

BOARD OF SELECTMEN
Minutes of June 16, 2014

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Al Letizio, and Bruce Breton were present, as was Assistant Town Administrator Dana Call. Selectman Joel Desilets was delayed and arrived at 7:05 PM. Town Administrator David Sullivan was excused. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. Letizio requested a moment of silence in response to Don Zimmer's passing; noting that he was more than just a baseball hero. Mr. Letizio noted the field at Griffin Park which was dedicated to Mr. Zimmer, and that the latter's daughter lives here in Windham.

Mr. Breton made several announcements on behalf of the Recreation Coordinator, including:

- The Town Beach will be opening for the season on Saturday June 14. Residents may obtain a beach pass from the lifeguards by providing proof of residency.
- Cobbetts Pond will undergo treatment for milfoil the following day, and the Beach will thus be closed.
- Town Day is scheduled for June 28th at Griffin Park. Fireworks are also scheduled for the 28th at dusk at the High School. The B-Street Bombers will perform beginning at 7:15 PM.

Mr. McLeod extended congratulations to the Girls' U-10 Soccer team, who recently defeated Oyster River, 7-1, at Gillette Stadium. Brief discussion ensued in that Mrs. Call's daughter, Amanda, is part of this team.

Mr. McLeod noted that the 7th Annual Flat n Fast race had recently taken place at the Rail Trail, and extended thanks and congratulations to Mark Samsel and the Rail Trail Alliance as a whole for coordinating another successful event. He noted the first place finishers from Windham were Mark Wimmer and 15-year old Gabrielle Dionne. Mr. McLeod then noted Mr. Samsel's thanks, and advised that the next race at the Trail will be the ConvenientMD 10K.

GARDEN CLUB: Ms. Linda German presented the Garden Club's 2014 Arthur Baker Community Investment Grant to Miss Maddie Reise. Ms. Riese, who is a WHS Senior and member of Girl Scout Troop 1007, is proposing a project at the Town Forest on Route 28; including clearing of the trail, signage/kiosks, and development of a Trail "app". The grant, in the amount of \$700, will be used by Ms. Riese towards completion of the project. Mr. McLeod noted Ms. Riese was planning quite an undertaking, and extended thanks to her for her efforts.

DONATION ACCEPTANCE: Miss Meredith Whitaker, Community Development Department Intern, noted that the turn out for the Adopt-a-Spot kick off the previous Saturday had been great; and requested that the Board accept the following donations toward same:

- Lowe's Home Improvement: (120) 6-pack of annuals valued at \$237.60
- Cyr Lumber: (9) 3" peat pots, (5) 2 1/4" peat pots, (25) seed packets, valued at \$43.11 total
- Delahunty's Nurseries: truckload of mulch and dirt
- Dunkin Donuts: 2 dozen donuts, 2 containers of coffee
- Extra Time Enterprises, LLC: \$50 toward additional By-pass median landscaping
- Northstar Financial Planning, Inc: \$100 toward additional By-pass median landscaping
- Green Sprouts: \$100 toward additional By-pass median landscaping
- Indian Rock Financial Group: \$50 toward additional By-pass median landscaping

Miss Whitaker noted that Boyden Landscaping will be utilizing the latter \$300 towards additional plants for the medians, and donating the labor place them. Mr. Hohenberger moved and Mr. Letitio seconded to accept the donations with much gratitude. Passed unanimously.

COMMITTEE INTERVIEWS: Mr. McLeod noted that one of the interested candidates had been unable to attend and would therefore be present at the June 30th meeting. The Board members then heard from Mr. Patrick Manzo, who was seeking appointment to the Local Energy Committee. Mr. McLeod thanked Mr. Manzo; noting that the Board would make a final determination later, in non-public session.

Mr. McLeod noted that the Planning Board had recommended that Mr. Carl Griffin be reappointed as representative to the Southern NH Regional Planning Commission; and that Mr. Mark Samsel had also advised via email that he was in support of same.

Mr. Breton moved and Mr. Letizio seconded to re-appoint Mr. Griffin to the SNHPC for a term of three (3) years. Passed unanimously.

SEWAGE DISPOSAL REGULATIONS: Mr. McLeod noted there had previously been lengthy discussion on proposed amendments to these regulations, and that two (2) resultant mark-ups had been provided to the Board; one prepared by staff and one by Mr. Desilets. Mr. McLeod, who had been absent from the previous discussion, noted that his observations regarding same were that he liked the idea maintaining the current minimum standards, as well as having waivers brought to the Board of Health.

Mr. Desilets noted that he appreciated the work of all involved, and moved to adopt for Public Hearing the septic regulations as amended by him and Mr. Hohenberger. Mr. Hohenberger seconded the motion. Discussion ensued relative to whether Mr. Desilets' motion was premature, as well as regarding the lengthy discussions which had already taken place on the proposed amendments.

Community Development Director Laura Scott approached, and noted several concerns regarding the proposed amendments, including:

- Four feet (4') as required in section 103.1 can present issues to applicants.
- The URL as referenced in Section 103.7 should be removed.
- The waiver section should reference "and/or"; as while the Health Officer is staff to the Board of Health the Building Inspector may not necessarily be.

Building Inspector/Deputy Health Officer Michael McGuire approached noting support for those amendments suggested by staff. He opined that these regulations should reflect the NH DES standards, similar to the Town's adoption of the State building codes. Discussion ensued regarding inspections and Mr. McGuire clarified that he currently does, and still would, perform bed bottom inspections on systems.

Mr. Letizio inquired of Mr. McGuire how he would address concerns that may be raised regarding the garnering of input from local industry professionals on these regulations. Discussion ensued, and Mr. McGuire clarified the oversight of the process by the State and that the final inspections are performed by the latter.

It was noted that the differences between Mr. Desilets' and staffs' proposals were not extensive, and pertained primarily to in-kind replacements and waivers. Mr. McGuire noted the time involved in bringing waivers to the Board of Health, and the impacts of such delays to the applicants. Mr. McLeod sought clarification as to whether such delays were the singular reason the waiver language as proposed by Mr. Desilets would be onerous, and Mr. McGuire replied in the affirmative.

Mr. Breton noted the Board had received documentation regarding the Town of Amherst's regulations for reference, and noted that two (2) additional hearings were going to be required on this matter per statute. Discussion ensued regarding RSA 41:14-b and that, at minimum, one Public Hearing would take place to adopt the revised regulations.

Mr. Desilets reiterated the effort that had been put into this document thus far, noting that he personally cared greatly about the Town's water quality. He then requested that the Chair call for a vote on his motion. Discussion ensued regarding those in attendance waiting to speak, and Mr. McLeod noted that he would allow some additional input from same before the vote.

Mr. Shane Gendron, Herbert Associates, approached and expressed concerns regarding the proposal to maintain language in Section 104.2 requiring systems to be installed 18” below grade; noting that this was an impossibility on commercial systems. Discussion ensued in that this language was existing rather than proposed, and if it were an issue how had it been addressed thus far.

Mr. Gendron suggested the words “...unless risers and manhole access provided” be added to this Section, which would then make the existing language feasible. Brief discussion ensued, and Mr. Desilets advised that he would support Mr. Gendron’s suggestion, and amended his motion accordingly to include same.

Mr. Gendron then expressed concerns with Section 103.1, noting that four feet (4’) is not necessary in most cases with new technology that is available. Discussion ensued, and Mr. McLeod suggested that the existing language allowing a reduction in the depth, which Mr. Desilets proposed to strike, simply be maintained. Mr. Hohenberger indicated that he favored Mr. Desilets amendment, citing the waiver provision. He added that a waiver would also require abutter notification which he strongly supported. Discussion ensued regarding the proposed standards vs. new technology, whether the former deterred installation of the latter, and lots located around the lakes/ponds. Mr. Desilets clarified that the four feet (4’) as noted mirrors NH DES regulations and is currently part of the Town’s regulations.

Discussion ensued regarding those items raised by Ms. Scott, and both Mr. Desilets and Mr. Hohenberger expressed concurrence with removal of the URL referenced in Section 103.

Mr. Joe Maynard, Benchmark Engineering, approached expressing concerns regarding the waiver section; noting the need for rapid replacement of failed systems and suggesting that staff be allowed to approve same. He also advised the Board that the DES is currently in the process of revising their radius requirements, and will likely lower same to 50’ with certain requirements. Discussion ensued regarding section 103.7 and the extensive requirements that must be met for DES approval to replace a system “in-kind”. Mr. Letizio then inquired what Mr. Maynard’s recommendation would be, and Mr. Maynard noted he would recommend the Board adopt staff amendments.

Mr. Desilets noted that the State’s move to reduce the radius to 50’ provided yet another reason for him to categorically support his motion. Mr. Hohenberger concurred.

Brief discussion ensued, in which Mr. Desilets clarified amendments to his motion including the addition of language as proposed by Mr. Gendron, and removal of the URL as suggested by Ms. Scott. Mr. Hohenberger amended his second, and the motion passed 3-2, with Mr. Breton and Mr. Letizio opposed.

Mr. Breton then expressed concerns, for the record, that this matter had all been done online and a brief discussion ensued.

2014 GOAL SETTING: The members reviewed and discussed the final prioritization of their previously established potential goals for the year. Mr. McLeod indicated that the items had been ranked by the Board members, as follows:

Determine future use of former Skateboard Park area at Griffin Park	4.6
Adoption of an Operations Plan – this will address the non-CIP related equipment, vehicle, and infrastructure/building needs of all departments over the next ten years. Fire cisterns included with this plan	4.4
Review Organizational Structure of the town and its departments, including Employee Professional Development	4.2
Enhance our use of the Web and Social Media	4.0
Review of all undesignated Town Lands for possible sale or reclassification (ie into Conservation)	3.8
Establish individual Workshops with the following School Board, Planning Board, State Legislative Delegation	3.8

Review of all Town Buildings and Properties to determine plans for current and future uses. Including Searles Building, and former Pre-School (Old Police Station)	3.6
Establish a Beautification Program for the town	3.6
Develop new Strategic Plan	3.4
Review former sections of the old Rte 111 conveyed to the Town and determine those sections to retain and those that should be presented to town meeting to be disposed of	3.2
Review Town Class VI Roads for possible discontinuance	2.2
Review State roads given to the Town as part of Rte 93 project - includes Rte 111 between Wall Street and Castleton, and Old Range Road	3.2

Discussion ensued amongst the members regarding the nature/intent of some these goals, such as the Operations and Strategic plans, and the importance of each item. Mr. Letizio suggested that the number of goals not be reduced, and that the Board work to address all of them over the remainder of the year. The remaining Board members concurred, and Mr. McLeod will work with staff on ensuring these matters are included on future agendas. Staff will also ensure that the listing, as sorted by rank, is made available on the Town's website.

BID AWARD – HIGHWAY TRUCK: Mrs. Call advised that, in keeping with the grant requirements, this was a request that the Board award initial approval of the bids which will then be sent to the State for approval. She advised that the response to the request for bids, as follows, had been less than staff would have liked; and that the Town had received permission to bid the cab/chassis and equipment separately.

- Rochester Truck, Rochester NH \$74,735.06
- McDevitt Trucks (Western Star), Manchester NH/Tewksbury MA \$89,887.00
- McDevitt Trucks (Mack), Manchester NH/Tewksbury MA \$98,475.00
- NH Peterbilt, Bow NH \$89,447.00
- Liberty International, Manchester NH \$94,900.00

Mr. McLeod reviewed for the record the high and low bids, and Mrs. Call noted that after reviewing the bids against the specifications, Mr. McCartney was recommending the bid be awarded to Liberty International. Discussion ensued regarding Liberty meeting the full bid requirements, the \$20,000 difference between Liberty and the low bidder, the Federal funding available, and the lack of response to the bid requests.

Mr. McCartney clarified that the truck had been spec'd per the Town's existing vehicles, and that he could not be sure why the others had failed to meet those specifications regarding such things as horse power and warranty. Discussion ensued regarding the bids received and the trucks specified therein, and the budgeted funds for the Town's portion. Mr. McCartney indicated that, if Liberty were awarded the bid, it would leave a \$1,000 shortfall in the budgeted Town's portion.

Further discussion ensued, and Mr. Letizio indicated that while the Board will typically go with the low bidder, in this case they had specific requirements. He noted that he would defer to staff's expertise and support the recommendation of the Town Administrator and Mr. McCartney.

Mr. Breton expressed concerns with spending \$90K on a truck simply because \$90K was available. Discussion ensued regarding the specifications of the Peterbilt, the inability to participate in the State's bid, and that the bid specifications in this case had been the same as the previous purchase.

Mr. McLeod sought clarification as to whether the exclusions in the warranty noted by Peterbilt would justify the \$5,000 difference between that and the Liberty bid. Mr. McCartney noted that, were the turbo to fail on the new truck, it would.

Mr. Desilets indicated that he was not comfortable with this great a difference, and Mr. Hohenberger inquired what the mileage was on the oldest truck we currently have. Mr. McCartney indicated he was unsure, however, all three (3) of them have already experienced emissions problems. Further discussion ensued regarding the warranty and the need for a dual versus single steering box.

Mrs. Call indicated that, if the Board wished, the truck could be re-bid with revised warranty requirements. Discussion ensued regarding the lack of a standardized bid specification at the State level, that each Town individually bids the equipment they need, and that in the first year of this program the Towns were required to participate in the "Buy America" program which is no longer the case.

Mrs. Call clarified that the State could still reject this purchase; which must be completed by September. Mr. Letizio then moved to support the recommendation and award the bid to Liberty International. There was no second.

After discussion regarding the Salt Reduction Act and the Town's portion of the purchase, Mr. Desilets moved and Mr. Hohenberger seconded to award the bid to Peterbuilt.

Further discussion ensued regarding their warranty exclusions and the Town's vehicle replacement schedule. Motion failed 1-4, with all opposed save Mr. Desilets.

Mr. Letizio again moved and Mr. Hohenberger seconded to support staff recommendation and award the bid to Liberty International. Passed 3-2, with Mr. Breton and Mr. Desilets opposed.

Discussion then moved to the equipment bids, as follows, and Mrs. Call advised that in addition to advertising, bids had been solicited from five (5) vendors.

- HP Fairfield, Pembroke NH \$75,474.00

Mr. Breton expressed concerns regarding the amount of Salt Reduction funds available versus the lack of bidders, and a discussion ensued. Mrs. Call advised staff could reach out to the remaining vendors if the Board liked; to inquire why they had not responded.

After further discussion regarding the previous year's purchase, and whether or not to rebid the equipment, Mr. Letizio moved and Mr. Hohenberger seconded to award the bid to HP Fairfield. Motion passed 3-2, with Mr. Desilets and Mr. Breton opposed.

Mr. Breton expressed continued concerns regarding the bid received versus the funds available; and suggested that items such as these be placed out to bid earlier in the year, prior to Town Meeting. Discussion ensued, and Mrs. Call advised this could certainly be tried, however, the vendors would need to agree to hold their price for an extended period.

TAX ASSESSOR: Mr. Norman requested that the Board approve an abatement in the amount of \$295.00 for the property at 101 Londonderry Road; noting that this related to an adjustment he had made to the land in error. Mr. Desilets moved and Mr. Hohenberger seconded to grant the abatement as recommended by Town Staff. Passed unanimously.

Mr. Norman then presented several items to the Board for signature, including: a Current Use Tax Warrant totaling \$78,000; two (2) Timber Tax Bond Forfeitures in the amounts of \$178.11 and \$206.53, and; three (3) Timber Tax Bills in the amounts of \$995.53, \$336.62, and \$273, 39, respectively. The Board executed same.

Mr. Norman advised that representatives of KRT Appraisal have begun re-inspection of 500 properties within the Northeast quadrant of Town. He noted that each individual has a photo ID, a Windham issued ID, and all vehicles are marked "KRT".

Mr. Norman then noted that he has begun working with 3D Data in use of their scanning device, and expects to bring initial results to a future Board meeting.

Mr. Norman then presented to the Board, as a gift from Mr. Wayne Ulaky, a framed/matted rendering of the Searles School and Chapel. Mr. Letizio moved and Mr. Breton seconded to accept this gift with gratitude.

Mr. Breton suggested that a letter of thanks be drafted from the Chairman, and Mr. Ulaky's input sought regarding where the photograph should be displayed. Staff will follow up.

CELL PHONE POLICY: Mr. McLeod advised that he had completed an extensive edit of the proposed policy since the last discussion; primarily regarding clarification of the following:

- Making the policy specific to "cellular phones"
- Breaking out of the stipends/reimbursement versus Town issued phones
- Correcting of language regarding right to privacy and the right-to-know law
- Consolidation of safety concerns regarding phone uses into a single section

Mr. Breton noted pending legislation regarding hands-free uses only. Candidate Regina Birdsell approached and clarified that the new law will take effect in July of 2015, and requires phones, gps, and similar devices to be utilized hands free.

Mrs. Call advised that feedback from employees had centered on the once-per year reimbursement; preferring it to be more frequently. Brief discussion ensued.

Mr. Letizio moved and Mr. Breton seconded to approve the Cell Phone Policy as amended. Passed unanimously.

OLD/NEW BUSINESS: Mrs. Call advised that the motions passed at the previous meeting relative to the TAN and Conservation Bond financing needed to be fine-tuned; specifically relative to authorizing the Town Administrator to execute the related documents.

She then requested that the Board approve the following motion: *"To accept the terms of a revolving TAN line of credit, with Enterprise Bank, in the amount of \$2,000,000.00 for cash flow in anticipation of property tax revenues. Terms are: Variable interest rate equal to the taxable equivalent yield of the prevailing WSJ Prime + 1.25%, payable on balances drawn between June 1st and July 31st, and November 1st and December 31st, with final maturity of December 31, 2014. Satisfactory opinion by Town Counsel is required. In addition, with a vote of the Board of Selectmen, the Town may renew the line of credit for an additional year. The Board authorizes Town Administrator David Sullivan to sign all loan and closing documents on behalf of the Board of Selectmen of the Town of Windham. In addition, the Board authorizes Town Administrator David Sullivan, or Assistant Town Administrator Dana Call, to authorize advances from the line of credit."*

After a brief discussion regarding the interest rates, Mr. Hohenberger moved and Mr. Letizio seconded as read. Passed unanimously.

Mrs. Call then requested the Board approve the following motion: *"Motion to accept the terms of financing, with Enterprise Bank, in the amount of \$700,000.00 for the Town of Windham's acquisition of Lot 1-C-100, known as the Campbell Farm property. Terms are: Fixed interest rate of 3.91%; total principal of \$700,000.00, interest of \$159,299.78 and payments of \$859,299.78. Ten-year, unsecured loan with prepayment available without penalty, as long as the loan is not refinanced with another institution in the first five years of the term. Satisfactory opinion by Town Counsel is required. The Board authorizes Town Administrator David Sullivan to sign all loan and closing documents on behalf of the Board of Selectmen of the Town of Windham."* Mr. Hohenberger moved and Mr. Desilets seconded to approve as read.

Mr. Letizio expressed concerns regarding the pre-pay penalty, and a discussion ensued. Mrs. Call reminded the Board that Enterprise was the only bank who has offered to bond the purchase at all; as none of the others are interested in providing an unsecured loan. Further discussion ensued regarding the warrant article, the lack of collateral and that such general obligation bonds are not usually secured, and the previous motion for which Mr. Letizio had been absent.

Mr. Hohenberger withdrew his motion, and Mr. Desilets his second. It was the consensus of the Board to not rescind their previous approval, but that Mrs. Call inquire whether Enterprise would remove the pre-pay penalty and advise the Board at the next meeting.

Mr. Letizio noted that Ms. Marilyn Bailey had contacted him to inquire about the Board's plans for discontinued roads; particularly Route 111 in the area of Heron Cove where she resides. He indicated he wanted to note, for the record, that it would be a subject on a future agenda. Brief discussion ensued regarding this area becoming a Town road, naming of same, and previous discussions with the State.

CORRESPONDENCE: None.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of 6/2 as written. Passed 4-0-1, with Mr. Letizio abstaining due to absence.

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

The Board, Town Clerk Nicole Bottai, Mrs. Call and Ms. Devlin were in attendance in the first session.

Mr. Letizio moved and Mr. Hohenberger seconded to hire the recommended candidate for part-time clerk. Passed unanimously.

The Board, Ms. Scott, Mrs. Call and Ms. Devlin were in attendance in the second session.

Mr. Letizio moved and Mr. Hohenberger seconded to hire the recommended candidate for Planning Board secretary. Passed unanimously.

The Board, Mrs. Call and Ms. Devlin were in attendance in the final sessions.

Mr. Hohenberger moved and Mr. Breton seconded to appoint Mr. Manzo to the LEC for a term of three (3) years. Passed unanimously.

Mr. Hohenberger moved and Mr. Breton seconded to re-appoint Mr. Connarn to the Recreation Committee for a term of three (3) years. Passed unanimously.

The Board discussed a reputations matter relative to removal of Town property. Mr. Letizio moved and Mr. Desilets seconded to grant the request as presented. Passed unanimously.

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

Meeting was adjourned at 9:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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