

New Durham Board of Selectmen
Minutes of Meeting ~ February 4, 2008
Town Hall

Members present: Ronald Gehl, Peter Rhoades, David Bickford

Also present: Town Administrator April Whittaker, Road Agent Mark Fuller, Town Clerk Carole Ingham, CEO/BI David Lindberg, Josh Bouchard, Marcia Clark, Gigi Giambanco, Cathy Orlowicz, Bill Straub

- 1. Call to Order** – Chairperson Ronald Gehl called the meeting to order at 7:05 p.m., and led the Pledge of Allegiance.
- 2. Citizens' Forum** –Town Clerk Carole Ingham advised that candidates' order on the ballot must be determined. She had Selectmen Peter Rhoades and David Bickford pick the names from a basket for random order purposes.
- 3. Public Appointment** – The Board met with Bill Straub and Josh Bouchard of CMA Engineers with respect to the project review of March's Pond Dam reconstruction. Mr. Straub reported the Town received five bids, which all ran higher than expected due to an underestimated cost of concrete. The low bid of \$547,400 was from DBU Construction of Epsom, a firm CMA has worked with before and recommends.

Mr. Straub outlined potential cost savings. The bid could be lowered to \$463,600 if the Town does the culvert work on the two culverts on Birch Hill Road. A further \$10,000 could be saved by using 40" HDPE plastic pipe rather than concrete on the culvert between Chalk Pond and March's Pond for a combined savings of \$83,800. Road Agent Mark Fuller said he was comfortable using plastic pipe.

If the culvert work were not part of the contract, the shortened timeframe would be 120 days; which would constitute additional savings, as the state requires an engineer on site the entire time since the dam is categorized as high hazard. CMA estimated the engineering and administrative costs to be approximately \$100,000.

Selectman Rhoades asked why DBU's bid would be so much lower than the others. Mr. Straub replied they have their own pit and also might not subcontract as much. RA Fuller said the culverts eliminated from the project could be installed when that section of road is rebuilt. Selectman Rhoades asked if saving \$10,000 was wise long-term if concrete is supposed to last 150 years. Mr. Straub said larger spans would require concrete, but not one of this size. Chair Gehl said the size was appropriate for the amount of flow. Mr. Bouchard added that plastic is expected to last 100 years.

Town Administrator April Whittaker noted that, with a contingency of 10 per cent, the budget would be \$619,740. Mr. Bouchard said DBU would subcontract the concrete work. Chair Gehl noted the high cost attached to clean up. Mr. Straub agreed, but said the entire job would be done for the bid price, which was comparatively low.

Mr. Straub went on to say that the state now wants firms that have worked on five dam projects in NH within five years to review/stamp. Therefore, this project must be reviewed/stamped by an additional firm. He recommended Robert Durfee of Dubois & King of Nashua, who has agreed to hold peer review and stamp, as well as take on the role of lead engineer with CMA's assistance. CMA will absorb the

cost. Mr. Straub said he would prepare a letter to DBU Construction for the Town expressing its intent conditional upon Town Meeting, March 12, 2008.

RA Fuller asked if back-up would be provided for the resident engineer and Mr. Straub said CMA would provide the resident engineer and there were people to step in, if need be. RA Fuller then asked about road damage, especially along Route 11 and the route to the construction site. He wondered if repairs would be included in the clean up. Mr. Straub said if the trucks were complying with load limits, there would be no recourse. He suggested identifying problem corners and areas to discuss with DBU.

Selectman Bickford asked what the resident engineer's duties would be. Mr. Straub detailed them, including observing and ensuring that the specs are met. He recommended a contingency of 10 per cent. TA Whittaker said the Town could see a return on its investment in six years. Chair Gehl added that if the dam were not reconstructed, the Town would lose \$101,000 in property tax revenue per year, as the properties would no longer be waterfront. He said it would cost the Town more not to reconstruct the dam over the long term.

RA Fuller asked Mr. Straub to give him a calculation for the cost of upsizing the first downstream culvert so he will have a figure when the road project is started. Selectman Rhoades suggested the bond amount be proposed at \$619,740. There was a brief discussion of marketing strategy.

Motion by Selectman Bickford to set the bond amount for the March's Pond dam project at \$620,000; second by Selectman Rhoades. The motion carried unanimously.

TA Whittaker lauded CMA Engineers as being a tremendous group to work with. Selectman Rhoades noted that the work was completed within the timeline. Mr. Straub said the Town has been fair.

4. Department Reports

Highway – RA Fuller reported that sand and salt consumption has been high and that he has to order more salt.

Truck Bids: Regarding bids that came in last week for the 2008 4x4 truck, he told the Board that "Freightliner" was low at \$79,754. He and Equipment Mechanic David Valladares will look at a similar truck and, if they find it acceptable, would recommend it, along with Fairfield's plow and wing package for \$29,936. Chair Gehl said the lower than expected cost was good news and that the Board appreciated RA Fuller's work.

Motion by Selectman Bickford to accept the bid pending Town Meeting vote and physical review of the Freightliner 2008 4x4 truck at \$79,754, along with Fairfield's Everest plow/wing equipment at \$29,936 for a total of \$110,000; second by Selectman Rhoades. The motion carried unanimously.

Town Clerk – TC Ingham informed the Board that the Town will have the ability for residents to make online payments for motor vehicles on May 27, 2008, once Virtual Town Hall (Town Web Site vendors) goes live. She pointed out that the Town needs an ordinance to accept credit card payment. Under RSA 39, such an ordinance needs to be voted on at Town Meeting. TA Whittaker said credit card payments would be all right as long as the Town can recoup its costs, which can be high. TC Ingham said Hanover and Conway have already adopted an ordinance for acceptance of credit cards, and Farmington and Wolfeboro will vote on the issue this year. TA Whittaker asked if enabling legislation was necessary for debit cards. Chair Gehl said there was no RSA supporting the use of debit cards. TC Ingham said she would inquire about it.

