

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Town Hall**  
**January 21, 2015, 7:00 p.m.**

**Present:**

Chair David Swenson  
Selectman David Bickford  
Selectman Theresa Jarvis

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Corky Mork, Videographer  
Mike Clarke, Road Agent  
Jennifer Nadeau, Office Manager, Highway Department  
Ron Gehl, Chair, Conservation Commission  
Tom Howe, Society for the Protection of New Hampshire Forests  
Jason St. Jean, St. Jean Auctioneers  
Jim St. Jean, St. Jean Auctioneers  
Jared Hebert, Pike Industries, Inc.  
Greg Anthes, Resident

**Call to Order**

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

**Appointments /Announcements**

**Town Owned Tax Deeded Properties**

Chair Swenson stated that during the Fall of 2014 they were in the process of reviewing various tax deeded properties owned by the Town. He noted the assessed values of these properties is noted in the Annual Town Report. Chair Swenson welcomed Jay St. Jean and Jim St. Jean of St. Jean Auctioneers.

Chair Swenson noted that since the first meeting of the Board of Selectmen with St. Jean Auctioneers, the Board of Selectmen has reviewed the properties and determined the ones most eligible for auction. He stated there were 36 properties looked at with 31 eligible for sale. Selectman Jarvis noted it was decided to merge many of the properties that were non-conforming lots, a majority of those being in the Copple Crown Village District.

Jim St. Jean asked if abutters have been notified of the process going forward. Chair Swenson confirmed they are in the process of doing so, giving them a period of time to express interest and a period of time to work out negotiations, with an end time of mid-March for closing.

Mr. St. Jean asked how the Board of Selectmen feels about the process of whether there will be a reserve on the parcels, if so, what will the guidelines be. Chair Swenson replied the Town has an interest in recovering as much of the tax obligation as possible but in the event they go forward with auctions, he would also want to have input from St. Jean

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Auctioneers as to their professional opinions. Mr. St. Jean noted that in approximately the past six months, properties in surrounding towns have sold at auction for about 30 to 42% of the assessed values. Chair Swenson replied that the Board recognizes they will not be getting the full assessed value for the Town owned properties. He stated there may be some properties they want to have a reserve on. Selectman Jarvis stated her goal is to get as many parcels back on the tax rolls as possible.

Chair Swenson asked Mr. St. Jean if the Board of Selectmen wish to move forward more aggressively, what are the next steps. Mr. St. Jean replied they need to finalize the list of properties with tax cards, maps and deeds, as well as a list of abutters. He stated that they would also need to formalize a deposit agreement.

Selectman Bickford questioned what “aggressive” means, and when they may be moving forward. Chair Swenson replied he wants to have the transactions completed and the properties off the rolls by June, and reiterated that based on the auctioneers’ advice, spring is the best time for real estate sales.

Chair Swenson asked for an outline of the fees associated with St. Jean Auctioneers. Mr. St. Jean replied their rates in an absolute auction (no reserve) are based on the sales and buyers pay the 10% premium. The Town is not charged anything. Mr. St. Jean explained the drawbacks of having reserves and the effects it has on buyers and turnout.

**Public Input**

None.

**Agenda Review**

Chair Swenson stated that under Highway Department there also needs to be discussion of the salt purchase order and a discussion regarding an invoice with Pike Industries.

Chair Swenson added under New Business: draft of Annual Report Letter; discussion based on input from a couple taxpayers following a recent Zoning Board of Adjustment ruling.

Selectman Bickford added the discussion of a document regarding budgeting.

**New Business**

**Conservation Commission**

Chair Swenson stated this is in follow-up to discussion at a prior Board of Selectmen meeting regarding a parcel of property in New Durham, map 251, lot 12 plus a right of way running through map 251, lot 10. Chair Swenson summarized this was an opportunity for the Town to have executory interests in the deed in which the Forest Society is the primary deed holder. He stated it was asked by the Board of Selectmen that the draft agreement be reviewed by Town Counsel. Chair Swenson stated that has happened and there were some changes made in the language regarding the interests of the Town.

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Chair Swenson asked if there was any further information the Conservation Commission wanted to provide at this time. Tom Howe, Society for the Protection of New Hampshire Forests replied no, they are all set. Chair Swenson noted the Conservation Commission has already voted to use \$45,350 from the Conservation Commission Trust fund for this transaction.

**Chair Swenson made a motion to approve the acceptance of the Town of New Durham acting through its Conservation Commission, pursuant to NH RSA 36-A:4 from the Society of the Protection for New Hampshire Forests (Forest Society herein) of Concord, New Hampshire of an executory interest in the 38.2 acre New Durham tax map 251, lot 12 plus right of way pertinent thereto and running through map 251, lot 10, subject to review and final approval by Town Counsel with a deed conveying this executory interest. The Town's acceptance of this deed shall immediately follow and is contingent on the Forest Society's acquisition of lot 12 and right of way from Ruth P. Clarke of New Durham. Further acceptance of this deed is in direct association with the Town's preceding conveyance of \$45,350 from it's conservation fund as voted by the New Durham Conservation Commission to the Forest Society in support of the Forest Society's acquisition and stewardship of this land as an addition to it's Cooper Cedar Woods. The executory interests to be acquired by the Town will give the Town the right to acquire ownership of this real estate without capital purchase costs in the event of the cessation of the corporate existence of the Forest Society or the Forest Society's failure to use the property in accordance with broadly stated conservation purposes and to approve such additional actions as are necessary for the Commission to effectuate the foregoing. Said agreement to be as developed in draft of deed dated 19 of January 2015 or revisions thereto. Selectman Jarvis seconded the motion for discussion.** Discussion: Selectman Bickford asked Mr. Howe how the motion sounds. Mr. Howe stated there is one technical correction in that the draft document that all parties agreed to was dated 19 January 2015. Chair Swenson replied that is correct. Correction was made to the motion. Selectman Jarvis asked if the motion is passed, is there any documents that can be signed by the Board of Selectmen on behalf of the Town of New Durham. Mr. Howe replied yes, and they require four signatures. It was clarified that the Board of Selectmen do not need to be present for the closing on February 10. Greg Anthes, resident, asked if the Town is protected if the Forest Society was disbanded. Mr. Howe replied if the Society was dissolved as a corporation, the Town has the right to take over ownership of the property. However, it does not obligate them to do so. It was clarified the Forest Society cannot sell the property for uses other than conservation. **Motion passed, 3-0.**

**Department Reports/Issues**

**Road Agent**

Chair Swenson stated the Town had an agreement with Pike Industries, Inc. for a 2014 Road Service Management System in the amount of \$264,415.25. He stated that after the work was done there are a few things that need to be addressed. Chair Swenson stated Pike Industries Inc. has presented a letter requesting additional funds.

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Mike Clarke, Road Agent stated he received a bill dated November 13, 2014 from Pike Industries, Inc. for paving that was approved with a signed contract in the amount of \$270,878.90. He stated on November 19 he sent Pike Industries, Inc. a check in the amount of \$264,415.25. Selectman Jarvis confirmed this was the payment agreed to with the signed contract. Mr. Clarke replied it was not to exceed the amount with one exception. He stated he met with Jared Hebert in early July at a job to be done and they discussed a couple extra things they wanted done. One was 110' by 3' in front of the New Durham General Store; 60' by 28' for extension of the far end of Old Bay Road and Tash Road; and 4 driveways on Valley Road which before the contract was signed, all of this came about that the four driveways needed to be added as Mr. Clarke had installed driveway culverts there, prior to the reclaim. Mr. Clarke stated he is not disputing the extra work he approved but he is fighting the figures charged. He stated he has a total for in front of the General Store of between \$757 and \$825, and Old Bay Road was \$1,043.75. Mr. Clarke stated he has a problem with the 15-ton of payment put on the Valley Road driveways as he was quoted for \$3,700. He stated that \$250/ton for handwork that was done is something he's never seen, the most being \$150. Mr. Clarke stated since he has been Road Agent he's never gotten into a situation where they went over the not-to-exceed contract amount. Mr. Clarke stated the material used probably should have been different, to which Mr. Hebert agrees. Mr. Clarke summarized the total amount he thought was owed would be \$4,900.

Jared Hebert, Pike industries, Inc., noted there has been no agreement yet to a change in price. He stated they did not charge the Town any handwork price and if anything the Town was given a discounted price. Mr. Hebert stated they are simply asking to get paid for the tons that were installed. Chair Swenson confirmed they are not differing on the store portion of the work or the Old Bay Road portion.

