

New Durham Board of Selectmen
Minutes of Meeting ~ February 22, 2013
Town Hall

Members Present: David Bickford, Theresa Jarvis, Jeffrey Kratovil

Others Present: Town Administrator Jeremy Bourgeois, Solid Waste Facility Foreman Joe Bloskey, Road Agent Mike Clarke, Town Clerk/Tax Collector Carole Ingham, Paul Perry, videographer Jim Ladd, recorder Cathy Allyn

1. Call to Order – Chairperson David Bickford called the meeting to order at 9:02 a.m. and asked Selectman Jeffrey Kratovil to lead the Pledge of Allegiance.

2. Public Forum – Paul Perry spoke about the Town Survey. He said the policy was that the surveys were never to be modified and were to remain anonymous. He reported that the surveys returned from the Baysider had the mailing label on the back, so they were not anonymous. He explained he felt he could not remove the labels without the Board's permission, since the other element of the survey policy was that the surveys were not to be modified. The Board told him to remove the labels.

Mr. Perry said the survey was to be used as a tool, not a weapon, and had not been controversial in the past. He said sometimes particular individuals were highlighted in the responses. He said this year there were several claims of a significant, sensitive nature that went beyond the Board's jurisdiction, and he requested permission to confer with Town Counsel.

Selectperson Jarvis said she was uncomfortable sending a citizen to Town Counsel without knowing what the issue was. Mr. Perry responded that thousands of dollars had already been spent on surveys, so his request to carry out due diligence was minimal. He said the issue was specific to an individual, and he would not release results of the survey until it was resolved.

Selectperson Jarvis said any Town employee was under the Board's jurisdiction. Mr. Perry said he would not divulge any further information, even in non-public session. Selectperson Jarvis suggested he write up some comments and give them to Town Administrator Jeremy Bourgeois. TA Bourgeois asked if the matter referred to him, and Mr. Perry said it did not.

Motion by Selectman Kratovil that the Board authorize Paul Perry to contact Town Counsel, with access up to two hours; second by Chair Bickford. Selectperson Jarvis said she was leery. She said TA Bourgeois should be working with Mr. Perry and Town Counsel on the matter. She said a lot of residents have the potential to ask for the same privilege, and that allowing two hours was excessive. Mr. Perry said he would be organized and brief. Selectman Kratovil said he liked the impartiality of it. **Bickford – aye, Jarvis – nay, Kratovil – aye. 2-0. The motion carried.**

Mr. Perry said he would do whatever Town Counsel advised.

3. Tax Deeds – Tax Collector Carole Ingham told the Board payments on three properties in arrears had come in. She said one of the properties discussed previously was in bankruptcy and there was a Deed Waiver. She said she had prepared 10 deeds for non-

payment of property taxes and indicated that one needed to be discussed in nonpublic session.

Chair Bickford read aloud the nine properties, as listed by Map and Lot number respectively: 260-010; 234-043; 234-044; 250-104; 205-047; 209-063; 108—25 and 026; 101-046; and 250-111.

Motion by Selectperson Jarvis to authorize the tax collector to record the deeds as listed by the chairperson at the Strafford County Registry of Deeds; second by Selectman Kratovil. 3-0.

4. Non-public Session I - Motion by Selectperson Jarvis at 9:30 a.m. to enter nonpublic session under RSA 91-A:3 II (c); second by Selectman Kratovil. A roll call vote was taken: Bickford – aye, Jarvis – aye, Kratovil – aye.

The Board met with Tax Collector Carole Ingham.

Motion by Selectperson Jarvis at 9:57 a.m. to return to public session; second by Chair Bickford. 3-0.

Return to Public Session – Motion by Selectperson Jarvis to deed the property known as Map 244 Lot 64 and to have the tax collector hold the deed for 30 days before filing; second by Selectman Kratovil. 3-0.

5. Agenda Review – The Board made minor modifications.

Selectman Kratovil said he wanted to publicly thank the EMTs who responded to his house over the weekend. He cited Marc Behr and David Stuart.

6. Appointments – Motion by Selectperson Jarvis to appoint Dale Drake and Cameron Quigley as Emergency Management Deputy Directors, as nominated by the Emergency Management Director; second by Chair Bickford.

Selectperson Jarvis said since there were no salaries involved, there were no issues with a family member in an overseeing position. **3-0.**

7. Department Reports

Solid Waste Facility – Foreman Joe Bloskey met with the Board. Selectperson Jarvis clarified that although Mr. Bloskey's state Level IV license is designated as manager, his listing as a Town employee is foreman, qualifying him for overtime.

The Board and Mr. Bloskey discussed the situation regarding the individual working through the state's Work Experience Program. Since the person cannot be paid by the state if the Town has an empty position, the Board decided to hold off on posting the seasonal position Mr. Bloskey spoke of at the previous meeting, and to retain the person through WEP. The individual is to obtain his temporary certification from DES, and Mr. Bloskey will stay in contact with TA Bourgeois.

