

BOARD OF SELECTMEN
Minutes of December 15, 2014

MEMBERS PRESENT: Chairman Ross McLeod, Selectmen Al Letizio, Joel Desilets, Bruce Breton and Roger Hohenberger were present, as was Town Administrator David Sullivan and several department heads. Mr. McLeod called the meeting to order at 7:03 pm, and opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Letizio announced that the WEDC has withdrawn its request to the Planning Board for a zoning change pertaining to the proposed Market Square District. He indicated that they want to take a thorough approach to this in order to do it right, and have further questions to answer and minimal time in order to meet 2015 town meeting deadlines. Therefore, they will revisit the discussions next Spring, with the intention of moving the concept forward to the 2016 ballot. Members of the Board thanked the WEDC for its work to date.

Mr. Letizio also noted that the work being done by Pennichuck in the area of West Shore Rd, which the Board previously approved, has been creating issues with many of the residents. He indicated that residents were unaware that they would repeatedly lose water without notice. Also, he was unaware, as a Board member, that Pennichuck does not have detailed plans of the area they are excavating, which is causing some of these issues. As a result, representatives of Pennichuck will hold a meeting at Town Hall on Thursday, December 18 at 6:30 pm for affected residents. Mr. Letizio encouraged Board members to attend.

HIGHWAY TRUCK GRANT: Mr. Sullivan presented an updated on the Highway Truck grant purchase through the State of NH and Federal Highway, as outlined in a memo prepared by Dana Call. As previously reported, Federal Highway rejected the Board's previous request to award the bid to Liberty International, and after meetings with the granting authorities, as well as the other Towns involved in the Salt Reduction project, a revised bid specification was advertised and sent to the various truck vendors. The specification was written generically, with minimum required standards, to allow any type of manufacturer to bid, however, bids were received on December 5, and only one company submitted a bid. Another company submitted a no-bid, and after discussions, it was indicated that they misunderstood the specification, and could, in fact, meet the specification if it were to go out to bid again. Mr. Sullivan explained that this appropriation will lapse on December 31, 2014, so the Board has the option to either: (1) reject this bid and put out an expedited bid again, in hopes of getting at least two bids, which may or may not be acceptable to the granting authorities, or (2) reject the bids and allow the funds to lapse, with the intention of using the 2014 appropriated funds to complete the purchase of the third highway truck, understanding that there will be no funds for a fourth truck. After discussion, Mr. Hohenberger motioned to put the truck out again, for an expedited bid process and Mr. Breton seconded. Motion passed 5-0.

STATE SURPLUS LAND: Mr. Sullivan presented a letter from the State regarding two lots on Harris Rd (13-A-77 and 13-B-80), which the Town has first option to purchase. Based on comments received from the relevant Town departments and committees and the potential for sale to a private concern, he recommended the Board reply to the State that the Town has no interest in purchasing the parcels. A motion to that effect was made by Mr. Breton and seconded by Mr. Letizio; passed 5-0. Similarly, a parcel split by the old Lamson Rd (13-A-155) is also available for sale, contains a utility easement, has potential interest by a private concern, and the relevant Town departments and committees have no interest in the parcel. Mr. Breton motioned and Mr. Hohenberger seconded that the Board reply to the State that the Town does not wish to purchase the parcel. Motion passed 5-0.

POLICE GRANTS: Captain Caron presented two grant opportunities through NH Highway Safety, which are 100% reimbursable. Captain Caron explained that the first is for DWI patrols for a total cost of \$6,552 and the second is for red light traffic enforcement for a total cost of \$4,914. It was noted that these types of grants are offered annually, and the Town has participated in the past because it allows for additional manpower to be dedicated for these specified purposes. After further discussion, Mr. Desilets motioned to authorize the Police department to apply for these grants and Mr. Breton seconded. Motion passed 5-0.

MINUTES: Mr. Sullivan noted there were three sets of minutes available for approval: December 1, December 4 and December 8. Mr. Breton motioned to approve as written and Mr. Hohenberger seconded. Mr. Letizio noted that he was not in attendance for the December 1 meeting and asked that this vote be taken separately. Mr. Breton amended his motion and Mr. Hohenberger his second to approve minutes of December 1. Motion passed 4-0-1 with Mr. Letizio abstaining. Mr. Breton then motioned to approve the minutes of December 4 and 8, and Mr. Hohenberger seconded. Motion passed 5-0.

CORRESPONDENCE/NEW BUSINESS: Mr. Sullivan noted that the Board has received correspondence from Counsel representing the abutters of Libbey Road which requested the Board put any plans to discontinue this road on hold, to allow more time for the abutters to address any potential issues with changing the status of the road. Mr. Letizio motioned to withdraw the Board's proposal to make any changes to Libbey Road at this time, as it may be a detriment to the abutters, and Mr. Hohenberger seconded. Mr. McLeod agreed, but noted that the Board can revisit the issue in the future, and Mr. Sullivan noted that it would be deferred until the 2016 town meeting. Motion passed 5-0.

Mr. Sullivan noted a citizens' petition has been received for the Town warrant and read it into the record as follows: By petition of Robert Coole and others, "to see if the Town will vote to authorize the Conservation Commission to manage the Town forest(s) as provided for under RSA 31:112 II. Further, to instruct the Conservation Commission to establish a sub-committee to aid in its management of the forest(s), said sub-committee to consist of the members of the present Forestry Committee as appointed by the Board of Selectmen."

Mr. Desilets asked if there had been any feedback from the Forestry Committee on this topic, and Mr. Sullivan noted that the petition has just been received by Administration and is being presented to the Board first, and then the Forestry Committee will be notified. Further discussion ensued regarding the petition and its effect, as it pertains to the 2014 town meeting vote.

BUDGET WORKSHOP:

Police –

Mr. Sullivan read into the record a letter from the School Board in support of the proposed School Resource Officer (SRO), and noted that Dr. Rekart is in attendance at the meeting. Chief Lewis presented the rationale for the request for an additional SRO. He noted that the Town used to have an officer at the Middle School, prior to having a high school in Town. At the time the high school opened, the decision was made to place the SRO primarily at the high school, thus the interaction between the Police and the other schools is on an as-needed basis. That Officer is constantly busy with the students at the high school and he is an integral part of the staff at the high school, mentors the students, participates in programs, etc. The same goal is for this to happen at the middle school. Chief Lewis noted that if the Police had an opportunity to work with the middle school students at an earlier age and get them on the radar earlier, it would be a tremendous benefit to the school system.

Mr. McLeod asked about the day-to-day routine of this new SRO. Captain Caron discussed the issues dealt with today involving juvenile court, safe schools, social media, etc. and the benefits of having this officer at the middle school. Mr. Letizio echoed that the previous idea of having one SRO cover both the high school and middle school is not working as intended, due to the population of kids at each of these schools. Chief Lewis echoed that the importance of this is to establish relationships with kids early on, as well as relationships with the families. Mr. Hohenberger noted that he feels it's important for the students to realize that the Police are not the "bad guys" and they should feel comfortable going to them. Mr. Hohenberger understands that there is a need for more than one person, but questioned if there is a need for two full time SRO's. Discussion turned to the type of assignment this will be and the ability to move the second SRO into other roles if needed. Chief Lewis also noted that each SRO will cover two schools, with High/Middle being the primary assignment, while pairing each SRO with Center/Golden Brook as well. It was also noted that during the summer months, the SRO would be available for patrol shift coverage. Mr. Hohenberger then asked about the additional vehicle and it was noted that a new vehicle would be purchased for patrol, and an older vehicle would be assigned to the SRO for their daily use, but that the SRO travels between the schools and court, as well as incident response.

Mr. Letizio asked the Chief to explain where the Windham police department's staffing stands as compared to similar communities in the area. The Chief noted this is generally measured as number of officers per thousand residents in their communities, and Windham has 19 officers. He indicated there is no national standard, but this ratio is commonly used, noting Windham currently has 1.3 officers per thousand and the statewide average is 2.18/thousand, while the average of the surrounding communities we generally compare to is 1.8/thousand. The Chief noted that 25 officers would put us at approximately 1.8/thousand, and would be the strategic goal of the department. Discussion turned to the amount budgeted for the first year (half year) of salary/benefits, as well as equipment to outfit the new officer, and the ongoing costs for a full year thereafter. Mr. McLeod agreed with the opportunity that exists to reach out to the students at the middle school age. Mr. Desilets noted that we are generally living in a safe area and maybe we are at a point to take this next step, although this budget year might not be the year. Mr. Breton reiterated that this position will be available for patrol in the summer months, which will improve the overall ratios, and he would be in favor of the position. A brief discussion turned to the cost of funding a K-9 Officer. Mr. Desilets also asked if the added position would assist in some overtime savings if we were to have a long term absence. Further discussion ensued and Mr. Desilets motioned and Mr. Letizio seconded to leave the SRO in the budget. It was noted that the Board generally does not make a motion to leave an item in, but normally to remove an item. It was agreed and the motion was tabled.

Discussion turned to additional questions on the budget, including the start date of both the new SRO and the replacement patrol for Officer Yameen, who left employment recently. Discussion turned to the insurance line item and Mr. Sullivan noted that two employees had changed health plans (one change was due to the newly hired replacement officer waiving insurance), thus the budget can be reduced from \$296,320 to \$289,400. Discussion then turned to training programs budgeted for the upcoming year and ammunition costs. No other changes to the budget were made.

Dispatch – It was noted that the largest increase in the budget is related to the annual increase in the contractual fee to Derry for dispatch services, which is still far below what the Town would pay to dispatch for Fire in-house. After further discussion, no changes to the budget were made.

Mr. Sullivan noted that there will be another health insurance change in the Assessing department, based on open enrollment in which an employee waived health insurance coverage, bringing the total budget for this health insurance line down to \$31,030, or a decrease of \$15,030.

Community Development - Ms. Scott discussed the projects included in the Contracted Services line item, which is the largest area of increase. The consulting services line totals \$64,700 and includes \$2,000 for site specific soil mapping changes for town meeting, \$50,000 for phase 2 of the Master Plan, \$2,700 for website hosting which is generally offset by revenues, and \$10,000 for a Growth Management study and ordinance, which the Planning Board had discussed adding to the department budget.

Mr. McLeod asked about the Master Plan update and Ms. Scott noted that although there is no legal penalty if we don't have it updated, the town is supposed to have it in order to justify the town's impact fees, CIP and potential growth management ordinance. Ms. Scott indicated that the Master Plan should be updated every 10 years and the Planning Board supports this. Mr. McLeod disagreed citing the language in RSA 674:3 II, which states that it is recommended it be updated periodically, but not required. Mr. Hohenberger noted that he believes the outcome of Phase 1 revealed that our Master Plan is in pretty good shape. Mr. Desilets echoed that he believes our 2005 Master Plan is excellent and that there might not be a need to contract out Phase 2, and that members of the Planning Board and volunteers have the opportunity to write the remaining chapters over the course of the upcoming year. Mr. Letizio asked about the downside of not hiring a consultant for the Master Plan update. Ms. Scott noted that there would be quite a bit of data gathering and mapping required, and it would likely take longer than a year to complete. Mr. McLeod indicated that he would like to see the Market Square district as a top priority of the Planning Board, with the Master Plan falling behind that, and he feels that the \$50,000 should not be in the budget.

Mr. McLeod recognized Kristi St. Laurent, Planning Board Chair, who indicated that it is a large task to put on the shoulders of a volunteer board. She noted that some of the assignments to be done as part of the chapters already being updated in Phase 1, are still pending. She noted that this is a guiding document as it pertains to zoning changes and that the town has experienced a lot of change in the 10 years since it was last updated. Mr. Breton agrees with the approach to focus on the Market Square district, however, he noted that we should follow the approach that Londonderry used, which was to audit all zoning for deficiencies. Ms. Scott agreed, but noted that such an audit would take place after the Master Plan update is completed to ensure that it meets all the expectations. Mr. Hohenberger motioned and Mr. Letizio seconded to reduce the Contracted Services line item by \$50,000 to eliminate funding for Phase 2 of the Master Plan. Passed 5-0.

Regarding the funding for a growth management study/ordinance, Mr. McLeod discussed the meeting the Planning Board had with the School Board and noted that the discussion centered around classroom size, however, at no time did the Planning Board meet with any municipal departments to see if they are unable to service the growth of the town. Ms. Scott agreed, but noted that this request came directly from the Planning Board. She also noted they specifically did not want an Interim Growth Management ordinance. Mr. Breton motioned to eliminate the \$10,000 funding and Mr. Desilets seconded for discussion. Further discussion ensued regarding the actual growth of the town, the timing of this proposed ordinance and the detrimental effect to property owners. Passed 5-0.

While not in her proposed budget, Ms. Scott noted she was asked to determine the cost to update the "cost of community services study" that was previously done, and paid for by the Conservation Commission. She noted that she received quotes ranging from \$6,000-\$6,750, which would provide additional breakdown of the data. Mr. Letizio noted that he had made this request based on discussions by the WEDC and the type of data that was compiled as part of the previous study. It was noted that the town was provided with a report, but not the underlying data that was used, and if we had it, we would need to update with additional years' data. He further

noted that in order to promote a concept such as the Market Square district and its tax-positive nature, the WEDC would like to have the data to back that up. Further discussion ensued regarding the ability to use in-house staff to gather the data and the ability to see what other towns have done. Mr. Sullivan noted that there are funds available in the 2014 budget due to vacancies in the Community Development department, if the Board chose to contract with a consultant, it could do so at the Board's year end meeting on December 29. He also noted that the department heads would hold a meeting to discuss the level of time and effort that would be required to do this work, and he would report back to the Board. Mr. Desilets asked if it would be possible to just use the existing data presented in the previous study, not updated through 2014, but simply carve out the 55+ component from the existing data. Further discussion ensued and no other changes to the budget were made.

Other Proposed Warrant Articles

The Board discussed the Blueberry Road lots (1-B-1025, 1-B-1026 and 1-B-1027) the Board intends to sell. Procedurally the Board would first merge the three lots into one, through a vote of the Board, and then put on the warrant to sell as either one, two or three lots. Mr. Sullivan noted that he had discussed with Keach-Nordstrom getting a quote to go through the subdivision process with the goal of enhancing the value of the lots upon sale. After further discussion, Mr. Letizio motioned and Mr. Breton seconded to support the merger of the lots and authorize Mr. Sullivan to execute the required documents. Passed 5-0.

Discussion turned to the Fourth Street lots and Mr. Sullivan noted the action would be for the Board to merge 16-P-510, 520 & 540 into one (all lots taken by tax deed), then request at Town meeting that the fourth lot, 16P-1010 which was not acquired by tax deed, be merged into the lot resulting from the Board's initial lot merger. Ultimately, if the article passes, it could be sold as one lot. Mr. Letizio feels the lots would be more viable to be sold as a merged lot. Mr. Breton motioned and Mr. Desilets seconded to support the merger of the lots and proposed warrant article as stated, and authorize Mr. Sullivan to execute the required documents. Passed 4-1 with Mr. Hohenberger opposed.

The Board then discussed the potential designation of lots 8-A-9010 (Seavey Pond area) and 6-C-200 (off Pine Hill Road) as forest land. The Board had previously asked the Forestry Committee to weigh in on this matter, and Mr. Sullivan indicated that the recommendation was to not designate these parcels as forest land, as neither parcel had an access point to make it a viable town forest. After further discussion, Mr. Desilets motioned to designate both parcels as Conservation land and Mr. Letizio seconded for discussion. Mr. Letizio noted that they are essentially land-locked parcels that can't be accessed for conservation purposes, and the designation really would only benefit the abutting landowners. Motion failed 2-3 with Mr. McLeod, Mr. Letizio and Mr. Breton opposed. No action will be taken on the parcels at this time.

Mr. Sullivan presented a letter received requesting the Board convey Rock Pond Road lot 25-D-2A to the abutters, George & Nancy Kimball and Michelle Martone. The lot is an old proposed road which doesn't connect to anywhere but would require town meeting approval to convey. Mr. Sullivan noted the Board could include a warrant article to offer the abutters to purchase the land in some manner. The other option would be to release the "road" from public servitude, and it would automatically revert back to the abutters on either side. Mr. Letizio motioned and Mr. Desilets seconded to offer the lot for sale. Passed 5-0. After further discussion, Mr. Letizio motioned and Mr. Breton seconded, as follow up and further clarification, to offer for sale to the two specified abutters, with the offer price to be determined and ultimately included in the warrant. Passed 5-0.

OLD/NEW BUSINESS: Mr. Sullivan discussed an email received regarding the vacant former preschool building, requesting to lease the property to an interested party for a used car business, primarily for use of the outdoor lot and office use for the building. After a brief discussion, Mr. Letizio motioned to decline taking any action pertaining to leasing the property at this time, and encourage the person to work with Town staff to find other potential rental locations in town. Mr. Hohenberger seconded. Motion passed 5-0.

The Board agreed they would hold their year-end meeting at 4:00 pm on Dec 29th at the Community Development Department.

NON-PUBLIC SESSION: Mr. Desilets motioned and Mr. Hohenberger seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. The subject matter was legal. Mr. Sullivan also noted a non-meeting pertaining to Union negotiations would follow. The motion passed 5-0. Roll call vote all “yes”. The Board discussed a legal case regarding an enforcement matter. Mr. Letizio motioned and Mr. Desilets seconded to instruct Mr. Sullivan to obtain 3 quotes for removal of the hazard and to award to the vendor with the lowest quote, and to place a lien on the property. After discussion, the motion passed 5-0.

Mr. Breton motioned and Mr. Hohenberger seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 11:00 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.