

**New Durham Board of Selectmen  
Minutes of Meeting ~ January 12, 2009  
Town Hall**

**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, Solid Waste Facility Manager Joe Bloskey, Cathy Orlowicz, Katie Tohill, Ryan Noonan

**1. Call to Order** – Chairperson Peter Rhoades convened the meeting at 7:02 p.m. and led the Pledge of Allegiance.

**2. Citizens' Forum** – Chair Rhoades announced the selectmen's meetings are now being recorded directly to DVD, so a DVD will be available for the public the following day to watch upstairs at Town Hall. He thanked television station personnel for the service.

**3. Department Reports**

**Police** – Police Chief Shawn Bernier requested a confirmation on the status of the residents across the street from the school, as his department has received complaints from them about cars blocking their driveway. He said his understanding was that the second entrance was illegal. Road Agent Mark Fuller and Town Administrator April Whittaker confirmed that it was. TA Whittaker said she could supply Chief Bernier with correspondence regarding the situation tomorrow.

Chief Bernier informed the Board that the misdemeanor Domestic Violence Unit has run out of funds, so those prosecutions are now to be handled by the New Durham Police Department. He said the unit handled approximately 25 cases a year, and that there have been three so far this year. He said Reggie Meattay has attended Prosecution School. Chief Bernier indicated he and Jason Lamontagne would handle the domestic violence cases. He said funds are to be requested for reinstatement of the unit. He asked TA Whittaker to hold off paying the Prosecution Unit, which is normally paid annually, for six months, as something might happen there, also. He said he would keep TA Whittaker posted on the situation.

Chief Bernier indicated the department has been busy with 42 arrests and seven accidents so far this year. He added that a stolen gun was recovered, and further, that three officers were assaulted by a suspect, leading to deployment of the taser.

**Solid Waste** – Facility Manger Joe Bloskey reported his knee had been operated on and he expected to return to work on Monday.

**Highway** – RA Fuller provided bids for a grader, dump cart and plows, and truck cab and chassis. He said the price for the grader was higher than what was presented to Equipment Mechanic David Valladares. Chair Rhoades indicated the costs were too high. RA Fuller said he also discussed the transmission. The company proposed to rebuild it for \$10,000. The alternative would be a remanufacture one for \$18,000 - \$20,000. He said Mr. Valladares' recommendation was not to rebuild if only certain parts would be replaced. Chair Rhoades said the bid numbers were not exciting. RA Fuller said Chadwick-BaRoss sells Volvo, Milton Cat, Caterpillar, and Nortrax, John Deere. RA Fuller felt it would be more worthwhile to repair current equipment, rather than buy new at this point. He said he also discussed rebuilding the engine.

TA Whittaker pointed out that the total would be \$116,776 if the Town went with the low bid on the truck and chassis, and the high bid on the dump cart and plow brand she was familiar with and trusted. RA Fuller suggested setting the budget at \$117,000 or \$118,000 and he would do further research. Chair Rhoades asked him to inquire why Liberty International Trucks, which was granted the state bid, did not submit a bid.

**Building/Code Enforcement** - Building Inspector/Code Enforcement Officer Arthur Capello said the attorney was working on two code enforcement cases, and the final version of the Superior Court petition for the Main Street case. He said a formal cease and desist on a home occupancy is in the works, as is an injunction to have an illegal sign removed.

**4. Non-public Session**

**Motion by Selectman Ron Gehl to enter into non-public session at 7:25 p.m. under RSA 91-A:3 II (a); second by Chair Rhoades.**

**A roll call was held. Rhoades – aye, Gehl – aye, David Bickford – aye.**

The Board met with TA Whittaker and RA Fuller, and then with Mr. Bloskey at 8:15 p.m.

The Board returned to public session at 8:45 p.m., at which time TA Whittaker, Selectman Gehl and BI/CEO Capello went to the fire station to investigate why there was no water in Town Hall. Chair Rhoades said, following the non-public session, that the Board is involved in reorganizing the Public Works function and changing some duties, and will continue its work on the matter at its next meeting.

During Selectman Gehl's absence, RA Fuller informed the Board that he was to have met with Irving Propane regarding the generator, but the representative canceled. A meeting was arranged for tomorrow. He said he spoke with fire department member Kevin Ruel, who works for Eastern Propane, who told him a 500-gallon tank would work but recommended a 1,000-gallon tank. RA Fuller said he was also considering an underground propane tank left above ground, and then buried in the spring.

**5. Old Business**

*Recreation Commission Appointments* – Chair Rhoades said the Board received paperwork from Commissioner Sheri Joy asking to remove Dwight Jones from the Commission, as he had not attended meetings since August 2008, and under its by-laws, removal is permissible if three consecutive meetings are missed. Chair Rhoades said he would ask TA Whittaker to invite Mr. Jones to discuss his attendance, as well as the two candidates for the open commission slot, to the meeting of the 26<sup>th</sup>.

#### **6. Schedule Next Meeting**

The Board scheduled its next business meeting for **January 26, 2009** at 7:00 p.m. at Town Hall.

The Board took a brief recess at 8:53 p.m. until Selectman Gehl returned. The Board resumed session at 8:58 p.m.

#### **7. Administrative Review**

TA Whittaker provided information on the buy-out on health insurance, citing the Personnel Committee's recommendation to raise the amount of the buy out from its' current amount of \$2,600. She said one employee currently does a buy-out. Selectman Bickford suggested keeping it at the same figure. Chair Rhoades said he would like to see it be no more than \$100 biweekly, but felt it would need to be \$200. He said in the worst-case scenario, the Town would give up \$1,300 and no one else comes forward. Selectman Gehl said he would like to check with the Personnel Committee to see what it would take to entice employees to buy-out. Chair Rhoades said he did not see a great deal of risk in increasing the buy-out. He asked what the figure would be to have an employee take advantage of it. He said he did not think anyone would take \$150, and that \$200 would be a calculated risk that would be more appealing to prospective employee's who are able to opt out of the town's health coverage.

**Motion by Selectman Gehl to increase the health insurance buy-out option to \$200 bi-weekly for 2009; second by Chair Rhoades.** Chair Rhoades said the amount could be changed next year. TA Whittaker agreed that it was non-binding from the prospective of a year-to-year commitment. However, Selectman Gehl said he had the expectation that some employees would take advantage of the buy-out. Chair Rhoades noted the Personnel Committee asked the Board to move forward on this matter. **Rhoades – aye, Gehl – aye, Bickford – nay. The motion carried.**

TA Whittaker supplied the Board with Town Counsel's response regarding the liability question on board inaction for road name changes should the board decide not to take up the recommendations from E-9-1-1.

She reported that the latest IRS mileage amount is down from 58.5 cents a mile to 55 cents.

She said she would like the Board to call a non-public session regarding two taxpayer issues.

TA Whittaker said Chief Bernier requested a definitive answer from Emergency 9-1-1 on North Shore and South Shore Roads and received the same notice regarding changing similar sounding names. She said they will not make a legal determination. Selectman Gehl said if North or South were prefixes, they should be abbreviated. Chair Rhoades said E 9-1-1 sees the word North as directional. The Board agreed to take up the matter of road name changes at the next meeting.

### **8. Budget Review**

Noting he needed to leave the meeting at 9:30 p.m., Selectman Gehl said he did not want to spend only 15 minutes discussing Capital issues. TA Whittaker said the Budget Committee usually follows the Board's lead on Capital requests, providing essential justification is in place. Per Chair Rhoades' request, the Board agreed to meet January 15, 2009 at 6:30 p.m. at Town Hall for budget issues. Selectman Gehl requested that Chair Rhoades inform the Budget Committee at Wednesday's meeting that he would be pushing for his usual opinion, with the intention of maintaining an adequate balance in the reserves to accommodate anticipated purchases without overcapitalization over the short term. TA Whittaker said the graphs Selectman Gehl made last year would be usable for illustration purposes this year. Selectman Gehl said he would try to get new numbers to Chair Rhoades prior to the meeting. TA Whittaker said capital acquisitions would be discussed at the Wednesday Budget Committee meeting.

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

TA Whittaker provided a memo from the Local Government Center indicating a format for changes to the minutes, and the keeping thereof. She asked that at the next business meeting, decisions regarding the web site etc would need to be determined per the recommendation from the Local Government Center.

For the minutes of the business meeting of December 29, 2008, amendments as follow:

Page 1, under Fire Station, line two – insert “in” before “light.”

Page 2, first paragraph, line nine – insert “existing” before “generator.” In the fourth paragraph, line three - replace “Rochester” with “Wolfeboro” regarding Ridings Electric. Also in the fourth paragraph, line five – replace “began” with “begin.”

Page 3, first paragraph, line four – replace “higher” with “lower.” Line eight – After “paid in three installments” add “,and may have needed to install the ceiling to get his final payment.”

**Motion by Selectman Gehl to approve the minutes of December 29, 2008 as amended, second by Chair Rhoades. The motion carried unanimously.**

**Motion by Chair Rhoades to approve the minutes of the non-public session of December 29, 2008 as written; second by Selectman Gehl. The motion carried unanimously.**

For the minutes of the reconvened business meeting of January 5, 2009, amendments as follow:

Page 2, third paragraph, line 3 – replace “Gehl” with “Rhoades.”

Page 5, third paragraph, line 10 – to read “to the fire department because the Capital Reserve Fund mechanism was not strong in the past.”; line 19 – remove “if.”

Page 8, under Streetlights, replace “\$16,000” with “\$6,000.”

**Motion by Selectman Gehl to approve the minutes of January 5, 2009 as amended; second by Selectman Bickford. The motion carried unanimously.**

**10. Non-public Session**

**Motion by Selectman Gehl to enter into non-public session at 9:35 p.m. under RSA 91-A:3 II (c) to address a matter that may affect the reputation of someone other than a Board of Selectmen member; second by Chair Rhoades.**

**Roll call: Rhoades – aye, Gehl – aye, David Bickford – aye.**

The Board returned from non public session at 10:05 PM; agreeing to an abatement of interest for one tax payer in lieu of the fact that the tax bill had been sent to a Guardian’s office, whose office was remiss in sending on the bill to the individual. They further agreed to a continuation of a payment plan for another taxpayer.

Other discussion involved on-call compensation for a town position. Mrs. Whittaker will speak to the individual concerned.

**11. Adjournment**

There being no further business, **motion Gehl, second Bickford to adjourn, vote 3 – 0.**

The meeting adjourned at 10:07 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.