

**New Durham Board of Selectmen
Minutes of Meeting ~ September 19, 2011
Fire Station Community Room**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison (Rendinaro) Webb, Police Chief Shawn Bernier, Road Agent (RA) Mike Clarke, Transfer Station Foreman Joe Bloskey, Cathy Orlowicz, Laura McCarthy, Lisa Murray, Dot Veisel, children of the Creative Kids Club program, Mary McHale

1. Call to Order – Chair Terry Jarvis called the meeting to order at 1:05 p.m. and led the Pledge of Allegiance.

2. Agenda Review – Chair Jarvis said the Board needed to review and make a decision on the Town Forester’s contract, under Appointments.

3. Appointments

Health Officer – **Motion by Chair Jarvis to recommend to the Commissioner of Health and Human Services that Arthur Capello be appointed to a new three-year term as New Durham’s health officer; second by Selectman David Bickford. 3-0.**

The Board signed the nomination form.

Town Forester’s Contract – Chair Jarvis said Dennis Thorell’s contract rate of \$40 per hour has been the same for the past two years. She said this past year he reviewed some properties for current use due to the new tax maps, and therefore worked slightly more than usual.

Motion by Chair Jarvis that the Board of Selectmen sign the contract with Dennis Thorell, L.P.F. of Municipal Forestry Services to provide forestry services to the Town; second by Selectman Jeffrey Kratovil. 3-0.

The Board signed the contract.

4. Economic Report

Selectman Kratovil gave an overview of the poor economic state of the nation and state, and indicated how that trickled down to affect New Durham. Among other problems, he cited unemployment, decreasing state aid, loss of vehicle registration fees, no enticement for businesses, and gas prices. He noted several troubling trends, and indicated he was in favor of determining what areas of town could be developed to bring in business.

Some suggestions he provided were to look into land conservation, invest in a wind turbine, have Town officials participate in online classes rather than traveling (to prevent pay-out of mileage), and a town newsletter. Selectman Kratovil said he’d spoken with Land Use Administrator David Allen who recommended a power company or university representative could speak to the Board about wind turbines. He also delineated possible business sections and said some businesses

could be built on the aquifer as long as care was taken and parameters were stipulated. He said speeding up the permitting process could help bring businesses in. There was brief discussion on the designated business zone and its possible expansion. Selectman Bickford said no one has been knocking at the door to come in to town.

Selectman Kratovil noted the formula used by the state, resulting in a decrease in state educational aid. He said the towns must make up the difference and if the burden increases, residents will not have the resources. He said that was why he wanted to draw in businesses to offset it, and set up a wind turbine to help. He said he would try to get all necessary information on using hybrid vehicles for the police this budget year. Police Chief Shawn Bernier said he knew of no police agencies that use hybrids. Selectman Kratovil said there could be financial leverage if the Town purchased three vehicles.

Chair Jarvis said the Board would need to figure the return rate on a hybrid, as it costs more upfront. She said she was unaware if mechanical work could be done in-house or not. Selectman Kratovil said he provided information on wind turbines to Planning Board members. He suggested inviting a wind power company in to speak to the Board. Selectman Bickford advised looking into the concept further, adding that the private sector came into Lempster. Selectman Kratovil said that the companies come in and lease the Town's land. He suggested meeting with an expert. Selectman Bickford said there was no harm in that. He cautioned, however, that the federal government has subsidized wind power and that support may be pulled, causing financial returns to plummet. The Board agreed to carry out more research on wind power and hybrids.

5. Old Business

Budget Guidelines – Chair Jarvis said department heads were told to develop their budgets using zero-based budgeting, as opposed to a zero percent increase. She wanted to ensure that people knew the difference, and confirm that that was how the Board wanted the budgeting done. She said zero-based budgeting is starting with nothing and putting in everything you need. She said the Board could expect to see double-digit percentage increases in department budgets, if that were the case. Selectman Bickford said he favored zero-based budgeting and did not anticipate such high increases. Chair Jarvis said she disagreed, and said the method generally used was setting a limit on any increases. Selectman Kratovil said he thought zero-based budgeting was a good idea.

Chair Jarvis said the Town budgets have not met the needs of the CIP for the past two years, so with zero-based budgeting there would be complete funding. Selectman Bickford said he was unsure that the CIP Committee's numbers were correct. Chair Jarvis said the Board cut the amount of money in the road services plan, not because of need but because we didn't have the money. She advised budgets might come in higher than the Board anticipated. She briefly outlined how the Board makes up its budget and tries to align it with the separate Budget Committee's budget. The Budget Committee's budget goes before the taxpayers.

