

**New Durham Board of Selectmen
Minutes of Meeting ~ May 2, 2011
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison Rendinaro; Police Chief Shawn Bernier, Building Inspector/Code Enforcement Officer Arthur Capello, Road Agent Mike Clarke, Town Clerk Carole Ingham, Fire Chief Peter Varney, Equipment Mechanic David Valladares, Marc Behr, Mary McHale, Stuart Rinschler

1. Call to Order – Chairperson Terry Jarvis called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

2. Agenda Review – Several matters were added to the agenda.

3. Citizens' Forum – On behalf of a Babe Ruth coach, Police Chief Shawn Bernier thanked the highway department for installing protective plastic on the Babe Ruth ball field.

4. Appointments

Forest Fire Wardens – Chair Jarvis said she had questions for Warden David Stuart before appointing the nominees. She said she wanted to know if the individuals up for issuing agent have finished forestry class. She also noted that the individual nominated for Deputy Warden is not a member of the New Durham Fire Department. Fire Chief Peter Varney said that would be happening tonight. Selectman David Bickford pointed out that being a member of the fire department was not a requirement to be a fire warden. Chair Jarvis said she had a problem with that. Chief Varney said the nominee for issuing agent has not taken forestry class, but the nominee for deputy warden has. The Board tabled appointing, awaiting more information.

Conservation Commission and 1772 Meetinghouse Restoration Committee – Chair Jarvis asked Cathy Allyn, as chairperson of the Conservation Commission, to present the nominations. Ms. Allyn said the Conservation Commission had voted unanimously and was happy to nominate Marcia Clark as a full member and Ron Gehl as an alternate member. Chair Jarvis asked if Robert Craycraft, who has served as an alternate for quite a while, was interested in becoming a full member. Ms. Allyn said Mr. Craycraft indicated he would prefer to remain an alternate.

Selectman Bickford said the Board would like to meet with the nominees. Ms. Allyn said the individuals were well known to the Board from serving the Town, and that they were concerned residents who were good enough to volunteer their time. Selectman Bickford said he was aware of Mr. Gehl's expertise in the area, but wanted to know Ms. Clark's knowledge. Ms. Allyn said Ms. Clark, who attended the most recent Conservation Commission meeting, lacked the academic background germane to the commission that someone like Mr. Craycraft had, but had indicated

she was willing to learn. Ms. Allyn pointed out that when she started on the commission, she had no relevant background other than an interest in conservation, and that all new members of boards go through a learning curve, just as she did and as Selectman Jeff Kratovil is. She said the commission was grateful someone cared enough to serve. Chair Jarvis said everyone appointed to a board or commission is questioned. Ms. Allyn suggested the Board invite the individuals in.

Mary McHale asked that the Board reconsider George Gale's appointment to the 1772 Meetinghouse Restoration Committee, as he had first submitted his letter of interest last year and the committee had recommended him. Chair Jarvis said the matter was brought up to the Board on October 18, 2010. Selectman Bickford said Mr. Gale did not come in. Ms. McHale said people expect to be invited. Selectman Bickford said Mr. Gale could consider himself invited. Ms. McHale noted the invitation should come from the Board.

Ms. Allyn, chair of the committee, said the matter of Mr. Gale's appointment had been brought to the Board this evening. The Board directed Town Administrator Alison Rendinaro to invite the three recommended individuals to attend.

5. Department Reports

Police – Police Chief Shawn Bernier brought up the memo he presented to the Board related to withdrawal of funding for prosecution of domestic violence cases. Chair Jarvis said the state now expects towns to pick up the cost of that unit, but she said the Town's budget has been set. Chief Bernier said part of the rationale was that the county portion of residents' taxes is decreasing. Chair Jarvis said there was not a decrease, but the expected increase was not going to happen. She said the Board has no authority to raise funds to pay for the unit.

Chief Bernier said the cut off date was scheduled for May 2, 2011 but that has been prolonged as negotiations to continue the unit are underway. Selectman Bickford said they have been warning the towns. He said the unit started with a government grant and the Town was aware the money would dry up. Chief Bernier said the unit was created around 2000.

Selectman Kratovil said he called the Local Government Center and was told if money for something was previously appropriated, we can appropriate from another source. Chief Bernier said 80 per cent of the cost came from grants or federal funds and the county picked up the rest. He said drug court is still to be funded. Selectman Kratovil said an election was upcoming.

