

**New Durham Board of Selectmen**  
**Minutes of Meeting ~ March 17, 2008**  
**Town Hall**

**Members present:** Ronald Gehl, Peter Rhoades (wearing green), David Bickford

**Also present:** Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, BI/CEO David Lindberg, Sgt. Jason Lamontagne, Gigi Giambanco, Terry Jarvis, Ed Neister, Cathy Orlowicz

**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** - There was no public input.

**3. Election of Chairperson and Committee Appointments**

**Motion by Chair Gehl to nominate Selectman Peter Rhoades as chairperson through Town Meeting 2009; second by Selectman David Bickford, for discussion.** Selectman Bickford asked Selectman Rhoades if he would be succinct during meetings, and Selectman Rhoades assured him he tired before midnight, unlike Chair Gehl. A vote was called. Levity prevailed. **Gehl - aye, Bickford - aye, Rhoades - nay. The motion carried.**

Chair Rhoades assumed control of the meeting and the gavel, and turned to the business of board representation beginning with the Planning Board. Selectman Bickford argued he was not the right person to serve on the PB, insisting Selectman Gehl was the better candidate. Chair Rhoades said a knowledge base was not requisite, and that specialists oversaw the work done by the PB. Selectman Gehl encouraged Selectman Bickford to serve, saying each of the selectmen needed a chance at representation and to become fully educated. Chair Rhoades pointed out that Selectman Bickford attends most PB meetings as an interested observer. Chairman Rhoades further indicated that he would like to serve on the Budget Committee.

Selectman Gehl stated that he would like to serve on the Conservation Commission and Advisory CIP Committee. Selectman Bickford reiterated it would be best for the town for Selectman Gehl to be on the PB. Chair Rhoades said the PB needs new members and that Selectman Bickford would offer the Board's perspective. Selectman Gehl explained it would be difficult for him to make Tuesday evening meetings given his recent business planning. Selectman Bickford asked about the entire Board serving as alternates. Selectman Gehl said he was not averse to that, especially since he has been involved with a project that has been before the PB for two and a half years. Selectman Bickford asked what would happen if he wanted to subdivide some of his land, and Selectman Gehl said he could recuse himself. Selectman Bickford said that when he speaks as a private citizen at the PB meetings, the Land Use Administrative Assistant manages to curtail such discussion. Selectman Gehl remarked that diversity on a board is good, but repeating comments are time consuming.

BI/CEO David Lindberg noted Selectman Bickford has knowledge of the Town from past years, and therefore, would be an asset on the PB. He urged Selectman Bickford to serve on the PB, and added that traditionally a different selectman serves every year. Selectman Bickford said he would try it.

**Motion by Selectman Gehl to appoint Selectman Bickford as selectmen's representative to the Planning Board; second by Chair Rhoades. Rhoades - aye, Gehl - aye, Bickford - nay. The motion and jesting carried.**

**Motion by Chair Rhoades to appoint Selectman Gehl to the Conservation Commission and CIP Advisory Committee; second by Selectman Bickford. The motion carried unanimously.**

**Motion by Selectman Gehl to appoint Chair Rhoades as the selectmen's representative to the Budget Committee; second by Chair Rhoades. The motion carried unanimously.**

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

*Boodey House* - Cathy Orlowicz reported that the Zachariah Boodey House Committee met recently, and asked permission for the Committee to erect signs to track fundraising results and denote the site of the house's future location, and to use the Town's bulk mail permit for a mailing regarding fundraising efforts. Chair Rhoades said he wondered about the effect of the fundraising chart remaining at a low level for a long time. Ms. Orlowicz said a thermometer-style sign worked well for Old Home Day, and that signage was a way to raise awareness. She said the thermometer would track monies needed only for the dismantling phase of the overall project, and that the Committee needed to raise an additional \$6,000 for that.

