

**New Durham Board of Selectmen
Minutes of Meeting ~ March 21, 2011
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Jeffrey Kratovil

Also Present: Town Administrator (TA) Alison Rendinaro; Police Chief Shawn Bernier, Fire Chief Peter Varney, Town Clerk Carole Ingham, Road Agent Mike Clarke, Transfer Station Foreman Joe Bloskey, Building Inspector/Code Enforcement Officer Arthur Capello, Highway Department/Transfer Station Office Manager Cathy Orlowicz, Marc Ambrosi, Marc Behr, Eric Bourdeau, Fred March, Mary McHale, Stuart Rinschler

1. Call to Order – Chairperson Terry Jarvis called the meeting to order at 6:30 p.m. and led the Pledge of Allegiance.

2. Non-public Session

Motion by Chair Jarvis to enter into non-public session at 6:31 p.m. under RSA 91-A:3 II (b), the hiring of any person as a public employee; second by Selectman David Bickford. A roll call vote was taken. Jarvis – aye, Bickford – aye, Jeffrey Kratovil – aye.

The Board met with Police Chief Shawn Bernier, Town Administrator (TA) Alison Rendinaro and Police Department part-time officer candidate Eric Bourdeau. Chief Bernier indicated a part-time officer's position opened up in the New Durham Police Department, due to a resignation last fall. Chief Bernier sought certified officers to fill the position, but the two interested did not take the position for financial reasons.

The Board called in the candidate at 7:46 p.m. and asked a series of questions. The candidate left and the Board discussed the position with Chief Bernier. The Board discussed the hiring policy, and how to find the best candidate. It was also stated that all employees are employees at will, and all police officers have to follow a twelve-month probation period.

Motion by Chair Jarvis at 7:10 p.m. to adjourn non-public session; second by Selectman Kratovil. 3-0.

3. Department, Board, Commission, and Committee Reports

Chair Jarvis noted Equipment Mechanic David Valladares could not be present for the meeting this evening.

New Selectman Introduction – Selectman Kratovil officially met department heads and other Town employees present.

Gift Presentation – Former Selectman Fred March received his clock plaque in recognition of his service and expressed his thanks.

Fire – Fire Chief Peter Varney reported a below average number of calls recently. He told the Board all equipment for the rehab truck is in and should be ready to go in six weeks. He said more on spot chains have been lost on the rescue truck, resulting in the tires grabbing unevenly. He said he received a quote of \$200

to install them from B&B, if Mr. Valladares was too busy to get to it. TA Rendinaro suggested Chief Varney call Mr. Valladares on Tuesday. Chief Varney offered to take Selectman Kratovil on a tour of the fire station.

Lieutenant Marc Behr asked what the fire department should consider a reasonable time to effect repairs on vehicles. He said the missing chains were reported eight weeks ago, the opticom on the ambulance is not working, the strobes on the command car are out, and the lift kit for the mule has not yet been installed. He indicated these are safety issues and advised forest fire time is approaching. He asked if the department could have a second source for repairs if Mr. Valladares was busy.

Chair Jarvis said Mr. Valladares had been plowing and Road Agent (RA) Mike Clarke added that he had been on vacation for two weeks. Selectman Kratovil asked if work orders had been submitted and Lt. Behr said all of them had been. Chair Jarvis told him to send in all the work orders along with the department's concerns and the Board would see about them.

Police – Chief Bernier asked the Board if it would like to trade in the old cruiser and put the money toward the new purchase, rather than selling it. He said he could get around \$1,500 for it, and last year the cruiser netted approximately \$200 in a private sale. He reported 121,000 miles on the 2003 Ford Explorer and said the cruiser cost would not change, as it is the state bid price. Chair Jarvis asked Town Clerk (TC) Carole Ingham to check the Blue Book to see what it would be worth. She suggested Chief Bernier take the cruiser to Irwin's to see what he could get for a trade.

