

NEW DURHAM BOARD OF SELECTMEN
New Durham Fire Department Community Room
Monday, May 19, 2014, 1:00 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
Vaughn Morgan, Videographer
Laura Zuzgo, Welfare Clerk
Mike Clarke, Road Agent
Shawn Bernier, Police Chief
Katie Woods, Police Department Secretary
Joe Bloskey, Solid Waste Facility Foreman
Dorothy Veisel, Chair of Ethics Committee
Ann Ruel, Resident
Kevin Ruel
Gregory Anthes, Resident
Jeffrey Kratovil, Resident
Jeffrey Roberts, Resident
Lisa Roberts, Resident
Georgianna Nason, Resident
Phil LeBlanc, Resident
Jane LeBlanc, Resident
Debra Jelley, Resident

Call To Order

Chair Swenson called the meeting to order at 12:32 pm at the New Durham Fire Department Community Room.

Chair Swenson made a motion to enter into non-public session, pursuant to RSA 91-A: 3 II *(b) - the hiring of any person as a public employee; (c) - matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver of a fee, fine or other levy, if based on inability to pay or poverty of the applicant & (d) - Consideration of the acquisition, sale, or lease of real or personal property which, if discussed in public, would likely benefit a party or parties whose interests are adverse to those of the general community.* **Seconded by Selectman Jarvis. Roll Call: Chair Swenson - Aye; Selectman Jarvis - Aye; Selectman Bickford-Opposed.**

Selectman Bickford was opposed due to the belief that the discussion of a possible sale of Town property should be in done in public session. The Board moved over to Town Hall.

Selectman Bickford left the nonpublic session at 1:15 pm.

Selectman Jarvis made a motion to leave nonpublic session. Seconded by Chair Swenson. Motion passed unanimously, 2-0.

Chair Swenson reconvened the public meeting at the New Durham Fire Department Community Room at 1:21pm. Chair Swenson stated that the meeting had been called to order at 12:32pm and went into non-public session for the purposes of an interview for the Treasurer position, a tax abatement issue and also for a property situation. Chair Swenson stated that while in non-public session a candidate was interviewed and there will be an action on that under the discussion of the job description.

Chair Swenson stated the public portion is now open and suggested to move the Welfare Guideline discussion before Public Input due to a conflict of schedule for the Welfare Clerk.

Welfare Clerk – Finalize Welfare Guidelines

Laura Zuzgo, Welfare Clerk, stated that TA Bourgeois had the emails and the information requested regarding liability insurance. Ms. Zuzgo stated that in the Guidelines, she removed the paragraph regarding medical insurance, as it was not necessary. Chair Swenson clarified that the draft being reviewed included all the edits that were discussed at the last meeting.

Selectman Jarvis stated that in regards to the workers' compensation and liability insurance, she had not been in favor of the workers' compensation but based on the results of the information from both the insurance carrier and LGC, she has changed her mind and suggested that the Town provide clients in the Workfare Program with workers' compensation insurance.

Ms. Zuzgo stated that the Workfare Program is the only thing left that needs a decision made and asked how the BOS wants it to be written. Selectman Jarvis stated that she is in favor of having the Workfare Program and her only issue with it was whether workers' compensation insurance is provided.

Selectman Bickford stated there needs to be a correction on page 16 regarding health insurance. Ms. Zuzgo replied that correction was already made.

Selectman Jarvis stated she wants to be sure when the Guidelines are approved, it is subject to review by the Town Counsel.

Selectman Jarvis made a motion to approve the draft Welfare Office General Assistance Guidelines as presented and discussed at the May 19, 2014 meeting of the

**Board of Selectmen and to send it to Town Counsel for review and comment.
Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.**

Public Input

Gregory Anthes, resident, stated he would like to assert once again his concerns regarding actions that two selectmen took back in February to fire Peter Varney as Fire Chief. He stated this action resulted in putting the families of New Durham's lives in jeopardy, putting properties at risk and putting additional financial burden on the residents of New Durham in the poor handlings of New Durham's Fire Department. Mr. Anthes stated he has recently learned there is a State investigation of the current Fire Chief and Fire Department. He stated that this is getting worse and not better, so to prevent more investigations, to prevent the risk to life and property of residents, with more costs to the residents and restore the Fire Department's high quality, Mr. Anthes proposed that the BOS reappoint Peter Varney as Fire Chief.

Jeffrey Kratovil, resident, stated he wanted to bring to the Board's attention, a concern he has about a rumor he heard that the Town may be losing a police officer. Mr. Kratovil addressed Police Chief Bernier and stated that it has nothing to do with him as a family man or personally but he is concerned about staffing and what is in the best interests of the Town. Mr. Kratovil stated he thinks there should be a needs assessment done on the Police Department to determine exactly how many people are needed to be working there. Mr. Kratovil stated his concern is that if the current officer were to simply be replaced, it would not be advantageous for the Town.

Mr. Kratovil stated that back in 2011 it was suggested that a parcel of land be purchased for the gun range and a citizen brought it to the Town's attention that all that needed to be done was to simply use the range that the Town already has. It is the Farmington Fish and Game that owns the range. Mr. Kratovil stated this brought a concern to his attention when the BOS went over staffing for the personnel and he figured that it was just a mistake as there are so many facts and he doesn't remember where they all came from but FBI statistics were cited and it turns out those could not be used as a resource.

Mr. Kratovil stated that in the annual Report, it was reported that Katie Woods is going to be going to part-time status in order to spend more time with her family but the reality is that for over a year now, some of the subpoenas and dispositions are being handled by the County Attorney. He stated that this tells him that either her talents could have been used in another department or there is simply no need for the individual to be filling the slot on Fridays. Mr. Kratovil stated that due to that fact, he believes it would be a good idea to have an objective outside party come in to determine what the needs of the Police Department are.

Katie Woods, Police Department Secretary, replied the reason she will not be available on Fridays is because the office is going to be closed. Ms. Woods stated that if the office were not closed, there would certainly need to be someone there.

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Shawn Bernier, Police Chief, in response to Mr. Kratovil statement that he could not use the FBI statistics. Police Chief Bernier stated the guidelines do not say that but what it does say is that those statistics cannot be used solely for the basis of adding another officer, and does not say the statistics cannot be used.

Mr. Kratovil stated that when he was on the BOS during budget season, the Board had an option and it was explained that the County Attorney is handling many of Ms. Woods' duties and responsibilities. Therefore, she was kept on since December until she finally reduced her hours to 32 hours and yet, that means every Friday, technically she is not needed. Mr. Kratovil stated that the BOS has a responsibility to look after the fiduciary interests of the Town and therefore, her talents could have been used at the Highway Department.

Ms. Woods clarified that the County Attorney has nothing to do with the Police Department work and the work is being handled by the Sheriffs Department, where the prosecutor is and his secretary handles it. Ms. Woods asked Mr. Kratovil to stop saying it is the County Attorney, and stated that the secretary handles discoveries and subpoenas. Ms. Woods stated that this amounts to about one hour a week of work so that's not a big deal, it is not the only thing she does and referred Mr. Kratovil to look at her job description

Chair Swenson closed Public Input at this point and stated there will be time for Public Input at the end of the meeting.

Appointments/Announcements

Chair Swenson stated that for some background, as part of the evaluation process, there are goals that have been set up for each of the respective department heads. He stated that in terms of managing these types of things, his feeling is that goals happen if you periodically review them as opposed to if you wait to the last day before the end of the fiscal period. Chair Swenson stated that what is being proposed, starting today, is to ask the department heads to periodically come and describe their progress towards the respective goals that were setup for each of the departments. Chair Swenson stated that for today's meeting, TA Bourgeois was asked to arrange for two to three department heads to talk about those goals and what their progress is to date. Chair Swenson stated that the primary topic he wants to be sure is covered and an agreement made, that virtually all of the department heads have been asked to do, is to look at what comparative information will be used and towns of similar characteristics as New Durham. He wants to make sure that there is agreement on the line items and key factors that would be appropriate in determining effectiveness, efficiency, operational practices, etc. for the respective department heads. Chair Swenson stated that while all the goals that were set up will be looked at, he wants to have particular focus on that part of the factors that he said are key in making some of the comparative information.

Police Chief – Goal Progress Report/Staffing

Shawn Bernier, Police Chief, distributed a comparison of line items of two surrounding towns, Strafford and Gilmanston. Police Chief Bernier explained these towns were chosen

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as a result of the following similarities to New Durham: square mileage, households, population, median income levels, each town has one body of water, at least one major highway, an elementary school and the largest portion of the budgets was the pay line for each department. Chief Bernier stated that each department has also has five police cruisers and the same size police department as New Durham.

Selectman Jarvis stated that Strafford and Gilmanton have been looked at, as well as at some points Barnstead, over the last couple of years when trying to compare so it is much better to be consistent as opposed to looking at communities that are not in the same area.

Police Chief Bernier stated the next portion he went into were the statistics for the year 2013. He compared the stats and summarized:

Motor Vehicle Summons - New Durham:	158	Gilmanton:	114	Strafford:	142
Motor Vehicle Warnings - New Durham:	2, 230	Gilmanton:	2,141	Strafford:	980
Accidents - New Durham:	60	Gilmanton:	90	Strafford:	78
Arrests - New Durham:	137	Gilmanton:	142	Strafford:	115
Miscellaneous Calls for Service- New Durham:	1,988	Gilmanton:	2,371	Strafford:	1,758
Total Activity - New Durham:	5,019	Gilmanton:	4,858	Strafford:	4,367

Police Chief Bernier stated that the next portion he looked at were statistics to this point in the year, May 16. He stated that so far the New Durham Police Department has 26 summons, 526 warnings, and 10 accidents. For the months of January, the Department drove 5,658 miles; February, 5,747 miles; March, 6,472; April, 7,191 and May has not been completed. To date, there have been 514 calls for service through May 16. Police Chief Bernier stated that prevalent through the winter months are burglaries, copper thefts, and larcenies from motor vehicles. Chair Swenson noted that as the population surges with the various resources, you see some additional activity. Police Chief Bernier stated that is correct, with more traffic and more population within the Town.

Police Chief Bernier stated that the second page of the report is the budget comparison breakdown between New Durham, Strafford and Gilmanton. He stated that each department has a chief and four officers, so basically the same size departments as New Durham. Police Chief Bernier stated that the salary line for New Durham is \$231,200; Strafford is \$238,088 and Gilmanton is \$260,202. Chair Swenson noted that New Durham is the most efficient from that point of view.

Police Chief Bernier went on to note the amounts in the following line items:

Clerical line/Part Time – New Durham: \$32,481 Gilmanton: \$34,111 Strafford: \$18,782
Overtime/On-Call for Court – New Durham: \$27,120 Gilmanton: \$9,000 Strafford: \$29,800.

Police Chief Bernier noted that the last line item for Gilmanton was so low because those costs are contained in the salary line, which would be why that line total is so much higher than New Durham and Strafford. He noted that not every department gets zeroed

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down to each line as New Durham does and some of it is just put in to a bulk line and is separated from there.

Police Chief Bernier explained that there are some differences between the towns with how the line items are distributed.

Telephone -	New Durham: \$4,000	Gilmanton: \$5,000	Strafford: \$6,000
Radio Maintenance-	New Durham: \$900	Gilmanton: \$1,300	Strafford: no line
Training-	New Durham: \$2,200	Gilmanton: \$2,000	Strafford: \$1,200
Office Supplies -	New Durham: \$2,500	Gilmanton: \$2,000	Strafford: \$3,000
Gasoline -	New Durham: \$16,500	Gilmanton: \$16,000	Strafford: \$18,144
Prosecution -	New Durham: \$10,000	Gilmanton: \$6,250	Strafford: \$7,000
Medical/Dental -	New Durham: \$70,980	Gilmanton: \$64,187	Strafford: \$82,176
Cruiser Maintenance -	New Durham: no line	Gilmanton: \$10,000	Strafford: \$6,000
Total Budgets -	New Durham:\$512,225	Gilmanton: \$517,900	Strafford: \$514,581

Selectman Jarvis asked for clarification regarding the Workers' Comp PD balance and unemployment listed, and do the other communities carry it somewhere else in their budget so it couldn't be determined. Ms. Woods replied that it was probably in one of their other line items. Selectman Jarvis asked that means approximately \$8,600 is in the total that is probably missing from the others? Police Chief Bernier said that is correct.

Police Chief Bernier stated that the next page that is included in the report is a breakdown for January, February, March, April and part of May to show the different calls that the department has been dealing with since the beginning of the year.

Chair Swenson stated that under the guidelines that were previously made as the introductory part of this discussion, comparisons presented are the areas that Police Chief Bernier would look for in making decisions on departmental efficiency, rationale for any changes, etc. Police Chief Bernier said that is correct. He stated that he noted it was interesting that Gilmanton had no part time police officers. Police Chief Bernier stated that when he called and spoke with the Gilmanton Police Chief, the chief stated that probably in 2015 he will be going for a sixth position and he does not run part time officers.

Selectman Bickford noted that the other towns are significantly larger than New Durham in population. He stated that when you look at New Durham there is one officer for 527 residents; Gilmanton is one officer for 755 residents and Strafford is one officer for 803 residents. Selectman Bickford stated that when you do the division, the other departments are serving a greater population. He noted that with the prosecution, New Durham is paying the highest amount and that is something that he has previously said should be looked into along with getting competitive pricing. Selectman Bickford stated he has looked at quite a few towns and one of the things he has learned is that if you want to get a feel of what is needed for officers, it's not so much about residency as it is the calls, and what those calls are for. Selectman Bickford stated that Barnstead did that and had Sheriff Wiggin to come in to assess what the department's needs were, then they

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went from seven officers to four, and Selectman Bickford stated that things are working out pretty good for them.

Police Chief Bernier replied to Selectman Bickford's comments and stated that he has spoken with the acting Police Chief of Barnstead. He stated that the Barnstead Chief told him not to compare his town to New Durham, and the Barnstead Chief stated that there are in fact a lot of issues going on over there. There are manpower issues and the Barnstead Chief said they are understaffed. Police Chief Bernier also stated that as far as the population comparison, he thought they were not supposed to do that. Chair Swenson clarified that what he suggested, is that Police Chief Bernier pick the information that he deems appropriate for comparison and then the BOS would collectively or individually, comment. In other words, have some sort of interchange that says what Police Chief Bernier has chosen to look at seems to be about right but perhaps other things need to be considered as well. Chair Swenson stated that for example prosecution is one area where best practices need to be looked at.

Selectman Bickford asked Police Chief Bernier how many officers are on the Barnstead Police Department. Police Chief Bernier replied that he does not know what the staff is but in speaking with Joe, the acting chief, they are understaffed. Police Chief Bernier stated that he knows that at one point they were approved for seven officers but they are no where near that now and he does not know the exact number. Police Chief Bernier said this is information he gathered when he was over there working a detail.

Chair Swenson suggested that another town or two be added for comparative information. Selectman Bickford agreed and stated that there are a lot of towns that could be added. Chair Swenson asked what the rationale would be for looking at the other towns. Selectman Bickford replied that you do often go by population and outlined some of the similarities between the towns. He stated that Barnstead had MRI come in and do a study there, and also had the Sheriff come in and do a lot of work there as well. Selectman Bickford stated that in the 80s, Barnstead did not have a police department, but instead used the sheriffs department. Barnstead is one to look at as there is a lot of material over there that can be looked at.

