

NEW DURHAM BOARD OF SELECTMEN

New Durham Town Hall

May 18, 2017, 7:00p.m.

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Present

Chair David Swenson

Selectman Cecile Chase

Selectman Rod Doherty

Also Present:

Scott Kinmond, Town Administrator

David Bickford, resident

Greg Quimby, resident

Terry Jarvis, resident

Ellen Phillips, resident

Call to Order

Chair Swenson called the meeting to order at 7:00pm.

Public Hearing

Chair Swenson stated the hearing is being held as a result of the NH State Legislation regarding the postponed March Elections. He stated HB 329 was signed by the Governor, and noted New Durham postponed the March election. Under the bill any persons elected during the postponed elections must be ratified at public hearing and he explained the process for doing so. The Board of Selectmen had no comment and Chair Swenson opened the hearing for public comment.

David Bickford, resident, asked if there are other options or this is just to ratify the elections. Chair Swenson replied the intent is to legally ratify them in accordance with the state statute.

Terry Jarvis, resident, stated she is in favor of the Board of Selectmen to ratify the elections and believes the Town Moderator made the best decision in the safety interests of residents.

Greg Quimby, resident, stated he also encourages the Board of Selectmen to ratify the election.

Town Administrator Kinmond confirmed the public hearing needs to be closed, motion taken by the Board of Selectmen and the minutes need to be posted with the resolution.

Chair Swenson closed the Public Hearing at 7:08pm.

Chair Swenson made a motion to approve the resolution as follows: whereas the Town of New Durham had the 2017 Town Meeting voting session scheduled for March 14, 2017, from 8:00am to 7:00pm, at the New Durham School located at 7 Old Bay Road, in accordance with RSA 40:13. On March 13, 2017 at 8:02am, the New Hampshire Bureau of Homeland Security and Emergency Management provided a bulletin from the National Weather Service. The NWS issued a winter storm warning for all of New Hampshire for “major winter storm”. The prediction of the NWS was for 12-18” of snow, with 1-4” per hour possible. Blizzard conditions were possible with gusts of wind of 30-40 mph. Governor Chris Sununu warned citizens to avoid travel on the roadways unless it was absolutely necessary. State offices and liquor stores were closed in anticipation of the winter storm. On March 13, 2017 at approximately 3:00pm, Town Moderator Pro-Tem Richard Leonard, determined the forecasted weather presented unnecessary risks to the citizens of New Durham and election staff who would need to travel to the polls to vote and staff the polls. In making this decision, the Moderator received information from the New Hampshire Municipal Association and Town Counsel, Attorney Richard Sager as to the authority of the moderator to postpone the town voting day pursuant to RSA 40:4. RSA 40:14 duties reads as follows:

The moderator postponed the voting date from March 14, 2017 to March 16, 2017. The voting times remained the same but the location changed from the New Durham School the New Durham Fire Station Community Room. The notice was posted on the Town website on March 13, 2017 at 4:00pm. The notice was also posted at the New Durham School and the Fire Station. The information was provided to WMUR television station with its schooling notice. The Town Clerk was present at the voting location of March 14, 2017 from 8:00am to 2:00pm. She provided information to any voters who arrived to vote as to the date of the postponement. Only 8 voters came to the polling place on March 14, 2017. Therefore, the Moderator acted within his authority. Further, he acted in the best interests of the voters by postponing the voting session of Town Meeting in the interests of public safety. Safety of the citizens of this Town is of the foremost concern. The decision to postpone ensured the safety of the citizens and allowed the processes of democracy to occur without unduly infringing upon the right to vote. The Advice provided by the NHMA and Town Counsel is in accordance with the law. The interpretation of the law in this case demonstrates the finest traditions of the legal profession. The NHMA has demonstrated its role in providing training assistance, advocacy on behalf of local government in this state and the high level of professionalism that we have come to expect. After properly noticed Public Hearing on this date, in accordance with HB 329, which was passed into law on April ??? 2017,

We do hereby ratify the 2017 Town Meeting and all actions taken by the legislative body by vote of the people on March 16, 2017. Selectman Chase seconded the motion. Motion passed, 3-0-0.

