

New Durham Board of Selectmen

Minutes of Meeting ~ May 5, 2008

New Durham Public Library

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator April Whittaker, Police Chief Shawn Bernier, Road Agent Mark Fuller, BI/CEO David Lindberg, Interim Fire Chief Rod Nelson, Mike Davenport, Skip Fadden, Gigi Giambanco, Terry Jarvis, Leon Smith, Cathy Orlowicz, Peter Varney, other members of the public

1. Call to Order – Chairperson Peter Rhoades called the meeting to order at p.m. and led the Pledge of Allegiance.

2. Public Presentation

Presentation of Citizen of the Year Award – David Lindberg:

Terry Jarvis, as a former recipient, had been requested to make a presentation speech by the independent committee of past recipients. She noted that Mr. Lindberg had given much to the community with many hours of volunteerism ~ volunteer firefighter rising to rank of Lieutenant, and deputy Fire Warden. She advised that David was the unpublished textbook of New Durham with respect to the Planning Board, its activities, the town's ordinances, the Master Plan and New Durham growth. As the town's Building Inspector, she jested that David could tell you where and when almost every house or building in New Durham had been built, what it sold for and furthermore, who the original owners were. Summing up she concluded that she could not think of a more appropriate individual to receive the award. Mr. Lindberg humbly expressed his appreciation of the community and thanks. A photo opportunity took place.

3. Citizens Forum

Sam Hardy addressed questions to the Board regarding the proposed Fire Station Addition asking if review and approval of the approval of a new building by a licensed professional was required of the New Fire Station Committee, is it not also required of the Selectmen? Do the board have "stamped plan?" Do they intend to ignore the requirement of RSA 310-A? Do they plan to obtain approval of the Planning Board, as any other applicant would be required to do?

Chair Rhoades advised that an engineer is reviewing the roof and floor joists for the proposed addition, that an engineer will oversee the project, and that sign off will be by an engineer.

Selectman Gehl addressed the question of RSA 310-A stating that RSA 310-A: 52 lists the exemptions in paragraph IV ~ "The preparation of drawings and specifications for, and the supervision and alteration of, any structure which does not have as its principal structural members reinforced concrete or structural steel and is 2.5 stories or less and 4,000 square feet or less, and is not a building of assembly, which includes schools, churches, auditoriums, theatres, hospitals, and any buildings for the elderly." Mr. Gehl reiterated that

the 1600 sf proposed addition appears to fit the “exemption.” He did note however, that the NFPA 101 that any building with an expected occupancy of more than 50 people would likely require some form of professional stamp. He felt it unlikely that the occupancy would ever be over 50 people. Deputy Chief Peter Varney confirmed that if there were more than 50 for certain events or meetings, the Fire Chief would take the same action as currently conducted in town, and have fire personnel actually in the building or surrounding premises ready to be activated in the case of an emergency.

By way of follow up, Selectman Gehl further advised that he has telephoned the Joint Board of Licensure and Certification and spoke to the Program Administrator. Basically he was told that it was a local decision based on the type of addition as described and up to the Building Inspector with respect to the amount of engineer information and review and/ or architectural review.

Selectman Gehl pointed out that this was a simple structure and that an architectural review was excessive and not required . David Lindberg, Building Inspector advised that he had seen the plans and had requested that the roof structure construction obtain a Professional Engineer’s stamp.

Chief Shawn Bernier asked if the proposed addition would still be considered a Emergency Command Center meeting place. Peter Varney advised that it could not be considered as a shelter. The Chief continued that he had concerns that not more than 50 people could be fitted into the Emergency Command Center. It was queried that in any of the activations of an EOC, had there ever been more than 50 people in an EOC?

Selectman Gehl once again pointed out that the addition was one in the monetary range of less than \$100,000 not \$3,000,000. He felt that it fit the current needs of the department of meeting the Fire Department’s goal for meeting/training space and a new kitchen area.

Deputy Chief Varney confirmed that engineered plans would be forthcoming the structural aspects and that another qualified engineer would actually be acting as Clerk of the Works, free of charge.

Sam Hardy pointed out that if the fire station addition exceeds 50% of the valuation of the building, there would be higher code requirements. He said his concern was how much money would be spent on the addition. Selectman Gehl responded that that was an important consideration, but the cost will be below 50 % of the valuation. He said it was just a simple addition and that higher code requirements would not have to be met. Mr. Hardy said he disagreed with that, and said there was a \$61,000 latitude. Selectman Gehl said the Board would have the bids in due course.

Terry Jarvis said she wanted to know who the architects will be, who is reviewing the roof, and who is the PE who will sign off on the project. She stated that since 2003, all new fire stations or additions must have a sprinkler system. Chair Rhoades said as long as there was a PE, it is legal. Peter Varney assured

Ms. Jarvis that in the next few days, all the information will be public knowledge. He said that because there is a firewall, a sprinkler system would not be necessary. He explained that there is no living space above the apparatus floor, so the station will meet requirements without having a sprinkler system.

Chair Rhoades commented that the strongest questions regarding the matter were coming from those individuals who do not support having the addition. He said he was moving forward with the majority vote of the Town, which was for the addition, and asked that residents therefore support the project rather than find fault with the design. He stated Mr. Varney would ensure the addition meets code, and furthermore, he had every confidence in his ability.

4. Department Reports

Highway – RA Fuller reported his department is readying equipment, starting grading, and caring for lawns. Chair Rhoades asked about Mr. Hardy's concerns regarding inhalation of dust during street sweeping. RA Fuller explained that to sweep the roads, a tow broom is attached behind a truck. The broom creates a cloud of dust. He said the employees keep the windows up, and no employee has raised a concern regarding the issue. Highway Department Foreman Mike Clarke said he was in the vehicle that Mr. Hardy photographed, and that the windows were raised once the truck moved beyond Mr. Hardy's residence. He said he was involved with most of the sweeping, and affirmed that no employees have voiced concerns regarding the dust. Selectman Gehl asked if it would amount to a free consultation from OSHA. He said any suggestions made by OSHA would be helpful.

Mr. Hardy said his concern was for the employees. He stated he watched at the corner and the truck backed up and moved forward several times, and that the windows were down while the truck was backing up. He said the damage to a person's body was cumulative, and it was a risk. He noted that roads could be wet down before sweeping. Chair Rhoades said the Town would move forward with recommendations made.

Selectman Bickford said the degree of filtration in the air conditioning could be investigated. RA Fuller said the vehicle moves slowly at first, but once the intersection is clean, speed increases and the dust cloud is behind the truck. He pointed out that the situation is not as bad as when employees had to ride the broom.

Town Administrator April Whittaker advised she received a call from a Marchs Pond property owner, concerned about how construction at March's Pond would affect nesting loons, suggesting a draw down to discourage them from nesting. Selectman Gehl pointed out that a draw down would occur anyway. Mr. Clarke said loons are already nesting at Merrymeeting Lake. TA Whittaker said the woman mentioned she has watched the loons for years, and they are not yet nesting at March's Pond. Selectman Gehl commented on the review of impact conducted by Fish and Game. He said the Dam Bureau could be consulted about starting the draw down now. RA Fuller said with the draw down, the pond would be at the level it was last year. Selectman Bickford said

he did not think consulting with the Dam Bureau was necessary. Cathy Orlowicz asked about the people in the area with wells. Selectman Gehl assured her that there is notification of any draw down. He said loons usually need vegetation in the area where they nest. Selectman Bickford said the Town could consult with Fish and Game. Selectman Gehl said that was what he was suggesting, since the Dam Bureau has been working with Fish and Game regarding the project. TA Whittaker said she would call the Dam Bureau and ask them to consult with Fish and Game, as the Town is starting a major draw down with notification to residents.

Police – Police Chief Shawn Bernier presented the Board with the breakdown of activity for April. He cited 110 total calls for various services, and 153 motor vehicle warnings. He thanked the highway and fire departments for assisting with a call regarding a suicide threat on Route 11 two weeks ago. He reported that the entire department, except Sgt. Jason Lamontagne, will be taking driver training on May 14, 2008 as he had already undertaken the course.

TA Whittaker asked Chief Bernier to check to see if flags are to be at half-mast on May 15, 2008, in recognition of law officers who have lost their lives.

Fire – Leon Smith said Ed Pollard from Ferrara was in attendance to have the contract signed for the lease/purchase of the rescue/pumper. Mr. Pollard stated the fire truck committee put a lot of thought into the process. Interim Fire Chief Rod Nelson said Mr. Pollard has been a help and has come up with a fine truck. Mike Davenport elaborated on minor changes in the truck's configuration, including adding shelving, an air horn, electricity to run the pump, an enclosure in the hose bed, and night lights in the cab. Chief Nelson said Mr. Smith has spoken with the mechanic.

Motion by Selectman Gehl to authorize the chairperson to sign the contract with Ferrara based on the recommendation of the fire department and at the stipulated price of \$249,413 on behalf of the Board of Selectmen; second by Selectman Bickford. The motion carried unanimously.

Mr. Pollard said the truck would be delivered in 60-90 days. Chair Rhoades asked if a fire department representative would be flown down to Louisiana for training, as the Farmington fire department chief was, and Mr. Pollard said not for this truck. He said he would be present to check it out, and would then go over everything with the New Durham fire department. Mr. Smith said the truck would be in Auburn, ME prior to delivery here, and that representatives could go and look at it there. There was brief discussion on the financing particulars. TA Whittaker said she presented the Board with an example for awareness of the payment schedule. Chair Rhoades signed the contract. He said it was great to get something everyone is excited about. He noted the acquisition was a team effort, and thanked the committee.

Chief Nelson thanked the Board. He reported that eight more people would be EMT's next month as they complete training, for a total of 19. He said the department has been going through a lot of training, and has been busy with

the building addition and new truck purchase. He said he would have more information on the ladder truck situation following a meeting with E-1.

5. Administrative Review

Motion by Selectman Gehl to approve the raffle permit for the Merrymeeting Lake Association; second by Chair Rhoades. The motion carried unanimously.

TA Whittaker verified that the permit would expire at the end of the drawing, and that it was not transferable.

The Board agreed to discuss a part-time building inspector in non-public session.

Motion by Selectman Gehl to approve the Animal Shelter Services Agreement with Cocheco Valley Humane Society for the year 2008; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Gehl to authorize the chairperson to sign the Animal Shelter Services Agreement on behalf of the Board of Selectmen; second by Selectman Bickford. The motion carried unanimously. Chair Rhoades signed the contract.

March's Pond Update – TA Whittaker informed the Board that the contract documents for the dam construction project have been sent to DBU Construction, and that the Town has requested a project schedule. She said Bond Counsel is reviewing the materials package for financial verifications, and that a tax discussion was conducted by phone to verify the Town's exempt status and that there has been no engagement in arbitration.

War Memorial Request – Ms. Orlowicz summarized her research regarding a citizen's request to add four names to the war memorial. She said the Home and Community Welfare Committee of the Grange arranged the memorials, and the criteria had been that the soldier had to be enlisted from New Durham. She provided the Board with information regarding places of enlistment for the men in question, given her by Mrs. Rowe. She said Mrs. Rowe is anxious to accomplish this, and is willing to pay if expense is incurred.

Chair Rhoades noted Wayne Corson's enlistment papers indicate Rochester. Ms. Orlowicz said he was a resident of New Durham and is buried here, although he enlisted in Rochester. Selectman Bickford recalled the time to have names put on was closed off and then the plaque was made. In order to add names, he said the plaque would have to be replaced or a new memorial created. He said the Vietnam memorial says, "...and all others."

Ms. Orlowicz said some people may not have wanted their names on stones, and then they or their families changed their minds. Selectman Gehl asked if she had any feedback on how other towns have handled similar situations, and

she said she sought information only in New Durham. She observed that the memorial was done before the prior Town Historian was in office.

Chair Rhoades said the addition of these names would reopen the door, and others might come forward. He remarked on making it fair for others who were forgotten. Selectman Bickford said they were late for roll call. He said the state has changed criteria for qualifying as a veteran so that more would be eligible for tax credits, allowing for more names to come forward. Selectman Gehl said it would be nice to provide appropriate recognition, but not by replacing the memorial. Ms. Orlowicz said she had seen an additional plaque with names attached to a stone. She said she has worked with Steve Roy, who does that sort of work.

Chair Rhoades said he would like to have an open period so others could come forward. Selectman Bickford pointed out that that was done. TA Whittaker answered Chair Rhoades that the LGC would not be of help in this situation. She said normally all names for the plaque are gathered ahead of time. She added that no one wants to break a mother's heart. Chair Rhoades asked the Board to take the matter under advisement until the next meeting. He asked TA Whittaker to write Mrs. Rowe explaining that there was an open period for names to be included, and that the Board would try to find a way to make it work. Selectman Bickford said the window of opportunity has come and gone. Chair Rhoades thanked Ms. Orlowicz for her research.

Appreciation Letter – TA Whittaker provided the Board with a copy of an appreciation letter from Cartographic Associates, Inc. regarding Laura Zuzgo's and David Allen's help with the tax-mapping project.

Pumper/rescue financial schedule – The Board reviewed the lease purchase financial schedule for five-year borrowing for the Ferrara pumper/rescue, happily noting the 3.88 per cent interest.

Bid Specs for Fire Station Addition – TA Whittaker said she sent the initial bid specs to Selectman Gehl for review and improvements. Selectman Gehl said he spoke with Mr. Varney, and that TA Whittaker had done a great job of putting together the request. He said he added some boilerplate language to strengthen the insurance requirements.

He advised the Board of two payment terms offered in the specs. He explained that, traditionally, monthly payments are made based on the percentage of work completed, with 10 per cent held back. Because the scope of the project is not large and local builders might be used, however, a second method of payment could be offered with a portion of the payment, 30 per cent, provided up front, 40 per cent at halfway completion, and the 30 per cent balance paid upon final completion and acceptance. Selectman Gehl said the performance bond protects the Town if an upfront payment was made and no work done. TA Whittaker said contractors could have a choice of payment terms, or the Board could offer only one option. Selectman Bickford said it could be difficult to measure completion of work monthly. Selectman Gehl said a schedule of values is provided by the contractor and that there is an engineer review on progress of work. After discussion, the Board decided to leave in both options.

TA Whittaker said she would add the start date of work to the specs. Selectman Bickford said it was premature, as the project was not before the Planning Board yet. He said he wanted to see the engineer's set of plans. Selectman Gehl said that would be part of this package, and that the Board has seen the plans. Selectman Bickford said those were a rough draft. He said he agreed the Board could get a price for the project, but he wanted a clearer idea of what the space will be for, since at first it was stated the fire department needed storage space in the back. Selectman Gehl said the primary use was to provide training space, along with extra storage. He said an engineered set of plans would be available in a couple of days, but advised that they would not be a set of 24 sheets. He said they would cover performance standards, specifications, primary materials, and performance objective. Chair Rhoades said similar plans worked fine for his furniture building. Selectman Gehl said such plans were common for projects of smaller scope and lower scale. Selectman Bickford asked if a contractor would have a problem bidding on it, and Selectman Gehl replied no. He said the summary specifications would be ready in a couple of days.

6. New Business

Property and Liability Insurance – TA Whittaker reported contribution amounts of \$28,525 from Primex, and \$34,705 from the LGC. She said she tried to negotiate a lower rate with the LGC but could not. She recommended staying with Primex for another year and not lock into a three-year contract to keep financial options open on an annual basis.

Motion by Selectman Gehl to approve a one-year contract with Primex for property and liability insurance; second by Chair Rhoades. The motion carried unanimously.

7. Old Business

Motion by Selectman Gehl to appoint Crissa Evans to the Boodey House Committee; second by Selectman Bickford. The motion carried unanimously.

Motion by Selectman Gehl to appoint Dave Russell, Don Holm, Tom Goss, and Chet Kania to one-year terms on the Milfoil and Invasive Aquatic Weeds Committee; second by Selectman Bickford. The motion carried unanimously.

TA Whittaker said she received no responses from the advertisement regarding vacancies on the Ethics Committee and CIP, other than the already received application from Terry Jarvis for Capital Improvement Program Advisory Ctte, and the Ethics Committee. She suggested the Board call individuals, and Selectman Gehl agreed they needed to redouble recruiting efforts.

The Board scheduled its next meeting for May 19, 2008 at 7:00 p.m. at Town Hall.

Motion by Selectman Gehl to approve three technology policies:

- ❑ **Statement of policy New Durham website hyperlink,**
- ❑ **Statement of policy for use of computer resources,**
- ❑ **Statement of policy for use of e-mail, computer and telephonic communications;**

second by Selectman Bickford. The motion carried unanimously.

Copple Crown building permit – TA Whittaker advised that the applicant for a building permit Map 27A Lot 79 Section 1 does not yet have a signed easement from property owners, and the Brookfield Board of Selectmen has not made a decision in writing to the New Durham Board of Selectmen.

8. Other Business

Ms. Orlowicz described a cookout to benefit the Boodey House preservation effort on June 1, 2008 at Johnson’s Market Place. The event will be from 3:00 – 5:00 p.m., and steak tips, hamburgers, and hot dogs will be served. Chief Bernier has reviewed the event and given his okay.

Motion by Selectman Gehl to approve the special events permit for the Zechariah Boodey House function on June 1, 2008; second by Selectman Bickford. The motion carried unanimously.

TA Whittaker requested the board’s permission to insert a one-page summary of the recently approved Zoning Updates and new ordinances into the first billing mailing. It was considered a good idea.

Chair Rhoades asked that the Guidelines for Class VI Road Policy be put in the selectmen’s boxes for review.

TA Whittaker said she scheduled Barry Cox from the LGC to discuss wage and salary review for the June 2, 2008 meeting.

Selectman Bickford said he spoke to Chief Bernier regarding justification of streetlights. Chief Bernier said he would go out at night and evaluate each streetlight. He said there was the possibility some residents may request streetlights.

9. Approval of Minutes

Motion by Selectman Bickford to approve the minutes of April 21, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.

10. Non-public Session

The Board agreed no business would be conducted after returning to public session.

Motion by Selectman Gehl to enter non-public session at 9:19 p.m. pursuant to RSA 91-A:3 II (c); second by Selectman Bickford. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye.

The Board met with Chief Bernier to discuss an employee contract matter.

The Board met with TA Whittaker regarding a recommended part-time hiring.

The board returned to regular session at 10:35 PM

11. Adjournment

Motion Gehl, second Bickford to adjourn, vote 3 – 0.

The Meeting adjourned at 10:36 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.