

New Durham Board of Selectmen
Minutes of Meeting ~ January 21, 2008
Town Hall

Members present: Ronald Gehl, David Bickford

Excused Absence: (Peter Rhoades on vacation)

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Marcia Berry, Vickie Blackden, Corey Colwell, Gigi Giambanco, Sheri Joy, James O'Reilly

1. Call to Order – Chairperson Ronald Gehl called the meeting to order at 7:20 p.m., explaining the late start was due to the Board finishing up a budget work session that had begun at 3:00 p.m.

2. Citizens' Forum – There was no public input.

3. Old Business –

Request to reclassify a portion of Class VI Copple Crown Road to Class V

Chairperson Ron Gehl explained to applicant James O'Reilly that the input from Town Counsel necessary to move forward on the plan has not yet been received. He said he was unsure where the Board could go, at this point, as the board did not have the information it needed to work with. Corey Colwell asked if he and Mr. O'Reilly could speak directly with Town Counsel John Teague, in the cause of assisting him. Chair Gehl said that was not normal protocol, and if Town Counsel had a question, he would pose it to the Board or Town Administrator April Whittaker to take to the applicant. As there is a timeframe issue if the plan needs to go before Town Meeting, TA Whittaker suggested the applicant begin the petition warrant article route now, as a back-up. The deadline for petition warrant articles is February 5, 2008 at 4:00 p.m. Chair Gehl said the Board would assist as much as possible. He advised that the language of the article and the signatures of 25 registered voters in town are required. He said there was an obligation on the part of the Board to make a decision quickly, and as soon as there was input from Town Counsel, a meeting on the issue could be scheduled. He clarified that the Board had a question on a conditional reclassification, but the Town would vote only on making the portion Class V or not. He said the Board's involvement is out of the normal order of procedure.

Mr. Colwell said it might not be necessary to have the Town vote, as the Selectmen have the authority to change the classification. Chair Gehl agreed that they have the authority, but that they have not yet received enough information to make that decision. Regarding Town Counsel's opinion, Chair Gehl said that might become part of the public record. He stressed that anyone has the right to petition at Town Meeting. He said the language of the article could cover that the road would be brought up to Town standards.

Mr. Colwell asked if the petition warrant article would have the endorsement of the Board. TA Whittaker advised that the Board no longer needs to state an opinion on petition warrant articles if there is no monetary appropriation. Chair Gehl said the Board would work with Town Counsel's advice. Selectman David Bickford suggested the applicant work on a plan that looks good, for a better chance of a favorable vote. He said his preference was that the issue go through the Planning Board. Mr. Colwell said they had no objection to that. He said they appreciated the Board's time and effort, and would make any meeting the Board called. Mr. O'Reilly asked if the plan drawn up

for Town Meeting would go through the Planning Board. Chair Gehl replied that it would not, and TA Whittaker added that that is why this is a chicken-egg situation.

4. Appointment Meetings

Parks and Recreation Commission

Chair Gehl noted Bonnie Dodge's resignation from the Parks and Recreation Commission, as she is unable to fulfill the responsibilities due to attending college full-time. He quoted Ms. Dodge's letter: "It has been a pleasure and an honor, as well as a learning experience, to serve as a Commissioner for the Town of New Durham. I hope that the people of New Durham realize how fortunate they are to have such a devoted group of people as those Recreation Commissioners remaining." He added that Ms. Dodge indicated she intended on remaining involved in Recreation activities.

Motion by Chair Gehl to accept the resignation of Bonnie Dodge from the Parks and Recreation Commission with regrets; second by Selectman Bickford. The motion carried unanimously.

Chair Gehl asked Commissioner Sheri Joy if there were potential nominees to fill the vacancy and she said the Commission has not yet advertised. Chair Gehl then formally announced the vacancy, explaining that anyone interested should contact a Commissioner or Town Hall. Ms. Joy said applicants should submit a letter.

