**TOWN OF NEW DURHAM**

**BOARD OF SELECTMEN**

**July 22, 2021, 6:00 P.M.**

**New Durham Community Room, New Durham, NH 03855**

**PRESENT**

David Swenson, Chair

Dorothy Veisel, Vice Chair

Ron Uyeno, Member

**ALSO PRESENT**

Nicole Zoltko, Town Administrator

Reggie Meattey, Police Department

Police Chief Shawn Bernier

Rudy Rosiello, Resident – via Zoom

**CALL TO ORDER**

Chair Swenson called the meeting to order at 6:02 p.m.

**APPOINTMENTS/ANNOUNCEMENTS**

None.

**AGENDA REVIEW**

Chair Swenson added under New Business: Fee Changes Discussion; Select Board Meeting Schedule and Organization; Parks and Recreation - New Durham Day; CRF – Police Department.

Chair Swenson added under Old Business: GOFERR review.

**PUBLIC INPUT**

None.

**TOWN ADMINISTRATOR’S REPORT**

Town Administrator Zoltko consent signature manifest. Accounts Payable for July 12, 2021 $55,277.82; Abbreviated Payroll Register for July 11, 2021 $39,838.15; Accounts Payable for July 14, 20201 $10,174.05

**NEW BUSINESS**

**Police Department – Body Cameras**

Chair Swenson stated based on a presentation to CIP by the Police Department, and that the public hearing of the American Rescue Act is taking place tonight, this would be an opportunity to use ARPA funds for the Police Department body cams. Police Chief Bernier stated Sargent Meattey did research in response to questions presented by Town Administrator Zoltko on behalf of the Board. He submitted an estimate for the Police Department to purchase five body cameras; he stated he has reviewed the recommendations from the Governor in regards to law enforcement in the State of New Hampshire and explained much of the recommended training was done over the winter. Chief Bernier stated body cameras are being highly recommended. He stated cameras can protect the Town in when allegations are made and makes an easy review possible; there are several towns in the area which are utilizing these and he has gathered information about what the best products are for this use. He stated Sargent Meattey will be able to utilize these in his management of the department; the videos are automatically and securely downloaded when officers return to the department; all information is only accessible to Sargent Meattey or Chief Bernier and the information has to remain on file for three years.

Chair Swenson asked about the cost of the camera and maintenance. Chief Bernier noted the estimate he obtained expired on June 30; he will get an update. He stated there are payment plan options; the system is completely warrantied through five years and updates are done automatically. Chair Swenson noted the total cost of the outdated estimate was $25,100. He suggested seeing if a better price is available if a single payment is made. Selectman Uyeno asked if there are grants available or any initiative coming from the State of New Hampshire. Chief Bernier replied they have not found any grants but wanted the approval of the Board before investing more time in research. He stated they chose this system based on feedback from local departments; the company chosen seems to have the best response with maintenance, warranties and comes with an automatic upgrade after two years. Chief Bernier explained they can also use the cameras for obtaining reports from individuals. He stated the feedback from his officers is most of them are in agreement with this; there will be a lot of training involved with using the cameras; he stated they can be beneficial in protecting officers and everyone involved when the body cam is to be used has to be informed when being video recorded.

Sargent Meattey explained the data storage; he stated the 10 gigabytes is available for transfer and there is 1,250 gigabytes for each camera. The long term storage is cloud-based.

Chief Bernier stated the policy regarding body cameras will include how the information is stored. He stated he doesn’t anticipate additional storage costs. Chief Bernier explained how it will assist officers in the performance of their duties; it will help with investigations and one of the first questions from prosecutors is whether video recording is available so it will be very helpful in court cases.

Chair Swenson explained they researched where the funds could be expended from for these; he noted the initial payment is $9,000 with subsequent annual payments about $3,900. However, it appears that CRF is not a viable option for funding based on current CRF definitions. He stated there have been suggestions that the American Rescue Plan Act (ARPA) funds could possibly be utilized and that will be discussed in more detail during the Public Hearing.

On a separate issue, Chair Swenson stated a motion was made on April 28, 2021 to approve the security camera upgrades in the estimated amount of $3,815.10 and to request the Trustee of the Trust Funds to reimburse the General Fund from the Public Safety Facility CRF; it passed 3-0-0 and he explained this was for inside the police department building. During the installation process there were additional HD and connections requirements and the invoice was higher than originally approved. Chair Swenson suggesting revising the April 28, 2021 motion. Chief Bernier stated the system is now up and running; there is both audio and video in the booking and interview rooms. It is being held for 30 day while it was previously only held for 7 days; there is also a clear view across the parking lot and at the front door.

**Chair Swenson made a motion to amend the previously approved amount of $3,815.10 documented on the April 28, 2021 minutes to $5,345. Authorize payment of the $5,345 for security camera upgrades with said purchase to come from the Public Safety Facility CRF 01-4915-10-081. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Town Clerk Vacancy**

Chair Swenson stated Town Clerk Donna Young’s last day is August 6, 2021 and the Town is looking at the options for filling the position until the next election in March 2022. Town Administrator Zoltko stated she has some suggestions but those will need discussion in non-public as individual names are being presented.

**Conversion from Microsoft Office to Microsoft Office 360**

Chair Swenson stated he has discussed this with the contract IT company; an overview was presented for review by the Board. Chair Swenson stated servers were updated over the last few years; it was agreed at that time it was best to retain the individual licenses for Microsoft Office. However, since that time there have been additional security issues with Microsoft Office. He explained it was suggested they consider upgrading to the Microsoft Office 360 and he asked IT to do a cross-check on the cost comparison to ensure concerns are addressed. Although the cost may be slightly more there will be upgraded security for emails.

Town Administrator Zoltko noted the update was part of the software budget line, although there have bene increased costs when it comes to this IT line with a few other updates, setups, questions from staff for assistance. Overall there has been more use of the ANS Networking services. She stated one of the biggest things the Office 360 brings is archiving for emails which is not currently being done in the system; this will protect the Town in the event something is lost as it can be retrieved. Selectman Uyeno stated his understanding of the 360 package is there may be other aspects they will be able to utilize as well or can cut out according to their needs.

By consensus, the Board agreed to move forward with the upgrade.

**New Durham Day Update**

Selectman Veisel stated the event permit has been approved for August 7, 2021; she stated a individual has come forward with a hotdog vendor requesting to be present for the day and evening activities and the Parks and Recreation Commission requests approval of this revision.

**Chair Swenson made a motion to include the revised activities for New Durham Day as originally presented at the Board of Selectmen meeting of July 2, 2021. Selectman Uyeno seconded the motion. Motion passed 3-0-0**

**Board of Selectmen Organization**

**Chair Swenson made a motion to appoint Selectman Veisel as vice chair of the Board of Selectmen. Selectman Uyeno seconded the motion. Motion passed 2-0-1.** Selectman Veisel abstained.

**Meeting Schedule**

By consensus of the Board the meeting of July 26, 2021 was cancelled.

Chair Swenson stated meetings have historically been held on the second and fourth Monday evenings of the month. The Board agreed to keep meetings on Mondays.

**Future Meetings**

Monday, August 2, 2021, 6:00 p.m.

Monday, August 16, 2021, 6:00 p.m.

Monday, September 13, 2021, 6:00 p.m.

Monday, September 27, 2021, 6:00 p.m.

All scheduled to take place at Town Hall.

**Public Hearing: Acceptance / Expenditure of Unanticipated Revenues from**

**American Rescue Plan Act (ARPA) of 2021 – 7:00 p.m.**

Chair Swenson opened the Public Hearing at 7:03 p.m.

Chair Swenson confirmed the public hearing was posted properly and read the public notice into the record.

Chair Swenson stated the total amount awarded is projected to be $283,290, split over two years. The first year is considered unanticipated funds. However, the second year funds have to be part of the budget. The first year distribution is projected to be $141,645.09.

Chair Swenson opened the hearing to comment for input on use of the funds. He stated some input was received earlier in the meeting in regards to police department body cameras as one possible use for the funds.

Town Administrator Zoltko stated she has talked to Department Heads and another item that came up was AED’s as many have expired at the Town buildings. She stated it would cost about $700 – $1,100 per unit, and approximately five units would be needed. She stated it was also suggested there are some buried hazardous tanks at the fire station and the library which need to be dug up and removed with an unspecified cost. Other items include a printer at the Town Clerk’s office which does not have a backup, issues with culverts also came up from engineers and is one of the biggest issues with creating safe water ways and storm water management, particularly around the lake.

Town Administrator Zoltko stated she looked in to the requirements for ARPA; the Town experienced a loss in revenue of about 1.6% which gives them the opportunity to use the ARPA funds for several areas rather than the specific top four which were originally outlined. She stated there is potential to receive a higher amount than initially presented but it is too early in the process to learn of additional funds that might become available.

Selectman Veisel stated there was a recent cyanobacteria bloom and asked if funds could be utilized for that. Chair Swenson suggested looking into infrastructure items; Town Administrator Zoltko noted road painting is a contracted job and there is presently not enough money in the budget for this expense. Town Administrator Zoltko explained the approval process which could take up to about 6 weeks for funds to be released. Approval needs to be submitted by August 18, 2021.

Selectman Uyeno suggested the AED’s should be looked at for CRF’s as it is a safety issue and should be updated on a regular schedule. Town Administrator Zoltko added that AED’s do not meet the specific criteria required to be added to the CIP guidelines and due to the cost, has been treated as an operating budget item rather than CRF.

Chair Swenson confirmed there is no one on Zoom who indicated they want to speak at this Public Hearing.

Chair Swenson closed the public hearing at 7:21 p.m.

**Chair Swenson made a motion to rescind all prior American Rescue Plan Act motions made by the Board of Selectmen under RSA 28 as they are not legally appropriate given new information presented. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion for the Town of New Durham to accept and expend up to $283,290 in American Rescue Plan Act (ARPA) grant funds for FY 2021 by acting under the provisions of RSA 31-95-B and subject to the regulations of the ARPA and US Treasury terms and conditions. Selectman Veisel seconded the motion. Discussion:** Selectman Uyeno asked if another motion will be needed if the amount to be received changes. Chair Swenson confirmed would be an additional motion needed; he noted the amount indicated in the motion was the amount published from the State of New Hampshire to the Town of New Durham. **Motion passed 3-0-0.**

**Chair Swenson made a motion to approve the Town of New Durham entering into a US Treasury awards terms and conditions agreement for receipt of American Rescue Plan Act funding which is made available to the Town of New Durham. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to designate the Town of Administrator of New Durham as a signing authority for the Town of New Durham reimbursement submissions and other documentation as required for the ARPA fund grant program subject to review by the Board of Selectman Chair. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Fee Changes**

Chair Swenson stated Town Administrator Zoltko has indicated advertising fees have increased; he stated a public hearing is needed when fee changes are made. The Board concurred to have the Town Administrator assemble updated recommendations on fee changes. It was noted the Planning Board and Zoning Board will be affected the most. Selectman Veisel noted the Planning and Zoning Board fees are paid by applicants but the Town needs the funds to cover until they are reimbursed.

**Building Inspector Position – Update**

Town Administrator Zoltko stated two interviews are scheduled for next week.

**OLD BUSINESS**

**Review of Abatements**

Chair Swenson stated that after review the contract assessor recommends the following abatement requests be denied.

**Chair Swenson made a motion to deny the abatement request for Map 102, Lot 009 and retain the original assessment of $679,600. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to deny the abatement request for Map 102, Lot 010 and retain the original assessment of $871,600. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to deny the abatement request for Map 102, 001 and retain the original assessment of $707,400. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the prior abatements were denied as the comparisons supplied, were deemed to be inferior to the subject property.

**Chair Swenson made a motion to deny the abatement request for Map 107, 001 and retain the original assessment of $568,100. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the prior abatement was denied as the comparisons supplied, were deemed to be inferior to the subject property.

**Chair Swenson made a motion to deny the abatement request for Map 109, Lot 018 and retain the original assessment of $419,500. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated this was denied as Map 109, Lot 018 was compared with Lot 019, however Lot 019 does not have access across the road to the lake.

**Chair Swenson made a motion to deny the abatement request for Map 102, Lot 019 and retain the original assessment of $471,400. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the comparable for this were from a trust and not similar.

**Chair Swenson made a motion to deny the abatement request for Map 113, Lot 023 and retain the original assessment of $614,900. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the applicant for the prior abatement did not list a number of things which need repair with a comparable property.

