

New Durham Board of Selectmen
Minutes of Meeting ~ April 21, 2008
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 David Lindberg, Interim Fire Chief Rod Nelson, Mike Davenport, Gigi Giambanco, Martha Jo Hewitt, Terry Jarvis, Chester Porter, Leon Smith, Tom Swett, Katie Woods

1. Call to Order – Chairperson Peter Rhoades called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

2. Citizens' Forum – Chester Porter said he wished to pursue having the Town become an SB 2 (Australian ballot) town because he felt a portion of residents are disenfranchised, as they cannot attend Town Meeting. He cited people who worked second shift, or who had childcare problems. He said only half as many people attended Town Meeting as who cast ballots in the election the day before. He said he would like to open up the voting process, and wondered how to proceed.

Town Administrator April Whittaker said she would formulate a petition and State Statutes for him, further indicating that the Board could place an article on the warrant, or it could be a petition warrant article. Selectman Ron Gehl said he would prefer leaving such a decision in the hands of the voters. Selectman David Bickford said he had some concerns because a town could pass a bond with only 60 per cent of the vote, but he agreed there was the likelihood of greater participation. Mr. Porter said he would speak to TA Whittaker about it.

Terry Jarvis asked if the fire station addition would be subject to RSA 310-A:52, :37, and/or :11, dealing with engineering and architecture. She said she hoped it would be exempt to avoid additional costs, but she was unable to determine if that was the case. Selectman Gehl explained that the Civil Board of Licensing and Certification would not interpret the applicability of a statute. He said often it is not the case that plans must be stamped by a PE. Chair Rhoades said it was a simplistic addition, and that that aspect of his building was not expensive. However, the necessary follow up to the question would be completed.

3. Public Meeting

The Board met with Martha Jo Hewitt, Executive Director of Cocheco Valley Humane Society regarding contract renewal. Chair Rhoades said the contract reads as though it is an open door to a lot of fees. Ms. Hewitt said she has served in her position for six months. She explained that previously the shelter based its fees on a percentage of its overhead and budget; New Durham's fee had been \$1,800. She said now towns will pay only for the animals that come to the shelter, and that the fees are only for dogs. She said if an animal is reclaimed, the owner pays. She said the shelter does not have the

authority to recoup the transport fee from the residents. If the animal is left for seven days, the Town is responsible for costs. Chair Rhoades wanted the language in the contract changed to reflect "dog" rather than "animal."

Ms. Hewitt said the Town could be billed monthly, with all expenses itemized. Selectman Gehl clarified that the contract was a work in progress. Ms. Hewitt stated that the State of Maine charges per capita. Selectman Gehl said that the shelter was being reimbursed for a significant number of costs this way, as well as receiving contributions. He added that his family contributes financially to the shelter. He clarified that the shelter's increases were not for increased services, but just to maintain the level of services.

Katie Woods advised that dogs found in New Durham are held in the police station kennel that day, while she goes through the licenses in an attempt to locate the owner. The Town cannot hold a dog overnight, so if the owner has not claimed the dog by the end of the day, it is transported to the shelter. Police Chief Shawn Bernier said the Town used to donate the transportation cost, when reimbursed, to the shelter. Chair Rhoades asked Chief Bernier his thoughts, since it seemed there were more openings for charges now. Chief Bernier said he thought it was a better contract. Ms. Hewitt said there was a minimum \$500 fee, not applied to animal fees, plus the cost per animal. Chief Bernier said the amount in civil forfeitures would exceed the \$500 fee.

Selectman Bickford asked about paragraphs 14 and 15. Ms. Hewitt responded that they dealt with a seizure of many animals in abusive situations. Chief Bernier said he checked with Milton and Farmington regarding the new contract. Chair Rhoades thanked Ms. Hewitt for coming up and explaining. TA Whittaker asked if the shelter will start an audit trail for the end of the year, and Ms. Hewitt indicated that all charges would be on the bill. Chief Bernier asked that private citizens who pick up their animals also be indicated. Chair Rhoades said he was feeling support for the contract from the Board.

Ms. Hewitt will make the necessary changes to the contract and send the finished product to the Town Administrator.

4. Department Reports

Police – Chief Bernier reported that Officer Reggie Meatey completed *Field Training Officer* School, so he can train other officers. He also said Ms. Woods took a dispatcher class. Ms. Woods said the course covered what questions to ask on a 9-1-1 call. Chief Bernier said he had old equipment (10 + years) such as sirens and light bars in the cellar that are of no use to his department, and asked if it could be given to the fire department for their personal vehicles. The Board had no objection. Chief Bernier said the physical agility test for 18 candidates for the new officer position will take place this Saturday. The oral boards should take place a week and a half after that. He announced a rabies clinic on Saturday, also. Chair Rhoades asked that he coordinate the date of the oral boards with TA Whittaker.

Highway – Road Agent Mark Fuller reported his department was doing spring-cleaning. He said the Town could not recycle the sand because the grit has been ground to powder. It is used for fill.

Fire – IPO Tom Swett reported that the EMT class has started, with six members of the New Durham Fire Department attending and three from other towns. It goes through the end of June. He told the Board that forest fire training is being held tonight. He noted the sign on the side of the fire station, which will be illuminated and indicate the fire danger.

5. Administrative Review

Tax Maps: TA Whittaker reported to the Board on town wide tax map progress with Cartographics, noting that the map numbering system starting with a “2” = one inch to 200 feet; likewise maps starting with a (1) indicate one inch = 100 feet.

Highway Safety Vest Policy: She said highway, police, and fire personnel must wear a reflective safety vest when on a scene, per a new state law as of July 1. Reflective paddles must be used for traffic control sometime in the fall.

Bond Counsel Engagement

Motion by Selectman Gehl to authorize the chairperson to sign the engagement letter with Devine, Millimet & Branch for bond counsel services; second by Selectman Bickford. The motion carried unanimously. Chair Rhoades signed the engagement letter.

Newspaper Costs for Town news: Chair Rhoades said he contacted The Baysider about space purchased for a newsletter-type section, content provided by the Town. He said he thought it would cost less than mailing the Town’s newsletter out. Selectman Gehl said it cost generally just under \$400 to prepare and mail the newsletter. Chair Rhoades said the Board should consider it.

Rescheduled Budget Meeting: TA Whittaker said the Budget Committee meeting has been rescheduled to April 30, 2008.

6. Public Meeting ~ Fire Truck Acquisition

The Board met with members of the Fire Department to discuss the truck acquisition. Chair Rhoades said the Board saw a Ferrara truck, courtesy of Fire Chief Richard Fowler of Farmington, and was impressed with its quality. He said the Farmington cab was similar to what New Durham was considering. IPO Swett presented a spreadsheet with the seven companies queried about a vehicle. He said the new vehicle was the better deal as it hit all critical criteria except the winch. He told the Board it was more truck than the department expected, and that the available used trucks didn’t come close to the department’s criteria. He said the Farmington department has had its Ferrara truck for 10 months and is very pleased. He said training on the vehicle was included in the price. The Board reviewed the department’s specifications for the pumper/rescue, which are:

- 1250 GPM pump

- ❑ 1000-gallon tank
- ❑ 330 HP Motor
- ❑ 5/6-person cab
- ❑ 7500-watt diesel generator
- ❑ On spot chains
- ❑ AC in the cab
- ❑ 911 seats
- ❑ 9000 winch
- ❑ Foam system
- ❑ 200 cu. ft. compartment space
- ❑ Spare bottle storage in wheel wells
- ❑ Electrical outlets on three sides
- ❑ Seat belt extensions
- ❑ Plumbed in trash line in front bumper

Ferrara met all those specifications, except for the winch. In addition, Ferrara included roll-up doors, slide out trays in Jaws compartment, and mounting for a 24-foot extension ladder and 12-foot roof ladder. Pierce (Minuteman) met specs, but the price was over budget.

Chair Rhoades suggested the department call the sales representative right now and ask if the winch could be included in the price. IPO Swett said the company services and stocks all components on its trucks. The Board reviewed the warranties schedule, which covers:

- ❑ Chassis - one year
- ❑ Chassis frame rails - lifetime
- ❑ Engine - five years
- ❑ Transmission - five years
- ❑ Fire pump - five years
- ❑ Water tank - lifetime
- ❑ Apparatus body - 10 years
- ❑ Rust - 10 years
- ❑ Paint - four years

Ms. Woods asked if the department would ask for more money down the line for additional equipment. IPO Swett said a light tower might be needed. It was confirmed by the Police Chief that the light tower would also serve the Police Department particularly at accident scenes.

Selectman Gehl said the Town assumed that only a used vehicle would be available considering the available budget. He said this truck is new, within the town's appropriation, and meets the specs the department is looking for. After going through the review process, he said it was compelling to go forward with this purchase. He opined that what has been presented meets the spirit of the competitive bid process. Selectman Bickford was pleased with the spreadsheet, and asked that the full name and addresses of all companies contacted be included on it.

Mike Davenport said if including the winch was a deal breaker, he thought Ferrara would comply. He said if they would not, fundraisers were coming up and those monies could go toward the winch. He said the old winch would work for a while, but he did not want to lose this deal over a \$2,000 winch. Fire department personnel indicated they would call the company now.

7. Return to Administrative Review

Meeting with DRA and Assessor Estey: TA Whittaker advised she'd scheduled a meeting on May 19, 2008 at 7:15 p.m. with the appraisal division of DRA and Bob Estey to determine if a full revaluation is necessary to comply with the five-year review period or whether DRA would consider just a market adjustment to the various neighborhoods.

Second reading ~ Technology Proposed Policies – The Board had a second reading of the hyperlink policy. TA Whittaker indicated Chief Bernier has certain technology policies and wanted to revamp the Town policy to exclude police. She mentioned Selectman Bickford's concern with including churches. Selectman Bickford clarified that it could become a concern. She said those listed would be registered with the state as a religious organization, and would meet the criteria of benefiting New Durham citizens. Regarding businesses, including the Farmers' Market, Selectman Gehl said the Town did not want to exclude links to recognized businesses and chambers of commerce.

Appointments: Motion by Selectman Gehl to appoint Bill McGrew to the ZBA for a three-year term; second by Chair Rhoades. Selectman Bickford asked if anyone else came forward for the position. Ms. Jarvis said the board has four alternate vacancies. **The motion carried unanimously.**

Selectman Gehl said Michelle Craycraft indicated she could not be reappointed to the Conservation Commission.

TA Whittaker said four more members of the Milfoil and Invasive Aquatic Plants Committee have come forward. According to policy, the Board agreed to wait two weeks before appointing Chet Kania, Dave Russell, Don Holm, and Tom Goss.

Motion by Selectman Gehl to appoint the following individuals for one year terms to the Milfoil and Invasive Aquatic Weeds Committee: Lee Ann Beals, Cynthia Quimby, Fred Quimby, Wayne Glidden, Art Hoover, Susan Hoover, Michelle Downes, Michael Downes, Wayne Glidden, and Alan McQuiston; second by Selectman Bickford. The motion carried unanimously.

Fire Truck Acquisition continued: Fire department personnel returned to advise Ferrara is willing to include the winch and would like the contract signed this week.

Motion by Chair Rhoades to enter into a five-year lease/purchase agreement with Ferrara for a rescue/pumper as described and to waive the terms of the purchase policy based on the research that has been done; second by Selectman Bickford.
Motion by Selectman Gehl to amend the motion to state the purchase price of

\$249,413 includes the specified winch; second by Chair Rhoades. The motion carried unanimously. Chair Rhoades said seeing the Ferrara truck from Farming FD, tonight was of great value. **The amended motion carried unanimously.**

TA Whittaker indicated she would send a thank-you note to the Farmington fire department.

The Board scheduled its next meeting for May 5 at 7:00 p.m. at Town Hall.

8. Old Business

Appointments

Motion by Selectman Gehl to appoint Christopher LaPierre as an at-large member of the CIP Committee; second by Chair Rhoades. The motion carried unanimously.

Motion by Selectman Gehl to appoint Sgt. Jason Lamontagne as emergency management director for one year; second by Chair Rhoades. The motion carried unanimously.

9. New Business

Use of Town Counsel policy – Chair Rhoades said all three members sometimes want different information from Town Counsel, but asked the Board if all questions should not be in writing and come from a central source. He said the Local Government Center does not cost the Town anything. Selectman Bickford said he did not see a problem. He said he contacted Town Counsel once, and that the Planning Board does all the time.

Selectman Gehl clarified that the Planning Board can contact Town Counsel under authority of the full board. Past practice was for requests to go through the selectmen. Selectman Gehl said when he was chairperson of the Planning Board he asked that the Planning Board have direct access to Town Counsel. That was granted, with the stipulation that the Planning Board contact Town Counsel only by a vote of the full board. Selectman Bickford said the Planning Board did not authorize all of the calls made to Town Counsel. Selectman Gehl said the members needed to be reminded then, as indiscriminate use costs the Town money. He added that information from the LGC or Town Counsel is privileged for the benefit of the Town. He asked that, for accuracy's sake, any request to Town Counsel first be put in writing and reviewed and agreed upon by the Board before going on. He said the Board could then see the response.

Chair Rhoades suggested putting any questions for the LGC in writing, and copying TA Whittaker and the Board. Selectman Gehl said the Board could discuss in advance what information was being sought. Selectman Bickford said he did not see an issue. He said he used the LGC a lot for direction, calling it a tremendous resource. Selectman Gehl said the Board does not have a chance to see the LGC's answer in writing. Selectman Bickford said a verbal response is sharing an opinion. Selectman Gehl said the LGC can respond as quickly to emails. Selectman Bickford said he liked a same-day verbal opinion, compared to a more lengthy response in writing in the form of a legal email,

which would take longer. Selectman Gehl said he hesitated making decisions on things not put in writing. Chair Rhoades explained an email can be shared with the Board and can be discussed at a meeting. Selectman Bickford said he sometimes receives just general information.

Chair Rhoades said requests to Town Counsel that are not meeting generated through an action by the Board should go through TA Whittaker. Selectman Bickford said that, by rights, the Board should review whatever TA Whittaker writes to Town Counsel. Selectman Gehl confirmed that the Board directs the action required to her. Chair Rhoades said he was asking that no one contact Town Counsel individually. Selectman Gehl said the Board should get to a process where everyone is on the same page so the exact question being asked is known and the response can be reviewed together. TA Whittaker said the Board could dictate the questions to Town Counsel. Chair Rhoades asked if the Board could agree not to contact Town Counsel individually unless in the case of an emergency. Selectman Bickford said emergency would have to be defined. Selectman Gehl said other boards need direct access to Town Counsel, and when Ms. Jarvis said she has sent questions to TA Whittaker on behalf of the ZBA, Selectman Gehl told her she should not have to request from the Board of Selectmen or TA Whittaker to contact Town Counsel.

10. Old Business

Plan for Fire Chief Succession – Chair Rhoades said Interim Fire Chief Rod Nelson resignation is effective by the end of June, and suggested the fire department take a straw poll to determine the next chief. He asked TA Whittaker to ask the fire department to do so. She added that the current chief's recommendations also be taken under consideration. Selectman Bickford said the department could ask who is interested and the position could be advertised. Chair Rhoades disagreed with advertising for the position. He said Chief Nelson was hired as an interim chief, so people knew the position would become available. He said there was a core group in the department. Selectman Bickford said the Board did not use that system last time. Chair Rhoades said the fire chief resigned last year. Selectman Bickford asked why the Board chose someone from outside of the department last time. Chair Rhoades pointed out the high degree of stability within the department now. Selectman Bickford said he would prefer to reach out. Chair Rhoades argued for staying within the department. He said if someone has moved to town and is interested in being chief, they would already have joined the department. Selectman Gehl said any candidate should have expressed an interest in the job by now. Chair Rhoades requested that the fire department determine who is interested and then proceed with a straw poll. He said it would be a major factor of consideration if the majority wants one person and that person is qualified. TA Whittaker said she would contact the fire department with a memo by way of explanation.

11. Approval of Minutes

Motion by Chair Rhoades to approve the minutes of April 7, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.

Approved: New Durham Board of Selectmen minutes 4/07/08

Motion by Chair Rhoades to approve the minutes of the public meeting of April 14, 2008 as amended; second by Selectman Bickford. The motion carried unanimously.

Motion by Chair Rhoades to approve minutes of the non-public meeting of April 14, 2008 as amended; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Gehl to seal the non-public minutes of April 14, 2008 in perpetuity; second by Selectman Rhoades. The motion carried unanimously.

12. Any Other Business

Selectman Bickford brought up the subject of streetlights. Chair Rhoades said to inquire whether old lights could be turned off and not taken down. TA Whittaker suggest having an electrical company audit which lights are mercury, and how soon the Town could recover costs by switching to more efficient lights.

13. Non-public Session

Motion by Chair Rhoades at 9:51 p.m. to enter non-public session pursuant to RSA 91-A:3 II (c); second by Selectman Gehl. A roll call was taken: Rhoades - aye, Gehl - aye, Bickford - aye.

The board discussed a complaint directed at an employee.

Motion Gehl, second Bickford to leave non public session at 10.29 PM.

The board returned to regular session at 10:30 PM.

14. Contract: The Board signed a contract for an Historic Structures Report for the Meetinghouse to be funded 50% with grant funding from LCHIP. Total cost to the town \$5,000, and \$5,000 in grant funding

15. Adjournment

Motion Gehl, second Bickford to adjourn at 10:40 PM, vote 3 - 0.

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.

**New Durham Board of Selectmen
Notes of Meeting ~ April 7, 2008
Town Hall**

Committee Appointments

Motion by Selectman Bickford to waive the two-week vetting policy; second by Chair Rhoades. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.

Motion by Chair Rhoades to accept the resignation of Nancy Bavers from the Parks and Recreation Commission effective March 11, with regret; second by Selectman Bickford. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.

Motion by Chair Rhoades to appoint Kristin Bernier to fill one of the vacancies on the Parks and Recreation Commission; second by Selectman Bickford. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.

Motion by Chair Rhoades to appoint Wendi Fenderson to fill one of the vacancies on the Parks and Recreation Commission; second by Selectman Bickford. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.

Chair Rhoades swore in Ms. Bernier and Ms. Fenderson.

Motion by Selectman Gehl to reappoint Larry Prelli to a three-year term on the ZBA; second by Chair Rhoades. The motion carried unanimously.

Motion by Chair Rhoades to reappoint Marcia Berry as a member of the Parks and Recreation Commission; second by Selectman Bickford. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.

Chair Rhoades swore in Mr. Prelli and Ms. Berry.

Motion by Chair Rhoades to reappoint Paula Gehl to the Parks and Recreation Commission; second by Selectman Bickford. Rhoades – aye, Bickford – aye, Gehl – abstain. The motion carried.