

**BOARD OF SELECTMEN**  
**Minutes of April 27, 2009**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Roger Hohenberger, Charles McMahon, and Ross McLeod were present, as was Assistant Town Administrator Dana Call. Town Administrator David Sullivan was excused. Mr. Stearns opened the meeting with the Pledge of Allegiance, and then read the agenda into the record.

**ANNOUNCEMENTS:** Mr. Stearns reminded all that the Special election for State Representative was the following day. Polls will be open from 7AM to 8PM at the Golden Brook School.

*Mr. McMahon* advised that Speaker of the House Norelli and representatives of the Department of Health and Human Services had provided an update that day regarding the Swine Flu. Mr. McMahon noted there were no cases reported in New Hampshire to date, and that guidance from the Centers for Disease Control will continue to be provided to states/towns. He further noted that the state has on-hand a sufficient stockpile of anti-virals and that they will shortly be initiating a public inquiry line specific to the Swine flu.

*Mrs. Call* advised that over 120 resident skate park permits have been issued, and that Recreation Coordinator Cheryl Haas continues to work on non-resident classes. Mrs. Call asked that the latter please be patient, as there is a large number applying. Mrs. Call then noted the park was closed for a period on Saturday after the Police Department received several calls.

**CORRESPONDENCE:** Bond Release/Timber Tax: Mr. McMahon moved and Mr. Breton seconded to release the bond in the amount of \$0.00 to Brandon R. Valley. Passed unanimously. Bond funds will be applied to timber tax levy.

*Bond Release/Timber Tax:* Mr. McMahon moved and Mr. Hohenberger seconded to release the bond in the amount of \$2.58 to Burl Land Clearing, LLC. Passed unanimously. Remaining bond funds will be applied to timber tax levy.

*Right-of-Way Escrow Release/West Shore Road:* Mr. McMahon moved and Mr. Breton seconded to release the bond in the amount of \$1,000 plus interest to Eric Nickerson. Passed unanimously.

**MINUTES:** None.

**PUBLIC HEARING/CONTRACTED SERVICES:** Chief McPherson explained that the following fees were being proposed as part of the blasting oversight changes:

	<i>Proposed Fees</i>
Firefighter / hr	\$50.00 / hr
*with fire truck	\$90.00 / hr*
*with forestry unit	\$35.00 / hr*

*\*fees for equipment are in addition to the employee rate / hr*

Chief McPherson further noted that the \$50 rate is in line with current police details, and the others coincide with rates currently charged by FEMA for similar services.

After a brief discussion, Mr. McMahon moved and Mr. McLeod seconded to approve the proposed fees as presented by the Fire Chief. Passed unanimously.

*Chief McPherson* briefly addressed the issue of Swine flu in NH, noting that Windham Emergency Management has been participating in area talks regarding the virus. Chief McPherson noted that the Town participated in the Southeastern Public Health Network, the coordinator for which is based in Derry. Chief McPherson noted that the Network has the means to provide vaccinations to Windham residents in the event of an outbreak, by way of mobile pods.

**FINANCIAL UPDATE:** Mrs. Call presented her first quarter financial update to the Board, highlights of which included:

#### Expenditures

- Vehicle Fuel – favorable budget variance based on 2009 budget being based on \$3.14/gal versus actual through March (after taxes and discounts) which is \$1.74
- Heating Oil – favorable budget variance for Administration, Searles, and Senior Center due to 2009 budget being based on the capped Fall 2008 price of \$3.499. Actual paid was based on market price for '08-09 season, which was \$2.35 average.
- Heating Propane – favorable budget variance for all departments due to 2009 budget based on estimated \$2.00/gallon (bid was awarded for '08-09 season at \$.30 over Selkirk index). Actual price to date for 2009 was \$1.147 average.
- Personnel vacancies (savings in salary and benefit line items):
  - All departments – COLA budgeted at 3.75%; actual based on CPI was 3.5%, approx \$15,000 savings
  - Town Clerk – Deputy Town Clerk position vacant since 3/11/09
  - Police – Captain out on disability; 1 remaining vacant Patrol position due to 2008 retirements
  - Planning – Town Planner position vacant from 1/1/09-3/9/09; Community Development Director position currently vacant
  - Highway – Laborer position vacant all of 2009 to date (approx \$14,000 savings for Q1)
- Solid Waste
  - Waste removal under budget due to timing of 1st quarter payments (Feb & Mar bills were paid in April)

#### Revenues

- Federal/State Grant – consists of \$84,291 received for Castle Hill Bridge, \$53,817 quarterly SAFER grant installment payment; \$11,243 initial FEMA reimbursement for Dec 2008 Ice Storm and \$693 federal gas tax refund
- Building Permit Q1 revenue down significantly from previous two years
- Cable Franchise fees were \$13 higher than previous year
- Interest revenue down significantly from previous two years – Q1 '09 interest rate earned on deposits is 0.83% versus 2.65% for the same period in 2008
- Transfer Station – recycling revenues are down significantly due to various factors including the affect of commercial demolition no longer accepted

- Selectmen's Office Reimbursements – two large reimbursements received in Q1 '09; \$3,774 reimbursement of prior year payments to Verizon for Police digital radio project and \$6,490 insurance claim for Police radio equipment

Several inquiries/concerns were raised by the Board throughout the discussion. Mr. McMahon reminded all that the shared revenue to municipalities has been zeroed out by the House budget, and Mr. Breton noted that eight of twelve Town revenue categories are below estimates. Discussion ensued regarding the current economic status.

