not operations. Selectman Chase asked if this is normal annual maintenance. Chair Swenson stated it is not. Selectman Veisel stated she agrees with Chair Swenson and the Recreation Commission supports this acquisition as being necessary to preserve the field. Town Administrator Kinmond stated this has been an ongoing deficiency in the in-field.

**Chair Swenson made a motion to approve Purchase Order #2700 in the amount of \$4,488 to Greymont Earth Materials of Alton, NH for the purchase of 132 yards of baseball infield mix. Said expense to come from the Smith Ballfield CRF. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

### **Primex Premium Holiday–Workers’ & Unemployment Compensation**

Chair Swenson stated the Board has the option of taking this as a credit towards the next bill or a refund check. He stated the amount is workmens' compensation holiday is in the amount of \$6,277 and unemployment compensation holiday is \$308.23. The Board concurred with applying the credit to the next bill.

**Chair Swenson made a motion to apply the Primex Premium Holiday Workers’ & Unemployment Compensation that the Town has been notified of the receipt, and have that applied to the next premium invoice from Primex. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

### **GOFERR Coronavirus Relief Fund Submission**

Chair Swenson stated the first submission was made in the amount of \$28,395.82; a balance remains of about \$33,000 which is potentially available to the Town of New Durham.

### **NEW BUSINESS**

#### **Welfare Lien Notices**

The Board reviewed the list of welfare lien notices presented.

**Chair Swenson made a motion to place a Welfare Lien under RSA 165:28 for the real property of Map 257, Lot 013, general assistance provided by the Town of New Durham and authorize the**

**Board of Selectmen chairman to sign appropriate documents. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**Chair Swenson made a motion to place a Welfare Lien under RSA 165:28 for the real property of Map 210, Lot 021, general assistance provided by the Town of New Durham and authorize the Board of Selectmen chairman to sign appropriate documents. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**Chair Swenson made a motion to place a Welfare Lien under RSA 165:28 for the real property of Map 256, Lot 028, general assistance provided by the Town of New Durham and authorize the Board of Selectmen chairman to sign appropriate documents. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**Chair Swenson made a motion to place a Welfare Lien under RSA 165:28 for the real property of Map 238, Lot 018, general assistance provided by the Town of New Durham and authorize the Board of Selectmen chairman to sign appropriate documents. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**Chair Swenson made a motion to place a Welfare Lien under RSA 165:28 for the real property of Map 250, Lot 117, general assistance provided by the Town of New Durham and authorize the Board of Selectmen chairman to sign appropriate documents. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

#### **Town Clerk Notice of Retirement –Develop Transition Plan**

Chair Swenson stated notice was received from Town Clerk Stephanie MacKenzie indicating she will be initiating retirement effective April 1, 2021. He stated the Board needs to determine how transition will take place. This is an elected position and in the event of departure during the election term, the Board is authorized to appoint to fill the position of Town Clerk until the next election. Chair Swenson outlined three options for moving forward. Selectman Chase stated its critical to have these positions with individuals who work well together. Selectman Veisel stated they are fortunate the current Tax Collector seems to work well with anyone. She stated she would like to see them go with the option to hire someone with an overlap in time for Ms. MacKenzie to have a chance to train the incumbent. Chair Swenson noted there is current legislation to allow towns to have this as an appointment/hire position but that has not yet passed so it is an elected position and must be a resident. Mr. Bickford stated there is opposition to that legislation as the Town Clerk position is in charge of elections.

#### **Tax Abatement–Town of Middleton Map 219, Lot 012**

Chair Swenson stated this is an annual abatement; there is an understanding with the Town of Middleton that they would not collect the taxes for this property. He asked if there are any issues with going forward. The Board concurred there are none.

