

**NEW DURHAM BOARD OF SELECTMEN**

**New Durham Town Hall**

**May 4, 2017, 5:00p.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

Dot Viesel, resident

David Bickford, resident

Clayton Randall, resident

Terry Jarvis, resident

Kenneth Fanjoy, resident

Don Vachon, resident

Virginia Fanjoy, resident

Cathy Allyn, resident

Cathy Orlowicz, resident

Ellen Phillips, resident

**Call to Order**

Chair Swenson called the meeting to order at 5:00pm. **Chair Swenson made a motion to enter 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; and (c)- matter which, if discussed in public would likely affect adversely the reputation of any person. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

**Roll Call: Selectman Chase, Aye; Selectman Doherty, Aye; Chair Swenson, Aye.**

The Board entered non-public session at 5:01 p.m.

The Board reentered public session at 7:00p.m.

**Chair Swenson made a motion to seal the minutes of the non-public 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 Chase seconded the motion. Motion passed, 3-0-0.** Chair Swenson stated that the nonpublic session was for the review of staff performance reviews.

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*Draft*

### **Agenda Review**

Chair Swenson postponed recognition of a police officer until later in the meeting as the officer is currently on patrol.

### **Appointments/Announcements**

Mike Gelinas, stated that while there is a boat landing near the hatchery, which was approved by the Board of Selectmen, and the Dudley property which is now deeded to the Town, they are also in need of a place to set up for public access to Downing Pond. He presented pictures of the area and map for discussion. Selectman Chase asked if there are any legal issues with this. Chair Swenson stated he would like some more feedback on the insurance for public access. Town Administrator Kinmond stated all tax-deeded properties are covered on the Town's insurance. Chair Swenson clarified he would like the use confirmed.

David Bickford, resident, suggested defining the specific use of the property and discuss the high-water marker owner an abutter, Robert Bickford.

Mr. Gelinas noted EPA would begin their testing soon. Chair Swenson stated the first cyanobacteria committee would have their first meeting on May 11, 2017, 7:00pm at the New Durham Community Room.

Chair Swenson stated that in response to a question at the last regular Board of Selectmen meeting relative to the solid waste facility hours reduction, the hours and amount of money it would cost to add hours, was reviewed again. He stated it appears after further research that the original number approved for the 2016 budget was \$6,398, which was calculated with an hourly rate for two people plus other employment costs. Chair Swenson stated that since that time there has been a wage increase and the total costs to now add the reduced hours back to the schedule would be a cost of \$6,581. Selectman Chase stated there are some residents who would like the facility to open earlier and suggested looking at adding a weekend day. Hours and schedules were discussed.

Kenneth Fanjoy, resident, suggested opening earlier as opposed to two hours on Saturday or Sunday so the hours of the schedule wouldn't increase. There was further discussion of suggestions to increase operating hours of the facility.

**Selectman Chase made a motion to request a review of the hours of the Solid Waste Facility, increasing the available hours by four hours per week with a recommendation from the Solid Waste Facility manager/supervisor. Selectman Doherty seconded the motion.** Discussion: Selectman Chase stated it seems that with the amount of requests and input from the public, it is worth the extra cost. Chair Swenson noted he is only aware of two comments from the public. Selectman Chase stated she has heard from more than two, although the comments have not been made public and she herself would like to see earlier hours for more convenience. **Motion passed, 3-0-0.**

### **Public Input**

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Clayton Randall, resident, stated in reference to the community room name, he would like the Board of Selectmen to consider keeping the name, "Nelson Room" as many residents feel he did the most for the Town, including many "firsts" for fire trucks, equipment, etc. Mr. Randall stated Mr. Nelson also did many other community services but clarified he is not trying to demote anybody else.

David Bickford, resident, presented comments regarding Town meetings. See Attachment #1. Mr. Bickford stated he feels staffing levels should be maintained and tested as they are. He also stated the appointment policy was not followed in the appointment of Selectman Doherty.

