

**New Durham Board of Selectmen
Minutes of Meeting ~ February 14, 2011
Town Hall**

Members Present: Theresa Jarvis, David Bickford (Frederic March out of the country)

Others Present: Administrative Consultant (AC) Alison Rendinaro, Police Chief Shawn Bernier, Road Agent Mike Clarke, Town Clerk Carole Ingham, Town Moderator Cecile Chase, David Bennett, Roger Murray III, Wilson Stewart, Cathy Orlowicz, Mary McHale, Stuart Rinschler

1. Call to Order –Chairperson Terry Jarvis called the meeting to order at 6:45 p.m.

2. Non-public Session - Motion by Chair Jarvis at 6:45 p.m. to enter into non-public session under RSA 91-A:3 II (a); second by Selectman Bickford. A roll call was taken. Jarvis – aye, Bickford – aye.

The Board met with Administrative Consultant (AC) Alison Rendinaro, Road Agent (RA) Mike Clarke, and David Bennett.

3. Return to Public Session – The Board returned to public session at 7:01 p.m.

4. Agenda Review – The Board had no changes.

5. Citizens' Forum – Cathy Allyn reported the New Durham Public Library is offering cartooning and arts and crafts classes to New Durham School students in grades 3-6.

Motion by Chair Jarvis that the Town offer conditional employment to David Bennett as a full-time highway department employee, contingent upon reference and background checks not yet received and a physical examination; second by Selectman David Bickford. 2-0.

AC Rendinaro is to prepare a letter of conditional employment to Mr. Bennett and sign on the Board's behalf.

6. Appointments

The Board met with Wilson Stewart, licensed land surveyor of White Mountain Survey Company, Inc., who conducted the perambulation of the Town line. Chair Jarvis said Roger Murray III had questions regarding the boundary line after Cartographics Associates, Inc. prepared new tax maps for the Town. Mr. Stewart indicated survey work done by White Mountain in the early 1980s, using a monument on New Garden Road and another northerly point at the top of New Durham near the Brookfield line, indicated the Murray house was four to five feet inside of New Durham. White Mountain notified Wolfeboro to tax Mr. Murray appropriately, due to that.

The line on Wolfeboro's tax map, prepared in the 1990s, was consistent with White Mountain's line. Mr. Stewart explained that Cartographics was unaware of

the monument on New Garden Road, and therefore used one on Middleton Road and one at the head of the Town; which in turn indicated the Murray house is primarily in New Durham.

Mr. Stewart reported he accounted for all stones cited in previous perambulations, many from the late 1800s and one as far back as 1827, and issued returns with coordinates so handheld GPS systems could be used in future perambulations. He said the measurements are within one to two meters accurate. Chair Jarvis said, based on the perambulation, the Murray house is four to five feet inside New Durham.

Mr. Stewart said the lines aren't perfectly straight, and that the perambulation and Town Charter lines are not the same. He indicated a curved line on a map that showed the house in New Durham. The Town lines were surveyed and marked in 1803, but many of the monuments cited were trees that no longer exist. He said the dates of perambulations were faithfully chiseled into the stone markers until 1969.

Selectman Bickford said only a vote at Town Meeting can change Town lines, despite the marks existing. Mr. Stewart agreed concerns and disputes happen. He said the information he presented was not a survey of the Town boundary, it was just a perambulation. He said he could give Cartographics the GPS coordinates.

AC Rendinaro said the Wolfeboro Board of Selectmen accepted the perambulation, which indicated 20 feet of the Murray house is in New Durham. Mr. Murray stated Wolfeboro said it was 38 feet. Mr. Stewart said the line is not wholly in one town or the other. He said it probably goes through the house more than the survey indicates.

Chair Jarvis said the Board needs to determine whether or not to accept the results of the perambulation as completed by White Mountain in January 2011, contact Cartographics and provide them with appropriate information to readjust the property line, and contact the tax assessor to ensure the Town is assessing properly. Mr. Murray said Wolfeboro accepted the returns on the condition that the Towns continue to assess his property the same, which is six per cent in New Durham and Wolfeboro assessing for a house lot and New Durham not doing so.

Selectman Bickford said he had an issue with the term "accept" regarding the returns. Mr. Stewart said the returns must be accepted and forwarded to the Secretary of State. He provided the Board with a copy of Chapter 51, the statute concerning Town Lines and Perambulation of Boundaries, specifically RSA 51:2 and 51:4. Selectman Bickford said he did not see where the law said the Board of Selectmen has to accept it. Chair Jarvis said the Board accepts the results from its agents hired to conduct the perambulation.

Mr. Stewart said it is an agreement between New Durham and Wolfeboro to use as a basis for taxation so it is important that the Board move ahead with the agreement. Chair Jarvis said the two towns agree the cited monuments are the ones used. Selectman Bickford said he could not accept the line indicated as the Town line, as there are too many variations in existence. Mr. Murray said Cartographics' line is the least accurate as they did not use all the monuments. Selectman Bickford said Mr. Stewart said these are the points found, but not that it is the Town line. Chair Jarvis said the monuments indicate it is the Town line.

Selectman Bickford said a survey was necessary. He said Cartographics said the Murray property was in New Durham, so the perambulation was done. He said the line keeps changing. Mr. Murray said Cartographics was wrong because they were unaware of the correct points. Mr. Stewart said the Board accepts the returns as a bona fide perambulation, following state statute. He said the line plotted is not necessarily the Town line. Selectman Bickford said the perambulation does not set the Town line. Chair Jarvis said the markers have been identified and chiseled, so the Board should accept the results of the perambulation. She said the Board could discuss if it is the chartered line at a later time.

Motion by Selectman Bickford to accept the perambulation information delivered to the Board of Selectmen on February 14, 2011; second by Chair Jarvis. 2-0.

AC Rendinaro said the returns will change Cartographics' line. Mr. Murray gave the Board a copy of Wolfeboro's assessment.

7. Department and Committee Reports

Town Meeting - The Board met with Town Moderator Cecile Chase and Town Clerk Carole Ingham regarding the live Warrant call-in program and Town Meeting. Ms. Chase said a member of the Board of Ethics asked her if the articles that group brought forward could be reviewed before the article calling for the Ethics Ordinance to be repealed was voted on, so the proposed changes could be discussed. She said her opinion was that a motion needed to be made to that effect, to discuss articles 13-23 prior to voting on article 13. Chair Jarvis said she would make a motion to discuss all the Ethics Ordinance articles. She said she would also make a motion to discuss articles 27 and 28, regarding dissolving the Ambulance Special Revenue Fund and creating a Revolving Fund, together.

The Board assigned various people to move, second, and speak to articles. Chair Jarvis announced the call-in program is scheduled for February 23, 2011 at 7:00 p.m. She said the Warrant is on the website and the call-in number is 859-2201.

Police – Chair Jarvis read a thank you letter to Sgt. Reggie Meattey, who removed snow from an elderly resident's roof while off duty.

Boodey House Committee – Chair Jarvis summarized the committee's proposal presented December 6, 2010 and said it was looking to the Board to see what direction to pursue in the future. Selectman Bickford said he never had an issue with the direction the committee is going, but he did not have enough information to comment on specifics such as if the building should have a basement or not. Chair Jarvis said that could be determined by deciding what its primary use would be. The majority of the 27 surveys returned indicated a museum with an educational use was favored. Chair Jarvis said electricity and heating would need to be considered if the building were open year round.

Selectman Bickford said the project was not something he wanted the Town to fund, as it would be an expensive undertaking. He said volunteers could operate under the Town's umbrella. He said the volunteerism expected for the dismantling did not materialize. He indicated support, if funding were not an issue. Chair Jarvis said the Board had no solid numbers for what the cost would be, but those

numbers could be determined if the future use of the building was known. She said then the Board could look to see where the money would come from.

Selectman Bickford said the agreement states that the reconstruction would be historically accurate. He said that sounded as though it would cost a lot. He said the agreement states the building would be used as a museum for educational purposes. He noted the contract expires in March of 2011. AC Rendinero quoted from section three, indicating if reconstruction has not begun within five years, the Trust can terminate or extend the agreement. Cathy Orlowicz, chair of the committee, said an extension of five years would not be an issue.

Chair Jarvis suggested following the intent of the agreement and separating costs of the reconstruction and replacement boards, having a slab or basement, having electricity, and having heat and plumbing.

