

**New Durham Board of Selectmen
Minutes of Meeting ~ December 20, 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, Equipment Mechanic David Valladares, Mike Clarke, Cathy Orlowicz, Mary McHale, Stuart Rinschler

1. Call to Order –Chairperson Terry Jarvis called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance. She noted that this was the last meeting Road Agent Mark Fuller would attend before his retirement at the end of the year, and thanked him for his more than 34 years of service.

2. Agenda Review – Chair Jarvis added Roof Bids, the highway department's SOG on Ice Control and Snow Removal, and the Solid Waste and Construction Debris Disposal Agreement to Old Business.

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

4. Department and Committee Reports

Highway – Road Agent Mark Fuller reported that the contracted tree cutting on the back side of the Ridge is finished. He said he met with FEMA regarding the seven culvert and bridge projects (not including Davis Crossing Road) and the department has submitted a packet to FEMA. He thanked Cathy Orlowicz for putting it together. He said potential FEMA monies are \$356,880 for Project 1, including Tash, Birch Hill, and Old Bay Roads and \$92,678 for Project 2, including Copple Crown and Kings Highway. RA Fuller said the Town's share of 25 per cent of the cost came from monies paid for floods and tornado damage, so no money was raised through taxation for the projects.

5. Status Reports

Chair Jarvis said Administrative Consultant Alison Rendinaro returned today after being out for a week on bereavement leave.

6. Old Business

Perambulation Delegation – Chair Jarvis said the Board agreed that White Mountain Survey will perambulate the line between Wolfeboro and New Durham, and both towns agree to abide by its findings.

Motion by Chair Jarvis that, pursuant to RSA 51:2, the New Durham Board of Selectmen hereby appoints White Mountain Survey to perambulate the lines between the Town of Wolfeboro and the Town of New Durham; second by Selectman David Bickford. Chair Jarvis said New Durham's half of the fee will be paid out of the 2011 budget. Selectman Bickford asked if there would be a

conflict of interest if both towns appointed the same entity to do the perambulation. Chair Jarvis said there did not seem to be a statutory conflict. AC Rendinaro said Jim Rines of White Mountain Survey said there would be no conflict. **3-0.**

The Board signed the appointment form.

Solid Waste and Construction Debris Disposal Agreement – RA Fuller said the highway department tried to make the Board's job easier by doing preliminary revisions on the contract. Chair Jarvis said she made changes in syntax and set-up. She proposed forwarding it to Best Way to see if they agree. She noted the original contract did not protect the Town sufficiently. Selectman Bickford offered some minor changes, also. Chair Jarvis said the agreement could go to Town Counsel for review after Best Way had seen it and agreed to the changes. Selectman Bickford pointed out that the Town was running out of time. Chair Jarvis said we could ask Best Way to turn it around as soon as possible.

Motion by Chair Jarvis that the revised Solid Waste and Construction Debris Disposal Agreement as discussed this evening be forwarded to Best Way for their consideration; second by Selectman Fred March. 3-0.

Property and Liability and Worker's Compensation Insurance – AC Rendinaro said the insurance is part of a bundle with the Local Government Center until 2012, so she did not pursue looking at other companies.

Roof Bids - Building Inspector/Code Enforcement Officer Arthur Capello provided the Board with packets from two companies on the exact same specifications. AC Rendinaro provided information from the third company. He suggested having the contractor determine if the shingle warranty would be voided if a ridge vent were not placed on the Town Hall roof. Because of its status on the National Register of Historic Buildings, and following the Secretary of the Interior's Standards for Rehabilitation of Historic Buildings, Town Hall cannot have a ridge vent. Ms. Orlowicz, Town Historian, said she did not know if installing a ridge vent to preserve the shingles' warranty would jeopardize Town Hall's standing in the National Register. Selectman March said he couldn't imagine that the building was too tight. Chair Jarvis suggested awarding the project tonight and following up to ensure the warranty is not voided without a ridge vent.

Selectman Bickford said a ridge vent would only raise that portion of the roof two inches and it would help protect the building. Mike Clarke said he did not think most companies would stand behind a warranty if the roof were not vented properly. Chair Jarvis said if the shingle company agreed not to void the warranty if the ridge vent were installed, she wanted it in writing.

RA Fuller said the Town would be better off letting the contractor dispose of the shingles. Mr. Clarke said, according to the bids, the contractors were under the impression that the Town would clean up. RA Fuller suggested having Best Way park a dumpster at Town Hall, have the contractor dispose of the old shingles in it, and have the Town pay to haul it away. The Board, AC Rendinaro, and BI/CEO Capello discussed the different bids, and how much to add to them for disposal. JMS Roofing LLC's bid of \$13,500 would be \$300 higher. A+ Roofing's price is

\$14,000 if purchased before the end of the year, and \$15,000 if purchased after the first of next year.

Motion by Chair Jarvis to follow the recommended procedure of removing all shingles, installing six feet of ice and water shield, and other protections as discussed, and award the bid to JMS Roofing LLC of Wolfeboro Falls for an amount not to exceed \$14,000; second by Selectman Bickford. 3-0.

Ms. Orlowicz said she would contact the Department of Historic Resources for information on the ridge vent.

Snow Removal and Ice Control Standard Operating Guidelines (SOG) – Chair Jarvis said she went through the revised SOG and changed some grammar. Mr. Clarke said the Highway Department has no problem with the changes. Selectman Bickford brought up the point that language under the Liability section would be more germane to a notice to residents, rather than in guidelines for employees. He noted that, instead of indicating the Town is not responsible for damages to private property located within the public right-of-way, true guidelines would indicate the process employees go through to notify residents and would encourage employees to attempt to avoid objects.