8. New Business

Fire Chief Job Posting – Selectperson Jarvis said the Local Government Center prepared a job description for fire chief in 2010. She said that, after speaking with former Deputy Chief K.G. Lockwood, and researching the chief's activities, including administrative duties, calls, inspections, etc., she found the average

time spent was 28-30 hours per week. She provided information on wages from comparable towns, and said New Durham had not budgeted enough to meet even the low end of the range.

She said a fire chief is a department head, and most Town department heads are exempt employees on salary, so she proposed the fire chief be on salary, also. She said she did not think the budget could support anything above \$21.50 per hour.

Chair Bickford said it sounded as though she were saying, here's a chunk of money, go run the department. Selectman Kratovil said he had thought to increase the salary, with restricted hours. He said, however, that it seemed as though 30 hours a week was necessary. He said people with expertise told him that 30 hours was about right. He suggested a work session on the matter. Chair Bickford said the Board should ask the chief what works and what does not.

The Board agreed to schedule a work session, and to get an outline of duties from Mr. Lockwood, which could be provided to Chief Peter Varney for review before the meeting.

9. Old Business

Fund Balance Policy – Chair Bickford said he did not agree with the 10 per cent noted in #5 of the third draft of the Fund Balance Policy, which reads: "The Town's intent is to achieve and maintain a level of unassigned fund balance in the amount of 10 per cent of regular general fund operating expenditures."

He said he checked with attorney Paul Sanderson, who advised that a bedroom community with a certainty about the tax base should be fine with eight per cent in its unassigned fund balance. Chair Bickford said DRA recommends a range of five to seventeen per cent, and that he would recommend five per cent.

Selectperson Jarvis disagreed, adding that 10 per cent was common. She said 11 per cent is the halfway mark of the recommended range, and that many towns go with 10 per cent. Chair Bickford asked what the logic was of holding that much money. She said she did not speak with the towns to determine their logic.

Selectman Kratovil said the policy would be dictating what to do with the money. Selectperson Jarvis explained that it was a goal. TA Bourgeois said it was a policy statement.

To Selectman Kratovil, Chair Bickford said supporting 10 per cent would contradict Warrant Article 4, which both of them approved. Selectperson Jarvis disagreed, since the 10 per cent is only a goal. She said the policy would not be saying the Town "shall" maintain 10 per cent.

She pointed out that the auditors cited the Board last year for not having a fund balance policy. Selectman Kratovil said the worst case scenario was that they could cite the Board again. Selectperson Jarvis said that could affect our bond ratings. She said the Town has been adding to the unassigned fund balance over the years, and has had to utilize it. She said DRA allowed the Town to expend from it without a special Town Meeting.

She said the policy does not mandate any specific percentage. Chair Bickford said 10 per cent was not his goal, but he was willing to indicate five per cent in the language in order to have a policy for the auditors. Selectperson Jarvis said

the Board needed a policy. Chair Bickford said neither he nor she had any takers for their recommendations. She said, without the policy, there would be a deficiency.

Primex Review – The Board was unimpressed with the figures guaranteed for three years by Primex for property and liability, and workmen's compensation. Selectperson Jarvis said it was a guarantee not to exceed. Chair Bickford said signing it would shut the Board out from looking on the open market. TA Bourgeois is to check to see if Primex would offer a guarantee for a one-year term.

Highway Department Personnel – Road Agent Mike Clarke said he sought the Board's opinion on replacing the retired person in his department. He said the position was approved at the 2007 Town Meeting, when several new subdivisions were taken on. He said if the position is not filled, mowing of the ball fields and cemetery would have to come under the purview of the recreation department and cemetery trustees. He told the Board that, prior to 2007, the highway department mowed only the Town Hall and library.

He said the vacant position handled all of the mowing as well as flagging for traffic control. He said the man-hours on the sheet he provided previously did not include flagging. He said major highway department projects include traffic control, and he cited it as part of the position's justification.

RA Clarke said the private person plowing for the Town now has been working 40 hours a week plus overtime. Chair Bickford said RA Clarke was discussing hiring a full-time person, but all the work mentioned is seasonal. RA Clarke said he is covering a plow route and had worked 62 hours of overtime in the past two weeks, so he could justify 40 consistent hours of work per week.

Chair Bickford said insurance is expensive, especially if the person hired needed family insurance. He said part-time help would not include benefits, and that RA Clarke could hire part-time help. Selectperson Jarvis said it can be difficult to find temporary part-time help.

Chair Bickford read from an email from Christine Fillmore, a staff attorney at the New Hampshire Municipal Association, that indicated selectmen can set appropriate staffing levels within the budget and are not bound by votes of prior town meetings that established those employee positions. He said the Board could adjust employment. He asked RA Clarke why he had not been hiring part-time help if there was so much work.

Selectman Kratovil clarified that flagging and mowing would suffer without replacing the retired individual. RA Clarke said the budget process is done, so it was too late for the cemetery trustees and recreation department to provide for mowing. Chair Bickford said the money for mowing could come from the highway department budget.

Selectman Kratovil generated a spreadsheet that would indicate where highway department personnel were working and what they were doing during each day, and presented it to RA Clarke. RA Clarke said, in his opinion and with respect, that this was an example of micromanagement. He added that it was his impression that the Board did not trust him to get the job done. He suggested the Board find a new road agent if the plan was to document what everyone is doing every minute of every day. He said every highway department employee is giving

the Town its money worth.

Selectman Kratovil said the spreadsheet could show that the position was necessary, or, if there were dead spots, that part-time help was more appropriate. Selectperson Jarvis said such a spreadsheet would be impossible to do ahead of time, but that retrospectively it could be done.

She said that the material RA Clarke provided indicated 1500 hours of highway department maintenance, which is close to a full-time employee's hours. Chair Bickford said there was an equipment mechanic to do that work. RA Clarke said his personnel do maintenance work that the equipment mechanic does not handle. He summarized that Chair Bickford and Selectman Kratovil wanted him to research hiring a part-time person, and Selectperson Jarvis, a full-time.

Chair Bickford said he thought RA Clarke should find out who could help his department. RA Clarke said residents would need to be told that services could decline. He said people are used to a particular level of service, which he did not feel could be maintained with part-time help. He said the last full-time person earned a wage of \$12.30.

Selectman Kratovil said things could change if part-time help did not work out. He said he would like to see what employees are doing daily. Chair Bickford said Barnstead maintains 80 miles of road with six employees. RA Clarke said he was doing it with six, but one of them was him. He clarified that the Board's direction was for him to pursue part-time help, rather than filling the full-time position, with provided documentation and justification. Selectman Kratovil said the Board needed all options on the table in order to give RA Clarke direction.

Chair Bickford urged RA Clarke to talk with other road agents, to see how they were saving money and getting things done. Selectperson Jarvis pointed out that RA Clarke is currently filling in a position and there are only a certain number of hours in a week. Selectman Kratovil offered to go with RA Clarke to visit the other road agents.

RA Clarke said he felt as though the Board was unhappy with his performance. He said he'd justified needing a full-time person. Chair Bickford said the Board's request was no criticism of RA Clarke's work. RA Clarke noted that if the department went with part-time help, the person would be driving expensive equipment.

Holiday Pay – RA Clarke explained that the part-time employee, who has been filling in, lost overtime pay because he was not paid for the holiday on Presidents' Day. He said the person is temporarily working full-time, and he lost eight hours of his total work on Saturday, which would have been sufficient for overtime, due to the holiday. The Board discussed briefly that the part-time highway department office manager receives prorated holiday pay.

RA Clarke said granting the employee holiday pay would be a one-time thing. Selectman Kratovil said the Board would have to start doing that for everyone. Selectperson Jarvis said this was an unusual situation. Selectman Kratovil said the employee is stepping up, which would make him a good candidate for a merit raise in the future, but he does not get that compensation. Chair Bickford said he agreed, but said the Board could make an exception. Selectman Kratovil said, using that logic, Police Sergeant Reggie Meattley could have been paid sergeant's

wages while he filled in for that position as a corporal.

Motion by Selectperson Jarvis that the highway department part-time employee temporarily working full-time be paid eight hours of straight time for the holiday, due to the unique circumstances involved with him covering a full-time position and the number of winter storms; second by Chair Bickford. Selectman Kratovil said the Board should do this for every department then. RA Clarke pointed out that the fire department does not get paid overtime. Selectperson Jarvis said two part-time employees get holiday pay. **Bickford – aye, Jarvis – aye, Kratovil – nay. 2-1. The motion carried.**

Town Warrant – The Board noted the warrant must be signed before Monday.

Voting Posting – Chair Bickford read the standard posting regarding voting and Town Meeting, and the Board signed it.

10. Approval of Minutes

Selectman Kratovil said he had not had sufficient time to review the minutes. The Board made several changes to the minutes of February 4, 2013 to be posted as a draft.

11. Schedule Next Meeting

The Board scheduled its next meeting for March 4, 2013 at 7:00 p.m. at Town Hall.

12. Non-public Session II

Motion at 11:50 a.m. by Chair Bickford to enter nonpublic session under RSA 91-A:3 II (a) and (c); second by Selectman Kratovil. A roll call vote was taken: Bickford – aye, Jarvis – aye, Kratovil – aye.

Motion by Chair Bickford at 1:00 p.m. to return to public session; second by Selectperson Jarvis. 3-0.

The Board talked about various personnel issues while in nonpublic.

Motion by Selectman Kratovil to seal the nonpublic minutes; second by Chairman Bickford. 2-1, Selectperson Jarvis was opposed.

Motion by Selectperson Jarvis to adjourn the meeting; second by Chairman Bickford. 3-0.

Meeting adjourned at 1:01 p.m.

Respectfully submitted,
Cathy L. 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.