

**New Durham Board of Selectmen  
Minutes of Meeting ~ December 21, 2009  
Town Hall**

Members Present: Ron Gehl, David Bickford, Theresa Jarvis

Others Present: Road Agent (RA) Mark Fuller, Police Chief Shawn Bernier, Cathy Orlowicz, Elizabeth Orlowicz, Ryan Noonan

**1. Call to Order** -Chairperson Ron Gehl called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

**2. Citizens' Forum** - Cathy Orlowicz reported the engraved black granite bricks for the War Memorial have arrived and are gorgeous. She said they have been stored in the vault until the spring.

Selectman Terry Jarvis read a statement indicating comments made at the Budget Committee meeting might have given the impression that she and Selectman David Bickford had decided on part-time pay raises outside of a posted meeting, which she said was not the case. She said she was disappointed that Chair Gehl did not clarify that impression. Chair Gehl responded that the Board's votes on part-time positions were unanimous, and that Selectman Jarvis had now clarified. He apologized that he had not remembered every detail that transpired after midnight two days before. He said he did not feel it was a big issue as far as the Budget Committee was concerned.

Selectman Bickford asked what Town Administrator April Whittaker had been talking about at the meeting. Chair Gehl said that prior to the Selectmen's December 14, 2009 meeting, there had been no indication of increasing salaries. Selectman Jarvis said the Library Trustees were clear regarding increases.

Chair Gehl said now things were cleared up. He added that he had not contradicted Selectman Jarvis. Selectman Bickford said Chair Gehl did not clarify to the Budget Committee. He said it was important to bump up part-time salaries so the Town would not lose those people, as the Town saved on not having to pay them benefits. Chair Gehl said many issues were discussed at the December 14, 2009 meeting. Selectman Bickford said he was disappointed. Chair Gehl said the Budget Committee recognizes that the Board had lengthy discussions on salary and understands a more complete picture. He said if Selectmen Bickford and Jarvis had specific points to emphasize with the Budget Committee, they should let him know so he could carry them forward.

Selectman Bickford said he had concerns with what TA Whittaker said at the Budget Committee meeting. Chair Gehl said that prior to the Board's meeting, the Board knew there were some salaries to be discussed; but that he was taken by surprise that other salaries were thrown into the mix. Selectman Jarvis said three of the four salaries discussed at that meeting had been presented before then. Chair Gehl said he did not feel all of the salaries were brought up prior to that meeting.

### 3. Department Reports

*Police* – Police Chief Shawn Bernier presented the Board with a new contract with Cocheco Valley Humane Society. He outlined changes as the daily holding fee increasing from \$25 to \$30, the minimum annual sum increasing from \$750 to \$900, the protective custody fee increasing from \$30 to \$45, and that the shelter will no longer accept citizen strays. Instead, a police officer must sign in the animal. He said there was sufficient money in his budget to cover the increases, and recommended the Board sign the contract.

*Highway* – Road Agent Mark Fuller said an on-site inspection had occurred at the Davis Crossing Road project. He said the area was in good shape for the winter. He reported that one employee is still out on workman's compensation.

Chair Gehl noted the request for a change order on the Davis Crossing culvert project to remove the wearing course pavement from the contract with NorthEast Earth Mechanics. He said the paving would be done next year. At \$140 per ton, as stated in the Bid Schedule, it would result in a credit of \$5,740 to the Town. Selectman Bickford asked if the money would go back to FEMA. RA Fuller said all the bills are put together and FEMA sends the Town a check.

Selectman Jarvis said the Certificate of Substantial Completion noted some separation between the southwest wing wall and culvert. RA Fuller said it was the only wall that moved, and that the contractor will check it again in the spring and make it right if the wall is still moving, as indicated in the certificate.

**Motion by Chair Gehl to approve change order #2 of the Davis Crossing Road Culvert Replacement for a reduction of \$5,740.00; second by Selectman Bickford. The motion carried unanimously.**

### 4. Administrative Review

*TAC Appointment* - The Board signed the form appointing Land Use Administrative Assistant David Allen to the Technical Advisory Committee of the Strafford Regional Planning Commission. Selectman Bickford asked if the Board had voted on this. Chair Gehl responded in the affirmative.

