

BOARD OF SELECTMEN
Minutes of December 22, 2014

MEMBERS PRESENT: Vice-Chairman Al Letizio called the meeting to order at 7:10 PM. Selectmen Joel Desilets, Bruce Breton and Roger Hohenberger were present, as was Town Administrator David Sullivan. Chairman Ross McLeod was excused. Mr. Letizio opened with the Pledge of Allegiance; and then advised he would like to speak to certain circumstances which had occurred at the Board's December 15th meeting.

Mr. Letizio, via a prepared statement, expressed concerns regarding interactions between Mr. McLeod and Community Development Director Laura Scott in the course of that meeting; which he viewed as being inappropriate and disrespectful. Mr. Letizio noted that he has discussed his concerns with Mr. McLeod, and has also apologized to Ms. Scott for not intervening at the time. Mr. Letizio noted that while Mr. McLeod's research and information were sound, ultimately saving taxpayer dollars, he did not support the manner in which Mr. McLeod presented his questions. He noted his respect for Mr. McLeod's efforts, and asked that moving forward all elected Town officials renew their commitment to conducting business in the most honorable and professional manner possible. A brief discussion ensued, and Mr. Hohenberger and Mr. Desilets expressed their concurrence with Mr. Letizio.

Discussion then moved as to how the balance of the meeting would proceed; and it was determined the Board would begin with an overall review of the budget as amended over the course of their workshop sessions. Highlights of the discussion included:

- Additional School Resource Officer position and whether to include same in the budget or as a separate warrant article. Mr. Hohenberger moved and Mr. Desilets seconded to present this to the voters as a separate warrant article. Passed 3-1, with Mr. Letizio opposed.
- Lengthy overview of revenues took place including cable franchise fees, town building rents collected; and Mr. Breton expressed concerns regarding the fact the Campbell Farm Bond payment was not reflected on the revenue side. Mr. Desilets also sought clarification as to whether certain revenue is projected; such as the Town parcels that were are going out for sale. Mr. Sullivan clarified that the revenues are conservatively estimated annually; adding that the articles for the properties could fail.

Discussion of the Campbell Farm bond and Conservation revenues resumed; and Mr. Sullivan clarified that by statute the long-term debt must be reflected in the operating budget. He indicated that, while the \$85,779 could be shown as a revenue, alternatively it could handled as the Searles Bond was. In other words, the \$85,779 could be presented as a warrant article to raise the bond payment and accept funds from Conservation for same. Lengthy discussion ensued amongst the Board members regarding which offered a clearer depiction of the circumstance to the voters, the law of global budgeting, and the differences between specific revenues tied to warrant articles versus general revenues.

Mr. Sullivan noted that to carry the \$85,779 as a revenue would result in an apparent 3.99% increase in the budget; whereas going with a warrant article regarding same dropped that percentage to 3.34%. He then stressed that, regardless, this item nets out to zero. After further discussion, Mr. Hohenberger moved and Mr. Desilets seconded to remove the warrant article and show the Campbell Farm bond as a revenue/expenditure. Passed 3-1, with Mr. Letizio opposed.

- Default Budget: Mr. Sullivan advised the net proposed budget is \$13,819,209 and the net default will be \$13,468,000; representing a difference of \$350,819, inclusive of all warrant articles. He explained the default is comprised of last year's budget plus/minus any one-time articles and contractual obligations.

Discussion ensued regarding the increases to the budget over the past few years, and Mr. Sullivan noted that last year's increase had primarily been related to the Police Contract; adding that the budget can change right up through the Deliberative Session.

- Mr. Hohenberger raised concerns regarding the \$21,000 requested to complete the MS4, "storm water project"; as well as the new Highway Truck. Mr. Breton inquired what the additional costs will be if the Town gets the MS4 permit. Mr. Sullivan clarified that the permit will be issued by the Federal Government in 2015 and when it is the Town will be obligated to complete a new NOI; and then to follow what the NOI prescribes. He reminded the Board that in the last round, the Town had been praised for their plan which has been implemented without an increase to the operating budget.

Discussion ensued in that this is an unfunded Federal mandate, the lack of enforcement versus potential fines, and the Town's efforts to date. Mr. Breton expressed concerns with what he'd read would be required (eg improvement to impaired water bodies). Mr. Sullivan disagreed in that they would not have to be improved unless dictated by the Town's NOI; rather the Town must endeavor to not make them worse.

After further discussion, Mr. Desilets moved and Mr. Hohenberger seconded to remove the \$21,000 allocated for the MS4. Passed 3-1, with Mr. Letizio opposed.

