

**New Durham Board of Selectmen
Minutes of Meeting ~ March 5, 2012
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison Webb, Police Chief Shawn Bernier, Fire Chief Peter Varney, Deputy Fire Chief K.G. Lockwood, Police Department Administrative Assistant Katie Woods, Sergeant Reggie Meattley, Town Clerk Carole Ingham, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Steve Bedard, Margaret Dillon, Dot Martin Veisel, Baysider reporter Brett Tiede, videographer Beth Meyer, Recorder Cathy Allyn

1. Call to Order – Chair Terry Jarvis called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

2. Agenda Review – Chair Jarvis made a minor modification.

3. Appointments

Margaret Dillon, Energy Audit - The Board met with Margaret Dillon, who prepared the energy audit at Town Hall and the Fire Station. Deputy Fire Chief K. G. Lockwood provided the Board with no- and low-cost response measures the fire department has taken since receiving the audit. Chair Jarvis said low wattage bulbs have always been left burning in the apparatus bay. Ms. Dillon explained that the audit simply lays out what the current procedures and conditions are costing the Town, and it is the Board's decision to make any changes. She said that sometimes saving energy is a question of changing habits.

Discussion ensued over various practices at the fire station, the reasoning behind those practices, and possible solutions. Ms. Dillon said it comes down to the state of the envelope, or enclosure, the efficiency of the heating equipment, and the efficiency of heat distribution. She said improving the air barrier and insulation decreases demands on heating equipment. She noted that programmable thermostats save energy, even if a building's temperature has to be brought back up. She advised having a plan to see what the Town's replacement equipment should be. BI/CEO Arthur Capello said the 30-year-old furnace in the fire station might take priority. Ms. Dillon remarked the actions already taken by the fire department were good.

Regarding Town Hall, Steve Bedard, who completed the building's Historic Structure Report, said the Board should contact the Division of Human Resources to see what improvements would be allowable. He suggested considering reversibility. Ms. Dillon said good exterior drainage was important. She pointed out that some solutions to dampness use considerable amounts of energy. Mr. Bedard agreed that regrading the land around the foundation would help. Ms. Dillon said it would be expeditious to install insulation at the same time as the grading.

She suggested an insulated panel door for the attic area, which would be reversible. Other items specific to Town Hall were discussed. BI/CEO Capello said many of the fixes were inexpensive.

Moderator Cecile Chase and Town Clerk Carole Ingham – The Board reviewed the warrant articles for Town Meeting with Ms. Chase and Ms. Ingham, to determine who will move, second, and speak to the articles.

Ms. Ingham informed the Board that the Attorney General has indicated two selectmen must be in attendance during state elections, a fact the Board was unaware of. Ms. Chase said it did not apply to this upcoming election, but it would for the next one.

Ballot Clerk – Ms. Ingham told the Board some inspectors of elections serve as ballot clerks. She and Ms. Chase put forward Sheri Joy as an alternate inspector of elections. The Board agreed to wait the two-week vetting period before appointing Ms. Joy.

4. Department Reports

Parks and Recreation Commission – Dot Veisel of the Parks and Recreation Commission requested permission on behalf of the Commission, the Food Pantry, and the 250th New Durham Birthday Celebration Committee to run raffles now through August 1, 2012 without appearing before the Board each time. The goal is to raise \$7,500 for the 250th Birthday event. She also asked if the Committee could erect a thermometer sign on Town property to indicate money raised. Chair Jarvis stepped down, as she serves on the Food Pantry Board.

Motion by Selectman Jeff Kratovil to approve the request of the Parks and Recreation Commission, the Food Pantry, and the 250th New Durham Birthday Celebration Committee to run raffles now through August 1, 2012; second by Selectman David Bickford. Bickford – aye, Kratovil – aye. The motion carried.

Motion by Selectman Kratovil to approve the request of the Parks and Recreation Commission, the Food Pantry, and the 250th New Durham Birthday Celebration Committee to erect a thermometer shaped sign on Town property, and to waive any sign ordinances; second by Selectman David Bickford. Bickford – aye, Kratovil – aye. The motion carried. Chair Jarvis rejoined the Board.

Police – The Board discussed the request to unseal the non-public minutes of January 23, 2012. Chair Jarvis said if the minutes are unsealed, Town Counsel advised the content of the discussion that led to the minutes is not unsealed, and therefore remains non-public. She said it was his opinion that the meeting was legally held. Chair Jarvis read the specific reasons for a meeting to be non-public.

Motion by Chair Jarvis to unseal the minutes of the non-public meeting of January 23, 2012; second by Selectman Kratovil. Chair Jarvis said TA Alison Webb received the same opinion about unsealing minutes from the Local Government Center. She clarified that it would be only the minutes as written and approved that would be made public by this motion, not the content of the meeting that does not appear in the minutes. **3-0.** Selectman Kratovil clarified that Sergeant Reggie Meattey initiated the request to unseal the minutes.

Request for Public Meeting – Police Chief Shawn Bernier stated he was requesting a public meeting to discuss the letter of written warning he received. Selectman Kratovil suggested the Board enter non-public session to discuss Chief Bernier's concerns. Chief Bernier said he did not wish to hide the events, as he had done nothing wrong. He said he had a document to indicate how he was trained regarding non-public sessions. He told the Board he thought a letter of written warning was a knee-jerk reaction.

He explained he did not know the minutes of the non-public session of January 23, 2012 were sealed, as they were sealed after he left the meeting; he, therefore, thought a letter of training would be more appropriate. He said an attorney was now telling him something different from his understanding of non-public meetings. TA Webb indicated the email from a prior town administrator to the Board at that time and the Parks and Recreation Commission noting that an employee who is a subject of discussion in non-public had the right to know what was said about him or her. She said Chief Bernier's name was not on the email, so it was not proof that he had been trained a certain way.

Selectman Bickford said Chief Bernier should not tell people what went on in the meeting. Chief Bernier said he told only the employee, based on the information in that email. TA Webb summarized by saying Chief Bernier was saying he was being punished based on what he'd been told previously. Chief Bernier said he did not receive the information from the attorney indicating his training had been incorrect until February 22, 2012. Selectman Kratovil said that did not change what he did. Chief Bernier answered that the two previous town administrators had said he could do what he did. Selectman Kratovil said Chief Bernier should have known what was correct.

Chief Bernier said the document says an employee has a right to know what was said about him, and he left before the minutes were sealed. Chair Jarvis said the questions were if an attendee in non-public is bound to keep what was said non-public, and was the meeting illegal because the employee was not present. She said the Board has discovered that an employee does not have the automatic right to be at a meeting where he or she is discussed. Selectman Kratovil said he would like to handle this matter in non-public session.

Chief Bernier said he told only Sergeant Meattey, the subject of the discussion. Sergeant Meattey said he told his wife, with the admonition not to tell anyone. Chief Bernier said his understanding of non-public came from the document and what two town administrators had told him. He said he could not understand a letter of reprimand.

New Hire Update – TA Webb said the Town received applications from three qualified candidates for the certified police officer, as well as some who are not certified. Two were called for the physical test, but neither could complete the test at this time so the Town has advertised the position again. That window closes on March 9, 2012. Chair Jarvis said other communities are also advertising and New Durham's salary offering is not competitive.

Proposed Policy – Chair Jarvis brought up the recent request for police officers present during elections, which was not budgeted for. She said she would like to see a policy to track how often the police department is asked to do work without

funding. Chief Bernier provided the Board with the Entertainment and Police Detail policies. Chair Jarvis noted the Town gets reimbursed for those situations. She said the Board was concerned about requests without funding.

Chief Bernier said there was an instance of a threatening individual, so he met with New Durham School Principal Lisa Tremblay and, as a result, posted an officer during the election. Chair Jarvis said the Board would review the policies Chief Bernier supplied. Chief Bernier said for now he would assign a regularly scheduled officer to the school during elections. TA Webb and Chief Bernier are to draft something regarding the matter.

Fire Department

Ambulance Billing – Deputy Chief Lockwood said Comstar has sent a request for the department's ambulance billing rates. He said the state conducted a study on rates and New Durham's are below the state average. He said the proposed rates are based on supply costs and operating costs, and can be justified.

Motion by Chair Jarvis to approve the 2012 ambulance usage fees as proposed by the Fire Chief and Deputy Fire Chief; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis that the chairperson sign the form when completed; second by Selectman Bickford. 3-0.

Emergency Management Emergency Operations Plan Grant – The Board reviewed the EMPG grant agreement for the Local Emergency Operations Plan project. The grant is for \$2,500, with the Town matching the \$2,500 with in-kind services.

Motion by Chair Jarvis to approve the EMPG grant agreement terms as presented for revision of the Emergency Operations Plan, with grammatical corrections; second by Selectman Kratovil. 3-0.

5. New Business

Town Investment Policy – Chair Jarvis said the investment policy must be reviewed yearly. Selectman Kratovil has questions for Financial Officer Vickie Blackden. Chair Jarvis said the answers would be upstairs for review, so the Board could take up the matter at the first meeting in April.

Raffle Policy – Chair Jarvis said the police chief has approved the raffles run by non-profit groups in town, but the law has changed, making it the selectmen's duty. She said the Board could delegate the chief to approve, however. Ms. Ingham said the Board could delegate the authority to anyone. She went on to say that the groups could run raffles for a year with an approved application. She said the police department had been an obvious choice in the past, because the police would be aware the raffle was being run if a resident called with a concern.

Selectman Bickford said the approval is a function of the Board, and the town administrator often acts for the Board. Ms. Ingham said she provides the police department with copies of the approved raffle requests, so it would be notified.

Motion by Selectman Kratovil to designate the town administrator to approve raffle requests on behalf of the Board of Selectmen, with the caveat that the police department is aware; second by Chair Jarvis. 3-0.

2012 Reappointments – Chair Jarvis said TA Webb could contact individuals whose terms are up. She said she saw no need for vetting because the process is merely reappointment. Selectman Bickford pointed out vetting was the Board's policy. Ms. Ingham said she has been compiling lists of individuals up for reappointment. Selectman Kratovil said if he'd had the two-week period before, he would have voted differently. Chair Jarvis said she thought the two-week period was a waste of the Board's time.

6. Approval of Minutes

Motion by Selectman Kratovil to approve the public minutes of February 6, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes session I of February 6, 2012, as amended; second by Selectman Kratovil. Jarvis – aye, Bickford – abstain, Kratovil – aye. The motion carried.

Motion by Chair Jarvis to approve the non-public minutes session II of February 6, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the public minutes of February 14, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes of February 14, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Kratovil to approve the non-public minutes of February 14, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the public minutes of February 27, 2012, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes of February 27, 2012, as amended; second by Selectman Kratovil. 3-0.

7. Town Voting

Chair Jarvis announced voting will take place March 13, 2012 at the New Durham School from 8:00 a.m. – 7:00 p.m. Town Meeting is the following evening beginning at 7:00 p.m. at the school.

8. Schedule Next Meeting

The Board scheduled its next business meeting for March 19, 2012 at 1:00 p.m. at the Fire Station Community Room.

9. Any Other Business

Solid Waste Facility - The Board discussed a profit on recyclables at the transfer station of approximately \$19,000, which is a large increase. There has also been a significantly less loss on disposals, due to increased fees.

Mutual Aid System – Selectman Kratovil suggested Deputy Chief Lockwood write a thank you to the fire chiefs of Alton, Barnstead, Gilmanton, Strafford and Moultonborough for continuing to provide mutual aid, despite the fact that New Durham no longer is a member of the Lakes Region Mutual Fire Aid Association.

Town Reports – TA Webb said the Town Reports have been distributed throughout town.

10. Adjournment

Motion by Selectman Bickford at 10:28 p.m. to adjourn; second by Chair Jarvis. 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.