Chair Jarvis figured New Durham's share would be over \$5,600, if all the other towns chipped in their share. Chief Bernier stated that amount was not to be found in his budget. Chair Jarvis said that cost, plus the cost of unexpected elections the Town did not budget for, came to about \$7,200. Chief Bernier said the impact of the Town from the dissolution of the unit would be that he, Sergeant Lamontagne and Corporal Meattley would do the prosecutions, and therefore, coverage in town would be necessary. He said he did not budget for that coverage, some of which would be overtime. He said he and Sgt. LaMontagne had prosecuted before. He said he did not want to do it, as it takes a lot of time and research. He added that with the dissolution of the unit, victims would no longer receive services.

Selectman Kratovil brought up that the state couldn't force a town to do what it had not been responsible for in the past. Chair Jarvis said prosecution of domestic violence cases was the Town's responsibility in the past. Selectman Bickford said the cost to maintain the unit cannot be absorbed, and must come from the police department. He said he felt it was a bloated police department, and that there was no need for a full-time clerk and an extra part-time officer.

Stemming from a motion from the April 18, 2011 meeting to provide a copy of the FBI document cited that recommends one police officer per every 500 people, Chair Jarvis used a number and rate per 1,000 inhabitants scale released by the Department of Justice, and said the department should have 5.2-8 officers, based on New Durham's population. She said, using that scale, when the full-time population of 2,600 practically doubles in the summer, the department could need up to 13 officers.

Selectman Bickford read information from the FBI site that stated ratios are inappropriate to use for staffing decisions. Chair Jarvis said it was her understanding that Selectman Bickford was suggesting to have a study done to determine the ratio of population to police officers. Chief Bernier said he would like to see a professional make that determination, rather than one person on a board. He said the residents voted for an officer in 2006. He said Selectman Bickford called the police department bloated; yet he had voted the budget in. Chair Jarvis said the Board needed to find out who could do this survey.

Selectman Kratovil said the Board had to determine where the money would come from for the Domestic Violence Prosecution unit. Chair Jarvis said she did not know if using the unreserved fund balance would be possible, as the unit may not be considered an emergency.

Road Agent Mike Clarke said Town departments went through a rigorous budget process. He asked Selectman Bickford if he would go after every budget, since he stated the police department is inflated. Chair Jarvis said the increase in oil price will cause problems. RA Clarke said he is already over what was budgeted for diesel. TA Rendinaro said she would check with DRA to see if gas and oil increases qualify as emergencies.

Selectman Bickford reiterated that every year the state said it would not be funding the Domestic Violence Prosecution unit. Selectman Kratovil asked Chief Bernier to stay for a non-public session at the end of the meeting.

Selectman Bickford said the statistical data compared officers to population solely, and was not an FBI recommendation. Chair Jarvis said the Board could see who could look into the needs of the Town. Chief Bernier asked if that did not happen in 2006. Selectman Bickford said that 2006 vote was based on a false recommendation. He said the public was told the FBI said it. He deemed that criminal.

Chief Bernier said it was not criminal. He told the Board he read an article and gave the Board supporting documentation. Chair Jarvis said Selectman Bickford did not support the validity of it, and that the Board would go to an outside professional to see about doing an analysis and the cost of such an analysis. Selectman Bickford wanted to include secretarial help in the study, as he said few towns use full-time clerical employees. Chair Jarvis said the employee at

the police station does both clerical work and dispatch services. She said the study would have to compare that exact same position. Selectman Bickford said the Town pays for dispatch.

Chief Bernier said every town has added officers since 2006 due to population growth. Chair Jarvis said New Durham's population jumped 16 per cent. Chief Bernier said Katie Woods has worked for the police department since 1996. Selectman Kratovil asked who would go to her house and tell her she is to be let go, if that is what the Board was discussing. TA Rendinaro said that is not where this discussion was headed.

Town Clerk – Town Clerk Carole Ingham asked the Board to consider moving elections from the school gymnasium to the fire station community room, which meets all State requirements except handicapped parking directly in front of the door. She said the phone line would have to be installed there. Chair Jarvis said the community room would be in use if there were an emergency. Building Inspector/Code Enforcement Officer Arthur Capello said voting would be cancelled if there were an ongoing emergency.

Selectman Bickford said he expected a small turnout for this upcoming election. TC Ingham indicated the move would be permanent. Chair Jarvis said moving the location of elections would mean no more disruption of school children. She added that the community room has a kitchen and there is a good amount of parking in the area.

TC Ingham said she would be able to set up the night before, which would be a benefit. Chief Varney said he could not see using the room would be an issue. Chief Bernier said it would be easier for his department to hold elections there.

Motion by Chair Jarvis that the Town of New Durham move all state and federal elections, excluding Town Meeting, from New Durham School to the fire station community room; second by Selectman Bickford. 3-0.

Regarding agreements with the state relative to electronic registration of motor vehicles and credit card service agreements, Town Counsel's reply after review of those contracts was that they are satisfactory for their intended purpose and he doubted there was room for any negotiation. TC Ingham reported he did suggest securing an amendment of the indemnification agreement in the IDC Web Services and the EB2GOV agreements. TA Rendinaro said Town Counsel has not yet responded with the language for that.

The question was raised dealing with a selectman having to come in daily to sign. TC Ingham said residents write one check for Town and state, and the state requires its money the following day. She said that transfer to the state is the hiccup. She said the Town gets its money in 20 days.

Building/Code Enforcement – BI/CEO Capello explained that residents on North Shore Road are being forced to purchase flood insurance because their property falls within the flood zone on FEMA maps, although they are not in the actual zone. He asked if the Board would support his researching FEMA's forms, and request that they redo their maps so the Town will have accurate flood maps. He said FEMA merely draws an arbitrary line around the lake to indicate a flood zone. Chair Jarvis

said the issue has come up in the past, and that the old flood zones are ridiculous. The Board agreed BI/CEO Capello should move forward on the project.

Equipment Mechanic – Equipment Mechanic David Valladares said work on the mule is done and his quarterly report has been turned in. He reported the grader arrived in Pembroke today, with some work lights and padlocks for compartment doors missing. The items will be taken care of and delivery should occur on Wednesday.

Chair Jarvis confirmed that all work orders have been completed to satisfaction. Selectman Bickford asked if the Equipment Mechanic had a liaison to the fire department. Mr. Valladares said that has not yet been discussed.

Selectman Kratovil said he attended the controlled burn training held recently, and he was very impressed. He said the experience gave him a keen appreciation for what the fire department does.

Highway - RA Clarke urged the Board to look at the Hazard Mitigation Assistance Program letter of intent, which establishes the Town's interest in assistance and identifies projects that are a priority for reducing future emergency or disaster costs. RA Clarke identified correcting drainage issues on the west end of Ten Rod Road. He said the project would cost around \$325,000 and the Town's portion would be approximately \$105,000. He said it does not hurt to apply for it. He told the Board Hazard Mitigation funds do not include hot top.

RA Clarke said the Town is still due to receive FEMA funds in the amount of \$37,224 for the Valley Road project. The Board agreed that RA Clarke should go forward with his request for assistance.

RA Clarke said his contract needed to be clarified, so he can apply his compensation time before vacation. Town policy states differently.

Fire – Chief Varney reported that the controlled burn training went well. Wolfeboro, Middleton, and Farmington departments took part, also. He said the NDFD is now on run cards for Milton, due to mutual agreements. He advised that it would not add much to the department's time.

Chair Jarvis said discussion of the new deputy chief would take place in non-public session. Selectman Bickford asked what the rate of pay is for new recruits with no experience. Chief Varney told him eight dollars. Chair Jarvis said pay for a deputy chief would probably be \$16.

Selectman Bickford asked RA Clarke if he was conducting his own analysis of the cost of gravel roads versus paved. RA Clarke said he was, and that he was getting together with former RA Mark Fuller to review his study. Chair Jarvis said the upfront costs of a paved road are high, but maintenance costs are less.

6. Old Business

On-line Credit Card Agreements – TA Rendinaro said she would be looking into the indemnity clauses for the on-line credit card agreements. TC Ingham said the cost of the on-line payments needed to be part of the public hearing.

Dog Ordinance – The Board engaged in lengthy discussion over several elements of the Dog Ordinance, and indicated minor changes. Selectman Kratovil advocated sending the document to Town Counsel. Referencing the vicious dog section, Chief Bernier suggested removing the police chief from the panel, as the chief would be providing information on how the dog was vicious. He also suggested offenses for a vicious dog should be a fine of \$100 for the first offense, and appearance in court for the second. Chair Jarvis said she would redo the ordinance.

MetroCast – Chair Jarvis asked the Board to review the system performance documentation submitted by MetroCast and bring any questions to TA Rendinaro so she can relay them when she attends the next meeting. TA Rendinaro said a letter asking to extend the franchise agreement is sufficient. Chair Jarvis said if the Town extended the agreement for another two years, it would be on the same schedule as the other towns in the consortium. TA Rendinaro said it was unnecessary to provide a date to MetroCast.

New Officer Pay Rate – Chair Jarvis said the rate of pay for the part-time uncertified police officer recommended by Chief Bernier and TA Rendinaro is \$14.50. Selectman Kratovil said he agreed with that figure. Selectman Bickford said he recommended Grade 5 Step 3 on the wage scale, which is \$13.79. He said that was generous for someone who brings nothing to the table. He equated it to starting someone who needs training.

Chair Jarvis said the pay rate for fire department personnel cannot be compared to the police department. She said the fire department pays tuition for firefighters, but the police department does not pay for the police academy.

Selectman Kratovil said you don't throw a green person into the fire. He noted that if an uncertified officer was killed during a traffic stop, that would have been a lot to ask of him for \$13.79 per hour. Selectman Bickford said having an untrained employee be killed during a traffic stop was quite a liability. He said there are skilled people in town working for less.

Chair Jarvis said certification was not a requirement for employment. Chief Varney said the fire department wouldn't attract anyone, if that were the case for the fire department. Chief Bernier said uncertified people have been hired in the past, and they were sent to the Academy. He said the animal control officer was paid the same as part-time police officers. He added that the police chief always set the pay rate.

Motion by Chair Jarvis to set the rate of pay for the part-time uncertified police officer at \$14.50 per hour; second by Selectman Kratovil. Selectman Bickford said he thought the rate was rich for an untrained person. Selectman Kratovil said some work requires more sacrifice. Chair Jarvis said the officer could be placed in life threatening situations during training. **Jarvis – aye, Kratovil – aye, Bickford – nay. The motion carried.**

Chair Jarvis asked if the Board wanted an item on a future agenda to make certification a requirement of employment for officers.

Employee Hiring Process – Chair Jarvis said she drafted a hiring policy, which was sent on to MRI. Physical agility requirements for police officers were discussed. Chief Varney said tests would cost money. Chair Jarvis asked Chief Varney to see if the fire department requires physical agility tests. She said she wanted Draft #2,

dated April 26, 2011, and with MRI's comments, to be presented to all department heads for input.

Purchase Orders – Chair Jarvis noted purchase orders for the defibrillator, approved April 18, 2011, the audit, approved April 4, 2011, and the contract with MRI, approved March 7, 2011. The Board signed the purchase orders.

7. New Business

Comstar CMS 855-B Application – The Board agreed that a sub-committee made up of TA Rendinaro, Lt. Jon Roy of the fire department, Chief Varney, and a Board representative could meet with Comstar regarding the contract. TA Rendinaro said she would check with Comstar for some Mondays when its representative would be available.

Motion by Selectman Bickford that the chairperson of the Board of Selectman sign the CMS 855-B application with Comstar on behalf of the Board; second by Selectman Kratovil. 3-0.

Vacation Request – The Board approved TA Rendinaro's request for vacation from June 28, 2011 to July 12, 2011 for her marriage.

Budget Committee Quarterly Meeting – Selectman Bickford is to attend, as Chair Jarvis will be out of town.

Strafford County Health Council – TA Rendinaro is to attend in Chair Jarvis' place.

Town Sign – Chair Jarvis said money was appropriated and a variance received for a sign in front of Town Hall, but the desired sign was not recommended for outdoor use. She said a part-time employee is a contractor and he is generating an estimate on supplies to have one built. TA Rendinaro said the project is on hold as she is in the process of determining what design would work. Selectman Bickford pointed out that even if the sign the Town looked at earlier was not sold as waterproof, it still might be. He said a custom made sign could be expensive. Selectman Kratovil asked if the employee was working on the estimate in the capacity of his job and Chair Jarvis said he was.

