

BOARD OF SELECTMEN
Minutes of November 9, 2009

MEMBERS PRESENT: Vice-Chairman Bruce Breton called the meeting to order at 7:05 PM. Selectmen Charles McMahan, Ross McLeod and Roger Hohenberger were present. Chairman Galen Stearns and Town Administrator David Sullivan were delayed and arrived at 8:05 PM and 7:10 PM, respectively. Mr. Breton opened with the Pledge of Allegiance, and then read the agenda into the record..

ANNOUNCEMENTS: Mr. McLeod noted that tickets are now available from the Recreation Coordinator for the Annual Senior Christmas Party, and that the Annual Tree Lighting has been scheduled for December 5th.

Mr. McLeod then announced that the Girls U12 soccer team had recently made it through the semi-final, but had been defeated in the finals; and that the U14 girls will be playing in the State championships next week. He extended congratulations to Ms. MacKenzie Logan who, for the second year in a row, had scored the winning goal in Class 5 championships.

Mr. McMahan noted that, on December 7th, a dedication ceremony of the Pearl Harbor Memorial Bridge would take place at the State House in the Hall of Flags beginning at 10AM. Mr. McMahan noted that the legislation so naming the bridge in recognition of the survivors of Pearl Harbor had been passed in 2000, and extended thanks to Representative Mary Griffin for sponsoring the bill in question.

MINUTES: Mr. Hohenberger moved and Mr. McMahan seconded to approve the minutes of October 5, 2009 as written. Passed 4-0.

LIAISON REPORTS: Mr. Hohenberger noted that the Capital Improvements Committee had presented the draft plan to the Planning Board. No changes were made to the document as a result of the meeting, and a public hearing has been scheduled for November 18th.

Mr. McLeod noted that the Wall Street Advisory Committee had conducted a kick-off meeting the previous Thursday, with approximately 60 people in attendance. He noted that a visioning of the project was discussed, with much input received, and noted that any questions or comments can be directed to him, Community Development Director Laura Scott, or the Police or Fire Chief.

WBSL- GRIFFIN PARK LIGHTING DONATION: Mr. McLeod inquired whether his fellow members had any concerns regarding his affiliation with the Windham Soccer Association as it pertained to this discussion, and indicated he would recuse himself from the Board if so. There was no opposition to Mr. McLeod remaining seated as a member of the Board.

Mr. McMahan opened the discussion by noting that part of the Griffin Park Plan as originally developed in the late 1990's included lighting a portion of the Park, and that at this time the parking lot, center walkway, and Zimmer Field were specifically being suggested for consideration. Mr. McMahan noted that eight (8) poles were being proposed for the lot and seven (7) along the center walkway down to the multi-purpose building. Before

deferring to Mr. Mike Berry of Musco Sports Lighting to provide greater details on the lighting proposed for Zimmer Field. Mr. McMahon noted that the approximate total donated project cost would be \$138K, and that the proposal had been presented to both the Technical Review Committee and the Planning Board, and a letter of support received. He further noted that PSNH had been contacted, and they had calculated that the average cost per evening to run the lighting would be \$20. WBSL would like to install the lighting by month end.

Mr. Berry approached, and explained that in keeping with Little League standards two 30' poles were being proposed for the infield and outfield, respectively, each with 18 fixtures directed down towards the field and equipped with visors to reflect the light to the field and minimize glare/spillage. In addition, two 60' poles would be placed behind the dugouts, a 70' pole in right field, and a 80' pole in left field. Mr. Berry explained that the taller poles allow for better direction of the lighting to the field; down as opposed to across. He noted that all the lighting is accompanied by a 25 year warranty and maintenance contract. Additionally, each pole is monitored remotely by the vendor, and can be controlled/programmed remotely as well.

Mr. Hohenberger inquired whether there was adequate wiring in place at the Park to support the required 240v service for the lights and, if not, would the WBSL be donating that upgrade, as well. Mr. Steve Kozar, project engineer, approached and replied that the wiring was not currently in place, but that the WBSL would be handling that, as well. Mr. Hohenberger then inquired about the availability of conduits for the wiring, and Mr. Kozar replied that the project would start at the parking lot and then down the right side of the center walkway, where the spare conduit would be utilized, noting that some trenching would be involved across the back of the parking lot. Mr. Kozar then added that a new 1200v box would be installed and the wires would be pulled through the nearby conduit to a new 4'x4' transformer for the field lights, while the walkway/parking lights would be run off of the existing service.

Mr. Kozar then explained that the poles at the rear of the lot will all be directed lighting at the lot itself and the walkway will be lit on the right side, with shields put in place to deter spillage. He noted the pole lights will be 20' and the walkway lights 16', and clarified that these are separate from the Zimmer Field lights and do not include a similar warranty. The bulbs, of which there will be 15 total, cost approximately \$125 each, and have an average life span of two years.

Discussion ensued regarding the scheduling and control of the lighting. Mr. McMahon indicated the WBSL was targeting a 9 PM shut off, which would allow for an additional game. Mr. Berry reiterated that the field lights are equipped with a web-based automatic control. Further discussion ensued regarding tying the user groups to the meter in order to allocate use charges.

Mr. Hohenberger inquired as to control for the rest of the park while the lights are in use. Mr. Kozar noted the remainder of the park would be in darkness with the directed lighting, however, the WBSL is also proposing installing security lighting at the Skate Park per the Police Chief's recommendation. Discussion ensued as to how the park should be posted/control; possibly through development of a policy.

Mr. Michael Jeffers, Squire Armor Road, approached citing concerns that before lighting is installed the parking issues should be addressed. He then inquired why the High School fields weren't being utilized by the League. Mr. McMahon noted that the Little League teams cannot play at the High School as those fields are too large. He agreed that there are parking concerns, however, they result during peak times and multiple uses at the park and will not be an issue at a single evening game. Mr. McMahon then added that the lighting will alleviate some concerns for other programs, such as the Recreation movie night.

Mr. McLeod added that, if Soccer were to expand the lighting at some point to include the soccer field, it would be utilized for Monday to Friday fall practices until 8 PM only, which does not impact peak usage times. Mr. Jeffers then sought clarification that there would never be a scenario where the park lit with 100% usage/attendance. Mr. McLeod replied that that was where policy/scheduling issues needed to be addressed by the Board.

Mr. Jeffers then inquired whether the WBSL was intending to install a full PA system at some point, as well. Mr. McMahon replied in the negative, noting that a portable system will continue to be used.

Mr. Jeffers then inquired of Mr. Berry if there were any area locations with similar lighting that residents could view. Mr. Berry noted several including fields in Salem, Hudson, Kensington, and at the Salem Boys and Girls Club.

Ms. Elizabeth Bondioli approached to inquire whether the fields noted by Mr. Berry were also in residential areas, to which he replied in the affirmative. She then noted that a PA system had been discussed in the past, and sought clarification as to whether the lighting fixtures could be utilized to put in a sound system. Mr. McMahon reiterated that the WBSL has no intention to do so, and Mr. Berry added that no provisions are being made to allow for future installation of a PA system and, should one be installed it would void the warranty.

Ms. Bondolio then indicated that she did not believe the safety/parking concerns at the park have been resolved, noting there is high volume in the area outside of peak times. She expressed additional concerns that no policy is in place, and felt the community as a whole should be able to review and discuss all aspects of this proposal such as scheduling, timing, etc.

Mr. McMahon noted that the WBSL was following the same paradigm as the Town did when the park was built; with no policy in place for its use. He noted that one field only was being proposed, with controlled access and controlled lighting, and that a policy will be drafted by the Recreation Committee. Mr. McMahon felt that the facility needed to be in place before policy could be set. Discussion ensued, in which Mr. Breton likened this donation to that of the multi-purpose building which had not been utilized until a policy had been finalized. Mr. Hohenberger suggested that, should a motion to approve be made, it include a stipulation to that effect, and further discussion ensued.

Mr. Hohenberger agreed that a policy should be in place before the lights are utilized, and noted that there will be approximately 5 months available to draft one. He further noted that he would like to hear from the Recreation Committee on this matter prior to making a decision. Mr. Dennis Senibaldi

approached as Vice-Chairman of the Committee, and noted that if the Board voted to approve the lighting the Committee would begin drafting a policy at their next meeting. He then added that the Recreation Coordinator does currently work with all the organizations to coordinate scheduling of the fields. Mr. Hohenberger then requested that notices be sent to the residents of Squire Armor Road advising them of when the Recreation Committee would be discussing this matter. Discussion ensued, and it was determined that staff would draft and mail the letters as requested.

Mr. Senibaldi then inquired whether the raised manhole at the Park would be removed as part of the project, and Mr. Kozer replied that it would be corrected to ground level. Discussion then ensued regarding the wiring and the available conduits.

Mr. Senibaldi then noted that the costs would need to be taken into consideration as part of the budget process, and a discussion ensued regarding possibly charging the field use back to the organizations. Mr. Senibaldi then added that the Recreation Committee may have to discuss added security at the Skate Park in the event of spillage.

Mr. Michael Hatem, School Board member, approached and indicated he felt it was a good idea to light the fields, however, the District has fields that are not yet completed. He noted that additional fields could be placed at the High School at a greater benefit to the all, and suggested a joint meeting be held with the District to discuss the Recreation Master Plan prior to the Selectmen voting on this issue.

Mr. Robert Coole approached to inquire whether the current dawn to dusk closure of the park was related to an ordinance or a policy. Mr. Sullivan replied it was policy which could be amended by the Board rather than Town meeting.

Mr. Jeremy Catt, Squire Armor Road, approached in agreement with Mr. Hatem. He then noted that, during the previous discussion relative to temporary lighting, it had been stated that there was a lack of fields for Soccer, however he had not since seen two (2) fields being utilized simultaneously. Mr. McLeod disagreed with that assertion, and a lengthy discussion ensued. Mr. Catt then inquired why these monies were not being placed into the School District, and Mr. Breton replied that the WBSL had approached the Town regarding the donation, not the School District. Mr. McMahon noted that the WBSL desires the lighting at Griffin Park in keeping with the original plan. He then added that Griffin Park is the safest location for sports in Windham, the High School notwithstanding.

Mr. Catt indicated he would support building additional fields in other areas of Town, which he felt would be a better use of funds. He then inquired whether impacts of the lighting to I-93 had been considered, to which Mr. McMahon replied in the affirmative. Discussion then ensued regarding expansion of the lighting to the soccer field. Mr. McLeod clarified that the only matter before the Board was the lighting of the parking lot, walkway, and Zimmer Field, and anything beyond that would be pure speculation.

Mr. Bob Chapman, Horseshoe Road, approached noting that he had concerns regarding possible future litigation, citing as an example the lack of a lit softball field for the girls or if someone is injured on Range Road after dark.

Ms. Bondioli then approached and asked the Police Chief to speak to the design and any concerns he may have. Chief Lewis indicated that he is a proponent of lights for many reasons, including as a benefit to users, ease of patrols, and as a deterrent to vandalism. He noted that from what he has seen of the schematic and based upon discussions with the vendor the proposal will adequately light the driveway without creating an increased hazard, and will likely serve to enhance the safety. Mr. Chapman noted that overuse is an issue, and that cars are currently parked on Range Road in the dark. Chief Lewis replied that he did not believe the lighting would be an issue as to parking, as there is no heavy use at 9 PM at night. He did agree, however, that should the entire park be lit overuse would be an issue.

Mr. Ralph Valentine then approached to express concerns that this matter had not been discussed with the Recreation Committee and to inquire whether the WBSL intended to pay the recurring charges for the lights. Mr. McMahon replied in the negative, noting the intention was for the usage charges to be handled in the same manner as the multi-purpose building. He then added that the WBSL had requested a meeting with the Committee, however, the latter had not responded.

Mr. Valentine then inquired how the lot/walkway lights would be controlled, and Mr. Kozer responded that a photo-cell was being proposed to turn them on, and time clock to turn them off. Discussion once again ensued regarding the need for a policy to be established.

Mr. Valentine felt the WBSL should have come to the Recreation Committee first, and that the matter needed greater thought or perhaps a warrant article. He then inquired whether Ms. Haas would be responsible for the control of the lighting/billing of the usage.

Mr. McMahon replied that the Griffin Park Plan had been approved by the voters, that Ms. Haas handles the Park currently, and that a policy will be drafted.

Mr. Stearns then inquired whether the multi-purpose building note had been paid off. Mr. Bruce Anderson, WBSL Treasurer, approached and replied in the negative. He noted that there is approximately 2 years left of payments on a balance of \$18,500, and that the monthly payments continued to be covered through normal WBSL operations.

Mr. McMahon then requested the Board support the donation valued at \$137,922 from the WBSL and allow them to move forward with the project, with a policy to be drafted by the Recreation Committee prior to their utilization. Mr. Sullivan requested that the motion, if there was to be one, be crafted to authorize the WBSL to install lighting at Griffin Park as proposed, with the intention to be to formally accept the donation in the future upon completion of the project.

Mr. Breton noted for the record that Representative Mary Griffin had advised him she was very much in favor of the donation, and extended her thanks to the WBSL and Soccer Association for their efforts.

Mr. McMahon moved to authorize the WBSL to install lighting at Griffin Park as proposed, with the intention to be to formally accept the donation in the future upon completion of the project.

Mr. McLeod seconded for discussion, noting he had concerns that the Recreation Committee has not weighed in as yet and the Board is requesting they undertake added responsibility to draft a policy. He felt the Board should allow Recreation to schedule to a meeting to discuss this matter; notifying the Squire Armor residents as previously agreed. Lengthy discussion ensued.

Mr. Senibaldi approached and indicated the Recreation Committee can schedule meeting and respond back to the Board prior to November 23rd, as they realize the weather is a concern for installation.

After further discussion, Mr. McMahon set aside his motion, and Mr. McLeod his second, pending response from the Recreation Committee as discussed. Brief discussion ensued regarding the notices to be sent and the availability of WBSL representatives to be in attendance.

The Chair called a five minute recess.

AUDIT BID AWARD: Finance Director Dana Call explained that a qualification-based process had been conducted, in which meetings had been held with all bidders to review their technical proposals prior to opening any cost proposals. She noted that the bids had been narrowed to the two (2) most qualified firms; those being Vachon, Clukay & Co., PC (the Town's current auditor) and Melanson Heath & Co., PC. Mrs. Call further explained that Vachon had served as the Town's vendor for the past 24 year, and there were no issues with their service. She noted that, based upon the hours and blended rates bid there was a \$12K differential between Vachon and Melanson, the latter of which was higher.

Mr. Sullivan indicated that, despite this differential and based upon the Board's desire to have the Town departments looked at in depth, the recommendation was to award the bid to Melanson. Discussion ensued, and Mr. Breton spoke in support of the recommendation based upon his sitting in upon the technical proposal interviews. He noted that Melanson appears to offer a much more in depth service, and he believed the money would be well spent to switch vendors.

Mr. Stearns noted that, although the same firm has been utilized for a number of years, it is not always the same staff members conducting the audit and therefore "fresh eyes" are reviewing the Town's data. He felt that \$12K was a steep amount to pay to get an in-depth look at the Department's, noting that Vachon could do the same if requested to do so. Mrs. Call noted that doing so would be outside the scope of Vachon's bid, at an added contractual price, however Melanson provides this as part of their default service for all departments as deemed appropriate. Further discussion ensued.

Mr. Hohenberger agreed with Mr. Stearns, noting that the audit itself is essentially a third review of the Town's data after the Department Heads and the Finance Director, both of whom he felt do a good job of monitoring internal control.

Mr. McLeod inquired whether issues existed with Vachon, and Mrs. Call replied in the negative, noting Melanson simply offers a different process. She noted the end product would be the same, however, she expected that

Melanson would provide management comments, etc. as a new firm. Mr. McLeod then noted that, if the statutory requirements are being met through Vachon, it would be difficult for him to justify the added expense to switch to Melanson.

