

**BOARD OF SELECTMEN**  
**Minutes of August 11, 2014**

**CALL TO ORDER:** Mr. McLeod called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Al Letizio, Bruce Breton and Joel Desilets were present; as was Town Administrator David Sullivan. Mr. McLeod opened with Pledge of Allegiance.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mr. McLeod extended birthday wishes to Mr. Hohenberger; which were echoed by several.

*Mr. Letizio* advised that the EDC had made their site visit to MarketSquare in Lynnfield; adding that he, Mr. Desilets, Mr. Oldenburg, and Mr. Gosselin had attended. He noted they had toured the site, speaking to some of the personnel, and walked throughout in order to get a feel of the area. Mr. Letizio stated it was quite impressive; adding that some of the initial results from the recent Master Plan survey expressed feelings that are embodied in Lynnfield. He indicated he had passed along some of the names of the local Lynnfield officials to Mr. Sullivan and Mr. Norman, and that the EDC will investigate the possibility further and report back to the Board of Selectmen.

*Mrs. Margaret Case*, Chairman of the Cable Advisory Board, approached and advised that new cameras had been installed in the meeting room. She extended thanks to Mr. Tom Case, Cable Coordinator Kelly Yucupicio, and Maintenance Foreman Jeff Galle for their work to complete the installation; noting that over \$2,000 had been saved by having them do so. Mr. McLeod extended similar thanks on behalf of the Board, and a brief discussion ensued as to when the installation had been completed. Mrs. Case also thanked the Community Development staff for their cooperation during the work.

*Mrs. Case* then advised that, as it related to her work with the Searles facility, she had received a letter from the State advising that the Moose Plate Grant application had been successful and the Town would be receiving \$9,699; adding that same must now be approved by the Governor and Council. Discussion ensued and thanks were extended to Mrs. Case for her efforts. The latter will forward the related documentation to Mr. Sullivan and Mrs. Call for completion. Mrs. Case extended thanks to George and Marion Dinsmore, Brad Dinsmore, Barbara Case, and members of the Administrative staff for all their assistance in completing the grant application.

Mr. Sullivan extended thanks to Mrs. Case for her work, and asked that the Board adopt the following resolution related to acceptance of the grant:

*“RESOLVED: That this municipality shall enter into a contract with the State of New Hampshire, acting by and through the Department of Cultural Resources providing for the performance by this Municipality of certain services as documented within the foregoing grant application, and that the official listed, David Sullivan Town Administrator, on behalf of this Municipality, is authorized and directed to enter into the said grant agreement with the State of New Hampshire, and that they are to take any and all such actions that may be deemed necessary, desirable of appropriate in order to execute, seal, acknowledge and deliver any and all documents, agreements and other instruments on behalf of this Municipality in order to accomplish the same.*

*RESOLVED: That the signature of the above authorized party or parties of this Municipality, when affixed to any instrument of document described in, or contemplated by, these resolution, shall be conclusive evidence of the authority of said parties to bind this Municipality, thereby:*

*The foregoing resolutions have not been revoked, annulled, or amended in any manner what so ever, and remain in full force and effect as of the date hereof;*

*The following person or persons have been duly elected to, and now occupy, the Office or Offices indicated: Municipality Board of Selectmen Chair, Ross McLeod; Municipality Clerk, Nicole Bottai; Municipality Treasurer, Robert Skinner.”*

Mr. Letizio moved and Mr. Hohenberger seconded as resolved. Passed unanimously.

**DONATION ACCEPTANCE:** Mrs. Case extended thanks to Mr. Dubay for all his assistance. Mr. Sullivan advised that the Board must officially accept the donation of engineering services related to exterior work at the Searles facility, valued at \$13,000, from Karl Dubay/The Dubay Group. He indicated that the Board had previously discussed this work, and approved its moving forward.

Mr. Hohenberger moved and Mr. Desilets seconded to accept the donation of services from The Dubay Group, valued at \$13,000, with much gratitude. Passed unanimously.

