

**NEW DURHAM BOARD OF SELECTMEN  
New Durham Fire Department Community Room  
Monday, June 9, 2014, 7:00 p.m.**

**Present:**

Chairman David Swenson  
Selectman David Bickford  
Selectman Theresa Jarvis

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Jim Ladd, Videographer  
Vaughn Morgan, Videographer  
Shawn Bernier, Police Chief  
Lee Newman, Resident  
Gregory Anthes, Resident  
Dorothy Viesel, Parks and Recreation Commission  
Skip Fadden, Resident  
Angela Chapman, Resident

**Call To Order**

Chair Swenson called the meeting to order at 7:00 pm at the New Durham Town Hall. Chair Swenson stated the meeting has a limited agenda and was originally scheduled for a single item, which is a notice from the New Durham Finance Officer that she will be leaving, effective June 20, 2014. Chair Swenson stated with that situation there is a process that needs to be worked through according to the policy. Chair Swenson stated the BOS needs to determine whether the position will be filled with a promotion, transfer or new hire. Given the Town's situation, he anticipates it will be a new hire.

Selectman Jarvis stated if there is an in-house candidate with the qualifications, that is fine but she too anticipates having to advertise the position.

Selectman Bickford asked the status of the Treasurer position. Town Administrator Bourgeois replied they are still waiting on the credit check to come back. Selectman Bickford stated he recalls her having some of the qualifications for the Finance Officer position as well.

**New Business**

**Finance Officer Position**

Chair Swenson stated the salary range for the position needs to be defined. It is currently at a grade 6 with a range of \$14.25 to \$24.99 per hour and he stated he assumes that range will remain in play.

Chair Swenson stated the next sequence according to the policy is that a job posting be developed. A draft of the posting was reviewed and discussed.

Selectman Bickford stated that by having assessing with in it, the pool of candidates would be limited and suggested removing that part of the description.

Selectman Jarvis stated the only problem she has with the posting is regarding the statement referring to a “variety of financial reports for the BOS”, and suggested to also include the Budget Committee. Selectman Jarvis suggested inserting the salary range along with the statement “salary commensurate with experience...”

Selectman Bickford suggested including the statement that during the budget process, some evening meetings may be required.

Selectman Jarvis stated if the Land Use Assistant is going to be taking on the assessing clerk role, then she would be the one that would supervise the assistant assessing clerk as opposed to the Financial Officer.

Chair Swenson suggested crossing out the “responsibility for supervising” and changing it to “responsibility for collaboration with the Land Use Assistant.”

Selectman Jarvis stated on page 3, bullets 11 and 12, she is not sure how much of that is related to the assessing side or how much is related to the Financial Officer’s side. Selectman Jarvis suggested having Town Administrator Bourgeois talk to Vickie Blackden, the current Finance Officer about it. Chair Swenson stated he has had some conversations with Ms. Blackden already about the current use and timber tax piece of it but hasn’t talked to her about the tax exceptions and stated this is what she does currently.

Chair Swenson suggested looking at the Land Use Assistant job description at some point as well.

Selectman Jarvis stated where EQ is noted in the job description, it needs to be defined and explained. Selectman Jarvis suggested under Knowledge, Skills and Abilities, to remove assessing skills.

Chair Swenson stated this posting will need to be revisited given the questions on the four items previously discussed, i.e., assessing issues, current use, tax exemption credit and timber/gravel tax. Selectman Jarvis stated on page 4, under Supervising Controls, the second paragraph will need to be edited based on the answers that are received in regards to assessing and current use and whether this position would be consulting with the Town Assessor and Town Clerk.

Chair Swenson stated the job description will be reviewed and finalized at the next meeting. Selectman Jarvis suggested also having an update on the status of the land use assistant and where they are at in the transition to take over all of the assessing. Town Administrator Bourgeois will follow-up and add it to the agenda of the June 25<sup>th</sup> meeting.

Chair Swenson summarized that while it is a working document, it is reasonable with the couple of changes that have been made and there are a couple outstanding questions which Town Administrator Bourgeois will need to follow up. The process would then be the posting of the job posting that was just amended, beginning with an internal posting for five business days and then it will be externally advertised for a maximum of ten days. Chair Swenson stated that is subject to change if the BOS wishes to do so and asked if anyone had a reason why it should be posted for longer. Selectman Bickford and Selectman Jarvis agreed that ten days should be sufficient.

Chair Swenson stated in regards to the interview process, Town Administrator Bourgeois will be one of the individuals involved, and if available, it would to be appropriate for the current Finance Officer to be involved as well along with members of the BOS. Selectman Jarvis suggested that if the Treasurer is available by then, they too should be involved along with one member of the BOS. Selectman Jarvis stated she doesn't mind doing it, although there will be two weeks in July she won't be available. Selectman Bickford stated he is usually around too. Town Administrator Bourgeois will work with them regarding the scheduling of the interview. It was agreed Selectman Bickford would be part of the interview process. Chair Swenson stated after the candidates have been screened, he anticipates maybe two or three people coming before the full BOS based on the interview process.

Selectman Bickford stated something that was done one time, was to sit down and look at all of the applications, put them in a hat and sort through them to figure out which ones to interview and suggested looking into doing that again if there are a lot of applicants. Chair Swenson replied he's not sure what Selectman Bickford means by "hat" but in the process, often times you down-select based on qualifications, job description, experience, etc, and then look at three to five. Selectman Bickford explained that the BOS members looked at them individually and to see which ones satisfy the requirements before the group sits down together. Selectman Jarvis stated the process Selectman Bickford suggested was used with the Land Use Assistant and at least one of the highway department hires, and worked well to narrow it down. She explained all the BOS members listed them one through ten and then Town Administrator Bourgeois collated everything to see which ones to interview.

Chair Swenson stated in regards to the timing part, it is highly unlikely that any decision will be made before Ms. Blackden, the current Finance Officer, departs on June 20, 2014. On the positive side, from a coverage point of view, she would be available to do some Friday work and Chair Swenson suggested using that opportunity but he doesn't think that will be a sufficient amount of time to cover the amount of work that needs to be done from the point when she leaves until any hiring would be complete.

Chair Swenson stated one option would be to do a contract, fill-in position with a more limited number of hours until a new hire is on board and asked for any thoughts on that.

Selectman Jarvis asked what the cost of a contract would be, is there sufficient funding and she wants to make sure that the work load is assigned appropriately for that. She

noted that if Ms. Blackden is responsible for payroll and accounts payable, then the other person would need to know what specific areas they are going to be responsible for. Chair Swenson agreed and stated that is something that Town Administrator Bourgeois can work through in terms of assignment of duties.

Chair Swenson stated the key piece he wants to make sure is that there is coverage for the period of other than just Fridays to get the work done in that office. He stated they would need someone who is well experienced in order to catch on quickly. Chair Swenson suggested there is the opportunity to use MRI as a resource. He stated they do have one or two people in their network, and has already asked Don Jutton if they needed to go that route, what the cost would be. Mr. Jutton indicated it would be \$75.00 per hour. Chair Swenson stated it would definitely be a very limited number of hours, probably two days a week.

Selectman Bickford stated the new Treasurer indicated she had an education and experience in this sort of work and suggested maybe she could come in and work into it. He stated it would be a good start for her in being Treasurer. Chair Swenson replied that she has not passed all of the background checks yet, and there is a division of powers issue here. He stated the treasurer is to be a second set of eyes on several things from the Finance Officer so there would be a division of duties issues. Chair Swenson stated he is not however, saying the person should not be a candidate if they are interested, he just doesn't agree with having them fill-in. Selectman Jarvis stated it comes back to the checks and balances. Selectman Bickford suggested checking on that again. Chair Swenson asked Town Administrator Bourgeois to check with New Hampshire Municipal Association tomorrow. Selectman Bickford suggested since she isn't the Treasurer yet, having her coming in to do the Finance Officer work first. Selectman Jarvis noted the Finance Officer has to go through the same checks including financial review and credit checks, as does the Treasurer.

Selectman Jarvis stated if MRI comes, it will be \$75.00 per hour and stated it is very nice that Ms. Blackden has volunteered to help out, and where there will be no costs with paying for her health insurance, retirement, etc, suggested in view of that to pay her \$25 to \$30.00 per hour. Chair Swenson replied he would want to pay her at her current rate. Selectman Jarvis stated that is a slap in the face to Ms. Blackden to be willing to pay another person \$75.00 and to keep her at the \$19.72, as money will be saved in the areas of benefits.

Selectman Bickford asked Town Administrator Bourgeois if there were any other options. Town Administrator Bourgeois replied they could bring someone else in, such as the Treasurer candidate, or check with other communities to see if they have a Finance Officer that could fill in some hours.

