

BOARD OF SELECTMEN
Minutes of December 2, 2013

MEMBERS PRESENT: Chairman Phil LoChiatto, Selectmen Al Letizio, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan and several department heads. Selectmen McLeod was excused. Mr. LoChiatto called the meeting to order at 7:00 pm, and opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Sullivan announced the details of the traffic plan for the Tree Lighting ceremony on Saturday, December 7, noting that a section of North Lowell Road, in the area of Town Hall, will be closed to southbound traffic and limited parking will be available on N. Lowell Rd, although satellite parking for the event will be available at the adjacent shopping plaza on Indian Rock Rd. Captain Mike Caron addressed the meeting and discussed the details of the road closure. Mr. Letizio then noted members of the WEDC and Selectmen are invited to come to his office on Saturday the 7th at 1:00 to bake cookies for the tree lighting event.

CORRESPONDENCE: Mr. LoChiatto noted that a letter had been received from the Planning Board pertaining to the impact fee collection issues that have previously been discussed, requesting the Town have a third party audit completed. Mr. Sullivan noted that, as per a discussion among the Board at their previous meeting, a response letter to the Planning Board has been drafted by staff, indicating that the Board of Selectmen do not wish to pursue a third party audit and feel that the analysis completed by both the Community Development and the Administrative staff, will sufficiently address the concerns. Mr. LoChiatto read the letter into the record.

MINUTES: Mr. Sullivan noted there were two sets of minutes available for approval: November 18 and November 25. Mr. Letizio had concerns about the minutes of November 18 and the discussion pertaining to the matter of the rental of Town Hall, specifically the notation that an agreement was reached among the Board that night. His concerns pertain to the statement indicating "...it was agreed that the Board wished to be part of this type of decision and that any emails sent out be first provided to the Board". Mr. Letizio contends this was discussion only and that if at the time he felt a decision was being made by the Board, he would have voted against it. Mr. Letizio does not agree that the Board needs to be part of these types of Administrative decisions and does not agree that an email that he receives or sends as an individual member of the Board necessarily needs to be shared first with the entire Board before sending. Mr. Hohenberger noted that he felt the Board should be involved in these types of decisions and he did not feel it was appropriate for Mr. Letizio to send an email with the appearance of it being on behalf of the Board of Selectmen, due to his email being followed by his title as a Board member and the Town seal.

Mr. Sullivan suggested an amendment to the minutes to strike the last sentence of the paragraph and replace with: "A lengthy discussion ensued in which members of the Board expressed their request to be part of this type of decision and that any emails sent out be first provided to the Board. No final decisions were made." Further discussion ensued regarding use of the Town seal in emails and responses to emails by an individual Board member. Mr. Letizio motioned to approve the November 18 minutes, as amended, and Mr. LoChiatto seconded. Motion passed 3-0-1 with Mrs. DiFruscia abstaining, as she was not present at that meeting.

The Board then briefly discussed the minutes of November 25. Mr. Letizio motioned to approve the November 25 minutes and Mr. LoChiatto seconded. Motion passed 3-0-1 with Mrs. DiFruscia abstaining, as she was not present at that meeting.

OLD/NEW BUSINESS: Mr. Sullivan requested formal approval of the change to the Town's Health Flexible Spending plan to allow employees to put aside up to \$2,500 per year versus \$1,000, which was previously approved by the Board for the 2014 plan year. The plan amendment requires a formal resolution of the Board, which Mr. Sullivan read into the record. Mrs. DiFruscia motioned to approve the resolution and Mr. Hohenberger seconded. Motion passed 4-0.

PUBLIC HEARINGS: Mr. Sullivan read the hearing notice into the record:

The Board of Selectmen will hold a public hearing at 7:00 pm on December 2, 2013 at the Community Development Department to consider the acceptance of the following as public roads:

Fox Crossing:

Mitchell Pond Road Extension from station 0+00 to 34+00

Taylor Farm Road from station 0+00 to 7+00

Ms. Laura Scott presented the road acceptance and explained that all required approvals for road acceptance have been received from Highway, Fire, the Town's consulting engineer and the town attorney. She also noted that we have been holding a maintenance bond letter of credit for \$7,500. She noted the Planning Board has approved the bond release. Mr. Hohenberger asked about the use of a consultant engineer for road inspections and staff explained that this was the process for the past several years. With no other questions from the Board, the hearing was opened to public comment. Mr. Bob Coole, Morrison Road, noted he has a concern with taxpayers paying for repairs to Morrison Road along the open culvert from Mitchell Pond Road, which he believes has caused the collapse of a forty foot section of the road in the area of his home. He believes this was a poorly designed open culvert, and he feels that taxpayers should not have to pay for this repair, and that it may someday affect his leachfield. Ms. Scott noted that upon learning of Mr. Coole's concerns she questioned Mr. Chabot, the Town's consulting engineer, about this and he did not feel this new development caused this issue. Mr. McCartney, Highway Agent, addressed the meeting and noted the area does not contain an open culvert, but is a treatment swale that comes off of a culvert and takes care of four basins on Mitchell Pond Road. He noted that at the time the road was built in approximately 2003-2004, the Planning Board did not allow for the collection of any impact fees to make improvements to Mitchell Pond Road in this area. Mr. McCartney feels the general issue of the age of the road has caused these problems and not specifically this new section of Mitchell Pond Road, although a contributing factor could be the increased traffic and water flow in the area. Mrs. DiFruscia asked about the potential remedy and cost. Mr. McCartney noted that \$20,000-\$30,000 could cover a basic compacting and reclaim project, but if we were to do something similar to the area that was reconstructed a few years ago, which would require engineering and additional drainage, it would cost \$50,000-\$60,000 and be done as part of the Town's road reconstruction program over the next couple of years. Mrs. DiFruscia motioned to approve the release of the \$7,500 bond and Mr. Letizio seconded. Motion passed 4-0. Mr. Hohenberger motioned to accept Mitchell Pond Road Extension and Taylor Farm Road as posted, and Mrs. DiFruscia seconded. Motion passed 4-0. Mr. Hohenberger motioned that the roads be posted at a 25 miles per hour speed limit. No second was received.

Mr. Sullivan read the hearing notice into the record:

In accordance with RSA 31:95-b, the Board of Selectmen will hold a public hearing at 7:00 pm on December 2, 2013 at the Community Development Department for the purpose of considering the acceptance of grant funds allocated to the Town of Windham from the State of NH and the National Highway Traffic Safety Administration, totaling \$8,864.35. The grant funded the purchase of E-Citation equipment for use by the Windham Police department.

It was noted that this grant was previously approved by the Board and the equipment has been purchased, however, formal acceptance is required. Mr. Letizio motioned to accept the grant funds of \$8,864.35 and Mr. Hohenberger seconded. Motion passed 4-0.

Mr. Sullivan read the hearing notice into the record:

In accordance with RSA 31:95-b, the Board of Selectmen will hold a public hearing at 7:00 pm on December 2, 2013 at the Community Development Department for the purpose of considering the acceptance of unanticipated funds allocated to the Town of Windham from the LGC Healthtrust LLC, totaling \$162,441.98. This amount represents a return of surplus from the Town's medical and dental insurance programs. A portion of the funds was returned to retirees and active employees representing their proportionate share of insurance premiums paid, with the remainder returned to the Town as a credit towards 2013 budget expenditures.

It was noted that these funds were previously discussed by the Board with the intention of offsetting current year budget expenditures, however, formal acceptance is required. Mrs. DiFruscia motioned to accept the unanticipated funds of \$162,441.98 and Mr. Letizio seconded. Motion passed 4-0.

BID AWARD FOR HIGHWAY LOADER: Mrs. Call noted the bid results have been posted online since the bid opening and asked that the Board dispense with officially reading the results. They are included below for the record:

Vendor	Purchase Price	Trade-In Value for Town's 2002 Dressta Loader	Net Purchase Price
Ultra Green Landscape LLC, Windham	\$79,000	no bid	n/a
Option#1* - Winmill Equipment Co, Windham	\$169,000	\$23,130	\$145,870
Option#2* - Winmill Equipment Co, Windham	\$153,000	\$23,130	\$129,870
Milton Cat, Hopkinton	\$125,600	\$17,000	\$108,600
Chadwick-Baross, Concord	\$137,760	\$24,500	\$113,260
Nortrax, Pembroke	\$145,000	\$15,000	\$130,000

Mr. McCartney requested the Board allow a delay in the bid award until the next regularly scheduled Board meeting, to allow for additional analysis and comparison among the various options presented. Mr. McCartney explained some of the issues encountered in comparing the bid results due to the different manufacturer's represented and the different warranty and other equipment options that may have been included in the base price for some, but were cost add-ons for others. Further discussion ensued and Mr. McCartney noted that with additional time to review, he will return to the Board with a recommendation.

OLD/NEW BUSINESS: Mr. Sullivan requested approval of a three-year renewal of the "License to Sell Pistols and Revolvers" for Second Amendment Arms LLC of Rockingham Road in Windham. Mr. Letizio motioned to approve and Mr. Hohenberger seconded. Motion passed 4-0.

BUDGET WORKSHOP:

Police/Dispatch –

Mr. Hohenberger asked about how officers' steps are calculated and reflected in this budget, in light of the contract that is moving forward to Town meeting. Mr. Sullivan noted that the cost of steps is built into the contract article and that what is reflected in the budget will all change, as most of these officers are reflected in the budget at a lower step, because steps have been frozen since the expiration of the last contract. Once the contract is in place, the salary rates will all be adjusted in the budget itself.

Chief Lewis discussed the proposed new position of Community Service Officer and the type of duties this officer would perform. He noted the position would be a civilian position and not perform patrol or enforcement duties, but handle much of the duties involving the vehicles, fingerprinting, lockouts, alarms, traffic studies and animal control, including civil forfeitures for dog licenses. Discussion turned to the Animal Control aspect of the new position, and the impact this would have on the separate Animal Control budget. The Chief noted this concept was discussed preliminarily with Mr. Seifert and he was favorable to the idea. Mr. Hohenberger asked if the position could start as a half-time position, in light of phasing in the Animal Control duties. Mrs. DiFruscia asked how much time the department spends on a daily basis on “non-enforcement” issues and the Chief responded there would easily be 8 hours per day of work for this position. Further discussion ensued regarding the lack of increased staffing in this department, despite the Town’s growth and the ratio of patrol officers to residents in Windham versus the surrounding towns. The Chief noted that 19 patrol officers is somewhat low, but adding a civilian to assist with the non-enforcement duties should alleviate some of the pressure. Mr. Letizio asked that the Board enter into non-public session to discuss an issue pertaining to this subject matter and an existing employee.

NON-PUBLIC SESSION: Mr. Hohenberger motioned and Mr. Letizio seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c and possibly b. Roll call vote all “yes”. The subject matter was personnel. The Board resumed its public meeting at approximately 8:20 and Mr. LoChiatto noted that no decisions were made in non-public.

BUDGET WORKSHOP, continued:

Further discussion ensued regarding the types of duties the CSO could perform without posing liability to the Town. Ms. Heather Newell, Police Prosecutor, noted much of the administrative duties are currently performed by a combination of officers, the Captains and herself, whereas ninety percent of the most time-consuming work could be performed by a civilian. She also noted the trips to Concord for blood work and evidence that are currently done by patrol officers, which could be done by a civilian and allow these officers to focus their time on law enforcement in town. Further discussion ensued as to the need for this position, as well as whether it could be structured as a part-time position, as it will cost approximately \$80,000 for a full year of salary and benefits in 2015. Mr. Letizio noted that he is in favor of this position, but understanding the budgetary issues facing 2014, he would ask that the position start, on a full-time basis, on October 1 versus July 1 to help minimize the initial budgetary impact. Mrs. DiFruscia also noted that she can understand how the position and these types of tasks could be beneficial to the department. Further discussion ensued regarding the current situation in the department and the need for this position. The Chief noted that he has a great group of people and the department is handling the workload at this time, but there are things that aren’t getting done. Discussion turned to the type of person that may apply for this position and whether the employee would be in a Union at some point, and it was noted the employee would initially be a Non-Union employee. It was also noted that there would be a vehicle and equipment needed for this employee, which is addressed later in the budget.

Discussion turned to the property maintenance line item and the funding for a multi-year video camera replacement project. The Chief discussed possible grant funding as well as technological changes in working with the School district that is in the discussion phase. Mr. Hohenberger also asked about the academic reimbursement line item in the training budget and the Chief explained the increase is due to the previous years’ actual usage. The Board discussed various other line items and no changes to the budget were made. Several members of the Board noted that they plan to revisit the new CSO position at a later date, as well as any potential reduction in the Animal Control budget. Mr. Letizio again proposed the Board consider delaying the hire date of this new position. Mr. Hohenberger noted that the overall Police budget increase at 5.5% is high. It was noted that the budget increase is comprised of the \$45,000 year-one impact of the CSO, a \$30,000 increase in vehicle equipment due to the cycling out of older vehicles and \$40,000 due to State retirement increases.

Mr. Hohenberger motioned to reduce the Vehicle Maintenance budget by approximately \$10,000 to remove the Captain's replacement car (budget includes first year of 3-year lease). Mr. LoChiatto seconded for discussion. Motion failed 1-3 with Mr. LoChiatto, Mr. Letizio and Mrs. DiFruscia opposed.

The Chief asked the Board to keep in mind the salary levels of the non-union management employees including his position, the Captains and the Prosecutor as compared to other communities, as he feels the Town has fallen behind.

The Board briefly discussed the Dispatch budget, noting that the only item that has changed is a presumed 10% increase in the cost to contract out Fire dispatch to Derry, as our contract ends June 30, 2014. Mr. Sullivan noted that contract negotiations are underway and other options are under consideration by the Fire Chief. No changes to the budget were made.

NON-PUBLIC SESSION: Mr. Hohenberger motioned and Mr. Letizio seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The subject matter was personnel: including the earned time balances of certain employees and the re-hiring of part-time winter plow drivers. Mr. Hohenberger motioned and Mrs. DiFruscia seconded to hire the drivers as proposed; passed 4-0.

Mr. Letizio motioned and Mrs. DiFruscia seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 9:30 pm.

Respectfully submitted,

Dana Call
Asst Town Administrator-Finance

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