**ANNOUNCEMENTS CONTINUED:** Mr. Mark Samsel, on behalf of the Windham Rail Trail Alliance, approached seeking approval from the Board for the Alliance to paint the C-16 caboose. Mr. Samsel noted that, since it was acquired in 2006, only the roof of the caboose had been painted; leaving the remainder in serious need of scraping/sanding/painting. He advised that price quotes had been obtained by the WRTA, and Mr. Phil Pemberton of Auburn, MA was selected; adding that the latter would like to start the following day and reiterating that the project would be funded by the WRTA.

Mr. Hohenberger moved and Mr. Breton seconded to accept the donation valued at \$2,800 from the WRTA and to allow the work to proceed. Brief discussion ensued, and Mr. Samsel noted that work was recently completed on the caboose to repair rust on the front portion. The motion passed unanimously.

**COMMITTEE INTERVIEWS:** Mr. Sullivan advised that a third interested candidate to the WEDC, Mr. Jeff Bostic, was unable to attend that evening; but would be present on the 25th. The Board then heard from resident Noelle Lyons-Baker and local business owner Lisa Walker. Brief discussion ensued amongst the Board members, and it was determined that the Board will make their appointment to fill the vacant term after hearing from Mr. Bostic.

**2013 AUDIT PRESENTATION:** Ms. Cheryl Pratt, Director at Plodzick and Sanderson, approached noting that Mr. Scott Egan and Mr. Mike Campo were present, as well. Ms. Pratt reviewed with the Board the results of the audit of the Town's 2013 Financial Statements; highlights of which included:

- The Town had received an “unqualified opinion”; indicating that finances were fairly stated in all material respects. Ms. Pratt advised the Town should be quite proud of that, as many Towns and Schools that P&S audit do not receive same; adding that Mrs. Call does a good job of managing and keeping in compliance the Town's finances.
- At year end, the General Fund represented \$22,163,174 in assets with liabilities of \$20,413,408; the bulk of the latter being that which was due and payable to the School District. Discussion ensued regarding the “permanent fund” referenced in the statements, which Ms. Pratt indicated related primarily to cemetery funds paid in for maintenance that are un-expendable for any other purpose.
- Ms. Pratt reviewed deferred inflows of resources relative to the General Fund; noting new GASB requirements regarding same that change the term from “deferred revenue”. The Town had \$2.3M in deferred inflows encompassing property and land use taxes.
- The Town's government-wide fund balance reflects a deficit of \$592,906. Ms. Pratt indicated same is made up of a number of types of funds including: restricted fund balances (donations and library); committed fund balance (expendable trust funds) for capital reserve purposes; and, assigned fund balances (abatements, encumbrances, public safety). She clarified their reporting requirements encompass a 60-day rule, which results in the deficit balance. However, she clarified that as it pertained to the Tax Rate setting, a budgetary fund balance of \$743,000 will be shown.

Mrs. Call sought clarification from Ms. Pratt of any input Plodzick may have received as it pertained to banking/bonding companies' opinions on a negative fund balance. Ms. Pratt replied that financial reports are looked at for bonding; however there are many towns reporting a negative fund balance. She added that she is unaware of any negative feedback as far as banks and funding for bonds, etc. Mr. Egan approached and opined that it depends on who the Town were to deal with, as well as the ability to explain and clarify the financial statements and the Town's ability to repay funding during any evaluation. Brief discussion ensued, and Mrs. Call advised she would report back if it does impact the upcoming School District bond.

- Ms. Pratt advised that she was pleased to report that no management letter had been required, either. She indicated she did speak with Mrs. Call during the audit; advising in a governance letter that Plodzick was pleased with changes implemented relative to impact fees and recreation reconciliation. She indicated that, overall, the Town had received a very good audit, and extended thanks to Mrs. Call and the Town for making their job much easier by working to provide the necessary information.
- Mr. Desilets sought clarification regarding statements within Plodzick's correspondence relative to impact fees. He noted the letter states that, after extensive review it was determined there was a lack of understanding in collection procedures resulting in loss of \$115,020; however he had thought overpayments were the result as opposed to lost funds. Mr. Sullivan and Mrs. Call replied, clarifying that the net amount resulting from both over and underpayments was \$58,000 to the positive; however the audit comment had focused only on the shortage in fees collected.

