

**New Durham Board of Selectmen
Minutes of Work Session ~ May 10, 2010
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant Alison Rendinaro, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Ryan Noonan

1. Call to Order – Chair Terry Jarvis (TJ) called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. Agenda Review – Selectman David Bickford (DB) asked about providing contact information for Emergency Management Director Kenneth Quigley. TJ said the Strafford County Health and Safety Council and the State has his home phone number, as well as the address for an email account set up specifically for emergency management. DB said the fire and police departments should have the information, also. TJ said she would do a formal email, releasing the information. She said the State also has EM Deputy Director Tom Goss' contact information.

DB said the departments should know Administrative Consultant Alison Rendinaro (AR) has started. TJ said AR has met with departments, and only has the fire department left. DB said all boards and commissions should know who AR is and what she is authorized to do. TJ said AR will meet the Library Trustees in July.

TJ announced that due to reassignments at Community Access TV, Channel 25, Ryan Noonan will no longer be taping New Durham meetings and events. He is scheduled to train Mary McHale to replace him.

3. Set Goals and Objectives

TJ asked the selectmen what they felt was the Board's primary objective. DB said to be frugal. Selectman Fred March (FM) said to retain the rural atmosphere and to keep the tax rate low so those who have lived here a long time are not forced out. DB asked if retaining the rural aspect was a function of the Planning Board. FM said he saw it as more of a Planning Board charge, but that ultimately, the Board is the final overseer of the Town.

TJ said the mission of the Board is to govern the Town in a responsible manner and be responsive to what residents want. She said keeping taxes down is nice, but sometimes you have to spend to move forward. DB said it was the Board's budget to handle. He said state law limits the Board's authority regarding governance. TJ stated responsibility is different than power. She said the Board does what is best for the Town.

DB said the budget looks good so far. TJ said the Budget Committee is to hold its first meeting on May 19, 2010 and that FM is slated to attend. She said AR has a prior commitment and cannot attend. She said she and DB might also attend, so it should be posted that at least two selectmen may be present.

TJ said the Board's large goals are to: provide governance, keep down spending, and retain the rural atmosphere. DB said the Board needs to maintain Town buildings and set priorities regarding maintenance. He said the Town needs adequate property to

meet its future needs, so the Board could put away money for long-range buildings such as the Library and Public Safety. TJ said, looking at the price tag, redesign of the Transfer Station is also a long-term project.

FM asked if the Town dropped the Capital Reserve Fund for the fire station. DB said the fund for a new station was converted to a Public Safety Building fund. TJ said the Town has not added money to the satellite station fund for two or three years. She checked the amounts in the CRFs. She asked if the Board wished to look at broad goals or specifics. She asked what it wanted to do, explaining that it can be objective driven or goal driven. She said goals should be measurable and have a timeframe.

FM asked if a building maintenance committee existed. TJ said a committee consisting of former Town Administrator April Whittaker, Road Agent Mark Fuller, Mike Clarke, and Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello went through every Town building. She said she has not found the notes from those inspections, but BI/CEO Capello had his when the Board needed information regarding the mold problem at Town Hall. She said the Board could ask him to pull together a report. BI/CEO Capello said he has his notes on each building and could have a report on the highway, police, and fire buildings for the June meeting. He said RA Fuller could fill in any holes in his report. He explained that the results of the walk-throughs were broken into Immediate Needs, Safety Needs and Long-Range Needs. He said he had no hard figures for any work.

DB said we need to identify the funds for buildings, as some are in specific budgets and some are in CRFs. TJ said AR could do that, once there is a list. She said the Town may be able to apply for a grant, and that AR will attend a grant-writing course for that. AR noted the Town's Master Plan's vision. TJ provided copies of Budgetary Goals for 2010, generated by Ms. Whittaker, and the minutes of the May 27, 2009 Board meeting regarding the 2009 Work Plan and Goals. The Board discussed various items within the 2009 Townwide Work Plan and Goals.

Personnel Policy - The Board agreed to review the Personnel Plan and to meet with the Personnel Benefit Committee at a work session. The committee is comprised of Mr. Clarke, Sgt. Jason LaMontagne, Carole Ingham, and Katie Woods. Inviting a fire department lieutenant was discussed. TJ said the fire department is the largest group of employees in a department.

Job Descriptions - TJ said the Board could continue with last year's objectives, including working on the Personnel Policy, and generating job descriptions for appointed and volunteer positions, as well as the Transfer Station foreman. FM asked when job descriptions had been last reviewed. TJ said the LGC pay study took place in 2008. She said Ms. Whittaker wrote the descriptions and the Board reviewed them for the study. DB said he believed appointed and volunteer position descriptions were dictated by statute. TJ said the Board could review the statutory authority and write the descriptions, if needed. DB said the first thing to do is pull the committee charters to see if they match up. TJ said AR could determine that. She cited if statutes state how an alternate is appointed, as an example. She said AR could confer with the affected people.

