

**New Durham Board of Selectmen
Minutes of Meeting ~ May 17, 2010
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant Alison Rendinaro, Road Agent Mark Fuller, Equipment Mechanic David Valladares, Fire Chief Peter Varney, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Richard McCormack, Bill Straub, Mary McHale, Billy Perkins

1. Call to Order – Chair Terry Jarvis (TJ) called the meeting to order at 7:01 p.m. and led the Pledge of Allegiance.

2. Agenda Review – There were no changes.

3. Citizens' Forum – TJ spoke as a citizen to say the library was looking for volunteers to help with its renovations. She said she, Les Turner, the Cub Scouts and others will be working on the Town gardens this Sunday at 9:00 a.m. She congratulated Administrative Consultant Alison Rendinaro (AR) on her recent graduation from the UNH Master's program in Public Administration. She indicated Mary McHale will now be recording meetings and events in New Durham.

4. Board, Commission and Department Reports

Library Trustees - The Board met with Library Trustees Chairperson Richard McCormack regarding bids for painting the exterior of the library. Mr. McCormack said the library received four bids and he presented the three lower ones. He said the Trustees recommended low bidder John Boudreau, with a quote of \$5,050. He noted Mr. Boudreau's references, and, based on personal experience, said he was neat and reliable. Work includes power washing, caulking, staining the body, and painting the trim.

Motion Jarvis, second Selectman David Bickford, to accept the bid of John Boudreau Painting Contracting in the amount of \$5,050 as presented in the bid of May 3, 2010 for exterior painting of the library. 3-0.

Mr. McCormack asked if the Library Trustees signed the contract. TJ said the bills would be paid and money would be removed from the Town Building Improvements Fund later. DB said he thought the Board followed through with the bid. Mr. McCormack said he believed the Board should sign the contract. TJ asked if the Library Trustee chairperson and the Board chairperson should be authorized to sign.

Motion Bickford, second Selectman Fred March, to authorize the Board of Selectmen chairperson to sign the painting contract. 3-0.

TJ signed the contract.

Fire – Chief Varney provided a fire department spill clean-up plan. He said DES considered it more than sufficient. He reported that DES discovered other gravity separation systems, so he will contact those companies. Regarding renovations to the

office area, Chief Varney said he contacted the contractors Police Chief Shawn Bernier is using for estimates on the police station renovations. He explained that the radio room is to be raised several feet.

The Board and Chief Varney discussed the plan. TJ suggested researching ADA requirements. Chief Varney said he was trying to isolate the radio room. Heating systems were also discussed. TJ asked about the support wall and Chief Varney said the contractor has not yet provided an estimate. He said the costs would be for labor only. TJ said labor costs can be outrageous. Chief Varney said it shouldn't be too bad. TJ said a solid estimate on the support wall was needed, and that that work would go out to bid first. Chief Varney said there was no plumbing in the area to be worked on, and that the sink needed to be removed.

TJ asked if he had a report for the number of calls and runs in April, and he said he did not. He asked the Board if the fire department should consider charging for inspections, as Alton and Farmington do. TJ said it has been considered several times and turned down. She said she felt everyone should be allowed one free inspection and a follow-up. Chief Varney said sometimes the inspectors have to return multiple times because the applicant isn't ready.

Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello said he does one inspection at no charge. If something is wrong and he returns to find it corrected, there is no charge for that return call. A charge of \$25 per visit is levied if the correction is not effected. Chief Varney said he was against charging for a home wood stove inspection, but there could be a charge for businesses. TJ pointed out that charging for repeated visits could provide incentive to people to make corrections. Chief Varney said he does not put in for the time he spends on inspections.

DB asked him how BI/CEO Capello's plan sounded to him. TJ suggested Chief Varney do research on how other communities handle the matter. Chief Varney said he did not care if any money charged came back to the fire department. TJ said the department and Board would have to come up with a policy and procedures regarding the matter. DB noted that the Board has gone along with the fire department's recommendations regarding inspections. He said Chief Varney could bring a change forward. BI/CEO Capello cautioned that the term "fire inspection" should be used, as home inspectors are licensed. TJ asked Chief Varney to conduct some research.

DB brought up the issue of requiring fire department members to hold Commercial Driver Licenses. TJ said the Town's insurer recommends it and offers a free course. Chief Varney indicated the department took that course in Alton about six months ago. He said he spoke with DOT and was told the fire department is exempt from many aspects of the license. TJ said she recommended acquiring a CDL due to the knowledge you get. Chief Varney said he was for it, but pointed out that no one under 21 drives the big trucks, such as the rescue vehicle, Engine 1, and the ladder truck. He said pre-truck checks are done once a month and more general checks are done more often, and the checks are recorded, which covers the department. TJ said when she went through it, they did it weekly. Chief Varney noted that if you hold a CDL, penalties are higher for violations. He said he could make a list of those in the department with CDLs and who are designated drivers. He said a member must have driver training and be signed off on in order to drive a truck. TJ said the Town would pay the difference between a regular license and a CDL for members for the first year.

Chief Varney brought up DOT medical cards. Exemptions were discussed. Chief Varney said, tax dollar-wise, the department can't make all the suggested vaccinations and physicals. He said the DOT physical is cheaper. TJ said the Local Government Center would do some vaccinations. She said federal law mandates the hepatitis vaccination. Chief Varney said the hepatitis vaccination is expensive and is a series of three injections. He said it needs to get done. TJ said the expense comes out of the health officer's budget.

DB asked when the Board would discuss the fire department's Rules and Procedures. Chief Varney said the revisions are all done and he will get a copy to the Board. TJ said the Board could then decide to review it at a meeting or at a separate work session.

Equipment Mechanic – Equipment Mechanic David Valladares said he would like to go over some budget items. As of May 5, 2010, his overtime is over by 20 per cent, the supplies line is down 22 per cent and most big purchases have already been made, and the Transfer Station is over by 30 per cent due to the loss of the hydraulic pump on the skid steer. He said the Transfer Station loader is doing well, and loader tires for the highway department have been installed. He said he received a \$1,200 credit on the old tires. He said he had the requested Fleet Maintenance Schedule ready for presentation at the budget committee meeting.

In response to DB's question, Mr. Valladares said he did not have any large jobs pending. He said there has been no change in the grader transmission. DB asked about missing paint on vehicles and said he would like to get the metal covered. Mr. Valladares said he spoke with Chief Bernier about that. He said his understanding was that the Board would like to see touch-ups, but explained that with paint, touch-ups look like a patch. He said he is unable to blend the paint as a professional could do. DB said that would be preferable to bare metal. Mr. Valladares asked if the Board wanted him to do it in-house. He suggested sending out cruisers the Town will have for a while. DB said if a vehicle will be here another four years at least, pride should be taken. TJ said if a vehicle is to be kept two years or less, then an in-house touch-up would be fine. She said highway trucks are kept much longer.

AR said DB initially spoke to the integrity of the vehicle and was concerned about rusting. DB told Mr. Valladares the issue was at his discretion and impacted his budget. He asked that he keep the Board posted. Mr. Valladares expressed his appreciation for being allowed to change his hours to coach.

5. Old Business

Transfer Station Reconfiguration - The Board met with Bill Straub of CMA Engineers, Inc. regarding the CMA proposal for Transfer Station renovations. Mr. Straub said Road Agent Mark Fuller developed a fine concept that is completely supportable. The proposal relocates all recycling to one area made up of a series of roofed containers north of the recycling building and utilizes an efficient, circular traffic pattern. Mr. Straub said it uses the ample space the Transfer Station has. He said the quality control of recyclables would be possible and the operator space would be expanded.

Mr. Straub said CMA would develop cost estimates, and then a phasing plan, to outline the cost for each step, for \$3,900. He suggested putting a roof up as soon as

possible. He said it could be a sectional roof. RA Fuller said the roof could be extended as the budget allowed. Mr. Straub said the major cost would be the bins and the covering. He said the plan would minimize trash and maximize recycling. He said the recycling markets are back and the equipment the Town owns can handle the full source separating system. RA Fuller said the ability to have quality control would eliminate the current contamination problem.

Mr. Straub explained that revenues brought in by recyclables offset the labor costs. He said CMA did an evaluation of single stream recycling v. source separated, and with towns the size of New Durham, it is a toss up as to which is preferable. He said this lay-out and system will be fine as the town grows. RA Fuller said, according to his calculations, it would cost more to go with single stream. DB asked if RA Fuller had taken into consideration the cost of the building. RA Fuller said he hadn't, but pointed out that the Town would have to purchase a compactor and would have to pay hauling costs. He said the initial cost of the building would be a factor, but the contract with Concord's single stream facility is for 15 years and it's a longer trip than to Rochester.

Mr. Straub indicated New Durham does not have the space constraint that forced other towns to do single stream recycling. RA Fuller said single stream would be easier, but in the long run, the Town would lose money. DB said he was looking at the capital outlay. He said only metal returns a good amount of revenue. The Board asked Mr. Straub to analyze the cost of single stream, to compare it with source separated. DB said the Town might get more recycling out of single stream. Mr. Straub said that was true with commercial collection, but it was also possible to achieve high participation rates of residents bringing in recyclables. Mr. Straub said it would take between \$5,000 and \$6,000 to determine the costs of both systems.

Motion Bickford, second Jarvis that CMA Engineers, Inc. develop evaluations of both single stream and source separation recycling systems. 3-0.

In regard to concerns of glass shards hitting someone, RA Fuller said fencing was erected when the glass recycling bin was first put in. Mr. Straub said the wetlands permits are due in the next few weeks, so FEMA work on the culverts will begin. RA Fuller said the final inspection of March's Pond Dam was conducted on Friday and the state wants more grass seed in the area.

6. Return to Board, Commission and Department Reports

Chief Varney provided the Board with the list of all fire department members who signed receipt of the revised Ethics Ordinance. He also indicated a check for \$9,000, associated with the grant, would be arriving.

Dry Hydrants – Chief Varney brought up the idea of a dry hydrant to be put in Copple Crown near a swimming pool. He said the water does not go through a culvert. He said the Town has a Dry Hydrant Fund, and wondered if there would be money left after using the fund for a dry hydrant on Tash Road. He said the Dam Bureau is charging the Copple Crown Village District \$1,200 for the permit and \$400 a year for inspections. He wondered if the Town could help out. TJ said the Board would have to determine how the CRF is stated. She pointed out that CCVD is a precinct.

Chief Varney said the CCVD is not responsible for fire protection. He said the department would have to haul in water, so a dry hydrant would be advantageous. DB said he doubted if there was enough money for both projects. Chief Varney said, since

the CCVD has to go through the Dam Bureau, the money may not be needed until next year. TJ checked the Town Report and stated there was only \$7,800 in the fund.

Chief Varney said the CCVD told him it would give New Durham flat land up there for a satellite station. He pointed out it is on a private road. DB said they could create their own department, but they would have to change their charter. Chief Varney said a few people there have shown interest in joining the department, but they are too far away to make any runs.

DB asked if the forestry vehicle is running. Chief Varney said it is, but there have been no calls.

Building – BI/CEO Capello said he would be present at the bidder walk-throughs at the police station this Tuesday and next Tuesday. TJ said bids on the police station renovations are due by noon on June 7, 2010. BI/CEO Capello said the air conditioning and alarm system are separate bids. DB asked for a spreadsheet on fees, renovations, and new buildings, which BI/CEO Capello provided. BI/CEO Capello suggested the impact fee acts as a deterrent.

7. Old Business

Health and Safety Council – TJ said she attended the Strafford County Health and Safety Council meeting. She said they have been trying to get New Durham representatives, and suggested they attend the June meeting. She said one representative serves on the council and the other, on emergency management. This particular meeting was on health needs assessment, and if towns had the ability to provide public health initiatives. She said the Council looked at what is in place to be proactive, and its report will come out in the future.

8. Return to Board, Commission and Department Reports

Transfer Station – RA Fuller said he would bring a price on a used plastics compactor and container to the next meeting. He said he would also place an ad for part-time work at the Transfer Station and the Highway Department. He said one load of metal has gone out, and the Town has received a check for \$1,800 for cardboard and paper.

Gravel Crushing Contract – The Board reviewed the gravel crushing contract, and asked that 2c (Delay in providing invoices to Customer shall not alter Customer's obligation to timely pay Merrill the amounts due.) be deleted and that the owner be asked about the amount of interest mentioned under Default.

Motion Jarvis, second Bickford to authorize Mark Fuller to sign the contract with F. L. Merrill Construction, Inc., once resolution on the two issues has been reached. 3-0.

Paving – RA Fuller said he had one more reference to check on R. D. Torno and Sons' Paving, and that paving should start in mid-June.

9. Return to Old Business

Foresters - TJ said the forester bid letters for the Shirley Forest went out May 17, 2010.

Raffle Permit – TJ said the revised Raffle Permit has been sent to the LGC for review.

Change of Counsel and Use of Counsel – The Board reviewed AR's draft memo informing department heads, employees, board, commissions, and committees that legal needs will now be directed to Bart Mayer or his colleague Matthew Serge, both of Upton and Hatfield. TJ said this would let everyone know who is now Town Counsel.

DB said the Planning Board can now go directly to Town Counsel. FM said the Planning Board should have to go through the Board. He said that might delay a decision, but that is the nature of a planning board. He said the way things are now, all the other boards have to wait. TJ said she would like to get a better handle on the issues the Planning Board takes to Town Counsel, before changing the current practice. DB said it was an expense the Board is not watching. He said it is giving the Planning Board an open checkbook. TJ said she did not know what kind of expense it was. She said we've developed a tracking system.

FM said he was shocked at the attorney's bills. TJ agreed they were high. FM said it would not hurt the Planning Board to run a request for legal advice by the Board before going to an attorney. DB said there is no accountability now. TJ said they were separate lines in the past. She said some boards have no legal budget, but things might come up and they would need legal advice. She said it would be cumbersome to require each board to have a legal line.

Motion Bickford, second March that all communications with Town Counsel must be approved by the Board of Selectmen. TJ said the Board could ask Land Use Administrative Assistant David Allen to generate a list of Planning Board issues that have gone to Town Counsel. **3-0.**

TJ asked DB to relay the change to the Planning Board tomorrow night. AR is to include the change in the memo.

Pay Study – TJ noted a memo from Barry Cox indicated he would add several job descriptions to the Pay and Classification Study at no charge. She said they needed a list of positions that weren't analyzed. The Board agreed to meet with Mr. Cox at the June 7, 2010 meeting.

10. New Business

Transfer Station Holiday Schedule – The Board agreed that the Transfer Station will be closed Sunday, July 4, 2010 and the Town Hall, Library, and Highway Department will be closed Monday, July 5, 2010.

Board of Ethics Decision – TJ said the Board of Ethics dismissed the complaint that had been under consideration, after receiving legal input.

School District Payment – TJ presented a letter from the school district, indicating the June payment must be received by June 1, 2010 and the July payment must be received the first week of July. FM said the district's cash flow problem was not the Town's. TJ said she did not see why the Town should have to borrow money so the school district does not. DB said the Town collects the school's money for them. TJ asked if the Board was in agreement that the Town borrow the money to make the payment deadline, if the Town cash flow is insufficient. She said the payment date had been pushed up from June 30 to June 1. DB recommended getting advice from DRA. TJ said the earlier deadline was due to school ending earlier, so the payment to teachers'

would be earlier. AR is to check with Financial Assistant Vickie Blackden about the cash flow situation, and with DRA.

Current Use Letter – The Board reviewed a letter to an individual who failed to provide required documentation to the assessor, regarding property in Current Use. FM said he did not think everyone got those letters. DB disclosed he had land in both areas of Current Use. TJ asked if the Board should acquire more information. FM asked if anyone from the tax assessor contacted the individual to explain the process. TJ said letters were sent out outlining the requirements, and this is the first letter indicating missing documentation, since the individual did not file. The Board agreed to have TJ sign the letter, after verification that the individual received the first notification.

Trespassing Complaint – Regarding a letter from Mr. Allen about a complaint against the highway department, FM said the individual states the crew trespassed and damaged his trees and shrubs. He said the issue goes way back, and centers on unverified boundaries. He said if the road is in the correct place, with 20 feet of pavement, then the Town has 15 feet on either side as a right-of-way. He said the road location must be determined. He pointed out that there was a lot line change to get a well on the individual's property. TJ asked if the adjustment was documented, and FM said it should have been. DB said sand is traveling down to the individual's property.

FM said RA Fuller was to measure tomorrow. He said dumping snow and materials, thereby destroying property, was the issue. DB said the crew pushes snow at the corner, and where it is going is not in the right-of-way. TJ said RA Fuller could look at the blocked culvert to mitigate traveling sand, and mark boundaries to determine where the property actually lies. She said the Board would discuss the issue at the next meeting. The Board scheduled a site walk for Thursday, May 20, 2010 at 6:30 p.m.

11. Schedule Next Meeting

The Board scheduled its next meeting for June 7, 2010 at 7:00 p.m. at Town Hall.

12. Approval of Minutes

Motion Jarvis, second Bickford to approve the non-public minutes of May 10, 2010, as amended. 3-0.

13. Adjournment

Motion Jarvis, second March to adjourn at 10:33 p.m. 3-0.

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.

