

New Durham Board of Selectmen
Minutes of Meeting ~ December 15th, 2008
New Durham Library

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator (TA) April Whittaker, Police Chief Shawn Bernier, Road Agent (RA) Mark Fuller, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Emergency Management Director Dwight Jones, Equipment Mechanic David Valladares, Recreation Director Jessica Bailey, Fire Chief Peter Varney, Bruce Cheney, Tim Scott, Jesse Box, Kathy Box, Sherry Cullimore, Dana Doyon, Paul Gibbs, William Kendrick, Marion Martens, Katie Tothill, other members of the public

1. Call to Order – Chairperson Peter Rhoades called the meeting to order at 7:08 and led the Pledge of Allegiance.

2. Citizens' Forum – Cathy Allyn thanked all emergency services personnel for their prompt and efficient service during the recent ice storm.

3. Department Reports

Parks and Recreation Budget Review – The Board met with Recreation Director Jessica Bailey. Ms. Bailey informed the Board that recent changes had been made to the budget and she outlined them. They included: telephone and postage increased, and equipment, ball field maintenance, dues and fees, and officiating decreased. She said she had no leftover funds for 2009 beach maintenance, as she did at the end of 2007 for this year. Selectman David Bickford asked about the retaining wall at the beach and Ms. Bailey responded that \$4,000 had been budgeted. Selectman Ron Gehl said those monies had not yet been spent, and remarked that the Budget Committee is not favorable toward encumbering funds. Town Administrator April Whittaker advised that a contract or purchase order with backup vendor information etc needs to be in place to encumber funds.

The revised budget came to \$69,867, down from \$73,086. TA Whittaker advised that Mrs. Bailey has to request a cell phone as she will be dispensing with her Blackberry, and that a cell phone stipend reduction of \$20 will occur.

Motion by Selectman Gehl to forward the Recreation Department's budget, account 4520, in the amount of \$69,867 to the Budget Committee with the Board's approval; second by Selectman Bickford. The motion carried unanimously.

Equipment Mechanic Budget Review – TA Whittaker said the Budget Committee had discussed lease/purchase of a new grader ~ versus ~ expensive repairs ~ \$20,000 transmission and \$10,000 in tires. She noted the grader was due to be replaced in 2014, according to the Capital Improvement Plan schedule. Chair Rhoades expressed concern that the equipment mechanic

budget will be over by about \$20,000 by the end of the year. He said he was concerned by that substantial amount, especially since the Solid Waste Facility budget was over, also. Equipment Mechanic David Valladares said the repairs to the highway department's loader and the John Deere grader had not been budgeted for, and that those expenses have been months in the works. Chair Rhoades said a forewarning should have occurred. Mr. Valladares suggested putting aside some Capital Reserve funding each year to help offset catastrophic repairs. He said he cannot foresee these kinds of repairs, and they must be done. He said his contracted services line at \$16,000 does not reflect the John Deere grader transmission repair of \$20,000 and six tires at \$10,000. To replace the grader with a newer model under a lease to own program with a five-year warranty, Mr. Valladares said five yearly payments would be \$23,574.60 after trade-in value had been taken into consideration. John Deere would offer \$50,000 for trade-in. He said there would be several options if the Board decided to pursue a new grader. Mr. Valladares advised that older machines can be rebuilt, but now everything has electronics on it.

In response to Chair Rhoades' question as to whether the Town should look into getting a new grader, Road Agent Mark Fuller said he had not yet done any research nor defined specifications. Selectman Gehl asked if the one the Town has is a lemon, since it has less than 10 years on it. Mr. Valladares confirmed that it seemed to be a bad one, as there has been more work done on it than should have been necessary. He said the John Deere engineers have no answer for it. TA Whittaker pointed out that the Town would have to go out to bid for a new grader. Selectman Gehl stated that \$30,000 a year in repairs is not expected, and would not be necessary with new acquisition annual lease payments. Mr. Valladares said 10,000 hours on an engine was expected. Chair Rhoades commented that our replacement cycle is therefore too long?

Mr. Valladares said the state is moving from John Deere equipment to Volvo. Chair Rhoades said he would like feedback from the highway road agent and grader operator. He asked to get quotes, and added that we would need a 10-year guarantee from John Deere, which is a reasonable request due to the history. TA Whittaker said Mr. Valladares and RA Fuller should get the specifications together, and they should be sent out to see who responds. She advised that time is of the essence given the budget cycle. Selectman Gehl asked about putting out feelers for a used grader. RA Fuller said a used one would not be exactly what you want, but that it doesn't hurt to ask. Selectman Gehl said there are construction firms looking for cash, so the Town might be able to pick up something inexpensively.

Mr. Valladares reviewed the remainder of his budget. Selectman Gehl noted that so many things are unpredictable. He asked if the contracted services would remain at \$16,000, even if nothing was done with the grader, and Mr. Valladares said yes. Selectman Gehl asked what would be reduced if a new grader were purchased. Mr. Valladares said contracted services would be reduced by \$3,000 and \$10,000 worth of tires would not need to be purchased. He said the budget would be \$172,100 if a grader were not purchased, and that it would be \$33,000 less if a new one were acquired. RA Fuller said the grader

is used a lot. Chair Rhoades said the matter is to be put on hold until quotes come in.

4. Public Hearing – Street Name Changes per E-9-1-1 Mapping
Motion by Selectman Gehl at 8:09 p.m., per the authority vested in RSA 231:133, to open a public hearing to solicit public input regarding proposed street name changes to participate in the statewide GPS E-9-1-1 mapping system; second by Selectman Bickford. The motion carried unanimously.

The Board met with Bruce Cheney, Director of Emergency Management Services under the Department of Safety, and Tim Scott, of that department. Chair Rhoades said in the previous public hearing, residents asked about the need for street name changes if GPS coordinates are available to emergency services personnel. Mr. Cheney said GPS does not always work, as cloud or leaf cover could cause a problem. He said all the information goes into a computer, and computers do not like things that sound the same. He said people can get confused, as well as computers. He stressed that the courts have maintained a town has an obligation to fix similar-sounding street names once it is aware it should fix them, and cited the Swanzev decision. He explained the argument in Swanzev had been that emergency personnel knew to ask which of three Grove streets the call was from; one time they did not ask, they arrived at an incorrect address, and people died as a result. Mr. Cheney said the E-9-1-1 equipment does not accept apostrophes or suffixes. He said New Durham's list of proposed changes is short compared to other towns.

Selectman Bickford brought up North Shore and South Shore Roads. Police Chief Shawn Bernier said he contacted Mike Kelleher of E-9-1-1 and told him there had never been an issue with those two roads. Mr. Cheney pointed out something could go bad. Chair Rhoades said changing the names is a recommendation from Mr. Cheney; Selectman Bickford said he thought E-9-1-1 had changed its recommendation concerning those names.

Bill Kendrick said if liability was an issue, then go ahead with the name changes. He asked if the residents on the involved streets would take a part in the renaming. Mr. Cheney said E-9-1-1 likes to involve people who live on the streets. He added that Historical Societies often can make apt suggestions. Chair Rhoades asked how long the process takes. Mr. Scott said 30 days after the Town decides to take part. Mr. Cheney said they work with the Post Office, which generally agrees to allow both addresses for one year, so affected residents have time to change their checks and billing addresses. He remarked that deeds do not need to be changed. Chair Rhoades asked about confusing North and South. Mr. Cheney said because people hear things differently, E-9-1-1 might give out the address as North, but the person might hear it as South. He added that it would help if there were no chance of confusion when assistance came from out of town.

Selectman Bickford asked what the process was for street name changing. Mr. Cheney said they recommend getting neighbors together for suggestions, and setting a deadline of 30 days or so. He said house numbers cannot be changed

without public hearings, but street names can. He lauded the Board for holding the two informational hearings to date. He said to notify E-9-1-1 after the new name has been picked.

A resident from Ridge Road Top said an ambulance called for her went to the wrong address. She said Ridge Road Top runs into Ridge Road, Farmington. Mr. Scott said Top is not a nationally recognized suffix. Sherry Cullimore said she found maps from 1806 and the 1970s that call Ridge Road Top, Ridge Road. Chair Rhoades asked her if she would research names for the involved roads. Kathy Box asked why Top was considered a suffix. Mr. Scott explained that certain words that follow Road or Street, etc. are recognizable. Ms. Box said the lower part of Farmington's Ridge Road duplicated New Durham's numbering sequence, and Farmington changed their numbers. She asked why not simply renumber. Mr. Scott said generally the town center is identified and numbers work out from there, and that numbers usually start at a road's beginning. Mr. Cheney added that those numbers usually don't start at 3000 or something along those lines. He said the numbers have no impact on road names. He cited that outside personnel could get confused and the E-9-1-1 system is built for everyone, not just those familiar with their area. Mr. Cheney said that since the 52.8 feet increment used by New Durham is close to E-9-1-1's 50 feet, the town could keep its numbering.

Chair Rhoades asked what the value of the system was, until the town has the equipment that can track personnel on their way to an address. Mr. Cheney replied that it has value for cellular or satellite phones, as it shows where a person is calling from on those. Fire Chief Peter Varney said his department would realize an immediate asset just from the mapping, as the Department of Transportation only identifies private roads as "private," rather than with a name. He cited an instance when the ambulance from Frisbie Hospital was to intercept the fire department, and it went up Ridge Road in Farmington and wound up on Ridge Road Top. Mr. Cheney said E-9-1-1 will supply the Town with maps and disks of maps. He said cistern locations could be added to the maps as well as dry hydrant locations.

Marion Martens asked Mr. Cheney how many towns had actually been sued, due to mistakes happening on roads whose names were not changed. Mr. Cheney said the Swanze case went to Superior Court, but others are settled before court, usually due to the Swanze case. Ms. Martens said a police department could be sued now. Chair Rhoades agreed, but said benchmark cases can make people more wary of litigation. He said going to this system increases public safety and reduces liability for the Town. Mr. Cheney said two instances have been cited this evening regarding problems due to road names. He indicated he was trying to explain what is the best practice, and that he has seen it work for the better for towns. He said, in the long term, public safety personnel would be glad about the changes. Chair Rhoades said the Board would make the decision about changing the road names.

Paul Gibbs of Cedergren Road West said he would love to see his road name changed as people get lost on a regular basis, and there has been an ambulance problem due to confusion. He said change makes sense. Dana

Doyon posed the question if GPS was a pinpoint on a map, was it therefore concerned with a road name. Mr. Cheney said no, but that was not when the information is given to a person. E-9-1-1 sees a map displayed representing the area the call originates from. If the call comes through on a landline, the map indicates which building; if from a cell phone, a telephone icon is displayed with location data. Jesse Box said he would have to buy a new disk for his GPS device. Mr. Cheney said they don't change people's GPS, but that MapTech makes the maps for Garmin and E-9-1-1 provides the new information to MapTech. Kathy Box said everything seemed to be set up to be good for E-9-1-1 and asked if it was privately run. Mr. Cheney said he was director of emergency services under the NH Department of Safety and the system is provided free to the town. He said the Commission is made up of local public service officials. Ms. Martens said she had believed Mr. Cheney to be from a private organization.

Recorder Cathy Allyn brought up a question posed by a resident at the last meeting, regarding possible confusion for response if a panicked person reported his old address out of habit, rather than the changed one. Mr. Cheney said if that transpired, the telecommunicator would be able to verify by saying the screen shows the caller at the new address.

Chair Rhoades closed public comment.

Selectman Gehl said he did not imagine that anyone present did not believe that GPS mapping would not benefit the Town. He said he was looking ahead. Mr. Cheney said GPS can locate water mains, etc. and therefore could add layers of data. Selectman Gehl said the Town was currently undertaking tax mapping, which also included such layers. He wondered if the name changes were necessary if the GPS co-ordinates were in hand. He cited being able to input co-ordinates into a GPS device. He said he was trying to understand the link between putting in co-ordinates and the road names, stating, as technology improves and the capability of plugging in co-ordinates exists, how would the liability aspect come into play. He said the Board's options are to use the GPS system and change the names, or use the GPS system and not change them. Chair Rhoades again pointed out that a state agency has highly recommended to change the names due to prior court opinion and decisions as to town's prudent responsibilities once a potential problem is cited. Mr. Cheney concurred that the courts agree with the town's responsibility in these matters. He said it may take longer for the GPS co-ordinates, and road names will be used for years. Selectman Gehl said the courts may view this matter differently in the future when the GPS system is embraced more fully. He said he saw it as two separate issues.

Mr. Cheney said E-9-1-1 has already collected the Town's roads. Selectman Gehl said when GPS systems are installed in emergency vehicles, liability would be reduced because the officials can get to exactly where they need to be. He said this would cause the aspect of road name change to diminish. Mr. Cheney pointed out that not all data is in Garmin, and Selectman Gehl agreed. Mr. Cheney said E-9-1-1 wants to transmit electronically to firefighters. Mr. Scott advised they would have to punch in 26 characters for the co-ordinates, which

would take time. Mr. Cheney added that mutual aid would need information, also.

TA Whittaker asked if the emergency facility still had the 9-1-1 recordings that went wrong by panicked people as these offered examples of the human problem in relaying an emergency situation. Mr. Cheney was unsure, but invited people to tour either facility in Laconia or Concord. Chief Varney, allowed to speak as a public safety official, said equipment needs to be purchased and it would be cheaper to rely on the road name changes for now. Selectman Gehl said once the mapping was complete, E-9-1-1 would have the GPS information to transmit to our devices. He cited the negative input on road name changes. Chair Rhoades countered that not one public safety person had negative input. He said the discussion involved improved response time. Mr. Cheney said one aspect could be dealt with at a time. He suggested telling residents to get together and submit their ideas by a certain date. He said E-9-1-1 might be able to help with postage. Selectman Gehl asked about possible erroneous response during the early transition period. Selectman Bickford said he saw no increased liability in that situation. Selectman Gehl said a life might be lost due to a delay. TA Whittaker said there is a training session to review changes. Chair Rhoades thanked Mr. Cheney and Mr. Scott for coming. He said the Board would take up the matter for possible vote at the first meeting in January and commented that two distinct decisions need to be made, namely, does the board embrace the E 9-1-1 mapping, and if so, does the board embrace the recommended name changes.

The Board took a five-minute recess at 9:30 p.m. and resumed session at 9:35 p.m.

5. Return to Department Reports

Highway – RA Fuller reported the Merrymeeting Road sign, which cost \$85, is installed. He said the Town received its twelve and one-half per cent state funds from FEMA. He requested carrying over two drainage projects. He said his department is renting another chipper to remove all cut limbs from the side of the road before they are covered by snow. He said there was one injury in his department on Friday morning when an employee, wearing safety gear, suffered a bruised nose while cutting a tree in the dark to get a road open.

Police – Generator - Chief Bernier asked about the status of the generator hook up at the new Fire Department Addition in which there was to be a shared status between the Police and Fire Departments, as he was frustrated with the current situation. Chairman Rhoades said an electrician was looking at it right this second. Selectman Gehl said the generator has enough juice to power the police station as well as the fire station. Chief Bernier said his station had no heat during the ice storm power outage, and he removed his assistant, who was answering phone calls, from the cold building. He said it is a public safety building and it had no power. Chair Rhoades said the station can get hooked up to the fire department. Chief Bernier said he was frustrated that his is the only public safety building with no power. Chair Rhoades said there is no easy way to run an underground conduit from the fire station to the police station. He said he would disagree about sending someone home because the building was

cold. RA Fuller said a municipal safety service should provide services during disasters, as well as on normal days. Chair Rhoades agreed that, ideally, a generator would be in every Town building, if it were a perfect world, but this ice storm was the state's worst. He said he thought all three buildings should be up and running during a power outage, and that an electrician was looking at the situation now.

Chief Bernier said Emergency Management Director Dwight Jones dropped off a generator to the police station. Selectman Gehl said once the fire station addition is ready it will be used as an Emergency Operations Center, thus alleviating some of the burden on the Police Department dispatch system. RA Fuller said the faulty highway department generator is under warranty and will be repaired. Selectman Gehl said we wanted to get conduit to the police station and it was logical to do that when the police station addition was built, but the ice storm event indicates it now should be a priority.

Chair Rhoades asked electrician Mr. Doyon, who had just returned from the fire station, if it would be unwise to connect to the police station. Mr. Doyon said he would not recommend using one generator for two buildings, as separating it will not allow the performance needed. He suggested a smaller generator for the police station, as the cost to bring power from the fire department's generator and purchase a transfer switch would be the same as getting a small generator for the police station. Chair Rhoades said it appeared the Board would be budgeting for a police station generator. Chief Varney said a 7,000-watt unit is in the fire station. Mr. Jones said the infrastructure must be addressed quickly. Chair Rhoades asked if one propane tank could be installed for both generators, and Mr. Doyon confirmed that. He said he could provide an estimate. Chair Rhoades said the Town might want to bypass the bid policy and get the work done.

Chief Bernier provided the Board with a breakdown of the Animal Control Officer's activity in October and November.

Fire Station Heating - Chair Rhoades said the Town received two quotes, from Bob Santoro and Strogens, for a heating system in the fire station addition. He said Mr. Santoro indicated he could get it done in two to three weeks.

Motion by Chair Rhoades to bypass the policy of acquiring three quotes due to the urgency of heating the fire station addition for the winter, and to award the bid to Bob Santoro; second by Selectman Gehl. Mr. Jones said once the addition is finished he can apply for FEMA funds. Selectman Bickford said the urgency is a reason to waive the policy. TA Whittaker said, in the current economic times, grants will be scarce and the sooner we get in line for funds, the better the Town is served. **The motion carried unanimously.** TA Whittaker said she would call Mr. Santoro tomorrow to inform him that the purchase order is waiting for him. Chair Rhoades asked that she contact the other bidder and explain the waiver.

Emergency Management – Mr. Jones commented that the Town departments did a fantastic job during the ice storm event. RA Fuller thanked all of his

personnel and the other departments for assistance. Selectman Gehl included selectmen with chain saws.

Building/Code Enforcement – BI/CEO Arthur Capello noted no major changes.

Fire – Chief Varney reported acquisition of a skid unit for the forestry truck through a grant award. In the same vein, he said the department was hoping for a new forestry truck through a grant award.

6. Administrative Review

Motion by Selectman Gehl to reappoint Mike Clarke as the Town's appointee and Mark Fuller as the alternate to the Technical Advisory Committee of the Strafford Metropolitan Planning Organization; second by Selectman Bickford. The motion carried unanimously.

Engineering Services regarding storm water discharge from landfill – Selectman Gehl said this is a renewal of something that has been in place, since facilities such as the landfill need a storm water permit, under the 2000 multi-sector permit. Following best practices makes for an easier route, and the agreement is essentially for \$3,000 worth of paperwork. The permit must be done by January 5, 2009, so it will be billed in 2009.

Motion by Selectman Gehl to authorize CMA Engineers, Inc. with assignment #4 for Master Agreement for professional engineering services related to National Pollutant Discharge Elimination System multi-sector general permit for an amount not to exceed \$3,000; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Gehl to have the chairperson of the Board of Selectmen sign the assignment on behalf of the Town; second by Selectman Bickford. The motion carried unanimously.

Old Fire Truck Storage – TA Whittaker reported the old fire truck can be stored for the winter season at the Rochester Fairgrounds for a cost of \$290 (\$10 per running foot). She said the truck has been drained and is fit for storage. Selectman Bickford said the facility in Conway, at a cost of \$600, is heated and believes it has a concrete floor. Selectman Gehl said he did not think the ideal situation was necessary for the truck. The Board agreed to store it in Rochester. TA Whittaker is to ask if the flooring is concrete.

Dental quotes – TA Whittaker provided alternate quotes for dental insurance. The Board concluded that that the proposed savings were not significant enough and placed an additional co-pay onto town employees. Therefore it was considered not worth changing at this point.

Cemetery Trustees request – The Board agreed to discuss setting up a CRF for cemetery maintenance at the next budget workshop.

Budget approvals – Motion by Chair Rhoades to formally approve the following budgets: Account 4130 Executive, a bottom line of \$145,963; Account 4150 Financial, for \$100,465; Account 4152 Assessing, for \$36,050; Account 4153 Legal, for \$30,000; Account 4196 Insurance for \$29,000; Account 4199 Other General Government for \$7,800; and Account 4441 Welfare, for \$26,050; second by Selectman Bickford.

Selectman Gehl noted these accounts were mostly level funded. He asked how much was expended under the Welfare budget in 2008. TA Whittaker said the Town has been dealing with heating concerns under Welfare, but that the Community Action Program heating grant program had taken care of many cases, where applicants met the monetary income guidelines. **The motion carried unanimously.**

Next Meeting – The Board scheduled its next meeting for December 29, 2008 at 7:00 p.m. at Town Hall.

7. New Business

Conservation easement – Holm Property Map 25A Lots 4 & 5: Selectman Gehl noted that the easement was a direct donation to the town and the Conservation Commission must acquire the conservation easement offered before the end of the year for applicant tax considerations. TA Whittaker said the draft deed has been sent to Town Counsel and the deed should be ready for signature on December 29, 2008. Selectman Gehl expressed his urgency with respect to the end of the year deadline, so the matter must be taken up at the next meeting.

8. Old Business

Business site plan review - Selectman Gehl said the Planning Board is taking up business site plan review and asked how far back it should reach. TA Whittaker said Town Counsel would render an opinion. Selectman Gehl said it was a broader policy to be discussed, since the Town would do nothing else if it pursued every business currently operating without benefit of necessary town approvals.

9. Approval of Minutes

Motion by Chair Rhoades to approve the minutes of November 17, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.

The minutes of December 1 and 8, 2008 will be considered at the next meeting.

10. Adjournment

Motion by Selectman Gehl to adjourn at 10:55 p.m.; second by Chair Rhoades. The motion carried unanimously.

Respectfully submitted,

Cathy L. Allyn

Approved: New Durham Board of Selectmen minutes 12/15/08

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.