

**New Durham Board of Selectmen
Minutes of Meeting ~ April 2, 2012
Town Hall**

Members Present: David Bickford, Theresa Jarvis, Jeffrey M. Kratovil

Also Present: Town Administrator (TA) Alison Webb, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Equipment Mechanic David Valladares, Eric Cantrall, Jake Cantrall, Garret Perkins, Dot Veisel, videographer Beth Meyer, Baysider reporter Brett Tiede, recorder Cathy Allyn

1. Call to Order – Chair David Bickford called the meeting to order at 7:04 p.m. and asked Selectman Jeffrey Kratovil to lead the Pledge of Allegiance.

2. Agenda Review – The Board made minor modifications.

3. Citizens' Forum – Chair Bickford asked if any members of the public would like to speak. Recorder Cathy Allyn noted Citizens' Forum has been missing from the agendas for the past few meetings. Chair Bickford agreed it should be officially back on. Brett Tiede asked about the upcoming meeting with Municipal Resources, Inc. Town Administrator (TA) Alison Webb said it would deal with goal setting and possible revision to the Town's wage schedule. Selectman Terry Jarvis added that the Board might also discuss the performance evaluation tool.

Selectman Jarvis reminded residents of the Flamingo Plunge to be held at Merrymeeting Lake on April 22, 2012 at noon, and indicated more plungees are needed for the 250th Birthday Celebration fundraiser.

Dot Veisel said a Meat Raffle would be held April 15, 2012 from 4:00 p.m. – 8:00 p.m. at the New Durham School, as a joint fundraiser for the 250th Birthday Celebration and the Food Pantry.

Chair Bickford acknowledged two members of the Alton/New Durham Boy Scouts Troop 53, attending the meeting to earn their Citizenship in the Community merit badge.

4. Appointments

Motion by Selectman Jarvis to reappoint Arthur Capello as Building Inspector/Code Enforcement Officer; second by Selectman Kratovil. 3-0.

Motion by Selectman Kratovil to reappoint Christopher LaPierre to the Capital Improvement Advisory Committee; second by Selectman Jarvis. 3-0.

Motion by Chair Bickford to appoint William Malay as an alternate member of the Conservation Commission; second by Selectman Jarvis. 3-0.

Motion by Selectman Kratovil to reappoint Padraic McHale to the Conservation Commission for a three-year term; second by Chair Bickford. 3-0.

Motion by Selectman Jarvis to appoint Dorothy Veisel to the Ethics Committee; second by Selectman Kratovil. 3-0.

Motion by Selectman Kratovil to appoint Carol Allen to the Ethics Committee; second by Selectman Jarvis. 3-0.

Motion by Selectman Kratovil to appoint Ellen Phillips to a term ending March 31, 2014 on the Ethics Committee; second by Chair Bickford. 3-0.

Motion by Selectman Jarvis to appoint Mike Gelinas to a term ending March 31, 2013 on the Ethics Committee; second by Chair Bickford. 3-0.

Motion by Selectman Jarvis to reappoint Sherri Brulotte to the Parks and Recreation Commission, term ending March 31, 2015; second by Chair Bickford. 3-0.

Motion by Selectman Kratovil to reappoint Jennifer Nyman to the Parks and Recreation Commission, term ending March 31, 2015; second by Chair Bickford. 3-0.

Motion by Chair Bickford to reappoint Dorothy Veisel to the Parks and Recreation Commission, term ending March 31, 2015; second by Selectman Jarvis. 3-0.

The Board signed all of the appointment forms.

Ms. Veisel indicated three members of the new Ethics Committee served on the Ethics Ordinance Revision Committee. She said a new person was picked up, but there is still an open seat. She said the committee has laid out a process and will be working on its rules and bylaws. The Board indicated openings on various other boards and committees.

5. Department Reports

Equipment Mechanic – Equipment Mechanic David Valladares reported a busy month of March, due to having all the vehicles except the highway truck inspected. He said the truck will be done in the next two weeks. Regarding the purchase order for repairs to the new grader before the Board, he explained that while the vehicle was at Volvo to have the wing gear put on, he and Road Agent Mike Clarke both requested work done. He said the last two graders had belly pans and attached arch supports, as the scarifier pulls up rocks and there are clearance issues. He said it was better to have Volvo effect the installation.

