

**BOARD OF SELECTMEN**  
**Public Meeting**  
**December 15, 2014**

**Present:**

Chairman David Swenson  
Terry Jarvis, Selectman  
David Bickford, Selectman

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Kevin MacCaffrie, Fire Chief  
Greg Anthes, Resident

The meeting was called to order by Chair David Swenson at 1:00 PM.

**Appointments/Announcements:**

Selectman Jarvis said they received a letter from T Squared stating that Leon Smith of the Highway Department has completed his training for Senior Road Scholar. Chair Swenson asked the TA to send Leon Smith a note of congratulations from the BOS.

**Agenda Review:**

Chair Swenson added review of minutes from December 3<sup>rd</sup> and 5<sup>th</sup>.  
Selectman Jarvis added Street Lights under new business.  
Selectman Bickford added other committee minutes.

**Department Reviews:**

Police Chief Bernier is still waiting on a damage report for the cruiser involved in an accident. TA Bourgeois said some of the equipment may be salvageable. Chief Bernier believes they will get some money and it will be up to the insurance company.

**Town Administrator's Report:**

TA Bourgeois said he sent a letter to the Dept. of Labor and asking for an extension and the Dept. of Labor has granted them an extension until April 1<sup>st</sup>, 2015. Chair Swenson said he would like the TA to give the Board monthly updates as to where they are at with the schedule to correct the violations.

**Department Head Evaluations:**

Selectman Bickford submitted his evaluations to the TA. He said he felt the TA should do the evaluations as he has more contact with the department heads then the BOS. Chair Swenson said the TA takes part in the discussions when they review the evaluations. Selectman Jarvis said she would like to set a date to review the evaluations. Chair Swenson asked TA Bourgeois to submit an informal review of the department heads and asked how long it would take. TA Bourgeois said he could have it by the end of the

month. The Board set a date of January 8<sup>th</sup>, 2015 to start their discussions of department head evaluations. After the Board is done with their discussions, they will set a date to meet with the department heads.

**Budget Review:**

**Account 4194 General Government Buildings Revisit**

The BOS approved this account with Line 115 for the clock winder wages included. The BC had updated information when they reviewed the account and removed Line 115 in the amount of \$3,135 and all associated wage lines in the amount of \$480 for a net total of \$20,340 for this account.

**Selectman Jarvis made a motion to approve Acct 4194 General Government Buildings in the new proposed budget of 2015 of \$20,340 and the revised Default budget of \$21,600. Selectman Bickford seconded the motion. The vote passed unanimously.**

Selectman Bickford asked if they should review Acct 4155 Personnel Administration to decide if they should remove the \$5,000 budgeted for the wage study. The Town put out an RFP for a wage study and received no response. Selectman Jarvis said she thought they could contact NHMA to see if they could do a study, what the cost would be and what time frame. Selectman Bickford said he is in favor of removing the \$5,000 from the budget. He asked if the BC approved the account with the \$5,000 in it. Selectman Jarvis said they did. Chair Swenson said there are three parts to the study. One is the wage comparison. The second is the comparison of benefits. And the third is to reduce the number of steps in each pay grade. He said if all they are looking for is a wage study, then they should find an inexpensive way to have a study done. Selectman Bickford said that Don Jutton of MRI did a wage study in 2011 and 2012. He recommended the reduction of steps to five. Selectman Jarvis said the Mr. Jutton was not able to get all the information necessary for a completion of the study. There is a draft of the report he submitted. Chair Swenson asked TA Bourgeois to submit a copy of the study to each of the Board members to review. The Board can continue the discussion of the wage study after they have had a chance to review the study. Chair Swenson said he is not in favor of removing the \$5,000 from the budget at this time. Selectman Jarvis agreed with him and said at a minimum, they would have to have the study updated.

**Town Owned Property:**

TA Bourgeois was asked to contact the Commissioners of Copple Crown Village District (CCVD) to see if they would be interested in purchasing any of the parcels in the Village District. One commissioner responded, indicating they would not be interested as they do not have money to purchase any parcels. Selectman Jarvis said she is willing to work with Laura Zuzgo to put together the paperwork for the voluntary mergers. She said she would like to use money already budgeted for 2014 to pay the recording fees. TA Bourgeois said he checked to make sure it was acceptable to contact the abutters of the properties and offer them first option. Selectman Jarvis said she was in favor of contacting the abutters with the understanding they do a voluntary merger of the lot with their property. Selectman Bickford said he wanted the mergers written into the agreements. The Board authorized TA Bourgeois to contact the abutters. Selectman

Jarvis said there are six pieces of property to review. Map 209 Lot 068 on St Moritz has a right-of-way on it and does not know how that would affect the sale of the property. Map 209 Lot 094 is one of the properties offered to CCVD and is now available to sell. Map 210 Lot 033 is also available for sale. Selectman Jarvis suggested holding off on selling Map 216 Lot 004 until the Town forester can walk the property. TA Bourgeois said the Town forester indicated he is very busy right now. Map 240 Lot 056, the Town has received a request to purchase this lot from one of the abutters.

**Selectman Jarvis made a motion that the following properties be put up for sale by the Town of New Durham Map 209 Lot 068, Map 209 Lot 094, Map 210 Lot 033 and Map 240 Lot 056. Chair Swenson seconded the motion.**

Discussion: Selectman Bickford asked if this was just to sell the properties or to give the abutters first choice. Selectman Jarvis stated she wanted to make a separate motion to offer the properties to the abutters. **The vote was 2 in favor and 1 opposed (Bickford).** Selectman Bickford said he voted against because he is in favor of the abutters having first option.

**Selectman Jarvis made a motion to authorize the TA to contact the abutters of all the properties that the Board has determined to sell and to notify them asking if they wish to purchase the property and working with the Town Clerk/Tax Collector let them know what the cost would be from the Town. Selectman Jarvis rescinded the motion.** Selectman Jarvis asked what they were looking to sell for, back taxes, make an offer or set a minimum price. She asked are they looking to make the Town whole with back taxes, cost to Town and penalties. Selectman Bickford said he was not interested in collecting the penalties. TA Bourgeois suggested setting a time frame in which the abutters could make an offer and negotiate a price with the Town. Chair Swenson said they could break it into three parts. One would be a set date for the abutter to respond, a second set date for the Purchase and Sales Agreement to be signed, and a third set date for completion of the sale. Selectman Jarvis said she is more interested in making the Town whole than selling at market value or assessed value. Chair Swenson said the amount owed in taxes is not included on the spreadsheet. Selectman Jarvis said she will add the information to the spreadsheet and have it ready for next weeks' meeting.

#### **Citizen Complaint Form:**

The Board reviewed and edited the form. The form will be made available on the web site. Selectman Bickford submitted a complaint. He said he went to the BOS over a year ago to have a 25 mile an hour speed limit sign removed from Brackett Road near the paved section by the old dump. It is still there. Chair Swenson said he did do a follow-up about six weeks after the request. He said he would also sign the complaint form.

#### **Meeting Recording Request:**

A request has been made to record the CIP meetings. Selectman Jarvis said she looked into the need to record the Conservation Commission meetings and there are only a few of their meetings that involve spending money that would need to be recorded. The money not spent on Conservation Commission meetings could be used for recording the CIP meetings. The Board agreed the CIP meetings should be added to the list of meetings to be recorded and there is sufficient money in the budget.

**New Business:**

**2015 Cleaning Contract**

The current cleaning contract runs out at the end of the month. The Town received three quotes. The current company has a \$75 a week increase due to the Library having to be cleaned twice a week. The Board reviewed the bids. The TA recommends hiring Excel Janitorial Services.

**Selectman Bickford made a motion to contract with Excel Janitorial Services in the year 2015 at \$230 per week. Selectman Jarvis seconded the motion. Selectman Jarvis rescinded her second to the motion. Selectman Bickford rescinded the motion.**

**Selectman Bickford made a motion to award the cleaning contract for the year 2015 to Excel Janitorial Services in the amount of \$230 per week and to have the Chairman sign the contract on behalf of the BOS. Selectman Jarvis seconded the motion. The vote was passed unanimously.**

**Purchase Order for the Tower Clock:**

**Selectman Jarvis made a motion to authorize the Chairman to sign an agreement with D'Avanza Clock Repair for the auto rewind for the Town tower clock in the amount of \$12,535 and the BOS to sign Purchase Order #1797 to the same company in the same amount. Selectman Bickford seconded the motion.** Discussion: Chair Swenson asked if the \$3,500 for parts would be done separately. TA Bourgeois said at this time they do not know how much it will be. It will be done as needed. Chair Swenson asked the TA if he had checked into how much the electrical work would cost. TA Bourgeois said he is waiting to hear back. **The vote passed unanimously.**

**2014 Year-to-Date Transfers:**

Selectman Jarvis said she reviewed the latest accounts printout.

Account 4150 Financial Administration at the current rate of spending will be over approximately \$20,176, Account 4153 Legal will be over approximately \$6,112, and Account 4194 General Government Buildings has \$866 left in it and not all the bills for 2014 have been paid. The total Operating Budget has enough money left to cover the overages. The Board needs to determine if they want to transfer money to each of the accounts or do they want to leave them as they are and take the overage out of the Operating Budget at the end of the year. Chair Swenson said the reasons for the overages are as follows:

Acct 4150 is over due to the transition of the Finance Officer position. The Town had a contracted Finance Officer until one could be hired.

Acct 4153 is over because of a Town lawsuit and issues brought before the ZBA & PB.

Acct 4194 is over due to the cost of utilities.

The Board decided they would leave the accounts as they stand and take the overage from the Operating Budget for a more accurate accounting of expenditures.

**Street Lights:**

Selectman Jarvis stated that one member of the BC asked if the Town had looked into switching the street lights to LED. She told the member the Board had never been approached by the power companies to do this but she would bring it to the Board. Chair

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Swenson said the operating costs would be cheaper but the transition costs would be expensive. The Board asked the TA to speak with the power companies to find out what it would take to transition to LED lights. Selectman Bickford said he spoke with the Co-Op about the light at the corner of Depot Road and Rte. 11 that is currently out. That is a Town light. Chair Swenson suggested using this light as a trial to transitioning to LED and what the cost would be.

**Review of Assessing Contract:**

The BOS reviewed and edited the contract with Cross Country Appraisal Service. Selectman Jarvis said they received the assessment review package that Laura Zuzgo received from Charles Reese of DRA outlining the requirement for the DRA review due in 2015.

**Other Committee Minutes:**

Selectman Bickford he received a complaint from a citizen that the Parks & Recreation minutes were not posted. The last set available was November 17<sup>th</sup>. TA Bourgeois is going to speak with the Director. Selectman Bickford also said he was reviewing their minutes and it was stated that a list of issues that needed addressing had been sent to the BOS. TA Bourgeois said he had responded to the list and will forward his response to the Board members. Selectman Bickford said one of the questions was where the By-Laws are for the Commission. TA Bourgeois said they were given to the previous director and he will look into the matter.

**Miscellaneous:**

Chair Swenson said the Board has received a request from the Conservation Commission to include on the warrant an article to reduce the Commission membership from 6 to 5 members.

Chair Swenson said the Board has received a request from the Fire Chief to create a CRF for the purpose of replacing out dated Fire equipment and would be limited to high cost purchases such as self-contained breathing apparatuses.

Selectman Jarvis said she asked the TA to provide the Board members with a copy of the Forest Management Plan from February of this year as they will need the information when working on the warrant.

**Town Warrant:**

The TA submitted an initial draft of the warrant.

Article 2: TA Bourgeois had been asked to contact legal about the PB changes to the ordinances. He said that NHMA recommended working with legal on the best way to present the changes to the voters. The PB has submitted the changes to Atty. Richardson for review and the TA is waiting for his recommendations. Selectman Jarvis strongly suggested they use track changes to present the information to the voters so they would have a better understanding of what the changes were made. Chair Swenson said he does believe track changes was used. Selectman Bickford said he feels it would be up to legal counsel on the best way to present the changes to the voters.

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Article 3: This article summarizes the proposed 2015 budget and the 2015 Default budget. It also states if it is BOS and BC recommended and the rate per \$1,000 of assed value. The Board reviewed and edited this article.

Chair Swenson stated that what is voted on at the deliberative session and on the ballot is the total budget, not line items. Chair Swenson said he would like to have legal counsel at the deliberative session. Selectman Bickford felt it was too early to make that decision. Selectman Jarvis said she would like to have legal counsel present because it is the Town's first deliberative session. TA Bourgeois was asked to contact legal counsel and ask them to reserve February 2<sup>nd</sup>, 2015 at 7:00 PM. He was asked to contact the Moderator to let her know of the request for legal counsel to be present.

Article 4: Vote to raise and appropriate a sum to be determined for a Police cruiser to replace the one that was damaged. Selectman Jarvis would like to take an amount equal to the anticipated insurance check from the undesignated fund balance and the balance from the CRF. Chair Swenson and Selectman Bickford do not agree. After a brief discussion, Chair Swenson and Selectman Bickford felt there was no need for Article 4 or 5 as they are covered under Article 11.

Article 6: The board discussed where the funds should come from. Selectman Jarvis wanted to take money from the Unassigned Fund Balance and Selectman Bickford was in favor of taking the money from the CRF. After a brief discussion, the Article will read total of \$256,000 with 97,000 from Highway Block Grant, \$75,000 from the Unassigned Fund Balance and \$84,000 from the CRF.

Article 7: The establishment of a new CRF for the purchase of Fire department equipment. After a brief discussion, the Board named the CRF the Fire Department Ancillary Equipment-Non Vehicle. Selectman Jarvis said her concern is that there would be no money in this account if Article 8 is turned down. She suggested wording Article 8 to say the money would go into the Unassigned Fund Balance. The Board was in agreement with this change.

The TA was asked to contact legal to find out what the process is if the Board wants to rename a CRF.

Article 8: This article is to dissolve the Satellite Fire Station CRF and the money to be placed in the Unassigned Fund Balance.

Article 9: This article is to dissolve the Construction Expansion Highway Garage CRF and accumulated interest to date to be transferred to the Road Reconstruction CRF. The question for legal would be do they have to specify a number and do they have to have 2/3 majority vote.

Article 10: This article is to dissolve the Fuel Pump CRF. TA was asked to contact legal to see if the money goes into the Unassigned Fund Balance or the General Fund.

Article 11: This article covers the money to be placed in the various CRF accounts.

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Article 12: This is to raise \$8,000 to be placed in the ETF accounts.

Selectman Jarvis proposed an additional article which would be to use \$4,000 from the John C. Shirley Timber Trust for the purpose of silvicultural improvements. Chair Swenson suggested the TA ask the Town Forester to comment on the update and make his recommendations.

**Public Input:**

Greg Anthes cannot make the December 22<sup>nd</sup> meeting and wished the Board a Merry Christmas and a Happy New Year. He also wanted to compliment the Board for their hard work over the past months and especially for reducing the tax rate for the tax payers. This includes the Department Heads and the Budget Committee.

**Review of Minutes:**

Board members reviewed the public minutes of October 20, 2014. Corrections were made.

**Selectman Jarvis made a motion to approve the BOS meeting minutes of October 20 & 29, 2014 as amended. Selectman Bickford seconded the motion. The vote passed unanimously.**

Board members reviewed the public minutes of November 20, 2014. Corrections were made.

**Selectman Jarvis made a motion to approve the BOS meeting minutes of November 20, 2014 as amended. Selectman Bickford seconded the motion. The vote passed unanimously.**

The Board postponed the review of the rest of the minutes until the December 22<sup>nd</sup> meeting.

The next meeting is scheduled to start at 4:00 PM. The Board discussed changing the time of the meeting to 3:00 PM at the Fire Station Community Room.

**Selectman Jarvis made a motion to enter into non-public session, pursuant to RSA 91-A: 3 II (c)- matter 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 & (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. Chair Swenson seconded the motion. It was clarified the purpose is to discuss tax repayment plans and to review an offer for a tax deeded property. Roll Call: Selectman Bickford – No; Selectman Jarvis – Aye; Chair Swenson – Aye. Motion passed, 2-1.**

The Board of Selectmen entered into non-public session at 4:40 P.M. and moved over to the Town Hall.

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**Selectman Jarvis made a motion to leave non-public session. Selectman Bickford seconded the motion. All in favor. Motion passed unanimously, 3-0.**

The Board returned to public session at 5:52 P.M.

While in nonpublic session the Board reviewed tax deeded properties/repayment plans and declined an offer to repurchase a tax deeded property.

The Board met in the meeting room of the Town Hall to adjourn due to a scheduling conflict at the Fire Community Room.

**Selectman Jarvis made a motion to adjourn Selectman Bickford seconded the motion. All in favor. Motion passed unanimously, 3-0.**

Meeting adjourned at 5:55 P.M.

Respectfully submitted,  
Laura Zuzgo

A video recording of this meeting is on file with the Office of the Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-4:4, or for a minimum of 24 months.