

**NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
October 12, 2016, 7:00p.m.**

Present

Chair David Bickford
Selectman David Swenson
Selectman Gregory Anthes

Also Present:

Scott Kinmond, Town Administrator
Scott Drummey, resident
Dot Veisel, resident
Mark Sullivan, resident
Susan Randall, resident
Clayton Randall, resident
Ellen Phillips, resident
Michelle Kendrick, resident
Bill Kendrick, resident
Steve Whitman, Moose Mountain Regional Conservation Greenways
Patti Connaughton-Burns Moose Mountain Regional Conservation Greenways

Call to Order

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

Appointments / Announcements

Steve Whitman of Moose Mountain Regional Conservation Greenways, gave an overview of a conservation project the organization is working on in the area. Steve Whitman distributed a map of New Durham along with 7 surrounding towns, showing the land being reviewed for future conservation use planning. He stated the intent is to engage people to develop a conservation plan for the area. Chair Bickford referenced potential greenways in the northern portion of New Durham and suggested areas of Cople Crown Village District for conservation.

Mr. Whitman asked a series of questions relative to aquifer and surface water preservation areas, trails and farmlands. These included public water supply issues (school well, Manatoo Shores, Cople Crown). Selectman Swenson stated that there are no plans for major expansion within New Durham but the Town sits on a large aquifer. Additionally, he stated that there is recent concern on cyanobacteria on various surface water within the Town (Downing Pond, etc.). Sue Randall, resident, indicated that the old Town dump is near the boat landing on Merrymeeting River and it is unknown as to the issues there. Regarding storm water issues, the Town does have culvert mapping on its website and FEMA has helped on some larger culverts. Larger farms in the Town include Miller farm, Bickford farm, Blueberry, Berry Rd. / Ten Rod Rd., and a Christmas

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tree farm. Historically, there was a potential major development near Merrymeeting Lake called Red Oak but anything other than that is mainly owners rebuilding on existing foundation size or remodeling of current residences. There was discussion of the areas of Town that have experienced development over the last 10 years. The output of the Moose Mountain current work is mapping and identification of potential conversation properties. The key is whether they can get assistance in developing funding sources. He asked about studies, and Chairman Bickford reported about the gravel vs. paved road study to help abate erosion & storm water problems.

Public Input

Sue Randall, resident, questioned the Select Board on the progress forming and the work of the mediated mandated committee to review various policies.

Clayton Randall, resident, indicated he would like responses on those questions posed by Cecile Chase in a prior Select Board meeting regrading costs of the Bernier lawsuit.

Additionally, he asked about the mediated mandated committee which was to have been formed in May 2016.

Agenda Review

Selectman Anthes added under New Business: His statement.

Town Administrator Kinmond added under Review of Minutes: August 29, 2016; and 911 staff change authorization.

Department Reports/Issues

Town Administrator Kinmond stated he has been working with department heads in gathering budget information. He expects to complete the draft materials by the end of week and suggested setting the budget review meeting schedule. The initial budget review meeting was scheduled for October 17 and 21, 2016.

Town Administrator Kinmond presented information regarding reorganization of staffing and offices within the Town Hall. He suggested hiring a part time office clerk to support the administrative personnel and stated he has already met with a prior applicant. Town Administrator Kinmond noted the original postings were “until filled” with applications to remain on file so they don’t need to go back out and advertise. Selectman Swenson noted concerns about it really being a new position due to the length of time that has passed since the initial posting and that position had been filled. Selectman Swenson also noted that what the TA is requesting is not an increase in head count but the hours replace the departed Land Use Clerk costs. Therefore, the issue is not whether to fill the budgeted headcount but the lack of posting is the issue. Selectman Anthes stated he is comfortable with moving forward. Chair Bickford stated he wants to follow the hiring policy. Selectman Swenson indicated that following the hiring policy really will not delay that long because a full process could be done within 3 – 4 weeks.

Town Administrator Kinmond confirmed background checks have all cleared for Jameson Young.

Selectman Anthes made a motion that in accordance with the Town's hiring policy and with no comments being received during the 2-week vetting period that Jameson Young be hired as a police officer at the hourly rate of \$17.46 effective 10/13/16, said appointee requiring graduation from the Police Academy and to enter into a three year employment contract. Chair Bickford seconded the motion.

