

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Town Hall**  
**Monday, July 7, 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  
Jim Ladd, Videographer  
Kristyn Bernier, Parks and Recreation  
Chair  
David Valladares, Equipment Mechanic  
Mike Gelinas, Snowmobile Club  
Mike Clarke, Road Agent  
Joan Swenson, Ethics Committee  
Scott Drummey, Resident  
Caeli Drummey, Resident  
Rod Thompson, Resident  
Judy Thompson, Resident  
William Malay, Conservation  
Commission

Tom Holm, Resident  
Keith Fletcher, Moose Mountain  
Regional Greenways  
Jeffrey Kratovil, Resident  
Tony Bonanno, Resident  
Gregory Anthes, Resident  
Stephanie Kearns, Resident  
Curtis Richard, Resident  
Dorothy Viesel, Ethics Committee Chair  
Bob Kroepel, Resident  
Elizabeth Cantrall, Resident/*The  
Baysider* Reporter  
Jeff Andrews, Moose Mountain  
Regional Greenways

**Call to Order:**

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

**Appointments/Announcements:**

William Malay, alternate member of the Conservation Commission, stated the Commission recommends to the Board of Selectmen that the Town participate in the Thompson easement being held by Moose Mountain Regional Greenways. Mr. Malay explained it is an easement being donated by the Thompsons of Meaderboro Road, New Durham. The easement consists of 60 acres in New Durham and 100 acres in Farmington and the Thompson family has lived there over 100 years. The property consists of meadows, hard and soft wood forests as well as headway waters to the Cocheco River.

Mr. Malay stated the Commission is asking the Town to take a secondary executory interest, with the primary interest being held by Farmington. The conservation easement would be held and managed by Moose Mountain Regional Greenways. He stated it falls

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under **RSA 365:A II**. The Conservation Commission has held a public hearing along with a vote resulting in a unanimous consent.

Mr. Malay stated the Conservation Commission is asking the Board of Selectmen to accept provide authorization for the Commission to make a donation to Moose Mountain for \$5,000.00 to cover expenses and future stewardship. He noted the Thompsons are here to answer any questions, along with Keith Fletcher, representative from Moose Mountain Regional Greenways.

Chair Swenson asked for clarification about the \$5,000.00 donation and if it “buys” secondary interest. Mr. Malay replied it was not designed that way; it is a one-time gift donation to Moose Mountain for future stewardship costs. Mr. Malay stated Farmington is offering \$10,000.00, the Thompsons have put in a majority of the funds and Moose Mountain will fund the rest of it.

Selectman Jarvis clarified the funds will not be coming out of the General Fund but will be coming from the Commission’s funds. Mr. Malay stated that is correct.

Selectman Jarvis stated she recently met with the Thompsons, thanked them for the tour of the property and stated she thinks that it is well worth preserving. The potential for what they want to do with possibly opening it up to educational purposes would be an excellent opportunity for both New Durham and Farmington.

Selectman Bickford presented a copy of the Town tax map for review. Selectman Bickford asked for explanation as to how a secondary executory interest works.

Keith Fletcher of the Moose Mountain Regional Greenways gave an explanation of the secondary executory responsibilities. He stated it means 1) if Moose Mountain goes out of business, New Durham, after Farmington, has the right to enforcement of the easement and take over the care of it, 2) there are routine things in the easement that require notice, and 3) this easement holds a right for supervised fieldtrips led by the Commission on the property once a year.

Mr. Fletcher stated that since the property is located in both New Durham and Farmington, he thinks it is a good idea to have both towns involved. He stated all of the rights under the easement are also assignable.

Selectman Bickford asked for an explanation of the stewardship responsibilities. Mr. Fletcher replied that in order to keep an easement, the land trust or agency holding the easement, is required to 1) monitor it at least once a year which includes a site visit, contacting the land owner, walking the property, and writing up the results of that visit, 2) if there is a violation of the easement found, correcting the violation which is often times an abutter doing something on the landowner’s land they didn’t know about, and 3) in the worst case scenario where the easement is not followed, there is an obligation to take it to court.

Selectman Bickford asked for explanation as to the restrictions associated with the easement. Mr. Fletcher replied this easement has several zones including a couple acres around the house with minimal restrictions and around that there which is about 10 to 15 acres, that is prime agricultural soils which they feel it would be good idea to allow future farming uses on. Mr. Fletcher stated the lion's share of the property is what is considered woodland and this easement is a "no cut" easement which means there will be timber harvesting but it will focus on a single 20 acre area. The rest of the property, to maximum extent practical, will be allowed to mature. It is a mature growth forest now and the wishes of the landowners are to leave the trees to have an old growth forest. Mr. Fletcher stated it is unusual to do an easement like this but there advantages to having an old growth forest and that kind of management.

Selectman Jarvis stated the Board of Selectmen recently received a letter from Attorney Richardson, Town Counsel for land use matters. After looking at the easement agreement, Selectman Jarvis asked Mr. Fletcher if they could comply with Attorney Richardson's recommendations. Mr. Fletcher replied he doesn't see any thing that would be a showstopper but there are a few things they would like to discuss with Attorney Richardson and to handle a little different than what he suggests.

Chair Swenson asked if there would be a process where they would go back and incorporate the Town Counsel's comments and if there are differences, they would work on that and come back to the Board of Selectmen with the results of that discussion. Mr. Fletcher replied yes.

Chair Swenson stated the Conservation Commission had money donated for this use and the Town was advised by legal counsel there would need to be a different process, and thanked Mr. Fletcher for their accommodations in working with the Town's legal obligations.

Selectman Jarvis asked Mr. Malay if he is looking for a vote from the Board of Selectmen to get the Attorney Richardson's issues clarified. Mr. Malay replied that is correct, he would like Moose Mountain to be able to move forward.

Chair Swenson clarified this easement is in perpetuity and the clause for ending it would be if Moose Mountain should in some way no longer function, with the responsibility then going to Farmington and New Durham.

Scott Drummey, resident, pointed out a couple reasons to support this easement. The natural resource estimate developed by the Conservation Commission couple years ago, notes this piece of property contains prime farm land as well as mixed hardwood forests and this easement is part of an 837 acre, un-fragmented land area in New Durham, even though only 60 acres are included in the easement. Mr. Drummey stated several sections of the Master Plan provides support for protection of natural resources, wildlife, majority of open space and the formation and expansion of a relationships with land conservation organizations including Moose Mountain.

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Tom Holm, resident, stated he has a smaller easement and the Town is the primary holder of that easement with Strafford being the secondary executory and stated he strongly supports this easement. It keeps the natural land as it has been and thinks it is very important to support this.

**Selectman Jarvis made a motion to approve the expenditure for the amount of \$5,000.00 from the Conservation Commission fund to support a secondary executory interest in the preservation of the Thompson property off of Meaderboro Road that covers both New Durham and Farmington. Chair Swenson seconded the motion for discussion.** Chair Swenson stated he would like to make it subject to incorporation of the Town Counsel's comments and review by the Board of Selectmen. Selectman Jarvis noted the goal was to close by mid July.

Selectman Jarvis explained the normal process when working with Attorney Richardson. The Commission via the Land Use Assistant submits the comments to the attorney and he writes back with his recommendations. Attorney Richardson and the Commission will again review the final agreement that hopefully includes all of Attorney Richardson's suggestions. She stated Attorney Richardson had some concerns with the language of the early draft for the Thompson easement and that is what is being addressed by both Moose Mountain and Attorney Richardson together, along with the Conservation Commission keeping an eye on it as it goes along. Selectman Bickford stated he doesn't see any need to be concerned about it since Attorney Richardson is reviewing it.

Chair Swenson asked Mr. Fletcher if he had seen the document dated June 23 from Attorney Richardson and if there was anything specific that Mr. Fletcher sees as needing to be addressed.

Mr. Fletcher stated again he didn't see anything that would be a show-stopper from their side of it, but he does note there are some things that need better definition. There is a body of law Moose Mountain don't feel is relevant to the easement and the other issues can be addressed one way or another. Mr. Malay agreed that from what he has seen, there shouldn't be any real sticking points.

Selectman Bickford stated he thinks the motion should be done the way the memo is written, starting with "acquisition" and to word it the way the Commission is asking for it.

**Selectman Bickford made a motion to amend the motion that New Durham acquire a secondary executory interest in the Thompson Conservation Easement, map 269, lot 007 and the expenditure of \$5,000.00 from the Conservation fund to Moose Mountain Regional Greenways to facilitate the completion of the Thompson Easement. Moose Mountain Regional Greenways will be the primary easement holder. Chair Swenson seconded the amendment.** Discussion: Selectman Jarvis stated she feels they are quibbling over words. Chair Swenson stated Selectman Bickford has a point that with the map and lot it is very definitive of what the approval is. Mr. Drummey stated that is how the Planning Board always does it as well. **Amendment passed, 3-0.**

**Motion passed, 3-0.**

**Snowmobile Club**

Mike Gelinas, representative of the Snowmobile Club stated since logging was done in the Shirley Forest, some stumps have been found that were left in the way of the snowmobile trails. He stated that for safety reasons it would be good to pull them. Mr. Gelinas stated there are about a dozen stumps total.

Selectman Jarvis asked if the snowmobile club would be doing it at their expense. Mr. Gelinas replied yes, clarified there are a few behind the cemetery, a few between Johnson's and Stockbridge Corner, and it will be done with a small excavator.

**Selectman Bickford made a motion to allow the snowmobile club to pull stumps that were left in the trail in the Shirley Forest. Chair Swenson seconded the motion.**

**Motion passed, 3-0.**

**Public Input:**

Tony Bonanno, resident, stated at the last Board of Selectmen meeting, there was discussion about the need for a fifth police officer. He stated one of the big concerns was how much of the current Police Department activity was proactive and how much was requested by citizens. Mr. Bonanno stated he went back to the county logs for the months January, March, July and August, 2013 and distributed a summary of his findings. He stated there were 1446 calls registered in those four months of which 701 were motor vehicle stops, 100 were paperwork served, two categories he stated were not initiated by citizens' requests. He thinks these should not be in the proactive policy category as when you do that, it accounts for 55% of the policy activity with 45% being requested by citizens. Mr. Bonanno stated that as a tax payer, he feels that is high and as far as he is concerned, the proactive work means they are not being requested for service but are creating work for the police department.

Mr. Bonanno stated there was a discussion on benefits so he listed the five police officers with their benefit ratio compared to their salaries.

Mr. Bonanno stated that at the last meeting, David Valladares, Equipment Mechanic, presented information on highway department statistics that Mr. Bonanno had not yet researched. He stated he found towns with fully integrated highway departments, including Ossipee, Madison and Bethlehem and computed the annual cost of road miles for the towns of over \$18,000.00 per mile. Mr. Bonanno stated the towns that contracted work out, the highway costs were anywhere from \$6,700.00 to \$10,000.00 per mile. He stated if New Durham contracts out the highway activity, it could save over \$1,000,000.00 a year.

Selectman Jarvis asked why Mr. Bonanno eliminated administrative calls and pistol permits as part of his summary. Mr. Bonanno replied he doesn't think those have anything to do with activity and it just information back and forth.

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Kristyn Bernier, resident, 20-year veteran and detective with the Portsmouth Police Department, replied to Mr. Bonanno's statements. She stated she has a firm understanding of how law enforcement works and went on to explain administrative paperwork consists of subpoenas being served for court cases, many of which are going on in New Durham currently. Proactive police work is not just motor vehicle stops. It is active investigations that can be lengthy in time. She stated administrative duties due to civil citations and motor vehicle stops are a huge source of electronic bench warrants, drug arrests, illegal aliens, etc. Mrs. Bernier stated when you survey town residents of any community, their concern is speeders and it is a huge issue for taxpayers to be able to see the police department out there making sure motor vehicle laws are adhered to. Mrs. Bernier stated Mr. Bonanno is miscategorizing when he eliminates it as something not essential.

Dorothy Viesel, Ethics Committee, stated she has some follow-up remarks from the Ethics Committee. Ms. Viesel outlined events that occurred in March regarding the Ethics Committee. In May, Selectman Bickford raised several questions about the Annual Report filed by the Ethics Committee. He claimed they were 1) not following the Committee Rules and Procedures, 2) were giving advice which was not documented in minutes, and 3) the Committee could put the Town in legal jeopardy by mishandling inquires and/or the person could suffer additional harm. Ms. Viesel stated it is the intention of all members of the Ethics Committee to serve the citizens of New Durham and to support this Town with clear feedback and information. The Committee sought advice from Town Counsel as to how they could function more efficiently and correctly. A meeting with Attorney Maher took place in May and his feedback was he does not see anything that would cause him concern in any of the materials presented to him by the Committee. He agrees it is appropriate and sees no issue with Committee members providing formal or informal advice. Attorney Maher's only suggestion was that they write an overview statement to be included at the beginning of the Committee's Rules and Procedures to further outline the Committee's function. Ms. Viesel noted a statement has been written and reviewed by Attorney Maher. He also suggested using an inquiry log in addition to the meeting minutes, which Ms. Viesel stated has been put in place. In conclusion, Attorney Maher found no evidence of improper or illegal behavior on the part of the Ethics Committee or its members.

Selectman Bickford stated this in contradiction to what Attorney Sanderson told him.

Joan Swenson, former Chair of the Ethics Committee stated she was at the meeting with Attorney Maher. She stated she thinks what Attorney Maher said is not in contradiction to what Attorney Sanderson said to Selectman Bickford, which was that the Committee could give advice but there could potentially be concern if there was illegal activity or any behavior that could put the Town in jeopardy. Mrs. Swenson stated the Town Counsel met with the Committee and didn't disagree with that point. The fact is, the way the Ethics Committee works, is really around advice. Mrs. Swenson explained anything that is illegal or goes against the personnel policy would automatically go to the Town Administrator for handling. That is part of the Ethics Committee's process. She stated they could do a better job of listing inquiries in the minutes, but it doesn't mean it didn't

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happen. Mrs. Swenson stated the overview paragraph that is going to be added at the beginning of the Rules and Procedures reemphasizes how the Committee functions.

Chair Swenson asked Ms. Viesel if the Committee would be coming to the Board of Selectmen with revisions of the Rules and Procedures. Ms. Viesel replied they do not need the approval of the Board of Selectmen as it is an internal document but as soon as it is complete, she will present it to them.

Jeffrey Kratovil, resident, stated regardless of what the attorney said, the original concern of Selectman Bickford was that when you put it in the Annual Report that many people counseled when in reality it was done informally, is improper for inclusion in the Annual Report.

Mrs. Swenson replied that is Mr. Kratovil's opinion and it differs from that of the attorney. She stated the fact is, advice was given to individuals informally, and there was no mal intent when the report was written that advice was given.

Chair Swenson clarified that Mr. Kratovil's allusion to meetings behind held improperly, is in correct. Mr. Kratovil stated that as a town resident, he doesn't think informal counseling should be put into municipal documents.

Mr. Kratovil thanked Chair Swenson and Selectman Bickford for their stand on the issue of Municipal Resources, Inc. filling in for the Financial Officer at \$75.00 per hour. He stated Ms. Blackden is not a victim, she left of her own volition and if she decides to come back, that is her choice. Chair Swenson clarified that it is not so much that Ms. Blackden came back, but she is helping the Town out as well.

Ms. Viesel stated that of the four inquiries the Ethics Committee have received this year, all requested confidentially, and all have received their feedback.

**Agenda Review:**

Chair Swenson stated he has a brief comment on the IT Policy to add under Old Business.

Selectman Bickford stated he would like to talk about CIP under Old Business.

**Department Reports**

David Valladares presented a Purchase Order for four grader tires as discussed at a prior Board of Selectmen meeting.

**Selectman Jarvis made a motion to approve PO #2279 to Northeast Tire Service for the purchase of four grader tires in the total cost of \$5,980.00. Selectman Bickford seconded the motion. Motion passed, 3-0.**

**Highway Department**

Mike Clarke, Road Agent, stated he has received four bids for the RSMS Paving: Advanced Excavating and Paving for \$271,341.00; F.R. Carroll, Inc. for \$296,743.00; Pike Industries Inc. for \$264,415.25 and R& D Paving Inc. for \$270,311.00. Mr. Clarke's recommendation is to award the bid to Pike Industries Inc, the lowest bidder.

Chair Swenson asked if Mr. Clarke has any reasons other than being the lowest bid, to support his recommendation. Mr. Clarke stated Pike is trying to get back into the area, and while there was one bad experience about three years ago with them, the individual who did the work then is no longer with the company. Mr. Clarke stated he would have the Board of Selectmen sign the contract at the next meeting.

Selectman Jarvis noted that in response to the experience Mr. Clarke referred to, the Highway Department made changes to the bid sheet as a result of that to a time period and completion date.

**Selectman Jarvis made a motion to award the 2014 RSMS Paving Bid to Pike Industries of Belmont, NH in the amount \$264,415.50. Selectman Bickford seconded the motion.** Discussion: Mr. Bonanno asked how much pavement is being put down. Mr. Clarke replied it would be 2" compressed. Mr. Bonanno asked if the Town is starting to pave any gravel roads. Chair Swenson replied that is off topic and won't be addressed now. Mr. Kratovil asked how high in management was the individual who caused the problems previously for the Town. Mr. Clarke replied he finds that irrelevant to the bid. **Motion passed, 3-0.**

Mr. Clarke presented three bids for the gravel crushing: Custom Crushing Co., \$24,150.00; EARTH Northeast Earth Mechanics, Inc., \$25,090.00 and F.L. Merrill Construction, Inc., \$28,000.00. Mr. Clarke stated Custom Crushing has done the crushing for the last three years and is the only company not charging for mobilization and demobilization. Mr. Clarke stated he has been happy with the product he has been giving and they are on schedule to do another 7,000 tons. There may be another year's crushing out of that, giving them approximately 21 to 22 thousand tons. He doesn't foresee the Town using all the gravel within the next ten to twelve years. Mr. Clarke's biggest concern about starting the CRF for buying gravel is he doesn't believe it is an issue. Mr. Clarke stated there are a couple of Town owned properties that could be pursued for doing test pits. Mr. Clarke stated his recommendation for the gravel bid is to go with Custom Crushing Co. of Meredith in the amount of \$24,150.00. Mr. Clarke clarified there is a completion date included in the bids.

**Selectman Jarvis made a motion to award the 2014 crushing gravel bid to Custom Crushing Company of Meredith, NH in the amount of \$24,150.00. Selectman Bickford seconded the motion.** Discussion: Selectman Bickford clarified this is the same company that did it last time. Mr. Clarke replied this company has done it the last three times. Mr. Clarke stated he would have Mr. Andrews from the company attend the next meeting to sign the contract. **Motion passed, 3-0.**



Selectman Bickford asked Mr. Clarke about the study completed on the gravel and paved roads. Mr. Clarke stated at the next meeting he expects to present his fact-finding comparison of New Durham to other towns. Selectman Bickford noted what the Board of Selectmen is still looking for is the cost of maintaining a mile of road per year. Mr. Clarke replied that would all be included in that package.

### **Parks and Recreation Commission**

Kristyn Bernier, director of the Parks and Recreation Commission, requested to meet with the Board of Selectmen in non-public session, pursuant to RSA 91-A: 3 II (a) – *the dismissal, promotion or compensation of any public employee or the disciplining of such employee; and (c)- matter which, if discussed in public would likely affect adversely the reputation of any person.* It was agreed to go into non-public after the Confirmation of Appointments.

### **Town Administrator's Report**

#### **Fuel Lock-In:**

Town Administrator Bourgeois stated the propane contract was signed and accepted at \$1.91 per gallon plus the \$0.05 per gallon charge. He stated he is still getting prices on the other fuels and monitoring the situation. Selectman Jarvis asked if he is still in contact with other communities. Town Administrator Bourgeois confirmed there are still a couple towns that do want to do heating fuel with them.

#### **Tower Clock**

Chair Swenson stated that during the budget process, money designated for transitioning the clock from a mechanical to an automated system. Town Administrator Bourgeois stated he talked to an individual known as the clock expert in the State back in February, and recently followed-up with him to come over and take a look at the clock. It will be added to the July 28, 2014 Board of Selectmen meeting for more information.

### **Old Business**

#### **Confirmation of Appointments**

Chair Swenson stated that at a prior Board of Selectmen meeting, a motion was made to nominate Stephanie Kearns as an alternate member to the Zoning Board of Adjustment. The vetting process is now complete and the nomination is open for a motion.

**Selectman Jarvis made a motion to appoint Stephanie Kearns to a three-year term as an alternate member of the New Durham Zoning Board of Adjustment. Chair Swenson seconded the motion. Motion passed, 3-0.**

Chair Swenson stated that at a prior Board of Selectmen meeting, a motion was made to nominate Curtis Richard as full time member to the Conservation Commission. The vetting process is now complete and the nomination is open for a motion.

**Selectman Bickford made a motion to appoint Curtis Richard to the Conservation Commission. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

**Selectman Jarvis made a motion to nominate Joan Swenson for reappointment to a full three-year term as a regular member to the Zoning Board of Adjustment. Selectman Bickford seconded the motion. Chair Swenson recused himself from the vote. Motion passed, 2-0.**

Chair Swenson stated that at a prior Board of Selectmen meeting, a motion was made to nominate Kristyn Bernier to the Capital Improvement Plan Commission as a member at large.

**Selectman Jarvis made a motion to appoint Kristyn Bernier as a representative to the Capital Improvement Plan Commission as a member at large. Chair Swenson seconded the motion.** Discussion: Selectman Bickford stated he wants to know how many members are going to be appointed to that Commission. Chair Swenson replied this is the only opening at this time although the Budget Committee representative has yet to be named. Selectman Jarvis noted the Planning Board has named their representative as well as Copple Crown. Selectman Bickford stated according to the warrant article for CIP, the Committee is to be composed of one from each of the Planning Board, Budget Committee, Board of Selectmen, and two members appointed by the Board of Selectmen with no mention of Copple Crown. Chair Swenson stated the only position open is the one at large. Selectman Bickford replied they start over each year and according to the Town website, all the positions expire in 2014. Selectman Bickford noted much of the information on the website however, is incorrect according to the 2006 warrant article where the Committee was established. He stated that according to this, there is another one for the Board of Selectmen to appoint and there were three applications received. Selectman Jarvis replied that one of the individuals did not actually submit an application as Town Administrator Bourgeois had contacted him and asked if he want to remain on the Committee and he didn't realize he needed to.

Chair Swenson stated he asked Town Administrator Bourgeois to review the openings on the CIP prior to the June 25, 2014 meeting. It was determined there was one opening for Budget Committee that needs to be appointed, one for the Planning Board that has been appointed, one from Copple Crown which has not been appointed and one at large. Selectman Bickford stated there is not one from Copple Crown but someone just happened to be from there at one time. Selectman Bickford clarified the additional open position he is referring to is the one that is not going to be from Copple Crown.

Chair Swenson stated there appears to be a non-alignment of Town documents again, and asked Town Administrator Bourgeois to take a look at that for the next Board of Selectmen meeting. He stated there are enough members on the Committee now for a quorum so they can start.

Selectman Bickford stated he has several reasons why the Board of Selectmen should not nominate Ms. Bernier for the CIP nomination. It was agreed this would be addressed in non-public session.

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Chair Swenson stated that before going into non-public session they would administer the oaths to the appointees.

Selectman Jarvis administered the Oath of Office to Stephanie Kearns. Ms. Kearns recited and signed the Oath.

Chair Swenson administered the Oath of Office to Curtis Richard. Mr. Richard recited and signed the Oath.

Mr. Kratovil stated that relative to the conversation about the CIP nomination, if they are still in need of a volunteer, he has submitted his paperwork and would be happy to serve.

**Non-Public Session**

Chair Swenson stated they would now go into non-public session for discussion as requested by Kristyn Bernier of the Parks and Recreation Commission along with addressing Selectman Bickford's issue regarding an appointment to CIP.

**Chair Swenson made a motion to go 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. and RSA 91-A: 3 II (a) – the dismissal, promotion or compensation of any public employee or the disciplining of such employee; (b) – the hiring of any person as a public employee. Selectman Jarvis seconded the motion.**

**Roll Call: Chair Swenson, Aye; Selectman Bickford, Aye; Selectman Jarvis, Aye.**

The Board of Selectmen recessed to non-public session at 8:25p.m.

The Board of Selectmen returned to public session at 9:04p.m.

Chair Swenson stated while in non-public session the Parks and Recreation position was discussed and Selectman Bickford's request to review various CIP issues was addressed.

**Selectman Jarvis made a motion that the Town of New Durham hire Nicole Hunter as a part time employee of the Parks and Recreation Department, effective July 14 2014 at \$13.00 per hour and to waive the hiring policy. Chair Swenson seconded the motion.**

**Selectman Bickford made the motion to amend the motion to hire Nicole Hunter as a part time assistant to the Parks and Recreation Department. Chair Swenson seconded the amendment.** Discussion: Selectman Bickford stated because Kellie Chase is leaving, Nicole Hunter will be taking over for the interim until a director is hired. Chair Swenson clarified Ms. Hunter is already an employee with the Parks and Recreation Department and she has been through all the background checks, etc. Selectman Jarvis noted the only difference between the two positions is her current position comes out of

the Revolving Fund and this position comes out of the General Fund. **Amendment passed, 3-0. Motion passed, 3-0.**

Chair Swenson stated the other issue discussed in non-public was to address the nomination to CIP. A motion was made and seconded during non-public session. **Motion passed, 2-1. Selectman Bickford opposed.**

Selectman Bickford asked about the second member to be appointed by the Board of Selectmen to CIP. Chair Swenson replied he would like to wait until Town Administrator Bourgeois comes back with more information as to the non-alignment of policies. Selectman Jarvis replied one of the individuals may have been misled into believing he did not need to submit an application to continue on CIP. Selectman Jarvis stated she would be nominating Tony Bonanno as a representative from the Budget Committee to CIP and noted his application specifically states it is in the event he is not appointed by the Budget Committee. Selectman Bickford asked what they would do if Mr. Bonanno is not nominated as a representative from the Budget Committee.

#### **IT Policy – Legal Review**

Chair Swenson stated just an hour prior to tonight's meeting, a response was received from legal counsel and it will be discussed at the next meeting and approved.

#### **Solid Waste Facility/Transfer Station Operating Plan**

Chair Swenson and Town Administrator Bourgeois confirmed the edits, corrections and modifications have been completed. Chair Swenson stated the acceptance by the Department of Environmental Services has been done. The document is now ready for acceptance by the Board of Selectmen.

**Selectman Jarvis made a motion to approve the Operating Plan for the Solid Waste Facility/Transfer Station dated June 7, 2014. Selectman Bickford seconded the motion. Motion passed, 3-0.**

#### **Special Event Application**

Chair Swenson stated a Special Event Application was received from the Merrymeeting Lake Association for a block party at the marina on July 19, 2014 from 4-10:00p.m. It will be free for all members of the association.

**Selectman Bickford made a motion to approve the event application from the Merrymeeting Lake Association on July 19, 2014, from 4:00-10:00p.m. Selectman Jarvis is seconded the motion with an amendment that it is subject to approval by the Chief of Police. Chair Swenson seconded the amendment. Amendment passed. 3-0. Motion passed 3-0.**

#### **Benefits Payout**

Selectman Bickford stated this is about taking payouts for people who are leaving and wants to make a motion to cover payouts for the next couple months. There is a balance of about \$29,000.00. He stated there is no process in place that says how to get the payouts except by action by the Board of Selectmen. Selectman Jarvis stated she believes they should be taking it from the Accrual Benefits Liability Fund as this is what the fund was for. There is sufficient money in this fund with a balance of \$25,955.22 to cover the total payouts of \$9,508.47 and it is appropriate to use the EFT.

It was agreed to make the payouts from the General Fund for Vickie Blackden and Scott Mitchell and have Town Administrator Bourgeois talk to the Trustees of the Trust fund.

**Selectman Jarvis made a motion to utilize \$9,508.47 from the Expendable Trust Fund for Accrued Liability for the payouts to former employees, Financial Officer and a Police Officer and to have the temporary finance officer make the appropriate journal entries as needed. Chair Swenson seconded the motion for discussion:**

Selectman Bickford stated he thinks names should be used in this case. Chair Swenson stated the Finance Officer was Vickie Blackden and the Police Officer was Scott Mitchell.

**Selectman Bickford made a motion to amend the motion to name the Financial Officer Vickie Blackden and Police Officer Scott Mitchell. Chair Swenson seconded the amendment. Amendment passed, 2-1. Selectman Jarvis opposed.** Selectman Jarvis explained she doesn't agree with naming the individuals as they usually just refer to their title. **Motion passed, 3-0.**

### **Purchasing Policy Review**

Town Administrator Bourgeois stated there was some previous discussion about reviewing the Purchasing Policy, and the method used for processing purchase orders as well as a threshold level for purchases. Town Administrator Bourgeois stated he has forwarded the Policy to the auditors and New Hampshire Municipal Association for review but they will not do a review although they did provide sample policies. Town Administrator Bourgeois stated he is working on reviewing the purchasing policies of other communities and asked if there are any particular areas they are looking to change.

Selectman Jarvis stated the process was started with the previous Town Administrator to revise some of the Policy but it was never completed. She stated some of the issues were requests that department heads be able to authorize to sign purchase orders higher than \$1,500.00, that the Town Administrator be able to sign for \$3,000.00 to \$6,000.00, and that formal written quotations go from \$6,000.00 to \$20,000.00. Selectman Jarvis stated one question discussed at a past meeting was having purchase orders prior to orders being placed but her concern is if an actual amount is not known at that point, and suggested establishing an amount not to be exceeded.

Chair Swenson summarized the areas that need to be looked at: authorization levels, dollar amount for when to go to bid and whether POs can be signed prior to order being placed.

Selectman Jarvis suggested that when using the State Bid List, to allow the purchase without having to go through the waiver process.

Town Administrator Bourgeois will continue to review the policies of other towns, focusing on the areas of concern as noted.

Selectman Bickford reviewed the statements regarding surplus properties, and stated he thinks the issue with the police cruiser as discussed at the last meeting, was not been done in accordance with the Policy. Chair Swenson replied that last fall, the Board of Selectmen gave the Town Mechanic authorization to dispose of the vehicle as he saw fit. Selectman Bickford stated to do that, there needs to be a waiver of the Policy. Chair Swenson concurred.

### **Treasurer Job Description**

Town Administrator Bourgeois stated he included a comparison of the State RSA with the investment policy in the job description as recommended by New Hampshire Municipal Association. The draft job description was reviewed and discussed. It was agreed to approve at the next Board of Selectmen meeting. Selectman Bickford confirmed a Treasurer has been hired and in place.

### **Assessing Position**

Chair Swenson stated this issue is in follow up to discussion at the last meeting, regarding the Land Use Assistant and the Assessing Clerk positions.

Town Administrator Bourgeois stated he spoke with the two current employees and the assessor about the position and what the duties entail. Town Administrator Bourgeois provided a basic list of skills required, and noted many of the staff in the first floor have been doing those all along as well as the former clerk (Finance Officer). The assessor did not feel the Assessing Clerk would need to take on a lot of additional responsibilities. Town Administrator Bourgeois stated the Board of Selectmen is going to need to decide what they will do when the current assessor retires at the end of the year.

Town Administrator Bourgeois stated many towns contract with outside companies to fill this position. Another option would be to do a portion of the Town's revaluation each year rather than every five years. He stated it looks like the Town could save a significant amount of money with that option. Selectman Jarvis asked if when contracting, would there still be someone in Town Hall to read property cards, doing transfers, etc. Town Administrator Bourgeois replied there would be someone to field those questions but they would also be setting appointments for individuals to meet with the assessor.

Selectman Jarvis stated she would be interested to know what other communities are doing, the pros and cons of contracting, and do any other towns have assessors who work part time that would be interested in additional work.

Chair Swenson stated there are now three issues here: 1) that the assessor will be

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departing due to retirement in the next six to twelve months, 2) once the full evaluation is done, do they want to go to a “rolling” evaluation process, and 3) the position of the Assessing Clerk and who will be assigned to that duty currently. Chair Swenson suggested starting to develop an RFP for contracting the assessing and asked Town Administrator Bourgeois to start that process.

Selectman Bickford stated the first two issues kind of go together and he agrees with looking into the rolling evaluation.

Chair Swenson asked Town Administrator Bourgeois to research this and bring his ideas forward.

Mr. Kratovil stated he thinks the rolling evaluation is a good idea. Mr. Kratovil stated there is already a Land Use Assistant who was informed of her responsibilities at the point of hire and suggested if she were brought up to speed, she could answer questions. Chair Swenson replied there is also the issue of what the Land Use Assistant is authorized to do.

Selectman Jarvis stated the assessing office should be located on the first floor, and suggested looking at relocating where individuals’ offices are located. She suggested if the Welfare Assistant were to take over the tasks, the four hours be added into the amount of hours she works.

Selectman Bickford stated he thinks they are micromanaging and suggested Town Administrator Bourgeois work this out. Things will be changing down the road and there seems to be a lot of details they are trying to sort out that they don’t need to now. Selectman Bickford suggested Town Administrator Bourgeois see what he can work out with the workloads. Chair Swenson asked Town Administrator Bourgeois to come back with a recommendation.

**Revaluation**

Chair Swenson stated the agreement requires a payment at the start of the work and an invoice has been received from Vision Government Solutions.

**Selectman Jarvis made a motion to approve Purchase Order #1793 to Vision Government Solutions of Northborough, MA for the invoice dated June 30, 2014, in the amount of \$7,900.95. The total cost of the revaluation will be \$85,000.00. Selectman Bickford seconded the motion. Motion passed, 3-0.**

**Code Enforcement Officer/Building Inspector**

Chair Swenson stated a resignation has been received from the Code Enforcement Officer/Building Inspector effective August 2, 2014. A copy of the job description was distributed for review along with the current pay rates and draft of a job posting.

Selectman Jarvis stated she would like to have Town Administrator Bourgeois conduct exit interviews with the individuals who are leaving. Chair Swenson suggested having

Municipal Resources, Inc. present for those interviews since they are required to give the Town a certain number of hours per month. Selectman Jarvis stated she wants the process started as soon as possible.

The position documents were reviewed and discussed. It was agreed to add the salary range to the job description.

**Selectman Bickford made a motion to post the part time position for Code Enforcement /Building Inspector with a wage range of \$15.50 to \$27.18 per hour. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

Chair Swenson noted the current Code Enforcement Officer is also the Health Officer.

Selectman Jarvis suggested to looking at Alton and Farmington in establishing a memorandum of agreement for establishing coverage between the towns. Town Administrator Bourgeois will look into that with the surrounding towns and come back with his recommendations at the next meeting. Selectman Jarvis clarified she is not suggesting not filling these positions, but wants to ensure coverage for vacations, emergency, etc.

#### **Board of Selectmen Goal Review**

Chair Swenson stated he wants to be sure they are periodically reviewing the goals. He outlined the goals, and asked for updates from the Board of Selectmen member assigned lead accountability.

- 1) Manage budgets: The budget was reviewed on June 25, 2014 relative to where various department lines were at this point. Overall, the budget is in reasonable shape.
- 2) Convert to SB2: Chair Swenson stated his objective is to come to the July 28, 2014 meeting with a draft of the budget schedule. Town Administrator Bourgeois stated New Hampshire Municipal Association offers an on-site training course for converting to SB2 and will get more details.
- 3) Guideline for Town's reserve level: There needs to be a discussion session sometime before the budget is developed and Chair Swenson suggested having it on the agenda for the first August meeting of the Board of Selectmen.
- 4) Pursue sales of Town properties: Chair Swenson deferred to the last item under New Business.
- 5) Improved communications to residents: Selectman Jarvis stated she has been working on this and one of the things she has been thinking about is the Annual Town Report. She suggested giving an explanation of the accounts and what they are funding. Selectman Bickford agreed there needs to be something that explains acronyms and account titles. Chair Swenson suggested this be revisited again in August.
- 6) Preventative maintenance initiative for Town assets: Selectman Jarvis stated she has not done anything on this yet and is hoping to meet with Arthur Capello



before he leaves. She expects to receive recommendations from the CIP and department heads.

- 7) Review of comparative data: The equipment mechanic, highway and police departments are all in the process of gathering data. Selectman Bickford stated he is impressed with the department heads and their enthusiasm in working on the data comparisons.
- 8) Develop employee performance evaluation guidelines: This has been completed. Selectman Jarvis suggested formalizing a packet to distribute to department heads. It will be reviewed in August.
- 9) Review ordinances inconsistent with New Hampshire law: Selectman Bickford stated some have been reviewed and revised but there are still some to be looked at with other committees.
- 10) Assure accountability within each department and committee: Progress is being made.
- 11) Develop employee and asset security: Selectman Jarvis stated Town Administrator Bourgeois would be contacting other communities to see what they have. She is going to speak with Police Chief Bernier and department heads to see what the department needs are.

### **Tax Deeded Property**

Chair Swenson stated there are 45 properties listed in the Annual Report with a total assessed value of \$3,338,000.00. There are RSA requirements relative to those tax deeded properties, whether they are over or under three years. He asked the Tax Collector to provide a listing of those 45 properties and designate which ones fall into those two categories as well as updating the list.

Chair Swenson stated he is a proponent of moving the tax deeded properties into more productive use. Selectman Jarvis agreed and stated she would like to see all but one of the property commonly referred to as the Mackenzie Property on Shaw's Pond.

Chair Swenson stated there are three options: 1) to leave properties as is in Town ownership, 2) put the properties to auction, likely with no minimums, 3) or get a real-estate brokers' opinion as to marketability and the values, and if deemed appropriate to have the real-estate broker list and sell the property.

Selectman Bickford stated he is not necessarily in favor of getting all the properties into productivity as it depends on what that productivity is. He stated a number of the properties are in the Copple Crown area and the Planning Board is not in favor of having those properties taken off the books. Selectman Bickford stated he wants the Planning Board and the Conservation Commission to review the list of properties to have an opportunity to suggest where easements may be appropriate. Selectman Bickford stated it may not be worthwhile to even have an auctioneer.

Selectman Jarvis suggested being sure to notify abutters so they have the opportunities to purchase abutting lots to make their own properties conforming lots. Selectman Bickford stated the key is to assign fair values to the properties.

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Chair Swenson agreed to have the Planning Board and Conservation Committees review the properties and suggested determining if there are going to be minimums on the properties sold. Selectman Jarvis suggested having minimums to cover what is owed the Town.

Chair Swenson stated there could be a mix of options for all the properties depending on the situation and agreed that certain properties should have minimums. He stated he would like this to move forward aggressively and get the process started this month.

Selectman Jarvis suggested having an auctioneer come in and handle the whole process of advertising, notifications, etc. It was agreed Town Administrator Bourgeois would explore the options of both an auctioneer and real estate broker.

**Public Input**

Gregory Anthes, resident, asked what the contract is with the Interim Fire Chief MacCaffrie. Chair Swenson replied the contract was for six months with possible renewal, and will be reviewed in August.

Mr. Anthes asked what the status is of the lawsuit. Chair Swenson replied there is a hearing scheduled for August 27, 2014. Selectman Jarvis clarified it could be anywhere from 30 to 60 days for a judgment on that.

Mr. Anthes stated his suggestion for when Interim Fire Chief MacCaffrie's six month contract is up, to hire back Peter Varney.

**Approval of Minutes**

Meeting of June 25, 2014, Non-Public Session: No edits. **Selectman Jarvis made a motion to approve the non-public minutes of June 25, 2014 meeting as presented. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Meeting of June 25, 2014, Public Session: Edits were made. **Selectman Jarvis made a motion to approve the minutes of the June 25, 2014 meeting as amended. Selectman Bickford seconded the motion. Motion passed, 3-0.**

**Public Input**

Mr. Kratovil stated he read an article published in *The Baysider* submitted by Jim Ladd, the videographer from Wolfeboro Community TV. He asked if Mr. Ladd is still an employee of Wolfeboro Community TV. Chair Swenson replied they cannot answer that and do not know what his status is. Mr. Kratovil stated he disagrees with Mr. Ladd's opinion on the length of the meetings and stated he appreciates the time the members of the Board of Selectmen put in.

Mr. Kratovil asked Selectman Jarvis if she would be running for re-election in 2015. Chair Swenson replied that is not an appropriate question at this time.

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Mr. Kratovil asked if Mr. Rosiello would be running for Selectmen. Chair Swenson replied the answer is the same and it cannot be addressed.

Mr. Kratovil stated the unassigned fund balance is approximately \$1,187,000.00 and the surplus is projected at \$208,000.00. He asked what steps the Board of Selectmen are taking and their approach. Chair Swenson replied discussion of the budget is on the agenda for August.

Mr. Kratovil referred to page 8 of the June 25, 2014 meetings where Mr. Rosiello stated “he does not feel safe” and asked the BOS if they feel unsafe now. Chair Swenson stated the context in which that statement was made needs to be considered but yes, right now he does. Selectman Jarvis replied she feels safe at the meetings but she also feels the State legislature overstepped their bounds by taking away the rights of towns in determining where guns should be.

**Adjourn**

**Selectman Jarvis made a motion to adjourn the meeting. Selectman Bickford seconded the motion. Motion passed, 3-0. Meeting adjourned at 11:18p.m.**

Respectfully Submitted,

Jennifer Riel, Minute Taker