

**TOWN OF NEW DURHAM  
BOARD OF SELECTMEN  
December 28, 2020, 6:00 p.m.  
Virtual Meeting, New Durham, NH 03855**

**Final Approved 01-11-21**

*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 PLANNING BOARD CHAIRPERSON, 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 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/85403536137?pwd=b0RMUytDdU5tWm9BdE9FSnRvbkN5QT09>; Meeting ID: 854 0353 6137 Passcode: 995471 Or via telephone number: 1-646-558-8656 Meeting ID: 854 0353 6137 Passcode: 99547*

*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

Terry Jarvis, resident via Zoom

**CALL TO ORDER**

Chair Swenson called the meeting to order at 6:00 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 into nonpublic session pursuant to RSARSA 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. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board entered nonpublic session at 6:03 p.m.

The Board reentered public session at 7:02 p.m.

**Chair Swenson made a motion to seal the minutes of the nonpublic session of December 28, 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**

None.

#### **AGENDA REVIEW**

Chair Swenson added under New Business: Solid Waste Facility Hire; Recognition of Town employees; Part Time Temporary Data Entry Position.

Chair Swenson added under Old Business: Change In Offer – Land Use Administrative Assistant.

#### **Town Administrator Report**

The Board reviewed the consent signature manifest for the dates of 11/14/2020 to 12/28/2020.

#### **Trustee of the Trust Funds Requests–Auditors Findings**

Town Administrator Kinmond stated the when the 2019 audit was done the auditors went back to 2016 to review the Trustee of Trust Funds accounts and transfers. He explained their findings which included some transfers which did not have the appropriate requests completed and it was confirmed official action was not taken at the time of these transfers. A series of Select Board actions now need to be done to properly handle the accounting and transfer needs for these issues.

**Chair Swenson made a motion to authorize the payment from a 2018 transaction to Chadwick Baross in the amount of \$2,208.00 for the rental and transportation of a Volvo excavator and authorize the withdrawal of said amount from the Road Construction CRF**

and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure from a 2018 transaction to CMA Engineering in the amount of \$5,482.70 for engineering services for the 130 to 284 South Shore Road project and authorize the withdrawal of said amount from the Road Construction CRF and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure from a 2018 transaction to the New Hampshire Department of Environmental Services State of New Hampshire Treasurer in the amount of \$200.00 for the Downing Pond Maintenance Repair Wetland Permit Application and authorize the withdrawal of said amount from the Dam Maintenance ETF and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure for a 2018 transaction to the CMA Engineering in the amount of \$666.24 for the engineering services for the Downing Pond Maintenance Repair Wetland Permit Application and authorize the withdrawal of said amount from the Dam Maintenance ETF and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure for a 2018 transaction to CMA Engineering in the amount of \$1,020.99 for the engineering services for the Downing Pond Maintenance Repair project and authorize the withdrawal of said amount from the Dam Maintenance ETF and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure for a 2018 transaction to CMA Engineering in the amount of \$1,848.15 for the engineering services for the Downing Pond Maintenance Repair project and authorize the withdrawal of said amount from the Dam Maintenance ETF and to request the Trustee of the Trust Funds to withdraw and transfer 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.

Chair Swenson made a motion to authorize an expenditure for a 2018 transaction to CMA Engineering in the amount of \$162.69 for the engineering services for the Downing Pond

**Maintenance Repair project and authorize the withdrawal of said amount from the Dam Maintenance ETF and to request the Trustee of the Trust Funds to withdraw and transfer 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.**

**Chair Swenson made a motion to authorize an expenditure for a 2018 transaction to Bank of America Business Card in the amount of \$1,604.07 for the purchase of a gas range and hood for the community room kitchen; said expense to come from the Town Buildings and Improvements ETF and request the Trustee of the Trust Funds to withdraw and transfer 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.**

**Chair Swenson made a motion to authorize an expenditure for a 2020 transaction to Waste Equipment in the amount of \$12,680.00 for the purchase of two solid waste disposal containers for C&D and S&W and authorize the withdrawal of said amount from the Solid Waste Equipment CRF and to request the Trustee of the Trust Funds to withdraw and transfer 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.**

#### **Fire Department UTV Bid Extension Request**

Town Administrator Kinmond stated no bids were received for a new all-terrain vehicle; he stated it was sent to about 20 vendors. One quote was received but not through the bid form and process. Town Administrator Kinmond suggested reposting the bid request.

**Chair Swenson made a motion to extend the bid for the Fire Department UTV RFP until January 15, 2021. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **Fire Department – Utility Hydraulic Lift Deck Purchase Order**

The Board reviewed the purchase order presented. Town Administrator Kinmond explained this is a sole-source item and it will meet the needs of the department. An overview of the equipment and uses was presented for review.

**Selectman Chase made a motion to authorize the payment of purchase order #2664 in the amount of \$15,265 to Tuff Lift of Indiana for the purchase of a flatbed hydraulic lift deck for installation on Utility #1. Said purchase being from a sole-source provider in accordance with the specifications. Said purchase from account 01-4220-10-660 2020 Fire Department operating budget. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **2020 Encumbrances**

Town Administrator Kinmond stated they are trying to keep the number of encumbrances down as low as possible but there are a couple contract items expected soon.

**Selectman Chase made a motion to approve the 2020 Encumbrances as outlined in the memo of December 28, 2020 with the respective accounts for a total \$37,320.70 to be encumbered. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

## **NEW BUSINESS**

### **FY20 NH Interlocal Trust – Return to Members**

Town Administrator Kinmond stated the amount to be returned to the Town of New Durham is \$15,836.23 and outlined the options for the Board to receive and apply the funds.

**Selectman Chase a motion to accept the New Hampshire Interlocal Trust return to members in the amount of \$15,836.23 in the form of a check for the amount and direct the Town Administrator to return 10% of this amount for the fiscal year 2020 which is July 1, 2019 to June 30, 2020 to past and present employees for that period with the remaining funds to be used as a holiday premium to reduce the Town's health insurance premium. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **NDWQC – Septic Data Base Project**

The Board reviewed the information presented. Chair Swenson indicated the Board had already voiced consensus support for this project but the Town does not have sufficient funds budgeted at this time to proceed. Selectman Veisel suggested forming a collaborative grant application as there are many towns in the watershed area. It was the consensus of the Board that they continue to support this project but the problem remains in obtaining the resources necessary to develop the database.

**Selectman Chase made a motion to support, if able by staff and / or volunteers, the development and continue to maintain a Town septic system database in support of New Durham water quality. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Draft Noise Ordinance for Public Hearing & Warrant Article**

The Board reviewed and discussed the current and proposed draft noise ordinance. The Board noted that the proposed ordinance is modelled after other Town's similar Noise Ordinance contents. Town Administrator Kinmond confirmed the Police Chief is in support of these changes.

**Chair Swenson made a motion to include in the March 2021 New Durham Warrant Articles the Noise Ordinance as proposed on December 28, 2020. Selectman Veisel seconded the motion.**

### **Chair Swenson rescinded the first motion.**

This motion was rescinded in light that it was felt a public hearing was needed prior to placing the ordinance on the Warrant.

**Chair Swenson made a motion, provided that its required, to hold a Public Hearing on the proposed Noise Ordinance at the January 11, 2021 Board of Selectman meeting. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **2021 Draft Warrant Articles**

The Board reviewed and discussed the draft Warrant Articles as they are currently understood. Continued discussions on whether to have the Birch Hill road project be presented as a separate Warrant Article versus included in the RSMS Warrant Article developed advantages for each option on this much needed work.

**Selectman Chase made a motion to rescind the decision previously made by the Board to create a separate warrant article for the Birch Hill Road Project. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board discussed the grouping for how the CRF and ETF funding would appear in the Warrant Articles. It was determined that the current draft was acceptable with one modification. By consensus the Town Buildings & Improvements line in current Article 9 should be separated out to include with ETF rather than mix CRF and ETF line items.

The Board reviewed input from NHMA and discussed how the virtual meeting for the Deliberative Session would be handled to allow input from the public. It was noted the hybrid option will give people the option for attending via Zoom or in-person. However, there was insufficient information to determine whether this hybrid option would follow the regular Deliberative Session process or the new HB1129 process. There was also discussion on the requirement for elected officials (Select Board and / or Budget Committee) to be present in-person for the session. Chair Swenson summarized the recommendations on meeting procedures provided by New Hampshire Municipal Association options. Town Administrator Kinmond will follow up on legal questions regarding the meeting procedures for further discussion by the Board at the next meeting. These questions include elected official attendance requirements, quorum physically present requirements, etc.

#### **Solid Waste Facility Position**

**Chair Swenson made a motion to provide a conditional offer of employment for the full time Solid Waste position at a rate of \$17.00 per hour to Candidate #1 subject to the Town's standard background and reference checks. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **Part Time Data Entry Position**

**Chair Swenson made a motion to hire a part time temporary position to Candidate #1 for data entry purposes, at a rate of \$16.00 per hour. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board reviewed the proposed stipends for full time and part time Town employees who have not previously received first responder stipends totaling \$4,951.90. Chair Swenson noted many employees including first responders received stipends previously but the Board would like to recognize other Town employees who have provided excellent service to the taxpayers during this pandemic and subsequent economically difficult time.

**Chair Swenson made a motion to approve the stipend payments under the conditions outlined which excludes first responders and those not receiving wage adjustments during this year or those who are new hires for this year, but does include Department of Public Works and the Town Clerk, in the amount of \$400 for full time employees, \$200 for part time employees, with a total cost of \$4,951.90 to come from Account 4155. Selectman Chase 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**

The Board reviewed comments from the New Hampshire Department of Revenue regarding the assessing contract. Chair Swenson outlined minor edits for dates within the contract.

#### **Tax Rate & Billing Update**

Chair Swenson stated action was taken previously however revisions were made to the total amount once all revaluation and other actions were completed.

**Selectman Chase made a motion to revise the tax warrant amount for the second tax billing in the finalized amount of \$5,051,277. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated a Conditional Offer of Employment was made for the Land Use Assistant position but after some market and situation changes modifications may need to be made.

**Chair Swenson made a motion to modify the previously approved Conditional Offer of Employment to the candidate for the Land Use Administrative Assistant position to be starting at \$16.50 per hour with the understanding that performance reviews in six months or less with goals and verified accomplishments with potential for some wage adjustment / increase after that point up to \$0.50 per hour. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **APPROVAL OF MINUTES**

Meeting of November 9, 2020 – Edits were made. **Selectman Veisel made a motion to approve the minutes as amended. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Meeting of November 23, 2020 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Roll Call Vote:**

**Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Meeting of December 14, 2020 – Edits were made. **Selectman Veisel made a motion to approve the minutes as amended. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Meeting of December 18, 2020 – Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**ADJOURN**

**Chair Swenson made a motion to adjourn. Selectman Chase 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 9:10 p.m.

Respectfully Submitted,

*Jennifer L. Riel*

Jennifer Riel, Recording Secretary