Appointments/Announcements

Corey White, Farmington resident, presented a request for him to build a residential home on a Class VI Town road. He stated he is aware of the Town guidelines for this situation and stated they are looking for a waiver on the distance limitation, noting the guidelines indicate requests would be reviewed on a case-by-case basis. He presented copies of the tax maps which indicate the location of the building and stated it's been reviewed by Brown Engineering of Barrington, NH. Chair Swenson replied Planning Board review and approval would be needed prior to action by the Board of Selectmen.

Public Input

David Bickford, resident, stated they are supposed to have anyone who has not served on a board to be interviewed before appointment, and gave the appointment of Rod Doherty as an example. He stated it appears the Board of Selectmen overlooked that with his appointment. Mr. Bickford stated the minutes of 4/26/17 there are two sets of approved minutes which are identical. Chair Swenson replied they would be revisiting those minutes tonight. Town Administrator Kinmond noted the appointment policy was revised on May 4 but doesn't recall changes being made to the interview process portion, and doesn't recall it being part of the appointment policy.

Ken Fanjoy, resident, asked for follow-up on the solid Waste Facility hours increase. Chair Swenson replied Town Administrator Kinmond is in the process of discussing this with the Public Works Director.

Agenda Review

Chair Swenson added discussion of the CIP.

Selectman Chase added discussion of the cable access channel.

Town Administrator's Report

Town Administrator Kinmond presented a memo regarding the 2017/2018 road program. He stated Matt Ingham reviewed what had previously been provided and reviewed the road segments relative to maximizing preservation work prior to getting a RSMS study conducted. Town Administrator Kinmond they are on the list for the Strafford County Regional Planning to get have that study done. He explained the reviews of roads and summary of work completed and needed. Chair Swenson stated there is a possibility that the road grant amount may be increased. Terry Jarvis, resident, asked for clarification of work to be done on Kings Highway. Town Administrator Kinmond replied the work done prior was not overlay but isn't positive. Chair Swenson confirmed guardrail improvements are also slated for 2017. Town Administrator Kinmond replied there are various sections for replacement and quotes have been obtained from various vendors. Town Administrator Kinmond stated there had been talk that if funds are available, to do things that

support the following year's work. Selectman Chase asked if the study will explain the costs of what is needed. Town Administrator Kinmond replied that's not typical as there are additional costs that vary depending on hidden attributes of the roads.

Town Administrator Kinmond stated the police department has requested to an internal and external posting for a full time officer. He suggested approving the request for internal for ten days.

Board of Selectmen Regular Meeting Schedule

Chair Swenson stated he is pleased with the progress the current Board of Selectmen is making with regards to meeting business being completed but prefers to move to one meeting a month. Selectman Chase suggested one meeting per month and additional meetings scheduled as needed. The following dates were set for regular Board of Selectmen meetings: June 1, July 6 and August 3. Chair Swenson noted additional meetings would be needed after that point.

Reevaluation CRF Warrant Article

Chair Swenson stated with the ratification of the non-elected official warrant articles, the article for closing the evaluation CRF did pass which is an unanticipated revenue. He explained they committed to a cyclical evaluation process which will have a cost of about \$117,000 and suggested encumbering the CRF funds for reevaluation. Town Administrator Kinmond confirmed the Board of Selectmen signed a contract with the appraisal company to do the work and when he put the budget together he anticipated the funds to come from the revaluation account anyways. TA Kinmond will need to check with DRA for the allow ability of this funding.

Chair Swenson made a motion to encumber \$120,000 from the unanticipated revenue from the closure of CRF re-evaluation account to fulfill the re-evaluation contract with Cross Country through 2021. Selectman Chase seconded the motion. Motion passed 3-0-0.

Tax Warrant

Chair Swenson stated the Board of Selectmen took action on May 15 to allow the tax billing reconciliation process to proceed and to meet the NH statutory requirements. However, the exact amount was unknown at that time.

Chair Swenson made a motion to approve the Tax Collector's Property Tax Warrant which states as follows: in the name of the State of New Hampshire, you are directed to collect the taxes herewith committed to you, amounting to the sum of \$4,639,526.00 with interest at 12% after July 5, 2017 and all sums paid on or before that date. Furthermore, the Tax Collector shall remit all money collected to the Town Treasurer or the Town Treasurer's designee, as provided by RSA 41L29VI, at least on a daily basis or weekly basis whenever

tax receipts total \$1,500 or more. In accordance with RSA 76:13, interest due on taxes listed for properties submitted to you of less than \$2 may be waived if in your good judgment do not warrant collection. Selectman Doherty seconded the motion. Motion passed, 3-0-0.

Ethics Committee Training Request

Town Administrator Kinmond stated the chair of the committee has submitted information for NHMA training workshop and have a representative come to New Durham. It was clarified the workshop would be open to all department heads, boards and committees. Dot Viesel, Ethics Committee, explained the workshop would be tailored to their policies.

Ethics Policy Amendment

Town Administrator Kinmond distributed a copy of the policy and proposed changes. Further edits were made by the Board of Selectmen.

Selectman Chase made a motion to approve the Town of New Durham Ethics Policy as revised by the Ethics Committee. Chair Swenson seconded the motion. Motion passed, 3-0-0.

Tax Deeded Properties

Chair Swenson stated he reviewed the list and at the time there was a total of \$3,000,000 in properties but the prior Board of Selectmen worked to reduce the list. He stated he isn't ready to go through the list tonight but wants the current Board of Selectmen to be aware of the issues involved and would like to have it on the agenda for June.

Selectman Chase made a motion to approve the Sale of Town Property Policy as presented May 18, 2017. Chair Swenson seconded the motion. Motion passed, 3-0-0.

The Board of Selectmen Operational Guidelines were reviewed and discussed.

Selectman Chase made a motion to approve the Operational Guidelines as presented. Selectman Doherty seconded the motion. Motion passed, 2-0-1.

Chair Swenson recused himself from the vote.

The Board of Selectmen reviewed the Police Department job posting and discussed it with alignment to the hiring policy.

Selectman Chase made a motion to post the position for the full time police officer for ten business day period closing at the end of business day, June 5, 2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.

Approval of Minutes

New Durham Board of Selectmen Meeting

May 18, 2017

Draft

Meeting of May 17, 2017 – Non-Public Session: Edits were made. **Chair Swenson made a motion to approve the minutes as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Meeting of May 4, 2017 – Public Meeting: Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Meeting of April 20, 2017 – Public Meeting: Edits were made. **Chair made a motion to reapprove the minutes as amended on May 18, 2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Chair Swenson 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; (c)- matter which, if discussed in public would likely affect adversely the reputation of any person; (d) Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community. Selectman Doherty seconded the motion. Motion passed, 3-0-0.

Roll Call: Selectman Doherty – Aye; Selectman Chase – Aye; Chair Swenson – Aye.

The Board entered nonpublic session at 9:18pm.

The Board reentered public session at 10:01 p.m.

Chair Swenson made a motion to seal the minutes of the nonpublic session pursuant to RSA 91-A: 3 II (c)- matter which, if discussed in public would likely affect adversely the reputation of any person. Selectman Doherty seconded the motion. Motion passed 3-0-0. Chairman Swenson noted that while in nonpublic session they discussed personnel matters.

Adjourn

Selectman Chase made a motion to adjourn the meeting. Selectman Doherty seconded the motion. Motion passed 3-0-0.

The meeting was adjourned at 10:02pm.

Respectfully Submitted,
Jennifer Riel, Recording Secretary

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