

**New Durham Board of Selectmen
Public Meeting Minutes ~ May 7th, 2007
Town Hall**

Present: Chairperson Ron Gehl, Peter Rhoades, and David Bickford

Also Present: Town Administrator April Whittaker, Road Agent Mark Fuller, Building Inspector David Lindberg, Fleet Manager David Valladares, Town Clerk Carole Ingham, and Baysider Reporter Tom Beeler.

Citizens Present: Ed Neister, Frederico Corbezolla, Cathy Orlowicz (arrived later to the meeting), Sheri Joy, Marcia Berry and Dwight Jones.

1. Call to Order:

Chairperson Ron Gehl called the business meeting to order at 7:00 PM at the New Durham Town Hall located at 4 Main Street.

Chair Gehl requested taking items out of the agenda order initially to accommodate Chairman Sheri Joy of the Recreation Commission, who was also required to attend a School Board meeting in her capacity as the Town's School Board Representative.

Chair Joy recommended to the board the appointment of Dwight Jones to replace George Chasse. She advised that four applications had been received, and it was by unanimous vote of the Commission that the appointment be given to Mr. Jones. Chair Gehl recused himself from the Board, as his wife sits on the Recreation Commission, and Selectman Peter Rhoades assumed the Chair.

Selectman David Bickford asked Mr. Jones what qualifications he felt he had for the position. Mr. Jones announced a long list of volunteer sports services and his desire to continue to serve the community.

Selectman Bickford raised the question of how the appointments are described, how nominations are made and how volunteers are chosen to serve. He also voiced his desire to see a two week waiting / vetting period prior to taking a vote for Town appointments.

Pro-tem Chair Rhoades advised that this was not the time or opportunity to explore the question of appointments as an appointment decision was now placed before them, but that the whole question of public appointments would be placed on the next business agenda for discussion by all three members.

Given his personal knowledge of Mr. Jones, and his leadership background, Chair Rhoades advised that he was very comfortable with the appointment as recommended by the Commissioners. In the interim time between Board business meetings, Chair Rhoades requested the Town Administrator collate information regarding the boards and committees and descriptions thereof.

Motion by Pro-tem Chair Rhoades to appoint Dwight Jones to the Recreation Commission; second by Selectman Bickford; vote 2 - 0.

Mr. Jones was duly sworn into office.

Sheri Joy was duly sworn into office.

Trails Grant

Recreation Chair Sheri Joy advised the Board of the Commission's grant application to the Department of Resources and Economic Development ~ Trails Bureau that has been granted in the amount of \$5,620 to construct a walking path at the Elmer Smith Recreational Field. This had been a long time plan for the field and money was finally available to accomplish the construction. Mrs. Joy went on to advise of the great help and assistance as rendered by Mike Gelinis with plan preparation and mapping. She also advised that the Snowmobile Club had been of help and would continue to be so in the future by grooming the trail for snowshoeing.

Mrs. Joy described a boundary line problem involving a bench and tree that had come to light as a result of the survey and mapping at the ball field. Following discussion, the Town Administrator will follow up with the affected abutter for resolution.

The Board took the opportunity to congratulate the commissioners and to thank them for their work.

Selectman Gehl rejoined the board and resumed Chairmanship.

2. Citizens' Forum

Ed Neister stated he wanted to follow up on his suggestion at Town Meeting to form a Milfoil Committee. He provided the Board with photographs taken of water near Art Hoover's home that will be saturated with milfoil in the next two years, and of the infested Suncook River. He indicated the Suncook River is in the process of being treated, as it has serious ramifications for all water bodies in area. He stressed the need to start the process in New Durham. He cited Downings Pond on Merrymeeting River containing milfoil. He urged for the formation of a committee and treatment of the pond. He advised the treatment program must be structured program, or it is a waste of money.

Mr. Neister suggested a group of people look at the entire river starting upstream. Chair Gehl asked for clarification of a structured program. Mr. Neister advocated a five to seven member committee to map out milfoil and recommend a plan to the state to treat it effectively. He indicated periodic treatment with herbicide is not effective. He said the Town must handle the problem itself, as the state lacks the personnel.

He described a bad infestation in the downstream waters of Alton, going into the Bay, and said New Durham needs to treat and maintain upstream. He said the state used 1,000 lbs of herbicide in Jones Pond, but the treatment was not complete as plants are difficult to find. Due to its depth, Merrymeeting Lake is safe from milfoil, but he noted an infestation south of the lake by the hatchery. He explained that milfoil turns a pond area into a marsh.

Selectman Rhoades asked if Mr. Neister was involved with milfoil clearing as a business. Mr. Neister responded that he bought a camp by a lake and ran into milfoil, which spurred him to get personally involved. He said it has become a passion with him because it is such a deadly plant. Described as an exotic aquatic plant, milfoil can grow an inch a day.

Selectman Rhoades likened the problem of convincing townspeople to spend money on the problem, to the recent history with the fire station. He agreed that the milfoil problem was something to spend time on. Mr. Neister said state funds, taken from boat registrations, are applied toward milfoil treatments. He could not recall absolutely, but thought the state paid 90 per cent of the first treatment, and 75 per cent after that. He cautioned that a water body cannot be recovered if the milfoil gets out of hand. Chair Gehl said the Board understood the need to look into this further, and asked that the issue be placed on the agenda for next meeting. Mr. Neister said, although he could not serve on the committee due to time constraints, he would support it and bring members up to speed on the situation. He suggested incorporating people along the Suncook River, as they have an interest, and the Conservation Commission. He said a fund would need to be set up, and divers must check for milfoil every year. He closed by stating that if the Town values a waterway, it needs to protect it.

March's Pond Dam

Frederico Corbozolla, Sr. of Birch Hill asked the board about the disposition of Marchs Pond Dam. Chair Gehl advised that during the unusual storm event, extra watches had been placed on the dam, and considering the conditions, he felt that the dam responded very well. He further advised that 99% of the engineering, planning and permitting was now complete and that the next steps would most likely involve coming up with a financial plan as there was no money available at this time to commence any work. He said the Town is seeking outside sources of funding. Selectman Rhoades indicated the Town owns the entire dam. Chair Gehl said the deed says the Town has access to conduct the repair work. Mr. Corbozolla asked about the authority regarding tree removal from his property for embankment placement. Chair Gehl said he was unfamiliar with the details, but asked Mr. Corbozolla to meet with TA Whittaker regarding the situation. Mr. Corbozolla said he would not want stumps left. Road Agent Mark Fuller explained why the state does not want trees in the area. TA Whittaker confirmed that this project would be raised during the Capital Improvement Program meetings, and she would be happy to notify Mr. Corbozolla should he wish to attend.

3. Public Hearing

At 7:35 p.m., Chair Gehl opened a public hearing pursuant to RSA 91-A for the purpose of receiving public input regarding the withdrawal and expenditure of \$8,979 from the New Property Tax Maps Capital Reserve Fund. Chair Gehl explained the Town has entered into a contract to begin the first phase of the mapping and a 10 per cent (of the total price) deposit is necessary for the first step of new tax maps for the Town - aerial photography and base mapping. It was also confirmed that as work progresses, and further invoices are received for work completed, this hearing would serve to cover the various stages of the project with a cap of up to \$40,000.

There was no public comment.

Chair Gehl indicated the money is available to take care of base mapping. In the contract, funds to continue the project in subsequent years are subject to approval by Town Meeting i.e. non-appropriation clause.

Motion by Selectman Rhoades to approve the withdrawal and expenditure of \$8,979 for the initial deposit toward the first phase of the property tax map project, not to exceed \$40,000 for further work completed as approved at Town Meeting; second by Selectman Bickford. The motion carried unanimously.

Chair Gehl closed the public hearing at 7:45 p.m.

4. Department Reports

Regarding the acquisition of a tractor approved at Town Meeting, Equipment Mechanic David Valladares recommended the acquisition of a John Deere tractor for \$7,100 from Shaw's Equipment in Dover. Selectman Rhoades brought up discounts and varied payment plans. Selectman Bickford asked about differences between machines and Mr. Valladares detailed the differences, especially the deck size, indicating the machine that cost \$8,100 would be superior, but also over budget.

Motion by Selectman Rhoades to authorize the purchase of a John Deere tractor for \$7,100 with the caveat that immediate delivery be possible and 60 day terms conferred at no additional cost; second by Selectman Bickford. The motion carried unanimously.

Selectman Bickford asked why Town mowing was done in-house, rather than being contracted privately. Selectman Peter Rhoades advised that he had raised the same question during budget last budget season, and deferred the question to the Mr. Fuller. Road Agent Mark Fuller replied that contract mowing had been tried before with various problems, such as high pricing and having to be on a schedule with others with no guarantee of having the work completed timely for sporting events. He also indicated that there had been a quality control issue with privatization. He explained that keeping the mowing in-house enables the department to maintain quality control and can keep the ball fields in the desired condition. Mr. Valladares pointed out that scheduling with a contractor would be difficult due to the number of programs run at the fields.

Highway – RA Fuller reported all paved roads and shoulders are temporarily repaired and grading gravel roads has commenced. Further repairs will be done later.

Town Historian – Town Historian Cathy Orlowicz inquired on the status of relocation of the Boodey House. Chair Gehl said an inquiry has been sent to the Attorney General's office and the Board is awaiting a response.

5. Administrative Review

TA Whittaker provided copies of grants applied for by the Fire Department for a thermal imaging camera and a fire truck.

The Board reviewed the Town Clerk/tax collector's report. TA Whittaker noted that revenue is down \$10,000, indicative of the economy.

TA Whittaker told the Board of a pending House bill (HB2) that would eliminate the OHRV grants funding. She explained that the police department is called out first for law enforcement, as Fish and Game lacks the manpower. She suggested the Board contact Senator Sgambati to help in reinstating the money for the grant. Chair Gehl stated Police Chief Shawn Bernier feels the grant is important.

Motion by Chair Gehl, to authorize TA Whittaker to send a letter of support to amend HB2 for reinstatement of grant monies to Senator Sgambati; second by Selectman Rhoades. During discussion, Selectman Bickford said he would exercise caution, as there is no need to have the contracts. He said the police department is authorized to enforce the law in any case. Chair Gehl pointed out that the Town was receiving grant money to foot the bill for those patrols thus saving tax dollars. He stated he would not want to see the money disappear for that purpose. TA Whittaker said the proposed amendment directs that money to Fish and Game and eliminates further authority to contract with local police departments for OHRV law enforcement. Chair Gehl noted that in discussions with Chief Bernier, he felt strongly that a local presence for

these patrols was important, as officers know the terrain better and know problem areas that need to be focused on. He went on to say that local control allows for more “boots” on the ground. TA Whittaker explained that OHRV enforcement grants are for local police, as they are the first ones called in any event. She read from a statement from the Local Government Center, and added that that organization is concerned with the passage of this bill as it takes much needed enforcement money away from the local police department.

Selectman Bickford said “Fish and Game” does not have the money and that the House Finance Committee felt state revenue should go there. The money had been sent to towns for contracts with the police departments that have the duty to enforce the law anyway, without being paid. Chair Gehl pointed out the loss of the grant money would mean a lower level of service especially in the trail patrols and checking on houses along Class VI roads.

TA Whittaker reiterated that the bill would take money away from the Town. She said \$10 of registrations goes toward contracting with local law enforcement agencies. Chair Gehl also stated that the money comes from the fees of the wheeled vehicles.

The Board voted on the motion. **Gehl, Rhoades – aye; Bickford – nay. The motion carried 2-1.**

TA Whittaker reported that per the latest Engineers Report on the Landfill there were indications that the number of landfill inspections and testing might decrease, which would result in financial savings in the future budgets.

TA Whittaker reported that the Treasurer and Financial Assistant can now have Webex capability with the Town’s bank, ending the need for memos and faxes being sent back and forth. The Treasurer authorizes the change, but the Board must agree. She said the only difference for the online capability is that the required maintained balance increases from \$68,000 to \$74,000. Selectman Rhoades asked what the benefit of Webex capability would be. TA Whittaker replied that transactions could be made online securely with greater competency. Chair Gehl commented that there is less paperwork and things get done quicker. TA Whittaker said if the balance drops below the required amount, fees would kick in, but that it was her job to watch that. She said she did not know what the actual fee would be but imagined that it would be usual and customary checking account fees. TA Whittaker replied that the balance would never drop below the required amount because the Town would not want to incur a fee. She said she and fellow town personnel keep a tight watch on the cash flow and have not gone below \$300,000 in past years, although the recent flood costs have stretched the budgets.

Chair Gehl explained that quite a cushion is maintained, and he saw no problem. In response to Selectman Bickford’s question, TA Whittaker said this account involved the General Fund, not the Trust funds which are dedicated and distinctly separate and supervised by the Trustees. Chair Gehl added that with all the other expenditures the Town has seen, it’s getting closer to the hairy edge. Selectman Bickford asked the amount of that edge, and TA Whittaker said about \$100,000. Selectman Bickford asked if the DRA has any recommendations. TA Whittaker replied it did not, and pointed out that the Town depends on the professional people it pays. She advised to end the confusion, that the Webex is a tracking measure to view the account online and that the actual cash flow is a separate entity. She told Selectman Bickford that the Webex agreement is a mechanism for the Treasurer and Financial Assistant to move the funds, as they need to do. Selectman Bickford said if the account goes below the required amount, there is a penalty. TA Whittaker stated she did not intend to let it go below the \$74,000. Selectman Rhoades explained the process of required maintained amount, and suggested Selectman Bickford speak with Financial Assistant Blackden regarding cash flow. TA

Whittaker stressed that Ms. Blackden would come to her if the balance were to become compromised below \$74,000 retention, and that they would take care of it.

Motion by Chair Gehl to authorize the Webex resolution per TD Banknorth's documentation; second by Selectman Rhoades. The motion carried unanimously.

TA Whittaker then proceeded to the second recommendation by the bank and presented collateralization consolidation now offered by the bank as opposed to the individual securities that the Town has under the FDIC insurance guidelines. In the event the bank failed, funds would be secured under one house, so the Town would only have to go to one place to get monetary reimbursement as opposed to several institutions in the event of bank failure. Chair Gehl asked for copies of the agreement to review and take up at the next meeting. TA Whittaker added the interest rate is increasing to 4.9 per cent.

The Board signed for state funding for reimbursement when assisting surrounding municipalities with forest fires.

6. Schedule Next Meeting

The Board scheduled the next meeting for May 21, 2007 at 7:00 p.m. at Town Offices.

The agenda was discussed briefly. Chair Gehl asked if there were any volunteers for the CIP committee. TA Whittaker said only one person, namely Padraic McHale, has volunteered to serve so far.

7. Old Business

The Board noted no further information on the mailbox situation for Chamberlin Way/Hilltop Circle.

8. Approval of Minutes

Motion by Selectman Rhoades to approve the minutes of April 18, 2007 as amended; second by Selectman Bickford. The motion carried unanimously.

9. Any Other Business

Selectman Rhoades reported on the tour of the Erven Duncan property located off Route 11. He indicated the next appointment date was set verbally for June 4, 2007 at 4:30 p.m., and that a note confirming the same will follow, including a number of items Mr. Duncan could work on further.

Selectman Bickford confirmed that TA Whittaker would gather the list of boards and Commissions for him, including the duties of Commissions, citing the Meetinghouse Committee as an example of a written charge. He inquired as to the duties of members of the boards. Chair Gehl indicated the need for better descriptions was discussed at the goals workshop, noting that this had not been completed by previous administrations. He noted that the Board has established charges for new committees, such as the Land Conservation Committee and Meetinghouse Committee, so there is an objective in place. He added that committees that have been in place for a period of time and formed under previous administrations, do not have such things as clearly in effect. Discussion turned to the Milfoil Committee. Selectman Bickford asked if the Conservation Commission should be involved. Chair Gehl said he'd done research on what other communities have been doing. TA Whittaker said the Merrymeeting Lake Association would probably have vigilant members too who could become valuable resources in this important area.

10. Adjournment

Approved June 4th, 2007: New Durham Board of Selectmen Minutes of 05/07/07

Motion by Chair Gehl to adjourn at 8:43 p.m.; second by Selectman Rhoades. The motion carried unanimously.

Respectfully submitted,

Cathy L. Allyn and April Whittaker

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