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**New Durham Board of Selectmen  
Public Meeting Minutes  
Fire Station Community Room  
Wednesday, June 19, 2013**

**Present:** Terry Jarvis, Jeffrey Kratovil, David Swenson

**Also Present:** Jeremy Bourgeois- Town Administrator, Don Jutton- Municipal Resources, Inc., Jim Ladd- Wolfeboro Community Television, Tim Croes- Baysider Newspaper, David Bickford, Dot Veisel

Chair Jarvis called the meeting to order at 9:06 A.M.

***Public Input-***

Dot Veisel shared the sad news about Ms. Barbara Hunter passing away. Ms. Hunter won the 2013 New Durham Citizen of the Year award at this year's Town Meeting. Dot announced that on July 31<sup>st</sup> from 4-6 P.M. at Belknap Mills in Laconia there will be a celebration of her life. New Durham residents are encouraged to attend.

***Agenda Review-***

Chair Jarvis stated that Marc Behr had requested to be on the next Selectmen's meeting agenda. Mr. Behr notified Town Administrator Bourgeois that he could not attend the meeting due to work.

Chair Jarvis gave a summary of the events regarding the Fire Chief interviews from February to present. She stated that the Board decided to post the Fire Chief position in February due to the appointment expiring in 2012. The interviews were scheduled for Monday, June 17, 2013. The interviews were postponed after it was discovered that former Selectman Ron Gehl and Fire Department Lieutenant Behr gave inaccurate advice based on their misunderstanding of the 2008 Town Meeting Warrant Article #23.

***Appointment-***

Don Jutton, President of Municipal Resources, Inc. joined the Board of Selectmen to discuss the Fire Chief interviews. Selectman Swenson stated that he appreciates MRI's input and that the Board will consider their advisement when making their final decision. Mr. Jutton said that he

APPROVED

believes MRI should have gotten involved a bit sooner regarding the Fire Chief interview process. He has asked Town Administrator Bourgeois to defer any substantive decision regarding the matter to himself or Vice President Alan Gould. Mr. Jutton told the Board that the Town Warrant article was just advisory and that the ultimate authority to appoint the Fire Chief lies with the Board of Selectmen. Mr. Jutton stated that he believed postponing the interviews was the best measure considering the potential consequences that could have occurred if the Board held the interviews as scheduled. Don stated that the interview panel is strictly advisory and Selectmen Swenson confirmed that the Board stated at one or more meetings that the interview panel is in fact advisory and that the final decision lies with the Board of Selectmen.

Chair Jarvis asked to clarify MRI's point of view regarding the makeup of the interview panel. Mr. Jutton stated MRI would typically gather officers within the department, local government officials, and Fire personnel from other communities to conduct the interviews of 6-8 candidates. That candidate pool would then be narrowed down to 3 to be presented to the Board of Selectmen based on confidence in technical aspects, leadership, the potential fit within the community, and the ability to lead within the given organization (culture). Don stated that there is no special magic to the makeup of the interview panel, as long as the panel is unbiased and has clear expectations.

Chair Jarvis asked Mr. Jutton if he would recommend waiving the Town of New Durham Hiring Policy and removing the Town Administrator from the interview process. Don responded that he would not recommend that and was simply concerned that the Town was acting in a reactionary manner regarding the events and he was worried about the issues becoming bigger than necessary. Mr. Jutton recommended reestablishing the panel as it was, perhaps with one or two members of the New Durham Fire Department. Selectman Swenson concurred with the notion of at least one member. Selectman Kratovil disagreed, as he felt a subordinate officer has no place choosing a superior officer.

Selectman Swenson proposed an advisory interview panel of a representative of the Board of Selectmen, the Town Administrator, a New Durham Fire Department Officer, and two outside fire officers from other communities.

**Selectman Swenson motioned to compose the advisory interview panel of a representative of the Board of Selectmen, the Town Administrator, one officer from the New Durham Fire Department, and two experienced Chief Fire Officers from other communities; second by Selectman Kratovil. 3-0.**

Selectman Kratovil asked about the legality of the decision to make the call to cancel the interview panel and noted that some members of the Fire Department asked about it in some emails. Mr. Jutton stated that he sees it as MRI's role to advise on administrative decisions and that the typical role of the Town Administrator would be to make that call. He stated that the NH RSA's are vague regarding Town Administrators and that the position is what the Board of Selectmen makes it.

Chair Jarvis reviewed the makeup of the interview panel and asked if there was a desire to reconsider that panel. Selectman Kratovil stated that he believes he could sit on the panel but that he would not challenge the previous motion by the Board of Selectmen on June 10, 2013. Selectman Swenson recommended allowing the Fire Department to choose their representative to the panel. Town Administrator Bourgeois will give the Fire Department five business days to notify the Administrator of their choice. The Board of Selectmen discussed setting a date in conjunction with the chosen candidates and adjust the makeup of the panel members if needed due to scheduling issues.

Selectman Kratovil brought up the past proposal of a department study of the Fire Department. Chair Jarvis responded and said that it was not budgeted for and the purchasing policy states that over a specific amount it would need to go out to bid. Mr. Jutton said he would not recommend waiving the policy and perhaps after selecting a Chief you could consult with them and decide what kind of information is desired from a study.

Mr. Bickford asked Chair Jarvis to stop referring to Town Warrant Articles as being set in stone and he referenced the comments by Mr. Jutton earlier that some are advisory. Chair Jarvis responded and said unless the Town directs the Selectmen to do something illegal; the Board of Selectmen should try as hard as they can to listen to the voters as their elected representatives.

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**Selectman Swenson motioned to adjourn; second by Chair Jarvis. 3-0.**

Meeting adjourned at 10:16 A.M.

Respectfully submitted,  
*Jeremy Bourgeois, Town Administrator*