Manifest and Purchase Orders – The Board discussed some residents' feelings that the manifest should be brought before the Board in public. Chair Jarvis said that could become lengthy. TA Rendinaro suggested reviewing the manifest prior to the meeting. Chair Jarvis noted payroll is not completed until 5:30 p.m. on Monday evenings, and the Board would have to do it weekly. She said it would be cumbersome. Selectman Kratovil said a resident's suggestion was to approve the manifest publicly. The Board agreed it would take too long to do at a meeting.

Appraisal of State Land – Chair Jarvis asked who would do it. Selectman Bickford said that an assessment is done for tax assessment and an appraisal determines a property's fair market value. Chief Varney asked if the state was asking the Town to do an appraisal. Selectman Bickford said the Town was criticized for purchasing the plot of land abutting the 1772 Meetinghouse without an appraisal. Chief Varney said he could understand doing an appraisal if the Town were buying property.

Pay Rate – Selectman Bickford said it had been the Board’s intent to have every employee’s pay rate be a step in the wage study, and \$14.50 per hour was not a designated step. Chair Jarvis said the person would be put on a step.

Fire Department Grant – The Board signed the bill associated with the lighting grant awarded the fire department. Chair Jarvis will affix the final necessary signature when the date of the approval is retrieved from the minutes. (May 3, 2010: **Motion Jarvis, second Bickford to accept \$64,600 from the FY 2009 Assistance to Firefighters Grant Program for the purchase of a Plymovent Station Exhaust System, Emergency Lighting, including a remote Light Tower for 16 Rescue 1, and a Stryker Power Stretcher for 16 A 1.** TJ said the department has wanted an exhaust system for years. She said the matching funds for the lighting and stretcher will come from the fire department budget. **3-0.**)

Planning Board – Selectman Kratovil said he was taking up a Planning Board matter at this meeting, so it could be discussed with Selectman Bickford, since selectmen can discuss Town matters only during a posted meeting. He said he was an alternate on the Planning Board at the meeting of December 7, 2010 when there was a discussion on scattered or premature subdivisions. He said a Master Plan couldn’t be used to regulate without an ordinance. During discussion, *Durant v. Dunbarton* and RSA 6:74:36 were cited.

Cathy Allyn said some applications, such as the Red Oak development, could be considered scattered and premature because the Master Plan delineates which areas of town are more suitable for development. It would cause a financial hardship on the town to have to provide services so far from the center of town. Roads would have to be built and maintained, and the police and fire departments would have to be expanded.

Chair Jarvis suggested giving Section 5.11 to Land Use Administrator David Allen to find the correlating ordinance. She said Mr. Allen could also determine if “scattered and premature” is outlined in the Master Plan. She said she had asked the LGC if the Town could put impact fees toward our share of the bond for the Kingswood construction, if those houses directly caused a need for a new school.

Security Issues – Selectman Kratovil drafted a memo regarding the need for tighter security at Town buildings.

Motion by Chair Jarvis to issue the memo received in the Board’s packets, as amended, to all staff, volunteers, and committee chairs; second by Selectman Kratovil. 3-0.

8. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of the public portion of the meeting of April 18, 2011, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes of April 18, 2011, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to approve the minutes of non-public session I, as amended; second by Selectman Kratovil. 3-0.

Non-public Session

Motion by Chair Jarvis to enter into non-public session at 10:59 p.m. under RSA 91-A:3 II (b) and (c); second by Selectman David Bickford. A roll call vote was taken. Jarvis – aye, Bickford – aye, Jeffrey Kratovil – aye.

Motion to leave nonpublic session at 12:54AM, made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

In nonpublic session:

Motion to direct the TA to contact Town Counsel and ask him to issue the letter requested by the Town’s assessing company, made by Chair Jarvis, seconded by Selectman Bickford. 3-0

Motion to void the \$17.00 per hour pay rate and replace it with the \$14.50 per hour rate for the new part-time PD hire, made by Selectman Kratovil, seconded by Chair Jarvis. 2-0-1 with an abstention from Selectman Bickford.

9. Adjournment at 12:56AM

Motion to adjourn made by Chair Jarvis, seconded by Selectman Bickford. 2-1

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.