He told the Board the other item on the PO was shimming the circle and turret. He requested it be checked while under warranty, and although nothing was broken, it was out of adjustment. Mr. Valladares said he learned how to make the adjustment, so the machine won't have to be sent out in the future. He said it was normal wear and causes increased blade movement. He said the highway department paid for the arch.

In response to Selectman Kratovil's question, Mr. Valladares said the battery reserve device on the fire department's command vehicle, which shuts off items draining the battery while still allowing the vehicle to start, is working fine after one failure.

Returning to the subject of the PO, Selectman Jarvis noted the invoice total was \$3,240. Mr. Valladares said RA Clarke asked for one thing, which he set up with the sales department and service manager, and he asked for another. He suggested there was little coordination with RA Clarke. Mr. Valladares told the Board he did not know the company would put both items, to be paid by two Town

departments, on the same PO. He said he was aware that if a cost exceeded \$3,000, quotes must be secured. He said it was a sole franchise. TA Webb said the Purchasing Policy speaks to that.

Motion by Selectman Jarvis that the Board sign Purchase Order # 0169, payable to Chadwick-BaRoss in the amount of \$3,240.44; second by Chair Bickford. 3-0.

The Board signed the PO.

6. Old Business

Investment Policy – TA Webb addressed written questions Selectman Kratovil posed regarding the Investment Policy. The upshot was that the Town does not actually invest money; the policy is in place only to assure that if it did, the investments would be short-term and, therefore, more secure. Selectman Jarvis said the policy was created in response to a change in state statute. Chair Bickford said the policy would ensure safe investments, rather than speculative ones. TA Webb said the auditors require yearly review of the policy.

Motion by Selectman Jarvis that the Board reapprove the current investment policy, last revised on March 7, 2011; second by Chair Bickford. 3-0.

Purchase Order – **Motion by Selectman Jarvis that the Board sign Purchase Order # 0170, payable to Northeast Earth Mechanics, Inc. of Pittsfield, New Hampshire in the amount of \$24,000 for the purchase of an additional 3,000 cubic yards of winter sand; second by Selectman Kratovil. 3-0.**

EZStream Agreement – TA Webb said, with the reduction in Wolfeboro Community Access TV rate, the Town can put the savings toward live streaming of its meetings, and archive all meetings on the licensed website. She said anyone interested in a meeting will no longer have to come in to Town Hall to borrow a DVD of the meeting. She said Town Counsel reviewed the agreement, had some questions, and EZStream was fine with them. She said the Town will be able to live stream any meeting or event with access to a hard line Internet connection. She said other vendors provide this service, but because Wolfeboro Community Access TV uses EZStream, the Town gets a better deal.

Chair Bickford said the Town has agreed to work with EZStream and this was the contract. TA Webb said all the tools are ready, so video streaming could start this week. Selectman Kratovil said there have been some problems with Wolfeboro Community Access TV. TA Webb said the Town reduced its cost for video by \$8,000. She said the Town is getting more this year and paying far less.

Eric Cantrall asked if data was being backed-up by other sources. TA Webb said all meetings will continue to be recorded and stored on DVD.

Motion by Chair Bickford to approve the agreement between Scholastic Tools, LLC dba EZStream.com and the Town of New Durham; second by Selectman Jarvis. Bickford – aye, Jarvis – aye, Kratovil – nay. 2-1. The motion carried.

Motion by Selectman Jarvis to authorize the chairperson to sign the agreement between Scholastic Tools, LLC dba EZStream.com and the Town of New Durham; second by Selectman Kratovil. 3-0.

Chair Bickford signed the agreement.

Dog Ordinance – Chair Bickford noted that some elements of the Dog Ordinance, such as the leash law, are not being enforced. He suggested repealing or simply using the state laws. Selectman Jarvis said a lot of work was put into the proposed revisions. She said she would prefer not to rely only on state statute. She said the legislature is revoking many laws on the books. Selectman Kratovil said he saw benefits on both sides, but noted a hunter can allow his dog to run ahead while a Frisbee player at the park cannot. Selectman Jarvis said the Board discussed that issue. She indicated discussion held concerning deleting the requirement of a dog on a leash and changing it to a dog being under the control of its owner, which could be by voice. She said the Board was supposed to turn suggestions and thoughts in to TA Webb by September 2011, but the Board was busy with other matters and did not get to it. She said a public hearing would be required.

