

**New Durham Board of Selectmen
Minutes of Meeting ~ June 20, 2011
Fire Station Community Room**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Meeting called to order by Chair Jarvis at 12:02PM

Present: Chair Jarvis, Selectman Bickford, Selectman Kratovil

Also Present: Chief Varney, Deputy Chief Lockwood, TA Rendinaro

Motion to enter into Non-Public session 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.*

Roll call vote- Jarvis aye, Bickford aye, Kratovil aye

Motion to come out of nonpublic session made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

Out of non-public at 12:53PM

Motion to seal the non-public minutes of June 20, 2011 made by Selectman Kratovil, seconded by Chair Jarvis. Roll call vote- Jarvis aye, Bickford aye, Kratovil aye.

Respectfully submitted,
Alison Rendinaro

Public meeting 1:00 p.m.

Also Present: Town Administrator (TA) Alison Rendinaro; Town Clerk Carole Ingham, Road Agent Mike Clarke, Equipment Mechanic Dave Valladares, Fire Chief Peter Varney, Land Use Administrator David Allen, Cathy Orlowicz, Bruce Bridges, Nancy Estee, Katya Vander Hoof, Dot Veisel, Mary McHale, Stuart Rinschler, members of the public

1. Call to Order – Chairperson Terry Jarvis explained the meeting began at 12:00 p.m. and went immediately into non-public session.

2. Agenda Review – The Board made minor changes.

3. Citizens' Forum – Dorothy Veisel commended New Durham Police Officer Chris Chesley on his professional and compassionate service to her regarding an intruder at her home. Chair Jarvis led the Pledge of Allegiance.

4. Appointments –

Elizabeth Durfee Hengen - The Board met with Elizabeth Durfee Hengen and Steve Bedard, regarding awarding the contract of Town Hall's Historic Building Assessment project. Chair Jarvis said the Board met previously with Cram and Ferguson Architects, the other company that bid on the project. Ms. Hengen said she and Mr. Bedard have partnered successfully many times before, and cited their HSR (Historic Structure Report) of the 1772 Meetinghouse in New Durham. She said they were keenly aware of what LCHIP looked for, and could work with the Town to position it well for future grant monies.

Mr. Bedard spoke of their common-sense approach to solutions and desire to keep things local.

Chair Jarvis asked about the timeline for the project, and Ms. Hengen said they would jump on it, beginning with a walk through of the building with the Board. She said Mr. Bedard worked on the detailed end of items and she did the historical research. She said, with research on only 100 years, that piece would go quickly. She said there would be a lot of communication with the Board and the report could express how the Board sees the building and its maintenance. Mr. Bedard said the Town tells them its short- and long-term needs. Ms. Hengen said they would be thrilled to meet with people who understood the building. She noted that boards change, but employees spend time in the building.

Chair Jarvis said the original blueprints are available. Selectman Bickford mentioned a maintenance plan, so the Town would know how much money to put away. Mr. Bedard said such a thing was important for the CIP.

Discussion ensued on past uses of the building, the current state of the basement, and moving water away from the building. Mr. Bedard said everything they do is included in the bid price. Ms. Hengen said the report would take about six to seven months to finish, but pieces of information would be available along the way, so information needed for the Town's budget process could be supplied. She said the report will present pros and cons for things such as installing elevators, etc., so the Board could make informed decisions. She said things could be removable without damage to the building. Mr. Bedard said the Board makes all the decisions for the building's future, but they could adjust the report to fit the Town's needs and supply various scenarios.

Selectman Kratovil asked how many trips to New Durham would be included, and Ms. Hengen said trips would not be an issue because they were so close. Mr. Bedard said he would spend as much time as needed in the building. He mentioned he was lead paint certified.

Coupon Salvage at Transfer Station - The Board met with Nancy Estee and Katya Vander Hoof, to discuss a request for permission to salvage advertisement inserts for coupons at the Transfer Station. Ms. Estee said she could receive items for free in exchange for coupons and would donate any excess to the Food Pantry. Chair Jarvis said there is a standing decision to not allow people to pull salvage

material. She said she was concerned about safety and the fact that if the Board allowed one person to retrieve things from the Transfer Station, they would have to allow others. She said not everyone shreds their personal information and those items were mixed in with the newspapers. She also noted that she was on the Board of Directors of the Food Pantry.