Ms. Joy presented the Board with a new Parks and Recreation Commission policy. Chair Gehl said the Plan of Action Policy in the event of criminal activity for both minors and adults outlines the procedure on calling the Police Department as well as follow-up procedures. The Commission has approved the policy and it also meets the approval of the Police Chief.

The Commissioners in attendance discussed with the Board a change in the Commission's charge. Ms. Joy said it is a volunteer board and has had charge of one full-time employee and two part-time employees. Members are uncomfortable with being in charge of employees and would prefer to just oversee the revolving fund and deal with programming. Commissioner Marcia Berry added that the Commissioners have full-time jobs, and that personnel issues cause frustration. Ms. Joy said the Commissioners are getting burned out. It was requested that TA Whittaker take over some personnel responsibility in concert with the Director. Selectman Bickford asked if the Recreation Director would be supervisor over the day-care program. Ms. Joy replied that she is, but that the Commission is the Director's immediate supervisor.

Chair Gehl said he refrains from commenting on financial matters as related to the Recreation Department, as he is married to a Commissioner, but was aware that Selectman Bickford and Selectman Peter Rhoades do not have a problem with him being involved in this issue. He said the day-care program employees would still go through the Recreation Director. He said it would be a wise move for the Commissioners to no longer deal with personnel management issues. He added that the Board of Selectmen must investigate any existing "Charge", if there is one. Selectman Bickford said the Board could remove those responsibilities from the Commissioner for the time being.

Motion by Chair Gehl to have Town Administrator April Whittaker address the day-to-day personnel management issues with the Parks and Recreation Department through the established chain of command; with the Parks and Recreation Commissioners no longer to be in charge of those issues except to be informed; second by Selectman Bickford. The motion carried unanimously.

Ms. Joy remarked that basketball season is in full swing and baseball season is coming up.

School Board Representative Proposed School Building Presentation

Ms. Joy presented a power point program developed by the School Board regarding the intermediate school bond proposal. The decision to build one intermediate school for grades 6-8 on already acquired land in North Wolfeboro was arrived at by considering results of a survey and weighing the pros and cons of building one larger school or three small schools in the outlying district towns. Projected enrollment in September 2009 is 662. The school design calls for 120,000 square feet at a cost of \$29,800,000. A two million dollar bond for a geothermal heating and cooling system for the building will appear as a separate warrant article. The project represents a two million dollar debt for New Durham with an estimated average impact of .34 on the tax rate. Ms. Joy said she believed the entire school board realized that one intermediate school is the best option. Chair Gehl said he had experience with geothermal systems, and he felt that the estimate of two million dollars to include it was very high. He suggested the school board look at that figure. He added that with such a system, operating costs diminish.

5. Department Reports

Police – Police Chief Shawn Bernier was no longer in attendance.

6. Administrative Review

TA Whittaker presented the Board with several employee requests to carry over vacation time. The Board reviewed them and will sign them.

She presented the Local Government Center's Pay and Classification Contract, which conducts a pay survey, analyzes pay data, prepares a compensation plan, and investigates benefit practices in comparable communities. She said it gave an overview and also went into specifics. It requires a 50 per cent deposit. Selectman Bickford questioned why the work does not include the private sector comparisons. Chair Gehl said that it couldn't. TA Whittaker pointed out that the private sector generally is higher paid, and she had never known the private sector to be included in a public sector review. She said she was composing the job descriptions, rather than having the LGC do so, to save money. Selectman Bickford suggested holding off on signing it this week, to allow TA Whittaker a chance to ask the LGC about including the private sector.

TA Whittaker reported on the Solid Waste contract with Waste Management. Chair Gehl suggested taking it under advisement. He said there was the possibility of competition for Waste Management and he wanted to research the issue further as he would prefer the contract not being the Town's only option.

Regarding the tax mapping project, TA Whittaker said Cartographics is ready to move into the next phase and would be notifying property owners in due course. She will request that they hold off until April 1, 2008.

TA Whittaker informed the Board that she assisted Stan Kuzia with a petition warrant article.

The Board agreed to wait for Selectman Rhoades to discuss correspondence from the New Hampshire Electric Co-op, regarding pole placement on Bennett Road.

TA Whittaker advised that both Town Counsel and the Local Government Center attorney has advised the Town how to reflect new legislation regarding civil unions in the personnel policy. The Board reviewed correspondence from CMA Engineers concerning a bond of \$691,000 for the Kodiak subdivision, based on a cost estimate.

The Board scheduled its next meeting for February 4, 2008 at 7:00 p.m. at Town Hall.

Old Business

March's Pond Dam Rehabilitation Project

Chair Gehl stated a public bid opening was held January 16, 2008 for the March's Pond Dam Rehabilitation Project, including three road culverts on Birch Hill and the elimination of an emergency spillway on Chalk Pond. The Town received five bids, which have not yet been determined to be responsive bids, as engineer Bill Straub has been unavailable due to a death in the family. Chair Gehl said discussion of the bids could also expose options to modify the project to cut costs, if possible.

Town Website – TA Whittaker said Virtual Town Hall is ready to schedule a training class for Town employees. She suggested it be scheduled for the first week of March 2008, as the focus at Town Hall is now on the Town Report, Town Meeting, and the budget. She said the site was continuing to be built.

Approval of Minutes

Motion by Selectman Bickford to approve the minutes of the business meeting of January 7, 2008 as amended; second by Chair Gehl. The motion carried unanimously.

Motion by Chair Gehl to approve the minutes of the budget work session of January 7, 2008 as amended; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Bickford to approve the minutes of the budget work session of January 14 as written; second by Chair Gehl. The motion carried unanimously.

Any Other Business

In response to Selectman Bickford's question, TA Whittaker advised that the Recreation Director will explain the Parks and Recreation policy regarding criminal activity for both minors and adults to the childcare employees.

Selectman Bickford reported that the bill regarding the state bearing the costs of programming necessary to use voting machines in state elections has been assigned to Division 1, so it is still alive. He said he was asked what would happen in the case of mixed elections.

TA Whittaker announced that the filing period for candidates is January 23, 2008 – 5:00 p.m. February 1, 2008. Filing fee is one dollar for paid elected positions.

Adjournment

Motion by Selectman Bickford to adjourn at 10:03 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.

Board of Selectmen January 21, 2008 Note Abbreviations

1. The Board met with James O'Reilly and Corey Colwell regarding the reclassification of a portion of Copple Crown Road from Class VI to Class V. Chair Gehl said the necessary information regarding a conditional reclassification had not yet been received from Town Counsel. TA Whittaker suggested the applicant begin the petition warrant article process as a back up.

2. The Board met with Parks and Recreation Commissioners Sheri Joy and Marcia Berry.

3. Ms. Joy informed the Board that the Commission has approved a Plan of Action Policy in the event of criminal activity for both minors and adults. She and Ms. Berry also requested a change in the Commission's charge, as the members are uncomfortable being in charge of employees.

Motion by Chair Gehl to have Town Administrator April Whittaker address the day-to-day personnel management issues with the Parks and Recreation Department through the established chain of command; with the Parks and Recreation Commissioners no longer to be in charge of those issues except to be informed; second by Selectman Bickford. The motion carried unanimously.

4. As School Board Representative, Ms. Joy presented a power point program developed by the School Board regarding the intermediate school bond proposal.

5. The Board reviewed several requests to carry over vacation time, the Local Government Center's Pay and Classification proposed contract, and the Solid Waste Disposal Agreement contract. CMA Engineers recommended a bond of \$691,000 for the Kodiak Subdivision.

6. *March's Pond Dam Rehabilitation Project* – Chair Gehl stated a public bid opening was held January 16, 2008 for the March's Pond Dam Rehabilitation Project, including three road culverts on Birch Hill and the elimination of an emergency spillway on Chalk Pond. The Town received five bids, which have not yet been determined to be responsive bids, as engineer Bill Straub has been unavailable due to a death in the family.