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**New Durham Board of Selectmen
Public/Non-Public Meeting Minutes
Town Hall
Thursday, February 6, 2014 & Friday, February 7, 2014**

Present: Terry Jarvis, David Swenson, Jeffrey Kratovil

Also Present: Jeremy Bourgeois-Town Administrator, David Valladares- Equipment Mechanic

Chair Jarvis called the meeting to order at 8:32 A.M.

The Equipment Mechanic joined the Board to discuss an emergency purchase in December. Selectman Kratovil asked about the vehicle's value for trade in purposes. Mr. Valladares disclosed his relationship with the vendor that did the repairs. Due to the timing of the repairs (Christmas Eve), swift action was taken to get the truck (snow plow) back onto the road as soon as possible. The Board stated in the future Department Heads should communicate with the Town Administrator regarding emergency purchases.

Selectman Kratovil made a motion to approve invoice #1497 in the amount of \$5,866.14 for the emergency repair of the Ford F550 from account #4319. Selectman Swenson seconded the motion. The motion passed unanimously, 3-0.

Chair Jarvis made a motion to enter nonpublic session at 8:43 A.M. under RSA 91-A: 3 II (a) – The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, (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. Selectman Kratovil seconded the motion. Roll Call Vote: Chair Jarvis-Aye, Selectman Swenson-Aye, Selectman Kratovil- Aye.

Selectman Kratovil asked which subjects were to be discussed in nonpublic. It was stated that the hiring of a minute taker, merit raises, and an Interim Fire Chief would be discussed. A candidate for the minute taker position joined the Board at 8:55 A.M. She left the meeting at 9:15 A.M.

A candidate for the Interim Fire Chief position joined the Board at 9:40 A.M. The Board discussed his qualifications and past experience. He left the meeting at 10:45 A.M. Selectman Kratovil recommended a hiring board. Town Administrator Bourgeois gave the Board a draft employment agreement that could be used. This agreement is to be reviewed by Town Counsel. Any agreement would be subject to a full background, motor vehicle, and reference check. Selectman Kratovil recommended a study of the Fire Department be done. Selectman Swenson responded that the Interim Chief can be tasked with doing an analysis/study of the department as part of his/her duties. He also stated that a department review would be probably in the range of \$5,000-\$10,000 and if you considered that amount across a six month appointment it's about \$7 per hour. Chair Jarvis stated that the Board should expect weekly or monthly reports from the Interim Chief regarding the department.

Due to time constraints the Board decided to recess the meeting until Friday morning.

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Chair Jarvis made a motion to leave nonpublic session at 11:41 A.M. Selectman Kratovil seconded the motion. The motion passed unanimously, 3-0.

The Chair gave an overview of what was discussed in nonpublic session.

Selectman Swenson made a motion to extend a conditional offer of employment to the minute taker candidate interviewed at \$13.15 per hour. Selectman Kratovil seconded the motion. The motion passed unanimously, 3-0.

Selectman Swenson made a motion to recess at 11:45 A.M. until February 7, 2014 at 8 A.M. Selectman Kratovil seconded the motion. The motion passed unanimously, 3-0.

Friday, February 7, 2014

The Board reconvened their recessed meeting at Town Hall at 8:04 A.M. on Friday, February 7, 2014.

Chair Jarvis made a motion to enter nonpublic session at 8:04 A.M. under RSA 91-A: 3 II (a) – The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, (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. Motion died due to a lack of a second.

Selectman Kratovil made a motion to discontinue the process to find an Interim Fire Chief and to reappoint Peter Varney as Fire Chief. Motion died due to a lack of a second.

Selectman Kratovil made some statements regarding the Fire Chief and Fire Department that the other two Selectmen strenuously objected to.

Selectman Swenson made a motion to enter nonpublic session at 8:09 A.M. under RSA 91-A: 3 II (a) – The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, (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. Selectman Kratovil seconded the motion. Roll Call Vote: Chair Jarvis-Aye, Selectman Swenson-Aye, Kratovil- Aye.

The Board had a discussion regarding the draft employment agreement, rate of pay of Chiefs in other communities, and having the Interim Chief do a significant review of the Department. Selectman Swenson stated again that he rejects Selectman Kratovil's earlier comments regarding the Fire Department. Selectman Swenson stated his desire to not exceed the 2014 budget and to not set precedent. The Board reviewed the 2013 and 2014 Fire Department budgets and spending. Chair Jarvis stated that towns with populations of 2,109-2,842 pay their Fire Chiefs in the range of \$23.85 to \$26.80 per hour. The Board stated the position could be salaried, with an expectation of around 30 hours being worked per week. Selectman Swenson stated that a pay

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rate within \$20-\$25 was reasonable based on the qualifications of the individual in relation to the job description and the expectation that a full departmental review would be conducted.

Selectman Swenson made a motion to seal the nonpublic minutes. The motion died due to a lack of a second.

Chair Jarvis made a motion to leave nonpublic session at 8:55 A.M. Selectman Swenson seconded the motion. The motion passed unanimously, 3-0.

Chair Jarvis made a motion to authorize the Town Administrator to contact the candidate for the Interim Fire Chief position and negotiate a weekly salary range of \$600-\$750 per week as stated in the employment agreement which is to be reviewed by legal counsel. If negotiations are successful the Town Administrator will ask the individual to sign the agreement paperwork. The Board of Selectmen will waive the hiring policy for the candidate. Selectman Swenson seconded the motion.

Selectman Swenson made a motion to amend the motion and add “if successful the starting date is at the earliest possible agreed upon date” after the first sentence. Chair Jarvis seconded the motion. The amendment passed unanimously, 3-0.

The amended motion passed, 2-1. Selectman Kratovil was opposed and gave the following reasons for his opposition:

My objection is based on the fact that all of the following problems could be remedied by reappointing Peter Varney. My objection proceeds from the fact that the BOS has placed the Town in dire straits by not having a fixed certain contingency plan should the New Durham firefighters not show up. The \$25 high water mark represents \$8,635.20 over six months and the BOS has no idea where the revenue will come from, assuming that they will be able to use the \$26,167.14 in returned monies from 2013 fire department budget. My objections are also based on making it a salaried position, my concern with the distance given the applicant lives over an hour away, the lack of an appearance of equanimity given the lack of drawing from a pool of applicants, and it being unrealistic that the interim chief will be able to juggle the day-to-day responsibilities of being chief, in addition to doing a fire department study. He will be unable to do an objective hours study since he will be busy trying to win over staff.

Chair Jarvis stated she takes issue with his statements. Selectman Swenson responded by stating there were several factual errors expressed by Selectman Kratovil. He said that the Board has not placed the Town in dire straits as Selectman Kratovil stated and specifically that the New Durham firefighters will act professionally and respond appropriately should there be a reason to respond. Selectman Swenson also stated additionally there are contingency plans should New Durham's firefighters choose not to respond and it is called mutual aid and that Selectman Kratovil's statement about not knowing where the revenue will come from is not true. Selectman Swenson said that no budget increases are expected and the Interim Chief's salary will be covered by the current Fire Department budget. Town Administrator Bourgeois responded to Selectman Kratovil's statement about non responses to calls by clarifying that he actually said the opposite, which to his knowledge at the time the Fire Department has been responding to

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every call. TA Bourgeois stated that he has contacted all surrounding communities and New Durham has their support during this time of transition.

Town Clerk Carole Ingham notified the Board that she did some research regarding the Budget Committee public hearing held on February 6, 2014 regarding a petition warrant article. She confirmed that her assessment that night was correct.

Chair Jarvis made a motion to adjourn. Selectman Swenson seconded the motion. The motion passed unanimously, 3-0.

Meeting adjourned at 9:15 A.M.

Respectfully submitted,
Jeremy Bourgeois, Town Administrator