

Approved

**New Durham Board of Selectmen
Minutes of Meeting ~ November 17, 2008
New Durham Town Hall**

Members present: Peter Rhoades, Ronald Gehl, David Bickford

Also present: Town Administrator (TA) April Whittaker, Police Chief Shawn Bernier, Road Agent (RA) Mark Fuller, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Solid Waste Facility Manager Joe Bloskey, Police Officer Jason Durrance, Marcia Clark, Cathy Orlowicz, Paul Raslavicus, Katie Tothill

1. Call to Order - Chairperson Peter Rhoades called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

2. Citizens' Forum - Marcia Clark noted three pipes in the area where March's Pond Dam was and asked if they would be permanent. Chair Rhoades said they were temporary. He explained the construction crew lowered the water level slightly to facilitate traveling back and forth.

Selectman Ron Gehl commented on the news article regarding the Boodey House in Foster's Daily Democrat. Cathy Orlowicz said the reporter's mistaken account of the house to be moved to the Meetinghouse grounds would be corrected. She clarified that Ridge Road and Stockbridge Corner Road will situate the Boodey House on a town-owned land parcel. She said coverage of the dismantlement also appeared in the Rochester Times, which has helped draw attention to the effort. She said the project has gone well and workers are in the final stages of picking up. The storage trailers are at the Solid Waste facility. She expressed gratitude to the volunteers and businesses that have helped. Chair Rhoades asked about the possibility of mold when hot weather returns. She said inspections will take place, and fumigation may be necessary. She said most of the wood made it into the trailers before the rain and the beams are stacked with sticks between them to aid airflow.

3. Department Reports

Police - Police Chief Shawn Bernier introduced Officer Jason Durrance, freshly graduated from the NH Police Academy and now in field training. Chair Rhoades asked the Chief about recent overtime charges. Chief Bernier said the overtime was due to coverage during voting, and detail costs, which will be reimbursed, came from details on King's Highway for construction police details.

Chief Bernier suggested retaining road names North Shore and South Shore, as there has never been any confusion regarding those names. He said he was waiting for recommendations from Emergency 9-1-1. Town Administrator April Whittaker said she would proceed with notices regarding the public hearings on renaming roads, with the deletion of North Shore and South Shore Roads.

Chief Bernier said the police vehicle damaged when it struck a deer is back in service and the check is in from the insurance company. The cost of repair was \$3,200. TA Whittaker pointed out a \$1,000 deductible, which was applicable.

Highway – Road Agent Mark Fuller said his crew was working on small road projects to prepare for winter and winter preparation on town trucks. Chair Rhoades asked him to hold off on applying salt until it was necessary.

TA Whittaker noted RA Fuller submitted comments on the Pay and Classification Study and will forward the same to the consultant at the Local Government Center.

RA Fuller and Selectman David Bickford briefly discussed a street sign on a state road that the Town apparently must post located at Merrymeeting Lake road.

Solid Waste – Solid Waste Facility Manager Joe Bloskey reported culvert repairs and making room for the Boodey House trailers. He said not as much demolition is coming in. Selectman Bickford asked about the transfer station now taking all kinds of plastic. Mr. Bloskey confirmed that residents can recycle all plastics from one to seven, including any plastic lawn furniture that is marked. He said savings on hauling fees will be realized. He clarified that office paper, magazines, and books can be put in with newspaper, and that tin cans will go with plastics and glass.

Building – Building Inspector/Code Enforcement Officer Arthur Capello said he had spoken with Town Counsel regarding the Main Street property with junk issues, and is in the process of putting together a timeline of action(s) taken by the town to date. He indicated the next step is to seek a court injunction.

Regarding the illegal junkyard on Old Bay Road, he said he will inspect the property per invite by owners on Saturday, supposedly to see a positive difference in oil drums.

He said he has been receiving phone calls about code issues. He reported about 100 permits have been issued year to date.

BI/CEO Capello said he would appear before the Planning Board concerning the dilapidated trailer on Route 11, explaining that the Planning Board must agree with the declaration of dilapidation and that the owners will have one year to repair or raze. TA Whittaker asked if the structure could be removed earlier by going through the Board of Health, and he said only if someone were living there.

Public Comment: Paul Raslavicus, Planning Board Member, pointed out that the Post Office uses only N. and S. to indicate North and South on the shore roads. He said he came before the Board to express thanks for allowing the Planning Board use of Town Counsel, and to note that he was concerned about “due process” being followed when the Planning Board meeting was held on the “Agreement” document between the Town and Red Oak Ridge LLC. He felt the importance of the meeting was minimized and explained the meeting was moved from the school gym to the library. Again, he wondered if due process was met regarding appropriate notification. However, he said Town Counsel deemed it appropriate as the Planning Board frequently continues issues.

