

**TOWN OF NEW DURHAM  
BOARD OF SELECTMEN  
April 28, 2021, 6:00 P.M.  
Virtual Meeting, New Durham, NH 03855**

*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.*

*In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2 Attendees log into:*

<https://us02web.zoom.us/j/81921177457?pwd=S1U5UzNBOGhZUGdGR1J2Z2gvaUdrUT09>

Meeting ID: 819 2117 7457 Passcode: 275696

**Or via telephone number:** 1-646-558-8656 Meeting ID: 819 2117 7457 Passcode: 275696

*Technical difficulties contact Town Administrator at [ndadmin@newdurhamnh.us](mailto:ndadmin@newdurhamnh.us).*

*Or 603-332-0652*

*Note: 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, Chair, Board of Selectman via Zoom  
Cecile Chase – Board of Selectman Excused Absence  
Dorothy Veisel – Board of Selectman via Zoom

**ALSO PRESENT**

John Scruton, Interim Town Administrator via Zoom  
Rudy Rosiello, Resident via Zoom  
David Bickford, Resident via Zoom

**CALL TO ORDER**

Chair Swenson called the meeting to order at 6:04 P.M.

Chair Swenson stated that due to the State of Emergency declared by Governor Sununu and pursuant to Executive Order #12, 2020-04, 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 enter 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 added under New Business: Police Department Security Camera; DPW Equipment Exchange; Talent Bank Application; Chair Swenson's Public Testimony on House Bill 67; Wage Adjustment; Opening of Town Hall to Public.

Town Administrator Scruton added under Old Business: Piscataqua Regional Estuary Grant; Kingswood Youth Center Appropriation; Copple Crown Payment for 2020.

### **Public Input**

Rudy Rosiello, resident, asked about the integrated computer systems being installed by the Town and asked if the transition to the software system is complete. Chair Swenson stated it is not complete; the original date to be completed was by the end of 2020 or early 2021 but there will be further discussions on this subject. Mr. Rosiello asked if the specialized software has been fully integrated. Chair Swenson stated Vision software was upgraded sometime in 2020; he confirmed it is integrated and is being used.

Mr. Rosiello stated he disagrees with the meeting postings and explained he discussed this with the prior Town Administrator on how the posting process is handled. He stated today's meeting posting was not where it was supposed to be and problems have been recurring with the website for over a year now and stated the problems with the website need to be addressed as it is key for communications to Town residents and taxpayers.

David Bickford, resident, stated he too is concerned about the Town website not being accurate; it is the public's first look at the Town. He stated he is concerned about the procedures being followed with the Bennett Road proposal; he stated the process used in the past was to bring it to Town Meeting. Mr. Bickford noted there was only one Board of Selectmen member present at the Site Walk on March 22 so it was not a public board meeting.

### **Town Administrator's Report**

The Board reviewed the Consent Signature Manifest for April 7, 2021 to April 21, 2021.

### **Job Description for Administrative Assistant for Assessing, Finance, and Administration**

The Board reviewed the draft job description for the Administrative Assistant in Assessing, Finance and Administration. Interim Town Administrator Scruton stated Mr. Cauler has resigned and we will look to fill that position. Interim TA Scruton developed a job description for the position, noting there are responsibilities in all three departments.

**Selectman Chase made a motion to approve the revised job description for the Administrative Assistant in Assessing, Finance and Administration. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Cable Franchise Renewal**

Town Administrator Scruton noted the Cable Franchise Ascertainment along with the Notice Attorney Engagement Letter may now require a Waiver of Conflict Letter as the attorney's firm has an unrelated case with someone from New Durham. He confirmed the Ascertainment documents have been posted at Town Hall, post office, and on the Town website; he explained

this is an invitation for people to comment on the proposed cable service agreement. Town Administrator Scruton stated the attorney's office is the same firm which is representing a resident in Town for an unrelated to the Cable Franchise issue regarding a land-use issue so a conflict of interest waiver is required to be signed from both the citizen and the Town. It was agreed by the Board the two cases have no tie to each other and the Board does not see a conflict of interest.

**Selectman Chase made a motion to sign the Conflict of Interest Waiver with DTC Lawyers and authorize the Interim Town Administrator to sign on behalf of the Board of Selectmen. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Town Administrator Scruton stated they are still working on the Inter-Municipal Agreement for Cable Franchise Negotiations with the consortium.

### **NEW BUSINESS**

#### **Parks and Recreation Commission Nomination**

**Chair Swenson made a motion to appoint Cindy McDade as a member of the Parks and Recreation Commission. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **NH Lifting Mask Mandate – Board Decision on Mask Mandate Town Offices**

Chair Swenson stated the Governor of NH has lifted the mask mandate; he stated there has been input received from the public requesting the reopening of the Town Hall to the public. The Board discussed the feedback as well as recommendations provided by the State of NH and CDC. Due to recent pandemic related situations the Board agreed by consensus to hold off reopening the Town Hall to the public at this time. Selectman Chase noted they are unable to reopen Town Hall due to staffing constraints.

#### **ARRL (Amateur Radio Repeater League for the lakes region)**

Chair Swenson stated Representative Bob Nelson is requesting use of fields on 06/27/21 and 06/28/21 for the Amateur Radio Repeater League event. Selectmen Viesel stated residents are invited to come by and see how the ham radio operating goes; she stated they are part of the early emergency system in this area and provide education and connection for people all over the world. There will be two campers set up; a copy of the group's insurance policy was requested and an event permit application is being requested. Selectmen Veisel stated this is a great opportunity for residents to learn about ham radios.

**Chair Swenson made a motion to allow the Amateur Radio Repeater League to use the New Durham ball fields from June 27, 2021 to June 28, 2021 based on conditions provided to ARRL by the Town of New Durham. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **Schedule Board Discussion Town Counsel**

The Board discussed scheduling a meeting with Town Counsel prior to the public hearings scheduled for May. Town Administrator Scruton will work with Town Counsel to schedule a meeting for Monday, May 3 at 4:00 p.m. or Wednesday, May 5 at 4:30 p.m.

### **Police Department Security Cameras**

Chair Swenson stated the current system is more than 11 years old with some failures occurring; a summary of system upgrade options available was presented for review by the Board.

**Chair Swenson made a motion to approve the security camera upgrades in the estimated amount of \$3,815.10 and request the Trustee of the Trust Funds to reimburse the Town General Fund from the Public Safety Facility Capital Reserve Fund. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated the Department of Public Works has a piece of equipment which they are not using much and there is an opportunity for a no-cost equipment exchange with the Town of Barnstead for a front rake which would be utilized more frequently.

**Chair Swenson made to approve the equipment exchange of a water tank to the Town of Barnstead and a front rake at a no-cost exchange with the understanding that the Town may utilize the water tank should it be needed and as outlined by the Road Agent in his memo of April 28, 2021. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Chair Swenson stated they received a talent bank application; he asked if anyone is aware of volunteer committee / commission opportunities that the Board appoints for those positions. Selectman Veisel stated the Ethics Committee, ZBA, and Planning Board are looking for alternates.

### **Other**

Chair Swenson stated he was asked by New Hampshire Municipal Association to testify to the New Hampshire Senate Municipal Affairs and Elections Committee on a house bill (HB67). He explained he spoke in opposition to HB 67, a bill which constricts the opportunity for modifying articles during the Deliberative Session. He stated he was informed the committee voted “inexpedient to legislate” but it has to go before the full Senate vote with that recommendation at this point.

### **Piscataqua Grant**

Chair Swenson stated the Planning Board presented a grant application a few weeks ago, noting there would be matching funds required. He stated this grant was received in the amount of \$10,000.

**Chair Swenson made a motion to accept the grant from the 2021 Piscataqua Regional Estuaries Partnership in the amount of \$10,000 and commit the Town to a) expend the grant and b) meet the matching funds. Said funds Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Kingswood Youth Center Funds**

**Chair Swenson made a motion to expend the \$1,500 to the Kingswood Youth Center, Account / Line 01-4410-20-361 and request the Trustee of the Trust Funds to transfer said funds from the Shirley Timber Trust Funds. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Follow-Up Copple Crown Village District Payments**

Chair Swenson stated the auditor has reviewed the information and it was confirmed the money was not expended by the Town during the specified years.

**Chair Swenson made a motion to approve the payment to Copple Crown Village District in the amount of \$53,773.41 based on the information provided by auditors which confirmed the money is owed by the Town. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **Wage Adjustment Correction**

Chair Swenson stated DPW wage adjustments were recently made. However, an incorrect rate was provided at that time for one of the positions.

**Chair Swenson made a motion to rescind the prior action for the wage adjustment of Administrative Assistant Pam Ward of \$17.49 per hour and adjust the pay rate to \$16.32, effective April 4, 2021. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

### **OLD BUSINESS**

#### **Water Quality Committee – Update / Issues on 2021 Road Related Work**

Chair Swenson stated there are a few issues related to the planned work in 2021 for the DES grant and other water quality, watershed management plan work. He stated in regards to the grant from NH DES there is some road work the Town is to do and it was planned for 2021. However, the DPW Manager has indicated the work may not be done this year due to staffing shortages. Chair Swenson suggested reviewing some options at the next meeting to figure how they can meet the grant time frame. He explained some of the issues are related to this year being one of the largest years ever for the RSMS expenditures in New Durham; he also suggested meeting with the DPW Manager and Mr. Quimby. Town Administrator Scruton stated they are concerned with the personnel to do the work; Compounding the problem is the repair / delivery of the excavator has been delayed.

#### **Update – New Town Administrator Status**

Chair Swenson stated the start date for the new Town Administrator is May 10, 2021.

### **APPROVAL OF MINUTES**

March 22, 2021 Site Walk– Edits were made. Chair Swenson made a motion to accept the minutes as amended. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

March 22, 2021 Meeting– 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.

April 12, 2021 Meeting– Edits were made. Selectman Veisel made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Roll Call Vote: Selectman Chase – abstain; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 2-0-1.

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 against the Town or any subdivision thereof, or against any member thereof because of his membership in such body, until the claim or litigation has been fully adjudicated or otherwise settled.

Selectman Veisel 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 7:20 p.m.

The Board reentered public session at 9:02 p.m.

Chair Swenson made a motion to seal the minutes of the nonpublic session of the April 28, 2021 meeting for reasons that it may adversely affect reputation of one other than the Board. 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 adjust the wage rate for Anina Soucy to \$23.97 per hour effective April 4, 2021. 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 adjust the wage rate for Donna Young to \$21.65 per hour effective April 4, 2021. 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 adjust the wage rate for John Abbott to \$23.73 per hour effective April 4, 2021. 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 adjust the wage rate for Celeste Chasse to \$18.58 per hour effective April 4, 2021. 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 adjust the wage rate for Jennifer Riel to \$14.00 per hour effective April 4, 2021. 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 adjust the wage rate for Jennifer Thompson to \$15.47 per hour effective April 4, 2021. Selectman Veisel 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 9:07 p.m.

Respectfully Submitted,

*Jennifer L. Riel*

Jennifer Riel, Recording Secretary