Road Agent (RA) Mike Clarke clarified that department heads would create a budget as though one had never been submitted before, with everything justified.

He pointed out that the budgets have been cut for years. Chair Jarvis agreed, saying all the departments' needs would be in their budgets, which is why she thought the Board would see double-digit percentage increases. Selectman Bickford said the Board would see all of the departments' needs and then make its decisions.

Wage Decision - Chair Jarvis brought up employee raises. She said she felt the current performance evaluation forms do not lend themselves to determining merit based increases. She said it was suggested to create a line item for a new process. Selectman Kratovil said he favored a two per cent increase across the board. Chair Jarvis said she agreed with across the board raises, and that Selectman Bickford was against that. She said Selectman Kratovil worked with Finance Officer Vickie Blackden on the amount of increase, as a raise impacts other lines.

RA Clarke noted that employees' contributions to the retirement program has gone up two per cent, so if the Board enacted a two per cent raise, that would just be returning what the state took away, and employees would be at the same pay level as 2008. He said the cost of living and insurance costs have risen, so essentially employees are losing money. He asked if wages were to be included in the department heads' budgets.

Chair Jarvis said the police and fire department retirement contributions increased 2.5 per cent. She said she would like to see the decision on raises made earlier so wages could be included in the presented budgets, giving a truer picture of the total budget. RA Clarke said he took offense at Selectman Bickford's statement, according to the newspaper, that if employees wanted more money they should try to find another job. Selectman Bickford replied he did not say that; rather, that is what the newspaper said. RA Clarke quoted Selectman Bickford's comment about all the thanks employees get is when they pick up that big check every two weeks. He said some employees are on the wage scale and some aren't.

Chair Jarvis said the pay scale was adopted in November of 2008 and she has tried to get all employees on it. RA Clarke said he has many people in his department making less. Selectman Bickford said the pay scale was just a guidance tool. Chair Jarvis agreed that Barry Cox of the Local Government Center, which conducted the study, did say that in 2010, but the Board adopted the scale in 2008. Selectman Bickford said he would be willing to pick up the increased retirement contribution. He said he thought there is a limit for certain jobs, and if a person wants to earn more money, that person needs a new position. He said the marketplace dictates wages for positions, which is why the Board should be careful about percentage increases. He favored looking at each person as an individual.

RA Clarke said he didn't think any department head expected a yearly raise, but they needed to know if they were to figure in wages in their budgets. Chief Bernier said some departments have not gotten raises. He said he supported the pay study. Chair Jarvis asked if the other Board members were in favor of getting employees on the pay scale, and both Selectman Kratovil and Selectman Bickford indicated they would, eventually.

Motion by Chair Jarvis that department heads prepare their budgets to reflect a two per cent increase for all employees in the salary lines; second by Selectman Kratovil. Chair Jarvis said that increase only brings them back to

parity from last May. She said the increase was straight across the board to include all full and part-time employees. Chief Bernier said the police department would be happy with a two per cent increase. **Jarvis – aye, Kratovil – aye, Bickford – nay, at this point. The motion carried.**

Shirley Forest Update – TA Alison Webb said the hope was to wait on the timber cut until the timber market improved, but it hasn't. She said the cut could be postponed until the spring or summer. Peter Farrell indicated he could put together some numbers for the Board. Chair Jarvis wondered how long the Town could wait until some wood lost its value. She said she would welcome seeing some numbers.

Ambulance Hardship Application Financials – Chair Jarvis said she thought ComStar's figures for considering a case a hardship seemed high. She told the Board she looked at food stamp and federal food assistance eligibility figures, and ComStar's were significantly higher. She asked if the Board wanted to use ComStar's figures or something of its own devising. Selectman Bickford asked about the poverty level that the federal government uses. She did not have those specific figures, but added that ComStar would use whatever the Town wanted as a trigger for applying for a hardship waiver. Selectman Bickford suggested using something that has a baseline. Chair Jarvis said Deputy Fire Chief Lockwood was working to get more receivables. She said the Board had agreed upon charging Medicare rates plus 10 per cent. TA Webb said ComStar indicated that was low.

