

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Town Hall**  
**November 3, 2014, 7:00 p.m.**

**Present:**

Chairman David Swenson  
Selectman David Bickford  
Selectman Theresa Jarvis

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Jennifer Riel, Recording Secretary  
Corky Mork, Videographer  
Catherine Orlowicz, Town Historian & Boodey House Committee Chair  
Rudy Rosiello, Resident  
Greg Anthes, Resident  
Keith Fletcher, Moose Mountain Regional Greenways

**Call to Order**

Chair Swenson called the meeting at 7:00p.m.

**Appointments/Announcements**

None.

**Public Input**

None.

**Agenda Review**

Selectman Jarvis stated she would like to add under Old Business: review of the Board of Selectmen goals/accomplishments to date.

Selectman Bickford stated he has a fact sheet on social security rates for review under Old Business.

Chair Swenson stated he wants to add under Old Business: election coverage.

Chair Swenson stated he wants to add under New Business: compensation analysis and rate comparison; Department of Revenue Administration assessment certificate.

**Department Reports/ Issues**

No department heads were requested to present.

**Town Administrator's Report**

Town Administrator Bourgeois stated he received a quote for the gasoline fuel pump from Portland Pump Company. It is in the amount of \$4,625 for the new gasoline pump.

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He asked the Board of Selectmen to amend their October 6 vote on the card system that was presented as he has since learned the department heads prefer a different system.

Town Administrator Bourgeois stated the Capital Reserve Fund Balance is \$20,018. Town Administrator Bourgeois asked the Board of Selectmen to authorize himself and Chair Swenson to spend up to \$20,000. Town Administrator Bourgeois explained the Fuelmaster System would be about \$15,000.

Chair Swenson summarized the Board of Selectmen approved the expenditure of \$12,295 for the fuel pump replacement. He stated the department heads have now come back with their recommendations for a different system, which would be in the amount of \$19,907 which additionally includes a pump replacement. Town Administrator Bourgeois stated he received three different quotes today for different systems but he has not had a chance to specifically discuss these with the department heads. He stated approval for up to \$20,000 would cover any of them.

Selectman Jarvis stated there is sufficient money in the Capital Reserve Fund and thinks they should start with a new gas pump. She has no issues spending up to the \$20,000, which had been the target figure for the fuel pump replacement.

Selectman Bickford asked why the cost was so much higher than previously. Town Administrator Bourgeois explained multiple vendors could service the other systems. He summarized the total cost would include a new card system as well as a new pump for gasoline. It would also be within the Capital Reserve Fund balance.

**Selectman Jarvis made a motion to rescind the prior Board of Selectmen motion regarding the fuel pumps, and to authorize Town Administrator Bourgeois and Chair Swenson to finalize the specifics of the purchase of a gas pump and a fuel card system, with the amount not to exceed \$20,000 and to authorize Chair Swenson to sign whatever papers are necessary. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Town Administrator Bourgeois stated the Spaulding Hill Networks contract for IT maintenance should be finalized soon. He will be meeting with their account manager from the company soon to go over what is needed in Town.

Chair Swenson noted he had several changes in the draft agreement particularly with regards to the termination clauses.

Selectman Jarvis asked Town Administrator Bourgeois when he would get the list of the five and ten panel drug testing. Town Administrator Bourgeois replied he is still waiting on a response.

**Old Business**

**Committee Policy – Final Approval**

Chair Swenson stated the latest draft was submitted to Town Counsel for comment. The response from Town Counsel was reviewed and minor wording changes were suggested.

Additional changes were discussed and edits made.

**Selectman Bickford made a motion to adopt the New Durham Policy on Appointed Boards, Committees and Commissions appointed by the Board of Selectmen as of November 3, 2014. Chair Swenson seconded the motion.** Selectman Jarvis stated she feels this is overkill for reappointments particularly for those who are required to be reappointed on an annual basis. **Motion passed, 2-1. Selectman Jarvis opposed.**

**Drug Policy – Final Approval**

The draft policy was reviewed and discussed. Chair Swenson stated Town Counsel reviewed the draft policy and had no further recommendations.

**Selectman Jarvis made a motion to approve the Alcohol and Drug Policy for the Town of New Durham as presented at the November 3, 2014 Board of Selectmen meeting. Chair Swenson seconded the motion.** Discussion: Selectman Bickford noted this all started when Mr. Anthes asked if employees are drug tested when applying for employment. Selectman Bickford stated he thought the alcohol testing was a waste of money and didn't see a need for the alcohol portion. Chair Swenson stated this further defines the current personnel policy.

Greg Anthes, resident, stated his question is how the current employees are covered. Chair Swenson replied there is a drug policy under the current personnel policy that covers all current employees. Selectman Jarvis noted that if there is reasonable suspicion, current employees may be drug tested.

Mr. Anthes stated there is also no note of the American Disabilities Act. Chair Swenson asked him to clarify his question. Mr. Anthes stated that if the Town requests a current employee to be tested and they fail, it puts the Town in a position of having to pay for rehab. Chair Swenson stated that is no different than how it is under the current policy. Chair Swenson stated the draft policy has been reviewed by legal counsel to ensure compliance with all laws.

Mr. Anthes asked if current employees have been drug-tested. It was clarified that no previously hired employees have been drug tested unless there is reasonable suspicion as to unfitness for duty. Chair Swenson stated he would not even consider drug-testing employees without reasonable suspicion. Selectman Jarvis stated they cannot retroactively drug-test employees. Mr. Anthes questioned why not. Selectman Jarvis clarified that what Mr. Anthes is asking is to have 53 or more employees subjected to drug testing. She stated the only employees that are required for random drug testing are those in the highway department with CDL licenses.

Catherine Orlowicz asked if they belong to a pool where those individuals who hold CDLs are randomly tested and stated she thought it was a condition that when going through hiring the police officers, they were required to pass. Chair Swenson replied yes, the Police Department does have specific things they are looking for. It was also noted that police standards requires drug-testing for police officer certification although officers hired are not directly tested by the Town. Mrs. Orlowicz stated her point is there are drug-testing policies in place.

Mr. Anthes stated this doesn't address his question. Chair Swenson stated he doesn't like the direction that is being insinuated by Mr. Anthes' questions and asked Mr. Anthes if he has information about an employee who may have a drug problem. He stated that if Mr. Anthes has factual proof, he strongly encourages him to address it in a non-public meeting with the Town Administrator. Mr. Anthes stated he thinks there are some departments that should have across-the-board drug testing, particularly the ones that involve heavy equipment, driving at high speeds or are in people's homes.

Chair Swenson clarified the Town of New Durham has had a drug and personnel policy for a number of years. This new policy was drafted in order to more specifically address how issues would be handled as well as pre-employment testing for all new employees. Chair Swenson stated this policy has been reviewed by Town Counsel and there were no further suggestions or comments.

Selectman Bickford stated they can come back to look at other things if they need to. Selectman Jarvis encouraged everyone to be aware of the court cases that have come down in favor of employees, particularly when trying to implement something that is not universal for all employees.

**Motion passed, 3-0.**

**Committee Fundraising Policy**

Catherine Orlowicz, Town Historian & Boodey House Committee Chair, presented information regarding how Paypal account fundraising works. She stated the committee has researched how other communities and fundraising groups handle the process. Copies of their policies were reviewed and discussed.

Chair Swenson asked if the entities collecting the funds are subject to the town's audits. Mrs. Orlowicz stated she does not know. Chair Swenson asked Town Administrator Bourgeois to research the answer to that question. Mrs. Orlowicz stated that when you receive a donation, notification is sent to the receiver along with a breakdown of the fees.

Selectman Jarvis stated the key to this being successful is that any donations given electronically go to an account that is under the control of the Finance Officer and the Town Treasurer.

Town Administrator Bourgeois provided a draft of a fund raising policy and it was reviewed. It was agreed edits and revisions were needed. Town Administrator Bourgeois noted that any money collected under the Town's name is going to be subject to the audit. Mrs. Orlowicz confirmed that currently anything received by the committee is recorded and goes directly to the Treasurer.

Chair Swenson asked if the committee has a timeline they hope to have this policy in place. Mrs. Orlowicz stated she is hoping to have it sooner rather than later so they can start fundraising.

Mr. Anthes asked about in-kind services. Mrs. Orlowicz stated paperwork is filled out so individuals can take it as a charitable contribution.

Rudy Rosiello, resident, stated his only concern is how the finances are handled in the background. He stated he expects the Town to take responsibility for it. Chair Swenson concurred.

#### **Ethics Letter – Posting on Web**

Chair Swenson stated that at the request to have a letter posted to the website, Town Administrator Bourgeois had this issue reviewed by legal counsel of New Hampshire Municipal Association. The response was reviewed. It was noted there is no legal difference between publication of the letter with the meeting minutes versus posting the letter on the Town's website.

Selectman Bickford asked if it was the intent of the Board of Selectmen to have the letter to an employee posted on the website. Selectman Jarvis replied she thought having the letter attached to the minutes was sufficient and stated Selectman Bickford asked to have his letter posted. Selectman Bickford replied it was his understanding the letter to the employee was going to be posted and thought it was only right his letter was too so people could understand what was going on. Selectman Jarvis stated they need to keep in mind that the letter was read with written permission of the employee. She stated that to start posting letters and publishing complaints would bring tremendous legal issues. Selectman Bickford stated it sounded like they were going to set up a webpage to start posting complaints and letters. Chair Swenson and Selectman Jarvis replied that was never said.

Chair Swenson summarized this is a result of a comment made a few meetings ago whether a letter could be read at the meeting and whether permission was given by the employee. It was noted the employee gave permission for the letter to be read prior to Selectman Jarvis doing so at a public meeting. Town Administrator Bourgeois stated it was not his impression that the letter would ever be posted to the web but he was requested by the Board of Selectmen to clarify.

#### **Citizen Complaint Procedure**

Chair Swenson stated this was briefly discussed at a prior Board of Selectmen meeting and since that time Town Administrator Bourgeois has developed a draft of a complaint

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form. Chair Swenson stated it was developed to provide individuals in Town with a way to formalize a complaint or concern. He stated they cannot require that the form be used but it will be helpful in recording and identifying the complaint. It was reviewed and discussed.

Chair Swenson asked if the Board of Selectmen wants to formalize the procedure in this type of form. Selectman Bickford replied that by law citizens do not need to fill out a form. Chair Swenson stated it would be helpful to ensure complaints are recorded properly even though complainants can't be required to fill it out. Selectman Jarvis stated it would be helpful for people in trying to provide information. She stated she would also be in favor of having a log of citizen complaints and whoever is responsible for reviewing the log to send feedback to the Town Administrator.

It was agreed by consensus that the form may be useful even though its not required. Edits were suggested and agreed upon. Town Administrator Bourgeois will bring a draft to the next meeting.

**Social Security**

Selectman Bickford presented for general information on social security changes which he miss-stated at the last meeting. The correct amount is 1.5% not 1.7%.

**Board of Selectmen Goals**

Chair Swenson stated Selectman Jarvis has been working on a summary of the 2014 Board of Selectmen Goals. The summary of the 2014 accomplishments was distributed and reviewed. Selectman Jarvis outlined these and it was noted this is available for public review. Chair Swenson stated it shows good progress for what they have been working on this year.

*See attached.*

**Part Time Police Applications**

Chair Swenson asked Town Administrator Bourgeois what the schedule is for setting up interviews. Selectman Jarvis replied they typically start with the physical agility test and then the individuals who successfully pass, go on to the interview process. Town Administrator Bourgeois stated he would check with Police Chief Bernier on the status.

**New Hampshire Department of Labor Inspection**

Town Administrator Bourgeois stated the Joint Loss Committee and himself met with the New Hampshire Department of Labor today. Town Administrator Bourgeois stated they went through the list of non-compliance issues and discussed the statuses. He stated he would be able to provide information for the next meeting. Chair Swenson asked Town Administrator Bourgeois to provide information on comments and remedies that are planned along with the due date.

**Request from Webster Selectman**

Chair Swenson stated that in response to a request from a Webster selectman regarding school funding as a warrant article, Town Administrator Bourgeois was going to do some further background research. Town Administrator Bourgeois stated he has contacted the selectman and received a response that he would forward to the Board of Selectmen.

**General Information**

Chair Swenson stated that as an F.Y.I., Corkey Mork, the videographer, is part of a production of *Suessical the Musical*. The production is going to be presented by the Village Players in Wolfeboro on November 14 & 15 at 7:30p.m., November 16 at 2:00p.m. and November 21 & 22 at 7:30p.m.

**New Business**

**Timber Forest Follow-up/Walk-Through**

Town Administrator Bourgeois stated Peter Farrell requested an informational walk-through with the Board of Selectmen to examine the harvested area, as well as a possible walk-through of the balance of the forest.

Chair Swenson summarized the Town owns some lands that are potentially harvestable and asked if the Board of Selectmen wish to proceed in pursuing that opportunity.

Selectman Jarvis stated she would like to continue in order to ensure that the forest becomes an ongoing, viable consideration for the Town. She stated that when they did the forest management plan a few years ago, Mr. Farrell talked about how after doing the harvest, they may need to replant. Selectman Bickford stated they don't need to do any replanting. He stated last year a portion was logged and not the entirety. Selectman Jarvis stated other potential areas have been outlined.

Chair Swenson asked if there is a list of all Town owned properties that are harvestable. Town Administrator Bourgeois stated he would find out. Chair Swenson suggested getting an opinion on the harvestability of the properties and he would be interested in walking the properties with Mr. Farrell for informational purposes.

Chair Swenson summarized the discussion with what needs to be done: a) get a listing of Town-owned properties for potential timber harvesting; b) communicate to Mr. Farrell the Board of Selectmen's interest in walking the properties and c) there is a consensus to move ahead with continued timber harvesting. Selectman Jarvis suggested that even if they can't all walk the properties with Mr. Farrell, perhaps he could come to a Board of Selectmen meeting with his recommendations.

**Thompson Easement**

Chair Swenson stated this is in follow up to a request for an easement presented a couple months ago. He stated there were some comments back and forth between Town Counsel, and attorneys for the Conservation Commission and Moose Mountain Regional Greenways. The easement is now ready to be signed by the Board of Selectmen.

It was agreed by consensus to sign the easement based on the approval by Town Counsel.

The documents were signed and notarized by Carole Ingham, Town Clerk/Tax Collector.

**Tax Payment Application Review**

Selectman Jarvis stated an application for request for a tax payment plan was developed a couple years ago in order to process the requests objectively rather than subjectively. She stated she has made some updates to the document in conjunction with Laura Zuzgo, Welfare Clerk. She noted some of the minimum and maximums are set by the federal government and outlined some suggested changes.

Chair Swenson asked if this would be part of the welfare documents. Selectman Jarvis replied it is something that would be used in the tax payment plan process. She stated it is something that needs to be reviewed every August in order to keep up with federal guidelines. Selectman Bickford asked who is responsible for administering this. Selectman Jarvis replied it is given to individuals when they request a tax payment plan. After the application is complete, they will sit down with the Town Administrator to review. Then the Town Administrator will come before the Board of Selectmen with recommendations based on the application and supporting documents.

It was agreed to use this as part of the analysis in setting up tax payment plans.

**Department of Revenue Administration Assessment Certificate**

Chair Swenson stated the Town received a letter dated October 31 from the Department of Revenue Administration. He stated it was a certificate that needs to be signed relative to the 2014 Equalization Municipal Data Certificate, due to be returned by December 15.

Chair Swenson asked Town Administrator Bourgeois to keep this on the agenda until more information is received and a response can be made.

**Municipal Resources, Inc. Contract**

Chair Swenson stated this is a follow up to a discussion at the last Board of Selectmen budget meeting as to whether they would continue with a contract with Municipal Resources, Inc. for the Town Administrator. He stated the reason for discussion was the budget numbers and account lines could potentially change. Chair Swenson explained the current agreement is under the contract system line. If the Town hired their own Town Administrator as opposed to utilizing Municipal Resources, Inc. services, the costs would go under the salary line and there would be changes in the benefits lines.

Selectman Bickford stated he thinks the first step is to go into non-public meeting to discuss this with Town Administrator Bourgeois.

Selectman Jarvis stated another question is whether the Town wants to remain with Municipal Resources, Inc. for administrative services or hire a Town Administrator as an employee.

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Chair Swenson stated the current agreement with Municipal Resources, Inc. concludes December 31, 2014 with a 30-day notification period, which would have been December 1, 2014. He stated the first decision to be made is whether to continue with Municipal Resources, Inc.

Selectman Jarvis stated they have been with Municipal Resources, Inc. for approximately four years and feels it is time to hire their own Town Administrator. She stated that at the time they started with Municipal Resources, Inc., they weren't sure if a full time individual was needed but it has since been determined to be necessary. Selectman Jarvis stated she reviewed a summary by the New Hampshire Municipal Association of salary activities of comparable communities. She stated the salary range for towns with town managers goes from \$63,800 to \$67,000 in 2012. Towns that have town administrators have salaries ranging from \$47,840 to \$83,888. It was noted these do not include benefits.

Selectman Bickford stated what he likes about Municipal Resources, Inc. is he knows what the costs are going to be and they won't get hit with changes in benefits.

Chair Swenson stated they have used the additional eight hours provided by Municipal Resources, Inc. as a resource and it is a nice service to be able to call on. He stated that Don Jutton did not provide adequate explanations of what those hours consisted of and suggested that if they continue with Municipal Resources, Inc., those communications should be improved.

Chair Swenson stated there is an additional positive from his point of view in continuing with Municipal Resources, Inc., which is that if they decide they need a different skill set, they have that opportunity through Municipal Resources, Inc. He stated that if they hire a Town Administrator on their own it may be more difficult to make that transition. Chair Swenson stated it is his opinion that they are best served if they continue with Municipal Resources, Inc. It was agreed they might not be able to save much money by hiring their own employee.

Selectman Jarvis stated she thinks it is in the best interests of the Town to hire their own Town Administrator. She stated that they would then be directly responsible to the Board of Selectmen. As it is now, Town Administrator Bourgeois reports directly to Municipal Resources, Inc. Selectman Jarvis stated some people feel a contracted employee can't be loyal to the town before their company of employment.

Chair Swenson stated Selectman Jarvis comments relative to loyalty is highly dependent on the entity's viewpoint of customer service and the individual's skill set and opinion of customer service. He stated that if Municipal Resources, Inc. and the Town Administrator involved were so short sighted they put their own interests ahead of the town, taxpayers and what the Board of Selectmen have asked, the termination clause would be utilized. Chair Swenson stated the Town has the ability to say when they aren't getting the service they expect, and get their own Town Administrator. Chair Swenson stated it is a responsibility of the Board of Selectmen to make sure they get the appropriate level of service expected from the Town Administrator.

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Selectman Jarvis stated she agrees it can be a problem that if they hire their own Town Administrator and things don't work out. She stated it is critical to have a good description of the position for the screening process.

Chair Swenson summarized there is majority support for continuing with Municipal Resources, Inc. Chair Swenson stated he would like to see any new agreement have a larger number of hours of support resources from Municipal Resources, Inc. beyond the eight hours per month, as well as better communications.

Chair Swenson asked Town Administrator Bourgeois to have Municipal Resources, Inc. draft an agreement for review at the next meeting. Selectman Jarvis stated she would like to see senior management available on-site as well. Chair Swenson agreed that is a valid request. Chair Swenson noted he would not be in favor of any price changes.

**Copple Crown Village District Transfer Authorization**

Town Administrator Bourgeois stated he needs more information and it was postponed to the next meeting. It was clarified it is just operational and only needs the Board of Selectmen signatures.

**Compensation Analysis**

Chair Swenson stated he has drafted an RFP with timeframes and it was briefly reviewed. He noted it is a comprehensive RFP for a market study on compensation for Town employees. It will be further discussed at the next meeting.

**Finalize Account 4130 & 4155 Budgets**

It was agreed these would be reviewed at the next budget meeting.

**Public Input**

Mr. Rosiello stated that in his dealings with Town Administrator Bourgeois, he has never gotten the impression or viewed him as a contract employee and feels he is representative of the Town.

**Approval of Minutes**

Meeting of September 4, 2014 – Public Meeting: Edits were reviewed. **Selectman Jarvis made a motion that the minutes be approved as amended. Chair Swenson seconded the motion. Motion passed, 2-1. Selectman Bickford opposed.** Selectman Bickford felt a statement about an employee in the minutes could be misconstrued and mistaken for the employee's workmanship.

Meeting of October 20, 2014, 1:00p.m.- Public Meeting: Edits were made. **Selectman Jarvis made a motion that to approve the minutes as amended. Chair Swenson seconded the motion. Motion passed, 3-0.**

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Meeting of October 21, 2014 – Public Meeting - Budget: Edits were made. **Selectman Jarvis made a motion to approve the minutes as amended. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Meeting of October 28, 2014 – Public Meeting- Budget: Edits were made. **Selectman Jarvis made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Motion passed, 3-0.**

Meetings of October 20 & 29, 2014- Public Meeting- Tax-Deeded Properties:  
POSTPONED

**Future Meetings**

November 14, 2014, 9:00a.m. – Budget Meeting, Fire Community Room.

November 17, 2014, 1:00p.m. – Board of Selectmen Meeting, Fire Community Room.

November 18, 2014, 1:00p.m. – Budget Meeting, Fire Community Room.

**Adjourn**

**Selectman Jarvis made a motion to adjourn. Selectman Bickford seconded the motion. Motion passed, 3-0.**

The meeting was adjourned at 10:45p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary