**TOWN OF NEW DURHAM**

**BOARD OF SELECTMEN**

**September 13, 2021, 6:00 P.M.**

**Town Hall, New Durham, NH 03855**

*Public can join Virtual Access via Zoom Meeting;* [*https://us02web.zoom.us/j/89542423780?pwd=eGhSanZNVUZ0Yk0yZmd4ek96b2orQT09*](https://us02web.zoom.us/j/89542423780?pwd=eGhSanZNVUZ0Yk0yZmd4ek96b2orQT09)*;*

*Meeting ID: 895 4242 3780 Passcode: 947783*

*One tap mobile: +16465588656,,89542423780#,,,,\*947783# US (New York)*

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**PRESENT**

David Swenson, Select Board Chair – via Zoom

Dorothy Veisel, Select Board Member

Ron Uyeno, Select Board Member

**ALSO PRESENT**

Nicole Zoltko, Town Administrator

Cathy Allyn, Resident

Ellen Phillips, Resident

Rudy Rosiello, Resident – via Zoom

Peter Rhoades, Resident

**CALL TO ORDER**

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

**APPOINTMENTS/ANNOUNCMENTS**

The Board observed a moment of silence in memory of September 11, 2011.

Chair Swenson stated September 13 is the date the Town Clerk and Tax Collector positions will transition; he thanked Stephanie McKenzie for her help through the transition phase and welcomed the transitioned employees for their new positions.

Chair Swenson stated former Selectman Chase’s mother passed away recently and offered condolences on behalf of the Board.

Chair Swenson stated Cathy Allyn, Library Director, is in the process of retirement and expressed appreciation on behalf of the Board for her many years of contributions.

Chair Swenson stated the today was the service for long time New Durham resident Art Hoover and expressed recognition for his years of service to the Town.

Selectman Veisel shared memories of Mr. Hoover and his friendship with Chair Swenson; she stated Mr. Hoover was always there for the Town as a good friend and positive influence on the Town.

**PUBLIC INPUT**

Ellen Phillips, resident, stated she has tried to become a liaison between the 1772 Meetinghouse Committee and the Boodey Farmstead Committee; she stated both committees welcomed her and she has been sharing between the committees to help them work together and bring attention to residents about both projects in Town. Ms. Phillips stated she is impressed with the hard work both committees are doing and outlined examples which include working on many grants. She stated a lot of time is put in by the members of the committees and wants the Board and Town to recognize the efforts being put into the historical projects.

Rudy Rosiello, resident, asked if the Fire Chief has been reappointed. Chair Swenson stated the Board has not yet taken an action but Fire Chief Varney, by RSA, remains in the position.

Mr. Rosiello stated he has made a series of Right-to-Know requests to the Town Administrator but has not received complete responses. He stated he also has concerns regarding political advertising and sponsorship of the beautification committee projects. Chair Swenson stated he will follow up on the RTK with the Town Administrator. He stated the Board had conversations last year regarding the contributions and sponsorships of the beautification committee projects but at the time, work had already been done and no retroactive actions have been taken at this time.

Vincent Rosen, resident, stated he has owned property in New Durham for over 50 years; he stated he has always accepted the evaluation but is frustrated with the most recent. He explained a mistake was made and his assessment was doubled to $633,000. The abatement process was started however the new company has not corrected the amount the old company was going to abate. Mr. Rosen stated he put in an appeal and it will come before the Board; he explained it was a paper mistake that indicates his property is water-front. However, it has never been water-front and that has still not been corrected. Selectman Veisel stated the Board will look in to the issues with the contract assessor.

**AGENDA REVIEW**

Chair Swenson added under New Business: Dog Warrant; Peter Rhoades Request.

Chair Swenson added under Old Business: ARPA Update; Budget Review Schedule.

Selectman Veisel added a proposal from the Building Inspector / Code Enforcement Officer regarding a technical review committee.

**TOWN ADMINISTRATOR’S REPORT**

Town Administrator Zoltko stated the Town Clerk and Tax Collector transition team members have been working well together; a Finance Admin Assistant also started today.

Town Administrator Zoltko stated the consent signature manifest will be presented for review at the next meeting.

