

**BOARD OF SELECTMEN**  
**Minutes of February 4, 2008**

**MEMBERS PRESENT:** Chairman Alan Carpenter called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Dennis Senibaldi, Margaret Crisler, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Carpenter read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mrs. Crisler reminded all that the Annual NH Orchid Society Show and Sale will take place the weekend of February 8<sup>th</sup>. Tickets are available at the Town Hall and Nesmith Library.

*Police Chief Lewis* approached to advise the Board that Maintenance Supervisor Allan Barlow had completed the plumbing repairs at the Station, and that the noxious odor had since subsided.

*Chief Lewis* then noted that on January 26<sup>th</sup> written/agility testing had been conducted for potential officer candidates. He noted that of those participating, 12 had passed the written test and 9 the agility. Chief Lewis expects to return to the Board at the next meeting with a recommended candidate.

*Chief Lewis* then praised the efforts of Detective Caron and Officer Clark in solving a string of local burglaries, both in Windham and surrounding communities. The perpetrators are currently in custody.

*Mrs. Crisler* requested that Chief Lewis update the Board on the status of the cruisers recently damaged. Chief Lewis noted that one of the new Chevy's had been hit by a vehicle while attending to an accident scene, resulting in approximately \$2,500 in damages. The vehicle is currently out of service. Chief Lewis then noted that the other new Chevy had experienced minor paint damage in a separate incident.

Discussion ensued regarding whether to repair/repaint the vehicles black and white, or all white. It was the consensus of the Board that the Chief obtain estimated pricing to paint the vehicles white as part of their repair.

*Mr. Senibaldi* reminded all that the Annual Easter Egg Hunt is scheduled for March 15<sup>th</sup> beginning at 11 AM. Festivities are open to children aged 9 and under, and will take place rain or shine at the Town Hall.

**LIAISON REPORTS:** Mrs. Crisler reported that the Planning Board had met with Mr. Mayberry to discuss the results of the impact fee studies. A public hearing on this matter has been tentatively scheduled for February 27.

**ANNOUNCEMENTS CONTINUED:** Fire Chief McPherson approached noting that tickets for the Annual Firefighters' Ball are still available at the Station. Cost is \$40/person, and the event is scheduled for March 1<sup>st</sup> at Castleton beginning at 6:00 PM.

*Mr. Sullivan* reminded all that the Town's Deliberative Session would take place the following Saturday, February 9<sup>th</sup>, beginning at 9:00 AM at the Golden Brook School. Mr. Sullivan also noted that, as was the case last year, the preliminary warrant had not been mailed out, but rather limited copies were available at Town Offices. The document is also available on the Town website.

**MINUTES:** Mr. Senibaldi moved and Mr. Hohenberger seconded to approve all draft minutes from October, November and December of 2007, and those of January 7 and 14, 2008 as written. Passed 4-0-1, with Mrs. Crisler abstaining.

**CORRESPONDENCE:** Site Bond Release, Ledge Road: Mrs. Crisler moved and Mr. Hohenberger seconded to release the site bond in the amount of \$30,000 for Ledge Road. Passed unanimously.

*Letter received* from Mr. Peter Zohdi requesting permission to utilize “Newbury Road” as opposed to “Brewster Road” as part of an approved subdivision project. “Brewster Road” had been previously approved by the Board of Selectmen. The name Newbury is on the previously approved list of new street names adopted by the Board. After a brief discussion, Mr. Senibaldi moved and Mr. Breton seconded to authorize the change from “Brewster” to “Newbury Road”. Passed unanimously.

**WATER AGREEMENT DISCUSSION:** Tabled.

**TOWN COUNSEL AGREEMENT:** Mr. Breton indicated he had requested this discussion, as he had some concerns with Attorney Campbell relative to billing and clarity/timeliness of response. Mr. Breton stated he would like the Board to exercise the 60-day termination clause included in the contract and put the Town’s legal services out to bid.

Mr. Hohenberger inquired where the authority lay within the Town government to contact Atty. Campbell, noting a charge related to contact by a reporter. Mr. Sullivan replied that, generally speaking, he and Planning Director Al Turner are the only individuals authorized to contact the Town Attorney. Mr. Sullivan noted there have been issues, in the past, with various Board chairmen and others contacting Attorney Campbell, and that he had spoken to each at the time. Discussion ensued regarding instructing Attorney Campbell not to speak to anyone unless authorized to do so, and advising that the Town will not compensate him for doing so. Mr. Sullivan indicated that Attorney Campbell generally does not bill the Town for instances such as a resident contacting him on the mistaken belief that they can as a taxpayer.

Mrs. Crisler concurred that Attorney Campbell should be instructed who he should be speaking to, but disagreed with termination of his services. Mrs. Crisler noted that Attorney Campbell has been very successful for the Town in court matters, and works very well with Planning and Development regarding code violations. She then expressed concern that it would be very costly to switch to a different firm, noting that Attorney Campbell’s rates are very reasonable.

Mr. Senibaldi noted that he did have ongoing concerns with the clarity of Attorney Campbell’s responses, despite the Board’s discussion with him regarding same when the Town re-contracted with him.

A lengthy discussion then ensued regarding a particular piece of correspondence to a local business owner from Attorney Campbell, and whether or not it constituted a demand for payment to him. Mrs. Crisler noted that the correspondence in question can be viewed at the Town Offices.

Mr. Carpenter stated he also had concerns previously, but in the last year he has been very pleased with the timeliness and clarity of Attorney Campbell's responses. He indicated he had no desire to proceed as requested by Mr. Breton.

After further, brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to discontinue this discussion and continue the Town's contract with Attorney Campbell in its current form.

After discussion relative to the contract terms, whether a motion was necessary, and that this discussion can be revisited anytime, the motion passed 4-0-1, with Mr. Breton abstaining.

**FIRE DEPARTMENT JOB DESCRIPTIONS:** Mr. Sullivan explained that the former Firefighter/Fire Inspector had moved to a firefighter position, leaving a vacancy in the Department, and that Chief McPherson had worked with the Union on an agreement to have the Fire Inspector position removed from the union. Mr. Sullivan explained that the direction envisioned by the Chief is to establish an additional management level position titled Deputy Chief in Charge of Fire Prevention, the duties for which encompass the former Fire Inspector duties and parts of the Deputy Chief duties. A job description for this position was presented to the Board for consideration. Further, a title change is being proposed for the current Deputy Chief to be renamed Assistant Fire Chief, with no change in duties or compensation. The Assistant Chief would still be considered second in command while the new Deputy Chief position would be third.

A brief discussion ensued regarding the differences in pay for the new position, which Mr. Sullivan indicated would be a four step differential placing the new employee two steps below the Assistant Chief. The position is not eligible for overtime, holiday, or incentive pay, so for the initial three years the net cost should be similar to that previously paid to the Fire Fighter/ Inspector position including overtime, holiday, and other bonus pay.

Mr. Senibaldi then moved and Mrs. Crisler seconded to approve the restructuring as presented including revised job descriptions. Further brief discussion ensued regarding future salary of the positions and potential comparability studies.

The motion passed unanimously.

Chief McPherson extended his thanks to Mr. Sullivan for his assistance on this matter in the midst of a very busy period.

**DONATION:** Chief Lewis approached indicating that there had been interest in the department to redesign the current police badges, which are currently simple stock items. Staff had worked with a local vendor to design a badge, and a donation solicited to fund the purchase of two badges for each staff member, the cost of which will not exceed \$5,000. Chief Lewis indicated that each badge would be numbered, and that number would stay with that employee for life.

A discussion ensued regarding advancements and retirements. Mrs. Crisler then moved and Mr. Senibaldi seconded to accept with much thanks the generous donation of badges from the Villages of Windham, LLC. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan inquired whether the Board wished him to execute the mosquito contract with the previous vendor for 2008. A discussion ensued regarding costs, the limited number of vendors available to provide the service, permitting requirements, and bidding the project in June for 2009. Mr. Senibaldi moved and Mr. Breton seconded to authorize Mr. Sullivan to execute the contract as requested. Passed unanimously.

*Mr. Hohenberger* requested that monitoring of the Town well by the SAU building be undertaken to establish a baseline, as he was concerned regarding salt impacts from Route 111 and the new school road. After a brief discussion, it was the consensus of the Board that the well be fully tested, including for VOC's, to establish a baseline.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91A:3 IIa, b, c. Roll call vote – all members “yes”. The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, Chief Lewis, and Ms. Devlin were in attendance in the first session.

The Board reviewed a request from Chief Lewis for unpaid leave. Mr. Senibaldi moved and Mr. Breton seconded to approve the Chief's request for up to five (5) days of unpaid leave as presented. Passed unanimously.

*Mr. Sullivan* and Chief Lewis reviewed with the Board a Police Union grievance related to the use of earned time for overtime.

Mr. Senibaldi moved and Mr. Hohenberger seconded to authorize Mr. Breton and Mr. Sullivan to meet with the Union to resolve this matter. If unsuccessful, Mr. Sullivan is then authorized to proceed to file an unfair labor practice claim. Passed unanimously.

*The Board*, Mr. Sullivan, and Ms. Devlin were in attendance in the remaining sessions.

Mr. Sullivan informed the Board relative to a disciplinary suspension taken.

*Mr. Sullivan* reviewed the recommended candidate for the Assistant Town Clerk position with the Board. Mr. Senibaldi moved and Mr. Breton seconded to extend an offer of employment to the recommended candidate per the requirements of the Employment Policy. Passed unanimously.

*Mr. Sullivan* discussed an ongoing matter related to the Conservation Commission. It was the consensus of the Board that Mr. Sullivan send a letter to the Conservation Commission Chairman regarding this matter.

*Mr. Sullivan* discussed a pending PELRB hearing to consider amending the Municipal Union to include the Recreation Coordinator position which was requested by the Municipal Union. It was the consensus of the Board that Mr. Sullivan work with Counsel and continue to argue against the inclusion of this position.

*Mr. Sullivan* discussed a procedural matter relating to the Zoning Board of Adjustment, planning staff, and Town Counsel. No decisions were made.

Mr. Senibaldi then moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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