

New Durham Board of Selectmen  
Minutes of Meeting ~ January 7, 2013  
Town Hall

Members Present: David Bickford, Theresa Jarvis, Jeffrey Kratovil

Others Present: Town Administrator Jeremy Bourgeois, Road Agent Michael Clarke, Baysider reporter Elizabeth Cantrall, videographer Jim Ladd, recorder Cathy Allyn

**1. Call to Order** – Chairperson David Bickford called the meeting to order at 7:03 p.m. and asked Selectman Jeffrey Kratovil to lead the Pledge of Allegiance.

**2. Non-public Session** - The nonpublic session was moved to the end of the meeting.

**3. Public Forum** - Paul Perry came before the Board to discuss an issue at 9 Country Lane. Mr. Perry told the Board construction there is continuing despite the building permit having been revoked. He said he was asking for action. Mr. Perry said the owners of the building acquired the building permit through misrepresentation and the permit was revoked. He said when he first raised the issue, the structure was just a basement. Mr. Perry provided pictures indicating roof work on the structure.

He said that "buttoning up" can be done in one day and is basically just applying a tarp, not continuing to build. Mr. Perry said the construction has been going on since his letter of January 2, 2013. He said he was providing the Board with a request in writing for a cease and desist order. He said he was asking for legal counsel to intercede to give the site clear direction and he asked the Board to enforce the rule of law.

Chair Bickford said the Board would follow up on the matter and that Town Administrator Jeremy Bourgeois would talk to Town Counsel. He said the Building Inspector went out on Saturday to look at the site. He told Mr. Perry that the Board would send both of his letters to Town Counsel. He affirmed that Town Counsel said the permit was issued in error, was no longer valid, and that the property was not represented properly.

Mr. Perry said the owners have had more than ample time to protect the property from the weather and that they are gaming the Town. Selectman Kratovil said the Board must be covered, too, and asked the vantage point Mr. Perry used to take the photographs he provided. Mr. Perry said the pictures are legal. Selectman Kratovil asked if Mr. Perry was on the property when he took the photos and Mr. Perry said he was. Selectman Kratovil said the Board needs the owners' feedback, also. He said Mr. Perry was asking the Board to make a definitive answer without consulting the owners.

Chair Bickford said there is no permit and the abutter is telling the Board that there is still building going on. Mr. Perry said he was asking for due process. Selectperson Jarvis said it has been 18 days since the letter went out. She asked if there were any other reviews or appeals submitted. TA Bourgeois said he had not seen any. Selectperson Jarvis said TA Bourgeois needs to get with Town Counsel. She said a cease and desist order is probably in order.

Selectman Kratovil said he was interested in possible miscommunication and would like to discuss the matter further in non-public session. He said he would rather

come back when the Board has more information. Mr. Perry said the lot is a designated woodlot on the plat approved in 1983 and is, therefore, not a buildable lot. Chair Bickford said the Board would send the photographs and Mr. Perry's letters to Town Counsel.

**4. Agenda Review** – The Board made minor additions.

**5. Appointments**

**Motion by Selectperson Jarvis to appoint Kathy King as a member of the 1772 Meetinghouse Restoration Committee; second by Chair Bickford.**

Chair Bickford said he spoke with Ms. King and that superintendent Jack Robertson recommended her highly. **3-0.**

**6. New Business**

*Highway Department Staffing* - Road Agent Mike Clarke said that Selectperson Jarvis made a statement regarding what projects would not get done if the highway department position were not filled. He recommended a new person coming in at entry level and all other department members move up. He indicated some of the work that would not get done if the position were not replaced would be grading, raking, installing culverts, and preparation work for paving.

He added that he would work more himself, and at this point is already working 35 hours of overtime every two weeks. He clarified that since he is on salary he does not get paid overtime hours. RA Clarke told the Board that a sixth person in his department was proposed and approved at Town Meeting in 2007. He said the road agent at the time justified having six people in the department to the townspeople, and he urged the Board to replace the position at entry level. He said the part-time employee who is filling in now at 32-40 hours per week is willing to work.

Regarding filling in, RA Clarke said if he does not plow, Equipment Mechanic David Valladares does it and receives time and a half.

Selectmen Kratovil asked if the work would just slow down or if it would not get done. RA Clarke said some things would not get done in 2013. He told the Board that taking into account employees taking sick, holiday, and compensation time, it comes out to losing one man per year.

Selectman Kratovil asked if he was aware of the total value of the position, including benefits. RA Clarke said the salary was just shy of \$36,000 in 2007. Selectmen Kratovil asked if he could backfill with an individual contractor. RA Clarke said he did not know how the Town would get a commitment from an individual contractor. He said the vacant position requires 32 hours per week of maintenance duties. He said the former road agent tried to contract a landscape service to do the mowing in the past and there were issues with that.

RA Clarke said he would hate to see the Town go backward. He told the Board that he could justify having six employees in his department, and if that did not happen he would have to decide what would not get done.

Selectperson Jarvis said if the person were replaced, the budget would stay the same as 2012 because he was at a higher pay scale. She said the budget is \$400,000 less than last year, but still needs to be tinkered with. She

said the Town has been getting an established road maintenance system. She said preparation work could be contracted but she had concerns that once that work was done, the paver may not be available.

She said the Town had used a contracted plower in the past and had issues. She said if the position were not filled, the Board would have to add money into many other department budgets. RA Clarke said that, in addition, there would be two part-time employees because there are seven plow routes. He told the Board there were projects to keep all the employees busy when it is not snowing, such as pushing back snow at intersections, hauling in sand, and cutting brush.

Chair Bickford told RA Clarke to justify the need for a sixth employee by providing the Board with the number of hours the position worked and the schedule of work. He said that the Town has contracted for culvert work before. Chair Bickford said there are dead times, so the Board might reconsider needing a full-time position. He said resident Tom McKay indicated he would contract to plow. He said the Town pays 90% of an employee's insurance and told RA Clarke that it might be more efficient to not have a full crew. He suggested it might be good to have a survey done.

Selectman Kratovil added that it would be good to see how RA Clarke plugs in his people. RA Clarke said he was dependent upon Mother Nature. He said he would check with other towns regarding contracting plowing. He said he knew a contractor in one town gets \$30,000 if he plows or not.

He said any contractor must also have his own liability insurance if using Town equipment. Because of that, a Town employee would have to load sand and salt for a contracted employee. He said he would have to check with Primex regarding a non-employee running Town equipment. Selectperson Jarvis pointed out that the Town would have more control over an employee.

RA Clarke said a grader operator can earn \$35-\$50 an hour. He said the Town's grader operator retired at the rate of \$18 per hour. Chair Bickford said that that individual would come back for \$20 an hour. RA Clarke said he had not told him that. He said he would provide the other figures for the Board. Chair Bickford asked him to document how he would move people around.

*Fire Department Staffing - Deputy Chief* - TA Bourgeois said there was no news on the matter.

*Architect* - Selectperson Jarvis said architect Tony Fallon had been hired at the rate of \$160 per hour. She said the first bill has come in at \$1,600 with a proposal for an additional \$2,300. She explained that that amount exceeds the Town's purchase policy, so the Board should go out to bid.

She asked if all the suggested work needed to be done. Chair Bickford said updating the bathroom could be removed. Selectperson Jarvis outlined the work she did not want included: more work on Town Hall drainage, grading, ADA bathroom, door canopy improvement. She said Mr. Fallon was proving to be a high-priced consultant and wondered if plans for the highway garage addition at \$3,500 were necessary. She said she would like to leave the proposed \$300 for the rear stairwell, and to get more information on the door canopy.

Selectman Kratovil said he thought involving an architect was to be an informal process and he had been remiss regarding asking about prices. Chair Bickford said someone needs to decide what to use for heating in the garage. Selectperson Jarvis said first it needed to be known if the addition was to be added.

Selectmen Kratovil said so far that Town has paid \$1600 and been provided with an estimate. Chair Bickford agreed that it is getting expensive but that a price must be paid to get information. Selectman Kratovil said he supported roof repairs and furnace replacement but was hesitant about expanding the garage. He added that a majority of money has already been appropriated, however. Regarding going with solar power, he said it was okay to do it as long as it was being done the right way.

Selectperson Jarvis said the road agent convinced the Board of a need for the addition and the Board convinced the townspeople. She said she was leery of not upholding what the townspeople decided. Chair Bickford asked if it merits going with an addition. He said he would like to have a company tell the Board that the organizational structure of the highway department is correct. He said expertise was needed because he wanted to know if money is being spent appropriately. Selectmen Kratovil said he did not know if it was possible to get an answer for something this size before the budget needs to be locked in. Selectperson Jarvis pointed out that the work would probably be covered under a warrant article. She said that studies take around 90 days to complete and that the Board has discussed a study of the solid waste, police, EMS, and highway departments.

Selectman Kratovil suggested RA Clarke provide the Board with a month by month activity so that the Board would have oversight. RA Clarke said he was unable to provide that information because no one will know how many snow storms will occur or how many roads will wash out in the next year. Selectperson Jarvis pointed out that a report on man-hours spent on projects last year has been generated.

Chair Bickford said that equipment depreciates every day it does not run. Selectman Kratovil said he was okay with the architect deciding something for the furnace expansion since money had already been appropriated. Chair Bickford said 250,000 BTU should suffice. He added that the townspeople are not demanding that the Board spend their money. Selectperson Jarvis said the townspeople did agree to the expansion.

**Motion by Selectman Kratovil to move forward with the hiring of Anthony Fallon Architects as the Town's consultant for approving the highway department expansion, the furnace system, roof replacement, and using Greg Kelley to simultaneously design the solar system.** The motion failed for lack of a second

**Motion by Selectman Kratovil to hire Anthony Fallon's architectural firm to consult with the Town of New Durham.** He rescinded the motion.

Chair Bickford said that Mr. Fallon should consult, if Town Hall is to have ADA toilets.

**Motion by Selectperson Jarvis to hire architect Anthony Fallon to review the ADA toilet drawings in the maximum amount of \$300, and to do measuring and drawing for the rear internal stairs as a possible means of secondary ingress, in the maximum amount of \$300; second by Selectman Kratovil. 3-0.**

Selectman Kratovil brought up the solar project. Selectperson Jarvis said she was in favor of going forward but that she needed more information, hopefully before budget time in order to establish a capital reserve fund. She said the solar project or a roof could not be decided upon until the decision was made on the addition.

Selectman Kratovil said the photovoltaic cells at the highway department would boil down to producing 400-500 kilowatts of power, which translated to \$120 in value of assistance to the highway department's system. RA Clarke said the highway department uses 800 kW per month. Selectman Kratovil explained the payback period would be 10 to 11 years. He said the Town would have to go out to bid to get more information.

He said Mr. Kelley required three to four hours at \$50 per hour. Chair Bickford said he did not want to do this before the roof is completed. Selectperson Jarvis said the Board needs to know the cost. Chair Bickford said Mr. Fallon indicated the project looked do-able, with 16 panels for 450 kW at approximately \$14,000. Selectperson Jarvis said she believed the cost would be more like \$75,000.

**Motion by Selectperson Jarvis to bring on Greg Kelley as a consultant to assist the Town in evaluating specifics for photovoltaic solar cells at the highway department building #12, with the total cost not to exceed \$500; second by Selectman Kratovil.** Selectperson Jarvis said this would fall under the Town Building Improvement Expendable Fund. **3-0.**

*Draft Warrant* - TA Bourgeois said he was working on it. Selectperson Jarvis said several things have changed, primarily RSA 32:5. She said the Board and the Budget Committee would need a numerical tally and that the estimated tax impact could now be put on the warrant for next year. She said she would like to consider both proposals for warrant articles.

Selectperson Jarvis said she wanted to do research on appointing the Building Inspector for term of employment, rather than annually as is the current practice. Selectman Kratovil said he thought it was a good idea to appoint annually. Selectperson Jarvis said the BI would still be an employee at will but there would not be a chance of the appointment slipping through the cracks, as it had in the past. Chair Bickford said the Board could consider the information.

Selectperson Jarvis said another change was allowing the governing body to sell land. She asked if property taken as tax liens could be sold by the Board. Chair Bickford said the Board could put it on the list of possible articles to consider. He asked if the Board wanted to bring land forward to the legislative body.

Selectperson Jarvis suggested formally dissolving the inactive Land Conservation Committee within the Conservation Commission.

*Welfare Credit Card* - TA Bourgeois said Welfare is no longer using

vouchers for prescription drugs and that Welfare Clerk Laura Zuzgo needs permission to use the credit card.

**Motion by Chair Bickford to authorize the Welfare Department to have a credit card; second by Selectperson Jarvis.** Selectperson Jarvis pointed out that TA Bourgeois does the work if Laura is not here. Selectman Kratovil asked if other people were needed to cover, then. TA Bourgeois suggested the Board chairperson. The Board decided there was no need to authorize the chair. **3-0.**

## **7. Old Business**

*Land Use Administrative Assistant Job Description* - Selectperson Jarvis said she took MRI's suggestions and identified Vickie Blackden's tasks that will move to the new assessing clerk, and also got input from the Building Inspector/Code Enforcement Officer, Ms. Blackden, and TA Bourgeois regarding what they would like to see. The Board reviewed the changes.

**Motion by Selectperson Jarvis to approve the revised job description for the Land Use Administrative Assistant/Assessing Clerk as dated January 3, 2013; second by Selectman Kratovil. 3-0.**

Chair Bickford said the number of hours would be no more than 32 per week. The position includes one night a week for meetings and regular hours to be determined that are convenient for residents.

*Fund Balance Policy* - Chair Bickford said he had some concerns with wording. The Board tabled the matter.

*MRI Consultant Contract* - Selectperson Jarvis said the Board was committed to TA Bourgeois's contract.

**Motion by Selectperson Jarvis to approve the revised contract for professional services between the Town of New Durham and Municipal Resources, Inc. at the rate of \$6,200 through June 30, 2013 and \$6,500 from July 1, 2013 through March 31, 2014; second by Selectman Kratovil. 3-0.**

*MRI Study Contract* - Chair Bickford said this needs to be on the warrant. He said it regards the efficiency of Town departments. Selectman Kratovil said he spoke with firefighters from another town who advised the State Fire Marshal's Office could help with that. He said spending \$7,500 to look into a fire department is expensive. Selectperson Jarvis said the State Fire Marshal's Office will provide a list of names of people who will do the efficiency study.

Chair Bickford said the Town got a rescue pumper truck and now the Deputy Chief has said it should have gotten a tanker. He said we need to determine what equipment to buy. Selectperson Jarvis said she believed a ladder truck was a good purchase at the time, considering the needs of the department. She agreed it would be good to have an outside person tell us if we are going in the right direction. Chair Bickford said it would be possible to take advantage of equipment of other towns. He said you can save money if you don't see your town as an isolated unit.

Selectman Kratovil said he would like public input on the question of a full time chief's position. Selectperson Jarvis said the general survey that is

going out will be back before Town Meeting. Chair Bickford said the Board should think about things it wants in the study.

Board of Selectmen Annual Report – The Board reviewed the draft of the annual report and made minor changes.

**Motion by Selectman Kratovil that the 2013 annual Report include breakdown of wages and benefits for each employee.** Selectperson Jarvis said the Town was told identifying how much health insurance an employee has is a violation of federal law. Selectman Kratovil said individual's names would not be listed, just the total amount for the department. Chair Bickford said people have the right to know how much is spent. **The motion failed for lack of a second.**

**Motion by Chair Bickford to publish the cost of positions with benefits in the Annual Report.** Selectperson Jarvis said she would like to see the format. **The motion failed for lack of a second.**

**LCHIP Grant - Motion by Selectperson Jarvis to accept the grant award of \$13,000 from LCHIP for the New Durham Meetinghouse; second by Chair Bickford.** Chair Bickford raised concerns about LCHIP controlling the land. Cathy Allyn, Meetinghouse Restoration Committee chair, said the language was standard, that the Town had received LCHIP grants in the past, and that LCHIP was aware of all plans for the land and building. **Bickford – aye, Jarvis – aye, Kratovil – nay. The motion carried.**

Selectman Kratovil said he was opposed because the total project is expensive. Ms. Allyn explained that, with potential future grants and the work done by the Timber Framers Guild, the Town would not be responsible for the full amount.

**Town-wide Survey** - Selectperson Jarvis said she met with Mr. Perry and the survey will be in the Baysider and at Town Hall, as well as possibly the library. She said an announcement will air on channel 25 and information on the survey will also be on the Merrymeeting Lake Association's website and in the school newsletter. She said they went through all of the questions with the goal of replicating the survey of 10 years ago, in order to make a comparison.

**Fire Department Vehicles** - Selectman Kratovil said former Deputy Chief K.G. Lockwood did not believe it was necessary to keep a command vehicle on line when the current one expires. Chair Bickford pointed out that repairs for the vehicle are in the budget. He said the Budget Committee decided to do it.

**Gym Memberships** - Selectman Kratovil brought up physical fitness for the fire and police departments. He said, since an area set aside for that had been discarded, providing gym memberships would be a compromise. Using the Alton facility, it would cost \$2,300, and he recommended putting it in the budget. Selectperson Jarvis said prior research indicated if an officer was injured while exercising off duty, it would be a workmen's compensation matter. Selectman Kratovil said it would not be a workmen's compensation matter if the injury occurred at an outside facility. Chair Bickford said he was not interested because their jobs require that they pass PT. Selectperson Jarvis suggested TA Bourgeois see if a gym membership is a benefit of the Town's health insurance.

**8. Schedule Next Meetings** - The Board scheduled its next budget meeting at 1:00 p.m. on January 14, 2013 at the Fire Station Community Room.

The Board scheduled its next business meeting for Friday, January 25, 2013 from 9:00 – 11:00 a.m. at the Fire Station Community Room.

**9. Approval of Minutes**

**Motion by Selectman Kratovil to approve the minutes of November 6, 2012, as amended; second by Selectperson Jarvis. 3-0.**

**Motion by Selectperson Jarvis to approve the minutes of November 20, 2012, as amended; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis to approve the minutes of December 3, 2012, as written; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis to approve the minutes of December 4, 2012, as amended; second by Chair Bickford. 3-0.**

**Motion by Selectperson Jarvis to approve the minutes of the budget meeting of December 10, 2012, as amended; second by Chair Bickford. 3-0.**

**Motion by Selectman Kratovil to approve the minutes of December 17, 2012, as amended; second by Chair Bickford. 3-0.**

**Motion by Chair Bickford to approve the minutes of December 22, 2012, as amended; second by Selectperson Jarvis. Bickford – aye, Jarvis – aye, Kratovil – abstain. The motion carried.**

**10. Non-public Session**

**Motion by Selectman Kratovil at 11:10 PM to enter nonpublic session under RSA 91-A:3 II (b) and (c); second by Selectperson Jarvis. A roll call vote was taken: Bickford – aye, Jarvis – aye, Kratovil – aye.**

Respectfully submitted,  
*Cathy L. Allyn*

**Selectman Jarvis motions to come out of nonpublic; second by Selectman Kratovil. 3-0.**

**Board of Selectmen returned to public session at 12:48 A.M.**

**Selectman Kratovil motions to seal the nonpublic minutes; second by Chairman Bickford. 3-0.**

While in nonpublic the Board of Selectmen discussed various personnel issues.

**Selectman Jarvis motions to authorize the Town Administrator to contact Town counsel and initiate the issuance of a cease and desist order for 9 Country Lane; second by Selectman Kratovil. 3-0.**

**Selectman Kratovil motions to give a conditional offer of probationary employment to Amy Smith, for the position of Land Use Administrative Assistant/Assessing Clerk, at the rate of \$15.57 per hour; Selectman Jarvis seconds. 3-0.**

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

Meeting adjourned at 12:55 A.M.

Respectfully submitted,  
*Jeremy Bourgeois*

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.