

*New Durham Board of Selectmen Meeting  
September 19, 2016*

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Town Hall  
September 19, 2016, 7:00p.m.**

**Present**

Chair David Bickford  
Selectman David Swenson  
Selectman Gregory Anthes

**Also Present:**

Scott Kinmond, Town Administrator  
Mike Gelinas, Resident  
Clayton Randall, resident  
Don Vachon, resident  
D. Veisel, resident  
J. Swenson, resident  
Michele Kendrick, resident  
M. Foynes, resident, Baysider reporter  
E. Phillips, resident

**Call to Order**

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

**Appointments/Announcements**

Mike Gelinas, resident, gave an update on the water testing on Merrymeeting River. He stated testing was done on Downing Pond after the algae bloom and, since the results around Manatoo Shores were low, there doesn't appear to be any issues with septic's leaking into the pond. The inlet has the highest levels and there are high levels on the outlet near the hatchery (65 ppb). Tests have now been stopped as the lowering of Merrymeeting Lake has caused high water levels in the river. A letter has been sent to Fish and Game regarding the Town's concern noting that the Fish Hatchery permit is due for renewal and the Town may wish to have an opportunity for input on that renewal. Chair Bickford noted the water levels are being lowered. Mr. Gelinas noted the EPA and DES have been notified and a response received.

**Public Input**

Clayton Randall, resident, asked for an update on the legal proceedings of the Town and settlement. Mr. Randall asked about another lawsuit that may have come about in the last two weeks and for an update on that. He asked the Board of Selectmen to explain comp time changes for the Highway Department and stated he thinks it's a loss of benefits for the employees of that Department.

Town Administrator Kinmond replied the finalization documents for the Bernier lawsuit is a public document and filed with the Town Clerk. He expects any final invoices statements from the attorneys to be received in the next week. Selectman Anthes stated

*New Durham Board of Selectmen Meeting  
September 19, 2016*

Town Counsel asked all parties to avoid speaking publically until completely settled and stated that at the next Board of Selectmen meeting he would explain his position.

**Department Reports/Issues**

No department heads were requested to be present.

**Town Administrator's Report**

Town Administrator Kinmond gave an update regarding the work by the Highway Department in preparation for paving and that extensive drainage work has been done. Town Administrator Kinmond explained some of the areas planned and the schedule of work which included not paving Manatoo Shore road but using the funds for that portion of the planned paving work to be used for Valley Rd. to Tash Rd. and Kings Highway extended beyond what was originally planned. Old Bay Rd. is now postponed until next year.

Town Administrator Kinmond stated the committee working on the ambulance replacement would like to make a presentation to the Board of Selectmen. A meeting time was discussed and agreed on Wednesday, September 21, 2016 at 5:30pm at the Community Room.

Town Administrator Kinmond stated he expects to receive department budgets next Monday and is meeting with department heads to review before submission to the Board of Selectmen. A BoS budget review meeting was set for October 13, 2016 at 1:00 PM for review by the Board of Selectmen. Additional dates were set for further sessions of budget reviews which include October 18, 2016 and October 20, 2016 both at 1 PM in the Community Room.

Town Administrator Kinmond provided a draft of a outsource contract for snowplowing work was submitted to Primex for review. He presented a list of hourly rates for various pieces of equipment. He gave an overview of the process he is familiar with in working with subcontractors. Selectman Swenson noted there is no way to assess the value without a comparison to what they are paying now and is not in favor of approving this contract because it makes no sense to proceed unless longer term strategic approach is developed with full financial projections. Selectman Anthes stated that he does not see it working out this year. Town Administrator Kinmond replied he has done a comparison and noted they would need to liquidate assets and reduce staff to show any type of savings. Selectman Anthes stated the goal in blending this year is to save money. However, with full employment in the highway department and a full compliment of trucks, you would not save any money this year. The reduction would happen when an employee retired or left and we would reduce the purchasing of a plow truck. Selectman Anthes is in agreement with approving a contract, just in case an emergency should come up. Selectman Anthes mention that we could negotiate the rates but Selectman Swenson noted that the Town could not do this as the rates are part of the contract.

