

**New Durham Board of Selectmen
Minutes of Meeting ~ February 6, 2012
Town Hall**

Members Present: Theresa Jarvis, Jeffrey Kratovil
Also Present: Town Administrator (TA) Alison Webb

1. Call to Order - Chair Jarvis called the meeting to order at 6:37PM

2. Non-public Session - Motion to enter into 91-A : 3 II d- made by Chair Jarvis, seconded by Selectman Kratovil, roll- call vote Kratovil-aye, Jarvis-aye. Selectman Bickford had previously notified the TA that he would not be present due to a real or perceived conflict of interest.

Non-public entered into at 6:37PM.

Motion to come out of nonpublic made by Chair Jarvis, seconded by Selectman Kratovil. 2-0

3. Return to Public Session - The Board of Selectmen came out of nonpublic session at 7:00PM.

In nonpublic there was: **Motion to authorize TA Webb, Selectman Kratovil, and Road Agent Clarke to move forward with negotiations with Mr. Dudley relative to the purchase of a permanent or temporary easement so the town can move forward with the necessary updates to Downing's Pond Dam, made by Chair Jarvis, seconded by Selectman Kratovil. 2-0**

Respectfully submitted,
Alison Webb

Selectman David Bickford joined the meeting at 7:00 p.m.

Also Present: Town Administrator (TA) Alison Webb, Police Chief Shawn Bernier, Road Agent Mike Clarke, Deputy Fire Chief K.G. Lockwood, Police Department Administrative Assistant Katie Woods, Corporal Reggie Meattley, Krissi Bernier, Lura Meattley, Leon Smith, Dot Martin Veisel, Baysider reporter Brett Tiede, videographer Beth Meyer, Recorder Cathy Allyn

4. Agenda Review – The Board made some additions.

5. Appointments/Department Reports

Supermarket Sweep Raffle – Chair Jarvis said the drawing would occur later in the evening, when the remainder of the tickets were included.

1772 Meetinghouse Restoration Committee – The Board received an email from Ann Kelley explaining her interest in serving on the committee, and accepted her nomination. The Board stated the two week vetting process would begin. Chair

Jarvis suggested Ms. Kelley come in to the next meeting. Cathy Allyn, chair of the committee, said attending a meeting could be difficult as Ms. Kelley is quite busy, which is why she had counseled Ms. Kelley to send an email detailing her past experience with the 1772 Meetinghouse restoration. Chair Jarvis pointed out that the next meeting would not be until March 5, 2012. The Board indicated waiving the vetting policy was done only when time was of the essence. Ms. Allyn said it was her desire to fill the vacancy on the committee as soon as possible, so the committee could discuss its plans for the 250th Birthday Celebration.

Motion by Selectman Kratovil to waive the vetting policy in regards to the appointment of Ann Kelley to the 1772 Meetinghouse Restoration Committee; second by Chair Jarvis. Jarvis – aye, Bickford – nay, Kratovil – aye. The motion carried.

Motion by Chair Jarvis to appoint Ann Kelley to the 1772 Meetinghouse Restoration Committee; second by Selectman Bickford. 3-0.

Promotion Interview for Police Sergeant – Chair Jarvis stated the interview could be conducted in non-public session. Police Chief Shawn Bernier said Corporal Meattey would like the interview to be in public session. Corporal Meattey confirmed that. Selectman Bickford stepped down from the interview.

In response to the Board's questions, Corporal Meattey said he wanted the recently available position of sergeant as it was a natural progression in his career. He added that outside of the administrative side of police work, the promotion would not entail work he had not already been doing. He said he could bring experience and knowledge to the position, especially since he has been a first line supervisor. He stated he had a good background in the criminal code and motor vehicle work.

He emphasized his people skills and told the Board he could relieve the extra demands on Chief Bernier. He explained how police officers determine the amount of force necessary when dealing with a suspect, and noted there was a policy in place for handling people with psychiatric disorders. Corporal Meattey allowed that dealing with subordinates can be a challenge in a small department, but said he had mediated before and saw that as an area where he could draw on the strengths of his people skills. He said morale was important, so the best approach was to prevent any problems from occurring.