Mr. McMahon inquired why some items, such as building permits, were projected at such high levels during the budget process, and a discussion ensued regarding timing of receipts and the current, downward trend. Mr. Breton inquired what impact lower estimations would have on the tax rate, and Mrs. Call replied the rate would increase. Mr. Breton then noted that, whatever could be trimmed for the remainder of this year would help with next year's tax rate. Mrs. Call then noted that the fund balance information should be available within the next few weeks.

Mr. Breton then suggested a hard look needed to be taken at non-fixed costs, such as over time, between now and the second quarter. Mr. Hohenberger suggested a list of items and/or services which departments could delay or go without be compiled. Mrs. Call indicated she would have the Department Heads develop such a list, and an overtime analysis could also be obtained from the Chiefs. Mr. Breton requested that the Fire Chief, specifically, analyze his overtime costs for the first quarter, as well.

Mr. Hohenberger then inquired whether the Town was bound to using certain financial vehicles, noting that CD's often offer a higher interest return. Mrs. Call noted that the Town is limited, however, CD's are an option. She added that there is often a cash flow timing issue, and that investments are under the Town Treasurer's purview.

Mr. Breton then inquired who has purview over whom Town banks with. Mrs. Call noted that the Treasurer has custody of the funds, unless he were to incur banking fees that require funds to be budgeted. Discussion ensued regarding the benefits of remaining with Citizen's Bank.

Mr. Hohenberger then inquired whether the Town could borrow from the School District's surplus funding as opposed to utilizing a Tax Anticipation Note. Mrs. Call replied she did not believe that was a possibility, but she would check. Mr. Stearns suggested Conservation monies, as well. Mr. McMahon stated he did not believe the Town could borrow from itself. Discussion ensued as to when the Town expects to receive the \$500K from the School District, as well as the \$177K from the Conservation easement.

**OLD/NEW BUSINESS:** Highway Agent Jack McCartney advised the Board that two bids had been received for catch basin cleaning as follows:

<i>Larry Blanchette, Windham, NH:</i>	<i>\$13.50/basin year 1</i>
<i>Bellemore Catch Basin, Bedford, NH:</i>	<i>\$25.00/basin year 1</i>

Mr. Breton inquired whether the bids were comparable as far as services went. Mr. McCartney indicated that Mr. Blanchette, the previous vendor, utilizes a clamshell, and Bellemore a vacuum, and noted that the latter's costs likely reflect removal of the debris from Town where as Mr. Blanchette utilizes the old landfill.

Discussion ensued regarding the length of the season and any additional services supplied by Mr. Blanchette. Mr. McMahon then moved and Mr. Hohenberger seconded to award the bid for basin cleaning to Larry Blanchette. Passed unanimously.

Discussion ensued regarding locking in the options bid by Mr. Blanchette as well, which were \$14/basin for year 2, and \$14.50/basin for year 3.

Mr. McMahon moved and Mr. McLeod seconded to reconsider the vote. Passed unanimously.

Mr. McMahon then moved and Mr. McLeod seconded to award the contract for basin cleaning to Blanchette for the bid price of \$13.50/basin, with the option to renew for years 2 and 3 at the Board's discretion. Passed unanimously.

**CREDIT CARDS:** Mrs. Call indicated that she was seeking the Board's input and direction regarding future implementation of credit card services relative to departments to include, funding the costs of the program, etc. She noted that, based on the Board's input a workshop will then be scheduled with the suggested Department Heads.

Mrs. Call noted there are several items involved of which the Board must be careful, as by accepting credit cards the Town becomes the Merchant of Record and is therefore responsible for data security. She then noted there are several funding options to choose from, including: "Merchant absorbed funding", wherein the fee comes directly out of the transaction; "Consumer funded", wherein a per transaction fee is assessed regardless of whether cash or credit is used; and a "Convenience fee", which could be assessed if a kiosk-type payment center was provided at which no direct customer service is necessary. Mrs. Call explained that, as to the consumer funded option, Mastercard and Visa are very strict in that merchants cannot discriminate between cash or credit customers.

Mrs. Call went on to note that starting the program out with the Recreation Department is a good choice, as the service fees can be absorbed through the Recreation Revolving fund with no impact to the General Fund. Discussion ensued regarding the Town Clerk's office and the E-Reg program, which Mrs. Call felt was a discussion that should be held with the Town Clerk. She noted, however, that she believed the E-Reg program was not credit card based, but rather utilized electronic checks.

