

**TOWN OF NEW DURHAM**  
**September 12, 2023, 4:00 P.M.**  
**New Durham Community Room, New Durham, NH 03855**

*Disclaimer: If technology fails, the meeting physically occurring will continue at the location above.  
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**PRESENT**

David Swenson, Select Board Chair – via Zoom  
Dorothy Veisel, Select Board Vice Chair  
Marc DeCoff, Select Board Member

**ALSO PRESENT**

Nicole Zoltko, Town Administrator  
Greg Anthes, Resident  
Rudy Rosiello, Resident  
Judy Purington, Department of Public Works  
Will Cardinal, Road Agent  
Shawn Bernier, Police Chief

**CALL TO ORDER**

Chair Swenson called the meeting to order at 4:00 p.m.

The Pledge of Allegiance was said.

**PUBLIC INPUT**

Greg Anthes, resident, made comments in regard to the investigation regarding Town Administrator Zoltko's complaints against Chair Swenson; he stated he believes the report is incomplete.

Rudy Rosiello, resident, made comments about the use of social media by resident Kristen Bernier. However, the Board noted she is not employed by the Town. Mr. Rosiello stated he is concerned about the public safety when this individual posts information on social media.

Shawn Bernier, Police Chief, stated the post by Ms. Bernier was in regard to the hours of operation for the Police Department; he stated police coverage and hours is not hidden information and if someone made a RSA 91:A request, he would have to provide that information. He explained some changes are being made to the hours over coverage as part of the budget process.

**TOWN ADMINISTRATOR'S REPORT**

Town Administrator Zoltko stated she received a notice at this meeting from an employee, Ciara Pawnell, requesting that the portion of the nonpublic meeting on August 28, 2023 relative to any information regarding her be made public.

Town Administrator Zoltko stated she will be meeting with the cable consortium group on September 13, 2023 to follow up on questions from the community.

**Report from Chair**

None.

**AGENDA REVIEW**

Chair Swenson added under Old Business: Fuel Usage for DPW, Police, and Fire Departments; under New Business: FY 2024 Budget Review; EMT Training.

**ANNOUNCEMENTS**

None.

**OLD BUSINESS**

***Library Roof Quote – Judy Purington***

Ms. Purington presented quotes for the library roof repairs for review by the Board.

**MOTION: To approve the Jalbert bid dated July 7, 2023 for full installation and all labor, materials included for the library roof for a total cost of \$35,000. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

***Concrete Pads SWF – Judy Purington***

Ms. Purington presented three quotes for the concrete pads at the Solid Waste Facility for review by the Board. She explained this is for pads under the waste containers; it will make clean up easier and preserve the integrity of the ground.

**MOTION: To approve the Labreche bid dated July 26, 2023 for installation of two concrete pads; one approximately 24' by 30' by 6"; one approximately 24' by 18' by 6" with poly fiber or wire mesh; labor and materials included for a total cost of \$7,800. Motion by Selectman DeCoff. Second by Selectman Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**Fuel – DPW, Police and Fire Departments**

The Board discussed the purchase of fuel by the Town departments; Chair Swenson noted DPW often purchased fuel from the Alton fuel shed and Chair Swenson stated he would like rationale for why fuel is purchased at different places. Ms. Purington stated she is not sure of the cost to have fuel delivered to DPW compared to what is paid at the State shed; she explained the reason they started purchasing in Alton was to save money but she is not sure the exact costs. Town Administrator Zoltko stated she can research the costs for further discussion and comparison by the Board. She stated the Town put out bids for heating and vehicle fuels last year and it was difficult to obtain those; she stated if that is something the Board wants to do again they should try to work with the State for a bid.

**NEW BUSINESS**

***Nomination – Debbie Geer, NDWQC***

**MOTION: To nominate Debbie Geer to the New Durham Water Quality Commission. Motion by Chair Swenson. Second by Selectman DeCoff. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

***Abatement Request***

The Board reviewed the abatement request; it was confirmed the contract assessor and Tax Collector have reviewed the request and approved it.

**MOTION: To grant the request for an abatement for Map 210, Lot 116 in the amount of \$107 and interest of \$5.18. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

***Abatement Recommendation***

The Board reviewed the abatement request; it was confirmed the contract assessor and Tax Collector have reviewed the request and approved it.

**MOTION: To grant the request for an abatement for Map 220, Lot 004, previous assessing was for an unbuildable lot for \$89,100; the lot was changed back to current use for 2023 and the revised assessment is removed of \$178,100 for a total refund for 2022 in the amount of \$1,596 plus interest. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

***Exemptions and Credits***

The Board reviewed the requests for a Veterans Tax Credit; it was confirmed the contract assessor and Tax Collector have reviewed the request and approved it.

**MOTION: To grant the request for the Veterans Tax Credit for Map 108, Lot 053 in the amount of \$750. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**MOTION: To grant the request for the Veterans Tax Credit for Map 120, Lot 046 in the amount of \$750. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**MOTION: To grant the request for the Veterans Tax Credit for Map 250, Lot 128 in the amount of \$750. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board reviewed the land use change request; it was confirmed the contract assessor and Tax Collector have reviewed the request and approved it.

**MOTION: To grant the request for the Land Use Change Tax for Map 270, Lot 017-002 in the amount of \$9,500. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

The Board reviewed the Yield Tax Levy request; it was confirmed the contract assessor and Tax Collector have reviewed the request and approved it.

**MOTION: To grant the request for the Yield Tax Levy for Map 213, Lot 006, Operation #22-325-09T in the amount of \$13,176.62. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **EMT Training**

Selectman DeCoff stated he will begin EMT training on Monday and Wednesday evenings and Saturdays. The Board thanked Selectmen DeCoff for his willingness to serve on the Fire Department and this additional training.

#### **Other**

The Board reviewed the log of Right-To-Know requests and agreed to discuss further at the next meeting.

#### **FY 2024 Budget**

**MOTION: To transition the Town of New Durham Town Administrator position from a full time position to a part time position with a part time position fully in place not later than January 1, 2024. Motion by Chair Swenson. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

#### **APPROVAL OF MINUTES – Postponed.**

- A. January 3, 2023
- B. January 5, 2023
- C. January 10, 2023
- D. February 2, 2023
- E. February 27, 2023
- F. March 16, 2023
- G. March 23, 2023
- H. May 23, 2023
- I. June 27, 2023
- J. July 25, 2023

**MOTION: To enter nonpublic session pursuant to RS 91:A-3II, (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; (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Motion by Chair Swenson. Second by Selectman Veisel. Roll Call Vote: Selectman Veisel -aye; Selectman DeCoff-aye; Chair Swenson-aye. Motion passed 3-0-0.*

The Board entered non-public session at 5:00 p.m.

The Board reentered public session at 5:07 p.m.

Chair Swenson noted that the Board re-entered public session for the following motion at Ms. Zoltko's request.

**MOTION: To terminate current Town Administrator Nicole Zoltko on a not-for-cause basis and follow the terms of the signed agreement of April 12, 2021 with the termination date effective September 12, 2023; this action being in compliance to pay all wages due through this separation date and the value of the Town Administrator's accrued unused paid time off. The Town will continue Ms. Zoltko's existing group health and dental insurance at Ms. Zoltko's own cost through COBRA. Pursuant to Article 16.C of the employment agreement the Town will extend to Ms. Zoltko the opportunity to receive a payment equal to 90 days of salary, communication allowance and auto allowance, less applicable taxes and withholdings, as well as 90 days continuation on the Town's health and dental insurance on the same terms as during Ms. Zoltko's employment with the understanding and condition that, per the employment agreement, Ms. Zoltko executes a full release of claims against the Town. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.**

**MOTION: To enter nonpublic session pursuant to RS 91:A-3II, (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; (l) Consideration of legal advice provided by legal counsel, either in writing or orally, to one or more members of the public body, even where legal counsel is not present. Motion by Chair Swenson. Second by Selectman DeCoff. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.***

The Board re-entered non-public session at 5:09 p.m.

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232 The Board reentered public session at 6:35 p.m.

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234 **MOTION: To seal the minutes of the non-public session of September 12, 2023 for reasons it may**  
235 **adversely affect the reputation of one other than the Board. Motion by Chair Swenson. Second**  
236 **by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair**  
237 **Swenson – aye. Motion passed 3-0-0.**

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239 **MOTION: To adjourn the meeting. Motion by Chair Swenson. Second by Vice Chair Veisel.**  
240 **Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion**  
241 **passed 3-0-0.**

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243 The meeting was adjourned at 6:36 p.m.

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246 Respectfully Submitted,

247 *Jennifer Riel*

248 Jennifer Riel, Recording Secretary

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