

**New Durham Board of Selectmen  
Minutes of Meeting ~ February 7, 2011  
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant (AC) Alison Rendinaro, Fire Chief Peter Varney, Marc Behr, Scott Drummey, Barbara Hunter, Kevin Jenckes, Cathy Orlowicz, Jon Roy, Mary McHale

**1. Call to Order** –Chairperson Terry Jarvis called the meeting to order at 7:02 p.m. and led the Pledge of Allegiance.

**2. Agenda Review** – There were no changes.

**3. Citizens' Forum** – Chair Jarvis announced that Cameron Quigley has completed all requirements for Firefighter I. She asked Fire Chief Peter Varney to let him know the Board sent its congratulations.

**4. Public Hearing** – Chair Jarvis opened a public hearing to rescind the Ambulance Special Revenue Fund at 7:04 p.m. She read aloud Articles 27 and 28, indicating they were contingent upon the other passing. She said the DRA requires two articles in a situation like this – one to dissolve a special revenue fund and one to establish a revolving fund. She said there is approximately \$155,000 in the fund now. She opened public input.

Scott Drummey asked what the difference was between the two kinds of funds. Chair Jarvis explained that all expenditures from a special revenue fund must go before Town Meeting, whereas the fire department can come to the Board of Selectmen and ask for monies to be removed from a revolving fund. Mr. Drummey asked if the amount in the special revenue fund could be indicated in Article 27. Chair Jarvis said that could be explained at Town Meeting. Chief Varney noted the two articles are contingent upon the other. Mr. Drummey suggested outlining in the narrative that the two are linked to each other. Chair Jarvis closed public input at 7:10 p.m.

Selectman David Bickford said Chief Varney was happy with the articles, as was DRA, so he was satisfied. Chair Jarvis stated a change in language occurred in Article 28 since the Board's approval of the Warrant last week. Administrative Consultant (AC) Alison Rendinaro said "All" has been added at the beginning of the second sentence, to indicate all revenue. Chair Jarvis said 100 per cent of fees have always gone back into the ambulance fund. She closed the public hearing at 7:12 p.m.

**Motion by Chair Jarvis to approve Article 28 as revised by Town Counsel and the Budget Committee to include "All" and "a single piece of equipment"; second by Selectman Fred March. 3-0.**

## **5. Department Reports**

*Fire* – Chief Varney reported the fire department has been extremely busy, and had three runs today so the standard report to the Board was not ready. He said he would get it to AC Rendinero as soon as possible.

*Implementation Schedule* – Chair Jarvis said she generated a draft schedule for the implementation of the revised Fire Department Rules and Regulations and wanted to meet with Chief Varney to see if her timeline was reasonable. Mr. Behr asked why the entire Board was not involved. She said she wanted to do the draft and present it to the Board. Chief Varney said he was available Thursday, Feb. 17 at 1:00 p.m. at the fire station.

*Comstar Fee Schedule* – AC Rendinero said some communities have raised their ambulance fees 200 per cent over Medicare rates, and that most private insurance companies pay the difference. She said we need to decide the Town's priorities. Chief Varney said he saw no reason to raise New Durham's rates. He said he didn't want people hesitating to call because of cost.

Jon Roy spoke of his Medicare refresher training, and said the law is changing as to what is billable, so the waters are getting muddy. He said the billing is complicated and the Town needs to speak with someone with the requisite knowledge. Chair Jarvis said there is the possibility that insurance carriers will be required to pay the ambulance companies directly, rather than paying individuals. Paramedic Kevin Jenckes said the Town would never want to do its own billing, as it is a nightmare and the Town would then be liable. He said remaining with Comstar was the best route. He said most companies bill the minimum of Medicare rates. He said some things, such as oxygen, IV, and bandaging cannot be billed, but some private insurance companies will pay for them, so those items are listed on the rate form. Some charges are based on degree of skill set.