Terry Jarvis, resident, stated in regards to the community room, when the fire company established the room they were informed they did not have the authority to name the room but it was up to the Board of Selectmen. She suggested the name of "New Durham Fire Chiefs Room".

### **Police Officer Recognition**

Chair Swenson stated that over the last 8-12 months, they have hired two new police officers, who have now completed training at the Academy. He welcomed the Officer Jameson Young to the Town and congratulated him on his recent Police Academy graduation.

**Selectman Chase made a motion to approve the Personnel Action form, increasing the pay rate of Officer Dunham to \$18.38 per hour. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Chair Swenson stated the Officer Griffin was unavailable due to scheduling but offered his congratulations on graduation from the Police Academy in December.

### **Agenda Review**

Chair Swenson added under New Business: review of the New Hampshire Municipal Association Update; quick Budget Review, DPW seasonal situation. He also suggested moving discussion of Committee Appointments before the Town Administrator's report.

### **Committee Appointments**

**Selectman Chase made a motion to appoint Dorothy Viesel to the Ethics Committee with term to expire 2018. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

**Selectman Chase made a motion to appoint Joan Swenson to the Ethics Committee with term to expire 2019. Selectman Doherty seconded the motion. Motion passed, 2-0-1.** Chair Swenson abstained.

**Selectman Chase made a motion to appoint Carol Allyn to the Ethics Committee with term to expire 2018. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

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**Selectman Chase made a motion to appoint Ellen Phillips to the Ethics Committee with term to expire 2020. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

Chair Swenson suggested making the appointment terms for the CIP staggered with one appointment 1 year and one 2 year with the goal of encouraging continuity.

Ms. Jarvis strongly urged the Board of Selectmen to consider doing longer than a 1 year term for better continuity.

Mr. Bickford stated he doesn't support longer terms.

Chair Swenson clarified he isn't looking to postpone the appointments. There was discussion of the intent and purpose of the CIP and its role in the budget process.

**Chair Swenson made a motion to appoint Bill Meyer to the Capital Improvement Committee, member at large with a term to expire 2018, subject to any revisions by the Board of Selectmen in subsequent discussion. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

**Chair Swenson made a motion to appoint Terry Jarvis to the Capital Improvement Committee, member at large with a term to expire 2018, subject to any revisions by the Board of Selectmen in subsequent discussion. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

**Selectman Chase made a motion to appoint Dorothy Viesel as a member of the Parks and Recreation Commission with a term to expire 2018. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

**Selectman Chase made a motion to appoint Patricia Luckern as a member of the Parks and Recreation Commission with a term to expire 2019. Chair Swenson seconded the motion. Motion passed 3-0-0.**

**Selectman Chase made a motion to appoint Doug Perkins as a member of the Parks and Recreation Commission with a term to expire 2020. Selectman Doherty seconded the motion. Motion passed 3-0-0.**

**Selectman Chase made a motion to appoint Andrew Hernandez as a member of the Parks and Recreation Commission with a term to expire 2019. Chair Swenson seconded the motion. Motion passed 3-0-0.**

**Selectman Chase made a motion to appoint Mark D'Entremont as a member of the Parks and Recreation Commission with a term to expire 2020. Chair Swenson seconded the motion. Motion passed 3-0-0.**

#### **Town Administrator's Report**

Town Administrator Kinmond presented a request to extend the road paving bid contract with F.R Carroll of Limerick, Maine and presented documents showing the contract

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extension. The documents and costs were reviewed and discussed. Chair Swenson asked if the materials price were not locked in at the time of the contract. Town Administrator Kinmond replied he would need to discuss it with the contractor. It was clarified this is for the 2017 work.

**Selectman Chase made a motion to have the Town Administrator extend the 2016 Paving Contract for an additional one year as outline in the 2016 Paving Contract, said asphalt tonnage prices dependent on NH DOT liquid asphalt bid and to furthermore authorize an amount \$285,000 for preservation work to be determined and submitted for final approval by the Board of Selectmen on May 18, 2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Town Administrator Kinmond presented documents for signature to apply with certification with federal surplus property group through the NH Department of Administrative Services. He explained this is where the State and municipalities' surplus equipment goes as well as federal surplus available for municipalities.