**Motion by Selectman Bickford to allow the Zachariah Boodey House Committee to erect two signs - one a thermometer-style and a smaller one noting the future site of the Boodey House - at the location of the future home in keeping with Zoning ordinances; second by Selectman Gehl. The motion carried unanimously.**

Chair Rhoades asked if the money for the mailing would come from the Committee's funds. Selectman Gehl said nothing had been appropriated for a mailing. TA April Whittaker said the Treasurer has been keeping a separate account for the Committee.

**Motion by Chair Rhoades to allow the Zachariah Boodey House Committee to use the Town's bulk rate permit for a mailing with funds from the Boodey House Committee's account; second by Selectman Bickford. The motion carried unanimously.**

*Police Department* - Police Chief Shawn Bernier said his department recovered stolen jewelry taken two years ago from the Meaderboro, Ridge, and Ten Rod Roads area worth approximately \$9,000. Two residents have already identified items. Chair Rhoades asked about the reclamation process. Chief Bernier said the item must have been reported missing first. He said the department usually matches the jewelry with

the insurance claim. He indicated dissemination of item description through the media was helpful.

Chief Bernier asked about the status of the generator, as flood season is approaching. Selectman Gehl said the proposed addition to the fire station needs to be finalized before placing the generator. He said the issue would be resolved soon.

Chief Bernier reported that Sgt. Jason Lamontagne put in a new eye wash station. He added the new cruiser came in, but was black, so has been re-ordered.

*Highway* - Road Agent Mark Fuller said the truck has been ordered and will take 90 days for delivery, at a minimum. The old truck was repaired and is back to functioning as a four-wheel drive vehicle. He said the Town was offered \$12,000 for the truck, plow, and wing in trade-in, but that a private sale might secure a higher price. Chair Rhoades suggested posting it on Internet sites to see what response might occur.

RA Fuller reported he ran out of sand that the Town paid \$8/cubic yard for and had to purchase sand at \$14/cubic yard, as the usual vendor could not supply any. He bought 200 yards to get through the recent storm. Selectman Gehl said the purchase affords an idea of what the market price is, and how well the Town has been doing with its vendor.

Chair Rhoades asked about the Cummins' bill for replacing wires. RA Fuller said the Town Mechanic worked with the repairperson and had more information, but that reprogramming was needed after installation of an injector pump. Chair Rhoades pointed out that the Town got the short end of the stick. Selectman Bickford noted that Cummins' is full of surprises.

*Fire* - TA Whittaker provided from the Fire Department, the qualifications of Deputy Chief Peter Varney that are proposed as a model of qualifications on the website, and an update on the department to review. The update indicates 25 general members, 60 per cent of ambulance runs at Advanced Life Support level, 13 members with EMS licenses, 17 certified fire fighters, 4 certified intervention team members, two state certified fire instructors in-house, one state certified EMT instructor in-house, and an Explorer troop with 4 members.

Chair Rhoades brought up Paramedic Kevin Jenckes running a course for eight department members, one of who is his daughter, in light of the passing of the Code of Ethics. Selectman Bickford said he did not think that went over the line. Chair Rhoades noted that Mr. Jenckes is giving the Town a decided discount, charging \$200 a person rather than \$500, and was appreciative of this effort, but just wanted assurance that the concept of the training details met the framework, spirit and intent of the new ordinance. The Fire Department is paying for the course. TA Whittaker is to invite Mr. Jenckes to meet with the Board regarding the issue at the next meeting.

Mr. Lindberg asked how the Code of Ethics affected his two assistants. Selectman Bickford said he had an issue with the Code, as the Town regulations are stricter than the state's. Selectman Gehl said it would not go into effect for another 20 days. He read

the section of the Code that details not appearing before a governmental body of which one is a member. He said the definition of governmental body needed to be answered, and that he saw it as a board or commission or committee. Chair Rhoades said the Board would discuss the matter at its workshop. He said the issue is how to implement the Code.

**5. Schedule Next Meeting** – The Board scheduled its next meeting for April 7, at 7:00 p.m. in Town Hall.

**6. Administrative Review**

TA Whittaker said she would set up a public hearing for revising the fee schedule for the Supervisors of the Checklist to encompass all forms of information, including electronic transfer.

The Board scheduled its goals workshop for March 31, 2008 at 7:00 p.m. at Town Hall.

TA Whittaker presented a letter from the Strafford Regional Planning Commission, citing two unfilled vacancies for representatives from New Durham, despite the fact that the Board appointed David Allen as a rep. She suggested the Planning Board might provide a representative. Selectman Gehl said he served as representative for six years and it was a valuable experience. He noted it was important to stay in touch with regional issues.

TA Whittaker reported on a regional impact statement regarding the development of an airstrip in Middleton, and termed the project a “watcher” in terms of impact to New Durham.

The Board completed a first reading of three proposed draft policies:

- ❑ New Durham website hyperlink,
- ❑ Use of Town computer resources,
- ❑ Use of e-mail, computer, and telephonic communications.

TA Whittaker said she was checking with the Attorney General’s office regarding potential exclusions for the police department regarding email communications due to privacy needs. Terry Jarvis suggested the fire department might also need protected communication. TA Whittaker said the personnel committee was pleased with the website hyperlink policy, and proposed bringing it before the Board at the next meeting for a final reading. She said hitting the refresh button helped solve website loading problems. Ms. Orlowicz asked about the meeting minutes from years ago that were on the old website. Selectman Gehl said the old site is not being stored. TA Whittaker is to check into seeing if older minutes can be saved. Selectman Bickford stated concern for item #3 in the hyperlink policy that could be construed to accommodate special interest groups. He also cautioned about linking to churches - asking who will decide what churches are listed - and advertising, citing the Farmers’ Market. TA Whittaker said the personnel committee felt it was important that links go to associations or a chamber of

commerce, rather than individual businesses. She said churches need to be registered with the state.

The Board reviewed the 2008 salary order.

**Motion by Selectman Gehl to approve the revised salary order 2008; second by Chair Rhoades. The motion carried unanimously.** The Board signed the order.

TA Whittaker provided the MS-2 Statement of Appropriations Form to go to DRA. It reflects that \$4,144,972 was raised and appropriated at Town Meeting.

**Motion by Selectman Gehl to approve the MS-2 Statement of Appropriations Form; second by Selectman Bickford. The motion carried unanimously.** The Board signed the form.

The Board reviewed the report of CHANCES – Children’s Alternatives and Non-Court Solutions, which the Town supports. According to the report, in 2007, CHANCES provided services to 44 New Durham young people and their families. Referrals came from parents, schools, physicians, the police department, DCYF, Rochester District Court, and other agencies. Selectman Gehl asked Chief Bernier if he agreed with the low recidivism rate of 7 per cent that CHANCES claimed with the New Durham youngsters, and Chief Bernier said yes. Selectman Gehl said, therefore, it was an incredibly good program.

The Board reviewed appointments to various committees and agreed to call the individuals to see if they were interested in continuing to serve. Selectman Bickford said he would like to see the names of all individuals who apply to the Parks and Recreation Commission, rather than just those recommended by the Commission. He said that was incumbent upon the Board, as referenced in the Commission’s by-laws. He indicated the Commission had taken some authority away from the Board of Selectmen. Selectman Gehl asked to see the by-laws. Selectman Bickford also suggested all vacancies for committees be posted on the website as a separate entity.

## **7. New Business**

***Town Meeting Round-up*** - TA Whittaker provided the Board with 11 actions required from Town Meeting, including:

**Motion by Selectman Gehl to award the March’s Pond Reconstruction bid to DBU Construction of Epsom, NH subject to completion of negotiations for a change order to an adjusted bid price of \$463,600; second by Selectman Bickford.** TA Whittaker noted that CMA Engineers have negotiated with DBU. She added that commercial interest rates are not decreasing. **The motion carried unanimously.** TA Whittaker suggested the Town apply to the bond bank, as its rates are lower than the current offerings from local banks, but that the bond bank does charge an administration fee, which needs to be taken into consideration.

The Board agreed to hear the concerns of the Budget Committee before allocating the extra money raised for the operating budget to the sand, salt, and highway department overtime lines.

The Board agreed to advertise all surplus equipment.

The Board agreed to organize an Ethics Committee and bring Town Counsel in for legal input at its inaugural meeting, which would be open to all department heads also.

### **8. Old Business**

*Mailboxes on Chamberlin Way* - The Board discussed surveying the residents of Chamberlin Way and Hilltop Circle to determine if 100 per cent of them would agree to bear the costs of up to \$500 in road improvements for curbside delivery of mail. RA Fuller asked who would maintain the aprons, and if the mailboxes would be on both sides of the road or only one. Selectman Bickford said curbside delivery was contrary to what the Road Agent recommended and wanted. He noted that if the Town contradicted the Road Agent, a policy might need to be developed. TA Whittaker added that she did not want to have to survey every new development. Mr. Lindberg said the Planning Board addressed the mail delivery issue. He said the New Durham Postmaster recommended two sets of cluster boxes, so as not to increase mileage costs. Selectman Gehl said it was in the final approved plan, but the Board was being responsive to residents. TA Whittaker opined that the Town needs to be responsive to the residents because privacy issues, and determination of who clears out the cluster box areas was not covered in the final plan. RA Fuller outlined that mailboxes are an obstruction and cause deterioration at the side of the road due to vehicles pulling close to them, and that those two issues are a concern. Sgt. Lamontagne, who lives in the area, said two sets of cluster boxes would be fair, so those living on one side would not have to drive so far for their mail. The Board agreed to survey the residents and help them petition the Post Office.

**Motion by Chair Rhoades to conduct a survey of Chamberlin Way and Hilltop Circle residents to determine unanimous agreement to place curbside boxes and bear the cost of road improvements and maintenance; second by Selectman Gehl. The motion carried unanimously.**

*Pole Placement on Bennett Road* - Chair Rhoades said he would like the issue taken off of Old Business, as he measured stonewall from stonewall and the pole is probably placed right on the edge of Town property. He said if a lane were considered less than nine feet, it would be a dead issue. He said, as the New Hampshire Electric Co-op is fighting the matter so hard, it was not worth pursuing.

### **9. Approval of Minutes**

**Motion by Selectman Gehl to approve the minutes of March 3, 2008 as amended; second by Selectman Bickford. The motion carried unanimously.**

### **10. Any Other Business**

*Franchise Fee* - TA Whittaker reported the franchise fee from Metrocast Cable TV is \$18,014.

***Copple Crown roads*** - Selectman Bickford said he discovered a 2/3 vote of those present is necessary for a Copple Crown road to be accepted. He said he was told by the Local Government Center that if the Village District was maintaining a road, it is considered a Class V road. Selectman Gehl said that particular statement conflicts with Town Counsel input in 2004 or 2005. He noted most of the Copple Crown roads were not accepted, but designated as private ways. Selectman Bickford said he wanted to understand why the Town and Village District have gone the way they have. Chair Rhoades said the issue would be discussed two meetings from now, as TA Whittaker was going to be out of town, and it will be time consuming to pull all the material together.

**11. Non-Public Session**

**Motion by Chair Rhoades at 9:45 p.m. to enter into non-public session under RSA 91-A:3 II (c); second by Selectman Gehl. A roll call was taken. Rhoades - aye, Gehl - aye, Bickford - aye.**

The Board met with TA Whittaker. General discussion ensued regarding management concerns for a Town department. The Board determined to meet with the department head.

**Motion by Chair Rhoades to come out of non-public session at 10:35 p.m.; second by Selectman Gehl. The motion carried unanimously.**

**12.. Adjournment**

**Motion by Selectman Gehl to adjourn the meeting at 10:36 p.m.; second by Chair 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.