4. Appointments

Strafford Regional Planning Commission – The Board met with Marc Ambrosi, Transportation Planner with the SRPC, regarding the Board's long-term transportation goals. He said the SRPC visits each community every two years to discuss the 10-year plan and this year, the discussion would include the long-range plan, which goes out to 2035. He indicated the survey he wanted the Board to fill out, listing its top five municipal and regional priorities related to transportation issues, so the SRPC could advocate for those priorities. Chair Jarvis said with changes in the Board, the priorities since 2009 have changed.

Mr. Ambrosi asked the Board to list its 2011 priorities, noting that there are now no projects for New Durham, but that the SRPC liked to solicit projects. He said they present projects to the state and the state decides which to fund.

He pointed out the revenue issues in the state and reported that the sunset of the \$30 vehicle registration fee and its implications were discussed at the Government Council on Transportation hearing last week. Without a legislative bill to replace that fee, the DOT's revenue will be reduced by 13 per cent, or \$40 million. Betterment projects, such as guard rails and bridges, are also in danger of losing approximately \$7 million, and \$10.2 million of Highway Block Grant may also be lost due to changes in the gas tax. The DOT would be faced with eliminated 800 employees.

Mr. Ambrosi said with the current limited funding, it was unlikely that any new projects would be included on the next 10-year plan. RA Clarke asked if there

was any legislation to keep the Highway Block Grant, and Mr. Ambrosi indicated there was not currently.

Chair Jarvis asked the Board, RA Clarke and Chief Bernier to turn in their individual local and regional priorities to TA Rendinaro by March 30, 2011. She added that COAST is looking for additional volunteers to train to provide transportation one day a week to Rochester. Information is available on the Town website, Town Hall, and the library. Mr. Ambrosi said it is hoped the van service will begin mid-April, with the elderly and disabled having first dibs on seats, then open to the public. He said residents can call COAST regarding available seating.

Chair Jarvis said the Board was looking for a representative to ACT, which meets the first Wednesday of each month. She asked anyone interested to contact Town Hall.

Mr. Ambrosi asked if New Durham had an access management plan, regarding allowing curb cuts on state roads. RA Clarke indicated the Town does not. Mr. Ambrosi said the plan outlines driveway and curb cut criteria to restrict unchecked growth. He said the plan is free and helps major routes maintain unimpeded traffic. Selectman Bickford said the Board would be glad to discuss it with District 3, but noted the town is a limited access.

The Board brought up speeding issues and an absence of left turn lanes on Rt. 11. Chief Bernier noted that Valley and Davis Crossing Roads are heavily traveled, and that he would like to see breakdown lanes on Rt. 11. Mr. Ambrosi asked if there were any problems around the school, and if the town needed sidewalks. Chair Jarvis indicated the capital reserve fund for a sidewalk had been closed at the 2011 Town Meeting. RA Clarke said there would be right-of-way issues, since it is a state road from Rt. 11 to the fish hatchery, and Chair Jarvis brought up maintenance costs.

RA Clarke said Middleton Road was heavily traveled, and was a narrow, dirt road. Selectman Bickford said it would be costly to have to improve it. Mr. Ambrosi noted that several roads in town seem to be used by non-residents. RA Clarke brought up the idea of swapping plowing, specifically on King's Highway and Middleton Road, as trucks need to travel a long way to plow.

Chair Jarvis said the Board would give any other ideas for top projects to TA Rendinaro. Mr. Ambrosi asked that it been done before the second week of April, and left a map for the Board.

5. Status Reports

Grader Lease/Purchase Agreement – RA Clarke reported the grader will leave Canada on schedule and be delivered the week of April 15, 2011. He said the current grader operator will require minimal training. He requested permission to order the new truck with plow and wing, approved at Town Meeting. He said it was an International truck, and a state bid. The trade-in offered is \$7,250. He said there is one manufacturer whose price might be lower, but he would not recommend buying. He said the last two trucks the Town bought were International, and we are now stocking parts. He said the old grader has 7,900 hours of use on it and 82,000 miles. RA Clarke told the Board that the previous truck was undergeared from the

specs. Selectman Bickford asked how to ensure that did not happen again. RA Clarke said he trusted this manufacturer more.

