

BOARD OF SELECTMEN
Minutes of April 14, 2008

MEMBERS PRESENT: Vice-Chairman Bruce Breton called the meeting to order at 7:05 PM. Selectmen Roger Hohenberger, Galen Stearns and Charles McMahon were present, as was Town Administrator David Sullivan. Chairman Dennis Senibaldi was delayed and arrived 7:40 PM. Mr. Breton opened the meeting with the Pledge of Allegiance.

ANNOUNCEMENTS: Recreation Coordinator Cheryl Haas approached announcing that the first annual Child Safety Day had been a great success with approximately 300 attendees, and extended thanks to all involved.

Ms. Haas noted that the soccer and lacrosse fields at Nashua Road, Searles facility, and at the rear of Griffin Park will be opening the following Friday.

Ms. Haas announced that the Court Jesters will be returning to Windham in July to host a basketball camp. More specifics will be available at a later date.

Police Chief Lewis approached to advise that the modular furniture donation approved by the Board has been delivered and installed. In addition, the officers' room and training room have received a fresh coat of paint, which was completed by work release prisoners.

LIAISON REPORTS: Mr. Breton advised that the Planning Board is once again reviewing the Town's impact fees, including doing a comparison to surrounding communities.

MINUTES: Mr. Stearns moved and Mr. McMahon seconded to approve the minutes of March 24th and 31st as written. Passed 4-0.

CORRESPONDENCE: Bond release/Butterfield-Jackman Ridge Road Ext. Mr. McMahon moved and Mr. Hohenberger seconded to release the bond in the amount of \$14,400 to Mako Development, retaining \$54,600.

Discussion ensued regarding the cistern. Mr. McMahon withdrew his motion, and Mr. Hohenberger his second, pending clarification from the Fire Department. It was also the consensus of the Board that future bond release forms include an additional signature line indicating inspection/approval by the Fire Department.

Resignation received from Mr. Michael Hatem of the Recreation Committee. Mr. Hohenberger moved and Mr. McMahon seconded to accept Mr. Hatem's resignation with regrets. Passed 4-0. Mr. Breton requested that Ms. Haas forward a letter of thanks to Mr. Hatem for his many years of service to the Committee. Ms. Haas will follow-up accordingly.

OLD/NEW BUSINESS: Ms. Haas advised that the Windham Baseball/Softball League had sought permission to cut base paths and lay stone dust within them on front field at Griffin Park for T-Ball use. Ms. Haas indicated this area has been designated for passive recreation, with temporary uses for T-Ball. Ms. Haas did indicate her support of doing one area, which is currently unsafe.

Mr. Hohenberger expressed concerns regarding maintenance of the area following baseball season, noting that Nashua Road field doesn't seem to have been, as the baselines have sunk. He then proposed that, as an alternative, the bases be dug out and at the end of the season sod be placed.

Mr. McMahon indicated that WBSL spends tens of thousands of dollars to maintain town facilities, and that it is because the Town has not refilled the stone dust at Nashua Road that they have sunk. He further noted that there are 20 +/- T-Ball teams needing access to fields.

Mr. Scott Mueller, WBSL Facilities Director, approached. He indicated what is being proposed at Griffin is similar to that at Nashua: 18" paths of compacted stone dust, 50' baselines, and base areas. Mr. Hohenberger noted that, once the base paths are cut and trenches created, then the area becomes a safety hazard. He further felt, that, to make the area into a baseball field puts the onus on the Town to maintain it. Mr. Mueller responded that safety is paramount to the WBSL, which is why they want to fix the area.

Discussion ensued regarding the length of the playing season and damage to the fields with normal use. Mr. Stearns inquired what the annual cost to the Town would be to maintain the stone dust to grade. Mr. Mueller estimated \$500-600.

Discussion ensued regarding WBSL's plan to expand their maintenance program to fields beyond Griffin Park, the possible impacts to Soccer if WBSL's request were approved, and the number of children playing T-Ball.

Mr. McMahon indicated that he and Mr. Mueller had spoken to soccer regarding the proposal, and they had no issue with it. Mr. Stearns indicated he would like to hear from Soccer directly. Further discussion then ensued regarding cost impacts and safety needs.

Mr. McMahon felt that, as WBSL was paying for and would be maintaining the project, that the Board should support trying it for a year. He indicated that WBSL would work with Boyden's Landscaping and Ms. Haas to coordinate the project.

After further discussion regarding Nashua Road, Rogers Field, and safety hazards in those areas, Mr. McMahon moved and Mr. Senibaldi seconded to put in place base paths and stone dust as presented by Mr. Mueller.

Mr. Hohenberger moved and Mr. Stearns seconded that the motion be amended to require that the base paths be maintained by the WBSL throughout the year. Passed unanimously.

Main motion passed unanimously, as amended.

Mr. Breton inquired whether Ms. Haas had a maintenance log for the fields. Ms. Haas replied she did for Town maintenance, however, not for the WBSL activities. Mr. Mueller indicated he would provide a copy of the WBSL log to Ms. Haas.

Mr. Senibaldi assumed the Chairmanship.

NAULTS REQUEST: Ms. Haas opened the discussion by advising that Naults request to obtain a key to the boat launch for testing of watercraft had been tabled to allow for input from the Cobbetts Pond Improvement Association. Ms. Haas reviewed the fishing key regulations with the Board, and recommended that, if the Board approves the request, it allow testing to be conducted only two days per week at specific hours.

Mr. Ron St. Armand approached on behalf of Naults, and indicated that they were willing to work within any constraints set by the Board. He noted that all watercraft would be powerwashed and flushed, and that he expected the number of tests during the year to not exceed 10. Mr. Hohenberger inquired what hours Naults was proposing for access and how long each test would take. Mr. St. Armand indicated the testing would take place likely after 6 PM and each would take 5-10 minutes.

Atty. Kathleen DiFruscia approached on behalf of the CPIA and questioned what type of issues Naults would be testing for, citing safety concerns related to steering issues, etc. Mr. St. Armand indicated watercraft would not be tested for steering or navigational problems, but for drivability issues.

Atty. DiFruscia indicated that Naults had addressed most of the CPIA's concerns related to milfoil and hours of testing, but that concern still remained about the Board setting a precedent for other businesses to request access. She also noted that pond is in peril, and that controlling traffic is important. Mr. Stearns inquired whether the CPIA had any suggestion regarding cleaning of watercraft, and Atty. DiFruscia replied that there is no public access to the pond, and therefore no cleaning area is available.

Mr. Chuck Nickles, 33 Cobbetts Pond Road, approached noting that in 26 years as a resident he has never had a key to get in and out of the beach with his pontoon boat, but rather he has always had to contact a member of the CPIA if he needs access. He inquired why, if Naults was granted a key, he could not obtain one for his convenience, as well. Mr. McMahon noted that Mr. Nickles concerns need to be addressed for all residents of the Pond, but that it was a separate issue. Discussion ensued.

Ms. Carolyn Webber, 19 Cobbetts Pond Road, approached expressing concerns regarding crowding of boats/watercraft on the Pond, milfoil, and that people who don't live on the pond fail to exhibit the same respect for it as those who do. She then indicated that there are ways to fix watercraft that do not require testing, and felt that the Board would be opening Pandora's Box by letting Naults have access. Ms. Webber then suggested that a policy was needed to limit the number of motorized boats/craft allowed per house. Discussion ensued that the Board can only limit access to the pond, not the number of boats owned by residents.

Further discussion then ensued regarding Mr. Nickle's concerns, the need to revisit the fishing key access policy, and allowing Naults access but not providing them a key. Atty. DiFruscia approached to clarify that the CPIA would not get involved in opening the gate for Naults, as they only provide it as a service for residents. Further discussion then ensued.