Chair Jarvis said the Town was not considering leaving Comstar, but it did need to set the rates. She recommended staying with the rates. Mr. Jenckes said Comstar recommends Medicare rates plus 10 per cent. Selectman Bickford said any errors in billing might make the Town liable, and perhaps there was the need for an overseer. Chair Jarvis said she was concerned there had not been a meeting with Comstar, the Board, and the fire department. She said there was uncollected debt. Chief Varney said that would always occur. Discussion turned to face sheets and patient information provided by the hospital. Chief Varney said it was more important to get the ambulance back in service than to sit around waiting for paperwork. Mr. Jenckes advised that collecting 60 per cent of what is billed is a high percentage. He said providing an ambulance is not designed to be a moneymaker. He said New Durham has a high percentage of Medicaid recipients and the uncollected fees from that are high. He said there is also a high number of uninsured and self pay people here.

The current New Durham rates are slightly above Medicare plus 10 per cent because Medicare rates recently went down on some items, and the Town's rates do not reflect that. The Board determined that the contract with Comstar was set up in the early 1990s. Chief Varney said he would like Town Counsel to look at the contract. Chair Jarvis said AC Rendinero would get a copy.

**Motion by Chair Jarvis to change the billing rates to Medicare plus 10 per cent as recommended by the fire department; second by Selectman Bickford.** Chief Varney said 10 per cent over Medicare was standard. Selectman Bickford said Chief Varney was conscientious about not sticking it to the public. **3-0.**

*Equipment Mechanic* – Chair Jarvis said Equipment Mechanic David Valladares did not have anything of note for the Board and could not be present as he will probably be out with the highway department tonight.

## **6. Status Reports**

Chair Jarvis said the Town's financial review recommended doing more extensive inventory and AC Rendinero is to look into this.

She said the Board could begin finalizing the recycling schedule.

She asked Selectmen Bickford and March to read the draft of the investment policy before the next meeting. Selectman March asked when the policy went into effect and what was done prior to that time. Chair Jarvis replied that the policy was instituted four years ago, when statute required Boards of Selectmen and Trustees of the Trust Funds to have an investment policy, which is reviewed yearly. AC Rendinero said she has a checklist of what needs to be done when.

## **7. Old Business**

*Budget* – Chair Jarvis said the Budget Committee concurred with many of the Board's changes. She noted the Board needed to reapprove certain lines. She said money had been added to account 4909 for payment for the Boodey House dismantling.

**Motion by Chair Jarvis to rescind the previous approval of account 4909 Improvements Other Than Buildings, and approve the new total of \$33,500; second by Selectman Bickford. 3-0.**

**Motion by Chair Jarvis to rescind the previous approval of account 4916 Expendable Trust Funds and approve the amount of \$50,000 in Building Improvements for a total of \$62,500; second by Selectman March.** Chair Jarvis said the Budget Committee wants to maintain the buildings. The Board discussed the current condition of Town Hall. AC Rendinero said volunteers are available. **3-0.**

Chair Jarvis said the Board concurs with the Budget Committee's budget. She announced the public hearing on the budget to be Wednesday, Feb. 9, 2011 at 7:00 p.m. at the New Durham Public Library and urged people to attend.

Chair Jarvis said initially the cost of the grader was in account 4902, but now it is just the first payment.

**Motion by Chair Jarvis to approve account 4902 Capital Outlay and Equipment in the amount of \$108,950, reflecting the payment for the first year's lease of the grader; second by Selectman March. 3-0.**

*Warrant* – Chair Jarvis said there have been changes to the draft warrant based on input from Town Counsel, DRA, and the Town Clerk. The Board went over the changes in Articles 7, 8, 12, 26, 27, 28, the third paragraph on the first page and Article 2. Selectman March asked what is required for a paper ballot. The Board

determined five voters requesting it must be present and the request must be in writing.

Chair Jarvis explained Article 35 was not on the Warrant during last week's meeting. She described it as seed money in case the state wants to sell us land believed to be Town-owned. She said the Town could be putting money away toward the purchase price. The state indicated \$45,000 for three acres in the sand pit. Cathy Orlowicz pointed out the article as written does not state the intent. Mr. Drummey said it was vague and that his interpretation of it was that every year the contribution would be \$2,000. Chair Jarvis said it was a non-lapsing fund so the money goes in and stays there until the project is completed, and that a deadline is determined. Mr. Drummey asked why the Town would buy the land. Chair Jarvis said it is currently used by the Town to store highway equipment and for access to trails and the police department's shooting range. Mr. Drummey asked why not leave it the way it is, if the state allows the Town to cross it for free. AC Rendinero said it is a buildable lot on the road and it could be sold.