**Selectman Chase made a motion to enter into a public agency application certification agreement with the NH Department of Administrative Services Surplus Distribution section for surplus property and equipment and to authorize the department heads as gents to sign for such equipment upon authorization by the Board of Selectmen. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Town Administrator Kinmond stated as members of the Strafford Regional Planning Commission, dues are to be paid for membership in the amount of \$3,092 and a schedule was provided for review. He stated \$3100 was budgeted for and just needs authorization to make the payment.

**Selectman Chase made a motion to approve the annual dues for the Strafford Regional Planning Commission in the amount of \$3,092, purchase order #1981. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

### **Town Elections Legislation**

Chair Swenson stated the NH legislature passed a law regarding the towns that postponed the March elections and suggested New Durham hold a public hearing to ratify the various warrant articles that were part of the vote. He suggested the hearing be posted for the May 18, 2017 meeting.

### **New Business**

#### **Policies for Review**

Chair Swenson stated he has numerous edits for the policy on sale of Town properties. These were reviewed and discussed. The materials disposal policy was reviewed and edits made.

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**Selectman Chase made a motion to approve the disposal of project by-products and materials policy as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

**Chair Swenson made a motion that the effective date of this policy be the date of amendment, May 4, 2017. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

The Board of Selectmen Operational Guidelines draft was reviewed and edits were made.

The Town Employee Hiring policy was reviewed. **Selectman Chase made a motion to approve the Town Employee Hiring Policy as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

The Town Appointment Policy was reviewed. It was noted the vetting in the policy is already covered in the Hiring Policy

**Selectman Chase made a motion to approve the New Durham Policy on Appointments to Boards and Commissions as appointed by the Board of Selectmen, as amended. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

The Purchasing Policy was reviewed and edits no were made. **Selectman Chase made a motion to approve the Purchase Policy as presented. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

Review of the Ethics Committee Policies by the Board of Selectmen was tabled until May 18, after the Ethics Committee has had a chance to review.

The Public Participation at Board Meetings Policy was reviewed. **Selectman Chase made a motion to approve the Public Participation at Board Meetings Policy as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

### **Fire Department Community Room**

Chair Swenson stated his position as not changed over the last couple years of discussion and noted he is in favor of keeping the name New Durham Community Room but is not opposed to recognizing the contributions of numerous individuals. Selectman Doherty stated he would be in favor of naming it the Rod Nelson Room and respects what he did for the community. Selectman Chase concurred but also stated the calling it the New Durham Community Room, is really its purpose. Mr. Randall stated he agrees with the reason for it being called the New Durham Community Room but the Fire Company that established the room was more than just three people or just fire fighters. There was discussion of other options for recognizing Mr. Nelson. Ms. Viesel stated they have had many good fire chiefs over the years and would like to see all recognized. **Selectman Chase made a motion to change the name of the room attached to the back of the Fire Department Building to New Durham Community Room with a plaque that**

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**says “Dedicated to the Memory of Fire Chief Rod Nelson”. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

### **Yield Tax Assessments**

Town Administrator Kinmond distributed a summary of the Timber Yield Tax Reports for review and to take action on it.

**Selectman Chase made a motion to approve the timber yield tax be issued for Map 258, Lot 026 in the amount of \$43.37 which is due to the Tax Collector on 6/7/2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

**Selectman Chase made a motion to approve the timber yield tax be issued for Map 243, Lot 35 in the amount of \$288.28 which is due to the Tax Collector on 6/7/2017. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

### **Application for Voluntary Lot Merger**

Town Administrator Kinmond presented copies of maps and documents for the property. He explained the State RSA requirements and stated the current tax maps appears to indicate two plot lines however it's the applicant's responsibility to show where the lines are. By consensus the Board of Selectmen, Chair Swenson asked Town Administrator Kinmond to communicate to the applicant that more information is needed.

