

**NEW DURHAM BOARD OF SELECTMEN**  
**New Durham Elementary School**  
**August 17, 2015, 7:00 P.M.**

*DRAFT: These minutes are strictly a draft copy and are awaiting amendment or approval at a subsequent, duly noticed public meeting. Amendments to these minutes will be noted in the minutes of said meeting. The draft will be posted on the website as a draft copy for public informational use only.*

**Present**

Chair David Bickford  
Selectman David Swenson  
Selectman Gregory Anthes

**Also Present:**

Jeremy Bourgeois, Town Administrator  
Corky Mork, videographer  
Kenneth Fanjoy, resident  
Virginia Fanjoy, resident  
Leslie Sturdevant, resident  
Bernard Loughlin, resident  
Annaleen Loughlin, resident  
Dot Veisel, resident  
David Nelson, resident  
Joe Bloskey, Solid Waste Facility  
Foreman  
Ken Quigley, resident  
Sue Randall, resident  
Janis Anthes, resident  
Jen Nadeau, Solid Waste Facility Office  
Manager  
Mike Clarke, Road Agent  
Don Vachon, resident  
Mark D'Entremont, resident  
Don Jutton, Municipal Resources, Inc.  
Shawn St. Hilaire, reporter/*Foster's*  
Rose St. Hilaire, resident  
Dave Shagoury, resident

Brad Meyerriecks, resident  
Richard Leonard, resident  
Eileen Berry, resident  
Tom Berry, resident  
Steve Pierce, resident  
Paul Berry, resident  
Kathy Secinaro, resident  
Janette Allen, resident  
Scott Drummey, resident  
Tom Goss, resident  
Joan Swenson, resident  
Cecile Chase, resident  
R.W. Chase, resident  
Terry Jarvis, resident  
Ellen Phillips, resident  
Carol Allyn, resident  
Joan Martin, resident  
Paul Turner, resident  
Sharon Turner, resident  
Ezra Bickford, resident  
Lura Meattey, resident  
Alicia Hernandez, resident  
Kevin Wood, resident  
Linda Roy, resident

**Call to Order**

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

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

**Appointments/Announcements**

Chair Bickford stated Town Administrator Bourgeois is leaving at the end of August and Don Jutton of Municipal Resources, Inc. is here to discuss options for filling the position.

Don Jutton, Municipal Resources, Inc., stated he doesn't have a young college graduate to replace Town Administrator Bourgeois at this point. He does have a senior professional who could fill in on an interim basis.

Mr. Jutton stated Pat McQueen is a retired city manager with a lot of experience but is the only staff he has available right now to fill the position. Mr. Jutton stated he would provide the Board of Selectmen with contact information for a couple recruits with town administrator experience. Mr. Jutton stated Municipal Resources, Inc. would work with the Board of Selectmen at no charge to help them hire their own town administrator.

Selectman Anthes asked if Mr. McQueen could start right away. Mr. Jutton stated it would be just two days a week and he could start the week before Town Administrator Bourgeois leaves.

Selectman Swenson asked why Mr. McQueen would be available for just two days per week. Mr. Jutton replied the rate for an experience professional is significantly higher than a fresh college graduate. If that doesn't work for the Town, Mr. Jutton stated he would give the 15 days notice for termination of the contract.

Selectman Anthes stated he would appreciate Mr. Jutton's help in working through the applications and interviews.

Selectman Swenson stated he would also like the information for the other recruits who may be interested.

After further discussion it was agreed to set up a meeting to meet with the possible candidates.

**Public Input**

Richard Leonard, resident, stated he had a report on the Citizens Forum held on August 6. He thanked Selectman Swenson for attending and stated there were more than 165 citizens in attendance.

Mr. Leonard outlined the main concerns presented at the Forum:  
Board's refusal to follow the Town's policies and procedures; Board's refusal to carry out the Town Warrant; failure to be inclusive of individuals with varying opinions; disarray of the finance office; problems with high staff turnover; an unhealthy work environment for Town employees; micromanagement by the Board of Selectmen of department heads; the cost savings initiatives which don't save money; the Board of Selectmen's termination of Police Chief Bernier with no succession plan in place; the Board's refusal to staff the Police Department at levels approved at Town Meeting.