Corporal Meattey said officers consult him often during his off-duty hours and he has no problem with that. He stated that he loved the town, department, and his job, and that he has made a commitment. He indicated being available was part of the job, and that he would not request on-call pay. He said he felt he would need assistance in the in-depth administrative aspects of the job. He said he had a strong support system with his family and faith to handle stressful situations. He indicated he was willing to take leadership classes to increase his administrative knowledge. He listed several training classes he has taken in the past.

Chair Jarvis advised him that the new Personnel Policy calls for a one-year probationary period regarding promotions, and that Chief Bernier would evaluate him at six and 11 months.

Motion by Selectman Kratovil to promote Corporal Reginald Meattey to the rank of sergeant in the New Durham Police Department; second by Chair

Jarvis. Chair Jarvis said he would be placed on one-year probation. **2-0.** Chair Jarvis said the promotion would be effective starting tomorrow. She asked Corporal Meattay to meet with Financial Officer Vickie Blackden to complete necessary paperwork.

Supermarket Sweep Raffle – Krissi Bernier described the limits of the sweep and added that Hannaford's was also donating a \$500 gift card. Road Agent Mike Clarke, who had not purchased a ticket, drew Winifred Berry's name. Ms. Bernier mentioned another Parks and Recreation Department fundraiser for the 250th Birthday Celebration, which is the flamingo flock that can be delivered to a person's yard for \$5. Dot Veisel said Ms. Bernier has done a tremendous job in spearheading the event and galvanizing all departments and committees in town to be involved.

6. Old Business

Budgets – Police - Chair Jarvis said there was a savings of a little over \$9,000 in line 110, due to not having a sergeant since the beginning of the year, but there has been an increase in overtime. Line 140, part-time and overtime and on-call, has been and will be used to fill shifts. Therefore, the Budget Committee decided to reduce the police budget \$5,000, rather than \$9,000.

Motion by Chair Jarvis to approve Public Safety account 4210 in the amount of \$343,996; second by Selectman Bickford. Chief Bernier said the reduction would not hurt his budget, even with covering shifts, as the new officer will be a patrolman at a lower salary. **3-0.**

Capital Reserve Funds – Chair Jarvis said RA Clarke was amenable to decreasing the contribution to the gravel fund to be established, to \$15,000, rather than the \$25,000 recommended by the Capital Improvements Committee.

Motion by Chair Jarvis to approve Capital Reserve Funds account 4915 in the amount of \$403,550; second by Selectman Bickford. Jarvis – aye, Bickford – aye, Kratovil – nay. The motion carried. Selectman Kratovil said he believed the amount to establish the gravel fund should be \$25,000.

Personnel Administration – Chair Jarvis said this account could be decreased by \$6,544 because the police department will not fill the corporal position.

Motion by Selectman Bickford to approve Personnel Administration account 4155 in the amount of \$539,530; second by Chair Jarvis. Ms. Blackden said the reductions are seen in contributions to health and dental insurance, Medicare, disability, police retirement, etc. **3-0.**

Final Review of Warrant and Narrative – Chair Jarvis said the operating budget article appears as number three on the warrant and the amount is \$3,067,407. Selectman Bickford asked about taking \$50,000 from the unreserved fund balance and putting it toward the operating budget to reduce taxes. Chair Jarvis said monies from the unreserved fund balance are being used for some articles.

Motion by Chair Jarvis that the money to establish a Capital Reserve Fund for replacement/repair and maintenance of Town fuel pumps come from the unreserved fund balance. Chair Jarvis posited that funds in articles 11, 13,

and 14 could also come from the unreserved fund balance, rather than raising the money through taxation. She noted that DRA said it was acceptable to use money from the unreserved fund balance for the Expendable Trust Funds in article 13. Chair Jarvis said the total amount from the unreserved fund balance for articles 4, 5, 6, 7, 11, 13, and 14 would be \$118,096. She explained that if the Board put \$50,000 from the unreserved fund balance toward articles, the fund would contain 9.4 per cent of the Town's financial liability. If \$118,096 were used, the unreserved fund balance would contain \$755,000, which would account for seven percent.

Selectman Bickford pointed out that the point of using funds from the unreserved fund balance was to lower taxes, so if an article were voted down, the funds from the unreserved fund balance would be returned there. Chair Jarvis said those monies could be applied toward the 2013 warrant to help lower taxes. Selectman Bickford suggested using the amount decided upon from the unreserved fund balance to go toward article 9, as it can be difficult to come up with the money for the Road Surface Management System. TA Webb said both the Board and the Budget Committee would have to revote if the monies were put toward article 9. Chair Jarvis said using the monies from the unreserved fund balance on articles 6, 11, 13, and 14 would prevent the Board and the Budget Committee from having to revote.

Motion by Chair Jarvis to approve article three, the Town's operating budget, in the amount of \$4,067,407; second by Selectman Bickford. 3-0.

The Board discussed revised wording in article 5 to clarify purchasing gravel and material to process into gravel.

Motion by Selectman Bickford to approve the new language discussed this evening in article 5; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis that wording in article 6 be changed to signify the funds will come from the unreserved fund balance; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the revision signifying the funds in article 11 come from the unreserved fund balance; second by Selectman Bickford. Selectman Kratovil said he saw no urgency for this. Chair Jarvis said the Board was bound to make a recommendation, based on what was said at last year's Town Meeting. **Jarvis – aye, Bickford – aye, Kratovil – nay. The motion carried.**

Motion by Chair Jarvis to approve the revision signifying the funds in article 13 come from the unreserved fund balance. Chair Jarvis withdrew her motion.

Motion by Chair Jarvis to approve the revised language in article 14 removing the word "permanent" from the phrase "permanent easement" and signifying the funds come from the unreserved fund balance; second by Selectman Kratovil. Selectman Bickford recused himself. **2-0.**

Chair Jarvis said the narrative will change slightly due to changes made tonight. The Board made other minor changes to the narrative.

Five Member Board – Selectman Kratovil said he found it unfair that a vote of only two selectmen could be made, and recommended a five-member board. He said David Connell of the Local Government Center said it would be acceptable. He said the Board could add an article to the warrant tonight bringing the issue before the

voters. Chair Jarvis said last year no one signed up to complete a three-member board, and this year only one person signed up to run for the available position. She said there are no races for any position this year, and there are still vacancies.

Selectman Bickford said he was not interested at this time. Selectman Kratovil asked if he would be willing to put it before the voters, or would the Board knock it dead now. Chair Jarvis said she would like to give it thought before making a decision, but did not feel it was a good idea at this time. The Board discussed that voters voted down the idea in the past.

Lakes Region Cable Television Consortium Agreement – The Board reviewed the letter from Donahue, Tucker & Ciandella, PLLC outlining the changes to the Lakes Region Cable Television Consortium Inter-Municipal Agreement requested by the Attorney General's office.

Motion by Selectman Kratovil to accept the inter-municipal agreement as amended by the state's Attorney General's office per Donahue, Tucker & Ciandella, PLLC, and to authorize the chairperson to sign it; second by Selectman Bickford. 3-0.

Revised Strafford County Dispatch Agreement – **Motion by Chair Jarvis that the Town of New Durham accept the revised agreement between the Strafford County Sheriff's Office and the Town of New Durham for police, fire, and emergency medical call taking and dispatching services; second by Selectman Kratovil. 3-0.**

Motion by Selectman Kratovil authorizing the chairperson to sign the dispatch services agreement on behalf of the Board of Selectman; second by Selectman Bickford. 3-0.