### **Department of Public Works – Seasonal**

Town Administrator Kinmond stated an RFP was posted for the seasonal work, only one bid was received. He suggested they proceed with filling two seasonal positions to bridge the gap between filling the DPW Director position. **Chair Swenson made a motion to authorize the Town Administrator to post for hiring two seasonal Department of Public Works employees with the intent that mowing and other related activities are their primary functions, with a pay range of \$12.50 to \$15.00 per hour. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

**Chair Swenson made a motion that the expense for the two seasonal employees to the extent possible, come from the respective department contract expense lines. Selectman Chase seconded the motion. Motion passed, 3-0-0.**

### **Budget Review**

Chair Swenson stated the new Budget Committee met for the first time last night and the budget was reviewed. He stated he would like to do that as part of the process for the Board of Selectmen as well and urged the Board to look at the budget packet distributed tonight.

Chair Swenson stated there was discussion of starting a “coffee with the town” session where a member of the Board of Selectmen or department head was available for public, non-formal chat session. Selectman Chase stated she spoke with Tim Goodwin of WCTV and they have a program similar to that and would love to film and broadcast on channel 24.

### **Policy Review Committee**

The draft guidelines were reviewed and discussed. **Selectman Chase made a motion to approve the Policy Review Committee Charge as amended. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

**Chair Swenson made a motion to enter into non-public session pursuant to RSA 91-A: 3 II (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 Chase seconded the motion. Motion passed, 3-0-0.**

**Roll Call: Selectman Chase, Aye; Selectman Doherty, Aye; Chair Swenson, Aye.**

The Board entered non-public session at 10:00pm.

The Board reentered public session at 10:15pm.

**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 Chase seconded the motion. Motion passed, 3-0-0.**

### **Approval of Minutes**

Meeting of April 6, 2017 – Public Session: 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 17, 2017 – Nonpublic Session: 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 Session: Edits were made. Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Motion passed, 3-0-0.**

Meeting of April 26, 2017 – Public Session: Edits were made. **Selectman Chase made a motion to approve the minutes as amended. Selectman Doherty seconded the motion. Motion passed, 3-0-0.**

### **Adjourn**

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

The meeting was adjourned at 10:22pm.



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Respectfully Submitted,

Jennifer Riel, Recording Secretary

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**Attachment #1 – Public Input: David Bickford Comments 5/4/2017**

*Staffing: Board of Selectmen Thursday, April 20, 2017, 7P.M.*

*It is my understanding that the Public Works Director / Road Agent was dismissed from his employment with New Durham on March 23, 2017. Yet, there is no public record of any changes at Public Works / Highway Dept.*

*Rod: You said before being appointed a Selectman you wanted more transparency. How do you feel about this lack of transparency?*

*Petitioners and Protesters may want to hit the streets but won't be able to if our government hides this information.*

*In 2007 the People at Town Meeting voted to have 7 full time employees at the Highway Department. We are now down to 4 full time Highway Dept. staff. A 43 % decline in full time staff. 57% staffed.*

*In 2006 Police at 5 full time officers. Presently a 20 % decrease with plans to increase to 100% of 2006 approved staffing level. Presently at 80% staff.  
Fire Dept. runs about 49% below its approved staffing level. This Department is all part time help.*

*Cecile: Since you made a great deal of commotion about staffing levels over the years and the will of the people approving these staffing decisions, what is your plan? Particularly for the Public Works Department / Highway Dept. with the largest Department Budget? What is your plan?*

*I feel full time staffing levels should be maintained and tested at the present level.*

*The Appointment Policy was not followed for the appointment of Selectman Doherty. He should have been nominated before appointed the same as other appointed positions. See 2007 Appointment Policy.  
Selectman Ex Officio to Planning Board needs to be officially voted on. Not shown in minutes.*

*Selectmen Telephone # published on website. Please.*

*David A. Bickford  
183 Brackett Road  
New Durham, NH 03855*