

New Durham Board of Selectmen
Minutes of Meeting ~ June 2, 2008
Town Hall

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator April Whittaker, Road Agent Mark Fuller, Police Chief Shawn Bernier, Barry Cox, Robert Craycraft, Gigi Giambanco, Terry Jarvis, Cathy Orlowicz

1. Call to Order – Chairperson Peter Rhoades 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. Departmental Reports

Highway – Road Agent Mark Fuller reported final topcoat paving on Ridge Road, Chamberlin Way, and Hilltop Circle. South Shore and Powder Mill Roads are to be done.

He told the Board that six complaints of damage during snow plowing have come in: shrubs ripped out, wooden fence destroyed, cement step moved, septic clean out broken off, a post and a lamppost destroyed. Some minor repairs have already been done. Chair Rhoades asked if the damage was a mistake on the part of the highway crew or a part of the required snow removal. RA Fuller indicated some were well beyond the road. Selectman David Bickford stated if the damages were the Town's liability, they should be taken care of. RA Fuller pointed out that now things are at minimal cost. Chair Rhoades said he thought if the Town were in error, then the Town should take care of it, and queried about insurance coverage. Town Administrator April Whittaker advised that we have a \$1,000 deductible.

Town Administrator Whittaker presented a letter to the Board and Mr. Fuller from a local couple lauding the highway department for snow removal. She noted both North Shore and South Shore Roads are difficult roads to plow, and praised the highway department.

4. Appointment Meeting

The Board met with Barry Cox, the personnel services consultant with the Local Government Center, who will submit a pay classification study as part of the LGC's pay plan review. It is hoped that the work will be completed by the fall, but the schedule may be delayed, as Mr. Cox will be going in for surgery. TA Whittaker said she has given the Board for review the draft job descriptions she wrote up, and those will be sent to Mr. Cox in two weeks. Mr. Cox said having TA Whittaker write up the job descriptions saved the Town a large amount of money. He said bringing internal equity to the Town's system is driven by the job descriptions. He said he would add to the job descriptions by

evaluating them with 10 criteria. TA Whittaker said the listed criteria would be helpful, as she could not determine how the previous system was devised.

Mr. Cox said the LGC uses a position description questionnaire, and asked that it be distributed to New Durham employees. He told the Board it must decide which communities to use as comparable communities. He provided a list of possible towns by using total population, full-time salaries, and the total budget. Chair Rhoades brought up the problem of elements differing due to geographical area and community needs. Mr. Cox agreed, and added that comparable grading and salaries could even vary according to department.

TA Whittaker said she had consulted with department heads and they developed a list of where historically, New Durham staff was lost to, and what communities were felt to be comparable. Mr. Cox was pleased to have the list, and said eight communities were typically picked as comparable before designing a wage schedule. TA Whittaker said there were 21 positions to consider.

Mr. Cox said most communities use a labor grade and step system. He said he also did a benefits sheet work-up, before making recommendations to the Board. Selectman Bickford asked about using state workers. Mr. Cox said the state would not have positions that correspond to all of the Town's positions. He advised it did not have to be a perfect match, since averaging worked out. He said the objective was not that New Durham pays more or less than other towns, but that it pays as much as it can to field an effective work force. He said that could be high for some positions and low for others. He said the LGC does not advise on how to apply its results in regard to particular individuals.

TA Whittaker said all the required information would be gathered and given to Mr. Cox. He told the Board he would come back after completion of the study to discuss how the position was graded and to listen to any employees with concerns or clarification questions.

5. Return to Department Reports

Police – Police Chief Shawn Bernier reported two cruisers down for a couple of weeks that are now back in service. He said the new 2008 cruiser came in on Friday and is having equipment installed. He told the Board an arrestee damaged the 2006 cruiser rear passenger door to the tune of \$2400. Aside from the door damage, the cruiser must be repainted and the emblems replaced. Following discussion, the Board agreed to file an insurance claim; then return the full payment minus the \$1,000 deductible, when the arrestee makes restitution.