Selectman Jarvis asked if Gilmanton has a full time Finance Officer. Town Administrator Bourgeois replied it is part time and a contract. Selectman Jarvis asked if the contract is with the individual. Town Administrator Bourgeois stated the individual owns their own business and he has explored that situation already.

Selectman Bickford stated in Strafford, the Town Administrator fills the role. Town Administrator Bourgeois stated he does not have enough education in that and would require training.

Town Administrator Bourgeois stated that Ms. Blackden is willing to stay on to help but it is a limited time frame. Chair Swenson stated from a practical point of view, if the decision were made to go with the contracted fill-in for two days a week, plus a Friday for Ms. Blackden, that should work until at least the end of July, depending on when the new person is on board. He suggested additionally keeping one or the other on for a period of a week or so to train the new person. Chair Swenson stated tax abatements come in at a certain time that are handled by the Tax Collector, but they do work with the Finance Officer and he wants to be sure to have someone well experienced to fill in.

Selectman Jarvis asked if the deputy treasurer has accounting experience and suggested looking into that. She suggested that if they were to have the assistant treasurer doing all of the accounts, instead of having her sign the checks, then we should have two members of the BOS until something changed. Chair Swenson stated her qualifications would need to be checked.

Chair Swenson stated he would like some sort of decision made tonight as Ms. Blackden leaves next Friday and suggested trying to have the person filling in, come in a day or two next week.

Selectman Jarvis asked if there is sufficient money in the budget for what would basically be \$500.00 per week that was not anticipated. Chair Swenson replied that it would be replacement for Ms. Blackden's line. Selectman Jarvis asked if there is sufficient bottom line money and Chair Swenson replied he believes there is, for a variety of reasons. One of which is there is a remaining balance from the raise pool that was moved last year into the executive department. Town Administrator Bourgeois stated there is also some money set aside for health insurance. Chair Swenson stated some of that may be used, depending on who is hired.

Chair Swenson suggested that from a business point of view, to go with MRI because there will be assured experience in the function that is needed and a quick pickup on the systems. Chair Swenson stated the other two possibilities, the new Treasurer that has been interviewed and is waiting on a background check, and the deputy treasurer, are basically unknowns as it is not known whether the deputy has the necessary qualifications and he does not want to utilize the new Treasurer without the full background checks being done. Chair Swenson suggested having two days with MRI and Ms. Blackden for as many Fridays as are needed. Selectman Jarvis stated that it seems they are willing to pay for one individual \$75.00 per hour and pay the other person the \$19.72 she is currently making, and as Ms. Blackden is gracious enough to stay and Selectman Jarvis feels it is a slap in the face to Ms. Blackden.

Town Administrator Bourgeois confirmed that Chair Swenson wanted the internal and external job postings concurrently. Chair Swenson clarified to have both ready so when the internal posting has been posted for five days, the external one is ready to go.

**Chair Swenson made a motion to use a MRI fill-in candidate for not more than sixteen hours per week, to perform the Finance Officer position until a new hire is on board and trained appropriately, to use the current Finance Officer at her current rate of pay on Fridays as needed based on the Town Administrator's decisions. Selectman Bickford seconded the motion. Selectman Jarvis opposed. Motion passed, 2-1.**

Chair Swenson asked Town Administrator Bourgeois to contact MRI, and suggested to have someone come in next Wednesday or Thursday, if possible. Chair Swenson suggested that a motion be made for the Chair to sign the agreement with MRI. **Selectman Bickford made a motion to have Chair Swenson sign the agreement with MRI to have a fill in for the Finance Officer position. Chair Swenson seconded the motion. Motion passed, 3-0**

Chair Swenson stated to Town Administrator Bourgeois that he needs to see the agreement before Thursday if possible.

#### **Revaluation - Draft Press Release**

Copies were distributed and reviewed. Chair Swenson stated his opinion was that it was poorly done and it was too long. Selectman Bickford asked why it was needed, and stated he doesn't want to make it longer but wants to make it known that it is required by State law to be done every five years. Chair Swenson stated it needs to be half as long and stated it is part of the agreement with Vision that they need to have some sort of communication with the community so residents know what is going on. Selectman Jarvis wants to make it as easy to understand as possible. Chair Swenson summarized it is too long, doesn't have all the information needed but needs to be more succinct and clear. He will work on it and get a new draft to Town Administrator Bourgeois and suggested getting any additional changes to him by Wednesday.

