

New Durham Board of Selectmen

Minutes of Meeting ~ June 4, 2007

Town Hall

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

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, Jan Abbott, Don Bansfield, Jr, Sheryl Bansfield, Thomas Beeler, Skip Fadden, George Gale, Ed Neister, Cathy Orłowicz, other members of the public

1. Call to Order – Chairperson Ron Gehl called the meeting to order at 7:02 p.m. He announced the acquisition of an American flag in the room and led the Pledge of Allegiance.

2. Citizens' Forum – Skip Fadden thanked the Board for setting the tone of meetings by beginning with the Pledge of Allegiance. He asked how to submit a candidate for Citizen of the Year. Town Administrator April Whittaker said it is not a Town conducted process. She said she believed a committee of former recipients, headed by Rod Doherty, reviewed names submitted in drop-off boxes at various locations around town beginning after Christmas.

Selectman Peter Rhoades spoke as a citizen regarding a hazard on Bennett Road, a Class VI road. He said a telephone pole installed by NH Electric Co-op is in the right of way and suggested the Town request action. Road Agent Mark Fuller said he would call the electric company tomorrow. The pole number, visible in a photograph, appeared to be #176.

Jan Abbott spoke about a silt problem, indicating large amounts of silt are flowing into Merrymeeting Lake. She brought a sample of the water. Chair Gehl said he visited the area today. He explained the problem was in an area of small lots off South Shore Road. The drainage is coming from a lot uphill of an improved portion of a paper road there. He indicated there was the probability of disturbed wetlands, which may have caused this change. Ms. Abbott said the trees are gone on the lot and silt is clogging the drainage ditches that were put in last year. She said the culverts and ditches need to be cleaned. RA Fuller said he'd spoken with the owner, who said the work was almost finished and indicated he would put out hay bales and riprap the ditch. Ms. Abbott said the hay is not helping, as the sample she brought in was taken after the hay was put out.

Chair Gehl said the Board has limited purview over private roads but if a wetlands infraction were to be identified, the Conservation Commission could investigate. He said the CC had been to the area when the problem was not apparent. Ms. Abbott said members of the CC had come that afternoon. Chair Gehl said he had visited the area on Sunday, also, and noted the stumps had been pulled and vegetation removed. Ms. Abbott stated the silt was damaging the lake. She said she and three other homeowners have filed complaints with DES. She added the property owner stated he would do what he wanted and that the abutters could not stop him. Chair Gehl said the Board could reinforce the CC if they applied to DES. He said Town codes cover road construction, not a situation such as this.

Abutter Don Bansfield said he thought the Town had statutory control of the two swales in the area. He opined his fears that there would be road washouts if the problem is not corrected. Chair Gehl said RA Fuller's concerns have been piqued regarding Mr. Lapierre making repairs to ensure the silt

is no longer carried down. RA Fuller said cleaning the town ditches would be expensive, involving removal of riprap to clean out the silt. Chair Gehl said the Town has billed property owners for that kind of work in the past. He asked RA Fuller to look at the area, and said the Board would provide back-up evidence to the CC for DES. He told the abutters that enforcement is often difficult due to a lack of manpower at DES, but with pressure, action was possible. He advised there was little to do to correct the problem save for sedimentation basins, but that RA Fuller would ensure the owner completes work on his property to minimize the amount of silt coming down.

Town Historian Cathy Orlowicz said the Boodey House Committee has done research on fundraising, and provided the Board with information on charitable contributions and fundraising. She advised that it appeared that the Town could act as the charitable repository for monetary donations. She said the Board needs to authorize the Committee to fundraise and collect money. Chair Gehl said the Board would have an answer for her at the next meeting.

3. Public Appointment – The Board was to have met with David Hudlin regarding construction of a private road, but Mr. Hudlin was not in attendance and the Town had received no materials on his behalf.

4. Department Reports

Highway – RA Fuller said his equipment rental line will be in the red until FEMA monies arrive. Bills of \$24,000 for flood response have depleted that budget. He reported that the paving line would also probably be in the red. Pike Industries has finished paving all projects except the highway garage, as well as Coburn Woods, which may not be done this year. Brackett Road may also fall behind.

RA Fuller told the Board that the person who did the Town's crushing has retired. RA Fuller has spoken with four companies and advised that bills for crushing gravel will increase substantially. He explained that a company brings in equipment to crush gravel to one inch minus. The Town had been paying \$3 per cubic yard and the new quotes range from \$3.75 to \$5.25 per cubic yard. He recommended making more than the usual 6,000 yards this year due to the washouts. The Town has 2,000 yards left. TA Whittaker said this item is going into the CIP as there would in all likelihood be considerable budgetary impact. She noted the Shirley pit is to be closed in 2009.

RA Fuller said he would like his department to go to four 10-hour days for July and August. The Board of Selectmen concurred with the request.

The Board reviewed the traffic counts as completed by members of the Strafford Regional Planning Commission. RA Fuller remarked that Davis Crossing Road was becoming a highway. Chair Gehl read the daily averages: Brackett Road south of Birch Hill Road, 220; Brackett Road south of Merrymeeting Road, 167; Ham Road north of Middleton Road, 665; Middleton Road east of Ham Road, 505; Quaker Road south of Route 11, 484; Valley Road at the Alton traffic light, 1,267; Valley Road south of Old Route 11, 365; and Birch Hill Road at the Library, 916. Police Chief said the majority of motor vehicle complaints occur on Valley Road. RA Fuller said the daily average at King's Highway was also approximately 1,200.

RA Fuller said he met with the FEMA representative on Thursday and paperwork on about one-third of the items was completed.

Police – Chief Bernier provided the Board with a breakdown of activity for April, with 110 calls for service.

He indicated the department had received three letters of appreciation from residents, one regarding Officer Jason LaMontagne's concern and attention; one regarding Katie Woods who found a resident's dog; and one to the department as a whole for making residents feel safe at Merrymeeting Lake.

Chief Bernier said the office would be closed from June 5-13, 2007 as Ms. Woods is on vacation. Therefore the office would only be available when the duty officer was on-site.

Chair Gehl brought up concerns and questions regarding trespass issues along a section of Pine Point Road that were raised at the last meeting. Chief Bernier replied he emailed the Board regarding the issue (the board so noted copies of the same), and explained to Tom McKay and Chuck McKay how they need to post their road so the police department can enforce no trespassing through the McKay pit. The McKays will also provide the police department with a list of people who have the right of way through the pit. Discussion on other roads in the area ensued.

5. Administrative Review

The Board reviewed materials for a vendor's license to sell ice cream. TA Whittaker presented copies of the State Vendor's license, Criminal and Driving background checks. Following review, the board requested Chief Bernier for information regarding the applicant's motor vehicle record. After checking on a license restriction infraction and involvement in a parking lot accident, Chief Bernier said he had no concerns about issuing a vendor's license.

Motion by Chair Gehl to approve the vendor's license for Mr. Christopher Davis; second by Selectman Rhoades. The motion carried unanimously.

TA Whittaker informed the Board of an application by Robert Craycraft to serve as an alternate on the Conservation Commission. Mr. Craycraft enclosed his qualifications. Selectman Bickford said he had not attended the entire previous CC meeting, and therefore was unsure if Mr. Craycraft spoke about his application at the meeting. Chair Gehl said the Board would take the request under advisement and consider the appointment at the next meeting.

TA Whittaker prepared a letter to respond to communication from Robert Stave regarding repair of a Class VI road. Mr. Stave indicated he had written in January and not received a reply. TA Whittaker said his initial letter had not crossed her desk. Chair Gehl said he had not seen the letter in January, either. TA Whittaker's reply indicated the Town cannot contribute to maintenance of a Class VI road. RA Fuller said he received a call regarding the problem from another individual. Selectman Bickford asked that reference to "being leery of setting a precedent" be removed from the letter. The Board agreed to remove it. TA Whittaker will send out the revised letter.

TA Whittaker suggested the Board contact the state representatives concerning SB 88 Collective Bargaining Bill.

She advised the Board that Cartographic Associates has sent an update and photos of the recent town-wide fly-over.

She announced with pleasure that New Durham has been chosen as a participant in the collaborative efforts with the Department of Travel to promote LCHIP's efforts. LCHIP Day will be celebrated July 29, 2007 on the Meetinghouse grounds, with a craft fair, family games, food, a

costumed tour of the Meetinghouse, and a collection of scenes tracing a timeline along the nature trail.

6. Schedule Next Meeting

The Board scheduled its next meeting for June 18, 2007 at 7:00 p.m. at Town Hall.

7. Old Business

There has been no word on the mailbox placement situation at the Edwards/Lecoq subdivision. Selectman Bickford said he attended a Local Government Center seminar on Saturday and learned that the federal government pre-empts the Town. RA Fuller said if the mailboxes would be in the right-of-way, the Town could determine the placement citing RSA 41:11 and RSA 47:17. Selectman Rhoades noted that 10 years ago, the Postmaster asked for the Road Agent's input on a similar situation.