Mr. Hebert referred to the contract. He explained they are simply charging for the extra tons that were installed for the price in the contract at the machine method price. Selectman Bickford clarified that the additional projects were over and above the contract so it would not be part of the contract rate. Mr. Hebert replied that is correct but they felt they would offer the discounted rate to the Town anyways.

Chair Swenson summarized everyone is in agreement that additional work was done over and above the contract. He stated from the perspective of Pike Industries, Inc. it is based on tons of material; in the contract there are three different categories which include the paving, gravel and shoulder reclaim. Mr. Clarke stated the driveways fall under reclaim but he did that portion of the work and Pike only did the paving. Chair Swenson confirmed the paving near the General Store is in the correct amount. Mr. Hebert replied they differ on that as well and explained the areas paved. Mr. Clarke stated that should have all been figured into the contract. Mr. Hebert stated there was a difference of 84 tons between what he quoted and what was used.

Mr. Clarke stated his biggest concern is that Mr. Hebert told him over the phone last week that 15 ton were used on the driveways and Mr. Clarke asked what they charge to which Mr. Hebert replied \$250 for handwork.

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After further discussion, Chair Swenson stated they need to come to a fair agreement and asked what that number would be. Mr. Hebert stated the grand total originally invoiced for had a difference of \$6,463.

Chair Swenson summarized there are a few options: the contract was “not to exceed”; the extra work be paid according to Mr. Clarke’s figures; recognize extra work was done and pay the \$6,400 as invoiced by Pike; or agree on a compromised dollar amount.

Selectman Bickford stated this is like any time you have work done and contractors go over and above the work anticipated. He feels they need to pay for what was done.

Mr. Anthes stated this instance is a small amount and that it is a good-will thing that Pike might want to consider, and be able to look forward to more contracts. Ms. Nadeau stated it is also important to note that the difference of \$2,000 could have originally caused Pike to lose the bid if it had been figured initially. Chair Swenson stated that would only be true of no additional work had been done. Chair Swenson asked Mr. Hebert if he would be willing to meet somewhere in between. Mr. Hebert replied he would be willing to accept \$5,500 so they could move on. Chair Swenson concurred.

After further discussion it was agreed by the Board of Selectmen to pay an additional \$5,500 on the invoice.

**Chair Swenson made a motion that the Board of Selectmen approve in completion of full payment to Pike Industries, Inc. for Purchase Order #2301 in full settlement with an additional \$5,500. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Mr. Hebert noted the bid document was confusing. He stated in one paragraph it references the total price of \$264,415.25 and further in the contract it states the contract will be paid based on the unit price so the bid is either a lump sum where unit prices are not provided, or there is an estimated total with estimated quantities and this bid has both. He stated it leaves it to be interpreted in different ways.

**Chair Swenson made a motion to adjourn the meeting at 8:36p.m. for medical purposes. Selectman Bickford seconded the motion. Motion passed 2-0.**

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**NEW DURHAM BOARD OF SELECTMEN  
New Durham Fire Department Community Room  
January 23, 2015, 11:30a.m.**

**Present:**

Chair David Swenson  
Selectman David Bickford  
Selectman Theresa Jarvis (via telephone)

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Corky Mork, Videographer  
David Valladares, Equipment Mechanic  
Amy Smith, Land Use Assistant  
Jeff Earls, Cross Country Appraisal Group  
Greg Anthes, Resident

**Call to Order**

Chair Swenson reconvened the meeting on January 23, 2015 at 11:41a.m.  
Selectman Jarvis was not present for the meeting but participated via telephone conference call.

Chair Swenson stated they would continue with the January 21 meeting agenda along with the addition of a couple items.

**Agenda Review (January 23)**

Chair Swenson suggested postponing the Board of Selectmen Accomplishments/Goals Review to February 2 meeting.

Selectman Bickford asked to add a discussion of the default budget.

Chair Swenson added under New Business: assessing agreement; speed limit ordinance.

**Town Administrator's Report**

Town Administrator Bourgeois stated the budget and warrant need to be posted by Monday.

Town Administrator Bourgeois stated the new assessing agreement would be taken care of later in the meeting so the new assessing company can begin their work.

**Highway Department  
Salt Purchase Order**

Town Administrator Bourgeois stated the purchase order is for 1,300 tons of road salt.

