

**New Durham Board of Selectmen
Public Meeting Minutes
Town Hall
Monday, June 10, 2013**

Present: Terry Jarvis, Jeffrey Kratovil, David Swenson

Also Present: Mike Clarke- Road Agent, Jeremy Bourgeois-Town Administrator, Shawn Bernier- Police Chief, David Bickford, Marc Behr-Fire Dept., Ron Gehl, George Gale, Bob Craycraft, Kathy King, Patty Tollner, Cathy Allyn, Cathy Orlowicz- Highway Office Manager, Joe Bloskey- Solid Waste Foreman, Jim Ladd- Wolfeboro TV, Paul & Gudrun Gibbs- Easternshore Association, Elizabeth Cantrall- Baysider Newspaper, Roger Hickey, Mark & Carolyn Sullivan, Raye LaPlante, Ken Quigley- Emergency Management Director, Cameron Quigley- Deputy Emergency Management Director, Polley Meader- Lions Pride Club, Michael Varney-Fire Dept., Kevin Ruel- Fire Dept.

Chair Jarvis called the meeting to order at 6:30 P.M.

Chair Jarvis motioned to enter nonpublic session at 6:30 P.M. under RSA 91-A:3 II (b) the hiring of any person as a public employee & (c) - to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person; amended by Selectman Kratovil to include (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; second by Selectman Swenson. Chair Jarvis-Aye, Selectman Kratovil-Aye, Selectman Swenson-Aye. 3-0 vote on both the amendment and motion.

Chair Jarvis motioned to leave nonpublic session; second by Selectman Kratovil. 3-0.

The Board returned to public session at 7:02 P.M. While in nonpublic session, the Board of Selectmen discussed the hiring of a public employee, the collection of tax payments and the sale of property.

Selectman Kratovil lead the Pledge of the Allegiance.

Chair Jarvis announced that there would be two public sessions due to the extensive agenda for the evening. She stated that public input would be limited to five minutes per person, with a maximum of fifteen if granted. The Board will continue public input after old business.

Public Forum-

David Bickford thanked the Town Administrator for cleaning up the website with meeting dates.

Marc Behr presented a packet to the Board of Selectmen and Town Administrator. Mr. Behr questioned the authority of the Selectmen regarding the hiring of firefighters and Personnel Action Forms (PAFs). Chair Jarvis responded to Mr. Behr's questions. Selectman Swenson clarified Mr. Behr's points and the response by Chair Jarvis. Mr. Gehl spoke about the interview panel and how the firefighters and Chief should be chosen in Town. The Board stated that they would need to look further into the matter regarding the Fire Chief interview panel.

(Upon further investigation by the Town Administrator and Town Hall staff, it was determined that the 2008 Town Meeting minutes incorrectly present Article #23 of the Town Warrant. After reviewing the official signed 2008 Town Warrant and the 2008 Town Meeting DVD, it became apparent that the wording for a Fire Chief interview panel was not included in the article. The Town Clerk has since amended the Town Meeting minutes and placed a disclaimer at the bottom.)

Agenda Review- The Board did not amend the agenda.

Appointments-

1772 Meetinghouse Restoration Committee

Chair Jarvis reviewed the purpose of the appointment with the Meetinghouse Committee. She stated that the Charter has not been reviewed in quite some time and is overdue.

Chair Cathy Allyn stated that she believed some of the objectives of the charter have been met. She believed that they have been very successful in the past year by becoming one of the "Seven to Save" and receiving an LCHIP grant. Cathy stressed the importance of the support of experts and the need to continue on the path they are on now.

Chair Jarvis asked why the consultants can't also be on the committee. Cathy responded that they could but the current policy by the Town to have a two week vetting process hinders the attraction of addition volunteers. She also stated that they have some residents that help but can't always commit to being full-time members of the committee.

Chair Jarvis asked what the committee needs from the Board of Selectmen besides money. Cathy Allyn responded that their public support would be important and would go a long way. Selectman Swenson stated that there is a difference between a letter of support and a letter of commitment, due to the budgetary issues that would come with it.

Chair Jarvis asked if the goal was to have the foundation work done this year. Cathy Allyn couldn't commit to definitely getting the work done this year or not.

Emergency Management Director Ken Quigley and Deputy Emergency Management Director Cameron Quigley joined the Board to talk about the Emergency Operations Plan (EOP). Ken asked for signatures from the Selectmen on the plan.

Selectman Kratovil asked how the plan came about. Chair Jarvis stated that the Town was awarded a matching grant for the plan and received input from various sources regarding the EOP. The Board decided to finish their review before taking a formal vote on it and signing it.

Mr. Paul Gibbs spoke on behalf of the Easternshore Association. He expressed the concern of the taxpayers that live in the area for the upkeep of the road. Mr. Sullivan told the Board he is a year round resident and serves as president of the association. He stated their support for the Lions Club but asked for some sort of assistance from the Town regarding borrowing equipment or buying supplies to maintain the road.

Road Agent Clarke spoke and stated that the Town has no jurisdiction on private roads. He said that he reviewed the original agreements and that the Town is low on gravel due to the eleven miles of dirt road in Town.

Selectman Swenson proposed that the Board review the pertinent documents and discuss the matter at a later date.

Mr. Ron Gehl stated that the state RSAs specifically prohibit Towns from offering any kind of financial assistance, in kind donations, etc. Mr. Sullivan said that a majority of the association doesn't want to strike down harshly on the Lions Club.

Department Reports-

Chief Shawn Bernier spoke about the Fish & Game grant received from the state. The grant is for twenty-two hours. Chief Bernier also read a couple of thank you cards received from residents and a plaque from Middleton Police for New Durham's work during a hostage situation.

Chair Jarvis motioned to authorized Chief Bernier to enter into a contract with the NH Dept. of Fish and Game for an OHRV patrol grant; second by Selectman Kratovil. 3-0.

Foreman Joe Bloskey came before the Board to speak about unpaid balances at the Transfer Station. Mr. Bloskey and Ms. Orlowicz asked the Board for some direction regarding the unpaid balance in accordance with the New Durham Solid Waste Ordinance. The Board clarified that a formal written warning would cite the ordinance and come from the Town Administrator, with input from the Foreman and Solid Waste Office Manager.

Selectman Swenson motioned to develop a procedure for Solid Waste collection of monies due and for this specific case, send a formal letter of collection from the Town Administrator; second by Chair Jarvis. 3-0.

The Board discussed the RFP for the Solid Waste hauling and disposal of municipal waste. Ms. Orlowicz asked the Board to reconsider some of the edits they recommended based on previous

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experience with the process. Selectman Swenson agreed that their feedback is helpful. The Board will approve the final version at the July 1st business meeting.

Foreman Bloskey announced that the Town received a \$3,300 grant from NH the Beautiful for the purchase of the vertical bailer. He stated that the next project will be purchasing and installing the Quonset hut.

Highway Department- Chair Jarvis announced the Town has received eleven applications for the seasonal highway position. She stated that the Board must have one member sit on the interview panel, along with the Town Administrator and Road Agent. Selectman Swenson said he would volunteer to sit on the panel since his schedule is the most flexible.

Road Agent Clarke asked the Board about the RFP for the Highway Department addition. The Board instructed the Road Agent to work on the specifics for an RFP to be reviewed by the Selectmen before going out for advertisement.

Mr. Clarke provided the Board with a purchase order for the rental of an excavator. He stated that it was budgeted for in 2013 and the Highway Department rents on a yearly basis for work during the summer.

Selectman Kratovil motioned to award the contract for the excavator for Nortrax Inc. for \$4,000 for a rental for a month; second by Selectman Swenson. 3-0.

Road Agent Clarke stated that a private investigator approached them at the Highway Department today. He said he would be back tomorrow and Mr. Clarke said he will ask for him to ask any questions at the Police Station in front of the Police Chief.

New Business-

The Board discussed the summer meeting schedule. The members will check their calendars and revisit the schedule at a later date.

The Board reviewed a Special Event permit submitted by the Recreation Department for Celebrate New Durham Day.

Chair Jarvis motioned to approve the special event permit for Celebrate New Durham Day for July 26 and 27th pending approval from the Fire Chief; second by Selectman Kratovil. 3-0.

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(The Town Administrator realized that he had not yet given the Fire Chief a copy prior to the night's meeting.)

The Board reviewed the proposal of a schedule change for the Building Inspector and Code Enforcement Officer.

Chair Jarvis motioned to approve the change in hours for the Building Inspector and Code Enforcement Officer; second by Selectman Swenson. 3-0.

Chair Jarvis stated that she cannot attend the July Budget Committee and that the Board would need an alternate.

Chair Jarvis motioned to have Selectman Swenson serve as the alternate for the Board of Selectmen for the July Budget Committee meeting; second by Selectman Kratovil. 2-0. Selectman Swenson abstained.

CIP Appointment- Scott Drummey to the CIP Committee as an at-large member.

Selectman Kratovil motioned to appoint Scott Drummey to the CIP Committee as a member at-large and to waive the two week vetting process; second by Selectman Swenson. 3-0.

Chair Jarvis motioned to sell map 250-104-000 to the previous owner for the full amount of back taxes and the penalty; second Kratovil. 3-0.

Chair Jarvis motioned to accept the Tax Collector's deed dated June 20, 2013 on map 244-064-000 for unpaid property taxes and to instruct the Tax Collector to file the deed at Stafford County Registry of Deeds on behalf of the Selectmen; second by Selectman Kratovil. 3-0.

The Board decided not to revisit the vetting policy at this point in time.

Change in Fees- A public hearing would be needed for any changes in the fees. \$75 would be the recommendation of the Planning Board for newspaper advertisements. Copies for 8.5" x 11"

would increase from 25 cents to 50 cents. Chair Jarvis suggested setting July 1st as the public hearing, prior to the next Board of Selectmen's meeting as long as all requirements for posting are met.

The Board discussed the proposed renovations to the first floor of Town Hall and the back stairwell. Chair Jarvis stated that the money has been encumbered for both the plumbing and electrical work. Ms. Orlowicz proposed an alternative plan where the current Town Hall kitchen gets turned into offices and replaces the staff bathrooms with a kitchen area. Selectman Swenson stated that the pressing issues are the ADA bathroom, the loss of an office (Assessing), and utilizing the basement for storage. Selectman Kratovil proposed finding offsite storage instead of using the Town Hall basement. Selectman Kratovil said he was weary of returning to the same vendor and would encourage additional bids. Selectman Swenson and Chair Jarvis believed the \$855 quote was reasonable for the amount of storage space that would come from it. Chair Jarvis reviewed the plan for stairs in the Town Hall basement. Ms. Orlowicz asked about having the stair plan match up with the historic aspect of Town Hall. Mr. Bickford commented on the proposed changes to Town Hall. The Board talked about getting the basement sealed as well. The Board decided to get a quote for the means of egress.

Fire Chief Interview Panel- Chair Jarvis stated she had significant second thoughts about the Board of Selectmen's representative to the interview panel. Selectman Swenson reviewed the original interview panel as proposed and stated that the situation has changed and recommended a change of the representative for the Selectmen. Chair Jarvis echoed the comments of Selectman Swenson and stated that a change is needed to prevent any potential bias or issues regarding the interview panel/Fire Chief hiring process. Selectman Swenson responded by saying him interjecting into the Fire Department accident with the investigative report represents a perception of a bias. Selectman Kratovil said that nothing precludes him from gathering evidence regarding the accident. Selectman Swenson said the other issue was the newspaper article, which can also be seen as a bias. Chair Jarvis stated that all Selectmen received confidential information and that the accident would be investigated in accordance of the Town policy and Joint Loss Management Committee. She stated that Selectman Kratovil used confidential information that was only privy to a Selectman. The Board reviewed the nonpublic minutes of May 6, 2013 which stated the majority of the Board desired to follow the Town policy and allow the Joint Loss Management Committee to review the incident.

Chair Jarvis motioned to have Selectman Swenson be the Selectmen's representative for the Fire Chief interview panel and not have Selectman Kratovil on the interview panel; second by Selectman Swenson. 2-1, Selectman Kratovil opposed.

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The Board discussed the makeup of the interview panel. Mr. Behr stated the potential issue with scheduling with the interviews occurring in the daytime.

Old Business-

Chair Jarvis stated that she would like to set maximums for locking into fuel prices. Selectman Swenson stated his support for an authorization for the Town Administrator to consult with the experts at Competitive Energy and lock in for pricing when advised to.

Selectman Swenson motioned to authorize the Town Administrator through appropriate inputs from market experts to lock into pricing for diesel, oil, and gasoline; second by Selectman Kratovil. 3-0.

Tax Lien Payment Form- Selectman Swenson had a couple of edits. Selectman Kratovil suggested a credit check and to have the document notarized. Selectman Swenson recommended the wording that a credit check may be required to prevent the Board from being locked into doing a credit check.

Selectman Swenson motioned to approve the tax lien payment form as amended; second by Selectman Kratovil. 3-0.

CIP Committee Appointment

Chair Jarvis motioned to appoint George Sherback to the Capital Improvement Plan Committee; second by Selectman Swenson. 3-0.

Chair Jarvis motioned to appoint Joan Swenson to the Ethics Committee; second by Selectman Kratovil. Selectman Kratovil stated that he asked several Town employees and they had great things to say about Mrs. Swenson. **2-0, Selectman Swenson abstained.**

Ambulance Write-Off Policy

Chair Jarvis spoke about example the write-off policy from the Town of Milford. Several Towns responded from the email sent on the municipal management email list, but only Milford had an example. Ms. Orlowicz asked for the Board to consider the Solid Waste write-offs while writing a policy. The Board decided to look into writing a policy and take it up at a future meeting.

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Public Forum Continued- Ms. Cantrall asked the Board what their desire was regarding the list of town owned properties in the annual report.

Mr. Behr asked about Chair Jarvis questioning a junior officer instead of the more senior members about the amount of people in Town Hall. Selectman Swenson apologized on behalf of Chair Jarvis. Chair Jarvis responded by saying she happened to see that individual first and that there was no reasoning behind it otherwise.

Minutes-

The Board reviewed the May 20, 2013 public and nonpublic minutes.

Selectman Kratovil motioned to approve the Board of Selectmen minutes of May 20, 2013, as amended; second by Selectman Swenson. 3-0.

Chair Jarvis motioned to approve the nonpublic Board of Selectmen minutes of May 20, 2013, as amended; second by Selectman Swenson. 3-0.

Selectman Swenson motioned to adjourn; second by Chair Jarvis. 3-0.

Meeting adjourned at 10:34 P.M.

Respectfully submitted,

Jeremy Bourgeois, Town Administrator