The Board reviewed the proposal for a website designed and maintained by Virtual Town Hall. The proposal included quotes for five users and for 10 users. Chair Gehl stated the issue has been looked into for a year, and that another vendor who had been contacted indicated she could not do it for this cost. He said VTH's approach is unique. He said the key for him is the data base management in the background, and the ease of access for the employees. He said he'd spoken with other municipalities about VTH last year and was impressed. Chair Gehl advised that he felt there'd been enough research, and that he wanted to make the website more helpful and accessible as soon as possible.

Mr. Fadden said he was impressed with VTH, and agreed that the cost and user friendliness of the system is a good way to go. Chair Gehl remarked that during design, there must be sensitivity to residents who still use dial-up, so that the amount of graphics would not be too burdensome. Selectman Bickford asked how the authorized accounts would work. TA Whittaker said staff had broken the users down into five sections: Parks and Recreation; Land Use; Fire, Police, and Emergency Management; Highway; and Board of Selectman items. She added that employees are excited about the new system.

Chair Gehl noted billing would occur per task, and that he had reviewed the annual agreement closely. TA Whittaker said \$4,500 had been budgeted for the website, but there would be the addition of the \$2,000 annual cost, which had not been factored into the budget for 2007. She said the money could come from the Salary Review, and it would not be a hardship since an existing salary plan is in place. The delay would give her more time to complete the 30 job descriptions that need to be brought up to date before the Salary Review as anticipated with the Local Government Center. . Selectman Rhoades suggested asking to prorate the annual maintenance monies up to the end of fiscal 2007.

Motion by Selectman Rhoades to move forward on the Virtual Town Hall contract, paying a proportionate amount of the annual fee from September 1, 2007 to December 31, 2007, and setting up payment of the annual fee on a calendar basis; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Bickford to appoint Chairperson Ron Gehl as signatory to sign the Virtual Town Hall contract, subject to those terms and conditions set forth in the previous motion; second by Selectman Rhoades. The motion carried unanimously.

Chair Gehl signed the contract. TA Whittaker thanked the Board on behalf of the staff.

TA Whittaker remarked that she overheard the FEMA representative compliment RA Fuller on the accuracy of his forms, compared to other towns. RA Fuller said Financial Assistant Vickie Blackden is a major factor in that accuracy.

TA Whittaker wanted to thank Bonnie Dodge for her volunteerism by taking much needed care of the Town Hall gardens. RA Fuller said Al Graymont donates the bark mulch used. Mrs. Whittaker advised that she was not aware of this and expressed her appreciation in the public meeting.

Regarding the Milfoil Committee, Selectman Bickford said the Conservation Commission exhibited no interest in taking it on. He provided the Board with information put together by Ed Neister, whom DES indicated was the most knowledgeable individual on the subject of milfoil and its eradication. Selectman Bickford said he spoke with the chairperson of the Wolfeboro Milfoil Committee, Ken Marshner, who told him their committee has nine members. Selectman Bickford said it appears the state contributes about one-third of eradication fees. He indicated Arthur Hoover and his wife would be interested in serving and helping to find others for the committee. He said Richard Massey watches for milfoil in Merrymeeting Lake.

Chair Gehl said he wanted to ensure that if a committee were appointed, the method of control would not be a foregone conclusion. He said DES is funding research on other methods. Concerns have been raised that the chemical, 2,4-D, used now, is a possible human carcinogen. He wanted the committee to evaluate all control options.

George Gale pointed out that a business meeting of the Merrymeeting Lake Association was slated soon, and some already knowledgeable members might be interested in serving. Selectman Bickford said the committee should get started soon. Treatment needs to be done in June when the water temperature is correct. Selectman Rhoades said money would have to be requested. Referring to the chart supplied by Mr. Neister, TA Whittaker advised that a committee could accomplish many of the tasks upfront over a 3 or 4 month period; citing many of the tasks as administrative, fact finding, and mapping. Chair Gehl said milfoil eradication would be committing the Town to a multi-year effort. He said an idea of the extent of the problem is needed. RA Fuller commented that areas by Mr. Hoover's home are choked with milfoil. Chair Gehl made a public appeal for interested parties to contact Town Hall.

The Board discussed using a generator to power the fire station, police department, and possibly Town Hall. Chair Gehl said additional input would be needed regarding pursuing the idea of an emergency shelter at the school, since the offer is there; or would it be more important to keep the Town facilities operating. He noted the highway department has a generator. Selectman Rhoades said requirements were put together three or four years ago to place the generator at the school. He suggested asking to see how much it would be to place it there. RA Fuller said the plan had been to put it in the front, tied to the school's oil tank. The new addition was not hooked up, however, and the school did not pay for the transfer switch. Chair Gehl explained the school district is unable to put money into the project. RA Fuller said his opinion was to run the Town buildings, as people could be transported to shelters in other towns. He said in the past, only a few people required shelter, but during an emergency communication is important and the Town departments need to operate to take care of the problems. Chair Gehl said it would not hurt to get information from the district to help guide the Board's decision. He added he would speak with master electrician Peter Varney who looked at the Town buildings with the generator in mind.