After further discussion relative the length of time audit firms are generally retained by municipalities, Mr. McLeod moved and Mr. Stearns seconded to award the bid for the Town's audit to Vachon, Clukay & Co., PC for their bid price of \$10, 813 for year one, \$11,382 for year two, and \$11,592 for year three. Passed 4-1, with Mr. Breton opposed.

Mr. Breton stated he felt the Board was doing an injustice to the Town with their award, and asked to be scheduled on the next agenda to review last year's audit with the Board.

OLD/NEW BUSINESS: Mrs. Call advised the Board that Government Accounting Standards Board (GASB) Statement No. 45 is effective for the Town of Windham for the 2009 audit year, which requires the Town to measure and record the liability and costs associated with any post employment benefits, other than retirement, offered by the Town. She also noted that this measurement is required to be done by an independent actuary.

Mrs. Call explained that the Town has two components of its Other Post Retirement Benefits plan, the first being Health/Medical Insurance coverage which is extended for employees entitled to retirement benefits upon termination of employment with the Town. She noted that said coverage is provided for the employee's then current plan type (i.e. single, 2-person, family) at the Town's expense as follows:

10 - 15 years of employment	- 3 months
15 - 20 years of employment	- 6 months
20 - 25 years of employment	- 9 months
Over 25 years of employment	- 12 months

Mrs. Call then noted that, pursuant to RSA 100-A:50, the Town also permits its employees, upon retirement and after any period for which they are eligible for Town-funded post employment benefits, to continue to participate in the same medical/dental insurance or health care group or plan as its active employees. Retired employees and their spouses shall be deemed to be part of the same group as active employees of the same employer for purposes of determining medical/dental insurance premiums. This creates what is considered to be an implicit rate subsidy funded by the Town. Mrs. Call noted that the liability does not necessarily have to be funded, however, it does need to be reflected on the Town's annual financial statements. She advised that, in order to facilitate this inclusion and meet the requirements of GASB 45, Administrative staff had solicited quotes from three actuaries, with prices ranging from \$3,900 to \$9,000.

Discussion ensued regarding the requirements and any benefit to the Town. Mrs. Call noted that there is no benefit beyond a clearer view of the Town's liability on the financial statements, and thus a resulting unqualified audit report. Mr. McLeod then moved and Mr. Stearns seconded to authorize staff to pursue compliance with the requirements of GASB 45. Passed unanimously.

Mr. Senibaldi approached to request the Board accept donations from the following towards the Annual Tennis Open: Prime Butcher, Rockingham Toyota, Cyr Lumber, Shabby Chic, Oasis Mini Mart, Howie Glynn's, J. Michael Sport Pub, Shaw's, Hawaiian Heat Tanning, and Coffee Roasters Café.

Mr. McMahon moved and Mr. McLeod seconded to accept the donations as stated with thanks. Passed unanimously.

Mr. Sullivan reviewed with the Board an updated proposal relative to replacement windows at the Community Development Department. He noted that, after reimbursement for tax credits, the reviewed project cost would \$2,500, an increase of \$900. He requested these additional funds be taken from the Property Maintenance Trust.

After a brief discussion, Mr. McMahon moved and Mr. McLeod seconded to authorize the expense of an additional \$900 as stated. Passed unanimously.

Mr. Sullivan advised the Board that he, Mr. McMahon, and Mrs. Call had been exploring means to save the Town monies on their health premiums and were recommending a change from a Comp1000 plan to a Comp2500. Mr. Sullivan noted that doing so will offer the Town a substantial savings, and will not effect the employee's coverage in any way.

After a brief discussion, Mr. Hohenberger moved Mr. McLeod seconded to authorize staff to proceed with this change as detailed. Passed unanimously.

CORRESPONDENCE: Letter of resignation received from Mr. Scott Mueller as Chairman and member of the Recreation Committee, effectively immediately.

Mr. Hohenberger moved and Mr. McMahon seconded to accept Mr. Mueller's resignation with regrets. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McMahon seconded 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 reputations and the Board, Mr. Sullivan, Ms. Haas, and Ms. Devlin were in attendance.

The Board discussed a reputations matter relative to policy and procedure. No decisions were made, and staff will proceed to arrange a follow-up meeting for November 23rd.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously. The meeting was adjourned at 10:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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