

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

**New Durham Board of Selectmen
Minutes of Meeting ~ October 6, 2008
New Durham Town Hall**

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, BI/CEO Arthur Capello, Solid Waste Manager Joe Bloskey, Cathy Orlowicz, Anneleen Loughlin, Bernard Loughlin, Mary McHale, John and Linda Cardile, Katie Tothill

1. Call to Order – Chairperson Peter Rhoades called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

2. Public Input – Regarding the March’s Pond Dam situation, Chair Rhoades announced the NH Department of Revenue Administration (DRA) approved taking money from the undesignated reserve fund to move forward with the project. He said the construction company has not yet posted a performance bond, but that there had been a handshake agreement at the meeting last Thursday that the Town would move forward if able to get approved to use the additional money towards the project. Town Administrator (TA) April Whittaker read highlights of a letter from engineer William Straub indicating granting of the dam reconstruction permit and a minor change order, with hopes of executing the contract late this week or early next week. She noted the Department of Revenue Administration acted quickly, and thanked them.

Mary McHale spoke briefly on the month-long, town-wide event dubbed “New Durham Reads”. She said her bookstore, the library, and the school are all involved in the goal to have everyone in town read “The Good, Good Pig” by Sy Montgomery, or the children’s version of the story by Howard Mansfield. The national best seller is based on the life of a pig owned by Ms. Montgomery in Hanover, NH. An all-age group discussion will be held October 16, 2008. The following day, the authors will be at New Durham School conducting workshops and will end their visit with a party at Foxtale Books. Ms. McHale encouraged everyone to read the book. TA Whittaker said she was halfway through it and has not been able to put it down. She termed it a wonderful read.

Bernard Loughlin asked about the minor change in the dam reconstruction project. TA Whittaker said it was unknown, as Engineer. Straub had not gone into detail in his e-mail.

3. Department Reports

Building – Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello said he was awaiting word from Town Counsel regarding the illegal junkyard on Main Street, as the property owner has not responded and the deadline is up. He said a representative from the Department of Environmental Services will walk the Old Bay Road property currently under scrutiny with him.

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

Highway – Road Agent (RA) Fuller said his crew was finishing summer projects and starting to get ready for winter by servicing and preparing the sanders. He said the Town currently has 290 tons of salt and has been mixing it with sand. More sand is expected.

Police – Police Chief Shawn Bernier said he and Fire Chief Peter Varney toured the Emergency 9-1-1 facility in Laconia on Thursday. They asked specifically to be shown how the GPS driveway system could help the two departments. As a result of that, Chief Bernier said he supported going onto the system. He said his officers would have a disk that assists in locating a house through GPS capabilities. He said some road names would need to be changed, citing “Ridge Road Top” as an example as like-sounding road names must be changed should the town approve utilizing the state system. Chief Bernier said he and the fire chief believe becoming part of E 9-1-1 will help emergency services. Chair Rhoades asked if the Town could get a list of potential road name changes before actually becoming part of E 9-1-1, in order to have an idea of the magnitude of road name changes involved. Chief Bernier said he would ask Mike Kelliher on Wednesday for such a listing from their perspective.

Chief Bernier said the department was pleased with the new door on the police station, and thanked Mr. Rhoades for his labors. Chair Rhoades said he finished painting it this morning. Chief Bernier said he would paint the front door. Chair Rhoades stated a more concerted effort should be made regarding the maintenance of Town buildings and asked that this matter be thought about for the upcoming budget season.

Solid Waste – Solid Waste Manager Joe Bloskey provided the Board with cost comparisons for rubbish and demolition for the past several years. Chair Rhoades said he’d read that Waste Management would take all recyclables co-mingled. Mr. Bloskey affirmed that the Town can now co-mingle glass and plastics and pay the same hauling fee. Mr. Bloskey presented the cost to clean up the burn area. Chair Rhoades expressed dismay at the \$6,000 price tag for the miscellaneous material left after burning. Mr. Bloskey pointed out that there are two more containers thus the real price tag would be higher. He said leftover material from the burn pile is too big to burn. Chair Rhoades asked if the size could be limited and Mr. Bloskey said that should be discussed. Selectman Ron Gehl said the issue could be considered during budget season. Mr. Bloskey said it could cost up to \$12,000 to chip and RA Fuller said the project could be put out to bid. Following discussion of costs to burn and possibility of letting piles sit over the winter, the Board decided to let brush accumulate, and go out to bid in the spring for chipping services. RA Fuller said the Town chipper could not be used, as the material is all tangled up. Chair Rhoades asked Mr. Bloskey and RA Fuller to come up with a solution regarding where and how the brush will be piled.

Motion by Selectman Gehl to cease burning activities at the New Durham Transfer Station and favor accumulation of woody brush for potential future chipping; second by Selectman David Bickford. The motion carried unanimously.

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

Selectman Bickford asked TA Whittaker to check on what size potential bidders could handle. Mr. Bloskey said the state uses five inches in diameter for brush limbs.