Chair Gehl noted the notice from the Local Government Center of full reimbursement less the deductible of the Town's claim from the lightning strike.

He said the fire department budget issues would be discussed at the next meeting.

He indicated the test report on the ladder truck was included in the packet.

The Board scheduled its next meeting for January 4, 2010 at Town Hall at 7:00 p.m.

### 5. Old Business

Chair Gehl said the Board would touch on Capital Reserve Fund and Expendable Trusts matters tonight, and discuss the majority of compensation issues at the next meeting.

Selectman Jarvis said she thought the Budget Committee wanted resolution on compensation issues, so the Board would discuss those this evening. Chair Gehl explained that the Budget Committee would not meet prior to the Board's next meeting on January 4, 2010.

He said, with respect to the Capital Reserves, he adjusts the amounts to add, and has not yet completed updating the spreadsheets he uses to accomplish that. He said the CIP plan shows the total amounts, but does not factor in the time element. Because of that, he has projected them out to see how the balances build and to ensure the balances do not get too high. He said the Town could significantly reduce contributions and still have ample funds when withdrawals from those accounts need to be made. He cited some examples.

Selectman Jarvis said she had reviewed the CIP and noted two cases of items no longer needed or that could be pushed out. Chair Gehl said actual withdrawals are based on new information, and the build-up does not have to be as high as suggested. Selectman Bickford asked if the changes are in the plan, and Chair Gehl said they were.

RA Fuller asked if the money acquired by selling or trading highway equipment could be placed in the Capital Reserve Fund, rather than the General Fund. Chair Gehl said he did not think it would be possible without a Town Meeting vote. Selectman Jarvis suggested the wording of the pertinent Warrant Article could include that any proceeds of sale be put in the CRF. Chair Gehl said it would have to be checked into. Chief Bernier stated it would not help his department out much, as used cruisers usually sell for about \$200.

## **6. Public Hearings**

Chair Gehl opened a public hearing at 7:35 p.m. pursuant to RSA 91-A for the purpose of receiving public comment for withdrawal of \$2,200 from the Smith Ballfield Capital Reserve Fund, under Article 5 of the 2009 Town Warrant, for replacement of door structures to provide better security. He opened public comment. As there was no public input, he closed public comment.

Selectman Jarvis said there were several bids and asked what would happen with any money that was left over. Chair Gehl said it would stay in the reserve, as the withdrawal is from the CRF. She stated she supported improving the storage and concession stand doors.

**Motion by Selectman Bickford to approve the withdrawal from the Smith Ballfield Capital Reserve Fund in the sum of \$2,200; second by Selectman Jarvis. The motion carried unanimously.**

The Board signed the request for withdrawal.

Chair Gehl opened a public hearing at 7:40 p.m. pursuant to RSA 31:95-b to accept the sum of \$9,595.98 appropriated to the Town of New Durham for FEMA Disaster Declaration regarding the December 2008 ice storm. He said the award is through the

New Hampshire Department of Safety for costs incurred cleaning up after the ice storm. RA Fuller said this is the final portion of the 12 per cent owed to the Town by the state. Chair Gehl said a public hearing is held to receive unanticipated money over \$5,000. He opened public comment; there was no public input and he closed public comment.

Selectman Jarvis asked what the final amount was that the Town received. RA Fuller said he could get the figure. Chair Gehl calculated it to be approximately \$76,767.84.

**Motion by Selectman Jarvis to accept the sum of \$9,595.98 as the Town of New Durham's appropriation of FEMA's funds regarding the December 2008 ice storm; second by Selectman Bickford. The motion carried unanimously.**

Chief Bernier said the money was not put in his budget. Selectman Jarvis said it goes in the General Fund.

