

New Durham Deliberative Session

Meeting Minutes

February 5, 2018

New Durham Elementary School

CALL TO ORDER

In accordance with the provisions of Senate Bill 2 (RSA 40:13) adopted by the Town in March 2014, the first (Deliberative) session of the 2018 Town Meeting was called to order at 7:00p.m. by Richard Leonard, Town Moderator.

All in attendance rose to Pledge of Allegiance to the flag of the United States of America.

Moderator Richard Leonard introduced himself and Town officials: Board of Selectmen Chair David Swenson, Selectmen Cecile Chase, Selectman Rod Doherty, Town Administrator Scott Kinmond, Town Clerk Stephanie Mackenzie, Stephen Whitley, Town Counsel. The Budget Committee was also introduced: Cathy Orlowicz, Chair, Terry Jarvis, Vice Chair, Ellen Phillips, Mark Sullivan, Joan Swenson, David Shagoury.

Town Moderator Richard Leonard read the new Moderator Rules for the conduct of the Deliberative Session which will be followed: unless changed by the voters at the meeting the Moderator will use the following rules of procedure to conduct the deliberative session:

- 1. We will not be using Robert's Rules but we will be using the Moderator's Rules of Respect, Courtesy and Common Sense.*
- 2. Any voter who wishes to address the meeting will come to the microphone, be recognized by the moderator, and then state his or her name and address.*
- 3. All questions to the Board of Selectmen, other Town officials, or other meeting participants will be directed through the moderator.*
- 4. Each voter who desires to speak on an article will be given a chance to do so before any voter is given a second opportunity to speak on the same issue.*
- 5. With exception of the initial presentation on Articles, which the Moderator requests are kept to no more than 10 minutes, all speakers will be limited to 3 minutes.*
- 6. Reasonable discussion will be allowed.*
- 7. Each amendment will be stated by the moderator before being voted upon.*
- 8. Only one amendment to an article will be allowed on the floor at any one time. No amendment to an amendment will be allowed; such proposals will be dealt with as subsequent amendments after the first amendment has been voted upon.*
- 9. Negative amendments will not be allowed, for instance an article that would raise and appropriate \$2,500 for equipment purchase cannot be amended to read NOT raise and appropriate \$2,500 for equipment purchase.*
- 10. Any amendment to financial amounts must be stated in dollars. Percentage figures must be converted to dollar amounts to be accepted.*

New Durham Deliberative Session
Meeting Minutes
February 5, 2018

11. *Voter cards will be raised by voters when voting on amendments rather than a voice vote. If the vote looks to be close assistant moderators will count the raised voter cards.*
12. *A motion to pass over an article until a specific time or until action has been taken on some other designated article will be accepted.*
13. *Upon appeal of any ruling of the moderator, a majority vote will prevail.*
14. *At any time during the meeting these rules may be altered by majority vote.*

Moderator Leonard stated Article 1 through Article 6 would not be presented for public comment at this deliberative session. However, Scott Drummey, Chair of the Planning Board will be available after the meeting to answer questions.

ARTICLE 7

Selectman Chase introduced Article 7. She explained this article is for approval of a lease-purchase agreement for a self-contained breathing apparatus for use by the Fire Department, noting this is a regular replacement as required by State law after three updates of the version have been produced.

Article 7: To see if the Town will vote to authorize the Selectmen to enter into a long-term lease / purchase agreement in the amount of \$157,000 payable over a term of 3 years for replacement of the Fire Department's Self Contained Breathing Apparatus (SCBA) and to raise and appropriate with the down payment amount of \$51,000 to come from the Fire Department Ancillary Capital Reserve Fund.

(3/5 ballot vote required)

Estimated 2018 Tax Rate Impact: \$0.00 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

David Curry, resident, questioned whether the costs could be spread over three years. Fire Chief Varney replied due to so many changes occurring with the past model and the unanticipated early upgrade, they decided to go with the lease-purchase agreement over the course of three years, and the equipment has an anticipated life cycle of ten years. He noted there would still be maintenance and upgrade costs.

