

**NEW DURHAM BOARD OF SELECTMEN
MINUTES
18 NOVEMBER 2013**

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

Others Present: Videographer Jim Ladd, Road Agent Mike Clarke, Highway/Solid Waste Department Office Manager Cathy Orlowicz, Department of Revenue Administration Representatives Chuck Reese and David Cornell, Solid Waste Department Foreman Joe Bloskey, Forester Peter Farrell, Fire Company member Lieutenant Kevin Ruel, residents David Bickford, Anthony Bonanno, Iain and Stephanie MacKenzie.

Chair Jarvis called the meeting to order at 1:05 pm.

2015 Re-assessment

Department of Revenue Administration (DRA) representatives Chuck Reese and David Cornell stepped forward. Chair Jarvis stated the Town of New Durham is scheduled for a re-assessment in 2015. Chair Jarvis stated it is her understanding that a full re-list, re-measure is necessary. Chair Jarvis stated the Board had questions about the process and if they are required to do the full re-list, re-measure. Mr. Reese stated one of the goals of assessing is to appraise all the properties fairly and equitably. Mr. Reese stated New Hampshire law requires communities to have current market values of properties every five years as the market fluctuates. Mr. Reese continued to state in order to obtain current market value of a property the data on the property record card needs to be accurate. Mr. Reese stated one of the elements of the revaluation is the physical inspection of the property. Mr. Reese stated in order to fairly and equitably assess the properties you need to know what type of condition they are in. Mr. Reese stated this is typically done by a physical inspection of the property to verify the physical attributes of the property as well as its level of depreciation. Chair Jarvis asked if the physical inspection was both internal and external. Mr. Reese stated typically internal and external. Mr. Reese explained the procedure if an individual is not home at the time of the first visit and also noted some people do not call back to reschedule the assessment.

Chair Jarvis stated a Board member is concerned there may be a problem with New Durham's reassessment being due in 2015 and the Town Assessor retiring 2 January 2015. Mr. Cornell stated he did not believe this would be an issue in New Durham's case as the Town's Assessor only works a few hours a month so he doesn't believe he would have much to do with the process. Mr. Cornell also stated since many of New Durham's properties are seasonal it would make sense to begin the process in 2014 and Mr. Estes (the Town Assessor) would still be available. TA Bourgeois noted that was the original goal.

Selectman Kratovil stated, based on his understanding of information from Mr. Estes, if the Town did not do the re-measure, re-list the DRA would have it done and then bill the Town and

if the Town did not pay the bill for the services rendered then the DRA would withhold revenues due the Town. Mr. Reese stated the DRA does not have the authority to require a re-measure, re-list, however, they can petition to the Board of Land & Tax Appeal. Mr. Reese continued to state the Board of Land & Tax Appeal would then most likely put the job out to bid and the cost of the job would be tacked on to the Town's tax rate.

Selectman Swenson stated he thought it was stated earlier that the last time New Durham's properties were re-assessed was in 2010. Mr. Reese stated in 2010 what was done was a 'statistical update' which just uses properties that recently sold. Mr. Reese continued to state the last time New Durham had a Town wide re-list, re-measure was 11 years ago. TA Bourgeois clarified that it would be 11 years in 2015. Mr. Reese stated there is not a law that requires an inspection every so many years, however, it is required that the base data is accurate. Mr. Reese further explained that New Durham is unique in the fact that most other Towns have a condition rating or depreciation value, New Durham does not. Mr. Reese and Mr. Cornell explained the issues this causes.

DRA representatives stated that New Durham's 2010 reassessment process contained errors in how the assessment was done and errors in the tax assessment. The primary deficiency in how New Durham has previously recorded their assessment and what DRA requires is a condition rating on the assessed properties/structures. One approach could be to convert the existing assessment data condition rating. The key point would be to have DRA accepted factors.

Selectman Kratovil asked questions regarding the DRA's 'Standard 6' form. Mr. Reese explained the form and the procedure for the Board. Mr. Reese stressed the importance of accurate base data. Chair Jarvis asked if DRA assisted communities in writing RFP's (Request for Proposal) for re-assessment. Mr. Cornell stated they do have some templates available. Mr. Cornell also stated they would be happy to read over the Town's RFP and are willing to make suggestions.

Chair Jarvis stated the Town is also looking into a conversion of assessing software. Mr. Cornell stated it would be a good idea to do the conversion at the same time as the update. Mr. Cornell also noted companies would need to know about a conversion and what software is being used when bidding on the project. Selectman Swenson stated he would prefer to have the existing data put into the new system to ensure it is functioning properly before introducing new data.

Selectman Swenson asked if it were possible to change New Durham's current system to the condition/depreciation rating system in 2015 and then begin a cyclical rotation. Mr. Reese stated it is possible if there is documentation backing up the information. Chair Jarvis stated the DRA is expecting New Durham to do a complete re-measure, re-list in 2015. Chair Jarvis asked if the Town begins cyclical rotation will they still be required to re-evaluate the entire Town or can they do 20%. Mr. Cornell stated in 2015 all the properties need to be brought up to market value. Mr. Reese explained the cyclical process.

Selectman Kratovil made a motion that the Board publicize an RFP for a complete re-measure, re-list to specify that Vision or Avitar software will be used. Chair Jarvis seconded the motion for discussion purposes.

Chair Jarvis made a motion to amend the motion to read the Town Administrator, with any other relevant individuals, will develop draft one of an RFP for a full re-measure, re-list to be completed by the due date of 2015 and to return to the Board at its next meeting with draft one. Selectman Kratovil seconded the amendment for discussion purposes.

Selectman Kratovil gave a list of reasons as to why he worded his motion as he did. Discussion followed. Selectman Kratovil asked the opinion of Mr. Reese and Mr. Cornell. Mr. Reese stated he believes either motion will accomplish the objective of beginning the process for the re-measure, re-list for 2015. Chair Jarvis stated she worded the motion the way she did because she wanted to see how the RFP was worded before it was published. Selectman Kratovil asked when the next Board meeting was. Chair Jarvis stated the next regular Board meeting is 2 December 2013. Selectman Swenson stated he thinks the software needs to be determined first and he would not vote for the amendment or the motion. More discussion followed.

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

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

Tony Bonanno – Highway Department Analysis

Board members reviewed a handout entitled ‘Cost Analysis Selection Criteria’ prepared by Mr. Bonanno. Mr. Bonanno noted he is a concerned tax payer and also has experience in cost control. Mr. Bonanno stated he chose the Highway Department because that Department spent approximately 25% of the total Town Budget. Mr. Bonanno went over his handout which contained a table showing ‘Trends in Town Expenditures’, information from the State DOT, a ‘Cost Comparison for Winter Snow Removal - Town of New Durham – Highway Dept. vs. Contractor’; ‘Town Cost for 4 Months’; ‘Contractor Cost for 4 Months’; and a ‘Final Comparison’. From Mr. Bonanno’s analysis it was noted that the Town could look to outside contract a certain portion of the winter plowing which could save the Town \$140,900. Mr. Bonanno suggested the Town look to use a mix of outside contractors and Town employees to do the winter plowing. Mr. Bonanno noted the Road Agent would still be ‘calling the shots’ even if the plowing is contracted out. Discussion followed.

Mr. Bonanno noted he is not finished doing his analysis and also stated he thought it worthwhile to evaluate the spring, summer, and fall months as well. Mr. Bonanno also stated he would like to assess the other Town Departments for cost savings. Mr. Bonanno stated he is not criticizing the work the various departments are doing but he is looking at potential cost savings. Selectman Swenson suggested the Highway Department respond to the study with their opinion on the contracting out concept, as well as, the large difference in hours shown in the study between ‘Highway Department Cost’ and ‘Contractor Cost’. Road Agent Clarke stated he would draft a response with a copy to Mr. Bonanno and the Board. Road Agent Clarke stated he should have the response ready for the next Board meeting.

Chair Jarvis stated there were two non-Town employees in the audience and she suggested having them speak before the Road Agent and Solid Waste Foreman.

Fire Company Turkey Raffle & Senior Dinner

Lieutenant Kevin Ruel stepped forward and announced the Fire Company would be holding their annual turkey raffle on 23 November 2013 at the Fire Station. Lieutenant Ruel noted proceeds from the raffle fund the Senior dinner sponsored by the Fire Company. Lieutenant Ruel stated the Senior dinner will be held on 8 December 2013 beginning at noon and the meal will be served at approximately 1 pm. Chair Jarvis noted the Boston Post Cane is also presented at this time.

Peter Farrell – Shirley Town Forest Bids

Mr. Farrell noted four direct invitations were sent to contractors who had equipment for the 'cut to length' operation and the Town Administrator advertised the bid to the general public. Mr. Farrell noted two bids were received, from Moose Mountain and HHP, and the amounts were close. Board members reviewed the spreadsheet and e-mail prepared by Mr. Farrell. Chair Jarvis asked Mr. Farrell if he had worked with both contractors. Mr. Farrell stated he had and they both are reliable. Mr. Swenson asked if the figures given are hard figures. Mr. Farrell stated the figure given for the dollar per unit is a hard figure but the volume is an estimate. Mr. Farrell noted he tries to estimate conservatively as he would rather the customer get more money than estimated than less. Chair Jarvis asked Mr. Farrell if his recommendation is Moose Mountain Logging. Mr. Farrell stated it is.

Selectman Kratovil stepped outside to speak with someone.

Chair Jarvis made a motion, after verification of necessary insurance, that the contract for the timbering at the Shirley Forest is awarded to Moose Mountain Logging. Selectman Swenson seconded the motion.

Mr. Swenson asked if both bids met the specifications set forth in the RFP. Mr. Farrell stated yes. **The motion was approved with two affirmative votes (Swenson, Jarvis). Selectman Kratovil was not present for the vote.**

Chair Jarvis made a motion to authorize the Chair to sign the contract on behalf of the Town. Selectman Swenson seconded the motion. The motion was approved with two affirmative votes (Swenson, Jarvis). Selectman Kratovil was not present for the vote.

Selectman Kratovil returned.

Road Agent – Full Time Highway Department Position

Road Agent Clarke passed out a handout consisting of facts and figures for the justification of the open Highway Department position – Light Equipment Operator/Truck Driver/Ground and Facility Maintainer. Road Agent Clarke asked Board members to review the information and place it on the agenda for the 2 December 2013 meeting so it can be discussed.

Solid Waste Department – Quonset Hut Damage

Solid Waste Foreman Joe Bloskey stepped forward and stated a driver for Casella damaged the Quonset Hut while returning an empty container to its space. Mr. Bloskey stated he was not present when the accident happened but a statement from the driver was received and pictures of the damage were taken. Selectman Swenson asked if the damage was a result of driver error. Mr. Bloskey stated yes. Selectmen Swenson asked if Casella's insurance was covering the cost of the damage. Mr. Bloskey stated it is. Board members reviewed photographs of the damage. Selectman Swenson asked if the damage resulted in a total loss. Mr. Bloskey stated the Quonset Hut people stated the damage could be repaired. Selectman Swenson stated he wanted to be sure the structural piece was fully replaced. Office Manager Cathy Orlowicz stepped forward and noted the representative from the Quonset Hut company, Woody, visually inspected the damage and stated the structural integrity of the Quonset Hut has not been compromised. Selectman Swenson asked if this statement was in writing. Office Manager Orlowicz stated not yet. Selectman Swenson requested that full damage recovery from Casella be in writing and that the Quonset Hut would be returned to full structural integrity following repair. Also the life span and warranty on the Hut is not diminished. Ms. Orlowicz elaborated on the damage and the plan for repair. Chair Jarvis asked if the Quonset Hut representative would put in writing, once the repairs are done, in no way is the warranty on or life span of the Quonset Hut diminished. Ms. Orlowicz stated she will ask. Mr. Bloskey noted the accident will not interfere with the concrete work previously scheduled.

Public Input

There was no public input.

Agenda Review

'Bill from the County' and 'Letter from the State DES -Dam Bureau' were added to the agenda.

Town Forester – Verification of Impact on Liability Insurance

Chair Jarvis stated the TA was asked to look into whether there would be any impact on the Town's liability insurance. TA Bourgeois stated there would not be any impact on the Town's liability insurance if a Town Forester is hired as an employee. Chair Jarvis stated several letters were sent out regarding the Town Forester position and two responses were received. Chair Jarvis stated one of the respondents has their own liability insurance and the other does not. Chair Jarvis also noted it was previously discussed that the respondent without the liability insurance, if contracted with, would be at a reduced rate as he would need to be on the Town's liability policy. Chair Jarvis noted the individual who has liability insurance does work within the Town and is working on the Shirley Town Forest cut. Discussion followed. Selectman Swenson suggested having the individual who has his own liability insurance work on the cases that he does not have any involvement in. Chair Jarvis agreed.

Welfare Guideline Comparison

Chair Jarvis asked Board members if they had questions or comments regarding the Welfare Guideline comparisons that should be addressed before the Welfare Clerk begins her edits. Selectman Swenson stated he did have suggestions and items he wished to have clarified. Selectman Swenson noted some wording issues and expressed concern with the addition of 'non-citizen'. Selectman Swenson stated he would like to have clarified whether this is a State mandate and also if limitation can be established. Selectman Swenson provided the Welfare Office a list of suggestions and provided a list of questions that need response before any approval of guidelines. Chair Jarvis noted she had also made some suggestions/changes to the document for the Welfare Clerk which she has already given to her. Selectman Swenson suggested having all the necessary changes made to the document prior to approval.

Strafford Regional Planning Commission Representative

Chair Jarvis stated at the 4 November 2013 meeting Selectman Kratovil expressed concern that SRPC representative Theresa Chabot was unable to vote at a meeting. Chair Jarvis stated at that point Ms. Chabot had not yet been sworn in. Chair Jarvis continued to state Ms. Chabot has since taken the oath of office and SRPC has been notified. Selectman Kratovil stated he would like to pass on that Ms. Chabot informed him SRPC only allows the representatives three minutes to speak. Chair Jarvis stated she felt this overly restrictive and asked TA Bourgeois to follow up on it.

Assessing Software

Selectman Swenson stated the Board is waiting for figures from the IT Committee for the hardware part of it. Selectman Swenson also stated, as far as the software part is concerned, he does believe the Town is in need of Assessing and Tax Collection software that works together better than the current software does. Selectman Swenson stated he also believes the software needs to be compatible with the Town's accounting software. Board members agreed to have TA Bourgeois work with the Finance Officer and Town Clerk to draft an RFP for Assessing Software to be reviewed by Selectman Swenson. Selectman Swenson suggested contacting 2- 3 software vendors and asking them to come in to do a presentation of their product.

Recording Secretary

Board members reviewed a job description for 'Minute Taker' prepared by TA Bourgeois. Selectman Kratovil suggested once the Town Administrator is more 'seasoned' he should take the minutes as he is attending the Board meetings anyway. Chair Jarvis stated at one time the TA did take minutes but as meetings got longer and minutes more in depth a recording secretary began taking minutes. Chair Jarvis stated she believes this change took place in the 1990's. Chair Jarvis also stated she believes it is difficult for someone to participate in a meeting, as well as, take sufficient notes for good minutes. Discussion followed.

The job description and hours worked for the current recording secretary was discussed. Selectman Kratovil stated that while he thought Ms. Smith did very good minutes her time may be better spent doing assessing training. Selectman Kratovil also suggested breaking down how much time is allotted for the various Land Use Boards. Selectman Kratovil stated that Ms. Smith told him when she was hired one evening per week was discussed and is not a problem, however, Saturdays were not mentioned. Selectman Kratovil continued to state he believes the current Assessing Assistant comes in on Saturdays to assist the Town Assessor. Chair Jarvis stated she was not part of the interview panel so she is not sure but also suggested looking into whether Mr. Estey needs someone with him on Saturdays if the paperwork and appointments are set up in advance. Selectman Swenson asked how many hours Ms. Smith worked currently. Chair Jarvis stated she believes it is around 28. TA Bourgeois stated the job description states 24– 32 hours. Selectman Swenson stated if Ms. Smith is currently working 28 hours, not including assessing, the Board may want to look into combining ‘minute taker’ with her current roll and making the position full-time. Chair Jarvis asked TA Bourgeois to put together figures. Selectman Kratovil suggested the TA do an analysis as to the cost of a part-time minute taker compared to making the Land Use/Assessing Clerk position full-time by adding ‘minute taker’ to the job description.

Appointment Policy

Board members reviewed sections of the Personnel Manual where the term ‘vetting’ is used. Selectman Swenson suggested changing the words ‘vetting policy’ to ‘vetting process’.

Selectman Swenson made a motion that on pages 17 and 70 of the ‘Town of New Durham Personnel Manual’, section 7 on both pages, the last words of both sentences be changed from ‘vetting policy’ to ‘vetting process’. Chair Jarvis seconded the motion.

TA Bourgeois noted, on page 70, last bullet point in number 6 also states ‘Vetting Policy’.

Chair Jarvis made a motion to amend the motion to include page 70, last bullet point in number 6, ‘Vetting Policy’ be changed to ‘Vetting Process’. Selectman Swenson seconded the amendment. The amendment was approved 3-0.

The motion as amended was approved 3-0.

Personnel Policy

Board members reviewed pages 27, 29, and 31 of the Personnel Manual. Board members also reviewed a suggested addition to the policy prepared by Chair Jarvis regarding full-time employees whose weekly hours have been reduced to between 28 – 39 hours per week. Discussion followed. Selectman Swenson suggested adding this to the agenda for the next meeting.

Appeal of Town Hall Renovations RFP Award

Stephanie and Iain MacKenzie stepped forward regarding the Town Hall renovations. Board members reviewed a letter from the MacKenzies requesting the Board reconsider their decision of 4 November 2013, description of work to be done by both bidders, the RFP put out by the Town, and a chart comparing the two bids. Mr. MacKenzie stated he did not think it was fair that

his bid itemized the scope of work to be done and the other bidder omitted things but was e-mailed after bids were opened to verify what was and was not included. Chair Jarvis did note that once a bid is signed by the Town and the contractor the price agreed upon is the price that is to be paid by the Town. Chair Jarvis continued to state should a contractor omit something that was in the contract he would still be required to do it without increasing the price to the Town. Chair Jarvis stated the RFP did not include an item the Board of Selectman had approved to be a part of the renovations, for this reason the Board agreed to reissue the RFP. Board members agreed to re-issue the Request for Proposal on the Town Hall Renovations and to have the contractor sign a document stating their bid price includes all specifications.

Selectman Swenson made motion to rescind the prior award and redevelop the RFP to include all components of the renovations previously discussed. Chair Jarvis seconded the motion.

Ms. MacKenzie suggested the RFP be very specific as to the type of flooring, type of tiles, etc. **Selectman Swenson made a motion to amend the motion to waive Section 9 of the Purchase Policy and reduce the 14 day time period for public notice to 7 days. Selectman Kratovil seconded the amendment. The amendment was approved 3-0.**

The motion as amended was approved 3-0.

Equipment Mechanic Job Description

Board members reviewed the current job description of Fleet Maintenance Manager dated 20 August 2008. Chair Jarvis noted 'tracking of inventory supplies' is already included in the job description. Selectman Swenson stated he did not believe any changes were necessary.

Chairmanship

Selectman Kratovil stated at the 4 November 2013 meeting he passed out a handout entitled "Conduct Unbecoming of a Selectman" at that point Chair Jarvis resigned as Chair but Selectman Swenson stated he would not accept her resignation. Selectman Kratovil stated he believes a motion is in order for clarity. **Selectman Kratovil made a motion for Chair Jarvis to be removed from the Chairmanship. There was no second. Motion dies for lack of a second.**

Selectman Kratovil touched on issues previously mentioned in his handout. Chair Jarvis stated she has already addressed these issues and doesn't see why the issues are still being rehashed. Discussion followed.

Selectman Kratovil listed a sequence of events that took place on 15 August 2013 and also mentioned a discussion between CEO Arthur Capello, TA Bourgeois, and Chair Jarvis regarding Fire Chief Peter Varney. Selectman Kratovil stated he believes this constituted an illegal meeting and as such made a lengthy motion that Chair Jarvis be removed as Chair and as a public official. TA Bourgeois noted that neither he nor CEO Capello are Board members therefore no meeting was held. Selectmen Swenson suggested returning to items on the agenda.

IT Committee

Chair Jarvis stated when the IT Committee was originally established it was given a term of six months. Chair Jarvis stated she would like to extend the life of the Committee through 31 December 2014. Chair Jarvis also stated she would like the Committee to evaluate all Town Department systems including the Library. Selectman Kratovil suggested tasking the IT Committee to investigate what caused the server to malfunction. Discussion followed.

Selectman Swenson stated he did believe the life of the IT Committee should be extended but didn't feel it needed to be extended to 31 December 2014. Selectman Swenson suggested 30 June 2014 instead. Brief discussion followed. **Chair Jarvis made a motion to extend the functioning of the IT Committee until 30 June 2014. Selectman Swenson seconded the motion. The motion was approved with two affirmative votes (Swenson, Jarvis) and one negative vote (Kratovil).**

Raffle Permit – New Durham Fire Company

Board members reviewed a request from the New Durham Fire Company for a raffle permit. Chair Jarvis stated turkeys and turkey fixings are being raffled and the date of the drawing is 23 November 2013 with proceeds going to the Fire Company. Chair Jarvis stated some of the proceeds are used to fund the Senior dinner. **Selectman Swenson made a motion to approve the raffle permit. Chair Jarvis seconded the motion. The motion was approved 3-0.**

Invoice from Strafford County

Board members reviewed a cover letter, invoice, and acknowledgement of receipt from the Strafford County Treasurer. Chair Jarvis noted New Durham's 2013 County Tax Apportionment totals \$1,123,508. **Chair Jarvis made a motion that the Board sign the acknowledgement of receipt for the County Commissioner's 2013 Warrant for the annual payment. Selectman Kratovil seconded the motion. The motion was approved 3-0.** Board members signed the document. Chair Jarvis stated she would like to leave it to the Finance Officer whether payment should be in the form of a check or wire transfer.

Letter from Department of Environmental Services

Board members reviewed a letter from the State DES regarding the Emergency Action Plan for Marchs Pond Dam. Chair Jarvis suggested having the Emergency Management Director look into it. TA Bourgeois will contact Emergency Management Director Ken Quigley.

Future Meetings

Chair Jarvis stated the Board was originally scheduled to meet on 19 November 2013 in non-public session with 3 individuals. Chair Jarvis stated one of those individuals is unavailable to attend and asked if the Board would rather meet on 21 November 2013 from 9am – 11:55 am. Board members agreed. Chair Jarvis also noted the Board will be meeting on 25 November 2013

at 9 am at the Fire Station Community Room for Budget Review. Chair Jarvis stated the Board's next business meeting is 2 December 2013 at 7 pm at the Town Hall.

2014 Appointment Expirations

Board members reviewed a revised list of various offices whose term expires in 2014. Chair Jarvis noted the revised list consists only of offices that the Board has jurisdiction over.

Minutes

Approval of minutes was postponed to the next meeting.

At 5:26 pm Chair Jarvis made a motion to adjourn. Selectman Swenson seconded the motion. The motion was approved 3-0.

Respectfully submitted,

Amy Smith
Recording Secretary