Mr. McMahon suggested Naults be granted a key and be allowed to test one watercraft at a time between the hours of 6 and 7 PM, a maximum of 10 times per year. Mr. McMahon felt that Naults would be setting a standard for cleanliness of craft on the pond, as opposed to a precedent for other businesses. He suggested a contract be drafted between the Town and Naults, so there are no future misunderstandings.

Ms. Webber approached to indicate she still did not understand why Naults needed to test the watercraft on the Pond, and that any boats owned by out-of-towners should be tested in their town.

Mr. Nickles inquired who will be onsite to monitor Naults relative to testing duration, cleanliness of the watercraft, and the hours of access.

After further brief discussion, Mr. McMahon moved and Mr. Breton second to provide Naults Windham Honda a key to the gate at the Town Beach to allow for the testing of personal watercraft no more than ten times per year. Each watercraft and trailer is to be powercleaned prior to launching, and each test is to be no more than ten minutes in length.

Mr. Hohenberger indicated his support of the motion, with the exception of providing Naults a key. Discussion ensued regarding possibly leaving a key at the Fire Station or having a staff member available to provide access.

Mr. McMahon amended his motion and Mr. Breton his second to remove the provision of a key, and to add that contract be drafted for review by all parties. Passed unanimously.

PUBLIC HEARING/VENDING FEES: Mr. Senibaldi read the public hearing notice into the record. Ms. Haas opened the discussion by reviewing with the Board a draft Vending Permit Application.

Mr. Breton requested language be added under "Certification" regarding background checks. Mr. Sullivan indicated it was part of the policy, but that additional language could be added.

Mr. Senibaldi requested the following: under #1, add question whether permit had ever been revoked; under #3 require previous addresses for the last ten years; and under #4 require separate sheet for five references. Mr. Sullivan pointed out that the proposed application mirrored the requirements of the Policy. Discussion ensued, and it was the consensus to amend the application to add language under the certification as requested by Mr. Breton and to incorporate Mr. Senibaldi's request to add a revocation inquiry under section one.

Discussion then moved to the permit fees. Mr. Sullivan explained that completion of criminal/driving checks cost on average \$25-35: for the checks themselves and staff time involved. He noted that the \$100 fee as posted was based upon Town staff completing the check, and suggested that a reduced fee of \$50 be offered if the applicants complete the checks themselves.

Lengthy discussion ensued regarding whether the fee was per vehicle or per individual, and the cost and time required to complete the record checks.

Mr. Hohenberger then moved and Mr. McMahon seconded to approve the annual permit fee of \$100 per vehicle or \$50 if the Applicant does the required background checks. Motion failed 2-3, with Mr. Breton, Mr. Stearns, and Mr. Senibaldi opposed.

Mr. Breton then moved and Mr. Stearns seconded to institute the fees as posted with recommendations to applicants to complete the records checks themselves to expedite the application process. Passed 4-1, with Mr. Senibaldi opposed.

FINANCE DIRECTOR: Mrs. Call reviewed a draft Investment Policy with the Board, noting that the Town does not currently have written one in place as is required. Mrs. Call explained that the document adheres to State statute and the Local Government Center's recommendations.

Upon review, the Board made several minor changes/corrections, including: removal of language authorizing the Treasurer to invest funds held in escrow for performance bonds in any account or CD other than an interest bearing deposit account; addition of an appendix detailing Category 1 collateralization; and minor typographical errors.

Mrs. Call will revise the draft and resubmit it to the Board for further discussion.

Mr. Breton sought clarification regarding "emergency deposits" as noted in the Treasurer's Report. Treasurer Robert Skinner and Mrs. Call clarified that these pertained to cash flow management transfers of funds from investments back into the general fund to cover expenses.

