

**New Durham Board of Selectmen
Minutes of Meeting ~ June 18, 2012
Fire Station Community Room**

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

Also Present: Town Administrator (TA) Alison Webb, Police Chief Shawn Bernier, Road Agent Mike Clarke, Sgt. Reggie Meattey, Recreation Director Kellie Chase, Crissa Evans, Cathy Orlowicz, videographer Clay Skinner

1. Call to Order – Chair David Bickford called the meeting to order at 12:00 p.m. and asked Selectman Jeffrey Kratovil to lead the Pledge of Allegiance.

2. Non-public Session

Motion by Selectmen Terry Jarvis at 12:01 p.m. to enter non-public session under RSA 91-A:3 II (b) hiring of a public employee and (c) reputation of a person other than a board member; second by Selectman Kratovil. A roll call was taken: Bickford – aye, Jarvis-aye, Kratovil - aye.

Motion by Selectman Jarvis at 1:00 p.m. to leave nonpublic session; second by Selectman Kratovil. 3-0.

3. Return to Public Session

The Board indicated that, in nonpublic session, the Board interviewed the recreation beach attendant candidate and was briefed by Chief Bernier on an incident that, if discussed in public, could hurt the reputation of another.

4. Public Forum

5. Appointments

Boodey House Contract Agreement – The Board met with Crissa Evans of the Ferguson Family Trust and Cathy Orlowicz, chairperson of the Boodey House Committee to discuss the Agreement for Donation and Preservation of the

Boodey House. Selectman Kratovil asked what the level of care the Town would be liable for maintaining, if the Board signed off on the agreement. Town Administrator Alison Webb noted the dismantled building is already in the Town's care. Ms. Orlowicz said it was Town property. Chair Bickford asked, since that was the case, why have an internal agreement that would encumber the Town for five years. Ms. Orlowicz said the agreement was just an assurance that the Town will move forward on the project of reconstruction.

Selectman Jarvis pointed out that regarding reconstruction, the house could revert to the Trust if the agreement is not signed or if the Town did not move forward on the project. Ms. Orlowicz said it could be re-evaluated at that point. Selectman Kratovil said the Trust has the option of reassuming control over the house. Chair Bickford said that was the current position, as the five years of the previous agreement are up. He said he did not like signing a contract, as he didn't want to encumber the Town. He said if the Town owns it, it should do what it wants to do with it. His feeling was that the agreement was a covenant upon the Town that should not be embarked on.

Selectman Jarvis said she would like to see the Boodey House reconstructed and used for educational purposes as it reflects the Town's history, but with donated funds. She said the Town has supported small items toward the Boodey House. Chair Bickford said the contract does not speak to any amount, but that work needs to be done to certain standards. He said this contract locks you in.

Ms. Evans said the agreement has been updated to state what is completed and planned to do. If the Town does not utilize it, it will not be there for the Town. She said if she were the Town, she might not want anything; then noted that she is part of the family and she does want the agreement. She said she has no interest in taking the building back. She said no one on the current Board was serving when the agreement was first signed. Chair Bickford said he did not want to impose something on future Boards.

Selectman Jarvis said the Town does not have the funding for reconstruction. She said the Town had to pay a bill in association with the Boodey House last year. Selectman Kratovil said he was hesitant about tying the Town to an obligation. He said the language was ambiguous and it was difficult to commit to these sorts of projects.

Motion by Selectman Jarvis that the Board of Selectmen work with the Ferguson Family Trust and its counsel to develop an agreement satisfactory to all parties with the goal of preserving the Boodey House; second by Selectman Kratovil. Selectman Jarvis said the goal was to see the Boodey House open as an educational entity. Ms. Orlowicz said the house would be something that was used. Ms. Evans said she would be happy to review the language of the agreement. Chair

Bickford remarked that nothing Selectman Jarvis said needed a contract. Selectman Jarvis said this is an agreement of intent, not a formal contract. **A vote was called. Bickford – nay, Jarvis – aye, Kratovil – aye. The motion carried.** Chair Bickford said his interest is to own the building free and clear, without covenants.

Powder Mill Snowmobile Club Raffle – The Board reviewed the raffle permit application submitted by the Powder Mill Snowmobile Club. TA Webb said the raffle was for the 250th Celebration.

Motion by Selectman Jarvis to authorize the raffle permit application of the Powder Mill Snowmobile Club for a raffle with an August 14, 2012 drawing; second by Selectman Kratovil. 3-0.

The Board signed the permit and added the location of the drawing to it.

