

DRAFT

**New Durham Board of Selectmen
Minutes of Meeting ~ February 5, 2007
New Durham Library**

Members present: Dwight Jones, Ronald Gehl

Member(s) Absent: (Peter Rhoades absent due to a business trip)

Also present: Town Administrator April Whittaker, Road Agent Mark Fuller, Town Clerk Carole Ingham, Deputy Town Clerk Stephanie Mackenzie, Planning Board Chairperson Robert Craycraft, Fire Station Committee members Gull Nelson, Sam Hardy, Diane Thayer; Thomas Beeler, Katherine Burkhardt, Skip Fadden, George Gale

1. Call to Order: The meeting was held until Town Administrator April Whittaker arrived from the Budget Committee meeting. Chairperson Dwight Jones called the meeting to order at 7:09 p.m.

2. Public Appointment: Town Clerk Carole Ingham indicated the state has legislated that candidates need not appear on the ballot in alphabetical order, so to determine the order of the two contested Town races, names would be drawn from a top hat. Deputy Town Clerk Stephanie Mackenzie drew David Bickford's name first for the Selectman's race, to be followed by Dwight Jones; and Polius Raslavicus' first for Planning Board, to be followed by Cathy Orlowicz's.

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

4. Continued Public Hearing: Regarding property identified as Map 27A lot 23 section I, Mountain Road, it was discussed that Stephen Smith had called to inform the Board he would be without legal representation tonight, and that Copple Crown Village District Commissioner Christopher LaPierre and interested abutter George Sherback were also unable to attend. Mr. Sherback's attorney indicated although he could not attend, his absence reflected no change in his opinion.

Town Administrator April Whittaker advised that she was still awaiting Town Counsel's opinion on the matter. Selectman Ron Gehl said the hearing had been continued pending feedback from Town Counsel. He summarized for Chair Jones what transpired at the last meeting in his absence. Selectman Gehl reviewed that the Board received input from CCVD Counsel and the abutter, and that most recently had received a site plan from the applicant. The Board realized it could not adjudicate the issue of ownership, but sought determination from Town Counsel on what its role could be. He said feedback from Town Counsel was necessary to determine if the board truly were qualified to adjudicate if the lot is a lot of record or not. He went on to say that one party indicates the lot does not exist and the other party insists it is his. He said the Board's role was up in the air, and he felt that clarification on the Select board's role was crucial at this stage.

TA Whittaker opined it was a civil matter and noted the Commissioners are meeting to increase their legal budget line to defend their position that the property in question is, in fact, under the ownership of Copple Crown Village Precinct. The Board discussed continuing the public hearing and scheduled its next meeting for Thursday February 15, 2007 at 7:00 p.m. at Town Hall.

Motion by Selectman Gehl to continue the public hearing for a building permit for lot 23, Map 27A, section I in the Copple Crown Village District to the meeting of February 15, 2007; second by Chair Jones. The motion carried unanimously.

5. Department Reports

Highway – Road Agent Mark Fuller remarked on the extreme cold and reported his department has been chipping at culverts.

6. Non-public Session

Motion by Selectman Gehl to enter non-public session at 7:30 PM under RSA 91A: 3 II (d), to discuss acquisition of real property; second by Chair Jones. A roll call was taken: Jones – aye, Gehl – aye.

The Board met with TA Whittaker and members of the Fire Station Committee regarding discussions with property owner for land that may lend itself for future municipal development.

Motion Jones, second Gehl to return to regular session at 7:50 PM, vote 2 – 0.

Following the non-public session, the Board took a short break and reconvened in public session at 7:56 p.m.

7. Administrative Review

TA Whittaker requested the Board to sign the manifest and payroll voucher at Town Hall.

Mrs. Whittaker presented the Encumbrance request for certain monetary items that required to be carried over to fiscal 2007.

Motion by Selectman Gehl to approve the encumbrances from 2006 to fiscal year 2007 in the amount of 109,160.84; second by Chair Jones. The motion carried unanimously. The Board signed the form.

TA Whittaker commented on the possibility of more FEMA money from the state for the Highway Department, and that documentation had been prepared.

TA Whittaker reviewed the unaudited comparative statement of appropriation expenditures with an estimated expense surplus to be returned to the General Fund of \$48,743 and the unaudited comparative statement of revenue surplus and overdraft with an estimated revenue surplus to be returned to the General Fund of \$120,928. The estimated tax rate, indicative of implementation of the Capital Improvement Plan and savings plans for building improvements is \$5.82, reflecting a 13 per cent increase over the 2006 tax rate.

The Board agreed to meet with Betsey Andrews Parker, Director of the Northern Strafford County Health and Safety Council at the February 15, 2007 meeting.

In quick succession, the Board discussed with TA Whittaker: ~

(i) the LCHP stewardship grant noting that it was to be recorded at the Registry of Deeds (ii) the fact that the Town Report was in its' first draft format;

- (iii) reviewed a report from Interim Fire Chief Rod Nelson in response to a letter in The Baysider, and reviewed the roster of fire department members as of February 2, 2007 with designations and reports of calls for service;
- (iv) reviewed the Tax Collector's, Welfare, and Trustees of the Trust Funds monthly reports.
- (v) TA Whittaker said she was pleased to note Officer Jason LaMontagne's written report of a meeting he had attended at Northern Strafford County Health and Safety Council, which she felt was informative for all.
- (vi) She also read a resignation letter from the Conservation Commission from Donna Swett, due to a lack of time as she now serves on the fire department.

Motion by Selectman Gehl with sincere regret to accept the resignation of Donna Swett from the Conservation Commission; second by Chair Jones. The motion carried unanimously.

TA Whittaker said she would telephone Dennis Gagne concerning a replacement.

In response to a resident's concern regarding the proposed zoning ordinance change which would allow a recreational vehicle to be occupied on a lot for up to 120 days, Selectman Gehl said the issue was to be addressed at a continued public hearing tomorrow.

8. New Business

Draft Warrant - The Board reviewed the draft warrant and narrative. TA Whittaker reported another petition article to be added. She said the Attorney General has deemed Board recommendations only on special warrant articles. Article 3, the hiring of a full-time Highway Department employee, could therefore carry recommendations from the Board and the Budget Committee if designated as a special warrant article.

TA Whittaker stated that the Board and Budget Committee were in sync on Article 4, the operating budget, except on the hiring of a maintenance employee.

Regarding Article 5 dealing with town maintained roads, Selectman Gehl noted the Highway Block Grant was smaller. TA Whittaker confirmed it was \$7,000 less than last year. RA Fuller said more than two miles of Town maintained road will be added for next year, so the grant will be more.

The Board approved the listing of the previously established reserves in Article 6, and noted as a special warrant article, it could be designated as recommended by both the Select board and Budget Committee.

The Board approved the order of Articles 7 and 8, dealing with the Library.

Discussion ensued over Article 9, which grants authority to the Board to acquire or sell land, buildings or both without the need of Town Meeting by the adoption of RSA 41:14-a. Chair Jones said he would rather have citizens make such decisions and Selectman Gehl said he leaned that direction, also. TA Whittaker explained several fail-safes were built into the authorizing statute and that many communities had adopted it. She cited the case when a town needed to buy land within a certain timeframe and the courts refused to allow a special Town Meeting. She said the Board would not have to go back to Town Meeting, but it would have to go to the Planning Board and Conservation Commission, as well as hold two public hearings on the matter. Chair Jones noted more protections in the statute than he'd realized. The Board wanted to mull the issue for a week.

Little discussion ensued over the remaining articles. Selectman Gehl suggested articles establishing capital reserves should be listed prior to articles pertaining to expendable trusts. The Board also discussed lumping the fire station petition articles together. Regarding Article 24, a special warrant article supporting effective national actions to address climate change, the Board agreed to wait to vote until Selectman Peter Rhoades was in attendance.

TA Whittaker said the narrative had been composed stating the purpose of each article, its object being to explain, rather than purport a position. Selectmen indicated they would review the narrative and finalize it at the next meeting. Selectman Gehl mentioned a pre-Town Meeting newsletter is to be sent out, also.

Budget Hearing – TA Whittaker said the Budget Committee requested a print-out of Selectman Gehl’s bar graphs re Capital Reserves for Highway Department, and Fire Department for the Budget hearing.

9. Approval of Minutes – January 22, 2007

Motion by Selectman Gehl to consider approval of the minutes of January 22, 2007 at the next meeting, as there is no quorum of those present at that meeting; second by Chair Jones. The motion carried unanimously.

10. Adjournment

Motion by Selectman Gehl to adjourn at 8:42 p.m.; second by Chair Jones. The motion carried unanimously.

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.