Mr. Raslavicus opined that he considered the "Agreement" a new issue, and expressed concern that it holds for the next three years and leaves the Town unable to terminate it if no action is taken. He said only the developer can terminate it. He said it puts no requirements on the developer. Chair Rhoades asked if the other members of the Planning Board were comfortable with the way things were handled, and Mr. Raslavicus said they were, he being the sole dissenter.

4. Administrative Review

Red Oak Ridge Agreement Adoption - TA Whittaker provided the Board with the "Red Oak Ridge Agreement". Chair Rhoades said Town Counsel reviewed it and his recommendation was to move forward. Selectman Bickford said he did not see that the Town had much to lose or to gain.

Motion by Selectman Gehl to approve the agreement between the Town of New Durham and Red Oak Ridge LLC to provide a governing mechanism to suspend Planning Board review, pending pursuit of a conservation easement; second by Chair Rhoades. The motion carried unanimously.

Mr. Raslavicus pointed out that the Agreement would not include any new ordinances passed by town vote through 2011.

TA Whittaker announced a meeting of those interested in "Big Brothers/Big Sisters" tomorrow at noon at the school.

She informed the Board that a request to add \$250 to the Town Historian's 2009 budget had been received, so a re-approval selectmen vote of that account would be necessary. She said the Fire Department was excused from the budget review this evening, as Fire Chief Peter Varney's son was back from Iraq for a short time. She noted the plow on the skid steer at the Solid Waste Facility was rusted out, and she would review the expense sheet with Mr. Bloskey to see if the blade could be purchased out of his current budget. Mr. Bloskey advised that he would donate a blade.

5. Budget Review

Highway Account 4312 - Before proceeding, RA Fuller asked if there would be a warrant article regarding the Birch Hill conservation planning also referred to as "Red Oak: and if it would affect his budget. Selectman Gehl said that this would be a separate warrant article that the taxpayers will need to decide.

Budget sheets were reviewed, and Chair Rhoades asked about doing crack sealing. RA Fuller said there would not be money to effect those repairs next year, as there are so many other projects. He presented the Board with a list of roads and figures on rebuilding. He said those listed were the worst and had been passed over in the past, as there was not enough money to rebuild them. Work on the eight roads comes to a total of \$565,096, based on current pricing. He said he planned on finishing the shim and overlay on Ridge Road and shimming a mile of South Shore Road.

RA Fuller explained the Road Surface Management System he has used that lists every road and options on their maintenance. Selectman Gehl said an update was needed. RA Fuller said he and his assistant will be attending a class on it. TA Whittaker said she recommended to Mr. Fuller that he flesh out the paving plan to also include drainage fixes, culvert replacements etc so that a true picture of total dollars needed could be accrued, and go out for bonding citing that the existing annual appropriation of \$75,000 currently raised, could probably be turned around to cover an annual bond payment. Thus resulting in an immediate fix of the road infrastructure, which the taxpayers would benefit from. RA Fuller said this list did not include regular maintenance. He called the list a handful of the worst. Selectman Gehl said we need a comprehensive review and a long-term plan. However, she pointed out that Highway Block grants may disappear given the current revenue shortfalls that the State of NH is experiencing.

RA Fuller suggested that in these precarious economic times the Town put money in this year to hold these roads together, then utilize the RSMS and drainage plan to see if bonding is feasible. Selectman Gehl said he agreed that it must be a comprehensive look. RA Fuller said it might be necessary to contract out. TA Whittaker said it would be wisest to obtain an overall view and then determine how to tackle the cost. RA Fuller said he would request extra money to seal the cracks on the good roads, and would report back later. Selectman Gehl clarified that the Town has no road in imminent danger, but there are some deteriorated surfaces that need to be reclaimed and repaved.

TA Whittaker said she and RA Fuller are more concerned about the Davis Crossing Road culvert. RA Fuller stated that this precarious culver was a priority for next year in his opinion. He said he has been pursuing grants. He said most of the engineering has been done, and now it needs to be a box culvert. Selectman Gehl said a permitting process would also be involved. RA Fuller stated costs could be reduced as the Town could supply some materials. TA Whittaker said engineer Bill Straub has designed 80% of it in the town's pursuit of Hazard Mitigation Funding, and will provide a cost estimate. She said the Town would not have to raise the entire anticipated \$300,000, as money has been put away. Mr. Fuller said his fear was that the road culverts could not be shored up if there is another major flood, resulting in having to let the road go.

Selectman Gehl stated that staff should get a handle on possibilities of outside funding while we plan, and requested Mr. Fuller to pursue the status of hazard mitigation funding. He said you have to be in the loop for quite a while before you receive money. He stated we must find out if we can get money. TA Whittaker said Bridge Aid funds will be available in 2012, but RA Fuller is of the impression that the culvert won't last until then. That leaves only Hazard Mitigation grants, which are few and far between. Chair Rhoades said the Board bears responsibility if the road washes out. He asked for the design, estimate, and possibility of outside funding. He said the road maintenance is impressive, but things cannot be allowed to slide.

RA Fuller explained the figure of 200 hours of overtime per man, as the average is 240 hours per man but each takes 40 hours of comp time annually which alleviates the overtime payments. He and the Board discussed the additional position, added last year. RA Fuller said he wanted to go over issues he'd felt rushed on during the first review of

his budget. He touched on roadside tree felling, crusher work, radio maintenance, gas and diesel costs, winter maintenance, and repair costs affected by product prices, such as crack sealing. He said he would get a firmer price on crack sealing.

Chair Rhoades said his concern had been where the man-hours were going. Highway department personnel spend time at the Solid Waste Facility and assisting the Town Mechanic. RA Fuller will provide a more recent printout of man-hour distribution. Selectman Gehl noted variables in the budget include fuel and asphalt costs. RA Fuller provided the Board with an estimate of \$10,250 to construct an overhang on the salt building to prevent plywood damage. This money is located in Account 4194. He also mentioned the addition of computerized fuel pumps for \$12,000 would be 120% better than what is there now.

Solid Waste account 4324

Mr. Bloskey and the Board discussed overtime - high, due to a rough winter and sick leave. Mr. Bloskey corrected a figure under demolition. The Board also reviewed building maintenance, equipment rental, dues and fees, hauling, and vehicle fuel. Mr. Bloskey is to provide fuel amounts in gallons, as well as information on the lease/purchase of the compactors. The Board will look at the current lighting system in the area with the compactor.

6. Schedule Next Meeting

The Board scheduled its next meeting for *December 1, 2008 at the New Durham Library at 7:00 p.m.*

The Board scheduled a budget review meeting for *November 24, 2008* at Town Hall at 7:00 p.m.

7. Old Business

Recreation Commission Appointment - Chair Rhoades said that out of courtesy, the Board will wait for a recommendation from the Parks and Recreation Commission. Selectman Gehl asked to make a request for its recommendations as it has now been several months with a vacant position.

Pay and Classification Study - TA Whittaker remarked that the Town does give its employees 11 holidays, rather than 10, as Barry Cox believed so she will have that corrected.

Motion by Selectman Gehl to adopt the Town of New Durham 2008 Pay and Classification Study as drafted by staff of the Local Government Center; second by Chair Rhoades. Selectman Bickford brought up Town Clerk Ingham's issue. TA Whittaker said TC Ingham would meet with Mr. Cox to discuss her concerns regarding the grading of the position. **The motion carried unanimously.**

Class VI Road Review - Chair Rhoades said he preferred to keep the roads Class VI rather than converting them to Class A trails. He said he had been trying hard to get the issue of Class VI roads together. Selectman Bickford said Selectman Gehl had said he

wanted to be careful about changes. Selectman Gehl said he had no problem with making changes, as he thought the policy as it now stands is unacceptable. He said the more he looks into the matter, the more he would like to limit building on Class VI roads, as building poses many problems for the town. He said building conflicts with the Town's vision of where it is proper to develop. He said his overall goal had been to make minor changes to the policy that kept things simple, but that he was leaning toward inhibiting development on Class VI roads. He said Chair Rhoades' proposal is realistic, but a transition to Class A trails on those Class VI roads currently without buildings, would minimize any construction.

Chair Rhoades said he was not a proponent of changing to trails, as then no further building such as garages or sheds would be allowed for those residents who live on them. He said not even a storage shed could be added. Selectman Gehl said trails would not be proposed for those Class VI roads where there are houses. He added that if a resident wanted to upgrade the road to Class V, they should be able to. TA Whittaker advised there should be no expectation of potential building on a Class VI road. Chair Rhoades noted that in New Durham there has been, especially within 600 feet of a Class V road. Selectman Gehl said he thought that the policy had been misapplied in those cases. He said there was no equitable way to modify this from where we are without a major change. RA Fuller inquired as to the policy written by Tim Bates. Selectman Gehl said we do not want new construction on Class VI roads, although it may be a sound argument if someone close to a Class V road wants to extend it 100 feet or so. Chair Rhoades said he was uncomfortable with taking away a person's right to build if they are close to a Class V. Again, Selectman Gehl reiterated it was not a right. He suggested Chair Rhoades await an alternate proposal from the town administrator.

8. Approval of Minutes

Motion by Chair Rhoades to approve the minutes of the October 24, 2008 budget meeting as written; second by Selectman Gehl. The motion carried unanimously.

The Board agreed to consider the minutes of November 3, 2008 at the next business meeting to allow time for Mr. Bickford's review.

9. Any Other Business

Regarding the fire department's tanker, Selectman Gehl indicated outside storage of the tanker is no longer possible as there are no available indoor storage spaces in New Durham, with equal difficulty in locating a heated space. Chair Rhoades suggested pumping some antifreeze into it. TA Whittaker is to ask Town Mechanic David Valladares to hold it until spring and at what costs to antifreeze vital parts.

10. Adjournment

Motion by Chair Rhoades at 10:29 p.m. to adjourn; second by Selectman Bickford. The motion carried unanimously.

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.