

**BOARD OF SELECTMEN**  
**Minutes of April 20, 2015**

**MEMBERS PRESENT:** Chairman Al Letizio, Jr. called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Joel Desilets was delayed and arrived at 7:05 PM. Mr. Letizio opened with the Pledge of Allegiance, followed by a moment of silence for the passing of Sherriff Mike Downing.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mr. Letizio announced that the Board had accepted the resignation of Tax Assessor Mike Fedele, and would be interviewing to fill the position shortly.

**AMBULANCE BILLING FEES:** Fire Chief Tom McPherson approached to discuss with the Board the possibility of amending our current ambulance fees to a bundled rate plan; priced in line with average charged by the fifty highest Comstar clients. Mr. Breton inquired about placing the billing services, currently handled by Comstar, out to bid. Chief McPherson replied he is not opposed to doing so, adding that the Town has been using this vendor for several years and that Comstar also serves 3 out of the 5 contiguous towns. Chief McPherson noted that Londonderry and Derry are the only ones who utilize another service; adding that Comstar's rates are decent and they work well with the Town.

Mr. Breton noted that he was in favor of the increase but, based on them, Comstar billing will go up in excess of \$400K. He noted that the rates have never been negotiated, and suggested that putting the service out to bid will put Comstar on notice that the Town is willing to do so. Discussion ensued regarding the Town's history with Comstar, and that the increases are strictly to insurance companies, not individuals. Chief McPherson noted that Comstar has supplied some suggested rates, representing 1.5-2%, however the Board has consistently wanted to keep the rates low. Discussion ensued regarding call volume.

Mr. Sullivan noted that he supports the proposed fees, and suggested that Comstar could be contacted and advised that the Board is considering bidding the service; which may prompt them to offer a reduction. He noted if the latter does not happen, then the issue could be brought back to the Board and placed out to bid.

Mr. McLeod noted that, ultimately, the increases do come back to the consumer in the form of increased insurance rates; adding that he wanted to make sure they were reasonable and tied to something tangible. Chief McPherson noted that most calls are EMS calls and, given the advanced level of equipment, medications, and pre-hospital care that we provide there are increased costs to the Town.

Mr. Hohenberger sought clarification that residents may still contact the Department if they have issues; and Chief McPherson confirmed that anyone who experiences payment issues for whatever reason can call the Department. He noted there is a policy in place regarding same and the Department will work with individuals. Mr. Hohenberger then moved and Mr. Breton seconded to post the proposed rate increases for ambulance billing fees for a public hearing. Passed unanimously.

Discussion then ensued as to whether or not to contact Comstar. It was the consensus of the Board that, as there are only two local vendors which provide this service, quotes be obtained from both.

**BID AWARD – COMMAND VEHICLE:** Mr. Sullivan advised that this is currently out to bid with a due date of May 24th, however, they have been notified that the Town must have their order in by May 1 in order to obtain 2015 pricing. He indicated that, because of this, he was seeking the Board's authorization to award the bid to the lowest bidder. Chief McPherson added that the vehicle is a special order, thus to hold to the 2015 vehicle pricing which was budgeted for they must do so by May 1; after which 2016 pricing is in effect. Discussion ensued as to the preferred make of the vehicle, which is Ford, and what will happen if the low bidder is a different make. Mr. Sullivan noted that, in that case, the bids would be reviewed and brought back to the Board, if necessary.

After further discussion, Mr. Desilets moved and Mr. McLeod seconded to authorize Mr. Sullivan to award the command vehicle bid to the low bidder provided it meets the bid specifications. Passed unanimously.

**LIBRARY TRUSTEE INTERVIEW:** The Board heard from Ms. Katie Smith who is interested in filling the vacant Library Trustee position. Mr. Letizio noted that this had been intended to be done in non-public, which Ms. Smith had requested, however she had since changed her mind. Mr. McLeod noted that the Library Trustees have interviewed with Ms. Smith and recommended she be appointed. He then moved and Mr. Hohenberger seconded to appoint Ms. Smith to the vacant Library Trustee position. Passed unanimously.

Mr. McLeod then suggested that Senator Birdsell be asked to look into changing the legislation to allow the Library Trustees to appoint their own interim members to fill vacancies. Brief discussion ensued.

**BID AWARD – ROADWAY SWEEPING:** Highway Agent Jack McCartney advised that two bids had been received, as follows:

<i>Eco-Sweep, Milford NH</i>	<i>\$21,900</i>
<i>AMRIC Power Sweeping, Tewksbury MA</i>	<i>\$14,500</i>

He advised that AMRIC was the same vendor as last year, with whom there had been no issues. Discussion ensued in that a two year contract could be awarded to AMRIC, who will hold their price.

Mr. Hohenberger moved and Mr. McLeod seconded to award the bid to AMRIC, as bid, for a period of two years. Mr. Breton sought clarification that these were apples to apples bids, and Mr. McCartney replied in the affirmative. Further discussion ensued regarding moving up the start of operations for the 2016 year in order to finish sooner, and that this year they will be completed by June 1 regardless as per the bid specifications; however, Mr. McCartney will inquire if they can be finished sooner.

Motion passed unanimously.

**Q1 FINANCIAL UPDATE:** Finance Director Dana Call presented her first quarter financial update to the Board; noting that revenues and expenditures are as to be expected for this time of year with the exception of the Highway winter operations budget. Mrs. Call noted that, to date, \$165K of 2015's \$175K has been spent; going on to explain the differences between the calendar and seasonal expenses. Mrs. Call advised that, per the latter, \$179K has been expended and there are additional bills in the manifest. She advised that it is likely they will go over the \$175K; noting that the FEMA reimbursement of 75% of submitted costs will aide in offsetting the over-expenditure if it comes in during this calendar year. Mrs. Call then noted that overtime and fuel line items are also over-expended.

Mrs. Call noted that she had received the results of the NH Retirement System's audit of the Town, which were positive; and that the Town audit had recently been completed and looked good, as well.

Brief discussion ensued regarding the FEMA reimbursement and the lengthy time it usually takes to receive same. Mr. Sullivan noted that the Federal government has also cut the funding the Town applied for from \$120K to \$51K, by limiting the eligible days a town could seek reimbursement for.

**COMMUNITY DEVELOPMENT DEPARTMENT FEES:** Mr. Sullivan read the public hearing notice, noting that it has been posted and no comments/concerns received. He clarified that the only actual fee changes are related to establishing one of \$1,000 for a major Cobbetts Pond Watershed District application, and eliminating a \$25 fee. Mr. McLeod moved and Mr. Breton seconded to adopt the proposed fees as posted. Passed unanimously.

**POTENTIAL SALE OF TOWN OWNED PROPERTY:** Mr. Letizio explained that in speaking to people who are involved in the Moeckel Pond and Spruce Pond projects, as well as the Conservation Commission, discussion had arisen as to whether there is any Town property that could be sold and the proceeds used to fund these two projects. Mr. Breton noted that there are statutes which prohibit the use of Town funds for private projects such as Moeckel Pond.

Mr. Letizio further explained that 20-D-2000, located on Londonbridge Road, was previously a landlocked parcel that is now surrounded by homes and has a potential to be sold as two (2) buildable lots. He indicated this could generate enough funds to complete the Spruce and Moeckel projects without having to go to the taxpayers for funding.

Mr. Letizio noted that this parcel was to have been an access to the Gage Lands, but there are several other points of access available. He then inquired whether the Board would be supportive of researching this possibility further.

Mr. Hohenberger sought clarification as to whether this parcel was a part of the Gage lands, and Mr. Sullivan replied in the affirmative. Mr. Sullivan noted it was part of the original gift and in 1979 was set aside as conservation/recreation land by Town meeting; adding that from what he can glean from the available documentation, there were no restrictions on the gift. Mr. Hohenberger noted he had always been under the impression that the Gage lands were given specifically as conservation/recreation, and Mr. Sullivan replied it would not have gone to Town meeting if that were the case. Discussion ensued, and Mr. Hohenberger sought clarification as to whether the sale of 20-D-2000 would go to Town meeting, and Mr. Sullivan replied in the affirmative.

Mr. Breton expressed his support for finishing both projects without taxpayer impacts, but urged the need for caution in selling Town assets to fund projects which were rejected by the voters. Discussion ensued regarding funding, and Mr. McLeod noted that this would just be trading of conservation/recreation interest to other areas. He noted that the sale could be contingent upon companion warrant articles, and expressed his support.

Mr. Desilets noted that, on the surface, he is also in support of the concept; however he would like formal comment from Recreation, Conservation, Forestry, and the Planning Board. He also questioned whether the abutters were notified, and Mr. Sullivan replied in the negative. Brief discussion ensued.

Mr. Hohenberger reiterated his concerns regarding this being part of the Gage lands, and Mr. Sullivan noted that if it were to go forward a title search would be conducted. Mr. Hohenberger then noted that, while it would appear to be a windfall today, in the future the sale of the parcel will result in a loss based upon the cost of service study. Mr. McLeod disagreed, and a discussion ensued.

Mr. McLeod suggested that staff proceed to get input, and that a workshop be scheduled. He noted input should be sought from the Spruce and Moeckel pond people, as well, and that Mr. Breton's concern regarding statutory prohibitions be clarified. Mr. Breton noted that are other articles that have failed, as well, and other assets in need of attention; echoing Mr. Hohenberger's concerns about the Gage land. Discussion ensued regarding the latter and it was noted that Gage lands have already been transferred to the School District.

Mr. Sullivan reminded the Board that the Conservation Commission owns Moeckel Pond, and a discussion ensued. Mr. Letizio noted there was a historical map available of the Gage land parcel showing the original configuration.

Mr. Norm Young approached noting that the Friends of Moeckel Pond exist only to get water back into the pond that the Town purchased. He noted they were formed in order to repair the dam and once completed that will be transferred to the Village District for a sum of \$1. Mr. Sullivan clarified that even then the Village District will own the dam, and not the Town; the former serving as a separate governing body. Discussion ensued. Mr. Letizio then summarized the intent behind the proposal, noting that while it is unconventional he is endeavoring to find a way to do something valuable without asking the taxpayers to pay.

Mr. McLeod moved to proceed to explore this via a workshop reaching out to the abutters, that Town Counsel perform a title search, that input be sought from Recreation, Conservation, Friends of Moeckel Pond, and that Town Counsel offer an opinion regarding expending funds on behalf of a 501C3. Mr. Letizio requested that the Planning Board be consulted as well; and Mr. McLeod amended his motion according. Mr. Hohenberger seconded, and the motion passed unanimously.

**GOAL SETTING:** Mr. Letizio requested that the Board briefly review the status of the 2014 goals, and return to the next meeting with ideas for 2015. Mr. Sullivan noted that 8 of the 12 goals established last year were either completed or major headway accomplished; adding what remained was web/social media, beautification, and the strategic plan. Mr. Hohenberger pointed out that there was a beautification program via the Adopt-a-Spot program. Brief discussion ensued.

Mr. Sullivan asked that any other ideas be submitted for discussion/prioritization. He reminded the Board that the revaluation is a major project needing completion, which will be difficult without an Assessor. Further discussion ensued.

Mr. Desilets noted that enhancing of the Town's presence on the web/social media was, he felt, going to be a project this year; citing the need for shareable links.

Mr. Letizio noted that, once established, he felt the Board's goals should be prioritized on their agendas, as well.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that a request had been received from the Boy Scouts to utilize the Town beach on May 15<sup>th</sup> from 9:30 to 10:00 PM and to have a fire. He indicated they have done so in the past, have coordinated with Police and Fire, and that Recreation supports same. Mr. McLeod moved and Mr. Breton seconded to support the request from the Boy Scouts.

Mr. Desilets noted that he would prefer not to limit the Scout's time, and Mr. Sullivan noted the end time was per their request. Discussion ensued that they would not be ejected from the area at 10PM if they ran late. Motion passed unanimously.

*Mr. McLeod* noted that he would like to have a discussion with the Recreation Coordinator relative to the fees charged by Lacrosse. Mr. Sullivan clarified that these are paid out of the revolving fund, but that he will arrange to have Ms. Haas into a meeting.

*Mr. Sullivan* noted that the State has an opportunity to sell surplus property located at Lamson Road and Route 111; however the Town has the right of first refusal. He noted that letters had been sent to the Planning Board, etal. He recommended that the town advise the State the Town had no interest in the parcel, unless he received any from those whose comments were sought. Mr. McLeod moved and Mr. Breton seconded to authorize staff to advise the State that the Town has no interest, subject to confirmation by others. Passed unanimously.

*Mr. Sullivan* noted there is a potential collaboration being discussed with the School District relative to establishing a fiber connection; and suggested a workshop be scheduled with the District to discuss this further. He advised the intent would be to connect the Schools to the Police Department for video purposes, and that there was also a potential for shared internet and phone systems.

Discussion ensued, and it was the consensus of the Board that this be explored further. Mr. Sullivan suggested that, if the School Board supports moving forward, as well, that they be allowed to decide at which Board's meeting to schedule a workshop. Mr. Letizio noted that there is also some conversations going on at the Technical Advisory Committee meetings regarding the Town's PBX phone system and its functionality. Mr. Sullivan clarified that the system is functioning, but will need to be replaced within the next 5 or 6 years; which could cost approximately \$50,000. Discussion ensued regarding the possible opportunity for VOIP service and/or leased equipment.

Mr. Sullivan indicated he will advise the District that the Board is interesting in pursuing this further.

*Mr. Sullivan* noted that, in recognition of Volunteer Appreciation Week, our annual listing of volunteers has been sent to the Windham Independent. He extended thanks to all who give of their time; noting the Town would not survive without the efforts of volunteers.

*Mr. Sullivan* advised that three quotes had been received for the handicapped door system for Town Hall, and requested the Board authorize the expenditure of \$6,600 from the Property Maintenance Trust for same. Mr. Breton moved and Mr. Desilets seconded accordingly. Passed unanimously.

As it pertained to the upcoming non-public session, Mr. Desilets requested that staff provide him with an additional resume received for the Community Development Department summer intern.

Mr. Letizio noted that the Board had previously waived the EDC rules of procedure to allow him to serve as Chairman; and that he had again been nominated. He indicated that he had asked the EDC that he only serve until July, at which time he will encourage others to step up.

Mr. Hohenberger moved and Mr. McLeod seconded to waive the EDC Rules of Procedure to allow Mr. Letizio to continue to serve as Chairman. Brief discussion ensued, and the motion passed 4-0-1, with Mr. Letizio abstaining.

Mr. Don Johnson approached requesting an update on the Board's deferral of any action relative to the Kinder-Morgan project. Mr. Sullivan noted that additional information from KM should be available in approximately a week; adding that he had asked for clarification regarding the pipeline going in the right-of-way and had received a generic answer. Discussion ensued, and Mr. Sullivan clarified that if nothing further is received from KM in a week then the Board has their answer.

Mr. Hohenberger noted that a primary question had pertained to whether KM was negotiating with Eversource. Mr. Sullivan confirmed that no definitive answer had been received. He reminded the Board that Eversource mainly only has an easement, and that the underlying property owners also need to agree to the pipeline going in the right of way. Mr. Breton noted that the process involves a multitude of negotiations, and a discussion ensued.

Mr. Letizio suggested that an update be included as an agenda item for the May 4<sup>th</sup> meeting, and Mr. Sullivan noted he had forwarded the inquiries right to National Grid and their reply would be posted on the website.

Sandy Johnson approached noting that she would like the Board, as a group, to set a deadline on KM and not allow the latter to prolong the issue. She noted that KM has already been rejected in Massachusetts, and that there are many here to oppose them; urging the Board to give them a deadline to respond yes or no regarding the right of way by the next meeting.

Mr. Breton noted there are two parties involved, and questioned how the Board can tell them when their negotiations will end. Ms. Johnson replied that the Board should just make a decision at their next meeting then. Discussion ensued as to making this an agenda item. Mr. Desilets noted he would like to see confirmation of negotiations with Eversource as KM claims. Mr. Breton suggested that KM be given an opportunity to update the Board in person, noting this is not fair to either party.

Mr. Sullivan noted that National Grid has confirmed that are reviewing the feasibility, and that Eversource indicated at their recent meeting with the Board that they will work with KM, as well. Mr. Desilets noted neither was sufficient for his needs, and a discussion ensued.

Mr. Sullivan noted a letter had also been received from the Local Government Center who is sending a representative to meet with FERC, and that he could obtain additional information from them regarding filing, timelines, and negotiations. Further discussion ensued, and Mr. Letizio asked that Mr. Sullivan obtain same for the next meeting; adding that the Board is sensitive to the timing and the resident concerns. Ms. Johnson noted that KM has never been turned down by FERC and that once the filing is completed that's it.

Dick Gumbel approached noting that of the 17 affected communities, 13 have signed on in protest to FERC; adding the deadline to do so is May 1. Discussion ensued in that Windham can oppose the project individually, and the costs to do so versus joining a consortium.

Kerry Sullivan approached and noted this project will devastate the neighborhood; urging the members to go out and take a tour. She indicated the area has been surveyed/staked based upon what KM says they need. Discussion ensued, and Mr. McLeod questioned who set the stakes. Ms. Sullivan advised that Terry Trudel, who is a surveyor, had done so.

Paul Sullivan noted that the State will have one hearing at the time of the FERC hearing. Discussion ensued.

Mr. Desilets moved and Mr. Hohenberger seconded that the Town take a position of opposition to the project, and sign on with the existing consortium of communities. Discussion ensued, and Mr. Letizio noted that he cannot support the motion as stated because, if it is located in a suitable spot he would not be opposed. Motion failed 2-3, with Mr. Letizio, Mr. Breton and Mr. McLeod opposed.

After brief, further discussion, the Board took no action.

**CORRESPONDENCE:** None.

**MINUTES:** None.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Desilets seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and c. Roll call vote all "yes". The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, and Ms. Scott were in attendance in the first session to discuss personnel hiring. Mr. Desilets moved to seal the minutes, Mr. Breton seconded. Passed 4-1 with Mr. McLeod opposed.

*The Board and Mr. Sullivan* next conducted an interview relative to the vacant Assessor position. After excusing the candidate and deliberating, Mr. McLeod moved and Mr. Hohenberger seconded to extend an offer of employment as discussed. Passed unanimously.

*Mr. Sullivan* requested the Board authorize an amendment to the contract with KRT to allow them to complete the data collection on the remaining 885 parcels of property as well as to handle all the new permits issues since December 2014 at a cost of \$21/parcel, for a cost not to exceed \$25,000. Mr. Hohenberger moved to approve the requested contract amendment associated with the ongoing revaluation. Mr. McLeod seconded. Passed unanimously.

*Mr. Sullivan* then reviewed with the Board a forbearance agreement. Mr. Hohenberger moved and Mr. Desilets seconded to extend the agreement for a period of six months as discussed. Failed 2-3, with Mr. Breton, Mr. McLeod and Mr. Letizio opposed.

Mr. Desilets moved and several seconded to adjourn. Passed unanimously.

Meeting was adjourned at 10:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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