

**New Durham Board of Selectmen  
Minutes of Meeting ~ August 15, 2011  
Fire Station Community Room**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison (Rendinaro) Webb, Road Agent Mike Clarke, Fire Chief Peter Varney, Deputy Fire Chief Kenneth Lockwood, Richard McCormack, Mary McHale, Stuart Rinschler

**1. Call to Order** – Chairperson Terry Jarvis called the meeting to order at 1:01 p.m. and led the Pledge of Allegiance.

**2. Agenda Review** – The Board made minor changes.

**3. Citizens' Forum** – There was no public input.

**4. Department Reports –**

*Fire* – Deputy Fire Chief Kevin Lockwood said the Board had asked the fire department to see how surrounding communities handle ambulance payment in hardship cases. He said the communities use ComStar's hardship request form. He said some communities had their Boards of Selectmen decide whether or not to pursue payment, and others just wrote it off. The thought being that residents pay taxes to help with Town services. He said he could provide Town Administrator (TA) Alison (Rendinaro) Webb with the form. If the patient is not a resident, the individual is asked to pay.

Selectman David Bickford brought up that renters do not pay taxes. Chair Jarvis said the Town receives the bulk of its taxes from seasonal residents. Selectman Bickford suggested reviewing the form, as the Board might want to plug in its own criteria.

Chair Jarvis asked about deceased people with past due bills. Deputy Chief (DC) Lockwood said those debts were written off where he worked previously. He said he did not ask the surrounding communities about that situation. He said if an individual is paying taxes and has no insurance, he may not have the money. Selectman Bickford suggested verifying if the person has the money.

Fire Chief Peter Varney said some people can't afford the co-pay. Chair Jarvis asked if the form indicated the insurance payment, and Chief Varney said it did, and the insurance company cuts the check. TA Webb said the form indicates the dollar amount. DC Lockwood noted that the department cannot go after Medicare or Medicaid clients for additional payments.

Chair Jarvis said she had seen the list of patients with fees past due and could not believe that some of them are not on Medicare or Medicaid. She said the unpaid ambulance bills are a bigger problem than the Board first thought. She asked if the Town could pursue payment from other insurance companies. DC Lockwood said he could check with ComStar about private insurance companies.

Selectman Jeffrey Kratovil asked if a patient provides a signature during the ambulance response. Chief Varney said the patient signs off at the hospital. DC

Lockwood added that patients sign so the department can bill their insurance company. Selectman Kratovil pointed out that it was a good place to start to make clear a patient's fiduciary responsibility. He said he agreed that the Board should look at the form to indicate if a person is able to pay. DC Lockwood told the Board that ComStar could use a form the Board designed.

Chair Jarvis asked if the Board wished to remove deceased persons from the list, which dates to 2008. Selectman Kratovil asked if there was proof of death. Chair Jarvis said she knew of some people and Financial Assistant Vickie Blackden and Town Clerk Carole Ingham had also whittled down the list. Selectman Bickford said a person's estate can take care of a debt. Road Agent (RA) Mike Clarke said if the list went back to 2008, the estates are probably now settled.

Chair Jarvis said she knew of some people on the list who had no money when they died. She said she could not see trying to collect from 2010 and earlier. She indicated that ComStar makes three attempts for payment. She suggested the Board review the list every six months. Chief Varney said it costs more to attempt to collect, at some point. TA Webb said the unpaid bills range from \$50 to \$1,000. DC Lockwood said charges depend on the insurance company and the patient's care. Selectman Bickford agreed the Board should review the list, and Chair Jarvis said TA Webb would make it available in the office. TA Webb said deceased patients are so marked on the list. Chair Jarvis said the Board could decide what to do with the old cases and how to handle things in the future after review of all the information. She said there were various options.

Chief Varney said ComStar could go beyond three attempts at payment, but then the percentage of the fee the Town could claim would be reduced. DC Lockwood said ComStar recommends not attempting to collect payment after 12 months. Chief Varney said the person would have had to be billed continuously. He said ComStar does not send to credit report agencies. He said New Durham's contract with ComStar is for three attempts at payment. TA Webb said the account could be sent to a collection agency, but that would be a cost to the Town. DC Lockwood said he could ask ComStar what a new contract to pursue beyond three attempts would cost.

Selectman Bickford said no sanctions exist for someone who, other than a hardship case, decides not to pay. Chief Varney said billing must be consistent, but payment varies.

*Thank-you letter* – Chair Jarvis read a thank you letter from David and Robin Stuart to the highway department regarding a crew's investigation of a vehicle parked in their field. RA Clarke said it became a police department issue.

*Rescue Truck Repairs* – Chief Varney reported the rescue truck is back in service. He said it was a problem requiring a diagnostic computer, and the cost for the repairman was \$95 per hour to drive down, for a total of four hours. RA Clarke said Equipment Mechanic Dave Valladares has continually asked for a diagnostic computer, but it is always cut from his budget. Chief Varney said Mr. Valladares could have fixed it if he had the computer. DC Lockwood pointed out that the department had to pay about \$1,800 for just troubleshooting and travel. RA Clarke clarified that a computer would need to have a software program for each make of vehicle. Chair Jarvis said it could be more cost effective at some point to buy the computer. DC Lockwood said you may spend up front, but save in the long run.

*Highway - Culvert Project* – Chair Jarvis said the Board requested additional information on the low bidders on the culvert project. RA Clarke said he spoke with all but two of the provided references for the companies in question, and that both had good references. Lowest bidder Jeffers Excavation, LLC said he had never had to post a bond before, and the cost of applying for one might make the job not worth his while.

**Motion by Selectman Kratovil to award the contract to install eleven culverts on Ragged Mountain and Wentworth Roads to Jeffers Excavation, LLC in the amount of \$22,815, based on the fact that the company's insurance policy is superior to other low bidders and its references are more loquacious; second by Selectman Bickford. 3-0.**

RA Clarke reported that he is set with winter sand; Pike Industries will let him know when it will start the paving project; dirt roads are graded and calcium chloride has been laid down; and that he has informed the Budget Committee that the department may be in trouble regarding fuel. He went on to say that the budget will allow one more fill of diesel and gas, which may get the vehicles to January 2012. He said the new diesel pump is up and working and that the bill will go to the insurance company. He said the Town's share of the cost is \$7,500. He added that he had locked in last year's salt rate for another year.

Chair Jarvis said all Town buildings would probably run out of heating fuel.

*Library* – The Board discussed the bid to replace the main walkway and to install a rear exit ramp at the library with Library Trustee Chairperson Richard McCormack. Mr. McCormack said this project has gone out before; last year it went to three contractors and only one person responded and this year it went to five, and only the same person responded. He said the contractor's counsel was the walkway did not need complete replacement, only patching and sealing. The contractor also advised that a full ramp in the back would cost \$10,000 and be too costly. He suggested a five-foot by five-foot pad by the rear door with a short ramp from that as a solution.

Chair Jarvis said the specs for the bid asked for a ramp, but the contractor submitted a price on the pad, so the proposal does not meet the requirements of the bid. She asked if all contractors were notified of the change. Mr. McCormack said the Library Trustees wanted a short ramp and the contractor who responded, Ernie Guimond Construction LLC, came up with the plan of a five-foot by five-foot pad with a ramp off to the side to get anyone with a walking disability to the lawn. He indicated the contractor submitted a proposal that included an exit concrete pad of 3,000 psi mix, rather than the 4,000 specified, but that Mr. Guimond said he would use the 4,000 and not change the price.

Chair Jarvis said the contractor came after the bids went out. She told Mr. McCormack that the library must rebid because there are new specifications. Selectman Bickford pointed out that no one else bid on the job. Chair Jarvis asked if the Library Trustees consulted with the fire department regarding meeting fire codes, and he said they had not. Chair Jarvis recounted a similar project at Johnson's. Selectman Bickford suggested redoing the request for proposals with more specifications. Mr. McCormack indicated he needed assistance with that. He told the Board it was frustrating trying to get anyone to bid on the project.

Chair Jarvis said Building Inspector/Code Enforcement Officer Arthur Capello and Chief Varney could help. She said the library would have to be closed when the front walkway was being worked on. Mr. McCormack said people could come to the door by way of the lawn. Chair Jarvis said people with walking disabilities could not be asked to do that.

Selectman Bickford said there were companies that specialize in ADA projects. RA Clarke said if the library purchased hot top, the highway department could put in a four foot wide hot top walkway to the parking lot from the short ramp off of the pad in the back. He said it would cost about \$210. He volunteered to meet with BI/CEO Capello, Chief Varney, and Mr. McCormack. Mr. McCormack reported that Mr. Guimond is getting agitated. He said the front needed to be done, even if the back was put on hold. Chair Jarvis noted the Trustees are not responsible for the cost, as the Town is responsible for the outside of the library.

RA Clarke indicated there are old handrails that could be utilized. Chair Jarvis suggesting getting the request out in two parts, so the front could be fixed. TA Webb asked Mr. McCormack to contact the contractor. RA Clarke suggested including Mr. Guimond in the meeting.

*Status Reports* – Chair Jarvis said the Benefits Committee has edited the first five chapters of the policy and its next meeting is August 23, 2011.

She said Selectman Kratovil analyzed possible funding of the VNA, and concluded that the Board cannot authorize any payment, even if it wanted to contribute. She said the budget appropriated zero dollars, so that's what can be spent. She said two RSAs speak to that issue, and cited RSA 32:8 and RSA 32:10. She said she did not know how Barrington succeeding in giving money to the VNA after it zero funded it at Town Meeting. Chair Jarvis asked TA Webb to contact Linda Hotchkiss and let her know the Board does not have statutory authority to give the amount the VNA requested. TA Webb said she would check with the LGC, as she and Selectman Bickford read the RSA differently than Chair Jarvis and Selectman Kratovil.