Discussion: Selectman Swenson and Town Administrator Kinmond have concern over the wording and confusion of motion. Town Administrator Kinmond stated if an individual fails the police academy they are terminated.

Selectman Swenson made an amendment to the motion to strike the "graduation from Police Academy" from the motion. Chair Bickford seconded the motion. Amendment passed 3-0-0.

Amended motion passed 3 – 0 – 0.

Purchase Orders

Chair Bickford made a motion to approve Purchase Order #2344 in the amount of \$4,351.61 to Northeast Tire of Belmont, New Hampshire for the purposes of purchasing 12 snow tires with dismounting and mounting included. Said expenditure to come from the vehicle maintenance fund of the Department of Highway Department, account 4312-10-001-660. Selectman Anthes seconded the motion. Motion passed, 3-0-0.

Chair Bickford made a motion to approve Purchase Order #2343 in the amount of \$3,500 to Thomas Huckins, LLC of Farmington, New Hampshire for the purposes of brush grinding at the Solid Waste Facility with funding to come from the Solid Waste Facility account 001-4324-10-0440. Selectman Anthes seconded the motion.

Discussion: Selectman Anthes noted this was last done in 2014 and for the same price. **Motion passed. 3-0-0.** There was discussion of other ways of disposing the brush. Town Administrator Kinmond stated there is more regulation, testing and costs with burning.

Expendable Trust Fund Transfer

The summary of transfers for approval were reviewed.

Chair Bickford made a motion to send letter of request to for transfer to the Trustees of the Trust funds, these requests being the Public Safety Facilities Capital Reserve Fund, \$2,750; Accrued Benefits Liability Expendable Trust Fund, \$20,272.97; Town Building Improvements Capital Reserve Fund, \$8,868, Town Building Improvements fund \$3,974; and Transfer Station Equipment Capital Reserve Fund, \$31,755. Selectman Anthes seconded the motion. Motion passed, 3-0-0.

Fence on Birch Hill Road

Town Administrator Kinmond stated the boundary pins have been located and discussed with the property owners. Selectman Anthes confirmed a letter with the initial findings will be sent to the owners. Selectman Swenson would like the Director of Department of

Public Works to provide written documentation for the Town's files of the exact measurements that result in the requirement for this letter to be sent. Town Administrator Kinmond will also call the owners regarding their fence being constructed on the Town's property and indicate the Town's need for the fence to be relocated due to liability concerns.

Cemetery:

Town Administrator Kinmond stated he has been working on a couple projects including survey work and a monument at the Shirley Cemetery. The Shirley Cemetery monument funding would be from the trust fund. Selectman Swenson confirmed these two purchases would align with the guidelines for the Trust Fund.

Chair Bickford made a motion to authorize Town Administrator to issue a purchase Order #2341 in the amount of \$1200 to Prospect Mountain Surveying of Alton, NH for the purposes of survey work at the John C. Shirley Cemetery said expenditure to come from the John C. Shirley Cemetery Site Improvements Fund account 001-4915-10-077 and furthermore request the Trustee of the Trust funds to transfer said funds to the General Fund. Selectman Swenson seconded the motion. Motion passed, 3-0-0.

Chair Bickford made a motion to authorize Town Administrator to issue a purchase Order #2342 in the amount of \$2,100 to Stephen R. Roy Monuments of Rochester, NH for the purposes of a granite monument to be installed at the John C. Shirley Cemetery said expenditure to come from the John C. Shirley Cemetery Site Improvements Fund account 001-4915-10-077 and furthermore request the Trustee of the Trust funds to transfer said funds to the General Fund. Selectman Anthes seconded the motion. Motion passed, 3-0-0.

NH Department of Transportation Notice

Town Administrator Kinmond stated a letter of notice was received regarding work to be done on Route 11 in 2017 including drainage and resurfacing. He stated there was a request for a municipal work zone agreement to ensure qualified individuals are flaggers, including certified police officers.

