

**New Durham Board of Selectmen**  
**Minutes of Meeting ~ July 23<sup>rd</sup>, 2007**  
**Town Hall**

**Members present:**

Chairperson Ronald Gehl  
David Bickford

**Excused Absence:** (Peter Rhoades absent due to being on vacation)

**Also present:** Town Administrator April Whittaker, Road Agent Mark Fuller, Police Chief Shawn Bernier, Detective Reginald Meattey, Sergeant Jason Lamontagne, Thomas Beeler, Elizabeth Castro, Chris Chesley, Chris Chesley, Jr., Jennifer Chesley, Crissa Evans, Charles Gerrish, Sr., Charles Gerrish, Jr., Nancy Gerrish, Dan Gibson, Marion Gibson, James Goodrich, Cathy Orlowicz, Ramona Osborne, Ray Osborne, David Paey, John Pond, Diane Thayer, Chris Usher, John Usher, Paula Usher, other members of the public

**1. Call to Order** - Chairperson Ron Gehl called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

**2. Letter of Commendation** - Police Department Officer Jason Lamontagne read a letter of commendation by Police Chief Shawn Bernier regarding Detective Reginald Meattey's quick, life-saving action on June 17, 2007. While investigating a bonfire, Detective Meattey observed an unresponsive teenager in a pick-up truck. The individual's blood alcohol level was ten times over the legal limit, and, without Detective Meattey's swift action, the intoxicated individual would probably have died.

**3. Citizens' Forum** - There was no public input.

**4. Non-public session**

**Motion by Chair Gehl to enter non-public session at 7:07 p.m. to consider a candidate for the Police Department's vacant officer's position, pursuant to RSA 91-A:3 II (a) and (c); second by Selectman David Bickford. A roll call was taken. Gehl - aye, Bickford - aye.**

The Board met with Chief Bernier, Town Administrator April Whittaker, Chris Chesley, Jr., and Jennifer Chesley to review with Mr. Chesley, Jr. the Chief's recommendation for hiring into the department's open position of Fulltime Police Officer. The board reviewed Mr. Chesley's interview package and all other testing information pertinent to the recommended hiring and confirmed the same with the candidate

**Motion by Selectman Bickford to return to regular session at 7:17 p.m.; second by Chair Gehl. The motion carried unanimously.**

Chair Gehl introduced Mr. Chesley as the newly hired Police Officer, and swore him into office. Chair Gehl said it was a pleasure to see so many of Officer Chesley's family in attendance, whereupon Officer Chesley introduced his family members to the Board.

**5. Return to Citizens' Forum** - Chair Gehl reopened Citizens' Forum, but there was no public input.

## 6. Department Reports

*Highway* – Road Agent Mark Fuller reported that Matthew Ingham completed the New Hampshire Public Works Academy Level II with a total score of 100 per cent in every subject undertaken. He said now all but the latest hire in his crew are certified in road construction. He added that the department is rebuilding Ten Rod Road.

*Marches Pond Dam*: Chair Gehl brought up the situation of seepage at the base of March's Pond Dam, explaining that the Town has been forced into taking certain action. He said the Dam Bureau performed an on site inspection to identify the source of the leak, and that the Bureau and the Town's engineer, Robert Grillo of CMA Engineers, insisted that the level of the pond be lowered. Chair Gehl advised that the engineering evaluation is still going on.

RA Fuller said he met with Jeff Blaney of the Dam Bureau and Mr. Grillo today and reported the leak has lessened. Three holes were discovered on the backside, as well as a cold joint. Mr. Blaney advised that a temporary repair might be possible if the repair could carry an engineer's stamp on the plans. RA Fuller's opinioned that excavation work on an earthen dam would in all likelihood begin a dismanteling domino effect on the rock face and that filling it would, indeed, require an engineer's stamp.

Chair Gehl confirmed plans for a major overhaul have been prepared over the course of the last few years, and they are complete, save for one more submittal of design plans to the state. He said money would have to be raised for the project. It is still not know if a temporary repair at this point would be more cost effective overall, or a full blown repair.

Elizabeth Castro raised concerns about loons in the area surviving only on Chalk Pond. She asked how much lower the level would go on March's Pond. Chair Gehl said the Dam Bureau requires bringing the level down, but it appeared that the draw down has taken weight off of the embankment. He said he would argue to not draw down any further, because the seepage has lessened. He explained that the Town has been seeking grant monies for the dam project for years, but none have been forthcoming. Much state funding has been diverted due to flooding events. He said the Town thought it would have more years to establish a Capital Reserve Fund before having to tackle this problem.