4. Administrative Review

- ❑ **Resignation: Motion by Chair Rhoades to accept Mark Foynes' resignation from the Boodey House Committee; second by Selectman Bickford. The motion carried unanimously.**

Cathy Orlowicz said there were seven people on the Boodey House Committee. She reminded the Board of the cookout at "Johnson's" on October 11, 2008 to benefit the Boodey House.

- ❑ Appointments: TA Whittaker indicated Mary McHale would like serve, again, on the 1772 Meetinghouse Restoration Committee after the Christmas season. She provided the Board with a series of appointments for ballot clerks to be signed.

Mr. Bloskey advised that the metal roof at the transfer station is leaking. He asked if he should go out to bid for repairs, or have his crew do it. Chair Rhoades asked him, as Manager, to determine the best way to go.

- ❑ TA Whittaker advised extra money would need to be placed in the budget to cover the increased cost of \$35 from \$10 for background checks per information as provided by the Department of Safety.
- ❑ She provided the Board with a quote for a Colonial-style bulletin board for Town Hall. Following discussion, the Board decided to take up the issue during budget season. The Town Hall front doors were also discussed. Chair Rhoades said he would like to see the doors as close to the original design as possible. Selectman Gehl said he would report back on the doors at the next meeting.
- ❑ Mrs. Whittaker presented a refund request from Jesse & Kathy Box for a building permit that had not been taken up. Building Inspector Capello advised the board that he had inspected the property and spoken with the Box's and confirmed that the permit had not been utilized and in fact, would not be used as they had changed their minds with respect to moving a building and pouring a new foundation.

Motion by Chair Rhoades to refund \$685 to Jesse and Kathy Box for a building permit for which actual construction never took place; second by Selectman Bickford. The motion carried unanimously.

- ❑ TA Whittaker advised of a Local Government Center seminar to be held November 1, 2008 for local officials re Town Meeting presentations.
- ❑ The Board scheduled its next meeting for **October 20, 2008 at 7:00 p.m. at Town Hall.**

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

Town Hall Wireless: Chair Rhoades brought up his request to the wireless company for clarification regarding safety. He said the company said there was no increased risk. Selectman Gehl said the company provided two different configurations in wiring. TA Whittaker said the quote was higher. Selectman Gehl said that was because higher security is built into these systems. Ms. McHale said her husband was well versed in the area, and had advised her to avoid wireless at her store, as it was possible that hackers could obtain credit card and/or check numbers. Chair Rhoades said he trusted the company and it stated there was no risk.

Selectman Gehl said Town Hall does not have high-speed bandwidth, so if shared, things could slow down. He said he spoke from personal experience. Chair Rhoades said he would take advantage of it, but he believed it was safe. He said if wireless were installed and enough people used it to cause a slow-down problem, that would indicate that people wanted to use it and something should be done to eliminate that problem. Selectman Gehl said he did not want to spend money managing the system. Chair Rhoades said he was willing to drop the issue. Ms. Orlowicz asked if the Town could monitor the users and Selectman Gehl told her not with this system. This was of concern to Mrs. Orlowicz. The Board left the matter for another time and took the same under advisement.

5. New Business

Culvert on private road review - John Cardile asked for clarification regarding a condition of his occupancy permit that involves upgrading a culvert on South Shore Road. The condition mentions the cooperation between him and the two lot owners between the culvert. He said one owner told him he would not contribute and the lakefront abutter said he would do it when he is ready and if it benefits him with rerouted drainage. Mr. Cardile had spoken with RA Fuller, who advised tearing up the road could run into issues. Linda Cardile said all other conditions of the permits have been completed, and therefore asked for reconsideration of the issuance of a Certificate of Occupancy. She said they agreed to pay one-third of the culvert replacement, but asked for direction on how much to fight for the other owners to contribute.

Chair Rhoades said his interpretation of the conditions of the occupancy permit in the minutes was not that the Cardiles could elect not to effect changes if they did not acquire the financial cooperation of their neighbors. He said the Board would love it if someone cooperated with them.

Selectman Gehl said it was unusual to impose a condition structured that way, and that the Board had erred. Upon review of the minutes, he said the idea of cooperation was made as a suggestion because if the work were done then it would cost less. He said with no development yet on the other two parcels, the size of the culvert needed is not known. He said it was not the Board's intent that the Cardiles pay for the complete replacement because it is two lots distant from where their water drains. RA Fuller said the lakeside neighbor wanted the culvert moved; so then the Town said there would be a sharing of cost. Chair Rhoades was hesitant to wait until the other owner determined where his house

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

was going to be located, as Mr. Cardile suggested. Selectman Bickford pointed out there was a drainage problem that needed correction.

RA Fuller noted the Town has asked for donations from developers to be put toward a project that is carried as road improvements. He pointed out such a donation could be the Cardiles' share. Selectman Gehl said BI/CEO Capello has the ability to impose conditions on the other two lots that would assist in drainage. BI/CEO Capello said that is done in conjunction with the road agent. Selectman Gehl said financial contribution could be a condition imposed on the building permits for the other two lots. RA Fuller said if the Cardiles paid their share now, it would be done. TA Whittaker suggested that for future purposes, the board may want to consider that before consideration of any building permits on private roads that had not technically been built that an engineering study be conducted for all lots proposed to be served by road development to be borne by the abutters. BI/CEO Capello confirmed the Cardiles have addressed all issues except drainage.

Motion by Selectman Gehl to grant an occupancy permit to John and Linda Cardile subject to their donation of \$600 in escrow for replacement of the culvert over South Shore Road; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Gehl that owners of Tax Map 31 lots 731 and 265 be required to contribute equal amounts to the culvert replacement previously discussed. Selectman Bickford said the culvert work might be done before those owners apply for a building permit. BI/CEO Capello said it could be part of the deed. **Second by Selectman Bickford. The motion carried unanimously.** Mrs. Whittaker advised that the lots in question would be so marked on the assessing card as to culvert contribution(s).

6. Old Business

Class VI Roads policy – Chair Rhoades said the Board has been trying to manipulate existing aspects of the policy, but a better way to get results is to set the desired goals. He said then TA Whittaker could write up the policy based on those goals. Discussion ensued on several issues. RA Fuller said it is good if a Class VI road is built up to a good standard, as the Town may eventually have to take it over. Chair Rhoades said one person building on a Class VI road is like a house with a long driveway, but asked how the Town could tell a second person they cannot build there. RA Fuller said the owner at the end of the road winds up maintaining it.

Mrs. Whittaker commented that if the desired goal is to not allow any building irrespective of situation, then the Board may want to consider Class A or B trail designation under statute. Selectman Bickford said the Class VI roads were once public, but after the Civil War residents left and the Town did not maintain the roads. He said he did not want to cut people off from using their property, but they should have the responsibility to improve the road to Class V standards, just as any developer would have to do for a new subdivision road. He said one solution would be to deny any building on a Class VI road unless the road is brought up to Class V standards.

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

Selectman Gehl said the question was how does the Town process that. He said the onus is not on the Planning Board with a single building permit application on a Class VI road. He said the PB advises the Board of Selectmen, but that essentially it is a planning decision. The scattered and premature aspect of development on a Class VI road is important. He said the PB reviews and comments on applications, but the Board does not technically have to listen, as may have happened in the past. He said the Town's policy should be clear that the Board puts a lot of weight on the PB's comments and thus is supportive of the recommendations. He said he would like to set the standard for the state, with a heavy emphasis on planning. TA Whittaker suggested that the Board might want to give specific criteria to the planners so that there is consistency in their deliberations.

Ms. Orlowicz recounted a case where a single home was denied a permit, so a developer came in and there are many homes. She felt that bringing a road up to Class V standards more or less forced an individual to pursue subdivision because of the costs of such road improvements. She said allowing a longer driveway might prevent that. Selectman Gehl said laying out a Class V road has a dismal record. He said that anyone purchasing land along a Class VI road should have no expectation of erecting a house, since the New Durham zoning ordinance requires frontage on a Class V road. Chair Rhoades pointed out that in the last 10 years there has been building on Class VI roads if the owner is willing to clean up the road. He asked the other members to put together the top five things they would like to see this policy accomplish, with the idea that a policy could be built from that.

7. New Business continued

Budget Meeting Schedule – The board at first were concerned at the timetable of work. TA Whittaker advised that she looked upon the proposed schedule as a “preview” with department heads for determining any problems that would obviously prompt a second meeting ~ a sort of early sifting process. She also said she would go through all the budgets to assist the board with costs that were contractual and of a fixed nature. She opined to the board that much of the time will be concentrated on benefits and wages given the current economic climate.

8. Approval of Minutes

The Board tabled the minutes of September 22, 2008 for further clarification.

Motion by Selectman Gehl to approve the minutes of the meeting of September 25, 2008, as amended; second by Selectman Bickford. The motion carried unanimously.

Mr. Bickford advised that he had revisions to the Non Public Minutes of September 25th, 2008 and he felt they were substantive enough to warrant a non-public meeting to amend.

9. Any Other Business

Approved: New Durham Board of Selectmen minutes 10/06/08
Minutes approved at the Meeting of October 20th, 2008

The Board approved the appointment of Ms. Orlowicz to the 1772 Meetinghouse Restoration Committee. Appointment form to be signed.

10. Non-public Session

Motion by Selectman Gehl at 9:28 p.m. to enter non-public session under RSA 91-A:3 II (c) to review Non Public minutes of September 25th, 2008 ; second by Chair Rhoades. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye.

The Board returned to regular session at 9:35 PM. There had been a mix up of non-public session minutes and thus, there was no need for a non-public session.

Motion Bickford, second Rhoades, to approve the non-public minutes of September 25th, 2008, vote 3 – 0.

11. Adjournment

Motion Gehl, second Bickford to adjourn, vote 3 – 0.

The meeting adjourned at 9:40 PM.

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.