

1 **BOARD OF SELECTMEN**

2 **Draft Meeting March 27, 2017**

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

8
9 Mr. Breton and Mr. Desilets were sworn in prior to the meeting by Nicole Bottai.

10
11 **Board Reorganization**

12 Mr. Desilets stated it was an honor to serve as Chair of the Board; he enjoyed working
13 with everyone on the Board and looks forward to continuing their efforts for the next
14 three years.

15
16 **MOTION:** Mr. Desilets made a motion to nominate Ross McLeod as Chairman and
17 Jennifer Simmons as Vice Chairman of the Board of Selectmen. Mr. Hohenberger
18 seconded the motion.

19 Vote 5-0.

20 Motion carried.

21
22 **Announcements**

23 Ms. Simmons noted that Senator Regina Birdsell sent a resolution extending her
24 recognition and congratulations to Cheryl Hass for her Employee of the Year Award.

25
26 Thursday April 20, 2017, Kevin Scarupa from WMUR will be at the Fire Department to
27 discuss extreme weather events.

28
29 The Annual Easter Egg Hunt will be on April 8, 2017 at 9:15 a.m. for children up to age
30 9.

31
32 Mr. McLeod thanked the school moderators and clerks as well as Nicole Bottai and all
33 the election workers for their hard work making the election a success.

34
35 Chief McPherson wanted to recognize Ralph DeMarco, Eric Hildebrant, Paul Fisher,
36 Gordon Campbell and Pat Robinson for their excellent work helping a resident during a
37 cardiac event. They received recognition from Parkland Medical Center for their efforts.
38 The patient received care within 81 minutes from the time of onset to the time they went
39 into the cardiac lab due to the excellent care they received. The patient was discharged
40 the following day. Chief McPherson thanked his crew.

41
42 **Noise Ordinance Public Hearing**

43 Mr. Sullivan read the public notice into the record.

44
45 Mr. McLeod reviewed his suggested revisions:

- 46
- Section 2 – the wrong statute was cited and it should read “RSA 31:39”

- 47 • Section 3 – new number L. strike “as amended”
- 48 • Section 6, Waiver – should read “from provisions of this ordinance”
- 49 • Section 6, Waiver – in the last sentence “abatement” should read “cessation”
- 50 • Section 5, Exemptions, number 4 – Add “including noise from snow blowers for
- 51 residential snow removal operations”
- 52

53 Mr. Desilets agreed but preferred not to regulate when a snow blower could be used. He
54 added that Section 4, Part 4 referred to the period right after snowfall when snow blowers
55 could be used. He would strike snow blowers from that section if they were going to be
56 added to Section 5, but leave the statement pertaining to snowfall.

57
58 The Board discussed whether they should limit the use to the 24 hours after snowfall or
59 allow it to be extended for several days after a storm. Mr. McLeod used the example of
60 someone coming home late at night, several days after a snowfall and needing to clear
61 their driveway to get into their home.

62
63 Chief Lewis believed the intent of Section 5 number 4 to be for town highway, state
64 highway and condo complexes, not necessarily for individuals working on their own
65 driveways. He added that he only gets one or two complaints per year about someone
66 using a snow blower late at night.

67
68 Chief Lewis added that fireworks were the driving factor behind amending the noise
69 ordinance. Currently, they have no way to address the use of fireworks at night. He
70 believes the timeframe established by the ordinance is reasonable.

71
72 Mr. Desilets suggested excluding Fourth of July and potentially the weekends adjacent to
73 that holiday and possibly extending the time to midnight.

74
75 The Board further discussed the timeframe and agreed to amend Section 4, number 4 to
76 allow fireworks to be discharged until midnight on the Fourth of July and New Years
77 Eve.

78
79 **MOTION:** Mr. Desilets made a motion to adopt the Noise Ordinance as amended. Ms.
80 Simmons seconded the motion.

81 Vote 4-1. Mr. Hohenberger opposed.

82 Motion carried.

83

84 The Board discussed amending Section 6 to read, “A written request for a waiver...”

85

86 **MOTION:** Mr. Breton made a motion to accept the amendment to Section 6 of the Noise
87 Ordinance. Ms. Simmons seconded the motion.

88 Vote 5-0.

89 Motion carried.

90

91

92

93 **Police Unity Ride**

94 Officer Terry Moore has been accepted into the 2017 police bike ride from New York to
95 Washington DC.

96
97 Ms. Moore read her letter soliciting funds that would be sent to the local community and
98 businesses asking for support. Funds raised would go to a national police memorial.

99
100 Chief Lewis noted it is a worthy cause. The memorial is being built solely through
101 donations; no tax dollars have been used. She is asking the Board for their approval
102 because she would be representing the Windham Police Department.

103
104 **MOTION:** Mr. Desilets made a motion to approve Officer Moore’s request. Ms.
105 Simmons seconded the motion.
106 Vote 5-0.
107 Motion carried.

108
109 **Bid Waiver**

110 Chief Lewis requested a bid waiver to purchase the five cruisers that were budgeted for.
111 They would like to purchase the cruisers off of the State of New Hampshire Bid List.
112 They would not exceed \$137,500, which was budgeted for. The cost of the cruisers may
113 end up being less than that.

114
115 Mr. Sullivan clarified that the cruisers are being paid for over a three year lease at an
116 estimated \$62,000 per year pending formal finance quotes.

117
118 **MOTION:** Mr. Desilets made a motion to waive the bid process and allow the Police
119 Department to purchase the five new cruisers through the State of New Hampshire Bid
120 List. Mr. Hohenberger seconded the motion.
121 Vote 5-0.
122 Motion carried.

123
124 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public
125 session in accordance with RSA 91-A:3 II (b) Mr. Breton seconded the motion. Passed
126 unanimously. Roll call vote all “yes”.

127
128 Ms. Bottai recommended moving up Hannah Davis to the full-time Assistant Clerk
129 position due to the resignation of Nancy LaBonte.

130
131 **MOTION:** Mr. Breton made a motion to move Hannah David up to the full-time
132 Assistant Clerk position per the recommendation of staff. Mr. Hohenberger seconded the
133 motion.
134 Vote 5-0.
135 Motion carried.

136
137
138

139 **Eric DeLong – Telephone System Update**

140 Mr. DeLong was there to ask the Board to waive the bid process for the new telephone
141 system. He received quotes that were provided to the CIP Committee. The company he
142 would recommend the Board chose would provide both the dial tone and the installation
143 of the phones.

144

145 Mr. Breton had concerns about doing that because prices for technology go down, the
146 longer they are available and the quotes Mr. DeLong provided were two-years old. He
147 did research on his own and received several options with very detailed bids.

148

149 Mr. DeLong clarified that the quotes were only a year old.

150

151 Mr. Desilets expressed he has full faith and confidence in the recommendations of the IT
152 director. He would support the bid waiver.

153

154 Mr. Hohenberger would like to go out to bid with the solution recommended by Mr.
155 DeLong. He believes that there are other vendors that could be competitive.

156

157 Mr. Sullivan noted that last year, the Board voted to enter into a contract with TSE to
158 provide the service. They decided they would bid out the hardware components only. Mr.
159 DeLong is looking to waive the bid process for the hardware only.

160

161 Mr. DeLong noted he preferred the SIP technology. There are other vendors that provide
162 the dial tone, but not all of them offer that technology.

163

164 Mr. Breton would like to see a bid for the hardware and the ongoing service fees.

165

166 **MOTION:** Mr. Breton made a motion to go out to bid for both the capital costs of the
167 equipment and on-going operational costs of the service fees. Mr. Hohenberger seconded
168 the motion.

169

170 *Discussion:*

171 Mr. DeLong noted that not all companies provide both the hardware and dial tone; it will
172 be difficult to get an apples-to-apples quote. He can purchase the hardware anywhere.

173 The system he is recommending has no limit to future expansion.

174

175 Mr. Sullivan read from the March 7, 2016 minutes, which stated a motion to enter into a
176 contract with TSE to provide the dial tone and ongoing service. He questioned if there
177 would be legal ramifications if they were to breach that contract.

178

179 Mr. Breton questioned how they could have entered into a contract for something that
180 was just passed through warrant article at the recent election.

181

182 Mr. Sullivan suggested they needed to reconsider that vote on March 7, 2016 if they were
183 to go out to bid for both the hardware and dial tone.

184

185 Mr. Breton withdrew his first motion. Mr. Hohenberger withdrew his second.

186

187 **MOTION:** Mr. Breton made a motion to reconsider the motion made on March 7, 2016.

188 Mr. Hohenberger seconded the motion.

189

190 *Discussion:* Mr. Desilets would not support reconsidering the motion of March 7, 2016.

191 He believes it sets a bad precedence to undo a prior Board decision.

192

193 Vote 2-3. Mr. Desilets, Mr. McLeod and Ms. Simmons voted against.

194 Motion failed.

195

196 Mr. Breton noted they never executed the contract since they didn't have the funds
197 appropriated.

198

199 Mr. Sullivan stated the Board approved using TSE. He questioned if Mr. DeLong did
200 research on quotes prior to the March 7, 2016 meeting or did he come solely with the
201 recommendation of TSE.

202

203 Mr. DeLong noted he did do research into other companies. TSE was recommended to
204 them and they provide the SIP technology, which he prefers. He noted they estimate they
205 will be able to cut the Town's annual bills by \$12,000-17,000. If they go out to bid for
206 the hardware, they will not see those monthly savings until the system is finally installed
207 months from now. He believes it would be a mistake not to go with TSE.

208

209 Mr. Breton expressed frustration and added he would no longer waive the bid process
210 unless it was for the State bid list.

211

212 **MOTION:** Mr. Desilets made a motion to move the hardware out to bid. Mr.

213 Hohenberger seconded the motion.

214 Vote 2-2-1. Mr. Desilets and Mr. McLeod opposed. Mr. Breton abstained.

215

216 Motion failed.

217

218 Mr. Breton requested to be provided with a detailed list of the expenses over the last five
219 years and have other companies review them to see if they could provide cost savings.

220 The Town should do their due diligence and go out to bid as a complete package. He

221 spoke with several town managers and did some research on his own. He received more

222 comprehensive bids than what the Board was provided by TSE.

223

224 Further discussion ensued.

225

226 **MOTION:** Mr. Hohenberger made a motion to go out to bid for the hardware. Ms.

227 Simmons seconded the motion.

228

229 *Discussion:*

230 Mr. McLeod opposed the action, but did not want to send the IT Director away with no

action to take. If they waive the bid process, they could engage the vendor immediately.

231

232 Mr. Sullivan questioned if they stayed with TSE for the dial tone, were they limiting who
233 could bid on the hardware component. Mr. DeLong noted not all companies separate the
234 hardware and the technology. They could get bids, but they would not received unlimited
235 bids.

236

237 Vote. 4-0-1. Mr. Breton abstained because he believes the entire package should go out to
238 bid.

239 Motion carried.

240

241 **Tax Abatement Recommendations**

242 Mr. Sullivan noted MRI is recommending abating the taxes on Tax Map 17-H-30 (72
243 Range Road) which is owned by the State of NH. The abatement is for \$6,657 plus
244 interest, which is for the second half tax bill.

245

246 **MOTION:** Mr. Desilets made a motion to approve the abatement for Tax Map 17-H-30
247 for \$6,657 plus interest. Mr. Hohenberger seconded the motion.

248

249 *Discussion:* The Board discussed why they were allowing the waiver now, when
250 typically they would wait until April 1st. Mr. Sullivan noted they aren't contesting the
251 first half of the year and the State filed the request on time.

252

253 Vote 5-0

254 Motion carried.

255

256 **Personnel Policy**

257 Mr. Sullivan noted the proposed amendment to the ET Usage Policy states that if an
258 employee were to leave employment of the Town, they are limited to only take 21
259 consecutive days of earned time. Similar changes were made to the union contracts in the
260 past, but to date have not been changed for non-union personnel. The amendments have
261 been posted three times and they have not received any feedback.

262

263 **MOTION:** Mr. Hohenberger made a motion to adopt the amendments to the Personnel
264 Policy. Ms. Simmons seconded the motion.

265 Vote 5-0.

266 Motion carried.

267

268 **Old Business**

269 *Employee Satisfaction Survey*

270 Mr. Sullivan reviewed the survey results. They had a 43% return rate. He provided the
271 Board with both the raw data and a compilation of each question with results. He would
272 like the Board to review and make commentary and have as an agenda item at the next
273 meeting so they could release the results to employees and discuss any action that should
274 be taken.

275

276 Mr. Desilets was happy to see so many people respond. He would hope the number of
277 responses would increase each year. He would also hope the Board could come up with
278 actionable items to help make improvements.

279

280 Mr. Sullivan noted he is not intending to release the raw data, only the compiled results,
281 for discussion at the meeting on April 10th.

282

283 **New Business**

284 Mr. Sullivan requested that the Board consider amending the police detail contract rates.
285 They are starting to lose money at the current rate of \$50/hour for an officer and \$60/hour
286 for an officer and a cruiser. He did some analysis and the past year they were in a deficit
287 of \$5,600. They did a survey of 42 surrounding communities and Windham was the
288 fourth lowest hourly rate.

289

290 Mr. Sullivan suggested they increase the rate to \$55/hour for an officer and \$65/hour for
291 an officer and a cruiser. This is supported by Chief Lewis.

292

293 **MOTION:** Mr. Desilets made a motion to post for public hearing the amended police
294 detail contract rates. Ms. Simmons seconded the motion.

295 Vote 5-0.

296 Motion carried.

297

298 Mr. McLeod would like to review the drought restrictions at the April 10, 2017 meeting.
299 He proposed they decide what action to take given the updated drought conditions. The
300 town is currently between a severe drought and moderate drought. The Board agreed that
301 it would be appropriate to add to the next agenda.

302

303 Mr. McLeod questioned if the Board would support having staff send a letter to their four
304 State Representatives and State Senators to request that their election results be ratified.
305 They do have a bond issue for the Fire Department quint purchase that will need to be
306 addressed.

307

308 Mr. Desilets recused himself from the conversation since he was on the ballot.

309

310 Mr. Breton noted there was a meeting that day with the Town Moderator, Building
311 Committee and other staff members to discuss the issue and there would be a hearing to
312 address the issue.

313

314 **MOTION:** Mr. Hohenberger made a motion to have the Chairman draft a letter to be
315 emailed to the State Senators and Speaker of the House regarding ratifying the election
316 results. Ms. Simmons seconded the motion.

317 Vote 4-0. Mr. Desilets recused himself.

318 Motion carried.

319

320 Mr. Sullivan noted he met with Senator Birdsell regarding another issue and she informed
321 him that they were holding off on a decision until all town elections had been held.

322

323 Mr. Sullivan noted he sent out the annual Board liaison assignment sheet and requested
324 that the Board fill that out in time for the next meeting.

325

326 **Correspondence**

327 A partial bond release for Weston Estates was before the Board for consideration as
328 recommended by the Planning Board.

329

330 **MOTION:** Mr. Desilets made a motion to partially release the bond for Weston Estates
331 in the amount of \$24,057 with a balance remaining of \$53,253.82 as recommended by the
332 Planning Board. Mr. Hohenberger seconded the motion.

333 Vote 5-0.

334 Motion carried.

335

336 The Board had a request from the Highway Safety Committee to place a “child with
337 autism” sign on Magnolia Road.

338

339 **MOTION:** Mr. Desilets made a motion to support the placement of a “child with autism”
340 sign on Magnolia Road as recommended by the Highway Safety Committee. Ms.

341 Simmons seconded the motion.

342 Vote 5-0.

343 Motion carried.

344

345 Mr. Desilets informed the Board he has partnered with the Greater Salem Chamber of
346 Commerce on an event at the Atkinson Country Club on Thursday, March 30, 2017 at
347 6:00 p.m. to discuss different forms of media to help small businesses succeed in their
348 marketing efforts. Sign ups for the event are on the chamber’s website.

349

350 Mr. Sullivan noted the Board received a letter from the State informing them an abutter to
351 a State-owned property off Harris Road is interested in purchasing the property for
352 \$16,100. The Board has 30 days to discuss it. He will send out the request to other Boards
353 and get their feedback.

354

355 The Board discussed Liberty Utilities and the status of natural gas coming to Windham.

356 Mr. Sullivan noted they received approval to expand their offerings. He will discuss it
357 with the Energy Committee and get an updated status.

358

359 Mr. Desilets requested that Liberty Utilities come in and present the Phase I plan and
360 Phase II if it is available.

361

362 Mr. Breton noted they presented their plans to the PUC Commission on February 9, 2017
363 and the minutes are available to review. Mr. Sullivan added that the Town’s Energy
364 Committee went to that meeting in support.

365

366 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public
367 session in accordance with RSA 91-A:3 II (c, d) Mr. Desilets seconded the motion.
368 Passed unanimously. Roll call vote all “yes”.

369
370 The Board has been in discussion regarding a potential sale of #1 and #2 Glance Road.
371 Title reviews conducted show that the Town does not own #2 as previously indicated.
372 The potential buyer would like revise his offer to purchase only #1 Glance Road.

373
374 **MOTION:** Mr. Desilets made a motion to support staff recommendations to accept the
375 offer for #1 Glance Road. Ms. Simmons seconded the motion.

376 Vote 5-0.
377 Motion carried.

378
379 Mr. Sullivan discussed a personnel matter with the Board. The Board discussed and
380 recommended that staff remind all employees of the Town’s policy concerning the topic
381 and to pass the information on to the employee’s supervisor.

382
383 **MOTION:** Mr. Hohenberger made a motion to adjourn. Mr. Desilets seconded the
384 motion.

385 Vote 4-0.
386 Motion carried.

387 Meeting adjourned at 8:59 p.m.