ARTICLE 8

Chair Swenson introduced Article 8 and stated during the budget process there were good discussions with the departments, Budget Committee and Board of Selectmen. He outlined ten specific items he deems contributed to the overall increase in the 2018 budget versus the 2017 budget. These items include wage adjustments, negotiated health benefits, fully staffed safety departments, reduced legal fees, increased evaluation costs, slight increases to the Planning Board and Zoning Board of Adjustment budgets due to an

New Durham Deliberative Session
Meeting Minutes
February 5, 2018

increase in applications, increased mowing costs, improved Code Enforcement resources and enhanced Parks and Recreation programs.

Article 8: Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by the vote of the first session, for the purposes set forth therein, totaling \$2,899,086. Should this article be defeated, the default budget shall be \$2,769,786, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold a special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Majority Vote Required

[Note: Operating Budget & Default Budget includes the Library Budget.]

Estimated Tax Rate Impact – 2018 Proposed Budget: \$ 4.84 per \$1,000 assessed valuation.

Estimated Tax Rate Impact – 2018 Default Budget: \$ 4.52 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

David Bickford, resident, stated he disagrees with the use of the term “fully staffed” for the safety departments, noting this is subjective and what’s the basis for determining that status. Mr. Bickford stated he thinks they could do with less and plans to vote in favor of the default budget.

David Curry, resident, stated the 2017 operating budget performed at less than the amount budgeted for. Town Administrator Kinmond explained the year-end reports do reflect approximately 2.78% budget surplus and outlined the accounts where the funds were unexpended: legal fees, executive office, Planning Board, and Health Officer. Mr. Curry suggested if none of the big departments are running a surplus, they can be sure they are appropriately funded.

Jeff Allard, resident, questioned why the \$150,000 increase is less than 10% of the overall budget but the rate increase is 4%. Chair Swenson explained there are various factors which contribute to this including changes in property valuations so there is a combination of tax valuation and rate changes. The percentage level of increase were explained. Mr. Allard stated a letter in the *Baysider* last week indicated there was a \$50,000 expenditure for a police cruiser in the warrant articles and asked where that is reflected. Chair Swenson replied there is an allocation of \$12,000 in Article 14 for a

New Durham Deliberative Session
Meeting Minutes
February 5, 2018

contribution to the Capital Reserve Funds but there is no expenditure for a cruiser at this time. Selectman Chase explained a cruiser would likely be purchased this year but it is a scheduled replacement and will be funded with CRF funds previously established.

Chair Swenson presented a graph summary of comparative tax rate relationships.

Greg Anthes, resident, stated he is concerned with the high tax rate, explaining when he was on the Board of Selectmen, he spoke with many citizens who share the concern.

ARTICLE 9

Selectman Doherty introduced Article 9.

Article 9: To see if the Town will vote to raise and appropriate the sum of \$381,700 for the purposes of a Road Program with \$114,700 to come from Highway Block Grant Aid, \$209,000 to come from taxation, and the remainder of \$58,000 to come from the Road Construction Capital Reserve Fund.

Majority Vote Required

Estimated 2018 Tax Rate Impact: \$ 0.51 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

David Curry, resident, asked for details of the road plan. Town Administrator Kinmond replied the plan includes replacement of two culverts on South Shore Road, one being estimated at a cost of \$250,000 for construction costs only (no engineering or permitting costs included) and the second estimated at \$151,000. Town Administrator Kinmond stated there are also plans to do road repairs, apply rubberized crack sealing to select roads, continued ditching and draining work and tree trimming.

David Bickford, resident, asked how many miles will be done of asphalt paving. Town Administrator Kinmond replied it will depend on the costs of the other projects which need to be done first, and there may not be any funds for additional paving.

