

NEW DURHAM BOARD OF SELECTMEN

DRAFT MINUTES

4 NOVEMBER 2013

Present: Board members Selectman Terry Jarvis (Chair), Selectman Jeff Kratovil, Selectman David Swenson, Town Administrator Jeremy Bourgeois.

Others Present: Videographer Jim Ladd, IT Committee member Rudy Rosiello, resident David Bickford, Baysider reporter/resident Elizabeth Cantrall, Equipment Mechanic Dave Valladares, Solid Waste Department Foreman Joe Bloskey, Road Agent Mike Clarke, Stephanie MacKenzie.

Chair Jarvis called the meeting to order at 7:03 pm.

Chair Jarvis informed audience members and the viewing public that the Selectmen had met earlier in the day from approximately 9 am to 4 pm for budget review. Chair Jarvis also stated at the end of the meeting the Board went into non-public session and the camera was turned off. Chair Jarvis continued to state the Board went back into public session for about 5 minutes and gave the audience a brief summary of the last five minutes of the meeting. Mr. Bickford asked if the information will be contained in the minutes. Chair Jarvis stated it would be.

Rudy Rosiello - IT Advisory Committee – Interim Report

Chair Jarvis stated Town Administrator Bourgeois had passed out the interim report which she has reviewed. Chair Jarvis asked Mr. Rosiello if he could explain the report to the Board and the viewing public. Mr. Rosiello stated software was used to evaluate the computers in the Town Hall. Mr. Rosiello noted that the evaluation revealed that the Town computers and data stored on the computers are at risk of being compromised. Mr. Rosiello gave the Board a rundown on the issues of the current computer system.

Mr. Rosiello explained Information Technology Architecture. Mr. Rosiello noted IT Architecture is a comprehensive framework that documents the technology strategies used to design, build and deploy the technical infrastructure that enables the applications that support the Town's objectives. Mr. Rosiello explained the components of the IT Architecture.

Chair Jarvis asked Mr. Rosiello if the IT Committee is recommending some of the changes get done in 2014. Mr. Rosiello stated yes. Chair Jarvis asked when he expected to have figures for implementing the change so it could get included in the 2014 budget. Mr. Rosiello stated mid-December. Selectman Swenson requested the figures be submitted earlier.

Selectman Kratovil questioned the feasibility of fixing what the Town already has as opposed to an overhaul of the entire system. Mr. Rosiello stated, he believes, it would cost more to fix the existing issues. Discussion followed.

Mr. Bickford questioned if the Committee is looking for money for 2013. Mr. Rosiello stated yes. Mr. Rosiello continued to state IT Committee member Adam Buehne was supposed to have

those figures for tonight's meeting but did not due to a work emergency. Chair Jarvis asked Mr. Rosiello how much he thought the new server would be. Mr. Rosiello stated he did not want to state a figure until he has received the information from Mr. Buehne. Mr. Rosiello stated as soon as he has received the information he will pass it on to the Town Administrator. Chair Jarvis stated if the cost is \$3,000 to \$15,000 the proposal has to go before the Board for approval. Chair Jarvis noted if the cost is over \$15,000 the proposal needs to go out for sealed bid.

Selectman Swenson asked if the Highway Department and Solid Waste Department have access to the server. Chair Jarvis stated they did not. Selectman Swenson suggested contacting them and recommending they are up to date on computer patches.

Equipment Mechanic- Software Update

Equipment Mechanic Dave Valladares updated Board members on software for his Department. Mr. Valladares noted at a previous meeting the Board has asked him to contact several surrounding Towns regarding what they use for software. Mr. Valladares stated he received responses from most of the Towns and one Town in particular he found very helpful. Mr. Valladares stated he was able to view the software in action. Mr. Valladares passed out a handout regarding the software for Board members to review. Selectman Kratovil asked if the software is leased or purchased. Mr. Valladares stated it is purchased. Selectman Kratovil asked the cost of the software. Mr. Valladares stated there are various levels of the software and the one that best fits the needs of his department is \$999. Selectman Swenson asked what criteria Mr. Valladares used to determine what his needs were. Mr. Valladares explained the criteria. Chair Jarvis stated she had no problem with Mr. Valladares purchasing the software if he could find the money within his 2013 budget, however, she suggested Mr. Valladares contact IT Committee member Rudy Rosiello to discuss how this software fits in with the larger plan regarding computer issues first.

