

**NEW DURHAM BOARD OF SELECTMEN
MINUTES
21 OCTOBER 2013**

Non-Public Session

Chair Jarvis called the meeting to order at 12:00 pm.

At 12:02 pm Chair Jarvis made a motion to enter into non-public session pursuant to RSA 91-A: 3 II (a)-The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, (c) to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person, (d)consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to the general community. Selectman Kratovil seconded the motion. A roll call vote was taken: Jarvis-Aye, Swenson-Aye, Kratovil – Aye.

During non-public session the Board discussed an offer to purchase tax deeded property.

Chair Jarvis made a motion to reject the offer of Citi Financial to repurchase the property at 139 Birch Hill Road for \$50,000. Selectman Kratovil seconded the motion. The motion to reject the offer was unanimously approved.

The Board met with a Department Head to review their annual performance evaluation.

At 1:20 pm Chair Jarvis made a motion to exit non-public session. Selectman Swenson seconded the motion. The motion was unanimously approved.

Public Session

Present: Board members Terry Jarvis (Chair), Selectman Jeff Kratovil, Selectman David Swenson, Town Administrator Jeremy Bourgeois, Recording Secretary Amy Smith.

Others Present: Videographer Jim Ladd, Road Agent Mike Clarke, Equipment Mechanic Dave Valladares, Solid Waste Department Foreman Joe Bloskey, Fire Chief Peter Varney, resident David Bickford.

Chair Jarvis called the meeting to order at 1:25 pm. Chair Jarvis apologized for the delay in the meeting and informed the public the Board had met in non-public session starting at 12:02 pm. Chair Jarvis stated while the Board was in non-public session they voted to refuse a request to purchase property in the Town and met with a Department Head regarding their annual evaluation.

Chair Jarvis also noted the Board will be meeting again at 6 pm at the Town Hall for budget review.

Equipment Mechanic – Project System Update

Equipment Mechanic David Valladares stepped forward and stated at the 11 October 2013 meeting the Board has asked him to come up with a minimum amount that he felt would be worthwhile to track items. Mr. Valladares stated he believes the amount should be \$10 with 2% of the entire cost to be added on to cover consumable items such as lubricants and brake cleaner and smaller supply items like washers. Selectman Swenson asked Mr. Valladares if he came up with a maximum amount for the 2%. Mr. Valladares stated he had not. Selectman Swenson requested he bring forward a recommendation.

Selectman Kratovil passed out a handout with excerpts of his notes regarding the Equipment Mechanic with comments from 28 November 2011; 12 & 28 December 2011; and 9 January 2012. Selectman Kratovil stated he felt that tracking all items involved in a repair job would be the only way to accurately reflect cost. Selectman Kratovil also stated he did not believe it would be that difficult to track the inventory, even of the smaller items. Chair Jarvis stated the issue is the personnel time involved and whether it is cost effective. Chair Jarvis also noted the Office Manager's hours were not increased to cover the time involved to track these parts. Discussion followed. **Chair Jarvis made a motion that any supplies used of \$9.99 or less would not be tracked and 2% of parts and labor, considered a 'shop cost', will be added to the total cost. A maximum 'shop cost', above which the 2% would not apply, is to be set within 30 days. Selectman Swenson seconded the motion.**

Selectman Swenson wanted to make it clear to Mr. Valladares that this motion would in no way negate the directive made at the 11 October 2013 meeting that he look into computer software that would meet the needs of his department and the requirements of the Board. Selectman Swenson also clarified the Equipment Mechanic should come back to the Board with his recommendation for the maximum 'shop cost'.

The motion passed with two affirmative votes (Jarvis, Swenson) and one negative vote (Kratovil).

Mr. Valladares noted he has looked into software and is researching which would best fit the Department's needs. Mr. Valladares noted the software runs from \$800.00 to upwards of \$2,000.00. Mr. Valladares also stated he has contacted eight surrounding Towns regarding what they are doing and has received a few responses so far. Board members asked Mr. Valladares to report back at the 4 November 2013 meeting.

