

BOARD OF SELECTMEN
Minutes of November 17, 2008

MEMBERS PRESENT: Chairman Dennis Senibaldi called the meeting to order at 6:45 PM. Selectmen Bruce Breton, Galen Stearns, and Roger Hohenberger were present, as was Counselor Laura Spector. Selectman Charles McMahon was delayed, and arrived 7:00 PM.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Stearns seconded to enter into a non-public session in accordance with RSA 91-A:3-II a. Roll call vote – all members “yes”. The topic of discussion was personnel and the Board, Atty. Spector, Planning Director Al Turner, and Ms. Devlin were in attendance.

After a brief discussion, Mr. Breton moved as follows: Having reviewed the materials from the investigation performed by Mr. Sullivan, as well as his memorandum summarizing the same, and having discussed the matter with our attorney, I move that we suspend Mr. Turner for two days as a result of the incidents reported by Chris Nickerson on August 20, 2008 and Phil Lochiatto on September 5, 2008 and adopt the decision drafted by counsel. Mr. Turner’s suspension shall be served on November 25, 2008 and December 4, 2008. Mr. Stearns seconded and the motion passed 4-0.

PUBLIC SESSION: Mr. Senibaldi called the public session to order with the Pledge of Allegiance at 7:05 PM, and read the remainder of the agenda into the record.

CORRESPONDENCE: Bond release/Porcupine Road: Mr. Breton moved and Mr. McMahon seconded to release the bond in amount of \$6,654 for Porcupine Road station 00+00 to 10+88.44; retaining \$31,717.20. Brief discussion ensued regarding the cistern, and Mr. Breton amended his motion and Mr. McMahon his second to make the release conditional upon Fire Chief approval of the cistern. Passed unanimously.

ANNOUNCEMENTS: Mr. McMahon, on behalf of the Windham Housing Authority, requested that the Board consider applying for a Community Development Block Grant, available in amounts up to \$500K, for possible use towards implementation of the option to access the Fellow’s Road complex by way of the Post Office. Discussion ensued regarding the time consuming nature of these grants, and that they must be endorsed by the Town. No decisions were made.

Mr. Stearns advised for the record that the Board had met in non-public session with Attorney Spector and Mr. Turner on a personnel matter.

BUDGET WORKSHOP: Mr. Sullivan opened the presentation by noting that, though the original proposals submitted by the Department Heads were very reasonable representing approximately a 4% increase, the submissions had been discussed and trimmed further. Mr. Sullivan advised the Board that no new employees are being sought for the ensuing year and, assuming the CIP allocation remains the same as 2008 at approximately \$858K, the total budget increase for 2009 will be 1.44% or \$179,020.

Other highlights of Mr. Sullivan’s presentation included:

- Increase includes a minimum 3% COLA for all union/non-union employees, subject to the final CPI data for 2008.

- This increase is lowest, both in real dollars and percentage-wise, since 1995, and is a reflection of both economic times and the Department Heads' concerted efforts.
- Largest portion of the increase, 46%, stems from Public Safety, which includes Police, Fire, and the Transfer Station.
- There are no proposed special warrant articles outside of the CIP, and 100% of the increase is the operating budget. The largest overall increase is the Town's health insurance, at 14.6%.
- As proposed, the impact to the 2009 tax rate will be \$0.08/thousand, or \$32.10 on the average \$400K home.

Finance Director Dana Call then approached to give a brief explanation of the increase of \$0.50 on the Town side of the 2008 tax rate. Mrs. Call reviewed the MS-1 format utilized in setting the tax rate with the Department of Revenue Administration, and discussed the following:

- The tax rate factors in both the net appropriations and the anticipated revenues and, while cutting appropriations works to reduce tax impacts, the fund balance must be considered as well.
- Use of the fund balance toward the tax rate setting makes a difference. As an example, Mrs. Call cited the town portion of the 2007 tax rate of \$3.01, which she noted would have been \$3.26 without utilization of the \$550K +/- fund balance.

Brief discussion ensued regarding the impacts of the recent Board vote allowing an additional \$50K to be placed in the fund balance, which represents approximately \$0.04/thousand.

Mr. Sullivan reminded all that the kick-off global budget meeting is scheduled for Saturday the 22nd at the Planning and Development Department beginning at 8:30 AM. Mr. McMahon requested that the Tax Assessor provide the Board with estimated growth revenues for the upcoming budget meeting, and Mr. Norman agreed.

OLD/NEW BUSINESS: Mr. Poulson approached to request the Board's permission to place the baler and conveyer up for sale, as these items are no longer required at the Station with the conversion to single-stream.