Equipment Mechanic- Shop Costs

Mr. Valladares stated at the 21 October 2013 meeting the Board had asked him to come up with a maximum shop cost. Mr. Valladares recommended a maximum shop cost of \$40.00. Selectman Swenson stated he had no problem with the \$40.00 maximum shop cost. Chair Jarvis agreed.

Solid Waste Department – Quonset Hut

Solid Waste Department Foreman Joe Bloskey stepped forward and submitted figures for the total cost to cover the shingles at the Solid Waste Department which the Board requested at the 11 October 2013 meeting. Board members reviewed the previously submitted bid from Garry Perkins Concrete of Rochester for the concrete and a bid from William Whitten Dahl to construct a 10' x 10' three sided shed to be attached to the existing structure. Chair Jarvis noted the figure from Perkins Concrete is \$2,672.50 and the figure from Mr. Dahl is \$1,380 for a total of \$4,052.50. Selectman Swenson asked how much had already been spent on the project. Chair Jarvis stated \$13,183.50. Selectman Swenson noted the Quonset Hut Project is under the \$18,400 approved at Town Meeting. Selectman Kratovil noted the project will cost \$1,164 less than the amount approved at Town Meeting. Selectman Swenson asked if the project would be done before winter. Foreman Bloskey stated yes. Selectman Swenson asked if the proposal presented

solves all the problems which would occur if the shingles remained uncovered. Foreman Bloskey stated it did. **Selectman Swenson made a motion to authorize the Chair to sign the agreement with Garry Perkins Concrete of Rochester, LLC in the amount not to exceed \$2,672.50 and the agreement with William Whitten Dahl in the amount not to exceed \$1,380. Selectman Kratovil seconded the motion. The motion was approved 3-0.**

Highway Department – Vacant Position

Road Agent Mike Clarke stated he did not yet have the information requested by Selectmen Swenson and Kratovil at the 21 October 2013 meeting regarding the position. Road Agent Clarke stated he expected to have it for the 18 November 2013 meeting.

Public Input

Mr. Bickford questioned the procedure regarding the usage of Impact Fees which he also questioned at the 21 October 2013 meeting. Chair Jarvis stated the Board received a revised statement from the Finance Officer noting the Impact Fees will offset the School portion of the taxes not the Town portion. Discussion followed.

Agenda Review

Chair Jarvis stated she wished to add ‘2013 Tax Rate’ and additional meetings to ‘Future Meetings’. Selectman Kratovil passed out a handout listing items he wished the Board to review. Many of the items on the list were already set to be discussed. ‘Citizen Complaints’, ‘Facilities Maintenance’, ‘Archiving Parks & Recreation Meetings’, ‘Fire Chief Appointment’, ‘Personnel Policy’, ‘Status of Surveillance Cameras’ and ‘Strafford Regional Planning Commission Representative’ were added.

Strafford Regional Planning Commission

Selectman Kratovil noted Alternate Planning Board member Theresa Chabot, who was recently appointed by the Selectmen as New Durham’s Strafford Regional Planning Commission Representative, was not allowed to participate in a SRPC meeting as they were not notified of her appointment. Chair Jarvis asked Town Administrator Bourgeois to check into this.

Timber RFP

Board members reviewed the packet of information from New England Forestry Consultants, Inc. regarding the proposed selling of timber on the Shirley Town Forest. Chair Jarvis noted that the date listed for bids to be submitted and publically opened is 11 November 2013. Chair Jarvis noted 11 November 2013 is a Federal holiday and the Town Offices will be closed therefore the date needs to be changed. Chair Jarvis also noted appropriate Town RFP language had to be inserted, as well as, language regarding a Federal list. Chair Jarvis asked TA Bourgeois to notify Mr. Farrell of the corrections. Chair Jarvis asked Selectmen Swenson and Kratovil if they wished to see the corrected document at the next Board meeting or if they would authorize the TA to send the RFP out once corrected. Selectmen Swenson and Kratovil were comfortable authorizing the TA to send out the RFP once the corrections are made. **Chair Jarvis made a motion the**

RFP for Timber Sale, as it is to be amended, be sent out. Selectmen Kratovil seconded the motion. The motion was approved 3-0.

