

NEW DURHAM BOARD OF SELECTMEN

DRAFT MINUTES

01 JULY 2013

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

Others Present: David Bickford, Dot Veisel, Highway Department Office Manager Cathy Orlowicz, Solid Waste Department Foreman Joe Bloskey, Police Chief Shawn Bernier, Highway Department Foreman Don Vachon, Skip Fadden, several other members of the public.

Call to Order/Pledge of Allegiance

Chair Jarvis called the meeting to order at 7:03 pm. Chair Jarvis informed the public that the Land Use Clerk would be transcribing the minutes and asked members of the public to identify themselves when speaking and to please speak clearly.

Selectman Kratovil led the group in the Pledge of Allegiance.

Public Hearing – Proposed Fee Increases

At 7:06 pm Chair Jarvis opened the public hearing on proposed fee increases pursuant to RSA 41:9 a. Chair Jarvis informed the public the first proposal is to increase the fee for newspaper notices from \$50.00 to \$75.00. Chair Jarvis stated currently applicants to the Planning and Zoning Boards are charged \$50.00 for newspaper notices containing their public hearing information. Chair Jarvis continued to state the cost to the Town for the notices is closer to \$75.00 some notices are close to \$100.00 depending on the amount of information contained in the notice. Chair Jarvis stated the second proposed increase is for the handling of wetlands permits. Chair Jarvis stated the proposal is to increase the fee from \$16.00 to \$17.00 due to a change in processes. Chair Jarvis stated the proposed increase to photocopies is increasing from \$0.25 to \$0.50. Chair Jarvis noted the cost is to cover the expense of the copy itself and not the time it takes for an employee to retrieve the information.

Chair Jarvis opened the hearing to public comment. David Bickford stepped forward and stated he understood the proposed increases to the fees charged for newspaper notices and wetlands permits. Mr. Bickford stated he didn't, however, understand the increase in the cost of the copies. Mr. Bickford noted the increase is a 100% increase and didn't believe the actual cost for a piece of paper and toner is \$ 0.50. Mr. Bickford asked if an analysis of the cost was done. Mr. Bickford continued to state if an analysis has been done and the cost truly is \$0.50 then he would be in favor of the increase, otherwise, he felt the cost was too steep. Chair Jarvis stated an analysis has not been done. Chair Jarvis continued to state that she has been paying \$0.50 for copies from the

State government for quite some time and did not feel \$0.50 for a copy was an unfair cost. Chair Jarvis asked if anyone else in the audience cared to comment on the increase. Audience member Skip Fadden asked what department of the State was charging \$.50 for copies. Chair Jarvis stated she has gotten copies primarily from the Department of Health & Human Services. Discussion continued regarding the cost of copies. Selectman Kratovil suggested the Town Administrator research how many copies are made for customers and determine what it costs the Town for the copies. Town Administrator Jeremy Bourgeois stated he didn't believe the Town employees are keeping track of how many copies are being made for customers and how many copies are made for Town business. Selectman Swenson suggested, in order to move forward with the public hearing, more research could be done on the cost of copies and the Selectmen could act on the other two items. Selectman Swenson suggested simply finding out how many copies are made and dividing that by the amount the Town is expending on copies and that should determine the cost per copy which can then be compared to the commercial rate.

Planning Board member Dot Veisel suggested increasing the newspaper notice cost to \$100.00 instead of \$75.00. Selectman Swenson stated as Selectmen's Representative to the Planning Board he does remember that the original suggestion by Amy Smith, Land Use Clerk, was to increase the fee to \$100.00. Selectman Swenson continued to state he believes Ms. Smith, at a subsequent meeting, stated she had reformatted the notices and with the revised format \$75.00 was the average cost of notices. Chair Jarvis closed the public input portion of the public hearing.

Chair Jarvis made a motion to increase the fee charged for newspaper notification from \$50.00 to \$75.00 and the fee charged for wetlands permits from \$16.00 to \$17.00. Selectman Kratovil seconded the motion. The motion was unanimously approved.

Chair Jarvis made a motion to recess the discussion and public hearing on the increase of paper copies from \$0.25 to \$0.50 until 15 July 2013 at 1:00 pm. Selectman Kratovil seconded the motion. The motion was unanimously approved.

Public Forum

Chair Jarvis asked if there was anyone who wished to speak about an item not on the agenda. There was no public comment.

Agenda Review

Chair Jarvis stated she wished to add 'Request from Library Trustees', 'Request for Abatement', and 'Involuntary Merger' under "New Business" and 'Highway Garage RFP' under "Old Business".

Department Reports

Police Department

Police Chief Shawn Bernier stepped forward and submitted a document listing the 'Outside Detail Rate' Police Officers from surrounding Towns are being paid. Chief Bernier pointed out New Durham's Officers are being paid considerably less than most of the surrounding Towns. Chief Bernier explained what outside detail is and how it works. Chief Bernier stated if a utility company, for example, needs an Officer to direct traffic this is the rate the company would pay the Town for the Officer. Chair Jarvis noted New Durham's rate is the lowest with the Officer receiving \$37.00 per hour, an Administrative cost of \$18.00 per hour, with a total cost of \$55.00 per hour. Chief Bernier stated he would like to request the Selectmen increase the Officer's rate to \$42.00 per hour increasing the total rate to \$60.00 per hour. The Selectmen agreed to look over the information and discuss it further at the 15 July 2013 meeting.

Chief Bernier updated the Selectmen on some recent crimes in New Durham. Chief Bernier stated in one of the cases the suspect fled out the back and into the woods and New Durham Officers had to wait for close to an hour before a canine unit arrived. Chief Bernier pointed out that a suspect having an hour head start puts his Officers at a disadvantage. Chief Bernier stated he spoke with his Officers and asked what would help them with these crimes. The response from a majority of Officers was a canine unit. Chief Bernier asked the Selectmen if he could contact the Working Dog Foundation to apply for a grant to purchase a canine unit which is partly trained. Chief Bernier stated the grant is a 100% grant. Chief Bernier stated a department does have to be a member of the Working Dog Foundation to be eligible for the grant and the cost of membership is \$500.00. Chief Bernier stated he was a member in the past but currently is not and noted he does have the money in his budget. Selectman Swenson asked what the cost to the Town for things like dog food, vet bills, etc. would be once the dog is acquired. Chief Bernier stated the big cost would be dog food and estimated this to be \$500.00 per year. Chief Bernier stated in his experience veterinarians usually donate the cost of their services for police dogs but did point out that he has not spoken with any vets. about this yet. Chief Bernier stated he would train the dog and then pass the dog on to an Officer.

Audience member Dot Vesiel pointed out that canine units not only track criminals they can help locate lost children or elderly. Discussion followed. Selectman Swenson asked Chief Bernier to further research to see if the addition of a canine unit could be made without an increase to the Police Department's budget. Chair Jarvis stated she would like information on how much overtime, if any, has been paid to Officers as a result of waiting for a canine unit. The Selectmen agreed to discuss this issue again at their 15 July 2013 meeting.

Highway Department

Selectman Swenson updated Board members on the Highway Department Seasonal Position. Selectman Swenson stated the applicants were narrowed down to 3 individuals who were

interviewed by an interview panel consisting of 2 representatives from the Highway Department, the Town Administrator, and himself as Selectmen's Representative. Selectman Swenson stated after the interview process, an individual had been selected to be offered a conditional offer of employment. Highway Foreman Don Vachon gave a brief rundown of the individual's qualifications. Selectman Kratovil suggested any in depth discussion regarding this individual should be done in non-public session.

Mr. Vachon stated he has a purchase order from All States Asphalt for chip sealing one mile of Kings Highway for \$28,500.00. Mr. Vachon requested the Selectmen waive the purchase policy as this bid is a State bid and came in at the lowest price. Selectman Swenson asked if this was in the Highway Department's approved budget. Mr. Vachon stated it is. Highway Department Office Manager Cathy Orlowicz stated the project is covered under Warrant Article 8.

Selectman Kratovil made a motion to waive the Town's purchase policy due to the fact that the All States Asphalt bid is a State bid and came in at the lowest price, and to award the bid for chip sealing of Kings Highway to All States Asphalt for the amount of \$28,500.00.

Selectman Swenson seconded the motion. The motion was unanimously approved.

Chair Jarvis noted the Purchase Order Number is 0198.

Memo – Re: Town Forester

Chair Jarvis stated the Selectmen had received a memo from the Conservation Commission requesting they contract with a Forester. Chair Jarvis stated the long time Town Forester has retired and the Town is without a Town Forester at this time. Chair Jarvis explained the function of the Town Forester. There was discussion regarding ways to avoid any conflicts of interest regarding work the Forester may have done for a private individual and his role as Town Forester. Chair Jarvis suggested the Town Administrator contact UNH Extension Cooperative to get a list of qualified Foresters and then have him send letters to the individuals to see if anyone is interested in serving as the Town Forester. Selectmen Kratovil and Swenson agreed this was a good idea. Audience member David Bickford asked Chair Jarvis to read the memo from the Conservation Commission. Chair Jarvis read the memo aloud. Selectman Kratovil asked Mr. Bourgeois to check to see if the Town Forester needed to be certified.

Town Administrator Vacation

Chair Jarvis reminded Board members that Mr. Bourgeois would be on vacation from 4 July 2013 until 12 July 2013. Chair Jarvis stated she was able to come in periodically to check phone messages and mail. Chair Jarvis stated if the other Selectmen would like to assist they are welcome to. Chair Jarvis noted MRI would be available for consult on more complex issues.

Parks & Recreation Commission Nomination – Patricia Luckern

Chair Jarvis stated the Board had received an e-mail from Parks & Recreation Commission Chair Kristyn Bernier stating the Commission has nominated Patricia Luckern as a Commission member. Ms. Bernier's e-mail is requesting the Selectmen appoint Ms. Luckern as a Parks & Recreation Commission member and that they waive the vetting process. The Selectmen reviewed the e-mail. Chair Jarvis stated she knew Ms. Luckern and has worked with her in the past when they were both on the New Durham Fire Department. Audience member Dot Veisel stated as a member of the Parks & Recreation Commission she would also like to respectfully request the vetting process be waived. Ms. Veisel noted she has also known Ms. Luckern for years and spoke of her contributions to the Town. Ms. Veisel added that she believed Ms. Luckern would be a valuable asset to the Parks & Recreation Commission. Audience member David Bickford stated he did not believe there is any urgency to appoint Ms. Luckern as a Commission member and stated she would be welcome to attend the meetings prior to the completion of the vetting process. Mr. Bickford stated he has spoken with Ms. Luckern and stated she (Ms. Luckern) did not have an issue with waiting until after the vetting process to be appointed. Chair Jarvis stated it is not Ms. Luckern who requested the waiver but Parks & Recreation Chair Kristyn Bernier who requested it and it was just echoed by Commission member Dot Veisel. Brief discussion followed.

Selectman Swenson made a motion to appoint Patricia Luckern to the position of Parks & Recreation Commissioner based on the recommendations heard and waiving the vetting policy. Selectman Kratovil seconded the motion. The motion was unanimously approved.

Milfoil & Invasive Aquatic Plant Committee Nomination – Wayne Glidden

Chair Jarvis stated this item is not on the agenda but the Board has received a request from the Milfoil & Invasive Aquatic Plant Committee that Wayne Glidden be appointed.

Chair Jarvis made a motion to appoint Wayne Glidden to the Milfoil & Invasive Aquatic Plant Committee following the normal vetting process. Selectman Swenson seconded the motion. The motion was unanimously approved.

Library Trustees Request

Board members reviewed an e-mail from Library Trustee Joan Martin requesting the Selectmen authorize the expenditure of \$300.00 for the cost of four gallons of stain, brushes, and tape to stain one side of the Library. The e-mail states the work will be done by volunteers and the plan is for a four year project with one side of the Library being done each year. The funds would come from the Town Building Improvement Expendable Trust Fund.

Chair Jarvis made a motion to appropriate \$300.00 to come from the Town Building Improvement Expendable Trust Fund for the purchase of stain, brushes, and tape to stain

one side of the Library. Selectman Kratovil seconded the motion. The motion was unanimously approved.

Local Government Center Letter

Chair Jarvis stated Board members should all have a copy of a letter from LGC regarding Health Trust Return surplus amounts. Chair Jarvis stated she would like Board members to review the letter and be prepared to discuss the matter at the 15 July 2013 meeting. Chair Jarvis asked Mr. Bourgeois to check into the dental portion of the surplus amount.

Emergency Operations Plan

Chair Jarvis stated at the last meeting Ken Quigley, the Emergency Management Director, and the Deputy Director Cameron Quigley came forward with a revised Emergency Operations Plan. Chair Jarvis stated Selectman Kratovil, at the last Selectmen's meeting, requested any decision be put off until this meeting as he had not yet had a chance to review the plan.

Selectman Kratovil made a motion to approve the revised Emergency Operations Plan. Selectman Swenson seconded the motion. The motion was unanimously approved.

Chair Jarvis noted there is a form in the Town Administrator's Office which all Selectmen must sign stating they have reviewed the plan. The document is then forwarded to the appropriate State and Federal Agencies.

Abatement – Map 261 Lot 001

Chair Jarvis stated the Town Administrator has received a request from the Tax Collector requesting the Selectmen approve the abatement of \$1.00 for the 2013 property taxes that are applicable to the State of New Hampshire for Map 261 Lot 001.

Chair Jarvis made a motion to abate the amount of \$1.00 for the State of New Hampshire for Map 261 Lot 001. Selectman Swenson seconded the motion. The motion was unanimously approved.

Revised RFP – Transfer Station

Chair Jarvis stated at the last meeting there was a request to approve the revised RFP for the Transfer Station as the current contract expires on 31 December 2013. Selectman Swenson stated he has some questions and concerns regarding the RFP which he would like to clarify with Mr. Bloskey and Ms. Orlowicz and requested a decision be postponed until 15 July 2013. Selectman Kratovil suggested some wording changes to the document.

Highway Facility Addition & Re-Roof of Existing Building & Addition

Board members reviewed the proposal for the Highway Facility Addition & Re-Roof of Existing Building & Addition. Chair Jarvis stated all funding for the addition and roofing of the addition would come from the Capital Reserve Fund established in 2007 for that purpose. The funding for the re-roofing of the existing building would come from the Town Building Improvement Expendable Trust Fund. Selectman Kratovil suggested doing an operational needs study of the project. Chair Jarvis stated the cost of a study was not included in this year's budget therefore it would need to be included in the 2014 budget which would mean this project would be pushed out until at least this time next year. Selectman Kratovil stated a study would show whether or not there is an actual need for the project. Selectman Kratovil continued to state if the study shows a need for the addition then he would be in favor of the project. Discussion followed. Chair Jarvis stated there is a safety issue with the location of the current furnace and it needs to be addressed. Selectman Kratovil agreed that the furnace issue needs to be corrected. Ms. Orlowicz stated she is the person who is subjected to the fumes and has to leave a window open in the winter so she can have some air. Ms. Orlowicz implored the Selectmen to act on the issue and not continue to put it off. Chair Jarvis stated as an employer the Town has a legal and ethical obligation to ensure a safe work place. Chair Jarvis proposed modifying the RFP to include a bid on the cost of the addition for the furnace room and items necessary to resolve the furnace issue; a bid on the cost of re-roofing the existing building and roofing the addition over the furnace room; and a bid on the cost of adding the additional space to include an extra bay to be utilized by the Equipment Mechanic and the cost to roof it. Ms. Orlowicz asked if she should request a bid for all 3 options combined. Board members stated yes. Chair Jarvis asked Ms. Orlowicz to have the document prepared for the 15 July 2013 meeting.

Town Hall Basement

Chair Jarvis stated at the Selectmen's last meeting replacing the bulkhead and the addition of stairs for the purpose of using the basement for storage was discussed. Chair Jarvis stated the mold issue had reoccurred as the basement was never sealed. Chair Jarvis stated the Town Administrator was given a figure by the Code Enforcement Officer of \$2,800.00 to point and seal the basement. Selectman Kratovil asked what the previously given \$855.00 figure was for. Chair Jarvis stated that was for the bulkhead and stairs. Selectman Kratovil asked if this would cause a problem with the budget. Chair Jarvis stated no and continued to state the funds would be coming from the Town Building Improvement Expendable Trust Fund.

Selectman Swenson made a motion the Town Administrator inform the Code Enforcement Officer to move forward with the basement project, which consists of pointing and sealing the basement for a cost of \$2,800.00 and the replacement of the bulkhead and an addition of stairs for the cost of \$855.00. Chair Jarvis seconded the motion. The motion was unanimously approved.

Camp Pride Road Letter

Chair Jarvis stated at the Board's previous meeting they had received concerns from members of the Merrymeeting Lake Eastern Shore Association regarding Camp Pride Road. Chair Jarvis stated Mr. Bourgeois has received another letter of concern. Board members reviewed the memo. Chair Jarvis stated Land Use Clerk Amy Smith has collected information from old Planning Board files regarding the situation. Chair Jarvis stated she would like to see a timeline created to see what, when, and how things transpired.

Letter from Atty. Cirone Re: Austin Kovacs – Map 108 lot 048

Board members reviewed a letter from Atty. Cirone representing Austin Kovacs regarding lots that were involuntarily merged due to their nonconforming status. The letter is requesting the lots be returned to their pre-merger status. Board members also reviewed RSA 674:39-aa which governs the restoration of involuntarily merged lots. Selectmen Swenson and Chair Jarvis agreed that based on the evidence submitted the lots were involuntarily merged. Chair Jarvis asked Mr. Bourgeois to check with the Local Government Center to see if there is specific language that must be used when a motion is made to return lots to their pre-merger status. Selectman Kratovil suggested due to the generality of LGC's responses the Town Attorney should be asked instead. Chair Jarvis felt LGC should be asked first and if the Board did not like the response they could check with the Town Attorney. Chair Jarvis stated she didn't see the point of spending money if they didn't have to. Selectman Swenson agreed.

Map 234 Lots 043 & 044

Chair Jarvis stated at a previous Selectmen's meeting there was discussion regarding Map 234 Lots 043 & 044 which was taken by the Town in 2013 for non-payment of taxes. Chair Jarvis stated the previous owner had requested they be allowed to purchase the property back. Chair Jarvis stated the amount of back taxes and associated fees have been received by the Town.

Chair Jarvis made a motion to sell Map 234 Lots 043 & 044 back to the previous owner for the full amount of back taxes and penalty equaling \$2,443.64. Selectman Kratovil seconded the motion. The motion was unanimously approved.

Other Business

Chair Jarvis asked if anyone had any other business they would like to discuss. Selectman Kratovil asked the Board to think about the proposed renovation of the first floor of the Town Hall and what would be the best and most practical use of the building.

Minutes

Board members reviewed the minutes of 10 June 2013. Board members made various corrections to the minutes. **Selectman Kratovil made a motion to approve the minutes of 10 June 2013 as amended. Selectman Swenson seconded the motion. The motion was unanimously approved.**

Board members reviewed the minutes of the non-public session of 10 June 2013. Board members made various corrections to the minutes. **Chair Jarvis made a motion to approve the minutes of the non-public session of 10 June 2013 as amended. Selectman Swenson seconded the motion. The motion was unanimously approved.**

Board members reviewed the minutes of 19 June 2013. Board members made various corrections. **Selectman Kratovil made a motion to approve the minutes of 19 June 2013 as amended. Chair Jarvis seconded the motion. The motion was unanimously approved.**

Board members reviewed the sealed minutes of the 26 June 2013 non-public session. Selectman Kratovil stated he was not present at this meeting so he would abstain from making any decisions. Chair Jarvis suggested since 2 of the 3 Selectmen were not present at the meeting they should vote to accept the minutes as opposed to approving them. **Chair Jarvis made a motion to accept the sealed minutes of the 26 June 2013 non-public session. Selectman Swenson seconded the motion.**

Discussion followed. Selectman Kratovil stated he is still not comfortable taking action on the minutes as he was not present. Selectman Swenson suggested postponing any action on the minutes until the Board receives an opinion from MRI or LGC. Chair Jarvis withdrew her motion pending a legal opinion.

Future Meetings

Chair Jarvis stated the next Selectmen's meeting will be 15 July 2013 at 1:00 pm at the Fire Station Community Room.

Public Comment

Audience member Skip Fadden suggested going back to the old format of the agenda which allowed for a period of public comment at both the beginning and end of the meeting. Chair Jarvis asked if he is suggesting that public comment be allowed only at the beginning and end of the meeting and not as various topics are being discussed. Mr. Fadden responded no.

Mr. Fadden also asked why the current Fire Chief is being replaced at this time. Chair Jarvis stated the Townspeople voted at the 2008 Town Meeting to appoint a Fire Chief for a 3 year term. Mr. Fadden asked when the last time the current Fire Chief was appointed. Chair Jarvis stated he was last appointed in May or June of 2009. Chair Jarvis continued to state the current Fire Chief's appointment expired in May or June of 2012 and since that time he has been an at-will employee. Mr. Fadden stated he felt the current Fire Chief runs the Fire Department well and is respected by his Department.

Audience member David Bickford stated he thought he heard earlier in the meeting that Mr. Bourgeois would not be taking minutes. Chair Jarvis stated this is correct and noted Cathy Allyn, who used to take the minutes, has asked for a leave of absence due to some family issues. Chair Jarvis stated Amy Smith will be transcribing minutes from the DVD of the meeting until Ms. Allyn returns.

Non-Public Session

At 10:02 pm Chair Jarvis made a motion to enter non-public session pursuant to RSA 91-A:3 II (b) - the hiring of any person as a public employee and RSA 91- A:3 II (c) - to discuss matters, which if discussed in public, would likely adversely affect the reputation of another person other than a member of this Board. Selectman Kratovil seconded the motion. A roll call vote was taken: Kratovil – Aye; Swenson – Aye; Jarvis – Aye.

At 10:31 pm Chair Jarvis made a motion to exit non-public session. Selectman Kratovil seconded the motion. The motion was unanimously approved.

While in nonpublic session, the Board discussed the hiring of a public employee, a tax lien abatement, and the scheduling of the Fire Chief finalists interviews.

At 10:37 pm Chair Jarvis made a motion to adjourn. Selectman Swenson seconded the motion. The motion was unanimously approved.

Respectfully submitted,

Amy Smith
Recording Secretary