Motion by Selectman Rhoades to move the proposed article concerning acceptance of credit cards to the 2008 warrant; second by Selectman Bickford. The motion carried unanimously.

5. Administrative Review

The Board scheduled its next meeting for **Wednesday, February 20, 2008 at 7:00 p.m.** at Town Hall, due to Monday being Presidents' Day.

TA Whittaker presented several items of information:

- ❑ a copy of the Community/Paramedic Intercept Service Agreement, which has been sent to Town Counsel for legal language review;
- ❑ a copy of a citizen's petition; and information regarding the Local Government Center's Annual Regional Dinner, which will include presentations on the revised state retirement system.
- ❑ a copy draft of the budget for review which she will be forwarding it to the Budget Committee.

6. New Business

Support of Litigation - Chair Gehl introduced correspondence from the LGC (Local Government Center) in respect to litigation work it is proposing concerning recent changes in the NH retirement system. He said the LGC considers Bill 63 as a sizable unconstitutional unfunded mandate that will result in taxpayers paying \$2.7 billion over 30 years. He said the LGC is asking for towns' support to counter this, as the legal fees could amount to half a million dollars. New Durham's estimated contribution would be \$314.41. In keeping with the overall spirit of the night, Selectman Rhoades suggested rounding the estimate up.

Motion by Selectman Rhoades to support the LGC's litigation work from the Town's legal account in the amount of \$315; second by Chair Gehl. Selectman Bickford asked where the money would come from, if not from employers. TA Whittaker responded it should come from the state special account as in the past. Chair Gehl said he believed the LGC is essentially asking the legislature to revisit its entire proposition. **The motion carried unanimously.**

Bridge Aid Program - Selectman Bickford said he'd spoken with Sherry Blanchard of the Bridge Aid Program regarding state aid for the Davis Crossing Road project. He relayed that she said the state would pay 80 per cent of the bridge cost and that the Town should apply. Chair Gehl said that such action was already on the radar screen and had been discussed last spring in concert with Cynthia Copeland of the Strafford Regional Planning Commission. An alternative suggestion was supported at the time to see if we might become applicable under the DOT Ten Year Plan. RA Fuller said when he looked into it in the past, it was felt too costly for the community given the road improvements that the State required for such aid. Chair Gehl said the Town was rejected for Hazard Mitigation Aid in the past. However, Mark Fuller felt that with the reserves already accumulated, the cost factor may be in New Durham's favor at such time. The Board signed the application for State Bridge Construction Aid.

7. Old Business

Pole Location on Bennett Road - Selectman Rhoades asked to revisit this issue after Town Meeting given the more important business at hand.

Public Hearing on Bonds and Notes - The hearing will be held at the next meeting on February 20, 2008 for issuance of bonds and notes for the Dam and possible issuance of notes for a new fire truck.

Solid Waste Disposal Contract - Chair Gehl said another party has expressed interest but has not come forward. He said he collected information on going rates and that there were less expensive avenues of

disposal, but higher transportation costs would have to be figured in. The Board decided to discuss the issue at the next meeting.

Wage and Salary Contract – In response to Selectman Bickford’s inquiry about including salaries from the private sector, TA Whittaker said the LGC said they will do a private sector review for communities that lose people to the private sector. The Town would name what business would be used for comparison purposes. She said the Town, generally, does not lose staff to the private sector, but rather to other municipalities. She also pointed out that there would be an addendum to the contract indicating the Town will get 20 per cent off, as it has two lines of insurance service with the LGC.

Chair Gehl said the job descriptions TA Whittaker writes are accurate and he was comfortable with her doing them, rather than the LGC. Selectman Bickford said having the LGC write them gives the appearance of independence. Chair Gehl said he did not see the need. He stated that having a local perspective is more beneficial than a canned description. TA Whittaker noted that by supplying the information to the LGC regarding duties, the Town is providing the backbone of the description in any case.

Chair Gehl said the descriptions provide the LGC with a total understanding of the positions, so they can categorize them for comparable positions in other towns. He said the Board would review the descriptions before they are sent to the LGC. Selectman Bickford said it was smarter to have them done independently. Chair Gehl stated, by having TA Whittaker do them, it was an opportunity to save \$2,000, which he hoped fellow board members were appreciative of following the recent budget cutting cycle.

Motion by Selectman Rhoades to approve the Wage and Salary Contract with the Local Government Center at \$100 per position, pending review of the job descriptions by the Board of Selectmen prior to being sent on to the Local Government Center; second by Chair Gehl. The motion carried unanimously.

The Board signed the contract.

8. Approval of Minutes

Motion by Chair Gehl to approve the minutes of the business meeting of January 21, 2008 as amended; second by Selectman Bickford. Gehl – aye, Bickford – aye, Rhoades – abstained. The motion carried.

Motion by Selectman Bickford to approve the budget work session minutes of January 28, 2008 as amended, second by Selectman Rhoades. The motion carried unanimously.

Motion by Selectman Bickford to approve the business meeting minutes of January 30, 2008 as amended; second by Selectman Rhoades. The motion carried unanimously.

9. Any Other Business

Selectman Bickford said he attended the most recent School Board meeting. In regard to the proposed intermediate school, he stated he thought they should go more “green”.

10. Adjournment

Motion by Chair Gehl to adjourn the meeting at 9:22 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.