RA Fuller said his department did not want to encourage people to place things in the right-of-way. Selectman Bickford said he didn't want to see that sentiment in the SOG. He said a guideline on how to deal with things in the right-of-way is what belonged in the SOG, such as, employees should do their best to avoid personal property. AC Rendinaro said the guideline gives notice. RA Fuller explained that objects not hit could still be damaged by the force of snow being pushed. He said the department was trying to instruct residents not to put things in the right-of-way. Selectman Bickford said the way to handle the situation of objects in the right-of-way should be in the SOG.

Selectman March suggested eliminating the word "mailboxes" from the list of objects mentioned. Selectman Bickford reiterated that the SOG isn't the right place to indicate the Town is not responsible for damage. RA Fuller proposed inserting, "The highway department will maintain due diligence to avoid personal property in the public right-of-way, but" in front of the sentence indicating no liability. Selectman Bickford agreed. Chair Jarvis said the Board could approve the SOG when it meets Wednesday, December 22, 2010.

7. New Business

Grader Bids – Mr. Clarke provided the Board with copies of the two lower bids received, opened this afternoon. Equipment Mechanic David Valladares said Chadwick-BaRoss allows you to design the warranty so you get the coverage you want based on projected hours of use and therefore not pay for what you don't need. He suggested the five-year/5,000 hour option, based on New Durham's usage of 800 hours per year. Chair Jarvis pointed out that the grader could not be ordered before December 31, 2010, but it could be ordered pending Town Meeting. Selectman March said the company is aware of that.

Mr. Clarke indicated Chadwick-BaRoss was offering a substantial trade-in. Chair Jarvis asked how the department was going to finance the grader. Mr. Clarke said \$79,000 could be removed from the \$170,000 in the Equipment Capital Reserve Fund, \$50,000 from the 2010 highway budget, and \$15,000 from the wages line. Mr. Valladares said he would be turning in between \$14,000 and \$15,000. Mr. Clarke said if the Board were willing to use those monies toward the grader and enter into a lease/purchase plan for it, taxpayers would only have to raise approximately \$40,000 for it at Town Meeting. He said he was averse to putting money into repairs for the old vehicle. He noted a \$12,000 difference between the two bids. He said the Chadwick-BaRoss machine had less electronics than the John Deere, and was essentially the same vehicle the Town owns now.

Mr. Valladares said he and Mr. Clarke have spoken to owners and operators in different towns to get a better feel of how they like the two graders. He said they were not yet ready to make a recommendation. Mr. Clarke said they could make a recommendation on Wednesday. The Board agreed to review the third bid, also, although it came in higher than the other two. Mr. Clarke said he would need a commitment from the Board before the end of the year and the Board agreed.

8. Schedule Next Meetings

The Board scheduled a budget review session for Wednesday, December 22, 2010 at 7:00 p.m. at Town Hall.

The Board scheduled its next business meeting for January 3, 2011 at 7:00 p.m. at Town Hall.

9. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of the budget review work session of November 8, 2010, as amended; second by Selectman Bickford. 3-0.

The Board tabled approval of the minutes of the business meeting of November 15, 2010 until Chair Jarvis had the opportunity to watch the DVD, as she was not present during that meeting.

Motion by Chair Jarvis to approve the minutes of the budget review work session of November 11, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the non-public minutes of the budget review work session of November 11, 2010, as written; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the budget review work session of November 29, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the budget review work session of December 2, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of non-public session #1 of the budget review work session of December 2, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of non-public session #2 of the budget review work session of December 2, 2010, 2010, as amended; second by Selectman Bickford. 3-0.

The following changes were made to the minutes of December 6, 2010: pg. 2, under Emergency Management, second sentence, replace “put” with “go”; pg. 5, first full sentence, add “and Expendable Trust Funds” after “Capital Reserve Funds”.

Motion by Chair Jarvis to approve the minutes of the non-public session of December 6, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the budget review work session of December 9, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the non-public session of December 9, 2010, as amended; second by Selectman Bickford. 3-0.

Motion by Chair Jarvis to approve the minutes of the budget review work session of December 13, 2010, as amended; second by Selectman Bickford. 3-0.

Chair Jarvis said the four lines of the non-public session of December 13, 2010 were included in the public session minutes.

10. Any Other Business

AC Rendinano announced new assessing hours to be Tuesdays, Wednesdays, and Thursdays from 9:00 a.m. – 1:00 p.m. and by appointment. The hours have been posted on the website and at Town Hall. She said the change is designed to make things more efficient and to ensure that Town Hall work gets completed. Selectman Bickford said it was a step backward for public service. Chair Jarvis said Town Hall staff sometimes needs to work uninterrupted on projects and those can now be scheduled for Mondays and Fridays. She said the staff is being pulled too many different directions at once. She said the staff would like to try this new system.

11. Non-public Session

Motion by Chair Jarvis at 8:59 p.m. to enter into non-public session under RSA 91-A:3 II (a) and (e), with the only business conducted after return to public session to be announcement of decisions made in non-public; second by Selectman March. A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.

Motion by Chair Jarvis to come out of non-public session; second by Selectman March. 3-0.

While in non-public session, the Board discussed contract negotiations with a potential department head, and heard initial recommendations from MRI in regards to a position study.

Chair Jarvis will provide the Board with a spreadsheet for the implementation of the Fire Department’s Rules and Regulations.

There was a brief discussion on the technicalities of the deeding process.

12. Adjournment

Motion by Chair Jarvis at 10:45 p.m. to adjourn; second by Selectman March. 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.