

**BOARD OF SELECTMEN
PUBLIC MEETING MINUTES
January 30th, 2008**

Chairman Ron Gehl called the meeting to order at 7:04 PM in the New Durham Town Hall located off Main Street.

Present:

Ron Gehl, Chairman
Peter Rhoades, Selectman
David Bickford, Selectman
April Whittaker, Town Administrator

Meetings:

The Board met with Mr. O'Reilly, property owner on Copple Crown Road, and his engineer, Mr. Colwell re their request to reclassify a portion of the Class VI section Copple Crown Road to Class V; said improvement costs to be borne by Mr. O'Reilly.

Chair Gehl requested that the first order of business would be to vote to release Town Counsel's letter for public review. Motion Gehl, to release correspondence from Town Counsel for public review, second Rhoades, vote 3 - 0. (See enclosed copy attached to Minutes)

Mr. Rhoades requested a few moments to comment to Mr. O'Reilly that he was impressed with him as an individual and felt that his proposed subdivision was being presented with integrity and concern for the community. However, he expressed that Town counsel in the formulation of his vote must guide him.

Chair Gehl concurred with Mr. Rhoades sentiments, but in review of Town Counsel's advise, he stated he was leery of setting precedents and felt compelled to support past practices i.e. that the legislative body be the deciding factor for reclassifications of roads within the community. He further concurred that the Master Plan was the driving factor in any decisions that affected infrastructure and the board and planning board must carefully weigh the message of the Master Plan for resulting effect on community services and the ability to perform those services effectively with out affecting taxes. He pointed out to Mr. O'Reilly that while the Master Plan is not a regulation, the board must view it as a guide. However, he reiterated that the Plan does not stop individuals who wish to develop property through the town's regulatory processes.

Mr. Bickford felt he did not have enough information to formulate his decision and felt the Master Plan to be a guideline, therefore, he spoke personally to Counsel and advised that he felt that the Board should allow the Copple Crown Road to be

incorporated into the subdivision plan of James O'Reilly pending Planning Board and Board of Selectmen approval of the final plat.

Selectman Rhoades opined that Mr. O'Reilly would be expending money without knowing if he could obtain approvals, and further the Planning Board could not accept the Class VI road portion as frontage required by the subdivision regulations.

Mr. Gehl expressed concerns regarding a "conditional layout" of the road. Again he stated that the classification needs to be reviewed in the same manner as a lay out and that the first steps in this process, is to consult the Master Plan.

Following discussion, motion Gehl that the Board of Selectmen not proceed with the layout approval of Copple Crown Road as a Class V road per the proposal by James O'Reilly, second Rhoades, vote 2 - 1; Bickford voting against the motion.

Motion Bickford to allow the Copple Crown Road to be incorporated into the subdivision plan of James O'Reilly Tax Map 27 Lot 6 pending Planning Board and Board of Selectmen approval of the final plat.

No second, motion failed.

The Board advised Mr. O'Reilly to continue with pursuit of his petition to reclassify the road and have the matter be decided by town meeting vote pending success with 25 registered voters to initiate the petition process.

The Board met with Mark Fuller, Road Agent.

Motion Gehl, second Rhoades, to enter into non-public session under the terms and conditions of RSA 91-A: 3 II (a) compensation discussion, second Rhoades. Mr. Bickford asked Mr. Fuller if he wanted a non-public session; Mr. Fuller replied in the affirmative. Vote 3 - 0.

Roll call: Gehl ~ yes, Rhoades ~ yes, and Bickford ~ yes.

The board entered non-public session at 7:40 PM. Various compensation numbers were discussed as compensation off-sets given the loss of "comp" time after 50 hours per Mr. Fuller's current working contract.

The Board returned to regular business session at 7:55 PM.

Mr. Fuller advised the board that he would accept an additional \$2 on top of his expected pay raise and would accept amendment to his contract that compensatory time off would no longer be applicable after 50 hours of work.

Any Other Business

Access Channel Presentation of the Proposed Town Budget: The board requested the administrator to confer with Mr. Pijoan regarding a presentation date of March 5, 2008.

Chair Ron Gehl advised fellow selectmen that the budget was complete and they should now consider setting up a meeting with the Fire Department Interim Chief and officers to prepare for a succession plan. Mr. Bickford inquired as to what structure in terms of appointment etc the town operated under. Mr. Gehl advised that the town has not voted on any structure and currently there is open "appointment" with no specified term per past practices. Following discussion it was agreed that Mr. Gehl should initiate the discussion as a Selectman's representative with the department.

Mr. Bickford reported that HB 1419 Financing of voting machine programming would probably fail to pass the Finance Committee following the hearing simply because the State is in a funding crisis at the present time.

Mr. Bickford raised the issue of an outside bulletin board; fellow board members supported the suggestion and felt that such an acquisition or construction could be funded through the Expendable Trust for town buildings improvements.

Motion Bickford, second Rhoades, to adjourn, vote 3 - 0

The meeting adjourned at 8:35 PM.

*Respectfully submitted,
April Whittaker*