

**New Durham Board of Selectmen
Minutes of Meeting ~ June 28, 2010
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant Alison Rendinaro, Road Agent Mark Fuller, Police Chief Shawn Bernier, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Milfoil Committee Chair Art Hoover, Karen Gray, Katie Kemen, Fred Quimby, Mary McHale, Billy Perkins

1. Call to Order – Chair Terry Jarvis called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

2. Agenda Review – There were no changes outlined.

3. Citizens' Forum – There was no public input.

4. Board, Commission and Department Reports

Strafford County Regional Planning Commission Appointments - Chair Jarvis indicated Planning Board Chairperson Paul Raslavicus sent letters of nominations for appointments. She said the PB nominates and then the Board appoints.

Motion by Selectman David Bickford, second Chair Jarvis to appoint Dorothy Veisel to the Strafford Regional Planning Commission. 3-0.

Motion by Chair Jarvis, second Selectman Bickford to authorize the chairperson to sign the appointment form. 3-0.

Motion by Selectman Bickford, second Selectman Fred March that David Allen should continue as the Town's representative on the Traffic Advisory Committee of the Strafford Metropolitan Planning Organization. 3-0. Selectman Bickford asked if they were one-year terms and Administrative Consultant Alison Rendinaro said they were from 2010 – 2012.

Motion by Chair Jarvis, second Selectman Bickford to authorize the chairperson to sign the appointment form. 3-0.

Milfoil Committee Report – Milfoil Committee Chairperson Art Hoover updated the Board on the committee's actions. He said it has engaged Aquatic Control to treat an area of 27.6 acres in Jones Pond and the Merrymeeting River from the bridge beyond Camp Maranatha and the Hoover bridge with 2-4-D on July 21, 2010. He said abutters would be notified. He said DES maps the area prior to treatment, and if the treatment is effective, then divers are sent to eradicate further. If not, the area will be treated again in August or September, followed up with another mapping for divers. He told the Board the treatment will exhaust the committee's funds.

Mr. Hoover indicated DES has identified boats as the worst culprits, so the unofficial launch in that area will be closed down and No Trespassing signs posted. He said the public does not understand that motors chop up the plants and more plants grow from each piece. He said the milfoil is moving upstream, and the lake needs to be

protected from infection. He said Downings Pond is also infected. He said the committee hopes to draw down the water at the end of the year to shrink remaining plants in the frost, but NH Fish and Game has not been keen on allowing them to do it. He said DES believes in the process.

He said a suction machine exists that is endorsed by DES and speeds up the process of diver-removed plants. He said the committee has asked the company to reconsider its astronomical price. Mr. Hoover explained that the long-term solution is not full eradication, but controlling the plants with divers. He said unchecked, milfoil will clog up the whole river system. He wanted to make it clear to the Board that control will be ongoing, but will not be as expensive as the initial efforts.

Chair Jarvis said Mr. Hoover might want to let DES know there was an oil spill in that area. He said he couldn't imagine DES was unaware, but he would check on it. He asked the Board to attend a committee meeting on the third Wednesday of the month to work together. He said signs should include the message that it is a milfoil area.

Regarding the written summary of goals the Board has requested of all Town groups, Mr. Hoover provided the Board with the state's five-year plan for controlling milfoil and said the committee hoped to follow it. He said this would hopefully be the last chemical treatment needed, and that Downing Pond will not be addressed for now.

Chair Jarvis asked if the committee has priced out a sign, and Fred Quimby said members had no preference. Road Agent Mark Fuller said he has dealt with a sign company and he would confer with the committee about it. Mr. Quimby said the unofficial boat launch is private property and also a bald eagle nesting area. Mr. Hoover said it was in current use and the owners were told they can't stop people from using it. Chair Jarvis said AC Rendinero would research that. She asked about the progress of an educational program on milfoil for Community Access TV. Mr. Hoover said negotiating a price has taken the committee's time, so educational outreach has not been pursued yet. Mr. Quimby remarked that a training session was held at the Merrymeeting Lake Association meeting. Mr. Hoover said that group has a boat watch. Mr. Quimby said the boat watch has been extended to both launch areas.

Strafford County Health and Safety Council – The Board met with Executive Director Karen Gray and Emergency Preparedness Coordinator Katie Kemen. Ms. Gray provided the Board with an update on the Council's activities, and said the group was attempting to identify public health problems as well as gaps in mental health care. The Council would like an active representative from New Durham who best represents the town to attend meetings once every other month during the day.