Police Cruiser Bids – Chair Jarvis read aloud the three bids received for the police cruiser. Selectman Bickford said the Board had put a reserve of \$3,000 on it, so it could not be sold with the bid amounts received. Chair Jarvis consulted past minutes and said the Board assigned a minimum bid of \$2,500 for the cruiser on April 4, 2011. TA Webb noted the minimum bid was not put in the specifications that ran in the newspaper ad, so not all bidders were aware of the reserve. Selectman Bickford said the bids needed to be rejected then.

Motion by Selectman Bickford to reject all bids because the advertisement did not include the minimum bid of \$2,500, as decided in April 2011 by the Board of Selectmen, and to go out to rebid; second by Selectman Kratovil. 3-0.

Chief Bernier asked who would pay for the new ad, as he has no money in his budget. Chair Jarvis said the police department was not notified a year ago to include an advertising line in its 2011 budget. She suggested running an ad only in the Baysider and posting it on the Town website to save money. Selectman Kratovil offered an apology to the taxpayers.

Selectman Bickford said the selectmen's office should handle notices to the newspapers. Selectman Kratovil asked if the Board should accept Joe Bloskey's high bid, to save money. Chair Jarvis said the Board made a decision and the information was not made public. She asked Selectman Bickford if he would like to draft an advertising policy.

RA Clarke said the vehicles for sale are visible to the public at the Transfer Station. He suggested trade-ins might do away with this problem. Chair Jarvis said money from a bid goes into the General Fund, not the vehicles' CRFs. She asked that the bid date be put on the For Sale sign on the cruiser.

Personnel Manual – Chair Jarvis said she combined the current personnel manual mission and purpose with one used by the LGC. She asked the other members to review it and provide TA Webb with suggestions to generate a draft. Selectman Bickford said he liked the current one, penned in 2002, although he had concerns that the section about providing advancement opportunities could be misconstrued. Chair Jarvis said the LGC urged that some of this language be included. The Board agreed to review the document and discuss the matter later.

6. New Business

Improvements to Copple Crown Road – The Board reviewed a request from a resident regarding improvements to Copple Crown Road. RA Clarke said Wolfeboro, in the course of completing a drainage project, can provide Robert Stave of New Durham with fill to fill in ruts and washouts to provide him with better access to his property. Chair Jarvis said statutorily Mr. Stave could repair his Class VI road with the municipality's permission.

Motion by Chair Jarvis to authorize Mr. Robert Stave to effect repair work at his expense on the Class VI portion of Copple Crown Road at the discretion of the Road Agent, and to be completed by December 31, 2011; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to authorize the Town Administrator to draft, sign, and send said permission; second by Selectman Bickford. 3-0.

Reimbursement – The Board reviewed a request from a resident for reimbursement of engineering services to release his property from a special flood hazard area. Ralph Galante indicated in a letter to the Board that the former building inspector signed off on the FEMA flood insurance rate map in May of 2005 in error. Chair Jarvis said no documentation with the building inspector's signature was provided to the Board, and she said there was no documentation for the Board to consider. She said she would need to see the flood maps and wanted to talk to BI/CEO Capello. She added that she believed the area around Mr. Galante's address on North Shore Road was declared a flood area prior to 2005.

Cathy Orlowicz, who told the Board she always attended the meetings as a citizen, asked what flood map was being discussed, and Chair Jarvis said the FEMA flood map. Ms. Orlowicz said this has come up before. She indicated that many people have to pay extra insurance and they don't get reimbursed. She said we have been trying for years to get FEMA to update its maps.

Motion by Chair Jarvis that the Town, based on past practices, not reimburse Ralph Galante for expenses paid to Varney Engineering; second by Selectman Kratovil. Selectman Bickford pointed out that a negative motion was unnecessary. He said Mr. Galante's letter implied that the Town created the problem by the former building inspector's sign-off. He wondered if Town Counsel should be consulted to determine if there is liability.

Mary McHale said when she worked at Town Hall, the FEMA maps could be changed. She said residents from not only the lake but other areas came in about the flood zones. They were told it was not a Town problem, as it was a federal program, and they had to deal with it at that level. Selectman Bickford said he was

aware of that, but the issue of the building inspector signing off on them is a new wrinkle. Chair Jarvis said she would question a building official signing off.

TA Webb advised looking for the map that official signed, before seeking legal advice. Chair Jarvis suggested asking the individual for documentation of what he referenced. She said what he provided the Board is insufficient, and withdrew her motion. Selectman Bickford said it must be determined if a building inspector can sign off on a FEMA map. Chair Jarvis said there is no evidence he did so. TA Webb is to check with BI/CEO Capello.

