

**New Durham Board of Selectmen
Minutes of Meeting ~ October 15, 2007
Town Hall**

Members present: Ronald Gehl, Peter Rhoades, David Bickford

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, Interim Fire Chief Rod Nelson, Copple Crown Commissioner Christopher Lapierre, Amanda Eason, Jim Gallagher, Terry Jarvis, Dr. Patrick Lanzetta, Ed Neister, Megan Parady, Jason Smith, Mrs. Smith, Andy Stout

1. Call to Order – Chairperson Ron Gehl called the meeting to order at 7:09 p.m. and led the Pledge of Allegiance.

2. Citizens' Forum – The Board recognized that Dr. Patrick Lanzetta, recommended by the VNA to become New Durham's representative on that organization's board of directors, was in attendance. Dr. Lanzetta said he was a 30 year resident of the Town, worked on staff at Frisbie Memorial Hospital's Emergency Room, and has been the medical representative on the VNA's advisory committee for 30 years. He stated he would be honored to serve on the board of directors.

Chair Gehl said the Board appreciated his willingness to come forward and serve the Town's interests. Selectman David Bickford noted there has been no representative since Selectman Peter Rhoades left the position two years ago. Dr. Lanzetta said he would remain on the advisory committee, and added that the directors do great work.

Motion by Chair Gehl to appoint Dr. Patrick Lanzetta to the position of New Durham's representative on the VNA Board of Directors for a three-year term; second by Selectman Bickford. The motion carried unanimously.

The Board signed the appointment form and Chair Gehl swore in Dr. Lanzetta.

Cathy Allyn announced a "Haunted Historical House" to be held at the 1772 Meetinghouse on October 31, 2007 from 6:00 p.m. – 8:00 p.m. She said Town Administrator April Whittaker would be out front carving pumpkins, Deputy Town Clerk Stephanie Mackenzie would reprise her role as the gypsy fortuneteller, Selectman Rhoades would be the costumed escort of groups into the Meetinghouse for the shows, and Selectman Bickford would pass out candy. She said due to the large turnout last year, this year's presentation would be shorter and feature more special effects, care of Skip Fadden. TA Whittaker added that "trick or treating" was also occurring at the school, fire department, police department, library, and some businesses.

Chair Gehl pointed out that the correction in The Baysider regarding possible conveyance of the Charles McKay Sand Pit road to the Town itself contained an error. The paper stated the Board had no objections to the proposal. In fact per Chair Gehl, the Board rendered no opinion and requested input from the Planning Board. Chair Gehl stated there are many issues to consider regarding a situation such as this, and the Board is merely at the beginning of the process. Police Chief Shawn Bernier asked if the Board was aware the McKay's have no intention of giving the road to the Town. Chair Gehl replied that the Board had only seen an indication from a deed that the McKay's could convey the road if approached by the town. Chief Bernier recommended the Board speak with the

McKays, as that could determine the outcome of the situation. Selectman Bickford said the Board was looking for additional information. Baysider reporter Amanda Eason said she was unaware of where the correction came from. Chair Gehl said the deed for an abutting property owner indicated the private roadway could be conveyed, but the Board is unaware of what the McKay's deed states. He said the Board asked the Planning Board for input. TA Whittaker advised that a number of questions needed to be pursued by the planners to assist in any decision-making.

3. Public Appointment

Chris Lapierre, chairperson of the Copple Crown Commissioners, spoke with the Board regarding signage. He reported a car speeding from the Middleton end of the road into the intersection with King's Highway, had to swerve around a stopped school bus. Eight to 10 children were waiting at the stop, and their parents are concerned. He requested the placement of "School Bus Stop Ahead" signs. He added that it is pitch black at 6:15 a.m., about the time the children are picked up, and asked if a streetlight could, also, be installed on Town property.

Chief Bernier said speeding was a concern on King's Highway, and agreed with adding signage and lighting. He advised that signage helps with enforcement, if a case goes to court. Road Agent Mark Fuller said signs would come to a total of approximately \$200. Selectman Rhoades inquired about LED signs, but RA Fuller said he believed they would become targets for vandals. Chair Gehl asked Commissioner Lapierre to investigate costs of a streetlight. Selectman Bickford said the Town might be able to shut off one already installed, to compensate for the cost of a new one. He said he'd gotten information on costs from the Electric Co-op. Chair Gehl said the Board could take the matter into consideration during the budgeting process, and asked for copies of the Co-op information. RA Fuller pointed out that past policy was to ensure that major intersections have streetlights, and that intersection would qualify.

Commissioner Lapierre also brought up the possible removal of two pine trees that block the view coming out of Mountain Drive. RA Fuller suggested he call Public Service of NH, and that he would, too, in hope of them removing the trees as they are close to a wire.

4. Public Hearing

At 7:35 p.m., Chair Gehl opening a public hearing pursuant to RSA 91-A to present three financial policies, namely, purchasing, investment, and credit card use. Selectman Rhoades asked if there had yet been clarification of the highlighted items in the investment policy. TA Whittaker said she was waiting to hear from the auditor and the bank. She said she assumed the language means once an amount hits a cap, the money then goes into another "sweep" account. Selectman Bickford asked about a CD with information on financial policies. TA Whittaker said the Local Government Center produces one, but that she had not seen it at Town Hall. She said she could pick one up at the upcoming conference. Chair Gehl noted that feedback from the auditors was forthcoming regarding the investment policy, but he saw no reason to delay progress on the other two policies.

There was no public input. TA Whittaker mentioned one citizen-reviewed copies of the policies at Town Hall.

Motion by Selectman Rhoades to approve the credit card use policy as written; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Rhoades to approve the purchasing policy as written, second by Selectman Bickford. The motion carried unanimously.

Motion by Chair Gehl to continue the public hearing on consideration of the Town's investment policy to the next meeting on November 5, 2007; second by Selectman Rhoades. The motion carried unanimously.

5. Department Reports

Police – Chief Bernier provided the Board with the breakdown of activity for September. The Board noted 50 criminal and motor vehicle arrests, and 324 property checks. Chief Bernier said surrounding towns have suffered a rash of burglaries, and said help from residents was appreciated by the department.

Chair Gehl read a thank-you card from the third grade to the police department. Chief Bernier said the group toured the station, met the canine, and sat inside a cruiser. The note mentioned that when the siren operated, “it felt like an elephant was coming at us.” Chief Bernier said his department enjoys having the children visit.

Selectman Bickford asked if Chief Bernier was continuing to keep data on mutual aid calls. Chief Bernier said he was.

Highway – RA Fuller brought up a previous Board discussion about parking in the Town Hall parking lot after hours. He said any cars parked there overnight could be a problem for his crew in the winter. TA Whittaker asked if the town has a wintertime parking ordinance, which the Chief responded with a positive, and Chief Bernier said he would look at ordinances in other towns. Selectman Rhoades suggested as a starting point, a note could be left on cars, saying the vehicle could be boxed in if it snowed during the night. Chief Bernier said his department has done that, and cited instances when vehicle owners had been spoken to. He explained the parking lot created difficulties getting emergency vehicles out. He agreed there should be an ordinance. RA Fuller said the policy should really be no vehicles parked overnight. Selectman Rhoades added that Chief Bernier has problems in the daytime hours, also. He said the clustered municipal buildings are here for business. Chair Gehl asked to see a sample ordinance.

RA Fuller reported Crown Point Survey completed Chamberlin Way re the outstanding drainage issues. TA Whittaker said two lots in the development are still for sale, and that RA Fuller would prefer all construction in the area be finished before the final paving is done therefore a portion of the bond money could be released, but felt it important to withhold sufficient funds to cover the costs of the top coat paving.

RA Fuller said he met with representatives from Norway Plains on September 21, 2007, regarding a property on the back section of South Shore Road. Chair Gehl said the description accurately depicts the consideration of potential development of two lots that would affect lots toward the lake.

6. Public Informational Meeting ~ Jones Pond Unscheduled Draw down.

At 8:00 p.m., Chair Gehl opened a public informational meeting regarding an unscheduled draw down of Jones' Pond pursuant to RSA 482:13. Due to the Milfoil Committee's plans to treat milfoil in the Merrymeeting River upstream of Jones' Pond Dam during the summer of 2008, the draw down needs to occur in 2007 in order to allow the committee to map the extent of the milfoil within that section of the river.

Representatives of the Dam Bureau, Jim Gallagher, Andy Stout, and Jason Smith, superintendent of the Fish and Game's Fish Hatchery were in attendance. Mr. Gallagher explained the dam is a state-owned dam operated by the Dam Bureau, and that the request for the draw down came from

the Milfoil Committee. He said neither the Dam Bureau or Fish and Game have an objection. TA Whittaker said she had alerted the fire department to the situation, and would notify the abutter who had problems with his water source the last time the pond was drawn down. Mr. Gallagher said that refill should occur quickly. Mr. Stout said the draw down would begin at the end of October, and that it would take two to three weeks to get to four feet down. The water would then be kept at that level for a minimum of two weeks. Ed Neister said the committee would then have two weekends to work. He added that the stalks would defoliate, or break down once exposed out of water.

Chair Gehl noted no committee members in attendance. Mr. Neister said the committee had the manpower and commitment to accomplish the goal. He recommended cleaning up of the section of waterway that will be exposed. Chair Gehl said litter clean up was acceptable and removal by hand of dead vegetation, but that the Shoreland Protection Act must be followed. Mr. Gallagher added that sediment removal required a wetlands permit.

Terry Jarvis asked what effect the herbicide would have on drinking water and ground water. Chair Gehl said the committee has no clear plans in that direction yet. Mr. Neister said the growth hormone used speeds up milfoil growth so it dies, and is not detrimental to fish or humans. He said in conducted tests, none of the chemical was present in neighboring wells. Chair Gehl stated that use of any chemical is subject to restrictions, which will require careful monitoring.

At 8:20 p.m., Chair Gehl closed the informational meeting with a note of thanks to DES and Fish and Game. The Board called a brief recess and reconvened at 8:26 p.m.

7. Administrative Review

TA Whittaker said she had no separate report as those items were covered within the agenda. She asked Selectman Rhoades to relay to the Planning Board four phone calls received concerning enforcement of RVs and trailers used as residences. Three were on lakefront property and the fourth was on a woodlot with a camper there being used full-time in absence of lumbering activities. She said the situation was a larger problem that the planners might think. Code Enforcement Officer David Lindberg is out ill and thus enforcement issues were now coming across the town administrator's desk.

Selectman Bickford asked if there was an ordinance. Chair Gehl responded there was nothing specific to seasonal use on the lake. TA Whittaker added that there is no way to determine if the RV or trailer is being used as a dwelling unless the property is watched 24/7, which would be impossible for any staff member. Selectman Rhoades said trailers and RVs are mentioned in the Shoreland Protection Act, but the definition of an RV must be clarified, and enforcement is part of the overall issue. TA Whittaker mentioned environmental issues concerning extra pressures on septics and illegal disposal of septage and gray water. Chair Gehl said clarification was necessary so enforcement could occur. Mr. Rhoades will relay the same at the next Planning Board meeting.

8. Schedule Next Meeting & Budget Workshop Sessions

- ❑ The Board scheduled its next meeting for November 5, 2007 at 7:00 p.m. at Town Hall.
- ❑ A budget review work session is scheduled for October 22, 2007. The Board rescheduled its budget review session of October 29, 2007 to November 5, 2007 starting at 8:30 a.m.

9. Old Business

March's Pond Dam – The Board will meet with the Dam Bureau on October 17, 2007, to discuss how to approach the reconstruction work of the dam. Due to recent rainfall, a few inches have been recovered in the pond.

Website – TA Whittaker said she has not yet heard back from Virtual Town Hall.

Estuary Alliance for Sewage Treatment – TA Whittaker advised the first meeting of EAST is to be on October 19, 2007 to develop plans regarding sewage treatment and septic disposal. The Board discussed that the seacoast towns would benefit more than New Durham, but that the issue was important to the Town and there were no real obligations.

10. New Business

Town Tax Rate Estimate: TA Whittaker said DRA has still not determined the date the tax rate will be set. However, in the interim she had prepared an estimated tax rate breakdown to the board noting that the rate is slightly less than had been predicted in February 2007 due to improved revenues, higher town valuation, and reduced approved appropriations from town meeting. For the record the Tax Rate was estimated at \$5.76 as compared to the 2006 rate of \$5.17.

11. Approval of Minutes

Motion by Chair Gehl to table consideration of the October 1, 2007 minutes to November 5, 2007; second by Selectman Rhoades. The motion carried unanimously.

12. Return to Department Reports

Fire - Interim Fire Chief Rod Nelson reported Asst. Chief Russ Sample was ill. TA Whittaker said abutter Mr. Murphy had no objections to the addition plans, but final approval of the construction of a driveway would be subject to the terms and conditions of his lease.

Chief Nelson said his department was readying the year's report. He said the 75-foot ladder truck posed a potential hazard. The aluminum ladder could collapse because of too much weight, caused by the pipe, on one side. A steel plate is in place to correctly position a gun. The gun would cost \$8,000 plus installation. He said the total cost was being investigated as part of the budget process.

Selectman Bickford asked about the McKay Sand Pit road. Chief Nelson said he had been up there with the ambulance. Chair Gehl said an analysis of the particular stretch of road in question could be written up. TA Whittaker presented the Board with a resolution written by attorney Art Hoover, representing the McKays.

13. Any Other Business

TA Whittaker said she received an email from BI Lindberg, who reported he was reentering the hospital on October 16, 2007 to receive chemotherapy the following day. She noted no deputy building inspectors were at Town Hall during the designated hours on Saturday, and she would connect with them regarding that.

14. Adjournment

Motion by Selectman Bickford to adjourn the meeting at 9:17 p.m.; second by Selectman Rhoades. 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.