The Board went through several permutations of language for Special Warrant Article 35 before settling on: To see if the Town will vote to raise and appropriate \$2,000 toward costs associated with the future acquisition of the three-acre state-owned land identified on Map 251 and contained within lot 21, which is surrounded by the Shirley Land Trust. This is a non-lapsing article under RSA 32:7VI and will not lapse until the project is completed or until December 31, 2016, whichever comes first.

Chair Jarvis said the Board must be prepared for questions on the article. Selectman Bickford said the state has asked the Town to buy it, and the article would give us a year to see if residents are interested. Ms. Orlowicz advised that the Board needs to know where the money will be coming from.

**Motion by Selectman Bickford to adopt Article 35 as read; second by Selectman March. 3-0.**

Mr. Drummey suggested the Board come to Town Meeting with boundary lines of the property and rationale for why the Town should buy it. Selectman March said a sketch would be needed because no one knows where the property is. He said it abuts the cemetery and people should know that. Barbara Hunter noted that the Board removed the word "approve" from Article 35, and asked if the article is for approval to purchase that land. Selectman Bickford said if the townspeople are interested, the Board would talk to the state.

Chair Jarvis said the highway department obtained three quotes for carbide blades and other items for a total over \$5,000.

**Motion by Chair Jarvis to sign the purchase order with John Fairchild for carbide blades, etc. in the amount of \$5,000; second by Selectman Bickford. 3-0.**

The Board discussed the similarities between Article 35 and the Red Oak article of a previous year, and considered modifying the language before deciding to leave the wording as it is.

**Motion by Chair Jarvis to approve the Town Warrant of 2011 as revised at the February 7, 2011 business meeting.** Selectman Bickford said the articles regarding the Ethics Ordinance were in the middle. Selectman March said if Article

13, which repeals the Ordinance, passes, the remaining articles would be moot. Mr. Drummey said some of the articles on the Ordinance seem to conflict. Chair Jarvis said some of the articles came from the Board of Ethics and some from Mike Gelinas. She said the Board felt the voters should decide. Mr. Drummey said the conflict might not be immediately apparent to the voters. He noted wording that required board members or employees to cooperate, yet they are not required to show up or provide evidence. Ms. Hunter, chairperson of the Board of Ethics, said the BOE is setting a standard by using the phrase "shall cooperate," but if someone does not cooperate by showing up or providing evidence, the BOE has no legal authority to require them to. She said the Local Government Center advised the BOE there are no statutes granting such a board power to require actions or administer oaths. She said "shall" sets the bar and an expectation. Selectman Bickford suggested changing the wording to "are expected to," rather than "shall". Ms. Hunter said the BOE was meeting tomorrow and she would bring it up, and, if acceptable to members, amend from the floor at Town Meeting. **Second by Selectman March.** Selectman Bickford asked if the Board was comfortable with the article to repeal the Ethics Ordinance. Chair Jarvis said she wanted to let the people make the decision. Selectman March said he felt the same way. **3-0.**

## **8. New Business**

*Town Warrant Call-In* – Chair Jarvis said the public call-in, broadcast live on Community Access TV, would be Wednesday, February 23, 2011 at 7:00 p.m. The Board will be at the New Durham Public Library. She asked selectmen to notify AC Rendinaro as to which articles they would speak to. She suggested inviting department heads, the Board of Ethics, the Budget Committee, and the Planning Board to be in attendance to speak, also.

## **9. Schedule Next Meeting**

The Board scheduled its next meeting for February 14, 2011 at 7:00 p.m. at Town Hall.

## **10. Approval of Minutes**

**Motion by Chair Jarvis to approve the non-public minutes of January 31, 2011, as presented; second by Selectman March. 3-0.**

## **11. Non-public Session**

**Motion by Chair Jarvis at 8:57 p.m. to enter into non-public session under RSA 91-A:3 II (d); second by Selectman Bickford.** Selectman Bickford indicated he also wanted to discuss a personnel issue. **Motion by Chair Jarvis at 8:58 p.m. to enter into non-public session under RSA 91-A:3 II (d) and (c); second by Selectman March. A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.**

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.