Streetlight Petition – Chair Jarvis said the Board received a petition from 21 citizens requesting the streetlight at the intersection of Merrymeeting Lake Road and Marsh Hill Road, which was turned off in October 2009, be turned back on for safety reasons. She said at the time of an earlier petition with the same request, she went up to the area in the evening. Her recommendation then was that it would not be needed in the winter due to less traffic, but there was a need for it at other times. She said Chief Bernier recommended turning it on, but then Selectmen Ron Gehl and Bickford felt it could stay off. She said now there is a bus stop there and, according to the petition, a youngster had a close call due to not being seen.

Selectman Bickford urged not going forward with turning the light back on. He said the logic of the school superintendent and district transportation office is that a bus stop does not need a streetlight. He said if the Town turned that one back on, there would be a lot more that would have to be, also. He cited an instance when Cople Crown Village District requested a streetlight and the Board declined. He said the Marsh Hill Road area is narrow. He said there were no established criteria for deciding where a streetlight should be. He said the previous Board believed in night sky (as opposed to light pollution) and not running power all night.

Chair Jarvis asked about a timer, so the light could go on from approximately 5:00 a.m. – 7:30 a.m. She indicated the incident the petition cited. Selectman Bickford said the incident should be followed up on. Selectman Kratovil said the bus stop location might not be a good one. Chair Jarvis said there was no good location there for a bus stop. Selectman Kratovil brought up that the safety issue had been brought to the Board's attention, and if a fatality occurred there could be repercussions.

Chair Jarvis asked TA Webb to follow up on the incident and speak to the NH Co-op about the possibility of using a timer. Selectman Bickford said at the time the previous Board made the decisions to turn off lights, a timer was not a possibility but that might have changed. Chair Jarvis postulated that plowing could take a new tact, to prevent the mentioned snow banks. She said her inclination was to err on the side of safety. She suggested Selectman Kratovil visit the area at night.

Selectman Kratovil continued to express his concern over a bus stop in that area, and asked if a platform off the road might be constructed. He noted the Board ensured someone could get to the beach, which was for recreation; he said people are compelled to attend school. TA Webb explained that the beach is public property and the Town made a minor accommodation for greater access to it. She said railings at the beach could not be compared to a streetlight.

Selectman Bickford said the school district makes these decisions, not the Board, and the district's opinion is that streetlights are not needed. Chair Jarvis said the matter would be discussed at the next meeting.

Street Light on Old Bay Road – Ms. McHale told the Board there was no sense having a streetlight in front of her house, and she and her husband wanted it turned off. Chair Jarvis said abutters on map 252 lots 1 and 63 should be contacted as a courtesy, since the issue could return to the Board if someone had a concern about shutting it off.

Motion by Selectman Bickford to turn off PSNH Pole #474-4 on Old Bay Road if there is no objection from abutters; second by Chair Jarvis. 3-0.

7. Presentation

Creative Kids Club – Dot Veisel of the Parks and Recreation Commission introduced children of the Creative Kids Club, the after school daycare sponsored by the Parks and Recreation and overseen by the Commission. Director Laura McCarthy and assistant Lisa Murray presented an enthusiastic rap, trio of singers, and question and answer period on how the youngsters spent their summer while in the program. Ms. McCarthy said there were 18-25 children in the program during the summer.

8. Schedule Next Meetings

The Board scheduled its next business meeting for October 3, 2011 at 7:00 p.m. at Town Hall.

The Board discussed the budget meeting schedule. Selectman Bickford said he disliked taking TA Webb away from her regular duties to attend the meetings. Chair Jarvis said she would finalize the schedule, and determine which meetings TA Webb and Finance Officer Vickie Blackden definitely needed to attend.

The date for the work session on Chapters 1-6 of the Personnel Manual is still to be determined.

Chair Jarvis said TA Webb has received the suggestions for the Dog Ordinance.

The Board tentatively scheduled a non-public meeting for October 3, 2011 to finalize the evaluations.

9. Approval of Minutes

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

Motion by Chair Jarvis to approve the nonpublic minutes of August 15, 2011; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the work session minutes of August 24, 2011, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to approve the work session minutes of September 7, 2011, as amended; second by Selectman Bickford. 3-0.

The Board discussed the many different requests that it made to the departments and the Finance Officer for the upcoming 2012 budget season, and discussed again, briefly, Selectman Kratovil's economic report.

10. Adjournment

Motion by Chair Jarvis at 5:35 p.m. to adjourn; 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.