Town Forester

Chair Jarvis stated the Town has been without a Forester since, she believes, April. TA Bourgeois stated there are two parties interested in the position. Board members reviewed a handout listing wages and associated taxes and insurance based on \$45 per hour. Board members discussed the cost of paying the individual \$35 per hour, plus associated tax and insurance cost, for 19 hours per year. Chair Jarvis noted one of the interested individuals does not have liability insurance. Selectmen Swenson asked if covering this person under the Town's liability insurance would increase the Town's cost. Chair Jarvis was not positive and asked TA Bourgeois to double check with the Finance Officer. Selectman Kratovil questioned the number given by Chair Jarvis for taxes/insurance based on the 19 hours at \$35 per hour. Chair Jarvis stated the numbers could be double checked and reviewed at the next meeting.

Welfare Guideline Comparison

Chair Jarvis stated at the 21 October 2013 meeting Selectman Swenson had asked for a comparison chart listing changes between the 'old' and 'new' welfare guidelines. Selectman Kratovil stated he spoke with the Welfare Officer and stated she said the comparison chart would take four to five hours to complete and she did not feel this was a good use of her time. Selectman Swenson stated he was disappointed in her response. Discussion followed. Chair Jarvis asked TA Bourgeois to direct the Welfare Officer to make the comparison chart and have it ready for 15 November 2013.

County Funding of the Domestic Violence Program

Chair Jarvis stated at the 21 October 2013 meeting Selectman Kratovil passed out a memo regarding funding of domestic violence prosecution. Chair Jarvis reviewed a handout entitled 'Strafford County Approved 2013 Budget May 10, 2013 – Amended August 23, 2013'. Chair Jarvis noted County fiscal year 2012 funding was \$354,405; for County fiscal year 2013 funding increased to \$505,033, and for County fiscal year 2014 the budgeting process is ongoing. Chair Jarvis stated there has been no indication that the unit will be cut.

Assessing Software

Selectman Swenson stated he has had a change to view the software currently being used, BMSI and Vision. Selectman Swenson stated there are numerous computer issues but he felt the hardware/server issue, which was previously discussed with IT Committee member Rudy Rosiello, should be rectified quickly. The Board should also determine which software package best meets the Town's Tax Collection and Assessing requirements. Selectman Swenson stated the Board also needs to address the conversion of existing data if there is a change in software/vendors. Discussion followed. Selectman Swenson stated he felt the vendor should be responsible for ensuring the software is compatible. Selectman Swenson suggested obtaining a list of assessing and tax collection software vendors and seeing how they integrate with other financial applications.

Assessing RFP

Board members reviewed an e-mail from Charles Reese of DRA which was a response to the TA's question as to whether a complete re-measure, re-list was required in 2015. TA Bourgeois stated Mr. Reese indicated that he would be happy to meet with the Board or set up a conference call to discuss the issue. Selectman Swenson stated he did not believe a complete re-list, re-measure was necessary and felt a statistical analysis could be done. Chair Jarvis disagreed. Discussion followed. Chair Jarvis asked TA Bourgeois to contact Mr. Reese to set up a time when the issue could be discussed with the Board.

Recording Secretary

Board members reviewed a formal letter of resignation from recording secretary Cathy Allyn. Chair Jarvis stated Land Use Clerk Amy Smith has been taking minutes while Ms. Allyn was on a leave of absence. Chair Jarvis noted due to Ms. Smith's own workload plus the assessing duties the Board wishes her to take on there is not enough time for her to also transcribe Selectmen's minutes. Selectman Kratovil stated he believes the assessing duties should take precedence. Chair Jarvis agreed and stated she felt the position for recording secretary should be posted. Selectman Kratovil suggested the Board decide how detailed they would like the minutes to be as the more detailed they are the more hours they take and therefore would be more of a cost. Chair Jarvis stated she like detailed minutes as it helps her recall why a certain decision or action has been taken. Discussion followed.

Chair Jarvis stated she believes the Parks & Recreation Commission is also looking for a minute taker and suggested looking at the possibility of combining the position. Chair Jarvis asked TA Bourgeois to find out what the Parks & Recreation Commission pays per hour for their minute taker and how many hours are budgeted. Chair Jarvis also asked TA Bourgeois to find out the rate of pay for the previous Board of Selectmen minute taker and if the Parks & Recreation Commission would be interested in a shared minute taker.

Court Prosecution

Selectman Kratovil stated at the 29 October 2012 Selectmen's meeting the Board voted to move 'court prosecution' from the 'Legal Expenses' budget to the Police Department budget. Selectman Kratovil noted that at the 21 October 2013 Selectmen's budget meeting Chair Jarvis made a motion, seconded by Selectman Swenson, to approve the amount for 'Legal Expenses' that included the 'court prosecution' line. Selectman Kratovil stated, at that meeting, he questioned why the amount was still found under 'Legal Expenses' if the 29 October 2012 vote moved it to the Police Department budget. Chair Jarvis stated, as she indicated before, the Budget Committee determined they were going to keep it in the 'Legal Expenses' line. Mr. Bickford disagreed and stated it was not the Budget Committee who kept it in the 'Legal Expenses' line. Discussion followed.

Selectman Swenson stated the Town pays the 'court prosecution' amount whether it is found under 'Legal Expenses' or 'Police Department'. Selectman Swenson noted he did not have a personal preference as to which line it was listed under, however, if an action was taken by the Board of Selectmen and approved by majority vote it should be acted upon provided it was not

an improper action. Selectman Swenson asked TA Bourgeois to make a note that the 'Legal Expenses' line needs to be revisited.

Conduct Unbecoming of a Selectman - Handout

Selectman Kratovil passed out and read excerpts from a document he wrote entitled "Conduct Unbecoming of a Selectman". **Selectman Kratovil made a motion to unseal the sealed non-public meeting minutes of 22 February 2013.**

Selectman Swenson stated he would not second the motion until he read the minutes as this was before his time on the Board and he was unsure what the minutes contained.

Selectman Kratovil continued to read other incidents, that he felt, demonstrated inappropriate conduct on the part of Chair Jarvis. Discussion followed. Chair Jarvis stated she resigned as Chairman to the Board of Selectmen. Selectman Swenson stated he did not accept her resignation and suggested getting back on topic and continuing with the agenda items.

Court Prosecution (continued)

Selectman Kratovil made a motion to rescind the previous motion regarding the 'Legal Expense' budget and move the 'court prosecution' line from the 'Legal Expenses' budget to the 'Police Department' budget. Selectman Swenson seconded the motion. The motion passed with two affirmative votes (Kratovil, Swenson) and one negative vote (Jarvis).

Personnel Policy

Chair Jarvis stated at the 21 October 2013 meeting there was a request to change the personnel manual regarding 'appointment policy' versus 'vetting policy'. Chair Jarvis stated there are at least three policies, possibly more, that would be affected and it made more sense to make any corrections to all the pertinent documents at the same time. Mr. Bickford asked what the three documents are. Chair Jarvis stated the Personnel Manual, Hiring Policy, and the Promotion Transfer Policy.

Selectman Kratovil made a motion to have the Town Administrator correct the verbiage in the Personnel Policy to reflect the 'appointment policy' omitting the 'vetting policy' verbiage that is used. There was no second.

Selectman Swenson noted that the initial directive of 21 October still stands and the Town Administrator should compile a list of the documents and where the terms are found for the next meeting.

Archiving Parks & Recreation Meetings

Chair Jarvis stated she saw a Parks & Recreation meeting on TV and asked the TA if it was determined whether there was additional cost to the Town for broadcasting the video. Selectman Swenson stated he did not want to set a precedent for the Town to archive and broadcast recordings that were not made by an official Town designated videographer.

Selectman Kratovil made a motion to have any New Durham public meeting archived on the Town website for transparency purposes. There was no second.

Chair Jarvis asked if the intent of Selectman Kratovil's motion was to archive all public meetings in New Durham even those that are not official Town committees such as Friends of the Library. Discussion followed. Chair Jarvis suggested reviewing the current electronic record/broadcast policy and determining if it is possible for a meeting to be archived without the videographer from Wolfeboro Community TV sitting there for the entire length of the meeting.

Selectman Swenson stated he wanted to make it clear to the public that the official minutes of the Parks & Recreation meeting are available to the public and are posted on the Town's website so there is already transparency.

Facilities Maintenance Plan

Selectman Kratovil stated at the 11 October 2013 meeting he suggested the TA develop a facilities maintenance plan with input from the Department Heads and questioned what the status was. TA Bourgeois stated due to budget preparation and other job requirements he has not yet progressed on that. Selectman Swenson suggested keeping it on the agenda for the next meeting.

Town Hall Renovation – Bids

Chair Jarvis stated three bids were received for the Town Hall renovation. The lowest bid was for \$11,800, the second lowest was for \$11,870, and the highest bid was for \$22,855. Selectman Swenson asked if all three bids met the specifications. Chair Jarvis stated they did. Chair Jarvis noted the two lower bids are from New Durham residents. Chair Jarvis also stated the Code Enforcement Officer is familiar with the work of both individuals and felt they are both qualified. Selectman Swenson questioned if the CEO had a recommendation. Chair Jarvis stated he recommended the Board go with the low bidder. **Selectman Swenson made a motion the Board accept the bid of Kevin Rouleau in the amount of \$11,800 for the completion of the Town Hall renovation project that was initiated last year and funds have already been encumbered. Selectman Kratovil seconded the motion. The motion was approved 3-0.**

2014 Appointment Expirations

Board members reviewed a list of positions whose term expires in 2014. Chair Jarvis noted many offices on the list are elected positions and not appointed positions. Board members also noted some of the offices such as Budget Committee they did not have any jurisdiction over. Selectman Kratovil asked if the Board wanted to contact the individuals they do have jurisdiction over to see if they are interested in serving again. Discussion followed. Board members agreed to address the issue again once they received a revised list consisting of only those positions they have jurisdiction over.

Equipment Mechanic Job Description

Selectman Kratovil suggested revising the Equipment Mechanic's job description to include keeping track of the inventory. Selectman Swenson asked TA Bourgeois to make copies of the

Equipment Mechanic's job description and have it available for the next meeting. Chair Jarvis stated any suggested language should be attached to it.

2013 Tax Rate

Board members reviewed several handouts from the Department of Revenue Administration regarding the 2013 tax rate and budgetary fund balance retention. Selectman Kratovil gave a lengthy presentation on the matter. Selectman Kratovil suggested reducing the unanticipated fund balance from \$1,080,794 to \$850,000 and apply the difference to the tax rate. Selectman Kratovil stated \$850,000 is 9.44% of the Town's obligations. Selectman Swenson and Chair Jarvis expressed concern regarding sustainability of the tax rate. Lengthy discussion followed.

Selectman Kratovil made a motion to utilize \$200,000 from the unassigned fund balance and have it applied to the 2013 tax rate. Selectman Swenson seconded for discussion purposes.

Selectman Swenson stated, he believes, \$200,000 is too much for reasons which have already been discussed.

Selectman Swenson made a motion to amend the motion and utilize \$100,000 from the unassigned fund balance and have it applied to the 2013 tax rate. Selectman Kratovil seconded for discussion purposes. The amendment was approved with two affirmative votes (Jarvis, Swenson) and one negative vote (Kratovil).

Chair Jarvis read the motion as amended: to utilize \$100,000 from the unassigned fund balance and have it applied to the 2013 tax rate. The motion as amended was approved 3-0.

Chair Jarvis informed Board members that the Finance Officer would contact DRA tomorrow with the Board's vote and the tax rate would be set based on this information.

Chair Jarvis suggested, at the March Town meeting, to consider using some money from the unassigned fund balance to fund items on the Warrant as opposed to raising taxes to fund them.

Surveillance Cameras

Selectman Kratovil asked for an update on the surveillance cameras that were originally purchased by a member of the Fire Department, for the Fire Department, and then purchased by the Town, after the individual was reimbursed, per vote of the Board at a previous meeting. Selectman Kratovil asked if the cameras are installed somewhere and noted it would need to be posted cameras were set up. Chair Jarvis stated the cameras have not been put up anywhere and putting them up would require a vote of the Board of Selectmen. Chair Jarvis also stated she would recommend consulting with the Police Chief to find out his recommendation for installation locations.

Fire Department

Selectman Kratovil passed out a handout entitled 'New Durham Departmental Study' and read it aloud. Discussion followed. Chair Jarvis stated if a Request for Proposal (RFP) for a study goes out to bid it needs to be very specific as to what the objectives are, who would be included in the

study, etc. Selectman Swenson stated he would not be in favor of voting for a study now as he felt it is premature.

Department Head Evaluations

Chair Jarvis stated a date needed to be set to discuss Department Head evaluations. Board members agreed to meet on 15 November 2013 at 8:30 am.

Future Meetings

Chair Jarvis informed the viewing public that the Board will meet on 18 November 2013 at 9am at the Fire Station Community Room for budget review, 18 November 2013 at 1 pm at the Fire Station Community Room for a regular Board meeting and 15 November 2013 at 8:30 am, non-public, to review Department Head evaluations. Chair Jarvis stated 19 November 2013 from 9 am – noon will be reserved in case it is needed to continue Department Head evaluations.

Review of Minutes

Board members reviewed the public minutes of 27 September 2013. Corrections were made.

Chair Jarvis made a motion to approve the public minutes of 27 September 2013 as amended. Selectman Swenson seconded the motion. The motion was approved 3-0.

Board members reviewed the non-public minutes of 27 September 2013. Corrections were made.

Chair Jarvis made a motion to approve the non-public minutes of 27 September 2013 as amended. Selectman Kratovil seconded the motion. The motion was approved 3-0.

Board members reviewed the public minutes of 11 October 2013. Corrections were made.

Selectman Kratovil made a motion to approve the public minutes of 11 October 2013 as amended. Selectman Swenson seconded the motion. The motion was approved 3-0.

Board members reviewed the public minutes of 15 October 2013. Corrections were made.

Chair Jarvis made a motion to approve the public minutes of 15 October 2013 as amended. Selectman Kratovil seconded the motion. The motion was approved 3-0.

Board members reviewed the non-public minutes of 15 October 2013. Corrections were made.

Chair Jarvis made a motion to approve the non-public minutes of 15 October 2013 as amended. Selectman Kratovil seconded he motion. The motion was approved 3-0.

2013 Tax Rate

Chair Jarvis stated she just realized when the 2013 tax rate was discussed, a motion was made and approved, to utilize \$100,000 of the unassigned fund balance and have it applied to the 2013 tax rate. Chair Jarvis stated no motion was ever made to authorize signing of the document for the DRA. **Selectman Kratovil made a motion to authorize the Chair to sign on behalf of the Board of Selectmen for New Durham's Fall tax rate as revised. Selectman Swenson seconded the motion. The motion was approved 3-0.**

Review of Minutes continued

Board members reviewed the public minutes of 21 October 2013. Corrections were made. **Selectman Swenson made a motion to approve the public minutes of 21 October 2013 as amended. Selectman Kratovil seconded the motion. The motion was approved 3-0.**

Board members reviewed the non-public minutes of 21 October 2013. **Selectman Kratovil made a motion to approve the non-public minutes of 21 October 2013. Chair Jarvis seconded the motion. The motion was approved 3-0.**

Board members reviewed the public minutes of 28 October 2013. Corrections were made. **Chair Jarvis made a motion to approve the public minutes of 28 October 2013 as amended. Selectman Swenson seconded the motion. The motion was approved 3-0.**

Board members reviewed the public minutes of 31 October 2013. Corrections were made. **Chair Jarvis made a motion to approve the public minutes of 31 October 2013 as amended. Selectman Kratovil seconded the motion. The motion was approved 3-0.**

Selectman Swenson asked the TA to put the letter from the State Department of Environmental Services regarding the dam on the agenda for the next meeting.

At 12:42 am Chair Jarvis made a motion to adjourn. Selectman Swenson seconded the motion. The motion was approved 3-0.

Respectfully submitted,

Amy Smith
Recording Secretary