

**TOWN OF NEW DURHAM
BOARD OF SELECTMEN
May 24, 2021, 6:00PM
Virtual Meeting, New Durham, NH 03855**

*In accordance with Governor's Executive Order #12, pursuant to RSA 91-A: 2
Attendees log into: Join Zoom Meeting (note meeting # changed from 5/10)*

<https://us02web.zoom.us/j/8613600531?pwd=djB0U0dpOGU5ZmNTWnBFeUFiNlI1dz09>

Meeting ID: 861 360 0531 Passcode: 312962 via telephone number: 1-646-558-8656; Technical difficulties contact the Town Administrator at ndadmin@newdurhamnh.us phone 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 via Zoom
Dorothy Veisel – Board of Selectman via Zoom

ALSO PRESENT

John Scruton, Interim Town Administrator via Zoom
Nicole Zoltko, Town Administrator via Zoom
Ellen Phillips, Resident via Zoom
Cathy Allen, 1772 Meetinghouse Restoration Committee via Zoom
Bob Bickford, 1772 Meetinghouse Restoration Committee via Zoom
Rudy Rosiello, Resident via Zoom

CALL TO ORDER

Chair Swenson called the meeting to order at 6:00 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

Cathy Allen, 1772 Meetinghouse Restoration Committee, stated they are in the process of completing the assessment report through the NH Preservation Alliance, which they will need to apply for the LCHIP grant next year. Ms. Allyn stated she and Bob Bickford have also taken the application workshop for the LCHIP grant process as it's required every five years. She stated the clothing donation shed is going well; members are going down and doing everything the sponsors of the shed have requested. Ms. Allyn stated they are working with a fundraising consultant in conjunction with the Boodey Farmstead Committee; Ms. Phillips is the liaison for the Meetinghouse Committee.

Bob Bickford, 1772 Meetinghouse Restoration Committee, stated they have reached out to the National Parks Service Heritage Preservation for potential grants and funding for the restoration process. He stated they will need assistance from the Board of Selectmen in becoming a local certified government along with the need to have a historic district. They are currently gathering the information for establishing an historic district.

Mr. Bickford stated they have had problems with some shingles blowing off the roof of the building; he suspects it is because of the age of the roof which was put on in the 1980's. He outlined some options for replacement but will be doing further research on costs and options.

Ms. Allyn stated the library setup some outdoor seating benches a couple years ago; with these outdoor seating type things being used more in the last year it seems a more defined outdoor use space is needed. She stated the proposed plans are for a pergola and more outdoor seating setup for the space outside the library.

Linda Callaway, Friends of the Library, stated they typically focus more on programs than capital projects but they have people willing to donate materials, expertise from a contractor, and she distributed a summary of the proposed structure and plans for review by the Board. She stated she confirmed the location of the septic and leach field are not in the affected areas. Ms. Callaway stated the Friends of the Library is willing to donate a shade cover for the pergola.

It was confirmed the materials and volunteer labor is already lined up and there is no cost to the Town.

Chair Swenson made a motion to approve the construction of a pergola at the Library per the plans presented at the May 24, 2021 Board of Selectman meeting with the understanding that the cost of all materials and construction activities are taken care of without further obligation of the Town, and that the location chosen for the pergola is avoiding all septic locations and will be reviewed by the Town Building Inspector. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Ellen Phillips, Ethics Committee, presented a copy of Committee meeting minutes and stated there was discussion regarding the ordinance that deals with conflict of interest as it relates to a need for a slight revision in the Town's Ethics Policy. She stated it was agreed to add an addendum referencing the recently passed Warrant Article regarding this. Mr. Scruton confirmed this could be done and the revision date would also need to be updated.

Chair Swenson made a motion to approve the Ethics Policy as revised on May 24, 2021 with the addendum and wording change on the first page. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Veisel stated New Durham is one of five communities in New Hampshire which have been awarded a PREPA grant for assistance in working on water issues with the Planning Board.

AGENDA REVIEW

Chair Swenson added under New Business: Chip Sealing Contract; Class VI Road Building Permit Application; Conditional Offers; Broadband / Bandwidth Increase for TH.

Chair Swenson added under Old Business: Appointment – Cindy McDade

Chair Swenson stated he was sadly informed last week that Ron Cook, a past Town Moderator, has passed away. He recognized Mr. Cook's service to the Town over the years and a moment of silence was observed for Mr. Cook.

PUBLIC INPUT

None.

Town Administrator's Report

Town Administrator Zoltko distributed the Consent Signature Manifest for review by the Board:

1. Accounts Payable Manifest 5/19/21 for \$19,528.48
2. Accounts Payable Check Register 5/19/21 \$19,528.48
3. Report of Excavation Map 214 Lot 12 from 2020
4. Intent to excavate Map 214 lot 12 for 2021
5. Yield Tax, warrant Maps 248-036 and 245-027 for \$1,352.94
6. Disposal Agreement 120 Birch Hill Road
7. Allstate Contract Asphalt Rubber Chip Seal
8. Oath of Office Donna Young Town Clerk
9. Oath of Office Shannon Feger Deputy Town Clerk
10. Deed for Cemetery Plot
11. Elderly Exemption, Veterans Credit, Solar Exemption
12. Gravel Tax Levy Map 219 Lot 05 \$107.64
13. Gravel Tax Levy Map 219 Lot 12 \$ Exempt Town of Middleton

The Board offered their congratulations to Don Vachon, DPW Road Agent, for completing the Master Roads Scholar Program with UNH. This designation highlights 100 cumulative hours in Supervision, Safety, Environmental, and Technical Training through the University of New Hampshire.

Re-Opening of Town Hall

Selectman Chase asked the Town Administrator if they are fully staffed at Town Hall. Town Administrator Zoltka stated they are not fully staffed and they are still looking to fill two Administrative Assistant positions; she stated there has been no further update from the Governor regarding guidance on reopening.

Review of Allstate Chip Sealing Quote

Chair Swenson stated a quote was received from Allstate Chip Sealing and outlined the proposed work. He noted this work excludes the planned Birch Hill Road work:

Description	Length – Orig (Feet)	Length Quote (Feet)	Width – Orig	Width - Quote	FY21 Budg.	Act. Quote
Valley Road	8,782	7,500		21	\$96,278	\$82,250.00
Valley Road	See Above	1,282		22.5		\$15,063.50
Quaker Road	186	186		21	\$2,018	\$2,039.80
Tash	645	645		21.5	\$7,160	\$7,241.92
Berry Seg 1	5,030	5,030		22	\$57,172	\$57,789.11
Berry Seg 2	--	7,250		22	\$0	\$83,294.44
Maggie Lane / Coburn Woods	4,401	--		--	\$47,998	--
Total					\$210,635	\$247,678.77

Because the quote is slightly higher than the budgeted estimate the Board discussed funding options. Chair Swenson stated he is supportive of this if they can get funding from the CRF. Chair Swenson asked for the current balance of the Road Construction CRF. Interim TA Scruton was able to locate the information and it was determined that there was sufficient funds in the CRF to cover the above listed road work. Selectmen Veisel requested information on why nothing would be done on Maggie Lane / Coburn Woods. Interim TA Scruton stated pavement would be needed on those roads and it does not make sense to do the chip sealing.

Chair Swenson made a motion to approve the Allstate Chip Sealing quote in the amount of \$247,678.77, with the funds to come from the Road Reconstruction Budget as approved by the voters and the Road Reconstruction Capital Reserve Fund. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Pine Point Road Building Permit Application

The Board reviewed the application along with the notes from the Planning Board on subject property. Selectman Veisel stated the Planning Board reviewed the application at their last meeting and there was no particular objection but the Board wanted to add a condition that no accessory dwelling could be added to the property. She stated that may not be a legal restriction

and advice would be needed from the New Hampshire Municipal Association but the Board was concerned about opening up development along a Class VI road which could be problematic.

Selectman Chase asked if there is already a home on the property. Interim TA Scruton confirmed that is correct; the applicants are only wanting to add a shed and a deck and suggested they make the approval strictly for the shed and deck to avoid any additional expansion at this time.

Terry Jarvis, resident, stated applicants frequently come before the Zoning Board of Adjustment for building on Pine Point Road, however, they don't always have right-of-passage and suggested confirming this property has that authorization from the owner of the private road on file.

Ann Ross-Raymond, resident, confirmed there is a deeded right of way for their property at 60 Pine Point Road. She stated she has frontage on both Pine Point and Lions Camp Road and also has deeded access to Middleton Road. The property is 11 acres and the house was built in 1820.

Selectman Chase made a motion to approve the Building Permit for 60 Pine Point Road as requested for a shed and a deck with all conditions met per the Building Inspector and Planning Board recommendations. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Town Hall Broadband Capacity

Chair Swenson stated he has discussed internet issues with ANS Networking and there may be insufficient bandwidth at Town Hall to provide the necessary public access to the needs for a hybrid meeting. He explained they discussed that hybrid meetings are those with some individuals present at Town Hall while others participate via Zoom. The current TH internet service may not be able to accommodate this. Chair Swenson outlined the options for upgrading the services along with the costs from information provided by ANS. He stated increasing the bandwidth may reduce interference and interruptions. Selectman Chase stated it is a cost of conducting business in these times and wants to be proactive before there are more issues with accessibility. Selectman Veisel stated it seems more people attend meetings with the virtual platform options and agreed it would be a beneficial proactive step to take.

Chair Swenson made a motion to approve the Town Hall internet upgrade to 200x30, effective immediately. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

OLD BUSINESS

Chair Swenson confirmed the two-week vetting period has passed since the nomination and no adverse comments were received.

Chair Swenson made a motion to appoint Cindy McDade to the Parks and Recreation Commission, with a term to expire March 31, 2024. Selectman Chase seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye.

Motion passed 3-0-0.

APPROVAL OF MINUTES

Meeting of April 28, 2021- Edits were made. **Selectman Chase made a motion to approve the minutes of April 28, 2021 as amended. Selectman Veisel seconded the motion. Roll Call Vote: Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.**

Meeting of May 17, 2021- Edits were made. **Selectman Chase made a motion to approve the minutes of May 17, 2021 as amended. 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 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; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community; (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 Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed, 3-0-0.

The Board entered nonpublic session at 7:59 p.m.

The Board reentered public session at 8:13 p.m.

Chair Swenson made a motion to seal the minutes of the nonpublic session of the May 24, 2021 meeting for reasons that it may adversely affect the reputation of one other than the Board. Selectman Chase 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 make a conditional offer of employment to Candidate #1 for the part time position of Administrative Assistant for Assessing and Assistant Finance Manager at a rate of \$20.00 per hour, hire upon successful background checks with a estimated start date of June 1, 2021. Selectman Veisel seconded the motion. Roll Call Vote:

Selectman Chase – aye; Selectman Veisel – aye; Chair Swenson – aye. Motion passed 3-0-0.

Selectman Chase Resignation

Selectman Chase stated that after a great deal of reflection she has decided to resign as a member of the Board of Selectmen effective May 24, 2021. She stated it has been a pleasure to work with the Board, department heads, staff, and Town Administrators but due to her work load she needs to step back at this time. Chair Swenson and Selectman Veisel thanked Selectman Chase for her many years of service to the Town.

Chair Swenson outlined the process for moving forward to fill the vacancy on the Board of Selectmen. He stated with Selectman Chase's resignation, the Board along with Town Administrator Zoltko, will work to fill the vacancy which includes individuals with an interest to submit a letter of interest to Select Board via TA Zoltko, a review of those letters by the Select Board, and an interview process by the remaining members of the Select Board. Chair Swenson stated the vacancy will be filled pursuant with NH RSA 62:12, 669:61 and 669:63 at a designated and posted meeting date in early July. Any individuals with an interest in the vacancy should submit their letter of interest to the Town Administrator not later than June 30, 2021.

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 8:28 p.m.

Respectfully Submitted,

Jennifer L. Riel

Jennifer Riel, Recording Secretary