

NEW DURHAM BOARD OF SELECTMEN
New Durham Community Room
December 20, 2017, 9:00 a.m.

Final Approved 01-08-18

Present:

Chair David Swenson
Selectman Cecile Chase – via telephone
Selectman Rod Doherty

Also Present:

Scott Kinmond, Town Administrator
David Bickford, resident

Call to Order

Chair Swenson called the meeting to order at 9:02 a.m.

Public Input

David Bickford, resident, stated he spoke to Town Administrator Kinmond about separating out some of the Capital Reserve Fund's (CRF's) and breaking some out to avoid losing all the CRF's if the article fails. Mr. Bickford also stated there was mention on the Police Department Facebook page about there being a donation of \$1,000 towards the Police Department K9 program and he was asking the identification of the donor and how the money was received. Chair Swenson replied there is no official Facebook page for the Town of New Durham. Mr. Bickford stated he is concerned about the policy regarding donations to the Town and how it is accounted.

Agenda Review

No changes were made to the Agenda.

Town Administrator's Report

Town Administrator Kinmond stated he submitted a request to the Trustee of Trust Funds for the milfoil weed pulling noting on March 6, 2017 the Board of Selectmen approved the amount of \$4,150 as the previously approved amount for this.

Chair Swenson made a motion that given that the Board of Selectmen on March 6, 2017 authorized \$4,150 to be used for the milfoil expenditures and it is believed the most recent \$505 is included in that, and if not included, make a motion to approve the \$505. Selectman Doherty seconded the motion. Motion passed 3-0-0.

Abatement

Town Administrator Kinmond stated this was missed during the second billing cycle and was generated from the combination of two lots.

Chair Swenson made a motion to approve an abatement for Map 256, Lot 008 in the amount of \$8. Selectman Doherty seconded the motion. Motion passed 3-0-0.

2018 Budget Sheets

The Board of Selectmen reviewed updates made relative to revenues after extensive discussions with Chair Swenson, Town Administrator Kinmond, DRA, and New Hampshire Municipal Association. Town Administrator Kinmond explained the tabulation sheet showing the ETF and CRF transactions by the Board of Selectmen as agents to expend, noting both sheets balance with the same tax impact. He explained the road program may need to be taken out because they still need to account for the NH grants. Town Administrator Kinmond clarified these are only estimated revenues and will be affected by the approved warrant articles, and likely revenues will be higher than projected. Chair Swenson noted while he understands what DRA is indicating, he does not agree with the way DRA has outlined the CRF and ETF expenditures.

Chair Swenson made a motion to rescind the prior revenue approval and approve a new total of \$1,227,061 per the listing of the budget worksheet distributed on December 20, 2017. Selectman Chase seconded the motion. Motion passed 3-0-0.

It was noted that since revenue recognition of CRF used funds are not made until the expenditure from the CRF that it was, therefore, not appropriate to show expenditures on the respective budgeted accounts when no additional tax dollars are to be raised and appropriated.

The Board reviewed Account 4901 CRF for Roads, etc. It was agreed the amount would remain the same since additional tax dollars will be raised and appropriated.

The Board reviewed account 4902. The account lines in 4902 for the highway truck and police cruiser become \$1. The line for SCBAs would remain at \$51,000 so the account total would be \$51,002.

The Board reviewed Account 4903. All lines will be \$1 each.

The Board reviewed Account 4909 and account lines were made at \$1 each with a total of \$4.

Chair Swenson summarized the expenditures, explaining these reflect the equaling out of revenue to expenditure for the accounts.

Chair Swenson made a motion to rescind the prior action on Account 4902, and make the total of \$51,002. Selectman Doherty seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to rescind the prior action on Account 4903 and make a total of \$3. Selectman Chase seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to rescind the prior action on Account 4909 and make a total of \$4. Selectman Chase seconded the motion. Motion passed 3-0-0.

Review of Warrant Articles

Chair Swenson stated the Board of Selectmen does not have any discussion or action on Article 1, Town Officers or Article 2, Land Use. Chair Swenson stated Article 3 is for the operating budget approved by the Board of Selectmen and the Budget Committee and the draft was reviewed:

The Board reviewed the proposed draft of Article 3.

Article 3: Shall the Town raise and appropriate as an Operating Budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by the vote of the first session, for the purposes set forth therein, totaling \$2,899,086. Should this article be defeated, the default budget shall be \$2,769,786, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold a special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required)

Estimated Tax Rate Impact- 2017 Proposed Budget \$4.90 per \$1,000 assessed evaluation.

Estimated Tax Rate Impact- 2017 Default Budget \$4.58 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ___ to ___ vote.

The Budget Committee recommends this article by a ___ to ___ vote.

Chair Swenson made a motion to recommend Article 3. Selectman Doherty seconded the motion. Motion passed 3-0-0.

Town Administrator Kinmond noted he has seen different ways of wording the warrant articles and recommended against writing out the numbers as there is more chance for error. The Board concurred.

The Board reviewed and discussed draft article 4.

Article 4 To see if the Town will vote to raise and appropriate the sum of \$477,000 for the purpose of a road program with \$114,000 to come from highway block grant aid, \$96,000 to come from the 2017 SB3 Special highway block grant, \$58,000 to come from the Road Construction Capital Reserve fund and remainder of \$209,000 to come from taxation. (Majority vote required.)

Estimated Tax Rate Impact- \$0.51 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ___ to ___ vote.

The Budget Committee recommends this article by a ___ to ___ vote.

Chair Swenson made a motion to recommend Article 4. Selectman Chase seconded the motion. Motion passed 3-0-0.

The Board reviewed and discussed draft article 5.

Article 5: To see of the Town will vote to adopt RSA 41:14A to allow the Board of Selectmen to acquire or sell land, buildings or both provided however they shall first submit any sale or acquisition to the Planning Board and to the Conservation Commission for review and recommendation by these bodies. This article will remain in effect until rescinded by majority vote. (Majority vote required)

The Board of Selectmen recommends this article by a ____ to ____ vote.

Town Administrator Kinmond explained this would be applicable to any property other than a tax-deeded property. Without this acceptance or sale or property would have to go before voters even though the Board of Selectmen do not need the RSA to sell tax-deeded properties. Town Administrator Kinmond noted this language has been reviewed by DRA and Town Counsel.

Article 6: To see of the Town will vote to accept a gift of real property being a 42' by 42' barn for use by the Boodey Farmstead project. Said barn being a gift to the Town of New Durham. (Majority vote required)

The Board of Selectmen recommends this article by a ____ to ____ vote.

Chair Swenson stated Article 5 and 6 are closely related, with 5 allowing the Town to accept property and 6 for acceptance of a specific property, noting the potential scenarios of votes for accepting or declining. Selectman Chase stated there needs to be appropriate explanation of these articles in order for voters to understand the articles fully. Selectman Doherty suggested putting more detail in the articles as far as what is needed regarding hearings, etc.

The Board agreed required hearing information will be added to Article 5.

Selectman Doherty made a motion to recommend Article 5 as defined in the meeting of December 20, 2017 including a note explaining how decisions will be made.

Article 5 will read as *To see of the Town will vote to adopt RSA 41:14A to allow the Board of Selectmen to acquire or sell land, buildings or both provided however they shall first submit any sale or acquisition to the Planning Board and to the Conservation Commission for review and recommendation by these bodies. This article will remain in effect until rescinded by majority vote. Selectman Chase seconded the motion. Motion passed 3-0-0.*

There was discussion of whether Article 6 is even necessary if Article 5 is presented. Town Administrator Kinmond explained the circumstances with putting in the acceptance

of the gift and suggested it is a motion of good will by the Board, noting if the Board of Selectmen doesn't put it in, there will be a petition article to be put on the ballot. Town Administrator Kinmond clarified if Article 6 does not pass, the Board of Selectmen still has the authority to accept the property with Article 5.

Chair Swenson made a motion to recommend Article 6 relative to the receipt of a gift of a 42' by 42' barn for the Boodey Farmstead project. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 7.

Article 7: To see if the Town will vote to establish a Boodey Farmstead Capital Reserve Fund under the provisions of RSA 35:1 for the design and construction of the Zachariah Boodey Farmstead homestead and barn and to raise and appropriate the sum of \$1,000 to be placed in this fund. Further, to name the Board of Selectmen as agents to expend from said fund. (Majority vote required)

Estimated Tax Rate Impact- \$0.002 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

Selectman Chase made a motion to recommend Article 7. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 8.

Article 8 – To see if the Town will vote to establish a Town of New Durham Dam maintenance expendable trust fund per RSA 31:19-A for the maintenance of the Town's dams and to raise and appropriate \$35,000 to put in the fund with the amount to come from taxation. Further, to name the Board of Selectmen as agents to expend from said fund. (Majority vote required)

Estimated Tax Rate Impact- \$0.08 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

The Budget Committee recommends this article by a ____ to ____ vote.