RA Fuller said NH Fish and Game removed fish from March's Pond last Thursday and brought them to Chalk Pond. He said a representative walked the pond and reported the loons were fine. If the level needs to be down all winter, Fish and Game will remove all the fish and transfer them to Chalk Pond.

Dan Gibson said he had been told in 2000 that state and federal money was available. He asked about his property taxes, since his land was no longer waterfront. Chair Gehl reiterated that possible funding sources have been explored to no avail. He said the engineering on the project has been paid for and the state has approved most of the design plans, so now only the construction work needs to be funded. He said the next couple of weeks would reveal how the Town will need to proceed. Mr. Gibson asked about using volunteer help. Selectman Bickford responded that work on dams must be carefully done. Chair Gehl concurred citing liability issues. He added that the state controls the entire issue, and the Town merely funds the project. He said what the state requires will determine the ultimate cost.

TA Whittaker advised that she is trying to keep any and all information on the situation up to date on the Town's website [www.newdurhamnh.us](http://www.newdurhamnh.us).

James Goodrich indicated his dug well has dried up, and that others in the area are in similar situations. He said an estimate for a drilled well is \$5,000 - \$10,000. TA Whittaker suggested getting together all those owners with dug wells, who would need drilled wells and approach the well digger as a group in order to get a price break. She said Mr. Goodrich could come into Town Hall and get a list of abutters. Chair Gehl said he would like to know if the Dam Bureau would assist financially with resultant costs of the draw down. He said the plans for the project are available at Town Hall for review.

RA Fuller said Mr. Blaney and Mr. Grillo would meet with the Board. He noted the Fish and Game representative commented on activity in the area that needed permits.

TA Whittaker said residents have called in with concerns, not knowing the Dam Bureau called for the draw down. She said the Town lowered the level as it was an immediate emergency and it is not a situation the Town wanted. Chair Gehl said he appreciated residents' patience and indicated that the problem would be worked through as quickly as possible.

In the interim, town officials will work towards setting up a joint meeting with the Dam Bureau and the Town Engineers.

*Police* – Sgt. Lamontagne read the report of June, 2007 activity, noting that it was up. He reported seven accidents, 33 motor vehicle arrests, 502 property checks, 31 criminal arrests, 133 calls for service, mileage of 6,689, and juvenile drinking parties. He said proper investigative procedure regarding hidden drugs resulted in two felony arrests. He encouraged people to call 911 when aware of erratic driving. He reported on the Strafford County Chiefs Meeting, related to the Regional Accident Reconstruction Team, whose resources New Durham can utilize, and the Special Response Team. The SRT has now been regionalized with only one administration. Sgt. Lamontagne said every department has a stake in the team, which is used generally for domestic situations. The team includes negotiators and protectors and may expand to include training. More grants are available for regionalized teams.

Sgt. Lamontagne said another aspect discussed at the meeting was Detective Meetings. He reported that Detective Meattley helped with the arrests in Alton of copper thieves. He also informed the Board of changes in part-time Police Academy hours.

Selectman Bickford asked if we track when our police department is in other towns. Sgt. Lamontagne said it happens frequently and generates Mutual Aid reports. Selectman Bickford suggested showing when other towns' departments come to us. Chief Bernier said he would look into it.

## **7. Boodey House**

Chair Gehl reported a site walk conducted at 6:30 p.m., just prior to the meeting, on the Shirley property to locate an area for the Boodey House. Cathy Orlowicz, and Dianne Thayer of the Boodey House Committee, and Crissa Evans accompanied the Board. Chair Gehl said a location has been identified at the corner of Stockbridge Corner Road and Ridge Road. It is currently wooded, but would have been a cleared area at the time that the land was given to the town and therefore was not then or now, an area of active forestry. To give Selectman Peter Rhoades a chance to view the area, he suggested the issue, along with the trust fund issue for monies for the Boodey House, be discussed at the next meeting. He said he saw no reason to ask probate court if the location was acceptable, as the Town has a legal opinion backing it up; but stated that he did want ironclad back-up by way of documentation and photography so no party could question the location at a later date. Ms. Orlowicz thanked the Board for its forward movement on the issue.

