

*New Durham Board of Selectmen Meeting  
June 6, 2016*

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Town Hall  
June 6, 2016, 7:00p.m.**

**Present**

Chair David Bickford  
Selectman David Swenson  
Selectman Gregory Anthes

**Also Present:**

Scott Kinmond, Town Administrator  
Edward Merrill, General Manager Metrocast Cablevision  
Note: Need to add those others present in the audience here.  
Fran Frye, Cathy Orlowicz, Pat Grant, Dot Veisel, Sue Randall, Clayton Randall, Sherry Cullimore, Elizabeth Cantrall

**Call to Order**

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

**Metrocast Cablevision Franchise Agreement**

Edward Merrill was introduced as the General Manager with Metrocast Cablevision. He stated the reason for him being at the meeting was because the Town recently awarded a franchise agreement to TDS to provide video service which is also offered by Metrocast and explained the laws regarding franchise agreements and stated the current services provided will remain the same. Selectman Swenson noted, however, that there are some important changes from the original Metrocast Franchise Agreement such as a reduction in the number of feet for a Metrocast hook-up before additional charges to the customer are incurred.

Selectman Swenson noted that the Public Hearing had not officially opened and so Public Hearing was opened at 7:20 PM.

**Public Hearing – Metrocast Cablevision Franchise Agreement**

Mr. Merrill noted they would like to amend the franchise with Metrocast to be similar to that with TDS but still having the agreement to expire in 2023. Laws governing these types of agreements are such that one agreement cannot be more favorable or less burdensome than the other. Town Administrator Kinmond noted it has not yet been reviewed by Town attorneys. Mr. Merrill stated the agreements are similar to those being used in surrounding communities. The agreement was reviewed and discussed.

**Public Input**

Chair Bickford opened the meeting to public hearing

Clayton Randall, resident, stated charges with Metrocast had doubled before TDS came in. Mr. Merrill replied that is a common complaint and explained that programming rates

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to the operator (Metrocast) go up every year with the broadcast channels and Metrocast does not have a lot of control over this.

Pat Grant, resident, commented that if customer service were nicer, people would be happier dealing with Metrocast. Selectman Swenson asked if Metrocast would be doing anything for existing customers such as providing different or enhanced services. Mr. Merrill replied if someone calls and asks, promos will kick in and noted there are always promotions running. Chair Bickford closed the meeting to public input.

Selectman Swenson asked that decisions on the revised Metrocast Franchise Agreement be postponed until the Selectmen meeting of June 20, 2016 to allow a more thorough review of proposed changes. It was agreed by the Board of Selectmen that the substantial changes to the agreement were reviewed and noted which may need review by Town Counsel.

Public Hearing was closed at 7:20 pm.

**Announcements/Appointments**

Selectman Swenson congratulated Town Administrator Kinmond on completing the Certified Public Manager program.

Selectman Swenson stated he attended a Primex Conference on general town government issues and stated Primex has excellent educational opportunities during these annual conferences.

**Public Input**

Clayton Randall, resident, stated he and his wife attended the recognition dinner for the Parks and Recreation Commission. He stated it was a nice event.

**Agenda Review**

Town Administrator Kinmond added under Department Reports/Issues: Copple Crown Village District; Special Event Permit for Meetinghouse Committee.

**Special Event Permit Application**

Town Administrator Kinmond presented a Special Event Permit Application submitted by the Boodey House Committee for review by the Board of Selectmen. Cathy Orlowicz explained the celebration event with the intent to bring awareness to future uses of the building. She stated a variety of artisans have agreed to participate and would like it to be part of the New Durham Day.

**Selectman Swenson made a motion to approve the event for the Zachariah Boodey House Committee for July 30, 2016. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

Ms. Orlowicz asked the Board of Selectmen for permission to put the Town seal on the cover letter for the committee's marketing plan.

**Chair Bickford made a motion to approve use of the Town seal on the Boodey House Marketing Plan. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

**Selectman Swenson made a motion to nominate Fran Frye to the Boodey House Committee. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

Chair Bickford noted that documents for discussion at Board of Selectmen meetings need to be submitted by the Friday before the meeting.

### **Copple Crown Village District Request**

Pat Grant, treasurer for Copple Crown Village District, noted the District pays taxes into the Town and they receive quarterly payments back. Ms. Grant requested that the second and third quarter payments be made so they can make their final bond payment not later than July 1, 2016. She stated this is a one-time request. It was noted the amount is about \$49,000. Selectman Swenson raised a concern that given the two payments are for bond payoff, whether CCVD would be able to bridge any financial situation until the fourth quarter payment is received. After discussion there was consensus by the Board of Selectmen to make the advance payments.

**Chair Bickford made a motion to pay Copple Crown Village District two payments in the amount of \$24,787.50 from the property tax revenues. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

### **Highway Department**

Review of the proposed addition of a second bathroom at the Highway Garage was reviewed. Chair Bickford stated this location may also be a designated emergency location and, therefore, the Town also may need to discuss bringing the facilities in the Highway Department up to ADA standards with two toilets/vanities and a shower. There was discussion of facility uses and Town Administrator Kinmond noted it was also designated as an Emergency Operations Facility.

#### **Fuel Depot**

Discussion then began on two purchase orders in response to a recent State inspection of the Highway Garage: 1) spill countermeasure prevention plan, and 2) spill containment trough for the fuel tanks. Town Administrator Kinmond explained the requirements necessary.

There was discussion on whether an engineering plan was on file for the Spill Prevention Countermeasure Plan and Chair Bickford stated it would only need updating. However, the initial research in Town files was unable to locate an existing plan on file.

### **Purchase Order Approval**

**Chair Bickford made a motion to authorize purchase order #0525 to CMA Engineers for the sum of \$4,727.29 for Engineered Spill Prevention Countermeasure Plan (CPCC) for the fuel depot system per Department of Environmental Services**

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**for above ground storage tank inspection report of March 11, 2016 to come from the Operating Budget. Selectman Anthes seconded the motion for discussion.**

Discussion: Selectman Anthes asked if this was put out to bid. Town Administrator Kinmond replied it was done through an existing contract with CMA Engineers. Selectman Swenson stated it is not an unreasonable cost for detailed report. **Motion passed, 3-0-0.**

Town Administrator Kinmond noted the inspection of the fuel depot also revealed there is a requirement by DES to have a spill bucket at the location of fuel tanks as well a filling sensor to be installed in the tanks.

**Selectman Swenson made a motion to authorize purchase order #2325 to Lakes Region Environmental Services for the \$3,974.60 for upgrades to the fuel depot system per the DES above Surface Inspection Report of March 11, 2016, said expenditure to come from the Town Building Improvement ETF. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Class VI Road Driveway Waiver Request**

Steve Souza of Jenkins Road stated he has 11 acres he wants to subdivide but the section of the road for the driveway is greater than 600 feet from the beginning of a Class VI road. Mr. Souza would like assurance that if he goes ahead with the subdivision that he will be able to get a driveway and building permit and explained instances in the area where permits were approved on the road. It was clarified that the road frontage is appropriate. Chair Bickford noted Class VI road permits do need approval from the Board of Selectmen. Mr. Souza stated he has been plowing and maintaining the road for years so not much will change on that point and noted he would upgrade the road for access if necessary. Selectman Swenson noted there are options available that would not require Mr. Souza to come before the Board of Selectmen for a waiver, possibly with a shared driveway. Selectman Swenson stated he would like to see him comply with the existing ordinances and regulations. Dot Veisel, Planning Board member, stated the Planning Board does offer the option of the Board to review and give feedback on a conceptual plan. Select Board consensus was to deny a waiver in this case and have the property owner comply with existing Town ordinance. Selectman Bickford referenced RDA 674:41- Town of New Durham Guidelines for Board of Selectmen of Class VI Roads, section 13 adopted 3-6-2002.

**Parks and Recreation Commission Hires**

Town Administrator Kinmond stated two individuals were given conditional offers of employment as Beach Attendants and noted the two-week vetting period will end Friday, June 10, 2016. The Director would like them to begin training sooner than the next regularly scheduled Board of Selectmen meeting of June 20, 2016. It was agreed to postpone action on this until a Selectmen meeting on Monday June 13, 2016.

**Welfare Application Update**

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Town Administrator Kinmond distributed copies of the welfare application and noted edits that were made. By consensus of the Board of Selectmen, the edits and updates were approved for the document to be part of the welfare application.

**Tax Deeded Properties**

Town Administrator Kinmond presented to the Board of Selectmen for review a summary of Tax deeded properties recorded on or before 2013 and will be coming up for formal action in November. There was discussion on the options of merging lots, auctioning and bids for selling of the properties.

**CIP Appointment**

**Chair Bickford made a motion to appoint Elizabeth Cantrall as member at large for the Capital Improvement Plan Committee. Selectman Anthes seconded the motion.**

Discussion: Selectman Swenson stated this is in follow up to a nomination done a couple weeks ago where two members of the Board of Selectmen made a mockery of the Board of Selectmen process and in his opinion looked like “crony-ism”. Selectman Swenson stated the policy indicates a nominee must attend a CIP meeting prior to appointment and Ms. Cantrall has not done that to his knowledge. Selectman Swenson confirmed that information with Ms. Cantrall. Chair Bickford replied there is an exception to that since there is a new committee each year. **Selectman Anthes made a motion to waive any need to have Ms. Cantrall attend a meeting before nomination. Chair Bickford seconded the motion. Motion passed, 2-1-0. Selectman Swenson opposed.**

**Motion to appoint Ms. Cantrall to CIP as a member at large for one year passed, 3-0-0.**

Selectman Swenson asked how the number of CIP members was set. Chair Bickford replied it was suggested by the Town Administrator around 2005 and voted on at Town Meeting. Selectman Swenson stated if they increase the number by one they can resolve the travesty towards nominating Terry Jarvis. Chair Bickford stated he does not want to do that now. The formation of the committee was discussed and noted this committee is only advisory.

**Trust Fund Transfers**

The Board of Selectmen reviewed minutes regarding expenditures of the Trust Fund. Town Administrator Kinmond stated there are still some outstanding transfers where funding sources were not made in the motion. Selectman Swenson felt that this was not an accurate statement and virtually all such motions contained funding sources to his knowledge. TA Kinmond stated he would check with the auditors if the Board of Selectmen can take action in 2016 on the outstanding items of 2015.

**Chair Bickford made a motion to request the Trustee of Trust Funds to withdraw \$16,698.50 for the Freightliner from the Highway Truck Capital Reserve Fund this action being dually authorized by the Board of Selectmen on November 16, 2015 for these purposes of repairs to the 2009 Freightliner truck. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Selectman Anthes made a motion to request the Trustee of Trust Funds to withdraw \$81,000.50 from the Highway Truck CRF and issue payment for this repair, this action being dually authorized by the Board of Selectmen on June 15, 2015 and August 23, 2015 for this purchase of 2016 Dodge cab and chassis and necessary up fits of equipment (hydraulics, dump body, plow and wing). Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

#### **Recommittal Warrant**

Town Administrator Kinmond presented for review a recommittal of the warrant. He stated it has been reviewed by the auditors and confirmed the figures with finance and the treasurer. This is a transfer of the responsibility of tracking. Selectman Swenson stated he would like the letter signed showing written approval from the auditors for the amounts noted.

#### **Tax Abatements**

Town Administrator Kinmond clarified these are for errors on tax bills and one was already paid.

**Selectman Swenson made a motion to approve abatement for Map 259, Lot 20 in the amount of \$609.50 due to database entry issue. Motion died for lack of second.**

**Selectman Anthes made a motion to approve abatement for Map 259, Lot 020 in the amount of \$609.50 this action correcting the database entry error. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

**Selectman Anthes made a motion to approve abatement for Map 210, Lot 001 in the amount of \$1,827.00, this action due to tax exempt status under RSA 204-7C:49. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

**Selectman Anthes made a motion to approve abatement for Map 209, Lot 024 in the amount of \$427.00, this action correcting. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

**Selectman Swenson made a motion to approve abatement for Map 219, Lot 012 in the amount of \$1,878.00 concerning a reciprocating agreement between the Town of Middleton provided that the abatement has not already been issued. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

**Selectman Swenson made a motion to approve abatement for Map 259, Lot 006 in yield tax in the amount of \$513.67 due to a the corrected bill sent out in the amount of \$482.84 which was already paid in full Chair Bickford seconded the motion. Motion passed, 3-0-0.**

#### **Correspondence**

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Chair Bickford presented a letter from Ed McGlinchy to waive particular fees at the Solid Waste Facility for property owners in Copple Crown Village District and outlined justifications for this request. Selectman Swenson stated he doesn't see a connection for the justification. Town Administrator Kinmond stated it is an issue of someone not receiving other particular town services and wanting to get a break. TA Kinmond stated that similar issues could be viewed for people living on a state road, etc. Town Administrator Kinmond will send a reply to Mr. McGlinchy explaining the Board of Selectmen has decided to not approve his requested fee waiver.

**Public Participation Policy**

Selectman Anthes presented revisions made to the draft Public Participation Policy. Further edits were reviewed and discussed.

**Approval of Minutes**

Meeting of May 27, 2016 – Public Meeting: Edits were made. **Chair Bickford made a motion to approve the minutes as amended. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

Meeting of May 23, 2016 – Public Meeting: Edits were made. **Chair Bickford made a motion to approve the minutes as amended. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

Meeting of May 16, 2016 – Review postponed.

Meeting of April 18, 2016 – Review postponed.

**Chair Bickford made a motion to enter into non-public session under RSA 91-A: 3 II (a) – the dismissal, promotion or compensation of any public employee or the disciplining of such employee; (b) – the hiring of any person as a public employee; (c)-matter which, if discussed in public would likely affect adversely the reputation of any person. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Roll Call: Selectman Swenson – Aye; Selectman Anthes - Aye; Chair Bickford – Aye.**

The Board entered non-public session at 10:41p.m.

The Board reentered public session at 11:55 p.m.

Chairman Bickford stated that they discussed hiring, personnel and ongoing litigation.

**Motion was made by Chairman Bickford to seal the minutes, seconded by Selectman Anthes. Chairman Bickford cited the reason being reputation. The vote was called**

Chairman Bickford Aye  
Selectman Anthes Aye

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Selectman Swenson Aye

Motion passed 3-0.

**Selectman Anthes made a motion to adjourn the meeting, seconded by Selectman Swenson and passed 3-0.**

Meeting Adjourned at 11:56 p.m.

Respectfully Submitted,

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

Final Approved 06-20-16