

New Durham Board of Selectmen  
Minutes of Meeting ~ May 6, 2013  
Town Hall

Members Present: Theresa Jarvis, Jeffrey Kratovil, David Swenson  
Also Present: Town Administrator Jeremy Bourgeois, Town Clerk/Tax Collector  
Carole Ingham

**1. Call to Order** – Chair Terry Jarvis called the meeting to order at 6:01 p.m.

**2. Non-public Session – Motion by Chair Jarvis at 6:04 p.m. to enter non-public session under 91-A:3 II (a)**- The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted, **(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 those of the general community; **second by Selectman David Swenson. A roll call vote was taken: Jarvis – aye, Selectman Jeff Kratovil – aye, Swenson – aye. 3-0.**

The Board met with Town Clerk/Tax Collector Carole Ingham.

**Motion by Chair Jarvis to seal specific portions of the nonpublic minutes. The motion died for lack of a second.**

**Motion by Selectman Swenson to seal the nonpublic minutes. The motion died for lack of a second.**

**Motion by Chair Jarvis to leave nonpublic session; second by Selectman Kratovil. 3-0.**

The Board left nonpublic session at 7:01 P.M.

Public Session:

Others Present: Town Administrator Jeremy Bourgeois, Road Agent Mike Clarke, Transfer Station Foreman Joe Bloskey, Equipment Mechanic David Valladares, Don Vachon, Jeff Andrews, Mike Gelinias, videographer Jim Ladd, recorder Cathy Allyn

### 3. Return to Public Session

Chair Jarvis indicated the Board met in non-public session, after being called to order at 6:01 p.m., and discussed personnel issues, a request to sell land, and tax liens.

**4. Public Input** - There was no public input.

**5. Agenda Review** - The Board made minor modifications. Selectman Kratovil noted that a colleague of his, who is a qualified Firefighter I, II, and III, is willing to participate on the interview board for the Town's fire chief position. He also suggested that former Selectman David Bickford have input on TA Jeremy Bourgeois' evaluation. He thanked Road Agent Mike Clarke for the information provided on calcium chloride.

### 5. Appointments

Chair Jarvis said nine incumbents of the Milfoil and Invasive Aquatic Weeds Committee were willing to serve another one year term. She noted there is no maximum number of people on the committee.

**Motion by Chair Jarvis to waive the vetting policy as all individuals are current members of the committee; second by Selectman Swenson. Jarvis - aye, Kratovil - nay, Swenson - aye.** Selectman Kratovil stated he felt the Board should follow the policy.

**Motion by Chair Jarvis to appoint the following individuals to the Milfoil and Invasive Aquatic Weeds Committee for terms expiring March 31, 2014: Arthur Hoover, Susan Hoover, Lee Ann Beals, Aline Goss, Tom Rogenski, Fawn Choate, Alan McQuiston, Cynthia Quimby, and Fred Quimby; second by Selectman Swenson. Jarvis - aye, Kratovil - nay, Swenson - aye.**

The Board signed the appointment forms.

### 6. Department Reports

*Highway* – Paving Bid - The Board reviewed the highway bids, provided by RA Clarke, and Chair Jarvis read the four bids for the Road Surface Maintenance System paving aloud. RA Clarke recommended awarding the bid to lowest bidder R & D Paving. Chair Jarvis indicated Article 8 of the 2013 Town Meeting covered the paving.

**Motion by Selectman Kratovil to award the Road Surface Maintenance System paving bid for 2013 to R & D Paving, in the amount of \$212,493.95; second by Selectman Swenson. 3-0.**

Gravel Bid – RA Clarke said payment for crushing gravel is taken from the equipment line. Chair Jarvis read all of the bids aloud. RA Clarke recommended Custom Crushing.

**Motion by Chair Jarvis to award the 2013 gravel contract to Custom Crushing Co. in the amount of \$21,980; second by Selectman Kratovil. 3-0.**

Loader Bid – Chair Jarvis read all of the bids aloud. Selectman Swenson pointed out that three bidders listed options separate from the bid requirements. RA Clarke said the other vendors included that in their bids. Chair Jarvis said the

options needed to be added into the bids for the total amount.

Equipment Mechanic David Valladares said the lowest bid was from Nortrax, a company New Durham has had a long history with. Chair Jarvis said Article 5 covered the loader, and the cost is significantly under what was anticipated.

**Motion by Selectman Kratovil to award the bid for the Town loader to Nortrax Inc. in the amount of \$105,500, with a trade-in allowance of \$42,500; second by Selectman Swenson. 3-0.**

Pick-up Truck Bid – Chair Jarvis read the bids aloud. The 2013 pick-up truck is approved under Article 6. She noted two bids were incomplete. Mr. Valladares indicated the bids were based on the government bid and carried no sales tax.

RA Clarke said if the Town went with the Ford, the plow could be interchangeable with the fire department's forestry truck. Mr. Valladares said his truck did not pass inspection due to needed body work. He suggested not putting money into a 1997 truck with 267,000 miles on it. He said he would like to keep the road agent's old truck in lieu of the \$2,000 trade-in. He said he could take the lift gate from his truck and put it on the road agent's new truck.

Chair Jarvis said Article 6 allows for \$25,000 for a pick-up truck, and in addition to a new truck for the road agent, the equipment mechanic will get a replacement truck with a minimum of three years use from it.

**Motion by Selectman Kratovil to award the pick-up truck bid to Ashley Ford Sales in the amount of \$22,800; second by Chair Jarvis.** Chair Jarvis said it needed to be clearly understood that the Town was not doing a trade-in with the purchase. **3-0.**

**Motion by Chair Jarvis that the 2001 pick-up truck be transferred to the equipment mechanic upon delivery of the new pick-up truck, and that any or all materials be taken from the current truck that can be utilized on the 2001 truck; second by Selectman Kratovil. 3-0.**

Mr. Valladares said only the cab and chassis would be left on his old truck, and it would not be worth paying to go out to bid.

**Motion by Selectman Swenson to dispose of the equipment mechanic's truck to the best advantage to the Town; second by Chair Jarvis. 3-0.**

**Motion by Selectman Swenson to authorize the chairperson to sign any relevant contracts discussed this evening; second by Selectman Kratovil. 3-0.**

Selectman Kratovil said a resident spoke to him about what appeared to be a collapsed culvert at Middleton and Ham Roads. RA Clarke said repair was in the works as part of the summer projects. He told the Board he was working with Building Inspector/Code Enforcement Officer Arthur Capello on the specs for the garage and would have them ready for the next meeting. He said he had met with Mr. Kelly regarding the solar panels. Selectman Swenson suggested having a cost benefit analysis done to see if panels were worth it.

## **7. New Business**

*Transfer Station Seasonal Help* – Chair Jarvis said two applications were received. TA Bourgeois said both candidates were qualified. Chair Jarvis suggested the hiring board be the town administrator, two selectmen, and the Transfer Station foreman. She proposed

extending a conditional offer of employment in order to hire an individual as soon as possible, as there was a need to fill the position. She volunteered to exclude herself from the interview board, adding that she would review the applications and discuss any concerns she had with TA Bourgeois.

**Motion by Chair Jarvis to waive the make-up of the interview board and several steps of the usual hiring procedure for the hiring of the Transfer Station seasonal help for 2013; to have the interview board be made up of the town administrator, two selectmen, and the Transfer Station foreman; and if that board finds a suitable candidate to move forward immediately by offering a conditional offer of employment; second by Selectman Swenson.** The Board clarified that the vetting process would start at the time of the conditional offer of employment. **3-0.**

*Municipal Solid Waste Contract* – Chair Jarvis said the contract expires on December 31, 2013. She said the process could be completed before September, and asked Mr. Bloskey for an electronic version of the information he provided for review.

*Vertical Baler P.O.* – Mr. Bloskey presented the Board with a purchase order for the vertical baler for a total of \$11,365. Chair Jarvis noted that the Town's purchase policy dictates getting three vendors for work over a certain amount of money, but this did not have to go out to bid because the total project is to be done by separate vendors. She said Town Meeting approved installing a vertical baler.

Mr. Bloskey said only electrical work would need to be done following installation of the baler. Chair Jarvis said Article 9 allowed up to \$16,500 and this was less than that amount, even with the electrical work factored in.

**Motion by Chair Jarvis to award the bid for purchase, delivery, and installation, excluding electrical work, of a Philadelphia tramrail 3400 high density vertical baler to Alexander Industrial Technologies, Inc. in the amount of \$11,365; second by Selectman Swenson. 3-0.**

Mr. Bloskey told the Board he had applied to New Hampshire the Beautiful for another grant.

*Preventive Maintenance P.O.* – Chair Jarvis said the purchase order included labor and travel expenses for maintenance on the compactors and current baler. Mr. Bloskey pointed out that maintenance should be done yearly and he was unable to remember the last time any had been done. The cost is \$3,350, which is under the budgeted amount listed under equipment maintenance.

**Motion by Selectman Kratovil to approve P.O. #1032, the contract for preventive maintenance with Recycling Mechanical of New England, in the amount of \$3,350; second by Chair Jarvis. 3-0.**

*Webster Road Gate* – Regarding a resident's request for a gate on Webster Road, Powder Mill Snowmobile Club member Mike Gelinias said the club had purchased gates in the past for the Devil's Den area. He said the situation on Webster Road raised safety concerns as trucks were going over bridges of inadequate strength and the amount of mud would prevent emergency vehicles from accessing the area. Paul Young's letter indicated he would make up the difference from the grant.

TA Bourgeois said the police department has no issue with erecting a gate there, and RA Clarke said he did not, either. He said the Town provides the locks for gates, and there is one common key for all 10 locks.

Mr. Valladares wondered if Webster Road had been discontinued. He added that it was unnecessary to notify all landowners affected. Selectman Swenson said he favored gates, with the contingency that abutters are notified and given the opportunity to alert the Town to concerns. Mr. Gelinas said certified letters could be sent out. He said the gates would go in before the winter.

**Motion by Chair Jarvis to authorize the Powder Mill Snowmobile Club to install gates at Webster Road without utilizing Town funds, once it is confirmed that Webster Road is still a Class VI road; second by Selectman Kratovil.**

**Motion by Selectman Kratovil to amend the motion by adding notification of abutters; second by Selectman Swenson. 3-0.**

**The Board voted on the amended motion. 3-0.**

TA Bourgeois is to help write the grant package letter and notification letter for the club.

*Filing Fees* – Selectman Swenson reported that the Planning Board may ask for an increase for advertising charges. He said the issue was that the Town covers the cost of advertising. Chair Jarvis suggested Land Use Administrative Assistant Amy Smith look at other fees for other land use boards to see if they are sufficient. She noted that since it costs money to advertise changes, it would be prudent to do any that might be necessary at one time.

*Fire Chief Interview Panel* – Chair Jarvis reported there are about a dozen applicants for the fire chief position, but she did not know if all were qualified. She suggested the interview panel include the town administrator and one selectman, and could include other fire department personnel. She noted that Selectman Kratovil's co-worker might also serve on it. She brought up possible input from MRI on the hiring process. She said the Board needed to develop questions for the writing sample.

Selectman Swenson said caution was called for with a writing sample. He asked how it was used as part of the criteria for making a decision. Selectman Kratovil said it would indicate the degree of proficiency with and mastery of English. Selectman Swenson asked if that would not be picked up as part of the interview. Selectman Kratovil replied that it might not and that he liked an analytical evaluation of candidates.

Selectman Swenson asked if writing was included in the job description. Chair Jarvis said writing samples were used for the land use and police officer positions. Regarding the panel, she said she had some names in mind. Selectman Swenson suggested the town administrator speak to them and generate a list.

Chair Jarvis said MRI has an assistant fire chief who sometimes serves on interview panels. She said the Board needed to decide which selectman would sit on it. She excluded herself and said TA Bourgeois was to make a list of all departments the candidates have worked in to avoid any conflicts.

*2013 Fuel Prices* – Chair Jarvis said Competitive Energy recommended locking in early on propane prices. The Board reviewed a bid analysis for propane, gasoline, #2, and ULSD from vendors who will service New Durham. Selectman Swenson said it was unclear how it was being quoted. He said he also wanted to see what surrounding towns are paying. TA Bourgeois is to get more definitive numbers.

*Kingswood Youth Center Chili Contest* – Chair Jarvis reported she is to judge a chili contest on August 17, 2013 from 11:30 to 3:00.

*Tax Lien Payment Request Form* – Chair Jarvis said the form has not been standard. She indicated she developed a draft of a form to yield a consistent method of evaluating requests. She asked that edits and revisions be sent to TA Bourgeois so the second draft could be discussed at the next meeting.

## **8. Old Business**

*Town Administrator's Evaluation* – Selectman Kratovil brought up getting former Selectman David Bickford's input. Chair Jarvis suggested Selectman Kratovil obtain it and include it as part of his own input.

*Use of Town Counsel* – Chair Jarvis asked for opinions on if individual selectmen should be allowed to go to Town Counsel without the knowledge of the town administrator or the other members of the Board. She explained that, in the past, a vote by the Board or going through the town administrator was necessary for a selectman to speak to Town Counsel. She said that under the current contract, the town administrator can go through MRI with legal questions and the Town is not billed.

Selectman Kratovil said he contacted Town Counsel because a situation came up that he believed could be a liability to the Town and the Board was not going to meet soon. He said it was a good idea to inform the other Board members. Chair Jarvis said bills of \$500 to \$700 have come in due to individual selectmen meeting with Town Counsel.

Selectman Swenson said it might be case dependent, but that generally all members should be informed. Chair Jarvis said questions could be run by MRI first through TA Bourgeois.

*2012 Annual Report P.O.* – Chair Jarvis said the P.O. inadvertently was never approved.

**Motion by Chair Jarvis to retroactively approve the printing of the Annual Report for the year ending December 31, 2012, with payment to R. C. Brayshaw & Company, Inc. in the amount of \$4,028.57; second by Selectman Kratovil. Jarvis – aye, Kratovil – aye, Swenson – abstain.**

*Cleaning Supplies* – TA Bourgeois said another company that offered the same services and products as Unifirst contacted him, so he will generate the savings analysis chart when those prices are submitted.

*Town Hall Renovations* – The Board received the architect's plans for drainage and the stairways. Chair Jarvis said BI/CEO Capello and Fire Chief Peter Varney should review the plans for compliance with building and fire codes. She suggested a copy should also go to the Town Historian to see if she has concerns. She asked TA Bourgeois to get answers prior to the Board's next meeting.

Regarding a new proposal drawn up by BI/CEO Capello, Selectman Swenson said the objective was to determine if office space could be utilized more efficiently and economically. He said this was the first he'd seen the actual drawing. He said it was unknown at this point if it would be more economical.

One of the features of the plan is moving the front wall of the meeting area in either to or beyond the first window. Chair Jarvis said she was concerned with moving the wall forward as the result would be to lose the room as a meeting space because it would be too small.

Chair Jarvis noted there is not an ADA compliant bathroom or access to the building, which started this ball rolling. TA Bourgeois is to get estimates from BI/CEO Capello for construction costs for the original plan, new plan, and combination of both plans.

Selectman Kratovil suggested moving the assessor upstairs, or the financial assistant upstairs to the non-public room and the assessor into the financial assistant's old office. Chair Jarvis said the staff could be asked if that arrangement would impede day-to-day operations.

*School Board Representative* – TA Bourgeois contacted the school board's New Durham representative and indicated the Board would like her physical presence at some of its meetings. He explained that she indicated the school board meets the first Monday of the month, as does the Board, and the Board's second meeting is in the afternoon, which would be difficult for her to attend. She said she would bring the request to the school board meeting.

Selectman Swenson suggested she and the representative at large could alternate. Selectman Kratovil said he was in favor of communication with the school board, but pointed out that the Board cannot compel a school board representative to attend a Board meeting.

Selectman Swenson said 48 per cent of the Town's tax rate is spent on the school and it seemed appropriate that the Board understand how it is being done. Chair Jarvis stated the school board is its own municipality.

*Impact Fees* – Chair Jarvis said the Board received additional information on impact fees. She said the Planning Board legally adopted impact fees and she would like to spend about 50 per cent of what is available to decrease the tax bill. She asked if the Board was in favor of utilizing fees to lower school taxes. She said approximately \$102,000 has been collected and approximately \$39,000 is available for application. She said the money must be spent within six years of the Certificate of Occupancy being issued. Selectman Swenson said the percentage was not the critical piece of the matter.

Selectman Kratovil agreed with using the money. Selectman Swenson said he had no opinion on leveling impact fees at this point, but did want to use what money could be used.

*Town Forester* – TA Bourgeois said a temporary fix was arranged by bringing in the previous forester, Dennis Thorell, for the job needing to be done immediately.

*IT Committee Meeting* – TA Bourgeois said the first meeting is slated for May 15, 2013.

## **9. Approval of Minutes**

**Motion by Chair Jarvis to approve the public minutes of April 12, 2013, as amended; second by Selectman Swenson. 3-0.**

**Motion by Chair Jarvis to approve the non-public sealed minutes of April 12, 2013, as written; second by Selectman Kratovil. 3-0.**

**Motion by Chair Jarvis to approve the public minutes of April 14, 2013, as amended; second by Selectman Kratovil. 3-0.**

## **10. Adjournment**

**Motion by Selectman Swenson at 9:52 p.m. to adjourn; second by Chair Jarvis. 3-0.**

Respectfully submitted,  
*Cathy L. Allyn*

An electronic record of the meeting is on file with the Office of Town

APPROVED BOS minutes 5/6/13

Clerk, and some meetings can be viewed on the Town's web site on demand.