

New Durham Board of Selectmen  
Minutes of Meeting ~ January 25, 2013  
Town Hall

Members Present: David Bickford, Theresa Jarvis, Jeffrey Kratovil

Others Present: Town Administrator Jeremy Bourgeois, Fire Chief Peter Varney, Scott Drummey, David Stuart, videographer Jim Ladd

**1. Call to Order** – Chairperson David Bickford called the meeting to order at 9:00 a.m. and asked Selectman Jeffrey Kratovil to lead the Pledge of Allegiance.

**2. Agenda Review**- Selectman Kratovil said he wished to read something aloud and Selectperson Theresa Jarvis asked that he provide his statements in writing to the Board prior to meetings.

**3. Department Reports**

*Fire* – Fire Chief Peter Varney told the Board David Stuart would like to fill the position of deputy chief. He said Mr. Stuart has taken over those responsibilities since K.G. Lockwood left. He also reported the resignation of Lieut. Jon Roy, who will be moving to CT. He said Lieut. Roy has been filling in the captain's position. Selectperson Jarvis said he is not qualified to be a captain.

Chief Varney said Lieut. Kevin Ruel will soon complete the hazardous material class and he will fill in Lieut. Roy's position and can serve as captain. He said the department will be down one officer. Chief Varney told the Board that Lieut. Ruel handles the medical side but that he is cross trained. If he serves as captain, he will need a medical lieutenant. Chief Varney said Valerie Behr, who is an advanced EMT now, is in training to be a medic and would like that position.

Selectperson Jarvis said that would give the department three lieutenants, two of whom are not fire qualified. Chief Varney explained that Kevin Ruel is still a fire officer. She said she knew about the new people in these positions before this meeting because it was posted on the fire department's website. She told Chief Varney that he is to make his recommendations to the Board first. Chief Varney said he does not do the website.

Selectmen Kratovil asked when it is critical that the vacant positions are filled. Chief Varney replied that it is not critical. He said these individuals want to try out these positions.

Selectman Kratovil asked if Chief Varney was asking to waive the vetting process for Mr. Stuart. Selectperson Jarvis asked if Mr. Stuart would be able to work 32 hours per week. Chief Varney said he did not believe the position required 32 hours per week. Chair Bickford said Lieut. Roy had weekly hours, also. Chief Varney explained that the hours are covered. He said all the officers will do more and spread out the work. He said the officers want to become

more involved.

Chair Bickford pointed out that 32 hours per week has been budgeted for. Selectperson Jarvis said the Budget Committee finishes its budget next Wednesday and the public presentation is to be the following week. Chief Varney said he felt comfortable with 28 hours per week. He told the Board he was under the impression that the fire department would have another meeting with the Board regarding his budget.

Selectman Kratovil said that Chief Varney and Mr. Lockwood sold the Board that 32 hours were necessary. He added that it could be looked at as a training period. Chief Varney said he utilized Deputy Chief Lockwood's time. He explained that the department had four live burn trainings and that it takes a lot of manhours to put together such trainings. He said his department took advantage of that opportunity to have those trainings. He said the department would not do burns this year.

Selectperson Jarvis said her preference was to keep the money in now, rather than cut the budget, and to meet with the fire chief and candidates to see how the duties will be scheduled. She said the Board could order a directive to change the hours to 28 hours at a later time. Chief Varney said he turned back money this year. He said if the extra money was not cut from the budget, it would be returned. He said that inspections are getting more involved.

Selectperson Jarvis said she did not have enough information to go to 28 hours per week and that she needed to see a plan. Chair Bickford said he thought the Budget Committee would leave the budget at 32 hours. He said the fire department could be frugal and return the money. Chief Varney said that all routine runs pushed his department over 8% this year. He said he could meet with the Board whenever it was convenient.

Selectperson Jarvis asked the chief to put together a schedule of how the department's duties will be divvied up. Chief Varney said he did not like to assign just one person to one duty because if someone falls ill then the task will not be done. Selectman Kratovil asked how compromised Chief Varney felt his staffing levels were. Chief Varney reassured Selectman Kratovil that the levels do not interfere with normal operations. He said he is available for runs.

Mr. Stuart said he was available 15 to 20 hours per week plus calls. He said he was getting a good handle on the administrative duties. He remarked that there was a lot of paperwork. Selectperson Jarvis asked if an officer would be present in the fire station on particular days and particular hours. Chief Varney said someone has been there on Monday mornings and that will continue.

Chair Bickford said there are phone problems at the fire station because people cannot contact fire department personnel. Chief Varney said they have now emptied a mailbox that they were unaware they had. He said the phones drop calls. Selectperson Jarvis said to let Vicki Blackden and Town Administrator Jeremy Bourgeois know about the problem. Selectman Kratovil thanked Mr. Stuart for stepping forward in the interim.

#### **4. Old Business**

*Land Use Administrative Assistant/Assessing Clerk Position -* **Motion by Selectperson Jarvis to hire**

**Amy Smith as the Town's land use administrative assistant/assessing clerk, effective as soon as she is available, at the previously established rate set; second by Chair Bickford.** Scott Drummey asked TA Bourgeois to let him know when Ms. Smith starts. **3-0.**

Mr. Drummey said there was a pile of work to be gone through. He suggested it would be smart to have former Land Use Administrative Assistant David Allen come in and show Ms. Smith the ropes. Selectperson Jarvis said there were two zoning cases. Selectman Kratovil asked if there would be any disclosure problems if Mr. Allen came back, now that he is no longer an employee. Chair Bickford said Laura Zuzgo has filled in in the past and can do it. He said she set up the files. Selectperson Jarvis said she was also available to advise, since she served on the ZBA and the Conservation Commission.

Mr. Drummey brought up that the Planning Board rejected a conditional use permit on a nonconforming lot, but contacted the ZBA to pass the variance, as the changes will improve the lot. He said it was a septic setback issue but that the owners are moving it farther away from the lake so it's an improvement. Selectperson Jarvis pointed out that some regulations need professional editing.

Mr. Drummey said that during permit review, the Planning Board discovered designated wood lots are partially in current use. He said the case they were discussing is a commercial pit, but is taxed as a woodlot.

Selectperson Jarvis said it would be possible to develop spreadsheets on woodlots. Mr. Drummey said tax records indicate if a parcel is a woodlot. Selectperson Jarvis said there was conflicting documentation on that. Chair Bickford said there was no conflict but that there was just an oversight. Mr. Drummey told the Board that land in current use cannot have a commercial pit on it, or be a woodlot either.

Chair Bickford said the Board could authorize the Planning Board to get advice from Town Counsel on woodlots, across the board. Selectperson Jarvis wanted to see material on the matter first, including emails from Mr. Drummey regarding the tax issue. Mr. Drummey said if the parcel is taken out of woodlot status, it must meet regulations for septic including test pits. He said a clean procedure was needed.

**Motion by Chair Bickford to allow the Planning Board to use Town Counsel to determine how to handle wood lots and how to take lots out of woodlot status.** Mr. Drummey said the issue was defining what a lot is, if it is no longer a woodlot. He said any buildable lot needs septic and frontage. **Second by Selectman Kratovil.** Mr. Drummey wondered if the Town would have to extend the road to the lot. Selectperson Jarvis suggested it might even be grandfathered. **3-0.**

Mr. Drummey is to speak with the Planning Board and Ms. Smith to pull together questions for Town Counsel. Mr. Drummey said it is not fair to have a commercial operation on land in current use.

## **5. New Business**

*Draft Warrant* - The Board discussed the draft warrant.

Article 3 concerns the operating budget. Chair Bickford said he asked TA Bourgeois if the library budget could be taken out and presented as a separate article, because the Board had no control over that budget.

There was no action taken on Articles 4 and 5.

Regarding article 6, the Board changed the amount of withdrawal from the Milfoil Capital Reserve Fund to \$11,275. Regarding Article 7, the Board noted that all the money amounts need to be doublechecked and the Article will have to spell out where all the money is coming from.

No action was taken on Articles 8 and 9.

The Board discussed having the town remapped for flood maps, the issue of Article 10. The idea would be to put away money for several years to complete the project. Chair Bickford said he was hoping better technology would be available to get the project done quicker in the future. Selectman Kratovil noted that the majority of tax revenue comes from the lake houses. The Board decided to remove Article 10 from the Warrant.

Article 11 concerns \$25,000 to undertake a comprehensive organizational and operational assessment of the Town Government. Selectperson Jarvis said that the majority of the explanation of the Article would be in the narrative, rather than the Warrant. She said she did not want to pay for a study and then not implement the recommendations. Chair Bickford said the work studies done in the past were informational in nature. Selectperson Jarvis said the Board spent taxpayer dollars on those studies. Chair Bickford said the recommendations could be implemented on a timely basis. Selectman Kratovil recommended removing Article 11. Chair Bickford said if the study came back indicating the Town could do without a full-time position it would pay for itself with those resultant savings. He said we have to keep paying for infrastructure. He said New Durham pays more taxes than other towns and he thought it was a good investment to have professionals look at the Town government. Selectman Kratovil said the Board could come to the same conclusions itself. Selectperson Jarvis agreed that the Board could develop an analysis itself. The Board removed Article 11 from the Warrant.

Article 12 concerns Capital Reserve Funds. Selectperson Jarvis said the Board is aligned with the Budget Committee's recommended contributions except for the 1772 Meetinghouse Restoration. She said the Budget Committee voted to contribute \$10,000 and the Board voted for \$5000.

No action was taken on Article 13.

Selectperson Jarvis said Articles 14 and 15 concerned legislative changes so that vote tallies and estimated tax impacts can go on the Warrant.

Article 16 deals with granting the governing body the authority to acquire or sell land, buildings or both. Chair Bickford said he was opposed to allowing a Board to sell land but he was okay with a Board acquiring land. Selectperson Jarvis suggested changing the wording to only acquire land or buildings. TA Bourgeois would need to check with Town Counsel on that. Chair Bickford said he had a

feeling that the language could not be changed. He said if you sell land you may have lost it forever and there should be a check on that. He said he has seen too much recklessness. He said that town should be more involved in unloading property.

Article 17 would rescind yearly appointment of the Building Inspector. Selectperson Jarvis said that would bring the Building Inspector in as a regular employee. Selectman Kratovil said he liked the versatility of yearly reappointment. Selectperson Jarvis asked him why, since no other employee position is treated like that. Chair Bickford agreed that the procedure should be kept in place, so the Board removed Article 17 from the Warrant.

## **6. Return to Old Business**

*Solar Project* - Selectman Kratovil said he had not yet heard from Greg Kelley. Selectperson Jarvis said if the solar project went forward, half of the money could come from Building Expansion and the other half from the Expendable Trust Fund. Chair Bickford said he believed all of the money could come from the Expendable Trust Fund and that the Board could check with the Trustees of the Trust Funds.

### *Budget*

**Motion by Chair Bickford to add \$5000 to the 1772 Meetinghouse Restoration Capital Reserve Fund, bringing the total of the CRF account to \$294,500; second by Selectperson Jarvis.**

**Bickford-aye, Jarvis - aye, Kratovil - nay. 2-1. The motion carried.**

**Motion by Selectman Kratovil to approve library account 4550 in the amount of \$128,787; second by Selectperson Jarvis. Bickford - nay, Selectperson Jarvis - aye, Kratovil - aye. 2-1. The motion carried.**

Chair Bickford said he voted against the motion because at some point you have to put the brakes on. When Selectman Kratovil realized the motion had to do with the raise for the library assistant he said he wanted to change his vote to nay.

**Motion by Selectman Kratovil to rescind his previous motion and approve library account 4550 in the amount of \$123,880; second by Chair Bickford. Bickford - aye, Jarvis - nay, Kratovil - aye. 2-1. The motion carried.**

**Motion by Selectperson Jarvis to approve account 4155 Personnel Administration in the amount of \$31,085; second by Selectman Kratovil. 3-0.**

**Motion by Selectperson Jarvis to approve account 4909 Improvements Other Than Buildings in the amount of \$11,845; second by Chair Bickford. Bickford - aye, Selectperson Jarvis - aye, Kratovil - nay. 2-1. The motion carried.**

Selectperson Jarvis said approximately \$200,000 is to be returned this year. She said the 2013 budget is about \$240,000 less than the 2012 budget.

*Undesignated Fund Balance* - Selectperson Jarvis said she was keen on increasing the fund. She said by using those funds the past few years, the Town tax rate has gone down. She said 8 to 10% would be healthy. Chair Bickford said some towns use the fund to buy down taxes. Selectman Kratovil suggested a 1% contribution to the fund and use the remaining money to pay down taxes.

Selectperson Jarvis said the tax rate will be less than last year and would provide an opportunity to build up the undesignated fund. Selectman Kratovil brought up Chair Bickford's thoughts of receiving

lower bond rates rather than throwing too much money in the coffers. Selectperson Jarvis said the Board should have numbers in front of it. Chair Bickford said that is money that cannot be invested. He said that fund has reached a comfort level but that the Board could work it out when the numbers are provided.

## **7. Approval of Minutes**

Chair Bickford said he had not yet read over the nonpublic minutes so the Board tabled reviewing them.

## **8. Return to New Business**

*Police Department – Oral Boards* - Selectperson Jarvis said there were 17 applications for the police officer position. She said the Board needed to decide who would sit on the oral boards. Both she and Chair Bickford suggested Selectman Kratovil sit on the board. Regarding the interview committee, Selectman Kratovil asked if a person would be allowed on the hiring board if that person were familiar with the candidate. Selectperson Jarvis replied that it would be acceptable in the state system. She said a person discloses the fact and then goes from there. She noted that it could create a bias either way.

Chair Bickford said the ability of one person on the interview board could be called into question. Selectperson Jarvis said that he was discussing an event that occurred five years after the person had been hired. Chair Bickford said the department head chooses who sits on the board. Selectman Kratovil said it would be his pleasure to sit on the board and that he was available on Mondays.

*LCHIP Agreement* – **Motion by Selectperson Jarvis that the Board of Selectmen authorize the chairperson to sign the agreement with LCHIP regarding the acceptance of \$13,000 for the New Durham Meetinghouse; second by Selectman Kratovil. 3-0.**

Chair Bickford signed the agreement.

*PRIMEX Contract* – Selectperson Jarvis said she wanted to see documentation.

*Fund Balance Policy* – The Board agreed to discuss this matter later.

## **9. Any Other Business**

*Baysider Article and Editorial* - Selectman Kratovil said he thought it was savvy of Chair Bickford to write an opinion piece in response to the editorial in the Baysider that referenced the Board. He said his feelings were to have the Board address what was suggested regarding the managerial assessment of the Board and look at it from another perspective. He then read a statement (see attached) that indicated the Board had neither blindly obeyed the Town's department heads nor reigned over them.

**10. Non-public Session – Motion by Selectman Kratovil at 10:54 a.m. to enter nonpublic session under RSA 91-A:3 II (c); second by Chair Bickford. A roll call vote was taken: Bickford – aye, Selectperson Jarvis – aye, Kratovil – aye.**

**Motion by Selectman Kratovil at 11:55 A.M. to leave nonpublic session and return to public; second by Chairman Bickford. 3-0.**

**Selectman Kratovil motions to seal the nonpublic minutes; second by Chairman Bickford. Roll call vote: Bickford-Aye, Kratovil- Aye, Jarvis-Opposed.**

**Selectman Jarvis motions to adjourn; second by Selectman Kratovil. 3-0.**

## **11. Adjournment**

**Meeting adjourned at 11:58 A.M.**

Respectfully submitted,  
*Cathy 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.