

New Durham Board of Selectmen
Minutes of Meeting ~ December 1, 2008
New Durham Library

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, Marcia Berry, Jesse Box, Kathy Box, Dana Doyon, Wayne Glidden, Melody Horne, Michele Kendrick, Ron Malone, Sharon Malone, Fred March, Marion Martens, Rich Ministri, Ellen Phillips, Katie Tothill, other members of the public

1. Call to Order - Chairperson Peter Rhoades called the meeting to order at 7:04 p.m. and led the Pledge of Allegiance.

2. Citizens' Forum - Cathy Allyn announced the 1772 Meetinghouse Restoration Committee was hosting Community Caroling at the Meetinghouse on December 7, 2008 at 1:30 p.m. She said the Merrymeeting Merrymakers were caroling at the Senior Dinner at the school at 1:00 p.m. and would then move on to the Meetinghouse. She asked everyone to attend for a good, old-fashioned time, regardless of singing ability.

3. Department Reports

Police - Police Chief Shawn Bernier reported a home invasion in the Ridge Road area on Friday. He said three suspects have been arrested and charged with burglary, assault, and criminal mischief.

He added that Officer Durrance is still in field training, and that the Explorer is up and running

Highway - Road Agent Mark Fuller reported his department is pursuing winter maintenance. He said the new truck is operating. Chair Rhoades brought up a parking area in another community that was paved with material through which water runs. RA Fuller said the material was costly, and that a retired state engineer employee had told him not to use it, as there are problems associated with it.

Building - Building Inspector/Code Enforcement Officer Arthur Capello reported progress at the illegal junkyard on Old Bay Road, with oil, gas, and propane cylinders being moved out. He said the illegal junkyard situation on Main Street is moving toward court. He indicated he has discovered the owner of the trailer on Route 11 also owns the junkyard there, and he will pursue the matter. He told the Board he is continuing to go through old permits for follow up and inspection certification.

4. Public Appointment

Parks and Recreation sign - Parks and Recreation Commissioner Marcia Berry asked for clarification regarding the mobile sign by the Town Hall staff parking lot. Chair Rhoades

said the Town has restrictions on temporary signs. BI/CEO Capello said he sent out a memo that outlined the issues. He advised that the sign exceeds allowable size, is located on Town property without the Board of Selectmen's permission, and is prohibited according to ordinance, as it is not permanently affixed.

Ms. Berry said a similar sign has been borrowed in the past to be used to advertise the craft fair, so the Commission thought this sign would be okay. Chair Rhoades said the other sign was probably not displayed for a long period. He said he thought it was a positive thing to let people know what is going on, but that sign ordinances must be adhered to especially when there had been complaints rendered. He said that type of sign does not look good next to Town Hall, and added that no one asked permission to place it there. Selectman Ron Gehl said historically that type of sign has been used around town, and that there is a need to get information out. Ms. Berry said the Recreation Commission owns only the ball field, and the Commission discussed leaving it on Route 11. She said the Recreation Director's office is in Town Hall, so there was a connection to that property.

Selectman David Bickford said it sounded like a generic Town sign/bulletin board, that the Recreation department could use, was needed. Selectman Gehl said there must be a way to have an attractive, multi-function sign. Ms. Berry said the Recreation department did not need an announcement every week, or to fill a sign with information. Town Administrator April Whittaker noted that the Library Director had been advised to go before the Zoning Board of Adjustment for its current sign. Ms. Berry asked about a location near the Town transfer station. Selectman Gehl said such a sign would still need to comply with the ordinance, or the Recreation Commission would need to secure a variance, which is hard to obtain. He thought the Commission's best interests would be served with a new sign in the center of town. Chair Rhoades suggested a location by the transfer station could be a short-term solution, and a long-term solution could be discussed in the future. BI/CEO Capello pointed out, again, that the sign, albeit temporary, would still require a variance from the ZBA no matter its location, and permission, if it were situated on Town property. Chief Bernier said the Recreation department was welcome to use the police bulletin board. Ms. Berry said the school allows use of its sign, also, but sometimes more space is needed. Chair Rhoades suggested removing the sign after the "Craft Fair" this weekend, and asking Solid Waste Facility Manager Joe Bloskey about placing it near the transfer station if a time limitation variance were granted by the ZBA. He said the Board was in support of a short-term variance at the transfer station, the Board to set a timeframe for the sign's removal.

