

New Durham Board of Selectmen
Minutes of Meeting ~ October 1, 2007
Town Hall

Members present: Ronald Gehl, Peter Rhoades, David Bickford

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, Interim Fire Chief Rod Nelson, Assistant Fire Chief Russ Sample, Deputy Building Inspector Richard Grondin, Amanda Eason, Elizabeth Kuzia, Stan Kuzia, Hollister Reneau

1. Call to Order – Chairperson Ron Gehl called the meeting to order at 7:06 p.m. and led the Pledge of Allegiance.

2. Citizens' Forum – Hollister Reneau introduced himself as a field organizer of the Obama campaign and said he was attending to get to know the Town.

3. Department Reports–

Fire – Interim Fire Chief Rod Nelson provided the Board with a plan developed for the CIP (Capital Improvement Plan) by the Truck Committee. He also included information on a lease program for a pumper/rescue vehicle, with a need to finance a \$250,000 lease/purchase of a new or used truck. He said the department was still in the running for grant monies, in which an application had been submitted for the proposed acquisition of a pumper/rescue truck. Other communities had fallen short of the award criteria, but because New Durham covers a large territory as part of Lakes Region Mutual Aid, the department stands a good chance of being awarded a percentage of the available \$440,000. This was the hope of the Interim Fire Chief. Selectman Peter Rhoades requested a brochure that describes a pumper/rescue vehicle, and Assistant Fire Chief Russ Sample said he would supply a schematic. Chief Nelson said communities on Long Island dispose of trucks every five years per their CIP, so it would be foolish for the Town to spend \$500,000 on a truck, when a nearly new truck could be available.

Chief Nelson reported that three EMTs (Emergency Medical Technicians) are intermediate paramedics and can also perform IVs, in addition to the two paramedics in the department.

Chair Gehl remarked it had been a busy week for the fire department. Chief Nelson thanked Road Agent Mark Fuller and Chief Bernier for their departmental help. Chair Gehl noted that the fire department had enough personnel available to cover multiple calls, and Asst. Chief Sample said enough to cover six.

Proposed Fire House/Police Station Addition: Asst. Chief Sample updated the Board on the fire department addition. He indicated property abutter Mr. Murphy, with whom a discussion of a lot line adjustment is crucial, has been out of town, but he expected to speak with him this week. He said various scenarios have been worked out for placement of the generator, in case the lot line adjustment does not occur. He proposed placing the generator behind the building. He also said there was the possibility of bumping out the “L” portion of the addition to accommodate a possible road two-way configuration. Selectman Rhoades said it was a good idea to increase the size of the police station’s boiler to aid in heating. Asst. Chief Sample said the addition would be the same type of roofline as the police station, and went on to describe the draft blueprints.

RA Fuller said the distance from the back of the police station to the lot line of the Murphy property was only about 14 feet, which would be tight to install a driveway, but doable.

Chair Gehl summarized that the Board was awaiting feedback from the abutter, and needed to review the possible removal of the original bump out, heating capabilities, and design lay-out. Asst. Chief Sample mentioned addressing the location of the septic tank, and asked about engineer assistance for the plans. Chair Gehl said since the project did not involve enormous spans or great square footage, there were not big engineering issues and an RFP (Request for Proposals) package would not need to be complicated. Asst. Chief Sample said he would like to see a construction start date of November 15, 2007. Chair Gehl replied that might not be feasible, especially if an engineer were involved. Asst. Chief Sample said it would be good to have the foundation in, and the shell up and closed in before bad weather starts. Police Chief Shawn Bernier double-checked that there would be parking behind the police station and Asst. Chief Sample said there would. Chair Gehl said the project should be clearly defined when going out to bid. He said he would try to determine the necessary detail of an RFP and try to find someone who might do it. He directed Asst. Chief Sample to speak with Mr. Murphy and Chief Bernier. Brief discussion ensued on a below-grade wall, which everyone agreed would be better removed.

Selectman David Bickford asked the degree of importance of tying in the addition to the police station garage. Asst. Chief Sample said it was not that important, but that the two agencies could share resources especially for an Emergency Operations Center (EOC) and further make cooperative use of that multi-purpose room. He explained the public would not be going through the buildings. He said the room had EOC capability and anyone in there could see who was entering. Chair Gehl remarked that the door locations on the blueprints could be moved. TA April Whittaker expressed her concern that there could be a liability situation to have the public in a safety services building in the event of an emergency when vehicles, men, police officers, and arrestees are reacting quickly to a tone out.

