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BOARD OF SELECTMEN

Draft Meeting Minutes December 19, 2016

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

ANNOUNCEMENTS

Ms. Simmons thanked the recreation department for a great senior Christmas party.

Long-time resident Maureen Spooner was being recommended as a trustee for the Searles School and Chapel Trustees. Ms. Spooner addressed the Board. She noted she has a background in architecture, design and construction project management. This past year she served as Chair for the Town Beautification Committee. Given her background, she believed she could be an asset to the Committee.

MOTION: Mr. Hohenberger made a motion to appoint Maureen Spooner as a trustee for a three-year term to the Searles School and Chapel Trustees.

Ms. Simmons seconded the motion.

Discussion: Mr. Desilets noted he served on several committees with Ms. Spooner. She has always been a great member, always professional and supports the committee 100%.
Vote 5-0.

Motion carried.

AUDIT PRESENTATION

The presentation was postponed to either the January 9th or January 23rd meeting.

MOECKEL POND DAM

The matter will be defer to a more detailed discussion on December 29, 2016 meeting.

Mr. Sullivan noted that he spoke with Diane Fallon from the Friends of Moeckel Pond. They are interested in applying for a 50%/50% grant to help fund the costs of reconstructing the Moeckel Pond Dam and her group has raised enough funds to cover the required 50% match. However they are not an eligible applicant under the grant so they will requesting that the Town apply for the grant on their behalf, which will require the Town to either to be part owner of the dam during construction or the Town would need to be granted an easement from the Friends of Moeckel Pond so they can have legal ownership to apply for the grant.

On the 29th there will be two warrant articles discussed to be included for the upcoming March Town Meeting. The first would be to raise and appropriate \$1 for the Town to acquire an easement to the dam as well as an access easement through Bay Leaf Road in Pelham. The second would be to raise \$300,000; \$150,000 from the grant and \$150,000 in matching funds by way of a donation from the Friends. That warrant article would

44 state that if the Town were not awarded the grant, or the donation not received, the
45 articles would be null and void. Attorney Campbell and the Friends of Moeckel Pond are
46 working out the logistics of this process and will be present on the 29th to discuss further.
47

48 Mr. Desilets would like to see the project funded regardless of the donation being
49 received from the Friends of Moeckel Pond. Mr. Sullivan noted they already have the
50 funds so there will be no cost to the town. Mr. Sullivan noted they would not apply for
51 the grant until April or May so there will not be a decision before the deliberative session.
52

53 Mr. Breton questioned when King Information Systems would be coming to the board.
54 Mr. Sullivan noted they were unable to make it for that meeting or the December 29th
55 meeting, so they will try and set something up in January.
56

57 **ASSESSING**

58 Joe Lessard from MRI was present for the discussion. Ms. Simmons recused herself
59 because her husband is a veteran.
60

61 ***Veteran's Credit***

62 Mr. Lessard noted that new legislation made changes to the eligibility for veterans'
63 credits, expanding those who may be eligible. He discussed the suggested draft warrant
64 article provided by the New Hampshire Municipal Association that could be for Town
65 Meeting to adopt the new statute. The current statute allows a \$500 credit if a veteran
66 meets certain requirements. The new enabling legislation removes the time period and
67 medals that are required to meet requirements. It provides that Title 10 Training for
68 active duty Reserves shall be included and those members to be covered. Based on the
69 new legislation, some agencies have predicted an additional 215 Windham veterans could
70 be eligible under the new law, which could result in a tax shift of \$107,000. The
71 Windham staff do not believe there will be more than 24 that would apply based on their
72 own data.
73

74 Mr. Desilets questioned if this covered any veteran who has served in the military and
75 also whether it still excluded certain wars. He would like to make sure all veterans are
76 covered. Mr. Lessard noted all the wars are covered and as long as they served 90 days
77 they are covered. If the town adopts the new legislation, it has to be for the same amount
78 as others that already qualified. Currently, all veterans are provided a \$500 credit on their
79 tax bill. There is a bill currently being considered that would allow towns to phase the
80 amount of credit offered in over time so there is less of an impact.
81

82 Mr. Breton suggested the Department of Defense would have a current roster so they
83 could get an accurate number of how many veterans this will effect in Windham.
84

85 **MOTION:** Mr. Breton made a motion to support moving a warrant article for the
86 veterans credit to the public hearing. Mr. Hohenberger seconded the motion.