Chair Bickford said he was willing to repeal the ordinance, as the Town has another one and he saw it as overkill. He said the leash law section was convoluted. The Board agreed to discuss the issue in the future.

7. New Business

Purchase Policy – TA Webb said the auditors' only comment under Section III – Federal Award Findings and Questioned Costs was that the Town in 2010 contracted with a vendor for over \$25,000 without verifying the vendor was not suspended or debarred from doing business with the federal government, because the Town was unaware of that requirement. She said those requirements of the Town's official bid specifications have been worked into the highway department's process regarding hiring contractors using federal money. She suggested adding that language to the Purchasing Policy under Contractors.

Selectman Jarvis proposed using the excluded list for Town jobs, also. She said she would like to prioritize the revision of the Purchasing Policy. TA Webb indicated seeing significant improvement when the departments adhere to the Purchasing Policy. She said the language regarding the federal money use must be incorporated by July 1, 2012.

Selectman Jarvis said some parts of the policy are not relevant. She said the Ethics Policy covers some items. She said she did not want to do patchwork corrections on the policy. She cited the PO signed earlier and said that big equipment means big bills.

Chair Bickford said the Board could add the federal money use language now. He said he would hate to get bogged down and not get to it. Selectman Jarvis said the Board has seen two drafts of the policy and needed something to force its completion. She said adding this language now would meet the auditors' needs, but it was patchwork. She said the Board identified the policy as a priority because it caused extra work for the departments.

Motion by Selectman Kratovil to include the language regarding using the Contractor's Exclusion List in the Purchasing Policy and revisiting the

policy as a whole at a later date; second by Chair Bickford. TA Webb said she would get a draft of the policy to the Board to work on prior to the Dog Ordinance revisions. **Bickford – aye, Jarvis – nay, Kratovil – aye. 2-1. The motion carried.**

Selectman Jarvis said the Board should not limit the exclusion list to federal funds, and should put the Purchasing Policy on the front burner. Chair Bickford said the action taken takes care of what the Board was told it needed to do.

Tax Abatements – Selectman Kratovil read his report on property tax abatements, indicating concerns regarding the accuracy of Brett Purvis Assessing and applications based on the condition of the property in question. Selectman Jarvis said she had seen abatement requests both granted and denied. She asked if Selectman Kratovil's concern was that abatements are granted in general, or were there some he thought should have been denied. Selectman Kratovil said there should be more communication, rather than the Board signing off on the abatements. He asked if BI/CEO Capello should be involved in the process.

BI/CEO Capello said Selectman Kratovil's assumptions regarding increased need of communication were inaccurate. He said there is interaction among himself, Town Assessor Bob Estey, and the fire department.

Referring to Selectman Kratovil's hypothetical example in his report, BI/CEO Capello explained the Board has no authority to tell residents they must update wiring, etc. He said systems could be outdated, but still legal. Selectman Kratovil said the Local Government Center said to look at such things, if they were the cited reason for abatement. BI/CEO Capello said he cannot force anyone to upgrade, nor can he enter someone's house. To gather information, he said he could see when permits were pulled.

He said there was a process an abatement request goes through before coming before the Board. He indicated that, based on Selectman Kratovil's report, the Town could expect 30 abatements from a five-year assessment on 1,500 houses. He said the 13 abatements the Town granted were well under that amount, so that indicated the process in place is working.

Selectman Kratovil said he thought some requests warranted increased scrutiny, and he would like to see more information presented. BI/CEO Capello said that would create more paperwork. Selectman Kratovil said he'd gotten the impression from TA Webb that there was not much more for the Board to do, so he should not challenge Mr. Estey's or BI/CEO Capello's recommendations. TA Webb said she suggested Selectman Kratovil speak to Mr. Estey if he had an issue. Selectman Jarvis said she asks the person involved for clarification if she has a question. Selectman Kratovil said he would like to have the Board's consensus on how to approach abatements.

Chair Bickford said New Durham is ahead of other communities when it comes to Mr. Estey and his area of expertise. He said he did not go back and check Mr. Estey's work. BI/CEO Capello said the Town hires people it can trust, and the numbers bear out that their duties are done correctly. TA Webb recommended Selectman Kratovil check with Mr. Estey regarding the specific abatement that caused concerns, and then possibly propose another action for the Board.

