

New Durham Board of Selectmen
Minutes of Meeting ~ March 3, 2008
Town Hall

Members present: Ronald Gehl, Peter Rhoades, David Bickford

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, Robert Craycraft, Gigi Giambanco, Ben Long

1. Call to Order – Chairperson Ronald Gehl called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance.

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

3. Public Appointment – The Board met with Benjamin Long of Beckwith Builders, regarding a conditional building permit for Map 27A Section 1 Lot 79 in the Copple Crown Village District. Chair Gehl explained that approval for a conditional building permit was granted in 2005. Three lots were considered at that time, and there had been drainage concerns. He said a request had been brought forth last fall regarding the permit, and the Board responded in September of 2007.

Mr. Long said lot owner Stephen Smith wished to develop Lot 79 and had retained him to determine the drainage problem. Mr. Long indicated on a septic plan where the drainage goes. He said he met with Road Agent Mark Fuller, who concurred that all drainage is diverted away from Mountain Drive, toward Brookfield.

Chair Gehl noted the lot goes into Brookfield. Mr. Long said the lot was accessible by Mountain Drive. Chair Gehl said the roadway had been cleared but not graveled. Selectman David Bickford said he, too, was trying to determine the access, since the lot goes into another town, which was of concern to him. TA April Whittaker said April minutes of 2005 indicated no survey plan was submitted.

Chair Gehl said Selectmen Bickford and Peter Rhoades were not on the Board when the site walk was conducted years ago. He said the reference to Lot 99 was to ensure that the road is brought up to conditions that have been applied to the Copple Crown Village District. RA Fuller said it had been gone over as a driveway. Chair Gehl advised it is presently a paper street, and not a driveway. He said the road loops around to Newport Drive.

Selectman Bickford stated people need a survey of their properties. He recounted having a survey done of a lot he owned in the CCVD, in which the property line ran through someone's house. Chair Gehl agreed a survey plan and right-of-way was needed to accurately place the road, as well as another site walk, and determination of where the Town line is. Selectman Bickford said he wanted to determine access and what type of road.

Chair Gehl said the Board's charge is to review conditions for a building permit, but also must consider safe access. The Board requested a survey plan and proposed access plan from Mr. Long, before scheduling a site walk.

Selectman Bickford said philosophically he has a problem with expansion of CCVD roads, unless they are brought up to Class V, because a village district can be discontinued and thus, place road responsibilities on a town. Chair Gehl said the Board always thinks about the Town possibly taking over those roads, but some improvements within the CCVD cannot attain Class V status due to slope problems.

Mr. Long asked if the Board would review drainage requirements on site, or was the septic plan satisfactory. Chair Gehl said the septic plan was probably sufficient because drainage from Lot 79 would not have an impact.

4. Department Reports

Police – Police Chief Shawn Bernier presented the Board with a thank-card to the NDPD from a gentleman whose wife was involved in a snowmobile accident. He accompanied her to the hospital and the NDPD brought back the snowmobile to the house. The Chief added there have been six snowmobile accidents this year.

He reported on the cruisers, including mileage on the vehicles, and mileage traveled in 2007 as 74,816 consuming 5,700 gallons of gas.

RA Fuller brought up a residence across the street from the elementary school that has two driveways; one is legal, but the other is not. During construction of the second driveway three or four years ago, he said the owner at the time was informed by letter that the second driveway could not be there, and could not be granted a permit because it goes into a parking area. The owner put in the second driveway anyway, as it was rarely used. The new owners of the residence mentioned to RA Fuller that cars park in front of it. He told one resident of the house that it is not a permitted driveway, but the owners have erected signs that say "No Parking" and indicate that cars there will be towed. Chief Bernier said with Town Meeting coming up, people park along there. He suggested a cease and desist letter regarding the signs. TA Whittaker said she would send a letter. Chair Gehl said it was a code enforcement violation.

Highway – RA Fuller reported that Durham is attempting to secure a broadcast frequency close to the Town's. He said that frequency is being used now and it interferes with communication, causing skips in certain parts of town. He said Durham needed New Durham's approval before it can use it.

Chief Bernier said Durham is going into Strafford County's system and indicated it was too much traffic among the fire and police departments, leading to splitting the channel. He did not recommend allowing Durham to use the frequency, as the Highway Department will get skips. The Board agreed that RA Fuller should continue expressing his concerns to Durham. Chair Gehl noted the frequencies were extremely close. Selectman Rhoades suggested sending a letter that the Town does not concur with Durham using that frequency. TA Whittaker and RA Fuller are to send out the letter.