Selectman Doherty clarified that per the discussions of the Budget Committee the need to fund the \$35,000 is pretty much required at this point to correct deficiencies determined by the NH Dam Bureau.

Chair Swenson made a motion to recommend the establishment of the Dam Maintenance ETF as discussed at the meeting of December 20, 2017. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 9.

Article 9: To see if the Town will vote to raise and appropriate the sum of \$233,000 to be placed in previously established capital reserve funds as follows with said funds to come from taxation: Highway Equipment, established March 15, 2006, Article 12, \$20,000; Highway Trucks, \$35,000; Library Facilities, \$2,500; Vehicle and Equipment Maintenance, \$10,000; Milfoil \$5,000; Solid Waste Facilities, \$2,000; Solid Waste Equipment, \$10,000; Police Cruiser, \$12,000; Smith Ball-field, \$1,500; 1772 Meetinghouse, \$5,000; Fire Truck, \$40,000; Public Safety Facilities improvement, \$5,000; Road Construction, \$75,000 and Fire Department Ancillary Equipment, \$10,000 for a total of \$233,000. (Majority vote required)

Estimated Tax Rate Impact- \$0.57 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

The Budget Committee recommends this article by a ____ to ____ vote.

Chair Swenson made a motion to recommend Article 9, Capital Reserve Funds, per the detail dollar amounts and detail descriptions of the draft article presented on December 20, 2017. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 10.

Article 10: To see if the Town will vote to raise and appropriate the sum of \$35,500 to be placed in previously established expendable trust funds with said funds to come from taxation account established in 2018 amount: Computer and Office Maintenance for a total of \$7,000 for 2018; Accrued Benefits for a 2018 total amount of \$10,000; Town Records for a 2018 total amount of \$6,000; Buildings and Improvements in a 2018 total amount of \$2,000 for a total of \$35,500. (Majority vote required)

Estimated Tax Rate Impact- \$0.09 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

The Budget Committee recommends this article by a ____ to ____ vote.

Chair Swenson made a motion to recommend Article 10 in the amount of \$35,500 per the description of the draft article presented December 20, 2017. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 11.

Article 11: To see if the Town will vote to authorize the Board of Selectmen to enter into a long-term lease purchase agreement in the amount of \$106,000 payable over a term of three years for replacement of the Fire Department's self-contained breathing apparatus (SCBA) and to withdraw the sum of \$51,000 from the Fire Department's ancillary capital reserve fund for this purpose. (Majority vote required)

Estimated Tax Rate Impact- \$0.00 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

The Budget Committee recommends this article by a ____ to ____ vote.

Town Administrator Kinmond explained there is no clause for approval of this article. If the article is defeated, the funds will come from the operating budget. The Board discussed edits for clarification of the article.

Chair Swenson made a motion that the Board of Selectmen recommends a Warrant Article to authorize the Board of Selectmen to enter into a long-term lease purchase agreement in a total amount of \$157,000 with \$106,00 payable over a term of three years. Selectman Chase seconded the motion. Motion passed 3-0-0.

The Board reviewed the proposed draft of Article 12. Chair Swenson suggested not putting this article on the warrant to avoid having taxpayers have added taxation and explained it is for the Board of Selectmen to transfer from the unassigned fund balance going into a non-lapsing account or to reduce the tax rate for subsequent years.

The Board reviewed the proposed draft of Article 13.

Article 13: To see if the Town will vote to establish a revolving fund pursuant to RSA 31:9-H for the purpose of police special services. All revenues received from police special services, recurring charges or other income derived from the services supported by the fund shall be deposited in the fund and monies in the fund shall be allowed to accumulate for year to year and shall not be considered part of the Town's General Fund Balance. The Town Treasurer shall have custody of all monies of the fund and shall only pay out upon order of the governing body and no further approval is needed by the legislative body.

Chair Swenson stated he is not in favor of this being in the Warrant Article as it creates undue bureaucracy and paperwork and the current process works. Town Administrator Kinmond suggested it is one way to deal with the issues and is a recommendation. Selectman Doherty concurred with Chair Swenson and the Board agreed to remove Article 13.

