

**New Durham Board of Selectmen**  
**Minutes of Meeting ~ May 21, 2007**  
**Town Hall**

**Members present:** Chairperson Ronald Gehl, Peter Rhoades, David Bickford

**Also present:** Town Administrator April Whittaker, Road Agent Mark Fuller, CEO/BI David Lindberg, Town Clerk/Tax Collector Carole Ingham, Land Use Administrative Assistant David Allen, Thomas Beeler, Don Carlson, Robert Craycraft, Skip Fadden, Bill Letsky, William Malay, Mary McHale, Cathy Orlowicz, Ralph Travis, Russ Weldon, other members of the public

**1. Call to Order** – Chairperson Ron Gehl called the meeting to order at 7:03 p.m.

**2. Citizens' Forum** – In reference to Selectman Bickford's request for an impending discussion regarding a policy for appointments to committees and boards, Mary McHale indicated most residents begin in a small way with service to committees when first serving the community. She asked Selectmen, in their deliberations, to not make the process too intense, as residents might not come forward to serve. Selectman David Bickford asked for clarification of her concerns. Ms. McHale replied that people might hesitate to come forward if they had to jump through too many hoops, to receive a volunteer appointment. Selectman Peter Rhoades said he agreed. He cited the need for an alternate on the Planning Board, and that we do not need to intimidate people. He said citizens don't need any initial knowledge or experience concerning what they get involved in, since the Town will inform them and offer educational opportunities. He said it was hard to get volunteers, and added if someone has the desire to help the Town, there is nothing that cannot be learned.

**3. Public Presentation** – Bill Letsky of Virtual Town Hall in Portland, ME provided a website demonstration. Chair Gehl said a need for improvements to the Town website exists, and that the firm of Virtual Town Hall has created municipal websites nationally.

Mr. Letsky began with a background of the company that was established in 1998 and hosts 211 municipal websites. Virtual Town Hall hosts 32 websites in New Hampshire. The company offers a variety of modules, such as recreation registration, online bill payment, and polling to expand its basic services if and when a Town would like them. He said the website is an extension of every department and can function when Town Hall is not open.

Mr. Letsky outlined four main features of the company: ~

- 1.) The platform used is an e-mail system software. Once the website is designed based on the Town's interests, it is developed, and the information is loading into a content management system, which is easily updated by email. Each department can edit its own files.
- 2.) The company focuses on municipalities only.
- 3.) VTH has a Best Practices for site structure and department content.
- 4.) The Town receives support and VTH trains all users.

He cited a trend of moving toward online services, and said an up-to-date website provides information dissemination, such as access to maps and committee minutes, and downloadable content, such as forms and permits. He advised the website could be an excellent source to engage

people and get them involved. Site visits, page views, and file downloads are tracked so the Town can see the top requested items. Mr. Letsky said they also provide a gap analysis – items on other town sites that are used, which could then be considered for inclusion on New Durham's. VTH offers a custom site design for a consistent look and consistent navigation; and multiple design options for the site slide show, including rotating, multiple, or blended photos, or a rotating masthead. In response to Selectman Rhoades' question, Mr. Letsky indicated the rotating photos move randomly, rather than being associated specifically to a page.

Mr. Letsky stressed the simplicity of the designs, saying VTH focuses on content to help people find information as easily as possible. Data is loaded by department, but since not every resident knows what department to go to, main information is on the homepage. Information retrieval is done by cross-navigation, search, and by department. The site would also have an urgent news banner.

Information that can be updated by email includes the "urgent news" banner; news, notices, and announcements; agendas and minutes (including an unlimited amount of past minutes); department news; administrator blogs to use as a forum to communicate with citizens; project updates; and unique information such as lost and found pets, etc. As part of the email subscriber service, staff can subscribe to receive the emailed updates directly in their email boxes.

Other features of the website are: unlimited calendars; upcoming meetings and events are automatically posted on the homepage; unlimited downloadable documents; citizen comment forms; and online submittal surveys.

The Board viewed several samples of New England town websites. Town Administrator April Whittaker commented that she liked how so much information was included in a small space without continual scrolling as was usual with the Town's current site. Mr. Letsky said support consisted of live phone support, email, instant messaging, and a support site. He said the implementation schedule consists of two phases. The design phase should take about two weeks and the development, eight. VTH personnel meet one on one with each department to gather data, train the users, and launch the site. Assuming five users, such as Town Administrator, Town Clerk, or Land Use department, the cost is a one-time charge of \$4,000 with an annual cost of \$1,995 for support.

Selectman Rhoades stated the upfront cost was reasonable, but wondered about the costs of adding services. Mr. Letsky assured him of no bait and switch tactics, told the Board the company's biggest increase was three per cent, and suggested the Town contacts the company's references regarding additional costs. He said after a few years, some towns wanted a new look or needed to refresh links. Re-design and training is approximately \$3,000. Selectman Rhoades said the Town was interested in maps online. Mr. Letsky said People GIS, which is separate from the website, is a desktop application available to residents and staff. The cost is \$3,000 to set-up and \$3,000 annually for support. He told Selectman Rhoades that most towns do not add additional services. He said many things that can be added are within the templates provided, and that is part of VTH's support cost. Selectman Rhoades asked about support quality and Mr. Letsky said you usually get a person or an answer machine. He demonstrated the ease of updating the site.

Land Use Administrative Assistant David Allen said he looked into building a site from scratch, and the cost was higher and would take years to get to the capacity demonstrated. He noted \$2,000 annually is less than the cost of additional staff, saying that more that could be done from the website leaves more time for his duties. TA Whittaker asked how soon VTH could start. Mr. Letsky said a sit down design meeting with a representative could take place next week, with the

assumption that the process will take 10 weeks. He said the content information determines how long the actual process takes.

**4. Contract with Tax Collector**

Chair Gehl noted Town Clerk/Tax Collector Carole Ingham pointed out a statutory requirement regarding compensation of tax collectors. He said that according to RSA 41:33, the Board needs a written contract with the tax collector regarding compensation. Although the meeting could be non-public, Clerk Ingham asked the Board to go forward in a public format as the contractual dollars had already been approved by town meeting. Chair Gehl said the Board drafted a contract to outline standards, and the amount budgeted for 2007 is \$13,142. Clerk Ingham said she reviewed the contract with TA Whittaker and agreed with the written content. Selectman Rhoades asked how it was different from last year's. Clerk Ingham replied that it is a one-year contract, rather than for the three years of the term, as the statute references "annual" compensation.

**Motion by Chair Gehl to approve the compensation memorandum of agreement with Carole Ingham in relation to tax collector compensation; second by Selectman Rhoades. The motion carried unanimously.**

Clerk Ingham also signed the contract.

**5. Public Appointment concerning Pine Point Road**

Russell Weldon met with the Board to discuss the washout of the private road, which leaves him with no access to his property on that road. He said he was concerned about delivery of emergency services and wondered who had the responsibility of making it passable. He stated his taxes were lower because of being on a private road, but a portion of his taxes were still allocated to services he does not benefit from. He told the Board several residents in the area have deeded right-of-ways through Charles McKay's gravel pit property, but he does not. He suggested several options, such as Mr. McKay putting in the road and getting building lots along it; McKay truck traffic then traveling a better road to King's Highway as people would like to see less truck traffic on North Shore; or Mr. McKay could give a portion of the land as conservation property in exchange for the road being fixed.

Chair Gehl asked what maintenance arrangements exist. Mr. Weldon said there had been efforts to raise funds for Pine Point Road, but not enough to keep the road stable. Chair Gehl pointed out that a Town is prohibited from putting tax money into maintenance of private roads, unless the road is laid out and accepted as a Town road with a Town Meeting vote. Mr. Weldon said this was a special hardship, as not enough homeowners live along it for the money needed. He said the center of the road is taken out. Chair Gehl said there were similar problems throughout the Town. Mr. Weldon said he did not want a town road, but that he was entitled to public services.

Selectman Bickford asked if Mr. Weldon was looking for the Town to fix the road, because there was no way to get the Town to pay for one. Mr. Weldon said there could be a lawsuit because services weren't provided and a judge might find the Town culpable. Selectman Bickford asked if Mr. Weldon would be eligible for FEMA funds. TA Whittaker said she suggested this to Mr. Weldon earlier, explaining there are private applications to FEMA. She cited the court case, which occurred in Jaffrey, which prohibits towns from spending tax money on private roads.

Selectman Rhoades said he pays to have his Class VI road repaired and maintained, and told Mr. Weldon the Board cannot change state law. The cost must be borne by those who live along the road.

A betterment assessment was discussed, despite reservations by TA Whittaker that the process would be expensive and therefore not palatable to all the owners who would benefit, and that in upgrading the roads, there may well be a push for public road status thereby opening up many lots for development. Chair Gehl said it was a complicated process and he was leery of discussing it without town counsel's advise. He added that once the process is initiated, precedent would be set. TA Whittaker advised that the "betterment assessment" is in effect another tax bill and as such, the properties could be liened, compelling the residents along the road to pay. Selectman Rhoades suggested consulting Town Counsel on a betterment assessment or other options the residents might have. Ralph Travis said some residents had been contributing \$200 annually, but the Clay Hill washout took out \$2,100 from those funds. Selectman Rhoades indicated he spent \$4,000 on 1/3 mile of his road last year. Chair Gehl said the eight involved residents could apply to FEMA, and that TA Whittaker and Road Agent Mark Fuller would assist in the process. RA Fuller suggested taking a lot of pictures, adding that there were six more days to apply. TA Whittaker provided Mr. Weldon with the information. Chair Gehl suggested application be the first tactic used to get funds for repairs. He said the Board was not saying it would not go down a betterment assessment path, but that the process opens up many questions.

Don Carlson asked if the Town could sell the residents material at cost. RA Fuller replied that raking and grading had been done that way in the past, but the cost of the grader increased. Chair Gehl commented that he was unsure of the legality of that procedure. He suggested it would be unusual for a town to do that. Mr. Carlson said he paid taxes and only received use of the landfill. TA Whittaker pointed out that a full assessment is not levied along private roads. Chair Gehl added that the majority of tax money goes to education. He said the Board must defer to the state legislature. Referring to Mr. Carlson's comment, Selectman Bickford stated that was the same argument as, I have no kids in school so why should I pay an education tax? He suggested buying an easement from Mr. McKay. Mr. Weldon said his understanding was that Mr. McKay would not sell easements, but might be interested in annual access fees.

It was left that the Board encouraged the residents to apply to FEMA, and would get feedback from Town Counsel on betterment assessment and law enforcement on private roads, and get back to Mr. Weldon.

## **6. Department Reports**

*Highway* – RA Fuller said he and Financial Assistant Vickie Blackden met with a FEMA representative all day on Thursday. He said paving was being done on Merrymeeting Road and would start tomorrow on Ridge Road. Valley and Ela Mill Roads, and the entrance to the ballpark will be done following that. He reported traffic counts to be done on six or seven gravel and paved roads, through Strafford Regional Planning Commission. He said two locations are being done on several of the roads. He told the Board the mower was delivered last Thursday, and that a crewmember is out on workman's compensation, working half days for another week.

## **7. Administrative Review**

The Board received a ballot for election of the Board of Directors for the Electrical Co-op. Chair Gehl and Selectman Rhoades were unfamiliar with the candidates. Selectman Bickford knew Mr. Johnson and Mr. Thomas, and voted for them with Chair Gehl's and Selectman Rhoades' consent.

The Board briefly discussed abating Middleton's tax bill in return for use of that town's gravel pit. Chair Gehl and RA Fuller acknowledged the situation has been reviewed thoroughly in the past, and the use of the pit is well worth the amount of the abatement.

**Motion by Chair Gehl to abate the real estate tax bill of the Town of Middleton in the amount of \$641; second by Selectman Rhoades. The motion carried unanimously.**

TA Whittaker said a settlement has been negotiated between the assessor and homeowner Jane Galante regarding a 2004 appeal, and provided the Board with a recommendation of Assessor Robert Estey. The original evaluation of \$567,400 would be revised to \$450,000, resulting in valuation of \$117,400. The Board is to sign the abatement agreement. TA Whittaker said the docket number is 20619-014 per the Board of Tax and Land Appeals

**Motion by Chair Gehl to approve the Galante abatement settlement; second by Selectman Bickford. The motion carried unanimously.**

TA Whittaker presented the Board with the resignation of Helen Wellman from the ZBA, saying Ms. Wellman is willing to serve as an alternate, with the recommendation of the ZBA. Chair Gehl said he'd spoken with Ms. Wellman and she indicated she is out of town a lot during the winter.

**Motion by Chair Gehl to accept with regret the resignation of Helen Wellman from a full-time ZBA position; second by Selectman Bickford. The motion carried unanimously.**

**Motion by Chair Gehl to appoint Helen Wellman for a three-year term as an alternate to the ZBA.** Selectman Bickford asked if there was some reason the Board could not wait on the appointment, for discussion on appointments and to air the nomination in public to see if others are interested in the position. Selectman Bickford advised he did not have the information provided by TA Whittaker on committee and Board nominations, as he had not been upstairs since Wednesday. TA Whittaker said the information was part of his agenda packet that was put upstairs Thursday. Chair Gehl said the Board would hold off on appointments.

**Motion by Chair Gehl to accept the resignation of Marc Behr as Deputy Emergency Management Director; second by Selectman Rhoades. The motion carried unanimously.**

TA Whittaker reported that tax bills have been mailed, and the Town Beach cleaned and raked by town personnel.

She indicated the Personnel Committee requested clarification by Town Counsel of language regarding full definition of "at will" employees. TA Whittaker requested that the Board should attend, also, adding that it could be done on speakerphone. TA Whittaker suggested asking Town Counsel if he would be available June 4, 2007 at 3:30 p.m., prior to the Board's inspection at 4:30 p.m. of the Duncan property. Selectman Bickford said he was unsure he could attend.

TA Whittaker reported NH Fish and Game Department has announced parking lot closure from June 21 – August 31, 2007, and boat ramp closure July 9 – August 31, 2007 at the boat access facility at Merrymeeting Lake. The closures are related to construction work replacing a water line to the fish hatchery. Merrymeeting Marina will make its boat ramp available to access the lake this summer for no fee to launch and a \$20 daily parking fee.

TA Whittaker reported on a meeting she had with two representatives of the Southeast Economic Development Corporation regarding two potential commercial ventures in New Durham. Ms. McHale reminded the Board of the Wentworth Economic Development Corporation, for which she serves as town representative. Selectman Bickford asked how she became the representative. Ms. McHale indicated to Mr. Bickford that he was on the Board when she spoke about WEDCO.

Selectman Bickford brought up that County Commissioner Ron Chagnon has offered incarcerated helpers for projects such as the Town Beach clean up. TA Whittaker asked if lunch needed to be provided, as she had been involved with a similar situation and it cost over \$100 to feed the workers. She said she would contact Commissioner Chagnon. RA Fuller said incarcerated help had been used before and lunch did need to be provided and the inmates had to leave early. Chair Gehl said sand replacement at the Beach must go through DES and the required dredge and fill permitting is in process.

**8. Schedule Next Meeting** – The Board scheduled its next meeting for June 4, 2007 at 7:00 p.m. at Town Hall.

### **9. Old Business**

**Mailboxes on Chamberlin Way:** The Board has heard nothing on the mailboxes at the Edwards/Lecoq subdivision.

**Appointment Policy Discussion:** Regarding the discussion on appointment procedures to boards and committees, Chair Gehl said Selectman Bickford had not had the chance to go through the information. He said TA Whittaker provided statutory information and background on how the process has typically been carried out in Town as part of the agenda packet. Selectman Bickford stated he would like the Board to take input one night and vote at the following meeting, giving the public opportunity for input. He said he'd been unaware that Dwight Jones was at a previous meeting to be appointed to the Parks and Recreation Commission. He added that the Board should always know the other interested parties, and that the appointments should be on the agenda. He mentioned that he had spoken with Mr. Weldon, when seeing Public Appointment on the agenda.

Chair Gehl agreed that nominations be on the agenda, but was leery of missing the opportunity of a volunteer coming forward. He said by and large there is only one volunteer for available positions. He cited the enthusiasm of Wendy Anderson on the ZBA, saying he was impressed with her work. He also said he was keen to defer to a body like the ZBA for recommendations. He cautioned against turning people off, and said it would be acceptable to meet all the candidates if there were several.

Selectman Rhoades brought up the fact of occasional immediate need to appoint. He said the notice to the public is the agenda that states an appointment is to take place, so other parties could attend the meeting. He confirmed that normally there is not a list of people applying for positions. He indicated he did not know why the Board would say no to someone. Selectman Bickford said that there is no opportunity to research a person if the appointment happens that night. He called it irresponsible to accept anyone just because they raise their hand.

Selectman Rhoades asked why the Board would want to wait to appoint Ms. Wellman as an alternate on the ZBA. He said she has served for nine years thereby thoroughly knowledgeable, and he considered waiting on the appointment to be rude to her. Selectman Bickford said other people might be interested. Selectman Rhoades asked what Selectman Bickford would say to Ms. Wellman if he met her on the street, regarding not appointing her at once. Selectman Bickford replied that he thought she would expect a delay. He said the Board should take time to consider.

Chair Gehl said that was a wise approach if the Board did not know anything of the person, but the majority of the nominations come with the recommendation of that board or committee, and he said he placed a large amount of weight on that board's opinion. He said Ms. Wellman came with a solid recommendation. Selectman Bickford reiterated that the procedure should be to hold off on the vote

unless an immediate appointment is necessary. Chair Gehl stated the best way to handle the situation was on a case-by-case basis. He said the ZBA gave a solid recommendation. Openings on the CIP Committee have been advertised for a month and two people have come forward for the two positions. He said if there were several applicants, all could be brought in. He said we don't want to discourage people from coming forward. Selectman Bickford said that would be inconsistent. Chair Gehl said it was incumbent upon the selectmen to do research on the candidate(s). Selectman Bickford said time was needed to do research, and that is why the name should be taken at one meeting and the vote taken at the next. Referring to Selectman Bickford's earlier comment about possible child molesters, TA Whittaker asked if a criminal background check would be performed on candidates. Selectman Bickford said that could be possible; and added that the Executive Council does so. Chair Gehl suggested town candidates were at a different level and that enthusiasm was more important than anything. Selectman Rhoades proposed tabling the discussion, as there was clearly no consensus, and suggested another meeting was necessary to thoroughly air the proposal, and to see if there was any sense of team building amongst the current board.

**Motion by Selectman Rhoades to appoint Wendy Anderson as a full-time member on the ZBA, second by Chair Gehl. The motion carried unanimously.**

**Motion by Selectman Rhoades to appoint Helen Wellman as an alternate on the ZBA; second by Chair Gehl. The motion carried unanimously.**

Chair Gehl said he would email his schedule to the other members to facilitate scheduling the additional meeting.

Chair Gehl brought up the CIP Committee and the need to get it moving as quickly as possible. The Committee will be made up of one selectman, one Budget Committee member (Dave Curry), one Planning Board representative, and two members of the public.

**Motion by Chair Gehl to appoint Selectman David Bickford to the CIP Committee; second by Selectman Rhoades. The motion carried unanimously.**

**Motion by Chair Gehl to appoint Christopher LaPierre and Paddy McHale to the CIP Committee; second by Selectman Rhoades. The motion carried unanimously.**

TA Whittaker suggested a CIP Committee meeting June 11, 2007 at 6:30 p.m., or June 12, 2007 at 6:30 p.m.

TA Whittaker asked for a decision re TD Banknorth's suggestion to consolidate all cash accounts now that available information was to hand.

**Motion by Chair Gehl that the Town take advantage of the option of using a letter of credit from the Federal Home Loan Bank of Boston to protect the Town against loss should TD Banknorth default; second by Selectman Rhoades. The motion carried unanimously.**

## **10. Approval of Minutes**

**Motion by Chair Gehl to table consideration of the minutes of May 7, 2007 to the meeting of June 4, 2007; second by Selectman Bickford. The motion carried unanimously.**

## **11. Any Other Business**

RA Fuller reported he met with the Fish and Game Club to ask permission for the Town to control the dam at the club pond by pulling boards.

Selectman Bickford asked for updates on a variety of topics.

- (i) TV tapes of meetings: Chair Gehl said the representative to Wolfeboro Community TV has spoken to the staff there to ensure regular deliveries of tapes. Skip Fadden said he makes DVDs of the meetings he films, and gives a copy to the Town Clerk.
- (ii) March's Pond Dam: TA Whittaker advised that there is no available grant funding for dams. She added that she had been advised by the Hazard Mitigation grant supervisor to approach the Army Corp of Engineers who in turn advised that there was no funding for dams. She further advised that this would be a CIP topic re funding.
- (iii) Milfoil Committee: Chair Gehl asked that it be put on the agenda for the next meeting. Selectman Rhoades stated that Mr. Bickford should bring this issue to his next Conservation Commission meeting for feedback
- (iv) The Shirley lot used for location of the Boodey House: Chair Gehl said there has been no answer from the Attorney General's office, and the matter has gone to Town Counsel.
- (v) Monday school board meetings: Selectman Bickford raised the issue of board meetings being in conflict with School board meetings. TA Whittaker advised that the school board representative will be invited to report back to the Selectmen on the school board meetings.
- (vi) Generator: Chair Gehl advised that he had met with the Fire Department on a number of occasions and said a master electrician, Peter Varney, of the fire department, has looked at the loadings for Fire, Police and Town Hall. Selectman Gehl strongly urged Mr. Bickford to speak with Mr. Varney.

## **12. Adjournment**

**Motion by Selectman Rhoades at 10:25 p.m. to adjourn the meeting; second by Selectman Bickford. 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.