Ms. Orlowicz said she would like to see more support and stronger direction. She said a foundation would be good for utilities. She said the original thought was for a poured concrete basement with rows of fieldstone. She told the Board that some modern materials can be used in the reconstruction and still comply with the standards. She said the building is not on the National Register of Historic Buildings, and it could go up in phases.

Selectman Bickford noted the contract expires in a few weeks. Chair Jarvis said it is the Trust that makes the decision to extend or not. Selectman Bickford suggested renegotiating, so the standards could be less strict. He said the Town is responsible for maintaining the building, according to the agreement, and that the figure to maintain should be determined. Chair Jarvis pointed out that the figure would be different depending on if there were a basement or utilities. She said she would like to see the cost factors. She said our history is disappearing.

Selectman Bickford said he wanted to nail down the cost for the Town. He said previous minutes indicate former Selectman Ron Gehl stated the Town would be unencumbered. Chair Jarvis said the Board could decide later how to fund, but she wanted to go over the standards with Ms. Orlowicz.

Ms. Orlowicz said the situation was too indefinite and she did not want to spend a lot of time developing something if there was not support. She said she would not proceed unless she had more direction. She suggested the Board and the committee sit down for an honest discussion. She said she was hearing one Board member say the project was okay if done through volunteer efforts. Selectman Bickford said he would have a hard time committing Town money to the project. Ms. Orlowicz said if that was the feeling of the majority of the Board, perhaps the timeline listed in the agreement was something that could be utilized. She said she could put up a shell, or the building could be utilized. She said she needed to establish a program to keep things going. Chair Jarvis said the Board would work at setting up a meeting with the committee.

8. Status Reports

Motion by Selectman Bickford to authorize the chairperson to sign the Comstar rate sheet; second by Chair Jarvis. 2-0.

9. Old Business

Investment Policy – Selectman Bickford advised an investment policy is on the LGC website. Chair Jarvis suggested minor changes in the Town's policy and said the Board would discuss the policy at the March 7, 2011 meeting. She said the policy would be reviewed when the new selectman was in place.

Dog Ordinance Revision – A public hearing is necessary for revisions.

10. Schedule Next Meeting

AC Rendinaro announced the Board will host the live call-in on the Town Warrant at the library on Wednesday, February 23, 2011, beginning at 7:00 p.m.

The Board scheduled its next business meeting for March 7, 2011 at 7:00 p.m. at Town Hall. Chair Jarvis asked Selectman Bickford to review the draft MRI contract, and asked AC Rendinaro for evaluation forms.

11. Approval of Minutes

Motion by Chair Jarvis to accept the business meeting minutes of February 7, 2011, as amended; second by Selectman Bickford. 2-0.

Motion by Chair Jarvis to accept the non-public minutes of February 7, 2011, as written; second by Selectman Bickford. 2-0.

Motion by Selectman Bickford to accept the business meeting minutes of January 31, 2011, as amended; second by Chair Jarvis. 2-0.

12. Any Other Business

Purchase Order for Salt – Chair Jarvis said the Board waived the purchase policy regarding salt at the August 16, 2010 meeting, and that selectmen need to sign the PO to reflect the 2011 purchase order number.

Board Vacancies – Selectman Bickford said the ZBA and Planning Board both need alternate members. He quoted from a document suggesting sticking to simple principles is the best practice when enacting Ethics Ordinances, and said that was what he had been leading up to when he'd mentioned at a previous meeting that the Ethics Ordinance may be keeping residents from taking positions on boards. Chair Jarvis said the LGC has said a long ordinance does not work in small towns.

MRI Wage Study – Selectman Bickford said he'd taken Selectman Fred March's idea and wanted MRI to look further into the Town's wages to get a more accurate idea of what should be done. Chair Jarvis said she would like to know the cost. AC Rendinaro said department heads mentioned merit based wages/raises, but that Selectman Bickford was talking about establishing a base rate. Chair Jarvis said 20 steps in each grade, which is what the Town has now with the LGC Pay Scale and Wage Study, seems cumbersome.

13. Adjournment

Motion by Chair Jarvis to adjourn at 9:29 p.m.; second by Selectman Bickford. 2-0.

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.