Article # TBD: To see if the Town will vote to authorize the withdrawal of \$5,000 from the J.C. Shirley Timber Trust Fund, Trust Fund #28, for the purposes of funding contributions to Health and Other Agencies: Cornerstone VNA, Strafford County CAP and Homemakers of Strafford County; said trust established to benefit the Town of New Durham for services as the Town may direct at annual meeting. (Majority vote required)

Estimated Tax Rate Impact- \$0.00 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a ____ to ____ vote.

The Budget Committee recommends this article by a ____ to ____ vote.

Chair Swenson made a motion to recommend the article to authorize the withdrawal of \$5,000 from the J.C. Shirley Timber Trust Fund, Trust Fund #28, as described in the article presented as draft at the December 20, 2017, Board of Selectmen meeting. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The Board reviewed the article relative to the Veteran's Tax Credit. Town Administrator Kinmond explained confusion encountered last year and explained the State legislature clarified the eligibility requirements being made to 90 days of active service and generally provides a larger blanket of coverage for veterans.

Article # TBD: To see if the Town will vote to adopt the provisions of RSA 72:28-b, All Veterans Tax Credit. If adopted, the tax credit will be available to any resident, or the spouse or surviving spouse of resident who 1): served no less than 90 days of active duty in the armed forces of the United States and 2): was honorably discharged or an offer honorably separated from services and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500, the same amount as the standard optional veteran's credit tax credit voted by the Town of New Durham under RSA 72:28.

Board of Selectmen recommend this article ____ to ____

Selectman Chase asked for some clarification for who is being added to the coverage by this change. Town Administrator Kinmond explained it would broaden the coverage to include National Guardsman etc. Chair Swenson felt it was appropriate as did Selectman Doherty as many of these servicemen are deployed state side or other parts of the world in support of local and national agencies.

Motion made by Chair Swenson to include the expanded veterans tax credit article. Selectman Doherty seconded the article. Motion passed 3-0-0.

Chair Swenson asked Town Administrator Kinmond to make the necessary edits and distribute it. Town Administrator Kinmond advised he would do so and submit to DRA and Legal for review. Town Administrator Kinmond also advised the Board that he will be posting the necessary public hearings for the Board and the Budget Committee which will be held the same date and time. The Board public hearing being the multi-year lease purchase agreement, and the Budget Committees FY2018 Town Budget.

Chair Swenson for completeness asked the Board's opinion on Article # 9 and Article #10 relative to contributions to Capital Reserve Funds and Expendable Trust Funds, as we had a resident who expressed that these contributions should be individual Warrant Article. Chair Swenson stated this would be an additional 15 +/- articles, making the warrant 30 +/- articles. Chair Swenson stated he is not in favor, but understands the resident's concern. Selectman Chase stated that she is ok with one article with the contribution itemized within. Chair Swenson stated that this is what Deliberative Session

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is for so they can be discussed and acted on. Chair Swenson said it appears that by consensus that the Articles will remain as presented.

Chair Swenson stated he did have one additional agenda items, which is that he was asked by a resident about a SALT topic regarding the new federal tax law. The question is whether New Durham allows for payment of more than one year's property taxes paid in 2017, i.e. whether the town allows for prepaying property taxes for 2018 or possibly 2 years. Chair Swens stated that he understands that if a town adopts RSA 54 that they can do so. The board had some discussion relative to the new law, whether RSA 54 has already been adopted, etc. Town Administrator Kinmond advised the Board that if they wanted to take a quick recess he would inquire of the Tax Collector of New Durham accepts prepayment of property taxes.

Chair Swenson inquired of the Board if they would like to recess for 5 mins so that the Town Administrator could inquire. By consensus Chair Swenson recessed the meeting at 11:17 a.m.

Chair Swenson reconvened the meeting upon Town Administrator Kinmond's return and Town Administrator Kinmond advised that from Tax Collector Young New Durham has always accepted prepayment of property taxes. Administrator Kinmond stated that the payments are stamped and recorded on the date received and entered into the data base and noted as prepayment credit of property taxes. No additional invoices are generated only a receipt of payment or credit. Chair Swenson stated it would be good to get the date of adoption if known as this could become an issue should the law be passed. Chair Swenson stated he would advise the inquiring resident.

Chair Swenson stated he would like to table the minutes until the next meeting, and inquired if there was any other business. Hearing none,

Adjourn

Chair Swenson made a motion to adjourn the meeting. Selectman Doherty seconded the motion. The motion passed 3-0-0.

The meeting was adjourned at 11:26 a.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary &
Town Administrator Scott Kinmond