

**TOWN OF NEW DURHAM
BOARD OF SELECTMEN
January 5, 2023, 6:00PM
New Durham Town Hall, New Durham, NH 03855**

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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.

PRESENT

Marc DeCoff, Select Board Chair
Dorothy Veisel, Select Board Member
Ron Uyeno, Select Board Member

ALSO PRESENT

Nicole Zoltko, Town Administrator
David Bickford, resident
Greg Anthes, resident
Janis Anthes, resident
Terry Jarvis, resident – via Zoom
Bruce Long, resident
Fred Quimby, resident
Debby Greer, resident
Tony Fallon, architect
Linda Callaway, resident – via Zoom
Mike Gelinis, resident
Ethan Fulk, resident
David Collins, resident
Seth ????, resident
Cathy Orlowicz, Town Historian
David Swenson, resident – via Zoom
???? Walter, resident
Mark ???, resident
Jeff Allard, resident
Ken Fanjoy, resident

CALL TO ORDER

Chair DeCoff called the meeting to order at 6:00PM.

Roll Call & Pledge Allegiance

Roll call was taken for Board members present. The Pledge of Allegiance was said by those present.

Public Input

David Bickford, resident, stated he believes the contract with the assessor needs to be reviewed he explained he owns a lot in the Copple Crown Village District and the valuation nearly tripled in 6 months. He stated there are many other property owners in the district who have experienced the same thing.

Ellen Phillips, resident, asked the Board to consider different light decorations for the Town Hall next year; she stated the LED lighting doesn't look right with a historical building.

Cathy Orlowicz, Town Historian, stated she received a phone call on December 28 in regard to Pauline L. Gardner; her family informed Ms. Orlowicz that Ms. Gardner was turning 101 years old and after some research she found other individuals who are actually older. Ms. Orlowicz stated she isn't eligible for the Boston Cane Post as the oldest resident but suggested a letter of recognition from the Board on behalf of the Town.

Agenda Review

Chair DeCoff added under New Business: Boodey Farmstead committee to expend funds.

Selectman Uyeno added under New Business: other warrant article.

Chair DeCoff added discussion of legal advice under the non-public session.

Chair DeCoff motioned to approve the agenda as amended. Selectman Veisel seconded the motion. Motion passed unanimously.

PUBLIC HEARING – 6:15PM

A. Hearing/Discussion/ Decision of Acceptance of Unanticipated Funds from State for Town Bridge in the amount of \$41,069.75

Chair DeCoff opened the public hearing at 7:00PM. He stated this is for unanticipated funds from the State for a Town Bridge in the amount of \$41,069.75. Town Administrator Zoltko stated this is for the bridge on Davis Crossing Road.

Terry Jarvis, resident, asked

Mr. Bickford stated there have been problems since it was originally constructed.

Chair DeCoff read the letter received from the State explaining the funds; it indicates that pursuant to SB 401, the State is directed to distribute a one time payments to all municipalities which have municipality owned bridges.

Selectman Veisel motioned to accept the funds in the amount of \$41,069.75, a one-time payment from the State, to be used for the construction, reconstruction or maintenance of a

municipality owned bridge. Chair DeCoff seconded the motion. Motion passed unanimously.

Chair DeCoff closed the public hearing at 6:21PM.

TOWN ADMINISTRATOR'S REPORT

A. Winter Carnival Special Event Licensure

Town Administrator Zoltko presented a Special Event application from the Parks and Recreation Department for an ice fishing derby, to be held March 4, 7:00AM to 3:00PM, at the Fish and Game facilities. She confirmed the Police Chief has reviewed and approved the application.

Selectman Veisel motioned to approve the Special Event application from Parks and Recreation for the ice fishing derby to be held March 1, 2023 at the Fish and Game facilities. Chair DeCoff seconded the motion. Motion passed unanimously.

B. Auditor Disclosure Letter

Town Administrator Zoltko presented a letter from Roberts and Greene PLLC, the contract auditors; she stated they have said yes to working with the Town again this year and she explained a new requirement is for the Town to have an audit scope objective to ensure the Board is aware what is being audited. Town Administrator Zoltko stated the auditors rely heavily on reports and information submitted by the Town departments; she also explained when there is a turn over of employees, the Town has to pay additionally for any required audits as required by DRA, particularly with the Town Clerk position. She stated the goal is for the auditors to come in April; she noted the cost has not increased over last year.

Chair DeCoff motioned to approve the letter for Roberts and Greene PLLC to do the auditing for the cost of \$13,900. Selectman Veisel seconded the motion. Motion passed unanimously.

C. Marsh, Jones, Downing Ponds- Exotic Aquatic Plant Grant

Town Administrator Zoltko stated additional forms are needed to move forward with grants for milfoil treatment; she presented a packet for review by the Board and noted the packet is also available on the Town website for review by the public. Town Administrator Zoltko stated half of the cost of the process will be covered by this grant.

Chair DeCoff motioned to move forward with the grant for a total of \$23,200, grant award \$11,600 and the cost to the Town is \$11,600 and to authorize the Chairman of the Board to sign. Selectman Veisel seconded the motion. Motion passed unanimously.

V. Public Hearing 6:30pm

A. Hearing/Discussion/Decision Public Safety Building Bond and Warrant Article for \$8,500,000

115 Chair DeCoff opened the public hearing at 6:30PM.

116 Fire Chief Varney stated he has managed construction jobs around the world for 35 to 40 years;
117 he has been in the position of Fire Chief for 15 years and with the department since 1982. He
118 stated this project has been worked on since 2004 and a bill went before voters in 2006 to put a
119 fire station on the existing lot but it failed. He stated different designs and lot locations have been
120 considered since that time and now the original design, which includes the fire and police
121 department is the same footprint, has been configured to be on the current lot. Fire Chief Varney
122 stated the reason for keeping it on the current lot is due to the expense of purchasing another lot
123 as well as the expenses of the water treatment system. He stated a 30,000 gallon cistern is also
124 needed for the safety facility and the Town Hall and if kept on the current lot, both buildings
125 could share that system. He stated the plans also include a community room although to have
126 space for voting, they would have to move trucks out.

127 Fire Chief Varney explained the various aspects of the current building which are ineffective,
128 including being inefficient with regard to heating; the concrete floor is not rated for the weight of
129 the vehicles parked on it; the roof does not have appropriate snow load and has had damage as a
130 result; he stated it would not be safe to use if the department was to move out.

131 Greg Anthes, resident, stated he likes the idea of upgrading essentially all three buildings; he
132 stated this seems like a good specific plan that will last many years and the police station could
133 be reused for something else. He stated it is something that is needed in Town, and it would be
134 safe for employees and residents to come in.

135 Fire Chief Varney stated there are currently two bonds which will be coming off in the next two
136 years so that will help offset the impact of this new bond. He explained current construction
137 materials contain a lot of carcinogens and they have to have two sets of fire gear for each person;
138 he stated they don't have the proper washing facilities for decontamination of gear and people.
139 The new facility would have the appropriate facilities for decontamination and could be used by
140 both the fire and police departments.

141 Mr. Quimby asked if this would be a command center. Fire Chief Varney stated yes, and
142 currently they only have a command vehicle, but the facility would have integrated systems in-
143 house and there would be one dispatch. Mr. Quimby asked if there are FEMA funds to help with
144 the costs. Fire Chief Varney stated there are grants for equipment after the construction phase has
145 been done.

146 ???, resident, stated she doesn't disagree that upgrades are needed for all departments but
147 questions the financial responsibility and viability of the plans; she noted there are proposals on
148 the Town website from both AG Architects and Northpoint Construction and questioned why
149 they would go with the Northpoint proposal for \$7.1 million when the AG plan is larger for the
150 same price. She asked if they would also be moving forward with the plans for the library, Town
151 Hall and Public Works facility as indicated on the AG Architects plans. She stated it would also
152 be helpful to know about the "purchase of land" as indicated by the warrant article if the plans as
153 presented tonight, are to use the existing lot. Chair DeCoff stated the Board members wanted to

154 look at other sides and obtain estimates from Northpoint for doing so and the bond reflects the
155 additional costs however that would not be needed if they don't change locations.

156 Ms. ??? stated she is primarily concerned with the financial side; she stated the total Town
157 budget in 2021 and 2022 was approximately \$3.4 million and \$3.9 million in 2023 but doesn't
158 understand how getting a bond that is more than twice the annual budget, how is it going to be
159 paid for. She stated she also questions getting a bond at a time when interest rates are high,
160 where does the payment come from, what would the payments be and what happens if the Town
161 were to default.

162 Fire Chief Varney stated the AG Architect report was made smaller and still functional with
163 Tony Fallon, architect; he stated concessions were made on space which resulted in a reduction
164 on square footage. He stated this building will solve some problems with space needs at Town
165 Hall and help bring Town Hall up to meet fire standards with regards to fire suppression. He
166 explained zoning regulations can also be waived which will save tax payer money. Fire Chief
167 Varney stated the \$7.1 million is only a projected price; it cannot go higher with the construction
168 company but they don't have engineered prints yet and nothing has gone out to bid so the total
169 cost could be lower.

170 Debby Geer, resident, asked what happens if the voters approve the higher amount and it comes
171 in less.

172 Linda Callaway, resident – via Zoom, asked if the costs for relocating during the construction
173 process, is covered. Chair DeCoff confirmed those costs are included in the bond.

174
175 Tony Fallon, architect, explained the guaranteed maximum cost in the proposal from Northpoint
176 Construction; he stated the plans are specific and complete in order to calculate the costs. Mr.
177 Fallon stated if there are things that cost less, the funds come back to the Town. He clarified
178 there is a contingency of \$162,500; he stated in his experience with recent projects, he doesn't
179 see how the costs could possibly exceed the projected cost.

180 Chair DeCoff explained the bond will be paid through taxes over 20 years.

181 Bruce Long, resident, asked how this proposal is going to improve response time for the Police
182 and Fire Departments. Fire Chief Varney explained the facility will be equipped to have
183 firefighters at the station which will increase response times but they are trying to get full time
184 shift coverage. Mr. Long suggested they would be better off just hiring full time personnel than
185 getting the new facility. Fire Chief Varney explained the breakdown of calls, noting most are
186 EMS. Mr. Long questioned whether the facility is needed more remote locations for dispatching
187 emergency vehicles and personnel for quicker responses.

188 Ms. Jarvis stated when the apparatus bay was built in the 1980s, it was given a 20 year life span;
189 she stated she has been on numerous committees to bring forward plans for a shared public
190 safety facility; she stated it makes sense to share core facilities, utilities, training, space, etc. She
191 stated the Space Needs Committee has done a study which is available for review and it includes
192 ratings for different things throughout town and a public safety facility is consistently a priority.

193 David Collins, resident, stated he questions timing, noting plans and studies from 2006 are not
194 accurate for 2023; he stated a bond for \$7 million is going to be at the highest interest rates seen
195 in 20 years and while this needed to be done years ago, he doesn't think now is the right now.

196 Ms. Greer stated she is concerned about taxes going up again, noting there was just an increase
197 in assessments; she asked if the bond estimate includes the interest to be paid and how much are
198 the bonds that are going to be finished up in the next couple years. Ms. Greer stated they also
199 need to consider a space for voting and suggested there be another meeting to get some of these
200 questions answered.

201 Seth ????, resident, stated he is a city planner by profession; he asked if the \$8 million includes
202 all the site plans and designs. Mr. Fallon stated official plans have not been done but they have
203 scoped it out in detail.

204 Ethan Fulk, resident, stated he is on the Fire Department and explained he is in full support of the
205 current location of the facilities and explained how it is centrally located for the various parts of
206 Town; he stated nearly all the patients he has transported have been in the Route 11 area.

207 Town Administrator Zoltko stated they have looked at multiple levels for a bond; she stated they
208 won't know the terms such as length and interest rate until the Board of Selectmen make that
209 decision; she stated New Hampshire Bond Bank is commonly used and the last two bonds were
210 15 and 20 years but there needs to be flexibility so the Board can make a decision that makes the
211 most sense to stay within the range of what is approved by the taxpayers. She stated the
212 assumption that its going to be \$1 per thousand affect to the tax rate, is not accurate as it could
213 fluctuate after more things have been finalized.

214 Ellen Phillips, resident, asked how much will be coming off for the two existing bonds set to be
215 completed. Town Administrator Zoltko stated one bond is budgeted for \$55,000 and that will
216 come off.

217 Mr. Fallon explained he has worked with Northpoint Construction on numerous projects, and
218 they have a great track record with large projects; he explained he worked on the plans and then
219 asked Northpoint to review the plans with project managers and many subs to go over the plans
220 in detail to come up with the most accurate pricing as possible.

221 Mr. Walter asked when the budget for the project was done. Chair DeCoff confirmed it was
222 done this year and done by one company. Mr. Walter suggested putting it out to bid for other
223 general contractors. Mr. Fallon stated often times the architect will select a construction manager
224 who then goes through hard bidding but if items come in underestimate, the funds go back to the
225 town; he stated there other avenues but it gets difficult to compare apples-to-apples. Mr. Fallon
226 stated he didn't charge for the work he did to update plans over the summer, and he brought in a
227 reputable contractor to try to give the Town the best value for moving forward.

228 Mr. Long stated he would like to see plans that match the character and architecture of the Town
229 rather than something that looks like a warehouse.

230 Jeff Allard, resident, asked if this proposed bond includes the renovation of Town Hall. Chair
231 DeCoff stated it does not. Mr. Allard stated it absolutely needs to be done as the building is in
232 dire need of repair and renovation; he stated he hears a lot of support to the need for a public
233 safety facility but there is resistance to the actual plans presented. Mr. Allard stated the Town
234 center is on a large aquifer and explained its is critical to this area and questioned whether it is
235 going to be the best location in the long run. He stated there is also concern with the sky-high
236 interest rates and questioned if this is the best time; he suggested the Board take the time to look
237 into the concerns raised including an adequate community room. He suggested if they wait until
238 next year, interest rates may improve as the economy slows.

239 Mr. ???? stated he is a relatively new resident but has been a member of the Capital
240 Improvement Committee; he stated there are many critical and dangerous issues throughout
241 Town including an insufficient IT department, a failing library roof, improper ventilation, no
242 ADA compliant access to the second floor of Town Hall. He stated they need to balance the cost
243 of the new facility as well as maintaining what they already have.

244 Janis Anthes, resident, stated as a retired healthcare professional, she is very concerned about the
245 inability of the employees to safely decontaminate themselves; she stated this is a health
246 emergency. Ms. Anthes stated there is no Master Plan and the Planning Board has failed to
247 address the public safety needs in Town and the Fire Chief took it on himself to develop this plan
248 over the years and they can't expect to hire employees when their health is going to be in danger.
249 Chair DeCoff clarified there is a Master Plan and it is available for public review.

250 David Bickford, resident, what they mostly need is a Fire Station and suggested doing just that
251 portion, adding on the Police Station at a later time. He stated he doesn't agree with putting any
252 facility on the existing lot and questioned if the twelve lots referenced in the report, have been
253 pursued. Mr. Bickford stated a sand pit was purchased by the Town many years ago with the
254 purpose of being used for facilities.

255 ???? , resident, stated he has worked on other fire stations and this is a good price for this project;
256 he stated if they check with an insurance company, the best location is going to be at the center
257 of Town as its centrally located with access to roads out to the rest of Town. He stated public
258 safety facilities need to be built and they need to have the appropriate systems in place for
259 dealing with contaminants.

260 Fire Chief Varney explained the proposal includes the washroom, noting there will be FEMA
261 grants available for outfitting, after the structure is completed.

262 Cecile Chase, resident, stated she doesn't disagree that a facility is needed but wants to be sure
263 an appropriate plan is presented to voters so it doesn't get voted down; she stated there are other
264 properties out there and wants to be sure due diligence is done before going to the Town for a
265 vote.

266 Greg Anthes, resident, asked if a bond can be refinanced. Town Administrator Zoltko stated they
267 can negotiate a rate but at the most recent time, it was in the 5% range; she stated it would be up
268 to the bond attorney to negotiate a rate reduction.

269 Mr. Allard suggested the Town's architectural guidelines be followed with regard to commercial
270 properties.

271 Selectman Veisel stated she is also concerned about ensuring they remain within the zoning
272 ordinances and doesn't believe its appropriate for the Town to grant itself variances.

273 Ms. Jarvis stated it has been her experience on the Zoning Board, that the Town applies for
274 variances, abutters are notified, public hearings are held and in the end variances are granted. She
275 stated she hasn't heard any opposition to a public facility building but does seem to be questions
276 about the specific proposal; she stated there is a process for the Board to call a special meeting
277 for the purpose of discussing land acquisition and stated they need to have "more ducks in a
278 row" and suggested perhaps the proposed building could work on another lot.

279 Selectman Uyeno stated the total \$8.5 million bond includes potential purchase of land.

280 Ms. Callaway stated she agrees with looking at other properties; she stated that squeezing these
281 plans into this lot doesn't leave any room for growth down the road.

282 Selectman Veisel stated many good points have been presented and agreed more research needs
283 to be done before moving forward with a bond. The Board concurred.

284 Chair DeCoff closed public input at 8:25PM.

285 **Selectman Veisel motioned to rescind the motion for the bond for the public safety building**
286 **in the amount of \$8.5 million until further research has been done. Selectman Uyeno**
287 **seconded the motion. Motion passed, 2-0-1.** Chair DeCoff abstained.

288 **NEW BUSINESS**

289 **Presentation of Gravel Pit Trail Modification- Presented by Mike Gelinas**

290 Mr. Gelinas stated multiple parking lots have been done for trail heads around Town; he stated
291 they are looking to improve another area as well. Chair DeCoff suggested a Site Walk with the
292 Road Agent. Mr. Gelinas agreed.

293 **Boodey Farmstead Committee**

294 Ms. Orlowicz stated last year the Board approved processing of monthly trail rental fees and
295 requested the Board do so again for this year so she can pay the recurring funds from the
296 charitable checking account without further action from the Board.

297 **Chair DeCoff motioned to authorize Cathy Orlowicz, Chair of the Zachariah Boodey**
298 **Farmstead to process the monthly rental fees collected for the year 2023 without additional**
299 **action from the Board of Selectmen; from January 2023 and December 2023 the funds**
300 **shall be withdrawn from the Boodey Farmstead Charitable Checking Account, totaling**
301 **\$600 per year. Selectman Uyeno seconded the motion. Motion passed unanimously.**

302 **Internal Abatement, Tax Credit/Exemptions, Land Use Change, - Presented to the Select**
303 **Board on behalf of the Contract Assessors**

304 The Board reviewed the requests presented.

305 **Chair DeCoff motioned to grant the abatement request for MBLU 104-001-000 in the**
306 **amount of \$266,100 and this will bring the property to be fairly assessed to similar**
307 **properties. Selectman Veisel seconded the motion. Motion passed unanimously.**

308 **Chair DeCoff motioned to approve the request for an All Veterans Tax Credit, pursuant to**
309 **RSA 72:28-B in the amount of \$750 for Map 120, Lot 052-001. Selectman Veisel seconded**
310 **the motion. Motion passed unanimously.**

311 **Chair DeCoff motioned to approve the request for an All Veterans Tax Credit, pursuant to**
312 **RSA 72:28-B in the amount of \$750 for Map 209, Lot 077. Selectman Veisel seconded the**
313 **motion. Motion passed unanimously.**

314 **Chair DeCoff motioned to grant the abatement request for MBLU 120-007-0024 in the**
315 **amount \$66,500 as the camp was demolished; the property will be inspected in 2023.**
316 **Selectman Veisel seconded the motion. Motion passed unanimously.**

317 **Chair DeCoff motioned to grant the abatement request for MBLU 265-015-0081 as the**
318 **home is under construction and is 75% as of September 1, 2022 and 55% as of April 1,**
319 **2022 in the amount of \$53,900 of assessed value; an occupancy permit has been issued but**
320 **the property will be inspected in 2023 for completion. Selectman Veisel seconded the**
321 **motion. Motion passed unanimously.**

322 **Chair DeCoff motioned to approve the Land Use Change tax for Map 238, Lot 038 with the**
323 **number of acres subject to the assessment is 1 acre and the amount remaining in Current**
324 **Use is 35 acres; the tax assessed is \$300 with a filing fee of \$20.58. Selectman Veisel**
325 **seconded the motion. Motion passed unanimously.**

326 **Chair DeCoff motioned to approve the credit for an All Veterans Tax Credit, pursuant to**
327 **RSA 72:28-B in the amount of \$750 for MBLU 113-006-0000. Selectman Veisel seconded**
328 **the motion. Motion passed unanimously.**

329 **Chair DeCoff motioned to approve the credit for an All Veterans Tax Credit, pursuant to**
330 **RSA 72:28-B in the amount of \$750 for MBLU 110-027-0000, 75 Merrymeeting Road.**
331 **Selectman Veisel seconded the motion. Motion passed unanimously.**

332 **Chair DeCoff motioned to approve the credit for an All Veterans Tax Credit, pursuant to**
333 **RSA 72:28-B in the amount of \$750 for MBLU 258-007-000, 56 Valley Road. Selectman**
334 **Veisel seconded the motion. Motion passed unanimously.**

335 **Chair DeCoff motioned to approve the credit for an All Veterans Tax Credit, pursuant to**
336 **RSA 72:28-B in the amount of \$750 for MBLU 256-023-000, 279 Old Bay Road. Selectman**
337 **Veisel seconded the motion. Motion passed unanimously.**

338 **Other**

339 Selectman Uyeno suggested a warrant article be brought forward to allow voters to decide if they
340 want a five member Select Board.

341 Mr. Swenson stated this was presented on a warrant article around 2017 and it was voted down.

342 **OLD BUSINESS**

343 **A. Appointment to the Ethics Committee**

344 Town Administrator Zoltko stated no negative feedback was received in regard to the
345 nomination for Christopher ????.

346 **Selectman Veisel motioned to appoint Christopher ???? to the Ethics Committee with a**
347 **term to expire March 2025. Chair DeCoff seconded the motion. Motion passed**
348 **unanimously.**

349 **APPROVAL OF MINUTES**

350 October 27, 2022 – Edits were made. **Chair DeCoff motioned to approve the minutes as**
351 **amended. Selectman Veisel seconded the motion. Motion passed unanimously.**

352 November 3, 2022– Edits were made. **Chair DeCoff motioned to approve the minutes as**
353 **amended. Selectman Veisel seconded the motion. Motion passed unanimously.**

354 November 17, 2022 – Postponed.

355 December 1, 2022– Edits were made. **Chair DeCoff motioned to approve the minutes as**
356 **amended. Selectman Veisel seconded the motion. Motion passed unanimously.**

357 **Selectman Uyeno motioned to enter non-public session pursuant to RSA 91:A-3 II (a) *The***
358 ***dismissal, promotion, or compensation of any public employee or the disciplining of such***
359 ***employee, or the investigation of any charges against him or her, unless the employee affected***
360 ***(1) has a right to a meeting and (2) requests that the meeting be open, in which case the***
361 ***request shall be granted; and (e) Consideration or negotiation of pending claims or litigation***
362 ***which has been threatened in writing or filed by or against the public body or any subdivision***
363 ***thereof, or by or against any member thereof because of his or her membership in such public***
364 ***body, until the claim or litigation has been fully adjudicated or otherwise settled. Any***
365 ***application filed for tax abatement, pursuant to law, with any body or board shall not***
366 ***constitute a threatened or filed litigation against any public body for the purposes of this***
367 ***subparagraph.*** **Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel -**
368 **aye; Selectman Uyeno -aye; Chair DeCoff-aye. Motion passed, 3-0-0.**

369 The Board entered non-public session at 9:15PM.

370 The Board reentered public session at 10:26PM.

371 **Selectman Veisel made a motion to seal the minutes of the non-public meeting of January 5,**
372 **2023. Chair DeCoff seconded the motion. Motion passed unanimously.**

373

374 The meeting was adjourned at 10:27PM.

375

376 Respectfully Submitted,

377 *Jennifer Riel*

378 Jennifer Riel, Recording Secretary

DRAFT