Fire Department/Equipment Mechanic Liaison

Selectman Kratovil passed out a handout regarding a Fire Department/Equipment Mechanic Liaison which was first proposed 18 April 2011. The handout posed several questions regarding the arrangement. Mr. Valladares asked for a copy of the handout so he could answer the questions. Mr. Valladares stated Lieutenant Mark Behr was still the liaison between the Fire Department and Equipment Mechanic and communication is typically via phone or e-mail. Discussion followed. Selectman Kratovil asked Mr. Valladares if he thought the arrangement was working out. Mr. Valladares stated he felt the arrangement was working very well.

Solid Waste Department Foreman – Quonset Hut

Solid Waste Foreman Joe Bloskey stated he did not have the total additional cost for the Quonset Hut as was discussed at the 11 October 2013 meeting. Mr. Bloskey noted the first person he contacted backed out and the second person will not have the figures until Friday or Monday. Chair Jarvis asked Mr. Bloskey if he will have the total ‘not to exceed’ cost of the project by the 4 November 2013 meeting. Mr. Bloskey stated yes and he will forward the figures to the Town Administrator once he receives them. Chair Jarvis also noted the contract with Garry Perkins Concrete of Rochester needed to be corrected as was discussed at the 11 October 2013 meeting. Selectman Swenson noted the contract has been corrected. Board members reviewed the revised document from Garry Perkins Concrete and a note to Office Manager Orlowicz from Kelley Patterson of Garry Perkins Concrete stating ‘the site work will be completed by Perkins at no additional charge to the Town’. Selectman Kratovil submitted a document entitled ‘Quonset Hut’ for the Board’s review.

Public Input

Resident David Bickford stepped forward with a few items for the Board. Mr. Bickford asked Board members if they would be giving promotions to the Fire Department personnel that were originally brought before the Board in March. Mr. Bickford stated he felt it was time for the Board to revisit the issue again. Selectman Swenson stated there were two promotions brought to the Board’s attention this morning and asked Mr. Bickford if this is what he is referring to. Mr. Bickford stated the promotions he is talking about were brought before the Board in March.

Mr. Bickford also stated the Board should either make a decision to go forward with a study of the Fire Department or if they are satisfied with how things are going they should consider appointing a Fire Chief. Mr. Bickford continued to state he feels the Board should do one or the other but not keep the issue ‘hanging’.

Mr. Bickford also stated he has personally been videotaping the Parks and Recreation Commission meetings and wanted to know if they could be broadcast on the Town’s website. Mr. Bickford stated he contacted Peter Pijoan of Wolfeboro Community Television and Mr.

Pijoan told him this was up to the Board. Chair Jarvis asked if there is a cost associated with broadcasting the video. Mr. Bickford stated he did not think so but the Selectmen need to authorize the broadcasting.

Tax Rate Setting

Finance Officer Vickie Blackden joined the meeting for the discussion. Chair Jarvis stated the Town portion of the 2012 tax rate was \$6.84. Chair Jarvis continued to state that at the budget hearing held in February 2013 the Town's anticipated tax rate for 2013 was \$6.55. Chair Jarvis stated as a result of two unanticipated revenues the anticipated tax rate for 2013 is \$6.36. Chair Jarvis stated the Town received a refund of approximately \$40,000 from the Local Government Center – Health Trust and \$25,000 of Impact Fees collected were used toward the school payment. Finance Officer Blackden noted the Town Clerk also received approximately \$30,000 more in motor vehicle revenue than was expected. Chair Jarvis again stated that the figures being discussed are regarding the Town's portion of the tax rate. Mr. Bickford questioned the procedure regarding the usage of the Impact Fees. Discussion followed.

Chair Jarvis stated the Copple Crown District has still not submitted its paperwork. Chair Jarvis noted the Department of Revenue Administration will not set the Town's tax rate until that paperwork is received. Chair Jarvis stated the Town has no authority over the Copple Crown District and noted it is the State DRA that gives them the due date to submit their paperwork.

Unassigned Fund Balance

Chair Jarvis noted at the March 2013 Town meeting there had been a warrant article to use some of the unassigned fund balance to reduce the tax rate and the people voted the warrant article down. Selectman Kratovil stated there is approximately \$1,080,000 currently in the unassigned fund balance. Selectman Kratovil recommended the Board go with the DRA's recommended 5%. Ms. Blackden noted the DRA actually recommends 5% - 17%. Selectman Kratovil stated he had contacted DRA and they recommended 5% - 10% for a Town of New Durham's size. Ms. Blackden noted the DRA will not put this in writing. Discussion followed.