Selectman Kratovil said he did not want to undermine Joe Bloskey's and Cathy Orlowicz's authority. Chair Jarvis pointed out a note from Ms. Orlowicz regarding her concerns. Ms. Estee said she would sign a lease of liability regarding the safety issue. Selectman Kratovil suggested Ms. Estee have people drop off coupons at her home. Ms. Vander Hoof suggested having a container for them at the Transfer Station. Chair Jarvis said the container would need to be off Town property. Equipment Mechanic David Valladares said the clothes disposal container is there.

Ms. Estee said other transfer stations have swap shops, and wondered why the no-pick policy was put in place. Chair Jarvis said the swap shop was done away with because it became more work for the staff. The Baysider reporter Stuart Rinschler said coupons are taken out at the Wolfeboro transfer station. Chair Jarvis said, overall, she saw more problems than benefits. Selectman Kratovil suggested contacting the Food Pantry and setting it up to be the coupon donation location.

Motion by Chair Jarvis to deny the request of Nancy Estee to salvage materials at the Transfer Station, based on information presented today; second by Selectman Jeffrey Kratovil. 3-0.

Civil Fine - The Board met with Bruce Bridges regarding a \$50 civil fine for a transient salesperson, levied because he was soliciting business door-to-door. Mr. Bridges stated he has been working in New Durham for 13-14 years, and has 30-40 regular customers for his seal coat business. He said he would be forced out of business if every town he worked in had license fees and background check fees, as New Durham does. He suggested Moultonborough's approach - keeping a copy of his license, vehicle registration, and business card on file at Town Hall - to be a more reasonable way to protect residents and be aware of businesses within town limits.

He argued that he was exempt from this particular ordinance because he has a permanent business. Chair Jarvis said Town Counsel's opinion indicated the exception does not apply to door-to-door solicitation, as the ordinance is directed at transient sales whether from a fixed location or a vehicle. She pointed out that Mr. Bridges had been given 15 days to pay the fine or get a license. Mr. Bridges said it would take more than 30 days to get a license. He likened his situation to children who solicit to mow lawns, or people who solicit to plow driveways. He said the fees were excessive. Chair Jarvis said the fine really was \$200, but the police officer misquoted the amount.

Selectman Bickford said he had no problem waiving this, as the licensing is not required in other towns, Mr. Bridges was given no warning, and he is aware now not to go door-to-door. Selectman Kratovil said there were circumstances in the case other than just ignorance of the law.

Motion by Chair Jarvis to uphold the actions of the New Durham Police Department in regards to the Town Ordinance concerning transient

salespersons; second by Selectman Kratovil. Jarvis – aye, Kratovil – aye, Bickford – nay. The motion carried.

5. Department Reports

Highway – Road Agent Mike Clarke said he accrued 212 hours of compensatory time during his hiring process, and he requested that he be allowed to use that time prior to using his vacation time.

Motion by Chair Jarvis to approve addendum 1 as written and include it in the Memo of Understanding for conditions of employment for Road Agent Michael Clarke; second by Selectman David Bickford. Chair Jarvis withdrew her motion, as Selectman Kratovil had not yet looked at the contract.

Equipment Mechanic – **Motion by Chair Jarvis to sign for the purchase of all season utility tracks from ATV Tracks in the amount of \$3,749; second by Selectman Bickford. 3-0.**

Mr. Valladares said a Ford vehicle had run-ability issues and the Town facilities do not have the tooling or diagnostics necessary, so he sent the truck to Grappone Ford for repairs, as that company was best qualified. The repair was \$313.06 over what TA Rendinaro can sign for.

Motion by Chair Jarvis to waive the purchasing policy regarding highway truck repairs at Grappone Ford; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to pay the bill from Grappone Ford for repair of a highway truck in the amount of \$3,313.06; second by Selectman Bickford. 3-0.

Highway – RA Clarke said the chip seal was a state bid, with only one vendor, and the item has already been through the Board and the Budget Committee. Chair Jarvis said a purchase that is a line item approved by the Board and the Budget Committee, as well as a state bid, it should be exempt from the purchasing policy.

Motion by Chair Jarvis to waive the purchase policy for the purchase of chip seal in the amount of \$108,000 as it is a state bid and was included in the budget; second by Selectman Bickford. Selectman Bickford pointed out that some vendors could charge below a state bid. Chair Jarvis suggested if the purchasing policy were changed, it could include due diligence must be followed to find a lower bid. **3-0.**

Motion by Chair Jarvis to pay Allstate for purchase of chip seal; second by Selectman Bickford. 3-0.

RA Clarke said he would work up a cost-benefit report comparing dirt and paved roads.

Town Clerk – The Board discussed parking and cold air issues when using the fire station community room for elections. RA Clarke said plowing the lot could be problematic, and he said he knew Police Chief Shawn Bernier had concerns about the cruisers, if the parking lot was filled with voters and electioneers. Chair Jarvis asked Town Administrator Alison Rendinaro to meet with Town Clerk Carole Ingham, RA Clarke, and Chief Bernier and come back to the Board with recommendations regarding polling locations.

Fire – Fire Chief Peter Varney said the lift kit on the mule works well. He said the snow machine could go to the police department.

Chief Varney explained that costs for FETN (Fire and Emergency Training Network) have been reduced appreciably by dropping 18 positions to eight. He said the positions are not held by any one person, so everyone on the force can continue to use the service. He told the Board FETN could be counted for certification hours. He said there were cost benefits by signing a five-year contract, with an escape clause, rather than a one-year contract. Chair Jarvis calculated them as \$164 per year.

Motion by Selectman Bickford to allow Fire Chief Peter Varney to continue FETN (Fire and Emergency Training Network) on a one-year contract; second by Chair Jarvis. 3-0.

Lt. Jon Roy provided a to-date report that six students have completed 92 courses for a total of 110 hours of training. Chair Jarvis asked for a monthly report on usage.

6. Status Reports

Chair Jarvis noted a meeting with ComStar regarding ambulance billing.

LGC Responses in Writing - TA Rendinaro provided a copy of her email to David Connell, Legal Services Counsel at the Local Government Center, and his response concerning Recorder and citizen Cathy Allyn's request that selectmen provide written responses to their queries when they address those questions and responses at meetings. Attorney Connell said correspondence to Town officials is subject to attorney-client privilege, but selectmen are free to disclose attorneys' correspondence if appropriate, especially if the subject is discussed in any detail at a meeting, which could be interpreted then as a waiver of privilege.

Selectman Bickford said he believed Ms. Allyn was looking for more diligence when selectmen speak individually to LGC for information to be used as guidance. He said he hated to create more paperwork for the attorneys.

TA Rendinaro said sometimes selectmen quote legal advice from LGC, so that is then made public. She said she believed Ms. Allyn meant it would be easier to read selectmen's questions and the answer, rather than using the inquiring selectman's version. She said she believed Ms. Allyn was requesting the attorney's synopsis, rather than the inquiring selectman's. Selectman Bickford said he thought the request was along the lines of the public wanting accuracy. Chair Jarvis said the LGC lawyer said everything is subject to privilege.

ZBA – TA Rendinaro said there was a successful ZBA meeting with four members, but that Land Use Administrator David Allen requested the nomination of a ZBA alternate, as some citizens may request that five members vote. Chair Jarvis said she did not know the individual interested in serving, and the vetting policy calls for two weeks between introduction and appointment. Selectman Bickford agreed, stating there was no emergency to hasten the process.

Mr. Allen pointed out that approval of applications before the ZBA must have a majority vote of three. He said the last meeting with four members in attendance worked all right due to the straightforward applications. He said there is a member who has difficulty making the meetings, so only four members may be in

attendance at the scheduled July 13, 2011 meeting. He said the Planning Board is eager to see the Kodiak Woods subdivision resolved, and those applicants are insisting on a five-member board. He said the other applicant was hoping to begin building this summer. He noted the Board would not meet prior to July 13, 2011.

Selectman Bickford asked how long the interested individual has lived in New Durham. Mr. Allen answered about 10 years, but said he was not a full-time resident, and was unsure if New Durham was his town of residence. Chair Jarvis said he must be a resident to serve on the ZBA. TA Rendinaro said the Town has tried to get members and the ZBA has a quorum.

The Board agreed not to waive the two-week vetting policy for the potential ZBA alternate. Chair Jarvis asked Mr. Allen to invite the candidate to the August 1, 2011 meeting.

7. Old Business

Historic Building Assessment Contract – **Motion by Selectman Bickford to award the bid to Elizabeth D. Hengen for the Historic Building Assessment of the New Durham Town Hall; second by Chair Jarvis.** Selectman Bickford said he thought the Town would get more bang for its buck with Ms. Hengen's company. He noted that Cram and Ferguson Architects said the Board would pay if any outside consultants needed to be called in. Chair Jarvis said Cram and Ferguson indicated completion by the end of September, but limited themselves to five trip to Town Hall.

Ms. Orlowicz, who has worked with Ms. Hengen before, said she is prompt to respond and is thorough. Mary McHale, who serves on the 1772 Meetinghouse Committee, said she was impressed with the HSR Ms. Hengen and Mr. Bedard did. She said they have a track record in town, and felt that Cram and Ferguson were more for cities. She said she preferred the down-home feel. Ms. Orlowicz said Ms. Hengen and Mr. Bedard will ask the Board what it wants out of the building, then supply cost estimates and give a pecking order on phases, and make recommendations on how to do the work. **3-0.** TA Rendinaro is to contact Ms. Hengen.

MetroCast Franchise Agreement – **Motion by Chair Jarvis to approve and sign the letter to MetroCast as presented, relative to renewal of the franchise agreement; second by Selectman Bickford. 3-0.**

Motion by Chair Jarvis to accept and authorize the chairperson to sign the contract resolution extending the term of the cable television franchise held by MetroCast Cablevision of New Hampshire, LLC; second by Selectman Kratovil. 3-0.

Property and Liability Insurance Renewal – TA Rendinaro said the Town enjoys extra perks because all three of its insurances are now with LGC. She said switching to Primex for property and liability insurance would result in a loss of \$11,000 in discounts in workers' compensation alone. Her recommendation is to stick with LGC until workers' compensation, unemployment, and property and liability are all on the same cycle in July of 2012, and then compare prices.

Motion by Selectman Bickford to renew the property and liability insurance with the Local Government Center; second by Chair Jarvis. 3-0.

Dog Ordinance – Selectman Bickford said there were major points to discuss. The Board tabled discussion, due to lack of time today.

Dog Warrant – Ms. Ingham said 75 unlicensed dogs are in town. She said she needed the Board to sign the warrant, which is given to Chief Bernier. Owners are charged \$25 when served with the warrant.

Motion by Chair Jarvis that the Board of Selectmen sign the Warrant for Unlicensed Dogs, dated June 20, 2011; second by Selectman Kratovil. 3-0.

Hiring Process Draft – **Motion by Chair Jarvis that the letter to Chair Jarvis from the Local Government Center dated June 13, 2011 regarding second injury fund information form be made public; second by Selectman Bickford. 3-0.**

The Board made several minor changes to draft 3 of the Employee Hiring Process. Chair Jarvis presented suggestions made by department heads. The Board agreed at least one selectman attend oral interviews of potential employees.

8. New Business

Town Beach – TA Rendinaro said the Recreation Director would be coming forward with a request to the Board and the Parks and Recreation Commission that the Town Beach become a carry in – carry out facility.

9. Schedule Next Meeting

The Board scheduled its next meeting for August 1, 2011 at 7:00 p.m. at Town Hall.

The Board postponed discussion of the revised Welfare Guidelines, changing the tax year, and hiring until the next meeting.

TA Rendinaro announced Servicelink will hold three outreach events for qualifying Medicare clients to receive extra help with their Part D medications, lower Medicare Part B premiums, and lower Part A and B co-pays and deductibles. Appointments are required, and anyone interested should call Servicelink at 332-7398.

The Board moved to Town Hall, as another group had scheduled the Fire Station Community Room at 5:30 p.m. The remainder of the meeting, held at Town Hall, was not videotaped.

Respectfully submitted,
Cathy L. Allyn

Continuation of Meeting Town Hall

The Selectmen made a motion to sign the purchase order for the Police Vehicle Computer, which was article #7 in the 2011 Town Warrant, in the amount of \$4193; made by Chair Jarvis, seconded by Selectman Kratovil. 3-0

The Board had a brief discussion re: the various funds that the Town spends from, including the revolving fund, and the procedure for hiring from that fund.

Motion to approve as amended the minutes of June 6, 2011 made by Chair Jarvis, seconded by Selectman Bickford. 3-0

Motion to accept the amendments made on June 20, 2011 to the approved April 18, 2011 minutes. Motion made by Selectman Kratovil, seconded by Chair Jarvis. 3-0

The Selectmen mentioned that communication among the departments is incredibly important, and asked TA Rendinaro to increase communication with the Departments as we move into budget season.

Motion to adjourn at 6:00 p.m. made by Chair Jarvis, seconded by Selectman Bickford. 2-1 (JK)

Respectfully submitted,
Alison Rendinaro

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.