Mr. Breton then inquired whether the forfeited bond for the Osgood Road cistern could be transferred to the general fund to cover Highway Department expenses in that area. Mr. Sullivan replied the Board would need to instruct the Treasurer to move the funds.

Discussion ensued regarding the Stoneywyke and Searles bonds which have also been forfeited.

Mr. Breton then moved and Mr. Hohenberger seconded to direct that funds from the forfeited Osgood Road bond be transferred by the Treasurer and used toward Osgood Road projects. Passed unanimously.

Mr. Breton then moved and Mr. Hohenberger seconded to move any and all forfeited bonds to the general fund at year end for use as general revenues if not needed for their respective projects. Passed unanimously.

Mrs. Call presented her quarterly financial update to the Board, noting that: heating/vehicle fuel accounts are being closely monitored due to rising costs, and; revenues for the first quarter are higher than this period last year.

A brief discussion ensued regarding funds remaining in the Recreation Improvement fund due to donations received to offset previous allocations by the Board.

TAN: Mrs. Call explained that the School District has received nearly 90% of their funds, to date, as opposed to their usual 75% +/- . She further noted that the School generally works with the Town regarding a payment schedule, however, this year they felt they needed more of their funding up front which may require the Town to utilize a Tax Anticipation Note to cover overall expenses before the taxes begin coming in.

Discussion ensued regarding disbursement of the Impact fees and the CIP program, and arranging a meeting with the School to discuss annual funding.

Mr. Hohenberger then moved and Mr. Stearns seconded to approve the issuance of a Tax Anticipation Note with Citizen's Bank in the amount of \$2,000,000 at an interest rate of 2.80% and due December 31, 2008.

Mr. Breton inquired whether other banks had been consulted to obtain a lower interest rate. Mrs. Call indicated that they could do that if the Board wished. Mr. Skinner advised that additional fees, which Citizen's waives on the Town's behalf, would likely be involved.

Motion passed 4-1, with Mr. Breton opposed.

Audit Update: Mrs. Call advised the Board that she has begun an Internal Control audit of the departments by documenting current procedures in the Administrative office. She will shortly begin documenting Planning, Police, and Fire, as well. A brief discussion ensued regarding the need for documentation and auditing specific areas.

Mr. Sullivan indicated that the Board could also, if they wished, expend funds to have Vachon, the Town's independent auditing firm, conduct an audit of a specific area such as impact fees. Brief discussion ensued, however no decisions were made.

OLD/NEW BUSINESS: Mr. Sullivan advised that Lacrosse was requesting authorization to purchase a second portable scoreboard from their Revolving Fund. The cost is under \$2,500, and they would like to utilize the same vendor as previously.

Mr. Breton moved and Mr. McMahon seconded to accept the Town Administrator's recommendation and waive the bid process to allow the purchase of a portable scoreboard for lacrosse as requested. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Sullivan advised the Board that the Recreation Coordinator had been able to obtain only two quotes for the sealing of the tennis courts, one from Vermont Tennis and the other from last year's vendor.

After a brief discussion, Mr. McMahon moved and Mr. Hohenberger seconded to waive the bid process requirement for three quotes and to authorize the sealing of the tennis courts at a cost not to exceed \$2,500. Passed unanimously.

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

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

The Board held a lengthy discussion regarding an ongoing police grievance and internal personnel matter. Mr. McMahon then moved and Mr. Stearns seconded to deny the grievance. Passed 3-2, with Mr. Senibaldi and Mr. Breton opposed.

The Chief advised the Board of an internal review matter at the Department. No decisions were made.

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

Mr. Sullivan advised the Board that a candidate for the Assistant Deputy Fire Chief position has been extended a conditional offer of employment for background check purposes.

Mr. Sullivan discussed the recently tax deeded properties with the Board, and inquired if they wished to reconsider their previous decision. After discussion amongst the members, no action to reconsider was taken.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed unanimously.

The meeting was adjourned at 12:12 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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