Chair Bickford made a motion to enter into a municipal work zone agreement with the New Hampshire Department of Transportation for work project #40870 and federal project #X-A004512 for the purposes of traffic control authorization and participation. Selectman Swenson seconded the motion. Motion passed, 3-0-0.

Policy Committee Formation

The draft and mediation court documents were reviewed and discussed. Selectman Anthes suggested having recommendations from Fire Chief Varney and Police Chief Bernier as the other two members required for this policy review committee. Selectman Swenson stated he would like to see the resources of independent members on the committee and call on the Fire Department, Police Department, and Public Works as needed for resource information. Recommendations were made for possible members of

the committee Chairman Bickford asked Mark Sullivan if he was interested in serving, and he declined as to time constraints. Town Administrator Kinmond clarified the purposes of developing this committee is to review policies and make recommendations to the TA. He also gave an overview of the guidelines for the committee per the court documents. There was extensive discussion regarding the intention of the committee. Selectman Swenson requested that information requesting volunteers to serve on this policy review committee be placed on the website, etc. He also requested that an outline of the scope, time commitment projected, and the sunset date of the committee be developed. Selectman Swenson also indicated that it is not the TA that is responsible for the lateness in starting to develop this policy review committee but it is the Board of Selectmen's inaction since last May that is responsible. The mediated requirement was to have the work completed by January 1, 2017 but it is unlikely that the committee would be able to finish its work by then. Selectman Swenson indicated that if there could be some flexibility in the end date the committee could begin work and finish albeit at somewhat later date.

Selectman Swenson also suggested putting out a press release officially notifying the public that all lawsuits against the Town have been settled.

911 Notification System

Town Administrator Kinmond stated each town must have two designated officials as 911 authorized persons; previously it was the Land Use assistant, the Police Department, etc. He stated they need to move it over to Laura Zuzgo and Karen Kehoe at the Highway Department.

Chair Bickford made a motion to sign the user authorization for the 911 Notification System and identifying Laura Zuzgo and Karen Kehoe as backup. Selectman Swenson seconded the motion. Motion passed, 3-0-0.

Old Business

New Durham Fire Station Community Room Use Policy

A draft of a use policy was reviewed and discussed. Selectman Anthes gave a summary of the historical uses of the room. There was discussion of edits to the policy including assurance that the kitchen will be left clean. Clayton Randall, resident, questioned why the Fire Department has say on Town owned tables and chairs. Dot Veisel, resident, stated that there should be a fee for kitchen and a process to assure that the kitchen would be clean upon any use. The point was made that the Fire Association is a non-profit and, therefore, needs to go through the same process for use of room as any independent non-profit.

Further edits will be made by Town Administrator Kinmond.

Citizen Complaint Policy

The currently suggested version with changes is to be typed for review and an upcoming Board of Selectmen meeting.

Other

Selectman Anthes read a personal statement regarding the recent lawsuit with Police Chief Bernier. (See attached statement??)

Approval of Minutes

Meeting of August 21, 2016 – Edits were made. **Chair Bickford made a motion to approve the minutes as amended. Selectman Swenson seconded the motion. Motion passed, 3-0-0.**

Selectman Anthes Made a motion to enter into non-public session pursuant to 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, 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 inability to pay or poverty of the applicant & (e)- Consideration or negotiation of pending claims or litigation which has been threatened in writing of filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Motion failed for lack of second.

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Roll Call: Selectman Swenson – Aye; Selectman Anthes – Aye; Chair Bickford – Aye. Motion passed, 3-0-0.

The Board entered non-public session at 10:29p.m.

Business was reconvened in public session at 11:31 p.m., in the Town Hall Meeting Room.

Selectman Bickford made a motion to seal the non-public because it determined that divulgence of this information would affect adversely the reputation of any person other than a member of this board. The motion was seconded by

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Selectman Anthes, and passed 3-0. Selectmen Swenson stated the nonpublic session was to discuss personnel matters and review & approve non-public minutes.

Selectman Anthes made a motion to adjourn the meeting, Chairman Bickford seconded the motion, and it was moved 3-0-0.

The meeting was adjourned at 11:33 p.m.

Respectfully Submitted,
Jennifer Riel, Recording Secretary &
Scott Kinmond, Town Administrator

Final Approved 01-30-17