

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Town Hall**  
**April 4, 2016, 7:00p.m.**

**Present**

Chair David Bickford  
Selectman David Swenson  
Selectman Gregory Anthes

**Also Present:**

Scott Kinmond, Town Administrator  
Marisa Rosiello, resident  
Rudy Rosiello, resident  
Carol Allen, resident  
Dot Veisel, resident  
Alicia Hernandez, resident  
Joan Swenson, resident  
J. Downey, resident  
Don Vachon, resident  
Janis Anthes, resident  
Ellen Phillips, resident  
Stephen Bohmiller, resident  
Cathy Allyn, resident  
Susan Randall, resident  
Katie Woods, resident  
Clayton Randall, resident  
Michele Kendrick, resident  
William Kendrick, resident  
Richard Leonard, resident

L. Weaver, resident  
Kathy Secinaro, resident  
Dan Place, resident  
Lynette Place, resident  
Cecile Chase, resident  
Terry Jarvis, resident  
Robert Chase, resident  
Kristen Bernier, resident  
Cathy Orlowicz, resident  
Corie Waldron, resident  
Reginald Meattey, resident  
Matt Libby, resident  
Elizabeth Cantrall  
Jen Nyman, resident

**Call to Order**

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

**Appointments/Announcements**

Chair Bickford read a statement that on March 28, 2016 the Board of Selectmen was notified through Town Counsel that Strafford County Superior Court Presiding Justice Brian T. Tucker had issued a Court Order regarding Police Chief Shawn Bernier's contract termination and on Mr. Bernier's claim of violation of under the Right to Know Law. The court ruled that Mr. Bernier should be reinstated.

Dot Veisel, resident, asked when Police Chief Bernier would resume his duties. Town Administrator Kinmond stated they would be working that out with the attorneys. It was clarified there is a timeframe of 30 days. Jen Nyman, resident, inquired as to the cost of the back benefits and attorneys' fees to the Town. Town Administrator Kinmond replied he does not have a total cost and there are different factors in determining it. Chair

Bickford stated they have not received a final bill. Selectman Swenson concurred there will be several components in the total cost they will have to look at and this total has not yet been determined. Rudy Rosiello, resident, asked for details regarding the transition and wants to be sure the specifics are clearly defined. Town Administrator Kinmond replied they are working with all relevant parties to work through the process. He stated all of the specific steps have not yet been discussed by the Board of Selectmen at this point. Terry Jarvis, resident, asked if the Board was planning on filing an appeal. Chair Bickford noted the Board of Selectmen does not plan to appeal the Court Order.

Ms. Veisel gave a statement in response to statements made in *The Baysider* by Selectman Anthes.

### **Agenda Review**

Selectman Anthes added under New Business: Talent Bank Applications for the Meetinghouse Committee.

### **Department Reports/Issues**

Don Vachon, Highway Department, stated the department is running smoothly and the process with hiring the new Department of Public Works Director is moving forward.

### **Town Administrators Report:**

Town Administrator Kinmond stated the seasonal employees that are available to return for 2016, have been in contact with the respective department heads and expressed their desire to return for the season. TA Kinmond stated in his experience if the department head wished to recommend their return, then this would be an update to the PAF in the personnel file.

It was noted applications have not been filled out yet. Selectman Swenson stated it would be appropriate for all applicants to do so. Jen Nyman, Parks and Recreation explained they have not done that in the past for returning employees. Town Administrator Kinmond stated though individuals are seasonal employees he stated that they are still considered “on the books” and existing employees. The consensus was to have the seasonal employees be re-hired if there are their respective open positions and the Department Head approves of the rehire.

### **New Business**

#### **Conditional Offers of Employment**

Town Administrator Kinmond presented numerous Conditional Offers of Employment for various positions and asked the Board of Selectmen to review and approve.