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**Selectman Bickford made a motion to approve the purchase of salt from Morton Salt of Chicago, IL, in the amount of 1,300 tons at \$56.41 per ton for a total of \$73,333.00, purchase order #2309. Chair Swenson seconded the motion. Motion passed, 3-0.**

**Old Business**

**2015 Town Warrant Draft and Voter Guide**

Chair Swenson stated the primary thing they need to do is to have an official Board of Selectmen vote on the recommendation or lack thereof on the warrant articles. The warrant article draft was reviewed and discussed.

Selectman Bickford stated he was told they needed to add the Copple Crown Village District articles and was wondering why they are not included. Town Administrator Bourgeois replied he originally thought that was correct but was told by Department of Revenue Administration after the fact that the articles were included in the District's warrant, not the Town's.

Selectman Bickford asked about the Conservation Commission membership and it is his understanding that does not need to go before voters at Town meeting, and the Board of Selectmen select the number of members for the commission. Chair Swenson replied Town Administrator Bourgeois researched this prior to the meeting and found that in 1969 the Town residents voted to establish the Commission as advisors to aid other town boards and landowners. In 1975 it was voted to increase the commission to six members. Chair Swenson stated that any changes in the past have happened by the Town meeting. He stated Selectman Bickford's references to RSA 36-A:3 indicate a minimum of three but not more than seven members.

Selectman Bickford stated he doesn't see why the change needs to go on the warrant. He stated in the past it may have been put on the warrant unnecessarily.

Selectman Jarvis stated she disagrees as she has not had much time to do research. However, it was a legislative body action in 1975 that increased the membership and she would be opposed to removing it from the warrant at this late date.

Chair Swenson stated that while there is precedent to bring the issue before voters, the RSA doesn't address the issue of changing the numbers.

After further discussion, Amy Smith, Land Use Assistant entered the meeting and offered comments regarding this issue. Ms. Smith stated that when she looked up the RSA, her understanding of it is the Board of Selectmen appoints members but she doesn't see where it says they determine the number of members. Chair Swenson concurred that this is where the gap is in understanding.

It was agreed to postpone a decision on this until more specifics could be verified by RSA.

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Ms. Smith stated that according to RSA 36-A:3 *Composition of Commission*, The commission shall consist of not less than 3 nor more than 7 members. Further, RSA 36-A:1 *Method of Adoption* states: Any city by vote of its city council, and any town at any duly warned meeting, may adopt or rescind the provisions of this chapter. Ms. Smith reiterated the decisions made by Town vote in the 1970 (Article 15) and 1975 Town Meetings. Town Administrator Bourgeois stated according to the New Hampshire Conservation Commission website, members are determined by the vote of the legislative body (town meeting) and if changes are needed it must be a warrant article.

Chair Swenson stated the issue raised by Selectman Bickford still needs clarification from the State of New Hampshire but it was agreed by consensus that at this point it needs to remain on the warrant.

Chair Swenson reviewed the warrant articles and they were discussed. He stated he wants the information presented, particularly regarding the operating budget, to be as transparent and meaningful as possible. Selectman Jarvis replied that certain changes may not be allowable with the Department of Revenue Administration. However, they may be able to add a paragraph to the Voter Guide with an explanation of the tax rate. After further discussion, it was agreed to leave the warrant article as worded but to add an explanation in the Voter Guide.

Chair Swenson stated they need to make official opinions on the articles. Selectman Bickford stated that regarding Article 3 (Operating Budget), he thinks there is a mistake with how the default budget is calculated. He outlined the accounts of MS-DT that are in his opinion, different than they should be. The accounts were reviewed and discussed. Chair Swenson noted they have spent a good deal of time discussing this at numerous times throughout the budget process and have voted on it as well. He stated he doesn't want to change the default without something from Department of Revenue Administration indicating they need to do so or without postponing approval and reviewing the details of the accounts again. However, it needs to be completed by Monday. Further discussion of this issue was tabled.

**Chair Swenson made a motion to recommend Article 3. Selectman Jarvis seconded the motion. Motion passed, 2-1. Selectman Bickford opposed.**

Article 4 (Road Surface Management System) was reviewed and briefly discussed.

**Selectman Bickford made a motion to recommend Article 4. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

Article 5 (Fire Department Ancillary Equipment- Non-Vehicle Fund) was reviewed and briefly discussed.