Selectman Rhoades complimented Asst. Chief Sample on the work done. Chief Bernier stated the police cruisers would exit only from the back of the police station with this proposed configuration. TA Whittaker stated that was a 100% improvement over what existed for the police department now re the open front parking current situation.

Selectman Bickford returned to the Truck Committee's CIP plan, citing a vehicle going to Second Division in 2017 per the plan's vision. He said that sounded like the plan in 10 years time. Chief Nelson replied that he had not been briefed on any specifics, but that is what the Truck Committee assumed would happen. Selectman Bickford pointed out the estimated replacement cost(s) to be \$450,000. Chief Nelson said that was possible. He noted the new ambulance would be in by then, so the old ambulance could go to Second Division.

Building Inspector – Deputy Building Inspector Richard Grondin asked about making changes to the current building permit process for a more economical solution. He said he used to be able to do three inspections (plumbing, electricity, construction) at one time. Since the change in policy, which requires plumbers and electricians to pay for their own permit, however, he has 24 hours to respond to any inspection, leading to numerous trips to one location. He said much of the new construction is taking place in Copple Crown, which is a lengthy drive. Mr. Grondin said he would prefer dealing with one contractor, who would pull the permit. He said plumbers and electricians could leave proof of licensing at Town Hall.

Chair Gehl agreed that one party could be responsible for all construction activity, especially since there are adequate means to establish the other workers' licensing. He said the Board did not dictate this change in policy and he stated reversion to the original policy would be a management directive on Mr. Grondin's part.

Selectman Bickford pointed out that in January, the building permit fee structure changed. TA Whittaker advised that the fee structure had no bearing on how inspections are managed by the inspectors. Mr. Grondin explained that segregating the permit costs was a way to recognize the different complexity of projects. Chair Gehl said the change in permit fees was not an assumption that it would add to the structuring of inspections. He said that could be left to the discretion of the Building Inspector. Selectman Bickford said now the Town was asking for a permit from each worker and that prior to that change, only one permit was required. Chair Gehl explained that it would not have to be lumped back into one permit, but that only one inspection could occur that covered all aspects. TA Whittaker said how the inspections are handled is up to that department. She clarified that Mr. Grondin saw value in doing only one inspection, and added that the inspectors needed some wiggle room as they were part-time and had other jobs.

Selectman Rhoades said Mr. Grondin could tell contractors that the Town's policy is one inspection and they should not call him until all work is roughed in. Selectman Bickford read from the requirements that the plumber and electrician must be on site during inspection. Chair Gehl said that the handout requirements, which do cite that they need to be on site, should change. Selectman Rhoades agreed that the wording of the requirements should change. Selectman Bickford said the Town's regulations state if a permit is held, the work must be inspected within 24 hours. Selectman Rhoades replied that now the Town will issue only one permit. Chair Gehl suggested feedback from Building Inspector David Lindberg. TA Whittaker said she suspected the change, which Mr. Lindberg instigated may have been due to having to adhere to international codes. Chair Gehl asked that Mr. Grondin check with BI Lindberg and come back to the Board as to any sound or legal rationale as to how the inspections had been structured by Mr. Lindberg.

Mr. Grondin generically raised the issue of contractors who had taken financial advantage of residents, and asked if he could develop a list of people who do shoddy construction. Chair Gehl said a blacklist was not possible because the state does not regulate licensed builders. He said a homeowner can bring grievances before the Attorney General's office but a list cannot be kept locally.

Asst. Chief Sample asked if Mr. Grondin was inspecting heating systems. Mr. Grondin outlined what was inspected and stated he would like the Fire Department to take over inspection of boilers and chimneys. Asst. Chief Sample said the department had jurisdiction only over oil.

Highway – RA Fuller thanked the police department for aid during the recent rainstorm. He said all the departments worked together.

He reported he'd spoken with CMA Engineers regarding the three hazard mitigation projects and that they were to call him with a price quotation to take the three projects to the next level of scrutiny by Homeland Security, who would require engineering analysis for the projects.

Police – Monthly Report: Chief Bernier provided the Board with the break down of August activity, indicating 19 arrests, 253 motor vehicle warnings, 29 motor vehicle arrests, four accidents, and 287 property checks. He said the department recovered some property stolen during a Middleton Road burglary in a Rochester pawnshop.

Halloween: He announced Halloween hours on October 31, 2007 as 6:00 p.m. – 8:00 p.m. The department purchased orange treat bags to pass out to children at school.