**Chair Bickford made a motion to approve the equipment lease and service contract as amended. Selectman Anthes seconded the motion. Discussion:** Selectman Swenson

*New Durham Board of Selectmen Meeting  
September 19, 2016*

stated that approving the contract as written is for rates more expensive than they currently pay; rates appear to be higher than state bid prices and it is a misuse of taxpayer funds. Chair Bickford stated it may be more expensive per hour but not over the course of the year, referring to the costs of equipment. Town Administrator Kinmond explained the summary of price and cost comparisons presented showing that outside contracted costs are higher than using the current highway department approach. **Motion passed, 2-1-0. Selectman Swenson opposed.** Selectman Swenson stated there is no long-term comparison and the Town is now set up to pay higher rates. Town Administrator Kinmond reiterated snowplowing is a risky business but this document will allow for them to get a contractor into to do the work if an employee is lost in the Highway Department. He stated he is not advocating moving in the direction of contract work but all the numbers have not been seen for that situation. Don Vachon, Highway Department Supervisor, stated he keeps track of snowstorms and will add his hours and continue to do so to provide Town Administrator Kinmond more data.

**Fire Department Personnel Compensation Wage Schedule**

The positions, wages, and pay grades were reviewed and discussed. Selectman Swenson stated there needs to be more financial comparison and noted there appears to be raises on top previously given increases of a few months ago for positions in the Fire Department. Selectman Anthes stated that the only past raises were to the Officers and the Fire Chief who is still underpaid as shown in the wage and benefit study. . Chair Bickford noted the police officers are the highest hourly and Selectman Anthes stated they aren't favoring one department over another and gave examples of the two raises given to the Police Department this year. .

**Chair Bickford made a motion to adopt the Fire Department Personnel Compensation Wage schedule. Selectman Anthes seconded the motion. Discussion:** Selectman Swenson stated they are again recklessly spending taxpayer money and hasn't seen anything from Fire Chief Varney relative to the need for this adjustment. He noted raises for other Departments were based on an independent analysis. **Motion passed 2-1-0. Selectman Swenson opposed.** Selectman Swenson clarified he's not opposed to increases for the Fire Department personnel but was opposed due to insufficient data to support the increase.

**Personnel Policy - Compensation Time**

The changes in the Comp Time Personnel Policy was reviewed and discussed. Overtime will be paid instead of the current practice of allowing comp time. Town Administrator Kinmond noted comp time can create difficulty in scheduling with small departments. Selectman Swenson noted there needs to be an effective date and a policy for those with existing comp time. Town Administrator Kinmond replied the hours would need to be used by November 1. Given that the full information on how much comp time is currently owed to various employees and potential scheduling difficulties in comp time use. It was determined that a longer period may be necessary for current employees to fully use the accrued comp time.

*New Durham Board of Selectmen Meeting  
September 19, 2016*

**Chair Bickford made a motion to accept the changes to the Compensatory Time Policy which eliminates the provision to allow nonexempt employees to earn compensatory time in lieu of overtime. Any employee who has compensatory time on the books shall use that time by December 31, 2016. The new Compensatory Time Policy is effective September 21, 2016. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Tax-Deeded Properties**

Chair Bickford noted they need to decide whether the waterfront properties will be included in the auction. Selectman Anthes suggested to refrain from selling properties on Merrymeeting Lake without a reserve and Chair Bickford stated he is not in favor of selling them at all.

**Selectman Anthes made a motion to include Map 108, Lot 25 and 26 and Map 108, Lot -46 to be included in the auction with a reserve of \$80,000. Selectman Swenson seconded the motion for discussion.** Discussion: Town Administrator Kinmond asked for clarification whether the reserve is per piece. Chair Bickford suggested a conservation easement. Selectman Swenson noted the properties would be nearly an acre total. **Motion passed, 2-1-0. Chair Bickford opposed.**

Selectman Swenson reviewed multiple suggested changes to the auction contract. Edits were made and the TA was to review the contract with Town Counsel prior to signing.

**Information Technology Services RFP**

Town Administrator Kinmond presented a report and cost comparison from all bidders to the IT RFP. He also gave his recommendation to continue with the current service providers, Spaulding Hill Networks.

**Selectman Swenson made a motion to authorize the Chair to sign a contract in the amount of \$20,700 with Spaulding Hill Network for the period of October 6, 2016 through December 31, 2017 with an extension of \$16,560 for 2018. Chair Bickford seconded the motion. Motion passed, 3-0-0.**

**Review by BoS for Prior Sealed Non-Public Minutes**

Selectman Bickford has requested the opportunity for BoS members to review prior sealed, non-public minutes there was discussion about making non-public meeting minutes available to the Board of Selectmen without having to have a scheduled meeting.

**Chair Bickford made a motion to allow any member of the Board of Selectmen and the Town Administrator to review past confidential sealed, non-public documents including nonpublic minutes. Selectman Anthes seconded the motion. Discussion:** Selectman Swenson stated he wants a legal opinion as to whether this can be done as a blanket motion or whether a specific motion for a specific set of minutes needs to be done. **Motion passed, 2-0-1. Selectman Swenson abstained.**

**1772 Meetinghouse**

*New Durham Board of Selectmen Meeting  
September 19, 2016*

Selectman Anthes stated he attended a recent 1772 Meetinghouse Committee meeting and there was a consensus to have Steve Bedard provide costs not only for the foundation work but also inside up to the level of wall plaster. Selectman Anthes stated they can then begin looking for and writing grants. There was consensus of the BoS to allow cost estimates to be developed by Steve Bedard for this work as there was no commitment for doing the work at this time.

**Hazard Mitigation Plan**

Selectman Swenson noted the areas of concern previously discussed have been edited and the concern resolved.

**Chair Bickford made a motion to accept the Hazard Mitigation Plan of 2016 updated as written and pursuant to the certification of adoption into the record. Motion died for lack of second.** The primary reason for no second was that it was noted that the motion to be made needed to have specific language in the motion for the motion to be authorized.

**Selectman Swenson made a motion to approve the Hazard Mitigation Plan as follows:**

**Certificate of Adoption as follows: Plan submitted to FEMA dated May 17, 2016, conditionally approved July 18, 2016.**

**Whereas, the Town of New Durham authorizes the responsible agencies and / or departments to execute their responsibilities demonstrated in the Plan and received funding from the New Hampshire Division of Homeland Security and Emergency Management through the Pre-Disaster Mitigation Grant Program and assistance from the Strafford Regional Planning Commission in the preparation of the New Durham, NH Multi-Hazard Mitigation Plan Update; and**

**Whereas, several public planning meetings were held between November 9, 2015 and March 28, 2016 regarding the review and development of the New Durham, NH Multi-Hazard Mitigation Plan Update 2016; and**

**Whereas the New Durham Multi-Hazard Mitigation Plan Update 2016 contains several potential future projects to mitigate hazard damage in the Town of New Durham; and**

**Whereas, the respective officials identified in the mitigation strategy of the Plan are hereby directed to pursue implementation of the recommended actions assigned to them; and**

**Whereas, future revisions and Plan maintenance required by 44 CFR 201.6 and FEMA are hereby adopted as a part of this resolution for a period of five (5) years from the date of this resolution; and**

**Whereas, a duly noticed public meeting was held by the New Durham Board of Selectmen on September 19, 2016 to formally approve and adopt the New Durham NH Multi-Hazard Mitigation Plan Update 2016.**

**Now, therefore be it resolved that the New Durham Board of Selectmen hereby adopts the New Durham, NH Multi-Hazard Mitigation Plan Update 2016 as an official plan of the Town of New Durham.**

New Durham Board of Selectmen Meeting  
September 19, 2016

**And to authorize the Select Board Chair to sign on behalf of the Town. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

**Approval of Minutes**

Postponed to the next meeting.

**Chair Bickford made a motion to enter into nonpublic session pursuant to RSA 91-A: 3 II (a) – the dismissal, promotion or compensation of any public employee or the disciplining of such employee and (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. Motion died for lack of second.**

**Chair Bickford made a motion to enter into nonpublic session pursuant to RSA 91-A: 3 II (a) – the dismissal, promotion or compensation of any public employee or the disciplining of such employee and (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 and (e)- Consideration or negotiation of pending claims or litigation which has been threatened in writing or 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. Selectman Anthes seconded the motion. Motion passed, 3-0-0.**

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

The Board left public session at 10:12 p.m.

The Board reentered public session at 11:58 p.m.

**Chairman Bickford made a motion to seal the non-public minutes due to adversely affecting the person's reputation. Selectman Anthes seconded the motion.**

**Roll Call vote:**

**Chairman Bickford Aye**

**Selectman Anthes Aye**

**Selectman Swenson Aye**

**Motion passed 3-0.**

Chairman Bickford stated that from the nonpublic session the board wished to report and take the following actions:

1. **Discussed Personnel matters, litigation and employees' wages.**

*New Durham Board of Selectmen Meeting  
September 19, 2016*

2. **Wage Adjustments: *Selectman Anthes made a motion to approve the Parks & Recreation Department wage adjustments of \$0.25 per hour for the following seasonal and part time Staff; David Gray, Georgianna Nason, Alexis West and Shawna Glenney, effective 9/26/16. Chairman Bickford Seconded the motion. Motion passed 2-1.*** Selectmen Swenson was opposed due to not sufficient data to support the increase.

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

***The meeting was adjourned at 12:01 a.m., (September 20, 2016)***

Respectfully Submitted,

Jennifer Riel, Recording Secretary  
Scott Kinmond, Town Administrator

**Final Approved 03-06-17**