Motion by Chair Jarvis to waive the purchase policy requirement of acquiring three bids, as it is a state bid; second by Selectman Bickford. 3-0.

Chair Jarvis said no motion authorizing the road agent to order the truck was necessary, as the issue was approved at Town Meeting.

Highway Safety Grant – Chair Jarvis announced the police department received federal funding through the NH Highway Safety Agency for enforcement patrols.

Tax Collector Contract – **Motion by Chair Jarvis to approve and sign the memo of agreement and compensation with Carole Ingham, to be in effect from April 1, 2011 through March 31, 2012; second by Selectman Kratovil. 3-0.**

6. Old Business

Police Department Hire – **Motion by Chair Jarvis that the Board of Selectmen hire Eric Bourdeau as a part-time officer in the New Durham Police Department, contingent upon his completion of instruction, field orientation, and probation; second by Selectman Kratovil. Jarvis – aye, Bickford – nay, Kratovil – aye. The motion carried.** Selectman Bickford clarified that he was opposed due to the direction of hiring an officer, rather than the applicant.

Recycling Ordinance – The Board reviewed the revised Mandatory Recycling Ordinance and made minor changes. Selectman Bickford proposed reverting to calling it the Solid Waste Facility Ordinance and attaching the fee schedule as an addendum at the end. Chair Jarvis said a fee schedule and enforcement procedure were necessary, and suggested tabling the vote until all elements were worked out. Cathy Orlowicz advised that attendants could not enact new fees until the ordinance is approved, and argued against holding the vote on the ordinance until all parts are perfect.

Chair Jarvis said the Board would not approve the ordinance tonight, but could vote on the whole package in two weeks. Ms. Orlowicz said she did not envision the enforcement section being worked out and changed in only two weeks because the Board and the Transfer Station staff were not on the same page. She said former RA Mark Fuller disagreed with the Board's proposals.

Selectman Kratovil asked if there were many serious violations. Transfer Station Foreman Joe Bloskey said attendants take names or license plate numbers and on the second offense, turn that information over to the police department. TA Rendinero recounted that she then sent an offender a letter, which upset people. She said the Town lacked solid proof. Ms. Orlowicz said there could be a clause in the ordinance that allows for random inspections. She told the Board that the goal should not be to punish, but to gain compliance. She said this ordinance is punishment, and indicated there should be many steps before people are taken to court. Mr. Bloskey said the staff can tell who is recycling and who is not.

Ms. Orlowicz asked if the Transfer Station (TS) could offer options, such as: residents who did not want to recycle could pay per bag and attendants could pull recyclables from the bags. Selectman Bickford said the staff needed teeth to enforce

recycling. Mr. Bliskey noted they had more control than ever. Chair Jarvis pointed out there are chronic violators. Selectman Kratovil said the ordinance calls for a fine of \$50 on the second offense, and suggested revocation of right to use the facility if the fine were not paid. Mr. Bliskey said the offender could get family and friends to haul the trash.

Chair Jarvis suggested making the Right to Inspect its own section, for clarity. Ms. Orlowicz suggested eliminating the fines for now until something is worked out. She presented her calculations for fees based on average weight and expenses of hauling and container rental. With the reduction of costs with the BestWay contract, she computed the TS should charge five cents per pound for construction and demolition debris. She said most of the current fees are pretty much in line, but many items are not charged for.

RA Clarke asked about items getting wet so they are heavier. Ms. Orlowicz said the TS is paid by weight, also, but went on to say there had been talk of using tarps. Mr. Bliskey said mattresses and bulky waste are generally kept under cover until it is time for them to be hauled. Ms. Orlowicz provided recommendations of fees for items currently disposed of for free. Selectman Kratovil said savings realized by enforcing e-waste payment could pay for a closed circuit TV system, which would provide proof of violations.

Ms. Orlowicz said some changes have already been implemented. She noted that the fees charged are based on average weights and the staff focused on recovering costs on C and D and e-waste. Chair Jarvis asked her to merge the lists of fees, and indicated the Board would set the public hearing at the next business meeting.