**Selectman Jarvis made a motion to recommend Article 5. Chair Swenson seconded the motion. Motion passed, 3-0.**



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Chair Swenson stated Articles 6, 7 and 8 do not have Board of Selectmen recommendations. Chair Swenson noted the Budget Committee initially provided recommendations regarding these, however Town Administrator Bourgeois received notice that recommendations are not advised for these articles.

Article 9 (Capital Reserve Funds) was reviewed and briefly discussed.

**Selectman Bickford made a motion to recommend Article 9. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

Article 10 (Expendable Trust Funds) was reviewed and discussed.

**Selectman Jarvis made a motion to recommend Article 10. Selectman Bickford seconded the motion. Motion passed, 3-0.**

Selectman Bickford questioned whether they needed to vote to have Articles 6 (Planning, Designing, and Construction of a Satellite Fire Station Capital Reserve Fund), 7 (Construction Expansion of Highway Garage Capital Reserve Fund) and 8 (Fuel Pump Capital Reserve Fund) included in the warrant. It was agreed to do so.

**Chair Swenson made a motion to have an article in the Town Warrant which states to see if the Town will vote to discontinue planning, designing and construction of a satellite fire station capital reserve fund created by Article 16 in 2007 with said funds and accumulated interest to date of withdrawal are to be transferred to the Town's Unassigned Fund Balance. Majority vote required, estimated tax rate impact is zero dollars for every \$1,000 assessed evaluation. Selectman Bickford seconded the motion. Motion passed, 3-0.**

**Chair Swenson made a motion to have an article in the Town Warrant which states to see if the Town will vote to discontinue the construction, expansion of the highway garage capital reserve fund that was created by Article 14 in 2007. Said funds with accumulated interest to date of withdrawal are to be transferred to the Town's Unassigned Fund Balance. Majority vote required, estimated tax rate impact is zero dollars for every \$1,000 assessed evaluation. Selectman Bickford seconded the motion. Motion passed, 3-0.**

**Chair Swenson made a motion to have an article in the Town Warrant which states to see if the Town will vote to discontinue the fuel pump capital reserve fund that was created by Article 6 in 2012. Said funds with accumulated interest to date of withdrawal are to be transferred to the Town's Unassigned Fund Balance. Majority vote required, estimated tax rate impact is zero dollars for every \$1,000 assessed evaluation. .Selectman Bickford seconded the motion. Motion passed, 3-0.**

Article 11 (Shirley Forest Trust Fund) was reviewed and briefly discussed.

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**Chair Swenson made a motion to recommend Article 11. Selectman Jarvis seconded the motion.** Discussion: Chair Swenson stated the reason for the zero dollars is because it is coming out of a trust fund. Selectman Bickford stated he spoke with Mr. Farrell and he indicated \$4,000 was not needed but only need the 10% which is laid out in the plan. Town Administrator Bourgeois stated he received a reply from Mr. Farrell that the amount was fine. There was further discussion on the intent of the Will and Trust Fund. Selectman Bickford stated he doesn't see a need to take out anything that isn't needed. Chair Swenson replied there seems to have been some miscommunication about what was needed. **Motion passed, 2-1. Selectman Bickford opposed.**

Article 12 (Conservation Commission) was reviewed and briefly discussed.

**Chair Swenson made a motion to recommend Article 12. Selectman Jarvis seconded the motion. Motion passed, 2-1. Selectman Bickford opposed.**

**Chair Swenson made a motion to be included in the warrant to see if the Town will vote to decrease the Conservation Commission from six to five members. Majority vote required. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

**Chair Swenson made a motion to have an article in the Town Warrant to conduct any other business which may legally come before the Town. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

Selectman Jarvis stated they need to be sure to designate who will give the motions at the deliberative session. Chair Swenson replied that could be decided at the February 2 Board of Selectmen meeting.

Selectman Jarvis stated she gives authorization to Town Administrator Bourgeois authorization to sign her name on the warrant and to initial that he signed.

After confirming everyone was in agreement with changes to the Voter Guide, Chair Swenson stated it would be available to the public on Monday for the Deliberative Session.

### **Equipment Mechanic**

David Valladares, Equipment Mechanic entered the meeting. Mr. Valladares stated on January 22 there was a mechanical breakdown of the 2006 Ford F550, which is scheduled for replacement this year, if the warrant article passes. He stated it was a catastrophic engine failure. It was noted this is the second engine for that truck. Mr. Valladares stated he needs to finish diagnosing to find the cause but there are two common possibilities, one of which may be covered under warranty. He stated if it is not warranted it could be a cost of \$8,000 to repair; \$3,000 if it is covered. Chair Swenson asked if there is an option of rental or lease as it is a plow truck. Mr. Valladares replied lease is not an option but there is the possibility of hiring an outside vendor. Selectman Jarvis asked if a contractor in Town may have a vehicle that could be rented. Mr. Valladares stated the possibility of hiring a contractor is a more likely option.

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Selectman Jarvis stated she would be interested to see if there is an available contractor for the rest of the season to cover the route.

Mr. Valladares stated his suggestion is to use their Ford F350, which has a plow and use the sander from the F550. It won't be as efficient but it will get the job done.

Chair Swenson asked Mr. Valladares to continue to research coverage with an outside contractor while concurrently working on replacing or repairing the equipment.

Mr. Anthes asked Mr. Valladares if the Fire Department pump and ladder trucks were down as well. Mr. Valladares replied that to his knowledge the ladder truck is in North Attleboro for repair to the cable system. He stated there is a pumper issue going on but he does not know the results of the diagnosis.

**Finalize MS-7**

Town Administrator Bourgeois stated the numbers under the revenue side have been changed. These were reviewed and discussed.

**Chair Swenson made a motion to accept the MS-7 version dated 01/23/2015. The only change from the prior one has to do with the revenue side, which now totals \$1,123,607. Selectman Jarvis seconded the motion. Motion passed, 3-0.**

**Assessing Agreement**

Chair Swenson stated the Town is moving to a contractual service and cyclical assessing approach. The bid was awarded to Cross Country Appraisal Group and an agreement was drafted.

Jeff Earls of Cross Country Appraisal Group entered the meeting.

The draft agreement was reviewed and discussed.

Mr. Earls suggested adding wording in the event they go over the 160 hours to ensure they are compensated. He stated they would bill at \$50 per hour. Chair Swenson agreed that was fair.

Mr. Earls suggested adding that any parcels over the 2,508 be billed at the same rate of \$24 per parcel. He also suggested changing the titles of the sections to more accurately reflect the scope of the tasks being completed.

Mr. Earls noted he doesn't agree with relying on Department of Revenue approval timelines with regards to processing payments. Chair Swenson replied they need time to process payments but they also want to be sure to get Department of Revenue Administration approval of the work completed. There was extensive discussion to determine a fair payment situation for both the Town and Cross Country.

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Various points of the agreement were discussed and clarified. Further edits were made.

Selectman Bickford asked Mr. Earls about the zoning change regarding wood lots, and the impact it could have on the Town by having lots that are taxed at a lower rate. Mr. Earls replied it would be minimal if the parcels were made wood lots. The Board of Selectmen agreed by consensus to the revisions discussed and authorized Chair Swenson to revise and submit the signed agreement for Cross Country signatures.

**2015-2016 Health Insurance**

Chair Swenson stated a decision needs to be made by February 1 regarding employee health insurance. He stated quotes have been received from New Hampshire Interlocal Trust and Schoolcare. Benefits information was distributed and reviewed along with a cost breakdown.

Chair Swenson stated that the total cost for the Town with New Hampshire Interlocal Trust for the year is \$215,185.32; Schoolcare is \$230,391.00, less a holiday of \$2,800. Chair Swenson asked Town Administrator Bourgeois to check whether employees will be able to keep their current healthcare providers with NHIT. Selectman Jarvis stated she is interested in doing an in-depth look at the scope of services by NHIT and the significantly lower rate.

The co-pays outlined between the two quotes were reviewed and discussed. Town Administrator Bourgeois was asked to contact both entities to extend the due dates to allow the Board of Selectmen to make a decision on February 2. Chair Swenson asked Town Administrator Bourgeois to confirm all current healthcare providers and hospitals can be utilized under NHIT.

**Treasurer Position**

Chair Swenson stated that as of the end of February the Town Treasurer is resigning. He stated the position needs to be posted and confirmed the job description doesn't need any changes. Selectman Jarvis stated it was revised when the job was posted last year. She suggested they need to have Town Administrator Bourgeois research why the last two have resigned.

**Milfoil Grant Acceptance**

Selectman Bickford recused himself from this discussion as he is an abutter to the waterway.

Chair Swenson stated the Milfoil Committee applies for and has been notified they will receive a grant from the New Hampshire Environmental Services Department through the Exotic Species Program in 2015 in the amount \$4,700. He stated the Board of Selectmen has to have a formal acceptance of the grant.

**Chair Swenson made a motion that the Town of New Durham accept the grant from the New Hampshire Department of Environmental Services Exotic Species Program in the amount of \$4,700 to be used for the Town's milfoil control activities.**

**Selectman Jarvis seconded the motion. Motion passed, 2-0. Selectman Bickford recused.**

#### **Annual Report Letter**

Chair Swenson drafted a suggested letter for use by the Board of Selectmen in the Annual Town Report.

The draft letter was reviewed and discussed. Minor edits were made and the letter finalized.

**Selectman Jarvis made a motion to approve the Board of Selectmen Annual Town Report as amended at the January 23, 2015 meeting. Selectman Bickford seconded the motion. Motion passed, 3-0.**

#### **Voter Guide**

Chair Swenson asked Selectman Jarvis about a listing of definitions she was working on. Selectman Jarvis replied it has been completed and it helps explain some of the financial aspects using both statutory language and consulting the budget books. It helps explain some of the various terms used by the Board of Selectmen and CIP. Selectman Jarvis stated she hopes it will be included in the Voter Guide. Chair Swenson stated it would also be helpful to have a definition of the governing body.

Additional edits to the Voter Guide were discussed and the Voter Guide for the Deliberative Session was finalized.

#### **Zoning Board of Adjustment Ruling**

Chair Swenson stated he has been contacted by several taxpayers following the ruling by the ZBA regarding properties that abut Merrymeeting Lake and are what is known as Water Monkey Camp. He stated that once the ZBA has made their ruling, the only body that can ask for clarification or appeal is the Board of Selectmen. Selectman Jarvis clarified that any abutter can ask for a rehearing.

Chair Swenson stated one of the concerns presented to him was they want to better understand the decision, specifically from a legal perspective. Another concern is whether the proceedings addressed all issues. Chair Swenson stated he wants to be sure the decision protects the property owner, the ZBA, the Planning Board, the Board of Selectmen, and the Town. He stated the key reason for this is that the variances were granted to the operator of the Water Monkey Camp and not the property owner. There is also question of whether the current property owner abdicates rights in further decision; what are the enforcement procedures based on the conditions of the variance and who bears the costs of enforcing the conditions. Chair Swenson stated the phraseology used in the ZBA minutes is unclear whether it is a youth camp, recreational dwelling or other.

Chair Swenson suggested it may be appropriate to discuss this with the Town Attorney for clarification as he provided advice to the ZBA on this. He noted there is a time limit

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of 30 days for when the Board of Selectmen can raise any questions or concerns. It was noted the Planning Board already has a meeting scheduled for this property.

Chair Swenson stated he would like to contact the Town Attorney and if need be, a special meeting will be called for the Board of Selectmen.

At this point (3:00p.m.) Selectman Jarvis excused herself from the meeting. She asked that the discussion of the speed limit ordinance be postponed as she has some questions.

**Speed Limit Ordinance/Recommended Speed Limits**

Chair Swenson stated this ordinance is Town Ordinance 03.012 and was put in place by the prior Road Agent and Police Chief. Selectman Bickford stated there are state statutes for speed limits and unless they are posted the limit is 35 mph. He stated the limits on gravel roads were reduced to 25 mph to prevent potholes according to what he had heard.

Chair Swenson suggested it may be appropriate to have the Road Agent and Police Chief present for discussion on this. Selectman Bickford agreed to have their input. It was agreed to ask them to be present for the second meeting in February.

**Other**

Selectman Bickford asked to discuss the Voter Guide again. Further edits were made.

**Public Input**

Greg Anthes, resident, stated he has been asked to run for selectman and has officially filed to run for a position as selectman in New Durham.

**Approval of Minutes**

Postponed to February 2, 2015 Board of Selectmen meeting.

**Future Meetings**

February 2, 2015 – Board of Selectmen, 1:00p.m., Fire Department Community Room.  
February 2, 2015 – 2015 Deliberative Session, 7:00p.m., New Durham School.

**Adjourn**

**Chair Swenson made a motion to adjourn the meeting. Selectman Bickford seconded the motion. Motion passed, 2-0.** Selectman Jarvis left the meeting earlier.

The meeting was adjourned at 3:30p.m.

Respectfully Submitted,

Jennifer Riel, Recording Secretary