Ms. Kemen said she has met with New Durham's Emergency Management Director Ken Quigley, who will be involved with the Council's call down drill. She explained there are four stocked emergency response trailers available to communities, and that the revised Public Health Emergency Response plan will be given out at 8:30 a.m. July 8, 2010 at Frisbee. The Board decided to check with Mr. Quigley and Tom Goss about being primary representative. Chair Jarvis said she could also go, as well as AC Rendinero.

Transfer Station – RA Fuller provided the Board with quotes from four companies regarding purchasing floor scales to weigh e-waste, aluminum cans, and cardboard.

Advanced Scale Inc. and FairBanks Scales at \$1,400 and \$1,470.89 respectively were lower. He said the price included delivery, installation, and calibration. He said the state does annual calibrations.

Highway – RA Fuller asked the Board for thoughts on Stockbridge Corner Road. He said the Town could discontinue it, close it, or do only summer maintenance. He said an average cost of maintenance is \$10,000 a mile per year. He said there are no homes on the .6 mile of road, and the Town owns both sides of the road. He said it would be possible to excavate gravel from it. Police Chief Shawn Bernier said there were no real ramifications for the police department with any of the options. RA Fuller said snowmobilers could use it. He said maintaining a paved road costs more. Selectman Bickford pointed out that the material lost from a dirt road has a negative effect on the environment. He asked for a comparison of maintenance costs between dirt and paved roads. Chair Jarvis brought up that logging trucks may need to be in that area, and RA Fuller said a skidder could take the wood from the Town Forest out to a landing. Selectman Bickford said it would be a way to trim the budget. The Board said it would consider RA Fuller's suggestions, and discussed if a Town Meeting vote would be needed. AC Rendinaro will research it.

Police – Chief Bernier said there has been additional vandalism at the ball fields. Those responsible for damaging a bench and Portapotties have been found.

He said three residents of other towns were caught at the Town Beach with New Durham dump stickers, given to them by residents. The fine is \$100. He said the Town Beach Ordinance does not specifically cover renters, as there is no temporary sticker. Selectman Bickford asked if he could write up the requisite language. Chief Bernier said he could. He said his department would like a different system because they have to ask people for their IDs when they are on the beach with their families. He said he trained the beach staff to be aware of stickers. Selectman Bickford said the temporary dump sticker could be the same for the beach; just change the ordinance to say so. Chief Bernier said the ordinance doesn't specifically mention the beach now. Chair Jarvis said she believed a public hearing was necessary to change an ordinance. RA Fuller added that the ink used on the sticker fades.

Chief Bernier said the grant for the contract with Fish and Game regarding ATV riders has been approved, but he does not have the figure yet.

Motion by Chair Jarvis to authorize the Police Chief to sign the contract with Fish and Game for a 100 per cent grant in the amount that becomes available; second by Selectman Bickford. 3-0.

Chief Bernier said he has received phone calls regarding a business on Meaderboro Road. Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello said the Planning Board gave approval to a firewood processing business there. Chief Bernier said residents say the noise goes beyond the agreed upon hours of operation. BI/CEO Capello said he has received calls also, and he has enforcement authority.

Building – BI/CEO Capello provided the Board with the requested report comparing 2009 permits to this year. It indicated there are fewer renewals this year but fees are up

by 17 per cent. Selectman Bickford asked BI/CEO Capello to generate a report that goes back five years.

5. Old Business

Police Station Bids – Chief Bernier provided the Board with two bids for police station renovations: \$20,651 with commercial wiring by Peter Scala of Old Bay Builders LLC, and \$18,900 without commercial wiring from Michael Fontaine Builders. The specs went out without commercial wiring, as it is not required. Mr. Scala had indicated he could provide a bid without commercial wiring, but the Board decided the bids were now public, so it would be inappropriate to do so.

Motion by Chair Jarvis to award the renovation of the booking room to Michael Fontaine Builders in the amount of \$18,900; second by Selectman Fred March. 3-0.

Bids for the central air proposals were \$8,600 from Eric Ducette of HVAC Services, \$9,000 from Advanced Air Services of New England LLC, and \$9,350 from another company. Chief Bernier said Administrative Assistant Katie Woods found two of the companies on line, and they came to the station. Chair Jarvis said she wanted reference checks.

She said the security system was under \$3,000 so there is no need to get bids. Chief Bernier indicated he got an estimate from the person who currently handles the security system.

Shirley Forest Bids – AC Rendinaro said Town Forester Dennis Thorell reviewed the bids with her and made recommendations in the following order: New England Forestry Consultants, Inc., B. H. Keith Associates, and Forest Land Improvements, Inc. She said 12 companies were notified. Selectman Bickford disclosed that he has done business with New England Forestry Consultants in the past.

Chair Jarvis asked if the timber sales would cover the cost of the management plan. AC Rendinaro said Mr. Thorell did not mention that specifically, but he did note that the forest has good pine. Chair Jarvis said she wanted to ask Mr. Thorell questions about breaking even or making a profit. AC Rendinaro said she would contact Mr. Thorell and Debbie Goard of UNH Cooperative Extension. Chair Jarvis said no money is budgeted, if the Town does not break even on timber sales. Selectman March indicated the Town would break even and should even make some. Selectman Bickford said a profit will be realized, but deciding on what company to use involves determining what arrangement is best for the Town. Selectman March said all the manpower would be from New Durham if the Board went with New England Forestry Consultants. Selectman Bickford asked about some land to be excluded. Chair Jarvis said a management plan will meet the intent of the will. Selectman Bickford said a plan is a dust catcher. He said the Town forest is a mature forest, and that plans are common for private owners because current use pushes them that way.

Status of Items – The Board discussed the status of the fire department job descriptions, alcohol ordinance, sealed minutes (deciding if someone asks about them, the Board would review them), and FETN contract. Selectman Bickford said he believed the Board voted to let the fire department contract for one year. The Board checked the minutes

regarding the matter. Chair Jarvis said a professional journal recommended fire department members getting physicals.

***Fireworks* - Motion by Chair Jarvis that the Parks and Recreation Department be allowed use of the Transfer Station to collect donations for fireworks at a date, time and location approved by the Transfer Station manager and Police Chief; second by Selectman Bickford. 3-0.**

***Raffle Permit Requests* – Motion by Chair Jarvis to approve the request of the Parks and Recreation Department to sell raffle tickets with a drawing date of August 2, 2010 before the fireworks; second by Selectman March. 3-0.** The Board signed the permit.

Chair Jarvis said the Board considered authorizing the Police Chief sign raffle permits for previously identified New Durham non-profit organizations. The Board decided to wait until the next meeting to take action. AC Rendinaro is to put together a statement.

E-9-1-1 Liaison – Chair Jarvis said Ken Quigley has agreed to be liaison with E-9-1-1.

6. New Business

Appropriate Funds to Replace Boat Launch Sign – The Board agreed to table the matter, as the Milfoil Committee was conferring with RA Fuller.

Authorize Shapefile Fee – The Board tabled authorizing the Land Use Administrator to charge a Shapefile fee, as all necessary information has not yet been received.

***Acceptance of FEMA Funds* – Motion by Selectman Bickford to accept \$26,074.43 from FEMA for rain and wind damages suffered in the February/March 2010 event; second by Selectman March. 3-0.**

March's Pond Dam Overage – Chair Jarvis said the \$65,000 to be removed from the 2009 Unreserved Fund Balance has been approved by the Budget Committee, but the Town is short \$6,251.83 in authorized monies. She said AC Rendinaro asked DRA if the Town could make two submittals because the Budget Committee meets in August, or if it must be done once after the Budget Committee meets. Chair Jarvis said the Board needed to approve \$6,251.83, and then that figure moves on to the Budget Committee. She said Financial Assistant Vickie Blackden needs to close her books.

Motion by Chair Jarvis to approve the additional sum of \$6,251.83 to cover additional overage of March's Pond Dam project, recognizing that the total amount of \$71,251.83 (made up of \$68,850.37 as 2009 overage and \$2,401.46 as 2010 overage) be taken from the 2009 Unreserved Fund Balance; second by Selectman Bickford. 3-0.

LCHIP Grant – Chair Jarvis said she and AC Rendinaro attended the LCHIP grant-writing workshop, where LCHIP recommended applying for either an Historic Structure Report (HSR) or repairs to Town Hall, but not both. She said it would be best to focus on the HSR, so it would be necessary to change the previous vote on HSR and repairs to just an HSR. Chair Jarvis said the Trustees of the Trust Funds said monies from the

Town Buildings Improvement Fund could not be used as a match for the grant. She said if the Town gets a grant for the HSR, the Board could put an article for the matching monies on the warrant. She said AC Rendinaro will be writing the grant.

Motion by Chair Jarvis to change the focus of the LCHIP application to solely an Historic Structure Report; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to authorize the chairperson to sign the appropriate documents of the grant application; second by Selectman March. 3-0.

RFP – Chair Jarvis said we need to check with the LGC to determine if the Conservation Commission or the Board signs for the Request for Proposals regarding a Natural Resources Inventory.

7. Schedule Next Meeting

The Board scheduled its next meeting for July 12, 2010 at 7:00 p.m. at Town Hall and a work session on July 8, 2010 to discuss the video policy, custodial issues of Town buildings, and possibly hold a non-public session with a department head. Chair Jarvis said since the non-public session, if held, would be lengthy, the Board would not require Recorder Allyn's services that evening.

8. Administrative Consultant's Report

Drainage on South Shore Road - AC Rendinaro said she received a call requesting contact with a selectman regarding a drainage issue on a resident's property. She said she suggested a site walk, as the owners have spoken with RA Fuller. RA Fuller said the property has been that way for years, and there was a terrible rain two weeks ago. Selectman March said if it was the high rain that prompted the situation, it was an act of God, and no matter what the Town did, the water would still come down the road. The Board decided that Selectman March would meet with the owner.

Paradiso Deed – The Board reviewed a memo from Attorney Richardson regarding the deed for the Paradiso property on Ridge Road, and what the Goslins conveyed to the Paradisos. He indicated it does not establish a new right of way. Chair Jarvis said it verifies that the Town has a right of way. Selectman March said more information was being gathered.

9. Approval of Minutes

The following changes were made to the minutes of the business meeting of June 7, 2010: page five, under New Business, Fire Station Exhaust System, third paragraph, first sentence – change "... and a PE needed..." to "...and asked if a PE needed..."; page 6, under FETN Contract, first paragraph, add (\$12,500) after "...totals an amount...; second paragraph, add Lt. before Jon Roy; page 7, under Computer Purchase, add "as opposed to a desktop" at the end of the second sentence; and page 9, add "See minutes dated June 17, 2010" after 13. Reconvene, and strike 14. Non-public Session and 15. Adjournment.

Motion by Chair Jarvis to approve the minutes of the business meeting of June 7, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of June 10, 2010 public meeting, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the first non-public session of June 7, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the second non-public session of June 7, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the sealed minutes of the non-public session of June 10, 2010, as amended; second by Selectman Bickford. 3-0.

The following change was made to the minutes of the work session meeting of June 14, 2010: page one, under 3., second sentence, change, that is to they are.

Motion by Chair Jarvis to approve the minutes of the work session meeting of June 14, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the continued work session meeting of June 17, 2010, as amended; second by Selectman March. 3-0.

10. Any Other Business

The Board indicated Town Hall was closed this weekend and Monday. The Board announced there are two openings on the Parks and Recreation Commission, and anyone interested in serving should contact the Rec Director or Commission chair.

Selectman Bickford said he wanted to know how much the Ethics Board spent on the complaint brought before it. Chair Jarvis said the Town just received the June legal bill.

BI/CEO Capello said it would be helpful to find the notice of decision from the Planning Board regarding the Tremblay case, as there have been complaints.

Selectman Bickford said he would like to discontinue the use of selectmen's initials in the minutes, and revert to the earlier style.

11. Non-Public Session

Motion by Chair Jarvis at 10:37 p.m. to enter into non-public session to meet with BI/CEO Capello under RSA 91-A:3 II (e), pertaining to potential litigation, and under RSA 91-A:3 II (c). A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.

12. Return to Public Session

The Board returned to public session at 11:31 p.m. and read information regarding the state owned property in town. The Board advised AC Rendinaro to have Laura Zuzgo refer any calls from the state to the Board's office, and let them know that the issue is under review by the Board and will be addressed soon.

13. Adjournment

Motion by Chair Jarvis at 11:35 p.m. to adjourn; second by Selectman Bickford. 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

APPROVED BOS minutes 6/28/10

the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.