Selectman Jarvis asked Police Chief Bernier if he knows whether both Strafford and Gilmanton are in Belknap County. Police Chief Bernier stated that Strafford is in Strafford County with New Durham. He stated that in regards to prosecution, Strafford pays less than New Durham, may be more populated than New Durham but pay less because New Durham has more activity than Strafford. Police Chief Bernier referred back to the calls for service, when it was determined what each town would pay, it was based upon activity of those town. He stated that from all the towns that pay in for the prosecutor through the Sheriffs Department, Farmington is first because they have the most activity; Milton is second with second most activity, and then New Durham because it is the third busiest. He stated that Strafford and Middleton also pay in. Chair Swenson suggested that Police Chief Bernier add that as a line item to look at, the prosecution dollars per type or activity. Police Chief Bernier replied that has not been done in the last couple of years, and it was determined back in 2009 when the amounts were divvied up

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about how much towns would pay for prosecution. He suggested that it is a conversation he can have with the Sherriff regarding that. Selectman Bickford stated that he remembers asking for it back in 2012. Selectman Jarvis agreed that it was asked back in 2012 for the total number of cases, the amount of time spent, etc. to see what the value is of what the Town is getting. She stated that she has that documentation and will find it. Selectman Jarvis stated that it was financially better for the Town to remain with the prosecutor and the current system than to hire it's own prosecutor.

Selectman Bickford stated that Tamworth and Tuftonboro are a couple of towns that are also similar in population to New Durham. Chair Swenson agreed the comparison needs to be expanded beyond just two other towns. Police Chief Bernier stated that he is very familiar with Tuftonboro and knows they are not even close to the number of calls for service of New Durham.

Selectman Jarvis stated that she also wants to see what differences are in the total valuations, and total taxable properties are in each of the various communities. She stated that there is a significant flux in the population of New Durham, starting around Memorial Day.

Jeffrey Kratovil, resident, stated that one of his concerns about having a needs assessment is having the proper appropriation of staffing levels. He stated that if an independent study were to determine that it is worth it to have the officer replaced, he is all in favor of that. Mr. Kratovil stated that preserving peoples property is extremely important to him and it is also important to know when the crimes are taking place, particularly the burglaries. He stated that if we were to find that in New Durham the department is tail heavy during the day, and the burglaries are taking place during the night, his thoughts are that the coverage to protect everyone's houses should be at night. Mr. Kratovil encouraged the BOS and Police Chief Bernier to look at when the crimes are taking place.

Chair Swenson suggested that in looking at statistics of this nature, that Police Chief Bernier also look at two to three years of trends for comparison.

Gregory Anthes, resident, asked what the length of the shifts are for police officers. Police Chief Bernier replied that some officers work a ten-hour shift and some work eight hours. Mr. Anthes asked how many officers are on a particular shift. Police Chief Bernier stated that during the day it is primarily two and during the night there are some overlaps. A majority of the time there are two on but sometime there is only one. Police Chief Bernier stated that primarily the reason why there are two on during the day is because one officer, the Sergeant, is doing CDC interviews, Grand Jury, and working with the prosecutor. Sometimes he is out working on the road but sometimes he is at the County Attorney's office, working on sexual assault interviews, etc. Mr. Anthes asked if two officers are enough to cover all of the different shifts. Police Chief Bernier replied that it would depend on what is going on in the town during those shifts. Mr. Anthes stated that he was curious if there was a trend for burglaries and stuff like that. Police Chief Bernier

replied that he does not see a trend in the time of burglaries as a lot of those burglaries are found after the fact. Police Chief Bernier explained that the trends are always changing.

Mr. Anthes asked who gets the money when a summons is issued. Chair Swenson replied that the money goes to the State but the Town gets money from the State for patrolling Route 11. Police Chief Bernier stated that in 2014, the Town did not receive any money from the State for patrolling Route 11. Selectman Jarvis asked if someone is issued a ticket on a Town road, where does the money for that ticket go. Police Chief Bernier replied that also goes to the State and some of it goes to the Police Academy. Ms. Woods replied that the only money the Town receives are fines for violations of town ordinances. Police Chief Bernier stated that one of the complaints that would come in would be that the officers are out writing more tickets, trying to bring in more money back into the Town and it would be viewed as a revenue option.

Chair Swenson stated that he has reviewed the Police Department budget relative to current expenditures and it appears the Department is on a good track. He stated that another goal was to manage and reduce the overtime, which is something that Police Chief Bernier needs to continue managing. The rationale for headcount will be coming up through the year and the crime data has been partially done and this report is part of that.

Police Chief Bernier stated that one final thing that needs to be done is to apply for the Fish and Game grant so the Town can patrol the Class VI roads with OHRVs. He stated that the deadline is July 1, 2014 and the application is for 24 hours at \$45 per hour which comes to \$1,080.00. Police Chief Bernier stated that he needs permission from the BOS to apply for the grant.

Selectman Jarvis made a motion to give Police Chief Bernier permission to apply for the Class VI OHRV Grant from the Fish and Game Department in the amount of \$1,080.00 . Chair Swenson seconded the motion. Selectman Bickford opposed. Selectman Bickford stated that his reason for opposing is that the Department seems to have enough to do. **Motion passed, 2-1.**

Road Agent – Goal Progress Report

Mike Clarke, Road Agent, distributed copies of his goals that were on his evaluation. He stated that the furnace issue has been addressed and the budget is \$32,000 below 2013. Chair Swenson stated the goal was to manage the 2014 budget. Mr. Clarke stated that he is still working on the comparative highway departments report, and the towns he is including are Middleton, Milton, Barnstead, Pittsfield, Bartlett, Madison, Gilmanton, Tuftonboro, Andover, Thornton, Dunbarton, Warren, New Hampton, and Wolfeboro. Mr. Clarke stated that with the towns he is notifying, he is asking what they have for manpower, what they have for equipment, and what their total overall budget for the highway department is. Mr. Clarke stated he is not doing individual line items unless that is what the BOS asks for.

Mr. Clarke stated he is also asking for how many miles of paved and gravel roads. So far out of all the towns that he has contacted, New Durham has the highest income per capita

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of any of those towns per household. Mr. Clarke stated that he is not using just population statistics, for example he is not using Ossipee for comparison as they have a larger population, 6 more miles of road but have 10 people on the highway department. Mr. Clarke stated that he is running into this with other towns too, including Rollinsford which has only 10 miles of road. Mr. Clarke stated that his question for the BOS is in his Goals, the BOS asked for population and town size criteria but is there anything else that he needs to ask. Selectman Jarvis stated that while Mr. Clarke is asking for the total highway department budgets, after seeing Police Chief Bernier's report where line items are compared and noting that some towns do not have the same line items in the budgets as New Durham, she is concerned about being sure to compare apples to apples. She stated that going line by line is very cumbersome but perhaps there is a happy medium.

Mr. Clarke stated that he has also been asking for information on contracting work as well and is still working on the comparison. He stated that going by the towns' populations, New Durham is close to Rollinsford, Bethlehem, Chichester, Thornton, Madison, all within the 2400-2600 range, but he cannot get any figures from Town Hall with regards to the population increases during the summer and no one has any comparisons of what that might be.

Chair Swenson stated that the key piece is to understand what is going to be measured and get input from the BOS.

Mr. Clarke stated that he did not use Strafford as the population is larger, the miles of roads is significantly less and the whole town is contracted. Selectman Bickford asked if it is cheaper to have roads paved than to maintain gravel. Mr. Clarke stated that has been studied before. Selectman Bickford stated that he has gone over that with Mr. Bonanno and he thinks some of the figures are incorrect, and Selectman Bickford suggested looking at it again.

Mr. Clarke stated one of his goals is developing additional considerations for replacement of equipment rather than arbitrarily doing it based on the number of years the equipment has been owned. Mr. Clarke asked the BOS if they are suggesting moving away from the CIP program, or looking to start not replacing equipment or personnel or where are we going with this. Mr. Clarke stated that it was brought up to him during his review that some people on the CIP Committee and the BOS thought that he had rotated the loader earlier than need be and stated that when the loader was traded in, \$40,000 was received for it and it was actually scrapped.

Mr. Clarke stated that he needs to know what direction the department is going and stated that a member of the CIP Committee also suggested he not replace some highway department equipment. Chair Swenson stated that his thoughts when this was being discussed in 2013, were that it was not so much about doing away with CIP but it was about the rules or guidelines that are being used being appropriate relative to equipment, and what suggestions would Mr. Clarke have relative to what he is looking at and trying to do with the highway department to make it even more cost effective for the Town of New Durham.

Selectman Jarvis asked if there is a way to share between departments and gave examples of success in the past when trucks and equipment were shared between departments. Selectman Jarvis stated that she strongly believes in the CIP program and in the capital reserve funds but that was done quite a few years ago. Selectman Jarvis suggested looking at the criteria to determine if it is still valid, or has more information come to the department heads, particularly the mechanic David Valladares, to determine whether or not use of equipment can be stretched out another year, or is something costing the Town more than it is worth. She stated she is not envisioning doing away with the CIP program or the capital reserves but suggested revisiting how the criteria were set up.

Mr. Clarke stated that he is concerned that there seems to be a lot of interest in the Town for privatization and contracting for some aspects of the Highway Department and wants to know when that may be discussed. He stated that he is going to meet with Mr. Bonanno again soon to go over figures and wants to get on the agenda for a BOS meeting in June.

Chair Swenson replied that the comparisons that Mr. Clarke is working on would be a necessary piece to be considered when looking at the whole picture.

Mr. Clarke stated that relative to him approaching retirement, he was asked to come up with suggestions for a succession plan with any necessary training or certifications to be considered. He stated that he feels the job description created by the BOS and MRI covers it.

Mr. Clarke asked if the BOS would be discussing the purchasing policy at any point before the budget cycle. He stated that his concern is that one must go through the BOS, the budget committee, and the legislative body (Town Meeting) where everything is hashed out, bids are awarded and he still has to chase purchase orders. Mr. Clarke stated that the purchase order he presented for signature today was one that was awarded in November 2013. He stated that he feels the process is redundant and explained all the items he has to purchase, which have already been approved but he still has to go through the hassle of getting the purchase order signed. Chair Swenson stated that he has no problem looking at the Purchase Policy at some point between now and when the budget process begins, in order to look at a better way to do it that is consistent with what operational needs are but still maintain a fair process. Selectman Jarvis stated that she would be in favor of reviewing the purchasing policy because department heads have had issues, particularly with regards to doing things that have been put out to bid or where the State bid contract is being used. She agrees that it seems to be redundant to have the last step of signing the purchase order but she can see where the Financial Officer is coming from in requiring it as the auditors will come down on her if it is not done.

Selectman Bickford stated that it is about tracking and explained that it is not about what happens with the budget committee and at Town Meeting but after that all the budget lines go away and the BOS are supposed to be able to move that money around as they see fit. So, if the BOS allows someone to purchase a large quantity of something all at

once, they lose the opportunity to use that money for something else they may see more fitting, and Selectman Bickford stated that is why the purchase policy was set up.

Selectman Jarvis made a motion to approve Purchase Order #2298 to Northeast Earth Mechanics of Pittsfield, NH in the amount of \$25,350.00 for the purchase of 3,000 cubic yards of winter sand for bid awarded on November 4, 2013. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Solid Waste Facility Foreman – Goal Progress Report

Joe Bloskey, Solid Waste Facility Foreman, reported that regarding the Goals, he is working on maintaining the budget at the current level for 2014. Mr. Bloskey stated that on #2, the Quonset hut and the baler were only in operation for 6 or 7 months last year so he doesn't have anything to compare to. Chair Swenson clarified that what they are looking for is what he is going to use to measure i.e. tons, fuel usage, etc. Mr. Bloskey replied that he would use fuel usage and manpower; #3 – he has some towns that he has not contacted yet but will be including Milton, Barrington, Lee and Wakefield. Mr. Bloskey stated that he has been in contact with NRRA, an organization that deals with solid waste functions. Selectman Jarvis stated that a few years ago the town of Wakefield had a study done and suggested that may be a resource to get information. Selectman Bickford suggested that it might also be wise to look at the cooperative in Barnstead, Chichester, Epsom and Pittsfield. Mr. Bloskey stated that in regards to #4 – he has not done anything on that yet; #5 – he is working on becoming less dependent on the Office Manager; #6 – he stated that the Closure Plan has been completed along with approval by DES and is just awaiting final approval by the BOS. The Operating Plan is still being developed.

Selectman Jarvis stated that normally a seasonal worker is hired between June and October, and asked if Mr. Bloskey is planning to do so again. She suggested that if the same individual comes back, then the checks and hiring process will not be necessary, as with other seasonal employees such as the beach life guards, etc. Mr. Bloskey replied that yes, the individual would like to come back; he is certified through the Town as an operator at the Transfer Station and is expected to return this weekend. Mr. Bloskey stated that the part time seasonal employee would be working 20 hours a week until Columbus Day 2014.

Review of Operating Plan for New Durham Solid Waste/Transfer Station

Selectman Jarvis asked if the operational hours are changed, does DES have to be notified. Mr. Bloskey replied yes.

The Operating Plan was reviewed and discussed. Chair Swenson summarized the edits and changes, and suggested that those be made so it can be approved at the next BOS meeting.

- 1- Clarify whether the numbers in Section I are restrictive or an average use number;
- 2- Check to see if vinyl and plastic need to be checked in Section II;
- 3- Edits to Section 3 of changing “must” to “may”;

- 4- Rewording of “approved vendor” rather than naming companies;
- 5- Add the statement of “when staffed” with the emergency phone numbers.

Mr. Bloskey submitted the balance due tickets. Chair Swenson clarified with Mr. Bloskey that these are for individuals who used the Waste Facility and who have not appropriately paid for 2013. Mr. Bloskey stated that the Office Manager did notify all of the individuals in writing. Chair Swenson stated that in 2013 a procedure was set up to work through the collection process and asked if Mr. Bloskey has worked with TA Bourgeois on this yet and suggested he do so. Mr. Bloskey stated that these go back to the end of May 2013 and total approximately \$128.00.

Mr. Bloskey presented an application received from New Hampshire Beautiful for donating bags to the Town to do clean up. Chair Swenson clarified that New Hampshire Beautiful donates the bags and that Mr. Bloskey is looking for BOS approval for the receipt of the bags. Mr. Bloskey explained that the bags are for townspeople to use in cleaning their streets, roads, etc. He stated that the Boy Scouts get involved as well and the bags are donated at no cost to the Town. It was agreed by consensus that the donation of the trash bags would be accepted.

Jeffrey Kratovil – Fund Balance

Jeffrey Kratovil, resident, came forward with a treatise on the Town’s fund balance that was discussed during his appointment with the BOS, and asked that the report be used as a reference source during budgetary deliberations for fiscal year 2015. Mr. Kratovil went on to read his treatise in its entirety, citing the sources of his information and support for his recommendations. Mr. Kratovil submitted a copy of the report to the BOS.

Chair Swenson thanked Mr. Kratovil for his report and the time spent on it. Chair Swenson stated that the Town does have a Fund Balance Policy goal to determine what that percentage should be as a guideline, and is a part of the BOS goals this year.

Agenda Review

Selectman Bickford asked to add discussion of volunteer committees under New Business.

Selectman Jarvis asked to add the Application for Veteran Credits.

Selectman Jarvis stated that in the Town Administrator’s Report she would like an update in regards to employees’ feelings concerning the firearms policy.

Selectman Jarvis stated that for the next meeting, she would like the amount received to date for the timber harvests so that it can be decided if any of it will be spent. Chair Swenson stated that it was discussed at the last meeting that some money was received for the Shirley Forest but that is restricted.

Selectman Jarvis stated that the recommended amount of replanting needs to be looked into in order to preserve that forest in perpetuity as the grantor requested be done. She

stated that based on her reading of the Shirley Will, expenditures from that fund must be voted on by the legislative body and she suggested that it is never too early to start collecting the data that is needed.

Department Reports/Issues

None at this time.

Town Administrator's Report

TA Bourgeois stated that he has the first round of bids for the oil for the upcoming season. He stated that the rates are lower than last year but needs to know what the BOS wants to do in terms of trying to form a cooperative with other municipalities. TA Bourgeois stated that the prices are lower than what was paid last year, which was \$3.27 per gallon, and the current bid is \$3.18 per gallon but that price does not include an additional \$0.05 per gallon charge.

Selectman Jarvis stated that she would like to see if there is more of an advantage with going together with other communities. She stated that Gilmanton is interested and suggested that TA Bourgeois contact the Town Administrator of Pittsfield to find out about the cooperative there. Selectman Jarvis also stated it needs to be determined how to get out of the current contract. Chair Swenson stated that he doesn't want to run too late and wants to get locked in by the end of June. This issue will be kept on the agenda for discussion at the next BOS meeting.

Old Business

IT Policy

Chair Swenson stated that due to time constraints, he suggested postponing the discussion as he has numerous changes and comments. He stated that he would have TA Bourgeois distribute copies of the most recent version of the policy to be reviewed in preparation for discussion at the next meeting.

Treasurer's Job Description

Chair Swenson stated that a draft was distributed which was compiled from various resources including the Investment Policy that was approved at the last meeting and another job description that was available. He asked the BOS to review the draft to be finalized at the next meeting.

Chair Swenson asked for a motion to provide the outcome of the interview that was conducted earlier.

Selectman Jarvis made a motion to have the Town Administrator make a conditional offer of employment to the candidate for the stipend position of Town Treasurer, included within the conditional offer specifics to successful reference checks and in-house financial background. Chair Swenson seconded the motion. Motion passed unanimously, 3-0.

Fire Chief/Fire Department

Selectman Bickford stated that he has looked at the budget of the Fire Department and noted that currently all of the administrative funds for the Fire Chief have been expended. He stated that there needs to be a discussion about what the plan will be to cover that as there are still ten weeks left to the contract with Interim Fire Chief MacCaffrie.

Selectman Bickford noted that two weeks ago he had brought up about having Peter Varney become the chief again and the issue of terms was brought up. He noted that as stated at that meeting, the laws have changed on terms and it goes by the person. Selectman Bickford stated that if he were to nominate Peter Varney for an appointment, it would be for a three-year term. Selectman Bickford stated that he has spoken with Paul Sanderson of the Municipal Association and was advised that the BOS could also do a written agreement for the Fire Chief with certain dates, as he had suggested previously of just going into March of 2015.

Selectman Bickford stated he had authority to speak on Mr. Varney's behalf and stated that he received a letter from Peter Varney dated May 18, 2014, and read that letter aloud. In the letter, Mr. Varney recommended David Bickford to be a liaison between the Fire Chief, Fire Department and the BOS, as well as gave permission for David Bickford to negotiate on his behalf for the position of Fire Chief for the Town of New Durham. That authority to negotiate on Mr. Varney's behalf expires May 22, 2014.

Selectman Bickford stated that he would like to make a motion to appoint Peter Varney as Fire Chief for a three-year term. He stated that if that is not likeable, then perhaps the BOS could come up with something else.

Selectman Bickford read a letter from Fire Chief Richard Fowler of Farmington that summarized Chief Fowler's support and respect for Peter Varney and his recommendation that Peter Varney be reinstated as Fire Chief. Selectman Bickford also read a letter from Fire Chief Scott Williams of the Alton Fire and Rescue Department, which outlined Chief Williams' support and recommendation of Peter Varney for Fire Chief.

Ann Ruel, resident, stated that she has a petition with 163 signatures asking that Peter Varney be reinstated. She stated that all these were gathered in less than four hours. This petition was presented to Selectman Bickford.

Selectman Jarvis asked for copies of all the letters, emails and the petition.

Selectman Bickford made a motion to reappoint Peter Varney as Fire Chief for a three-year term. Motion died for lack of a second.

Selectman Bickford asked the BOS if there was anything else that could be done and stated that Mr. Varney had talked about continuing on until what he considers the end of the term, March 2015 so that would not be that long of a period of time. Selectman

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Bickford stated that Mr. Varney has said he will make the lawsuit go away if he were reinstated.

Chair Swenson stated that in response to Selectman Bickford's comments, he has reviewed all the court and legal documents, and stated that there are some serious allegations which are without merit, that he feels may need a court decision. Selectman Bickford asked if he has seen those documents and Selectman Bickford stated he is not sure what Chair Swenson is referring to. Chair Swenson replied Selectman Bickford does have a copy of the documents.

Ann Ruel asked if she could get the petition back if that is the route that the BOS is going to go. She is concerned with the names of residents and Town employees being put out there. Chair Swenson replied that she has already submitted the petition and it becomes an official public record. Ms. Ruel asked if Chair Swenson recommends that she and other volunteers go out and get more signatures. Chair Swenson replied that is not what he meant but there are some serious allegations in the lawsuit that he feels need to be addressed. Mr. Kratovil asked for clarification as to who the allegations are against. Chair Swenson clarified that the allegations are made by Mr. Varney.

Selectman Bickford stated that Paul Sanderson advised him that it would be good to sit down with the Town Attorney who should know that Selectman Bickford is on the Board, and Selectman Bickford stated that he has yet to sit down and speak to the attorney about anything. Selectman Bickford stated that Paul Sanderson also advised that it would be a good idea for the entire BOS to sit down with the Town Attorney and to consider the offer on the table.

Selectman Jarvis asked Selectman Bickford if what he is suggesting is that the full BOS sit down with Town Counsel to discuss this issue. Selectman Bickford replied yes. Selectman Jarvis and Chair Swenson both stated they would be willing to do that and Chair Swenson stated in no way should that inhibit or postpone any course of events of the lawsuit that is currently on track. He stated it would only be an informational interchange. Selectman Bickford stated to Chair Swenson that it sounds as if he is looking forward to the lawsuit going forward. Chair Swenson replied that he has major issues with the allegations in the lawsuit and that process should go through unless some other information is received which has not been received at this time. He stated that he has no issues with sitting in non-public with Town Counsel and the full BOS to find out what the attorney's counsel may be. There was discussion of where and when the meeting with Town Counsel would take place.

Selectman Bickford stated that he discussed with Paul Sanderson, a case where an election officer had been appointed. The Supreme Court came up with the de facto that when a person has been on a certain amount of time, they are in fact as good as appointed. Selectman Bickford stated that his biggest concern is that this seems to be what the constituents want. Selectman Bickford stated that he did not see anything in the lawsuit that would keep him from serving his constituents.

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Chair Swenson stated that getting a meeting set with Town Counsel this week would be ideal and if not, sooner than later. Chair Swenson clarified that the meeting will need to be posted, and Selectman Jarvis clarified that it is not required but has always been done when there is a meeting with Town Counsel. TA Bourgeois will work with Town Counsel and the BOS members' schedules to set up a meeting as soon as possible.

Jeffrey Kratovil, resident, stated that in regards to his prior comments about the Fund Balance, he talked about the surplus retention and there is a potential to return \$208,000.00 to the taxpayers at the end of the year. Chair Swenson stated that he is in favor of maintaining a sustainable tax rate reduction for more than just one year. Mr. Kratovil stated he doesn't know what the BOS has left in the legal line, but it troubles him that he, like many families out there, when receiving a tax refund, has to think about what he needs and stated that many people could be relying on that money. Mr. Kratovil stated that regardless of how much money may still be in the legal line, he is concerned that if the lawsuit goes forward, the surplus may need to be tapped into. Mr. Kratovil asked that the BOS please consider whether it is worth denying the taxpayers their surplus refund because of having to tap into it in order to pay off a lawsuit that isn't really necessary. Mr. Kratovil stated that his second thought is that the impression he gets from his fellow citizens is that they really want to know why this is going on. He stated that it sounds like the BOS may be open to talking with Town Counsel, and suggested that instead of putting this in non-public, to talk to Town Counsel in an open format. Mr. Kratovil stated that it would really encourage residents to know what is going on.

Mr. Anthes asked for information regarding the State investigation that is going on. All members of the BOS replied that they have not received any official notification. Chair Swenson stated that he too has heard rumors but has not received anything official. Chair Swenson asked who is doing the investigation. Mr. Anthes replied that he does not know. Mr. Anthes stated that people from the Fire Department have received letters to appear in Concord for this investigation. Chair Swenson stated that he would do some checking on it.

Mr. Anthes stated this is the tip of the iceberg and this thing is going to keep going. Mr. Anthes stated that Mr. Bickford and Mr. Varney have given an out and stated Chair Swenson and Selectman Jarvis are blocking that. Mr. Anthes stated he doesn't know of anyone in the community that doesn't want Peter Varney back as Fire Chief. Chair Swenson stated that as a reminder to everyone, this is not a public hearing but is an interchange for input that was allowed relative to this topic. It is nothing other than an informational exchange. Selectman Jarvis replied that there are individuals that do not want Mr. Varney back but without their permission she will not divulge their names.

Mr. Anthes stated that the BOS has been handed a way out that wouldn't cost the taxpayers any money and repeated that by the Fire Department's position now, lives and properties are at risk and asked if that bothered the BOS too. Mr. Anthes stated that employees have been treated poorly and he just found out that when the BOS fired Mr. Varney, the BOS did not go to Mr. Varney and tell him, it was made known at a public hearing that Mr. Varney was terminated. Chair Swenson replied that Mr. Varney was not

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fired or terminated, he was not reappointed, and it is important to understand the difference between the terms being used. Mr. Anthes stated that if you pay someone money as an employee and you get rid of them, you've fired them but there is more liability that is coming, not only for the Town, as there is a cost factor here to the residents. Mr. Anthes stated the problem he is having is that the BOS is not even aware of a State investigation of the Fire Department and it is frightening that the BOS do not know about the other investigations that are going on. Chair Swenson asked if Mr. Anthes has copies of the letters and Mr. Anthes replied that he did not. Chair Swenson clarified that is then hearsay. Chair Swenson stated that none of the members of either the BOS or the Town Administrator have received notification regarding any investigation. Chair Swenson clarified that he only has heard that someone has written a letter of complaint to the State. Mr. Anthes stated that here is Selectman Bickford trying to get out of the situation that Chair Swenson and Selectman Jarvis have put the Town in, and yet are not willing to sit down and say lets get out of this for the Town's sake. Mr. Anthes stated that to put the Town at risk financially and their lives, the arrogance that is projected is unbelievable. Mr. Anthes recommended that Chair Swenson and Selectman Jarvis resign immediately to allow the Town to get somebody that cares about the future and the residents, and get back on track.

Selectman Jarvis replied that the BOS will be meeting with Town Counsel in the near future and a lawsuit has been filed. Mr. Anthes stated that the lawsuit will be a done deal and will all go away if Mr. Varney is brought back.

Selectman Bickford stated that in regards to the Fire Department budget, the administration needs to sit down and go over the budget line item, as the money is gone. TA Bourgeois will put it on the agenda for the next meeting.

Selectman Bickford stated that a letter from Marc Behr was received, addressing the allegations made by the Interim Fire Chief MacCaffrie regarding his termination. Selectman Bickford suggested sitting down with Interim Fire Chief MacCaffrie to have him explain how he came to the conclusions. Chair Swenson stated that he would like the writer of that email to describe specifically what the lies are that are alleged.

Chair Swenson stated that time for Public Input will be closed for now and Public Input will be added at the end. Mr. Kratovil asked to make a quick comment. It was agreed by consensus to allow two more individuals to speak.

Mr. Kratovil stated that he has a letter that he submitted to the Editor of *The Baysider*. He stated it is regarding the fact that one of the concerns of Selectman Swenson at the time was that when Selectman Jarvis and Selectman Kratovil (at the time) originally proposed a \$1.00 per hour increase, that would have meant that Chief Varney was at \$16.82 and going up just a single dollar. When either Selectman Jarvis or Selectman Kratovil mentioned that, the complaint from Selectman Swenson at the time was that dollar increase was not budgeted for, it would be a burden to the taxpayer and it doesn't make business sense even though Selectman Swenson acknowledged that Chief Varney had made all calls. Mr. Kratovil stated that as of February 6, despite the fact that there was the

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increase to \$17.82 per hour, Mr. Swenson approved \$24.00 per hour for the Interim Fire Chief MacCaffrie. Chair Swenson replied that Mr. Kratovil isn't being quite complete in his relating of facts but due to the fact that the discussion took place in non-public, he is not going to describe the discussion. Selectman Jarvis stated that in non-public the rationale for that was discussed extensively and debated. Mr. Kratovil replied that the only thing that was the cherry on the top of the deal was what was expressed in public meeting, that there was supposed to be some type of needs assessment from the Interim Fire Chief.

Ann Ruel, resident, stated that she has been a resident of New Durham for 17 years and her concern is about the Administrative Leave for Valerie and Marc Behr. She wants to know when they can come back as Valerie is now a paramedic. Chair Swenson stated that this was addressed at the last BOS meeting and the steps for them to come back were outlined. Chair Swenson stated that the BOS is waiting on the recommendation of the Interim Fire Chief. Ms. Ruel asked why the Interim Fire Chief is given this power when Chief Varney was not given any power to give promotions and other chiefs before him did so. Ms. Ruel asked for an explanation of what "moving in a more positive direction" means. Chair Swenson replied that relative to her comment about promotions, Chief Varney at the time, had equal opportunity including going through the right process, as does the current chief.

Selectman Jarvis replied that when Mr. Varney was Fire Chief, he did in fact have the authority to put people on administrative leave, etc., and stated that he did do that on at least one occasion. Selectman Jarvis stated that it is no new authority that has been given to Interim Fire Chief MacCaffrie. She stated that she could not document that the BOS had given him that authority to terminate and that is why the terminations no longer exist. Selectman Jarvis noted that Interim Fire Chief MacCaffrie did state at the last meeting that if the individuals want to return and actively participate, they could.

Lisa Roberts, resident, asked if the Town is found in the wrong relative to the lawsuit, would taxpayers have to pay the legal bills. Ms. Roberts stated that to her understanding, Primex has stated they will not cover the Town in this case. Chair Swenson replied that is not an entirely correct statement, as there are some conditions on which Primex would pay some of the legal fees and he would need to go back to the details of the letter to understand that. Ms. Roberts asked what part of that burden will be hers and Chair Swenson replied that will depend on what the court's decisions are. There are certain areas that Primex will cover.

Selectman Bickford asked how much has been spent so far on this. Selectman Jarvis replied that as of the last bill of April 30 that came in for legal expenses, it was approximately \$2,000.00. She stated that it was less than the legal fees involved for the case that went before both the Planning Board and the ZBA.

Selectman Jarvis stated that going back to the question about the status of Mr. and Mrs. Behr, she noted that at the last meeting Interim Fire Chief MacCaffrie said that anyone who would like to come back and participate, is welcome to come back. It was asked how

they can come back if they are on Administrative Leave. Selectman Jarvis replied that the Fire Chief has the right to lift the Administrative Leave, to put them on leave and to take them off leave.

New Business

Application from Veteran

Selectman Jarvis explained that a request came in several days after the specific due date, but under the statute the individual has the right to request that the BOS waive the due date. It was decided to grant the exemption in the midst of the individual leaving military service and having missed the date. It was agreed that it was still in compliance with the statute.

Selectman Jarvis made a motion to authorize a Veterans Exemption for property located at Map 209, Lot 001. Chair Swenson seconded the motion. Motion passed unanimously, 3-0.

Conservation Commission – Moose Mountain

Chair Swenson stated that in a prior year, the Town authorized the Conservation Commission to make a contribution to a nonprofit entity. Selectman Jarvis stated that it was in 2013 that the Conservation Commission authorized a contribution. Selectman Bickford stated that doesn't sound right and stated that he thought Town Meeting has to establish an agreement. Selectman Jarvis stated that previously, the Town did authorize the Commission to spend money. The statutes and Land Use Regulations were reviewed for clarification and discussed.

Chair Swenson stated that the bottom line is whether the Conservation Commission had the authority to make the contributions without the approval of the BOS or the legislative body. Selectman Bickford replied that the answer is no, according to Attorney Johnston of NHMA.

Selectman Jarvis suggested that TA Bourgeois draft a letter on behalf of the BOS to Moose Mountain to officially request that the monies be returned, and explaining that the donation that was made by the Commission was not within their authority. Chair Swenson agreed the Conservation Commission needs to be notified of the error as well.

Selectman Jarvis made a motion that TA Bourgeois draft a letter to Moose Mountain Regional Greenways, outlining that an error was made, and under legal advice the Town is formally requesting that the monies be returned. Selectman Bickford seconded the motion. Motion passed unanimously, 3-0.

Metrocast Franchise Agreement

Chair Swenson stated that a Public Hearing is being scheduled for June. Selectman Jarvis stated that she wants to be sure there is the fourteen-day period for public notice.

Selectman Jarvis asked if there is a need to have counsel present that has been advising the consortium. TA Bourgeois replied that some communities do and others do not.

Selectman Jarvis asked how it has gone with the communities that did not have counsel present. TA Bourgeois replied that quite a few of the communities have already passed it and have done fine. He stated that a majority of the negotiations do not apply to New Durham as they are not looking for public access channels and the major decision that the BOS will have to make is if they want to leave the franchise fee as it is, or increase/decrease it. Chair Swenson stated that during the course of the agreement, the BOS has opportunity to increase the fees if so chosen, starting at 3% up to 5%. Selectman Jarvis asked that as the fee is a fee the Town receives from Metrocast, is that a fee that is then passed on to the users. It was discussed and agreed that the fees are most likely in essence paid by the consumers.

It was agreed that there will be no legal counsel present at the Public Hearing as it has already been reviewed by counsel for the consortium. TA Bourgeois suggested that if the BOS have specific questions, those can be forwarded to Town Counsel. The hearing will be held June 2, 2014, 7:00pm at the New Durham Town Hall.

Transient Sales Person Ordinance Edit

Selectman Bickford stated that he brought this up a year ago and noted that the penalty was put in there incorrectly. The old penalty was a violation and that's why when the one transient that has been dealt with went to court, the court fined him there with a misdemeanor. Selectman Jarvis suggested instead of just having one penalty cited, it should probably cite RSAs 31:102-A, 31:21 and 320:2, each individually. There are three different laws and it is simpler to specify each one. Selectman Bickford suggested not putting the entire RSA in there but to include it as a reference. After discussion, it was agreed to include the RSAs so that the penalties are also spelled out. Chair Swenson stated that he wants to be sure to include the statement along with the RSAs cited, "*and any other penalty described in that particular RSA.*" Selectman Bickford clarified that the ordinance is just to announce what the penalties are, as it is State law and the BOS does not have any control over the penalties any more. TA Bourgeois will make the edits for review and approval at the next meeting.

Town Administrator Evaluation Process

Chair Swenson stated that in accordance with the agreement with MRI, an evaluation form was revised and distributed on May 14. The forms that MRI indicated are to be completed by the BOS, will be returned to MRI by May 27, 2014. This will fulfill the MRI agreement by the end of May. Chair Swenson suggested scheduling an evaluation within ten days after May 27, 2014, and stated it will be conducted by MRI with the BOS present.

Volunteer Committees

Selectman Bickford stated there needs to be discussion about how to handle the committees. He suggested having a file for when things do go wrong on a committee, to keep track of problems with committee members and as a way to collect data.

Selectman Bickford stated that for example, he has reviewed the April 24, 2014 minutes of the Parks and Recreation Committee meeting, and notes that there is no mention of the

committee members or of those in attendance. He stated that there is nothing to indicate who is addressing the committee with questions, yet there are several parents from the kids club that were present about billing and contracts. Selectman Jarvis replied that there may be some statutes that are somewhat conflicting with RSA 91-A particularly when dealing with children, and there are certain additional confidentiality protections. Selectman Bickford stated that in that case, the meeting needs to go into non-public.

Selectman Bickford went on to outline the other issues that were discussed in the Parks and Recreation Committee meeting including the possibility of them looking into purchasing a van. He stated that he gets criticized for not getting authority, and if this is going on behind the scenes and that van shows up, his concern is who is going to pay for the gas and maintenance for it or is it coming out of the revolving account. However, if it is going to bring maintenance and insurance costs to the Town, Selectman Bickford stated that he is concerned. Selectman Jarvis stated that the issue of purchasing a van did come up at some point in 2009 and at that time it was pointed out that all the costs associated with it need to be determined as those would be coming out of the revolving fund. Selectman Jarvis stated that she would want to see a cost analysis.

Chair Swenson suggested that TA Bourgeois meet with the Parks and Recreation Chair or the entire committee to outline the legal requirements for the meeting minutes. Selectman Bickford stated that he would like to start keeping record of mistakes and stuff like this with committees. Selectman Jarvis suggested that it might be appropriate to put out a general memo to all of the committees, outlining the requirements for minutes and posting of meetings. TA Bourgeois will draft a memo.

Selectman Bickford stated he received a letter back from Paul Sanderson, Esq. explaining why personal meetings should not be done with people with members of the Ethics Committee, and then claiming to bring it back to the Ethics Committee for discussion. Selectman Bickford read the letter and Chair Swenson asked that copies of the letter be distributed to the rest of the BOS as well as a copy to the Ethics Committee Chair.

Treasurer Job Description

Selectman Jarvis stated that she would like time to review the draft before approval. Chair Swenson stated that he took a large part of the investment policy and reworded it to make it more inclusive but basically used that format. Selectman Jarvis asked if it at all references the statute under which the Town Treasurer functions, and stated that the Town Treasurer needs to be reporting to the BOS and not the Financial Officer. It was agreed that approval would be postponed to the next meeting.

Approval of Minutes

Meeting of May 5, 2014, Public: Edits were made to the draft. **Selectman Bickford made a motion to approve the minutes as amended. Selectman Jarvis seconded the motion. Motion passed unanimously, 3-0.**

Meeting of April 21, 2014, Non-Public: **Selectman Jarvis made a motion to approve the unsealed portion, non-public minutes. Chair Swenson seconded the motion.**

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Selectman Bickford abstained, as he was not present at the April 21, 2014 meeting.

Motion passed, 2-0.

Meeting of April 21, 2014, Non-Public: **Selectman Jarvis made a motion to approve the sealed portion of the non-public minutes. Chair Swenson seconded the motion.**

Selectman Bickford abstained, as he was not present at the April 21, 2014 meeting.

Motion passed, 2-0.

Purchase Orders

TA Bourgeois presented two invoices for approval, one for the police dispatch for 2014 for a total rate of \$4,380.63 and the fire EMS dispatch for \$2,333.00. Chair Swenson clarified that this is the annual fee and it has not changed from last year.

Selectman Bickford made a motion to approve the purchase orders in the amount of \$4,380.63 for the police dispatch and \$2,333.00 for the fire EMS dispatch, to Strafford County for the year 2014. Chair Swenson seconded the motion. Motion passed unanimously, 3-0.

Future Meetings

Monday, June 2, 2014, 7:00pm at the New Durham Town Hall, beginning with a Public Hearing on the Metrocast Contract.

Public Input

Jeffrey Kratovil, resident, stated that he would like to express his gratitude for the work submitted by the current minute taker, Jennifer Riel. He stated that he was assigned to the hiring board for her employment and is pleased that the board made the right choice and thanked TA Bourgeois and Amy Smith for their part in hiring Mrs. Riel. Mr. Kratovil stated that he has become acclimated to paying for copies of the minutes at \$0.50 for the first two pages and \$0.25 per page thereafter. He stated however, it is not so bad as they are done so professionally.

Mr. Kratovil stated that he has concerns about the Creative Kids Club disbanding. He stated that for many families childcare issues are often a big concern. He asked if there were any other alternatives that could be provided for the community.

Selectman Jarvis replied that the CKC is not disbanding. Chair Swenson stated it is not a program that is under the authority of the BOS and doesn't provide any money for it. Mr. Kratovil asked if there was any alternative that could be provided or any suggestions to fill the vacuum. Chair Swenson suggested taking it up with the Parks and Recreation Committee but beyond that, because the BOS has no authority, he would be hesitant to make any recommendations. Selectman Jarvis stated that it is her understanding that due to the planned removal of suspected asbestos in the school, the school is not going to be available and the program is being suspended for the summer only.

Selectman Bickford stated he recalled having called the Superintendent about it a while ago and she said something could be done to make it work. However, she has not gotten

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back to Selectman Bickford yet. Selectman Bickford stated that he noted in the minutes he just read, it was not conclusive in there that it was because of the asbestos but that it may be because there were not enough people signed up. He stated that he also heard from a couple people this weekend that are very upset about it, didn't feel they were well notified, and there is an issue going on of people being overbilled. Selectman Bickford stated that one time the BOS authorized someone to go to court and they didn't have to pay all they were asked to pay. Chair Swenson stated that as the BOS does not have authority over the program, he would suggest that it be taken up with whoever has responsibility for it directly. Selectman Bickford suggested that perhaps there may be ways that the BOS can help out or take it over in another way and possibly become a Town function. Mr. Kratovil asked if it is an asbestos issue, would it be safe? Chair Swenson replied that it is a school issue.

Mr. Kratovil stated that his next question is regarding the purchase by the Parks and Recreation of an automobile and asked if the BOS has heard anything about it. Chair Swenson replied that it was discussed previously when Mr. Kratovil had stepped out of the meeting.

Mr. Kratovil asked if there was an update from David Valladares. Chair Swenson replied that he is scheduled to come to the next BOS meeting but because of the changeover in personnel, he had been delayed. Mr. Kratovil asked if Chair Swenson has heard any rumors that New Durham may be going the Alton route, of \$1,000.00 for the program. Chair Swenson replied that the program was already approved and purchased in September of last year.

Mr. Kratovil stated that at the May 5 meeting it was discussed about employees bringing firearms to the workplace, and was wondering if any input has been received back from employees. Chair Swenson replied that it was discussed earlier when Mr. Kratovil had stepped out of the meeting, and Town Administrator indicated that he would give an update at the next BOS meeting. Selectman Bickford stated that he spoke to two of the municipal association lawyers last Saturday and he asked them about having an employee policy. He stated that he was advised it would be good to have a policy, but it is not enforceable.

Selectman Jarvis asked if the State law has changed that prohibits a municipality from having an ordinance in regards to firearms, and how the schools can do it, not only within the building but also within a certain distance from the building. Selectman Bickford replied that he does not know if there is a State law relative to the school setting that supersedes the State law relative to a municipal setting.

Chair Swenson stated that one of the reasons why this was discussed was because he noticed that Alton did take an action and develop a policy. He stated that he isn't on either side of it but just wanted to make sure it was addressed, however, if it is not enforceable, there is no point.

Mr. Kratovil stated that about what Ms. Woods stated earlier in the meeting regarding her work at the Police Department, she clarified that it was merely one hour that the Sheriffs

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Department was picking up. Mr. Kratovil stated that he did want to say that as a matter of fact her hours are going down to 32 hours so apparently when it was stated they are only covering one hour, in reality eight hours aren't needed. Selectman Jarvis replied that the Sheriff's Department is covering one hour and seven hours are being eliminated of coverage in the office for the public for her to answer phones, dispatching and doing other tasks. Selectman Jarvis stated that when it was first discussed, she said she was concerned with how the public was going to respond to it and told Chief Bernier she was going to take a very close look to make sure that the public is not feeling disadvantaged or inconvenienced with going from forty hours of office availability to thirty-two. Mr. Kratovil stated that essentially Ms. Woods could have been relocated to a different department or change her status down to part time a while ago instead of waiting until July.

Mr. Kratovil stated that he would like to make a recommendation, and a study would either support him or prove him wrong, but he would suggest that with the influx of out-of-towners for the summer, that the Police Department actually remain open on Fridays as common sense would tell him that would be a busier day and he would suggest a different day of the week. Chair Swenson stated that from an operational point of view, Chief Bernier needs to respond to that and come up with those decisions.

Mr. Kratovil asked if the BOS is open to the possibility of a study of the Police Department.

Selectman Bickford replied that he is in agreement with having someone with expertise to know how to look at the calls and the Police Department. He stated Tony Bonanno has looked at it and gotten a feel for it but Selectman Bickford would prefer to have someone else look over Mr. Bonanno's work.

Chair Swenson replied that the process of gathering information has been started but he wants to see that information before going in any direction.

Selectman Jarvis stated that she wants to see what Police Chief Bernier puts together as well as seeing what an individual citizen has been researching.

Gregory Anthes, resident, stated that he would like to go back to the State investigation that is going on and the letters received requesting that people talk with the investigators. Mr. Anthes asked what the BOS know about it. Chair Swenson stated that he is aware that someone filed a complaint but he hasn't seen anything from the State and beyond that he does not have any other information. Selectman Jarvis stated that today is the first that she has heard about any investigation. Selectman Bickford replied that he thinks they may not hear anything unless something is found to report. Chair Swenson stated that as soon as some official notification is received, there would definitely be some discussion on it if necessary in public and in non-public if needed.

Mr. Kratovil asked if when an individual makes a complaint to the State, do they have to go through the Selectmen's office as part of the chain of command or can they bypass

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the Town and go right to the State. Selectman Jarvis replied that in her experience as being in charge of a licensing unit with the State, when a complaint would come in, it would first be evaluated to see if anything in the complaint alleged or appeared to be a violation of the licensing statute or rules. If that happened, than an investigation would be started and it could go a multitude of different ways, depending on the complaint.

Selectman Jarvis stated that with some State agencies, if an individual files a complaint they have to cite the specific portions of the law and or regulations that they believe have been violated. Mr. Anthes asked again the BOS if they are aware of who has received letters from the State. Chair Swenson replied that he is not aware but if Interim Fire Chief MacCaffrie has that information, he does not know. TA Bourgeois stated that he checked with Interim Fire Chief MacCaffrie and he does not know of anybody on the Department that has received letters.

Ann Ruel, resident, asked if the individuals who are going to Concord, are they going to be paid to go, as they are on the Fire Department. Selectman Jarvis replied that she does not know, as the BOS has no idea what is going on, but some people may be and some may not. Chair Swenson stated that he would have to look at what the policies are and cannot answer the question.

Adjourn

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

The meeting was adjourned at 5:59 p.m.

Respectfully Submitted,

Jennifer Riel, Minute Taker