

TOWN OF NEW DURHAM
Board of Selectmen
September 26, 2023, 4:00 P.M.
New Durham Community Room, New Durham, NH 03855

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PRESENT

Dorothy Veisel, Vice Chair Select Board
Marc DeCoff, Select Board Member

ALSO PRESENT

Cecile Chase, Interim Town Administrator
Kathleen Blaney, Finance Manager
Greg Anthes, Resident
Ken Fanjoy, Resident
Rudy Rosiello, Resident
Bob Bickford, 1772 Meetinghouse Committee
Ellen Phillips, 1772 Meetinghouse Committee
Alicia Housel, Town Clerk
Linda Callaway, Town Moderator
Cathy Orlowicz, Resident
Celeste Chasse, Parks and Recreation Director

CALL TO ORDER

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

The Pledge of Allegiance was said.

PUBLIC INPUT

Greg Anthes, resident, gave comments in regard to the termination of Town Administrator Nicole Zoltko. He stated that in his opinion it was wrong and a mistake; he stated, in his opinion, the person hired to replace her has no experience working for a town and has caused problems for the Town in the past.

Rudy Rosiello, resident, gave comments regarding the investigative report caused by former TA Zoltko; he stated there has been a lack of controls over the financial systems and the general ledger. He stated, in his opinion, starting in 2021 the Unassigned Fund Balance has been used inappropriately; he stated the Space Needs Study found multiple code violations but, in his opinion, nothing has been done to address those. He opined there have also been major failures with the financial software systems.

Town Administrator's Report

Interim Town Administrator Chase stated she has spent the last couple of weeks meeting with staff and getting up to date with current issues.

She stated the Parks and Recreation Department has been busy with many fall activities including a possible pickleball tournament and haunted trails for Halloween.

Appointments/Announcements

MOTION: To appoint Debby Geer to the New Durham Water Quality Milfoil Committee with a term to expire March 31, 2026. Motion by Vice Chair Veisel. Second by Mr. DeCoff. Motion passed 2-0-0.

Selectman DeCoff gave statements regarding the complaint filed against Police Chief Bernier to the New Hampshire Police Standards and Training and the Attorney General's Office for Integrity Unit, for alleged misconduct. He stated the on August 30, 2023 the Attorney General's Office Police Integrity Unit (PIU) concluded it may be appropriate to proceed with administrative action but the PIU will not proceed with any criminal prosecution. The case was referred to the Police Standards and Training Counsel for their determination if any administrative action would deemed necessary. Notice was received on September 26, 2023 from the Police Standards and Training Counsel that the alleged conduct did not constitute misconduct under RSA 109:6-11.

Vice Chair Viesel stated in regard to the prior comment about Ms. Chase having no experience that this comment is a grave disservice for her many years of service in various capacities in the Town; she stated Ms. Chase was Town Moderator, served as Chair of the Budget Committee, and has served as a Selectman. So Interim TA Chase is more aware of the needs in this Town and the process of local government than most Town residents; Interim TA Chase also has an extensive background in finance with two different retail banks.

NEW BUSINESS

Meetinghouse Renovation Committee

Mr. Bob Bickford stated they have been working on grant applications; the most recent grant would allow them to complete the project through phase 4. He stated they are in the process of building the grant budget; they need to obtain a septic design. Mr. Bickford presented a request for expenditure for the funding of the septic system design.

MOTION: To approve the request to expend \$1,500 from the Meetinghouse Charitable Checking Account ETF to Changing Seasons PLLC for septic system design with an additional \$500 if services are needed at \$145 per hour for a total of \$2,000. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Motion passed 2-0-0.

Mr. Bickford presented proposals for the architectural designs and drawings for phases 2, 3, and 4 of the project. Meetinghouse Committee member Ms. Phillips explained the expenditures for the plans would be reimbursable through the grant.

Mr. Anthes, resident, stated he is concerned that the funds being spent for the plans are not necessary for the actual restoration and the focus should remain on restoration only.

Mr. Rosiello stated the CRF was set up with the intention of restoration only and, in his opinion, there has not been any approval from voters to be going forward with these other projects.

Mr. Fanjoy, resident, stated the septic system is necessary for this project.

Ms. Phillips stated they have over \$100,000 in the CRF. However, the timber-frame restoration is over \$200,000 and they are applying for a grant that would complete the timber frame, septic design, and a small addition. She stated the grant will provide an opportunity to complete the project. In order to apply for the grant there needs to be architectural plans. The Board discussed the funding and request.

MOTION: To authorize the Meetinghouse Restoration Committee to expend \$25,000 from the Meetinghouse Charitable Checking account for mechanical drawings to address Phase 3 and architectural drawings for Phase 4 with Warren Street Architectural Firm. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MOTION: To accept the donation to the 1772 Meetinghouse Restoration Committee in the amount of \$377.67 to be deposited into the Meetinghouse Charitable Checking account. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Ms. Phillips presented a rental agreement for those who may wish to use the Meetinghouse for various events. This will be part of the grant application. This document was presented for review by the Board. Selectman DeCoff suggested this also be sent to Primex for review.

Ms. Phillips presented an event application for review by the Board.

Ms. Phillips stated they were informed by L-CHIP that they could also apply for funds to help with writing the grant; she presented copies of the letter sent to request the assistance which was available on a first-come-first-serve basis so they could not wait for prior approval from the Board.

MOTION: To approve the raffle fundraiser for the 1772 Meetinghouse Restoration Committee to conduct 50 / 50 raffles on October 21, 2023 at the Meetinghouse. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Ms. Phillips stated the Meetinghouse Committee would like to have a commemorative stone placed in recognition of all past volunteers and presented a request for approval of the wording by the Board.

MOTION: To approve the wording for the commemorative stone inscription for all past 1772 Meetinghouse Restoration project volunteers. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Ms. Phillips presented a proposal for a plaque in recognition of all donors for the 250th anniversary project.

MOTION: To approve the expenditure of \$150 from the Meetinghouse Charitable Donation account to pay to Tucks Trophies and Awards for a plaque recognizing those who donated to the 250th anniversary celebration. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Poll Pad Purchase – Alicia Housel, Town Clerk

Town Clerk Housel stated approval was received from the New Hampshire Secretary of State for the use of electronic poll pads; she presented a proposal and quote for the purchase of the poll pad(s) and initial set up costs. Linda Callaway, Town Moderator, stated she is in favor of this purchase and

change to the system for the election polls. Ms. Housel explained that ARPA funds could be utilized for this purchase but the maintenance costs would be from the Town Clerk operating budget.

MOTION: To use the ARPA funds for LSH Associates, Quote #0001327, in the amount of \$6,075 for the Poll Pad Software, support, and fees for poll pads. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Motion passed 2-0-0.

Ms. Housel stated the purchase of booths was approved at the Board of Selectmen meeting in September but the funds to be used need to be designated.

MOTION: To approve the expenditure of \$8,090.18 for the purchase of six, four-station voting booths and six four-station voting booth curtains payable to Inclusions Solutions, Evanston, IL, with funds to come from ARPA. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Special Event Applications – Celeste Chasse, Parks and Recreation

The Board reviewed the applications.

MOTION: To approve the Special Event Application for the haunted trail ride for October 27 and 28, 2023. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Motion passed 2-0-0.

MOTION: To approve the Special Event Application for the annual craft fair, on November 18, 2023 at the New Durham School. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MOTION: To approve the Special Event Application for the Senior Dinner on December 3, 2023, at the New Durham School. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MOTION: To approve the Special Event Application for the Ice Fishing Derby, on March 2, 2024 at Farmington Fish & Game Club Pond. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Boodey Farmstead Site Work – Cathy Orlowicz

Ms. Orlowicz, Chair Boodey Farmstead, stated there has been a lot of activity at the site over the last couple of weeks; the contractor informed them there is an excessive amount of loam on the property and the contractor supplying the gravel is interested in doing an examination of materials. She explained the details of the exchange which would include removal of stumps on the property.

MOTION: To approve the cost of disposal of \$500 worth of stumps with the cost to be offset by the sale of 500 yards of loam at \$4 per yard for \$2,221.11 to come from the Boodey Farmstead Charitable Fund account and the overcost of \$578.89 to come from the nonprofit organization. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

Deed Notice List

The Board reviewed a list provided by the Tax Collector of properties going up for deed due to unpaid taxes. It was confirmed notices were sent by certified mail on September 14, 2023.

The Board agreed to table any action until the deadline in October.

Cleaning Agreements with Robin McLain - tabled

Land Use Change Tax

The Board reviewed the request for land use change tax. It was clarified by the contract assessor that once the land changes are made to the three lots of record, which are owned by the same entity, there will be no land remaining in Current Use.

MOTION: For Map 235, Lot 018 with the amount assessed for coming out of Current Use is \$9,500 plus \$20.60 recording fee. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MOTION: For Map 235, Lot 021 with the amount assessed for coming out of Current Use is to collect \$1,200 plus \$20.60 recording fee. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Discussion: Selectman DeCoff questioned if the value for the lot is only \$12,000. Motion passed 2-0-0.

MOTION: For Map 235, Lot 020 with the amount assessed for coming out of Current Use is \$9,500 plus \$20.60 recording fee. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MOTION: For Map 270, Lot 017 with the amount assessed for coming out of Current Use is \$11,500 plus \$20.60 recording fee. Motion by Vice Chair Veisel. Second by Selectman DeCoff. Motion passed 2-0-0.

MS-1 completed by Josephine Beville – Tabled.

Highway Update

Interim Town Administrator Chase stated the Highway Department is planning to shim South Shore Road; there is not quite enough funds in the accounts typically used and they need \$7,400 to complete the project. The Road Agent is suggesting taking funds from RSMS. Selectman DeCoff explained the contractor is in the area for work in Middleton; going out to bid may miss out on getting the work done as asphalt plants will close at the end of the month.

MOTION: To waive the purchasing policy due to the time sensitivity and the road crew tried fixing the road and could not but the repairs need to be done before winter. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Motion passed 2-0-0.

MOTION: To approve R&D Paving Estimate #1509 for the total amount of \$44,400 with the balance of \$7,400 coming from RSMS. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Motion passed 2-0-0.

PUBLIC INPUT

A resident expressed her concerns with the handling of the complaints against the Police Chief.

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; (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 the inability to pay or poverty of the applicant; (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 Vice Chair Veisel. Second by Selectman DeCoff. Roll Call Vote: Selectman Veisel -aye; Selectman DeCoff-aye. Motion passed 2-0-0.

The Board entered non-public session at 5:59 p.m.

The Board reentered public session at ???

MOTION: To seal the minutes of the non-public session of September 26, 2023 for reasons it may adversely affect the reputation of one other than the Board. Motion by ?????. Second by ?????. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye. Motion passed 2-0-0.

APPROVAL OF MINUTES

Meeting of May 23, 2023 – Tabled.

Meeting of June 27, 2023 – Tabled.

Meeting of July 25, 2023– Tabled.

MOTION: To adjourn the meeting. Motion by ?????. Second by ?????. Motion passed 2-0-0.

The meeting was adjourned.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary