

**New Durham Board of Selectmen
Minutes of Meeting ~ August 2, 2010
Town Hall**

Members Present: Theresa Jarvis, David Bickford, Frederic March

Others Present: Administrative Consultant Alison Rendinaro, Road Agent Mark Fuller, Police Chief Shawn Bernier, Fire Chief Peter Varney, Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello, Town Historian Cathy Orlowicz, Fawn Choate, Richard Fink, Jim Forsyth, Art Hoover, Barbara Hunter, Dave Shagoury, Mary McHale, Billy Perkins

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

2. Agenda Review – Administrative Consultant Alison Rendinaro said the grant under IV. 4. on the agenda is for the skid steer and not a compactor and container.

3. Citizens' Forum – Town Historian Cathy Orlowicz said the war memorial bricks are now located in the Town Hall garden. She thanked Road Agent Mark Fuller for assisting. She said everyone involved in the project has been informed. She added that she received information on a possible source for Town Hall doors. She said a prior Board looked into the process and she had passed on information regarding what the doors once looked like.

She told the Board that the Town is first in line, after 20 years, to receive a roadside historic marker concerning the 1772 Meetinghouse. She said she needed information confirmation and was seeking the Board's approval to move forward. Chair Jarvis said it would be discussed in New Business.

Jim Forsyth introduced himself and said he was running for State Senate.

Cathy Allyn said the 1772 Meetinghouse Restoration Committee was in the process of forming a support group. She said the committee and the Conservation Commission would have displays at the Celebrate New Durham Day. Chair Jarvis read off a list of activities for Celebrate New Durham Day on August 7, 2010.

4. Appointments or Public Hearings

Town Beach Ordinance – Chair Jarvis opened the public hearing on changes to language in the Town Beach Ordinance at 7:09 p.m. She said the changes addressed those eligible to use the beach. Police Chief Shawn Bernier said the change affected the permit process by spelling out that a resident, renter, or taxpayer may use the beach with the purchase of a temporary or regular Transfer Station card. (See the minutes of July 12, 2010.) Public input was closed at 7:10 p.m.

Motion by Selectman David Bickford to approve the amendment to the Town Beach Ordinance, TO.03.007; second by Selectman Fred March. 3-0.

Chair Jarvis said the change is effective as soon as the last signature is affixed.

Road Name Change – Chair Jarvis opened the public hearing on the proposed road name change at 7:13 p.m. She said one abutter indicated no objection to changing Merrymeeting Road 156A, B, C and D to Martys Way, and the other abutters supplied no input. Chief Bernier asked that E-9-1-1 be contacted after the change. There was no public input and Chair Jarvis closed public input at 7:15 p.m.

Motion by Chair Jarvis that Merrymeeting Road 156A, B, C and D be changed to Martys Way, and that houses be appropriately numbered following consultation with the Fire Chief; second by Selectman Bickford. 3-0.

AC Rendinaro will alert the Post Office and the Fire Department to the change. RA Fuller said the road is private, but signs of other private roads were taken care of when the Town joined E-9-1-1.

Merrymeeting Lake Drawdown – Richard Fink of NH Fish and Game said the proposed drawdown of the lake will occur between Columbus Day and December. He presented engineered plans to the Board of the new boat ramp project, explaining that the concrete planks of the current ramp have suffered ice damage. He said Fish and Game is now using a new plank design for a concrete ramp that will stand up to ice. He said an anchor is also to be installed, as well as a floating dock on the northerly side, attached to a small concrete pier. He said the scour hole in the lake at the end of the ramp will be filled, and boulders will be shifted away from the road to enhance parking. The concrete barrier will be removed and guardrails installed.

Mr. Fink said the drawdown was necessary, as the workers would have to be knee deep in cold water otherwise. He said they would like to get the water as low as possible, and he mentioned four feet from the high water mark as being desirable. He said they would be glad to coordinate their efforts with those of the Milfoil Committee.

RA Fuller said there have been numerous sets of plans for the project over the years, and he indicated at one point a culvert across Merrymeeting Road with riprap so the water would circle back was discussed. Mr. Fink indicated an environmental treatment swale would redirect water to slow the sediment running off from the parking lot. RA Fuller said the inlet was to be on the west side and was to cross the road. He said all the water from the west goes into the intersection and there is no catch basin. He said there was discussion of Fish and Game installing a catch basin. Mr. Fink said he would check about the culvert crossing. He said there may be reluctance to open cut across the road, and that it could be thought that the water was the Town's problem. RA Fuller pointed out cheerfully that it was the state's problem.

Mr. Fink said the extended parking lot would remain gravel and sport signage permitting use to only those using a trailer. Chief Bernier said the NDPD would be responsible for parking violations.

Arthur Hoover, chair of the Milfoil Committee, asked how the drawdown would affect the two dams downstream. Mr. Fink said it should not affect the downstream area. Mr. Hoover noted the Milfoil Committee requested a drawdown of Jones Pond in the winter because it had proved beneficial in the past, but Fish and Game Waterfowl Department would not allow it. He said there are 35-40 acres of the Merrymeeting River system infected and the committee was attempting to confine it. Mr. Fink said there are opposing views within Fish and Game, but he believed they could determine a drawdown

level that would meet everyone's needs. He indicated the committee's preference for drawdown level seemed to be as low as possible, also, and DES will determine the level.

Mr. Fink explained that Fish and Game owns the dam, but DES maintains it. He said the public hearing was being held early to receive feedback. David Shagoury asked how soon the level would be restored, and Mr. Fink replied that it would be subject to the public's interest. He said Fish and Game does not need it down all winter. Chair Jarvis asked if the river level would be affected by the lake being brought back up and Mr. Hoover said it would not. Mr. Fink said Fish and Game was allowing a four-week period for the project – two for the work and two others for unforeseen problems. Mr. Hoover said he would send Mr. Fink a summary of what the committee is doing.

Fawn Choate asked what level the lake would be brought back to. Mr. Fink said he would defer that to the community, as it could be any level. RA Fuller said it could come up to winter level. Mr. Fink told Ms. Choate that the lake would not be lowered before October 1, 2010 and that people would be alerted to the drawdown by the Fish and Game website. Chair Jarvis asked that he keep AC Rendinaro up to date, so she could relay word to the Merrymeeting Lake Association and post it on the Town website.

Ms. Choate asked if revegetation was planned, as it was promised earlier and not done. Mr. Fink said plans include a two to three foot earthen berm with some vegetation on top to act as a screen. He said if the full vegetation was not achieved in the fall, then it would be done in the spring. Ms. Choate mentioned removal of a property line marker and asked if it would be replaced. Mr. Fink said he would check into it.

Discussion ensued over the restricted parking being seasonal, as ice fisherman use the parking lot without being cited. Mr. Fink said no taxpayer dollars were being used on the project. Chair Jarvis summarized the issues discussed as being: need for a culvert, signage, tie in with the Milfoil Committee's activities, replacement of a property line marker, revegetation and compliance with all previous agreements, and that AC Rendinaro will be the official contact for the Town. She closed the hearing at 8:02 p.m.

Grant Acceptance – Chair Jarvis opened the public hearing to accept the New Hampshire the Beautiful grant for the Transfer Station skid steer at 8:03 p.m. As there was no public input, she closed the hearing at 8:04 p.m.

Motion by Chair Jarvis to accept the amount of \$4,000 from New Hampshire the Beautiful for the purchase of a skid steer; second by Selectman March. 3-0.

Appointment to Milfoil Committee – **Motion by Selectman Bickford to nominate Tom Rogenski to the Milfoil and Invasive Aquatic Weeds Committee; second by Chair Jarvis. 3-0.**

5. Board, Commission and Department Reports

Board of Ethics – Chairperson Barbara Hunter presented the Board of Ethics' goals, including listing the RSAs regarding the Ethics Ordinance's interpretation and implementation, preparing a warrant article regarding ordinance revisions, and heightening awareness of the ordinance. Selectman Bickford said he liked what the board was trying to do. Ms. Hunter said the board has been in existence for two years, and has had one inquiry and one complaint. Chair Jarvis brought up the recent complaint, and said a review was necessary to comply with state laws. Ms. Hunter said

the ordinance was passed in March 2008, and an RSA was strengthened after that. She said other things may have changed during that time period, and the board needed to ensure that the ordinance was up to date with state laws. She said it did not mean that an ordinance cannot have something beyond a state law, but if a state law supersedes it, the board must be aware. She added that the board, to be in line, might need to consult with Town Counsel.

Police – Motion by Chair Jarvis to accept the resignation of Toby Perry as a part-time officer of the New Durham Police Department, and to thank him for service to the community; second by Selectman Bickford. 3-0.

Chief Bernier asked if he could find a replacement, indicating people had approached him regarding the position. The Board had no objection. The Board discussed the need to advertise for the position, and decided to have Chief Bernier advertise only if those who have approached him do not work out.

Chief Bernier said the central air will be installed on August 5, 2010. Renovations will begin mid-September and take approximately three weeks.

He told the Board the 2005 cruiser was damaged during an arrest, as a female suspect assaulted two officers and damaged the radar antenna bracket.

Chief Bernier said his department received an OHV grant from Fish and Game for \$1,350, which amounts to 30 hours.

Highway – RA Fuller said culvert work was progressing.

Building - Building Inspector/Code Enforcement Officer (BI/CEO) Arthur Capello presented the Board with a 2010 Permits Issued report, noting \$2.2 million in building, \$14,500 in fees, and \$17,600 in impact fees.

6. Old Business

Fire Station Wall Bids – Fire Chief Peter Varney discussed the project and the three received bids. RA Fuller listed work done by bidder William Dahl. Chief Varney said the bidders were presented with a conceptual plan, so that they own it, rather than the Town. He said two contractors went into the attic and recommended installing a beam. He recommended low bidder William Dahl.

Motion by Chair Jarvis to award the bid for the fire station retaining wall to William Dahl, for the quoted price of \$580 in material, \$100 for demolition costs (sheetrock), and \$1,500 for labor for a total of \$2,180; second by Selectman Bickford. 3-0.

Hazardous Material Response Team – Chief Varney said the Central NH Hazardous Response Team will come to New Durham to assess our risks, as we are members of Lakes Region Mutual Aid. He said he needed a signature to grant permission to put someone on the committee to do the work. He said his department cannot handle hazardous materials and must rely on outside resources. He said there were no formal agreements.

Motion by Chair Jarvis to allow the New Durham Fire Department to participate in the Central New Hampshire Hazardous Materials Response Team's regional planning committee; second by Selectman Bickford. 3-0.

Motion by Selectman Bickford to nominate the chairperson as authorizing agent to sign on behalf of the Board of Selectmen; second by Selectman March. 3-0.

Fire and Emergency Training Network – The Fire Department has subscribed to FETN for one year at a cost of \$2,465.96. Chair Jarvis noted that Lt. Jon Roy is encouraging increased participation. Chief Varney said Emergency Management Director Ken Quigley will determine who needs the ICS course, and that EMS training can be done through FEMA. He presented the Board with information from Lakes Region dispatch concerning local runs and mutual aid response. He said that the group of young people involved in the fire department is the Explorers, so youngsters are covered under Boy Scouts of America, and that he has been using the terms “Explorers” and “Junior Firefighters” interchangeably.

Town Hall Outside Bulletin Board – Chair Jarvis presented Renaissance Signs' bid of \$2,950. Chief Bernier said Administrative Assistant Katie Woods found a vendor online. BI/CEO Capello suggested a finish carpenter in town could build one. The Board agreed to find out where the Police Department's sign came from and request a quote. If the prices remain above \$2,000, the Board may inquire about using a carpenter.

Alcoholic Beverages Ordinance – Chair Jarvis said Chief Bernier requested the definition of “public way” be integrated into the Alcoholic Beverages Ordinance, and the Board approved the ordinance as revised and as presented at a public hearing. She said the Board duly adopted the ordinance by majority vote and it should have been put into effect in April, but it needs signatures. She said if concerns with the ordinance still exist, then the process can be gone through again. She said the revised ordinance couldn't be changed without going through the process again. She said she had a letter from Town Counsel regarding the revision. She told Selectman Bickford to work on clearer language if he wanted to and bring it forward.

Selectman Bickford said the Local Government Center (LGC) does not see where the Board's authority would come from, statutorily. Chair Jarvis said Town Counsel believes the Board has the authority. Selectman Bickford said he did not see how the Board could regulate watercraft. Chair Jarvis said the Board has not signed the revised ordinance, so Chief Bernier cannot enforce it. Selectman Bickford said state law covers motor vehicles on roads. Chief Bernier said the Town would receive money from violations if the police enforced a Town ordinance, rather than a state law. Chair Jarvis and Selectman March signed the revised ordinance.

Raffle Policy – Regarding return to the issue of the Board authorizing the Police Chief to sign raffle permits and then present them to the Board, Chair Jarvis said state statute says the Board must approve raffle permits. Chair Jarvis recommended changing the wording in the Annual Approval for Raffle Permits Policy from “authorizes the Police Chief to issue permits” to “authorizes the Police Chief with preliminary approval.”

Selectman Bickford suggested changing “approval” to “recommendation”. Chair Jarvis voiced concerns about representatives of the non-profit organizations having to come before the Board, but Selectman Bickford said the Board only needs the application. He said if the Board knows the group applying, it can just approve it. Chair Jarvis said she did not want to penalize a group that might not have time to file an application before a Board meeting.

AC Rendinaro said Town Counsel suggested the Police Chief could sign it, but he would have to then come before the Board for it to say aye or nay; which would make more paperwork. Chair Jarvis said to forget this, then, and let the organizations know they don't have to show up, but can simply send in their applications.

Mr. Shagoury asked if the process would work if only two selectmen signed an application, thereby not making an organization wait for the next meeting. Chair Jarvis said there is a question as to what needs to transpire in a public meeting, such as signing timber cuts and signing the manifest. Mr. Shagoury said the Board was doing it with so many things, why not include raffle permits. Selectman Bickford said it was not a big deal. He said any groups unknown to the Board could come before it. Chair Jarvis said AC Rendinaro could act as a filter.

New Durham Food Pantry Raffle Application – Chair Jarvis stepped down, as she serves on the Food Pantry's Board of Directors.

Motion by Selectman Bickford to approve the raffle permit for the New Durham Food Pantry, drawing to be November 3, 2010; second by Selectman March. 2-0.

March's Pond Dam – Chair Jarvis said the Town received the final bill to release money held back from March's Pond Dam from DuBois and King. AC Rendinaro said she spoke to Bill Straub of CMA Engineers, who assured her it was the final bill related to the project.

Adoption of Land Trust Standards and Practices – **Motion by Chair Jarvis to adopt the applicable Land Trust Standards and Practices as guidelines for Town historical, cultural, or natural resource projects; second by Selectman Bickford. 3-0.**

The Board signed the agreement.

7. Status Reports

Job Descriptions – Chair Jarvis said the appropriate job descriptions have been forwarded to the LGC to be included in the Pay Study update.

8. New Business

Moose Mountain Regional Greenway Agreement – The Board reviewed the draft contract for professional services between the Conservation Commission and MMRG. Chair Jarvis said Land Use Administrator David Allen believed the money would come from the Conservation Land Purchase Fund. She said she needed to check with Mr. Allen to determine if those funds can be used for all uses of the contract.

Legislative Floor Policy – The LGC has requested the Board respond on how it stands on issues by August 13, 2010. Selectman Bickford said it has been discussed in public, in the past. He said the LGC use the stances of towns to lobby. He said he did not like doing it because he is more state government than local government. He said he would have to recuse himself from discussion on some of the issues. Chair Jarvis said the material was lengthy and suggested a workshop session. AC Rendinaro said MRI wants a meeting to discuss the internal controls review. The Board scheduled a work session this Thursday, August 5, 2010 at 7:00 p.m. at Town Hall to review the LGC’s recommended action policies and finalize the Fire Department’s Rules and Regulations. AC Rendinaro is to determine when Selectman March is available in the late afternoon to schedule a meeting with MRI. August 11, before the CIP meeting, was suggested.

Meetinghouse Historic Highway Marker – Citing the negative connotation of “abandoned” in the last sentence of the marker’s language, Ms. Allyn asked if Ms. Orlowicz could ask the state to indicate the building is the focus of community supported restoration. AC Rendinaro advised the Town might lose its number one spot if there was a request to alter the language.

Motion by Chair Jarvis that the Board of Selectmen reaffirm its desire to have a New Hampshire Historical Highway marker erected for the New Durham 1772 Meetinghouse, and that it agrees with the proposed location of the intersection of Route 11 and Davis Crossing Road; and further, to authorize the Town Historian to see if negotiation of language on the marker is possible without losing the Town’s number one status; second by Selectman Bickford. 3-0.

9. Schedule Next Meeting

The Board scheduled its next meeting for August 16, 2010 at 7:00 p.m. at Town Hall.

10. Approval of Minutes

Motion by Chair Jarvis to approve the minutes of the work session of July 8, 2010, as amended; second by Selectman Bickford. Selectman March abstained. 2-0.

Motion by Chair Jarvis to approve the minutes of the first non-public session of July 8, 2010, as presented; second by Selectman Bickford. Selectman March abstained. 2-0.

Motion by Chair Jarvis to approve the minutes of the second non-public session of July 8, 2010, as amended; second by Selectman Bickford. Selectman March abstained. 2-0.

The following changes were made to the minutes of July 12, 2010: pg. 3, under Equipment Mechanic, change the price of tires from \$3,000 each to \$1,350; under Status Report, second paragraph, first sentence, change “visiting” to “visited.” Pg. 4, under Old Business, seventh line down, add “then” between “said” and “nurturing”; eleventh line down, replace “for” with “after.”

Motion by Chair Jarvis to approve the minutes of July 12, 2010, as amended; second by Selectman March. 3-0.

Chair Jarvis noted that the Board approved timber cuts on Berry and Ridge Roads, and signed the manifest and payroll checks outside of a public business meeting.

11. Non-public Session

Motion by Chair Jarvis at 10:25 p.m. to enter into non-public session under RSA 91-A:3 II (c) and (d). A roll call was taken. Jarvis – aye, Bickford – aye, March – aye.

The Board met with RA Fuller.

Motion by Chair Jarvis at 11:25 p.m. to return to public session; second by Selectman March. 3-0.

12. Adjournment

Motion by Chair Jarvis to adjourn at 11:26 p.m.; second by Selectman March. 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.