**Chair Swenson made a motion to approve the property tax abatement for Map 219, Lot 012, to**

**the Town of Middleton in the amount of \$1,006. This is due to the Town of Middleton being a government entity and being tax-except. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**NH DES 319 Grant–Merrymeeting Watershed Management Plan Phase 1: Storm Water Remediation South Shore Rd /Merrymeeting Rd.**

The Board reviewed the New Hampshire Department of Environmental Services 319 Grant. Chair Swenson stated this is a result of the Merrymeeting Watershed Management Plan which was completed late last year for stormwater management in various sites around New Durham. He stated this is a matching grant.

**Chair Swenson made a motion to accept the Federal Clean Water Funds and enter into a contract with the New Hampshire Department of Environmental Services for the purposes of a grant for the Merrymeeting Stormwater Remediation Project, phase #1, for a grant amount of \$94,448 and to further authorize the Board of Selectmen chair to sign any necessary documents to effectuate the contract. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**GWRSD Unreserved Fund Balance Letter**

The Board reviewed the letter from the Governor Wentworth Regional School District regarding the unreserved fund balance. Chair Swenson stated the Town of Effingham submitted a letter in June to the school district indicating that in light of the COVID-19 pandemic and the schools response to it, along with cost reduction opportunities, asked for some relief given to the taxes paid to the District. Chair Swenson stated a response was received from the school board, with a copy shared to New Durham, and read the letter into the record.

**GWRSD Letter Regarding Voting Location**

Chair Swenson stated a letter was received from the Governor Wentworth Regional School District regarding school availability for voting in 2020-2021. He stated the letter indicates space will be made available in the New Durham School for the September 8 and November 3 elections. Chair Swenson stated he would prefer to not change voting locations at this point. The Board concurred. Chair Swenson asked Town Administrator Kinmond to respond to the letter that the Board concurs with using the school for the September 8 election.

**Talent Bank Applications–Select Board & Ethics Committee**

Town Administrator Kinmond stated volunteer inquiries were received from residents, including one about the Board of Selectmen. He stated he responded to that request, indicating the Board is currently full and how the election process works; he also suggested other boards within Town that have opportunities to serve. Town Administrator Kinmond stated David Bickford put in a request for the Ethics Committee; Rudy Rosiello has indicated he would be willing to serve on the Space Needs Study review committee. The Board reviewed the applications.

**Chair Swenson made a motion to nominate David Bickford to the New Durham Ethics Committee for a term to expire March 31, 2021. Discussion:** Selectman Chase stated Mr. Bickford has applied for this committee in the past and his plan with the warrant article last year was to “gut” the Ethics Committee. Chair Swenson concurred there are concerns and stated the committee is in an advisory role. **Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

### **Impact Fess –Timing of Collection**

Chair Swenson stated he had a discussion on this with the Building Inspector who indicated he is having problems collecting all the impact fees assessed, for various reasons that occupancy permits are not being obtained. Town Administrator Kinmond presented information gathered from New Hampshire Municipal Association legal counsel; some options include collecting fees at the time the permit is issued, bonds and liens can be requested to ensure the fees are paid. Selectman Veisel stated she wants to be sure the public is aware of fees being assessed and noted there is nothing on the application form to indicate there is an impact fee or what the amount is; she stated this does seem to be a fair way to move forward. Selectman Chase stated they may want to consider the escrow option for collecting the fee at the time the permit is issued as this may help resolve problems with communications between builders and homeowners. Town Administrator Kinmond explained the ordinance allows building permits to be renewed year after year. Selectman Veisel suggested offering applicants to have the choice of payment upfront or have a lien placed until an occupancy permit is issued. Selectman Chase stated she doesn't agree with placing a lien, noting its a derogatory comment on a credit report and she would prefer to collect the fee upfront. Chair Swenson stated the current process shows 2-5% don't pay; he suggested if a project is deemed complete and fee remains unpaid, then place a lien. Town Administrator Kinmond stated NHMA indicated the lien cannot be placed in that way. Chair Swenson suggested the most effective way may be to establish a bond at the time of application for the estimated fee amount. Selectman Chase explained the banking side of this, noting a bank won't take any responsibility if the homeowner doesn't pay; she suggested there are ways to have escrow accounts that could be utilized for this purpose and she would prefer to give people the option of paying upfront. She stated they need to have a process in place to ensure the final inspections are done and occupancy permits issued. The Board concurred the process needs to be written out to be part of the application process; Town Administrator Kinmond will look into what other towns are doing.