Ball field Parking: Chief Bernier brought up the unsafe parking situation at the ball fields. He said during the soccer tournaments on the weekends, that it would be impossible to get an ambulance down to the fields. There have also been complaints from Main Street residents. He said the bottleneck would be resolved if the road were widened. Selectman Bickford asked if there was enough parking, and Chief Bernier replied there was not. He said the issue needed to be addressed. Chair Gehl said the Parks and Recreation Commission was aware of the problem and is looking for a means to keep traffic flowing for fiscal 2008.

4. Old Business

McKay private road – Chair Gehl said the Board conducted a site walk on September 22, 2007 to review the conditions of the road. He said he would like the Board to formally request input from the Planning Board regarding laying out the road as a Town road. Stan Kuzia said the slope is actually 12.6%, slightly less than Thomas McKay stated previously.

The Board took a short recess and resumed the meeting at 8:32 p.m.

March's Pond Dam:

TA Whittaker provided the Board with a letter from DES that indicates the change of the Dam to high hazard designation will require revised, and more detailed, reconstruction plans, which was of concern to her. She said the engineering costs would therefore go up, with possible construction delays due to new plan requirements and new statistical analysis. According to the letter from Dam Safety Engineer Jeffrey Blaney, the classification of high hazard is due to two homes located downstream of the earthen embankment that could flood above first floor elevation in case of a dam failure. Because of the classification change, the reconstruction permit application must be accompanied by

- (i) an emergency action plan
- (ii) stability analysis
- (iii) seepage analysis.

TA Whittaker said these three new items were unexpected at this advanced stage of Dam reconstruction planning with the Town's engineers. She also pointed out that DES is requiring a hazard classification fee of \$1,000 this fiscal year. She stated these development requirements are "after the fact" and the Town's original reconstruction plans should stand per the original conclusion by the Dam Bureau that Marchs Pond Dam was a low hazard facility per the 2005 decision by DES. In light of the concerns, she said she had spoken with Bob Grillo (CMA engineer for the Town) who was arranging a meeting with DES as soon as possible. Mrs. Whittaker requested a full board participation for this meeting given the severity of the reclassification.

Selectman Rhoades said Mr. Blaney changed his opinion about the Dam mid-stream. TA Whittaker said now DES is calling for a more sophisticated Dam analysis and reconstruction plan, which not only will be more expensive, but the timing of awarding a bid by Christmas could therefore be in jeopardy, since so much more is involved in the project. RA Fuller said the Dam went from being a low hazard to "life threatening," yet nothing changed. He said the Town took the hazard out of the Dam with the interim breach.

Generator Acquisition – RA Fuller reported the cost of the generator is less than the original price, and includes two switches. TA Whittaker said purchase could be completed, as the warranty kicks in only once the generator is powered up. RA Fuller said the remainder of the money could be kept for another transfer switch. He said Milton Cat was awarded the bid by the state when the grant came through. Chair Gehl said the quote of \$18,600 was good for 60 days. He said this generator should accommodate the fire station, police station, and Town Hall.

Motion by Selectman Rhoades to move ahead with the purchase of the generator package, including transfer switches and installation, at \$18,600 from Southworth-Milton, Inc. in accordance with the September 19, 2007 quote, and to store it at the highway department until installation at the Fire Station; second by Selectman Bickford. The motion carried unanimously.

5. New Business

Shirley Gravel Pit Extension Request – RA Fuller indicated gravel crushing is complete, and that this will be the last time the Town's crusher will do the job as the gentleman is retiring. The cost to the Town was \$50,000. If Pike Industries had delivered the same amount, it would have cost \$201,450. Because of the price differences, RA Fuller asked the Board to consider returning to probate court to request an extension of obtaining gravel from the Shirley pit beyond 2009, when it is to be closed per the prior judicial decision. RA Fuller suggested the pit could be excavated for another three to four years.

Selectman Bickford asked if the amount crushed would last two years and RA Fuller replied it might possibly. He said he is using the product wisely and that the Town was awarded a five-year extension earlier. RA Fuller explained the intricacies and components of crushing. Chair Gehl said it might be wise to peruse the previous proceedings to determine if the court might be apt to grant another extension, and then ask Town Counsel for his opinion. RA Fuller suggested asking for another five years. Chair Gehl said he would locate the Shirley Probate decision(s) and review them.

6. Administrative Review

Motion by Selectman Rhoades to authorize the chairperson to sign the appointment of the New Durham Police Department as the designated primary and secondary New Hampshire 9-1-1 Automatic Location Identification Database Liaisons; second by Selectman Bickford. The motion carried unanimously.

