

**New Durham Board of Selectmen
Minutes of Meeting ~ June 6, 2011
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison Rendinaro; Town Clerk Carole Ingham, Road Agent Mike Clarke, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Transfer Station Foreman Joe Bloskey, Transfer Station Administrative Assistant Cathy Orlowicz, Peter Farrell, Ellen Phillips, Dave Shagoury, Dot Veisel, Mary McHale, Stuart Rinschler, members of the public

1. Call to Order – Chairperson Terry Jarvis called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

2. Agenda Review – There were no additions or corrections.

3. Citizens' Forum – Cathy Allyn announced a public performance by the musical group Inca Son to be held next Wednesday at 1:00 p.m. at the New Durham Public Library. She said it was in conjunction with the Summer Reading Program and was open to all ages.

Ms. Allyn suggested, both as recorder and a resident, that the Board provide in writing any questions members ask of the Local Government Center along with the written reply from the LGC. She said that could prevent any misinterpretation and enhance transparency. Chair Jarvis said communication between a lawyer and client was generally confidential and the Town is considered a client of the LGC, but that Town Administrator (TA) Alison Rendinaro could check into it. In response to Selectman David Bickford's question, Ms. Allyn said she was asking for documentation of what a selectman asked and what the reply was.

4. Appointments or Public Hearings

Senator Kelly Ayotte's Office – The Board met with Neva Foley, special assistant to Senator Kelly Ayotte, who was present to meet with residents with any concerns or input to relay to the senator or the legislature. She said she was the point of contact if anyone needed anything from the senator. She told the Board offices are in Manchester, Portsmouth, Nashua and one will be opening in Concord. Chair Jarvis suggested putting Senator Ayotte's email address on the Town web site, and Ms. Foley added that the address for contact is Ayotte.sen.gov.

Solid Waste Ordinance Public Hearing - Chair Jarvis opened the public hearing at 7:13 p.m. She said the Board moved the ordinance at the last meeting, but Transfer Station Foreman Joe Bloskey and Transfer Station Administrative Assistant Cathy Orlowicz had proposed some minor changes since then, including suggestions for more specificity regarding fees for loads in pick-up trucks.

Dave Shagoury said he had a problem with the requirement that a building permit be obtained and presented for dump demolition, etc. He said many forms of maintenance create debris. Ellen Phillips pointed out that a building permit is not

required to take something down. Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello agreed that small projects that don't require a permit create demo that winds up in the Solid Waste Facility. Mr. Bloskey said such items are charged by the cubic foot.

Ms. Orlowicz said a permit proves to the staff that the debris came from within the town. She said the attendants need to be able to ask for such proof. BI/CEO Capello said all permits are written in the homeowner's name, and that he could add the contractor's name to it. Ms. Orlowicz said debris less than four cubic yards with no permit hauled in by a homeowner and not a contractor is assessed when brought in.

The Board discussed whether language should be added to the ordinance authorizing a resident with a Town disposal permit to dispose of debris without a building permit. Selectman Jeffrey Kratovil said Mr. Bloskey's discretion could be relied upon, rather than adding language.

Mr. Shagoury asked how the total amount of debris is tracked, as someone could bring in less than four cubic yards daily to dispose of a larger total. Chair Jarvis said the staff knows people who come in. Mr. Shagoury said he anticipated dumping along the roads and his property if there are too many regulations at the SWF. Chair Jarvis said the four cubic yard limit has been in the ordinance for years, and the revision is simply to clarify things. TA Rendinaro said some people may dump along the roads regardless of what is in place, but most people abide by the regulations and the Town is trying to keep taxes low by enforcing them.

Ms. Orlowicz indicated if people know they have a project that will be over four cubic yards, they need to dispose of it another way. She said that it has always been that way. Selectman Kratovil said he thought the language was clear. Ms. Orlowicz brought up the fact that some contractors live in town and dispose of materials from jobs in other towns here in New Durham.

Mr. Shagoury said he did not like that cash is not accepted at the SWF. He said he did not believe that it was even legal. TA Rendinaro said it was a sticky, financial control issue and unless someone came up with a better way, that was how it was going to be. Selectman Bickford said the Town's auditors recommend no cash at the SWF. TA Rendinaro said the Town's insurance company made the same recommendation. Mr. Bloskey said the use of checks and coupons makes it easier on staff.

