

**New Durham Board of Selectmen
Minutes of Meeting ~ October 18, 2010
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant Alison Rendinaro, Road Agent Mark Fuller, Building Inspector/Code Enforcement Officer Arthur Capello, Marc Behr, Mike Clarke, Ty Corneau, Peter Lachapelle, Cathy Orlowicz, Mary McHale, Stuart Rinschler, members of the public

1. Call to Order – Chair Terry Jarvis called the meeting to order and led the Pledge of Allegiance.

2. Citizens' Forum - Marc Behr proposed a standardized computer buying policy for the Town, in which the Town will decide upon one type of computer for all departments to use. This will standardize the cost for new computer purchases, making budgeting and planning more efficient. Administrative Consultant (AC) Alison Rendinaro and Mr. Behr will look into this.

3. Department Reports –

Highway/Transfer Station - Road Agent (RA) Mark Fuller gave an update on the Highway Department and Transfer Station.

Fire - Fire Chief Peter Varney gave an update for the Fire Department. He said that the rules and regulations that the Explorers fall under are from the Boy Scouts of America, and those regulations can be downloaded off of the Internet. Chief Varney was asked about the Lift Kit for the Mule, and he explained that Dave Stuart has that information. At the next business meeting, the Board of Selectmen will vote on the Fire Department Rule and Regulations.

Chair Jarvis asked Chief Varney for an update on the FETN program.

Chief Varney and Marc Behr discussed the need for an inventory policy that will connect all departments and include a database to keep track of inventory. Chief Varney will look into associated costs.

4. Status Reports – The Board will meet with Barry Cox of the Local Government Center to discuss the final product of the Wage and Classification study. The goal is to meet November 1, 2010; contingent upon when the rough draft can be submitted to Mr. Cox. Chair Jarvis said employees could be moved into the proper salary grade when the information became available.

5. Old Business

Bids for municipal solid waste and winter sand - RA Fuller said he came up with all positive reports from his investigations into both Bestway (with municipal solid waste haul fee bid of \$145 and disposal fees of \$65) and Waste Management (municipal solid waste haul fee of \$140 and disposal fees of \$72) and, therefore, had no recommendation

since they both came back with good reviews. Chair Jarvis said she toured Waste Management and was impressed by the fact that trash was converted to energy and not dumped into someone else's backyard. Due to changes, property owners will be able to have demolition hauled away directly by Waste Management, so the amount of demo taken in at the SWF/TS could decrease next year.

Chair Jarvis noted that, in the bid package that went out, the Town reserved the right to go back to the low bidder to negotiate, in order to get the lowest possible price. She indicated that Waste Management was willing to lower its price, and asked the Bestway representative if his company could follow suit. The representative said he had no specifics at this time. He did indicate that some trash goes to the Allentown transfer station. Chair Jarvis asked if all of New Durham's trash would be converted to energy, and he said some construction and demolition might wind up in a landfill.

Selectman David Bickford raised a question about further negotiation, and Chair Jarvis said the contract stated that, after the Town awarded the bid, it could go to the awardee to lower prices. Selectman Bickford asked how the price could be lowered if a contract is made. Chair Jarvis replied that the Town did not sign a contract. Selectman Bickford wondered what the incentive would be for the other party to negotiate, after the bid has been awarded. Chair Jarvis said we can always change our minds. She said another option would be to reject all bids and rebid, but that seemed to be a waste of time. She suggested contacting the top three contenders to see if Town could obtain more favorable results. Selectman Bickford said he was unfamiliar with that type of going out to bid. He stated his numbers came up with about \$6,000 savings with Bestway per year, as it is three years without any CPI. Selectman Fred March said he thought the savings was closer to \$5,000. Selectman Bickford said it was \$18,000, and without a CPI it could be even more, so the contract is about \$20,000 lower over the three years than the other bidders.

Motion by Selectman Bickford to award the contract to Bestway. He withdrew his motion at the request of Selectman March. Selectman March said the bidders' results came in like this and the Board should vote on that. Chair Jarvis said the bid notice stated the Town reserved the right to negotiate the terms of contract and scope of contract with the bidder, without going out to bid again.

Motion by Selectman Bickford to award the municipal solid waste and construction and demolition debris contract to Bestway; second by Selectman March. Chair Jarvis said she did not like moving our trash into another town and making it their problem, and preferred trash becoming energy, which lowers cost factors for the university and savings may trickle down. Selectman Bickford said that might happen and there may be lower prices in three years. **3-0.**

Winter Sand – Mike Clarke reported he met with NorthEast Earth Mechanics at its sand pit in Pittsfield, and spoke to road agents in Barnstead, Alton, and Pittsfield, who have been satisfied with the company. He said the Town could save about \$3,000 with NorthEast Earth. He said we are not buying it until next year. Chair Jarvis asked if the Town would determine if the sand was of the same quality Mr. Clarke observed, and Mr. Clarke said it would be refused if not up to Town specs.

