

DRAFT

**New Durham Board of Selectmen  
Meeting Minutes of April 16, 2012  
Fire Station Community Room**

**Members Present:** David Bickford, Terry Jarvis, Jeff Kratovil

Also Present: Scott Drummey- Planning Board Chair, Wayne and Patricia Edwards, Danielle Krauss- Foster's Reporter, Road Agent Mike Clarke, Mike Joy, Police Chief Bernier, Transfer Station Foreman Joe Bloskey, Town Administrator Alison Webb

The Board of Selectmen meeting was called to order at 1:02PM by Chair Bickford. The Pledge of Allegiance was said.

**Agenda Review:** The Board added to agenda under New Business an issue of the personnel manual and a Copple Crown property. They also added to agenda under Old Business, the Meetinghouse Committee and a nonpublic session.

**Motion to waive the video policy made by Selectman Bickford, seconded by Selectman Kratovil. 3-0**

Public Forum: no comments.

**Appointments:**

*Edwards:* Wayne and Patricia Edwards asked to meet with the Board of Selectmen in regards to a complaint about Planning Board postings. The Edwards's were on the April 3, 2012 Planning Board agenda, but were cancelled from that agenda due to an improper posting.

Mr. Edwards said that he They are having trouble getting meetings posted with the Board. It has happened more than once, and he has heard that other people have had a similar issue. He is urging the Selectmen to set up a secure way and a procedure for posting in this Town.

Selectman Jarvis asked what specifically was missing from the posting? The Edwards's explained that for the first meeting with the Planning Board they came home from Florida and when they got back to New Hampshire they were informed that the meeting had not been noticed. The second meeting was posted, but did not include the date of the meeting. Mrs. Edwards said that they had paid both times to have the abutters letters certified, and according to the Town's rules, the Edwards's should have not paid the second time.

Mr. Edwards asked if the whole meeting of April 3<sup>rd</sup> was cancelled when he was cancelled, or was it only his case? He said that the system is broken, he has come to this meeting to ask the Board to address the system. Mr. Edwards said it was clear that there is a problem, and it needs to be addressed, not only for him but for other people as well. The whole event has cost the Edwards and the Town more money than was needed as they are now on their 7<sup>th</sup> meeting. They figured it should have taken 3, or maybe 4.

Selectman Kratovil asked the Edwards to look at the timeline, and identify where they had paid twice. They said that they paid for certified letters twice.

Selectman Kratovil iterated that the Planning Board took accountability for the May 16, 2011 posting, and asked David Allen to clarify that timely usually means 21 days, but that the Planning Board replied in less than 14 days due to the error.

David Allen said that the Planning Board gave the Edwards more time because of the error. He said that there was a meeting scheduled for April 5<sup>th</sup>. That was postponed because David was late posting the meeting to fosters. The business meeting at which applications are usually heard is the first meeting of the month, but an accommodation was made to see the Edward's at the next meeting. David indicated that the Edward's had said at the April 19<sup>th</sup> meeting, that they thought they would be ready to be back at the second meeting in May. Shortly before that, the surveyor emailed to say that they weren't going to make it.

The Edwards said that they could have been asked a question a meeting prior, and David agreed but that was an instance in which a Board member had made a request, and there is no way to anticipate that the question would come up at a later date. Sometime it does happen that a board member thinks of something at a meeting that they would like and it is unfortunate that it does not always get asked in advance.

Selectman Jarvis asked if when an applicant is requested to do something, the request get confirmed after the meeting? Or is it up to the applicant, and/or the Board member to keep track? David Allen said that there is not a regular practice to follow up.

Mr. Edwards said that he is not accusing anyone of not doing their job, and stated that he thinks that they have worked well with the people on the Planning Board so far. He reiterated that the issue lies with the postings. They need to be done right.

Selectman Jarvis assured the Edwards that the Board of Selectmen will put together a check list for postings, and make sure the process is set up right.

Scott Drummey clarified that the two issues are 1) was the meeting posted properly and 2) was there a specific posting required. The Town has a generic posting that covers the RSA 91-A meeting notice requirement for many of the Boards, Committees and Commissions. The understanding at the time was that a specific posting was required. David Allen clarified that he wasn't 100% sure of that, but given the nature of the Edward's specific case, he had wanted to make sure that all of the Ts were crossed, and that was why he made the decision to cancel, as he felt it was in the best interest of the applicant and the Town. It was his understanding that there needed to be a specific posting for that agenda item. The PB is covered by the guidelines under the Right to Know law, but there are also specific laws governing the postings of the subdivisions. After the fact, Local Government Center legal clarified that the generic posting was adequate.

Mr. Edwards stated that since the Board has now heard his complaint, hopefully this problem will not occur in the future, for them or anyone else. Chair Bickford said that the Board of Selectmen are already working on obtaining a locked bulletin board for the front of the Town Hall, and he thanked the Edwards for coming in.

*Road Agent:* Update on Sand- on hand there is 1000 cubic yards left over from last year. Last year he was asked to squeeze the budget where he could so he opted to take 2548 instead of the usual 3000. The use of sand is unpredictable. This winter had a lot of ice and rain, which resulted in higher sand usage.

The Town is in the second year of the three-year sand contract at \$7.95 per cubic yard. The Budget Committee had indicated that since sand does not go bad, it is better to stock pile it for

such a low cost. The weather and what type of storm we have dictate how much sand is used. This year we used approximately 800 yards more than the previous. The winter of 2010/2011 was a heavy snow, heavy ice year.

Road Agent Clarke said that the Town probably has 1,000 cubic yards on hand at any given point. But often what is in the building is mixed with some salt (15:1 ratio) to keep it from freezing.

Chair Bickford would like to see the pattern of usage. Road Agent Clarke will provide the information to Alison, with at least 5 years back. Maximum purchase was in 2007 in the amount of 3,500 cubic yards.

*Transfer Station Foreman:* Foreman Bloskey was informed by DES that he cannot hire a part-time seasonal helper because DES will not be providing a level 1 training class from May 1 to Columbus Day. Joe is proposing that Leo and Randi cover those days, by each picking up an extra day. They are both willing to cover the time. This would move them from 20 hours to 30 hours per week. The Board agreed.

**Motion to allow Joe to extend Leo and Randi's hours until Columbus Day, made by \_\_\_\_\_, seconded by \_\_\_\_\_. 3-0**

Joe is going to come before the Board later in the year to discuss whether the Transfer Station can be closed for the Easter Holiday in 2013.

*Police Department:* Chief Bernier introduced Police Officer candidate Mike Joy to the Board of Selectmen. Chief Bernier explained that due to the tragic events that took place in Greenland, the polygraph test was pushed off.

**Motion to enter nonpublic to interview a candidate under RSA 91-A:3 II (a) made by Selectman Bickford, seconded by Selectman Kratovil. Jarvis- aye, Bickford- aye, Kratovil – aye.**

Non-public was entered into at 2:15pm.

In non-public session the Board of Selectmen interviewed candidate Mike Joy for a full-time position on the New Durham Police Department. The Board of Selectmen asked Mr. Joy several questions.

Selectman Kratovil asked Chief Bernier and Mr. Joy to leave the nonpublic session. He discussed some things that he has seen and observed with the Board of Selectmen for a moment.

The Board brought the Chief and Mr. Joy back to finish the interview.

**Motion to come out of non-public session made by Chair Bickford, seconded by Selectman Jarvis. 3-0**

The Board was out of non-public at 3:03pm.

The Board has reviewed Mr. Joy's application and will start the vetting process. They will make their final decision at their next business meeting on Monday, May 7<sup>th</sup>.

Chief Bernier presented a Driving While Intoxicated Grant from Department of Highway Safety.

**Motion to authorize the chairman of the Board of Selectmen to sign the DWI Highway Safety Grant Application, made Selectman Jarvis, seconded by Selectman Kratovil. Discussion: Does not include field. 3-0**

Chief Bernier informed the Board that the Speed Grant was not received this year.

**Old Business:**

*Bulletin Board:* The Board reviewed a quote for a Bulletin Board to be put in front of the Town Hall. The Board discussed the need to have this board be used for official town business only. They requested TA Webb to look for a small bulletin board to replace the old one, for the Parks and Recreation to utilize.

**Motion to authorize TA Webb to purchase what is necessary to purchase the Bulletin Board by the end of April, made by Selectman Jarvis, seconded by Chair Bickford. 3-0.**

*Meetinghouse:* Selectman Jarvis brought up the Meetinghouse Charter. She is very concerned that there have not been any minutes taken. The Charter was signed in 2006. She is unaware of how many meetings have been held from 2006 to present. She would like to know how many meetings the committee has had, and how many sets of minutes are missing.

Selectman Kratovil spoke with Christine Fillmore of LGC, and she said that the committee should recreate the minutes. The Board of Selectmen should also give the committee a formal directive to make sure to take minutes and post agendas. It was also recommended that all receipts and financial information be collected.

Selectman Jarvis recommended asking all Boards, Committees and Commissions to provide all official records to the Town Clerks office.

The Board is planning on meeting with the Meetinghouse Committee on Monday, May 7<sup>th</sup> at 7PM. They would like TA Webb to collect any and all Meetinghouse materials and records that are available, including meeting dates, any minutes and agenda that are available, and any actions that the committee has taken, so that Board has a collection to review.

*TO DO List:* Selectman Jarvis provided the Board with a spreadsheet of outstanding issues that have been touched upon by the Board over the years. She has broken it down into meeting date, person responsible and topic. The Board will bring this sheet to the Board of Selectmen workshop that will be held next Monday, April 23, 2012.

She also provided a list of major items for Board of Selectmen action.

**New Business:**

*Personnel Manual:* Chair Bickford brought up that there is an issue over vacation. The way he understands it is that the policy does not take into account employees who wish to take vacation early in the year.

Selectman Jarvis said that it does allow for people to plan early year vacations. That is why it goes into effect on January 1, 2013. She said that when she was working with the Benefits Committee, she said that she could not defend the old system, and told the committee that if they wanted to come and defend their argument for keeping vacation that they should do so. Selectman Jarvis said that in the new policy, employees are allowed to roll a percentage of their leftover annual leave now, similar to the process of sick leave.

*Incident Report:* Chair Bickford feels that asset incident reporting should be included in the Personnel Manual. The Board discussed where in the manual this should be included. Chair Bickford and Selectmen Kratovil discussed a desire to change the manual immediately. They will wait until the Board readdresses the Personnel Manual this year.

*Copple Crown Property:* Chair Bickford put together paperwork for the Board that discusses the process to sell property collected through tax deed. Chair Bickford is thinking of a particular piece of property that has a building on it on Franconia Drive.

The Board gave TA Webb direction as to how to secure the building. Chair Bickford wanted to bring this information to the Board to have them review the process.

Mike Gelinas came before the Board of Selectmen at 4:30PM to ask for permission for the Powder Mill Snow Mobile Club to do trail work through a grant.

**Motion to authorize the Powder Mill Snow Mobile Club to do work on Class VI roads for 2012, made by Selectman Jarvis, seconded by Selectman Kratovil. Discussion: the work will be for ditching, culverts, and general trail maintenance. The Club will be applying for a grant. Vote: 3-0**

TA Webb asked about the Club clearing garbage off of state property. Mr. Gelinas said that they have only cleared off garbage on town or individual property. He said that the only property of the State's that was cleaned up was along Route 11.

Mike Gelinas and Tom Goss are designated by the Club to accompany anything that goes to the Transfer Station.

The Board spoke briefly about the 250<sup>th</sup> Celebration. The Flamingo Plunge will be held on Sunday, March 22nd at noon at the Town Beach. The Commemorative Mugs are in and ready to be sold. People can purchase them at the Town Hall for \$7. They can also currently be purchased at Sporto's.

**Motion to enter into nonpublic session pursuant to RSA 91-A: 3II (c) made by Chair Bickford, seconded by Selectman Jarvis. Roll Call vote; Bickford- aye, Jarvis- aye, Kratovil- aye**

*Welfare:* TA Webb brought to the Board an issue that, due to extenuating circumstances, does not fall within the guidelines.

The Board said they are willing to waive the guidelines if the citizen is willing to set up a payment plan after their Worker's Compensation payment is received.

**Motion to waive the income requirement for the case presented by the welfare officer, and to pay the amount of \$1,700 which represents two months back rent, provided that the recipient immediately sets up a re-payment schedule once he starts receiving his workman's compensation, made by Selectman Jarvis, seconded by Selectman Kratovil. 3-0**

**Motion to leave nonpublic session at 5: 45PM made by Chair Bickford, seconded by Selectman Jarvis. 3-0**

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

Meeting adjourned at 5:47PM.

Respectfully Submitted,  
*Alison Webb*