Chief Bernier told the Board the motion sensors for lights in the garage have lowered the electric bills, and tactics to reduce mileage have resulted in saving 576 gallons of gas compared to the first five months of last year.

6. Administrative Review

Motion by Selectman Gehl to approve the raffle permit for Lion's Camp Pride; second by Chair Rhoades. The motion carried unanimously.

Tax Mapping Project - TA Whittaker advised the Board that Cartographic Associates, Inc. are a quarter of the way done with compiling property lines from deed descriptions of all non-surveyed properties.

Approval of Grant Money – The state awarded the Town \$2,500, which will go toward insulation at the recycling facility.

Court Petition to Extend Gravel Removal – TA Whittaker said the Town has petitioned probate court to extend the deadline for retrieving gravel from the John C. Shirley pit to June 30, 2014.

Cocheco River Nomination – The Board discussed the submittal of the Cocheco River by the Cocheco River Watershed Coalition to be designated protected. Selectman Gehl said a different set of rules applies to rivers with such designation regarding land development in close proximity to ensure a higher degree of protection. The correspondence sent by the Coalition indicated New Durham's protection of the river and its watershed by its adoption of a Conservation Focus Area ordinance and a Steep Slope Protection District ordinance.

Motion by Chair Rhoades to write a letter of support of the Cocheco River Watershed Coalition's nomination of the Cocheco River for designation to the New Hampshire Rivers Management and Protection Program, as the Town's actions this past year have been of similar nature, and it therefore supports the Coalition in this area of conservation; second by Selectman Gehl. Selectman Gehl amended the motion to include that the Town of New Durham supports that nomination; second by Selectman Rhoades.

Selectman Bickford said he had a degree of discomfort in that the protections are not stipulated. Selectman Gehl said the protections are embodied in the Town's zoning ordinances already, so to give a stamp of approval for the region to follow what the Town has already done and to support the nomination was important. A vote was called. **Rhoades – aye, Gehl – aye, Bickford – nay. The motion carried.**

7. Non-public Session

Motion by Chair Rhoades at 8:04 p.m. to enter into non-public session pursuant to RSA 91-A:3 II (c); second by Selectman Gehl. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye.

The Board returned to regular session at 8:20 PM; no decisions being made in non-public session.

8. Return to Administrative Review

BI/CEO - TA Whittaker indicated receipt to date of 11 applications for the Building Inspector/Code Enforcement Officer position. A potential interview board of Town Clerk Carole Ingham, Land Use Administrative Assistant David Allen, Chair Rhoades, Selectman Bickford, and BI/CEO David Lindberg was discussed. Selectman Bickford suggested having a BI/CEO from another town also take part.

TA Whittaker listed informational items on her memo to the Board concerning removal of illegal signs and code enforcement issues.

Next Meeting – The Board scheduled its next meeting for June 16, 2008 at 7:00 p.m. in Town Hall.

Meeting with Department Heads – Chair Rhoades said he would like to conduct a roundtable meeting with department supervisors only to determine cohesive working strategies. The meeting was tentatively scheduled at 3:00 p.m. on June 16, 2008.

9. Old Business

Ethics Committee – TA Whittaker said five additional applications for positions on the Ethics Committee have come in. The pool is currently Katie Woods, Kristyn Bernier, Terry Jarvis, Mike Gelinias, Robert Craycraft, Skip Fadden, Dwight Jones, and Dennis Cooper. Chair Rhoades said he would be more comfortable seeing people serve who were not already actively involved in the Town or who had no association with someone who was. Selectman Bickford said he had no concern about a Town employee or board chairperson serving on the Committee. Selectman Gehl said he did, in pursuit of being as transparent as possible and having the appearance of no conflict of interest. He suggested the better candidates would have less involvement with the Town. Chair Rhoades said several current candidates fall into gray areas.

Selectman Bickford urged getting the committee in place, as people may be waiting to come forward with a complaint. Chair Rhoades asked if the wife of a selectman serving on the committee would be a problem for him. Selectman Bickford replied no, stating she could recuse herself. Selectman Gehl said he would like to espouse the standards and objectives voted in by setting the bar high, and starting off with a group with no sense of conflict. Chair Rhoades said it was exciting that people who are already doing things in town have applied, but thought there may be a conflict. Robert Craycraft said he saw positions needed to be filled, and added his name to ensure a sufficient number. He suggested those who are not steeped in what is going on in town, but added that those people bring knowledge to the position might better serve the Town.

Selectman Bickford said the ordinance does not specify any qualifications. Selectman Gehl said it would clearly be the judgment of the Board. He said he looked to the standards and objectives laid out in the ordinance. Chair Rhoades said the issue could be decided at the next meeting and the names could be voted on as a group. He asked the Board to speak to applicants unknown to them. Along the issue of less involvement with the Town, Selectman Bickford asked if the Board should wait for the apathetic to apply. Selectman Gehl said there was a difference between apathetic and impartial. Selectman Bickford said those with association could be impartial. Selectman Gehl said a large part of the issue is the appearance of conflict. He said there seemed to be more interest in the committee and there was no harm in waiting until the next meeting to decide.

Fire Station Addition – The Board reviewed two bids for the fire station addition following the public bid reading of Wednesday May 28th, 2008:

- Pellowe Construction for \$80,797
- Carrigg Commercial Builders, LLC for \$132,119.

In the interest of full disclosure, Selectman Bickford advised that he was distantly related to Doug Pellowe, and that he had no problem with Mr. Pellowe doing the project. Selectman Gehl said Mr. Pellowe had an excellent reputation and did not do change orders, so his price would not escalate.

Motion by Selectman Gehl to award the bid for the New Durham Fire Station addition per the plans and specification packages dated May 9, 2008 to Pellowe Construction, subject to acceptable receipt of insurances and performance bond to the Town of New Durham for the amount of \$80,797 and subject to the realization of the performance bond; second by Chair Rhoades.

Selectman Bickford asked how much money would be left over to take care of the other aspects of the building. Chair Rhoades told him \$19,000. Selectman Gehl said the Town has received offers of donations for plumbing, heating, and electrical work. TA Whittaker qualified that the offers came from licensed plumbers and electricians. Selectman Bickford asked if there was a completion date once the shell was up. Selectman Gehl said he was pleased to have good prices and offers for heating, plumbing, and electric services and some equipment associated with that, and that he had no issues with the addition. Selectman Bickford pointed out it had not yet been before the Planning Board.

Selectman Gehl amended the motion to include subject to Planning Board site plan review, although that was not necessary; second by Chair Rhoades. Chief Bernier asked about parking. A vote was taken. **Rhoades – aye, Gehl – aye, Bickford – nay. The motion carried.**

Class VI Road Review – Terry Jarvis, Zoning Board Chair said she would email her comments on the guidelines regarding construction on Class VI roads from case experiences. Chair Rhoades asked TA Whittaker to reiterate a request for input from the fire department and police departments. He said the Board was trying to eliminate gray areas, and clarify things for someone who is buying property in town. He provided the Board with his comments regarding why a policy is needed, and elements to consider.

Selectman Gehl said the foundation for the policy is within the guidelines, and, in fact, that many communities in the state followed those ideas. He said the guidelines should be linked to the Master Plan and the Board must think about the future, so the policy should be based on what is laid out in the Master Plan. Chair Rhoades brought up if more residents build along a Class VI road, the potential for more issues regarding road maintenance increases. Selectman Gehl said the Board would have to be mindful of equal treatment concerning extent of development. Chair Rhoades countered that if a new homeowner farther along the road uses the road heavily, the first homeowner

must pay more to maintain the road, and this is unfair. He said the Board would take all ideas and put something together in the summer. Selectman Gehl cautioned against substantial changes, as the original policy has stood the test of time in their present form and scrutiny by the courts .