## **5. Old Business**

*Representative to the Lakes Region Cable Television Consortium* – **Motion by Chair Jarvis to appoint Alison Webb as the Town's representative to the Lakes Region Cable Television Consortium; second by Selectman Bickford. 3-0.**

*Hiring Policy* – Chair Jarvis stated the Board held a work session last week to make revisions to the hiring policy. She said there were further edits to complete. Selectman Bickford suggested citing the RSA that grants the Board authority in hiring. Chair Jarvis said she was uncomfortable about the provision that the Parks and Recreation Commission may hire when using the revolving fund. She said there should be collaboration between the Board of Selectmen and the Commission. TA Webb asked if the Board would like to open a discussion with the Commission. Chair Jarvis said statutes must be followed and it needed to be determined who has the ultimate authority to hire in that case. She suggested asking the LGC.

Mary McHale asked who originally gave the Commission authority to hire under the revolving fund, and Chair Jarvis said it was something the Commission had always done. She went on to say that Town Meeting established the Commission and the

revolving fund, making the Commission agents to expend. She said agents to expend was something different than authority to hire.

Selectman Kratovil said he spoke with Human Resources Coordinator Mindy Norman at his workplace, and she suggested advertising positions online, rather than in the newspaper. He said within the State, when there is a vacancy there is a first callback, then the position is advertised internally, then in the State, then publicly. He said the State also keeps a registry of applicants. Chair Jarvis said that is something she'd planned to discuss.

RA Clarke clarified that the Board's reasoning was that employees had five days to apply for a new hire, then the position was advertised to the public for 10 days, so that current employees are thrown into the entire application pool. Chair Jarvis said all qualified employees are guaranteed an interview and have 15 days to apply. TA Webb said if the process is broken up to accommodate current employees first, prior to the public, it slows the process. RA Clarke said he disagreed, and felt it was unfair to current employees. He noted that a lot of people look at newspapers for employment opportunities.

Chair Jarvis read off comments regarding hiring practices from Land Use Administrator David Allen, dated June 6, 2011. She said she never received that email at that time. Essentially, Mr. Allen recommended removing the Board of Selectmen from the hiring process unless the individual reports to the Board. He said the Board could be asked to participate in the hiring process. She said state statute indicates a Planning Board may hire within its budget, and there was some confusion as to Mr. Allen's comments being related only to Planning Board hires. Chair Jarvis said Selectman Bickford has said in the past that he felt hiring was the most important role of the Board of Selectmen. Selectman Bickford said under a Town Manager government, selectmen do not hire. The Board brought up that a Planning Board representative was present during the last Land Use assistant's hire.

The Board agreed to discuss the hiring policy later.

*Budget Schedule* – Chair Jarvis said she would suggest August 29, 2011 to the Budget Committee for the joint budget meeting. The Board discussed availability for budget meetings, and Chair Jarvis said she would put together a schedule. Chair Jarvis said department heads attend 70 per cent of the time, and Ms. Blackden needs to be available about 30 per cent of the time. TA Webb clarified that budget workshops focus on the budget, but some business is done if needed.

## **6. New Business**

*2011 Personnel Evaluations* – Chair Jarvis said all evaluations should be completed by the end of September 2011. She said last year the Board wrote up evaluations individually, then reviewed the collated document together. RA Clarke said new hires are to receive a review after six months. Chair Jarvis said the September evaluation could be used for that. RA Clarke asked if the Board wanted to get all employees on the pay scale. Chair Jarvis said that was her desire, and it was an issue to take up at the joint budget meeting. The Board agreed to provide TA Webb with their evaluations of highway, equipment mechanic, fire, and police department heads by 8:00 a.m. September 12, 2011.

## **7. Schedule Next Meetings**

The Board scheduled a work session on the Town Dog Ordinance on August 24, 2011 at 9:00 a.m.

In light of Labor Day, the Board scheduled its next business meeting for September 12, 2011, if necessary, at 7:00 p.m. at Town Hall and the following business meeting for September 19, 2011 at 1:00 p.m. at the fire station community room.

## **8. Approval of Minutes**

**Motion by Chair Jarvis to approve the minutes of the business meeting of August 1, 2011, as amended; second by Selectman Kratovil. 3-0.**

**Motion by Chair Jarvis to approve the minutes of the non-public session of August 2, 2011, as amended; second by Selectman Bickford. 3-0.**

The Board agreed to review the sealed minutes of the non-public session of August 5, 2011 in non-public session.

**Motion by Chair Jarvis to approve the minutes of the work session of August 8, 2011, as amended; second by Selectman Bickford. 3-0.**

## **9. Any Other Business**

The Board briefly discussed informational material provided by the Transfer Station, concerning amounts of recyclables, solid waste, and demolition.

The Board was pleased with the document Ms. Ingham prepared on tax liens, and suggested posting it on the website.

## **10. Non-public Session**

**Motion by Chair Jarvis at 4:05 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.**

Chair Jarvis advised a decision may be made in non-public.

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.