## 8. Administrative Review

*Dry Hydrant* - TA Whittaker informed the Board of the opportunity of having a dry hydrant placed in Merrymeeting Lake at the Fish and Game property in conjunction with the Fish Hatchery waterline project. At this stage of the project it appears that the Town would only have to pay for materials. The Interim Fire Chief and Assistant agree with the proposal. Chair Gehl said the Board was awaiting a response from Fish and Game regarding the quote from the contractor and scheduling when fire department members can see the site disposition.

*Landfill* - The Landfill Post-closure Inspection Report recommends installing four inches of loam on and seeding of certain areas along the eastern slope of the landfill adjacent to the stone swale that lack loam or vegetative cover. Chair Gehl said the Town can cease landfill gas monitoring at the site.

*Petroleum Storage Tank* - TA Whittaker provided the Board with a letter from DES indicating a deadline of May 28, 2008 for secondary containment of aboveground petroleum storage tank facility. RA Fuller said if a new dispenser is installed, the Town could go to a keypunch system for better tracking. Chair Gehl agreed that that would be one more step for accountability.

*Financial Policies* - TA Whittaker provided the Board with three draft financial policies to review:

- ❑ Purchasing Policy
- ❑ Investment Policy
- ❑ Credit card Policy

Chair Gehl said he had wanted to fine-tune the current investment policy ever since he had become a Selectman, as it needed to be more specific, and was pleased to see a new draft. Selectman Bickford asked where this investment policy came from. TA Whittaker said she wrote one for Enfield, and used it as a model for New Durham's current practices. She noted to Mr. Bickford that the town's current Investment Policy, approved in 2000, does not, and did not meet audit standards. Chair Gehl indicated to present staff that he did not wish the proposed Purchase Order Policy to be a burden, but felt it was time to move in this direction for better financial accountability. Selectman Bickford said he wished it was more simplistic. TA Whittaker indicated it would be simple when used as it provided a step-by-step guide. She said it would be something to follow if she were not present to help with items such as bid processes. Chair Gehl confirmed to Mr. Bickford that the proposed policy language followed sound contract law and was fairly standard throughout the engineering world and municipalities. TA Whittaker asked the Board to review the policies, before sitting down with department heads to go over them.

## 9. Schedule Next Meeting

The Board scheduled its next meeting for **August 6, 2007 at 7:00 p.m. at Town Hall.**

## 10. Old Business

*Milfoil Committee Advertisement*: The Board discussed the advertisement for Milfoil Committee members, and changed some of the wording. Selectman Bickford offered to include his telephone number as a contact number. Alan McQuiston's name was added to Mr. and Mrs. Arthur Hoover as volunteers for the committee.

*Generators*: The proposed recommended generator acquisition(s) update will be discussed at the next meeting.

*Shaws Pond:* Chair Gehl announced that the request for a horsepower limitation of not more than 10 hp within Shaw's Pond was denied by the state Department of Safety.

### **11. Approval of Minutes**

**Motion by Selectman Bickford to table consideration of the minutes of July 9, 2007 to the next meeting; second by Chair Gehl. The motion carried unanimously.**

### **12. Any Other Business**

Chair Gehl said he wanted to schedule a meeting with the Dam Bureau. TA Whittaker suggested that one of the questions should be the applicability of dam reconstruction as a project that could be financed by the State Revolving Fund Program. The Board advised of meeting dates that could take place in the afternoon on July 30, July 31, or August 1, 2007. TA Whittaker is to give the Dam Bureau those dates as possibilities.

Chair Gehl reminded the public of Meetinghouse - LCHIP Day on Sunday. Cathy Allyn described the activities at the event, including old-fashioned children's games led by the Parks and Recreation Committee, a craft fair, a barbeque, a puppeteer, theatrical tours of the Meetinghouse, and a Timeline of New Durham scenes along the nature trail. She noted that TA Whittaker, Chair Gehl, and Selectman Rhoades would be participating as actors to the historical timeline.

Selectman Bickford said he contacted the County Jail, and discovered inmates would be available after August 6, 2007 to remove litter from roads and clear brush. He said the program no longer requires that a town furnish lunches. He said the Town provides plastic bags and a map. He advised that he had purchased black plastic bags in preparation of the clean up. Chair Gehl asked that he alert RA Fuller. TA Whittaker asked Selectman Bickford to inquire about appropriate signs and reflective vests for safety purposes. Selectman Bickford said he would contact the jail.

### **13. Adjournment**

**Motion by Selectman Bickford to adjourn at 9:05 p.m.; second by Chair Gehl. 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.