6. Department Reports

Recreation – **Motion by Selectman Jarvis to hire Taylor Blackden as a part-time seasonal beach attendant at the rate of \$8 per hour and to waive the appointment policy and the Motor Vehicle check; second by Chair Bickford.** Selectman Jarvis said the appointment policy could be waived as the swimming lessons start next week and an attendant is needed. **3-0.**

Motion by Chair Bickford to extend Town employee Shauna Glenney's responsibilities to include part-time beach attendant at a rate of \$8 per hour and to waive the appointment policy and Motor Vehicle Check; second by Selectman Jarvis. 3-0.

TA Webb said Ms. Glenney was hired as a swimming instructor by the Parks and Recreation Commission.

Recreation Director Kellie Chase said she found a document in her files that provided for an automatic pay raise of 25 cents per hour to any returning Recreation employee. Selectman Jarvis said that did not align with the two per cent pay raise across the board authorized by the Board. Ms. Chase said the swimming instructors run the entire program. Selectman Jarvis said no one else gets a pay raise of this high a percentage. Chair Bickford said the Board would disregard the document in Ms. Chase's files. Selectman Jarvis added that all employees get a two per cent raise. TA Webb said the swimming instructors are under the Parks and Recreation Department. The Board clarified that the beach attendants are under the two per cent increase.

Police – OHRV Grant – Police Chief Shawn Bernier said the grant of \$1,080 would provide for 24 hours of trail patrol until June 30, 2013.

Motion by Selectman Jarvis to accept the Off Highway Recreational Vehicle grant from New Hampshire Fish and Game Department and authorize Police Chief Bernier to sign any necessary paperwork; second by Selectman Kratovil. 3-0.

Chief Bernier requested authorization to advertise for the open full-time officer's position.

Motion by Selectman Jarvis to authorize the police chief to advertise for the hiring of a full-time officer, and, if possible, develop a list of future candidates. Selectman Jarvis pointed out she did not specify certified or non-

certified officers in the motion, as she wanted to see who is out there. **Second by Chair Bickford.** Chair Bickford said the department is short now, so the officer is needed. **3-0.**

Chief Bernier noted there were some minor accidents over Bike Week, and wallets taken from unlocked motor vehicles. Regarding the Dog Ordinance, Selectman Kratovil asked Chief Bernier his opinion on individuals applying to his department on a case-by-case basis for waiving the use of a leash in some locations. Chief Bernier said he had concerns regarding liability if that were the case and he would prefer having matters in ordinance form.

Highway – Regarding sand, Road Agent Mike Clarke said in 2011, the amount ordered was decreased from 3,500 cubic yards to 3,000 due to the size of the stockpile. He said what was purchased this year, along with what is stockpiled, should prevent having to purchase additional sand during the winter as happened in 2008. He said sand is used on gravel roads after rains when it is cold. He told the Board less material is actually used on snow. RA Clarke provided a comparison of sand used during winters since 2007. Chair Bickford noted there is four times the amount of sand used on gravel roads, than paved. Citing the cost difference between paved and tar roads, Selectman Jarvis asked if it would be advantageous to let new housing developments have dirt roads. Chair Bickford said the Town's regulations ask for paving. Ms. Orlowicz indicated that regulations ask for roads just up to Class V standards. Selectman Jarvis said, before seeing the information provided, she would have thought it cost less to maintain a dirt road. RA Clarke said when salt was cheaper, it might have been.

Discussion on acceptance of subdivision roads ensued. RA Clarke said he was working with homeowners regarding hazard mitigation on slopes. Selectman Jarvis suggested the Planning Board should see the comparison study on maintenance.

Regarding removing and pruning trees at Town Hall, RA Clarke said he met with Courtney Kelly of Arbortech, but the arborist has not yet given him a price. Selectman Kratovil indicated he liked the spruce tree in front. RA Clarke said it posed a visibility problem and TA Webb said it was growing into electric wires. Selectman Jarvis brought up that the Conservation Commission wanted to plant a tree for the 250th Celebration. TA Webb suggested checking with some other companies if Arbortech has not yet quoted an amount. RA Clarke said the Christmas lights should be taken off before the tree is cut down if they are to be salvaged. TA Webb explained the fruit trees are a hindrance to mowing. The Board discussed trimming the oak tree, also. RA Clarke reminded the Board that the arborist said the project could be completed before the 250th Celebration. He said Wendy Anderson was willing to help with the landscaping and suggested the Conservation Commission speak with her about the type of tree and where it should be planted.

RA Clarke reported the bulletin board is up on Town Hall property and the flagpole is to be done soon.

7. Old Business

Tick Treatment – TA Webb said the Parks and Recreation Commission said the Board could decide to treat for ticks at the ball fields. She said Ms. Chase had not received complaints from parents, so it was not a major need. RA Clarke said he would prefer mosquito abatement. Selectman Jarvis said Jared Smith of Bartlett Tree Experts said the spray would not work on mosquitoes. TA Webb said he had indicated three hatchings of ticks were anticipated this year.

Selectman Jarvis suggested looking into mosquito abatement for next year. RA Clarke said treating just one area might open up a can of worms. Chair Bickford said it was common to spray recreational areas. He asked TA Webb to gather more information so the Board could look into the issue for next budget season. There was no motion to go forward, and TA Webb is to contact Mr. Smith to let him know.

8. New Business

Dog Warrant - The Board signed the warrant for unlicensed dogs.

Re-appointments – TA Webb said re-appointments to the CIP committee should be made. She added that two members of the Budget Committee were interested in serving, so there would then be a full membership.

Acceptance of Stewardship Plan – The Board discussed that individuals can create a stewardship plan on their own property in place of a licensed forester if the selectmen approve and the plan is done properly. The stewardship plan affords a greater deduction under Current Use. Dan Monahan provided credentials that he received his Mastery of Forestry from Yale.

Motion by Chair Bickford to accept Daniel Monahan's stewardship plan for his property known as Map 266 lot 004; second by Selectman Jarvis.

Bickford – aye, Jarvis – aye, Kratovil – nay. The motion carried.

Arron Sturgis Correspondence – Ms. Orlowicz provided the Board with a copy of the plans for the Boodey House that Mr. Sturgis supplied and discs of pictures regarding the dismantling of the structure, for the Board's records.

9. Approval of Minutes

Motion by Selectman Jarvis to approve the minutes of the non-public session of June 4, 2012, as written; second by Selectman Kratovil. 3-0.

Motion by Selectman Jarvis to approve the minutes of the meeting of June 13, 2012, as amended; second by Chair Bickford. 3-0.

Selectman Kratovil asked about the minutes of June 4, 2012, and TA Webb said she was keeping them to the next meeting so Recorder Cathy Allyn could be present. He referenced the minutes and seconds of the June 4, 2012 meeting regarding a question posed by Selectman Jarvis. TA Webb said he felt details of the meeting were left out. Chair Bickford said perhaps the Board should review the notes of the meeting that Selectman Kratovil took. TA Webb said they could be added to the minutes. Selectman Kratovil indicated he would rewrite them.

10. Any Other Business

Part-time Police Officer – TA Webb said Chair Bickford's concern that the part-time officer is underpaid could be placed on the next agenda. Chair Bickford said the pay

for a certified part-time officer could be boosted. He said a part-time officer should get the same as the low end of a full-time officer. Chief Bernier noted that part-time officers are sometimes not as proficient in technical portions of police work, and can lack exposure and training. He suggested the pay be dependent upon what the officer knows.

Selectman Jarvis said a salary of \$19.09 per hour might get the Town a candidate. Selectman Kratovil said the salary could start off low and the chief could decide to raise it. Chair Bickford pointed out that the Town is paying time and a half to cover time that could be covered by a part-time employee. Chief Bernier noted that \$19.09 per hour is more in the ballpark of what a full-time officer would want to be paid for part-time work. He suggested setting a precedent for the rate for non-certified part-time officers.

Motion by Selectman Jarvis to raise the salary for the position of part-time police officer to \$19.09 per hour for an individual who is a full-time certified officer, having completed full-time Police Academy, who wants to work part-time in New Durham; second by Chair Bickford. Selectman Kratovil said the motion eliminates other criteria that might boost the salary for an officer. Selectman Jarvis said the Board needed to develop that. **3-0.**

Selectman Jarvis said Chief Bernier could put a range in the advertisement and advertise for both full-time and part-time officers, salary to be determined by experience.

Boundary Lines – Chair Bickford noted there are no boundary line markers on Ten Rod Road. TA Webb said she would check with RA Clarke.

11. Future Meetings

The Board scheduled its next regular business meeting for July 2, 2012 at 7:00 p.m. at Town Hall.

The Board scheduled its second business meeting of the month for July 16, 2012 at 1:00 p.m. at the Fire Station Community Room.

The Board scheduled a workshop session on the Hiring Policy and Dog Ordinance for July 5, 2012 at 9:00 a.m. at Town Hall.

12. Non-Public Session II

Motion by Chair Bickford at 3:30 p.m. to enter into non-public session under RSA 91-A:3 II (c), reputation of a person other than a board member; second by Selectman Jarvis. A roll call was taken: Bickford – aye, Jarvis-aye, Kratovil - aye.

Selectman Jarvis made a motion to come out of nonpublic session at 3:58PM, second by Chair Bickford. 3-0.

13. Return to Public Session

The BOS briefly discussed the video policy. Selectman Kratovil said that at the last work session, he should have made a motion to waive the policy, as the videographer was not available.

14. Adjournment

Motion by Chair Bickford at 4:04 p.m. to adjourn; second by Selectman 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.