**Chair Bickford made a motion to approve the Conditional Offer of Employment for Donna Young of New Durham for the position of Tax Collector/Deputy Town Clerk at a rate of \$16.00 per hour contingent on the necessary pre-employment screening and background checks with this announcement beginning the two week vetting period pursuant to the Town’s hiring policy. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Chair Bickford made a motion to approve the Conditional Offer of Employment for S. Michael Gingras of Lee, NH for the position of Department of Public Works Director at a rate of \$62,400 per year contingent on the necessary pre-employment screening and background checks with this announcement beginning the two week vetting period pursuant to the Town's hiring policy. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Chair Bickford made a motion to approve the Conditional Offer of Employment for David Daniels, Jr. of Barrington, NH for the position of Police Officer at a rate of \$18.38 per hour contingent on the necessary pre-employment screening and background checks and conditions set forth by the State of New Hampshire Police Training Standards with this announcement beginning the two week vetting period pursuant to the Town's hiring policy. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

Corie Waldron, resident, asked if this is for a full or part time police officer position. Town Administrator Kinmond replied it is for a full time police officer.

TA Kinmond provided short bios on the conditional hires listed above.

Town Administrator Kinmond provided the Board with a Staff Report regarding formalizing retired Town Clerk/Tax Collector Carole Ingham's offer to assist the Town with training of Town Clerk and Tax Collector staff, and providing **Department of Motor Vehicle** (DMV) clerk services as needed. Carole had made this offer to the Board of Selectmen upon her notice of retirement which the Board was appreciative of but never formalized it.

**Chair Bickford made a motion to acknowledge that Carol Ingham's job classification has been changed from Town Clerk / Tax Collector to interim/per diem trainer/ support staff for the positions of Tax Collector / Town Clerk. This is to include the duties as a DMV Clerk should the need arise during the next 4-6 months of transitional training of staff at a pay rate of \$23.96 per hours. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

### **Appointments**

Chair Bickford stated they haven't always gone through the appointment process with reappointments and the appointment policy was reviewed. Selectman Swenson stated he believes it is appropriate to go through the proper appointment policy each time someone is up for reappointment and a vacancy is being filled. Chair Bickford said a law went into effect in 2010 that makes most reappointments unnecessary. He cited RSA **41:57-a Term of Office**. – Except as otherwise provided, the term of office of any appointed town officer shall begin upon his or her appointment and qualification for office and shall end upon the appointment and qualification of his or her successor with terms to continue indefinitely or until someone else is appointed/ or a vacancy is to be filled.

**Selectman Swenson made a motion to reappoint Charles Berube to the position on the Conservation Committee with a term expiring in 2019. Selectman Anthes seconded the motion. Motion passed, 2-1-0.** Chair Bickford stated he is opposed and wants to follow RSA 41:57-A, with terms to continue indefinitely or until someone else is appointed.

**Selectman Swenson made a motion to nominate Wendy Anderson to the position of the Zoning Board of Adjustment with a term to expire in 2019. Selectman Anthes seconded the motion. Motion passed, 2-1-0. (Selectman Bickford opposed)**

### **1772 Meetinghouse**

Chair Bickford read excerpts from the June 10, 2013 Selectmen meeting about Cathy Allyn telling the board not to add any more people to the 1772 Meetinghouse Committee. That the committee was correct based on the way the committee charter was developed by the recommendations of LCIP and NH Preservation Alliance. Cathy Allyn asked the Board of Selectmen to allow the committee to pursue grants to raise funds for a specific plan for repairing the meetinghouse. She also asked to have more people added to the committee. Cathy Allyn, 1772 Meetinghouse Committee Chair., explained the request was with the intent of having a wide variety of skill sets on the Committee. She stated there are just three people on the committee at this point and they could certainly use more. Chair Bickford explained Kathy King was also a member and had verified that with him recently so there are 4 members. He also asked what had changed since 2013 and the members were the same. He felt this should be answered before adding more members.

