

1 **BOARD OF SELECTMEN**
2 **Draft Meeting Minutes March 13, 2017**

3
4 **CALL TO ORDER:** Chairman Joel Desilets called the meeting to order at 7:00 PM.
5 Selectmen Jennifer Simmons, Ross McLeod, Roger Hohenberger and Bruce Breton were
6 present, as was Town Administrator David Sullivan. Mr. Desilets opened with the Pledge
7 of Allegiance.

8
9 **Announcements**

10 *Peter Griffin – Town Moderator*

11 Mr. Griffin noted because of the incoming bad weather, the town elections would be
12 postponed to Saturday, March 18, 2017 from 7:00 a.m. – 8:00 p.m. at the Windham High
13 School.

14
15 Mr. Griffin noted he consulted with Attorney Campbell and the school attorney as well as
16 other legal sources. All agreed the town moderator had the authority to move the
17 elections. Even though the Governor disagreed, they discussed the potential ramifications
18 with town personnel and it was unanimous that the elections should be moved.

19
20 They will utilize Nexel, all town websites and social media to get the word out.

21
22 Mr. McLeod noted the 275th anniversary was on February 12th. He read parts of the
23 original petition.

24
25 Ms. Simmons noted the 275th anniversary celebration would be held August 4-13, 2017.
26 The events include:

27 Friday, August 4 – 275th gala at Searles Castle

28 Saturday, August 5 – support Windham business day as well as events at Cobbetts
29 Pond and Canobie Lake

30 Sunday, August 6 – Windham Community Band at Searles Castle

31 Monday, August 7 – family entertainment

32 Tuesday, August 8 – car show

33 Wednesday, August 9 – family movie night

34 Thursday, August 10 – cemetery walk

35 Friday, August 11 – senior picnic

36 Saturday, August 12 – family festivities and a ham and bean supper

37 Sunday, August 13 – non-denominational church service and awards ceremony

38
39 Mr. Breton noted the Daddy/Daughter dance was a great success and thanked Cheryl
40 Haas for all of her work putting it together.

41
42 Ms. Simmons noted the presentation by the Historic Committee to have Abe and Mary
43 Todd Lincoln speak at the Nesmith Library has been rescheduled to March 30, 2017 at
44 7:00 p.m.

45
46

47 Mr. Desilets noted the First Robotics Competition was held at the high school. The
48 Windham team came in 8th out of 6,000 teams and were awarded the Chairman’s Award
49 which is the most prestigious award given by First Robotics. They will now move on to
50 the Regional District Championship.

51
52 Kelly McLaughlin gave the Board an update on LiveStreaming. Margaret Case, Chair of
53 Cable Board was also present. Ms. McLaughlin noted that from January to the present,
54 there were a maximum of 12 viewers; over 30 meetings have been broadcast. They have
55 had no difficulties to date. They have it for the year and will continue to monitor it.

56
57 Mr. McLeod questioned if they have advertised the availability. Ms. McLaughlin noted
58 they have posted on the website as well as Facebook.

59
60 Margaret Case noted that they received a letter that they were awarded \$10,000 in grant
61 funding for the windows at Searles Castle from the Festival of Trees grant program.

62
63 **Employee and Volunteer of Year Award Presentations**

64 Mr. Desilets presented the Employee of the Year award to Cheryl Hass noting Ms. Haas
65 consistently impressed the Board with her hard work and dedication to running diverse
66 programs in town. Mr. Hohenberger, Mr. Breton, Mr. McLeod, Ms. Simmons and Mr.
67 Sullivan all thanked Ms. Haas for her hard work and commitment through the years.

68
69 Mr. Desilets presented the Volunteer of the Year award to Margaret Case noting she has
70 served on numerous boards and committees and thanked her for all of her years of service
71 to the town. Mr. Hohenberger, Mr. Breton, Mr. McLeod and Ms. Simmons all thanked
72 Ms. Case for her hard work and commitment through the years.

73
74 **Griffin Park – Passive Recreation Project**

75 Mr. Sullivan updated the Board on the Griffin Park passive recreation project. The size of
76 the actual platform is only 81’ X 175’ not what was used for the design and bid. What
77 was actually bid on was a size of 93’ X 181’. Mr. Sullivan worked with the contractor
78 and engineer to develop revised costs to complete the project on one of a possible three
79 “sized” platforms to both maximize the width (*of up to 85’*) as well as potentially expand
80 the length (*of up to 190’*). Mr. Sullivan presented the following alternatives:

81
82 **Cost/Credits Applicable for Each Alternative Size**

- 83
84 (1) To change dimensions to 81’ x 190’ which would include adding linear
85 footage to granite curbing, minus square footage on patio and wall. -
86 **(\$1,541.15) – Credit from Original Quote**
87
88 (2) To change dimensions to 85’ x 181’ which would minus linear footage
89 on granite, minus square footage on patio, minus square footage on
90 wall, adding excavation, and gravel for extension. **\$1,498.00**
91 **Additional Cost**
92

93 (3) To change dimensions to 85' x 190' which would include adding linear
94 footage to granite curb, adding square footage to patio, minus wall
95 square footage. Adding excavation and gravel base area. **\$2,735.25**

96 **Additional Cost**

97
98 The Recreation Coordinator and Mr. Sullivan agree that the best option would be
99 going with the maximum dimension of 85' x 190' so they can get the biggest
100 platform possible to maximize the space. By doing this at this phase, it would
101 ensure the design would be symmetrical. The layout would be the same, but some
102 items (planters, and walkway widths) would slightly decrease in size. The potential
103 for adding in a bocce ball court could be discussed for Phase 2.

104
105 Mr. Hohenberger was not comfortable that they did not due their due diligence up front.

106
107 Mr. Breton noted that there was \$28,000 donated and believed those that donated should
108 have input into the design. Ms. Haas believed it would be important to retain the
109 children's area.

110
111 Mr. McLeod added that Option 1 was the most cost effective scenario and as long as they
112 could make everything work at that size, that would be the best option.

113
114 Mr. Desilets noted that for a little bit more money, they would get more space and the
115 design would be symmetrical and they would gain more space when it is at a premium at
116 that location.

117
118 Mr. Sullivan added that if they went with the 81' option, the walkways would be reduced
119 from 10' wide to 8' wide. He believed they should at least go with an 85' width to keep
120 walkways larger for greater safety.

121
122 **MOTION:** Mr. Hohenberger made a motion to have Recreation come back to the Board
123 with a presentation of their final plan for the completed area. Mr. McLeod seconded the
124 motion.

125
126 *Discussion:* Mr. Desilets noted they are within 1.5% of the original budget for Phase 1.
127 He has full confidence in the plan for Phase 1. If they want to vet out Phase 2, then that
128 would require workshops with public input, which could take several weeks and delay
129 construction on a project the voters said they wanted over a year ago.

130
131 Mr. Sullivan voiced concern that they have a binding contract with Groundhog. They
132 paid \$500 for issuing a stop work to be able to discuss this evening and he was unsure of
133 what would happen if they delay the project further.

134
135 Ms. Haas questioned what they would want to see for additional information. The plan
136 before the Board is what the Recreation Commission is recommending and expecting.

137
138 Mr. Hohenberger noted he would like to see Phase 2 vetted out before making a decision.

139 The Board further discussed the time needed to design Phase 2.

140

141 Mr. Hohenberger withdrew his motion. Mr. McLeod withdrew his second.

142

143 **MOTION:** Mr. McLeod made a motion to proceed with Option 1 - dimensions to 81' x
144 190' with a \$1,541 credit. Mr. Breton seconded the motion.

145 Vote 5-0.

146 Motion carried.

147

148 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public
149 session in accordance with RSA 91-A:3 II (b). Ms. Simmons seconded the motion.

150 Passed unanimously. Roll call vote all “yes”.

151

152 Cheryl Haas updated the Board of the changes on lifeguards that would be returning and
153 who she would be promoting into the Supervisor position.

154

155 The Board returned from Non-Public Session.

156

157 **Finance Director – Finance Report for Quarter 4- 2016**

158 Mr. Daniel-Popovici Muller presented the Finance Report for Quarter 4, 2016. Some
159 highlights include:

160

- The Town had some over-expenditures (Searles, Police, Fire)
- It was a good year for revenue, they received \$1M from licenses and permit fees. That was higher than the previous year, which resulted in a decrease in what needed to be raised by taxation.
- The Conservation Commission paid off the Campbell Farm Bond in full so they only have one outstanding bond, which is the fire engine loan.

161

162

163

164

165

166

167 Ms. Simmons questioned where the Maintenance savings were reflected. Mr. Popovici-
168 Muller noted it will be about \$100,000 and is in the budget going forward. Mr. Sullivan
169 added that 2016 expenditures were within \$10,000 of their original estimate and the 2017
170 budget reflects the savings.

171

172 Mr. Hohenberger noted there is a \$373,000 balance in impact fees. Mr. Popovici-Muller
173 noted the new school administration would like to finish out the current budget, which
174 was approved by the previous administration, before they use the remaining balance.
175 Their intention is to use that for the next budget year and keep a zero balance in that
176 account moving forward.

177

178 **Conservation Commission - Discuss Interest in Purchasing State Parcel 13-C-450**

179 Wayne Morris, Member of the Conservation Commission was present. He noted the
180 Board is interested in potentially purchasing lot 13-C-450 from the State. The lot is .84
181 acres in size and abuts the Rail Trail.

182

183 Mr. Sullivan added that they would approach the State to see if they could put it on their
184 long-range plan. Mr. Breton added that per RSA, it has to go on that long-range plan in
185 order for the State to sell it.

186
187 Mr. Morris noted that one of their main concerns is the “no trespassing sign” off
188 Dinsmore Road. They currently don’t have access to cross the property and access the
189 Stone Arch Bridge. In the future, they would like to create a handicapped accessible trail
190 along the rail trail to the bridge.

191
192 Mr. Breton suggested it might be quicker to get a right-of-way and not expend any
193 money. If the State ever sells the property, the Town would get right of first refusal to
194 purchase the land. He suggested they try and secure the ROW by the spring and start with
195 the procedure to purchase the property but concurrently pursue the ROW.

196
197 **MOTION:** Mr. Breton made a motion to effectuate a memorandum of understanding to
198 acquire both a right-of-way and possible acquisition of State parcel 13-C-450. Mr.
199 McLeod seconded the motion.

200
201 *Discussion:* Mr. Morris wanted to insure that acquiring a right-of-way wouldn’t
202 jeopardize their ability to purchase the property in the future. Mr. Breton noted they
203 would have first right of refusal, which wouldn’t change. The right-of-way can get
204 expedited quickly.

205
206 Vote 5-0
207 Motion carried.

208
209 **Human Resource Coordinator Job Description**

210 Mr. Sullivan noted the current position of part-time Human Resource Coordinator will be
211 increased back to a full time position as of June 2017 and along with its current duties
212 will have an added emphasis on assisting the Town Administrator in the area of
213 Employee Benefit Administration, recruitment and training, and payroll management.

214
215 The Board was provided with an updated job description.

216
217 Mr. McLeod reviewed two suggested changes. The Board agreed with those changes and
218 had no additional changes to add.

219
220 **MOTION:** Mr. McLeod made a motion to move forward with the Human Resources
221 Coordinator job description as amended. Ms. Simmons seconded the motion.

222 Vote 5-0.
223 Motion carried.

224
225 **New Business**

226 Mr. Sullivan suggested, in light of the forecasted blizzard, they close town
227 buildings/offices. The Board agreed that would be appropriate.

228

229 **Correspondence**

230 *Land Use Change Tax for Lot 14-B-2600* – Request approval of Board to bill Current Use
231 Tax at \$20,000 (10% of \$200,000 valuation)

232

233 **MOTION:** Mr. McLeod made a motion to issue a warrant for Land Use Change Tax for
234 Lot 14-B-2600 in the amount of \$20,000. Mr. Hohenberger seconded the motion.

235 Vote 5-0.

236 Motion carried.

237

238 *School Impact Fee Withdrawal Request* – The School has requested release of \$144,608
239 in Impact Fees.

240

241 Mr. Breton suggested they give the school the remaining balance in the account so they
242 could pay down the debt for the high school. Mr. Popovici-Muller noted that the current
243 administration would like to finish out the 2016/17 budget, which was determined by the
244 previous administration. If the Town gives them that money, they can use it in any way
245 they determine. The Town cannot dictate how that money is spent.

246

247 Mr. Sullivan noted the school district needs to request the funds, the Town cannot just
248 give them the funds.

249

250 **MOTION:** Mr. McLeod made a motion to support the request of the school and instruct
251 the Trustee of the Trust Funds to remove \$144,608 in school impact fees. Mr.
252 Hohenberger seconded the motion.

253 Vote 5-0.

254 Motion carried.

255

256 **Review of the 2/6/17 Minutes**

257 L12 – change “end with the gala at Searles Castle” to “begin with the gala at Searles
258 Castle”

259 **MOTION:** Mr. McLeod made a motion to approve the 2/6/17 minutes as amended. Mr.
260 Hohenberger seconded the motion.

261 Vote 5-0.

262 Motion carried.

263

264 **MOTION:** Mr. McLeod made a motion to reconsider the 2/6/17 minutes. Mr.

265 Hohenberger seconded the motion.

266 Vote 5-0.

267 Motion carried.

268

269 L5 - Mr. Hohenberger needed to be stricken from the “call to order” because he wasn’t
270 present at that point in the meeting.

271

272 **MOTION:** Mr. McLeod made a motion to approve the 2/6/17 minutes as amended. Mr.
273 Hohenberger seconded the motion.

274 Vote 5-0.

275 Motion carried.

276

277 **Review of the 2/27/17 minutes**

278 Mr. Breton needed to be removed from the “call to order” since he wasn’t present at that
279 point.

280 **MOTION:** Mr. McLeod made a motion to approve the 2/27/17 minutes as amended. Mr.
281 Hohenberger seconded the motion.

282 Vote 4-0-1. Ms. Simmons abstained.

283 Motion carried.

284

285 **NON-PUBLIC SESSION:** Mr. McLeod made a motion to go into non-public session in
286 accordance with RSA 91-A:3 II (b, c, e). Ms. Simmons seconded the motion. Passed
287 unanimously. Roll call vote all “yes”.

288

289 The Board reviewed settlement offers on four assessing cases.

290

291 **MOTION:** Mr. Breton made a motion to accept all four settlement offers. Mr. McLeod
292 seconded the motion.

293

294 *Discussion:* Mr. Desilets was not satisfied with the negotiations and results that had been
295 achieved.

296

297 Vote 4-1. Mr. Hohenberger opposed.

298 Motion carried.

299

300 The Town holds a forbearance agreement on lot 11-A-650 (39 Stacey Circle) for non-
301 payment of real estate taxes from 2012 forward. The Board discussed how to proceed.

302

303 **MOTION:** Mr. Hohenberger made a motion to enter into an agreement protecting the
304 Town’s interest in that property conditional on town council concurrence. Mr. Breton
305 seconded the motion.

306 Vote 5-0.

307 Motion carried.

308

309 The Board discussed an issue relative to accrual of earned time eligibility while an
310 employee is off on reserve duty military training.

311

312 **MOTION:** Mr. Hohenberger made a motion to support the “sidebar” agreement with the
313 Police Union for such military leave. Mr. Breton seconded the motion.

314 Vote 5-0.

315 Motion carried.

316

317 The Board discussed concerns about an employee that has not been acting in a timely
318 manner on requests. Mr. Sullivan will discuss the issue with that employee.

319

- 320 **MOTION:** Mr. McLeod made a motion to adjourn. Mr. Hohenberger seconded the
321 motion.
322 Vote 5-0.
323 Motion carried.
324 Meeting adjourned at 9:30 p.m.