RA Fuller indicated the four-wheel drive truck is now a two-wheel drive, but can still be used. It is due to be replaced soon, and he hoped a minor repair would restore it.

RA Fuller presented the Board with statistics on salt, sand, fuel, and overtime hours over the past five years, to highlight this year's difference. He compared averages to what this year's weather has wrought, such as an average of 100-250 hours of overtime to this year's 700 hours. He said, based on averages, this year's overrun, including November and December 2008, will be over-budget by \$42,514.

Selectman Rhoades asked if RA Fuller was comfortable having his crew sometimes drive for 22 hours. He responded that it was a drag on them, but there are no spare drivers, and incidents like that only occur a couple of times a year. He said they get coffee and take short breaks when they refuel and reload. RA Fuller suggested rounding off the overrun amount to \$40,000. He noted that the extensive melt the state is in for will cause other headaches. Chair Gehl said the \$40,000 increase translates to a 9.5-cent increase on the tax rate. He said the Town's options were an emergency appropriation or to amend the budget at Town Meeting. TA Whittaker noted it is not that unusual to amend from the floor of Town Meeting especially during challenging winters. Chair Gehl remarked highway department line items are difficult to predict.

Motion by Selectman Bickford to amend the operating budget article from the floor at Town Meeting by \$40,000 to help defray increased road maintenance costs due to inclement weather; second by Selectman Rhoades. The motion carried unanimously.

Selectman Rhoades told RA Fuller his crew has done a good job of keeping up with the weather. RA Fuller said he thanked his crew because they have been coming in sick to get the roads open. TA Whittaker mentioned she travels through seven towns on her way home and New Durham's roads are the best. Chair Gehl said he would like to reinforce the highway department's request of residents to please mark mailboxes, etc. to minimize the possibility of damage, which will occur with wingback the snow banks.

Chair Gehl said the Board would review the Cocheco Humane Society's agreement quote and take it under advisement. TA Whittaker said the flat fee is now lower, but additional fees are to be incurred with a "per dog" fee also.

5. Administrative Review

***Committee Appointment* - Motion by Selectman Bickford to appoint Lee Ann Beals to the Milfoil and Invasive Aquatic Plants Committee; second by Selectman Rhoades. The motion carried unanimously.**

The Board signed the appointment form.

***Ambulance Intercept Agreement* - TA Whittaker said Town Counsel reviewed the rate schedule for the ambulance, noted it was standard, and recommended signing the agreement.**

Motion by Selectman Rhoades to allow the chair to sign the Community/Paramedic Intercept Service Memorandum of Understanding for the Board; second by Selectman Bickford. The motion carried unanimously.

Chair Gehl signed the Memorandum of Understanding, and Selectman Bickford served as witness.

Annual Landfill Monitoring Contract – TA Whittaker provided the 2006/07 contract, which was a 15-month contract, for comparison. She said this year’s contract was for 12 months, with a reconstruction of a shallow well. Chair Gehl said he was satisfied with the new agreement, but that he wanted to review the old one due to decreased monitoring this year. Selectman Bickford noted the increase in Bill Straub’s rate. Chair Gehl pointed out that very few hours on this contract are billed by Mr. Straub. He said the rate was not out of line with typical rates for this kind of work. Selectman Bickford asked if the Town should shop around. Chair Gehl said he was not saying the Town should not, but that he was satisfied with the work of CMA Engineers, Inc. plus they had historical knowledge. He said their knowledge of the site was important, and he recommended staying with them. He suggested waiving the purchasing policy because the Town has an ongoing relationship with CMA and the Town would not do better. He said this is a continuation of what they have done.

Motion by Selectman Rhoades to authorize Town Administrator April Whittaker to sign the continuing professional engineering services relating to the post closure monitoring and reporting for the New Durham landfill, and to waive the competitive bid requirements for 2008; second by Selectman Bickford. The motion carried unanimously.

Draft Minutes on Website – TA Whittaker asked the Board for direction re posting draft minutes of boards and commissions on the website, or waiting until the minutes are approved and then posting them. Both Chair Gehl and Selectman Bickford gave posting draft minutes a nod. TA Whittaker said the drafts will therefore continue to be posted, then replaced when minutes are approved.

Newsletter – She advised the Town newsletter was mailed out the weekend of March 1, 2008.

