

BOARD OF SELECTMEN
Minutes of March 23, 2015

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton and Roger Hohenberger were present, as were Town Administrator David Sullivan and Assistant Town Administrator-Finance Dana Call. Selectmen Al Letizio, Jr. and Joel Desilets were excused. Mr. McLeod opened with the Pledge of Allegiance.

Mr. McLeod advised that, due to the absence of Mr. Letizio and Mr. Desilets, the annual Board re-organization and liaison assignments would be postponed.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. McLeod extended thanks to the numerous election officials for their efforts on March 10th, as well as to the voters. He also extended gratitude to the outgoing members of the various Boards, and to Town Treasurer, Bob Skinner.

Mr. Hohenberger noted the passing of Mrs. Pat Skinner; citing her many accomplishments and her humble nature. He noted her contributions as a State Representative for 22 years, and her efforts as a member of the Bicentennial Committee, Historic Commission, and a Trustee of the Nesmith Library. Mr. Hohenberger advised there will be a Celebration of Life at the Searles Chapel on Saturday the 28th from noon until 3 PM. Mr. McLeod then called for a moment of silence.

Community Development Director Laura Scott reminded all that a free business networking event had been scheduled for the following Thursday from 5:30 to 7PM at the Village Bean; asking that anyone who wished to attend please RSVP to her.

ANNUAL FIREWORKS DISPLAY: Mr. McLeod noted that this agenda item was related to a request to waive the bid process and continue with the previous fireworks vendor. Mr. Sullivan confirmed same, and added that the request had been endorsed by both Recreation and the Fire Department. Mr. Sullivan noted that the vendor in question, RS Fireworks, is proposing 10% additional product at the same budget as last year; \$7,000. He indicated that, if the Board were so inclined, there would first be a motion needed to waive the bid process and allow for a sole source without obtaining three (3) quotes. Discussion ensued as to permitting, which are all in place, and that this vendor works well with the Fire Department.

Mr. Breton inquired why this could not be bid for three year renewable contract. Mr. Sullivan replied it could be, but it is difficult to obtain an apples to apples comparison and he was not sure that Recreation would support same. Mr. Hohenberger inquired whether there was an urgency, and Mr. Sullivan replied in the negative if they wished to wait for a full Board.

Discussion ensued regarding whether to place this out to bid, the different levels of shows across vendors, and that the current vendor offers a known commodity. Mr. McLeod noted that requesting references would provide a chance to compare, and Mr. Sullivan asked that the Board defer to allow Mr. Senibaldi to arrive to discuss this with the Board. Mr. McLeod noted that he did not believe anything Mr. Senibaldi might say would change his preference to bid this service. Mr. Sullivan then asked that this be deferred for a full Board, and the members concurred.

Mr. Breton suggested that other Towns could be consulted regarding their vendors, and a brief discussion ensued. Mr. Bob Coole approached and expressed concerns with how forthcoming other Towns may be, as they may not wish to give up their vendors. Discussion ensued, and Mr. Coole urged that the Board remember that if a new vendor is brought in, and the show is not as good, it will reflect on the Board.

Mr. Senibaldi approached to indicate he was pleased this matter had been deferred; adding that Deputy Chief Morgan and the State Fire Marshall have no issues with the vendor. Discussion ensued, and Mr. Senibaldi noted that these companies book up quickly. As to RS Fireworks, he advised that they are a pleasure to work with and put on a great show; adding that time is of the essence and he would hate to lose them. Brief discussion ensued, however no decisions were made.

COST OF SERVICES STUDY: Mr. Sullivan noted that the draft of the updated Cost of Services Study was completed and will be placed on the Town website for the public. He reminded the Board that, rather than budgeting \$6,000 to update same, staff had felt they could compile the updated, 2014 numbers and the specific impacts of 55+ housing. Mr. Sullivan thanked the Department Heads for providing the data, and explained that model/theories developed by Ms. Taylor in the original study had been followed; except that the 55+ had been broken out from the residential homes, and a few resource allocation formulas had been changed or updated.

Mr. Sullivan advised that the study indicates that the following was expended for every dollar in revenue: \$1.06/residential (\$1.05 in 2009), \$0.27/commercial (\$.28 in 2009), and \$1.31/open space (\$0.57 in 2009). Mr. Sullivan clarified that the latter was due to a low ratio in 2009, and that this year despite decent revenue three (3) large purchases totaling \$667K had been made by Conservation. Discussion ensued as to whether a larger, 10-year average would be better illustrative, and that the numbers can be updated annually.

Mr. Breton noted that, while residential/commercial is money that is actually paid, a \$600K land purchase is an asset still worth \$600K. Discussion ensued regarding the many other capital assets the Town possesses, such as engines; as well as the depreciation of same versus the potential appreciation of land. Mr. Sullivan noted that staff had had a similar debate, however they are not saying that Conservation Land costs money to own. Mr. Breton pointed out that fire equipment is purchased with tax dollars whereas Conservation land is purchased with land use funds and therefore has no impact on the tax rate. Mr. Sullivan agreed, but added all of that factors into the costs of service study. Discussion ensued in that the data will spike every 5 or 6 years, and that bonds are not included.

Mr. Sullivan then went on to explain that, if the 55+ data is pulled out of the residential, then the latter increases to \$1.08; with the 55+ itself representing \$0.23 for every dollar. Mr. McLeod noted that would indicate that it does not represent a drain on resources, and Mr. Sullivan replied in the affirmative. Brief discussion ensued, and Mr. Sullivan reiterated that the study results will be placed onto the Town website.

Mr. Wayne Morris, Conservation Commission, approached noting that he appreciated Mr. Breton's comments regarding the value of the land; adding the number of homes/condos which could have been built there should also be considered.

Ms. Scott sought clarification as to whether this represented the final document for posting, or whether it will be revised. Brief discussion ensued, and Mr. Sullivan noted that the question would be whether the Board wished to put back in the exempt parcels/exemptions. Brief discussion ensued, and Mr. Breton suggested it be posted with some background information as to who completed the study and that the Board will update same periodically. Mr. Sullivan noted that the document can now be updated annually, and Mr. McLeod asked that the Planning Board et al be advised that it was completed. Mr. Sullivan indicated that Ms. Scott could follow up with the latter.

AMBULANCE FEES: Mr. Sullivan asked that this be postponed as Chief McPherson is out of Town; explaining in synopsis that he would be asking the Board to increase the fees which were deferred last year. Discussion ensued, and Mr. Breton expressed concerns regarding the lack of an audit trail for the fees. Mrs. Call explained that the Town has one for their part, reconciling to the contracted third party biller. Mr. Breton inquired how the Town verifies that the billing was correct and who audits the vendor's books. Mrs. Call replied that the vendor would have their own auditor, and a discussion ensued regarding the total cost of the contract. Mrs. Call noted that it represents a percentage of their billing, which staff can obtain.

Mr. Breton noted that for the cost to the Town, \$18-22K, a part time employee could be retained to do the billing internally. Mr. Sullivan noted that the Town is not equipped to handle the billing, given the level of expertise needed due to the Medicare and other laws.

Discussion ensued regarding the data the Chief has for calls. Mr. Sullivan advised that he will ensure the Chief has this data available for the next discussion, and Mr. Breton clarified he wished to see the fees be for the insurances not the public. Further brief discussion ensued, and Mr. Sullivan clarified that the Chief's proposal will be to increase the fees to be in line with the average fee charged by Comstar's top 50 customers.

OLD/NEW BUSINESS: *Financial Guarantee Release/Cafua Realty – Delahunty Rd.* Brief discussion ensued in which it was noted that the Planning Board, etal have signed off on the release and in which Mr. McLeod requested that the return of interest be noted on the form itself. Mr. Hohenberger then moved and Mr. Breton seconded to release \$10,000 plus interest to Cafua Realty. Passed 3-0.

Refund of Building Permit Fee: Ms. Scott explained that a request had been submitted for a refund of four (4) well permit fees; of which three (3) were not supported by staff as the wells were drilled. She indicated that staff would support the refund of \$80 for 10 Ryan Farm Road, which was not dug, and if the Board approved same, the permit would be voided.

Mr. McLeod sought clarification as to how staff knew the well had not been drilled, and she noted that no paperwork had been filed, no inspection had been completed, and the owner had abandoned the project. Discussion ensued.

Mr. Hohenberger moved and Mr. Breton seconded to refund the \$80 as requested for 10 Ryan Farm Road to Artisan Well. Passed 3-0.

Mr. Hohenberger moved and Mr. Breton seconded to deny the refund requests for 15 Burnham. Passed 3-0.

Return of Public Safety Impact Fee: Mr. Sullivan advised that one (1) fee for 21-U-30, Rockingham Emergency Vet, had reached the point of return, and that a letter would be sent to the owner advising that it is overdue and they can seek a refund. He then indicated that a number of these fees are going to come due, and inquired whether the Board wants to handle each individually or just authorize staff to handle them and provide a running tally to the Board. Discussion ensued in that staff must give the owners 30-day notice to apply for same, that there are only a handful, and whether it was clearer for the public to do each at a meeting.

Mr. Hohenberger moved and Mr. Breton seconded to authorize staff to release the unused 6-year expired public safety impact fees, plus interest; provided same is read into the Board's record as part of correspondence. Passed 3-0. Mr. McLeod asked that the Planning Board be kept in the loop, as well.

Mr. Sullivan then advised that the Planning Board had changed the methodology regarding the Public Safety Impact fees by allocating specific percentages to equipment and buildings. He noted that, going forward while tracking, the fees will be automatically allocated. Mr. Sullivan then indicated that, as it pertained to previous fees collected, Mr. Mayberry had mentioned in discussion with the Planning Board how they could be allocated; however he had clarified with him that there was no such allocation specifically identified in the methodology in 2009. Discussion ensued regarding the old versus new fees and whether an allocation should be applied to the fees already collected. Mr. Sullivan suggested that nothing be changed for the duration of the old fees, and that the new methodology of allocating between equipment and buildings only be applied moving forward, as that would be the easiest way.

Further discussion ensued regarding methodologies and old/new funds, and it was the consensus of the Board to concur with Mr. Sullivan.

Workers Compensation update: Mr. Sullivan advised that he had looked into Massachusetts providers, as suggested, and verified that by NH RSA 5-B providers must be based in NH and can only service NH communities. He clarified that this means Primex, our current provider, and the LGC are the only available vendors; but that the latter is not licensed to sell new coverage in NH, as of yet. Mr. Sullivan further noted that, right now, 170 communities out of 234 utilize Primex. He also advised that he had completed working with a local vendor, and may obtain a quote from Traveler's for same.

Discussion ensued, and Mr. Sullivan advised that within the next few weeks we will know if the LGC will be able to write a policy for the Town; adding that if not staff will again be recommending Primex.

Mr. Sullivan advised that he has received a proposal from Town Counsel to extend his contract for an additional three years. Mr. Breton sought clarification as to how potential counsel is evaluated; whether it was done on price only. Mr. McLeod noted that he had sat in on the previous evaluation, and that it considered such things as service options, as well. Mr. Sullivan added that working relationship and success rate is also considered. Discussion ensued regarding prep time versus billed time.

Mr. Breton inquired whether Attorney Campbell could handle all the Town's needs, or should the contract be split for general and Assessing needs. Mr. Sullivan noted that, currently, Town Counsel bills for general, land use and assessing; and that separate counsel is used for personnel matters. He indicated that in the past alternative counsel has also been used in the event Town Counsel is backed up.

Discussion ensued as to the various needs throughout the year at certain times, and the availability of legal advice from the NHMA. Mr. Sullivan clarified that the latter is used for in-house or risk management; however not often as it can take months to receive a written opinion.

Further discussion ensued regarding the previous contract award, the size of the current form, and complexity of cases. Mr. Hohenberger then moved to approve the three (3) year extension with Attorney Campbell. Brief discussion ensued, before Mr. Hohenberger withdrew his motion and the matter was deferred to a full Board.

Mr. Sullivan noted that Kinder-Morgan will be present at the March 30th meeting, and would like to open with a brief presentation, followed by a question and answer session. He reminded all that the meeting will begin at 7:00 PM at the High School and this is the only agenda item.

Mr. Sullivan discussed the sale of Town lands as approved by Town meeting; noting that he would be developing an RFP for engineering services related to the Blueberry Road and Fourth Street lots for sale. Discussion ensued, and Mr. Breton suggested that an RFP also be developed for a real estate agent; mimicking the State's process and adding a \$1,000 administrative fee.

Discussion ensued regarding RFP versus going to an auction with the parcels. Mr. Sullivan noted that the RFPs can be done concurrently, and Mr. Hohenberger indicated he would like to see auction houses included, as well. Mr. Sullivan noted that the latter provides far less advertising, and in general charges 4% of the sale plus a 7% buyer's commission. After further discussion, it was the consensus that Mr. Sullivan draft both RFPs, with the engineering to be completed prior to retaining an agent.

Mr. Sullivan advised that Fairpoint had requested an abatement of their 2014 taxes; and reminded the Board that tax years 2011-13 are currently in court. Mr. Hohenberger moved and Mr. Breton seconded to deny the request. Passed 3-0.

CORRESPONDENCE: None.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of March 9th as written. Passed 3-0.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel and the Board, Mr. Sullivan, Tax Assessor Mike Fedele and Ms. Devlin were in attendance. Mr. Fedele discussed concerns with the Board relative to a personnel matter. No decisions were made.

Mr. Hohenberger moved and Mr. Breton seconded to adjourn. Passed 3-0. Meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have not been submitted to the Board for approval.