Mr. Desilets then inquired whether this reference included anything related to the incorrect assessment of impact fees on a per unit basis for multi-dwelling units; and Mrs. Call replied in the negative, adding that this was an issue that had just arisen and been resolved. Mr. Sullivan added that the fee assessments for three (3) units had been adjusted. Discussion ensued, and Mrs. Call clarified that the internal controls put into place as a result of the impact fee analysis will not be reviewed by Plodzick until next year; as this audit pertained to 2013. Mr. Sullivan added that the recent issue indicated that the controls are working; as the error in calculation was caught by a Planning Board member. Discussion ensued regarding the new controls and the timing of the audit versus the impact fee analysis. Ms. Pratt advised that, if staff had any questions regarding the existing or new controls, Plodzick would be happy to look them over.

The Board extended thanks to the representatives of Plodzick for their presentation.

**ABATEMENTS:** Tax Assessor Rex Norman presented his recommendation to the Board for the final two (2) abatements for tax year 2013. He explained that the first, 10 Forest Street, was submitted due to complete destruction of the home by fire. He advised that the applicants had submitted the abatement under new statutes which allow for a prorated assessment based on the damage to the building. Mr. Norman recommended a total of \$1,515.12, plus interest, be abated.

Mr. Norman then noted that the property at 1 Brown Road had been newly purchased last year for \$165,000; and at that time had been in very poor shape. He noted that serious structural problems were discovered by the new owner during the gutting, and that an abatement had been requested. Mr. Norman recommended the Board approve revision of the assessment from \$210,500 to the purchase price of \$165,000; adding that, moving forward, the changes to the condition will be picked up each April. Discussion ensued regarding the value of the building permit issued, the sale price, and that the building will be re-assessed after renovations are completed. Mr. Norman advised that the home could be in the mid-300's, or perhaps higher, after completion. Further discussion ensued regarding condition of the structure at the time of the abatement, which Mr. Norman indicated was a shell, and the value of the land.

Mr. Letizio moved and Mr. Breton seconded grant both abatements as presented. Passed unanimously.

**RIGHT OF WAY PERMIT:** Mr. McLeod noted that a permit had been had been requested to install water lines within the rights-of-way on roads located in the Windham Estates area. Mr. Sullivan noted that the roads involved included Johnson, West Shore, Robin Hood, Wildwood, Birchwood, and Prescott; adding that Pennichuck intended to install the new water lines under the roads, approximately 6" off the curb.

Mr. Peter Cutter of Pennichuck approached explaining they were proposing to replace 8700' of obsolete water main that was installed prior to 1998. He advised that there have been approximately eighty failures in the area in the last 16 years, as well as 20% water loss in the overall neighborhood; adding that the project will involve simultaneous replacement of 82 services. Mr. Cutter went on to note that the plan includes repairing the streets, and that Pennichuck is requesting that their bidders price out, separately, a 1" overlay. He indicated that there is a potential to combine same with the Town's work at a lower cost, and that Pennichuck's Chief Engineer has spoken to the Highway Agent regarding same.

Mr. Breton expressed concerns regarding fire safety in the area, and a discussion ensued. Mr. Cutter clarified that nine (9) hydrants were being added in the area as part of the project. Mr. Breton suggested that additional stubs also be included for future use, and further discussion ensued. Chief McPherson approached and noted that the additional fire hydrants will greatly assist the Department's response, and discussion ensued regarding the age and configuration of the neighborhood and that there is little likelihood of additional development therein. Chief McPherson pointed out there are also existing water mains that extend up to the McDonalds, and a hydrant is present at the Country Shoppes; adding that these extensions resulted from Pennichuck's installation of a booster station on Range Road by Armstrong Road. Discussion ensued regarding where these lines connect, and that they are newer ones not being replaced as part of this request.

Mr. Letizio inquired whether this project will afford any difference in service to the residents, and Mr. Cutter replied that, while there would not be a change in pressure per se, there would be less interruption of services. He went on to note that Pennichuck is proposing a very aggressive schedule of 180 days to complete the project, and Mr. Letizio inquired why the areas of Woodvue, Lakeview, etc., were not also included in the proposal. Mr. Cutter noted that, he believed, this permit request represented only Phase I, and that next year Pennichuck will look to upsize/install additional hydrants in other areas, as necessary.

Discussion ensued regarding Pennichuck working with the Highway Agent, and Mr. Sullivan inquired whether Pennichuck would be willing to place the value of the overlay into escrow for the Town to utilize towards road improvements in the Estates. Discussion ensued as to whether the Town would need to do road repairs in the area if Pennichuck were to do the overlay. Mr. McCartney approached and clarified that the roads in question, which are mix and place as opposed to pavement, require reclamation/drainage work. He added that it would be his preference to see the funds escrowed for use, as a 1" overlay will not suffice. Discussion ensued regarding Pennichuck's bid schedule, and that their work is planned for December with a final overlay in the Spring. Mr. Breton suggested our schedule for work could be changed so as to end with Pennichuck doing the overlay. Further discussion ensued, and Mr. Breton suggested that the estimated costs to do all the area roads be established and presented to the CIP for completion in 2015, less Pennichuck's costs to overlay. Mr. Sullivan noted that the CIP includes \$350,000 for roadwork, and discussion ensued.

Mr. Cutter advised that this is an SRS funded project, which does present some issues as it pertains to Mr. Breton's suggestion. He reiterated, however, that the overlay is being bid as a separate option, so it could be explored. Discussion ensued, and Mr. Sullivan noted that, should the Board approve the permit, Mr. McCartney could explore the costs and the timing of both projects, as well as any ability to negotiate alternatives.

Mr. Breton then moved and Mr. Letizio seconded to approve the right-of-way permit for Pennichuck as described. Passed unanimously.

**BID AWARD:** Mr. Sullivan advised that three (3) proposals for winter sand had been received, as follows:

- Granite State Minerals: \$49.13/ton delivered
- Eastern Minerals, Inc.: \$49.13/ton delivered
- Morton Salt, Inc.: \$55.86/ton delivered

Mr. Sullivan advised that the Town has utilized Granite State in the past, and that he and Mr. McCartney would recommended the bid be awarded to them. Mr. Desilets moved and Mr. Hohenberger seconded to award the bid for winter salt to Granite State for the bid price of \$49.13/delivered. Passed unanimously.

**FEE WAIVER REQUEST:** Community Development Director Laura Scott approached and explained that the owner of 50 Rockingham Road, Mr. Lynch, has been working with the Department for several years to bring his site into compliance. She noted that though he has been reluctant to go through the junkyard licensing process, he would now like to do so in order to come into compliance. Ms. Scott noted that Mr. Lynch understands that a waiver of the related fees does not guarantee approval, however, through discussions with him he had revealed that the cost is a deterrent to him applying. She noted that Mr. Lynch had been advised that he could request a waiver of the fees from the Board, and that both she and Town Planner/former CEO Elizabeth Wood support granting of same.

Discussion ensued as to the total to be waived, which Mr. Sullivan advised would be \$760, plus an additional \$500 in required escrow funds. Mr. Hohenberger expressed concerns regarding waiving the latter, and Ms. Scott clarified that this pertains only to KNA's review and costs would be paid by the Community Development Department. Mr. Hohenberger sought clarification as to whether the property is currently in compliance, and Ms. Scott replied in the negative. She went on to indicate that Mr. Lynch has been cleaning up the site, but is requesting the waiver as he would prefer to maintain his junkyard. Discussion ensued in that the ZBA, Planning Board, and/or Selectmen can place restrictions on the operations as it pertained to hours, fencing, etc.

Mr. McLeod sought clarification as to what the Town would gain by granting the waiver; and Ms. Scott replied a site that is in compliance with State laws and local regulations that no longer required staff monitoring every two (2) weeks. Discussion ensued, and Mr. Sullivan noted not only would staff time be saved, but also legal expenses. Mr. Sullivan noted that, if Mr. Lynch were to obtain his variances, he could then be operating legally; however, approval is not a given. Mr. Breton inquired whether there are other sites in town similarly out of compliance, and Ms. Scott replied in the negative. Discussion ensued regarding other compliance issues/waiver requests that have been brought to Board in the past.

Mr. Breton sought clarification as to how long, if the Board were to waive the fees, it would be before Mr. Lynch is in compliance. Ms. Scott advised the Board could establish a date for same, and discussion ensued regarding the need for Mr. Lynch to go through the ZBA, Planning Board, and finally the Board of Selectmen to obtain his final license.

Mr. Breton moved and Mr. Hohenberger seconded to waive the fees as per the request of the Community Development Director; with a maximum of one year for Mr. Lynch to complete the process.

Discussion ensued regarding the logistics of the motion as it pertained to the potential denial of the license application. Mr. Breton clarified that he wanted to ensure, by specifying one year, that Mr. Lynch goes through the required steps regardless of the outcome. Motion passed 4-1, with Mr. Desilets opposed.

**IMPACT FEE REFUND:** Mr. Sullivan advised the Board that, based on statutory language and local ordinances, there is a single Public Safety impact fee in the amount of \$514 which was collected from a Mr. Bumstead that will not be used by October. Mr. Sullivan noted that, procedurally, the Board of Selectmen must approve sending a letter to Mr. Bumstead advising him that he is entitled to a refund, and that he must apply in writing for same. Mrs. Call added that a 60 day notification to the payer is required, thus it is being brought to the Board now.

Mr. Letizio then moved and Mr. Breton seconded to authorize the refund of an unused Public Safety impact fee. Discussion ensued, and Mr. Sullivan clarified that the motion should be to authorize a letter of notification to Mr. Bumstead. Mr. Breton disagreed with this, feeling that the payer should not have to request said refund. Mr. Sullivan replied that, legally, the Board must proceed in this fashion. Discussion ensued, and Mr. Sullivan advised that that Mr. Bumstead simply needs to advise in writing that he would like funds returned; adding that a one-line email to that effect is sufficient.

Mr. Letizio amended his motion, and Mr. Breton his second, to approve sending a notification letter to Mr. Bumstead as discussed. Passed unanimously.

**PUBLIC HEARING:** Mr. Sullivan read public hearing notice into the record as follows: *"The Board of Selectmen will hold a public hearing on August 11, 2014 at 7:00 pm at the Community Development Department for the purpose of considering amendments to the REGULATIONS GOVERNING SEWAGE OR WASTE DISPOSAL SYSTEMS, and is proposed in accordance with the provisions of RSA 147:1. Changes being proposed within the regulations are available for review on the Town website at windhamnewhampshire.com, or at the Administrative Offices, 4 North Lowell Road. Language that is being added is shown in underlined text while deleted language is crossed out."* Mr. Sullivan noted that no comments/concerns had been received since the document had been posted.

Mr. McLeod briefly reiterated some of those items recommended by him in this proposed version, including that bed bottom inspections should stay with the building inspector; appeal opportunities should not be expanded to anyone beyond the applicant; and that he does not support the inclusion of RSA or other title references. As to latter, Mr. Hohenberger noted he had endeavored to establish which RSA to cite, and that he'd found determining same to be difficult and was therefore comfortable with the regulations as written.

Mr. McLeod opened the discussion up to the public; however, no input was received.

Mr. Desilets noted that, while he continued to believe that "ENVWQ-1000" and "RSA 485" should be mentioned in the document in the interest of residents and engineers getting the information they need, he thinks Mr. McLeod did a good job on the document and would support it as written.

Mr. Breton then moved and Mr. Letizio seconded to approve the Regulations Governing Sewage and Waste Disposal Systems as written. Passed unanimously.

Mr. McLeod extended thanks to all, including staff, for their hard work on this issue.

**OLD/NEW BUSINESS:** Mr. McLeod noted that queries had been received regarding political signs on Town property, particularly as it pertained to Griffin Park, Town Hall, and the like. Mr. Sullivan clarified that he had apprised the Board of the matter based upon calls he had received regarding signs being in the right-of-way at Griffin Park. He noted he was seeking an affirmation that, barring a sight line or safety issue, the Board does not have concerns with such signage at Griffin Park; adding that rarely are such signs placed at Town Hall or other areas.

Mr. Breton noted that candidate protocol is not to place them in front of any occupied Town buildings; adding that Griffin Park is a State right-of-way and thus governed by the Attorney General and RSA 616. Mr. Breton noted that, historically, no signs have been placed in the Town center. Discussion ensued, and Mr. Hohenberger noted that he has in the past put his own signs at Griffin Park, however, he would not want to see the huge, distracting signs placed there. He inquired whether there was a way to limit the size to the small signs. Mr. Breton noted that, based upon his experience in the field, he did not believe anyone would put a 4x8' sign at the Park.

Mr. McLeod noted that he did not have an issue with the Church Road/Route 111 area commonly used for signs, but that he believed placement in other location, such as Town Hall, might seem to indicate an endorsement. He added that he would prefer not to see signs at any parks or cemeteries, or other identifiable Town property. Discussion ensued, and Mr. Desilets noted he had driven by Griffin Park earlier, and that there were currently eight (8) signs on behalf of two (2) candidates. He expressed concerns regarding the appearance of 4x8' or 3x6' signs at the site based upon a decision made by the Board; or in the event of an accident resulting from same. Mr. Breton reiterated that he did not believe the area to be under Board of Selectmen purview as it was a State right-of-way. Mr. Sullivan advised that the pertinent area of RSA 664:17 reads: "*Political advertising may be placed within state-owned rights-of-way as long as the advertising does not obstruct the safe flow of traffic and the advertising is placed with the consent of the owner of the land over which the right-of-way passes.*" He noted that the question would be, is it passing over the State's right-of-way, or over the portion that the Town owns; adding that he had not yet consulted Town Counsel regarding this issue. He then confirmed that the Board could limit the size of the signs.

Mr. Desilets expressed concerns that, on smaller signs, the text size would also be a distraction. Discussion ensued, and Mr. Letizio expressed concerns regarding restricting anyone's freedoms and ability to get their message out. He indicated that he had also driven by and, as he did not see anything different from previous years, he had no problem leaving the area as it is. Mr. Letizio added however, that should anything change, such as large signs appearing, he would ask that the Board revisit the matter under old business.

Mr. Sullivan suggested that, as the question was Griffin Park specific, a motion be made affirming that at this time the Board has no issues with the placement of signs at Griffin Park. Discussion ensued regarding the matter coming up again and that, if a large sign were to appear on the site and be deemed a safety hazard, it would be moved immediately without waiting to go back to the Board.

After further discussion, Mr. Letizio moved and Mr. Breton seconded to take no further action on the regulation of political signs in that area; deferring instead to the statutes. Motion passed 3-2, with Mr. Desilets and Mr. McLeod opposed.

Mr. McLeod clarified that, while he agreed with both Mr. Letizio and Mr. Hohenberger, he was opposed as he would just prefer people not put their signs at Griffin Park. Discussion ensued, and Mr. Desilets indicated that while he agreed with Mr. Letizio, as well, having driven by the Park he had found the signs distracting and was thus concerned for the safety of children in the area.

**PUBLIC HEARING CONTINUED:** Ms. Scott approached noting the hearing had gone so fast she had not had the opportunity to raise a concern regarding a section of the septic regulations. Discussion ensued as to whether the Board would need to formally re-open the public hearing, and Mr. McLeod expressed concerns that these changes had not been submitted to the Board prior to the hearing for review.

Ms. Scott noted that her only suggestion was that, in Section 103.8, it refer to the Health officer and not the Building Inspector. Further discussion ensued, and Ms. Scott clarified that she recommended that change because, while currently the Building Inspector is the Health Officer, in the future that may not be the case. She advised that, as worded, you would then have an individual inspecting something who had no interaction or involvement in the process from the beginning. Discussion ensued in that, right now, it is not an issue and whether or not it should be reconsidered that evening.

Mr. Hohenberger moved and Mr. Letizio seconded to reconsider the Board's vote to approve the Regulations. Passed 4-1, with Mr. Desilets opposed as he felt staff should have presented this amendment with time for Board to review it prior to the meeting. Discussion ensued, and Mr. McLeod expressed his displeasure with not having received the information beforehand from Ms. Scott.

Mr. Letizio then moved and Mr. Breton seconded to approve the Regulations, amending Section 103.8 to change "Building Inspector" to "Health Officer". Passed unanimously.

Mr. Breton moved and Mr. Letizio seconded to close the public hearing. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. McLeod noted he had received several concerns from others regarding the recent Planning Board discussion on impact fees as they pertained to multi-units. Mr. Sullivan clarified that all impact fees are calculated "per dwelling unit", and that last year one development had been issued three (3) permits and charged impact fees for the single structures. Mr. Sullivan noted, however, that they should have been assessed for six (6) units, as they were duplexes. He indicated that, once discovered, staff in Administration and Community Development had gone back to look at the multi-units and had advised the Planning Board that they should have been assessed "per dwelling" and that \$3,900 had not been collected. Mr. Sullivan noted that the calculation template implemented in April will be adjusted to reflect duplexes and other multi-family units; adding that two (2) similar permits issued this year have been notified that they must pay an additional two (2) fees. Mr. McLeod advised that concerns expressed to him had centered on the fact that staff had not been the ones to pick up on the error. Mr. Sullivan clarified it had been found by a member of the Planning Board, and he was glad they had discovered it.

Discussion ensued, and Mr. Letizio noted that he had taken exception to certain members of the Planning Board targeting staff members during the discussion in question; adding he had also noted that several members of the Planning Board were unable to define the terminology in their own ordinance. He suggested that the Planning Board work to correct their terminology and allow the Administrative team to do their job.

Discussion ensued, and Mr. Hohenberger noted that in his time on the Planning Board he had always looked to staff for such answers, so while he agreed there had been a bit of animosity there, the Planning Board member did catch the error while staff had not. Mr. Letizio felt the latter was a separate issue from jumping on the staff, which he did not feel was ever appropriate as it does not build the type of environment he wants to have for employees of the Town. He noted that if something is wrong it should be fixed, but that he did not hear the Planning Board trying to do so that evening. Discussion ensued.

Mr. Sullivan clarified that he had been approached by members of the Planning Board afterwards, advising that the calculation template may be wrong; and that staff had found this to be true when looking it over. He indicated that, regardless of who had caught it, he thanked them for doing so; adding that while it did nothing for last year; going forward it has been corrected. Mr. Sullivan noted that since the internal controls have been put in place the process has worked; with the only glitch being related to multi-use buildings. He noted that Mrs. Nysten had asked staff to look into it, which they had, and it was no longer an issue.

Mr. Desilets indicated that he couldn't agree more that members do need to respect staff; however, to Mr. Hohenberger's point, respect is also needed for the volunteer members of the Boards. He noted that he believed it was clear to the Planning Board what a dwelling unit was, and that he hadn't perceived the discourse in question to be disrespectful. He then queried how many multi-family impact fees were assessed prior to 2014, and Mr. Sullivan advised the only ones were the three (3) he discussed from 2013. Mr. Desilets sought clarification as to whether this pertained to Public Safety Impact fees, as well, and Mr. Sullivan replied in negative; adding it related only to School Impact fees. Brief discussion ensued regarding condominiums, which are exempt, and that staff had verified back to the beginning of the implementation of the Public Safety impact fees that only one had occurred.

Mr. Desilets inquired which developer was involved in this particular under-assessment, and Mr. Sullivan replied it was Deacon Place.

**MINUTES:** Mr. Letizio moved and Mr. Desilets seconded to approve the minutes of July 28, 2014 as written. Passed unanimously.

**CORRESPONDENCE:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Desilets seconded to enter into a nonpublic session in accordance with RSA 91-A:3 II a and e. Roll call vote - all "yes". The topics of discussion were personnel and legal, and the Board and Mr. Sullivan were in attendance in all session.

Mr. Sullivan updated the Board on a personnel matter. No decisions were made.

Mr. Sullivan updated the Board on a legal matter. It was the consensus of the Board to support Town Counsel's recommendation; and Mr. Sullivan will follow-up regarding same.

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

Meeting was adjourned at 9:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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