*New Durham Board of Selectmen Meeting*  
*August 17, 2015*  
*DRAFT*

Mr. Leonard presented actions that were requested to the Board of Selectmen: follow the Town's written policies and procedures; appoint individuals with diverse opinions to boards and committees; encourage and support a healthy work environment for Town employees; allow trusted department heads to manage their departments instead of micromanaging; include opinions of citizens in their plans in how town services are delivered to the community; immediately reinstate Shawn Bernier as police Chief; staff departments as approved at Town Meeting; and return the Town of New Durham to a pleasant and well managed community.

Kathy Secinaro, resident, on behalf of 489 citizens, respectfully asked that the Board of Selectmen reinstate Shawn Bernier as Chief of Police. She stated a copy of the petition would be presented to the Board of Selectmen when they are finished gathering signatures.

Bob Clayton, resident, stated he is here again to support the reinstatement of Shawn Bernier as Police Chief.

Mr. Clayton asked how many legal lawsuits are currently pending against the Town.

Chair Bickford replied he knows of none at this time.

Selectman Swenson replied there are none officially filed but there are potentially two. He stated one may be initiated by the Town and one by someone else.

Cecile Chase, resident, stated last week Marc Behr sent an email with information about the difference of the Fire Department and Fire Company. She summarized the two are two distinct entities but members may be part of both. Ms. Chase noted the Fire Company was not registered with the State of NH or IRS and as such should not be accepting donations. She stated it raises a lot of questions about fiduciary management

Ms. Chase stated she officially registered and organized a new New Durham Fire Company. She applied for and received a tax id. Ms. Chase stated the Town could take possession of the chairs as designated by the New Durham Fire Company.

Mr. Clayton stated he spoke with Chief Nelson about this issue and he advised the Town should take possession of the chairs.

Ms. Chase stated the point is not to hijack the other Company but to make them step up and manage responsibly.

Mark Sullivan, resident, stated he is concerned about a Company raising funds over the years but not being an official non-profit organization with the State or IRS. He asked if they have ever had their books audited.

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

Town Administrator Bourgeois replied the Town received notice last year the Company needed to file paperwork with the State.

Selectman Swenson stated if it isn't a Town entity, there was a problem if they thought they owned the chairs.

Selectman Anthes gave a personal statement in response to issues raised at past Board of Selectmen meetings as instances where social media is used to convey inaccurate statements. (See attached.)

**Agenda Review**

Selectman Swenson added under Old Business: response to Shawn Bernier's attorney letter; Municipal Resources, Inc. Police Department report.

**Department Reports/Issues**

**Highway Department- Office Manager Position**

Mike Clarke, Road Agent, stated Jen Nadeau, Office Manager, has given her notice that she will be leaving. He asked the Board of Selectmen to post the position as soon as possible and stated Ms. Nadeau is willing to stay on for a little while to help in the transition.

The Office Manager job description was reviewed and edits were made.

Chair Bickford asked Road Agent Clarke's thoughts on expanding this position to help at the Town Hall. Road Agent Clarke replied it would be up to the Board of Selectmen. He suggested not moving it out of the Highway Department building.

Ms. Nadeau stated she heard Chair Bickford had discussed removing the position and explained that would be a grave decision, particularly if they aren't willing to increase the hours.

**March's Pond Dam**

Road Agent Clarke stated he receives a letter every year from the New Hampshire Department of Environmental Services stating they will not change the water levels of the pond from the end of March until the end of June due to the loon nesting due season.

Road Agent Clarke stated he received a letter from an anonymous individual asking why the water levels were not being managed. Road Agent Clarke stated he replied and notified them he cannot do anything because of the loon nesting season and this is regulated by the State of NH and the Loon Preservation Society.

Road Agent Clarke stated that around the end of June it was noticed that the water level had gone down about a foot. It was determined someone had removed boards around the dam near the boat ramp which caused the water to drain out and because the pond is not spring fed, the water level is dependent on rain. Road Agent Clarke stated he had his men

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

put some newspapers in to help stop the leak, which has slowed to less than a gallon per day. He stated there is nothing to stop someone from removing the logs.

Selectman Swenson asked if there was a way to secure the boards around the dam with a chain. Road Agent Clarke replied its not likely and explained the structure of the dam.

Selectman Anthes asked how many times this has happened. Road Agent Clarke stated this is the only time he has ever seen the water level this low.

Chair Bickford asked if Road Agent Clarke keeps a log for monitoring the dam. He suggested doing so. Road Agent Clarke replied they started that when they had to redo the Downing Pond Dam but since the NH Dam Bureau took over the dams, that has not been done. Chair Bickford stated they may need to get approval from the NH Dam Bureau before doing anything.

Selectman Anthes asked if there is a crack in one of the dams. Road Agent Clarke Stated the NH Dam Bureau is responsible for the dams. He explained there used to be hydropower stations behind the fish hatchery. All the dams were turned over to the State and monitoring it is the responsibility of the NH Dam Bureau.

Jen Nyman, resident on Downing Pond, stated she was informed by the NH Department of Environmental Services there are lethal amounts of cyanobacteria and they should not be in the water. She asked what she should be doing if this is true.

Selectman Swenson stated they have an official release from the NH Department of Environmental Services. It was confirmed the State is issuing a cyanobacteria warning for Downing Pond and explained it is something usually caused by farm runoff. Selectman Swenson stated the State would be monitoring the levels. He stated if it is caught early enough, it could be treated.

Ms. Nyman stated she was advised that if anyone comes into contact with contaminated water, to wash off with treated water. She stated they would also be posting information around the area. Ms. Nyman confirmed the water will be tested weekly and information forwarded to Town Administrator Bourgeois.

**Solid Waste Facility – Recycling/Hauling Changes**

Joe Bloskey, Solid Waste Facility Foreman, explained the companies he deals with no longer haul commodities. He stated everyone is having trouble with certain commodities and stated the hauling fees are increasing as well as costs being incurred with disposal. Mr. Bloskey stated he has been working with Casella to get the best prices.

Ms. Nadeau distributed a summary of commodities revenue projections for review by the Board of Selectmen.

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

Ms. Nadeau stated that no matter what the commodity is, no one is buying it. She stated she tried to run projections through the end of the year but wants the Board of Selectmen to understand revenues will not be as high this year and there will also be disposal costs.

Ms. Nadeau stated it is her opinion they are not going in the direction of single stream based on the shipping fees and expenses.

Selectman Swenson stated he would also like to see projections of total revenue along with the total expense side and have it provided to the Budget Committee and Board of Selectmen.

**Highway Plowing RFP – Contract Draft**

The contract draft for highway department snowplowing was reviewed and discussed. Road Agent Clarke stated he will be surprised if they get anyone at this point as it is late in the season.

Chair Bickford asked if they were going to go along with the State rate. Road Agent Clarke stated this was discussed with Town Administrator Bourgeois.

The vehicle specifications were discussed and Road Agent Clarke gave his reasons for the requirements listed.

Edits were discussed for the draft.

**Chair Bickford made a motion to put out the RFP for Highway Plowing, as amended. Selectman Anthes seconded the motion. Motion passed, 3-0.**

**Town Administrator's Report**

**Town Hall/Fire Department Lighting Improvement Project**

Town Administrator Bourgeois stated Energy Management Consultants Inc. came and gave an assessment. He explained he needs to research the funding options through the NH Electric Co-op which are different from those of Eversource which were previously approved. Town Administrator Bourgeois stated the plan with Eversource essentially doesn't cost the Town any money and saves money each month.

Selectman Swenson stated there are three areas including the Town Hall, Fire Station and Highway Department with a cost of approximately \$10,545 with a pay-pack period of three years.

**Chair Bickford made a motion to have Town Administrator Bourgeois further pursue high performance lighting improvement project in coordination with Energy Management Consultants and New Hampshire Electric Co-op. Selectman Anthes seconded the motion.** Discussion: Selectman Swenson asked what the specific information is needed for the Board of Selectmen to make a decision. It was agreed the funding and financing options needs to be clear. **Motion passed, 3-0.**

*New Durham Board of Selectmen Meeting*  
*August 17, 2015*  
*DRAFT*

Selectman Anthes asked if Town Administrator Bourgeois has discussed the light for employees outside the Town Hall. Town Administrator Bourgeois replied that will be part of the project.

**Pistol Permits**

Chair Bickford stated the Board of Selectmen can approve these permits but understands some people don't want the information to be out there that they carry. He stated the Sherriff's Department is willing to take care of them for the Town. Selectman Anthes agreed with having the Sherriff doing them.

Selectman Swenson explained these are usually handled by the Chief of Police but they don't have one and it was determined the Officer-in-Charge is not authorized.

**Chair Bickford made a motion to designate the Strafford County Sherriff to issue licenses to carry under RSA 159:6 for the Town of New Durham. Selectman Anthes seconded the motion.**

**Selectman Swenson made an amendment to the motion that until the time a Chief of Police is hired by the Town of New Durham.** Discussion: Chair Bickford stated he is not going to second the amendment because it would happen automatically. **Amendment failed for lack of second.**

**Motion passed, 2-1. Selectman Swenson opposed.**

It was clarified applications can still be obtained at the Town Hall. Sergeant Meattay will work out the processing details with the Sherriff.

**Old Business**

**Town Administrator Interviews**

It was agreed to contact the three applicants presented by Municipal Resources, Inc. to arrange interviews for Friday afternoon.

**Other**

Selectman Swenson stated at the last meeting a motion was made to have Alan Gould of Municipal Resources, Inc. issue a report for the Police Department. It was confirmed no report has been submitted to the Board of Selectmen.

**New Business**

**Joint Meeting with Budget Committee**

Chair Bickford stated there was a proposed date of September 16. After discussion it was agreed to schedule the meeting for September 16, 2015 at 7:00p.m.

It was noted all the departments are under budget to this point.

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

**Capital Assets Policy**

A draft policy and copy from the Town of Brentwood were reviewed and discussed.

Edits were made to the draft New Durham Capital Assets Policy.

**Parks and Recreation Commission – Application**

Town Administrator Bourgeois stated he was informed by the Parks and Recreation Commission that they want to bring forward an applicant to the Board of Selectmen for appointment.

Dot Veisel, Parks and Recreation Commission, stated on August 12, 2015 the Commission met and moved to put two names in nomination.

Chair Bickford asked that the nominee attend one of the Parks and Recreation Commission meeting.

Selectman Anthes asked for more information about the applicant.

Ms. Veisel replied Susan D'Entremont and her family are new to Town but have participated with their young children in the Parks and Recreation activities.

**Selectman Swenson nominated Jen Nyman for a Parks and Recreation Commission appointment.**

Selectman Anthes stated he has some overlying concerns about Parks and Recreation.

Chair Bickford stated he would like to go through the process of getting more information for Ms. D'Entremont because he does not know her. Selectman Swenson agreed that is appropriate but Ms. Nyman has been very involved with the Commission.

Chair Bickford stated he wouldn't second the nomination because she is already on the Commission. Selectman Swenson stated he believes "hold over" status is contrary to their policies in place.

**Motion failed for lack of second.**

**Public Participation Policy**

Town Administrator Bourgeois developed a draft policy and this was reviewed and discussed.

Edits were made.

**Future Meetings**

September 9, 2015, 7:00p.m. – Board of Selectmen Meeting, Town Hall



*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

**Other**

Chair Bickford stated the Town had an offer for the property at 13 Birch Hill Road. It was taken by the Town in 2013. Chair Bickford asked Selectman Anthes to take a look at the properties they are looking to sell. Selectman Anthes stated they also need to notify neighbors.

Scott Drummey, resident, asked if they were going to ask Selectman Swenson if he would look at the properties too or if Selectman Anthes and Chair Bickford were going to decide among themselves. Chair Bickford replied Selectman Swenson just wants to sell everything. He stated he can only talk to one person at a time.

Selectman Swenson noted this particular property was not reviewed when they looked at properties last year as the three years had not lapsed. It was agreed more information is needed.

**Other**

Selectman Anthes stated a volunteer requested a letter from him. He stated he took a look at the work the volunteer completed and would be happy to provide a letter.

Ms. Nyman asked which board or committee he was volunteering for and stated that is where the letter needs to come from. The individual also needs approval by the school and department head. Selectman Swenson stated Selectman Anthes can do it as an individual but not on behalf of the Board of Selectmen .

Ms. Nyman stated it is also the school policy that the work be approved by the school first and it has to be done with a supervisor. She stated this child did not do it with a supervisor.

**Public Input**

Katelyn Andrews, resident, asked for clarification on what was just done with the Public Participation Policy. It was clarified it was a merging of two existing separate policies. It explains how public input will be handled.

Terry Jarvis, resident, stated when the Public Participation Policy was revised in 2010 it was made to superseded all older policies and the older one done away with.

Ms. Jarvis stated it would also be nice to have information packets for residents in attendance at meetings so they can follow along. She also encouraged the Board of Selectmen to consider using the portable microphone system.

Ms. Jarvis stated she has a concern about the posting for the part time police chief in the event Shawn Bernier wins his lawsuit and must be reinstated. They will then have to pay two police chiefs. She suggested hiring for a temporary, interim police chief position.

*New Durham Board of Selectmen Meeting*  
*August 17, 2015*  
*DRAFT*

Richard Leonard, resident, stated he has heard nothing in response to the Public Input brought forth earlier in the meeting. He wants to know what it will take for the Board of Selectmen to vote on reinstating Police Chief Bernier or denying, so the Town knows how they feel. Mr. Leonard stated they have more signatures than they get from Town Meetings or elections.

Selectman Swenson noted at the last meeting he made a motion and it was not seconded.

Chair Bickford stated the public has been misinformed. They do not know what he knows, which he is not going to share at this time. It was noted Shawn Bernier asked to have all his personnel files opened to the public.

Selectman Anthes stated when this started, the Town Attorney asked them to not talk about this in public.

Chair Bickford called Public Input to a close.

Selectman Swenson asked why he won't encourage Public Input.

Ms. Chase stated she found it interesting that Chair Bickford's concern about the Public Forum was there were too many people present. She stated they expected the same number as for the Board of Selectmen and noted the Board of Selectmen meetings have been over capacity the last few meetings.

Ms. Chase stated the issue with the chairs was a "stunt" because they didn't agree with the possible discussions of the forum. Ms. Chase stated she submitted a complaint with the Board of Selectmen and expects them to address the issue with the manager of the Fire Department.

Selectman Anthes stated they couldn't use the old chairs on the new linoleum floor and if there was a problem Ms. Chase should have contacted a member of the Board of Selectmen or Town Administrator Bourgeois.

Town Administrator Bourgeois stated he was aware of the issue at the time and informed Fire Chief Varney the chairs were to be returned. He stated if the floor was an issue, he was not informed.

Joan Swenson, resident, stated the outcome of the forum was that the feelings for many people were solidified against the Fire Department. The immature behavior speaks volumes.

Brad Meyerriecks, resident, stated he was part of the Fire Department for over 17 years. He stated the information Selectman Anthes has gotten, is wrong. Mr. Meyerriecks stated the Fire Department was always supportive of the Town and what they did was wrong.

*New Durham Board of Selectmen Meeting  
August 17, 2015  
DRAFT*

Sue Randall, resident, stated about three years ago Fire Chief Varney asked people to start a Fire Company. She stated what he wanted was for them to do the work of getting things set up so the firefighters could just show up for a function and then be done with it. Ms. Randall stated the difference between the Department and the Company is very confusing. She explained things that happened in the past and how things were run like a “good ol’ boys” club and stated there is a group over there doing whatever they want. Selectman Swenson stated that no matter what Fire Chief Varney says, they are his employees and he needs to manage them. Ms. Randall stated that is correct for when they are part of the Fire Department but not Fire Company.

A resident stated the Fire Company is hosting a fundraiser and at this point the paperwork has not been filed with the Town. Chair Bickford replied it is not a Town function. Selectman Swenson stated he has not seen an Event Application so doesn’t know if it involves Town property. The resident stated he was thinking about getting involved again with the Company but was told it was dissolved.

**Chair Bickford made a motion to enter 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; (c)- matter which, if discussed in public would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. Selectman Anthes seconded the motion.** It was clarified this non-public session is to discuss wage adjustments, Mr. Bernier’s attorney letter and Parks and Recreation appointment. **Motion passed, 3-0.**

**Roll Call: Selectman Swenson – Aye; Selectman Anthes – Aye; Chair Bickford – Aye.**

The Board of Selectmen entered non-public session at 11:00p.m.

The Board of Selectmen reentered public session at ????? p.m.

**Adjourn**

Respectfully Submitted,

Jennifer Riel, Recording Secretary