Chair Gehl said he would let the other selectmen know when he was available to schedule the meeting on appointment procedures.

Chair Gehl reported on improvements found at the final inspection of the Duncan property located off Route 11. Mr. Gehl noted Mr. Bickford's non attendance and he asked Selectman Bickford to alert him, Peter Rhoades or the town office in the future, if he was unable to attend any meeting, as it is necessary to ensure having a quorum. Selectman Bickford indicated he said at the last meeting he might not be able to make the inspection, nonetheless, was cognizant to inform if he was unable to attend. Selectman Rhoades said mechanisms should be discussed to ensure that the property remains in compliance. He commended Mr. Duncan on making progress as more tires were gone and some gas tanks were gone. He noted neither Mr. Duncan's attorney nor the district attorney attended the inspection.

Ed Neister spoke regarding areas clogged with milfoil, saying segments are going over the dam into Downing's Pond. He recommended six to eight people serve on the Milfoil Committee. He told the Board that the application for DES funds needs to be in by the end of November, and a treatment plan needs to be developed by January. He thought the committee should be formed by the beginning of September. He said he appreciated the Board tackling this, as it is a serious problem.

8. Any Other Business

Sherry Joy reported to the board the work of the School Board and Superintendent re the facilities planning. She indicated that 19 options for building projects were rated and 10 made the short list. She said Superintendent of Schools Jack Robertson would like input from Planning Board members and town officials by the end of June, as he wants to narrow the list to five options before bringing it before the public. Ms. Joy said she would provide the list and the power point presentation regarding projects.

Selectman Bickford asked about the boundary line perambulation. Ms. Orlowicz said the last one was two years ago. TA Whittaker advised that statute indicates perambulation take place every seven years, although enforcement did not appear a priority by the State of New Hampshire. The Board concurred that it appeared New Durham was not derelict re perambulation issues.

Selectman Bickford advised the Chuck McKay excavation permits could not be discussed at the Conservation Commission meeting, since it was not a legal meeting as it was not noticed properly. Chair Gehl said the permits were under the purview of the Planning Board, but that the CC will formally provide input on the issue. Ms. Orlowicz said she spoke with Land Use Administrative Assistant David Allen, who told her the CC will meet prior to the Planning Board meeting to discuss that issue. TA Whittaker advised of the generic meeting postings that she, herself, had posted, i.e. inside and outside Town Hall, at the Library, and the Post Office. Selectman Bickford said the CC agreed it wasn't posted, but had not checked the notice boards. TA Whittaker reiterated that she posted it. During the session, Selectman Bickford checked the bulletin board, and found the posting. However, he said if the notice is in a locked place, it doesn't count if posted twenty-four hours prior to the meeting. Chair Gehl said continuous access was not necessary as long as the notice is posted prior to 24 hours before the meeting. Mr. Gale checked the bulletin case outside Town Hall and confirmed that the meeting was posted there, also.

Regarding the packet of information on town boards and committees, Selectman Bickford said he did not want the statutory information on such bodies, but that he was looking for what the Town had written about them. TA Whittaker advised that since her arrival any new committee put together by the Board of Selectmen had a prepared "charge" as to duties, expectations, and

deliverables. Statutory Boards and Committees were held to the content of the particular statute, which stated the duties of the appointed and elected boards. Selectman Bickford advised that he wanted to know who served on various boards, and committees, and TA Whittaker advised that the information is available in the Town Report. Chair Gehl said he was unaware of any specific duties spelled out other than those laid out in the statutes. TA Whittaker said previous administrations did not lay out a charge if a statutory charge exists. She said the Meetinghouse Committee, recently formed, was given a charge and cited it as an example of a “charge” within the packet of information regarding boards and committees that was distributed to board members. Following further discussion, Selectman Bickford determined that he wanted to see any “Rules of Procedures”. Chair Gehl suggested he meet with TA Whittaker at his convenience, and that the information was readily available for those boards, and committees that had adopted Rules of Procedures.

9. Approval of Minutes

Motion by Selectman Bickford to approve the minutes of May 7, 2007 as extensively amended; second by Selectman Rhoades. The motion carried unanimously.

Motion by Chair Gehl to approve the minutes of May 21, 2007 as amended; second by Selectman Rhoades. The motion carried unanimously.

10. Adjournment

Motion by Chair Gehl to adjourn at 9:50 p.m.; second by Selectman Rhoades. 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.