87 No discussion.

88 Vote 4-0-0.

89 Motion carries.

90

91 Mr. Hohenberger requested to have an estimated number of veterans for the public
92 hearing.

93

94 Mr. Lessard continued with discussing personal tax exemptions such as the elderly, blind
95 and deaf exemptions. He didn't recommend any adjustments but noted that many towns
96 review them every few years to make sure they are keeping pace with market values.
97 These are assessment allowances as opposed to tax credits. He provided a sheet
98 comparing Windham to seven surrounding towns. The board noted some exemptions
99 were significantly higher than other towns and others lower, but when averaged they
100 were consistent. The board did not take action to adjust these.

101

102 Mr. Desilets noted the veterans credit only covers those that were honorably discharged
103 or honorably separated. There has been some controversy over the years around PTSD
104 and the significant issue of the stigma preventing veterans to seek treatment. A study
105 showed some veterans have been unfairly separated from the military because of PTSD
106 and as a result have a different distinction. He questioned what leeway they have in
107 specifying the type of discharge a veteran received. Mr. Lessard noted the legislation
108 does make a distinction that they must be honorably discharged or separated. He will do
109 some research to see if there is any legislation moving to change that in the future.

110

111 **GATEWAY ROAD NAMING**

112 Mr. Sullivan reminder everyone that it was the decision of board to name a section of
113 road Gateway Road. The Town then received correspondence from the E911 committee
114 that said it was too close to Galway Road and that the Town needed to reconsider the
115 name. The State has now sent a recommendation suggesting that the Town change it to
116 Gateway Street or Avenue. He added that the State would also like the Town to name a
117 section of new road in the area of Nault's Honda.

118

119 Mr. Hohenberger questioned if there were long terms plans to extend the road near
120 Nault's Honda. That section of road is only about 20 ft.

121

122 Mr. Desilets did not believe they should change the name. He believed, in his opinion,
123 they are being threatened and should take legal action against the State and reach out to
124 the commissioner and the director of E911. He believes the Town is acting in accordance
125 with E911.

126

127 The Board agreed that they should not expend town funds to fight a road name. Ms.
128 Simmons noted they were not asking to change Gateway, they were only asking to
129 change the suffix and would be in favor of calling it Gateway Street. Mr. McLeod
130 suggested they name it Boulevard, given the nature of the road.

131

132 **MOTION:** Mr. McLeod made a motion to amend the name of Gateway Road to
133 Gateway Boulevard. Mr. Breton seconded the motion. No discussion.

134 Vote 3-1-1 (Ms Simmons was opposed and Mr. Hohenberger was indifferent to the
135 motion)

136 Motion carried.

137

138 Mr. Breton suggested they contact Nault's Honda to see what they would want to name
139 their section of road since it goes to the back of their building.

140

141 Mr. Sullivan noted they received correspondence from the State that they are in the
142 process of reclassifying Range Road in order to give it to the Town but the State still
143 owns a small piece of land. The Board could accept the road now and take the liability of
144 the State owning a piece of land, or wait a year for the State to resolve the issue.

145

146 **MOTION:** Mr. Hohenberger made a motion to not take possession of the road. Mr.

147 Breton seconded the motion.

148 Discussion: The Board discussed whether they could take the land and sell it and profit
149 from it. Mr. Breton and Mr. Sullivan agreed they should wait until the State sorts
150 everything out.

151 Vote 5-0.

152 Motion carried.

153

154 **BOARD GOAL**

155 The Board reviewed the employee appreciation and professional development survey
156 prepared by staff. In addition, they reinvigorated the Volunteer of the Year, Police, Fire
157 and Employee of the Year awards. Word has gone out to the community and staff has
158 received some nominations from residents. The Board will consider the nominations
159 around the time of the public hearing for presentation at Town Meeting.

160

161 Ms. Simmons made some changes to the survey. Under "please return to the
162 Administration office", she would like to add the word "a drop box" so the employee is
163 not handing a survey to someone to maintain anonymity. She would also like to add, "If
164 you would like to submit personal comments, please attach them to the back of the
165 survey."

166

167 Mr. Desilets would encourage the Board to put forth a survey that didn't change for three
168 years so they could establish a trend and see if they were having an impact.

169

170 Mr. Hohenberger wanted number 5 to be reworded from "my department head takes full
171 advantage..." to "my department head fully utilizes..." Mr. Desilets agreed and added he
172 would like to remove the question "I respect my department head as a competent
173 professional."

174

175 Mr. McLeod believed many questions were written in a leading and suggestive format.

176 Mr. Breton agreed it should be written in a more neutral way to get a true answer. Mr.

177 McLeod suggested instead of "what do you like best about working here" you say, "work
178 is rewarding" or "work is not rewarding" and have the scale "strongly agree" or "strongly
179 disagree."

180

181 Mr. Desilets suggested they remove Part 3: Compensation and Benefits. He also
182 suggested they remove several questions about the Board of Selectmen. Ms. Simmons
183 would like to keep the last two questions about the Board of Selectmen.

184

185 Mr. Sullivan believes there should be questions about compensation. Mr. Breton added
186 that they had no control over the union employees since their compensation and tuition
187 reimbursement was not up to the Board.

188

189 The Board would like to see an amended draft in January with the target to have it
190 finalized and approved on January 23rd.

191

192 **MINUTES**

193 **MOTION:** Mr. Hohenberger made a motion to approve the October 17, November 7
194 November 22, and December 5, 2016 minutes as written. Mr. McLeod seconded the
195 motion.

196 Vote 5-0.

197 Motion carried.

198

199 **BUDGET WORKSHOP**

200 The Board will present a warrant article for the Forestry Committee to be able to use
201 \$6,000 in forest funds raised during the timber harvest towards improvements to the
202 McIlvaine Town Forest. There were no objections from the Board.

203

204 ***By-Laws governing the McIlvaine Town Forest***

205 The Forest Committee presented a draft of Bylaws for the McIlvaine Town Forest. They
206 are similar to others put in place for other town and conservation areas.

207

208 Mr. Hohenberger received feedback from a resident that was unable to attend the
209 meeting. That resident expressed concern over Section III, A, which allowed discharge of
210 firearms outside of the hunting season. He believed hunting season could be year-round
211 based on the animal hunted. It was requested that they define the timeframe when target
212 shooting outside of hunting season was allowed. The resident had concerns about making
213 hunting a year-round exercise.

214

215 Mr. Desilets did not believe there should be target shooting in town conservation areas.
216 The cost of going to a shooting range is insignificant.

217

218 Mr. McLeod suggested they strike Section II, D and modify Section III, A striking
219 “outside of hunting season.” He also suggested they amend Section II, B, 3 – “wheeled
220 vehicles will be allowed,” to state, “wheeled vehicles.”

221

222 Mr. Hohenberger had concerns with Section IV – Violations. The paragraph instructs the
223 town to go after people by saying there is restitution to be paid.

224

225 *Jim Fricchione, member of the Forestry Committee*

226 Mr. Fricchione noted target shooting has been allowed in town forests for years. The
227 intent was to put the wording in there to allow hunters to sight-in their weapon before
228 they went hunting. The committee voted this on 4:1 to allow target shooting. They cannot
229 define hunting season to just deer hunting, because people hunt turkeys and other
230 animals. Mr. Desilets noted, in his opinion, once a weapon is sighted-in it is sighted-in
231 indefinitely.

232

233 *Norman Babineau, member of the Forestry Committee*

234 Mr. Babineau noted the committee did struggle with this issue. He suggested they state
235 “discharge of firearms is prohibited for any reason other than hunting.”

236

237 Mr. McLeod questioned how many shots are typically fired to sight-in a weapon. Mr.
238 Fricchione noted it was likely three or four. Mr. McLeod questioned if the police chief
239 would consider sighting-in part of hunting. Chief Lewis stated that he would not consider
240 sighting-in a weapon part of hunting. He believes it is practice done in preparation of
241 hunting.

242

243 Mr. Hohenberger noted the resident was concerned about the time period where you have
244 to be careful of hunters in the town forest. Could the hunting season be more defined?

245

246 Wanda Rice, *member of the Forestry Committee*, noted hunting is year-round and would
247 be very difficult to define specific timeframes.

248

249 The Board agreed the language for Section 3, A should read, “The discharge of firearms
250 is prohibited for any use besides hunting purposes.”

251

252 Mr. Fricchione noted that target shooting is more precise than hunting. It is done in a
253 stationary position on a specific target.

254

255 *Bob Coole*

256 Mr. Coole believes it is a safety issue and target practice of any kind should not be
257 allowed.

258

259 *Ken Eyring*

260 Mr. Eyring noted he served on the Policy Committee for the School Board.

261

262 Mr. Eyring was concerned about Section 2, B allowing overnight camping for a period of
263 one continuous week. How will you document when someone goes in and begins
264 camping? Who do they go to if permission is needed? These bylaws have to be written in
265 a way that will be managed, interpreted and implemented in a consistent manner going
266 forward.

267

268 Mr. Desilets noted he would not want to add an additional level of bureaucracy. If
269 camping becomes an issue, then the police could get involved.

270

271 Mr. Eyring added that they could designate an area for target shooting. Mr. Hohenberger
272 noted shooting ranges typically aren't accepted in town.

273
274 Mr. Eyring noted fires are prohibited, but questioned if Boy Scouts were allowed to have
275 campfires?

276
277 Mr. Eyring questioned if they had penalties and fines already defined?

278
279 Mr. McLeod noted the section addressing violations of the bylaws should state, "may be
280 punishable by assessment of fines" instead of "shall be punishable."

281
282 The Board discussed the fine for disposal of yard waste or trash and determined it should
283 be \$100 per item. The fine should be worth the time and effort to pursue the violation.

284
285 Mr. Sullivan suggested it should read, "Violations of these ordinances are punishable to
286 the fullest extent permitted law by the Windham Police Department or by any law
287 enforcement agency," and to eliminate the fines.

288
289 **MOTION:** Mr. Hohenberger made a motion to move the bylaws, as amended, to a public
290 hearing. Mr. McLeod seconded the motion.

291 Vote 5-0.

292 Motion carried.

293

294 ***Noise Ordinance***

295 Chief Lewis made amendments to the noise ordinance to include the use of fireworks in
296 town. Windham does allow fireworks, but because of the current noise ordinance, they
297 are unable to enforce the use of fireworks late at night referencing a noise ordinance
298 violation.

299

300 Chief Lewis added a new section L, to define "permissible fireworks". The definition
301 comes from RSA 160-C:1. In section 4, paragraph A: he added more definitions to what
302 is unlawful.

303

304 After that, he looked at the various activities allowed and the hours permitted. He tried to
305 be reasonable and put them from 9 p.m.-7 a.m. After 10:00 p.m. it is too late for people to
306 be loading and unloading for construction. Families should have peace and quite at night.
307 He amended the hours for operating tools and equipment between 9 p.m. -9 a.m. on
308 Sunday. He added a section that would pertain to outdoor lawn/snow equipment between
309 9 p.m.-7 a.m., Monday-Saturday and 9 p.m.-9 a.m. on Sunday, except during
310 snowstorms.

311

312 Mr. Breton questioned if the Town would be exempt from the ordinance since they mow
313 Griffin Park early in the morning. Chief Lewis noted the Town would be exempt.

314

315 Chief Lewis included power augers. They've had issue with ice fisherman going out early
316 in the morning and using ice augers.

317

318 Chief Lewis also regulated the hours when fireworks could be used. Mr. Desilets had
319 concerns that they don't define where you can shoot off fireworks. Chief Lewis noted the
320 state ordinance defines that. Mr. Desilets found firework usage to be disrespectful and
321 discourteous especially for those who suffer from PTSD and those with animals.

322

323 **MOTION:** Mr. Hohenberger made a motion to move the amended noise ordinance to a
324 public hearing. Mr. McLeod seconded the motion.

325 Vote 5-0.

326 Motion carried.

327

328 **275th Anniversary**

329 Mr. Sullivan noted he had received feedback from town council on how to handle the
330 possibility of splitting the funding between the operating budget and a special warrant
331 article. The Board could put \$10,000 in the operating budget and have a warrant article
332 for an additional \$10,000. Doing it this way ensures that if the warrant article fails, they
333 could still have funds because it was put in the operating budget, but the Board would be
334 limited to the \$10,000 under the "no means no law".

335

336 He expressed concerns because as a voter, one may see the \$10,000 in the budget, and
337 not want to vote for the additional \$10,000.

338

339 Mr. Hohenberger noted that Recreation had a \$15,000 budget line item for special
340 activities. He would have no problem with Recreation funding the event if the warrant
341 article didn't pass. Mr. Sullivan noted if the warrant article failed, they have to have
342 something in the operating budget clearly stating it will be used for that event in order to
343 spend funds on it.

344

345 Mr. Hohenberger suggested they put the \$20,000 in the warrant article. The Board
346 agreed.

347

348 Mr. Sullivan reviewed the minor changes to the budget. He removed the full-time
349 bookkeeper for a savings of \$14,000; increased the Part-time town clerk position to 20
350 hours, adding \$7,900 to the clerk's budget; as well as other nominal changes.

351

352 Overall, the budget increased \$510,000, which equates to a 3.7% increase. At the start of
353 the budget review the Board was presented with a budget \$658,000 higher than last year,
354 but that through discussion and changes, \$150,000+/- has been removed.

355

356 In response to questions Mr. Sullivan noted that the new part-time clerk position was
357 finalized at 20 hours. That position could support multiple departments in the Town Hall
358 by doing bank deposits for not only the Clerk's office but others as well, and to help out
359 the Collector during peak tax billing times. Ms. Bottai supported the change in job
360 description as long as it was understood by the candidate and supported by the Collector.

361

362 **General Budget items:**

363 Mr. Sullivan reviewed the energy cost savings realized since the Solid Waste department
364 converted its lighting in June of this year.

365 **MOTION:** Mr. Desilets made a motion to reduce the Solid Waste electricity budget by
366 \$1,000 to reflect the savings they are experiencing. Mr. Hohenberger seconded the
367 motion.

368 Vote 5-0.

369 Motion carried.

370

371 Mr. Sullivan noted the default budget, as currently developed, would reflect an increase
372 of 0.993% over last year's operating budget should the recommended operating budget
373 not pass. He further reminded everyone that the public hearing on the proposed budget
374 will be on January 9, 2017 at 7pm.

375

376 Mr. Sullivan recommended that the Board handle the following items discussed during
377 the budget process as follows:

378

379 Castle Hill bridge – should the Board decide to move forward with doing the engineering
380 work needed to design the repairs to the failed bridge on Castle Hill Road over Beaver
381 Brook that these costs be funded out of next year's highway budget.

382

383 Greenway project - he reminded the Board that the Town has an obligation to
384 "bushwhack" the trail by the end of 2018, but that the Town still needs to attain
385 ownership of the path and then develop easements between the church and the Town. The
386 Department of Resources and Economic Development still owns the rail bed, so the
387 Town has no legal authority to consider granting the needed easements at this Town
388 Meeting. Depending on the time frame, the Board may need to consider having a special
389 meeting in 2017, or to wait and take care of both the easements and funding in 2018.

390

391 Capital Reserve Funds – Mr. Sullivan reviewed the present balances in several Capital
392 Reserve Funds that have either not been used for several years or whose source project
393 has been completed. He recommended options to the Board of either expended the funds
394 on a project or requesting that the funds be discontinued by the Town Meeting and all
395 remaining funds be placed into the Town's general revenue fund.

396

397 Following discussions the Board agreed to the following actions:

398

399 Seek discontinuance of the following CRF funds:

400 Salt Shed –	\$1,645
401 Fire Station Renovations -	\$ 122
402 Route 111 Complex:	\$1,475
403 Senior Center:	\$ 169
404 Old Fire Station Renovations:	\$6,000 -

405

406 Library Renovations: \$4,734 remains – use the funds remaining towards the \$85,000 CIP
407 project to replacing carpets and hard floors and exterior painting, and then discontinue the
408 fund.

409 Mr. Sullivan noted that the grant the Conservation Committee was awarded as
410 reimbursement towards their purchase of the Cyr and Yennaco properties within the
411 Route 28 Town Forest is finally coming to fruition. He requested the board authorize him
412 to sign any of the required legal documentation to complete this transaction.

413

414 **MOTION:** Mr. Breton made a motion to authorize Mr. Sullivan to sign all the required
415 legal documentation for the grant. Mr. Hohenberger seconded the motion.

416 Vote 5-0.

417 Motion carried.

418

419 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public
420 session in accordance with RSA 91-A:3 II (a, c, d and e). Mr. McLeod seconded the
421 motion. Passed unanimously. Roll call vote all “yes”.

422

423 **MOTION:** Mr. McLeod made a motion to hire a Code Enforcement/ZBA Administrator
424 as recommended by Mr. Gregory, pending successful background checks. Mr.
425 Hohenberger seconded the motion.

426 Vote 5-0.

427 Motion carried.

428

429 **MOTION:** Mr. McLeod made a motion to hire a Planning Board minute taker as
430 recommended by Mr. Sullivan, provided the person could be paid by the stipend. Mr.
431 Hohenberger seconded the motion.

432 Vote 5-0.

433 Motion carried.

434

435 Mr. Hohenberger recused himself for the next discussion.

436

437 **MOTION:** Mr. Breton made a motion to adopt a draft PILOT (payment in lieu of taxes)
438 agreement with McCauley Commons as written. Ms. Simmons seconded the motion.

439 Vote 3-0-1 (Mr. McLeod abstained)

440 Motion carried.

441

442 **MOTION:** Mr. Hohenberger made a motion NOT to sell a piece of Town property that
443 staff had received a request for sale consideration. Ms. Simmons seconded the motion.

444 Vote 5-0

445 Motion carried.

446

447 **MOTION:** Mr. Hohenberger made a motion to accept a reduction in a general assistance
448 lien payment provided no other unsecured creditor received more than 66% of their debt
449 repaid. Ms. Simmons seconded the motion.

450 Vote 5-0

451 Motion carried.

452

453

454 **MOTION:** Ms. Simmons made a motion to increase the pay of the minute taker as
455 recommended by Mr. Sullivan. Mr. Breton seconded the motion.

456 Vote 5-0.

457 Motion carried.

458

459 **MOTION:** Ms. Simmons made a motion to increase the pay of the minute taker as
460 recommended by Mr. Sullivan. Mr. Breton seconded the motion.

461 Vote 5-0.

462 Motion carried.

463

464 Mr. Hohenberger made a motion to adjourn. Mr. McLeod seconded the motion.

465 Vote 5-0.

466 Motion carries.

467 Passed unanimously.

468 Meeting adjourned at approximately 12.20 pm.

469

470 Respectfully submitted,

471 Andrea Cairns, Recording Secretary