### **Use of Trail Vehicles on Class V Town Roads**

Chair Swenson stated this topic was presented at the last meeting and summarized the discussion.

**Chair Swenson made a motion to approve the Powder Mill Snowmobile Club to use properly registered trail maintenance vehicles for trail maintenance purposes, the use of New Durham Class V and Class VI roads from trail head to trail head when working on the trails. Selectman Chase seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

**Chair Swenson made a motion to authorize the Powder Mill Snowmobile Club to utilize the Town of New Durham Class VI non-maintained roads and trail crossings per the map presented and attached to the minutes. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel –aye; Selectman Chase –aye; Chair Swenson –aye. Motion passed, 3-0-0.**

### **Tax Collector–Report on 1stBilling Property Tax Payments (91.9% Collected)**

Chair Swenson commented that the Tax Collection was deficient 8.1%, and we will need to look at the past years collections for comparisons as we move into 2021 Budget planning.

### **Assessing Services**

Chair Swenson stated that per the contract with the contract assessor, there were time requirements for the reevaluation process; an email was received which indicated the contract assessor will not be able

to finish the reevaluation by the contract date. He noted the five-year contract ends this year and he previously discussed with Town Administrator Kinmond to initiate an RFP for contract assessing. Chair Swenson stated he would like to have a decision made in August/September and outlined modifications to the RFP used previously. Selectman Veisel asked if the problem completing the work was due to COVID-19; Chair Swenson stated he had concerns prior to this. Town Administrator Kinmond explained the door-to-door work had been completed prior to COVID-19, noting a key staff member was lost by the contract assessor as well as the assessing clerk at Town Hall. He explained the work which remains to be done. Chair Swenson suggested an additional scope of work may be added to the winner of the RFP to pick up the pieces and complete the work. Mr. Bickford suggested this would be a good time to reevaluate the 5-year cyclical evaluation process. The Board concurred with putting out an RFP for contract assessing services.

## **OLD BUSINESS**

### **Legal Opinion Regarding Town Ethics Committee; RTK Request for Legal Opinion on 2020 Warrant Article**

Chair Swenson stated an opinion was received from legal counsel regarding warrant article #13, and a subsequent Right-to-Know request was also received for that legal opinion; the Board concurred with sharing the narrowly defined legal opinion publicly on the issue of warrant article #13. Chair Swenson stated the response from Town Counsel was there is no reason the warrant article, which was adopted at Town Meeting, should have any impact on the Ethics Committee, given the committee's role to advise citizens. Town Administrator Kinmond noted the Right-to-Know request was for a written copy of the legal opinion. Chair Swenson suggested the Board discuss the communications in non-public before releasing written information; he stated he's not comfortable releasing the entire communication at this time.

## **NEXT MEETING**

August 6, 2020, 6:00pm

Selectman Chase left the meeting at 10:15am.

## **APPROVAL OF MINUTES**

Meeting of June 22, 2020 - Edits were made. **Selectman Veisel made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Roll Call Vote: Selectman Veisel –aye; Chair Swenson –aye. Motion passed, 2-0-0.**

Meeting of July 9, 2020 - Edits were made. **Selectman Veisel made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Roll Call Vote: Selectman Veisel –aye; Chair Swenson –aye. Motion passed, 2-0-0.**

## **Other**

Selectman Veisel stated she attended the Birch Ridge Community Forest update via Zoom; she stated they are doing a wonderful job and appreciates the informative communications with the citizens.

## **ADJOURN**

**Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion. Roll Call Vote:**

*New Durham Board of Selectmen Meeting*

*July 23, 2020*

*DRAFT*

**Selectman Veisel –aye; Chair Swenson –aye. Motion passed, 2-0-0.**

The meeting was adjourned at 10:18am.

Respectfully Submitted,

Jennifer Riel, Recording Secretary