Pat Grant, resident/Copple Crown Village District, stated extra funds were returned from the State to the Town and asked why these were not directed to the culverts. She stated that for comparison, their experience in Copple Crown for a replacement of a small culvert cost \$35,000. Ms. Grant stated Copple Crown also had chip sealing down and explained after just one year it is pulling up and was a disappointing investment. Town Administrator Kinmond explained asphalt quality has greatly diminished over the years and the liquid rubberized sealing is designed to extend the life of the roadways with a

New Durham Deliberative Session
Meeting Minutes
February 5, 2018

cost less than asphalt. He also further explained the reasons for the high costs of the culverts on South Shore, largely due to channeling of runoff into the Merrymeeting watershed area and extensive permitting and oversight by the State of New Hampshire.

ARTICLE 10

Town Administrator Kinmond introduced Article 10.

Article 10: To see if the town will vote to adopt RSA 41:14-a, to allow the Selectmen by majority vote to acquire or sell land, buildings or both; provided, however, they shall first submit any such proposed acquisition or sale to the planning board and to the conservation commission for review and recommendation by those bodies. This article will remain in effect until rescinded by majority vote.

[Note: After the Selectmen receive the recommendation of the Planning Board and the Conservation Commission or both exist, they shall hold 2 public hearings at least 10 but not more than 14 days apart on the proposed acquisition or sale; provided, however, upon the written petition of 50 registered voters presented to the Selectmen, prior to the Selectmen's vote, the proposed acquisition or sale will be inserted in an article in the warrant for the next Town Meeting.]

(Majority vote required)

The Board of Selectmen Recommends the article by a 3 to 0 vote.

Discussion:

David Bickford, resident, stated he is opposed to allowing the Board of Selectmen to buy/sell property without voters' consent.

Cathy Orlowicz, Town Historian, clarified that per State statute, if the article is adopted, it will actually protect properties received as gifts or accepted as a trust.

David Curry, resident, asked what the advantage of this is to the Town. Chair Swenson replied there was a recent instance where the Town had the opportunity to accept something for a previously approved project (i.e. subsequent article) but because this RSA had not been adopted by the Town, the Board of Selectmen was not able to take an action. He noted it was only because of the work by Ms. Orlowicz that the offer was extended until the Town could vote on it but in many cases, this would be an unacceptable scenario to the gifter.

Pat Grant, resident, noted the article does include stipulations which indicate review and recommendation is required from the Planning Board and Conservation Committee, so there is more than one board involved in the process.

Ron Gehl, resident, stated he doesn't support this article and is concerned about overzealous application of the statute by a future Board of Selectmen who may be less

New Durham Deliberative Session
Meeting Minutes
February 5, 2018

qualified for making these types of decisions. Selectman Chase explained this article is a warrant this year because of the following article. She stated the barn owner wanted to gift the barn to the Town and it was only because of work by Ms. Orlowicz that the offer was able to be extended, otherwise the Town would have lost out on the opportunity to acquire the barn for addition to the Zachariah Boodey Farmstead restoration project.

ARTICLE 11

Chair Swenson introduced Article 11.

Cathy Orlowicz, Town Historian, presented a slide show of the Zahariah Boodey Farmstead restoration project, including pictures of the original farmstead and the committee's conceptual plan. She also explained the market research which had been conducted to outline future use and plans.

Article 11: To see if the Town will vote to accept a gift of real property being a 42' x 42' barn for use by the Boodey Farmstead Project, said barn being a gift to the Town of New Durham.

(Majority vote required)

The Board of Selectmen recommends this article by a 3 to 0 vote.

Estimated 2018 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation.

Discussion:

Greg Anthes, resident, asked how much the Town will have to pay to have the barn moved from Alton to New Durham.

Ms. Orlowicz stated the committee has already fundraised \$18,500 of the \$20,000 needed to move the barn. She explained the structure will be disassembled and placed in secure store, at no cost to the Town. Ms. Orlowicz stated the committee will then begin fundraising to being the site preparation and foundation work. She stated a quote received two years ago for completion of the entire conceptual plan was \$800,000 but they have since learned of various grants and energy incentives the project will qualify for, along with committed support for services and costs.

ARTICLE 12

Selectman Doherty introduced Article 12.