Motion by Chair Jarvis that the winter sand bid be awarded to NorthEast Earth Mechanics of Pittsfield at a cost of \$7.95 per yard for three years, contract

to specify that every load of sand must meet the approval of the highway department road agent; second by Selectman Bickford. Selectman Bickford said he had work done by one of these contractors, not the winning bid. Mr. Clarke said it would save the Town money with the three-year contract. **3-0.**

Finalize Road Agent Job Description – Chair Jarvis said the Board received a copy of the revised road agent job description that Selectman March put together, which is basically the LGC description with some edits. Chair Jarvis suggested adding that the road agent work with the SWF/TS foreman. RA Fuller asked if that was not standard with all positions in town. Chair Jarvis said anyone taking that position needs to know there is a lot of cooperation needed in that area. Selectman Bickford said the Board should speak to SWF/TS Foreman Joe Bloskey before the job of road agent/SWF/TS Manager position is divided. Chair Jarvis said the Board voted to divide that position and would discuss management of the SWF/TS at a future date. She said the Board must come up with salary range so we can post it.

Motion by Chair Jarvis that the Board of Selectman approve the road agent job description as revised by Selectman March and Chair Jarvis; second by Selectman March. 3-0

Set Road Agent Salary Range – Chair Jarvis said the road agent position falls under labor grade 12 and salary range from the 2008 LGC study. The salary wage schedule is \$45,240 to \$79,328. She asked if the Board was envisioning offering anyone the top of scale. She said they would look at experience and decide where we'd place applicants on the wage scale. Selectman Bickford said the posting could indicate the full range. Selectman March said the Board would negotiate with each individual.

Chair Jarvis said the Town will post the job description listing a salary range from a low of \$45,240 to a high of \$79,328.61 and interview candidates. She suggested the in-house posting for all current employees be from October 20, 2010 until close of business November 1, 2010. RA Fuller suggested pushing the process forward faster, explaining that the more the process is prolonged, the harder it will be on the department. Chair Jarvis said she wanted to be fair to all applicants. RA Fuller said everyone in the highway department knows about the opening. The Board decided to post from October 20 – 26, 2010.

Employee Benefits and Pay Scale - Chair Jarvis said the Board needed to decide on placing staff on a step, and then decide if there will be additional raises based on merit. She said the spreadsheet she generated indicates the closest step above what people are receiving, and was not based on merit. She indicated there are half a dozen employees on a step within a grade, and that everyone needs to be at a specific step, and the Board can decide on merit raises after that. She pointed out that three employees have grades lower than the LGC study suggested. She asked AC Rendinaro how long it would take Mr. Cox to get us another spreadsheet. AC Rendinaro opined it would not be much different from the 2008 one. Chair Jarvis said the Board might have to increase the numbers further upon receipt of Mr. Cox's results. She indicated the Board might have to see how to get individuals into the proper grade.

Recycling Ordinance – Chair Jarvis said AC Rendinaro put together a draft in compliance with state law, and that she found additional minor edits to be considered. She said the Board would need to schedule a public hearing. AC Rendinaro pointed out that a resident was waiting with an application to build on a Class VI road, so the Board could schedule both public hearings at the same time.

6. New Business – Fred Booth met with the Board, indicating he was seeking a driveway permit on a Class VI road. He explained that the 30-acre parcel has been in the family since 1980, and is not in current use. He said he co-owned the property with his late brother, Ron Booth, and it was his desire to transfer his interest to Robert Booth. Chair Jarvis stepped down, as Rob Booth indicated he would move some of his equipment onto the property and he is her landscaper.

Fred Booth said Norway Plains put together plans depicting the property, with abutters. He said the road is well within the driveway permit guidelines, as is the overall grade of the road. He said they would upgrade the road, widen it, lay crushed gravel down for the entire distance, and move the gates and posts beyond the driveway entrance. He said Rob Booth has the ability and equipment to maintain the road, so there would be no burden on the Town.

Chair Jarvis said the road would have to accommodate fire department vehicles. Selectman Bickford said ATVs are allowed on that road now. Fred Booth said they could provide something beyond the driveway access for that, since there is 1,800 feet of road frontage. Building Inspector/Code Enforcement Officer Arthur Capello said Rob Booth would have to go through the Planning Board, if he was moving his business there. He pointed out the impact fees of \$2.49 per square foot of residential building, with no cap. Rob Booth said he had two full-time employees and some part-timers. BI/CEO Capello said the Town ordinance permits no more than two employees on the premises at one time.

