

**New Durham Board of Selectmen
Minutes of Meeting ~ May 16, 2011
Fire Station Community Room**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison Rendinaro; Police Chief Shawn Bernier, Town Clerk Carole Ingham, Fire Chief Peter Varney, Transfer Station Foreman Joe Bloskey, Police Department Administrative Assistant Katie Woods, Transfer Station Administrative Assistant Cathy Orlowicz, Marcia Clark, Senior Consultant of MRI Alan Gould, candidate for Strafford County State Representative District No. 3 Hunny Puterbaugh, Dot Veisel, Mary McHale, Stuart Rinschler

1. Call to Order – Chairperson Terry Jarvis called the meeting to order at 1:04 p.m. and led the Pledge of Allegiance.

2. Agenda Review – There were no additions or corrections.

3. Citizens' Forum - Hunny Puterbaugh announced herself as a candidate for state representative from district 3, to be voted on at a special election on June 7, 2011 for a primary for New Hampshire Statehouse representative.

4. Appointments

Conservation Commission Appointments - Chair Jarvis stated that two weeks ago Marcia Clark was nominated to be a full member of the Conservation Commission and Ron Gehl, an alternate member. Chair Jarvis asked Ms. Clark why she wanted to be on the CC. Ms. Clark said she served on the CC when she lived in Plaistow, where members walked town lands to ensure there was no abuse, and wanted to learn more about the NDCC. Chair Jarvis asked if Ms. Clark had spoken with other members of the CC to get an idea of the time commitment. Ms. Clark said she had.

Selectman David Bickford asked Ms. Clark if she had asked the CC for a reference, or was that something she had asked members to do. Ms. Clark said she went to the CC and asked if she could join. She said she wanted to learn what it was all about. Selectman Jeff Kratovil asked Ms. Clark where she saw the town in five or 10 years from now, and if there were a direction she would like to see it go. He asked if she had a sense of where the community would like to be in five or 10 years. Ms. Clark said she had no personal preferences as long as it stayed a nice town.

Motion by Chair Jarvis to appoint Marcia Clark as a full member of the New Durham Conservation Commission; second by Selectman Bickford. 3-0.

Town Clerk Carole Ingham swore in Ms. Clark.

Town Administrator Alison Rendinaro read an email from Mr. Gehl regarding his appointment to the CC. In it, he apologized for not being able to be in attendance, and outlined his long history of involvement in town issues. He cited his years on the Planning Board and his position as Board representative to the CC. He stated he believed his background in environmental engineering would be an

asset to the CC. Mr. Gehl said he was familiar with the technical aspect of permit reviews and had spent hours working toward conservation with the Society to Preserve NH Forests and Moose Mountain Regional Greenways. He said his relationship with those organizations could help leverage their resources toward successful conservation efforts throughout the town.

Motion by Selectman Bickford to appoint Ron Gehl as an alternate member of the New Durham Conservation Commission; second by Selectman Kratovil.

Chair Jarvis said Mr. Gehl had served on the CC as Board representative. Selectman Bickford noted Mr. Gehl's experience in civil engineering and considerable knowledge in the conservation area. He said he did not talk directly with Mr. Gehl, but Mr. Gehl had gotten back to the Board, so he was satisfied. **3-0.**

Selectman Bickford said he did not think the commissions should be making references to the Board. He said the only body authorized to do so is the Commission of Parks and Recreation. He opined that the people should not be going through what constitutes a double process of approval, by asking them to be approved first by the board they are volunteering for, even if that board volunteered to do that, and then coming before the selectmen.