She asked the Board about the jobs not covered in the pay study. DB said he would like another pay study done. He said it is inexpensive and provides insight. TJ said it was not budgeted for in 2010. She said the Board could determine if each

employee has a job description and then keep those descriptions updated. DB said he would like to investigate the cost of a pay study to do this year.

TJ said a goal would be erecting a public bulletin board in an easily accessible location.

Working with the Board of Ethics regarding Rules of Procedure - TJ said the BOE indicated in February that it wanted to become more autonomous. She said the Board might need to review the Ethics Ordinance, due to recent events. She said the BOE is working on an educational presentation. DB said Town Counsel might need to be consulted to see how well the Ordinance works. TJ said Town Counsel rejected one draft of the Ordinance, but after modifications were made, he agreed with it. She said Alton voted its Ordinance down the night New Durham approved it. DB said it is difficult for people in Town to serve on it. He said the state has developed ethics policies. He said his feeling was that the Ordinance goes too far and people have to recuse themselves often. He said the Planning Board has its own rules. He said he would not mind reviewing the Ethics Ordinance.

TJ said the BOE is meeting with Town Counsel. DB said he spoke with Town Counsel and there are a few things to address. TJ said the Board could ask the BOE, after its meeting with Town Counsel.

Department Head Evaluations- TJ said the evaluations need to be done by the end of September. She said she developed a list of who reports to whom.

Web Site – DB said an effective manner of posting material on the website should be in place. TJ said Ms. Ingham has assumed a lot of responsibility for getting information posted. She said, in the past, the Board held the Town Administrator responsible. The Board agreed AR should be the single point of contact for the public regarding postings, and that she is responsible for postings. FM said she has the right to delegate the execution of the postings. The Board also agreed that AR should be in charge of removing old notices from the bulletin boards.

Back-up planning for payroll, etc. – AR is to look into back-up plans.

TJ asked if there was anything else to consider under the Administration heading. She said she would like to review the video, purchasing, and Class VI Road policies. The Board agreed to review the Video policy. She said the purchasing policy is on the list to review, pending results of the Financial Assessment. DB recommended taking a look at the 1772 Meetinghouse Restoration and Milfoil Committees. He said those committees are rigid. He said when he first came on the Board, he asked Ms. Ingham for a book of all the policies and she said she'd put them on the website. TJ said policies, ordinances, and charges given committees should be on the website. She mentioned the Meetinghouse and Boodey House Committees as being particular to New Durham.

Elections and Registration, Financial Administration, Assessing – TJ said the Board would need input from the people involved in these areas.

Implementation of new wage scale – TJ said the Board adopted the LGC pay scale study in December 2008. She said the Board needed to look at how to get employees in sync. She said the Board used figures from those steps for equity pay raises. FM asked what was used as criteria and DB told him comparable and adjacent towns, and job descriptions. FM said the Town did that 15 years ago. He said the Board at that time was given information and it went from there. TJ said she would provide FM with a copy

of the LGC Pay Scale. She said the Board needed to consider Personnel Administration, as it had budgetary impact.

Consideration of Land Use Administrator to Planner Position – DB said we did not have the demand for a Town Planner.

Planning Board, Zoning Board, and Conservation Commission – TJ said all items listed under this heading should go to their respective boards, with the exception of item 20 - Rewriting the Class VI Roads Guidelines into a policy, incorporating a Gates and Bars policy. She said the item has been on the work plan for four years. FM asked what the policy was. TJ said there are written guidelines, rather than a policy, and she could get him a copy. She said there are gray areas in guidelines. FM asked if the guidelines were just in reference to building permits. She said they currently speak only to building on Class VI roads, but there are also concerns about ATVs on Class VI roads. DB said there has been talk of converting the roads to trails. He brought up the stipulation of building 600 feet from the end of the road. FM said he believed that was written in his time on the Board. TJ said 600 feet was the average distance a pumper could pump for a fire. She said technology has changed. FM said the guidelines had never been revised since.

DB said whether the roads were Class VI or private, it must be clear who will maintain them. TJ brought up access for emergency vehicles. DB asked who was responsible for maintaining the first 600 feet, if building permits were approved. He said he and former Selectmen Ron Gehl and Peter Rhoades did not agree on the matter. TJ said a policy had more standing than guidelines. She said she would check notes. FM mentioned the Board made up of Tim Bates and Carleton Woods.

Collate Safety and Maintenance Report – TJ said BI/CEO Capello would review the report and set maintenance priorities.

Outside bulletin board – She said she would gather information.

TJ said she would like to add getting grant funding for an Historic Structure Report for Town Hall and initial repair work to the work plan.

Abandoned graveyards – TJ said the Cemetery Trustees and the Town Historian were asked to get together over this issue. DB said the state passed a law prohibiting spending of public money on private use, so the Town cannot care for abandoned graveyards. He said the Town has to advertise in hopes of finding descendants. If none came forward, then the graveyards are declared abandoned and the Town may use tax dollars to maintain them. The Board asked AR to check with Cathy Orlowicz.

Police – AR is to work with Police Chief Shawn Bernier on overall matters.

Fire – TJ said the Board is to review the fire department's Rules and Regulations. DB said the Town's insurance carrier says department members are employees.

The Board noted completed items under Highway Department and Equipment Mechanic. DB asked how the forestry vehicle was. TJ said it is up and running. DB is to follow-up with Equipment Mechanic David Valladares. She said the biggest issue with Mr. Valladares is the schedule in his computer. DB said chips in vehicles' paint jobs should be repainted to prevent rust. TJ asked if the Board should have a list of all vehicles. DB said Mr. Valladares could do the work, but he was far behind. TJ said he should be using his software for maintenance. She said he should be encouraged to use clerical help. She said he could train the clerical person to use the software. FM said the

Town doesn't keep the police cruisers long enough to be concerned about chipping paint. TJ suggested compiling a list of vehicles that need paint touch-ups. She said Paint Status could be a goal for the Equipment Mechanic. DB said Mr. Valladares can do a better job of keeping up with it. FM said that, in the past, New Durham treated its vehicles better than other communities.

Transfer Station – TJ said the site review of the facility was in progress.

Recreation – The Board noted all items completed.

TJ said research on energy audits was needed.

4. Old Business

Raffle Policy – AR presented the revised Raffle Permit Policy. The Board made minor modifications. The LGC attorney will review the revisions.

5. Non-public Session

Motion Jarvis, second Bickford at 9:17 p.m. to enter into non-public session under RSA 91-A:3 II (e). A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.

The Board met with BI/CEO Capello.

The Board returned to public session at 9:40 p.m. TJ said during non-public session, the Board authorized BI/CEO Capello to be the primary contact for clean up of the property in litigation and to DES regarding the matter.

6. Return to Old Business

Fire Department Issues – TJ said she had raised the issue of the need for a Commercial Driver's License to operate emergency vehicles. She said Chief Bernier researched the matter and discovered that operators of emergency vehicles when driving in pursuit of fire purposes are exempt from such requirements. DB said the Board had been told operators could drive to a fire, but not back from one. TJ said the Code of Federal Regulations also exempts firefighters for preservation of life and property. She said she had also been under the impression that a CDL was necessary because she got her CDL, as a past firefighter.

She said she spoke with the LGC insurance division, and was told that while a CDL is not mandatory, the insurance division highly recommends all drivers hold one. She said the LGC provides the required 12-hour training free, to whatever schedule is desired. She said if New Durham hosts the course, other towns can send drivers. She said part-time employees can also attend. She said it might be something for the Transfer Station part-time employees. She said the LGC asks that there are about 20 in the class. She said the LGC does not make provisions for the Department of Motor Vehicles to conduct the practical test. She asked the Board if it wanted to say that, by December, everyone is required to hold a CDL. She said the Board could ask Fire Chief Peter Varney. She said the Town could pay the difference between the cost of a regular license and a CDL. She added that firefighters are exempt from medical clearance and drug testing aspects of a CDL. She said she would talk with Chief Varney.

She indicated the LGC also provides free Workplace Violence and Sexual Harassment classes for a total of three and a half hours. DB said he would be more favorable if it didn't take so much time. TJ said she would gather more information. The Board then discussed aspects of the different CDLs and spring brakes and air brakes.

TJ asked DB if he had further fire department issues. DB said he brought them up at the last meeting. He said the LGC wants the members to have physicals. AR will check out prices. AR is also to find out more on motor vehicle reports and credit checks on employees.

7. New Business

Collection process for ambulance – TJ provided copies of Dover's policy for ambulance hardship applications and collection process. She said she would get others, talk to Chief Varney, and meet with ComStar. The Board asked AR to get Gilford's policy. DB said in New Durham such applications go to the Welfare department. He asked if there was a policy and TJ said she is looking through the files.

8. Approval of Minutes

The following amendments were made to the minutes of May 3, 2010: under Public Hearing, sixth paragraph, replace "said you have to go with them" with "indicated the company gives you no choice."; under Paving, add "for 3.54 miles" after "3,449 tons" and "for the shoulders" after "supplies the gravel"; under Solid Waste Transfer Station, change the sentence, "DB said he put together a grant from New Hampshire the Beautiful for former Town Administrator April Whittaker, but then she was laid off." to read "DB said he put together a grant application to New Hampshire the Beautiful and gave it to former Town Administrator April Whittaker, but she lost it."; and under Schedule Next Meeting, change "part-timers" to "part-time employees".

Motion Jarvis, second Bickford to approve the minutes of May 3, 2010, as amended. 3-0.

Motion Jarvis, second March to approve the minutes of the first non-public session of May 3, 2010, with correction of spelling. 3-0.

Motion Jarvis, second Bickford to approve the minutes of the second non-public session May 3, 2010, as amended. 3-0.

9. Adjournment

Motion Jarvis, second March at 10:20 p.m. to adjourn. 3-0.

Respectfully submitted,
Cathy L. Allyn

A video recording of this meeting is on file with the Office of Town Clerk, is available for public viewing during normal business hours, and will be retained in accordance with the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.