

**Approved: April 18<sup>th</sup>, 2007**

## **New Durham Board of Selectmen**

**Minutes of Meeting ~ April 2, 2007**

**Town Hall**

**Members present:** Chairperson Ronald Gehl, Peter Rhoades, David Bickford

**Also present:** Town Administrator April Whittaker, Road Agent Mark Fuller, Police Chief Shawn Bernier, Town Historian Cathy Orlowicz, Thomas Beeler, Skip Fadden, George Gale, Larry Johnson, Michele Kendrick, Mary McHale, Padraic McHale, Leon Smith

**1. Call to Order:** Chairperson Ronald Gehl called the meeting to order at 7:02 p.m.

**2. Citizens' Forum:** There was no public input.

### **3. Public Appointment:**

The Board met with Michele Kendrick. Chair Gehl said Ms. Kendrick ran as a write-in candidate for Cemetery Trustee in Town elections. The individual who received the most votes was already a Cemetery Trustee, so the Board could appoint Ms. Kendrick.

Ms. Kendrick said she moved to New Durham in July from Weymouth, MA. She believes that she needs to do something for the town in which she lives. She is available and thought she could help. Town Administrator April Whittaker commended Ms. Kendrick for coming forward to serve. Ms. Kendrick said she had already printed out information from the Attorney General's office on the duties of a Cemetery Trustee.

Chair Gehl and Selectman Peter Rhoades had signed the appointment. Regarding the process of appointment to a body, Selectman David Bickford said he would prefer the nomination to come before the Board, and have the vote the following meeting. Chair Gehl explained time was of the essence as the Trustees needed to take action. TA Whittaker pointed out that Ms. Kendrick received the second highest number of votes. Selectman Rhoades said the names of nominees are often available a week or more before the meeting, if Selectman Bickford would like to contact the people, and thus would not belabor the appointment.

Selectman Bickford said once a nomination becomes public, then anyone can discuss it. Chair Gehl said ideally the Board has advance notice. He said he'd spoken with Ms. Kendrick and it was encouraging to see her express an interest. He added that usually a fair bit of arm-twisting is necessary to get people to serve.

**Motion by Chair Gehl to appoint Michele Kendrick as a Cemetery Trustee, term to expire at Town Meeting 2008; second by Selectman Rhoades. The motion carried unanimously.**

#### **4. Department Reports**

*Highway* – Road Agent Mark Fuller introduced Leon Smith, stating Mr. Smith would begin work as a full-time employee April 9, 2007. He said Mr. Smith has been working part-time and is a dedicated worker. He welcomed Mr. Smith aboard. Chair Gehl stated voters approved the new position at Town Meeting. He said the Board and Town recognized Mr. Smith's great contributions to the Town as he has served as a Lieutenant, and now a Captain, in the New Durham Fire Department.

Selectman Bickford asked Mr. Smith what he understood his job to be. Mr. Smith answered he would be responsible for maintenance, and help with all departments. RA Fuller said his main job would be lawn maintenance. Chair Gehl said Mr. Smith was already experienced as the Animal Control Officer, and that Mr. Smith's previous part-time duties would be folded into this position. Police Chief Shawn Bernier said Mr. Smith has done a good job as ACO. TA Whittaker emphasized Mr. Smith's friendly and positive interaction with residents. She said that was important for the Town's image. She said she was pleased that he was here. She asked him about changing the sign outside Town Hall regarding parking, as the Police Department shares the parking area. It was discussed that "Hall" from "Town Hall Business" could be removed from the parking sign for greater clarity for patrons.

RA Fuller reported he received a price of \$12.75 per cubic yard of sand, delivered, and fixed for two years, to compare with the price he brought in at the last meeting. Chair Gehl said he'd anticipated a high price, but not to that degree. It was agreed RA Fuller would wait for the third company's bid to come in before taking action.

RA Fuller advised the Board Dave Horne was back to work in a part-time capacity following a worker's compensation injury while on the job.

Selectman Rhoades mentioned a stop sign near his home seemed high. RA Fuller said signs are a minimum of seven feet. However, Mr. Fuller agreed to review the sign.

*Police* – Chief Bernier said March was busy, with several night calls. He said all inspections on the cruisers are done. Two cruisers have over 100,000 miles and have been worked on.

#### **5. Administrative Review**

Trustee of the Trust Fund Cathy Orlowicz said she had not seen a written resignation from Trustee Thomas Swett and that the newly elected Trustee was not yet sworn in. TA Whittaker said David Allyn was willing to replace Mr. Swett. She said Mr. Allyn had served previously and was a very good Trustee. Chair Gehl said the Board has accepted resignations via email. TA Whittaker said she would contact Mr. Swett.

The Board signed two pole licenses from the Electric Co-op. Chief Bernier remarked that the March Drive residents were happy about the installation of the poles; note being made humorously that March Drive is in fact where Chief Bernier lives.