Chair Jarvis said that a couple of times during her tenure on the Board, appointments were made and some members of those boards indicated they would like to meet with candidates ahead of time to explain how their board functions and what goes on. She said she thought it was appropriate for volunteers to attend meetings ahead of time. Selectman Bickford said that was not what he was referring to. He disagreed with a board taking a public vote determining if someone should be on their board or not. Chair Jarvis said she did not think it hurt. She said it was nice to know that the board had met with the people asking to be on it. She said she did not want to stop that option of a board or of a volunteer. She said she did not want to force anyone to do it. She cited the Parks and Recreation Commission as a body that makes recommendations, as it is part of their charter. Selectman Bickford said it could be publicly humiliating to be turned down and added that statutorily there are only certain things boards and commissions are allowed to do. He said the CC can make recommendations for protective development or better utilization of areas, such as wetlands, but it's not a duty of that body to vote on a candidate, so he did not recommend it. He said the Board was the appointing body, and it was enough for a volunteer to go through it once.

Selectman Kratovil said he would have to think about it, drawing on his experience on the Planning Board. Selectman Bickford pointed out that the Planning Board was different, as it was an elected board and could appoint its own alternates.

Chair Jarvis said the Board invited George Gale to meet regarding an appointment to the 1772 Meetinghouse Restoration Committee. TA Rendinaro said she had communicated with him via email and had not heard back, and she had not followed up with a telephone call. Selectman Bickford asked if the email indicated there was a meeting today, and she said it had.

Forestry Appointments - Chair Jarvis said Forestry Warden David Stuart had submitted Marc Behr and Valeri Behr for burn permit issuing agents and Kenneth

Lockwood for deputy warden. Regarding the Behrs, Mr. Stuart said they completed the permit writing forestry course held at the fire station two weeks ago, which is the training all wardens and deputy wardens in the state are now giving. He said it familiarizes them with all rules and regulations regarding writing permits and the guidelines that go with that. Selectman Kratovil asked if that were the only prerequisite for the position, and Mr. Stuart indicated that was pretty much it. He said training also went on in-house. He said the program the rangers provide is adequate to prepare permit writers. He added that he works one-on-one with them for a few weeks.

Chair Jarvis asked how many are currently authorized to issue permits. Mr. Stuart said he has four deputy wardens who can issue, and eight to 10 issuing agents. He said he could spread out the service more, with more people. Chair Jarvis asked if permits were being issued only on Saturdays. Mr. Stuart said if an authorized person is at the fire station when a resident comes down, a permit could be issued. He said Rod Nelson can also be contacted to issue a permit, and Dwight Jones in the Second Division issues to residents there so they don't have to travel all the way into town. He said permits are issued from 9:00 a.m. – 11:00 a.m. on Saturdays, when people are generally running errands and can swing by. Chair Jarvis clarified that appointing the Behrs would provide additional ability for people to get permits.

Selectman Bickford said it sounded like Mr. Stuart did background work. Mr. Stuart said having extra writers frees others up so an entire Saturday is not tied up. Chair Jarvis said the candidates met the state minimum standards, but she would like to see additional training. She said the forestry course provides an excellent background, as the issuing agent actually teaches a lot to residents. She said she encouraged them to take the course. Selectman Bickford said he was satisfied. Mr. Stuart said the rangers provide a great program and everyone is learning.

Motion by Chair Jarvis to recommend to the Forest Protection Bureau that Marc Behr and Valeri Behr be issuing agents; second by Selectman Bickford. 3-0. Chair Jarvis noted that the state Division of Forest and Lands does the actual appointment.

Regarding Mr. Lockwood, Chair Jarvis said she has known him for years and indicated he would be a good teacher. Mr. Stuart said he had a wealth of knowledge in the industry and is a special deputy for the state with a background in communications and safety lookout. He said Mr. Lockwood would definitely be an asset to the town. Selectman Bickford noted the Board has met with Mr. Lockwood.

Motion by Chair Jarvis to recommend the nomination of Kenneth Lockwood as deputy fire warden to the Forest Protection Agency; second by Selectman Bickford. Selectman Kratovil said he would be voting against the motion but wanted it known it was not because of anything personal against the candidate. He recognized that the Fire Chief has a lot of faith in him, but felt it was important to follow protocol in a quasi-military environment, and Mr. Lockwood does not meet the qualifications, as he has not been a member of the department for at least four years and captain for at least one year. Chair Jarvis pointed out that the position under review is deputy fire warden, which falls under state requirements. She said Selectman Kratovil's reference was deputy of the fire

department, which comes under Town requirements. She added that a person does not have to be a deputy in the fire department to be a deputy warden. Mr. Stuart explained that Chief Varney runs the fire department, which covers medical calls and house fires, while he is essentially fire chief of woods, grass and any outside burn. **3-0.**

Fire Chief Peter Varney said Mr. Lockwood can be appointed to the fire department after his physical, and then the requested waivers can be discussed.

TA Rendinaro said Health Officer Arthur Capello has requested that Ken Quigley be appointed deputy health officer. Chair Jarvis clarified that the health officer can appoint a deputy health officer, according to statute, subject to approval by the Board and the Commissioner of the Department of Health and Human Services. Selectman Bickford said he would prefer to wait before appointing Mr. Quigley.

Chief Varney said he needed clarification regarding appointments. He stated the Board's approval of deputy fire chief is not required under the RSAs. He cited Article 23 from 2008 Town Meeting. Chair Jarvis said, when researching the Fire Department's Rules and Regulations, she contacted the Local Government Center for clarification on that article. They concurred with her that by passing that article at Town Meeting, it superseded anything in current regulations. She said they also concurred that the Fire Chief has the authority to appoint, subject to regulations set out by the Board of Selectmen. Chief Varney said the regulations can't supersede the RSA.

Chair Jarvis said the issue is if the Board has the authority to appoint any officers within the fire department. Chief Varney said the Board appoints the fire chief, who then appoints all officers within the department. Chair Jarvis said the warrant article calls for the fire chief to be appointed by the Board. Chief Varney said all firefighters are to be appointed by the fire chief. Chair Jarvis agreed, but said that it does not cover officers. She said the Board would be happy to send the matter back to the LGC, if Chief Varney liked. Selectman Bickford said it looked serious enough to go to Town Counsel.

Chief Varney said he was asking for ex parte today. He said this issue concerned the entire department. He said the Board has certain projects it wants the department to complete, and this issue is preventing the department from completing them. He said the Board needs to make a decision on this now, or there will be delay on all other issues. Chair Jarvis said many of those issues had come up prior to Deputy Davenport's resignation, and when the schedule was discussed, the department said it had a deputy pending. Chief Varney said the department didn't expect it to be delayed this long, as it has been six weeks.

Chair Jarvis said the individual has yet to be appointed to be a member of the fire department. She said the Board has interviewed him and is waiting for the requirements. Chief Varney said the only requirement missing is the physical. He told the Board he's sent two people down for physicals, and they were refused at the medical office. TA Rendinaro said she did not know why they were refused. Chief Varney said Mr. Lockwood did not make an appointment for a physical earlier because the department was waiting on the Board's appointment. He said the delay for a decision is now going on eight weeks.

Chair Jarvis said she thought it was clear that as soon as the person was appointed as a firefighter, then the Board could act upon the request to appoint him as an officer. She said there is nothing for the Board to act upon, until he's appointed as a firefighter. She said all pre-employment requirements must be carried out, for the protection of the Town. Chief Varney agreed, but said the appointment is separate from employment. He said a person can be a member of the fire department and not get paid. He asked how Mr. Lockwood could be a firefighter if he could not be paid. Selectman Kratovil asked why the Board would want a person on the department, with lives at risk, who hasn't taken a physical. Chief Varney said he was not arguing that point, but there were volunteers on the department who are not Town employees, so the employee argument does not stand. Selectman Kratovil said, even so, they are hardly going to the position of deputy chief.

Chief Varney asked if the Board's decision then, was to continue down the same road. He said Mr. Lockwood is going this week for his physical, if he can get in. He pointed out that the department would have to then wait another week. Selectman Kratovil asked what was so important that this needs to be expedited. Chief Varney said it's been going on eight weeks that the department has not had a deputy chief and there is a list of duties that Chair Jarvis gave the department to complete within a certain timeframe. He said one of the items was SOPs. He said there were about six pages of work to be done and the deputy chief would be the primary person working on that.

Chair Jarvis said the fire department went through a period of several years without a deputy chief when the duties were the same, and divvied up between captains and lieutenants. She said some of those items should have been done on an ongoing basis for the past four or five years. She said there were only two items on the list due May 1, 2011 and personnel records held at Town Hall was nothing new. She said the other item was the department's plan for two individuals. Chief Varney said the deputy chief handles personnel matters, so if it was a personnel item the deputy chief would be the one to write that argument or policy. He said the Board is holding up the fire department and the list is not coming along. He said he was tied up with personal reasons and when that happened, a deputy chief was vital to pick up the slack.

Chair Jarvis said there was no deputy chief from 2003-2006. Chief Varney asked if that was acceptable. She said the department was able to function because duties were reassigned. Chief Varney asked if an ALS ambulance was run during that time. Chair Jarvis said it was not specified to be ALS at that time. He said more paperwork is required to run a paramedic ambulance. He said it is detrimental to the department to not have a deputy chief. He said it needs to get done and asked if Mr. Lockwood could be appointed now, pending his physical.

Selectman Bickford said all the other hiring conditions are met. Selectman Kratovil noted that there were two issues on the table – hiring Mr. Lockwood and determining whether or not the regulations will permit a waiver to appoint him deputy chief. He said the chief stated he has the authority to appoint. Chief Varney said it was only due to the delay that he wanted to appoint. He said he was not out to set precedent.

Selectman Bickford said he also did not see how the Board could make Mr. Lockwood deputy chief until he's a member of the department. Chair Jarvis said that was why the Board came up with a hiring policy, so that all departments hire the same way, rather than having the variations that have occurred in the past. Chief Varney said Selectman Bickford also inquired of the LGC. He said he normally had no problem bringing his officer appointments before the Board. Chair Jarvis said normally it would not be an issue, but officers tended to move up through the ranks. She said Mr. Lockwood is not yet a member.

Chair Jarvis said he was qualified for the position. She said the Warrant Article did not speak to appointment of officers. Chief Varney argued that "firefighters" mentioned in the article included officers, since it did not specifically leave out officers.

TA Rendinaro suggested voting today with conditions.

Motion by Chair Jarvis that once Kenneth Lockwood is a member of the fire department, the Board of Selectmen may waive the regulations regarding length of membership so he can be appointed deputy chief, subject to successful completion of all pre-employment requirements. Chief Varney said the Board does not have the right to appoint the deputy chief. Chair Jarvis disagreed. Selectman Kratovil said the state grants the Board hiring authority. **Second by Selectman Bickford.** Chair Jarvis said the Board does not meet for another three weeks. Selectman Kratovil asked if the Board was being compelled to act today. Selectman Bickford said the Board has gone through all the steps. **Jarvis – aye, Bickford – aye, Kratovil – nay. The motion carried.**

Chair Jarvis said things Selectman Bickford has said at meetings and in the newspaper have troubled her. She read a statement indicating she felt he was singling out the police department. (see attached) Selectman Bickford responded to her statement by saying Chair Jarvis said the Board agreed to have a study done on the police needs of the town. He said that was the same as a vote.

TA Rendinaro said she has checked with the International Association of Police Chiefs, but has no firm figures yet. She said a study of the police needs of the town could be done through the MRI contract for an amount that did not necessitate going out to bid, but it was not budgeted for. Chair Jarvis said the money might be hard to come by since the Town is running out of oil. Selectman Bickford said it sounded like Chair Jarvis was backing down from her previous opinion to have a study done. She said the Board would get prices and then look into it.

Selectman Bickford said it may have been inappropriate to say the police department does not need a fifth officer, because he did not know, but he said he has brought up that issue every year and it needed to be questioned.

Discussion turned to Police Chief Shawn Bernier's comments at the 2006 Town Meeting. Selectman Bickford asked if Chair Jarvis had researched any of those statements. Chair Jarvis said she was not in the habit of doubting the department heads and doubting the truthfulness of their statements. She said they were hired for their knowledge and expertise and she trusted what she was told until it was proven she could not trust. She said the Board did not have the time to

check every detail that is brought before it by department heads. She cited the transfer station's presented figures and said she took them to be correct, and added if the highway department said a road needed to be paved, she trusted their judgment and didn't go out and check herself.

Selectman Bickford questioned her on other comments she made regarding the facts presented at the Town Meeting. He then brought up the presented statistic of 19,000 cars on Route 11 on a summer's day and said no study was done to indicate that number. He said he went to the Department of Transportation, which supplied a figure of 6,200 vehicles and noted a decline in Rt. 11 travel in New Durham.

Selectman Kratovil said it was not the specific information presented that appeared to be the issue, but the appearance that the police department is coming under the microscope. He said it was Selectman Bickford's right to bring up the vetting policy, and clarified that Selectman Bickford's concern was that the police chief presented material that was invalid. He asked if it would be enough to tell the chief next time he presented information, he should look at a paper, with the expectation that the chief would say that would not be a problem. He said, looking at certain agenda items, it starts to look like a pattern.

Selectman Bickford said he asked for the information Chief Bernier quoted, and that the chief said the number of police officers was recommended by the FBI, and it was the only statistic given out at the call-in. He said information was falsely represented to the voters at Town Meeting. Chair Jarvis said she read the supplied information as a recommendation. She told Selectman Bickford that he had made comments and things have occurred to lead her to conclude that he is not unbiased. Selectman Bickford said he had the same feeling about Chair Jarvis. She said she had worked in public safety services, but tried to be fair and not roll over for requests from those departments.

Police Department Administrative Assistant Katie Woods said Selectman Bickford had questioned if her position needed to be full-time. She asked if he had ever looked at her job description in her personnel file. He said he did not know all her duties. She said he was putting out the information like the department was doing something wrong. She suggested he step down and not make any decisions regarding the police department because he was not impartial. She said she was sorry she voted for him.

Selectman Bickford presented information from towns the size of New Durham. Ms. Woods asked why he always went out and got other studies that were unfamiliar to the town. Chief Bernier cited the number of police officers added in nearby towns since 2006.

Selectman Kratovil said the point was the heat that the Board is putting on the police department forces the Board to look at other departments. He said he was sure there was an employee in every department that the Board could ask if they were really needed. He said that in this economy, we are all neighbors, and posed the question of wanting to go to the transfer station and finding an employee who is not needed. He said Ms. Woods was his neighbor as much as Selectman Bickford's, and asked if the Board wanted to lay off a 16-year employee.

Selectman Bickford asked him why he thought he wanted to lay her off. Selectman Kratovil said because he stated the department was bloated and had a dispatcher that was not needed. Selectman Bickford said he did not know if that position was needed, as other towns did not have it. Ms. Woods suggested he have a study done on the highway department personnel.

Chair Jarvis said Selectman Bickford had not read the job description, so he did not do the research before he started questioning the need for the position. She urged him to go to the police station and observe what work is done. She said the Town is billed based on population and number of dispatch calls. Ms. Woods said the reason she dispatches is to take the emergency calls so they are not forwarded onto Dover. She said that saves money and is proactive. Selectman Kratovil said a badged officer performed those duties in his hometown. He referred to Ms. Woods' salary and asked what type of individual would you get if the rate were less. Selectman Bickford asked Selectman Kratovil if he had looked at the Wage and Pay Study. Chair Jarvis said Ms. Wood's position was reviewed in 2008.

Chief Bernier provided a photograph of the police department in the early 1980s, with seven officers and a woman in evidence. He said the department is the same size 31 years later. He said he could not say if the officers were full-time or part-time. Selectman Bickford said that would make a big difference. Chair Jarvis pointed out there used to be an officer specifically for juveniles, and that the police department had absorbed the animal control officer. Selectman Bickford said Chief Bernier told him he could not do that when first asked to do so. Chief Bernier said that was true, and cited a problem if an officer was on a domestic call and received an animal control call. He said he was asked to make cuts, and that was the cut he made. Selectman Bickford said when first asked, Chief Bernier said it would be impossible to absorb that position.

Ms. Woods asked if Selectman Bickford felt the new officer was what caused the department to be bloated. Selectman Bickford said he questioned the need of a fifth officer and a civilian. Ms. Woods clarified that he felt the bloat was in personnel. She pointed out that the department operates with a lean working budget. She said everyone lives in town and pay taxes. Selectman Bickford said there is room enough to absorb the domestic violence prosecution costs. Ms. Woods asked him from where. He answered that the department should be able to and that the officers should be able to prosecute. Chair Jarvis said Chief Bernier had indicated certain officers would have to prosecute if the money no longer came from the county. She said that may require overtime when an off duty officer needed to come in to cover for an officer who was in court. Selectman Bickford asked why all officers couldn't prosecute. Chief Bernier said officers with little experience should not do the prosecution. Selectman Bickford pointed out that the lowest paid officers are Grade 5 on the wage scale and one of their listed duties is prosecution. He said if they are unable to do that, perhaps the Board should see about changing their labor grade. He said the same was listed in the job descriptions for Grade 7.

Chair Jarvis said she has seen new officers help with cases. Selectman Bickford said the Town hires other people to do some prosecution, and cited Mr. Donovan. Chief Bernier said Mr. Donovan has said he does not want to do it.

Selectman Bickford said the Town pays him \$10,000 a year. Chief Bernier explained that the contract is with Strafford County and the sheriff handles that.

Chair Jarvis said the issue is that statements have been made which have not been backed up. She said she personally feels that Selectman Bickford is unable to make an unbiased decision. She said she feels that the Board needs to have faith in our department heads. She said she wanted to make it clear to the public that it's not the official opinion of the Board. Selectman Bickford said it was never said that it was. He said it looks like people are reconsidering doing the study. He said he presented facts and further information was needed, but it appeared that people were afraid to move forward with that. Chair Jarvis said she was afraid of the cost to do an appropriate in-depth study.

5. Department Reports

Transfer Station – Transfer Station Foreman Joe Bloskey reviewed eight different companies for scales and recommended Advanced Scale, Inc. for a four feet by four feet floor scale with a 5,000 pound capacity at a cost of \$1,100, and with printer, \$1,885. He said it would be placed for easy access and out of the way of equipment. He said by utilizing it he could double-check the weight of recyclables that are sold and get a more accurate price for demolition. Selectman Kratovil asked if purchasing a floor scale would kill the chance of getting a drive-on scale. Chair Jarvis said she heard from an irate resident who was charged for demolition material in a garbage can. She said this scale would provide accurate charges for smaller loads.

Motion by Selectman Bickford to authorize the purchase of a four-foot by four-foot floor scale from Advanced Scale, Inc. for at a cost of \$1,885; second by Chair Jarvis. Cathy Orlowicz said they are in the process of applying for a grant that provides up to 50 per cent of the cost because the scale will be used for recycling. **Jarvis – aye, Bickford – aye, Kratovil – nay. The motion carried.**

Motion by Chair Jarvis to approve the application to New Hampshire the Beautiful for recycling equipment, specifically for a floor scale with printer and tickets; second by Selectman Bickford. 3-0.

Ms. Orlowicz announced a culvert replacement project that will close Middleton Road on Wednesday and Thursday of this week.

Selectman Kratovil brought up the compost pile and leaf blowing. TA Rendinero said there have been requests from employees who live out of town to take from the compost pile. Chair Jarvis said her feeling was that any employee or any resident, renter, or taxpayer could use it. The Board agreed that non-residents should not take from the pile. The Board discussed and approved that transfer station employees are removing items from the metal pile that can be repaired and fixing them for Town use.

6. Old Business

On-line payment agreements – **Motion by Selectman Bickford to authorize the chairperson to sign all necessary agreements and contract related to on-line payments and credit card use; second by Selectman Kratovil. 3-0.**

The Board signed the Warrant for the special election on June 7, 2011.

Town Clerk Carole Ingham announced she will be posting tax bills today.

Motion by Chair Jarvis to accept the proposed listing of fees and that it go to public hearing on June 6, 2011; second by Selectman Bickford. 3-0.

Zoning Board of Adjustment - TA Rendinaro said several people have come forward with interest, but no one has yet volunteered to serve. She said anyone interested could contact her or David Allen at Town Hall at 859-2091.

Solid Waste Ordinance and Fee Schedule – The Board revised language in the fee schedule addendum regarding Construction and Demolition Debris and Shingles and Sheetrock in an attempt to be more equitable to owners of different sized trucks. The new wording describes pickup trucks with six and eight-foot beds and vehicle bodies with larger than pick-up beds. The Board made minor changes to the ordinance.

Motion by Chair Jarvis that the Solid Waste and Recycling Ordinance and addendum 1, as amended, go to public hearing on June 6, 2011; second by Selectman Bickford. 3-0.

Chair Jarvis said someone at the public hearing may come up with better language for the one-ton truck situation.

Dog Ordinance – The Board agreed to not take the ordinance to public hearing on June 6, 2011, in order to solve the definition of “restrained” issue.

7. Schedule Next Meeting

The Board scheduled its next meeting for June 6, 2011 at 7:00 p.m. at Town Hall.

A public hearing is scheduled for June 6, 2011.

8. Approval of Minutes

Motion by Chair Jarvis to accept the minutes of the public meeting of May 2, 2011, as revised; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes of May 2, 2011, as amended; second by Selectman Bickford.

9. Non-public Session

Motion by Chair Jarvis at 3:55 p.m. to enter into non-public session under RSA 91-A:3 II (c) and (e); second by Selectman Bickford. A roll call vote was taken. Jarvis – aye, Bickford – aye, Kratovil – aye.

The Board entered into nonpublic session under RSA 91-A: 3 II (c) reputation and (e) litigation or pending claims, at 4:14 p.m.

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Alan Gould Senior Consultant of MRI, TA Alison Rendinaro

Motion by Selectman Kratovil to seal the nonpublic minutes of May 16, 2011; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis at 6:43 p.m. to come out of non-public session; second by Selectman Bickford. 3-0.

In non-public session the Board of Selectmen discussed a personnel issue, discussed guidance received from Town Counsel, and sealed the minutes of tonight's meeting.

Motion by Chair Jarvis to sign the letter drafted to Brett S. Purvis and Associates Inc.; second by Selectman Bickford. 3-0.

10. Adjournment

Motion by Chair Jarvis to adjourn at 6:45 p.m.; second by Selectman Bickford. 3-0.

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.

Attachment

Read by Chair Jarvis:

Over the past four to eight weeks you have made what I consider to be very serious allegations in regards to the New Durham Police Department. This includes, but is not limited to, questioning the actions of the Police Department during the recent hiring of a part time officer; your stating that Chief Bernier's comments at the 2006 Town Meeting were "criminal"; that their budget is "bloated" and you question the need for five full time police officers.

In regards to the hiring process for a part time police officer, I have listened to your understanding of what was said and to Chief Bernier's understanding of what was said. After watching the DVD of the August 2, 2010 Selectman's meeting multiple times, I could argue that both versions of that meeting are correct. What is clear is that directions from the Board of Selectmen to the Police Chief were not specific enough. Two weeks after the Board – in a 2 to 1 vote – authorized the hiring of an individual, you brought a copy of the "vetting" procedure to Board's meeting. Until that moment I did not know that new employees had to be "vetted", and it appears that may be in conflict with both State law

(RSA 91-A: 3, II (b)) and the Town of New Durham Personnel Policy. During my 2+ years on the Board of Selectmen, the Town has hired at least 15 individuals as either full or part time employees. Not a **SINGLE One** of these employees was “vetted” by the Board. In fact only **four** of these employees met with the Board before being hired. You have been a member of the Board of Selectmen this entire time. Why are you now singling out the Police Department in this manner?