After a brief discussion, Mr. Hohenberger moved and Mr. Stearns seconded to approve advertising these items for sale. Passed unanimously.

ANNOUNCEMENTS CONTINUED: Recreation Coordinator Cheryl Haas noted that the Skate Park is now closed for the season.

NON-PUBLIC SESSION: Mr. McMahon moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 91-A:3-II c. Roll call vote – all members “yes”. The topic of discussion was personnel and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan reviewed four (4) Department Head evaluations with the Board. Mr. Breton moved and Mr. McMahon seconded to approve the evaluations as presented. Passed unanimously.

The Board discussed a personnel matter with Mr. Sullivan. Mr. Hohenberger moved and Mr. McMahon to dismiss the submitted complaint. Passed unanimously.

Mr. Senibaldi called the public session back to order at 8:30 PM.

GERALD COOGAN: Mr. Coogan explained that he had been retained by the Town to conduct an organizational study of the Planning Department and, as part of the project, he had interviewed 50 individuals including Board members, developers, engineers, applicants, and the Planning Department staff. In addition, Mr. Coogan indicated he had spoken with ten, similarly sized Planning Departments in other communities and utilized his own knowledge to develop his draft report. Mr. Coogan noted that all individuals had been very candid and cooperative, and that the Planning Director clearly cares about the Department and the Town. Mr. Coogan then reviewed several areas of his draft report, including:

Observations/General Findings:

- Presently, the Planning Department appears to be out of sync with the current goals of Town management.
- Communications between the Department and applicants, agents, construction workers, and the Planning Board need improvement.
- Tuesday Morning meetings should be identified as a Technical Review Committee or Design Review Committee and become more formal with an agenda and minutes.
- Short and long-range planning for future growth is not receiving proper attention, as the Director performs too many minor level activities.
- Several planning opportunities are not being pursued at this time, including a comprehensive economic development strategy, a plan for the use of the I-93 surplus lands and re-examination of the current zoning, promotion of the Village Center District, and active participation in the NH Route 111 corridor study.
- Assignment of the Zoning enforcement duties should be carefully thought through, as this function can create a difficult situation for the Director or Planner.
- The Director or Planner should not perform the task of reviewing site improvements such as road construction, drainage systems, or erosion and control systems, but should be knowledgeable of the report and its findings.

Recommendations:

- Town management can achieve their goal of addressing both long and short-range planning issues such as Economic Development by developing an approved work plan for the Department.
- Planning Department staff needs to prepare a work program to assist in sorting out important planning tasks to which department resources should be allocated and identify activities that can be shifted to other entities.
- Staff should publish step by step fact sheets designed to assist applicants and agents in securing approval for land use changes, and should attend professional development courses.
- Department needs to improve its communications and, in particular, provide the Planning Board with staff reports, engineer reviews, and other appropriate information at least six days prior to the meeting.

- Staff should state the purpose and intent of the TRC meetings and establish a defined schedule for same, noting that it is a work meeting designed to assist applicants and is advisory only. If necessary, the Town's review engineer should attend, and staff should take minutes. Planning Board member(s) should not attend.
- When information is received from other Departments, abutters, or the review engineer, Planning staff should promptly provide same to the applicant and/or design engineer.
- Staff should compile a fact sheet of what constitutes a zoning or site plan violation, providing specific examples, and consider a three step enforcement process of: a) verbal notification requesting compliance; b) notice of violation with enforcement penalties per NH statutes, and c) court action.
- At present, there is not a need to hire a Town Engineer nor is the position sustainable.

Potential Organizational Structures:

- A Planning and Development Department with a Director as overseer of the Town Planner/Zoning Administrator, Building Inspector/Code Enforcement Officer, and Health Officer.
- A Community Development Department with a Director as overseer of the Planning & Zoning Administrator (zoning administration and plan reviews), Office Manager (Planning Board and ZBA), and Building/Health Officer (building, health, and code enforcement).
- A Planning Development Division with the Assistant Town Administrator as overseer of the Town Planner/Zoning Administrator, Building Inspection/Code Officer, and Health Officer.

Mr. Coogan summarized his report by noting that the current organizational arrangement is fine, however, there are issues with communication and future planning.

Mr. Hohenberger inquired which staff Mr. Coogan recommended attend the TRC meetings. Mr. Coogan replied the Planning Director, Highway Agent, Fire Chief, Police Chief, Town Planner, and Building official, as well as the Consulting review agent when necessary.

The Board extended thanks to Mr. Coogan for his presentation, and Mr. Senibaldi indicated the Board would review the document for future discussion.

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

The meeting was adjourned at 11:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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