

New Durham Board of Selectmen
Minutes of Meeting ~ April 15, 2013
Town Hall and Fire Station Community Room

Members Present: Theresa Jarvis, David Swenson

Also Present: Town Administrator Jeremy Bourgeois, Town Clerk/Tax Collector Carole Ingham

1. Call to Order – Chairperson Theresa Jarvis called the meeting to order at 3:00 p.m. at the Town Hall, first floor.

2. Non-public Session – Motion by Chair Jarvis to enter non-public session at 3:00 p.m. under 91-A:3 II (a)- The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted & **(c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine, or other levy, if based on inability to pay or poverty of the applicant; **second by Selectman Swenson. A roll call vote was taken: Jarvis - aye, Selectman David Swenson - aye. 2-0.**

The Board moved to the second floor conference room in Town Hall.

The Board met with Tax Collector Carole Ingham and discussed her memorandum of agreement for the position.

Selectman Kratovil joined the Board at 3:17 p.m.

The Board discussed a deeded property that the owner wants to repurchase.

At 3:25 p.m., a New Durham resident joined the Board to discuss her deeded property.

The Board also discussed some personnel matters.

Motion by Chair Jarvis at 3:35 p.m. to leave nonpublic session; second by Selectman Swenson. 3-0.

The Board moved to the Fire Station Community Room for the public portion of the meeting.

Others Present: Town Administrator Jeremy Bourgeois, Town Clerk/Tax Collector Carole Ingham, Financial Assistant Vickie Blackden, Assessor Robert Estey, Land Use Administrative Assistant Amy Smith, Assistant Assessing Clerk Laura Zuzgo, Equipment Mechanic David Valladares, David Bickford, Tom Goss, videographer Jim Ladd

3. Return to Public Session – The Board returned to public session at 3:46 p.m. Chair Jarvis said the Board authorized a letter resolving a tax deed situation to be sent out. She said the Board would vote on other items discussed in non-public session.

4. Public Forum – David Bickford provided the Board with copies of the video policy with his comments added. He asked that the Board amend the current policy by specifically adding the Parks and Recreation Commission to meetings to be videotaped. Chair Jarvis added the request to New Business.

Mr. Bickford also requested the website be an official posting location. He noted what he considered an error in the Parks and Recreation Commission's minutes and said it should be corrected.

Selectman Kratovil said he wanted time to compare Mr. Bickford's suggestions for the video policy to the current policy.

Tom Goss of the snowmobile club said the club received a request from a property owner to install a temporary gate on Webster Road, a Class VI Town road off of Middleton Road, to prevent trucks and other vehicles from using it during mud season. Chair Jarvis said she wanted input from the road agent and the fire and police chiefs regarding possible impediments to their operations. She said there had been complaints in the past with gates and bars on Class VI roads. Mr. Goss said the club would pay for the gate and give the key to the Town. Town Administrator Jeremy Bourgeois is to check on the regulations regarding gates and bars, and get feedback from the road agent and chiefs. The issue is to be discussed at the next meeting.

5. Agenda Review – Chair Jarvis moved all of Town Clerk/Tax Collector Carole Ingham's items into Department Reports.

6. Appointments – The Board met with Assessor Bob Estey and Town Hall staff who will be working on the 2015 revaluation. Staff had indicated that starting the process early would be beneficial.

Mr. Estey said the last update of values was in 2010, so the Town is due for a remeasure/relist in 2015. Data collectors will be going through properties, so the cost will be higher. Collectors will take pictures and there will be pick ups for the first tax bill. The job should be turned over in September of 2015. Sales from April 1, 2013 through April 1, 2015 will be used to set values.

Mr. Estey said it would help organization if sales that come through now are set aside in a separate file. He explained the overall process as data collection accomplished by one group of people, and sales analysis to attach values done by appraisers. Hearings could be held in July and August of 2015, and any applicable changes would be made then. He said it was desirable to complete the process by September so the tax rate can be assessed.

He said New Durham has an appreciable number of non-resident properties so it would be best if the data collectors started there in the summer of 2014, when access would be more likely. He said other properties could be done in the winter. Mr. Estey recommended going out to bid now to get on a re-val company's schedule.

Selectman Swenson asked why the Town would require a remeasure/relist. Mr. Estey said it will be 10 years down the road from being done and the DRA wants it. He said the

Town could attempt to get a simple revaluation by having the DRA do a sample now. He said that sample may not pass muster in two years, and if not, DRA would tell the Town to have a remeasure/relist and the Town would not be on a company's schedule, causing a hardship.