## **6. Public Hearings**

Chair Gehl opened a public hearing at 7:35 p.m. pursuant to RSA 91-A and Article 12 of the 2006 Town Meeting for the purpose of receiving public comment concerning the withdrawal and expenditure of \$31,550 from the Highway Equipment Capital Reserve Fund for the second payment scheduled on the 2006 emergency acquisition of a backhoe. Chair Gehl said rather than sink money into repair of the backhoe, the decision was made in 2006 to move up the schedule and purchase one, making the balance payment in 2007 after approval at Town Meeting. This withdrawal is to cover that balance. RA Fuller reported the backhoe is working well. There was no public comment. In response to Selectman Bickford's question, RA Fuller provided details on the backhoe.

**Motion by Selectman Rhoades to approve the withdrawal and expenditure of \$31,550 from the Highway Equipment Capital Reserve Fund for the second payment on the backhoe; second by Selectman Bickford. The motion carried unanimously.**

Chair Gehl opened a public hearing at 7:40 p.m. pursuant to RSA 91-A and RSA 35 and Article 10 of the 2006 Town Meeting for the purpose of receiving public comment concerning the withdrawal and expenditure of \$11,163 from the Police Cruiser Capital Reserve Fund for the second lease payment of the 2006 cruiser and accessories. He said the department has the vehicle in possession, and the decision had been to get the best deal by getting a two-year lease. Chief Bernier said the cruiser fleet is starting to age. The leased cruiser has 22,000 miles and has a Car 54 system, paid for by a grant, installed. He asked TA Whittaker how much money would be left in the account and she said approximately \$13,000.

Selectman Bickford asked when the cruiser was put in service and Chief Bernier responded in June of last year. He said the fleet averaged 75,000 miles a year and that a cruiser will be kept for seven years. He explained the rotation used to be nine years. TA Whittaker said she would supply Selectman Bickford with a copy of the CIP. He said he had looked at some of it online.

Chair Gehl closed the public hearing at 7:51 PM.

**Motion by Selectman Bickford to withdraw \$11,163 from the Police Cruiser Capital Reserve Fund for the second and final lease payment of the 2006 cruiser and accessories; second by Selectman Rhoades. The motion carried unanimously.**

## **7. Old Business**

Chair Gehl recognized that Larry Johnson was present to discuss the mailbox location issue on Chamberlin Way. He said Land Use Administrative Assistant David Allen reviewed the process whereby the subdivision in question was approved. Chair Gehl noted he was chairperson of the Planning Board at that time. The Planning Board had requested input from the New Durham Postmaster regarding the preferred type of mailbox. The Planning Board went along with the Postmaster's recommendation to place cluster boxes at both ends of the road. RA Fuller was asked to determine the locations and the Postmaster was to check on them. Chair Gehl summed up that the Planning Board followed the

recommendation of the Postmaster regarding placement of mailboxes. He said he saw no reason why residents could not still petition the Postmaster for something different. He commented that there had been no specific condition of approval to place the boxes in cluster formation, but cluster boxes were incorporated into the plans.

Mr. Johnson said individual boxes at driveways could be placed farther off the pavement. RA Fuller asked if the approval of cluster boxes was on the plans, did it not follow then that the Planning Board approved them. Chair Gehl suggested an element of the plans like that would not be cast in stone. He said often elements of a plan are not the same as shown on the actual plans. He said without the cluster boxes being a formal condition of approval, it would be difficult for the Town to enforce.

RA Fuller requested he determine placement should individual boxes be approved by the Post Master. Chair Gehl said the best course of action would be to have Mr. Johnson report back to the Board concerning the determination of the Postmaster. RA Fuller said traffic beats the edge of the road down where puddles can form and damage the road edging. Selectman Bickford said Town roads could be improved to include the requested paving for mailbox placement. Chair Gehl indicated concern that this would set precedent and then raise the question of installing aprons on all paved roads. RA Fuller said he could estimate the cost of installing aprons in the Chamberlin Way subdivision. Paddy McHale suggested comparing the cost of expanding the road to the cost of future repairs of it. RA Fuller said the cost of repair depended on how fast a problem is noticed and how quick response can be. Mr. Johnson suggested new developments should have aprons installed. He clarified that he could tell the Postmaster that the issue was discussed and the Selectmen support it. Selectman Rhoades said when he went through a similar process, he had to develop the shoulder personally bearing the full cost, before the Road Agent would give approval, and that the Postmaster required the Road Agent's approval. It was discussed that the cost be borne by anyone putting in a mailbox.

## **8. Return to Administrative Review**

TA Whittaker said the signing of documents could be left to the end of the meeting, as there were many and it presented a courtesy opportunity to apprise new Selectman Bickford an explanation of the documents.

She presented the Welfare Director's report, saying the figures have dropped dramatically. Selectman Rhoades pointed out Ms. Martin is frugal, but fair and performs to the letter of the law. TA Whittaker agreed, saying that she sends people to the agencies where they should have been sent rather than have the town accept the burden without first sending the applicant to Health & Human Services or non profit agencies such as Community Action Program etc.

The Board discussed the digitization of the town property maps. TA Whittaker said Cartographic Associates, Inc. could do the flyover for digitized aerial photography and GPS ground control area before the leaves come out. A reduced rate is available, as New Durham's work can be grouped with others. The formal proposal for both phases of tax map work is about \$6,000 less than the \$95,000 quoted in 1997. TA Whittaker said the

base mapping is as far as the Town can get on the project with the money it has at this point. She noted an escape clause (non appropriation clause) in the proposal that allows the second phase of work to not be done if the money is not appropriated.

Chair Gehl said he would bring Selectman Bickford up to speed on the issue, and explained that there have been assessing and planning issues due to inaccuracies in the current tax maps. He said the Town needed to come up to date with survey control, and needed accuracy without lot surveys. He noted the Town would have greater assessing accuracy by aerial survey control and GPS area control. He explained the creation of accurate maps as an issue of fairness, so people will be assessed according to the land they actually own. An added benefit is GIS mapping for planning purposes, which the town can avail itself of once the digitization has taken place.

TA Whittaker stated the Town, ideally, should have begun this process about 10 or 12 years ago and created a Capital Reserve fund for this purpose. She added that although it is required under statute to record surveys at Town Hall, most residents are unaware of that, and do not do so. She said it was vital for the Town to know the acreages, road frontages, and shore frontages of the properties. She said she would call Cartographic Associates to see if immediate action is necessary to take advantage of the aerial photography price. If so, the Board is meeting at its workshop on April 9, 2007, and could take care of it then; if not, the Board could wait until the next meeting.

TA Whittaker stated the current tax maps don't fit together if you attempted to cut and paste them, indicative of a problem. Discussion ensued regarding the current tax map situation. Chair Gehl pointed out the \$40,000 in the Capital Reserve Fund is sufficient for this first phase of work. It was discussed that roughly 90 per cent of NH towns use Cartographic Associates and is the town's current cartographer of record over many years.

TA Whittaker gave a brief overview and copies of the mail received in the office during her vacation as a "For your Information" item:

- ❑ The final plan has been submitted to DES for March's Pond Dam;
- ❑ An emergency exercise for bio-terrorism will be held in Rochester on April 14, 2007;
- ❑ Mortgage foreclosure in Cople Crown; note being made of the owed back taxes and welfare lien owing to the town.
- ❑ LCHIP sign is finished and displayed under the 1772 Meeting House sign per the terms and conditions of the LCHIP grant.
- ❑ Bob Santoro of Santoro Plumbing performed free plumbing for the Town for which the town is truly grateful. The Town Administrator to send a "Thank You."

She reminded the board of the scheduled work session on April 9, 2007. Said meeting to set goals and the work plan for the year.

## **9. Schedule Next Meeting**

The Board scheduled its next meeting for April 16, 2007 at 7:00 p.m. at the Town Offices.

## **10. Approval of Minutes**

**Motion by Selectman Bickford to approve the minutes of March 19, 2007 as amended; second by Selectman Rhoades. The motion carried unanimously.**

### **11. Signing of Documents**

The Board signed the document allowing the Fire Department to buy from Surplus Warehouse. Chair Gehl noted the firefighters have been extremely frugal.

Chair Gehl and Selectman Rhoades signed the Municipal Waiver of Liability from D & S Builders as part of the conditions of approval for a Copple Crown building permit approved in 2005; Selectman Bickford indicated that he would decline signature as he was not involved in the decision to issue a building permit. Fellow selectmen advised that neither were they, but the Waiver still required a board signature in order to meet the approval process.

The Board also signed "An Intent to Cut" and an assessment of Yield Taxes. Selectman initialed a time extension request for "An Intent to Cut". Chair Gehl signed the personnel action plan form regarding Fire Department promotions. He noted the department has been meticulously tracking who reports to incidents so that stipends are not paid to those individuals who are not attending training or call outs.

### **12. Non-public Session**

**Motion by Chair Gehl to enter non-public session at 9:00 p.m. pursuant to RSA 91:A: 3 II (e), threatened and potential litigation; second by Selectman Rhoades. A roll call was taken: Gehl – aye, Rhoades – aye, Bickford – aye.**

The Board met with TA Whittaker, with Recorder Allyn present. The board was brought up to date with respect to a private property dispute. No action or decisions were taken.

There was a brief discussion regarding an illegal junkyard and the legal agreement with respect to the Board's inspection process. No action was taken.

**Motion by Selectman Rhoades to return to regular session at 10:07 p.m.; second by Chair Gehl. The motion carried unanimously.**

### **13. Adjournment**

**Motion by Chair Gehl at 10:08 p.m. to adjourn; second by Selectman Bickford. The motion carried unanimously.**

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.