

NEW DURHAM BOARD OF SELECTMEN
New Durham Fire Department Community Room
September 15, 2014, 1:00 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
Rudy Rosiello, Resident
Gregory Anthes, Resident
Terri Collins, Resident

Call to Order

Chair Swenson called the meeting to order at 1:05p.m.

Agenda Review

Selectman Jarvis stated she would like to add under New Business: Police coverage for elections.

Public Input

Chair Swenson presented an essay he prepared titled "Civility". *See attached.*

Selectman Bickford stated there was a comment written in *Foster's Daily Democrat* saying that he was the chairman of the Board of Selectmen. He has informed them of the mistake.

Selectman Jarvis stated she appreciates Chair Swenson's statement and agrees. She stated she has been hearing concerns about how employees are being treated in regards to whether there is a hostile work environment developing within the Town, either by individuals, groups or committees within the Town. She stated this is coupled with individuals fearing retaliation if they do speak up. Selectman Jarvis stated she takes this seriously and is very concerned about it.

Chair Swenson stated there seems to be a consensus amongst the Board of Selectmen that the respect for others must be maintained, and expressions of opinion must be done with truth and integrity. It is these reasons that he pointed to a recent tipping point in his essay.

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Selectman Bickford stated he has not seen a hostile work environment towards employees by the Board of Selectmen and asked if others are aware of any. Chair Swenson stated he only knows what he has heard from first hand-knowledge. He stated there is some concern in making sure there is an attitude of respect for all. Chair Swenson reiterated he wants to work towards a positive work environment for all.

Rudy Rosiello, resident, stated he appreciates Chair Swenson statements as well. He stated he holds the Board of Selectmen to high ethical standards and hopes to see changes come about. Mr. Rosiello stated he is aware of some things regarding the hostile work environment and some people wanting to leave. Mr. Rosiello stated he is glad this has been brought up and hopes it will be addressed in nonpublic session as the Town has high level services provided by long-time, loyal employees.

Gregory Anthes, resident, stated he has comments regarding Town Hall security. He stated he has visited surrounding Town Halls including Rochester, Farmington and Alton, two of which are historic buildings. Mr. Anthes stated he did a quick walk-through of the New Durham Town Hall and noted some of the differences he observed with the other historic Town Halls. Mr. Anthes stated he found that none of the other Town Halls have security cameras, police or security guards present, bulletproof glass, reinforced walls, and none are open on Saturdays. They all have one unlocked main entrance. Chair Swenson replied that is now done with the New Durham Town Hall as well. Mr. Anthes suggested something be done with the large glass door into the Town Clerk/Tax Collector's office and noted that during evening hours, employees of other towns are never allowed to be in the building by themselves. Mr. Anthes suggested providing mace to the employees behind the counter.

Selectman Jarvis asked about the access to the locked doors. Mr. Anthes replied that he did not inquire but noticed most used keys. Chair Swenson stated he would like to see them go to the key card system. Mr. Anthes stated he would be more than happy to help out wherever he can on this issue.

Terry Collins, resident, stated they are new to the area and asked if all public meetings are held during the day. It was explained the first meeting of the month is at 7:00p.m on the first Monday, and the second meeting of the month is the third Monday at 1:00p.m. Mrs. Collins stated that since moving to Town, they have been taken back by the negativity she has read about and this not what they expected in a small town.

Chair Swenson replied the last 4 to 6 weeks became a tipping point for him and that was the reason for his prior statements. He stated he wants to see them transform the environment to be more welcoming.

Mrs. Collins asked if there is a reason they are looking at making the Town Hall a "fortress" type of situation. Chair Swenson replied it is an issue of employee protection and security. Selectman Bickford stated he is not aware of any altercations but there are some nighttime hours for employees and that is why this issue is being addressed.

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Department Reports/Issues

No department heads present.

Town Administrator's Report

Assessing RFP

Town Administrator Bourgeois stated letters were sent to all the certified assessing companies in New Hampshire and bids are due September 30.

Chair Swenson explained there are two options available for assessing Town properties: a full reevaluation every five years or reevaluation of 20% of Town properties every year over a five-year period. Quotes have been requested for both options.

Selectman Jarvis noted the Town is currently undergoing a full re-measuring for assessing purposes. She stated assessors would be conducting an exterior measure, and if there is an adult in the home, they will request to do the interior as well. They will all wear badges and their vehicles will be marked.

Building Inspector/Code Enforcement Officer Resignation

Town Administrator Bourgeois stated the new Building Inspector is resigning as of this upcoming Friday. Town Administrator Bourgeois stated the Building Inspector has offered to assist the Town with limited services such as inspections and permits until a replacement for the position is found. Town Administrator Bourgeois asked what the Board of Selectmen wants the next step to be. Chair Swenson asked if there was a possibility of reconsideration of the Building Inspector's decision. Town Administrator Bourgeois stated he met with him last week and as of yesterday, he is not reconsidering.

Selectman Jarvis stated one of the reasons given was that he didn't feel he could do the job appropriately within the allotted number of hours. Town Administrator Bourgeois replied the Building Inspector feels the job requires 20 to 30 hours. Town Administrator Bourgeois explained to him that right now there are only 20 budgeted hours per week available.

Selectman Bickford stated it sounds like they need to advertise the position, asked if there is someone ready to go in, and asked what Town Administrator Bourgeois recommends.

Town Administrator Bourgeois stated there was one application received after the closing date of the original posting and that individual is still interested. Chair Swenson suggested reposting the position. He stated he also wants to meet with the Building Inspector so he can understand his reasons for resigning.

It was agreed to post the position immediately.

Old Business

Impact Fees

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The revised summary of the impact fees available was reviewed and discussed. Chair Swenson stated there is a total of \$30,461.97 available to apply to the tax rate for this year.

Selectman Jarvis stated she went back to 2013 and noted they utilized \$26,385.98 and she suggested keeping it in the same area. She stated if the Santoro fee were not utilized, they would be spending \$26,118.06 and the remainder could be put towards the 2015 taxes. She stated this would keep a consistent impact on the tax-rate.

Chair Swenson noted there is still some data that needs to be added to the summary.

Selectman Bickford stated he would want to use what comes available, when it comes available. Selectman Jarvis stated her thought about sticking with the \$26,000 figure was to remain consistent with the impact on the tax rate. Chair Swenson noted the Town has no control over what the school board will do with the school rate anyways. Selectman Jarvis clarified she meant consistency in regards using a certain percentage in lowering the tax rate.

Chair Swenson stated he favors using it all, as there is no reason to reserve it for other uses. Selectman Bickford stated he agrees it is appropriate to use it all.

Selectman Bickford made a motion to utilize \$30,461.97 against the school tax rate. Selectman Jarvis seconded the motion. Motion passed, 3-0.

Appointment Policy

Edits to the draft policy were reviewed. The format and information included were extensively discussed. Selectman Bickford stated the purpose of this policy is to develop some structure to ensure names are presented to the appropriate boards.

The draft will be submitted for legal review and further revisions reviewed at the next Board of Selectmen meeting.

Mr. Rosiello asked where the framework is in the policy on how the Board of Selectmen address committee members and handles issues of concern. Chair Swenson replied that is addressed and suggested Mr. Rosiello may want to continue to review the drafts as they become available to make sure it is covered. Selectman Jarvis agreed with Mr. Rosiello's concerns and stated if they are holding committee members to certain standards, the Board of Selectmen members should not be exempt.

Tax Deeded Property

A spreadsheet summary of the Town owned properties, along with comments from the Planning Board and Conservation Committee were distributed and reviewed. Chair Swenson suggested they may want to set a separate work session for this topic to go through it in more detail and to make decisions to go forward.

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Selectman Jarvis stated she reworked the spreadsheet to be sequential in map and lot numbers, added physical addresses and included the Planning Board and Conservation Commission recommendations. She stated she wants to include the acreage for the properties as well and will be sending it electronically to Town Administrator Bourgeois for distribution. She noted many of the properties are sub-standard and proposed seeing if some of the properties could be combined to be buildable lots. Selectman Jarvis stated she would continue working on this and gather the additional information.

It was agreed to have Town Administrator Bourgeois schedule an additional work-session along with the Town Clerk/Tax Collector.

Board of Selectmen Goal Update

Chair Swenson reviewed the Goals and status updates were given:

	Goals	Update
1.	<i>Manage budgets within Board of Selectmen approved 2014 levels. Assure sustainability of low tax rate.</i>	Budgets are in good shape going forward and overall, all departments are under budget.
2.	<i>Meet all requirements to convert to SB2 form of government including 2015 budget, 2015 default budget, deliberative session procedures, etc.</i>	Work on developing a default budget will begin in the next couple months.
3.	<i>Continue 8%-9% as a guideline for the town's reserve level and consistent with any approved new State of New Hampshire guidelines and formulas.</i>	Guideline was established at 8% and this goal is being met.
4.	<i>Actively pursue sales of most properties taken by the town due to non-payment of taxes.</i>	Work session will be established to finalize the process.
5.	<i>Create improved communication to residents. This would consist of full town budget information including all operating funds, CRF, trust funds, ETF, etc. and a quarterly report of significant Board of Selectmen and other town committee actions posted on the town's website similar to that information provided at the 2014 Town Meeting.</i>	A document is being drafted to be included in the Town Report to explain the operating budget, capital reserve funds, trust funds and ETFs.
6.	<i>Develop preventative maintenance initiative for all town assets.</i>	Meetings have been held with department heads to go over preventative maintenance suggestions.
7.	<i>Review comparative data generated by various department heads and other town residents to develop best practice.</i>	Department heads have moved forward with their presentations and data comparisons have been presented to the Board of Selectmen.
8.	<i>Develop employee performance evaluation guidelines, i.e. format consistency, timing, etc.</i>	Evaluation guideline information has been gathered and further review may be needed.
9.	<i>Review ordinances that may periodically be noted as inconsistent with New Hampshire law.</i>	The firearm ordinance was revoked in violation of State RSA; transient sale ordinance was revised.

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10.	<i>Assure accountability within each department and committee and that all committee guidelines and bylaws are legal.</i>	Changes are currently being addressed.
11.	<i>Develop employee and asset security processes consistent with town needs.</i>	Still collecting additional information.

Chair Swenson stated that at the end of the year he wants specific instances cited to show how these goals were met, and asked Town Administrator Bourgeois to be sure this information is gathered.

New Business

Copple Crown Request

Chair Swenson stated a letter was received from the commissioner of the Copple Crown district notifying the Town that an administrative order was received from Department of Environmental Services regarding a drinking water issue. The letter is requesting that the Board of Selectmen to grant an easement or allow for the purchase of Lot 39, Map 210. The easement would allow the district to replace underground pipelines and place a small building on the lot. Selectman Jarvis noted this property is one that she was going to recommend be combined with Lot 37, Map 210 so it would be a buildable lot at just over 0.7 acres. She stated she would be in favor of giving them an easement. Chair Swenson noted it would be important to know where the easement would be needed.

Selectman Bickford stated he would like to sell the lot to the district for \$1.

Chair Swenson stated he is not ready for that until he knows more details and what they really need.

Selectman Jarvis suggested Town Administrator Bourgeois work with the Land Use Assistant to see what the process is for going forward regarding Town-owned property mergers. She stated she is also interested in making Lot 39, Map 210 larger lot and closer to the current requirements.

IT Bids

Town Administrator Bourgeois stated three bids were received from Spaulding Hill Networks, TwinState Technologies, and Mainstay Technologies. A summary sheet was distributed showing the breakdown of costs and services quoted. This was reviewed and discussed. He noted the quotes range from roughly \$1,100 up to \$3,000 per month.

Chair Swenson asked if any of the companies have experience working with government entities. Town Administrator Bourgeois replied Mainstay Technologies and Spaulding Hill Networks do, but he is unsure about TwinState Technologies.

Chair Swenson suggested meeting with the two lowest bidders as soon as possible. He suggested authorizing the Town Administrator to meet with the companies along with one member of the Board of Selectmen and members of the IT committee.

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Mr. Rosiello recommended the Board of Selectmen evaluate the components of how the quotes were prepared, and not just look at the numbers.

Mr. Athes suggested contacting other entities that have dealt with these companies for their recommendations.

Selectman Bickford stated there seems to be a big difference between the amounts and suggested the IT Committee review these. Chair Swenson replied he anticipated the bids in these amounts, and they are within the expected range.

Selectman Jarvis stated she likes the option offered by one company that allows for one person available for onsite support every other Thursday.

Selectman Bickford stated his opinion is that only one of the bids is within his expected ballpark, and suggested rejecting all and starting again. Chair Swenson replied two are in a reasonable ballpark.

Town Administrator Bourgeois will make arrangements to meet with Spaulding Hill Networks and TwinState Technologies, and present information for a decision at the next Board of Selectmen meeting.

Financial Administration & Legal Budget Lines

Town Administrator Bourgeois stated that overall, the account for financial administration is okay for the time being but the wage line which covers the full time salary of the Finance Officer will be in the red as of this week when an outstanding invoice is paid to Municipal Resources, Inc. for the interim financial services. He stated the Board of Selectmen does not need to take action today but there may be an issue in November.

Selectman Jarvis stated she wants to know how much is left in the personnel administration line that was not used for the merit raises.

Chair Swenson replied there are two line items in the personnel administration line with a balance of about \$19,000 that was not utilized and could be used for this.

Selectman Jarvis stated they also don't know how much will be deducted from this account for the fifth police officer.

Chair Swenson stated he believes there is sufficient money in the account to cover this. Town Administrator Bourgeois stated he calculated it out for the remainder of the year and this line would not cover it. Chair Swenson replied it would be close. Selectman Jarvis stated she wants to make sure this issue is on the November 3 agenda. At that time, they will also have information from the Budget Committee and projections for the rest of the year.

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Town Administrator Bourgeois stated there is about 23.46% left in the legal line as of Friday. The most recent invoice is about \$5,000 and that will leave a negative balance once that is paid. The balance does not include any legal activity from September through the rest of the year. Chair Swenson suggested there might be coverage available in the account previously discussed and Selectman Jarvis asked that it be addressed further at the November 3 meeting. She stated at that point, they will also know where all the other accounts stand as far as what is unused.

Police Coverage for Elections

Selectman Jarvis stated that late Monday afternoon, prior to Tuesday's elections, she was contacted by parents who were concerned about school being in session during the elections. They were concerned about there not being a police officer on-site. She advised them the Moderator is responsible for overseeing this. Selectman Jarvis stated Police Chief Bernier indicated he would try to have an officer available as much as possible throughout the day, if requested.

Selectman Jarvis suggested asking the Police Chief to plan for having an officer available at the November elections. She stated it was not budgeted for in the police officer budget this year but she thinks they should let Police Chief Bernier know they want coverage for the school. She made the suggestion to the Moderator to have voters enter the back way in to the school but they can't do that as children play out back.

Selectman Jarvis explained the library can no longer be used due to lack of space; the Fire Department apparatus bay that was once used is not ADA accessible and they tried using the Fire Department Community Room but parking was a problem.

Selectman Jarvis stated she expects parents to ask the school board to consider either closing the school on election days or to hold the parent/teacher conferences on those days. She explained to the parents the Board of Selectmen has no authority to tell the school what to do. Selectman Jarvis suggested they ask Police Chief Bernier to find money to cover November and then when he does his 2015 budget, to work with the Town Clerk/Tax collector to determine coverage for the upcoming elections.

It was clarified there was an officer present for the voting on Tuesday.

Selectman Bickford asked why this was taken out of the budget. Selectman Jarvis replied it was determined at one point the police officer was not needed as the school had worked out a process to provide security with the custodians.

Chair Swenson agreed that if this is anticipated as a need for next year, they need to address it in the budget. He asked what surrounding towns and communities do. Selectman Jarvis stated it depends on the venue where voting occurs. She stated some communities do not have voting at the schools. Selectman Jarvis explained the school is not locked and is completely open access when being used as a public voting place.

Email from Resident

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Chair Swenson stated two letters were received from a resident of New Durham on September 3 and again on September 12 relative to the use of the Command Vehicle of the Fire Department.

Chair Swenson stated he asked Fire Chief MacCaffrie to provide background information on both incidents. It is clear that in both instances the Command Vehicle was on specifically directed Fire Department business, and Chair Swenson stated he has no problem with how it was used based on the Fire Chief's explanation. Selectman Bickford and Selectman Jarvis concurred. Selectman Jarvis noted that when the vehicle was used it did have medical equipment in it, but it also had at least one licensed personnel in the vehicle.

Public Input

Mr. Rosiello stated he thinks it is great that the Board of Selectmen is working on developing a framework for volunteers and committees to ensure everyone is treated with courtesy and respect, particularly in instances of disagreement.

Future Meetings

Non-Public Meeting-September 17, 2014 – 6:00p.m., Town Hall
Board of Selectmen – October 6, 2014, 7:00p.m., Town Hall

Approval of Minutes

Meeting of September 3, 2014 – Joint meeting of Board of Selectmen/Budget Committee: Edits were made. **Selectman Jarvis made a motion to approve the minutes as amended. Chair Swenson seconded the motion. Motion passed, 3-0.**

Meeting of September 4, 2014 – Public Session: Edits were made. Minutes will be approved at the next meeting after further edits have been verified.

Adjourn

Selectman Jarvis made a motion to adjourn the meeting. Motion died for lack of second.

Chair Swenson stated that for public information, the Town received a letter from the Town of Farmington regarding actions of one of their selectman and comments made publically in the newspaper. Chair Swenson expressed appreciation for their apology. Selectman Jarvis stated she too appreciates it but at no time did she take the comments as being from the Town of Farmington.

Selectman Jarvis made a motion to adjourn. Selectman Bickford seconded the motion. Motion passed, 3-0. Meeting was adjourned at 4:20p.m.

Respectfully Submitted,

Jennifer Riel, Minute Taker

An Essay on Civility – New Durham

Centuries ago our founding fathers established numerous cherished values with many outlined in the Constitution and other documents written during the formation of the United States. As an example, on July 4, 1776 the Declaration of Independence was signed by 56 signatories with Matthew Thornton of New Hampshire as one signatory. In this critical historical document is the statement that “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain inalienable rights, that among these are Life, Liberty, and the Pursuit of happiness....” The document goes further to declare that when a long train of abuses and usurpations, pursuing invariably the same object evinces a design to reduce people through tyranny or authoritarianism it is the obligation of individuals to provide appropriate responses to assure safeguards for their future security.

In the U.S. we are blessed with a structural document known as the Constitution which must be valued and honored for its guiding principles. Among these is an exceptionally important one – the First Amendment protection of freedom of speech. This provision includes the right to use words and phrases to convey political messages and to express diverse opinions and thoughts but it does not include the right to incite actions to harm others, to make defamatory comments i.e. slander or libel, lying in court, or use words that promote lawless activity.

Notwithstanding these incredible formative documents, it is my core belief that all people are created with the most powerful, yet oftentimes difficult to rightly use, freedom of choice or free will. It is critical to understand that while we all are blessed with the freedom of choice we all must also bear the consequences of those choices we make.

With this freedom of choice and freedom of speech understanding as part of my core belief, I have been extremely tolerant in listening to a variety of people express their respective opinions either during BoS meetings, other Town related meetings, and / or through public expressions such as letters to the newspaper, etc. However, after observing and listening to an ever increasing vocalization of less than 5 people of a population of > 2,500 in New Durham and a seemingly larger number of adverse inappropriate incidents from this small group of people over the past couple of months, I have reached a point where I felt that it is fitting that I make a statement regarding the expected decorum for us, as humans, to conduct our expressions appropriately.

There are several incidents over the past two months that have all contributed to this “tipping point” but to cite a small selection: a) last week’s inappropriate verbal confrontation between the CIP Chair and other CIP members to two town employees and the Town Administrator, b) statements by a town resident at the public input portion of the September 4, 2014 BoS meeting followed by the same ill-chosen and improper statements in the September 11, 2014 Baysider in which was made the statement that certain Selectmen were “despicable, just plain despicable” showing, in my opinion, a total lack of respect for both the person holding the office and the Office of Selectmen, and c) accusations and allegations made by certain individuals carrying a personal agenda and made without the expected due diligence showing appropriate evidentiary findings to show substance to the allegations.

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The point is not whether all have the same opinion or not, the point is that honor, integrity, and truth must be preserved even at any cost to self. This is especially important when differences of opinion occur and these opinion differences are appropriate for discussion. When you weaken the confidence of a person who is following what they honestly believe is right and / or when you weaken the honest and well-intentioned work of leaders you weaken all of government to operate effectively, you provide an opportunity for an increase in unproductive Town departmental operations, and you seriously impair future economic development opportunities.

By following the simple Biblical axiom of treating others the way we would like to be treated, all can express their respective opinions, make their key points, and be even more persuasive in their arguments than in continuing to approach the issues with personal agendas, unfounded and inflammatory rhetoric, and an overwhelming higher opinion of themselves than others.

I am indebted to one of my favorite authors, E.G. White writing in the latter part of the 19th and early 20th centuries for triggering some of the following concluding remarks. I believe that God has not given to any one man all the wisdom. Those placed in positions of trust should regard the opinion of others as worthy of respect and likely to be as correct as their own. We are each created like other individuals and are just as valuable as they are. As noted above honor, integrity, and truth must be preserved even at any cost to self. Those who are placed in responsible positions should feel it their duty to recognize their responsibility to treat others with respect and with dignity. True progress for all cannot be made by following selfish plans. If one is to achieve personal growth there are two lessons that must be learned: self-sacrifice and self-control. Practicing the simple guidelines of respect to others can transform one's character and concurrently transform New Durham into a town that works towards its Master Plan Vision of:

- being vibrant and welcoming with a caring sense of community;
- maintaining a small town atmosphere, historic, and rural character, with rich natural resources and abundant wildlife, while growing larger and more diverse in population; and
- broadening our tax base with an encouraging environment for business and other economic development initiatives

Is not this the vision that we all wish to achieve. I believe that using the principles of respect herein noted to all individuals in our various public statements during public input and in all of our other public communications will transform our town and ourselves into people of character acting and speaking with honor, integrity, and truth.

A handwritten signature in dark ink, appearing to read "D. Swen" or similar, with a long, sweeping horizontal line extending to the right.