Mr. Estey explained that monies are raised yearly to have this done on a schedule, and he recommended going out to bid for a remeasure/relist. He said if the bid determines there are insufficient funds, the Town would have two years to raise additional money. He noted there is \$163,560 in the re-val accounts now, and two more automatic additions of \$20,000 each are due. He said the work last time was roughly \$135,000 so the cost in 2015 would probably be closer to \$150,000.

Mr. Estey said the cost is based on the breakdown of land and buildings, and the parcel count. He said the Town has very few commercial properties, which helps to keep the price down. He did indicate the possibility that the state would insist on splitting some lake properties, which would add to the parcel count. He told the Board that the monitor is from the state, and the issue of splitting properties could be discussed. He said the monitor should also have a boilerplate RFP.

Selectman Kratovil said residents should be aware that the Town would pay more for a top shelf company. Mr. Estey said companies we've used in the past are top companies. Selectman Swenson said the obligation to the taxpayers is sending out proper specifications and hiring a qualified company. Mr. Estey said getting inside the homes increases the accuracy of the listing, but with working families that may not be possible.

Discussion turned to the assessing and tax software used. Financial Assistant Vickie Blackden said she and TC/TC Ingham were looking at Avatar, which is more user friendly than Vision. She said the Town is now using two separate systems, so there is twice the work.

Mr. Estey said the program is leased, so it would be possible to discontinue the agreement with Vision, which does not integrate well, and switch to Avatar. He said Avatar in Chichester could also function as the Town's assessor. He stated he was retiring on January 1, 2015, so the RFP should include assessing new properties. He said any appeals that come in in December 2015 should be handled by the Board, the assessor, or whomever the Board hires under a separate contract.

Selectman Kratovil asked if Land Use Assistant Amy Smith would be up to speed to handle the bulk of assessing. Mr. Estey said if she started learning on Vision and then had to switch to another software, that could take some extra time. He said she would handle phone calls and scheduling and attend classes on exemptions. Ms. Blackden said Ms. Smith would take over more of what she has been doing.

Chair Jarvis asked about revaluing small parts of the town each year. Mr. Estey said it would all right to implement that in 2016, but did not recommend doing it now. He said some re-val companies offer that as a service. He said he would not recommend it if the Town does not have an assessor.

Mr. Estey summarized his suggestions by saying the Board should send out its RFP and select a company by September of this year. He said to go with the software the selected company uses. He cautioned the Board to not tie its hands based on software, but suggested looking at software choices now to be familiar with them when looking at bids. Ms. Blackden is to check with the monitor.

7. Department Reports

Equipment Mechanic – Equipment Mechanic David Valladares told the Board he negotiated down a bill on the loader for a substantial savings. The original invoice from Chadwick-BaRoss was for \$5,554.53. Mr. Valladares made a proposal to lower the bill to \$1,860, which was eventually agreed upon at a meeting.

Tax Collector Memorandum of Agreement – Chair Jarvis said the memorandum of agreement for tax collector was discussed in non-public session and edits were mutually agreed upon. She said Selectman Kratovil was not in attendance during that session.

Motion by Chair Jarvis that the Board of Selectmen approve the revised draft memo of agreement for Carole Ingham, Tax Collector, as amended at the meeting of April 15, 2013; second by Selectman Swenson. Selectman Kratovil had some questions. 3-0.

Delegation of Deposit Authority – Ms. Ingham said she made some revisions in the policy regarding the amounts of money noted, due to an RSA change, and by listing authorized personnel by position, rather than by name.

Motion by Chair Jarvis that the Board of Selectmen approve the revised Delegation of Authority for Deposits; second by Selectman Kratovil. 3-0.

Investment Policy – TA Bourgeois revised the policy by adding the positions of those who make deposits.

Motion by Selectman Swenson to accept the revised investment policy; second by Selectman Kratovil. 3-0.

Deeded Property – **Motion by Chair Jarvis to authorize the town administrator to send a letter to the financial institution responsible for property located at map 234 lot 43 and map 234 lot 44 relative to the May 6, 2013 deadline the Board established.** Chair Jarvis withdrew her motion, saying she had mixed up the two cases discussed.

Motion by Chair Jarvis to authorize the town administrator to notify the previous property owner of the total cost to repurchase property located at map 234 lot 43 and map 234 lot 44 and to make the Town whole, including back taxes, interest, and the Town's costs; second by Selectman Kratovil. 3-0.

Goal Setting – Chair Jarvis asked if the other members of the Board were interested in setting goals, long and/or short term. Selectman Swenson said he thought it was early to do so, and wanted to revisit the matter in a month or two. Selectman Kratovil brought up inviting in businesses. Chair Jarvis said the Board could discuss the topic in late June or early July.

8. New Business

Request to Revise the Video Policy – Selectman Swenson said the current policy dates from revisions made in September 2012, and he saw no need for revision as a bullet point covered that other boards and committees could be videotaped. Selectman Kratovil said the Board could require all meetings be taped and have the committees approach the Board if there were problems.

Chair Jarvis said Peter Pijoan of Wolfeboro Community TV stated they could not tape all meetings of all the committees. She said some groups do spend money at their meetings, but she suspected there would be a cost increase to have Wolfeboro Community TV tape them.

Selectman Swenson said the existing policy covers the matter, and Wolfeboro Community TV can follow the policy. He said recordings can be made by other individuals.

Mr. Bickford said videographer Jim Ladd told him that he could not tape without a Board vote on the matter. Mr. Ladd replied he did not say that. Mr. Bickford said Mr. Pijoan said Chair Jarvis or TA Bourgeois told him the same thing. Selectman Swenson said he would provide Mr. Pijoan with a copy of the policy.

Motion by Selectman Kratovil that the Board of Selectmen require all committees and board meetings to be videotaped, and if there is a problem, they can come to the Board. The motion failed for lack of a second.

Chair Jarvis said she looked into the issue in 2011 and it could not be done with the amount of money involved.

Town Website – Chair Jarvis said Mr. Bickford requested consideration of the Town website as an official posting location. She pointed out that not everyone in town has internet service, and that the Town Hall and Post Office have been the official sites for years. She suggested using the website as an unofficial location, since TA Bourgeois is currently working on who is responsible for website updates.

Motion by Selectman Kratovil to make the Town website a third official posting site, without removing the other two sites; second by Selectman Swenson. Chair Jarvis said if a meeting is not posted on the website because TA Bourgeois is out of the office, the meeting cannot be held. She said the system of who does what on the website has not yet been finalized. **Jarvis – nay, Kratovil – aye, Swenson – aye. 2-1. The motion carried.**

TA Bourgeois is to send out an email to all committees, informing them of the change.

9. Old Business

Ethics Committee Appointment - **Motion by Chair Jarvis to appoint Monica Haley to a three-year term on the Ethics Committee; second by Selectman Kratovil. 3-0.**

ZBA Appointment – **Motion by Chair Jarvis to appoint Michael Hoffman to a three-year term on the Zoning Board of Adjustment; second by Selectman Kratovil. 3-0.**

IT Committee – **Motion by Chair Jarvis that the following individuals be appointed to the IT Committee: Adam Buehne, Rudy Rosiello, Padraic McHale, and James R. Jones.** Selectman Swenson clarified that these were six-month appointments and that the committee would make its recommendations after that time. **Second by Selectman Kratovil.** Selectman Kratovil clarified that the committee is required to keep minutes and perform other necessary functions as an official committee. **3-0.**

The Board signed all of the appointment forms.

Town Forester – Chair Jarvis said that, due to the resignation of the current Town forester, the Board could appoint Peter Farrell of New England Forestry Consultants, Inc. at \$45 per hour. She said the money had been budgeted for in the assessing budget. Mr. Bickford pointed out that incidents of conflict of interest could occur, as Mr. Farrell does a lot of work in New Durham.

Selectman Kratovil wanted more time to review information before making a decision. Selectman Swenson wanted to clarify who would supervise the forester, and verify the time spent and performance of duties. Chair Jarvis expressed concern that the current uses on

deck may not be done in time. She said the forester was hired as an independent contractor and the value was low, so no RFP was needed.

Grant Radio – Chair Jarvis said the DOS was providing the Emergency Management Director with a portable radio worth \$1,585.

Motion by Selectman Swenson to accept the grant of the portable radio from the DOS and authorize the chairperson to sign on behalf of the Board; second by Selectman Kratovil. 3-0.

Chair Jarvis signed the acceptance form.

Fire Extinguisher Inspection Rates – Chair Jarvis said, by attending the LGC conference last year, she realized the Town was not receiving the lower rates available from Tri-State Fire Protection. The Town can now receive state bid list rates for a savings in all fire extinguisher accounts.

Motion by Selectman Swenson to authorize the chairperson to sign the contract with Tri-State Fire Protection on behalf of the Board; second by Selectman Kratovil. 3-0.

Unifirst Contract – Chair Jarvis said she'd had concerns about contracting for five years in order to get the lower rates from Unifirst. She said the owner of the General Store, who uses the company, is satisfied with its service. Selectman Swenson noted that the company also offered a three-year contract. He summarized that this would be a central source of items, that each department is now purchasing separately. He asked if the contract was discussed with the department heads. TA Bourgeois said the highway department supports the move.

Selectman Swenson said department heads would not purchase the Unifirst items from another place, if the Board signed the contract. Selectman Kratovil said the price of mats and stops increased in the three-year contract. Selectman Swenson said there was an appropriate escape clause so the five-year contract was all right.

TA Bourgeois said items included paper products, soaps, and toilet paper. He told the Board it should be clear what was needed monthly within three months. Chair Jarvis said she would encourage using the basement for storage. She said bulk purchasing for all departments would save money. TA Bourgeois was charged with creating a spreadsheet outlining what is spent now, and what the savings would be.

Bills Sign-off – Chair Jarvis said the wording was incorrect in a motion made at the March 18, 2013 meeting, which authorized the town administrator to sign off on purchase orders, rather than bills.

Motion by Chair Jarvis to authorize the town administrator to sign off on invoices and other bills found in the manifest, in compliance with the purchasing policy; second by Selectman Swenson. 3-0.

Merit Raises – **Motion by Chair Jarvis that the Board of Selectmen approve the salary order for 2013 as it reflects annual rate plus any merit raises awarded by the Board.** Chair Jarvis rephrased her motion. **Motion by Chair Jarvis that the Board approve the salary order for 2013 as it reflects personnel actions as voted by the Board during its merit review; second by Selectman Swenson. 3-0.**

Mr. Bickford requested the information be posted on the website. Chair Jarvis said that would have to be under positions, not names.

Impact Fees – Chair Jarvis said the Town has currently collected \$101,849.76 in impact fees, but so far only \$39,384.85 can be expended as of March 31, 2013, as money can only be expended once a Certificate of Occupancy has been issued. She suggested it be used to reduce the Town's share of the school construction bond. TA Bourgeois provided materials on the matter to the Board for review. Chair Jarvis said the LGC and Town Counsel indicated provisions under which the Town can spend the collected fees. She said the impact fee ordinance was authorized at the 2008 Town Meeting and collection started January 1, 2010.

TA Evaluation – Chair Jarvis said Don Jutton of MRI wanted to conduct a six-month evaluation of TA Bourgeois. She said the Board could do it individually on-line or produce one document as a group. She said the last time an evaluation of this type was done, the Board did it individually. The consensus of the Board was to conduct an evaluation. Selectman Swenson preferred doing it on-line and Selectman Kratovil favored paper.

10. Any Other Business

School Board Report – Selectman Swenson said he would like a monthly report from the School Board. TA Bourgeois is to ask the School Board.

Board Indemnification – Selectman Swenson asked if the Town has indemnification of the Board of Selectmen in place, pursuant to RSA 31:10.5. TA Bourgeois is to check on that.

Transfer Station – Selectman Kratovil raised questions concerning the part-time position at the Transfer Station.

Fuel Prices – Selectman Kratovil said he had heard employee complaints regarding the prices the Board settled on for the fuel contract, and suggested the matter be looked into earlier this year in order to lock in earlier. He also raised questions on the snowmobile club and removal of tires; and the amount of calcium chloride used on dirt roads. Mr. Bickford said the dirt roads have been in good shape this year. He explained that calcium chloride makes them hard, as well as keeping down the dust. He said the price was \$1.00 per gallon. Selectman Swenson said that seemed high.

The Board returned to Town Hall due to a scheduled meeting at the Fire Station Community Room. The remainder of the meeting was not videotaped.

11. Approval of Minutes

Motion by Chair Jarvis to approve the nonpublic meeting minutes of March 25, 2013, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to approve the public meeting minutes of March 29, 2013, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to approve the nonpublic meeting minutes of March 29, 2013, sessions I & II, as amended; second by Selectman Swenson. 3-0.

Motion by Chair Jarvis to approve the public meeting minutes of April 1, 2013, as amended; second by Selectman Kratovil. 3-0.

12. Adjournment

Motion by Chair Jarvis at 6:51 p.m. to adjourn; second by Selectman Swenson. 3-0.

Respectfully submitted,

Cathy L. Allyn and Jeremy Bourgeois, Town Administrator

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.