

BOARD OF SELECTMEN
Minutes of August 12, 2013

CALL TO ORDER: Chairman Phil LoChiatto called the meeting to order at 7:05 PM. Selectmen Ross McLeod, Al Letizio, and Kathleen DiFruscia were present; as was Town Administrator David Sullivan. Selectman Roger Hohenberger was delayed and arrived at 7:25 PM. Mr. LoChiatto opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Fire Chief Tom McPherson approached, noting he was pleased to be able to attend in order to make a special presentation to a very deserving citizen, Mr. Matt Pulomena. Chief McPherson reminded all that, several weeks ago, there had been a near tragic incident in Town involving a small child and a swimming pool. He indicated that Mr. Pulomena, with no regard for himself, had assisted by performing CPR which restored Connor St. Laurent's heartbeat and pulse, and that the child was now fine. Mr. Pulomena was presented with a "Citizen Lifesaving Award", amidst a hearty round of applause from the many in attendance. Chief McPherson then presented Mrs. Rachel St. Laurent with a photograph taken at the Station of her, Connor, and Mr. Pulomeno together.

Chief McPherson then recognized Deputy Chief Ed Morgan, Lt. Jim Brown, and Firefighters Ralph DeMarco, Mike Specian, Diana Nault, and Eric Hildebrant for their efforts on the day in question; particularly in their continuation of lifesaving care to Connor. Mr. LoChiatto extended thanks on behalf of the Board for the heroic efforts of all, and then called a brief recess to allow the room to clear.

Mr. Sullivan advised that, weather-permitting, PSNH would be conducting infrared air patrols across the State for the week of 8/12-16. The purpose of the patrols is to look for hot spots on PSNH's transmission lines.

LIAISON REPORTS: None.

CORRESPONDENCE: Mr. Sullivan advised that a notice of retirement had been received from Mr. Ralph Parsons. Mr. Letizio moved and Mr. McLeod seconded to accept same with regrets. Passed 4-0. The Board then extended thanks and well wishes to Mr. Parsons.

Mrs. Call advised that notification had been received that the Town had been awarded the \$9,000 grant as applied for by the Police Department for cruiser equipment.

MINUTES: Mr. McLeod moved and Mr. Letizio seconded to approve the minutes of July 15th as written. Passed 3-0-1, with Mrs. DiFruscia abstaining due to absence.

EAGLE SCOUT PRESENTATION: Postponed.

DONATION ACCEPTANCE: Mrs. Margaret Case approached requesting the Board accept the following toward the Searles facility, as well as goods/services from AP Dailey Custom Laminating valued at \$450:

Brian & Lee Duffill	\$100.00	Windham Garden Club	\$50.00	Lillian & Edmond Schwarzenberg	\$20.00
Herbert & Lourice Beshara	\$50.00	Alan & Krista Veit	\$50.00	Jeffrey & Jennifer Gallant	\$50.00
Sylvia Petzold	\$25.00	Elaine Noble	\$50.00	Katherine Lacharite	\$43.00
E Diane Carney	\$25.00	Jeanne Rousseau	\$15.00	Robert & Carol Baechle	\$50.00
Martha Staton	\$25.00	Josephine & Gregory Cappiello	\$40.00	Leo Congo	\$20.00
Naults Windham Motorcycles	\$250.00	Walter & Veronica Flynn Hewitt	\$50.00	Robert W Heinze	\$50.00
Doris & Edgar Sidon	\$25.00	Regina & Lawrence Sarkozy	\$50.00	Dr Edward and Mrs Ulrike Porst	\$50.00
Barbara Buswell	\$30.00	Ruth Lange	\$25.00	Rosemary & Joseph Pothier	\$20.00
Deborah Drake	\$50.00	Trista & Jeff Rosen	\$50.00	Helen Sully	\$50.00
Kerry & Brian Gallant	\$25.00	Lydia Fortier	\$25.00	Ronald & Roberta White	\$20.00
Janet & Joseph Mulvey	\$25.00	Juliane & Michael Carrozzella	\$25.00	Beatrice Heinze	\$150.00
George & Barbara Kfoury	\$25.00	Elizabeth Russo	\$50.00	Samantha DuBreuil	
Gail Catalano	\$25.00	Beverly & Phillip Meuse	\$100.00	Rick & Shelby Flanagan	\$10.00
Salem Firefighters' Relief Assn	\$100.00	Island Pond Convenience	\$200.00	Mike & Denise Sarnie	\$10.00
Eunice Veit	\$25.00	Edward & Beverly Smith	\$50.00	Windham Cable Advisory Board	\$40.00
James & Beverly(Heinze) Lacey	\$50.00	Tom & Margaret Case	\$35.02	Eleanor & Frederick Rossbach	\$50.00
Roanne & Steven Copley	\$500.00	Muriel & Frederick Kuehn	\$10.00	Al Letizio Sales & Marketing Inc	\$500.00
Barbara Abbott Rev Trust	\$20.00	Anne & Raymond Benedix	\$25.00	Mary Griffin	\$100.00
Margaret & Burton Ball	\$25.00	Carol & James Emery	\$50.00	Victoria Mason	\$35.00
Windham Garden Club	\$50.00	Margaret & Charles Crisler	\$100.00	Total cash	\$3,768.02

Mrs. DiFruscia moved and Mr. McLeod seconded to accept same with gratitude. Passed unanimously. Mrs. Case then advised that she will be putting something together for Harvest Fest to raise additional funds.

2012 AUDIT: Mr. Sullivan advised that this agenda item has been postponed at the audit firm's request.

POLICY UPDATES: *Ambulance Billing Policy* - Mr. Sullivan advised that the policy had been posted for the required time period. After a brief discussion, Mr. Letizio moved and Mr. McLeod seconded to approve the policy as posted. Passed unanimously.

Personnel Policy – Mr. Sullivan advised that the proposed amendments, including incorporation of the Board's comments, had been posted in house for the required 14-day period, with no additional input received. Mrs. DiFruscia moved and Mr. McLeod seconded to approve the Personnel Policy as amended relative to authorized leave. Passed unanimously.

TAX ASSESSOR: Mr. Norman reviewed with the Board the final seven (7) abatements pending for TY2013; noting that settlement agreements are in place for each and it was his recommendation that the Board grant each one as presented. The abatements, totaling \$11,391.33, were as follows: 12 Greenway Road \$2,203.58; 96 North Lowell Road \$246.64; 48 Turtle Rock Road \$1,290.80; 15 Johnson Street \$1,913.15; 3 Ironwood Road \$4,653.80; 1 Grove Street \$970.41, and; 9 Jacob Road \$112.95. After a brief discussion, Mr. McLeod moved and Mr. Letizio seconded to approve the abatements as presented by the Assessor. Passed unanimously.

Mr. Norman then presented a warrant for current use land tax in the amount of \$107,000; which the Chairman executed accordingly.

FINANCE UPDATE: Mrs. Call presented her second quarter financial update to the Board; highlights of which included:

- Vehicle Fuel for most departments is running close to budgeted expectations.
- Heat – other than the Fire Department as discussed in the Q1 report, most other departments will likely level out or be only slightly higher than budget for the year, assuming new contract prices are at or below 2012-2013 levels (\$1.79 for Propane & \$3.199 for Oil).
- Health Insurance – all budgets will show an excess of % spent due to the portion of the annual premiums that are paid from the Health Expendable trust at year end with adjustments made according to the budget; further, formal notification has been received that the total to be reimbursed via the LGC's contribution holiday is \$186,422. Of that, 20% +/- will be returned to active employees while the difference will remain as unexpended budget for 2013 available towards the 2014 tax rate.
- Dental Insurance – the total to be reimbursed through the LGC's contribution holiday is \$17,103; all of which will remain as unexpended budget for 2013 available towards the 2014 tax rate.
- Town Counsel portion of the Legal budget continues to be underbudget due to benefit of flat rate contract; other portions (ZBA & Union) will be overbudget due to the nature of the cases this year. This is the second year of the "flat fee" contract for General Services, which has saved the Town approximately \$8K to date for 2013.
- Police Overtime – The unforeseen extended absence of several patrol officers due to injury/disability has caused this line item to be 94% expended through the second quarter, with some offsetting savings to be reflected in the regular salary account.
- The recent Planning Board discussion relative to Impact Fees collected versus the potential that could have been brought in was noted. It was clarified that Ms. Scott is conducting an analysis of the existing fees, and that the discussion had centered on missed opportunities related to significant grandfathering of subdivisions when the impact fees were implement. Significant remaining High School impact fees were also noted, and Ms. Call clarified that these must be used for future growth only, or against the existing bond.
- Revenues – most items are in line with expectations; a few more months' of activity is needed to determine if budgeted amounts remain reasonable for tax rate setting purposes.
- Special revenue/revolving/expendable trust funds reflect normal activity during the 2nd quarter.

- Fund Balance as of December 31, 2012 has been finalized by the auditors and, per policy, all but \$300,000 is available to return to taxpayers as part of the 2013 tax rate setting – a total of \$436,411.

Mr. LoChiato inquired how it had been working with the new auditing firm, and Mrs. Call replied it had gone well; noting the staff had some suggestions but no Management Letter had resulted.

SALE OF TOWN PROPERTY: Mr. Sullivan reviewed with the Board a listing of 38 tax deeded parcels that the Town may dispose of via bid or auction; noting that Community Development staff, and the Economic Development Committee and Conservation Commission had provided recommendations regarding same. He noted that, of the 38 parcels, the recommendation was unanimous to sell 27 of those; with Conservation recommending that the remainder be retained and/or designated as Conservation land via Town meeting. Mr. Sullivan indicated that he would suggest the Board support these recommendations, and added that the Board may want to consider hiring an engineering company to review ways, if any, to maximize the marketability of these parcels; adding that the estimated cost to do so was \$10-15K. Lengthy discussion ensued regarding the parcels, and possible development of a bid specification to retain an engineer.

It was the consensus of the Board that a bid specification be developed for an engineering review of the 27 tax deeded parcels as discussed, and that the recommendations regarding same not be included in order to receive a blind analysis result.

OLD/NEW BUSINESS: Mr. McLeod recused himself from the Board due to his affiliation with Windham Soccer. Mr. Sullivan advised the Board that, similar to previous years, Soccer, Baseball, and Football had approached the Town with donations in order to spray each of the athletic fields for mosquitos. Mr. Sullivan noted that the cost for spraying would be \$1,900 if Searles were included, however he clarified it was not being recommended for spraying due to lack of use. He noted that Football has offered \$350 towards spraying of Roger's Field, and Baseball \$350 towards Griffin Park. Mr. McLeod approached noting that Soccer was offering \$350, as well. Mr. Sullivan noted that, with these funds, Griffin Park and Rogers can be completed, however additional funds will be needed to complete Tokanel and Nashua Road. Discussion ensued regarding recent positive results for West Nile Virus in neighboring communities.

Mrs. DiFruscia moved and Mr. Letizio seconded to fund the difference to complete field spraying not covered by the donations; and to accept with gratitude \$350 from Windham Soccer, Windham Baseball, and Windham Football, respectively, towards same.

Further discussion ensued, in which Mr. Hohenberger reiterated his long-standing position that spraying was not effective, and the best prevention was use of bug spray on the children. Motion passed 3-1, with Mr. Hohenberger opposed.

Mr. McLeod resumed his seat with the Board.

Mr. Sullivan advised that the Town of Salem continues to be interested in purchasing several pieces of the skate park; however, they have reduced their bid to \$3,100 due to the costs to move the equipment; adding that, procedurally, this constituted a different bid. He suggested that the Board reconsider selling the equipment via GovDeals.com and that, instead, they authorize staff to negotiate with Salem and then determine what to do with the remainder of the equipment. Discussion ensued regarding bidding the items as is/where is, whether to include the fence, and possible means of disposal of the residual equipment.

Mr. Letizio moved and Mr. McLeod seconded to allow staff to negotiate with the Town of Salem the best price for the selected pieces. Passed unanimously.

Mr. Letizio moved and Mr. McLeod seconded to bid the remaining assets, including the fence, as all or nothing/ as is where is with all reasonable offers being considered. Discussion ensued as to the timing of removal and the need for qualified bidders. Mr. Letizio amended his motion and Mr. McLeod his seconded to add reasonable offers will be considered from qualified bidders. Passed unanimously.

Mr. Sullivan advised that the opportunity has arisen for the Town to join in the State's bid for the purchase of Winter Salt at a cost of \$49.48/ton; which is less than last year's cost. After brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to allow the sole source bid for the purchase of 800 tons of salt as part of the State's bid. Passed unanimously.

Mr. Sullivan advised that the Town of Derry is re-doing their portion of Beacon Hill Road, and that the Town could piggyback on their project in order to complete the small portion remaining to be re-done in Windham at a cost of \$51/foot or approximately \$8,700. After a brief discussion, Mr. McLeod moved and Mrs. DiFruscia seconded to authorize a sole source bid for Beacon Hill Road and that Continental Paving be contracted with complete the project at a cost of \$51/foot. Passed unanimously.

Mr. Call advised that she had met with School Administrator Adam Steele relative to the District's upcoming bidding for heating oil, propane, and on-road diesel; and the possibility of the Town piggybacking on their bid. She noted that the School Board will award their bid on September 2nd, and the information will be presented to the Selectmen the following week for review. Discussion ensued.

Mr. Sullivan advised that the NH Lakes Association, which is working with several owners on Woodvue Road, has asked permission to place a rain garden in the old roundabout area on Woodvue Road. He noted this area, which is Town owned land, would be maintained by the neighbors and that the Highway Agent supports the request. Mr. McLeod moved and Mr. Letizio seconded to authorize Mr. McCartney to work with the NH Lakes Association as proposed. Passed unanimously.

Mr. Sullivan noted that a request had been received to authorize work on the Rail Trail in order to prepare the area for pavement. Mr. Mark Samsel, WRTA President, approached and noted that this in-kind services donation from a local developer will aide in reducing the overall cost of the trail and the Transportation Enhancement Grant obligation. He indicated that the area in question is a challenge due to the drainage/ditch lines. Discussion ensued regarding the possible benefits of the Town budgeting for the remaining costs to complete trail, rather than continuing to use TE funding, as well as total costs of the Rail Trail to date.

Mr. Letizio then moved and Mr. McLeod seconded to authorize the work on the trail as discussed. Passed unanimously. Mr. LoChiatto then asked that the developer be noted for the record, and Mr. Sullivan advised that H & B Homes would be doing the work; extending thanks to same.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into a nonpublic session in accordance with RSA 91A:3, II, a and d. Roll call vote – all “yes”. The topics of discussion were personnel and land acquisition.

The Board, Mr. Sullivan, Mr. Wayne Morris of the Conservation Commission, and Ms. Devlin were in attendance in the first session.

The Board discussed the potential purchase of land. Mr. Hohenberger moved and Mrs. DiFruscia seconded to authorize the Commission to offer up to a maximum amount as discussed for same. Passed unanimously.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the remaining session. Mr. Sullivan updated the Board on a personal matter relative to Earned Time compensation. No decisions were made.

Mr. Sullivan advised the Board of a personnel matter relative to compensation. It was the general consensus of the Board that Mr. Sullivan advise the employee in question that the Board would not entertain such a request at this time.

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

Meeting was adjourned at 9:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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