

New Durham Board of Selectmen
Minutes of Meeting ~ July 20, 2009
New Durham Public Library

Members Present: Ronald Gehl, David Bickford, (Theresa Jarvis communicated through part of the meeting via speakerphone)

Others Present: Town Administrator (TA) April Whittaker, Road Agent (RA) Mark Fuller, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Fire Chief Peter Varney, Marc Behr, Marcia Clark, Mike Davenport, Nancy Hamer, Michele Kendrick, William Kendrick, Cathy Orlowicz, Ellen Phillips, Dave Stuart, Gigi Gianbanco, Ryan Noonan

1. Call to Order - Chairperson Ron Gehl called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance. He indicated Selectman Terry Jarvis was out of town, but had requested to be patched in via telephone for a portion of the meeting.

2. Citizens' Forum - Marcia Clark stated all residents north of the ponds were grateful for the efforts of the selectmen, and fire and police departments to protect them during the culvert and road construction that shut off their road. She said people appreciated everything the Town had done. Chair Gehl indicated she referred to closing Birch Hill Road. Road Agent Mark Fuller said his department replaced culverts that drained from the dam, and the road was shut down during that construction to save time and money. He said the fire department was on site. He thanked the residents who lost their telephone service and were cut off for a few hours.

Cathy Allyn announced three events open to the public in conjunction with the library's Summer Reading Program. She said a mad scientist musical comedy show is scheduled for Tuesday, July 28, at 1:00 p.m. Drop-in days on July 31 and August 1 are offered for families to enjoy hands-on experiments and crafts. The New Hampshire Astronomical Society also invites the public to a presentation on August 7 at 7:30 p.m., followed by stargazing on the library's front lawn.

3. Department Reports

Highway - Road Agent Mark Fuller presented the Board with three bids on the generator for the Police Department. He recommended going with Rines Electric, with the rationale that the company is based in town and that the proposed system works better for electronics, such as computers. He said the monies are there to cover the expenditure. Chair Gehl asked for time to digest the bids. Selectman David Bickford asked for clarity on several points, and requested a breakdown. RA Fuller said different brands of generators have different costs. He said a difference is in the generator set-up, allowing for consistency of power. He said he would put a breakdown of costs in the Board's boxes tomorrow.

RA Fuller reported he will meet with NH Electrical Co-op tomorrow at 6:00 a.m. to discuss ownership status of streetlights and potential cut offs.

4. Public Hearing

Proposed Street Name Changes - Chair Gehl re-opened the public hearing from July 6, 2009 at 7:17 p.m. He explained the Board wanted to provide two opportunities for public input on proposed street name changes. He said becoming part of the statewide GPS E-9-1-1 system would provide detailed maps. The Bureau of Emergency Management provided the Town with a list of street names it considers non-compliant, as they could be confusing during an emergency call. Chair Gehl indicated Selectman Jarvis was now part of the discussion by speakerphone. He said for her input to be valid, she must be able to hear what is said, and all present must be able to hear what she says. He told the public the Board was looking for ideas regarding name changes.

William Kendrick of Drew Circle said he had sent a letter to the Board previously, indicating his support of the changes. He asked what was more important, a name or the saving of a life. He said he was willing to change the name to help someone.

Michele Kendrick suggested an historical name for Drew Circle. She said it had once been a sandpit, owned by William Phillip Drew, and suggested incorporating a part of his name or calling it Roundabout Road, since it is a circle.

Nancy Hamer of Ridge Road Top asked for some parts of that name to be retained, so it would be Ridge Road and continuous with Farmington's Ridge Road, or Ridge Top Road. She said there is confusion now with Farmington.

Marcia Clark suggested Grove Road for Pine Grove Development.

Mike Davenport said there has been confusion at least twice in the last month with Frisbie taking the wrong Ridge Road to meet New Durham ambulances.

Selectman Bickford pointed out that Gertrude Drew also owned the land in the vicinity of Drew Circle, with her spouse, Bill Drew.

Chair Gehl read a letter from Barbara Bridges of Ridge Road, who was against changing street names. Responding to a concern of hers regarding costs to change an address, he said a similar concern had been raised at the first session of the public hearing. He said it was unnecessary to change an address in a property deed and the like, so there would be no costs there. TA Whittaker said deeds are changed when property changes hands. Chair Gehl said the Postmaster indicated a person would be unable to maintain the same mailing address if the road name changed. He added the Post Office provides a change of address packet. He also said, since New Durham addresses are keyed to hundredths of a mile along a road, no numbering changes should be made. That would include the use of A and B, signifying half numbers, along Ridge Road Top.