## **7. Old Business**

Selectman Jarvis said there were 12 budget issues to discuss, including custodial service, the increase in the election budget, fire department compensation, renovations to the fire station, a decrease in the Town Administrator's salary, and an increase in hours for the highway clerical position. Chair Gehl pointed out the bulk of those were compensation items and that TA Whittaker was gathering more information. RA Fuller said he would be able to discuss the part time mechanic's position. Chair Gehl said a need for a part-time mechanic has been identified. Selectman Bickford said there is an attempt to achieve reducing the backlog and bifurcated salary to reflect a greater proportion on the mechanic's budget. Selectman Jarvis added that a lower salaried person would be able to get parts. Chair Gehl said the suggestion had been made that a part-time person might have a higher proportion of his time helping the mechanic. RA Fuller said he agreed, but he would then have to look for a replacement in the highway department. Chair Gehl said RA Fuller would need someone with equivalent hours to replace the person helping the mechanic. RA Fuller said he would like some more time to look at figures. Selectman Jarvis said it could be difficult to find a qualified person. RA Fuller said it was fine with him to discuss the issue at the next meeting. Selectman Bickford asked if the rates should be changed. RA Fuller said he had requested a non-public session to discuss that matter.

The Board discussed clerical hours. Ms. Orlowicz said last year the proposal was for four hours a week. Chair Gehl said \$825 is presently budgeted for it. He said the Budget Committee felt it was an adequate amount, and okayed it for about 60 hours. Selectman Jarvis said the Budget Committee seemed to want to get the computerized systems going. She said the Board should find out how many hours it will take to get it up and running and then how much it will take to maintain it. Chair Gehl said that would run into many thousands of dollars. Selectman Jarvis said the Board had to decide its priorities.

Chair Gehl asked if there were any specific information requests on the compensation issues for the January 4, 2010 meeting. Selectman Bickford said he wanted the Board to

look at part-time positions that do not receive benefits. Chair Gehl summarized that to converting full time positions to part time. Selectman Bickford said they could be at the Solid Waste Facility, clerical positions, and custodial positions. He said if was for equity issues. He said part-time was anything less than 28 hours a week. He said the Board would not want to forget a position. Chair Gehl said Selectman Bickford wanted a better idea of who applies, and discuss the increases to part-time positions less than 28 hours, and that a complete list is necessary. Selectman Jarvis said there are eight positions, and the Board has made decisions on four.

She brought up joint custodial service for Town buildings. Selectman Bickford said he did not know where to go with that. Chair Gehl said it can get expensive if the service is contracted out. He said different buildings have different needs. He said he was satisfied the way things were and the Board lacked enough information to suggest an alternative. RA Fuller said the highway department's forced air furnace keeps things dirty.

Selectman Bickford said he was suggesting \$65,000 for TA Whittaker's salary, rather than close to \$75,000, and he wanted to discuss the matter this evening. Chair Gehl said it was something to be discussed at the next meeting. Selectman Jarvis said she wanted to see the contract but could not find it. Chair Gehl said it could be made available. He said the discussion should take place when TA Whittaker was in town. He said setting compensation was typically taken up in non-public session. Selectman Bickford said it was an equity issue and the salary was way off the scale. Chair Gehl said there were various elements to factor in.

Selectman Jarvis said she wanted fire department breakdowns. Chair Gehl said they could be available in January with the new computer system. He said Fire Chief Peter Varney would be at the January 4, 2010 meeting. Chair Gehl stated when specific circumstances such as experience levels or particular skill sets are discussed, it is more legitimately addressed in non-public session.

**Motion by Chair Gehl at 8:20 p.m. to enter non-public session under RSA 91-A:3 II (a) and (c) to discuss compensation issues.** Chair Gehl withdrew his motion in order to finish up the agenda.

#### **8. Approval of Minutes**

**Motion by Selectman Jarvis to approve the minutes of the business meeting of December 7, 2009, as amended; second by Selectman Bickford. The motion carried unanimously.**

**Motion by Chair Gehl to approve the minutes of the business meeting of December 14, 2009, as amended; second by Selectman Bickford. The motion carried unanimously.**

**Motion by Chair Gehl to approve the non-public minutes of December 14, 2009, as amended; second by Selectman Jarvis. The motion carried unanimously.**

#### **9. Non-public Session**

**Motion by Chair Gehl at 8:50 p.m. to enter non-public session under RSA 91-A:3 II (a) and (c) to discuss compensation issues and a matter that could affect the reputation of an individual other than a Board member; second by Selectman Jarvis. A roll call was taken. Gehl - aye, Bickford - aye, Jarvis - aye. The motion carried unanimously.**

## **10. Adjournment**

Respectfully submitted,  
*Cathy L. Allyn*

A video recording of this meeting is on file with the Office of Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.