

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

**Members present:** Peter Rhoades, Ronald Gehl, David Bickford

**Also present:** Town Administrator April Whittaker, Road Agent Mark Fuller, Elizabeth Cantrall, Elizabeth Kuzia, Stan Kuzia, Cathy Orlowicz, members of the public

**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 Ten Rod and Jenkins Roads have been graveled, and that crews are working on Brackett Road. The salt quote for this year, which is the state bid from Morton Salt, is \$62.73 a ton. Using 1,500 tons, that reflects an increase from last year's budget figure of \$66,000 to \$94,000.

Selectman Ron Gehl asked if RA Fuller was going to use innovative application techniques. RA Fuller confirmed that he was, and added that he always uses the minimal amount of salt. Chair Rhoades asked if more sand and less salt could be used. RA Fuller said he anticipated an increase in sand. He said that more sand would necessitate more clean up in the spring. During milder weather, he uses a ratio of six parts sand to one part salt; in colder, five sand to one salt. He said he was not yet convinced that other chemicals now on the market were worth trying.

**Motion by Selectman Gehl to waive the financial bid policy, as Road Agent Mark Fuller has received the state bid for salt; second by Selectman David Bickford. The motion carried unanimously.**

*Police* – Town Administrator April Whittaker presented the idea of a new decal for transfer station and Town Beach use, for absent Police Chief Shawn Bernier. She said the current system with decals is not working, as nonresident vehicles have been caught at the landfill and are often at the beach. New decals to be displayed on the rear window with the license plate number written on them would be dispensed when the vehicle is registered. Non-resident property owners would have a different decal. She indicated she would get a sample decal, and advised that the Solid Waste and Town Beach ordinances would have to be altered. The new system could go into effect on January 1, 2009 and allow for better policing. Chair Rhoades noted that someone would have to check the decals.

Elizabeth Cantrall said a nonresident friend of hers went to the beach with her and received a ticket. She said that Town rules allow guests at the beach, but with car seats, etc. guests need to park their own cars there. She asked about a Visitor's Pass, or some other means to afford a consistency that is now lacking. Discussion ensued related to guest passes and possible abuse of that system. TA Whittaker said the goals for the decision regarding the matter were to protect the transfer station, ensure enforceable parking at the Town Beach, and to reassure residents about abuse of the system. The Board decided to explore this issue in the future. Chair Rhoades asked for another town's policy regarding this.

#### **4. Administrative Review**

**Motion by Selectman Gehl to authorize Police Chief Shawn Bernier to sign the dispatch agreement with Strafford County Sheriff's office; second by Selectman Bickford. Amendment by Selectman Gehl to include the phrase: subject to clarification of the last paragraph; second by Selectman Bickford. The motion carried unanimously.**

*Large Pool Health Insurance* - TA Whittaker noted Barnstead Selectman Gordon Preston did not appear for his appointment with the Board. She said he is soliciting small towns to form a large pool for health insurance purposes. A large pool may recognize a 15 per cent savings. She said the downside was that payment spikes could occur if there were a catastrophic health event, such as a premature birth or bone marrow transplant, in another town. She suggested determining an exit strategy, in case it was needed. She said the deadline was August 1, 2008, and that she would like to hear from the Local Government Center on the matter. Since it appeared no action could be taken before the deadline, she said sometimes a year's wait can allow for a "look back" at the other town's experiences.

*Oil prices* - TA Whittaker said she looked at "Our Town's" oil price, but it was only offering rack plus, and the Town gets the same price from Irving, so competitive bidding did not appear viable at this juncture.

*Banking deposit* - The Board signed to move to a letter of credit, a more secure sweeper account, for the fire truck account.

#### **5. Public Appointment**

The Board met with Stan Kuzia to discuss his petition for the layout of Pine Point Connector as named by the petitioners, known previously as the private McKay Sandpit Road, to a Class VI public way. Mr. Kuzia provided the Board with a summary letter and the petition. The letter points out that, with layout, the Town would own the road without a maintenance requirement, as the Pine Point residents would pay for maintenance. Mr. Kuzia said the other road that provides access to the area is deeply eroded.

**Motion by Chair Rhoades to hold a public hearing on the layout proposal of Stan Kuzia's regarding Pine Point Connector at the Board of Selectman's business meeting on September 22, 2008; second by Selectman Gehl. The motion carried unanimously.** TA Whittaker took the

petition for review. Chair Rhoades said the Board has walked the road before, so there was no need to revisit it. He noted that all costs associated with the public hearing were to be borne by Mr. Kuzia.

## **6. Public Hearing**

**Motion by Chair Rhoades to enter a public hearing at 8:02 p.m. to receive public comment concerning the withdrawal and expenditure of \$11,000 from the New Property Tax Maps Capital Reserve Fund; second by Selectman Gehl. The motion carried unanimously.**

Selectman Gehl read the notice pursuant to RSA 91-A and Article VII of the 2008 Town Meeting, regarding withdrawing and expending \$11,000 for work completed on deed and survey compilation work for digital tax mapping and other invoicing per the terms of the contract for the remaining portion of the year. TA Whittaker said the process should be completed in 2009. There was no public comment. The Board closed out of the hearing at 8:08 p.m.