Ms. Orlowicz brought up large amounts of waste from commercial enterprises in town. She said the procedure would be to go through the Planning Board, and if the business generated waste over a certain amount, it would need to contract its own method of disposal. She added that the TS would accept its recyclables.

Fee Schedule – The Board discussed the Property Owner's Designated Agent Affidavit with Town Clerk Ingham. She asked if the Board wanted to charge a fee. She said she knew of two who qualified to file, and another two filed on their own. Chair Jarvis suggested a nominal fee, but TC Ingham said the people are filling them out and sending them in. She said she saw no need for a fee, since she only files them and puts a copy in the assessor's file. Chair Jarvis said the Board might consider a fee when more than five people are involved.

TC Ingham said the Board needs to make the two dollar fee to copy CDs official. Chair Jarvis said the matter could be addressed with the other public hearings.

Shirley Forest Project – TA Rendinero said there was no update.

7. New Business

Worker's Compensation Agreement – Chair Jarvis said the agreement through the Local Government Center is a three-year contract. TA Rendinero said the other two insurances increase in July 2011. She said she could then get quotes from Primex.

Motion by Chair Jarvis to sign the multi-year rate guarantee program with the Local Government Center relative to workman's compensation, with

the amendment that the Town of New Durham be allowed to leave the agreement at the end of each of the three fiscal years without penalty; second by Selectman Bickford. 3-0.

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

8. Assignments

Chair Jarvis said it has lately been realized that a selectman does not serve as a voting member on the Conservation Commission.

Motion by Selectman Kratovil that Selectman Jarvis serve as chairperson of the Board; second by Selectman Bickford. Jarvis – abstain, Bickford – aye, Kratovil – aye. The motion carried.

Motion by Chair Jarvis to appoint Selectman Bickford as vice-chairperson of the Board for the ensuing year; second by Selectman Kratovil. 3-0.

Motion by Chair Jarvis to appoint Selectman Bickford as the Board's representative to the Planning Board; second by Selectman Kratovil. 3-0.

Chair Jarvis reported that Selectman Kratovil resigned as an alternate on the Planning Board.

Motion by Chair Jarvis to appoint Selectman Kratovil as the Board's representative to the Capital Improvement Program Committee; second by Selectman Bickford. 3-0.

Motion by Selectman Bickford to appoint Chair Jarvis as a member ex officio to the Budget Committee; second by Selectman Kratovil. 3-0.

9. Schedule Next Meeting

The Board scheduled its next meeting for April 4, 2011 at 7:00 p.m. at Town Hall.

10. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of the business meeting of March 7, 2011, as amended; second by Selectman Bickford. Jarvis – aye, Bickford – aye, Kratovil – abstain.

Motion by Chair Jarvis to approve the minutes of non-public session I of March 7, 2011, as amended; second by Selectman Bickford. Jarvis – aye, Bickford – aye, Kratovil – abstain.

Motion by Chair Jarvis to approve the minutes of non-public session II of March 7, 2011, as amended; second by Selectman Bickford. Jarvis – aye, Bickford – aye, Kratovil – abstain.

11. Any Other Business

Selectman Kratovil said he had contemplated how to increase the tax base while keeping the rural character of the town, and suggested including wind turbines and solar arrays on Town property as part of the Master Plan. He said it could be done with minimal forest clearing and would retain natural resources. He said he'd spoken to David Allen of Land Use, and understood a Zoning Ordinance would need

to be adopted and that the Planning Board would have to adopt mandatory sections. It would also have to pass Town Meeting. He said Mr. Allen would look for incentives and optimal locations. The turbine could be owned or leased. He indicated the Town of Lempster has one. He said the utility company would buy the generated energy and the Town could pay off its debts or lower taxes. Chair Jarvis said it was worth looking into.

12. Adjournment

Motion by Selectman Bickford to adjourn at 11:11 p.m.; second by Selectman Kratovil. 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.