Article 12: To see if the town will vote to establish a Boodey Farmstead Project Capital Reserve Fund under the provisions of RSA 35:1 for the design and construction of the Zechariah Boodey Farmstead project and to raise and appropriate the sum of \$1,000 to

**New Durham Deliberative Session
Meeting Minutes
February 5, 2018**

be deposited into that fund. Further, to name the Board of Selectmen as agents to expend from said fund.

(Majority Vote Required)

Estimated 2018 Tax Rate Impact: \$0.002 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 6 to 0 vote. (1- abstention)

Discussion:

There was no discussion on Article 12.

ARTICLE 13

Chair Swenson introduced Article 13.

Article 13: To see if the town will vote to establish a Town of New Durham Dam Maintenance Expendable Trust Fund per RSA 31:19-a, for the maintenance of the Town's dams and to raise and appropriate the sum of \$35,000 to be deposited in that fund with this amount to come from taxation; further to name the Board of Selectmen as agents to expend from said fund.

(Majority vote required)

Estimated 2018 Tax Rate Impact: \$0.08 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

There was no discussion on Article 13.

ARTICLE 14

Chair Swenson introduced Article 14 and read the list of established Capital Reserve Funds to be funded with monies raised from taxation.

Article 14: To see if the Town will vote to raise and appropriate the sum of \$233,000 to be placed in previously established Capital Reserve Funds as follows with said funds to come from taxation:

<i>Account</i>	<i>Established</i>	<i>2018</i>
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**New Durham Deliberative Session
Meeting Minutes
February 5, 2018**

<i>Highway Equipment</i>	<i>March 15, 2006, Article #12</i>	<i>\$20,000</i>
<i>Highway Trucks</i>	<i>March 4, 1988, Article #9</i>	<i>\$35,000</i>
<i>Library Facilities</i>	<i>March 13, 2007, Article #7</i>	<i>\$2,500</i>
<i>Vehicle & Equipment Maintenance</i>	<i>March 10, 2010, Article #15</i>	<i>\$10,000</i>
<i>Milfoil</i>	<i>March 9, 2009, Article #7</i>	<i>\$5,000</i>
<i>Solid Waste Facilities Improvement</i>	<i>March 10, 2010, Article #14</i>	<i>\$2,000</i>
<i>Solid Waste Equipment</i>	<i>March 10, 2010, Article #14</i>	<i>\$10,000</i>
<i>Police Cruiser</i>	<i>March 15, 2000, Article #7</i>	<i>\$12,000</i>
<i>Smith Ball Field & Equipment</i>	<i>March 13, 2007, Article #9</i>	<i>\$1,500</i>
<i>1772 Meetinghouse Restoration</i>	<i>March 15, 2000, Article #14</i>	<i>\$5,000</i>
<i>Fire Truck</i>	<i>March 12, 2003, Article #11</i>	<i>\$40,000</i>
<i>Public Safety Facilities Improvements</i>	<i>March 10, 2010, Article #17</i>	<i>\$5,000</i>
<i>Road Reconstruction</i>	<i>March 10, 2010, Article #5</i>	<i>\$75,000</i>
<i>Fire Department Ancillary Equipment</i>	<i>March 10, 2015, Article #5</i>	<i>\$10,000</i>
<i>Total</i>		<i>\$233,000</i>

Majority Vote Required

Estimated 2018 Tax Rate Impact: \$ 0.57 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

David Bickford, resident, stated the comment that the Road Maintenance CRF was drained by the prior Board of Selectmen is incorrect. There was discussion by the Board of Selectmen with Mr. Bickford regarding how CRFs are established and how the funds may be used.

**New Durham Deliberative Session
Meeting Minutes
February 5, 2018**

David Curry, resident, suggested researching the Article that established the Road Construction CRF, suggesting it was set up to “drop” excess money instead of it going into the General Fund, with the intention that funds already raised for roads would go back to roads.

Mark Sullivan, resident, gave an analogy to explain funding for future projects, with CRFs being a way of setting aside a little every year for future expenditures.

Scott Drummey, resident, stated almost all CRFs were setup to work that way, however, not the Road Construction CRF, largely because road funds are used every year.

Greg Anthes, resident, stated Capital Reserve Funds are necessary and beneficial. He stated when he was on the Budget Committee, they looked at what other towns are doing and noted many are opting for lease-purchase agreements for large purchases, explaining how this works with the life cycle and replacement schedule of equipment.

Bill Meyer, resident, stated Capital Reserve Funds help level off tax rates and noted lease-purchase agreements cost more in the long run because of the added costs of interest paid to someone else.

Mr. Bickford stated when he adds up the costs for road projects it comes to \$550,000, but that doesn’t include anything for paving. Chair Swenson outlined the funding sources for the \$381,000 in Article 9 of being from State of NH Block Grant Aid, taxation and the remaining balance in the road construction CRF, noting Article 14 then replenishes the drained road construction CRF.

ARTICLE 15

Selectman Chase introduced Article 15.

Article 15: To see if the Town will vote to raise and appropriate the sum of \$35,500 to be placed in previously established Expendable Trust Funds as follows with said funds to come from taxation:

<i>Account</i>	<i>Established</i>	<i>2018</i>
<i>Computer Systems & Office Equipment</i>	<i>March 13, 1996, Article #11, Revised March 9, 2011, Article #26</i>	<i>\$7,500</i>
<i>Accrued Benefits Liability</i>	<i>March 13, 1996, Article #16</i>	<i>\$10,000</i>
<i>Records Management</i>	<i>March 23, 1999, Article #23</i>	<i>\$6,000</i>

**New Durham Deliberative Session
Meeting Minutes
February 5, 2018**

<i>Town Buildings & Improvements</i>	<i>March 15, 2000, Article #15</i>	<i>\$12,000</i>
<i>Total</i>		<i>\$35,500</i>

Majority Vote Required

Estimated 2018 Tax Rate Impact: \$ 0.09 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

There was no discussion on Article 15.

ARTICLE 16

Selectman Doherty introduced Article 16.

Article 16: To see if the Town will vote to raise and appropriate the sum of (\$5,000) for the purposes of funding contributions to Health & Other Agencies i.e. Cornerstone VNA, Strafford County CAP and Homemaker of Strafford County etc., with this sum to come from authorizing the withdrawal of Five Thousand Dollars (\$5,000) from the JC Shirley Timber Trust (Trust Fund #28). Said trust established for the purpose to “benefit of the Town of New Durham for such lawful purposes as the Town may direct at its annual meeting.” Majority Vote Required

Estimated 2018 Tax Rate Impact: \$ 0.00 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a 3 to 0 vote.

The Budget Committee recommends this article by a 7 to 0 vote.

Discussion:

There was no discussion on Article 16.

ARTICLE 17

Selectman Chase introduced Article 17.

Article 17: To see if the Town will vote to adopt the provisions of RSA 72:28-b, All Veterans’ Tax Credit? If adopted, the credit will be available to any resident, or the spouse or surviving spouse of any resident who served not less than 90 days on active service in the armed forces of the United States and was honorably discharged or an officer honorably separated from services and is not eligible for or receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500.00 the same

**New Durham Deliberative Session
Meeting Minutes
February 5, 2018**

amount as the standard or optional veterans' tax credit voted by the Town of New Durham under RSA 72:28.

(Majority vote required)

The Board of Selectmen recommends this article by a 3 to 0 vote.

Discussion:

David Curry, resident, noted the significant change to the current RSA is that the benefit is now extended to spouses.

ARTICLE 18

Article 18: To conduct any other business which may legally come before the Town.

Discussion:

Chair Swenson thanked Selectman Doherty for stepping in to fill the vacant seat on the Board of Selectmen for the past year.

Ms. Orlowicz thanked David Shagoury for filling the vacant seat on the newly elected Budget Committee.

Adjourn

Moderator Leonard stated all Articles shall now be placed on the 2018 Town Warrant as recommended.

The second session of the Deliberative Session is scheduled for March 13, 2018.

Moderator Leonard adjourned the meeting at 9:05pm

Respectfully Submitted,

Stephanie Lisle MacKenzie
Town Clerk