

NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
Monday, May 5, 2014, 7:00 p.m.

Present:

Chairman David Swenson
Selectman David Bickford
Selectman Theresa Jarvis

Also Present:

Jeremy Bourgeois, Town Administrator
Jennifer Riel, Minute Taker
Jim Ladd, Videographer
Dorothy Veisel, Chair of Ethics Committee
Laura Zuzgo, Welfare Officer
Kevin MacCaffrie, Interim Fire Chief
Robert Kroepel, Resident
Jeffrey Kratovil, Resident
Kevin Ruel, Resident, Fire Department Member
Cam Libby, Fire Department Member
Skip Fadden, Resident
Gregory Anthes, Resident
Janis Anthes, Resident
Katie Woods, Resident
Carol MacCullem, Resident
Kevin MacCullem, Resident

Call To Order

Chair Swenson called the meeting to order at 7:00 pm.

Chair Swenson stated that there would be a change to the meeting Agenda in order to allow time for the Public Hearing, which was posted for 7:30 pm. Chair Swenson suggested that for the purposes of time, Public Input would be offered after the Public Hearing.

Ethics Committee Chair

Chair Swenson stated that in follow-up to recent discussions, most recently at the April 21, 2014 meeting where a member of the BOS asked some questions directed toward the Ethics Committee Chair.

Ms. Veisel distributed copies of a letter she addressed to Selectman David Bickford in response to the Ethics Committee questions he presented in emails, and she read aloud her response letter for the record and public information. Ms. Veisel also read aloud her personal response to Selectman Bickford's personal comments to her. Chair Swenson thanked Ms. Veisel for her thorough response. Selectman Bickford replied that he would like to see the 7/9/13 meeting minutes, as they are not on file. Ms. Veisel replied that she

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has had to replace the public copies numerous times and does not know why the copy is not on file. Chair Swenson asked Selectman Bickford if his specific questions have been answered by Ms. Veisel's response. Selectman Bickford replied that it goes beyond this. There are Rules and Procedures for the Ethics Committee and he has received conflicting answers. Ms. Veisel replied that she has addressed all the questions that were asked of her. Selectman Bickford stated that he has questions regarding counsel that is given and why it is not being reflected in the meeting minutes. Ms. Veisel clarified that counsel does not necessarily occur within a meeting, and explained the processes for individuals obtaining advice and counsel regarding ethical concerns. Chair Swenson stated that he feels that the initial questions asked in emails and at recent meetings have been addressed. Selectman Bickford stated that he doesn't see where people were counseled and he now has more questions. Ms. Veisel replied that the minutes show what happened at the meetings and explained again that counseling doesn't always take place during a meeting.

Selectman Bickford stated that according to section VI of the Procedural Rules, "*all inquiries shall be conducted within accordance of the Right to Know Law*" and stated that no one knew these meetings were going on and there is no accountability. Chair Swenson stated that the original questions asked by Selectman Bickford have been answered, and suggested that if Selectman Bickford has personal questions, he can address them as any public citizen may, or if Selectman Bickford has additional questions he wants to discuss publically, it can be added to the agenda for a BOS public meeting.

Selectman Bickford stated that one of the meetings he did attend was not posted in two places, and went on to state that in accordance with VIII of the Procedural Rules, "public notice of each New Durham Ethics Committee meeting shall be posted at the New Durham Town Hall and on the Town website..." Selectman Bickford stated that he pointed it out at the time to the Committee. Ms. Veisel replied that the reason that the meeting of March 26, 2013, which was not the second Tuesday evening of the month, was postponed from the second Tuesday to March 26 was because it was the same night as Candidates Night, which she was hosting. Ms. Veisel stated that she notified TA Bourgeois of the change and the website was updated but she is not sure if he corrected it on the bulletin board. Selectman Bickford stated again that it was not posted in two areas.

Chair Swenson concurred that if the requirements are that a meeting is to be posted in two places, it needs to be done and asked Ms. Veisel to make sure future changes are properly noticed. Chair Swenson stated that additional questions have now been asked that need to be addressed. Chair Swenson stated that he feels the original questions have been answered clearly and specifically, and if Selectman Bickford has additional personal questions, he is certainly free to ask those as any citizen can but if he wishes for the BOS to address them, it needs to be added to the agenda.

Selectman Jarvis stated that this discussion shows her very clearly why people do not want to publically appear before the Ethics Committee. They want to approach a single member with an issue and ask the Committee to discuss the issue, not in respect to themselves but in respect to how an incident should be handled by any other Town

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employee. Selectman Bickford replied that it needs to be in the Procedures if that is how it is going to be handled. Chair Swenson suggested that the Ethics Committee take a look at the Procedures, make sure they are current and reflect a process that is being used by the Committee and go through the process to post any necessary changes. Ms. Veisel replied that the Ethics Committee is already working on changes and recommendations for the policies and procedures, and plan to present them at a BOS meeting in June.

Wetland Permit Public Hearing

Chair Swenson opened the public hearing at 7:31pm.

Chair Swenson stated that this Public Hearing is to address the increase in the Wetland Permit fees, from the current rate of \$17.00 to \$18.00, and asked for public comment.

Public Input

Jeffrey Kratovil, resident, asked for an explanation as to why the fee will increase by \$1.00. Chair Swenson replied that according to the Town Clerk, the costs for advertising, registering, etc. have gone up. TA Bourgeois added that it is primarily associated with postage. Mr. Kratovil asked if the State side of the permits have increased and Chair Swenson replied that all the costs on the Town side of the fee have risen.

Selectman Jarvis stated that the purpose is strictly to make the Town whole as far as the costs with processing the permits, and doing what the Town is required by statute to do.

Mr. Kratovil asked approximately how many permits are processed each year. Chair Swenson stated that it is approximately 3 to 4 per year.

Selectman Jarvis made a motion to increase the Wetland Permit fee from \$17.00 to \$18.00, effective immediately. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Chair Swenson closed the Public Hearing at 7:35pm.

Public Input

Chair Swenson stated that he received comments relative to Public Input at meetings. Chair Swenson stated that in particular, at the last BOS meeting the time allowed for combined Public Input was roughly forty-five minutes out of a four and a half hour meeting. He noted that this is about 16%, a substantial piece of the meeting time and that any criticism on the amount of Public Input is perhaps not factual in terms of the actual time spent on Public Input. Chair Swenson reminded that according to the guidelines there is roughly a fifteen-minute limit and asked for any one input to be less than five minutes.

Jeffrey Kratovil, resident, distributed a 7-page letter addressed to the BOS and asked them to read it at their leisure. Mr. Kratovil proceeded to outline his comments and suggestions.

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- #1 – Pledge of Allegiance: Mr. Kratovil stated that in 2012 under Chair Bickford, the Pledge of Allegiance was recited at meetings and requested that this is returned to. Mr. Kratovil stated that his reasons for requesting this are first as a way to remind us of our national alliance. In response to the Boston Marathon moment of silence at the April 21, 2014 meeting, he finds it difficult to reconcile how we can have a moment of silence for victims of a road race event but not for the Stars and Stripes, and he feels it is important for children as well as the public to see that there is a higher power amongst the Board. Chair Swenson clarified it was a terrorist act.
- #2 –Public Input: Mr. Kratovil stated that at the last meeting, Chair Swenson suggested to individuals in regards to Public Input, if their input goes over 5 minutes, they need to go before the Town Administrator. Mr. Kratovil stated that action might mislead the public in making it seem like the only way to get to the BOS is through the Town Administrator.
- #3 –Fire Chief Termination: Mr. Kratovil stated that he applauds the courage of Lieutenant Marc Behr who came forward on April 21, 2014 and explained his termination, stated that as he understood it, the Fire Department policies override the SOGs and proceeded to ask if he and his wife’s termination still stood and made a succinct request for a public hearing, which was acknowledged by Chair Swenson. Mr. Kratovil said that Chair Swenson “evaded” answering Mr. Behr’s whether his job was still “on hold”. Mr. Kratovil recommended that Chair Swenson respond with plain and simple answers.
- #4 – Ellen Phillips Reappointment: Mr. Kratovil stated that Ms. Phillips appeared before the BOS at the April 21, 2014 meeting, where she voiced her dissatisfaction with Selectman Bickford for not seconding the motion to reappoint her to the New Durham Ethics Committee, and specifically stated that her reputation was tarnished for not being reappointed. Mr. Kratovil stated that he is unfamiliar with Mrs. Phillips but recognizes her years of service to the school system.

Chair Swenson replied that Ms. Phillips was in fact reappointed by majority vote.

Chair Swenson stated that to be fair with time on Public Input, asked Mr. Kratovil to finish up and stated there would time again for Public Input at the end of the meeting.

Mr. Kratovil stated that his point #5 is in regards to Chair Swenson and confidential names.

Gregory Anthes, resident, stated that he and his wife moved to New Durham about 6 years ago and was very impressed with the Town services at the time. They noted the positive atmosphere when they attended a fundraiser at the Fire Department a few years ago and Mr. Anthes stated that at the time he talked to Chief Varney and has talked to him numerous times over the years. Mr. Anthes stated that he has also been impressed with Town services in other departments as well, and felt that the ladies in the offices were all very helpful. Mr. Anthes stated that his concern now is in regards to the Fire Chief, and believes that the non-reappointment was in error. Mr. Anthes stated that he has talked with Mr. Varney, as well as other members of the Fire Department, and members in surrounding communities, everyone speaking very highly of Mr. Varney. Mr. Anthes

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stated that he is also concerned with the amount of hours and pay for the next Fire Chief. Mr. Anthes stated that he has talked with the Alton Fire Chief and was told that their department makes more runs on less pay. Mr. Anthes stated that from what he has seen, New Durham had a very good Fire Department and Mr. Varney was saving the Town money. Mr. Anthes stated that he is confused why this all happened and stated that he feels a correction needs to be made. The way he sees it can be corrected is to hire back the former Fire Chief. Mr. Anthes stated that the Town had someone who had experience, who was of excellent quality, did an excellent job, and had little to no negative input against him. Mr. Anthes stated that he is concerned with the lives and health of the community by the change over, and feels that the safety of the residents has been put at risk as well as putting their property in jeopardy with not having as good of a response from the Fire Department as in the past. Mr. Anthes stated that from talking to residents in the community, people he talked to want Mr. Varney back and he hopes the BOS would work things out and correct the situation. Mr. Anthes stated that from what he has seen when looking both within the community and at surrounding communities, the Town had a good thing with Mr. Varney, and bringing him back would resolve a lot of the animosity.

Chair Swenson cautioned Mr. Anthes relative to his comment on the safety of health, lives and property being put in jeopardy, to look at the data before coming to any kind of conclusion. Mr. Anthes replied that he has in fact looked at the data.

Janis Anthes, resident, stated that she wants to speak relative to the termination of Valerie and Marc Behr. Mrs. Anthes stated that she had the pleasure of hiring Valerie at Frisbie Memorial Hospital as a respiratory therapist, has seen her work, skills and abilities, and understands that Valerie is now very close to becoming a paramedic. Mrs. Anthes stated that from her experience in the healthcare field for over forty years, for a town of this size, it is highly unusual to have someone so highly skilled on the Fire Department. Mrs. Anthes stated that Valerie is very skilled and talented, a well trained individual and stated that she would like to see Valerie reinstated with the New Durham Fire Department.

Mr. Anthes stated that he has watched meetings in the past and after being present at this meeting, he wanted to take a moment to thank everyone for their time and input.

Welfare Guidelines

Chair Swenson stated that there were a few items carried over from the April 21, 2014 meeting that required more research including automobile payments and insurance costs, whether those costs would be considered in determining need and if so, for how much. The other issue was the Workfare Program workers' compensation insurance and the Town liability.

Selectman Jarvis noted that there was also the issue of whether the Town would pay medical insurance. Ms. Zuzgo stated that it was not discussed at the April 21, 2014 meeting but it was brought up at the welfare officers meeting and it was determined to be a necessary expense now as the Affordable Care Act now requires it. Ms. Zuzgo stated

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that some towns don't necessarily pay the insurances, but they will pay a portion of rent so the clients have the money available to pay the premiums.

Selectman Jarvis asked if it was decided to pay a portion of medical insurance, is the Town allowed to send clients to the State for Medicaid. Ms. Zuzgo replied that if clients have gone to the Affordable Care Act website, then they have already been directed to Medicaid if need be.

Ms. Zuzgo stated that getting an average for automobile and insurance costs is very difficult to determine, and her recommendation for automobile payments is a maximum of \$300.00. The variances in costs from different perspectives, as well as what neighboring communities use for guidelines, were discussed. It was agreed that \$300.00 is reasonable.

In regards to insurance costs, Ms. Zuzgo stated that there are many variables. Selectman Jarvis suggested that there be a limit of \$1,200.00 per year. Chair Swenson clarified that what Ms. Zuzgo needs this figure for is when she is doing a needs based qualification for assistance. Selectman Bickford suggested not having a limit but to leave it to Ms. Zuzgo's discretion. Chair Swenson stated that if an individual has higher premiums due to their driving record, the Town shouldn't be responsible for the higher costs associated with improper driving habits. Selectman Jarvis stated that in the same way, if someone has a new car and the costs are higher, the taxpayers shouldn't have to cover the costs. Selectman Jarvis suggested having a set amount and specific guidelines because she doesn't want to get into a situation where one client is allowed a \$150.00 insurance expense but because someone else has a good driving record, they are only allowed \$70.00 because of lower premium costs. Selectman Jarvis stated that while other things may be equal, they are being treated unfairly.

Selectman Bickford stated that he wants to keep with his initial feeling because these things are very temporary. Selectman Bickford asked Ms. Zuzgo how long they usually help people. Ms. Zuzgo stated that she has assisted one family up to six months and it varies, as some families are helped a couple months each year. Ms. Zuzgo explained the expenses that are considered as needs. Mr. Zuzgo stated that her recommendation for automobile insurance is \$100.00 per month. Selectman Jarvis proposed a limit of \$75.00. The allowance of \$75 per month was agreed by consensus.

In regards to medical insurance, Selectman Jarvis asked what the average amount is that clients are saying they are paying for medical insurance now that the Affordable Care Act is in effect. Ms. Zuzgo replied that all she has met with so far are already on Medicaid or Medicare and stated that if there are any costs for these, those have already been deducted from the clients' paychecks and she takes that into consideration. Selectman Jarvis stated that she feels it is something that needs to be treated as a utility as there is nothing that the client can do about lowering costs. Ms. Zuzgo stated that she always tries to send clients to the State but there is no guarantee that they will qualify for Medicare or Medicaid, which is based on income and family size. Ms. Zuzgo stated that she always

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tries to find other resources for clients before giving Town assistance. It was agreed that the total cost of medical insurance would be considered a need and covered.

Selectman Jarvis asked if when a client comes in to apply for assistance, are they given a list of the allowable amounts or is that discussed when they meet with Ms. Zuzgo one-on-one. Ms. Zuzgo replied they are given that information when they meet with her but copies of the Welfare Guidelines are always available.

Additional edits and corrections were made to the Welfare Guidelines.

Selectman Jarvis stated that the other question that the BOS needs to address is if the Workfare Program is developed, will the participants be added to the Town's workers' compensation insurance. Ms. Zuzgo stated that Finance Officer Vickie Blackden, was not able to get much of an answer but most other towns choose to cover them under workers' compensation and the impact to the liability insurance would vary by incident. Selectman Bickford stated that he is not clear on the difference between having someone in the program and hiring them as an employee. Ms. Zuzgo clarified that the clients are not being hired, are not a town employee, but they are working off a debt in accordance with the RSA, and they will only work the number of hours required to pay back their debt. Selectman Jarvis stated that if they were hired as employees and received a paycheck, there is nothing that would require them to pay back the town with their paycheck. Ms. Zuzgo explained that for whichever department the clients work for, their hours would be tracked along with the pay rate which would then be submitted by the department head to the Finance Officer for her to apply as a credit to their debt. Selectman Jarvis pointed out that the statute protects the Town from liability and Selectman Bickford asked why they would need to have workers' compensation coverage. Ms. Zuzgo stated that most towns just cover them, and based on what Ms. Blackden has researched, the cost impact is minimal. Selectman Jarvis stated that there are two cost impacts, one being the costs of the insurance and the other being that should the individual be injured and incur large medical bills, it could drive the Town's total costs for all employees into a higher bracket.

Chair Swenson asked Ms. Zuzgo how long it would be before a Workfare Program could be defined, managed and implemented. Ms. Zuzgo stated that she has all the paper work and forms prepared. If someone came along that was willing to work off their debt to the Town, through a coordinated effort with the Town Administrator and department heads, she would work to determine where their services could be used. This would be offered to new clients. It was discussed that there's no guarantee that jobs would be available for a client to be able to work off a debt, as a job won't be created for them.

Selectman Jarvis asked what the requirements would be with regards to background checks for Workfare clients. Selectman Jarvis said for example if a client was working for the Parks and Recreation Department, could that individual be working around minors. Ms. Zuzgo stated that it would be up to the department head as to what they could and could not do.

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Selectman Jarvis stated that she would like to get additional information regarding liability and workers' compensation coverage with Town Counsel and the LGC. Selectman Bickford asked if the Welfare Guidelines could be approved without the Workfare Program information and to come back to that later. Chair Swenson replied that it is part of the Guidelines and needs to be approved together. However, it could be extracted but the new document would then need to be approved. Selectman Jarvis suggested approving the Welfare Guidelines at this meeting, with the Workfare Program and with the workers' compensation being paid for by the Town, until an answer is received back from LGC and the workers' compensation group as to what would happen if there were a claim, stating it could be revised at the next meeting. Chair Swenson stated that he would prefer to have the answers before approving so that the document will be fully approved. Chair Swenson stated that he does not want to approve the Welfare Guidelines until all the answers are known before finalization.

Chair Swenson stated he would allow Public Input on this issue.

Mr. Kratovil asked Ms. Zuzgo, relative to covering someone in an instance where a parent "abandons" her family, is the Town still responsible for covering an individual who abandoned their family and made the choice to leave.

Mr. Kratovil also asked if a payment schedule could be added, and while a lien can be placed on people's house, he doesn't feel that is enough because if someone doesn't pay back their debt, is the Town really going to take their house. Chair Swenson clarified that when a lien is placed on a house, there is only a collection made if the house is transacted in some way. Ms. Zuzgo stated that in accordance with the RSA, a financial burden cannot be placed on anyone, and the Town cannot require anyone to make a set payment. Ms. Zuzgo stated that she does send out a payment reminder once a year but if it is going to cause a financial hardship for them to make a payment to the Town, it cannot be required. Chair Swenson stated that legal counsel would review the Welfare Guidelines.

Mr. Kratovil stated that his final point is in regards to covering clients' automobile loan payments. Chair Swenson clarified that it is not covered but that it is taken into consideration for assistance qualifications. Mr. Kratovil replied that he is concerned about the "nanny state", where people do not live within their means and that it is healthy for people to get a dose of reality, experiencing the consequences to their actions.

Robert Kroepel, resident, requested that some research be done as to what the costs would be in regards to providing phone services, either a landline or non-smart cell phone for use in the event of an emergency, as it is critical to communication these days. Ms. Zuzgo replied that the State offers free cell phones for those who meet the income requirements and it gives them 250 free minutes per month. Ms. Zuzgo explained that it is not an allowable expense, as it is not recognized by State regulations as a "need".

Selectman Bickford stated that for clarification, welfare is not a gift; it is a loan that after a year is to be paid back with interest. Chair Swenson stated that the Town services act as a bridge while other assistance is being pursued.

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It was agreed that the Welfare Guidelines would be finalized at the May 19, 2014 meeting.

Agenda Review

Chair Swenson stated that he would like to reorder some items and add the following items:

- Under Old business
 - Follow-up on School Impact Fees
 - Status Update on Recommendation of Deputy Health Officer
- Under New business
 - Dam Informational Letter / Loon Preservation
 - Notification to the Public from Alton regarding Stockbridge Corner Road Closure

Selectman Jarvis stated that under Old Business she would like to add:

- Update on Metrocast Negotiations
- Reappointment to Zoning Board of Adjustment

Selectman Bickford stated that he has an announcement he would like to make under New Business.

Department Reports/Issues

No department heads were present. Chair Swenson stated that he would like a few departments to come forward at the next meeting with progress reports relative to the goals that were established as part of their review process.

Town Administrator's Report

TA Bourgeois stated that in regards to the IT Status, a majority of the equipment has been moved down to the new server room. The only things left there are to secure the door and install an air conditioner to maintain a stable temperature through the summer. There are a couple of software things for staff and the major step left being installation of the three programs which are needed in the Town Clerk's office.

Selectman Jarvis asked if there is a timeline on the three things that staff needs to do. TA Bourgeois said yes.

Selectman Bickford asked if TA Bourgeois was going to have a report on fuel costs for the upcoming year. TA Bourgeois replied that he has sent out some communications to purchasing groups in the community but has not heard back yet. Chair Swenson asked that TA Bourgeois keep this update on his reports.

TA Bourgeois stated that the Metrocast draft contract is available and ready for review by the BOS. The next step would be to have the Town Attorney meet with the BOS prior to the scheduled public hearing to which Metrocast will be invited. Chair Swenson asked for it to be added to the agenda for the next meeting. Selectman Jarvis stated that going back to the 2010 meeting minutes, there was a public hearing at that time for public input on

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this. Selectman Jarvis stated that some feedback was received but at that time it was decided to not close the public hearing, to allow people to come forward at any time to give additional information, but it should be noted that the upcoming public hearing will be the final date for public input on this issue.

Old Business

Revaluation Contract

Chair Swenson stated that he has some additional changes to the draft contract:

- 2.1.22 – Add “update schedule periodically to allow Town to post in public locations.”
- 2.3.3.7 – Add “Revaluation contract” viewed not complete...
- 2.3.5 – Add, “As noted in the bidding process, New Durham has several unique property situations. The Company will assure personnel assigned to the Town of New Durham work will have significant experience in evaluating unique properties such as golf course, business, lake, pond, etc.”
- 2.3.4 – Reword “The Company shall ensure that a DRA certified assessor supervisor will be onsite for full revaluation not less than 30% of the time.
- 2.5.2 – change all references to “update” to “revaluation”.
- 4.2 - Paragraph 3: Reword “The Selectmen/Assessors or designees ‘may’ attempt to make arrangements....”
- 8.3 – Reword “A copy of insurance certification shall be forwarded to the Town of New Durham prior to any work.”

Formatting changes were agreed upon.

Selectman Jarvis made a motion to accept the Revaluation Contract as amended. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Selectman Jarvis made a motion to authorize Chair Swenson to sign the revaluation contract on behalf of the Town of New Durham, unless the Company requires all three signatures. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Fire Department/ Fire Officers

Chair Swenson stated that after the discussions of April 21, 2014, he spent time going back to five different State, Town and Fire Department guidelines, policies and developed a format showing what he feels is an appropriate way to look at it. Chair Swenson stated that he extracted the relevant quotations out of the various regulations, laws, policies, etc., and described what those five are. Chair Swenson stated that he looked at the statement of State Law RSA 154, the New Durham 2008 Warrant Article 23, the New Durham SOG 101, the New Durham Fire Department Regulations sections F and G, and the New Durham Personnel Manual, Ch. 12, pg. 47. Chair Swenson stated that this has to do with discussion during the Public Input portion of the meeting, which was addressed by some people relative to firefighters and other fire department personnel that may have previously received termination letters. Chair Swenson stated that he took

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the five different references points and made some comments that he thought were appropriate relative to the topic being discussed. A copy of the summary was distributed for review.

Chair Swenson read the Conclusion: *“There are conflicting and or non-aligned statements between the various policies, guidelines, and state regulations. In addition, there are various legal opinions on the authority issue include the FC’s “ability to direct and control the members he appoints would include the authority to impose discipline and might go so far as to include termination...the check and balance upon such authority, if it exists, is that the chief has to act in accordance with written formal personnel policies of the selectmen. Therefore, to address the current situation with the New Durham FD, I believe it may be in the best interests of the Town to allow the most rights to the employee. Therefore, rescinding the termination letters of April 7, 2014 to the Behrs and others receiving said termination letters from the Interim Fire Chief, while concurrently placing those same individuals on Administrative Leave at the Fire Chief’s recommendations, until such time as any requested public hearing can occur and/or a BOS decision on the facts of the respective cases is made, is the most appropriate action in this situation.”* Chair Swenson stated that should address some of the comments and statements, which were made at the last BOS meeting. Chair Swenson asked for discussion and comments.

Interim Fire Chief MacCaffrie responded that is where it came from originally as to who has the authority within the department to perform these acts and stated that after doing research and talking to other people, it may not be as clear cut as it could have been and believes this is the best course of action. Chair Swenson stated that from his point of view, in looking at the State regulations and other Town guidelines and policies, it can be interpreted that the Fire Chief has the authority, either directly or implied, to terminate but he believes that it is best to look at the most rights to the employee.

Selectman Jarvis stated that she has done research as she said she would do, and went back over the meeting minutes as well as her personal notes. She stated that she couldn’t say that the BOS definitively gave the Fire Chief the permission to terminate. Selectman Jarvis stated that she notified TA Bourgeois today that she felt that public hearings need to be held with the individuals but the BOS’s purpose would not be an appeal but to determine whether or not termination should occur. Selectman Jarvis stated that one individual has requested a public hearing but every individual should be given the right to a non-public hearing unless they specifically request it to be done in public hearing. Chair Swenson clarified that public hearings are not necessary but those who did request it, will have public hearings.

Selectman Bickford asked for clarification that both of the Behrs are on Administrative Leave. Interim Fire Chief MacCaffrie replied that is correct and explained that they are still on the department but not responsible to do any functions of the department. Selectman Bickford asked what that means for the BOS and public hearings. Interim Fire Chief MacCaffrie replied that the public hearings will be to determine whether there is grounds to go on to disciplinary actions, such as what he requested which was

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termination. Selectman Bickford stated that what he is familiar with is usually the Chief would come to the Board and give suggestions with a formal letter and then the individual has a certain amount of time to appeal, followed by a hearing. Interim Fire Chief MacCaffrie replied that was determined afterwards and after looking at everything, he believed he legally had the right to terminate or take any action there to, but because of the conflicting policies and laws, it is not as clear cut and Interim Fire Chief MacCaffrie stated it has been decided to take a different approach to say that the BOS should make those decisions.

Chair Swenson clarified that to his understanding, RSA 154 says that the Fire Chief has the authority to hire and terminate personnel under his command; under the New Durham 2008 Warrant Article 23 it is stated that the Fire Chief has authority to appoint fire fighters and logically then, he may have the implied authority to terminate. The SOGs and regulations go into similar kinds of issues but there are conflicting and nonaligned laws and policies. Selectman Jarvis stated that in summary, under RSA154: 2 it does say that the Fire Chief has the authority to control, etc. She stated that however, further down, it does make a statement that authority is subject to such regulations as determined by the governing body. Selectman Jarvis stated that she believes this was previously presented to Town Counsel and the LGC for clarification but would need to go back to confirm.

Interim Fire Chief MacCaffrie stated that after reviewing the policies he was given, and after he had discussions with the Town Administrator, he thought that he had the authority to terminate and took it upon himself to make that determination. However, after more talking about it more, it was decided that it is not as clear-cut.

Selectman Bickford asked Interim Fire Chief MacCaffrie if a formal letter would come from him to the BOS stating he would like to terminate. Chair Swenson replied that would be the case for those who asked for a public hearing and that the hearing process needs to be taken. TA Bourgeois stated that it is the BOS's choice and Chair Swenson replied that he thinks it is best to go on the employee rights side of it and it would be inappropriate not to have a hearing. Selectman Bickford stated that if a termination is rescinded, then there is no hearing to be had. Selectman Jarvis stated what could happen theoretically, is that the individuals are placed on Administrative Leave, the Fire Chief then presents the BOS with a request for termination of the individuals and letters would go out and individuals would have the right to a hearing. She stated that since two individuals have already requested public hearings, so those need to be held.

Chair Swenson agreed with Selectman Bickford that the original premise for a public hearing was based on a termination letter. That letter has now been rescinded based on the prior logic, however, that does not cause the issue to go away and the individuals are still on Administrative Leave. Chair Swenson suggested that it would then be necessary for the Interim Fire Chief to come forward to the BOS with recommendations of what his next actions in the process will be for the individuals. Chair Swenson clarified the point that there is no request for public hearing now that the termination letters have been rescinded. However, if there is a recommendation to the BOS for termination, and the individuals have an objection, then they need to re-request a public hearing. Chair

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Swenson stated the individuals need to be notified of this consensus. Selectman Jarvis agreed to do it that way and she wants to make sure that the hearings are prompt. Chair Swenson summarized that the current status for the individuals is that they are on Administrative Leave, the Interim Fire Chief will come up with a recommendation as to what the next action will be at which point, if termination is still the recommendation, the individuals need to re-request a hearing, public or non-public, because the original request is basically null and void.

Mr. Kroepel asked what would happen if there was a full reinstatement under the premise that something is better than nothing so that there would be more people on the roster, especially someone who is almost a paramedic. Interim Fire Chief MacCaffrie replied that he is willing to reinstate individuals who are willing to come and participate. Chair Swenson stated that any recommendation for termination has to have some rationale behind it, and stated that there is some commitment on an individuals' part that if they wish to come back, they need to be willing to come back and work in a positive way to the community.

Selectman Bickford stated that he agrees with the residents who have come forward and spoken in regards to the Fire Department. Selectman Bickford stated that he wants to nominate Peter Varney for Fire Chief, for discussion and vote at the next meeting. Selectman Bickford stated that he certainly has the qualifications and it would be just for the next ten months until the end of his term in March 2015. Chair Swenson stated that Mr. Varney's term ended in 2012 and that Selectman Bickford was on the BOS at the time when it was voted to not reappoint Mr. Varney as Fire Chief. Selectman Bickford also recommended to keep Mr. MacCaffrie on as a consultant while these issues are worked out. Selectman Bickford stated it would solve a lot of problems and the lawsuit would go away. Chair Swenson asked Selectman Bickford if he has Power of Attorney for Mr. Varney to say that on his behalf. Selectman Bickford replied that he has been told that by Mr. Varney. It was also said in a letter sent to the Town by Mr. Varney, prior to the lawsuit. Selectman Bickford stated that would give the Town ten months to gather more information but he thinks it is appropriate to put a name in and wants to have a motion on the nomination at the next meeting. The procedures of appointment and nomination were discussed and it was determined that to move forward a motion needs to be made at this point, with a two-week vetting process and a vote again. Selectman Bickford stated that he does not want to make a motion at this time.

Selectman Bickford asked Mr. Kratovil for his input. Mr. Kratovil replied that he didn't suggest making a motion to nominate Peter Varney, as his concern is that by Selectman Bickford making a motion to nominate, in effect recognizes that Mr. Varney left in the first place. Mr. Kratovil stated that there are some people that are under the impression that since he was not terminated, then he never left. Mr. Kratovil stated that he personally believes that Peter Varney never left because there was no motion to terminate. Chair Swenson clarified that Peter Varney was not reappointed in 2012 and was not reappointed in 2013 and ended in hold over status in 2014. Selectman Jarvis stated that since he was in holdover status, any appointment that is made would be for a full three-year term.

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Mr. Kroepel stated that in accordance with the New Hampshire Revised Statutes Title III, Chapter 41:57-a, Except as otherwise provided, the term of office of any appointed town officer shall begin upon his or her appointment and qualification for office and shall end upon the appointment and qualification of his or her successor. Chair Swenson replied that in February, the BOS appointed an Interim Fire Chief as his successor.

Mr. Anthes asked if Peter Varney was doing a good job and was the Fire Department running well at the time he was Fire Chief. Chair Swenson replied that question was not relevant to the situation. Mr. Anthes stated that his understanding is that Mr. Varney did a very good job, always came in under budget, the Fire Department ran well and all calls were made.

Selectman Bickford stated that he is not going to make a motion to nominate Peter Varney as Fire Chief but just wants to bring him back to act as the Fire Chief and have Mr. MacCaffrie help out, and feels it will solve a lot of issues.

Mr. Anthes stated that he wants to know why Chair Swenson will not answer questions and why he will not go along with Selectman Bickford and bring back Peter Varney. Chair Swenson replied that based on the information he has, the 2012 BOS chose not to reappoint, he doesn't know what the reasons are but the point is the 2012 BOS chose not to reappoint. Mr. Anthes asked what Chair Swenson's position is on Peter Varney. Chair Swenson replied that he feels it is appropriate for the Town and the Fire Department to go in a different direction. Mr. Anthes asked what is that direction. Chair Swenson replied that a couple of months ago he indicated that he felt it was appropriate for the Town to go in a more positive direction and made reference to available public documents. Mr. Anthes stated that he has talked to many people in the Town and his consensus is that no one had a negative statement towards the Fire Department or Mr. Varney as Fire Chief.

Chair Swenson stated that unless Selectman Bickford makes a motion, it would not be an action item, however further discussion of the Fire Chief would be put on the agenda for the next meeting.

Treasurer Job Description/Position Posting

Chair Swenson suggested that due to the time, the job description portion of the discussion be postponed.

Selectman Jarvis stated that another application had been received for the position and she suggested the same panel should go ahead and interview this candidate as before. Chair Swenson stated that he would like to post the position again and then accept the latest application under a new posting and then take it up with the interview panel. Selectman Jarvis stated that when the position was posted, an application was received and again wants to go with the same panel that interviewed the candidates and interview this person. It was confirmed that the resume was received under the original posting, which was "open until filled". Therefore, this candidate can be interviewed at any point in time. Selectman Bickford suggested doing the interview and the nonpublic meeting for

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discussion all together at the same time. It was confirmed that the next BOS is an afternoon meeting and could be done, and it was determined that no reposting is necessary.

Mr. Kratovil stated that as a point of information, just before he left the BOS, in lieu of having a Treasurer sign checks, two selectmen were signing them. Mr. Kratovil asked if that is legitimate in the absence of a Treasurer. It was confirmed that it is but that the deputy treasurer is able to sign also.

Investment Policy

Corrections and edits were made to the policy.

Selectman Jarvis made a motion to approve the Investment Policy for the Town of New Durham as revised on May 5, 2014. Chair Swenson seconded the motion. Motion passed unanimously, 3-0.

Library Exterior

Chair Swenson stated that a statement was received from Arthur Capello, Code Enforcement Officer, and his recommendation is to go forward with the work on the exterior of the library. Selectman Bickford stated he disagrees with the recommendation and thinks the paint is in good condition. Selectman Bickford stated that he does agree that there are a few clapboards that could be replaced but not necessary in his opinion. Selectman Bickford stated that he would prefer to leave it until another year. After further discussion, Chair Swenson suggested postponing a decision until a preventive maintenance policy is developed. Selectman Jarvis stated this applies to all the Town buildings.

Board of Selectmen Goals – Frequency of Review

Chair Swenson asked for discussion as to how often the Board of Selectmen Goals are going to be reviewed. It was agreed that once per month the Goals would be reviewed, at the afternoon meeting.

New Business

School Impact Fees

Selectman Jarvis stated that the information she requested has been received and as she mentioned previously, she would like to continue to utilize some of the money received to maintain the \$0.05 reduction of the school portion of the Town tax rate. Chair Swenson stated that for purposes of public information, the BOS had asked for the current balance of the school impact fees that would be available for potential utilization in reducing the school portion of the tax rate. Selectman Jarvis stated that last year there was approximately \$45,000 available and \$26,000 was taken out. Selectman Jarvis stated that in order to again reduce the tax rate by \$0.05, \$20,000 would need to be used. She stated that it would be her hope that the \$20,000 would continue to be available each year to sustain that reduction on a long-term basis. It was discussed that the Town does not

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control the school rate and that the fees are not available until the occupancy permits are issued.

Planning Board Purchase Order – Impact Fee Study

Chair Swenson stated that the Planning Board voted to have an update of the impact fee, which is required to be periodically reviewed. An outside contract has been received for the amount of \$3,500.00 from BCM Planning, LLC to look at and update the school impact fee for the Town of New Durham. It has been signed off by the Planning Board Chair, Vice Chair and Secretary and needs BOS approval for the purchase order. It was noted that this is for an update, not a complete redo, and it is also the same individual who completed the original review. The Town's Purchase Policy was reviewed for clarification on whether three bids are required. It was determined that BCM Planning, LLC would be considered an outside contractor and the Policy could be waived.

Selectman Jarvis made a motion to approve Purchase Order #2108 to BCM Planning, LLC for a School Impact Fee Update in the amount of \$3,500.00 and to waive the Town's Purchase Policy. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Deputy Health Officer

TA Bourgeois stated that Arthur Capello, Health Officer, informed TA Bourgeois that he does not see a need for a deputy health inspector at this time. TA Bourgeois stated that he thinks the Town should have one in case something happens.

Selectman Jarvis stated that this brings up a bigger issue that needs to be discussed at some point in the future, which is that there is no deputy building inspector. Selectman Jarvis also suggested formalizing the informal handshake for the Transfer Station coverage when the Foreman is not available until one of the other workmen gets their Level 3 certification, and suggested possibly having a memorandum of agreement with Alton or Farmington for coverage. Chair Swenson suggested that TA Bourgeois take a look at those few pieces and come back to the BOS with appropriate suggestions for when it may be necessary to have back up.

Reappointment to ZBA

Selectman Jarvis made a motion to reappoint Joan Swenson to the Zoning Board of Adjustment. Motion failed due to lack of a second. Selectman Bickford stated that he is not going to second the motion at this time until he hears back from TA Bourgeois with answers to his questions regarding the Ethics Committee.

IT Policy

Postponed to the next meeting.

Audit Report Results

Chair Swenson stated that the Town received the results of the Audit with a letter dated April 24, 2014 and gave a conclusion of the audit. Chair Swenson stated that the report came from the State of New Hampshire Department of Motor Vehicles and the municipal Agent for the Town and in summary states "The Agent is generally in compliance with

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the applicable statutes, rules and procedures. The physical setup of the agent's office and procedures which are in place provide adequate security for the revenue and inventory entrusted to the Agent. At the conclusion of the audit all inventories entrusted to the Agent had been accounted for." Chair Swenson stated that this is a clean audit and Carole Ingham and her office staff should be commended.

Stumpage Values

Chair Swenson stated that the BOS must accept what is called the Central New Hampshire Timber Rates for determining a guideline for stumpage values. Copies of the information were reviewed and discussed.

Selectman Bickford made a motion to accept the Timber Rates suggested for the central region of New Hampshire from April 1, 2014 to September 31, 2014. Chair Swenson seconded the motion. Motion passed unanimously, 3-0.

Funds from Timber Harvest

Chair Swenson stated that last year the BOS authorized timber harvests on various Town properties and in this case it was the Shirley Forest. The Town received \$8,065.03 as a result of that action from last year, which was received in April 2014. These monies are specifically assigned to a line item.

Loon Preservation Letter

Chair Swenson stated that the Town received an informational letter from the Loon Preservation Committee, which outlines recommended procedures with regards to pond and dam management. Chair Swenson stated that it has to do with Loon being protected by State law, talks about lake heights and dam control as appropriate. Chair Swenson asked TA Bourgeois to follow up and ensure that the appropriate department heads are aware of this information. Selectman Jarvis stated that the letter refers to ponds that have had loons on it in the last ten years and Selectman Bickford stated he thinks that Marsh Pond is the only one that has had loons on it that the Town is responsible for.

Letter from Town of Alton

Chair Swenson stated that an email was received in April from the Town of Alton regarding roadwork on Route 28. Police Chief Heath from Alton has asked that the Town notify everyone that from June 23 through June 27, 2014, Stockbridge Corner Road is being shut down due to the State working on Route 28. Chair Swenson asked TA Bourgeois to follow up with the Road Agent when the time gets closer for his comment and input. Selectman Jarvis suggested making sure that a notice is posted on the Town website as many people use Stockbridge Corner Road.

Firearm Policy – Employees

Chair Swenson stated that in follow-up to action taken at the last BOS meeting where the firearm policy was rescinded to comply with State law, he has since noted that the Town of Alton recently developed a firearms policy for their employees. A draft from that for the Town of New Durham was distributed and reviewed for discussion as to whether there is any interest in such a policy.

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Selectman Bickford stated that he would not be in favor of this policy. Selectman Jarvis stated that she would be concerned about the liability of the Town with employees carrying their firearms in to work when on Town business, would prefer to see employees leave any firearms locked in their vehicles, and is in favor of this policy. Selectman Bickford stated that if the public is allowed to carry, he wants employees to be able to defend themselves and thinks that people should have the right to decide for themselves.

Chair Swenson stated that he would like some input from the public on this.

Mr. Kratovil stated that as this is a very weighty issue and one not to be taken lightly, he went on to explain his position along with his personal experience with having to use a firearm. Mr. Kratovil proposed that the Town adopt a policy that says if you want to carry a pistol or revolver while on the worksite, you need to attend a class and explained the courses available for anyone. Mr. Kratovil went on to explain that there are also other intermediate forms of self-defense such as chemical agents, which he would prefer to see staff carry instead, to be considered. Chair Swenson asked for clarification and Mr. Kratovil reiterated his recommendation that if an employee wants to carry a firearm, ask them to take the proper classes, of which many are available throughout the state and went explained the necessity for proper training.

Mr. Kroepel stated that studies have shown that when civilians are using firearms when in confrontation with criminals, they tend to be very selective in using the firearm and when they do use the firearm they are typically better than the police at hitting their target than bystanders. Mr. Kroepel stated there are a lot of statistics about this that can be found in *More Guns Less Crime* by John Lott and suggested that update information could be obtained. Mr. Kroepel stated that his recommendation is that Town employees be given the option of carrying firearms along with the proper training.

Mr. Kratovil stated that once employees are allowed to carry onsite, a whole set of rules need to be developed with regards to proper handling procedures and policies surrounding the carrying of the firearms.

Chair Swenson stated that is part of why he is not comfortable leaving it the way it was left at the last BOS meeting and the actions taken by the Town of Alton address some of the things that are being discussed. Chair Swenson quoted a portion of the Alton policy, *"The policy is intended to minimize the risk and liability that may ensue if a firearm were to be discharged either intentionally or by accident while an employee is on duty. In no way is this policy intended to prohibit any employees' right to carry a firearm which has been properly licensed while they are off duty...the carrying of firearms of any kind is positively prohibited at any time in the Alton municipal buildings or an apparatus while an employee is on duty no matter where the location...any employee who possesses a firearm at the time of reporting for duty shall secure such firearm in their residence prior to reporting for duty or shall secure the firearm in their personal vehicle prior to reporting for duty. If the firearm is secured in the employees' personal vehicle the vehicle shall be locked at all times and the firearm shall not be visible from outside the*

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vehicle...” Chair Swenson clarified that since the Town is now in compliance with State law, nothing needs to be done necessarily but he just wants to be sure it is addressed as some surrounding towns are currently doing the same.

Selectman Jarvis stated that in regards to the classes, she is all for the classes that Mr. Kratovil presented and asked for further details as to what is involved, whether it is all didactic class or whether there is practical action and shooting practice. Mr. Kratovil explained the class and stated that there is range practice along with learning to dismantle the piece. Selectman Jarvis posed the question whether if employees are allowed to take the class and carry, is the Town then responsible for maintaining their competency, and who is responsible for paying for the class. She acknowledged that it was an interesting alternative. Also since the previous policy was revoked, her previous consideration was employees having a safe work environment. Selectman Jarvis stated that this would add a new twist to all of the buildings with regards to having safe work places. She stated that she has been in Town Hall a couple of times when citizens who are unhappy with a decision that had been made, arrived to express their displeasure. Selectman Jarvis stated that she has been concerned for the safety of people, and asked what is to stop someone from coming in and shooting an employee, as to her knowledge none of the windows have bulletproof glass. Selectman Jarvis stated that these are some things that need to be considered to provide adequate employee safety.

Mr. Kratovil stated that he has some questions that he has to ask himself in the event of needing to use deadly force. First, treat every weapon as if it were loaded and keep the muzzle pointed down. Mr. Kratovil stated these are the same questions whether you ask or a judge asks them if something were to happen. Second, do I have a clear shot, where are my rounds going to end up if I miss; what are my shooting abilities; have I positively identified my target; have I used verbal commands; is the use of deadly force reasonable and stated that this is something that people have to ask themselves.

Mr. Anthes stated that each state has different priority to allow people to carry. But it really comes down to you can't be a felon, you can't be involved with drugs and there is some competency as far as handling. Also, three references are required to be signed by people confirming they know you and about you. Mr. Anthes went on to explain the procedures of obtaining a permit to carry in Ohio. Mr. Athes stated that statistics show that areas where they have concealed weapons, the crime rate is much lower. When you consider this, even though they are employees of the Town, they still have certain responsibilities to get a permit to carry a weapon and it is made clear that you never pull that weapon because of the civil and criminal consequences.

Chair Swenson agreed that this is the point of the policy, and it is not intended to restrict carrying, other than on municipal property.

Mrs. Anthes stated that she works in a hospital setting, where employees are not allowed to carry firearms and the building is posted for people coming into the building as well. Mrs. Anthes stated that however, all employees are fully trained in nonviolent crisis intervention and ways to diffuse an irate person. Mrs. Anthes stated that a responsibility

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as an employer is to keep employees safe. Mrs. Anthes stated that she believes there are ways to do this even if employees do not have guns in the building but especially the people at the front desk could be trained in the non-violent crisis intervention, along with having some non-lethal forms of defense.

Chair Swenson agreed that is something to be looked at along with other options of defense, and suggested to table the issue for further discussion.

Selectman Jarvis asked that TA Bourgeois contact all the Town employees to see what their feelings are in regards to either themselves or their fellow employees on this issue, the pros and cons, as well as an alternative to lethal force, and training.

Application from a Veteran

Chair Swenson stated that an application was received from a veteran who was unable for a variety of reasons, submit the application for the tax abatement eligibility by the deadline. TA Bourgeois stated that the RSA allows the Selectmen, with reasonable cause, to grant a tax credit beyond the April 1 deadline and this was confirmed with NHMA.

Chair Swenson stated the letter received from a veteran outlined the unusual circumstances regarding when the application was submitted. Chair Swenson stated that he is in favor of granting the tax break given the fact that it was close to the deadline and the individual does have some reasonable explanations. Selectman Jarvis stated that she has not had a chance to review the documents and would like to table the issue so she can review it. Chair Swenson clarified that there does appear to be leeway to do it but it can be discussed at the next meeting.

Announcement

Selectman Bickford stated that a question has been posed, inquiring whether a member of the BOS in conjunction with a member of the Budget Committee have the authority to request a meeting with the head of an outside agency to discuss the take over of a complete Town department without telling anyone this is being done. Selectman Bickford stated this is pretty clear that it is referring to himself and Tony Bonanno having made an appointment to meet with the Sherriff and this is what came out of it. Selectman Bickford stated that he thinks the BOS will agree, but he does not need to ask anyone's permission to go see the Sherriff or to take along Mr. Bonanno. Chair Swenson asked where this came from and Selectman Bickford replied the New Durham Working Families, a Facebook group. Selectman Bickford explained that he was asked by Mr. Bonanno to go to a meeting with the Sherriff to make introductions and no discussion took place regarding the take over of a Town department. Mr. Bonanno is working on gathering statistics for the highway department and the police department, both of which are aware of his work.

Approval of Minutes

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

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Future Meetings

The next meeting is May 19, 2014 at 1:00pm in the Fire Department Community Room.

Public Input

Mr. Kratovil asked for clarification on his Pledge of Allegiance point. Mr. Kratovil went on to clarify that in his earlier statements, he never suggested that the Stars and Stripes caused the Boston Marathon bombing. Mr. Kratovil stated that what he was referring to was that all of our livelihoods, families, properties, and freedoms are made possible by the Constitutional Republic and the least we can do is honor that solidarity by reciting the Pledge of Allegiance.

Mr. Kratovil stated that his next point is on the Ellen Phillips reappointment. Chair Swenson replied that she was actually reappointed and Selectman Jarvis noted that she was confirmed by majority vote.

Regarding the Library repainting, Mr. Kratovil stated that Selectman Bickford had proposed holding off until September to repaint because of the dry warm air and he didn't feel it was necessary to repaint. There was a suggestion at a previous meeting to refer it to the Building Inspector. Mr. Kratovil stated that it sounds like Selectman Bickford knows what he is talking about and there is no certification to be the Code Enforcement Officer. Mr. Kratovil stated that he doesn't mean that in any derogatory way but he doesn't know what the Code Enforcement Officer's experience with painting is and it sounds like there is someone who knows what he is talking about, in reference to Selectman Bickford.

Mr. Kratovil stated that in reference to page 6 of the April 21, 2014 meeting minutes, Selectman Jarvis asked what is the current status of the FCC frequency arrangement. Mr. Kratovil asked if Chief Varney does come back, can the expense of the Town's own frequency be avoided and go back to sharing Farmington's channel. Chair Swenson replied that it was his understanding that the two were mutually exclusive. Selectman Jarvis replied that it was her understanding that the Farmington Fire Chief has been allowing the Town to be on their frequency, pending New Durham getting it's own FCC approved frequency. Mr. Kratovil stated that he got the impression that this was precipitated on February 3 and Selectman Jarvis replied that it came to light at that point that the Fire Department had not yet started the process. Selectman Jarvis stated that at that time Fire Chief Fowler had asked when the Town would be getting its own frequency and that is how it started. Selectman Bickford stated that he only knows that when Chief Varney left, getting the Town's own frequency was brought up as an issue. Selectman Jarvis stated that going back to meeting minutes of March 2014, Interim Fire Chief MacCaffrie spoke quite a bit about the whole FCC process and why it came out, what should have been done and what needs to be done. Selectman Jarvis stated that at the same meeting, Road Agent Clarke indicated that the Highway Department had switched frequencies a few years ago, and Farmington has been gracious enough let New Durham Fire Department use theirs but sooner or later, the Fire Department needs their own frequency. Selectman Bickford asked if there was someway to do a contract with Farmington to continue to share the frequency. Selectman Jarvis stated that the costs of getting the Fire Department's own frequency will be significant and agreed that it may be

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cheaper to contract with Farmington than to get the equipment and towers. She noted that it would be important to ensure that the frequency reaches all the parts of Town.

Mr. Kratovil referred to page 8 of the minutes of the April 21, 2014 meeting where Selectman Bickford stated that the sharing of workloads needed to be looked at and Chair Swenson agreed that it was an appropriate Town Administrator task and within his administrative duties. Mr. Kratovil stated that he agreed, and thanked Chair Swenson for his action on this.

Mr. Kratovil asked whose decision it was to place Marc and Valerie Behr on Administrative Leave. Mr. Kratovil asked how could that decision have been made without a meeting, was Selectman Bickford included in the decision and at any time did Interim Fire Chief MacCaffrie solicit Chair Swenson's advice. Chair Swenson replied that he and the Interim Fire Chief have not spoken directly regarding this and it is within the Chief's responsibilities. Chair Swenson stated that while the Town Administrator and the Chief may have had discussions, he himself has not. Mr. Kratovil stated that he understands that perhaps there is friction between the BOS and Lieutenant Behr but he sees him as being knowledgeable and reliable. Mr. Kratovil stated that it still has not been resolved as to why he was terminated in the first place, along with that of someone who is going to be a paramedic.

Mr. Kroepel stated that he would like to end on a positive note and referred to Mr. Kratovil's concerns with patriotic issues. Mr. Kroepel went on to explain his personal experience as a musician when he played the National Anthem, and the positive way that it was received and enjoyed by all, regardless of age or political standing.

Adjourn

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

The meeting was adjourned at 11:42 p.m.

Respectfully Submitted,

Jennifer Riel, Minute Taker