

Town of New Durham Board of Selectmen Meeting
October 12, 2021

**TOWN OF NEW DURHAM
BOARD OF SELECTMEN
October 12, 2021, 6:00 P.M.**

New Durham Community Room, New Durham, NH 03855

Public can join Virtual Access via Zoom Meeting;

<https://us02web.zoom.us/j/83295234013?pwd=bHZRa251eDRBOC9TcnB3MDhFU2cvQT09>

*Meeting ID: 832 9523 4013 Passcode: 183666; One tap mobile +16465588656,,83295234013#,,, *183666#*

Disclaimer: If technology fails, the meeting physically occurring will continue at the location above. 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, Select Board Chair
Dorothy Veisel, Select Board Vice Chair
Ron Uyeno, Select Board Member

ALSO PRESENT

Nicole Zoltko, Town Administrator- via Zoom
Rudy Rosiello, Resident
Ellen Phillips, Resident
Peter Rhoades, Resident
Police Chief Bernier
Alicia Housel, Assistant Finance Manager

CALL TO ORDER

Chair Swenson called the meeting to order at 6:00 p.m.

APPOINTMENTS/ANNOUNCEMENTS

None.

PUBLIC INPUT

None.

AGENDA REVIEW

Chair Swenson stated the Boodey House Appointment agenda topic is postponed.

Chair Swenson added under Old Business: Town Clerk / Tax Collector Information; School Tax.

Chair Swenson added under New Business: Event Permit for Parks and Recreation; Select Board Meeting Schedule; MS Form Signatures; Meetinghouse Committee Appointment.

Appointments / Announcements

Chair Swenson stated the Meetinghouse Committee has requested postponement of the appointment at this time.

Chair Swenson stated the Town Clerk and Tax Collector office will be closed this week on Monday 10/11/21, Wednesday 10/13/21, and Thursday 10/14/21 for a conference. Offices will be open on Friday from 9:00 a.m. to 4:00 p.m.

Chair Swenson stated as discussed in prior meetings, the Board has no authorization in managing the school budget; he stated New Durham portion for the FY 2021 which ended June 30, 2021 was \$6,559,300 and the current FY 2022 budget portion is \$7,176,471. He stated the reasons for the increase are unknown noting its about a 10% increase. Selectman Veisel stated this budget will be presented in more detail at the school district meeting although the date is unknown at this time.

The Board reviewed the special event application from Parks and Recreation for haunted trail at the meeting house on October 29 and 30, 6:00 p.m.- 8:00 p.m. Volunteers will be doing the work; people will come and go; the anticipated attendance is a couple hundred; and refreshments will be provided.

Selectman Veisel made a motion to approve the special event license for October 29 and 30, 2021 at the Meetinghouse. Selectman Uyeno seconded the motion. Motion passed 3-0-0.

Chair Swenson made a motion to appoint Ellen Phillips to the 1772 Meetinghouse Committee. Selectman Veisel seconded the motion. Motion passed 3-0-0.

OLD BUSINESS

Rhoades Reclass of Road

Chair Swenson stated this request was received about a month ago in response to actions recently taken by the Board. Mr. Rhoades stated three years ago they went through the procedure with the Class VI road policy in order to apply for three building lots on Bennett Road. He stated the Board did give him a detailed approval on two lots; one of the criteria for approval included all residents on the road would sign a road maintenance agreement. However, the resident who purchased his home will not sign. Mr. Rhoades stated that makes it impossible for him to move forward; he stated he has a lot of time and money into this and he asked the Board to review additional options and information for discussion which includes the condition that future property owners would be 100% responsible for the road maintenance. Mr. Rhoades asked the Board to consider option 2 in the guidelines and a longer time frame for issuing building permits.

Chair Swenson stated the prior action was applied to be fair and equitable to both prior and future applicants with similar situations. Mr. Rhoades noted there are other options to move forward. He noted if he can get approval he can market the lots for sale but is concerned about the 6-month window for getting building permits. Selectman Veisel suggested variances may be required for building permits to be beyond 600' from a Class V road. Mr. Rhoades stated a variance wasn't needed when the first of the three lots was approved. He explained the lots could be created and sold with the condition that road maintenance is done even though it can't be required of someone already living on the road. Chair Swenson stated they would have to go back to minutes to confirm what was indicated at that time.

Chair Swenson summarized Mr. Rhoades is looking to keep the road as Class VI and Mr. Rhoades has outlined some of the reasons he is unable to meet the conditions of the previous 2018 decision of the Board. Town Administrator Zoltko noted the exact dates were from meetings of September 24, 2018 and October 17, 2018. The minutes of those meetings are publicly available and noted there was an abutter who verbally commented at the public hearing and by letter.

The Board discussed the processes for enforcing road maintenance. Chair Swenson stated the requirement for maintenance is written into a deed and if maintenance is not done it can become a civil liability issue. Chair Swenson stated they will take a look at the guidelines and discuss with the Zoning Board of Adjustment. It was suggested the Board revisit this in November.

NEW BUSINESS

PD Prosecution Contract

Chair Swenson noted there was \$7,000 in the FY 2021 budget and the current request is \$12,500. Police Chief Bernier explained last year they went through the sheriff's office to do the prosecution; this individual currently prosecuted for Barrington, Strafford, and Rollinsford and is looking to pick up other towns. He stated she would also be able to give advice to the Building Inspector at no extra cost; for any pending cases she would come to meet with the police department and work with the officers. Police Chief Bernier stated he spoke with the police chiefs and all are pleased with her work; he is concerned that the individual doing the prosecution at Strafford County is running for mayor and the position will be vacant. Chair Swenson asked Police Chief Bernier to confirm the election date and verify the process for coverage as well as the costs for FY 2022 prosecution with the county; further review was tabled to November.

Police Chief Bernier presented quotes for replacing the 2014 cruiser set by CIPC to be replaced in 2022. He requested permission to send a letter to Ford to pre-order the vehicle; he confirmed there is no penalty for cancellation if the purchase is not approved by voters. The purchase is by State bid for a 2022 Ford SUV to replace the 2014 sedan. By consensus of the Board it was agreed to allow Police Chief Bernier to request the Town of New Durham be put in the queue per the quote of 09/28/2021 from Irwin Automotive Group for a 2022 Ford Explorer, recognizing there is no cancellation penalty should voters decide to not fund the FY22 Warrant Article for this or that there is a vehicle that seems to be a better fit.

Other

Chair Swenson explained there are departure policies for paid time off which are part of the benefits package; he stated there were two individuals who resigned, retired, or chose another position in 2021 and the PTO / Accrued Benefits liability was \$11,798.40 for the Town Administrator and Town Clerk for \$1,533. He stated it originally came from operational line accounts and he suggested it would be better utilization with an ETF established for Accrued Liabilities of this nature. Town Administrator Zoltko stated this information would now be passed on to the Trustees of the Trust Funds. The Board reviewed the letter of authorization.

Chair Swenson made a motion to approve the request to the Trustee of the Trust Funds to approve \$13,331.70 to come from the from the ETF Employees Accrued Benefit Liability to cover the expenses of paid-time-off benefits for two employees as designated in the Board; Town Administrator in the amount \$11,798.40, and Town Clerk in the amount of \$1,533.30 with the fund account name and number to be supplied by the Finance Manager. Selectman Veisel seconded the motion. Motion passed 3-0-0.

RFP- Software Discussion

Town Administrator Zoltko stated the document has been revised from the original RFP and has been modified to make it more integrative for more departments. She stated the current software includes Finance, HR, and Tax Collection; she would like the Building Inspector, Land Use, Assessing, and Town Clerk departments to also be included to encourage a more comprehensive software program. She also suggested any possible software decision should include input from the IT team. Chair Swenson suggested some revisions to the draft RFP contract including due dates to November 8 at noon; due dates for additional reviews to November 9 and 10; invite vendors to preview proposed software and hardware from November 10 to November 15; contract negotiations start November 29 to December 10; approval on or before January 25, 2022.

Chair Swenson made a motion to move ahead with the Request for Proposal draft of October 12, 2021 with the changes as discussed. Selectman Uyeno seconded the motion. Motion passed 3-0-0

American Rescue Plan Act (ARPA) Allocation of Funds FY 2021 and FY 2022

Updated information were presented for review by the Board for those items noted in prior meetings of interest for ARPA funding. Chair Swenson stated in 2021 New Durham is scheduled to received \$141,645.09 in FY 2021; the amount for FY 2022 is currently projected to be the same amount. Chair Swenson noted costs for some of the updated items is quite different from the information presented during the public hearing. It was confirmed ARPA funds could be used for welfare assistance and areas of revenue loss.

Police Chief Bernier confirmed the pricing quote for the police body cameras is still valid. Chair Swenson confirmed the AED's would go through the public heath part; Town Administrator Zoltko stated they would be replacing all AED's for the cruisers and then take the old ones and utilize where needed.

Assistant Finance Manager, Alicia Housel, noted the funds don't need to be committed until 2024 and spent by 2026.

The Board reviewed and discussed proposed projects for the FY 2021 funds. Chair Swenson summarized police body cameras at \$30,000; AED's at \$4,000; removal of three buried tanks at \$10,500; solid waste scale estimated at \$120,000 (it was noted that the balance of scale costs not covered from ARPA funds could be covered by the Town's CRF).

Chair Swenson made a motion to move ahead with the FY21 ARPA Funds spending as follows:

- **police body cameras estimated at \$30,000;**
- **four AED's estimated at \$4,000;**
- **remediation of three buried tanks estimated at \$10,500;**
- **solid waste scale estimated at \$120,000**

for the unanticipated FY 2021 ARPA revenue of \$141,645.09 with the understanding that any overage would be attributed to the solid waste facility scale and it would be determined at that time whether the additional funding will come from CRF or whether ARPA FY 2022 would apply for that. Selectman Veisel seconded the motion. Motion passed 3-0-0.

UPCOMING MEETINGS

October 25, 2021, 6:00 p.m.

November 8, 2021, 6:00 p.m. Meeting 7:00 p.m. Joint Meeting with Budget Committee

November 15, 2021, 6:00 p.m.

December 6, 2021, 6:00 p.m.

December 20, 2021, 6:00 p.m.

NH DRA Forms

Chair Swenson explained the MS-1 form is for the New Hampshire Department of Revenue for us in calculation of the property tax rates. He explained how tax rates are set for the Town, county and state; he stated the net valuation for New Durham is \$601,587,277 and without utilities \$595,831,628. The Board reviewed the MS-1 form.

Chair Swenson made a motion to approve the MS-1 form as presented on October 12, 2021 with the net valuation for New Durham of \$601,587,277 and without utilities \$595,831,628. Selectman Veisel seconded the motion. Motion passed 3-0-0.

The Board reviewed MS-535 form; Chair Swenson explained this form is for the period ending December 30, 2020. Chair Swenson questioned if the date is correct. Town Administrator Zoltko confirmed the date is accurate; she stated it was completed the last year and needs to be updated now and verified by NH DRA. She stated she will check with the individual who created the form to confirm the date.

Chair Swenson made a motion to approve the MS-535 form as presented on October 12, 2021 with the understanding that the period ending date will be verified by the Town Administrator and Finance Manager. Selectman Veisel seconded the motion. Motion passed 3-0-0.

APPROVAL OF MINUTES

Meeting of September 13, 2021- Edits were made. **Selectman Veisel made a motion to approve the minutes as amended. Selectman Uyeno seconded the motion. 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; (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 any body 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 Veisel – aye; Selectman Uyeno- aye; Chair Swenson – aye. Motion passed, 3-0-0.

The Board left public session at 8:28 p.m.

The Board reentered public session at 9:12 p.m.

Chair Swenson made a motion to seal the minutes of the nonpublic session of the October 12, 2021 meeting for reasons that it may adversely affect the reputation of one other than the Board. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.

Town Administrator Zoltko stated she received a response to her inquiry from Kathleen Blaney regarding the MS-535; she stated it was the auditors report that was provided and confirmed.

Chair Swenson made a motion to transition Ty Tyler to the position of Assistant Emergency Management Director at a rate of pay of \$11.00 per hour effective October 18, 2021. Selectman Veisel seconded the motion. Motion passed 3-0-0.

ADJOURN

Chair Swenson made a motion to adjourn. Selectman Veisel seconded the motion. Motion passed 3-0-0.

The meeting was adjourned 9:14 p.m.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary