

**New Durham Board of Selectmen
Minutes of Meeting ~ August 1, 2011
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil
Also Present: Town Administrator (TA) Alison (Rendinaro) Webb; Police Chief Shawn Bernier, Road Agent Mike Clarke, Fire Chief Peter Varney, Transfer Station Foreman Joe Bloskey, Recreation Director Kellie Chase, Deputy Fire Chief Kenneth Lockwood, Linda Hotchkiss, Cathy Orlowicz, Dot Veisel, Nick Woodard, Mary McHale, members of the public, Arthur Capello

1. Call to Order – Chairperson Terry Jarvis explained the meeting began at 6:00 p.m. and went immediately into non-public session, reconvening at 7:00 p.m. in public session. She led the Pledge of Allegiance. Chair Jarvis noted the passing of Marcia Clark on July 16, 2011. Ms. Clark served on the Ethics Committee and the Conservation Commission, and made home deliveries of books to shut-ins through the New Durham Public Library's Books on Wheels program. She said it had been observed that one might not always agree with Marcia's stand, but one always knew where one stood with her. The Board agreed that Ms. Clark's death was a major loss to the town.

2. Agenda Review – The Board made minor changes.

3. Citizens' Forum – Chair Jarvis announced the special election to be held August 9, 2011, and observed that the Town Clerk's and Tax Collector's offices will be closed that day.

Town Historian Cathy Orlowicz indicated New Durham has its first highway marker, which recognizes the 1772 Meetinghouse. She said former Town Historian Eloise Bickford applied for the marker over 20 years ago. Town Administrator (TA) Alison (Rendinaro) Webb said it looks great. Ms. Orlowicz said there was a lovely article on it in Foster's Daily Democrat.

Recorder Cathy Allyn said the format of the email provided by TA (Rendinaro) Webb from the Local Government Center regarding information brought up by the Board was exactly what she was requesting overall, as it showed what was asked, who answered the question, and what the reply was from that individual. She said at the previous meeting, when the Board reviewed the document, a selectman noted that the LGC said all communication was privileged. Ms. Allyn said, while that was true, the attorney went on to say selectmen are free to disclose attorneys' correspondence if appropriate, especially if the subject is discussed in any detail at a meeting. She said the selectman's statement exemplified what she was hoping to avoid, as she would prefer the attorney's words and not a selectman's interpretation. TA (Rendinaro) Webb said often responses via email are not timely. Ms. Allyn said that was understandable, but that written responses could be included in the minutes at a later date.

4. Appointments – *Visiting Nurses' Association* - The Board met with Linda Hotchkiss, CEO of the Rochester Visiting Nurses' Association. Ms. Hotchkiss said she requested the meeting to review the Board's 100 per cent cut of New Durham's funding of the VNA, based on bonuses and raises given the VNA staff. She said the bonuses, which amounted to about \$100 each, were a small thank you to nurses for taking on heavier

workloads. She said the raise was associated with a change in position. She indicated bonuses have been awarded only twice in 20 years, and staff members receive an average merit raise of three per cent. She said the VNA has suffered Medicare and county cuts this year. She said the organization's loss so far for 2011 is over \$300,000 and she had requested only \$1,750 from New Durham. She said the VNA needed the Town's support to carry on.

Ms. Hotchkiss said New Durham selectmen helped start the agency years ago. She explained that she competes with hospitals, which can pay nurses double what she can, and that the agency's insurance costs have risen. She told the Board the VNA has lost \$3,600 in New Durham already this year and asked the Board to reconsider its cut and fund the agency for this year.

Chair Jarvis said the VNA was funded until January 2011. She advised there was a feeling of unease funding an agency that gave raises and bonuses when New Durham Town employees have not gotten raises. Ms. Hotchkiss countered that the Town is funding for care, not raises. She said she was unable to provide care without nurses. Chair Jarvis asked if it were possible to appropriate money not approved at Town Meeting. Selectman David Bickford said he thought it could be, but wasn't sure. He told Ms. Hotchkiss the Board did not know what was appropriate to give social services. Ms. Hotchkiss cited mileage as a huge expense. She said the nurses' salaries are calculated based on two surveys – hospital and home care. She told the Board many applicants can't afford to work for VNA, because the salaries are so much lower than those in hospitals and the benefits are much less.

Ms. Hotchkiss said the situation regarding the newspaper article was blown out of proportion. She explained that she is responsible for providing staff to provide care. She told the Board the VNA does not refuse anyone in New Durham, that its request has decreased per capita, that information justifying the amount is provided along with the request, and that the agency has lost \$3,600 in the town already and was requesting \$1,750. She said if she froze salaries she would not have any staff, and indicated an RN with experience starts at about \$22/hour. Referencing the Medicare cut, she said the agency would not be able to survive on 41 cents on the dollar.

Selectman Jeffrey Kratovil said he sympathized with Ms. Hotchkiss, but sympathized more with the Town employees. Ms. Hotchkiss replied that it was not the role of the VNA to care for people it was not getting compensated for, and she could refuse to accept patients from New Durham. Selectman Kratovil suggested a resident with health care needs could approach the Town. Ms. Hotchkiss said a donation could be put toward the Medicare loss. Selectman Bickford said the Board would have to look where in the budget it could find money. Chair Jarvis advised a decision could not be made now, as the Budget Committee also voted not to fund the VNA. She said she believed if money was not appropriated in a line, money could not be given.

Ms. Hotchkiss said the Town of Barrington zero-funded the VNA budget, but then reinstated funding. She said she would like to discuss the situation, and added that if the Board ever had a question while budgeting to ask her directly. She said there was a lot of misinformation delivered and decisions were made that did not benefit residents. Selectman Bickford said the information influencing the decision came at the 11th hour. Ms. Hotchkiss asked why the Board would believe information that came at the 11th hour. Selectman Bickford explained that the Town has a tight budget. Chair Jarvis said citizens could donate to the VNA. She said she would bring up the matter to the Budget Committee.

Ms. Hotchkiss said she evaluates her staff regarding salary. She said it was her mission to take care of people, but she could not continue to do so unfunded. Selectman Bickford said Chair Jarvis indicated the VNA should not get the money based on the newspaper article and conversations she'd had with other people. Ms. Hotchkiss said the Board had the information it should need in the documents she provided. Selectman Bickford said an issue was if the salaries for nurses were appropriate. Ms. Hotchkiss said nurses could go to any hospital and double them. Chair Jarvis said if DRA says the Town can't give the money, then it can't, and Ms. Hotchkiss suggested checking with Barrington to see how it was done there.

Ethics Policy Revision Committee – Dot Martin Veisel said the committee has been meeting since the end of April and has only one section left to complete. She requested submitting the final draft to Town Counsel prior to a public hearing.

Motion by Selectman Bickford to allow the Ethics Policy Revision Committee access to Town Counsel for the purpose of reviewing the policy draft and addressing a list of specific questions the Committee has; second by Chair Jarvis. 3-0.

5. Department Reports

Parks and Recreation – Chair Jarvis indicated requests for special event permits related to Celebrate New Durham Day on August 6, 2011. Police Chief Shawn Bernier and Fire Chief Pete Varney had no issues.

Motion by Selectman Bickford to grant a special event license for the 5K Road Race on August 6, 2011; second by Selectman Kratovil. 3-0.

The Board signed the permit.

Motion by Selectman Bickford to grant a special event license for Celebrate New Durham Day on August 6, 2011; second by Selectman Kratovil. 3-0.

The Board signed the permit. Selectman Kratovil gratefully recognized those who supported the fireworks.

Motion by Chair Jarvis to approve the Parks and Recreation Department's raffle permit application for a 50/50 raffle to be drawn August 6, 2011; second by Selectman Bickford. 3-0.

Motion by Selectman Bickford to approve the raffle permit application of the Friends of the Library for a raffle to be drawn on August 6, 2011; second by Chair Jarvis. 3-0.

Recreation Director Kellie Chase thanked the Police, Fire, and Highway departments for helping to make the day possible.

Fire - Chief Varney said the snow machine is rarely used, and the Police Department could utilize it more efficiently. He said there is a trailer that goes with it. Chief Bernier said it could stay in the garage and be used for snowmobile accidents and cottage checks among other things, and would be a benefit.

Motion by Chair Jarvis to transfer the Ski-doo 377 snow machine from the Fire Department to the Police Department; second by Selectman Bickford. 3-0.

ComStar Electronic Payment Agreement – Deputy Fire Chief Kenneth Lockwood said electronic payment cuts time and allows for paperless work, so there is no downside to moving to Zir Med co. He said this way ComStar can interface with more private insurance companies.

Motion by Selectman Bickford to authorize ComStar to go forward with the Electronic Enrollment Authorization; second by Selectman Kratovil. 3-0.

Motion by Selectman Bickford to authorize the chairperson of the Board of Selectmen to sign on behalf of the Board; second by Selectman Kratovil. 3-0.

Chair Jarvis signed the agreement. Deputy Chief Lockwood said he changed the department's policy to now require review of coding prior to ComStar's billing. He explained there are different codes for those that need to be billed by ComStar and those that need to go to Frisbie Hospital. Chair Jarvis said correct billing could double the amount of receivables.

Police – Chief Bernier said the cruiser package is \$200 less than the amount approved from the CRF, and the work is complete. The Board signed the paperwork. He reported the concession stand was broken into, and the Miller Road burglar has been apprehended in Fort Myers, FL and is fighting extradition. The Chief said the Police Department is pursuing a governor's warrant, in reference to this case. He said Officer Eric Bourdeau passed the part-time test and will start at the part-time Police Academy on August 13, 2011.

Highway – Road Agent Mike Clarke and the Board discussed bids received for two projects. Chair Jarvis disclosed that one of the bidders for the paving project did work for the Food Pantry and she is on that organization's Board of Directors. She read aloud the bids (see attached) and said that between CRF and block grant monies, there is \$288,038 available for both projects.

RA Clarke said he recommended Pike Industries at \$226,654.50. He said the highway department has worked successfully with Pike in the past and he was not comfortable working with low bidder R. and D. Torno and Sons' Paving, Inc. due to delays and poor communication in the past. Selectman Jarvis said the \$2,000 more was a small price to pay to avoid aggravation.

Motion by Selectman Bickford to award the bid to Pike Industries in the amount of \$226,654.50 for paving and shoulder work as specified in the July 2, 2011 request for bids; second by Selectman Kratovil. 3-0.

Regarding the culvert work, RA Clarke said rusted out galvanized culverts installed in the early '70s need to be replaced. He read the bids aloud (see attached) and added that only one culvert needs to be sleeved, rather than two, and that all the vendors were notified.

He said the three upper bids of the six received were from companies the Town has worked with before. Chair Jarvis said she was unfamiliar with the two low bidders and suggested getting information on the companies. RA Clarke said S. Cardinal and Sons did a good job on the Valley Rd. culverts, and asked that the Board make its decision at the next meeting.

Excavator Rental – **Motion by Chair Jarvis that the New Durham Highway**

Department rent an excavator from Chadrick-Baross for \$4,000 per month; second by Selectman Bickford. 3-0.

The Board signed the agreement.

Road Agent's Contract – **Motion by Chair Jarvis to approve and sign Amendment 1 of the Memo of Understanding – Conditions of Employment of Michael Clarke regarding compensatory time as previously distributed at the last meeting in June 2011; second by Selectman Kratovil.** Mr. Clarke said his 180 hours of compensatory time, earned by plowing when the department was a man short, was not addressed in his original contract. TA (Rendinaro) Webb said road agents accrue significantly more compensatory time than other employees. **3-0.**

The Board signed the amendment. Selectman Bickford clarified that he did not sign RA Clarke's original contract as it included severance pay, which he disagreed with, but he signed the amendment, as he found it agreeable.

Transfer Station – Transfer Station Foreman Joe Bloskey said the 4x4 platform scales are set up. Ms. Orlowicz said staff performed an exercise that proved the Transfer Stations fees are in line. She said the prices are consistent if material is placed on the scale or if a large amount is brought in by truck. She said it can be demonstrated that people bringing in large and small amounts are charged the same.

Motion by Selectman Kratovil to implement Transfer Station rate changes of seven cents per pound per cubic foot for shingles and eight cents per pound per cubic foot for clean wood; second by Selectman Bickford. 3-0.

Compactor Repair Bids – **Motion by Chair Jarvis that Atlantic Recycling Equipment, LLC repair compactor #1 for the amount of \$6,074; second by Selectman Bickford. Selectman Kratovil asked about any warranties. Ms. Orlowicz indicated it probably was not warranted as it receives a lot of pressure. 3-0.**

The Board signed the agreement.

6. Old Business

Consortium Agreement with MetroCast - Motion by Chair Jarvis that the Town of New Durham participate in the intermunicipal agreement for a consortium for a cable franchise with MetroCast; second by Selectman Bickford. TA (Rendinaro) Webb said Franklin's Town Counsel reviewed the document and deemed it satisfactory. The Board discussed Selectman Kratovil's concerns about fee disputes and what New Durham's share would be if another town in the consortium did not pay its \$900 toward legal fees. TA (Rendinaro) Webb urged the Board to finalize the matter, as an employee was being paid to wait for them on another matter, and said she felt comfortable that a town would not upset its neighbors by not paying its share. She asked if it was worth not signing the agreement on the chance that another town did default and New Durham would have to pay \$1,000 or so, instead. Chair Jarvis suggested going to Town Counsel if there were more concerns. 3-0.

Motion by Chair Jarvis to authorize the chairperson to sign the agreement on behalf of the Board; second by Selectman Bickford. 3-0.

The Board agreed not to take the agreement to Town Counsel.

Special Counsel Representation Agreement - **Motion by Chair Jarvis to sign the**

Special Counsel Representation Agreement with Donahue, Tucker & Ciandella, PLLC; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to authorize the chairperson to sign the Special Counsel Representation Agreement with Donahue, Tucker & Ciandella, PLLC; second by Selectman Bickford. 3-0.

Chair Jarvis signed the agreement.

Historic Preservation Consultant Agreement – Motion by Chair Jarvis to sign the agreement with Elizabeth Durfee Hengen for an Historical Building Assessment for Town Hall in the amount of a maximum of \$15,000; second by Selectman Bickford. 3-0.

Chair Jarvis said Ms. Hengen indicated she could complete the HBA according to the discussed timeline. TA Webb is to let Ms. Hengen know the agreement is now signed. Chair Jarvis signed the agreement.

7. New Business

Raffle Permit Request – Motion by Chair Jarvis to approve the raffle request from Make a Wish of New Hampshire submitted by Merrie Marks of New Durham to be drawn August 6, 2011; second by Selectman Bickford. 3-0.

Budget Season – Chair Jarvis said it was time to think about a schedule for budget season. She said she would also bring this up at the joint meeting with the Budget Committee, which she would like to see happen on August 29, 2011.

8. Non-Public Session

Motion by Chair Jarvis at 9:55 p.m. to enter into non-public session under RSA 91-A:3 II (b); second by Selectman Kratovil. A roll call vote was taken. Jarvis – aye, Bickford – aye, Kratovil – aye.

9. Return to Public Session

The Board reconvened in public session at 10:16 p.m. Chair Jarvis said, while in non-public session, the Board met with a candidate for employment.

Motion by Selectman Bickford to hire Nick Woodard for part-time employment in the Recreation Department; second by Selectman Kratovil. 3-0.

Motion by Selectman Bickford to compensate Nick Woodard at \$8.25 per hour; second by Selectman Kratovil.

Chair Jarvis said she opposed the motion, as she would like to see new employees put on the salary scale. Selectman Bickford said the salary was consistent for the Recreation Department. said Rec Director Chase took those numbers from prior department salaries. Jarvis – nay, Bickford – aye, Kratovil – aye. The motion carried.

10. Schedule Next Meetings

The Board agreed to recess this evening's meeting prior to the final non-public session due to the lateness of the hour, and continue the meeting in non-public session on Friday, August 5, 2011 at 10:00 a.m. at Town Hall.

The Board scheduled its next business meeting for August 15, 2011 at 1:00 p.m.

The Board noted the joint Budget Committee Meeting on August 9, 2011.

The Board scheduled a work session for the dog ordinance and hiring policy revisions on August 8, 2011 at 1:00 p.m. at the fire station community room. The Board agreed to set a work session date on the purchase policy at the next meeting.

11. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of June 17, 2011, as corrected; second by Selectman Bickford. 3-0.

Motion by Selectman Bickford to approve the public minutes of June 20, 2011, as amended; second by Chair Jarvis. 3-0.

The Board postponed review of the sealed non-public minutes of June 20, 2011 and July 15, 2011 until August 5, 2011.

Motion by Chair Jarvis to approve the public minutes of July 15, 2011, as amended; second by Selectman Kratovil. 3-0.

12. Recess

Motion by Chair Jarvis to recess the August 1, 2011 meeting until Friday, August 5, 2011 at 10:00 a.m. to discuss non-public issues and review sealed drafts of minutes; second by Selectman Bickford. 3-0.

The Board recessed at 10:40 p.m.

Respectfully submitted,
Cathy L. Allyn

The Board of Selectmen reconvened at 10:05AM Friday, August 5th, 2011 after recessing from the meeting of August 1st, 2011.

Motion to enter nonpublic by Chair Jarvis, seconded by Selectman Bickford, under RSA 91-A: 3 II

(a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted (c) Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant. (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph. Roll call vote- Jarvis aye, Bickford aye, Kratovil aye

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil
Also Present: Fire Chief Peter Varney, Captain Leon Smith, Private Mike Varney

Motion to come out of NP to schedule the next meeting at 12:13AM made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

In non-public session the Board of Selectmen voted to seal the non-public minutes of August 5th, 2011 with a motion made by Selectman Kratovil, seconded by Selectman Bickford. Vote 3-0

Motion to approve as amended the sealed nonpublic minutes of June 20th made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

Motion to approve as amended the sealed nonpublic minutes of July 15th made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

Motion to appoint Mike Varney to lieutenant in the Fire Department, effective today (August 5th, 2011), made by Chair Jarvis, seconded by Selectmen Bickford. Vote 3-0

The Board signed the purchase order for the paving bid to Pike industries approved on Monday night, August 1st, 2011.

Motion to adjourn made by Chair Jarvis, seconded by Selectman Bickford. Vote 3-0

Meeting adjourned at 12:20PM

Respectfully submitted,
Alison Webb

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.