Chair Jarvis referred to a letter from the Town Auditor's, Plodzik & Sanderson, dated 12 March 2013, addressed to former Selectman David Bickford. Chair Jarvis noted the letter states the GFOA (Government Finance Officers Association) recommends municipalities retain 8% - 17% of the general funds in reserve. Chair Jarvis also noted the letter further states that the 10% New Durham retained as of 31 December 2012 is sufficient. Chair Jarvis informed the viewing public the 10% is not just of the Town portion but all the Town's financial obligations (school, town, county, state education).

Chair Jarvis stated she does not feel it necessary to increase the unassigned fund balance to more than 10%. Chair Jarvis suggested any amounts over \$25,000 that come back from Departments

should not be left in the unassigned fund balance but used to offset the cost of warrant articles as was done previously. Discussion followed. Chair Jarvis stated she is concerned with fluctuating tax rates and would like to see them stabilized. More discussion followed. Selectman Kratovil asked if Selectman Swenson and Chair Jarvis were interested in reducing the unassigned fund balance by \$200,000. Chair Jarvis stated she is not and thinks it should be kept at the 10% level. Chair Jarvis also noted the people voted not to use the unassigned fund balance to reduce the tax rate at the March 2013 meeting.

Agenda Review

Selectman Kratovil requested Town Administrator Evaluation and personnel policy edit be added to the agenda.

Town Administrator Evaluation

Selectman Kratovil noted that the Town Administrator's second 6 month evaluation is due. Chair Jarvis stated she is hesitant to evaluate him on the second 6 months when MRI has yet to give him the results of the first 6 month evaluation. Selectman Kratovil listed three reasons as to why, he felt, the second 6 month evaluation should be given. Selectman Kratovil stated it is timely, appropriate, and for budgeting reasons. Chair Jarvis stated she will send an e-mail to Don Jutton of MRI advising him of Selectman Kratovil's concern.

Highway Department – Winter Sand Bid

Board members reviewed a spreadsheet showing the bids from two companies for one, two, and three years of winter sand. Chair Jarvis noted the bids were opened on 15 October 2013. Chair Jarvis continued to state the Town received two bids: one from North East Earth Mechanics of Pittsfield, NH and one from Merrill Construction Inc of Pembroke, NH. Chair Jarvis noted the bids are based on 3,500 cubic yards of sand per year and also noted Merrill Construction did not submit a bid bond with the bid package. Road Agent Clarke recommended the Town go with the lowest bidder, North East Earth Mechanics, for one year. Road Agent Clarke stated he would like to see what happens this year to see if the Town will need 3,500 cubic yards of sand. Road Agent Clarke noted the RFP was sent out to seven bidders on the bid list and two responded. Chair Jarvis stated she does not have an issue with the one year contract but suggested Mr. Clarke look into working with surrounding communities, for 2015, to see if purchasing a higher volume of sand will lower the price. Road Agent Clarke noted the six surrounding communities all currently use different vendors. Selectman Swenson asked Road Agent Clarke if he knew how the bid New Durham received for sand compared to other Towns. Road Agent Clarke stated he did not. Selectman Swenson asked if there is a State bid on sand. Road Agent Clarke stated there is not. **Chair Jarvis made a motion to award a one year contract to North East Earth**

Mechanics of Pittsfield, NH for 3,500 cubic yards of winter sand at a cost of \$8.45 per cubic yard. Selectman Swenson seconded the motion. The motion was unanimously approved.

Highway Department – Davis Crossing Road

Road Agent Clarke stated the original contractor who worked on the project has been in contact with CMA Engineering. Mr. Clarke stated he should have the pertinent information by the 4 November 2013 meeting. Road Agent Clarke stated there is \$26,000 left in the Davis Crossing Fund from the amount originally encumbered for the project so he should not need to ask for additional funds. Chair Jarvis asked Mr. Clarke if checked on potential liability on the part of CMA Engineering. Road Agent Clarke stated he has and they feel they have no liability. Road Agent Clarke noted the prior Road Agent and Board of Selectmen signed off on the as-built plans. Selectman Swenson stated he did not think that just because the plans were signed means there is no liability. Selectman Swenson stated the plans could have been defective. Road Agent Clarke stated the Town was well aware that the wing walls could move. Discussion followed. Board members asked Road Agent Clarke to continue to update the Board as he receives more information.

Highway Department – Position

Road Agent Clarke asked Board members what additional information they needed regarding replacing the full-time position at the Highway Garage. Road Agent Clarke also stated he would like to keep the part-time seasonal employee through the end of December. Selectman Swenson asked if the cost associated with keeping the part-time seasonal employee until December is within the budget. Mr. Clarke stated it is. Chair Jarvis suggested the Town Administrator check with the Finance Officer because she believes there is a restriction on how long a full-time seasonal employee can work and still be considered 'seasonal'. Selectman Kratovil stated without seeing a work schedule or having a study done, he would say no. Discussion followed. Chair Jarvis asked Selectman Swenson and Selectman Kratovil what additional information they would like from Road Agent Clarke in order for the decision to be made on whether there will be a 6th full time employee (not including the Road Agent). Selectman Kratovil stated he would like a schedule of what Road Agent Clarke projects the employees will be doing. Chair Jarvis asked if he wanted an hour by hour, 40 hours per week, 52 weeks per year, break down of what the employees will be doing. Selectman Kratovil stated not an hour by hour breakdown but he does want a schedule of what employees are doing so it can be justified. Selectman Kratovil also recommend a study of the Highway Department. Discussion followed. Road Agent Clarke pointed out that right now there is a 10 mile route that no one has been assigned to plow.

Chair Jarvis stated she has all the information she needed from the Road Agent regarding the 6th full time employee, however, Selectman Kratovil stated he wanted more detailed information. Selectman Swenson asked how Mr. Clarke came up with his rationale for head count and how he

determined the need for an additional person. Road Agent Clarke stated there is a procedure and also stated the 6th person is not an additional person but a replacement of someone who retired at the end of 2012. Mr. Clarke also stated since 2006 there has been a Road Agent and 6 full time employees. Selectman Swenson stated just because there has been seven full time people since 2006 doesn't mean it is necessary. Selectman Swenson stated the additional information he would like is the rationale for head count. Selectman Kratovil stated he is looking for a 'critical minimum'.

Fire Chief Appointment

Selectman Kratovil noted that the Board did not respond to David Bickford's earlier comment regarding the Fire Chief Appointment or the Fire Department promotions. Selectman Kratovil stated he is in favor of reappointing Peter Varney and felt it would bring closure to the situation.

Selectman Kratovil made a motion to reappoint Peter Varney as Fire Chief for the next 3 years. Selectman Swenson seconded the motion for purposes of discussion.

Selectman Swenson stated he would like more information before he moves forward on a reappointment and felt the motion was premature.

The motion failed with one affirmative vote (Kratovil), one abstention (Swenson), and one negative vote (Jarvis).

Fire Department Promotions

Selectman Kratovil suggested the Board review the recommendation for promotions in non-public session. Selectman Kratovil asked Chief Varney if he had an issue with this. Chief Varney stated he did not. Selectman Kratovil asked Chief Varney how many promotions there are. Chief Varney stated three.

Welfare Guidelines

Town Administrator Bourgeois stated the edits to the Welfare Guidelines are due today. Selectman Swenson asked Town Administrator Bourgeois what the significant changes between the current document and the proposed draft are. TA Bourgeois stated the Welfare Officer had made some comparisons to other Towns. Chair Jarvis stated she reviewed the revised guidelines and noted she found some format and pagination issues and also there are some items that she feels the Board of Selectmen should be making a decision on and not the Welfare Officer. Chair Jarvis noted that the Board has received several drafts but she didn't think any changes had been made since 2006 or 2007. Selectman Swenson stated he would like a comparison chart listing the changes. Selectman Kratovil stated he had also made some recommendations. Brief discussion followed. Chair Jarvis asked the Town Administrator to have the Welfare Officer draft a comparison chart listing the changes for the 4 November 2013 meeting.

Assessing RFP/Assessing/Tax Collection Software

Board members reviewed an e-mail from Charles Reese at DRA regarding the 2015 Revaluation, as well as, RSA 75:8 and RSA 75:8-a. Selectman Swenson stated he didn't see why the Town had to go through the expense of the re-visit, re-measure, re-list for all the properties in New Durham. Selectman Swenson stated based on the information presented he understands data collection for the building permits issued since 2010 (the last time an update was done). Chair Jarvis stated she believes per State RSA and the New Hampshire Constitution a complete re-visit, re-measure, re-list of the entire Town has to be done every 10 years, with an update every 5 years. Discussion followed.

Selectman Kratovil asked what the next step is. Chair Jarvis stated the Board needs to determine whether they are going to continue with the current assessing/tax collection software or switch to a different software. Chair Jarvis stated once that has been decided the Assessing RFP can be written. Chair Jarvis referred to Selectmen's minutes from 15 April 2013 where the Town Assessor, Bob Estes, explained the procedure in detail. Chair Jarvis noted that at least one Assessing Firm who may have bid on the RFP is booked through 2015. Selectman Kratovil asked if the Board was ready to make a decision. Chair Jarvis stated, as far as she knew, the only thing the Board is waiting on is Selectman Swenson to evaluate the issues the Tax Collector and Finance Officer have with the current software. Selectman Swenson stated he has not yet had a chance to meet with the Tax Collector and Finance Officer but would do his best to meet with them prior to the 4 November 2013 meeting.

Chair Jarvis asked the other Board members if they would like TA Bourgeois to contact someone from DRA and ask them to meet with the Board to discuss the revaluation procedure and whether the re-visit, re-measure, re-list is actually required for all properties. Selectman Swenson and Kratovil agreed. Chair Jarvis asked Board members to let TA Bourgeois know their availability as soon as possible. Selectman Swenson stated the discussion could take place via a conference call and did not have to be an actual meeting.

Citizen Information Requests

Selectman Kratovil handed out a document entitled 'Citizen Information Requests' for Board members review. Selectman Kratovil noted the document stemmed from concerns brought forward at the 11 October 2013 meeting where Department Heads expressed concern regarding the amount of time they spent gathering information for an individual acting as a private citizen and not as a board/committee member. Selectman Kratovil continued to state that he had contacted the Local Government Center and was told that there really wasn't a difference either way as the Town employees are obligated to give the information requested, as long as, it is public information. Selectman Kratovil noted that he believes Chair Jarvis was correct in asking the employees to document the time it took them to gather the information requested. Selectman

Kratovil stated Supreme Court opinions do not stipulate a minimum or maximum amount of time.

Citizen Complaints

Selectman Kratovil passed out a document entitled ‘Citizen Complaint Forms’ for Board members review. Board members also reviewed a memo regarding ‘concerns’ dated 17 September 2012. Chair Jarvis gave a brief history regarding the issue. Chair Jarvis noted one of her concerns was that there was no official form and she believed there should be one form used by all departments to ensure consistency.

Selectman Swenson read the 12 September 2012 memo aloud. Selectman Swenson asked TA Bourgeois if he has been receiving logs of any complaints. TA Bourgeois stated he has not received actual logs but he has received copies of complaints from the Department Heads. Selectman Swenson asked if the issues in the complaints have been resolved. TA Bourgeois stated he has recently received some and they are in process but there are no lingering issues.

Weekly Manifest Signing

Selectman Kratovil passed out a document entitled ‘Weekly Manifest Signing’ for Board members review. Selectman Kratovil gave a brief overview of the contents of the memo and suggested that it is noted during a public meeting that weekly manifests have been signed, the amount, and inform the public that the manifest is available for public viewing if anyone would like to see it. **Selectman Kratovil made a motion to present the weekly manifest and its purchase orders during a public meeting. Chair Jarvis seconded the motion.**

Chair Jarvis stated when Selectman Kratovil first mentioned the issue she began noting at public meetings that manifests had been signed and the amount. Chair Jarvis stated she was approached by members of the audience who had attended the meetings and asked why she was doing it and to ‘stop wasting their time’. Chair Jarvis stated she stopped doing it after that. Selectman Swenson noted the information is still public information and available for the public to view. Discussion followed.

Chair Jarvis called for a vote on the motion. The motion failed with one affirmative vote (Kratovil) and two negative votes (Swenson, Jarvis).

Chair Jarvis and Selectman Swenson noted that they voted against the motion as the manifest is already public information and available for public inspection.

Domestic Violence Prosecution

Selectman Kratovil passed out a memo regarding domestic violence prosecution and whether there would be an issue, like the one in 2011. Chair Jarvis stated the problem was that all the

Towns had already passed their budgets for that given year. Chair Jarvis briefly explained the history, as well as, the differing budget cycles of municipalities vs. the county. Chair Jarvis stated eventually the County did fund the item. Chair Jarvis suggested TA Bourgeois contact the County Administrator to check on the status of funding for calendar year 2014. Selectman Swenson asked Selectman Kratovil if there was any issue in 2012 or 2013. Selectman Kratovil stated there was not but he wanted to confirm there would not be an issue in 2014.

2014 Appointments

Selectman Kratovil suggested the Board be proactive with the appointments that will be expiring in about 6 months. Selectman Kratovil stated the Health Officer position is one of those appointments and suggested the Board check with the current Health Officer to see if he is interested in being a candidate. Selectman Kratovil suggested doing the same with any other appointment that may be expiring. Selectman Swenson suggested TA Bourgeois draft a list of the appointments that are expiring in 2014. Chair Jarvis stated this list should consist of positions that are either directly appointed by the Selectmen are positions that are appointed by another entity based on the Board of Selectmen's recommendation and are expiring June 30, 2014 or earlier. Board members agreed.

Personnel Policy

Chair Jarvis stated there has been a request to change the personnel manual regarding the appointment policy versus the vetting policy. Chair Jarvis stated there are at least two other policies that would be affected by a change. Chair Jarvis suggested the Board investigate what documents will be affected and should any changes be made, they should all be done at the same time. Board members agreed to have TA Bourgeois look into what other policies would be affected by a change. Chair Jarvis stated due to the number of items the Town Administrator needs to do, Board members should not expect the information at the 4 November 2013 meeting.

Future Meetings

Chair Jarvis informed the public the Board would be meeting tonight at 6 pm at the Town Hall for budget review. Chair Jarvis also stated the Board will be meeting on 4 November 2013 at 9 am at the Fire Department Community Room for budget review and again on 4 November 2013 at 7pm at the Town Hall for a regular business meeting.

Review of Minutes

Board members reviewed the public minutes of 12 September 2013. Edits were made. **Chair Jarvis made a motion to approve the minutes of 12 September 2013 as amended. Selectman Kratovil seconded the motion. The motion was unanimously approved.**

Board members reviewed the non-sealed, non-public minutes of 23 September 2013. Edits were made. **Selectman Kratovil made a motion to approve the non-sealed, non-public minutes of 23 September 2013 as amended. Selectman Swenson seconded the motion. The motion was unanimously approved.**

Board members reviewed the public minutes of 23 September 2013. Edits were made. **Selectman Swenson made a motion to approve the public minutes of 23 September 2013 as amended. Selectman Kratovil seconded the motion. The motion was unanimously approved.**

Board members agreed to discuss the sealed minutes of 23 September 2013 in non-public session.

Board members agreed to postpone review of the 27 September 2013 minutes, 11 October 2013 minutes, and 15 October 2013 minutes until the 4 November 2013 meeting.

At 4:16 pm Chair Jarvis made a motion to enter into non-public session pursuant to RSA 91-A: 3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, and (c) to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person. Selectman Swenson seconded the motion. A roll call vote was taken: Jarvis-Aye, Swenson-Aye, Kratovil-Aye.

The Board reconvened at the Town Hall.

Selectman Swenson made a motion to approve the sealed, non-public ‘session 2’ minutes of 23 September 2013 as amended. Selectman Kratovil seconded the motion. The motion was unanimously approved.

At 4:29 pm Chair Jarvis made a motion to exit non-public session. Selectman Swenson seconded the motion. The motion was unanimously approved.

At 4:33 pm Chair Jarvis made a motion to adjourn. Selectman Swenson seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary