

New Durham Board of Selectmen
Minutes of Meeting ~ March 2, 2009
Town Hall

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator (TA) April Whittaker, Road Agent (RA) Mark Fuller, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Town Clerk Carole Ingham, Moderator James Fenske, Robert Craycraft, Terry Jarvis, Paddy McHale, Katie Tothill, Ryan Noonan

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

2. Department Reports

Highway - Road Agent Mark Fuller said his crews had been busy clearing the roads following the big storm.

Building/Code Enforcement - Building Inspector/Code Enforcement Officer Arthur Capello said a court date has been set for Thursday, March 5, 2009 for one of his cases, and he believed another case might be resolved out of court. He said he had completed all the 2007 building files regarding permits lacking final inspection status, and will now finish 2008, and begin on 2006.

Planning – Planning Board Chairperson Robert Craycraft said the board would be working with consultant “Bruce Mayberry” to determine school impact fees, and a consultant with “Appledore” to revise storm water management regulations. He added that the board has residual items on its plate in terms of subdivisions, but has had nothing new appear for 2009.

3. Citizens’ Forum – In respect to Chairman Rhoades’ last business meeting, Cathy Allyn expressed her gratitude to Mr. Rhoades, and spoke highly of his commitment to the Town, his passion for the interests of its residents, and his dedication and sacrifices to ensure its fiscal well being. She cited the loss of his business and personal time due to his performing a myriad of tasks for the Town, from his Selectman’s duties to participating in Town events to doing physical chores in Town buildings. She lauded his financial acumen, and stated the Town was fortunate to have had him in the role of selectman. She recalled the progress that the Board had accomplished while Selectmen Gehl, Jones, and Rhoades had the helm, together with new hires that had enhanced the administrative activities. She said she hoped he would run again in the future. Chair Rhoades spoke briefly about his tenure as selectman and said he enjoyed being out there with the people.

4. Public Hearing – Changes in Building Permit Fees, Solid Waste Fees, and Municipal Agent Fees.

Motion by Selectman Ron Gehl at 7:15 p.m. pursuant to RSA 41:9-a to hold a public hearing to amend and increase Building Permit fees, and to increase the Municipal Agent fee per RSA 261:74 and delete fifty cents from the registration renewal letters, and evaluate Solid Waste disposal fees, as well; second by Chair Rhoades. The motion carried unanimously.

Municipal Agent - Town Clerk Carole Ingham discussed her department's change by saying RSA 261:74-d provides for the municipal agent fee to increase from \$2.50 to \$3.00. She said eliminating the fifty-cent administrative fee for mail-in registration letters established on January 8, 2007 would offset the increase.

Building Inspector - BI/CEO Capello's proposed changes include determining building permit fees by using a square footage cost, which provides a more accurate cost of construction and therefore removes the guesswork for the homeowner. He said his goal is to make the building inspection department self-funding so that taxpayers in general are not picking up any portion of the administration of permits and inspections, but rather the users/applicants. He and the Board reviewed elements of his proposal. BI/CEO Capello said the stop work order fee, which would cover some legal consultation costs, would provide strong incentive to obtain permits before starting work. Chair Rhoades asked about the possibility of someone making a mistake about the procedure. BI/CEO Capello said the Board could waive the fee. He said that some of the changes are a decrease. TA Whittaker noted that the staff approves of the changes. Chair Rhoades verified that BI/CEO Capello explains the costs, extensions, etc. to residents. TA Whittaker added that several steps are taken to work with homeowners.

Discussion ensued on oil burner inspections, which the fire department also does. Selectman Bickford asked for current prices to compare to the proposed changes. TA Whittaker said figuring the various building costs used to be a nightmare, and BI/CEO Capello's proposal is streamlined. Selectman Gehl called it more user friendly, but said many of the values seemed like decreases. He wondered if the Town would be shorting itself. BI/CEO Capello advised no, because of the base increase in the cost of building permits. The cost would be more like a package deal. Selectman Gehl said he was supportive of the changes, and asked if the proposal was more in line with what other communities do. BI/CEO Capello confirmed that. He gave an example of what the building permit cost would be for a 1,000 square foot home under the current scale and under the proposal, with the proposed changes being 20-25 per cent higher. TA Whittaker pointed out that other costs are less. BI/CEO Capello said the biggest change would be evident with a brand-new house, rather than an addition, due to the amount of square footage.

