

TOWN OF NEW DURHAM
Board of Selectmen Meeting
November 14, 2023, 7:00 P.M.
New Durham Community Room, New Durham, NH 03855

Disclaimer: If technology fails, the meeting physically occurring will continue at the location above. 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, Select Board Chair – via Zoom
Dorothy Veisel, Vice Chair Select Board
Marc DeCoff, Select Board Member

ALSO PRESENT

Cecile Chase, Interim Town Administrator
Alicia Housel, Town Clerk
Janelle Guarino, Tax Collector
Ellen Phillips, 1772 Meetinghouse Committee
Sue Randall, 1772 Meetinghouse Committee
Eric Spenlinhauer, Owner Townhall Streams

CALL TO ORDER

Chair Swenson called the meeting to order at 7:00 p.m.

The Pledge of Allegiance was said.

PUBLIC INPUT

Ellen Phillips asked that the Meetinghouse discussion be moved to the end of the meeting.

TOWN ADMINISTRATOR'S REPORT

Interim Town Administrator Chase stated a lot has been happening over the last couple of weeks. The Budget Committee meetings for FY24 Budget are underway and are expected to be completed by mid-December. Town Hall employees have been attending New Hampshire Municipal Association conferences; a new employee started working in the Finance Department last week.

Vice Chair Veisel commended Parks and Recreation for a successful haunted trail event with over 800 attendees; she thanked all the volunteers and Fire Department for help with the event.

Report from Chair

Chair Swenson stated there was a recent call for assistance to the Town of Farmington and Officer Wells responded from New Durham; a letter was received from the Farmington Police Department, commending Officer Wells and this was shared with the public. Chair Swenson thanked Officer Wells for his work and professionalism in representing the New Durham Police Department.

Agenda Review

Chair Swenson added under New Business: Solid Waste Facility hours; Meetinghouse Grant; Warrant Article Discussion; Tax Rate Status; Tax Anticipation Note Update.

Interim Town Administrator Chase added Finance Change Form; Hazardous Waste Day; and Lakes Region Cable Consortium Renewal.

Chair Swenson gave an update on the Budget Committee budget review; he noted they are a bit behind schedule as one meeting was canceled due to a lack of a quorum.

Deputy Health Officer

The Board reviewed a recommendation from the Health Officer, Scott Lacroix for a Deputy Health Officer; a member of the Fire Department has indicated interest in serving as a Deputy Health Officer.

MOTION: To nominate Ethan Fulk to be the Deputy Health Officer for the Town of New Durham with the appointment to be effective until December 31, 2024. 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.

Town Hall Hours

The Tax Collector and Town Clerk presented a proposal to maintain the current hours the Town Hall and offices are open to the public. It was noted that there has been a positive response from residents for having evening hours on days later in the week. The Town Clerk will maintain other appointment times as requested when needed. The Board by consensus concurred with maintaining the current schedule.

TownHall Streams

Eric Spenlinhauer, owner of TownHall Streams, gave an overview of software available for putting audio recordings through speech-to-text software for the purposes of creating a complete transcript of meetings. The Board agreed to try the software for one upcoming Select Board meeting and perhaps a Planning Board meeting and then determine viability of that option. The cost would be \$15/hour of use. In NH the Town of Sunapee is currently using this option.

Trust Fund Transfer

The Board reviewed fund transfers. The Finance Officer researched transfers needed from 2022 and 2023 and found several transfers for each year were not complete.

MOTION: For the \$57,453.19 that is part of the 319 NH Department of Environmental Services Grant the motion is that it remain coming out of the General Fund in 2022 as it has already been paid from that fund. 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.

MOTION: To outfit the Police Department cruiser in the amount of \$23,448.65 with funding to come from ARPA funds. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

MOTION: To transfer from the Police Cruiser CRF to the General Fund the amount of \$1,789 for purchases made in FY 2022. 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.

MOTION: To transfer from the Milfoil and Water Quality CRF to the General Fund the amount of \$17,782.26 for purchases made in FY 2022. 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.

MOTION: To transfer from the Road Reconstruction CRF to the General Fund, the amount of \$57,553.19 for purchases made in FY 2022. 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.

MOTION: To transfer from the Office Computer and Equipment EFT to the General Fund the amount of \$1,845.00 for purchases made in FY 2022. 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.

MOTION: To transfer from the Solid Waste Improvement CRF to the General Fund the amount of \$65.56 plus any accrued interest and to close the account per the 2023 Warrant Article. 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.

MOTION: To transfer from the Highway Equipment CRF to the General Fund, the amount of \$203.63 plus any accrued interest and to close the account per the 2023 Warrant Article. 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.

MOTION: To transfer from the Office Computer and Equipment ETF to the General Fund the amount of \$1,219.97 for purchases in 2022. 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.

MOTION: To transfer from the DPW Improvement CRF to the General Fund the amount of \$15,960 for purchases in 2023. 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.

MOTION: To transfer from the Milfoil and Water Quality CRF to the General Fund the amount of \$1,540 for purchases in 2023. 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.

MOTION: To transfer from the Town Building Improvement ETF to the General Fund the amount of \$48,035 for purchases in 2023. 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.

Shaw's Pond Contract Service Funding

The Board reviewed and discussed a request for \$5,000 for a contract to purchase engineering services to help save Shaw's Pond from further degradation. It was discussed to use ARPA funds; Westin and Sampson provided a new quote for \$13,000 for the services. There was also discussion about whether CRF funds could be used for engineering services; invoices were also received for the milfoil pulling services done by Aqualogic. It was noted that Wolfeboro watershed is doing a management plan and Shaw's Pond is part of that plan; it was suggested they could hold off on the engineering contract until they know what Wolfeboro is doing. It was the consensus of the Board they are supportive of the engineering work but no decision needs to be made at this time. Chair Swenson noted there is enough funds in the CRF to cover the costs if needed. He stated the Budget Committee approved \$5,600 for water testing in 2024; the pulling and engineering would not be part of that budget. Selectman DeCoff noted the Board previously approved \$5,000 in ARPA funds for the Water Quality Committee to go to Westin and Sampson for engineering services. Chair Swenson stated he does not view that as a final decision but it is part of the overall budget discussion. There was discussion about whether ARPA funds could be encumbered or be spent in 2025.

Tax Rate Update

Chair Swenson stated Copple Crown Village District has scheduled a meeting for December 2, 2023 to correct the issue with the original posting; once that process is complete they should be able to submit the Copple Crown information to DRA for subsequent tax rate setting. The Finance Manager and Interim Town Administrator discussed a Tax Anticipation Note (TAN) and contacted Meredith Village Savings Bank. The Town will be providing documents to move forward with the process. Interim Town Administrator Chase explained one of the required documents is the 2022 audit. However, that is not yet completed. She stated other than that they are ready to go with the application submission for December 4, 2023 once the issue is resolved with Copple Crown. Chair Swenson stated they will also need to wait for NH DRA to review the documents before the Board can meet to set the tax rate and determine the amount of TAN needed.

Hazardous Waste Day

Interim Town Administrator Chase stated the grant application date is February 1, 2024 and a specific date for the hazardous waste collection date has not been set; last year it was held in May. The date depends on when the grant is received. She stated that based on previous years the estimated cost to the Town of New Durham is \$1,352 for the 2025 collection event. A letter

of commitment is needed to be sent to the Rochester Department of Public Works no later than January 2, 2024. The Board will review a draft letter at the next meeting.

Cable Consortium

Interim Town Administrator Chase stated there was extensive discussion about Breezeline with the Consortium; she explained most companies want to get rid of cable services and provide only streaming. She stated the Consortium wants to take more time to continue with negotiations; she stated TDS is in the area, as well as Comcast may be available in the near future. Interim Town Administrator Chase stated so far New Durham is the only town that has not signed the Consortium renewal. She stated even if they sign the commitment they can still continue looking at options.

MOTION: To approve the one-year extension for the Cable Consortium to give time to negotiate a contract. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Selectman Veisel – aye; Selectman DeCoff – aye; Chair Swenson – no. Motion passed 2-1-0.

Abatement Requests

The Board reviewed and discussed the abatement requests. Chair Swenson confirmed these were reviewed and approved by the Contract Assessor and Tax Collector.

MOTION: To grant the request for an abatement for Map 210, Lot 016 in the amount of \$107 for the 2022 tax year. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

MOTION: To grant the request for an abatement for Map 260, Lot 021 in the amount of \$8,187.58 plus any interest for the 2022 tax year. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

MOTION: To approve the request for a Veterans Tax Credit for Map 260, Lot 007 per RSA 72:28 in the amount of \$750. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

MOTION: To approve the Land Use Change Tax for Map 263, Lot 001-003; the original amount was 30 acres, total previously released was 3.9 acres; subject to the assessment is 1 acre; the remaining acreage in current use is 25.7 acres; the market value is \$75,000 and the tax is in the amount of \$7,500 plus \$26 in filing fees. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

Wage Adjustment

Interim Town Administrator Chase explained a merit increase was approved by the Fire Chief in July 2023, but it was never brought to the Board of Selectmen for approval. The Board reviewed the request from the Fire Chief to sign and backdate the effective date.

MOTION: To approve the wage adjustment for the employee who was promoted on July 24, 2023 from Firefighter I to Firefighter II to \$15.50 per hour effective July 24, 2023. Motion by Chair Swenson. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

1772 Meeting House Committee

Ellen Phillips, Chair of the Meetinghouse Committee, gave an update from the septic designer regarding the details of the contract for work to be done; she stated they would like to unencumber the \$2,000 previously requested for Stephanie Richards because they will be going with someone else. Ms. Phillips stated they also need to encumber funds for an energy design charrette; she stated the grant they are applying for this will be received. Ms. Phillips also presented a request for a proposed warrant article for a forgivable loan; if the article does not pass the application will automatically go to a grant. The Board reviewed and discussed the grant details. Selectman DeCoff noted the terms include the federal government having control of the land in perpetuity and he does not agree with doing that. Chair Swenson stated the warrant article is for a loan; even if the grant is awarded, it does not mean the Town has to accept it. That would be under the purview of the Board of Selectmen. Ms. Phillips presented a draft of the grant application as well as connections to the Master Plan for review and approval by the Board.

MOTION: To approve the Meetinghouse Committee to add the attachment to the Project for Public Benefits as presented at the Board of Selectmen meeting of November 14, 2023. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

Ms. Phillips presented a summary of donations for acceptance by the Board.

MOTION: To accept the donations received November 11, 2023 for \$170.06 from the clothing shed for October 2023 to be deposited into the 1772 Meetinghouse Charitable Donation ETF. Motion by Selectman DeCoff. Second by Vice Chair Veisel. Roll Call Vote: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

Ms. Phillips stated they also need to provide a schedule of events and suggested putting Town committee meetings at the Meetinghouse as it will be available for use by the various Town boards and committees. It was confirmed internet services will be available. It was agreed by the consensus of the Board to put the Board of Selectmen meetings on the schedule. Ms. Phillips will check with the chairs of the respective boards and committees to get their permission.

Ms. Phillips stated they also need financial statements. Interim Town Administrator Chase stated the 2022 audit is not available yet and they do not have financial forms such as those being

requested; she stated they do not have cash flow documents which are typical of businesses and not municipalities. Selectman DeCoff suggested utilizing forms submitted to DRA. Ms. Philips stated they are requesting approval for the project oversight proposal as well.

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; (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: Vice Chair Veisel – aye; Selectman DeCoff – aye; Chair Swenson – aye. Motion passed 3-0-0.

The Board entered non-public session at 9:32 p.m.

The Board reentered public session at 10:02 p.m.

MOTION: To seal the minutes of the non-public session of the November 14, 2023 meeting for reasons it may adversely affect the reputation of one other than the Board. 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.

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

The meeting was adjourned at 10:05 p.m.

Respectfully Submitted,

Jennifer Riel

Jennifer Riel, Recording Secretary