**Selectman Swenson made a motion to nominate Clayton Randall to be on the 1772 Meetinghouse Committee. Selectman Anthes seconded the motion. Motion passed, 2-1-0.**

**Chair Bickford stated he thinks they are rushing on this situation.**

**Selectman Swenson made a motion to nominate George Gale to the 1772 Meetinghouse Committee. Selectman Anthes seconded the motion. Motion passed, 2-1-0. Chair Bickford opposed.**

**Selectman Swenson made a motion to nominate Janis Anthes to the 1772 Meetinghouse Committee. Selectman Anthes seconded the motion. Motion passed, 2-1-0. Chair Bickford opposed.**

Selectman Swenson stated he thinks it is appropriate to nominate these individuals who have the experience and skill sets to help on the committee. Selectman Anthes agreed they need to be looking at individual's application to review their skills and experience. The necessary requirements were reviewed and discussed. Ms. Allyn explained the process for obtaining a preservation assessment grant and asked for approval to go ahead with applying for the NH Preservation Alliance grant. Selectman Swenson clarified that it

was implied that the Town would also need to match the amount of the grant with funds from the 1772 Meetinghouse Capital Reserve Fund.

**Selectman Swenson made a motion to authorize the 1772 Meetinghouse Committee to move forward with applying for the grant to the New Hampshire Preservation Alliance. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

### **Other**

Town Administrator Kinmond received an email from TDS regarding an event on May 14, 2016 from 10:00am-2:00pm to demonstrate new fiber optic services available to the Town. It was clarified this is not a Town-sponsored event but will take place on Town property. Selectman Swenson asked that an Event Application be submitted.

### **Public Input**

Ellen Phillips, resident, asked when Police Chief Bernier would be reinstated and if it would take place at a public Board of Selectmen meeting. Selectman Swenson stated that a specific date has not been determined at this time. Selectman Anthes stated the attorneys are handling this at this point. Elizabeth Cantrall, resident, stated at the last Board of Selectmen meeting comments were made during discussions of the Board of Selectmen which were out of line with the procedural guidelines and suggested they work to follow the guidelines better and not allow public statements during Board of Selectman discussions.

A recess was taken as Selectman Anthes left the meeting to walk his wife out from the meeting due to an apparent issue external to the meeting.

### **Approval of Minutes**

Meeting of March 21, 2016- Pending further review by the Board- Selectman Anthes Requested additional time to review.

Meeting of March 25, 2016 – Edits were made. **Selectman Anthes made a motion to approve the minutes as amended. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

Meeting of March 29, 2016 – Edits were made, but no approved. Pending further review.

Non-Public Meeting of March 7, 2016- Tabled for further review.

Non-public Meeting from March 21, 2016- Edits accepted as made. **Selectman Anthes made a motion to approve the minutes as amended. Selectmen Swenson seconded the motion. Motion passed 3-0-0.**

Non-Public Meeting of March 25, 2016- Edits accepted as made. **Selectman Anthes made a motion to approve the minutes as amended. Selectmen Swenson seconded the motion. Motion passed 3-0-0.**

Other Business:

TA Kinmond advised the Board that he forgot that he has two (2) Veteran Tax Credit/Exemptions. The Board reviewed the application prepared by the Assessing office.

**Chairman Bickford made a motion to authorize the Veterans Tax Credit/Exemption for Philip Harrison. Selectman Swenson seconded the motion. Motion passed 3-0-0.**

**Chairman Bickford made a motion to authorize the Veterans Tax Credit/Exemption for Matthew Boiles. Selectman Anthes seconded the motion. Motion passed 3-0-0.**

Chairman Bickford asked if there was any other business to come before the Board. Hearing none, Selectman Anthes made a motion to adjourn, Selectman Swenson seconded the motion. Motion passed 3-0-0.

Meeting Adjourned at 9:38 p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary  
And  
Scott D. Kinmond, Town Administrator

Final Approved 041816