Televised Budget Presentation and Phone-In – TA Whittaker suggested the Board meet at Town Hall at 6:00 p.m. on March 5, 2008 to carpool up to Kingswood Regional High School for the Community TV program of budget presentation and phoned – in questions. She provided booklets outlining the articles for the call-in section. Selectman Rhoades suggested the Board have the cell phone numbers of department heads, to be able to reach them for information. TA Whittaker said Article 15 would need to be amended to \$19,000.

Town Reports – The Town Reports are to be delivered on Tuesday, March 4, 2008.

Scheduling of Next Board Meeting: The Board scheduled its next meeting for **March 17, 2008 at 7:00 p.m. at Town Hall.**

6. New Business

Town War Memorials – Chair Gehl said a request had come to the Town Historian regarding adding veterans’ names to the monuments at Town Hall. TA Whittaker suggested TH Cathy Orlowicz touch base with the Veterans’ Association for a complete list of veterans.

7. Old Business

Solid Waste Disposal Contract – Chair Gehl said he had wondered if a one-year term were possible. TA Whittaker said, according to the agreement, if the Town budgeted working with a particular contractor, not Waste Management, the Town would meet the intent of the termination clause. Chair Gehl recused himself from the vote and signing as his business has done unrelated work with Waste Management. He said no other parties have come forward to offer services.

Motion by Selectman Rhoades to sign the Solid Waste Disposal Agreement for a period of three years with Waste Management of New Hampshire beginning January 1, 2008; second by Selectman Bickford. The motion carried.

The Board signed the contract.

Ambulance Billing Rates – Chair Gehl said a recommendation from paramedic Kevin Jenckes and Interim Chief Nelson of the New Durham Fire Department indicated using Medicare rates plus 10%. TA Whittaker advised that the department had traditionally used the aforementioned formula of Medicare rates plus 10%. Selectman Bickford said he would prefer not boosting the rates by 10%. Chair Gehl pointed out that Medicare rates do not come close to reimbursing actual costs. He said insurance companies typically allow this increase. He said he found it reasonable, considering the costs and the fact that the Town needs to be reimbursed. Selectman Bickford said he didn't know the actual cost, and had assumed the Town would match Medicare rates. Chair Gehl said this recommendation maintains the status quo.

Motion by Selectman Rhoades to accept the recommendation of Kevin Jenckes and Interim Fire Chief Rod Nelson that the Town adopt Medicare rates plus ten per cent for the Town's ambulance billing rates for 2008; second by Selectman Bickford. The motion carried unanimously.

Chamberlin Way Mailboxes – Chair Gehl indicated a letter to Chamberlin Way resident Elizabeth Cantrall from the US Postal Service indicating curbside mail delivery on Chamberlin Way would not be granted. TA Whittaker said she asked the New Durham Postmaster if single unit delivery mode would be reconsidered if aprons were provided along the road subject to all Chamberlin Way residents being in agreement to pay for the additional paving costs. Selectman Bickford said one issue seemed to be who is responsible to clear away snow from the cluster boxes. Selectman Rhoades said he had neighbors who did the cluster boxes on his street on a regular basis. TA Whittaker said the Planning Board will need to provide for this in future approved subdivisions for clarity of responsibilities. Selectman Bickford said developer Steve Edwards did not tell people they would have curbside delivery per his conversation with him. Chair Gehl said at the previous meeting, Ms. Cantrall indicated a real estate agent assured her of curbside delivery. He said the Board was awaiting feedback on this issue from the ND Postmaster.

8. Approval of Minutes

Motion by Selectman Bickford to approve the minutes of February 20, 2008 as amended; second by Selectman Rhoades. The motion carried unanimously.

9. Any Other Business

Selectman Bickford said he had questions regarding a resignation issue in the fire department and asked if the Board should go into non-public session.

10. Non-public Session

Motion by Chair Gehl to enter into non-public session at 9:04 p.m. under RSA 91-A: 3 II c; second by Selectman Rhoades, with the amendment that no other business would be conducted after returning to public session. A roll call was taken. Gehl – aye, Rhoades – aye, Bickford – aye. The motion carried unanimously.

The board discussed a potential resignation from the Fire Department; noting for the record that said purported resignation had not yet been placed in writing and that there had been no further details of this from the Chief. Mr. Bickford expressed concerns re replacement and succession; Chair Gehl reminded Mr. Bickford that the Fire Chief was responsible for appointing officers, and not the Board of Selectmen.

There being no further discussion, motion Rhoades, second Bickford to return to regular session for the purposes of adjournment, vote 3-0.

11. Adjournment

Motion Rhoades, second Bickford, to adjourn, vote 3 – 0. The meeting adjourned at 9:25 PM.

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.