Selectman Gehl said the proposal is keyed to an estimating guide. He said BI/CEO Capello derived the fees from the "RS Means Guide", so there is justification for the costs. TA Whittaker said both the Building Inspection portion and the permit application of the budget should be covered by the folks using those services, and not the taxpayers in general.

Solid Waste – RA Fuller said he made minor changes to the Solid Waste Fee Schedule, and tried to simplify things. Mr. McHale asked about disposing of CRT and flat screen monitors, as the flats will soon start showing up. RA Fuller said adjustments would be made as things change. He said he discussed the changes with the employees, took what was in effect, corrected things that were wrong, and tried to increase user friendliness. He said the attendants would use common sense on figuring the cubic footage of pick-ups loaded with demolition. He pointed out there is no charge for fluorescent lights, and Selectman Gehl gleefully pronounced that there was then no reason not to recycle. Chair Rhoades advised that clean waste oil is burned at the Transfer Station for heat. RA Fuller said David Lindberg had suggested contractors have roll-offs on site, to aid with the demo problem. Chair Rhoades suggested considering Friday through Monday for operating hours. Mr. Fenske asked if the new fees would be published. TA Whittaker said the Town will advertise once the Board was approving of the new rates.

Solid Waste Facility Stickers – Ms. Ingham said stickers were voted on August 4. She said the new sticker will be tied to the car and the license number needs to be entered on the sticker. The Town will switch current stickers for new ones at no charge.

There was no public input on any fee change. Chair Rhoades closed public input at 8:23 p.m.

Motion by Selectman Gehl to adopt the changes at the Transfer Station, Building Inspector and Town Clerk's fees as outlined at this evening's public hearing; second by Selectman Bickford. The Board decided to adopt the changes individually and Selectman Gehl withdrew his motion.

Motion by Selectman Gehl to adopt the modifications to the Transfer Station as outlined at this evening's public hearing effective immediately; second by Chair Rhoades. The motion carried unanimously.

Motion by Selectman Gehl to adopt the modifications to the Building Inspection/Health Inspection department, effective April 1, 2009 at this evening's public hearing, effective April 1, 2009; second by Chair Rhoades. The motion carried unanimously.

Motion by Selectman Gehl to change the automotive registration fee from \$2.50 to \$3.00 with an associated decrease in mailing fee for a net change of zero, effective immediately; second by Chair Rhoades. The motion carried unanimously.

6. Meeting Appointment – Moderator James Fenske

The Board met with Moderator James Fenske to discuss the Town Warrant. Mr. Fenske said Articles 1 and 2 would be handled at the New Durham School on March 10, 2009 from 8:00 a.m. to 7:00 p.m i.e. polling hours. He requested to see all three selectmen at polls' closing to help count, as ballots are to be hand counted to save money for this election. The Board expressed a desire to help out.

Chair Rhoades brought up the ordinance article Mr. Fenske had suggested regarding a 150 exclusion zone from the entrance of the polls where folks would be excluded from campaigning, which was subsequently voted off the warrant by the Board. He said the Board felt restricting campaigners a distance of 150 feet from the polling location was too far. Mr. Fenske said the distance was intended to locate campaigners at the entrance driveways, as the Attorney General's office has stated voters should not have to run the gauntlet to vote. He said a duty of moderators is to keep the area clear. He indicated holding signs can cause safety problems, but you cannot ban only one kind of politicking. Chair Rhoades advised that in his experience, some voters have not yet made up their minds and it can be helpful to have campaigners close, so voters can discuss issues with them. He said many people asked him questions before entering to vote when he was running. He said no one would chat with campaigners if they were standing at the driveways.

Paddy McHale said repositioning campaigners to the driveway entrances could be unsafe for them due to snow banks especially during the time of year that town elections take place. Mr. Fenske said moderators had flexibility.

Mr. Fenske and the Board decided on the following speakers to the articles:

- Article 3 – Motion, Cecile Chase of the Budget Committee; second, Chair Rhoades.
- Article 4 – Motion Michael Clarke; second, Selectman Bickford.
- Article 5 – Motion Selectman Gehl; second, Chair Rhoades.
- Article 6 – Motion, Mr. Clarke; second Selectman Bickford.
- Article 7 – Motion, Fred Quimby; second Selectman Bickford.
- Article 8 – Motion, Mr. Craycraft; second, Chair Rhoades.
- Article 9 – Motion, Mr. Clarke; second, Selectman Bickford; amendment, Cathy Orlowicz.
- Article 10 – Motion, Selectman Gehl; second, Chair Rhoades.
- Article 11 – Motion on the amendment, Thomas Swett; second, Selectman Gehl.
- Article 12 – Motion, Selectman Bickford; second, Chair Rhoades.
- Article 13 – Motion, Dennis Gagne; second, Selectman Gehl.

Regarding Article 14, stated as "To transact any other business that may legally come before the voters", TA Whittaker asked if Chair Rhoades could then inform residents of the upcoming census, tax mapping, street naming, and neighborhood valuation upgrading, so they will be aware strangers will be in neighborhoods.

Ms. Ingham advised Mr. Fenske that under the new law, elected officials who ran uncontested can now be sworn in at the end of the meeting instead of having to wait 5 days.

6. Administrative Review

Trail work request - The Board reviewed the request by the Powdermill Snowmobile Club to repair trails and grub and level trails in the Den area and Webster Road.

Selectman Bickford commented that the club had blanket permission to do such work. TA Whittaker responded that the club has always been courteous regarding asking before instituting any work, which was appreciated in case there were any inquiries.

Motion by Selectman Bickford to approve the request by the Powdermill Snowmobile Club to repair trails and clean ditches and culverts in the Den area and Webster Road; second by Selectman Gehl. The motion carried unanimously.

Joint Meeting with Recreation Commission re day care/pre-school – TA Whittaker noted a report from a day care employee and suggested setting up a joint meeting with the Recreation Commission, Board, and day care staff, so the Board and Recreation Commission could jointly work through issues that probably should have been addressed sooner in terms of management. Selectman Bickford asked if the Board had any control over the fees charged and TA Whittaker said it was a gray area, in her opinion, but obviously, it was her hope, that this was such an issue that could be worked upon. She said the situation could be “win-win” with an alternative management platform that everyone could buy into. She said there are two programs in town, and staff and the Commission are involved. She said currently there is some unhappiness in respect to the situation, by all accounts, for all parties involved. Chair Rhoades said a joint meeting has been long overdue and it was a good call to organize one. He said everyone needs to know the day care’s goals and where should we be in six months with both programs. TA Whittaker said everyone’s position has value, hence the importance of a joint session. The Board scheduled the meeting for **March 26, 2009 at 7:00 p.m. at Town Hall.**

Copy of roof specifications – TA Whittaker provided the Board with a copy of the engineered specifications for the roof and second story floor area of the fire station addition, for proof that the plan was stamped by an engineer in case there are any further questions.

Chair Rhoades questioned why the heating system had not been energized, and TA Whittaker advised that she was still waiting for the Chief to organize the electrician’s connection.

Motion by Selectman Gehl to authorize Town Administrator April Whittaker to make arrangements to get the electrical work at the fire station completed; second by Chair Rhoades. The motion carried unanimously. BI/CEO Capello asked to check if having someone else do the work would jeopardize the warranty? Consensus of opinion was that this was only to hook up the heating system, not the whole system.

Informational items – TA Whittaker passed on:

- ❑ a memo from Police Chief Shawn Bernier indicating the county dispatcher’s fees may be reduced 20 to 25 per cent;
- ❑ an update on March’s Pond Dam construction indicating that all three engineers agree on a change order re footings, to pour the concrete (explained by Selectman Gehl as “trading” depth for mass);
- ❑ a legal stipulation document regarding a local business owner;

- a notice from the USPS that stamps will increase by two cents effective May 11, 2009.

The Board scheduled its next meeting for *March 16, 2009 at 7:00 p.m. at Town Hall.*

7. Old Business – Street Name Changes

Whereas the Board's make-up will change following the Town elections, and whereas this Board is of differing opinions considering the subject, the Board agreed to discuss the matter of street name changes at the next meeting.

8. New Business

Proclamation of Red Cross Month – The Town had been requested to proclaim the month of March as "Red Cross Month." In celebration of this, a proclamation had been composed, which the Red Cross organization hoped the board would support, read, and post. TA Whittaker advised that the Red Cross was one of the first entities to call offering assistance after the tornado, and that the organization worked cooperatively with her. She was appreciative of their offers of assistance. Selectman Gehl read the proclamation and the Board signed it ~ see attached document.

Plow truck bid award – Selectman Gehl pointed out that the approval of the bid award was contingent upon Town Meeting approval. RA Fuller said the revised bid amount did not include the air dryer, so he suggested an amended amount.

Motion by Chair Rhoades to award the bid of a cab and chassis for the new truck to Liberty International Truck for a total not to exceed \$63,000, pending Town Meeting; second by Selectman Bickford. The motion carried unanimously. Chair Rhoades thanked RA Fuller for all of his work on the matter.

Surplus Equipment Sale – TA Whittaker reported only one bid, for the mobile sign and trailer, had been produced, for \$350. She noted the sign was illegal in town and was purchased out of the Recreation department's revolving fund, so the monies would be returned to the revolving fund should the board accept the bid. Selectman Gehl asked to table the matter and alert the bidder that the sign cannot be displayed in New Durham because of the sign ordinance. BI/CEO Capello said it could not be displayed without a variance. Chair Rhoades asked TA Whittaker to advise how much the sign cost new. He asked if the remaining equipment could be put on "Craigslist". TA Whittaker replied that it could, or residents could bring in an offer. Mr. McHale asked about donating the car to a charity. BI/CEO Capello said a junkyard owner, Bill Baxter, in Farmington takes old cars, and the Board agreed to look into that.

9. Approval of Minutes

For the minutes of February 16, 2009, the following amendments were made:

- Page 4, paragraph 2, line 1, change the word "if" to "of", to read "the process of how". Paragraph 4, line 4, change the word "it" to "its", to read, "via it's governing".
- Page 10, paragraph 3, line 6, change "whish" to "which". Line 12; add, "sans signs" after "campaigners" to read "the campaigners, sans signs, near the door."

Line 14, following “near the door.” add, “The Board expressed concerns that the candidates would be too far from the door to discuss issues with voters. All members felt that 150 feet was too great a distance, and might possibly infringe on others’ properties.”

Motion by Chair Rhoades to approve the minutes of February 16, 2009 as amended; second by Selectman Gehl. Rhoades – aye, Gehl – aye, Bickford – abstain. The motion carried.

10. Any Other Business

Selectman Bickford reported that he will take Rep. David Knox’s place at a March 13th meeting with the governor and Superintendent of Schools Jack Robertson. Mr. Robertson will be discussing the funding for vocational courses that has been cut.

11. Non-public Session

Motion by Selectman Gehl at 9:32 p.m. to enter into non-public session under RSA 91-A: 3 II (a), regarding discussing employee compensation; second by Chair Rhoades. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye.

The board returned to regular session at 10:52 PM.

Motion Gehl, second Rhoades to place an addendum of separation proceedings to the Town Administrator’s memo of employment, vote 3 – 0. It was noted for the record that this discussion had taken place before Christmas 2008, and that the addendum was finalization of those discussions.

On another employee issue, the board agreed to complete an evaluation and invite the individual in for discussion of the same.

12.. Adjournment

There being no further business,

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

The meeting adjourned at 11:00 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.

