

DRAFT

**NEW DURHAM BOARD OF SELECTMEN
New Durham Fire Department Community Room
Monday, July 28, 2014, 12:00 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
Mike Clarke, Road Agent
Shawn Bernier, Police Chief
Jeff Andrews, Capital Crushing, LLC
Jared Hebert, Pike Industries, Inc.
Dale Drake, Resident/Real Estate Agent
Jay St. Jean, St. Jean Auctioneers
Jim St. Jean, St. Jean Auctioneers
Bob Kroepel, Resident
Carole Ingham, Town Clerk/Tax Collector

Call to Order:

Chair Swenson called the meeting to order at 12:00p.m. and the Board of Selectmen entered into 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; (b) – the hiring of any person as a public employee; (c)- matter which, if discussed in public would likely affect adversely the reputation of any person.*

Chair Swenson resumed the public meeting at 1:52p.m. at the New Durham Fire Department Community Room and stated during the non-public session, there were interviews of two candidates for the Finance Officer position. An interview of a candidate for the police department was also conducted, at the recommendation of the Police Chief Bernier.

Selectman Jarvis made a motion to make a conditional offer of employment to Candidate 1 for the position of Finance Officer and Benefits Administrator, subject to the successful completion of a background check, motor vehicle check, and financial background check, with a starting salary of \$19.50 per hour. Selectman Bickford seconded the motion. Motion passed, 3-0.

Public Input

Selectman Jarvis stated that speaking as a citizen, she would like to congratulate Kelly Chase for another wonderful Old Home Day, and thanked all the volunteers and those involved including many Town departments.

Agenda Review

Selectman Jarvis stated she would like to add an update from Town Administrator Bourgeois regarding the clock tower and an update regarding the code enforcement/building inspector.

Chair Swenson stated he would like to add under Old Business: discussion of a letter from Merrymeeting Lake Eastern Shores Association regarding Lions Pride Camp road; a noise complaint letter regarding the Farmington Fish and Game site; the interim fire chief agreement; and police department candidate.

Department Reports/Issues

Road Agent – Contracts

Mike Clarke, Road Agent, presented Jared Hebert from Pike Industries, Inc. with the agreement for the RSMS 2014 paving. The agreement was reviewed and it was noted the agreement includes a completion date and a copy of the bid bond. **Selectman Jarvis made a motion for Chair Swenson to be authorized to sign on behalf of the Town, the RSMS 2014 Paving Agreement and to sign the RSMS 2014 Paving Agreement Notice to Proceed. Selectman Bickford seconded the motion. Motion passed, 3-0.** Chair Swenson signed the documents which were then notarized by Town Clerk/Tax Collector Carole Ingham.

The signing of purchase orders and additional documents by the Board of Selectmen was agreed as being redundant and will be discussed when the drafting of the Purchase Policy is addressed.

Mike Clarke, Road Agent, presented Jeff Andrews from Custom Crushing, LLC with the 2014 agreement for the gravel crushing and noted that since the amount is less than \$25,000, there is no bid bond included. **Selectman Jarvis made a motion to authorize Chair Swenson to sign the RSMS 2014 Crushing Gravel Agreement and RSMS 2014 Crushing Gravel Notice to Proceed. Selectman Bickford seconded the motion. Motion passed, 3-0.** Chair Swenson signed the documents which were then notarized by Town Clerk/Tax Collector Carole Ingham.

Town Administrator Report

Fuel Lock-In

Town Administrator Bourgeois stated quotes were received from several companies and the fuel lock-in for heating oil is complete with Dead River at \$3.17 per gallon plus a \$0.05 per gallon surcharge. The price lock-ins for the purchase of all Town fuels are now complete.

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Town Administrator Bourgeois stated the current Code Enforcement/Building Inspector completes his employment with Town this week. The position has been posted and Town Administrator Bourgeois stated he has reached out to surrounding communities to see if any of the Code Enforcement/Building Inspectors in those towns are interested in the position. He will follow up with those communities to see if they can get a fill-in until the position filled, and stated there is also the option of having Municipal Resources, Inc. fill the position temporarily at \$60.00 per hour plus mileage. Two applications have been received so far and the posting is complete.

Bob Kroepel, resident, asked what the salary range is of these positions. It was explained the labor grade and the Board of Selectmen set the salary. Chair Swenson stated he received a survey of the salary ranges of these positions in surrounding communities and was discussed. He stated the average salary rate was \$24.54 for the towns that responded, and noted New Durham's current rate is \$21.89.

It was agreed that if the candidates are available, interviews will be conducted concurrently with the Fire Department officer interviews on July 30 at 6:00p.m. Chair Swenson suggested Town Administrator Bourgeois continue to follow up with getting a fill-in for the position from another town until the vacancy can be filled.

Town Administrator Bourgeois stated he recently heard back from the clock tower company they will hopefully be here on August 12, 2014 to give an updated estimate.

Old Business

Treasurer Job Description

Copies of the draft job description were distributed and the changes were reviewed and discussed. Additional changes were included and it was noted the wording and terminology came from recommendations by Local Government Center and New Hampshire Municipal Association.

Selectman Jarvis made a motion to approve the job description for the Treasurer as amended on July 28, 2014. Chair Swenson seconded the motion. Motion passed, 3-0.

IT Policy

Copies of the draft policy were distributed and the changes were reviewed and discussed. Selectman Bickford stated the paragraph regarding use of social media should actually be included in the Personnel Policy. Chair Swenson noted this has been reviewed by Town Counsel and is included under their advice. He explained it needed to be included in the IT Policy to make it clear individuals cannot indicate their Town position when using their personal social media.

Additional suggestions were discussed and included, and will be forwarded to Town Counsel for further review. Chair Swenson asked that Town Counsel's recommendations be spelled out more clearly.

The issue of the use of Town cell phones being used during operation of Town vehicles was discussed. Selectman Bickford stated that starting next year, the law will state that cell phones can't be used unless they are hands-free or used with Bluetooth.

Police Chief Bernier stated he is not aware of any generally accepted guidelines for the use of cell phones in emergency vehicles. He stated that unless there is a policy, he doesn't see why individuals would not pull off to the side of the road if they need to use their cell phones while driving or in an emergency situation.

Selectman Jarvis stated it is not necessarily the use of phones while driving but it is the distraction that is the issue. She questioned that whether phones are hands free or Bluetooth not, do they want Town employees to be distracted while operating Town equipment.

CIP Appointment & CIP Composition

Chair Swenson stated at the last meeting it was determined there are issues of non-alignment with various Town documents relative to the CIP Committee. Town Administrator Bourgeois stated he looked back at the 2007 Town Meeting minutes for when the CIP Committee was first approved. It stated the Committee would be composed of one Planning Board member, one Budget Committee member, one Selectman and two at-large members to be appointed by the Board of Selectmen. He stated the RSA that the Committee would follow is also noted. Town Administrator Bourgeois stated nowhere in the motion is the term of office defined, however it appears that in a subsequent meeting, Selectman Ron Gehl stated the term of office would be three years. Town Administrator Bourgeois stated the Town has never really followed that and it has always been year to year.

Chair Swenson replied there have been some questions based on what he has seen as to whether the statement by Mr. Gehl was part of the motion or whether it was added information of the discussion phase.

Selectman Jarvis stated the way she sees it is as part of the discussion, as the motion was not amended. Selectman Jarvis noted this was a petition warrant article for the Town Meeting of 2007.

Chair Swenson replied that either way, it is not clear and it needs to be settled now. He stated input has been received from New Hampshire Municipal Association as well as from Attorney Stephen Buckley.

Based on Attorney Buckley's review, it does not appear to be a CIP fully based on RSA 673:5II but the Capital Improvement Project Committee has pieces of which is advised by the Planning Board and others in the Town. It is not a statutorily authorized land use board in terms of the members of the Advisory CIP Committee, and would be in for a period of time as determined by the Board of Selectmen. Selectman Bickford noted the RSA gives opportunity for two styles of CIP Committees.

Selectman Jarvis stated it appears the Board of Selectmen can determine whether the appointments are going to be for one, two or three year terms.

Chair Swenson stated that in summary the issues that need to be resolved are: a) composition of the CIP Committee, b) the term of office of the CIP members which appears to be up to the Board of Selectmen to determine and c) determine if any members are missing in terms of positions numbers on the Committee.

Chair Swenson stated the Board of Selectmen cannot determine the terms for the Board of Selectmen representative, the Planning Board representative or the Budget Committee representative but only the two appointed at-large positions. He suggested making those both one-year positions.

Selectman Jarvis made a motion that the term of office for the two at-large members of the Advisory CIP Committee who are appointed by the Board of Selectmen be one year. Chair Swenson seconded the motion. Motion passed, 3-0.

Selectman Jarvis noted she came across a nomination for George Sherback to the CIP Committee at the March 17, 2014 meeting with confirmation at the April 7, 2014 meeting. **Selectman Jarvis made a motion to nominate George Sherback to fill the second at-large position for the Advisory CIP Committee, effective immediately. Chair Swenson seconded the motion for discussion.** Selectman Bickford asked if Mr. Sherback filled out an application. Selectman Jarvis stated that in all her years of being on committees, no one ever fills out an application for a reappointment and an individual is usually contacted by the Town Administrator to see if they are interested in reappointment. Selectman Bickford stated that is unfair for others who may want to be on a committee. Selectman Bickford stated applications should be taken from all individuals interested in the positions and if not, there needs to be a motion made to waive the appointment policy. Selectman Jarvis stated it would not be fair to change things mid-stream for the 2014 appointments or reappointment.

Chair Swenson clarified the issue is whether individuals need to fill out applications each time they are reappointed and there is nothing in the appointment policy addressing it. Selectman Bickford suggested keeping it consistent by having everyone filling out applications. Selectman Jarvis stated if they want to do it for the 2015 appointments, they need to put together a policy process going forward. Selectman Jarvis noted that as part of the process, Town Administrator Bourgeois posts a notice on the website indicating all the positions that are up for appointment/reappointment and CIP was included. Applications were received from individuals requesting new appointment. **Motion passed, 3-0.**

Chair Swenson stated he thinks it is additional bureaucracy and unnecessary to have applications every year from all individuals including reappointments. Chair Swenson noted the process does not necessarily preclude someone from filling out an application for any opening.

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Chair Swenson noted the Board of Selectmen has an obligation to consider all applicants who show an interest in the positions. Selectman Bickford replied he sees it as the same as with any other permit or appointment, when a term expires, you need to reapply just as anyone else.

Selectman Jarvis stated she agrees it is unnecessary to expect individuals to fill out applications each time, and she doesn't want to put in another roadblock from encouraging individuals to volunteer and participate in town government.

Appointments/Announcements

Zoning Board of Adjustment Appointment Confirmation

Selectman Jarvis stated the June 25, 2014 meeting minutes indicate Joan Swenson had not been nominated for reappointment to the Zoning Board of Adjustment. However, she found that on March 17, 2014, Ms. Swenson had been nominated by the Board of Selectmen with a vote of 2-0 with Chair Swenson abstaining, and should have been voted on at the April 7, 2014 meeting.

Selectman Jarvis made a motion that Joan Swenson be reappointed to another three-year term to the Zoning Board of Adjustment, effective immediately. Chair Swenson recused himself from the vote. Selectman Bickford stated he doesn't think they need to state "another three year term". Selectman Jarvis stated that after discussion of terms, she wants to be clear with this motion. Selectman Bickford stated he would prefer to leave it out. Ms. Ingham referred to the RSA regarding terms and Selectman Bickford clarified the term is automatic so it doesn't need to be stated in the motion. **Motion failed for lack of second.**

Selectman Jarvis amended the motion that Joan Swenson be reappointed to the Zoning Board of Adjustment, with an expiration date of March 31, 2017. Selectman Bickford stated it is not a reappointment. **Amendment failed for lack of second.**

Selectman Bickford made a motion to amend the motion to appoint Joan Swenson to the Zoning Board of Adjustment. Motion failed for lack of second. Motion failed 1-1.

Chair Swenson stated that from a business strategy point of view, you have to look at the end result and how you get there, and as long as it is within the laws and legal, you do it. **Motion failed for lack of second.**

Sale of Town Owned Properties

Representatives of St. Jean Auctioneers presented a proposal for auctioneering services to the Board of Selectmen. Chair Swenson stated Dale Drake, resident, was present as a real estate agent to provide his opinion regarding the properties, as there is a combination of options for the various properties.

Chair Swenson noted the Tax Collector/Tax Collector has been diligent in tracking the properties in discussion, and summarized the Town has about 45 properties as of the last

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Annual Report with an assessed value of approximately \$1.38 million total. Chair Swenson stated the purposes of this discussion are to determine: a) advantages of an auction process and how it would work and b) how it would work from a real-estate sale approach.

Dale Drake, resident and realtor with Better Homes and Gardens in Dover stated he was aware of the Board of Selectmen discussing the sales and contacted Selectman Jarvis and volunteered his services to the Town to provide market valuations. Mr. Drake stated if the Board of Selectmen does decide to sell through this process, he would like a fair opportunity to be involved as the broker.

Selectman Jarvis asked how to go about selling properties that are owned by towns. Mr. Drake replied that he hasn't personally worked on properties that are still available for redemption by the owners, however typically the town will appoint someone to be a contact person to handle it. He stated if the town has an idea of what they want to sell the property for, it would be listed for that value. The town could also ask for market valuations from the broker to set more competitive prices. Mr. Drake stated the process would basically be handled the same way as with any client.

Selectman Jarvis stated regarding properties that are beyond the redemption period, do town usually sell those for market value. Mr. Drake replied they try to and it is a good starting point. It depends on the town's priorities, i.e. whether they want to divest themselves of the properties to get it back on the tax rolls or is it more important to get fair market value. Mr. Drake noted there is currently a lot of vacant land available in New Durham and if a property or house lot was posted for market value, it could take a while to sell. He stated typically properties are put on the market at fair market value and then the seller sets a time they are willing to wait. Mr. Drake stated he has looked at the three highest tax value properties and gave a summary of his opinion on those.

Selectman Jarvis stated along with returning the properties to the tax roll, she is interested in getting at a minimum, everything that is owed to the Town. Mr. Drake replied they can easily set the minimum at what they need to get but then try to get fair market value. He stated there is a lot of flexibility when going through a realtor. Prior property sales in New Durham were discussed.

Selectman Jarvis stated it sounds like if they go the traditional real estate route, her goals could be achieved in getting properties back on the tax roll and what is owed to the Town. Selectman Bickford clarified that they may not necessarily get what is owed to the Town because as Mr. Drake pointed out, properties can be over assessed. Mr. Drake explained realtors can provide market values but there is different licensing for an appraisal.

Jay St. Jean and Jim St. Jean, from St. Jean Auctioneers presented a list of fees and expenses that are charged when property sales are done through auction. Mr. Jay St. Jean stated they have handled property auctions for 35 to 50 municipalities over the last five years and have conducted the sales within those towns, usually on a Saturday morning at

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the town hall. Mr. St. Jean stated that typically tax deeded properties brought to sale bring 35 to 45% of the assessed values.

Mr. Jim St. Jean stated he has looked at a few of the properties in question, and in his opinion, investors will be at the auction even for properties that don't seem to have an inherent value. He explained how the auctions typically work and the bidders that are attracted to property auctions. He stated they are usually investors, abutters and cash buyers as banks won't typically finance these type of properties. Mr. St. Jean explained that to put the properties out on the open market with a realtor, there could be a lot of back and forth over a longer period of time.

Mr. Jim St. Jean said that in his opinion, it is as a good of a group of properties to bring to auction as any in other towns. Mr. St. Jean suggested they contact the Town Administrators in other towns to hear their feedback and satisfaction.

Mr. Jay St. Jean explained there are two ways the town can decide to go, one is with a minimum and the other is no minimum, which typically attracts a lot of people. It sends a good message that the town wants to sell the properties to get them back on the tax roll. He stated that often times when there is a set minimum, potential buyers will be deterred from even going to the auction.

Selectman Jarvis noted that in St. Jeans' previous auctions, they have only handled about 10 properties at a time and asked if it would be done all at once. Mr. Jay St. Jean replied in this case, it would be split up in two auctions. It was clarified that the auctioneers do all the advertising and notifications, and the buyers pay the fees to the auctioneers.

Mr. Jay St. Jean explained the preparation process and stated all that is needed from the Town is copy of tax cards, maps, deeds, attorney contact information and a list of all abutters. It was clarified that the town sets the minimum deposit, along with suggestions by the auctioneers. Mr. St. Jean suggested the minimums need to be set high enough that buyers are not going to walk away.

Carole Ingham, Town Clerk/Tax Collector stated the information needed is already put together and the only piece left would be to gather the list of abutters from the software system.

Ms. Ingham stated the real estate brokers do not do anything before three years has lapsed for the previous property owners to dispute, and asked whether the auctioneers wait the three-year period. Mr. Jim St. Jean replied they would wait the three years.

Selectman Bickford asked whether the property owner would have the right to bid anyways. Mr. St. Jean replied they could but the right of redemption is limited by statute to three years. Ms. Ingham noted there are guidelines regarding notifications and the option for the properties to be contested. It was clarified that property owners have three years to contest the sale but after ten years they cannot contest it. It was noted that 8 of the 45 properties would not be auctioned because the three-year period has not passed.

Selectman Jarvis asked how long the process would take once the Board of Selectmen decide what to do. Mr. St. Jean stated the entire process could be completed and ready for auction in four to five weeks. Chair Swenson asked if there is a better time of year to sell than others. Mr. St. Jean replied that they would want to shut down from about November until the end of March, mainly because many of the properties are land and people will want to be able to go out and see them.

Selectman Jarvis stated that a few of the properties are listed as being in current use and asked if it would be sold as such and if the buyers would have to pay to take it out. Ms. Ingham replied the buyers would have the option of taking it out of current use but the Town cannot take it out of current use as the current owner.

Chair Swenson summarized they will discuss this further at the next meeting. However, he's not sure they will be able to meet the November cutoff but he wants to keep the process moving to be ready when the next open period comes. Selectman Jarvis stated the work could be done over the winter to be ready for March.

Police Department Candidate

Police Chief Bernier gave an overview of his request to have Police Officer Jessica Haskins be given a conditional offer of employment by the Board of Selectmen so he can complete the background check and move forward with hiring her as a full time police officer.

Selectman Bickford pointed out the Board of Selectmen has not received information that was requested as to the justification for the fifth full time officer. Chair Swenson replied information has been received. Selectman Bickford stated they specifically asked for a percentage of the time spent on proactive duty.

Police Chief Bernier replied that anytime an officer is not responding to a call, which would be reactive, and are on duty, they are 100% being proactive. Police Chief Bernier stated he does not have software to answer the question but he has been to Primex and LGC classes to learn the definitions of what proactive and reactive duties include. He stated they are proactive 100% of the time when on duty and not responding to calls, and stated that is the definition of what proactive is.

Chair Swenson stated Police Chief Bernier has provided justification for the position, and he would be interested to know how much time is spent in direct action but understands that you never know when that is going to be.

Police Chief Bernier stated that when Mr. Bonanno and Selectman Bickford are looking at his analysis of the calls, they are not taking into consideration that the department was short handed, are not looking at prior years, and noted each item is going to change from year to year. He stated he cannot predict what the calls are going to be and suggested tracking calls for more years may be helpful.

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Selectman Bickford stated the Board of Selectmen needs to request that information from the Sheriff's Department. He recommended they get the call data for the last three years separated out by self-generated and calls that come in for service. Police Chief Bernier replied that the information is already available in the last three years of Annual Reports. Selectman Bickford replied the calls are not separated out between proactive and reactive in the Annual Reports.

Selectman Jarvis confirmed Police Chief Bernier does not have the software available to track the time spent during the day on proactive versus reactive activities. Police Chief Bernier stated he is working on changing how some of the tracking is being done. Chair Swenson noted that to get a good range of numbers, you do need to track for three to five years. It was agreed it might be useful for Police Chief Bernier to look into the software for tracking. Chair Swenson stated it is however unclear whether the return on investment would be worthwhile. He stated there are still some unanswered questions and advised that Police Chief Bernier continue to gather the information.

Selectman Jarvis made a motion that the Town of New Durham make a conditional offer of employment as a full time police officer to Jessica Haskins, subject to full background checks and all other requirements of the New Hampshire State Police Academy, and follow with what was done with the last two individuals of paying the individuals \$16.00 per hour, and once certification is complete, raise that to \$17.50. Chair Swenson seconded the motion for discussion. Discussion: Selectman Bickford stated he does not feel the position has been justified to a great enough degree. Chair Swenson stated Selectman Bickford mentioned something about getting data for more than three years and it was agreed to discuss separately. **Motion passed, 2-1. Selectman Bickford opposed.**

Selectman Bickford suggested going back five years to get call data and separate it by service call versus self-generated calls. He stated it is available electronically. Police Chief Bernier replied he can go back to the call logs maintained by Ms. Woods, and that information is entered into the Annual Reports.

Selectman Jarvis stated if they are looking at a conservative number of calls for 2013 and going back five years, even with a low of 4,000, who are they going to pay to go back and figure out the calls, and how much will that cost.

Police Chief Bernier stated you cannot just go by what the County Sheriffs Department has for information as not every call for service goes through Strafford County Dispatch. He explained there are calls that would be in the department log and are generated by the department internally which would not be reflected in the County's records. Chair Swenson clarified the data from the County is not a complete departmental picture of all the calls and the request for the logs from the County Sheriffs Department is not unreasonable. Police Chief Bernier stated going over the department's logs is a way to circumvent having to pay for the data that Mr. Bonanno and Selectman Bickford keep requesting from the Sheriffs Department.

Selectman Bickford made a motion to submit a request to the Strafford County Sheriffs Department to supply the last five years of call activity separated by self-generated and other categories. Chair Swenson seconded the motion for discussion. The definition of self-generated calls was discussed. Motion passed, 2-1. Selectman Jarvis opposed.

Police Chief Bernier asked what the timeframe is for getting the information. It was agreed to try to get the information by August 15.

Selectman Jarvis stated she would like to start the process for the Town properties as soon as possible. Selectman Bickford suggested having the Planning Board and Conservation Commission review the properties as well for their recommendations. Selectman Jarvis stated she would like to have Town Administrator Bourgeois contact the chairs of the committees to begin the process of them looking at the properties. It was agreed to have Town Administrator Bourgeois contact the chairs of the committees to move forward.

Interim Fire Chief Agreement Extension

Chair Swenson made a motion to extend the interim fire chief agreement for up to twelve months or until the appointment of the New Durham Fire Chief is made by the Town of New Durham Board of Selectmen. Selectman Jarvis seconded the motion for discussion. Discussion: Selectman Bickford suggested not going for more than six months. Selectman Jarvis asked if there was any indication as to whether the Interim Fire Chief is willing to stay. Chair Swenson replied he believes that he is willing and doesn't believe there are any statutory regulations regarding the length of time.

Gregory Anthes, resident stated he reviewed the current interim fire chief's contract and noted it states the contract was terminated on July 6, 2014. Chair Swenson clarified the contract was for six months and the July date was a typo. He stated the terminology indicated "and/or" until a new Fire Chief was appointed. Chair Swenson noted the compensation amounts need to be adjusted as appropriate for the time periods. **Motion passed, 2-1. Selectman Bickford opposed.**

New Business

Lions Pride Camp Letter

Chair Swenson stated a letter was received from Tom Davenhall, of Farmington, who owns property on Merrymeeting Lake. He is a member of the Merrymeeting Lake Eastern Shore Association and was appointed by the Association to bring the concerns about Lions Pride Camp to the Town. Chair Swenson stated, in the past a significant amount of time was spent researching things relative to this issue. Numerous Board of Selectmen meetings have also discussed it with the Merrymeeting Lake Eastern Shore Association. Chair Swenson stated the issue being presented in the letter is that several members of the Merrymeeting Lake Eastern Shore Association are interested in hiring an attorney but many members feel that should be a last resort. In summary, they feel the Lions Pride Camp is not fulfilling their obligations for payment of road maintenance. In his letter, Mr. Davenhall indicated he spoke with Town Administrator Bourgeois last year

and was informed the Town would address the situation. Mr. Davenhall requested the Town have the appropriate departments inspect Lions Camp road on a yearly basis to ensure the Camp is held accountable, that the road be in the condition that is required by the Town to keep the certificate of occupancy to run the facility, and to take action if and when the conditions are not met.

Selectman Jarvis stated that in August 2013, Code Enforcement Officer Arthur Capello came to a meeting to address the issue as both he and the Land Use Assistant had spent many hours doing research on it. At that time, a packet was given to the Merrymeeting Lake Eastern Shore Association representative which included that information. Selectman Jarvis stated Mr. Capello indicated it is a private road which limits what the Town can do. However it must be maintained as passable which would be determined by the police, fire and highway departments. The cost of maintenance of the road is a civil issue and not something the Town can get involved in.

Selectman Jarvis stated Town Administrator Bourgeois drafted a letter in September 2013 addressing the issue. She stated she does not have a problem, if the Town has the authority, which doesn't seem to be a problem because both the Planning Board and the ZBA gave their authorization, with asking the Road Agent, Police Chief and Fire Chief to go out and determine if the road meets passable conditions. She stated that if the road is not passable, she is concerned with emergency services not being able to get where they need to go. Selectman Jarvis stated she sympathizes with the Camp, but it is a civil matter regarding the costs of maintenance of the road because it is a private road. Selectman Bickford stated all that the Town can do is to make sure the road is passable and reiterated this is a civil matter.

It was clarified the Association is not making the assertion that the road is not passable. However, the Code Enforcement Officer stated in 2013, that since it is a private road, they have agreed to treat it as a Class VI road and therefore must be maintained as passable by the property owners. The ownership of the road was discussed and it was clarified that the Lions Pride Camp has an agreement with a variety of Merrymeeting Lake Eastern Shore Association owners to maintain that road. Chair Swenson stated the Town does have the responsibility to make sure the road is passable. Selectman Jarvis stated that in the minutes of the October 2, 1986 Board of Selectmen meeting, there was a condition that said, "in addition, the Lions Club shall be required to continue maintenance of the roadway to the degree of completion of approval of June 15, 1989."

It was agreed by consensus to have Town Administrator Bourgeois write a note in response to Mr. Davenhall's letter, indicating the department heads will take a look at the road to ensure it is passable for safety and emergency vehicles. It was also agreed to have the department heads return to the next Board of Selectmen meeting with their comments.

2015 Map/GIS Map System Contract Proposal

Town Administrator Bourgeois stated the document distributed is a new contract and reflects a change in the billing cycle for the GIS map system contract with the Town. There is no price increase. It was noted this item is included in account line item #4152-

10-622 which is software licensing and is a renewal of the software license agreement for mapping.

Chair Swenson made a motion that New Durham contract with CAI Technologies for the GIS Mapping Services Contract in a sum not to exceed \$1,800.00 annually, in quarterly payments per their proposal. Selectman Bickford seconded the motion. Motion passed, 3-0.

2013 Audit Draft/Address Note #19

Chair Swenson stated the 2013 audit was clean with the exception of a repeat adverse opinion, which has been noted since 2009. The opinion from the auditors is that the Town has not accounted for what auditors feel are potential obligations in retirement and medical related costs.

Chair Swenson stated to remedy the adverse opinion by the auditor would require the Town hire actuary or statistical services to determine what amount should be held in reserve for that particular line item. Chair Swenson stated it could cost approximately \$5,000 to have that service, and then the Board of Selectmen would need to decide on the amount to hold in reserve for that potential obligation. He stated prior Board of Selectmen since 2009 have chosen to indicate there are only three or four individuals involved and the potential obligation from those individuals may or not be of a sufficient level to spend the monies for statistical services and then put it in reserve.

Selectman Jarvis noted the costs for the actuary or statistical services could potentially be every two years. She stated there is a small number of individuals and it seems to be a lot of money to spend.

Selectman Jarvis noted there is a website that was provided by the auditors, to help determine liability and suggested having the new Financial Officer work on it when she comes on board.

Selectman Bickford stated he doesn't see any liability but isn't opposed to gathering more information. It was agreed to have the interim Finance Officer take a look at this issue, take a look at the website, and discuss it with the auditors. Chair Swenson stated he would like to have this information before approving the audit draft and wants to know what needs to be done to have the note removed.

Noise Complaint Letter

Chair Swenson stated a letter was received on July 14, 2014 from a resident of New Durham which indicated there is a noise complaint against the Farmington Fish and Game for noise pollution, as the individual can hear it at their home. Selectman Jarvis noted the individual requested a noise ordinance be implemented in New Durham that would eliminate any unnecessary loud noises that the public gun range produces. She stated she doesn't believe they can have an ordinance that targets one individual/entity. However at the March 15, 2006 Town Meeting a noise ordinance was approved which restricts noise between 11:00p.m. - 7:00a.m. including noises from vehicles, etc.

Selectman Bickford stated there are some things that cannot be regulated such as agriculture, etc. and he thinks there is a statute that references the gun ranges as well. Town Administrator Bourgeois will check on the RSA regarding this and it will be discussed further after more information has been received.

Zoning Board of Adjustment Appointment Confirmation

Selectman Bickford made a motion to appoint Joan Swenson to the Zoning Board of Adjustment. Selectman Jarvis seconded the motion. Motion passed, 2-0. Chair Swenson recused himself.

Public Input

Gregory Anthes, resident, stated he met one of the assessors when she was in his neighborhood. He complimented her for having a badge, indicated she was very courteous and her car was also well marked. Chair Swenson stated that was all requested of Vision Appraisal by the Board of Selectmen and appreciated the positive feedback.

Notification

Chair Swenson stated for information of the members of the Board of Selectmen, the Town received notification regarding state election law training in August 2014 with a listing of towns, dates, locations etc.

Letter of Non-Compliance

Chair Swenson stated Copple Crown Village District received information from the State of New Hampshire relative to some non-compliance and referred to a letter for review. He stated he has asked Town Administrator Bourgeois to look into the obligations of the Town of New Durham relative to the Copple Crown Village District. Chair Swenson stated information was received on July 14, 2014 in response to his request from New Hampshire Municipal Association. It indicated in summary, the legal obligations of Copple Crown, remain the obligations of the village district and are not the responsibility of the Town of New Durham. However, if the district were dissolved, the New Durham Board of Selectmen would have to assess the taxes in the same manner as if the district had not been dissolved and from those collections the Town would pay the debts and obligations of the district. (RSA 52:21) Chair Swenson stated he wants to be sure they are aware Copple Crown Village District did receive the letter from DES and the Town has followed up in regards to legal obligations.

Approval of Minutes

Meeting of July 7, 2014, Public Session: Edits were made. **Selectman Jarvis approved the minutes as amended. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Future Meetings

- July 30, 2014 at 6:00p.m. - for fire department promotion interviews as well as exit interviews at the New Durham Town Hall.

New Durham Board of Selectmen

July 28, 2014

DRAFT

- August 4, 2014 at 7:00p.m. - Board of Selectmen meeting at the New Durham Town Hall.
- August 6, 2014 - joint meeting between Board of Selectmen and Budget Committee and other department heads for training on SB2 conversion and transition, to be held at the Library.

Exit Interviews

Selectman Bickford asked what was going to be done with the exit interviews. Chair Swenson stated he views them as a valuable thing but should be done in a non—public setting, involving both the supervisor and a neutral party as well.

Selectman Jarvis stated that in her experience, exit interviews are normally done in non-public but she has no objection to doing it in public if that is what the employee wanted to do. Chair Swenson stated he disagrees with that, as it should be confidential to allow very open discussion. Chair Swenson stated they have been advised by legal counsel to not do it in a public meeting.

Adjourn

Selectman Jarvis made a motion to adjourn the meeting. Chair Swenson seconded the motion. Motion passed, 3-0. Meeting adjourned at 5:53p.m.

Respectfully Submitted,

Jennifer Riel, Minute Taker