- Insurance costs were briefly discussed, and Mr. Sullivan indicated that he would commit to the removal of \$22,000 as previously discussed; adding no one had opted to switch plans. Despite this, he recommended the \$22,000 be left out and the funds taken from the Health Trust next fall.
- Mr. Breton sought clarification of the average cable revenue received versus the costs to run the department; which Mr. Sullivan advised was approximately \$240,000/annually versus \$112,000. Mr. Breton then inquired why the Department can't be funded out of the revenue, and Mr. Sullivan replied it cannot because this is not a restricted revenue and therefor it goes to the general fund. Mr. Sullivan noted that the Board could remove the \$10,000 equipment budget and fund same from the revenue fund. No decisions were made.
- Discussion moved to \$25,000 that would be removed from the Transfer Station budget based on discussions with the Municipal Union concerning replacement of a vacant position versus potentially contracting out certain support services. Mr. Breton moved and Mr. Hohenberger seconded to reduce the budget by \$25,000. Passed 4-0.
- After reviewing the change made, and determining the increase was now 3%, including the debt service for the Campbell Farm bond payment, Mr. Desilets moved and Mr. Hohenberger seconded to move the budget to Public Hearing. After a brief discussion, motion passed 3-0-1 with Mr. Breton abstaining as he did not feel his review was complete.

The Board then moved on to CIP warrant articles and other articles being proposed; highlights of that discussion included:

- Spruce Pond – net cost of \$95,000 to Town in 2015. Mr. Sullivan advised there is no news on the Grant, and that Mr. Senibaldi is working with Mr. McCartney relative to a scope of work for the larger items in order to establish a more defined cost. Discussion ensued regarding inclusion of contingency language, the previous defeat of the article, bidding the project prior to Town meeting, and seeding vs. sod costs. Mr. Breton suggested that the article be published with \$1 as a placeholder, and Mr. Sullivan disagreed feeling the town should insert a number reflective of the expected costs. Discussion ensued and Mr. Desilets suggested that the \$100,000 in possible grant monies be reflected.

Lengthy discussion ensued regarding the vetting out of this project and others by the CIP Committee and its established priority level, grant funding versus the timing of Town Meeting, and whether or not to include contingency language. It was the consensus of the Board to leave article worded as drafted; however Mr. Desilets stated that while he was comfortable with that, he would not support the article either way without the grant information.

- Fire Truck – it was the consensus to leave the article as drafted.
- Fire Exhaust System – after discussion regarding the safety issues surrounding this request, it was the consensus to leave the article as drafted.
- Greenway Trail – after discussion regarding contingency of the grant, it was the consensus to leave the article as drafted.
- Discussion returned briefly to the Fire Exhaust system, with Mr. Desilets expressing that he would like to see a contingency on this; citing concerns that should the article fail the Department would be unable to apply for a grant. Mr. Sullivan clarified that the intent is to apply for a grant should one become available; however that is an unknown. Mr. Hohenberger suggested that Mr. Sullivan relay Mr. Desilets' concerns to the Chief for input and after further, brief discussion, the consensus remained to leave the article as is.
- Earned Time Trust – discussion ensued regarding the outstanding liability, the years that this request was not brought forward to the voters, and the latter's historic support of same. It was the consensus to leave the article as drafted.
- Property Maintenance Trust – it was the consensus to leave the article as drafted.
- Searles – it was the consensus to leave the article as drafted.
- Conservation – it was the consensus to leave the article as drafted.
- Roads – Mr. Breton requested that this item be reduced from \$390,000 to \$300,000. Mr. Sullivan clarified that the 2014 budget had been \$360,000 and had been expended in its entirety. Discussion ensued before Mr. Breton moved and Mr. Hohenberger seconded to reduce this to \$360,000. Further discussion ensued regarding the ongoing Pennichuck Project in the West Shore Road area and the intent that the disturbed roads would be repaved when they are finished. Motion passed 4-0.
- Brief discussion ensued regarding the \$180,000 for the Highway Truck for which no appropriation has been submitted for 2015. Mr. Sullivan then advised that with the changes thus far, the increase stands at 3.42% with the \$85,779 and 2.77% without.

Discussion then moved to the following non-monetary articles:

- Sale of the following parcels: 1-B-1022 Blueberry Road*, 16-C-5 Gaumont Road*, 3-B-290A Flat Rock Road, 16-P-560 Third Street*, 3-B-680 Rockingham Road*, 17-L-65A Farmer Road*, 3-B-850-L2 Buckland Road*, 19-B-701 Glance Road*, 7-A-625 Mockingbird Hill Road*, 19-B-715 Glance Road, 11-C-3400 North Lowell Road, 20-D-2500 Londonbridge Road*, 14-A-230 Haverhill Road, 21-V-243J Chipmunk Road* (*Parcels were acquired by Tax Deed). Mr. Sullivan explained that those parcels acquired by tax deed were ones the Board had the authority to sell via auction/sealed bid; however, they cannot utilize a Realtor to do so. He advised that if the Board were not interested in the latter, than these parcels can be removed from the list.

Mr. Wayne Morris, Conservation Commission, approached to request that the Board not sell 14-A-230; explaining that it fronts on Beaver Brook and is abutted by Town and State property. Discussion ensued, and Mr. Sullivan advised that the Forestry Committee also recommends retaining this parcel.

Mr. Hohenberger moved and Mr. Desilets seconded to keep parcel 14-A-230. Further discussion ensued regarding the acreage, the overall wetness, and that it abuts state property. Motion passed 3-1, with Mr. Breton opposed. It was the consensus of the Board to leave the balance of the warrant article as drafted.

- Sale of 1-B-1025, 1-B-1026, and 1-B-1027 on Blueberry Road; and to divert proceeds from same to the Windham Greenway Trail Expendable Trust Fund to be established under a separate article at the upcoming Town Meeting, provided however if such Article does not pass, the proceeds shall be considered general revenue to the Town.

Lengthy discussion ensued regarding this and the article to establish the Trust Fund. Mr. Breton expressed that the purpose of disposing of these properties was to ease the taxpayer burden, and he did not want to discuss diverting the funds. Mr. Sullivan noted that if Mr. Breton did not wish to include the language in the Blueberry article, he would still encourage establishment of the Greenway Trust Fund for future funding as the Town is facing an obligation to blaze a trail by 2018. Discussion ensued regarding the Town's agreement with the State to do so as part of the latter's installation of a box culvert under NH I93.

Mr. Desilets noted that he would like to see these parcels merged and then subdivided/engineered prior to sale. Further discussion ensued, with input from Mr. Morris, regarding past discussions about these parcels.

Mr. Hohenberger moved and Mr. Breton seconded to remove the second part of the article relating to the expendable trust. Passed 4-0.

Mr. Breton moved and Mr. Desilets seconded to remove the article relating to establishing an expendable trust for the Greenway Trail. Passed 4-0.

- Establishment of a Fire Cistern Special Revenue Fund. Mr. Breton indicated he would like to reword this article to allow "water supply" rather than just cisterns; adding that this would increase grant opportunities. Mr. Sullivan suggested "and other water supply equipment..." may be able to be added; and a discussion ensued regarding the need to tie the fees to some expense.

Mr. Desilets indicated his only concern with the proposal was he did not know if it would solve the problem as it would not produce enough money. Mr. Breton noted it establishes a fund into which to divert funds in the future. Discussion ensued, and Mr. Sullivan asked the Board to defer same to the 29th meeting to allow him to confer with Town Counsel as to how best to incorporate other revenues/items, if possible. After further discussion, the Board concurred.

- Relative to release from public dedication and conveyance to the abutters of a town right of way between parcel 25-D-3 and 25-D-2 on Rock Pond Road. Mr. Sullivan advised this is just a placeholder pending response from the abutters. It was the consensus to leave the article as drafted.
- Potential land swap: Mr. Sullivan advised this is also a placeholder relative to a possible land swap between Town owned and privately owned land.
- Relative to the discontinuance of sections of the Old Route 111 which lie outside the State right-of-way of Route 111. Mr. Sullivan advised that Mr. Dubay is currently doing a plan of the areas in question, as the abutters need to be notified. Discussion ensued, in which Mr. Desilets extended thanks to Mr. Dubay for his efforts. It was the consensus of the Board to leave the article as drafted.
- Relative to new By-Laws for the management of Moeckel Pond and the Town Forest. Mr. Desilets and Mr. Breton both expressed concerns regarding these proposals relative to fires and fines, waivers, whether the physical area was defined given the proposed language, and clarification of hunting permissions. Mr. Sullivan advised he will look into the Board's concerns.

- A resolution which Mr. Breton indicated was sent to all Towns for inclusion relative to adequate education funding. Mr. Sullivan advised that he had sought the School District's input, but had not received a response as of today. After a brief discussion, Mr. Desilets moved and Mr. Breton seconded to remove the article. After a brief discussion, motion passed 3-1 with Mr. Hohenberger opposed.

Mr. Sullivan reminded the Board that several other articles had already been reviewed, including Conservation designations, sale of properties on Fourth Street, and the conveyance of the right of way on Heritage Hill Road to the School District. Mr. Breton requested that the latter be moved up to the first non-budget article in the warrant; and the remainder of the Board concurred.

Mr. Sullivan advised that, as it pertains to the Citizen Petition submitted regarding the Forestry Committee; Town Counsel advises that the Board must adhere to same if it passes. Brief discussion ensued.

Mr. Desilets moved and Mr. Hohenberger seconded to move the Warrant to Public Hearing. Passed 4-0.

Mr. Hohenberger moved and Mr. Desilets seconded to adjourn. Passed 4-0.

The meeting was adjourned at 10:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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