After further discussion regarding online acceptance versus in person, and related software/equipment fees, it was determined that Mrs. Call will work to develop a Request for Proposal for the Board's review prior to submission to a proposed vendor list.

**OLD/NEW BUSINESS:** Mr. Hohenberger inquired whether the first workshop with the School Board had been set, and Mrs. Call indicated she would follow up to do so.

*Mr. Breton* advised that the School District's fuel bid references Town of Windham, and sought more information from Mrs. Call, who clarified that the Town is not soliciting bids for heating fuel, however, the gallons utilized on the Town side are being included in the total similar to the previous year.

Mr. Breton requested the Board approve sending a letter to Senators Letourneau and D'Allesandro in support of Senate Bill 179 regarding expanding gambling. Mr. Breton explained that he believed this bill was an opportunity to recapture lost revenues for the State, and further noted that there are a large number of Windham residents who work at Rockingham Park in Salem. Mr. McLeod indicated he believed this was an issue for the Town of Salem to support; stating he did not see a rational nexus for sending such a letter as there had been for the Board's recent support of legislation regarding the Retirement system.

Mr. Breton noted that the legislation is supported by the Town of Salem and other groups, and noted the bill could impact many Windham residents as it pertained to employment. He did not see any reason why the Board couldn't send a letter to Senator Letourneau and be on record. Mr. McLeod inquired if Mr. Breton's rationale in requesting the letter was the Windham residents employed at Rockingham. Mr. Breton replied in the affirmative and added that the Park has also been a source of revenue for 100 years and, passage of this legislation would create new jobs, as well.

Mr. McLeod felt that, if the rationale were employment impacts, then the Board would need to begin monitoring legislation in Massachusetts, as well, as many residents are employed there. He then reiterated his belief that this was a Salem issue. Mr. Breton disagreed, feeling this is a revenue issue. Discussion ensued.

Mr. Hohenberger agreed with Mr. Breton that Rockingham is a good source of revenue, however, he noted there are concerns connected with expanded gambling, such as increased crime, divorce rates, etc. He stated he was unsure whether the Board should speak for the town on this matter without knowing all the pros and cons.

Mr. McMahan noted that the Town of Salem has, multiple times, voted in favor of expanded gambling; and that Rockingham Park is in trouble as pari-mutuel betting is no longer a big draw. Mr. McMahan noted that, in 2008, Rockingham contributed \$2.4M in revenue to the State, and assisted local organizations in raising \$2.1M. Mr. McMahan added that NH is a tourist state with approximately 45K individuals out of work, and that Rockingham Park could continue to serve as a strong revenue and employment source but racers are no longer coming to Salem as purses in other areas are higher due to expanded gaming availability.

Mr. McLeod reiterated his concern, and noted that if the Board were going to send this letter than it should be looking statewide for similar projects, etc., to support. Discussion ensued.

Mr. Breton then moved and Mr. McMahan seconded to send a letter encouraging Senator Letourneau to support Senate Bill 179 to allow for expanded gaming. Passed 3-1-1, with Mr. McLeod opposed and Mr. Hohenberger abstaining. Mr. Hohenberger clarified his abstention by noting it was based upon a lack of information.

Mr. Stearns noted for the record that he supported the letter as he believes Rockingham Park has been a good neighbor and beneficial to the Town of Windham.

Mr. McLeod requested that the letter be drafted so as to reflect that the vote of the Board was not unanimous. Staff will draft the letter for the Board's review.

**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 b, c, and e. Roll call vote – all members “yes”. The topics of discussion were personnel, reputations, and legal.

*The Board, Mrs. Call, Highway Agent Jack McCartney, and Ms. Devlin were in attendance in the first session.*

*Mr. McCartney reviewed the recommended candidates for the vacant Highway Laborer position. Mr. McMahon moved and Mr. Hohenberger seconded to extend an offer of employment to the recommended candidate per the Employment policy. Passed unanimously.*

*The Board, Mrs. Call and Ms. Devlin were in attendance for the remaining sessions.*

*Mrs. Call updated the Board on a matter relative to the Deputy Town Clerk candidate. It was the consensus of the Board to offer the individual a six month review and increase.*

*Mrs. Call discussed the vacant Park Range position. Mr. Hohenberger moved and Mr. McMahon seconded to extend an offer of employment to the recommended candidate per the Employment policy. Passed unanimously.*

*Mrs. Call discussed a reputations matter with the Board. No decisions were made.*

*Mrs. Call updated the Board on a legal matter. No decisions were made.*

*Mr. McLeod discussed a concern with the Board relative to reputations. It was the consensus of the Board that staff follow-up with the individual in questions.*

*Mr. Hohenberger moved and Mr. McLeod seconded to adjourn. Passed unanimously.*

The meeting was adjourned at 9:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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