

NEW DURHAM BOARD OF SELECTMEN
New Durham Town Hall
October 6, 2014, 7:00 p.m.

DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.

Present:

Chairman David Swenson
Selectman David Bickford
Selectman Theresa Jarvis

Also Present:

Jeremy Bourgeois, Town Administrator
Jennifer Riel, Minute Taker
Corky Mork, Videographer
Cathy Orlowicz, Chairman of the Boodey House Committee
Cheryl Cullimore, Boodey House Committee Member
Rudy Rosiello, Resident
Carole Ingham, Town Clerk/Tax Collector
Chris LaPierre, Chairman of the Copple Crown Village District
Gregory Anthes, Resident
Bob Kroepel, Resident

Call to Order

Chair Swenson called the public portion of the meeting to order at 7:16p.m.

Chair Swenson stated that while in non-public session, the Board of Selectmen discussed the various tax issues with Town properties and made decisions on those properties.

Selectman Jarvis made a motion to authorize the Town Clerk/Tax Collector to follow the directions given to her by the Board of Selectmen for the following properties: map 121-060, map 121-045, map 114-045, map 114-047, map 114-048, map 240-013 and 240-014. Chair Swenson seconded the motion. Motion passed 3-0.

Selectman Jarvis made a motion to enter into a payment plan with a property owner for map 243-035. Chair Swenson seconded the motion. Motion passed 2-0. Selectman Bickford recused himself from the vote as being an abutter.

Selectman Jarvis made a motion to authorize the Town Clerk/Tax Collector to record the tax deeds for the following properties: map 210-114, map 210-084, map 210-085 and map 252-070. Selectman Bickford seconded the motion. Motion passed, 3-0.

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Appointments/Announcements

Chris LaPierre, Chairman of the Copple Crown Village District, presented information regarding the request for an easement for work that needs to be done on the water pump station. He stated the Town owns the property where the engineer wants to put the structure.

The Board of Selectmen reviewed the map and the engineer's proposed plan for the structure. Mr. LaPierre stated the structure would be 30' deep and 40' across. Placement of the structure and the driveway were discussed. It was clarified the property where it is currently located is not suitable. The easement would be for map lots 210-037 and 210-038 and there would be no driveway.

Mr. LaPierre stated the Department of Environmental Services wants the project completed by the end of the year and the Village District is under an administrative order from the Department of Environmental Services to complete the project. He stated the pumps are currently underground and are subject to flooding. Mr. LaPierre stated he has drafted an easement and asked the Board of Selectmen to grant an easement or to sell the land to the Village District.

After discussion of the request, **Selectman Jarvis made a motion to grant an easement to Copple Crown Village District, at no cost, for Map 210, Lot 39 for the Village District to construct a public water system booster pump station that is no larger than 30' by 40', on the said lot, and to build the pump station as close as possible to the right-of-way and property line as allowed by ordinance. Chair Swenson seconded the motion. Motion passed, 3-0.**

The easement documents were signed by the Board of Selectmen.

Boodey House

Cathy Orlowicz, Chair of the Boodey House Committee, stated she is seeking information and clarification regarding efforts for fundraising. She stated the Committee has been working on a marketing plan and through this process an opportunity has opened up for fundraising using electronic technology and social media. Ms. Orlowicz stated it requires the use of PayPal and she wants to know if the Town has a policy for committees to utilize that resource for seeking donations and contributions towards fundraising efforts. Ms. Orlowicz stated it is a process that is very convenient for donors. The money is collected by PayPal and then transferred to the Boodey House account. She stated the Boodey House Committee does currently have a Facebook page and she has completed an application with PayPal to start the process. She stated that because they are a subsidiary of the State of New Hampshire, PayPal needs confirmation of them being a nonprofit organization so the fees assessed would be substantially less than those assessed to a business.

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Ms. Orlowicz explained there would be a link to PayPal located on the Boodey House Facebook page. Ms. Orlowicz presented documentation explaining how PayPal works including receipts, tracking donations, etc.

Selectman Jarvis stated that since it would be money coming into the Town, the Finance Officer would need to be the primary receiver of the monies to confirm receipt and make sure it goes into the Boodey House account.

Selectman Bickford stated his concern is with Facebook, particularly with people trying to look like a town entity and taking in money. Ms. Orlowicz replied the Facebook page would only have a link to PayPal where the donations would be made.

Rudy Rosiello, resident, suggested the link for the PayPal donations be set up to go directly to the Town's website to collect the donations.

Chair Swenson stated it is an interesting concept and he would like to see more definition on the model. He stated they also need to consult with Town Counsel.

Selectman Jarvis stated she thinks this has a lot of possibilities for other committees and organizations in Town as well.

Chair Swenson stated if they want to go forward with this, they need to develop guidelines, and asked Town Administrator Bourgeois to research this to see if other guidelines or policies exist in other towns relative to this.

Public Input

Rudy Rosiello, resident, stated at the last meeting Chair Swenson read an essay which was included in the minutes. Mr. Rosiello stated he thinks what Chair Swenson wrote was fine but what concerns him is how they were going to put some structure and framework around these type things to avoid lawsuits. Mr. Rosiello stated he doesn't know if the current personnel manual addresses the issues of slander, belittling, bullying, a hostile environment, etc., but they are very real and prevalent in today's world and all are subject to lawsuits. Mr. Rosiello suggested having policies stating how these issues will be handled and stated there needs to be something that motivates people to correct behavior.

Agenda Review

Selectman Bickford added under Old Business: discussion about contracting in the highway department and the police department.

Selectman Jarvis added under Old Business: discussion of a second letter regarding the Farmington Fish and Game noise complaint.

Department Reports/Issues

No department heads present.

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Town Administrator's Report

None at this time.

Old Business

Unassigned Fund Balance

Chair Swenson stated about a month ago, as part of their Goals, the Board of Selectmen voted to establish an 8% guideline for the unassigned fund balance and to define how that is calculated. There were some comments at the time that the Department of Revenue was coming out with a spreadsheet and it was suggested they should be in tune with that.

Chair Swenson stated that since then, Selectman Jarvis, Town Administrator Bourgeois and himself attended the New Hampshire Municipal Association seminar on budgeting. One of the specific topics discussed was the Department of Revenue guideline for unassigned fund balances, how those are derived and the ranges. He stated the range goes from 5 to 15% if calculated on revenues and 8-18% by the way the Board of Selectmen defined it. Chair Swenson stated that based on that information they are in line with all the information they have available relative to unassigned fund balances.

An update of the current unassigned fund balances was reviewed. Chair Swenson stated the current amount is \$1,094,293.53 and 8% of that is \$753,132.48. He suggested they discuss what is going to be done with that balance as they move forward in the budget process.

Selectman Jarvis stated she wants to encourage the Board of Selectmen to utilize the unexpended fund balance towards decreasing the costs of the warrant articles, as was done successfully last year. She stated she wants to caution against having a sudden drop in the tax rate for 2014 and then not being able to sustain it. Selectman Jarvis noted that in 2008 the fund balance was about \$640,000 and it has taken close to six years to build it back up to the current amount of \$1,094,000 and doesn't want to see that depleted.

Selectman Bickford asked if anyone has received the worksheet from the Department of Revenue. None have at this point. He stated it would be nice to have the Department of Revenue review the tax rate before they make any decisions.

IT Services Bid

Chair Swenson stated Town Administrator Bourgeois, Mr. Rosiello and himself conducted interviews and discussions with the IT bidders.

Town Administrator Bourgeois stated bids were received from three companies. One company's bid was initially way out of the ballpark but another bid was received from them and they still met with them.

Mr. Rosiello stated he is glad they met with all three businesses so all had an opportunity to present themselves, and at the end of the day there was one outstanding candidate.

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Selectman Jarvis asked what that was based on. Mr. Rosiello replied the company meshed well with what the Town was requesting in services, they handle other municipalities similar to New Durham's size, were competitively priced, and offered additional services as needed. Chair Swenson stated he agrees and the company's references were solid.

Town Administrator Bourgeois stated his recommendation is to go with Spaulding Hill Networks.

Selectman Bickford stated he is concerned that only the Town Hall seems to have problems while the police and highway departments do not. He stated he is also concerned with paying more than what other towns are paying for the same services. Selectman Bickford outlined the other towns he looked at and noted the differences in costs.

Mr. Rosiello replied there are differences between the towns' contracts and you don't know exactly what services these other towns are contracted for.

Chair Swenson replied the costs for these services are in the ballpark of what he expected for the IT services. He stated the bid as it stands now is \$1,120 per month for a 12-month contract. Selectman Jarvis asked how it works if they don't take the additional 24/7 on-site services. It was explained they would then pay for the additional services as needed.

Town Administrator Bourgeois explained the Town Hall has a more extensive network than the highway department, and other towns pay for services in other ways than what they are looking at.

The issue of power outages was discussed and Mr. Rosiello explained the in-depth process of handling power outages and bringing networks back online. It was clarified that today's power outage was a big problem because there is currently no contract with an IT service provider. In the future if there is a problem, the company will be able to come in to get the network back up and running quickly.

Chair Swenson made a motion to award Spaulding Hill Networks a contract in response to the RFP in the amount of \$1,120 per month, subject to the escape clauses discussed, as well as subject to a price reduction once ????? is more in place. Selectman Jarvis seconded the motion. Discussion: Selectman Jarvis stated she is happy they finally have enough information on this project to have a motion, as it is a project that was started in May 2013, and she is happy to be in the final stages of improving the technology in Town.

Mr. Anthes asked about the service hours covered by the company and asked if there is a time limit they have. It was clarified the contract includes service during business hours, excluding holidays and the service level agreements were reviewed. Chair Swenson stated there would be an on-site technologist twice per month. Selectman Jarvis noted that with the prior provider, they did not have unlimited phone service and anytime they

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came on-site the Town had to pay for it as opposed to this preventative maintenance service. **Motion passed, 2-1. Selectman Bickford opposed.**

Selectman Jarvis made a motion to authorize the Chair of the Board of Selectmen to sign the contract with Spaulding Hill Networks after it has been put together. Chair Swenson seconded the motion. Motion passed, 2-1. Selectman Bickford opposed.

Election Dates

Carole Ingham, Town Clerk/Tax Collector presented documents regarding setting the dates for next year's elections to the Board of Selectmen for approval and signatures.

Voting Location

Chair Swenson stated this is in follow-up to discussion at the last meeting regarding voting at the school. He stated at this point, he doesn't see anything they can do for the remainder of this year.

Selectman Jarvis noted there was discussion about asking Police Chief Bernier to budget in the costs of having an officer on duty during voting for all elections in 2015. She explained the library did not provide enough room; the apparatus bay of the fire station is not handicap accessible and equipment has to sit outside running for the duration of the election; and the community room created parking problems. Selectman Jarvis stated she doesn't see any other Town building that has sufficient space to accommodate the number of voting booths except the school.

Selectman Bickford stated he talked with the School Principal and said she is uncomfortable with continuing to have voting at the school. Selectman Bickford stated he also spoke with the School Superintendent and she also prefers to not have voting at the school. Selectman Bickford stated some schools have been able to get waivers to have teacher workshops on the voting days so children are not in the school those days. Selectman Bickford suggested using the Highway Department and it has plenty of parking. Selectman Jarvis noted the bathrooms are not ADA accessible. Chair Swenson stated that at this point, the November elections will need to be at the school and they have discussed coverage with Police Chief Bernier.

Gregory Anthes, resident, asked how many officers are needed and for how many hours. He stated he would personally pay to make sure a second officer was available during the school hours the children are present. It was explained there is one on site from about 7:45a.m. until 8:00p.m. Selectman Jarvis stated technically the officer could leave when the children leave but there is no way the school is secured or on lockdown so people could still enter the building before and after the children. Chair Swenson stated only one officer has been requested and he thinks that is sufficient. Mr. Anthes stated he has discussed this with Police Chief Bernier and wants to relieve parents' concerns that one officer is not enough. Selectman Jarvis explained that during the September elections there were no part time officers available and full time officers were called in for overtime. Selectman Jarvis thanked Mr. Anthes for his offer and stated that if they feel one officer is not enough, the Town needs to come up with the money to cover it. She

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stated she was contacted by several parents prior to the last election and attempts were made to have an additional officer at the school when the buses were coming and going.

Chair Swenson suggested having Police Chief Bernier look at what is needed and come back with his recommendations as to what is appropriate for securing the school for the next Board of Selectmen meeting.

Tax Deeded Property Work Session

After discussion, the meeting was scheduled for October 20, 2014 at 7:00p.m.

Highway Department Contracts

Selectman Bickford referred to information from the Road Agent and CIP regarding contracting and stated it looks like they are going to have to go back to the way they were doing it before which was to appropriate the full amount of money to trust. He stated the question is what the Board of Selectmen wants to do, but it is easier for CIP to know what the policy is. He suggested it would be appropriate for the Board of Selectmen to give them some direction so their recommendations can be the direction the Board of Selectmen wants to take. Chair Swenson clarified this is to address the issue of having the capital for trucks and equipment and from that comes a requirement for contracting. Selectman Bickford stated there is a lot of back and forth between what CIP and the Road Agent are recommending. Chair Swenson suggested the CIP look at what their recommendations are based on what they think is the best approach, subject to discussions of the Highway Department budget in the next couple months.

Selectman Jarvis stated she expected this to be discussed during the budget process but she sees the CIP as an advisory committee to make recommendations. Those then go to the Planning Board for review but she doesn't feel the Board of Selectmen should tell the CIP what to make for recommendations. They are a committee that has been appointed to look into issues, evaluate and discuss them and come forward with recommendations. She stated that whether the Planning Board or Board of Selectmen accept the recommendations, it comes after the CIP has completed their work and they should be given the opportunity to independently discuss and decide.

Police Department

Selectman Bickford asked if they are going forward with the part time police officer pool. He stated it sounds like the department is shorthanded and last he heard there was only one part time officer.

Chair Swenson replied the last discussion he recalls, the Board of Selectmen told Police Chief Bernier to expand his part time pool as best as he can. Selectman Jarvis stated it is her understanding with Police Chief Bernier is that he is looking for part timers. She stated that one of the issues they need to be aware of is making sure there is sufficient money in the uniform and training lines of the budget so that if they have part time officers come on board, they have sufficient funding to get them what they need.

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Selectman Bickford asked about the software discussed for tracking time spent on active and reactive duties. He stated he thought they asked Police Chief Bernier to go forward with that and it was clarified they are still waiting for information on that.

Noise Complaint Letter

Chair Swenson explained a second letter was received regarding a noise complaint relative to the Farmington Fish and Game. He stated it was addressed with a prior complaint and suggested Town Administrator Bourgeois respond in the same way. Selectman Jarvis stated that the last response included a copy of the State RSA that states the gun range is grandfathered and there is nothing the Town can do.

Selectman Bickford stated he expects there to be legislation next year regarding muffling. Mr. Anthes asked how that would work. Selectman Bickford explained they won't silence the noise but it will lessen it.

Ethics Complaint

Selectman Jarvis stated that this issue was brought up in at least two meetings in public session. Even though it was mentioned briefly what the results were, she felt that for the public record, they need to read the letter that was sent to the employee. She clarified she has spoken with the employee and received his permission to do so, since it is part of his employee personnel file.

New Business

Fuel Pump Purchase and Installation

Town Administrator Bourgeois stated the Town has been putting money into the capital reserve funds for upgrades to the Tash Road complex which is used to fuel up the highway, fire and police vehicles. He stated there has been an issue with gallons going missing and calculations being inaccurate. The goal is to replace the pumps and install a system to track the fuel usage. The CIP Committee put \$20,000 into the fund last year for the purpose of getting the pumps done in 2014.

Town Administrator Bourgeois stated three quotes have been received and two address the need for a card system. These were reviewed and discussed. He stated the initial recommendation was to go with Fuelmaster Adams and Fogg, then a quote was received from Portland Pump Company which was significantly lower. Based on the most recent information available, Mike Clarke, Road Agent, recommends going with Portland Pump Company.

Selectman Jarvis noted only one quote mentions replacing the other pumps and asked what the cost would be if the pumps were all replaced at the same time. Town Administrator Bourgeois replied it would likely be close to the \$20,000 or over. It was clarified that the card system would be for all pumps but the question is whether they want to replace the gasoline pump at this time as well. The card system would work for all the pumps. It was noted the gasoline pump would need to be replaced at some point.

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Chair Swenson noted the amount is well under the amount approved in the warrant article and suggested having Mr. Clarke looking at replacing the gasoline pump as well. Selectman Jarvis agreed.

Chair Swenson suggested the balance of the remaining money that was part of the warrant article be used for a complete replacement of the pump.

Selectman Jarvis suggested moving forward with Portland Pump Company and at the same time get pricing for replacing the gasoline pump.

Selectman Jarvis made a motion to have Portland Pump Company of Scarborough, Maine install an AFC Control System with 50 encoded keys, including labor, equipment, travel, electrical and miscellaneous material, the total cost is \$12,695.28 and is Purchase Order #1795. Chair Swenson seconded the motion. Motion passed, 3-0.

Mr. Anthes asked how the key card system works. It was explained the cards would be tied to both individuals and vehicles to track usage by both driver and vehicle.

Deputy Treasurer Appointment

Town Administrator Bourgeois stated that due to the appointment of a new Treasurer they need to reappoint the Deputy Treasurer. Selectman Jarvis asked if the Treasurer appoints them. Ms. Ingham replied the Treasurer does, but with approval of the Board of Selectmen.

Selectman Jarvis made a motion to approve the appointment of Anne Brady as Deputy Treasurer for the Town of New Durham. Selectman Bickford seconded the motion. Motion passed, 3-0.

Delegation of Deposit/Transfer Authority

Selectman Jarvis made a motion to approve the Delegation of Deposit/Transfer Authority as presented by Town Treasurer Tammy Butt. Chair Swenson seconded the motion. Motion passed, 3-0.

Performance Evaluations

Chair Swenson stated the evaluations are due October 15 to Town Administrator Bourgeois.

Drug Policy

Town Administrator Bourgeois stated this was previously discussed regarding drug testing of employees. He stated he received a draft policy from the New Hampshire Municipal Association and a copy was distributed for review. He also distributed copies of the Town policies, all of which have been forwarded to Primex legal counsel for review. Their response was that the model draft policy was fine.

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Chair Swenson stated the Board of Selectmen also asked for information regarding costs if they were to go forward with pre-employment physicals. Town Administrator Bourgeois replied that is about \$72 and drug testing would be about \$34, but depending on how many drugs are being tested, it could range from \$39 -\$70.

The draft policy was discussed. Selectman Jarvis stated she has some edits to add and Chair Swenson suggested Town Administrator Bourgeois add a statement regarding this policy being subject to State statutes.

Further discussion will be added to the agenda for the next Board of Selectmen meeting.

Policy on Boards, Committees and Commissions

Chair Swenson stated he has added his and Selectman Bickford's edits. Selectman Jarvis noted she has not had a chance to include hers yet. The policy was reviewed and discussed, and edits were made.

Assessing Bids

Town Administrator Bourgeois distributed a summary of the 2014 Assessing RFP bids received. These were reviewed and discussed.

Chair Swenson asked Town Administrator Bourgeois to get recommendations from the current assessor as well as from Ms. Ingham. He suggested the Town Clerk/Tax Collector, Town Administrator and at least one member of the Board of Selectmen meet with the three top companies. It was agreed to have the entire Board of Selectmen be in on the interviews.

Chair Swenson suggested authorizing Town Administrator Bourgeois to interview and provide any other information necessary to down select to the top three companies, working with the assessor, Town Clerk/Tax Collector and a member of the Board of Selectmen, and come to the next Board of Selectmen meeting with his recommendations.

Public Input

Mr. Rosiello asked for clarification on when someone says they are representing themselves as a member of the Board of Selectmen, do they need to be commissioned by the Board of Selectmen to make that statement.

Chair Swenson replied that personally, he would be uncomfortable in identifying himself as a member of the Board of Selectmen if he did not have prior authorization from the Board of Selectmen. Selectman Jarvis replied she feels the same way and explained how she identifies herself when speaking with an individual.

Mr. Rosiello asked if there is a way to make a policy on how individuals present themselves, depending whether they are acting in an official position or as a private citizen. Chair Swenson agreed it is something they should address.

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Selectman Bickford replied he feels that it is appropriate to introduce oneself. He stated he introduces himself as Selectman Bickford and when he is doing State business, he introduces himself as a Representative Bickford.

Mr. Rosiello replied he is concerned how it is done in a small town, not with being a State representative and suggested one's intent needs to be stated.

Chair Swenson stated there is an implied meaning when introducing oneself with a title.

Mr. Athes stated that when an individual identifies himself or herself as an official, people are more likely to give more information. Selectman Bickford stated he agrees.

Mr. Rosiello stated it is important to state who you are, your intent and purpose of being at a meeting.

Selectman Jarvis stated it important to remember that individually, they have no power or jurisdiction until they are sitting in a meeting of the Board of Selectmen and the majority makes a decision. Chair Swenson stated there are some implied responsibilities as elected officials to go beyond any perception of impropriety but it is an individual decision with how you carry your responsibility.

Approval of Minutes

Meeting of September 4, 2014 – Public: Selectman Jarvis stated she went back and reviewed the video to confirm statements by Selectman Bickford. After discussion, it was decided to review the video again and approve at the next meeting.

Meeting of September 15, 2014 – Public: Edits were made. **Selectman Jarvis made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Motion passed, 3-0.**

Meeting of September 17, 2014 – Non-Public: After discussion, it was agreed to obtain legal review for the use of individuals' names in non-public meeting minutes. Review of minutes was postponed.

Meeting of October 2, 2014 – Non-Public: After discussion, it was agreed to obtain legal review for the use of individuals' names in non-public meeting minutes. Review of minutes was postponed.

Future Meetings

October 8, 2014, 7:00p.m. – 2015 Budget Meeting, Town Hall

October 15, 2014, 9:00a.m. - 2015 Budget Meeting, Fire Community Room

October 20, 2014, 1:00p.m. – Board of Selectmen Meeting, Fire Community Room

October 21, 2014, 1:00p.m. - 2015 Budget Meeting, Fire Community Room

Adjourn

Selectman Jarvis made a motion to adjourn the meeting. Selectman Bickford seconded the motion. Motion passed, 3-0. The meeting was adjourned at 10:36 p.m.

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Respectfully Submitted,

Jennifer Riel