Private Road Question – Chair Rhoades said Town Counsel has not yet responded formally to the question regarding creating the McKay Sandpit Road a Class VI road.

Boodey House Fundraiser – Cathy Orlowicz reported that the Boodey House Fundraiser held at Johnson’s Marketplace on June 1, 2008 was a success, garnering over \$600. She said one young boy emptied his piggy bank into the donation bucket. She told the Board that Boodey descendants from Barrington attended, and that their three-week-old child marked the 10th generation of Boodeys living on the Boodey farm in Barrington. She thanked the fire department for loan of tables and chairs.

10. Approval of Minutes

Motion by Chair Rhoades to approve the minutes of the May 19, 2008 meeting as amended; second by Selectman Bickford. The motion carried unanimously.

Approval of minutes of the non-public meeting of May 19, 2008 to be discussed in non-public session.

11. Any Other Business

Emergency Management Director - Chair Rhoades said Mr. Jones submitted his name for Emergency Management Director. Selectman Gehl said he had the necessary experience, as well as associations with the Emergency Management Bureau. Chair Rhoades asked if Mr. Jones could serve in that position and also be on the Ethics Committee. Selectman Bickford said he did not see why not. Chair Rhoades said Mr. Jones would be a good coordinator with his police experience, and that TA Whittaker and Financial Assistant Vickie Blackden would assist with the paperwork. TA Whittaker said the paperwork is mostly financial, and that it would be a great help to staff to have a better handle with respect to the finances regarding grants etc. Selectman Gehl advised that both fire and police officers have opined that they do not want to be tied up with administrative duties in the event of an emergency so as to be able to direct their expertise in the field and not tied to a desk. Chair Rhoades asked if feedback from other departments should be sought. Selectman Bickford asked if the position should be advertised. Selectman Gehl said it was not an hourly position. He added the vacancy has been made known, and the duties should be recognized. The Director does not come forward in an emergency and command the fire and police departments; the person serves in an administrative capacity and calls for instituting the Emergency Operations Center. The fire and police chiefs direct personnel.

Chair Rhoades was unconvinced advertising would find someone for the position, too. He said Mr. Jones would work well and fill the position for the

remaining nine months of the term. He said Mr. Jones was a good candidate, and put his name forward.

Motion by Chair Rhoades to accept the resignation of Jason Lamontagne as Emergency Management Director effective May 5; second by Selectman Gehl. Selectman Bickford said he thought the Board should hear from Sgt. Lamontagne. Chair Rhoades said the Board needed information from him on where he was concerning grants, and that he had no interest in reconsidering the position. Selectman Bickford said he would prefer waiting two weeks. A vote was taken. **Rhoades – aye, Gehl – aye, Bickford – nay. The motion carried.**

NIMS Point-of-Contact Person - Motion by Selectman Gehl to appoint Town Administrator April Whittaker as the NIMS point-of-contact on a temporary basis, in order to not compromise the Town's ability to receive Homeland Security Preparedness grants; second by Chair Rhoades. The motion carried unanimously.

Milfoil Treatment – TA Whittaker advised that the Milfoil and Invasive Aquatic Plants Committee filed a permit for the proposed treatment of a section of Merrymeeting River in August, and notified abutters.

12. Non-public Session

Motion by Chair Rhoades at 9:55 p.m. to enter into non-public session pursuant to RSA 91-A: 3 II (c); second by Selectman Gehl. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye. The Board met with TA Whittaker to discuss/amend non-public minutes from May 19, 2008 and a personnel issue.

The board returned to regular session at 10:32 PM.

Motion Gehl to approve the Non Public minutes of May 19th, 2008 as amended and that they be sealed in perpetuity, second Bickford, vote 3 – 0.

13. Adjournment

Motion Gehl, second Bickford to adjourn, vote 3-0. The meeting adjourned at 10:33 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.