TA Whittaker provided the Board with a letter from the Rochester District Visiting Nurse Association indicating that Dr. Patrick Lanzetta had expressed interest in being on its Board of Directors, and recommending the Board appoint him as the New Durham representative for a three-year term. Selectman Rhoades said Dr. Lanzetta had not expressed his desire to serve directly to the Board. Chair Gehl said the matter would be taken under consideration at the next meeting; in the meantime, TA Whittaker was to confirm Dr. Lanzetta's interest.

Motion by Selectman Bickford to approve the 2008 maintenance contract with Cartographics, Inc. for tax map maintenance at \$975; second by Selectman Rhoades. The motion carried unanimously.

The Board then signed the contract.

TA Whittaker reported that the State of New Hampshire has moved up the Town's assessment review cycle to 2010. She said Assessor Bob Estey should be consulted so the Town can go out to

bid for revaluation purposes in 2008 in order to hopefully meet the 2010 State review. The State mandates that the co-efficient of dispersion (COD) be at 20.0 or lower in the year of the review. She said that basically forces the Town to have a professional revaluation. Chair Gehl said, in order to meet the state requirements, Towns can no longer have in-house personnel do the work and perform neighborhood upgrades as was originally hoped.

The Board briefly discussed an invitation to become members of EAST, a voluntary organization of communities in the Great Bay Estuary area. TA Whittaker said a warrant article would be necessary to formalize inclusion. Chair Gehl said New Durham is part of the Great Bay watershed, and membership might provide an option of a location to haul septage to, in addition to South Berwick and Pittsfield. The Board took the matter under advisement until the next business meeting.

TA Whittaker said a letter from Stephen Smith's building contractor arrived, regarding property known as Map 27A lot 79, Section 1, (Copple Crown), which had first come before the Board (made up of Gehl, Dwight Jones, and Dean Stimson) on April 20, 2005. At that time, the Board moved approval contingent upon a water run-off analysis conducted by an engineer. TA Whittaker said the letter indicated a professional engineer associated with the building company has offered his opinion on the run-off situation. Chair Gehl said that was not an engineering study. He noted a road would have to be built to access the property, and there was a poor drainage system on Mountain Road. The board agreed an engineering study is required. TA Whittaker will draft a letter explaining precisely what is needed.

Web Site Design Update: The Board discussed the Town Hall picture and picture of the lake on the website. Chair Gehl said ease of navigation is key. TA Whittaker said the next step is getting the written material together

Departmental Budget Scheduling: Regarding the budget schedule, the Board saw no problems with the presented format. Selectman Rhoades suggested holding the dam meeting with DES on one of the days already cleared for a budget workshop, if possible.

7. Schedule Next Meeting

The Board scheduled its next meeting for **October 15, 2007 at 7:00 p.m. at Town Hall.**

8. Approval of Minutes

Motion by Chair Gehl to amend the minutes of August 6, 2007 in accordance with what Recorder Cathy Allyn drafted in an email dated September 20, 2007; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Bickford to approve the minutes of September 10, 2007 as amended; second by Selectman Rhoades. The motion carried unanimously.

Motion by Selectman Bickford to approve the minutes of September 17, 2007 as amended, second by Selectman Rhoades. The motion carried unanimously.

9. Any Other Business

The Board discussed the printing of the Town Report. Selectman Bickford suggested an 8.5" x 11" format. TA Whittaker said she would prefer using 8½ x 11 paper, as the Report would lie flat and have improved readability, but New Durham has always used the other format. She said she could inquire about the cost of having it larger when the bids are in.

Chair Gehl inquired about mailing out a Fall Newsletter. Selectman Rhoades said he had no real opinion, as Chair Gehl and TA Whittaker do all the work. The consensus was to send out a Fall Newsletter.

10. Non-public Session

Motion by Chair Gehl to enter non-public session at 10:06 p.m. under RSA 91-A: 3 (e) to discuss threatened or impending litigation; second by Selectman Rhoades. A roll call was taken. Gehl- aye, Rhoades – aye, Bickford – aye.

The Board met with TA Whittaker to discuss next steps and recommendations of the Prosecutor's office re a junkyard issue.

Motion Bickford, second Rhoades, to return to regular session for the purpose of adjournment at 10:35 PM, vote unanimous.

11. Adjournment

The board returned to regular session. Motion Rhoades, second Bickford to adjourn, vote unanimous. The meeting adjourned at 10:36 PM.

Respectfully submitted,
Cathy L. Allyn, Recording Secretary

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.