**NEW BUSINESS**

**Meetinghouse Rental Request**

Chair Swenson stated the 1772 Meetinghouse received a request to use the building for a memorial service. Ms. Allyn stated that while this is one of the purposes of the building, Committee and Board of Selectmen do not have a process in place for approving something like this. She stated it will be a family group and they are willing to get their own port-o-potty; it would be 30 to 50 people. Ms. Allyn stated the Committee has been working on a user agreement but it is not complete. It was noted a memorial service was done on the property in the past. Selectman Veisel stated she would be more comfortable if the event was confined to the grounds and not inside the building at this time. Ms. Allyn asked if the Town has a rental or user agreement they could use as a template. Fire Chief Varney explained the building is not compliant for private entities and they have not done a capacity study at this time. Ms. Allyn confirmed the grounds could be used.

Chair Swenson stated Town Administrator Zoltko will be looking into the liability coverage as well as input from the Police Chief and Fire Chief to ensure proper protections are in place going forward. Ms. Allyn stated she will contact the individual to see if she is agreeable to keeping the event outside of the building. Town Administrator Zoltko stated she will contract Primex to confirm whether the individual will need to obtain insurance.

**Fire Department Mutual Aid Agreement**

Chair Swenson stated the Fire Department has been working on a mutual aid agreement with the Air Force at Pease AFB. Fire Chief Varney stated the agreement would cover New Durham going to Pease Airport and for the Pease Air Force coming here as needed vis mutual aid; he explained the advantage to the Town is the hazardous materials mitigation and it brings the seacoast team to New Durham. He explained planes often fly over the Town; this would allow the Air Force to have jurisdiction in the event military aircraft lands in Town. A response for private aircraft would be at the request of the Town. Fire Chief Varney explained the Town would be billed for a hazardous materials mitigation but the Town in turn would require payment from the individual or company responsible for the contamination. He explained there was an agreement made many years ago but at that time there was no expiration and this will be an updated agreement. Chair Swenson stated the agreement needs to be reviewed by Town Counsel.

**Chair Swenson made a motion to approve the Mutual Aid Agreement as proposed on September 13, 2021, between the Secretary of the Air Force and the Town of New Durham Fire Department subject to review by Town Counsel. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Peter Rhoades Class VI Road Project**

Mr. Rhoades stated he emailed the Board regarding work he is trying to do on his Class VI road property. He explained the last attempt to make it a town maintained road was not approved but he still has questions. Mr. Rhoades stated he is working with a surveyor to look at some options; he explained approval was given a few years ago to build on the three lots on Bennett Road. However, there are conditions in those approvals which would be impossible to achieve and that is why he previously went the route of a Class V road. He stated he would like the Board to consider the condition that everyone on the road had to sign off on a maintenance agreement. Mr. Rhoades stated the problem is the people who bought his home since that time refuse to sign a maintenance agreement and that makes it impossible for him to build on these lots. He stated he is also unable to meet the short 6 month timeline of the building permit. He stated he has been able to meet most of the other conditions. Chair Swenson stated the Board will take another look at his plans and proposals to see if there is anything they can reconsider.

**Dog Warrants**

The Board reviewed the warrant provided by the Tax Collector regarding unlicensed dogs.

**Chair Swenson made a motion to approve the dog warrant and to pursue the required legal collection of those listed on the warrant per the list presented September 13, 2021. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Land Use Technical Review Committee**

Selectman Veisel stated she met with Scott Lacroix, Building Inspector, Terry Jarvis, Chair of the Zoning Board, Jeff Allard, Chair of the Planning Board, and Fire Chief Varney to discuss ways to address the backlog on the ZBA agenda. She stated there are many cases that have been left unresolved by the previous Building Inspector and Mr. Lacroix needed background information on many of the cases. Selectman Veisel stated she is concerned the land use boards are perceived as negative towards applicants and the process is perceived as very extensive by applicants. She stated they brainstormed ways to make the process more user friendly towards taxpayers. One suggestion was a technical review committee which would review applicants before they go to land use boards; the committee would be comprised of the Building Inspector, Fire Chief, Road Agent, and Police Chief. She stated the ZBA regularly solicits input from these departments so feedback regarding what variances are needed would be beneficial in the early stage of the applications. She stated she thinks it would be a good idea as there is a significant backlog for the ZBA. The proposal is for a 30 minute meeting every other week and the department heads would only be involved as needed. Town Administrator Zoltko stated because the individuals involved, town employees, they want the approval of the Board. After discussion it was the consensus of the Board to approve the proposal but only call the meeting as needed based on each application with a report back by the Building Inspector to the Board in a few months with an update.