**Chair Swenson made a motion to deny the abatement request for Map 117, Lot 004 and retain the original assessment of $483,000. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated he would abstain from the following; it is being denied as the comparisons used did not have the same amount of shore frontage; the land issues were dealt with when the property was built.

**Selectman Veisel made a motion to deny the abatement request for Map 120, Lot 030 and retain the original assessment of $1,356,500. Selectman Uyeno seconded the motion. Motion passed 2-0-1.**

**Chair Swenson made a motion to deny the abatement request for Map 122, Lot 013 and 014 and retain the original assessment of $558,800. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated this was denied as changes were made on June 17, 2021 on the assessment but the value was not reduced.

**Chair Swenson made a motion to deny the abatement request for Map 210, Lot 026 and retain the original assessment of $324,000. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the comparison used was a vacant lot; the subject lot has a house site.

**Chair Swenson made a motion to deny the abatement request for Map 217, Lot 005 and retain the original assessment of $257,540. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the rationale for the abatement was that the roads were not being maintained; the comparisons were on non-maintained roads.

**Chair Swenson made a motion to deny the abatement request for Map 218, Lot 013 and retain the original assessment of $228,700. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to deny the abatement request for Map 240, Lot 045 and retain the original assessment of $130,580. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the comparison used was vacant land however the subject property has site work, sewer, and landscaping.

**Chair Swenson made a motion to deny the abatement request for Map 250, Lot 139 and retain the original assessment of $2,694,800. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated this is a Town-wide assessment with New Hampshire Electric Co-op; he explained the valuation is based on RSA 72-D and the numbers are correct.

**Chair Swenson made a motion to deny the abatement request for Map 273, Lot 002 and retain the original assessment of $525,600. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated this is a Town-wide assessment with the telephone company; he stated the pole licenses were renewed prior to 4-1-2020 so the assessment is appropriate.

**Chair Swenson made a motion to accept the most recent contract assessor recommendation for Map 100, Lot 001-008 and abate $93,400 to have the revised assessment for that of $540,380. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated the property was reviewed by Cross Country Group who recommended a much higher abatement, $275,000; the current contract assessor, Whitney Group, reviewed the property and does not agree with the former assessor’s valuation.

Chair Swenson stated some of the abatement requests for the following property were not submitted within the RSA timeframe.

**Chair Swenson made a motion to abate $34,000 for Map 234, Lot 032 for tax year 2020. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**OTHER**

Chair Swenson stated notification was received that the original GOFERR federal funding grants which were received in 2020 and 2021, all is accounted for and verified with the Finance Manager and department heads. It was confirmed funds were received and spent as they were supposed to be. Town Administrator Zoltko noted the records for GOFERR funds will be retained for five years.

**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; (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 entered nonpublic session at 8:01 p.m.

The Board reentered public session at 8:56 p.m.

**Chair Swenson made a motion to seal the minutes of the nonpublic session of the July 22, 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.**

**Chair Swenson made a motion to deny the abatement request for Map 238, Lot 005, for reasons that it is not a direct abatement request but has other implications and to request the Town Administrator to address those other opportunities to the abatement applicant as needed. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson stated a resignation has been received from Donna Young, Town Clerk, as of August 6, 2021. He stated they need to do some things to cover for the interim period.

**Chair Swenson made a motion to appoint Shannon Feger as the Interim Town Clerk, effective August 9, 2021, for a period until the Town Clerk position is appointed by the Board of Selectmen. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to appoint Stephanie McKenzie as the Interim Deputy Town Clerk and Tax Collector effective August 2, 2021 at a rate of $40.00 per hour up to 32 hours per week, depending on work load, for a period until the Town Clerk position is appointed by the Board of Selectmen and the transition is complete. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

**Chair Swenson made a motion to post the Town Clerk position with the posting to include key specifications as required by RSA for the Town Clerk position. Selectman Veisel seconded the motion. Motion passed 3-0-0.**

Chair Swenson noted interviews are scheduled for next week for Building Inspector / Code Enforcement Officer and Administrative Assistant.

**FUTURE MEETINGS**

Monday, August 2, 2021 6:00 p.m. at Town Hall.

**ADJOURN**

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

The meeting was adjourned at 9:06 p.m.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary