

New Durham Board of Selectmen  
Minutes of Meeting ~ February 4, 2013  
Town Hall

Members Present: Chair David Bickford, Theresa Jarvis, Jeffrey Kratovil

Others Present: Town Administrator Jeremy Bourgeois, Solid Waste Facility Director Joe Bloskey, Emergency Management Director Ken Quigley, Road Agent Mike Clarke, Building Inspector/Code Enforcement Officer Arthur Capello, Town Clerk Carole Ingham, Cathy Orłowicz, Paul Perry, Baysider reporter Elizabeth Cantrall, videographer Jim Ladd, recorder Cathy Allyn

**1. Call to Order** – Chairperson David Bickford called the meeting to order at 6:01 p.m.

**Motion by Chair Bickford to enter into non-public session pursuant to RSA 91-A:3, II (c), to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person; second by Selectman Jeffrey Kratovil. A roll call vote was taken: Bickford – aye, Jarvis – aye, Kratovil – aye.**

The Board met in non-public session with Carole Ingham, New Durham Tax Collector.

Ms. Ingham reviewed the status of 10 properties that are scheduled for deeding on February 6, 2013. The Board discussed the properties and gave Ms. Ingham directions regarding them.

**Motion by Selectperson Jarvis to leave non-public session; second by Chair Bickford. 3-0.**

The Board returned to public session at 7:00 PM.

Respectfully submitted,  
Theresa Jarvis, Vice Chair

Chairperson David Bickford called the public meeting to order at 7:03 p.m. and asked Selectman Kratovil to lead the Pledge of Allegiance.

**2. Public Forum-** Paul Perry spoke about the town-wide survey. He said working with Selectperson Terry Jarvis proved to be particularly successful. He told the Board that due to delays regarding the school newsletter the deadline to turn in surveys has been extended one week from today. He said Monica Haley has been helping with the collection and data entry and, therefore, he would not need Town employees to volunteer to do data entry.

Regarding the Zoning Board of Adjustment and the issue at 9 Country Lane, he said he was here as a citizen concerned with the expenditure of finances. He said it would be unfair to make volunteers, i.e. members of the ZBA, interpret the law, as he saw several issues with the lawyer's brief and there was the possibility that regulations could be put into place that would not be best. He said Building Inspector/Code Enforcement Officer Arthur

Capello concurred that Town Counsel should attend the ZBA meeting because the applicant will have a lawyer present. He asked the Board to authorize Town Counsel to attend the ZBA meeting when discussing this case.

BI/CEO Arthur Capello said he agreed, given the complexity of the situation.

**Motion by Chair Bickford to authorize legal counsel being present at the ZBA meeting, which is now set for February 13, 2013; second by Selectman Kratovil. 3-0.**

BI/CEO Capello will confirm with Town Counsel.

Cathy Allyn announced that the library will be holding a variety of programs for young people, including chess, arts and crafts, and science clubs, a Dr. Seuss event and chapter book readings. She said an adult art class is being offered. She also said she conducted a tour of the Meetinghouse and grounds for the local Brownie troop, and led a mock Town Meeting and church service with the girls.

**3. Agenda Review** - Both Selectperson Jarvis and Selectman Kratovil indicated they would like to hold a non-public session at the end of the meeting. Selectman Kratovil said he also wanted to discuss the January 23, 2013 Budget Committee minutes and the highway department expansion.

**4. Appointments** – The Board met with Emergency Management Director Ken Quigley, who said he would like to have two deputies. He said the town is full of talent and when people step forward we should take advantage of their service. He said his son Cameron is a hazardous material technician and a firefighter. Mr. Quigley said that route 11 is a dangerous area and when he reviews emergency plans he includes the fire and highway department. He said Cameron would be a good fit, based on his background.

Mr. Quigley said he would also like Dale Drake to be a deputy. He said Mr. Drake is experienced with amateur radio emergency service and has nuclear experience from working at the Portsmouth shipyard. He said these are volunteer positions so no money is expended to fill them, nor is there a limit to how many deputies he can have. He said the varied backgrounds would enhance the overall program.

Chair Bickford said to put the names in for nomination and the men could go through the usual two-week vetting period. Selectperson Jarvis said she would like to check out the Ethics Policy regarding a family member supervising another member. Mr. Quigley asked if the Town had not already set a precedent for that. He said you cannot discriminate against a qualified candidate so perhaps the Town needed a discrimination policy. Selectperson Jarvis said she would check into it. Selectman Kratovil recommended Dana Cullen.

**5. Department Reports – Solid Waste Facility** – Regarding the Work Experience Program Agreement for the individual working at the Solid Waste Facility (SWF), SWF Director Mr. Bloskey said he thought the Board needed documentation and he supplied it. Selectperson Jarvis asked when the individual got his certificate. Mr. Bloskey said he did not have one. Selectperson Jarvis said it was her understanding that there could be no exceptions from the DES regulations and that, therefore, he must have a certificate. Mr. Bloskey said that the individual had been sweeping and picking up and not touching any trash. Selectperson Jarvis said she believed you had to go through the state even to get a conditional certificate. Mr. Bloskey suggested the young man could work until the next certification class came up.

Chair Bickford pointed out that this individual would never be certified. Selectman

Kratovil asked if a PAF was needed or if the person should be brought before the Board. Referencing the communication from the program supervisor, Chair Bickford said the individual was covered by workmen's compensation and would not touch anything he needed a certificate for. Mr. Bloskey said he spoke with DES and that agency indicated it was fine for the individual to work there as long as he did not touch garbage or recyclables.

Selectperson Jarvis said she was uncomfortable with the agreement, and added that there was no documentation that the individual was in good physical condition. She said the Board needed more information before allowing him back to work at the SWF.

Road Agent Mike Clarke said the police department used to bring community service kids to work at the SWF and they were not certified. Selectperson Jarvis said the Town stopped using court ordered community service because of issues that arose.

Chair Bickford said this state organization takes care of determining hazards and so forth. Mr. Bloskey asked the Board to give the kid a break. He said the Board had paperwork, the job description would be changed, and that the young man is trying to do something good.

Selectperson Jarvis said as much as she would like to help this person, her first obligation is to ensure that the Town is protected. Selectman Kratovil agreed with Terry, saying there was no need to rush, and the Town must cover its bases. Chair Bickford pointed out that the issue would have to come back before the Board. Selectperson Jarvis said she would give Town Administrator Jeremy Bourgeois a list of what she is looking for.

Mr. Bloskey said he would like to advertise for the seasonal part-time position as soon as possible. He said the person would work 20 hours on Saturdays and Sundays and when he himself went on vacation. He indicated that when he went on vacation there was an agreement that a person with level 4 training in Alton was available.

Chair Bickford asked about certification and if the seasonal employee would be able to attend a class. Cathy Orlowicz said that DES has indicated that a person can apply for a temporary certification while being taught by current employees. When a class becomes available, DES notifies the individual and the Town considers the class as training. She said the training line in the budget has extra money in it, specifically for this position. Keeping the certificate current is the operator's responsibility.

Chair Bickford wondered if the individual from the Work Experience Program could not do the same thing. Ms. Orlowicz said he could get a temporary certificate. She said she was not under the impression that he needed it prior to beginning work. She said she thought the classes are offered twice a year now. Chair Bickford said he had no problem with either one of these cases.

Regarding the job description for the seasonal part-time position, Chair Bickford said the requirements seemed excessive. Selectperson Jarvis said the Local Government Center put this job description together. Ms. Orlowicz said she and Mr. Bloskey gave the Board this ad merely as a point of conversation. She said they wanted to advertise as soon as possible.

**Motion by Selectman Kratovil to advertise for a seasonal part-time position at the Solid Waste Facility at a rate not to exceed \$10.31 per hour; second by Selectperson Jarvis. 3-0.**

Chair Bickford asked if the minimum requirements would be posted as written. He said people who do not have GEDs need work, also. He said he would like to remove the requirements of a high school diploma, GED, work experience and valid drivers license.

Selectperson Jarvis said the Board should then look at other job descriptions that require high school diplomas or GEDs. She said she was uncomfortable about changing the ad if the Board did not know when it would change the job description. She said there would be a good pool of candidates with this job description.

The Board agreed to leave the description in the ad, as is.

Mr. Bloskey brought up three unpaid balances due on Construction and Demolition. He said he would like direction on handling past due accounts. He said he writes up a Balance Due if people come without enough coupons.

Selectman Kratovil said people come to Town Hall first and that he would encourage Mr. Bloskey to turn them away if they do not have enough coupons. He also suggested having an employee fill out the form so that it is legible. Ms. Orlowicz indicated that is now the procedure, but their concern was with these balances due.

Selectperson Jarvis said these three cases are uncollectible debt. RA Clarke said people can also pay with a personal check. Ms. Orlowicz said there are two kinds of coupons – disposal and redeeming. She said people write IOUs, also, which they make good on. RA Clarke pointed out that people come on Sundays with a truckload of demo when Town Hall is not open.

The consensus of the Board was that these three cases were uncollectible debt and could be written off the books. Selectman Kratovil said names of past offenders could be posted. Ms. Orlowicz said there was some language regarding violations in the recycling regulations.

*Highway Department Expansion* – Selectman Kratovil urged the Board to move forward on a vote regarding the highway garage addition, as it would take some time for the new person on the Board to get up to speed on the issue. He said replacing the vacant highway department position is another issue. He said there is an area in the garage for a furnace and a cruiser. He recommended oil for the furnace. Chair Bickford said the Board stopped looking at other options for heating. He said the architect was stopped before he got to that point, so it was impossible to say that one option stood above another. Selectperson Jarvis and Selectman Kratovil said they didn't realize the architect was going to look at furnace options.

Chair Bickford said he would vote no on anything without professional involvement. He said the sizing of the furnace and where it would be placed would have come from the architect. Selectperson Jarvis said she thought the road agent should work with the building inspector regarding the matter. She said there has been no formal decision on the expansion so why spend money on it.

RA Clarke said he presented bids at the November 5, 2012 meeting. He said he provided three prices for concrete, one for framing, and five for roofing. He said Chair Bickford wanted to look into other heating options. He said he had not heard from John Abbott regarding a price. He told the Board that the woodchip furnace would cost \$36,000. He said when architect Tony Fallon was at the building, he had indicated he was going to look into alternative heating.

RA Clarke said the Board wanted architectural drawings. He said he did the addition on the landfill and recycling so he went out and got prices. He said he was unaware that Selectman Kratovil was going to bring this issue up until he came to the highway department today.

**Motion by Selectperson Jarvis that the road agent and building inspector work together to draw up specifications in preparation of sending out an RFP for the highway department expansion; second by Selectman Kratovil.** Selectperson Jarvis said the solar issue could be discussed later. Selectperson Jarvis said the costs for the replacement of the roof over the current garage could come from the Town Building Improvements CRF and the roof over the expansion from the Highway Addition CRF.  
**Bickford – nay, Jarvis – aye, Kratovil – aye.**

## **6. New Business**

*Purchase Orders* – **Motion by Selectperson Jarvis to approve Purchase Order #0189 in the amount of \$24,000 to Northeast Earth Mechanics, Inc. for 3000 cubic yards of winter sand pursuant to that award; second by Selectman Kratovil. 3-0.**

**Motion by Chair Bickford to approve Purchase Order #0190 in the amount of \$18,360 at \$1.06 per gallon of liquid calcium chloride solution to All States Asphalt, Inc. in the amount of \$20,000; second by Selectperson Jarvis. 3-0.**

**Motion by Selectperson Jarvis to approve Purchase Order #0188 to International Salt Company for 1300 tons of salt at \$61.83 per ton for a total of \$80,000; second by Chair Bickford. 3-0.**

Chair Bickford signed the contract with Lakes Region Construction for repairs on the front of Town Hall.

*Auditors' Questionnaire* – The Board reviewed the auditors' questionnaire regarding financial procedures. Chair Bickford signed the document. Selectperson Jarvis pointed out that the Board needed to adopt a fund balance policy before the audit in February. Jeremy said a draft of the policy would come back from MRI.

*Road Agent Request* – RA Clarke requested to be put on the agenda of the next business meeting to discuss the hourly proposal he submitted concerning a sixth crewmember.

*Town Warrant Change* – Chair Bickford said he wanted the library budget to be presented on the warrant as a separate article. Selectperson Jarvis said she was not interested in having that done due to a lack of time. She said the deadline for the warrant sign-off is Wednesday. Selectman Kratovil said the Board had no management over the library so why would it approve its budget. Chair Bickford said many towns have a library budget stand alone. Selectperson Jarvis said the Board has control of how much money goes to the Library Trustees to spend how they wish.

BI/CEO Capello said a town has to give apportionment to the library. He said a library's overall budget is higher due to fundraising. According to RSAs, a town has to support its library in a reasonable way. Its Trustees determine how the money is spent. He asked the Board how the Town would be upholding the RSAs if the library budget were voted down as a separate article. Chair Bickford said if the budget were voted down it would shut down the library. He noted that that would be extreme. BI/CEO Capello suggested that haphazardly pulling it from the Town's operating budget without sufficient research two days before the warrant is presented to the public would not be a good idea.

Selectperson Jarvis said it was more likely that the amount of the library's budget would be amended higher if it were a separate article. Selectman Kratovil said it would have the

potential to indicate what residents want to spend on a library. Selectperson Jarvis said than each department could be separate.

**Motion by Chair Bickford that the library have its own article in the town warrant; second by Selectman Kratovil.** Selectperson Jarvis said the Board was opening a can of worms that could be dangerous. **Bickford – aye, Jarvis – nay, Kratovil – aye. 2-1. The motion carried.**

Selectperson Jarvis pointed out that the library budget is within the Budget Committee's budget so that if it also appeared as a separate article the library could wind up getting its budget twice.

*Tax rate* – Assuming Articles 8 and 9 are raised entirely by taxation, the tax rate would be \$6.55, reflecting a drop of 30 cents from last year. If \$54,000 were used from the Unassigned Fund Balance and revenue for the highway equipment in those articles, the tax rate would then be \$6.47.

## **7. Old Business**

*Town Warrant Review* - Selectperson Jarvis said Financial Assistant Vickie Blackden could make changes if DRA required specific language regarding the unassigned fund balance.

Regarding Article 8 for the baler, Ms. Orlowicz said \$5,000 could come from the America the Beautiful grant, \$2,000 from the CRF, and \$9,500 from the unassigned fund balance. Selectperson Jarvis said a grant that has not been awarded cannot be named as a source. Ms. Orlowicz said the SWF did not want to draw down the CRF because \$20,000 worth of expenses were coming up in 2016. Chair Bickford suggested taking the money from the CRF and some from the unassigned fund balance. Selectman Kratovil said one per cent could go to the unassigned fund balance. Selectperson Jarvis said the Board should want to avoid roller coaster tax rates. She said if the tax rate were dropped this year by using the unassigned fund balance, it would go up next year.

**Motion by Chair Bickford to remove Article 8 from the Warrant; second by Selectman Kratovil.** Selectperson Jarvis said the motion was a bad call. **Bickford – aye, Jarvis – nay, Kratovil – aye. 2-1. The motion carried.**

Regarding Article 9, Selectperson Jarvis suggested taking \$5,000 from the CRF and the rest from the unassigned fund balance. Chair Bickford suggested taking the money from the CRF.

**Motion by Selectperson Jarvis to approve Article 9 concerning \$18,400 for the purchase and installation of a Quonset hut, using \$5,000 from the CRF, and \$13,400 from the unassigned fund balance. Motion failed for lack of a second.**

**Motion by Chair Bickford to remove \$18,400 from the CRF Facilities Improvement for the purchase and installation of a Quonset hut.** Selectperson Jarvis said that would leave only \$3,282 in the CRF, but she felt it necessary to acquire the hut. **Second by Selectperson Jarvis. Bickford – aye, Jarvis – aye, Kratovil – nay. 2-1. The motion carried.**

Ms. Orlowicz asked the Board to reconsider its action on Article 8. She said a lot of work went into the article.

**Motion by Selectperson Jarvis to purchase a bailer as Article 8 and to authorize withdrawal of \$8,000 from the Transfer Station CRF and to use \$8,500 from the unassigned fund balance; second by Chair Bickford. Bickford – aye, Jarvis – aye, Kratovil – nay. 2-1. The motion carried.**

Regarding Article 11, Chair Bickford said \$11,000 for the electrification of the Town Hall clock could be removed from Town Building Improvements.

**Motion by Chair Bickford to alter the amount of the Town Building Improvements line within the Expendable Trust Funds to \$60,000 for a total amount of \$76,000; second by Selectperson Jarvis. 3-0.**

Selectperson Jarvis said, by using \$62,500 from the unassigned fund balance for the truck and baler, \$200,310 of those monies was left. Selectman Kratovil asked if the Board should put that money against the tax rate. Selectperson Jarvis said \$118,000 was taken from unassigned fund balance last year and \$47,000 in 2011. She said DRA recommends 5-17 per cent of a town's total tax obligation in the unassigned fund balance, so putting in one per cent would be irresponsible, as it would leave less than 10 per cent. Chair Bickford said he disagreed.

**Motion by Selectman Kratovil to apply \$9,000 to the unassigned fund balance and the remainder of the surplus to be applied to the 2013 tax rate; second by Chair Bickford.** Selectperson Jarvis said that action would be irresponsible. **Bickford – aye, Jarvis – nay, Kratovil – aye. 2-1. The motion carried.**

Selectperson Jarvis said the result is a net loss in the balance of \$53,500, with a net gain of \$500. She said \$208,810 could have been added, but only \$500 will now be added to the Town's emergency fund. With the addition of those unassigned fund balance monies, a new tax rate needs to be calculated.

Selectperson Jarvis said she wanted Article 12, which allows numerical tallies to be listed, on the Warrant. The Board discussed having tallies on the 2013 Warrant. Selectperson Jarvis said all the information would have to be gathered tomorrow, and a tight deadline could lead to errors. The Board decided to wait.

The language regarding the potential tax impact remained the same in Article 13.

The language of Article 14, regarding a Board of Selectmen having the authorization to buy and/or sell land, could be changed to include only purchasing. Selectman Kratovil said he thought a Board should be able to sell land without legislative approval. Selectperson Jarvis said she would prefer having that authorization in the article, also.

**Motion by Chair Bickford to approve the 2013 Town Warrant, as amended, realizing some figures will be revised. The motion failed for lack of a second.**

Selectperson Jarvis said TA Bourgeois would need to research the ramifications of having no warrant for Town Meeting. She said she would second the motion, but she disagreed with having the library's budget pulled out as a separate article.

Selectman Kratovil said his concerns were with Articles 8 and 9. Selectperson Jarvis said Selectman Kratovil could speak in opposition to Articles 8 and 9 at Town Meeting. Selectman Kratovil said he also had concerns with Article 6, due to the questionable nature of the treatment for milfoil.

Chair Bickford said there was pushing for too much at too late an hour. He said the Board put a lot of money back to the taxpayers. He said he would let the library budget revert to be included in the operating budget.

**Motion by Selectperson Jarvis to rescind this evening's vote to identify the library budget as a separate warrant article; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis to revote the bottom line of the library budget to concur with the Budget Committee's figure; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis to approve the 2013 Town Warrant, as amended; second by Chair Bickford .** Selectman Kratovil said money needed to be added to line 110 of highway department account 4312, in case the full-time position is replaced and the individual takes a family plan. BI/CEO Capello said the position has not been filled and there would be more months of vacancy before any hiring might occur, so money exists due to the unexpended salary. Selectperson Jarvis said if numbers were to be changed in individual lines now, the budget would need to be recalculated. Ms. Orlowicz said she believed money to cover the worst case scenario was in that line. She said there is a wage limit. Chair Bickford said the line was based on a single person who was employed at the time, so it was not calculated on a family plan. **Bickford – aye, Jarvis – aye, Kratovil – nay. 2-1. The motion carried.**

**8. Schedule Next Meeting** - The Board scheduled its next meeting for February 22, 2013 at 9:00 a.m. in the fire station community room.

Due to little public participation in last year's call-in on the Warrant, the Board did not schedule one for this year. Ms. Allyn suggested piggybacking a discussion of the Warrant on Candidates' Night.



**9. Approval of Minutes - Motion by Selectperson Jarvis to approve the minutes of January 25, 2013, as amended; second by Selectman Kratovil. 3-0.**

**10. Non-public Session - Motion by Selectperson Jarvis at 10:15 to enter nonpublic session under RSA 91-A:3 II (c); second by Selectman Kratovil. A roll call vote was taken: Bickford – aye, Selectperson Jarvis – aye, Kratovil – aye.**

During the non-public session, the Board of Selectmen approved outstanding non-public sealed minutes. They also discussed personnel matters.

**Motion by Selectperson Jarvis to seal the non-public minutes; second by Selectman Kratovil. 3-0.**

**Motion by Selectperson Jarvis to return to public session; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis at 11:14 p.m. to adjourn; second by Selectman Kratovil. 3-0.**

**Motion by Selectman Kratovil to make a public announcement and start the process of the appointment of a Fire Chief; second by Selectperson Jarvis. Bickford-Opposed, Jarvis-Aye, Kratovil-Aye. 2-1.**

### **Adjournment**

The meeting adjourned at 11:14 p.m.

Respectfully submitted,  
*Cathy L. Allyn*

An electronic record of the meeting is on file with the Office of Town Clerk, and some meetings can be viewed on the Town's web site on demand.