Selectman Bickford said the Town requires residents on a Class VI road to sign a waiver. He said maintenance of the road could become a source of contention if someone else moves onto the road. Fred Booth said both southern abutters have existing driveways, and anyone creating access beyond the 600 feet of abutting property would need to ask the Board for a waiver to build beyond 600 feet, per the guidelines, so he did not see a problem.

Discussion ensued on the process the Booths would go through regarding the Planning Board. AC Rendinaro is to speak with Land Use Administrator David Allen to determine how the Board gets information from the Planning Board, and she will get back to the Booths. Selectman Bickford said the Board often does site reviews on private roads, when considering a building permit. He suggested doing that between now and the public hearing. Chair Jarvis said once the Board knew when the public hearing will be, then it can look to do a site walk.

7. Return to Old Business

Recycling Ordinance – Cathy Orlowicz and SWF/TS Foreman Joe Bloskey met with the Board regarding the Solid Waste Ordinance. Ms. Orlowicz said they received the revised ordinance, along with Chair Jarvis' concerns, and reviewed the information. She said Mr. Bloskey feels the ordinance should include statements that there are no salvage

rights and that the SWF/TS does not handle cash; rather, residents need to purchase coupons or use checks. She said staff has made an effort to inform everyone that the facility does not handle cash. Selectman March noted that Mr. Bliskey wanted to add to the document that there are no salvage rights.

Regarding use of "staff" and/or "attendants," Chair Jarvis said she would prefer to use the term "staff" consistently throughout the document. Ms. Orlowicz suggested defining it to be clear. The Board agreed. The Board also agreed that the permit sticker be located on the left side of the vehicle.

Ms. Orlowicz said employees were unaware of customer lists of commercial trash haulers, so it should not be included. She said the section on glass needs to be changed to simply "glass," as glass is not separated by color.

Other revisions included a new definition of household generated sharps and disposal of same, along with minor adjustments concerning typos and inconsistencies. RA Fuller said he would investigate why boats are not accepted, so that it could be incorporated in the ordinance.

Ms. Orlowicz said demolition charges must be looked at. Mr. Bliskey suggested adding an additional cost if a truck bed load exceeds the height of the sides. RA Fuller said there is a set fee for a six-foot and eight foot level truck bed. He said the Board needed to consider scales because the Town pays by the pound, but gauges by unit. He said with a drive-on scale, the Town could charge as much as it pays to remove the debris. Chair Jarvis said we need pricing on scales and upkeep. RA Fuller estimated upkeep at \$300-\$500 per year. He said currently the Town is not even recouping 50 per cent. Chair Jarvis said user fees would help recover the cost of scales. She said we should increase fees. Ms. Orlowicz asked how the Town could do that, when it just approved a contract for lower hauling fees. RA Fuller pointed out that with scales, the SWF/TS could charge pound by pound, and staff could attempt to keep a better eye on things so people can't throw items in without paying for them.

Ms. Orlowicz said the tire rates needed to be adjusted. RA Fuller said larger tires are now on cars, so we can charge more for truck tires. He noted a decrease in tires because it's often cheaper for people to leave them at the service station.

Mr. Bliskey said he thought businesses should be required to have roll offs. He said the town has several restaurants, camps and businesses that don't have roll offs and bring all their rubbish to the SWF/TS. Selectman March said if the Town charged the businesses enough, it would be financially advantageous for them to have their own roll offs. Chair Jarvis said the Town does not charge for rubbish. Ms. Orlowicz advised having a handle on what kind of business you want to have roll offs. She suggested a roll off could be a condition of approval when a new business comes before the Planning Board. She said the Board needs to know what kind of business we would want roll offs for, as the Planning Board is trying to encourage small businesses. Selectman Bickford stated it is a town's responsibility to provide a way to dispose of waste, so he wanted to check on that.

Chair Jarvis suggested higher penalties of \$50 for a second offense, and \$100 for a third. She said commercial haulers should be fined \$100 for a second offense, and \$200 for a third, as they bring in more rubbish. RA Fuller said that many offenses by a commercial hauler would constitute abuse, and the hauler should be banned.

The Board discussed white goods and freon items. AC Rendinaro is to put the ordinance together with Ms. Orlowicz and Mr. Bloskey. Mr. Bloskey is to identify the businesses.

MRI – Chair Jarvis asked AC Rendinaro to determine what services MRI could provide as part of the eight hours a month the Town receives under its contract. Assistance to Financial Assistant Vickie Blackden and to the assessing clerk has been discussed.

Part-time Employees – RA Fuller is anticipating a possible resignation and the vacancy from this summer has not been filled.

1772 Meetinghouse Restoration Committee Vacancy – Chair Jarvis said George Gale submitted a letter stating he was interested in rejoining the committee. She said she would like to post the opening on the website to see if others are interested. Mary McHale spoke as vice-chair of the committee, recounting that the committee met over the weekend and unanimously voted to recommend Mr. Gale. She indicated he takes care of things on the 1772 Meetinghouse grounds, and has opened up talks with the Timber Framers' Guild, which could result in getting the roofing work done for free. She said no one in town has done more for the committee and 1772 Meetinghouse in the last five years. She pointed out he was instrumental in getting the Town to purchase the abutting land, and served as chairperson on the committee before. She told the Board she didn't see that there would be a problem reappointing him.

Chair Jarvis said she wanted to be fair to other citizens. She asked AC Rendinaro to get her a copy of the charter. Selectman Bickford said Mr. Gale resigned before because he felt the Planning Board did an illegal subdivision. He suggested the Board may want to find out if that became legal. He said Mr. Gale resigned from the 1772 Meetinghouse Restoration Committee and the Planning Board at the same time.

Voucher Requests – Chair Jarvis said the Board had requests to sign some vouchers. The Board signed the previously authorized voucher for the Preservation Timber Framers, which comes from a special revenue account.

She indicated the amount of one of the Purchase Orders for the replacement of stolen tools is under \$1,000, which does not fall within the purchasing policy, but #0831 is for \$4,4000.

Motion by Chair Jarvis that the Board waive the purchasing policy regarding three bids, as these are replacement tools for those stolen; second by Selectman March. The Board reviewed the list of stolen tools. **3-0.**

Motion by Chair Jarvis to approve PO 0831 to Snap On Tools and PO 0882 to Mack Distributing; second by Selectman March. 3-0

Authorizations – Chair Jarvis said an authorization with CMA Engineers for designs and permits in September 2009 and one for on site services (final inspection) in October 2010 were not signed. Selectman Bickford said everything was agreed to beforehand, and part of the FEMA grant, but the signing was not completed.

Motion by Chair Jarvis to sign amendment number 7 from CMA Engineers, Inc. ; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis authorizing the chairperson to sign Number 7 and the vice- chair authorized to sign 7-1; second by Selectman Bickford. 3-0.

8. Schedule Next Meetings

Chair Jarvis indicated Budget Review meetings will be October 21, 25, and 28, 2010. She said the Board has completed three department head evaluations, and has one to complete. She suggested holding a short meeting at 7:00 p.m. on October 20, 2010 for department heads to discuss their evaluations with the Board, and to finish the outstanding evaluation. She said if everyone looks at all material received ahead of time, the Board should be able to put everything together in an hour.

Schedule Public Hearings -- Chair Jarvis reiterated the three items requiring public hearings: acceptance of court ordered penalties, the solid waste ordinance, and building on a Class VI road. She said she wanted to wait to schedule the hearings until the solid waste ordinance revisions are ready.

9. Any Other Business

Selectman Bickford said if the Board planned on repairing the Town Hall roof this year, now is the time to do it. He said it is 22 years old and there have been leaks. Chair Jarvis said she had no idea of the cost and didn't know if there is sufficient money in the building maintenance fund. Selectman Bickford said we could get estimates or go out to bid. The Board decided it was interested in pursuing repair. Chair Jarvis suggested doing it as a formal bid in case the price exceeds \$15,000, and then the contractor will be responsible for disposing of shingles. RA Fuller remembered picking up shingles in 1988 or 1989, so the roof could be layered. BI/CEO Capello estimated the cost to be up to \$10,000 if shingles are put over the current roof. The Board decided to run an ad.

Selectman Bickford said the state is interested in selling land. He suggested the Board check to see if the Town might want to buy parcels that are for sale. RA Fuller said he heard we could buy the old salt shed along Rt. 11. AC Rendinero is to look into available state land that the Board could consider purchasing.

10. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of the public meeting of October 4, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve minutes of the non-public session of October 4, 2010, as amended; second by Selectman March. 3-0.

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

The Board decided to take up the sealed minutes of October 7, 2010 in non-public session.

11. Non-public Session

Motion by Chair Jarvis at 10:12 p.m. to enter into non-public under RSA 91-A:3 II (c), (d) and (e); second by Selectman Bickford. A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.

There were two motions made in the non-public session (which began at 10:15PM)

Motion to accept the proposed payment plan by a citizen for payment of back taxes.

Jarvis/Bickford 3-0

Motion to accept the sealed nonpublic minutes of October 7th, 2010 as amended.

Jarvis/Bickford 3-0

12. Adjournment

Motion to adjourn. Jarvis/March 12:01PM

Respectfully submitted,

Cathy L. Allyn and Alison Rendinaro

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.