

**TOWN OF NEW DURHAM  
BOARD OF SELECTMEN MEETING  
January 25, 2021, 6:00 P.M.  
Virtual Meeting, New Durham, NH 03855**

**Final Approved 2-22-21**

*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/87608180633?pwd=OWlhdfBvU0p3dHp6dUxkbnhlbXRPZz09>; Meeting ID: 897 2191 1230  
Passcode: 812200; Or via telephone number: 1-646-558-8656 Meeting ID: 897 2191 1230; Passcode: 812200*

*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, Chairman, 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 6:00 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 vote; roll call attendance was taken for those participating in the Zoom meeting.

**Appointments/Announcements**

None.

**AGENDA REVIEW**

Chair Swenson under New Business: DPW Roadside Mowing; Town Report / Voter Guide.

**PUBLIC COMMENT**

None.

**Town Administrators Report**

Town Administrator Kinmond distributed the Consent Signature Manifest for review by the Board.

**Fire Department Utility ATV Bid Award**

Chair Swenson stated the initial RFP which was put out for the Fire Department Utility All-Terrain Vehicle had an insufficient response so the RFP was extended; 3 bids were received and reviewed by the Board. Town Administrator Kinmond summarized a memo presented regarding the bid opening which took place on January 15, 2021 at the Fire Department. The recommendations by the Fire Department were reviewed. Chair Swenson asked for the rationale on their choosing the higher bid. Selectman Chase noted the memo indications the criteria supporting the recommendation include the shorter delivery time, closer proximity of service facility, and all equipment requirements are met.

**Selectman Chase made a motion to award the bid for the Fire Department Utility All-Terrain Vehicle to HK Powersports of Laconia, NH for the bid amount of \$25,592. Said purchase to come from the Fire Department Ancillary CRF Account 01-5000- 10-099. Selectman Veisel seconded the motion. Discussion:** The Board reviewed the account balance to assure adequate funds were available. Selectman Chase withdrew the motion and Selectman Veisel withdrew the second.

**Selectman Chase made a motion to award the bid for the Fire Department Utility All-Terrain Vehicle to HK Powersports of Laconia, NH for the bid amount of \$25,592. Said purchase to come from the Fire Department Vehicles CRF Account 01-5000- 10-080. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**NEW BUSINESS**

**Supplemental Tax Warrant**

The Board reviewed supplemental tax warrant as presented.

**Selectman Chase made a motion to authorize the Supplemental Tax Warrant in the amount of \$5,438.74 for the collection within 30 days from the date of notice. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Tax Deeded Property Eviction Notice – Map 265, Lot 038**

The Board reviewed the eviction notice for a tax-deeded, Town-owned property as presented. Chair Swenson stated this issue was reviewed with Town Counsel and action was recommended for proceeding. He asked Town Administrator Kinmond if the federal pandemic rental moratorium would have any impact on this case. Town Administrator Kinmond stated nothing was enacted by the Town in regards to being a landlord.

**Chair Swenson made a motion to authorize and sign the necessary eviction notices for the tax-deeded property located on Map 265, Lot 038. Selectman Chase seconded the motion.**

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

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

**Building Permit Authorization – Map 109, Lot 060, North Shore Rd.**

The Board reviewed the building permit application. Chair Swenson stated this has been reviewed by the Planning Board and Zoning Board of Adjustment; action is now required by the Board.

**Selectman Chase made a motion to authorize the Building Inspector to issue a Building Permit for Map 109, Lot 060 upon his review of the ZBA conditions being met and building plans. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**School District Deliberative Session**

Chair Swenson stated the Board has had extensive discussions regarding the Deliberative Sessions; Town Administrator Kinmond presented follow-up information relative to the School District's Deliberative Session which has been set for Saturday, January 30, 2021 at 10 a.m. at the Kingswood Arts Center. Town Administrator Kinmond stated he has been in contact with the Superintendent regarding the most recent Governor's orders. The School District plans to move forward with existing plans to have the session on the 30<sup>th</sup> with a voting date in March. No other towns in the district have requested to change dates at this point. Chair Swenson expressed his concern at the School Board's hypocrisy in that they do not allow every day in-class sessions causing many difficulties for the student and parents but have no problem with the lack of public safety by exposing the attendees to their Deliberative Session attendees. By holding an in-person Deliberative Session the School Board takes the advantage by causing potential participant suppression in that the Board does not accommodate the potential attendees by using a different, safer HB1129 type approach.

Selectman Chase stated she is concerned about the logistics for drive-through voting in March. Town Administrator Kinmond stated they are working to do a dry-run as well as looking into setting up tents and heaters for the election workers. He stated if there is inclement weather they would have to utilize some of the buildings at the Solid Waste facility. It was confirmed letters were sent out to voters per HB1129 requirements. There was discussion whether the ballot machine would need to be kept in a warm area; Chair Swenson asked Town Administrator Kinmond to get NHMA and legal review on the use of a ballot box.

**Review of Warrant – Open Elected Positions / Timing for Filing**

The Board reviewed and discussed the most recent order from the Governor of New Hampshire. It was noted there is the opportunity to delay the deliberative and voting sessions. However, it would be extremely difficult for the Town to do this if the School Board does not follow this opportunity,

Chair Swenson outlined the election positions for which the filing periods are currently open:

<b>Number of Positions</b>	<b>Office</b>	<b>Term of Office</b>
1	Selectman	3 Years
1	Moderator	2 Years
2	Budget Committee	3 Years
1	John C. Shirley Cemetery Trustee	3 Years
2	Library Trustees	3 Years
1	Planning Board	3 Years
1	Planning Board	2 Years
1	Trustee of the Trust Funds	3 Years
1	Zoning Board of Adjustment	3 Years
1	Town Clerk	3 Years

It was confirmed all the necessary public notices have been posted.

#### **Department of Public Works Posting – Light Equipment Operator Open Position**

The Board reviewed the job posting and agreed with posting the position.

#### **Draft Voter Guide Review / Town Annual Report**

The Board reviewed the draft version of the *Voter Guide* and, by consensus, the Board approved without further edits.

Town Administrator Kinmond stated he will only be ordering about 200 Town Reports in print copy; many people opt for online access.

#### **Acceptance of Milfoil Grant**

The Board reviewed information presented regarding the milfoil grant. It was noted the grant amount is higher than in the past.

**Chair Swenson made a motion to approve the milfoil total grant of \$10,100 with the understanding that \$4,040 will be from the State of New Hampshire grant; \$6,060 will be the local cost and authorize the Town Administrator to sign the grant paperwork. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **Department of Public Works – Roadside Mower**

Chair Swenson stated the Town has the opportunity to purchase a roadside mower. The Board discussed the options for purchase which include outright purchase or cost-share with other towns. The Board concurred with purchasing the equipment after which Town Administrator Kinmond will reach out to the Town of Middleton for possible cost sharing.

**Chair Swenson made a motion to approve the Department of Public Works to purchase a New Holland the roadside mower from Granite Heavy Equipment and Finance, LLC, for an amount up to \$30,500. 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 that the purchase for the New Holland roadside mower come from the Highway Equipment CRF. 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 have DPW / Town Administrator to explore the opportunity to cost-share the roadside mower with another town such as Middleton. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **OLD BUSINESS**

#### **2021 Optional HB1129 Town Meeting (Informational Sessions)**

##### **Informational Sessions 1 & 2 – Review of Process**

Chair Swenson stated Session 1 is set for February 1, 2021 at 7 p.m.; Session 2 is set for February 4, 2021 at 7 p.m.

Chair Swenson stated that with the most recent Governor’s Executive Order there are options for who runs the meetings. He recommended the Town Moderator run the first session; the Board of Selectmen run the second session as they have the responsibility for taking the inputs received at the first session then incorporating those into any changes in the Town Warrant.

Chair Swenson confirmed all public postings for the sessions have been posted.

Chair Swenson stated the Board of Selectmen meeting of February 4, 2021 will open just prior to the Informational Session and then recess until the conclusion of Informational Session.

### **APPROVAL OF MINUTES**

Meeting of January 11, 2021 – 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 January 19, 2021 – 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.**

**Chair Swenson made a motion to enter 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, 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; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; (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 any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. 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 7:23 p.m.

The Board reentered public session at 9:00 p.m.

**Chair Swenson made a motion to seal the minutes of the nonpublic session of the meeting of January 25, 2021 for reasons that it may adversely affect reputation of one other than the Board. Selectman Chase 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 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 9:01 p.m.

Respectfully Submitted,

*Jennifer L. Riel*

Jennifer Riel, Recording Secretary