Comstar Rates – The Board met with Deputy Fire Chief K.G. Lockwood to discuss ambulance rates for this year. Deputy Chief Lockwood's proposal was to increase rates, and he provided a handout detailing the fee schedule he developed that would allow the Town to recoup some of the ambulance operating costs. He said New Durham's rates, modified in 2010, are lower than surrounding communities'. He said he would be renegotiating Comstar's 10 per cent commission fee, now that he has learned other communities pay half that. The Board placed a more thorough discussion of the matter on the March 5, 2012 agenda.

7. New Business

Request to Unseal January 23, 2012 Non-public Minutes – Corporal Meattley said he would have preferred the Board's discussion of his promotion on January 23, 2012 to have been held in public session. Chair Jarvis said the purpose of sealing minutes is to protect individuals other than Board members, but this was now a case of the discussed individual requesting them to be made public. Selectman Kratovil said two members of the Board were present, and the minutes were sealed for the same reason the meeting was held in non-public session. He said those reasons remain, so his opinion was that the minutes remain sealed.

Chair Jarvis said public minutes made it clear that a name was entered. Selectman Kratovil said anything beyond that would be inference. Corporal Meattley said if protecting his reputation was the basis for sealing the minutes, he did not care if the comments made during the meeting were made public. Selectman

Kratovil said if Corporal Meattey were the only one involved, that would be all right. Chair Jarvis said the Board could revisit the issue after the minutes were approved, if Corporal Meattey again requested they be unsealed. She suggested checking with the LGC for legal guidance. Corporal Meattey said he felt he had a right to know what was said, and told the Board he would be pursuing that.

Sheriff's Department – After more research into Selectman Bickford's suggestion that the Town look into having the Strafford County Sheriff's department take over as the police presence in New Durham, Selectman Kratovil said that although similarities existed between the two entities, overall he thought the Sheriff's department could not take the place of the police department. TA Webb said Sheriff Estes did not see his department taking over.

Purchase Orders – RA Clarke said there was an advancement in cutting edges for plows and wings, and only one vendor offered it. He indicated the Town could save greatly if the product's guarantee of two years and four years held true. He said in a year with a lot of snow, he could replace the current cutting edges three times. He said the state Department of Transportation has had the same cutting edges from this company for three years.

Motion by Chair Jarvis to waive the purchase policy and approve Purchase Order #0167 to Winter Equipment Company in the amount of \$6,300; second by Selectman Bickford. 3-0.

Equitable Sharing Agreement and Certification – TA Webb explained that signing this form, filled out by Chief Bernier, verifies the police department participates in this program and that the Town did not receive federal funds from arrests this year.

Motion by Selectman Bickford to authorize the chairperson to sign the Equitable Sharing Agreement and Certification as accurate to the best of the Board's knowledge; second by Selectman Kratovil. 3-0.

8. Approval of Minutes

The Board tabled discussion of the public and non-public meetings of January 23, 2012.

The Board discussed Recorder Cathy Allyn's concerns regarding the deletion of comments made by Ms. Bernier in the minutes of December 5, 2011. The Board agreed to include the deleted comments and add a clarifying statement.

Motion by Chair Jarvis to approve the minutes of December 5, 2011, as amended tonight; second by Selectman Bickford. 3-0.

9. Non-public Session

Motion by Chair Jarvis at 10:12 p.m. to enter non-public session under RSA 91-A:3 II (a); second by Selectman Kratovil. A roll call vote was taken. Jarvis – aye, Bickford – aye, Kratovil – aye.

Chair Jarvis said no further public information would be discussed.

Non-public session began at 10:18 p.m.

Motion by Chair Jarvis that the nonpublic minutes of the first nonpublic session of January 23, 2012 be approved, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis that the nonpublic minutes of the second nonpublic session of January 23, 2012 be approved, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to come out of nonpublic session; second by Selectman Kratovil. 3-0.

10. Adjournment

Motion by Chair Jarvis at 11:01 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.