Selectman Bickford asked if the ordinance would drive up labor costs and Mr. Bloskey said it would not.

Motion by Chair Jarvis to amend the Town of New Durham's Solid Waste Ordinance as follows: page 1, section II (c), add the word "by" after "and" and before "people"; page 3, Section IX, delete "(b) Batteries, other than motor vehicle batteries" and reletter as appropriate; page 3, section III, replace "the provisions of Section X" with "the fee schedule"; page 4, section XIII, delete "UNAUTHORIZED OR NO POSSESSION OF PERMIT," and section X, remove addendum 1 and replace with addendum 1 as presented by the SWF staff; second by Selectman Bickford. 3-0.

TA Rendinaro is to make the edits and then the Board will sign the ordinance for it to become effective.

Fee Schedule Public Hearing – Chair Jarvis opened the public hearing at 8:02 p.m. regarding charging \$2 for a CD at Town Hall to recover costs. There was no public input and Chair Jarvis closed the hearing at 8:03 p.m.

Motion by Chair Jarvis to adopt the revision to the New Durham Fee Schedule for copies of CDs; second by Selectman Kratovil. 3-0.

Special Primary – Chair Jarvis announced a special primary held tomorrow at the fire station community room. Town Clerk Carole Ingham reported one Republican and four Democrats on the ballot.

Unanticipated Funds Public Hearing – Chair Jarvis opened the hearing at 8:06 p.m. regarding reimbursement for a replacement culvert upgrade project on Valley Road. She said the Board had signed for the money, but a public hearing was necessary. There was no public input and Chair Jarvis closed the hearing at 8:07 p.m.

Motion by Chair Jarvis to accept the grant agreement with New Hampshire Department of Safety, Homeland Security and Emergency Management in the amount of \$19,091 for improvements of Valley Road culverts; second by Selectman Bickford. 3-0.

The Board signed the agreement.

Shirley Forest Public Information Session – Peter Farrell of New England Forestry Consultants explained the Board engaged him in the fall of 2010 to prepare a forestry management plan for Shirley Forest, which was completed this February, and to prepare a proposal on a timber harvest. He summarized John Shirley's wishes that the land be held in trust for the benefit of the town from timber management. He said the advisory group for best standards mentioned in Mr. Shirley's will no longer exists, but he uses the book *Good Forestry in the Granite State*. Mr. Farrell indicated past forestry activities in the forest included; timber sales, most recently in the late 1980s and early 1990s; tree planting; and timber stand improvement.

Regarding the Management Plan, he found that of 133 acres, 85 are suitable for management activity. He said the standing timber volumes are very high, with about 16,000 board feet per acre in saw timber and 16 cords per acre in pulpwood. He said the timber quality is generally very good, with older and mature wood in evidence. He advised that low quality wood is replacing pine.

Mr. Farrell reported nesting trees occur at the rate of 4.1 per acre. He said the forest was not a major deeryard, but there was hemlock cover and the abundant pine and red oak provided excellent seed sources. He assured the Board that that food source would be kept in place. He said no rare or endangered species listed in the state database live in the forest, and that during and following the harvest, workers will strive to maintain and create wildlife habitat.

Mr. Farrell noted a recreational trail within the forest, and no insect, disease or invasive species problems. He said no stonewalls have yet been discovered. He outlined his recommendations as follows: repaint the boundaries, institute a periodic harvesting schedule at 15 year intervals, initiate a timber stand improvement program by thinning pole sized saplings and releasing seedlings, and return 10 per cent of the income from the harvest to improvement.

Mr. Farrell said the 2011 timber sale should include harvest on 54 acres, with 46 acres of that thinning and 8 acres, regeneration cutting, which is essentially clear cutting. He said that would create an opening for a new stand. He said he would administer the sale as agent for the Town. The sale administration would entail timber marked and tallied, with an estimate of the volume, specifications and payment terms, and any bond requirements, if applicable. He said the work would be put out to competitive, sealed bid and would include acquiring references. He noted that the Board would make the final decision.

Mr. Farrell said he handles contract signings, payment schedule, liability, sale specs and on-site supervision. He performs the final inspection of the woods and observation of landing procedures. He indicated there are more than 30 acres of wetlands. He told the Board the next step is marking the boundaries. He said bids will be lump sum figures or per unit rate. TC Ingham said the money goes to the Trustees of the Trust Funds, not the General Fund, and the use of any of the monies must go before Town Meeting.

Deputy Health Officer Appointment – Motion by Selectman David Bickford to recommend Kenneth Quigley as the deputy health officer, to be appointed by the state commissioner; second by Chair Jarvis. 3-0.

Zoning Board of Adjustment Appointment – Mr. Shagoury indicated he'd served on the Planning Board and Budget Committee and was willing to serve for a time on the ZBA because of the vacancies. Selectman Bickford said the ZBA needed a full board at its Wednesday meeting.

Motion by Selectman Bickford to waive the appointment (vetting) policy regarding David Shagoury's appointment to the ZBA; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to appoint David Shagoury as a full member of the ZBA; second by Selectman Bickford. 3-0.

The Board signed the appointment form and TC Ingham swore in Mr. Shagoury.

5. Status Reports

TA Rendinaro reported that she has been meeting with other Lakes Region communities concerning extending the Metrocast franchise agreement so the contract expires in 2013 rather than 2011. She said seven communities are involved, with the possibility of two more, and a law firm has been engaged.

6. Old Business

OHRV Grant – Chair Jarvis said the Town was awarded less money than usual for patrols.

Motion by Chair Jarvis to sign the New Hampshire Fish and Game OHRV grant in the amount of \$1,125; second by Selectman Bickford. 3-0.

The Board signed the agreement.

Health and Safety Council of Strafford County – Chair Jarvis said the council's activities were funded through grants.

Motion by Chair Jarvis to sign the Memo of Understanding with the Health and Safety Council of Strafford County; second by Selectman Bickford. 3-0.

Motion by Selectman Bickford to authorize the chairperson to sign the memo of understanding on behalf of the Board of Selectmen; second by Selectman Kratovil. 3-0.

Town Hall Historic Building Assessment Proposals – Chair Jarvis summarized water damage to Town Hall and the subsequent award of an LCHIP matching grant of \$7,500 for an Historic Building Assessment. TA Rendinaro said she received two proposals, one from a local consultant and the second from out-of-state with NH ties. She said both provided positive references and quoted a price of \$15,000. Elizabeth Durfee Hengen indicated she would have figures available by budget season, and Cram and Ferguson Architects said they would be done by the fall. Selectman Bickford said Cram and Ferguson appeared to be offering more. Selectman Kratovil said he would like to hear a short presentation. TA Rendinaro asked if the Board had any specific questions she could relay to the bidders, or if she should set up a conference call to avoid travel. Chair Jarvis indicated June 13, 2011 at 7:00 p.m. would be a good time.

7. New Business

2011 Tax Rate – **Motion by Chair Jarvis to approve receipt of the 2011 tax rate electronically; second by Selectman Bickford. 3-0.**

Motion by Chair Jarvis that the chairperson sign the 2011 Tax Rate Approval Form; second by Selectman Bickford. 3-0.

Highway Department Purchase – **Motion by Chair Jarvis to waive the purchase policy in regard to purchasing calcium chloride from Allstate Asphalt, Inc. as it is a state bid contract; second by Selectman Bickford. 3-0.**

Motion by Chair Jarvis to purchase 22,000+ gallons of calcium chloride from Allstate Asphalt, Inc. in the amount of \$23,350, recognizing the cost may be less, dependent upon other activities; second by Selectman Bickford. 3-0.

The Board signed the purchase order.

8. Schedule Next Meeting

The Board scheduled its next meeting for Monday, June 20, 2011 at 1:00 p.m. at the Fire Station Community Room. Chair Jarvis said the Board would make its final decision regarding the July 2011 schedule at that meeting.

9. Approval of Minutes

Motion by Chair Jarvis to approve the business meeting minutes of May 16, 2011, as amended; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to approve the non-public session minutes of May 16, 2011, as amended; second by Selectman Bickford. 3-0.

The Board tabled approval of the minutes of April 18, 2011.

Motion by Chair Jarvis to approve the budget work session minutes of October 28, 2010, as amended; second by Selectman Bickford. Jarvis – aye, Bickford – aye, Kratovil - abstain. The motion carried.

10. Adjournment

Motion by Chair Jarvis to adjourn at 9:40 p.m.; 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 the New Hampshire Municipal Records Board rules established under RSA 33-A:4, or for a minimum of 24 months.