#### **Transient Sales Person Ordinance**

Chair Swenson clarified that all the edits previously discussed have been made and the document just needs signatures. The document was signed by the Board of Selectmen.

#### **Welfare Guidelines**

Chair Swenson stated there was discussion at the last meeting relative to why the statement of medical insurance need be included, as it was already covered. Town Administrator Bourgeois received communications from the legal review, based on inputs by the BOS and legal counsel agreed with the BOS. Chair Swenson stated the Guidelines are now ready for signatures. Chair Swenson noted these guidelines have required a lot of work over the last several months and commended all who contributed. The document was signed by the Board of Selectmen.

### **Purchase Order**

Chair Swenson stated this purchase order was approved at Town Meeting and is for the purchase of a police cruiser from Grappone Ford for a 2014 Police Interceptor in the amount of \$23,198.00.

### **Selectman Jarvis made a motion to approve Purchase Order #2109 to John Grappone Ford of Concord, New Hampshire for a 2014 Police Interceptor in the amount of \$23,198.00. Chair Swenson seconded the motion.**

Discussion: Chair Swenson clarified that this was approved at Town Meeting. Selectman Jarvis asked what the delivery date is. Police Chief Bernier replied that the vehicle has already been received and he is just waiting for the check. **Motion passed, 3-0.**

### **Childcare Program**

Chair Swenson stated this item is in follow up to discussion at the BOS meeting of June 2, 2014. Selectman Bickford stated Town Administrator Bourgeois has drafted a letter from information Selectman Bickford gathered in emails to the school superintendent. He stated this letter needs to be signed by the BOS in order for the Be Cool After-School Program to use space at the school for free. Copies of the letter were distributed and reviewed.

Chair Swenson summarized some background points from the June 2, 2014 BOS meeting. He stated at that point it was determined there were five items needed to move forward. One was a letter from the school Superintendent stating what work is to be done at the school and that there would be no health or safety impact; the school assumes all liability for any health and safety issues; the school district provides a hold-harmless to the Town; the insurance policy for the daycare business has a hold-harmless statement to the Town; and Town Counsel must review the letter for any impact on the Town regarding sponsorship. Chair Swenson stated the final point was one that was focused on and while the BOS tried to do the letter within 24 hours, it was not done. The reasons being there was not fully complete input from the Town Counsel and were still waiting on a response from the Superintendent.

Chair Swenson stated the Superintendent's response was received on June 5, 2014 and there were a few things that he noted from the letter. The first being the definition of sponsorship, which in the letter is defined, "sponsorship is not defined in the policy. The common acceptable definitions include the following: a person or organization that vouches or is responsible for a person or thing; finances a product or political party or makes a pledge or promise on behalf of another."

Chair Swenson stated the second statement that is of concern is, "would need a letter indicating that the Board of Selectmen or other town government organization is sponsoring the program." Chair Swenson stated his issue with these statements is when the Town begins to form an implied relationship with a private entity.

Chair Swenson stated the Town Counsel's response was received on June 6, 2014. Town Counsel states there needs to be clarification on the Town's intent in being consistent

with the Superintendent's statements; the "Superintendent's language provided by the letter must give one pause..." Chair Swenson stated Town Counsel asked if the Town is making a pledge or promise, is it promising to be responsible for the entity. Chair Swenson stated there needs to be clarity on that issue. Town Counsel stated a simple statement does not resolve the problem of Town liability and the question is how much liability are the BOS willing to assume on behalf of the Town and will the Town's insurance with Primex cover this liability.

Chair Swenson stated he asked Town Administrator Bourgeois to contact Primex to see what the coverage might be but no response has been received as of yet.

Chair Swenson stated the next question is to determine how much liability is being assumed with a non-town private entity, recognizing that this has to be for all entities that request the same thing. Chair Swenson stated that from a political position, he is not in favor of the government being responsible for business. The government cannot play favorites, if they do it for one, they have to do it for all.

Chair Swenson stated he wants to make it clear that he is in favor of providing an acknowledgement statement to a non-profit entity, provided that the letter acknowledges there is a need for childcare, that the Town insurer, Primex, provides a written statement that the policy would cover any issues, and the letter must state that the letter by no means implies financial assistance by the Town to the entity. He stated that if those conditions are met, he is willing to move forward quickly.

Selectman Jarvis suggested there may be another avenue that the group could consider. She stated it is her understanding that the current program director's contract, expires June 30 which means she would be available to work with the children and she could perhaps get her own home license as a family day care.

Lee Newman, resident, replied that Laura, program director agreed to stay employed by this entity. Mr. Newman stated its not up to anyone to say that Laura has to have family daycare in her house, but that is also limited. According to childcare licensing, you are only allowed to have so many children in a family daycare. The numbers in the program would be over that, so it is not possible. Mr. Newman stated that most days there are ten kids and some days it is up to fifteen.

Skip Fadden, resident, asked why the Creative Kids Club is even being terminated. He stated it has already been learned from the school that the children will be safe there and provisions have been made and he sees no need to terminate the program. Mr. Fadden stated that the program is being terminated when there is a need. He stated there are people in this community who have daycares who are now full because of this and asked how there is not a need and stated it should remain open. Mr. Fadden stated there is no legitimate reason to close the Kids Club. Chair Swenson replied that was discussed at the last BOS meeting.



Dorothy Viesel, Parks and Recreation Commission, stated that for the record, CKC is not being closed other than for the summer and it will open in the fall, preschool and afterschool programs primarily. Ms. Viesel stated she knows of one daycare in Town that is actively looking for children. Chair Swenson asked how many children that daycare could take. Ms. Viesel replied it is a home daycare, so three or four.

Mr. Newman replied the parents are aware of that daycare. He stated some parents specifically stated Ms. Viesel had contacted them and told them Winnie Barre had a daycare, had a few openings but they needed to respond within twenty-four hours. The parents chose not to do that because they felt they were being forced to do it quickly, it is not a licensed daycare, and three kids in someone's home does not allow them opportunity to be with their friends and do recreational types of things. Mr. Newman stated it is not what is appropriate for these kids. He stated he is opposed and wouldn't put his son in a home of someone he does not know, is not licensed and doesn't meet any of the licensing criteria.

Mr. Newman stated he has checked with other licensed daycares in Town, and looked in detail at the violations that are on their records, available on-line. He stated he would not put his kids there either, as there are some serious violations at one in particular. Mr. Newman stated it is not an equal alternative to the CKC.

Selectman Bickford stated that in response to Mr. Fadden's comments, he doesn't think the Parks and Recreation has any interest in doing it anymore, and when he was at the Budget Committee, he heard about it and how it wasn't really an interest there. Selectman Bickford stated he would like to see the childcare program be moved to interested parties and suggested setting up a subcommittee if the BOS doesn't want to use a non-profit to be the medium of doing the program, and to get people who are interested in doing it. Ms. Viesel asked Selectman Bickford who he heard that from, that Parks and Recreation Commission was not interested in the program. Mr. Newman replied that in a meeting in April where parents questioned billing practices, Ms. Viesel and Mrs. Bernier said they didn't know why they were even in the childcare business, and don't want it anymore.

Chair Swenson stated that as it is something that has come up recently. He explained that when two or more members of a committee have a discussion and statements are made, that does not necessarily mean a formal action is made. Mr. Newman replied that what was said at the meeting, just verified for him, rumors he had heard in Town, that it has been a long period of time that the Parks and Recreation Commission felt burdened by the program, and so the only reason he mentioned that meeting was because he heard it with his own ears.

Mr. Newman stated Ms. Viesel asked him specifically if he was going to be looking for full time care for his son for the summer. Mr. Newman stated he replied yes and while none of this ended up in minutes, it was what occurred at the Parks and Recreation Commission meeting. Mr. Newman stated there was no indication at that point the program was going to be ended, but it was made very clear that daycare is not their thing. Mr. Newman stated that if that is the case, let someone else do it and don't burden the

Parks and Recreation Commission. He stated it is just a matter of there being a need, they want to do something about it and get it done for the kids but when it comes to childcare, let the people who know what they are doing manage it and make it so that it is sustainable. Mr. Newman stated that if the BOS is looking at mismanagement and the claim that the program loses money all the time, the parents he has talked to have all looked at their bills and tried to understand the billing. He stated that is not the case from what he has seen and stated it is the responsibility of management to make sure people pay their bills. If that is not occurring, it is not the fault of the parents. Mr. Newman asked why a new group of management couldn't come in and do it because they want to and to do it right.

Ms. Viesel stated that when the decision was made to hire a financial assistant, it was because the program had been mismanaged and was severely in debt. She stated it has been many years that the Parks and Recreation Commission took responsibility for pulling the program out of debt. She stated the summer program usually loses money because they try to offer challenging fieldtrips and requires double coverage of staff. Mr. Newman replied parents pay additional for fieldtrips. Ms. Viesel stated that when Parks and Recreation Commission took back the program and put it under the financial assistant, it was \$12,000.00 in debt. Selectman Bickford asked what year that was. Ms. Viesel stated she was not prepared to answer that, but there was a preschool associated with it, the program had to go before the Budget Committee and made a statement that if assistance is received, the program would be fiscally managed by the Commission.

Mr. Fadden asked for a copy of the financial records for that period. Chair Swenson replied that as he has said before, the BOS does not have any authority over the Creative Kids Club, it is part of the Parks and Recreation Commission and the revolving fund, which the BOS have no jurisdiction over. Selectman Jarvis stated that is under State law. Chair Swenson referred Mr. Fadden to ask the Parks and Recreation Commission for those records.

Selectman Jarvis stated it was mentioned that the summer program was running at a deficit. She stated it was discussed at the last meeting that there were going to be seventeen families in the program and asked how many children were in the program full time last summer. Ms. Viesel replied there were four or five and one week there was over five. She stated most of the kids are three days a week, some four and a few one or two days a week. Ms. Viesel stated there were about four full time. Mr. Newman stated there seems to be a lot more kids than what she is saying.

Ms. Viesel stated it as nothing to do with the numbers but has to do with the work on the gym floor. She stated the Commission has a responsibility to protect the interests of the whole Town and can't let the Town assume a liability. Ms. Viesel stated that if the BOS decides that is a liability that is ok to assume, and Primex gives the go-ahead, then she would be good with it.

Mr. Newman stated he wants to address the abatement issue. He stated there was a parent present at the last meeting who is related to someone that is going to be doing the work.

Because this came up, she emailed them and forwarded that email to Mr. Newman. It stated that the New Durham School has not yet signed a contract for the abatement. Because of that, there is no plan that can be shared at this time and there is not an approved plan. However, information that could be shared is that “the company that did the same removal came to the regional high school and middle school, while school was in session. They did full containment with all the modern precautions and would do the same at the New Durham School.” Additionally, the email states, “removal of asbestos of floor tiles is not even federally regulated. The particulates are not airborne and not considered a risk. These floor tiles are still being manufactured and used today.” Mr. Newman stated he is not sure why that is an issue, as summer school is still there and permission was given to the Parks and Recreation Commission to use the school. Chair Swenson replied that answers why the school has not set down any information, because there is not a plan yet.

Chair Swenson stated he has had a fair amount of experience with hazardous materials and if the school uses a reputable company, it will be done properly and that is not his issue. Mr. Newman stated that is however the reason by the Parks and Recreation Commission. Chair Swenson replied it is an issue that needs to be addressed though, along with the issues he outlined previously. Mr. Newman stated that the program’s insurance policy is directly written for the school district’s policy that states how much liability coverage is needed. Chair Swenson stated it needs to be clear that does not relieve the Town of any liability and so the Town needs to assure itself of its liability coverage. Mr. Newman stated the program is fully insured along with workers’ compensation, liability and the policy is written specifically for a daycare operation.

Selectman Jarvis asked Mr. Newman to send a copy of the insurance policy, even though it is not signed yet, to Town Administrator Bourgeois so he can put it by Town Counsel to make sure it relieves the Town of any liability. Chair Swenson stated that he wants the name of the Town included in the hold-harmless clause, as is the school and school district. Selectman Jarvis stated even before it is signed, she wants it reviewed sooner rather than later. Mr. Newman stated there is not much time left with only one week left of school. Chair Swenson replied they can’t be assured of how long it will take for Town Counsel to review. Chair Swenson stated that what was said last time, was that the letter would be provided, pending review by legal counsel. Legal counsel came back and said he wants to know what the Superintendent’s statement was in order to understand what sponsorship means. Chair Swenson reiterated both Town Counsel’s concerns as well as his personal concerns. Chair Swenson stated for him to sign off on the letter, he needs a letter from Primex saying the Town is covered and have some words that say there is no direct or implied financial assistance from the Town to the entity at any time. Chair Swenson stated he wants to be sure to be fair and equitable.

Chair Swenson stated he wants to reference back to a point he made at the last BOS meeting. He said it would be the best solution if the Parks and Recreation Commission along with the group, work together before any special BOS meeting be held. Chair Swenson stated that if there was any way that collaboration could take place, it would be the best solution. Mr. Newman replied Parks and Recreation Commission could have

sponsored the program very easily and helped out by offering to be the “sponsor” because it is a recreation type program. Chair Swenson asked if Mr. Newman would still be interested in moving in that direction. Mr. Newman replied he would have no problem with that as long as it is sponsorship in name only. Chair Swenson stated his primary concern now is getting the ok from Primex, and as soon as he has that the letter will be ready.

Gregory Anthes, resident, stated he sees this moving forward and asked if Chair Swenson will be available to work on it. Chair Swenson replied he will be away for a few days on business but he will have email communications. Mr. Anthes asked what is the timeframe for when this needs to be done. Mr. Newman stated they need to be open for business, everything operational and in place, by a week from Tuesday. Chair Swenson suggested again that they work with Parks and Recreation Commission concurrently.

Selectman Jarvis asked who is going to be identified as the program director from June 25 through the 30, as the current director is under contract until then. Mr. Newman replied there are other people who are qualified to step in temporarily. He stated that will be up to the licensing bureau as to who will be acceptable and they are willing to work with the program as it is a time sensitive issue.

Mr. Anthes stated the key to this is the insurance companies. He asked if Mr. Newman’s insurance company is taking full responsibility. Chair Swenson replied the policy is in the company’s name, not the Town’s but the Town also needs to make sure their insurance company has appropriate coverage as well. Chair Swenson stated Town Administrator Bourgeois will let Primex know the company has their own insurance. Mr. Newman stated he has emails with what his insurance company sent him and nothing is said about the Town. He will need to ask them to add the statement regarding the Town.

Chair Swenson asked Mr. Newman to provide a copy of his insurance information by the following morning and Town Administrator Bourgeois will let Primex know. Mr. Anthes asked if the Town’s insurance would be secondary to this. Chair Swenson replied that the Town’s insurance would not be a primary or secondary to this. It is a primary to the Town and Mr. Newman’s insurance is a primary to his company. Chair Swenson clarified that in a worse case scenario, someone sues his company but also names the Town. His insurance provides the coverage presumably necessary for his company but it doesn’t provide the Town any coverage. The Town needs to have coverage if named in a suit. Mr. Anthes asked if the Town already has that. Chair Swenson replied that it does not have it for this particular activity. Selectman Jarvis stated it does not cover for the Town to be a sponsor for a private, non-profit. Selectman Bickford stated the Town already covers the program. Selectman Jarvis and Chair Swenson clarified that it covers it as a Town entity. Mr. Anthes asked if Town Administrator Bourgeois contacted Primex but they didn’t respond. Chair Swenson clarified Primex was contacted but they have not yet responded. Mr. Newman asked, for example, if Primex gets back to Town Administrator Bourgeois tomorrow, how long does it take to get the letter so it can be given to the Superintendent. Chair Swenson replied that provided the Town is covered, it may be as little as an hour and a half.

Selectman Bickford asked about the formality of signing the letter. Chair Swenson asked if the BOS would be in agreement with signing it. Selectman Jarvis replied she would be, providing all of the things previously listed are included. Selectman Bickford agreed.

Selectman Jarvis clarified that the program is anticipated to run from June 23 to August 25, 2014. Selectman Bickford stated there is still the bureaucracy to go through with the State, they just need the letter so they can get the space for free. Selectman Jarvis stated she just wants it to be clear that the sponsorship is from June 23 through whenever school starts.

Mr. Newman stated there have been a lot of phone calls about the program and the consensus has been that people who are involved through the summer, as well as people who are looking for care into the fall, by virtue of last week's meeting, have been contacting him to ask him to remain involved with the program through the fall as well. He stated the consensus that he is getting, because of this whole fiasco, is not only a huge vote of confidence for the Creative Kids Club, but part of that has been based on the fact that Laura McCarthy is not going to be coming back in the fall. He stated that as anyone knows who has worked with the program, Laura McCarthy and her staff are what make the program.

Mr. Newman stated he doesn't know what will happen in the fall, and his child will actually be going into 7<sup>th</sup> grade so will not be in the program anyways. Mr. Newman stated a lot of parents have said to him that they will not be trusting the Parks and Recreation Commission because the rug was pulled out from under them so quickly this spring. He stated when he started out with this, he didn't expect so much of a request for Laura to be in the program for the summer and into the fall. Mr. Newman stated he would be willing to continue it and suggested that the BOS may not want to put an end date on it right now.

Angela Chapman, resident, stated the initial problem is the summer program. She stated she really likes Laura, the care she provides and would rather not have another change for the children. Ms. Chapman suggested to do one block at a time as she would like to know what is going to happen, sooner than later.

Selectman Jarvis stated this whole discussion has been around providing sponsorship, short term, for the summer program, because of the pickle the program is in. She stated she would need to look differently at it if they were asking for sponsorship on a long-term basis. Selectman Jarvis suggested having a start and end date.

Chair Swenson stated that if the BOS is willing to allow him to do some word-smithing with the letter, they can move forward. Selectman Bickford asked if they could sign the letter now to guarantee the free space. Chair Swenson replied that the free space cannot be guaranteed but he can try to do the letter quickly. He stated he would not sign the letter as it is now. Selectman Bickford read the letter aloud. Chair Swenson outlined the points that need additional clarification.

After further discussion, it was agreed by consensus that Chair Swenson would edit the draft, have it quickly reviewed by Town Counsel, and sign the letter upon a favorable response from Primex. Mr. Newman asked that as soon as the letter is ready, to contact him so he can pick it up to deliver it to the Superintendent. Chair Swenson stated they would do everything in their power to do the letter in a timely fashion, but have no control over the insurance company, Town Counsel or the Superintendent's responses. Chair Swenson encouraged Mr. Newman to have some conversation with the Parks and Recreation Commission to see what can be done to help the process.

Ms. Chapman asked what the Superintendent's name as it is not listed on the website. It was stated the Superintendent is Kathleen Cuddy-Egbert. Mr. Anthes asked if it would help if Chair Swenson personally called the Superintendent. Chair Swenson replied that it would not for what he needs as his main concern is with the insurance piece of it.

It was agreed by consensus of the BOS that the main concerns had been covered.

Selectman Bickford stated Mr. Fadden brought up the issue about revenue and expenses with the childcare program. Selectman Bickford stated if you look at the Annual Report of 2012, you will find it listed there and see a profit for that year. Selectman Bickford stated that for 2013, the revenue line is listed but the expense line is not. Chair Swenson suggested asking the Parks and Recreation Commission about that.

Chair Swenson asked for a motion to adjourn. Selectman Jarvis stated there was another item on the agenda she saw on Friday and noted there are individuals present waiting for that. Chair Swenson asked what the item was. Police Chief Bernier replied he saw Police Officer Position was on the agenda and was in attendance for that. Chair Swenson stated that was discussed at the last BOS meeting and a motion was made to post the position.

Police Chief Bernier replied he has received an in-house application from the part time officer and is moving forward with that. Selectman Jarvis stated there needs to be a motion so Police Chief Bernier can move forward with the interview without waiting the ten days according to the hiring policy. Chair Swenson replied he doesn't need to wait, just no decisions can be made. Police Chief Bernier asked why there even needs to be an interview as the candidate has already gone through the process to be hired as a police officer for the Town. Chair Swenson stated there still needs to be an interview as it is a change in status, and the policy is that the position is posted internally for five days, then externally for ten days. Chair Swenson stated he asked Town Administrator Bourgeois to see if there were any provisions that would allow an ideal candidate without external posting but it appears that is not possible. Chair Swenson stated he did not see anywhere interviews could not be done before the fifteen days are up and suggested interviews could be conducted concurrently. Selectman Jarvis stated she already had the opportunity to interview the part time officer when he first came on, along with Selectman Bickford. Police Chief Bernier asked if the external posting could be waived as he doesn't see a need for it with an acceptable candidate internally. It was clarified that the policy provides for the position to be posted for five days internally and then for ten days

externally, with the period capable of being extended but not shortened. Selectman Jarvis stated the BOS does not have any authority to waive any particular part of the policy. Selectman Jarvis proposed to do the external posting but to have the candidate meet with the full BOS before the external posting time is up. Chair Swenson confirmed that can be done but suggested not making a decision until after that point.

**Adjourn**

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

The meeting was adjourned at 8:52p.m.

Respectfully Submitted,

Jennifer Riel, Minute Taker