**Motion by Selectman Gehl to withdraw and expend \$11,000 for work completed on the digital tax mapping. He amended that to include: and any ongoing invoicing up to the approved appropriation of \$20,000; second by Chair Rhoades. The motion carried unanimously.**

## **7. Return to Administrative Review**

*Comparable towns for pay study* – After discussion of competitive v. comparable towns, the Board agreed to submit:~

Alton, Milton, Farmington, Allenstown, Gilmanton, Tamworth, Tuftonboro, and Rochester to the LGC for the pay study.

*Town Hall wireless* – Responding to Chair Rhoades' inquiry, TA Whittaker reported a quote of approximately \$100 to install a wireless connection in Town Hall. Selectman Gehl voiced concerns that in the future it could overburden Town Hall's bandwidth and cause degradation to the wired connection. Chair Rhoades said it would be a nice service to provide. Selectman Gehl said he agreed but felt security concerns should be addressed. The matter was tabled until the next meeting.

*Other Matters:* TA Whittaker asked the Board to think about 2009 budget parameters and directives for department heads. Informational items included the Ethics Committee Meeting minutes, and the meeting of the Emergency Operations Plan Employee Committee with Julia Chase of the State Bureau of Emergency Management.

The Board scheduled its next meeting for **August 4, 2008.**

## **8. Old Business**

*Rowe Memorial Request* – The Board discussed adding Wayne Corson's name to the Vietnam War memorial. Selectman Bickford said he had information on the Vietnam War committee. Chair Rhoades said he had planned to vote to agree to the addition, but Mr. Corson signed up in Rochester and would therefore not fit

the historical stipulation of New Durham being the home of record at the time of active service. Selectman Gehl said that did not matter because Mr. Corson was born, raised, and buried in New Durham. Selectman Bickford asked if documentation of that existed. Cathy Orlowicz said his mother, Mrs. Marjorie Rowe, said he was buried here. Chair Rhoades asked her opinion. Ms. Orlowicz said in order to maintain the integrity and criteria of the other memorials, another stone in the future with these kinds of additional names could be a way to handle this emotional issue. Chair Rhoades said he did not feel comfortable going against historical criterion. Selectman Gehl said he was willing to add the name, due to Mr. Corson's strong connection to the Town. Selectman Bickford pointed out that many people are buried here, who just retired to this area. He said documentation was needed. He said the Vietnam stone was set up at a certain time for a certain number of people and that a committee had turned material over to the Town. He said Mr. Corson does not fall within those parameters. He added that criteria should be developed regarding names to be carved on the backside of the memorial. Chair Rhoades said the only reference found to those included on the memorial from the committee indicated New Durhamites being recognized. TA Whittaker asked what the definition of a "New Durhamite" was, saying Mr. Corson was born and raised here. Selectman Bickford said historically inclusion on a memorial was based on the town of residence at the time of enlistment. Selectman Gehl said the Board had been presented with reasonable evidence that Mr. Corson had strong ties to the community. He did not envision a sudden influx of additional names. Selectman Bickford asked what evidence there was. Selectman Gehl responded personal testimony that Mr. Corson was born, raised, and buried here. Selectman Bickford said he had not seen any personal testimony. Ms. Orlowicz said she met with Mrs. Rowe and had had numerous phone calls. TA Whittaker said Mrs. Rowe had spoken with her, also. Selectman Bickford said Mrs. Rowe had not presented testimony before the Board. TA Whittaker pointed out Mrs. Rowe's age. Chair Rhoades said for any future name additions, he would like it to be established that it be based on home of record at time of entry into active service. He said he did not feel the Board could move forward with this.

**Motion by Selectman Bickford that Wayne Corson's name cannot be appropriately placed on the Vietnam War Memorial, as the Board lacked information and the parameters believed to be in place at the time for inclusion on the memorial; second by Chair Rhoades. Rhoades, Bickford – aye; Gehl – nay. The motion carried.**

*Class VI Road Review* – The Board will discuss this at the next meeting. Selectman Bickford reported the Planning Board worked on this. TA Whittaker will speak to Land Use Administrative Assistant David Allen about it.

*March's Pond Dam* – The Board discussed the stalled movement on construction of the dam. The Dam Bureau is still reviewing the plans and the contractor cannot obtain performance bond umbrella insurance, as the insurance world is extremely leery of issuing insurance concerning water in the wake of 9/11 and Hurricane Katrina. The problem stems from the Dam Bureau's classification of the dam as high hazard. TA Whittaker suggested meetings with Town Counsel, as well as with the Dam Bureau and DES. Selectman Gehl said any

municipality would be in the same position with a high hazard defined dam. TA Whittaker said New Durham just happens to be the first after Katrina. The Board agreed to discuss the matter in non-public session due to potential litigation.

## **9. New Business**

*Free Ambulance Transport* – The Board discussed a request from Kevin Jenckes, EMS Coordinator with the New Durham Fire Department, concerning expanding the write-off of co-pays or uninsured coverage for ambulance transport of Fire Department members and families to include all Town employees and their families. Selectman Gehl said he did not see how the policy was established in the first place. TA Whittaker said it was in effect when she began working here for the fire department personnel and their families. Chair Rhoades suggested when the policy began, the fire department volunteers received no money, and hence the support of ambulance write off as part of some compensation. TA Whittaker pointed out that the Town employees had not asked for this, but rather was a suggestion by Mr. Jenckes. It was suggested that the discussion could be part of the wage review. The Board decided to gather more background information.

*Disability Insurance Cost Savings* – Davis and Towle Agency suggested changing the three-day elimination period before disability benefits start for full-time employees to a seven-day elimination period to save approximately \$182.87 per month. The Board agreed that seven days was typical.

**Motion by Chair Rhoades to convert to a seven day elimination period to provide disability insurance at the next renewal cycle with Davis and Towle Agency, to realize a savings of \$182.87 per month; second by Selectman Gehl.** Selectman Bickford raised concerns that an employee in that situation could lose pay. Selectman Gehl said a person would lose two days pay if all of their sick days, personal days, and vacation days had been consumed before that point. The Town offers six sick days per year. **The motion carried unanimously.**

*Red Cross Sign* – The Red Cross requested erecting a sign in town to detail which chapter covers the community. TA Whittaker is to get information regarding the sign ordinance and exactly where the Red Cross wants the sign. Chair Rhoades suggested putting the Red Cross information on the Town's website.

*Second Ward* – Chair Rhoades presented a request to consider the Second Division as a second voting site, to give residents there an easier way to vote. Selectman Bickford wondered if there were enough supervisors for that. Selectman Gehl stated it was difficult for Second Division voters to vote, but he needed to know the mechanics involved. TA Whittaker is to check the timetable and what would be entailed.

*Friday Payday* – Chair Rhoades brought up a Friday payday, once direct deposit is available. Selectman Bickford said he would like to hear more feedback, as he did not think the employees would want it. Selectman Gehl

voiced similar concerns. Chair Rhoades said one person now has only two days to get the checks out from when the time cards come in. He called that an abnormally short period and said independent services would not do such a quick turn-around. He said he might bring up the matter again.

*Red Oak development* – Selectman Gehl recapped that the Red Oak Ridge owner is considering a conservation option, and there was talk of the Town’s participation regarding bonding. He said the Board was interested in pursuing this. He suggested asking Town Counsel if the Town should pursue Superior Court approval for a special Town Meeting, with the understanding that a purchase and sales agreement is in the offering. He said the Town needs to know what has to be put in place. Selectman Bickford said it is difficult to get a special Town Meeting, and he saw no emergency situation. He added that the Town is not part of the negotiations. Selectman Gehl said he understood that time was of the essence. The Board agreed to have Selectman Gehl check with Town Counsel. Selectman Gehl noted that a conversation he had with Attorney Teague was on Town Counsel’s bill. He clarified that Town Counsel solicited his input prior to a Planning Board meeting, and that he did not approach Attorney Teague unauthorized.

The Board discussed that the snowmobile clubs’ concerns regarding town beach improvements had been worked out so the final application can move forward.

Chief Bernier will send feedback regarding the employment contract for new police officer hire to recoup training expenses should employee leave prior to three-year commitment.

#### **10. Approval of Minutes**

**Motion by Chair Rhoades to approve the minutes of June 16, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.**

**Motion by Chair Rhoades to approve the minutes of June 23, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.**

The Board agreed to amend the non-public meeting minutes of June 23, 2008 in non-public session.

#### **11. Any Other Business**

Ms. Orlowicz asked if the Board would support the organization of a committee to investigate another memorial. The Board agreed wholeheartedly. Ms. Orlowicz said she would try to find interested persons. Chair Rhoades thanked her for any efforts toward handling future memorials.

#### **12. Non-Public Session**

**Motion by Selectman Gehl to enter non-public session at 9:55 p.m. pursuant to RSA 91-A:3 II (e) to discuss a legal matter; second by Chair Rhoades. A roll call was taken. Rhoades – aye, Gehl – aye, Bickford – aye.**

The board discussed the Marchs Pond Dam problems and what legal redress may have to be pursued.

Approved: New Durham Board of Selectmen minutes 7 /21/08

Mrs. Whittaker was directed to contact town counsel.

**Motion Gehl, second Bickford to seal the Non Public minutes for a period of 90 days, vote 3 – 0.**

**Motion Bickford, second Gehl to accept the Non Public Minutes of June 23<sup>rd</sup>, 2008 as amended, vote 3 – 0.**

**13. Adjournment**

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

The Meeting ended at 10:40 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.