5. Public Hearing

Motion by Selectman Gehl at 7:35 p.m. pursuant to RSA 31:95-b to open a public hearing to accept the sum of \$23,777.66 appropriated to the Town of New Durham for FEMA Disaster Declaration with respect to the July 2008 tornado event; second by Chair Rhoades. The motion carried unanimously.

RA Fuller reported the highway department's share of the FEMA money is \$19,000 for repairs to roads, clean up, ditch work, hydoseeding, and tree service, which is 75 per

cent of what was put in. He said an additional twelve and one-half per cent is owed by the state, but it was unclear if those funds would be forthcoming. He indicated the \$19,000 would be credited back to his budget of this year. RA Fuller said, although more money was desired, this amount was expected. He added that an immense amount of paperwork and accounting is necessary to receive the funding. His office alone worked well over 40 hours on it, and he further gave credit to the Financial Assistant. Chair Rhoades thanked him for ensuring the Town got what was due.

There was no further public input.

Motion by Selectman Bickford to close the public hearing; second by Chair Rhoades. The motion carried unanimously.

Motion by Selectman Gehl to accept the payment of \$23,777.66 for FEMA reimbursement pertaining to the July 2008 tornado; second by Selectman Bickford. The motion carried unanimously.

6. Administrative Review

Local Government Center recognition - TA Whittaker displayed the second place plaque awarded by the Local Government Center to the Town for its 2007 Town Report. She said it was the first time the Town's report has been recognized for excellence.

Contract agreement - **Motion by Selectman Gehl to authorize the chairperson to sign on behalf of the Board of Selectmen the contract between the Town of New Durham and DuBois and King, LLC for engineering and oversight related to the March's Pond Dam construction project; second by Selectman Bickford.** Selectman Gehl noted that in addition to the engineering effort of the company, it is also responsible for full-time oversight of the project, as required by the Dam Bureau. **The motion carried unanimously.**

Cameron's Junkyard license - TA Whittaker said Mrs. Cameron had requested that the license be transferred to her, as her husband had passed away. It appears this will be the last year the junkyard is in operation. The Board agreed to transfer the license, and rendered their condolences.

Asphalt pricing - TA Whittaker provided the Board with a copy of asphalt pricing. RA Fuller said it was a guessing game, but had increased his budget by \$15,000 for crack sealing. TA Whittaker said it would be discussed at the next budget workshop.

Streetlights - TA Whittaker said Co-op representative Terry Matthews indicated that the pole numbers of the street lights the Board wished to discontinue are all private lights. Selectman Bickford said something was not right, as the Co-op provided a list of lights the Town pays for and those pole numbers were on it. TA Whittaker said perhaps the Co-op was not billing the Town for those. She indicated the process was begun on October 7, 2008, and she was receiving this information only now. She said she would request a listing of billable lights and the amount charged for each one.

March's Pond Dam update – TA Whittaker reported trees cleared and stumped. She said residents are pleased with the progress, and that December 19, 2008 is projected as the stop date. She said the head walls are up, and, as pins on abutter's properties will be buried, the pins will be raised. She noted the emergency action plan is ongoing with the Dam Bureau. She added that a dock and some personal property need to be removed from the Chalk Pond side.

LCHIP Funds – Although LCHIP funds will not come through for the next funding round, due to cuts, payment for the Historic Structure Report on the 1772 Meetinghouse will still be provided. There will not be money for the next round of grants only.

Fire Department Heating – TA Whittaker said she was getting quotes for a heating system for the fire department.

7. Schedule Next Meetings

The Board scheduled a budget workshop on December 8, 2008 at 7:00 p.m. at Town Hall.

The Board scheduled its next business meeting on December 15, 2008 at 7:00 p.m. at the Library.

8. Old Business

Class VI Roads – TA Whittaker said she would combine what has been discussed and prepare a draft policy.

9. Public Hearing

Motion by Selectman Gehl at 8:00 p.m. per the authority vested in RSA 231:133, to open the first public hearing to solicit public input for proposed street name changes to participate in the statewide GPS E-9-1-1 mapping system; second by Selectman Bickford. The motion carried unanimously.

Chief Bernier summarized the issue of contemplating joining E-9-1-1. He said E-9-1-1 came to the Board to see why the Town had not yet taken advantage of the GPS mapping system, thereby allowing residents to call in to an emergency communications center for response by local departments. He said a visit, along with the fire chief, to the facility in Laconia, convinced him of the benefit. E-9-1-1 provided the Town with a list of road names considered non-compliant, as they are too similar to other street names and could confuse the public safety officials who respond. Chair Rhoades asked what the benefit of belonging would be. Chief Bernier replied that the GPS tracking would aid response, and response time. The Town would receive disks with the road names that could be used to locate residences from laptops in official's cars. In the future, the emergency communications center will be able to track responders as they travel to the houses. He said the Town could be liable if a public safety official is confused by like-sounding names and goes to an incorrect address, thereby causing a delay in response time.