- You have frequently questioned the need for New Durham to have 5 full time Police Officers.

It was at the 2006 Town Meeting a warrant article (#6) asked the Townspeople to authorize the hiring of a 5th full time officer. The 2006 Town Warrant Narrative states “The Board of Selectmen and the Budget Committee are recommending to the voters, the addition of a full time Police Officer to the ranks. In the past, to a large extent, the Town has been dependent upon part time officers. As we face the future, the pool of part time help has diminished greatly given the facts of the increasing complexities of police work and the professional hiring process. Further, our rural complexion is changing.” Later in the narrative it states “over the past few years, the Chief has experienced:

- Increasing overtime in the operational budget due to the lack of part time help or the ability to retain part time help
- Increasing caseloads and administrative back up within our court administration
- Review of other local department’s manpower appears to support the premise that serious consideration should be given to the question of an additional officer to the department.”

Approximately four weeks ago you called the actions of the Police Department at the 2006 Town Meeting in regards to the presentation that was made “criminal”. You have focused on one statement in the presentation that spoke to a recommended number of police officers to population. This

comment is only one of many statements that were made. You have not addressed the many facts that were presented which included but are not limited to:

- The miles of road in New Durham (75+/-)
- That in 2005 the Police drove 72,000 miles in patrol
- That from 1993 to 2005 360 new homes were built
- That it was 1993 that the last full time position was authorized.
- From 1993 to 2005 the following surrounding communities hired at least 1 if not more additional officers: Alton, Barnstead, Farmington, Middleton, and Wolfeboro
- According to a state traffic study completed in 2004 there are 19,000 cars that travel on Rt. 11 on a single summer day.
- Police Officers were “on call” 6 hours a night (or **42** hours/week).
- Response time while the officers were on call could be as high as **40** minutes
- That the Police Department had been discussing the need for an additional Police Officer with the Selectmen since 2002

In a paper ballot, those at Town Meeting passed this warrant article with 68% of the vote.

When you look at the presentation **in its entirety** there is nothing “criminal” about it.

You have also stated the Police Department budget is “bloated”. As you are well aware, the Police Department, like all the departments, boards, committees etc went through a very stringent budget review process. Chief Bernier presented his budget to the BOS in early December, I believe. We spent almost three hours reviewing his budget requests. By unanimous vote we accepted his budget. On January 6, 2011 we **APPROVED** his budget – again unanimously!!!! The Chief went through the same review process with the Budget Committee who approved his budget after a public hearing in

February. They also approved the Police Department budget unanimously!! If this budget is “bloated” why did you vote to approve it?

I have prepared a budget spreadsheet. I am requesting that you speak to each and every account documenting why you believe that that account line is “bloated”. I would like to discuss your findings at the next Board meeting.

The final item I would like to address is your Letter to the Editor published in The Baysider on Thursday May 12, 2011. You stated “At the May 2 meeting the selectmen agreed to have someone come in and do a review of what New Durham’s police department needs actually might be.” That statement **IS NOT TURE!!!!!!**

At the May 2nd BOS meeting, I asked you “Are you proposing that we have a comprehensive analysis of our Police Department?” You replied “I don’t think that that’s a bad idea.”

I then said “ I would be happy to see what XXXX and the International Association of Police Chief would cost to do a survey. I then asked Ms Rendinaro to obtain some estimates of the cost. There was NOT VOTE to “have someone come in and do a review of what New Durham’s police department needs actually might be.”

As a result of all of this and more, I believe that you are unable to make decisions regarding the Police Department and its members in a fair and unbiased manner. It is very important to me the public understands that your negative comments are yours alone and that they do not reflect the opinion of the Board of Selectmen as a whole.