Chair Gehl said the next step would be for the Board to determine if any changes will be made. He said the Board was not excited about making changes, but was apparently

expected to, as it would lower liability, bring the Town into compliance with the Bureau of Emergency Management, and result in a safer response service. TA Whittaker said notifications would be sent out if names were changed. Chair Gehl said the Board would decide the new names, and it has had input on that. Police Chief Shawn Bernier asked that, once the decision is made, all changes be given to the Police Department in one fell swoop, and Chair Gehl said that would happen.

Cathy Orlowicz asked if the Board was interested in what the roads had been called previously, as she could do research. Selectman Jarvis said she would appreciate that, as she would like historical references in the naming whenever possible. Ellen Phillips asked how residents would know these historical names. Chair Gehl said any decisions would be made at a public meeting, and he invited everyone to attend. TA Whittaker pointed out that the new tax maps are coming and if there are to be new names, they need to be decided in August. Chair Gehl said a full slate would be presented to the public once the names are approved. Selectman Jarvis asked for a spreadsheet indicating all the new name suggestions, and TA Whittaker said she was already working on it.

Chair Gehl closed the public input and public hearing at 7:40 p.m. He said the Board would receive public input at its next meeting. Selectman Bickford suggested the public send in a letter if unable to attend.

Next Meeting – The Board scheduled its next meeting for August 3, 2009 at 7:00 p.m. at Town Hall.

5. Department Reports Continued

Fire – TA Whittaker passed out the conditional report on the old forestry unit prepared by Equipment Mechanic David Valladares. Fire Chief Peter Varney indicated a breakdown of pros and cons regarding mounting the forestry skid unit, prepared by Mike Davenport. Chair Gehl clarified that the old vehicle has a history of dying on occasion, which was not included in the conditional report. Chief Varney said last year the vehicle quit on the driver three times. He said there are issues with the electrical system, and being intermittent, are difficult for Mr. Valladares to solve. Mr. Davenport pointed out there are about three splices per foot of wiring under the hood. Chief Varney said the fuse box falls out. He said it was all right if the Town wanted to put money into repairing the truck. He said the electrical system is not addressed in the report.

Chief Varney said the amount of weight the truck hauls is a concern. He described the vehicle as a 1982 highway truck, given to the fire department in 1992. He said he recently discovered it should have been certified since it was rebuilt, and has a request in to Lakes Region Fire Equipment to certify it for \$150 to be used. He said they would try, but were concerned about the age of the truck. Selectman Jarvis said it puts a new twist on things if the truck is certifiable.

Mr. Davenport read aloud the three plans. Mounting the skid unit on the existing forestry chassis was not the plan submitted to FEMA when the grant was awarded. Selectman Jarvis said the grant said the old vehicle was unsafe. She identified the quote

from Page 14 of the Grant application. Mr. Davenport disagreed that the word used was unsafe. He indicated the verbiage was obsolete or less safe equipment. He did not have a copy of the grant with him and was unsure of the exact wording. He said the grant states it would replace a piece of equipment, as the department had applied for a tank or a full truck.

Chair Gehl asked if the life of Engine 1 could be extended one to two years because it is only running half the amount of time it used to, with the addition of the new rescue vehicle, and Mr. Davenport said that was true. Chief Varney said the replacement schedules for vehicles are set for larger departments, and New Durham does not run its vehicles as much. Mr. Davenport said the department looked at used vehicles and they were not in good shape. He said the best solution is to get something that will be good for 10 years. He added that the department gets a municipality discount, bringing down the price of a new vehicle considerably.

Chair Gehl clarified that the department was presenting obtaining a new vehicle made the most sense, and was suggesting the money be taken from the Capital Reserve Fund. He said he was uninterested in removing the money, unless there is a gain by doing so. He said the gain would be the increased life on the other vehicles. Chief Varney said it was more economical to run smaller trucks.

Selectman Bickford said the Board did not receive a report on the old unit's electrical system. Chief Varney said it would be hard for Mr. Valladares to find the problem if the vehicle is not acting up when he's looking at it. Selectman Bickford said he was not warm on the idea of a new truck, even if the department could use Engine 1 less. Chief Varney said the age of engines is no longer considered. He said it used to be that a truck was done in 25 years, but now the life can be extended. Selectman Bickford asked if the Town's CIP reflected that, and TA Whittaker said that committee was evaluating the schedule now. Chief Varney said the committee knows the life can be extended.

Selectman Bickford said he did not want a valuable vehicle in the woods. Chief Varney said the existing unit has been used in the woods since 1992 and has no bent fenders. Mr. Davenport noted that the skid unit could stay on logging roads. Selectman Jarvis asked if the department knew the cost of outfitting the skid unit. Mr. Davenport said he did not have an exact figure because the unit is designed to hold a lot of equipment and the department could also build things to hold equipment. Chief Varney said it would be less than converting the utility truck. Selectman Jarvis said she was opposed to doing away with that truck, as she wanted to preserve a vehicle for rehab. Mr. Davenport said the plan is to use the utility truck for rehab. Selectman Jarvis said the truck was a ¾ ton highway truck. Mr. Davenport said Mr. Valladares was going to load the truck with 4,000 pounds to see how it hauled. He said the manufacturer of the skid unit wouldn't put it on less than a one-ton truck.

Mr. Davenport advised that the unit needs to be in service by December 22, 2009 to meet the terms of the grant. Selectman Jarvis said she was looking at Mr. Valladares' report, and Mr. Davenport said he was surprised that the report read so well. She said, based on the report, the vehicle would be fine for a cost of approximately \$400. Chair

Gehl asked how many years would that gain the Town. Chief Varney pointed out that it was still unknown if the truck could be certified. TA Whittaker asked if the truck would have to be retired if it could not be certified, and the chief said that was correct. TA Whittaker said there was no money in the budget to sort out the electrical system, which was not mentioned as to costs in the report by the equipment mechanic. She felt this to be a big question. Chair Gehl said it would be a labor-intensive job. Mr. Davenport said the incentives and rebates offered now on new vehicles might not be available in a few years. He cited the cost of a new 2009 one-ton truck with dual rear wheels for approximately \$26,000 after rebates, incentives, and municipality discount. Chair Gehl said it made sense to mount the unit on a new vehicle if there was a corresponding offset in the CIP schedule so there would be a zero net effect on the tax rate. Chief Varney said the department was working with the CIP Committee. Chair Gehl said a new chassis would change the replacement schedule to make up for taking the money out of the CRF. Selectman Jarvis said usually new vehicle purchases go before Town Meeting. She pointed out that when that was not done once, it caused concern. Chair Gehl said that the past incident wasn't so much of a dollars and cents situation, and this was a compelling dollars and cents argument.

Chief Varney said he would know next week if the forestry truck was certifiable for the work it would do. Chair Gehl said it has functioned well, but it's been around too long. He said he would not blame anyone who was hesitant to drive it. Discussion ensued about which truck was used for what purpose. Mr. Davenport explained when the department first wrote the grant, the utility truck was the rescue vehicle. He said the new truck became a utility truck. Chief Varney said the smaller trucks are more easily maneuvered, and that the department used the new truck all the time. He said the rescue truck has had unanticipated benefits, such as the capability of running smaller crews, saving on gas, allowing less use of Engine 1, and being able to use drivers under the age of 21.

Selectman Bickford said voters were told one story at Town Meeting, and this would be changing it. Chief Varney said that was why they were here. He said they did not have all the information then about the unanticipated benefits of the utility 2. He said the department was saving so much now by using it, that it would not make sense to lose it by mounting the skid unit on it. Chair Gehl said an aspect of what was presented at Town Meeting would be different.

Selectman Jarvis asked what the plan was if the truck was uncertifiable, and Chief Varney said it would be out of service. He said he preferred sending out smaller trucks, especially in storms when a vehicle could be damaged. Selectman Jarvis said this would be an unanticipated expense in a bad economy. Selectman Bickford said he wanted to go to the voters, and to get an extension on the FEMA grant. He said the grant was written to a different truck. Chief Varney said FEMA would want a definite plan for an extension.

TA Whittaker said the Board could come back with a decision once it was known about the certification capability. Selectman Jarvis said it would be necessary to know if it

could be certified with the addition of 4,000 pounds. Chief Varney advised that only four or five department members could drive the old forestry vehicle.

Police –Responding to Selectman Jarvis’ question regarding the SPOTS grant, Chief Bernier said he expected to hear back at the end of August.

Crosswalks/Intersection Safety – Chief Bernier said he communicated with District 3 concerning safety features and changes he would like to see to the middle of the Main Street intersection, spurred by the recent two-car accident there. He also requested crosswalks from the Town Hall parking lot to the Food Pantry and from the Food Pantry to the Library. He said he met with state employees regarding the crosswalks, and they told him they would approve them after some paving work was done and the speed limit was reduced from 35 to 30. He said he also requested a stop sign in place of the yield sign from Depot Road to Old Bay Road. He said the state had issues with the current sign placement.

RA Fuller detailed the paving work for the crosswalks. He said there would need to be an apron from the edge of the road to the Food Pantry, and paving completed in front of the Food Pantry. He said it would take approximately 8.5 tons of asphalt, and the Town’s portion would be about \$1,500. Selectman Bickford asked about run-off from the Food Pantry. RA Fuller said the other paving at the Food Pantry should cause no run-off problems. He said the state would not allow the crosswalks without the work being done. He told the Board he would have the pricing by the next meeting. Selectman Jarvis asked if the state might say “no” to the crosswalks after the work was done, and RA Fuller said he did not think so. Selectman Bickford said he would have preferred not to replace the “Yield” sign with a “Stop” sign at that intersection. The Board discussed the possibility of the money for the project coming from two sources.

Motion by Selectman Bickford to approve an amount not to exceed \$1,700 to implement crosswalk paving improvements; second by Selectman Jarvis. The motion carried unanimously.

SWF Stickers – Chief Bernier reported that 125 vehicles used the Solid Waste Facility on Saturday from 8:00 a.m. – 12:00 p.m., including 38 with no stickers, 2 non-residents, and one trash hauler. He said he, RA Fuller and Town Clerk Carole Ingham had recommendations of updates to the ordinance. Chair Gehl noted recommendations of:

- ❑ stickers to be displayed on the driver’s side of vehicles;
- ❑ adding a reference to trash haulers;
- ❑ indicating a yearly fee for such a contractor (\$60); and
- ❑ providing for penalties if no sticker is displayed.

Extradition – Chief Bernier said U.S. Marshals apprehended Jason Schalebaum, a subject sought in connection with a stabbing on King’s Highway, in Florida, and that he was being extradited to New Hampshire.

Building - Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello said he was working on the legal aspects of the burn ruins on Ten Rod Road. He indicated there would be no office hours for his department from July 25 - 29, 2009.

6. Administrative Review

Recreation Department - The Board scheduled a meeting with the Parks and Recreation Commission for *August 5, 2009 at 7:00 p.m. at Town Hall.*

Loader engine - TA Whittaker said the engine of the solid waste department's loader is half repaired, and Mr. Valladares will be out for four weeks, due to a medical issue. She explained the highway loader has been loaned in the past, but it does not have solid tires and risks an expensive puncture. Apparently, mechanics are reluctant to finish a job halfway done. TA Whittaker reported that Mr. Valladares said his father's shop could do the job.

Chair Gehl said the work needed to be done and having it completed out-of-house seemed to be the only way, but the perception of conflict of interest concerned him. RA Fuller confirmed that no one wants to tackle an engine halfway put together, or that companies would want to dismantle what has been done and start all over again. The Board agreed to send the engine to Mr. Valladares' father's shop.

Work during medical leave - TA Whittaker advised that Mr. Valladares, Equipment Mechanic, per his e-mail to her wants to be called regarding work accomplished in his absence. She said a maintenance schedule needs to be developed, as she understood that no maintenance planning has been completed prior to medical leave. Selectman Gehl said RA Fuller and TA Whittaker were coming up with a plan, and RA Fuller said it was mostly completed. Selectman Jarvis said she understood that Mr. Valladares had previously worked out a plan with RA Fuller. She asked if employee David Horne could work full-time during Mr. Valladares' absence. RA Fuller said that was discussed. Chair Gehl said running every job through Mr. Valladares was impractical. He suggested RA Fuller and Mr. Horne determine priorities and keep Mr. Valladares in the loop. RA Fuller said a lot of things needed repairs. TA Whittaker suggested drawing up a schedule, presenting that to Mr. Valladares, and then do all the work without continuing to check with Mr. Valladares, except in major emergency repairs.

Chief Bernier opined that he believed Mr. Valladares just wanted to know what work will be done, and that he told him to go through Mr. Horne. TA Whittaker said Mr. Valladares did not leave a plan and Mr. Fuller advised the Chief that an e-mail did not indicate what he had relayed. Selectman Jarvis said routine maintenance would not need to go through Mr. Valladares, but that he should be informed periodically of what work has been done. RA Fuller said he would keep Mr. Valladares in the loop and work with Mr. Horne's scheduling. He said worksheets would be filled out too.

Wetlands permit ~ Public Boat Launch, Merrymeeting Lake - TA Whittaker informed the Board that the wetlands permit in conjunction with the reconstruction of the public boat ramp would be available at Town Hall later in the week for design review purposes. Chair Gehl said the Merrymeeting Lake Association is pleased with what is

proposed by NH Fish and Game. He said it was a simplification of an earlier plan. TA Whittaker indicated it would be a 40-foot dock with expansion of parking next door to the marina. Selectman Jarvis said there had been talk of installing a dry hydrant during that work. RA Fuller said it had been done.

Registration fee increases – TA Whittaker said the state was instituting an increase of fees on vehicle registrations, vanity plates, and transfer fees starting in August. Chair Gehl read the increases aloud. Selectman Bickford pointed out that the Board opposed these increases. Selectman Jarvis asked if Town vehicles paid for registration, and TA Whittaker said they were government plates and not subject to the fees.

Joint meeting of boards – TA Whittaker said she was unable to attend the joint boards of selectmen meeting regarding regionalization issues and joint bidding projects at Pittsfield Town Hall on July 23, 2009. Chair Gehl said he was also unable to attend, but that the Board could send its regrets and hopefully attend a future meeting.

7. Old Business

Employee Reporting Structure – The Board reviewed the chart Selectman Jarvis developed to indicate which employee is responsible for evaluation reviews. TA Whittaker said she moved the Health Officer to the Building Department and the Welfare Clerk/ Assistant to Administration. Chair Gehl said the structure has been adopted for guidance. The board agreed that the outline was well done and adopted the same. TA Whittaker said she would send it to department heads for clarity.

8. New Business

Woodward Conservation Easement – The Board discussed the request of the Conservation Commission for funds for facilitation of a conservation easement on property owned by Thomas Woodward and identified as Map 16 Lot 13. Costs to the Conservation Fund would be \$5,000 to facilitate preparation and legal work for the easement language, etc. and a \$10,000 Easement Monitoring Endowment to the Forest Society.

Motion by Chair Gehl to authorize expenditure from the Conservation Fund in the amount to \$15,000 to help effect placement of a conservation easement on land of Thomas Woodward in the area of Coldrain Pond; second by Selectman Jarvis. The motion carried unanimously.

Selectman Jarvis disconnected from the meeting.

9. Approval of Minutes

The following changes were made to the minutes of the business meeting of July 6, 2009:

- Pg. 2, 3rd paragraph, third to last line, change Manitou to Manitoo
- Pg. 5, next to last paragraph, third line, strike “if required as they were uncertain as to how ice action may affect the integrity of the concrete face.” and replace with “depending on how ice action affects the integrity of the concrete face.”

- Pg. 5, last paragraph, Insert as the second sentence, Selectman Bickford did not see dollar clarity per Dubois & King's outline. Change the "he" following that to "Chair Gehl".
- Pg. 6, first paragraph, third line, strike "installation" and replace with "retaining wall."
- Pg. 6, under Unfunded Mandate, third to last line, remove "o" from unfounded to read "unfunded."
- Pg. 7, next to last paragraph, next to last sentence, strike "enable" and replace with "require" and insert "both" before Class VI.
- Pg. 8, last paragraph, third to last sentence, insert "rectangular" before footing; second to last sentence, strike "it" and replace with "to".
- Pg. 9, under Building Assessment, second line, insert "in" between "be" and "the".

Motion by Selectman Bickford to adopt the minutes of July 6, 2009 as amended; second by Chair Gehl. The motion carried unanimously.

Motion by Chair Gehl to approve the minutes of the non-public meeting of July 6, 2009 as written; second by Selectman Bickford.

10. Non-public Sessions

Motion by Chair Gehl at 10:15 p.m. to enter into non-public session under the terms and conditions of RSA 91-A: 3 II (d), consideration of the acquisition of real property, RSA 91-A: 3 II (c), matters which if discussed in public would likely affect the reputation of any person other than a board member, and RSA 91-A: 2 I (c), consultation with legal counsel regarding non-public issues regarding employees. A roll call was taken. Gehl - aye, Bickford - aye. The motion carried unanimously.

The board returned to regular session at 11:10 PM.

Motion by Selectman Bickford, to release Town Counsel's letter regarding interpretation of RSA 91-A: 3 Ii (c) and public employees dated July 14th, 2009 to the Recreation Commission; second by Chair Gehl. The motion carried unanimously.

11. Adjournment

Motion by Chair Gehl at 11:12 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.

APPROVED: New Durham Board of Selectmen minutes 07/20/09