Chair Rhoades said some towns are hesitant about belonging to E-9-1-1 due to having to change some road names. He said if the Town does not change names, according to their

recommendations, it is open to huge liability. He mentioned that North Shore Road and South Shore Road were originally recommended to be changed, but that there has never been confusion over those names, and E-9-1-1 agreed that they could therefore be retained. He said belonging to E-9-1-1 would mean a safer environment in town. Selectman Gehl said he wanted to emphasize that the Town accepts a shift in liability if the Board agrees to belong to E-9-1-1. Selectman Bickford said the Board wanted to hear from residents.

Ron Malone said he thought it was a great idea to go with the GPS system and that the issue over road names was less important. He asked if that decision needed to be made immediately. Chair Rhoades said no names had to be changed, as the changes are recommendations only, but citing a suit, he stated that Laconia did not change according to the recommendations and was later involved in a lawsuit. He said the suit was sealed, so the amount of damages must have been huge. He added that a town's legal counsel would advise to follow the recommendations and change street names. Chief Bernier verified that E-9-1-1 highly recommends that similar names be changed.

TA Whittaker said she has listened to incoming emergency calls and people often give only half an address because they are panicked. She pointed out the dispatcher would also be unfamiliar with the New Durham area. Chief Bernier recounted that last week an officer was dispatched to an address on Ridge Road, but the call actually came from Ridge Road Top.

Sharon Malone asked what the connection was between 9-1-1 and residents' phone numbers. Chief Bernier said the number goes along with the GPS mapping, so the address would come up. Rich Ministri asked if it's data points, then why change street names? Selectman Gehl rephrased his question by saying, if you have a coordinate, what is the point of a name? TA Whittaker said that even with all the technology in the world, an emergency situation still boils down to two people talking to each other. She said she was a non-believer until she heard actual emergency calls. Chair Rhoades said it was an answer that needed to come from E-9-1-1, and asked Chief Bernier to have a representative attend the next hearing so residents' questions could be answered.

Wayne Glidden asked why similar names, but one ending in Road and the other in Drive, would be confusing. He said he was in favor of the GPS system. He also recounted a time when the ambulance went to the other end of his road before coming to his house. He suggested if the Town does not go through with the GPS mapping, that a sign reading "To Shore Drive" be erected at Butternut Road.

Marion Martens said the communications center would contact the local responders, who know the area. Chief Bernier said the correct information must be given to the local responder. Marcia Berry said mutual aid is also used, and those responders would be unfamiliar with the area. Michele Kendrick stated she had been a first responder in MA. To combat unfamiliarity, she wondered if the disks of New Durham could be handed out to others in the state. Chief Bernier said he could request that. Selectman Gehl said he understood there were some limitations regarding distribution, due to privacy concerns. Chief Bernier said his department supplies maps of the Town to other

communities' departments, but things are always changing. Ms. Kendrick cited the tornado, when response came from a wider area. She said the Town needs everything in its favor.

Ellen Phillips said she believed a GPS system was necessary, but stated there were few houses on Route 11 and nine of them on Old Route 11. She suggested leaving the names, and if more residences go up along Route 11, to change that, if possible. Chair Rhoades reiterated that changes do not have to occur, but that the Board is here to protect the Town for vicarious liability. She asked if we went with E-9-1-1 now, could names be changed in the future. Chair Rhoades said yes, but the change would probably happen after an incident. He said he thought the decision should be made at one time.

Dana Doyon asked how many residences were on Ridge Road and Ridge Road Top. TA Whittaker counted 37 on Ridge Road and 52 on Ridge Road Top. Mr. Doyon asked how many incidents related to address confusion on those roads had happened, and Chief Bernier replied four that he could remember in the 16 years he has worked here. Chair Rhoades reiterated Laconia's situation and said it adds more liability if the recommendations are not followed.

Chair Rhoades read a letter from Sherry Cullimore regarding imparting historical sense to the name changes. Ms. Cullimore said Ridge Road Top was formerly known as Ridge Road, and suggested Ridge Road could be changed to Plains Road, as it originates in the area of town once known as the plains. Kathy Box concurred with Ms. Cullimore's suggestions. She said continuity was also a good idea, especially regarding mutual aid, and that Ridge Road runs into Barnstead's Cook Road, so it might be advisable to be changed to that.

Chair Rhoades attempted to get a feel for the opinions of Ms. Box and others in attendance. He indicated she was in favor of moving ahead. He said the Board needed to, firstly, ascertain if there is general support for the GPS Mapping System, and then deal with the issue of street naming at a later date. Betty Christofore asked if some could be changed and others be left. Chair Rhoades said anything was possible. Selectman Gehl advised that the state comes out and does the entire mapping for free in response as to New Durham's costs for the mapping.

Jesse Box asked how much it would cost to set up the responders' vehicles. Chief Bernier said all but one cruiser has GPS monitors from a grant, they are just not running. Selectman Gehl said it would not be a significant cost. Chief Bernier clarified that the capability of tracking responders is years down the road, and that now the discussion is on getting the Town mapped and having a disk displaying where residences are located for officers' laptops. Melody Horne asked if there had ever been confusion between Route 11 and Old Route 11; Chief Bernier said he knew of no incidents. Selectman Gehl said it is the overriding benefit of going to the GPS system that was guiding the Board, and it would improve the Town's ability to respond to emergencies. Chief Bernier said the Town has the equipment and capability to receive information from E-9-1-1, and that, unless it was a medical emergency, any call would be transferred to regional dispatch.

Chair Rhoades asked, apart from the road changes, if anyone in attendance was against moving to the GPS system, and no one indicated they were. Chair Rhoades stated for the record that no decision has been made yet; that's why the public hearings were being held.

Mr. Ministri asked why the most recent mistake concerning Ridge Road and Ridge Road Top had happened. Chief Bernier said the dispatcher received a hang-up call and conveyed misinformation to the officer. Mr. Ministri asked what would happen if a resident placed an emergency call, and, out of habit, referred to the address as its previous road name.

Mr. Glidden asked about a local dispatch. TA Whittaker stated it would be very costly, takes up an enormous training cycle, and is a "burn out" profession due to the stress levels. Selectman Gehl asked Chief Bernier if New Durham received a lower level of service from Strafford County Dispatch because we are located at a far end of the county, and Chief Bernier said we do not. Ms. Martens asked why responders could not use MapQuest and Selectman Gehl said the information was often inaccurate. He said the GPS system is significantly more accurate and geared toward emergency response.

Motion by Chair Rhoades at 9:00 p.m. to close the public hearing; second by Selectman Bickford. The motion carried unanimously.

The Board took a five-minute recess.

10. New Business

Benefits – Chair Rhoades said he had been reviewing the Town employee benefit plans and asked what could be done to avoid having to owe someone a huge amount of money when they retire. He asked why sick pay was lost if not used, as that was not right. He said the policies do not seem to reward a conscientious person, and they should be reviewed to find a way to lump sick, personal, vacation, and bereavement days into a credit bank package. He said some of those days would have to be used, but the employee should be paid for what is not used. Paid out yearly, it would not create a balloon at retirement time or when an employee leaves the town. He said it would prove to be a motivational tool, and that the Town would rather have the employees at work. Chief Bernier said Barrington and Wolfeboro have such plans. TA Whittaker said the legislature knows it made a mistake regarding recent retirement legislation and a fix is to be proposed in 2009. She said she would get Wolfeboro's and New London's Personnel plans for review purposes.

11. Approval of Minutes

Motion by Chair Rhoades to approve the minutes of November 3, 2008 as amended; second by Selectman Gehl. The motion carried unanimously.

Motion by Chair Rhoades to approve the minutes of the business and budget meeting of November 24, 2008; second by Selectman Gehl. Selectman Bickford abstained. The motion carried.

The Board agreed to consider the minutes of November 17, 2008 at the next meeting.

12. Any Other Business

Selectman Bickford provided the Board with some information on fluorescent bulbs. He also asked about appointments to the Parks and Recreation Commission. Chair Rhoades said the Commission would bring recommendations to the next meeting.

13. Non-public Session

The Board agreed to take up no other business after the non-public proceedings.

Motion by Selectman Gehl to enter into non-public session at 9:35 p.m. under the terms and conditions of RSA 91-A:3 II (c) to discuss a personnel issue and RSA 91-A:3 II (d) to discuss potential acquisition of real property; second by Chair Rhoades. A roll call was taken. Rhoades - aye, Gehl - aye, Bickford - aye

The board returned to regular session at 10:35 PM. No decisions were made in non-public session.

14. 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.