Chair Bickford clarified that Selectman Kratovil wanted more explanation on recommendations for abatements. Selectman Kratovil said he thought the Board

should examine the last abatement acted upon. Selectman Jarvis said the majority of the Board approved it. She asked Selectman Kratovil if he could supply parameters on the information he wanted. Selectman Kratovil said he would meet with Mr. Estey on April 21, 2012. Chair Bickford said Mr. Estey could attend a Board meeting after that, also.

Transfer Station – Selectman Jarvis said the Town is doing well on recycling, but still is not taking in enough on Construction and Demolition to cover its disposal costs. She said she would like to see 75 per cent of costs recovered. Chair Bickford pointed out that drive-on scales would have helped with the problem, but they were rejected at Town Meeting. Selectman Jarvis proposed TA Webb ask some questions regarding the matter.

8. Updates

Downing's Dam Easement – TA Webb reported a solid agreement between the Town and landowner has been sent to Town Counsel and should be finalized within the week.

Bids – TA Webb told the Board bids for road paving, crushed gravel, and the Town Hall basement mold removal have all gone out. Chair Bickford asked that in the future, she let the Board see what she is sending out before it is advertised.

TA Webb said one company called regarding the mold removal to say that no company will extend a warranty on the work due to the dirt floor in the basement. She said he advised that the basement could be fixed and still stay on the Historic Registry but it would be costly. She said the company wants to bid that way. Selectman Jarvis said the company would have to bid according to the specifications the Town laid out. She noted the energy audit made suggestions on covering the floor.

Selectman Kratovil asked if it would be worth the Town Hall's removal from the Registry for the staff's health. Chair Bickford replied it might possibly be, but not at this point. Selectman Jarvis said the projected work includes installing material not there now with the idea of mold not growing back.

Town Flag – TA Webb reported an employee request to establish a Town flag. Selectman Jarvis said the Town has a flag with the Town Seal on it. Selectman Kratovil mentioned getting a POW flag. Chair Bickford said the Town might be able to get one from a congressman.

9. Approval of Minutes

Motion by Chair Bickford to approve the minutes of the public meeting of January 23, 2012, as amended; second by Selectman Kratovil. 3-0.

Motion by Selectman Jarvis to approve the minutes of the public meeting of March 19, 2012, as amended; second by Chair Bickford. 3-0.

Motion by Selectman Kratovil to approve the minutes of the non-public meeting of March 19, 2012, as written; second by Chair Bickford. 3-0.

10. Schedule Next Meetings

The Board scheduled its next business meeting on April 16, 2012 at 1:00 p.m. in the Fire Station Community Room.

The Board scheduled a work session with Municipal Resources, Inc. on April 23, 2012 at 9:00 a.m. in the Fire Station Community Room.

11. Any Other Business

IT and Building Committees – The Board decided against forming separate committees on IT and Building matters, and instead having TA Webb coordinate people. Discussion ensued over whether there should be minutes taken.

Review of 1772 Meetinghouse Restoration Committee Charter – The Board will discuss the committee at the May 7, 2012 meeting.

12. Non-public Session

Motion by Selectman Kratovil at 9:50 p.m. to enter non-public session under RSA 91-A:3 II (c); second by Chair Bickford. A roll call vote was taken.

Bickford – aye, Jarvis – aye, Kratovil – aye.

Prior to the start of the non-public session, the Board answered questions from two members of the Alton/New Durham Boy Scout Troop 53 on milfoil and roads. The Board indicated young people could help with these issues by becoming a Lake Host to check boats for milfoil and being careful about aquatic plants when fishing and boating, and by not throwing trash on the roads and volunteering to help pick up trash along them.

The Board entered non-public session at 10:08 p.m.

Selectman Kratovil brought to the Board's attention an abatement request that concerned him. The Board of Selectmen discussed the property. Selectman Kratovil will meet with the Town's Assessor to discern Mr. Estey's process regarding suggesting when abatements are granted. Selectman Kratovil will come back to the Board after the discussion. No action was taken.

Motion by Selectman Jarvis at 10:43 p.m. to come out of non-public session; second by Chair Bickford. 3-0.

13. Adjournment

Motion by Selectman Jarvis at 10:44 p.m. to adjourn; second by Chair 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.