**Owls Head Point Road – After Town Counsel Review**

Chair Swenson stated there is a request for approval of a release of liability for Owls Head Point Road. He stated Town Counsel has reviewed the agreement; there are already homes on this road although it’s unclear whether approval was granted to build on the road. Selectman Veisel confirmed permission was given in the past to build for this property. She explained the Chair of the Planning Board was concerned about a scenario where emergency services were required and if the Town responded, they would then be justified in petitioning the Town for it to be a Class V road. Town Counsel indicated that should not be a concern.

**Chair Swenson made a motion to approve the Notice of Agreement and Fiscal Liability Responsibility per RSA 670:41, deeded recorded book 4873, page 809, for Owls Head Point Road as presented to the New Durham Board of Selectmen at the September 13, 2021 meeting. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Town Business Software**

Chair Swenson stated he believes the Town needs the software upgrade which includes the finance package, town clerk package, assessing package, building inspector and code enforcement package. He stated they are currently operating under an antiquated system and employees have indicated it is inefficient. He stated it would be under FY22 but wants to start the review and discussion process. By consensus of the Board it would be put on the agenda for a meeting in October.

**OLD BUSINESS**

**Space Needs Committee – Update**

Town Administrator Zoltko stated there was a quorum of the committee at their most recent meeting; input was received from the Road Agent, Fire Chief, Police Chief and herself regarding Town Hall. She stated the committee decided to move forward with asking that the Fire Chief look into additional prices to build a building that was originally templated in 2004 and is pretty close to the space needs according to both the Police and Fire Departments. Town Administrator Zoltko stated the Road Agent also brought pricing information for infrastructure. She stated the next meeting will be scheduled after the Fire Chief has obtained the additional information. She stated the committee also discussed the parking lot which would potentially be expanded and moved closer to a property line as it would allow an extra row of parking to be added.

**Health Officer Appointment**

Chair Swenson explained the individual appointed for the position of Health Officer does not need to be a resident of Town and is required to go through a three hours of training per year. It was noted this has historically been a stipend position and Chair Swenson asked Town Administrator Zoltko to be sure the Building Inspector is aware.

**Chair Swenson made a motion to appoint Scott Lacroix as the Health Officer for the Town of New Durham effective immediately. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Budget Review Schedule**

The Board reviewed the schedule; the first meeting is September 27, 2021 at 6 p.m. Town Administrator Zoltko stated she is following up with the groups and committees which did not submit requested information by the deadline.

**ARPA Funds**

Chair Swenson explained they will need to budget the expected revenue for FY 22 although the funds received in FY21 will be considered unanticipated revenue for FY21. He stated there have been some suggestions for allocations. The Board agreed to keep the meeting for October 12 to review and discuss further.

**APPROVAL OF MINUTES**

Meeting of August 16, 2021 – Edits were made. **Selectman Viesel made a motion to approve the minutes as amended. Selectman Uyeno 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 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 8:04 p.m.

The Board reentered public session at 9:09 p.m.

**Chair Swenson made a motion to seal the minutes of the nonpublic session of the September 13, 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 hire Candidate #1 as a part time Police Officer at a rate of $19.50 per hour with the understanding that individual will be eligible for an anticipated full time position. Once the individual is certified the Candidate would be eligible for a Board’s decision on a wage increase and this offer is subject to the standard hiring policies and all police background checks, financial checks, and other police requirements for offers. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Veisel – aye; Selectman Uyeno – 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 Veisel – aye; Selectman Uyeno – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The meeting was adjourned 9:11 p.m.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary