

**TOWN OF NEW DURHAM  
BOARD OF SELECTMEN  
December 14, 2020, 6:00 P.M.  
Virtual Meeting, New Durham, NH 03855**

**Final Approved 12-28-20**

*Under the emergency provisions of RSA 91A, this meeting took place electronically via Zoom.; IN LIGHT OF THE COVID 19 (CORONA VIRUS) SOCIAL DISTANCING ADVICE MADE BY THE GOVERNOR AND CDC, THE TOWN OF NEW DURHAM NH FOLLOWING A DECLARATION OF EMERGENCY BY THE SELECT BOARD CHAIR, IS PROVIDING A MEETING PARTICIPATION VIA TELEPHONE CONFERENCE FOR YOUR SAFETY.*

*This meeting is for members and the public to utilize the Zoom platform to prepare for future meetings and public hearings. All members of the Board of Selectmen and Town Administrator have the ability to communicate contemporaneously during this meeting through this platform, and the public has access to contemporaneously listen and, if necessary, participate in this meeting through dialing the following. In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2*

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*Attendees log into: Join Zoom Meeting; <https://us02web.zoom.us/j/82291092215?pwd=aFBia0owNSStYNTdyN2lybmlXTmtlOT09>  
Or via telephone number: 1-646-558-8656; Meeting ID: 822 9109 2215 Passcode: 464119*

*Technical difficulties contact Town Administrator Scott Kinmond at [skinmond@newdurhamnh.us](mailto:skinmond@newdurhamnh.us) or by phone at 603-556-1516.*

*Note: The 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, Chair, Board of Selectman via Zoom

Cecile Chase – Board of Selectman via Zoom

Dorothy Veisel – Board of Selectman via Zoom

**ALSO PRESENT**

Scott Kinmond, Town Administrator via Zoom

**CALL TO ORDER**

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

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.

**Chair Swenson made a motion to enter non-public session pursuant to RSA 91:A-3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected**

**(1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted; (b) The hiring of any person as a public employee; (c) Matters 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 by or against the public body or any subdivision thereof, or by 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. Any application filed for tax abatement, pursuant to law, with anybody or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board entered non-public session at 6:03 p.m.

The Board reentered public session at 7:10 p.m.

**Chair Swenson made a motion to seal the minutes of the non-public session of the meeting of December 14, 2020 as it may affect adversely the reputation of one other than the Board. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **APPOINTMENTS/ANNOUNCEMENTS**

None.

#### **PUBLIC INPUT**

David Bickford, resident, asked if anything will be happening with regards to sale of Town-owned tax-deed properties. Chair Swenson replied they would be looking at that in 2021 as due to the pandemic and resulting economic issues there have been other priorities this year.

Terry Jarvis, resident, stated she expected there to be a public hearing at this meeting regarding converting a Class VI to a Class V road and asked when it will be. Town Administrator Kinmond noted they are required to have a public hearing on this but need to be sure all abutters are properly notified 30 days in advance and it will be posted as a public notice in the future.

Ms. Jarvis stated she would like to encourage the Board of Selectmen to have the 2021 Deliberative Session via Zoom due to COVID-19. She stated the Budget Committee concurred with holding their Public Hearing via Zoom only.

#### **AGENDA REVIEW**

Chair Swenson added under New Business: DPW Hire; Land Use Hire; Solid Waste Facility Interviews; Ethics Policy Question; Review of MS-1.

**Town Administrator's Report**

Town Administrator Kinmond distributed the Select Board Consent Signature Manifest for the period of 11/23/20 to 12/14/20 for review by the Board.

**Acknowledgement / Thanks to NH Public Works Mutual Aid Response For December 5<sup>th</sup> Nor'Easter Weather Event**

Town Administrator Kinmond stated they were able to have work groups come in from other communities including Lebanon, Dover, Moultonborough, Hanover, and Barnstead, to help New Durham DPW with the tasks of cleaning up snow and debris from the storm. The Board expressed their appreciation for the Town employees as well and signed the letters of thanks to the municipalities.

**Department of Public Works – Solid Waste Facility Staff Certification Recognition**

The Board congratulated Ed Malone and Jason Genest for obtaining Solid Waste Facility Operator Certification from the NH DES.

**Department of Public Works – Morton Salt Purchase Order NH State Bid**

The Board reviewed the purchase orders presented for safety salt.

**Chair Swenson made a motion to approve Purchase Order #2520 in the amount of \$11,250 to Morton Salt Inc. of Chicago, IL for the purchase of 200 tons of safety salt under the NH State Bid. Said purchase to come from account 01-4312-10-662. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to approve Purchase Order #2521 in the amount of \$5,625 to Morton Salt Inc. of Chicago, IL for the purchase of 100 tons of safety salt under the NH State Bid. Said purchase to come from account 01-4312-10-662. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to approve Purchase Order #2522 in the amount of \$5,625 to Morton Salt Inc. of Chicago, IL for the purchase of 100 tons of safety salt under the NH State Bid. Said purchase to come from account 01-4312-10-662. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Weston & Sampson Proposal for Landfill Monitoring Well Replacement**

Town Administrator Kinmond stated there was a discovery when CMA was doing the monitoring at the landfill; the well was not detected and needs to be reestablished as is part of the permit for closure of the landfill. The Board reviewed the proposal to map the locations and facilitate installation of a well so the engineers can do regular testing.

**Selectman Chase made a motion to authorize the ground water monitoring well replacement proposal by the Town engineers, Weston and Sampson, in the amount of \$8,308 with said expenditure to come from the Solid Waste Facilities Improvement Capital**

**Reserve Fund Account 01-5000-10-073. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **NEW BUSINESS**

#### **Acceptance Perambulation Brookfield – New Durham Town Line Report**

Town Administrator Kinmond stated the report was received with the Town of Brookfield and Town of New Durham town line perambulation which was conducted in the summer of 2020. The Board reviewed the report and photographs presented which will be filed with the Town Clerk. The Board expressed appreciation for DPW employee Paul Nixon as the Board's designee in helping in this perambulation process. Town Administrator Kinmond stated they are still working with other towns to work out the perambulation of other town lines; they have been in contact with Barnstead and Wolfeboro.

**Selectman Veisel made a motion to accept the perambulation report for the Brookfield - New Durham Town Line of Summer 2020. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **Separation from Employment Policy – Update**

The Board reviewed the proposed wording changes.

**Selectman Veisel made a motion to approve the Separation from Employment Policy as amended December 14, 2020 with an effective date of November 1, 2020. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **2021 Holiday Schedule**

The Board reviewed the proposed holiday schedule.

**Selectman Veisel made a motion to approve the 2021 Town Offices Holiday Schedule as presented. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **2021 Deliberative Session Reconfirm Date and Format & Select Board Meeting Schedule**

The Board discussed the option of utilizing a Zoom meeting for the 2021 Deliberative Session. Chair Swenson stated the State of New Hampshire will allow both the Deliberative Session and the Budget Committee Public Hearing to be done either via Zoom or in-person if spacing requirements can be met. Town Administrator Kinmond outlined recommendations by New Hampshire Municipal Association (NHMA) relative to annual meetings. He stated if virtual meetings are done a mailing will be required to all registered voters in regards to the process and this will incur an expense with about 2,200 registered voters in Town. They will also be required to have two virtual meetings in the process and they can do drive-through voting. Selectman Chase suggested the notices go out with the tax bills. Chair Swenson noted that not all registered voters are taxpayers of record and not all taxpayers are registered voters. The Board concurred with seeking further advice from NHMA and Town Counsel regarding the notices.

**2021 Budget Review – Revenues and Budget Committee Results / Alignment (Accounts 4140, 4191, 4192, 4210, 4220, 4612)**

The Board reviewed accounts which have had changes since approval and have a different amount approved by the Budget Committee.

**Chair Swenson made a motion to rescind the Board of Selectmen action on Account 4191 for the FY 2021 Budget in the amount of \$4,902 and approve Account 4191 for the FY 2021 Budget in the amount of \$4,952 with a line change in advertising. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to rescind the Board of Selectmen action on Account 4192 for the FY 2021 Budget in the amount of \$2,081 and approve Account 4191 for the FY 2021 Budget in the amount of \$3,681 with a line change in advertising. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to rescind the Board of Selectmen action on Account 4612 for the FY 2021 Budget approved on September 28, 2020 and approve Account 4612 for the FY 2021 Budget in the amount of \$1,477 by reducing Conference line. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to rescind the Board of Selectmen action of October 8, 2020 on Account 4210 for the FY 2021 Budget in the amount of \$617,341 and approve Account 4210 for the FY 2021 Budget in the amount of \$622,171 with Line 10-306 increased by \$4,380. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Chair Swenson made a motion to rescind the Board of Selectmen action of October 8, 2020 on Account 4220 for the FY 2021 Budget in the amount of \$236,208 and approve Account 4220 for the FY 2021 Budget in the amount of \$245,982 with changes in unemployment and workers compensation lines. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Department of Public Works Position**

Chair Swenson stated interviews have been completed.

**Chair Swenson made a motion to authorize the Town Administrator to issue a letter of conditional offer of employment to Candidate #1 for the position of Light Equipment Operator at a rate of \$17.00 per hour; said hire upon completion of background checks, pre-employment physical, DOT physical, and drug testing with an estimated start date of December 28, 2020. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated they will be conducting interviews for a position in Solid Waste and Selectman Chase stated she would be willing to sit on the interview panel.

**Chair Swenson made a motion to authorize the Town Administrator a letter of conditional offer of employment to Candidate #1 for the position of Land Use Assistant I contingent upon completion of background checks, pre-employment physical, and drug testing at a rate of \$16.00 per hour. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Ethics Question**

Chair Swenson stated they want to recognize the much appreciated and totally unsolicited from any Town entity the activity from individuals in Town during the most recent heavy storm event. He stated Mr. Drummey organized a way to recognize those in Public Safety and DPW who responded so well to the emergency and through public processes money was raised to recognize these public safety and DPW people. Given that a multitude of individuals donated of their own free will and the recipients were equally provided the benefit of this initiative the Board felt there was not an Ethics issues.

### **NH Department of Revenue MS-1 Worksheet**

Town Administrator Kinmond stated the responsibility for completing MS-1 is with the assessor and the TA, Town Clerk, and Tax Collector have been working to get it completed. They are making sure the total assessed values of properties is accurate and the MS-1 will be submitted to NH DRA soon so the tax rate can be set.

### **FY21 Revenue Budget**

The Board reviewed and discussed the 2021 Revenue Budget. Chair Swenson stated the budget is considerably more conservative than 2020 and reviewed the TA initial draft compared to suggested line-item modifications.

**Selectman Chase made a motion to approve the 2021 Proposed Revenues at \$1,104,632 as edited. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **OLD BUSINESS**

#### **Assessing Services Contract Update**

Town Administrator Kinmond stated he sent the contract to Primex at the recommendation of Town Counsel for review of the indemnification areas. He will be following up tomorrow for any comments.

**Chair Swenson made a motion to authorize the Chair to sign the assessing services contract with the acceptable edits from Town Counsel, Primex, and the Board of Selectman. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

It was noted that DRA will need to review the contract before final signatures are done.

### **Edmunds Software Implementation Update**

Chair Swenson stated Edmunds has not fully met their implantation schedule and there have been some difficulties with developing the needed software; the current indication is that all the information for the tax side would not be completed until March 2021. The Board will continue reviewing the status of this project and there may be some non-public meetings due to the topics being discussed.

### **Tax Anticipation Note (TAN) Update**

Town Administrator Kinmond stated all the paperwork has been submitted and expects the transfer in the TAN amount of \$1,500,000 in to the account will be complete by 12/15/20 so the Town can pay the County. There is enough in the account to pay the school. The TA anticipates being able to do the tax bills 12/21/20.

### **Trustee of Trust Funds Requests**

The Board reviewed the requests. Chair Swenson questioned why they were doing motions again which had already been done. Town Administrator Kinmond explained the Trustee of the Trust Funds wants to be sure proper procedure is done and having the motions contained within one set of minutes is helpful.

**Selectman Veisel made a motion to authorize the expenditure to Grappone Ford in the amount of \$47,253 for the purchase of a 2020 Ford F550 6x6 cab and chassis for the Highway Department and authorize the withdrawal in the amount of \$47,253 from the Highway Truck CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Selectman Veisel made a motion to authorize the expenditure to Viking Cives in the amount of \$48,200 for the purchase and installation of a dump body and plow equipment for the 2020 Ford F550 for the Highway Department and authorize the withdrawal in the amount of \$48,200 from the Highway Truck CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Selectman Chase made a motion to authorize the expenditure to Aqualogic Inc., of Johnsbury, NY in the amount of \$4,800 for the payment of invoice #2150, #2112, #2122 for dash milfoil harvesting in Downing, Jones and Marsh pond; said expense to come from the New Durham Water Quality CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Selectman Chase made a motion to authorize the expenditure to Central Chrysler Jeep Dodge, of Raynham, MA in the amount of \$32,835 for the purchase of a 2020 Dodge Durango all-wheel drive police package SUV; said expense to come from the Police Cruise**

CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to Ossipee Mountain Electronics, Inc. of Moultonborough, NH in the amount of \$16,596.70 for the purchase and installation of emergency requirement to cruiser #3; said expense to come from the Police Cruiser CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to ANS Networking of New Durham, NH in the amount of \$2,611.78 for purchase of a GTeck G5 tablet for cruiser #3; said expense to come from the Police Cruiser CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to JS Marine and Vinyl Works of Milton, NH in the amount of \$700 for purchase of decals for cruiser #3; said expense to come from the Police Cruiser CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to AG Architects P.A. of Dover, NH in the amount of \$17,416.56 for the Space Needs Study Project; said expense to come from the Town Buildings Improvements ETF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to Norway Plains Associates of Rochester, NH in the amount of \$1,020 for the payment of invoice #33352 for wetlands survey delineation mapping; said expense to come from the Municipality Facility Land Purchase CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase made a motion to authorize the expenditure to the Strafford Regional Planning Commission in the amount of \$1,136.86 for the RSMS Update; said expense to come from the Road Construction CRF and to request the Trustee of the Trust Funds to withdraw and transfer the said amount to the Town's General Fund. Selectman Veisel



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

**Selectman Chase made a motion to request the Trustee of the Trust Funds to withdraw and transfer the Town Warrant Article #11 approved amount of \$7,200 from the JC Shirley Timber Trust #26 to the Town’s General Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Selectman Chase stated they were asked in the past to avoid leaving all these transfers to the end; the Board stayed on top of authorizing the transfers and doesn’t want to be reiterating approval which was already given. The Board agreed to draft a process that would assist in this process.

**NEXT MEETING**

December 28, 2020, 6:00 p.m.

**APPROVAL OF MINUTES**

Meeting of November 9, 2020 – Postponed.

Meeting of November 23, 2020 – Postponed.

**ADJOURN**

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

The meeting was adjourned at 9:51 p.m.

Respectfully Submitted,

*Jennifer L. Riel*

Jennifer Riel, Recording Secretary