

**BOARD OF SELECTMEN
Minutes of August 23, 2010**

MEMBERS PRESENT: Chairman Charles McMahon called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Galen Stearns and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Ross McLeod was delayed and arrived at 7:05 PM. Mr. McMahon opened with the Pledge of Allegiance then read the agenda into the record.

PUBLIC HEARING / FEES: Community Development Director Laura Scott read the public hearing notice into the record as follows:

“In accordance with RSA 41:9A, the Board of Selectmen will hold a Public Hearing on August 23, 2010 at 7:00 PM at the Community Development Department for the purpose of amending/adopting the fees charged by the Community Development Department as follows:

	<u>Existing</u>	<u>Proposed</u>
<u>Planning Board Fees</u>		
<i>Escrow Accounts –</i>		
<i>Site Plan – Change of use/Minor</i>	<i>None</i>	<i>\$ 500</i>
<i>Site Plan – Major</i>	<i>None</i>	<i>\$1,000</i>
<i>Subdivision – Lot Line Adjustment</i>	<i>None</i>	<i>\$ 500</i>
<i>Subdivision – No New Road Proposed</i>	<i>None</i>	<i>\$1,000</i>
<i>Subdivision – New Road Proposed</i>	<i>None</i>	<i>\$2,500</i>
 <i>Abutter Notifications</i>	 <i>\$5/abutter</i>	 <i>\$6/abutter</i>
 <u>Building Permit Fees</u>		
<i>Small Wind Energy System</i>	<i>None</i>	<i>\$175</i>
<i>Abutter Notifications</i>	<i>None</i>	<i>\$6/abutter”</i>

Ms. Scott went on to explain that the Department currently collects up front fees from applicants to cover the cost of outside consultant reviews. She noted that these fees are usually estimated, and that the purpose of the proposed fees was to establish a set amount to be placed into an escrow account; any remaining balance of which would be returned to payee. Ms. Scott noted that these fees would be established in accordance with statutory and local authority, and summed up her presentation by noting that the abutter increases were to bring these fees in line with those currently charged by the ZBA, and that the Small Wind Energy fees were a direct result of the 2010 ballot vote.

Mr. Tom Case approached and sought clarification of the basis for these proposed fees. Ms. Scott replied that the figures were based upon an historical cost analysis of previous applications. Discussion ensued relative to similar fees in surrounding communities being based upon complexity of applications, and cost differences between proposals including a new road versus those without.

Mr. Case noted that in the past applicants had completed all engineering prior to submission to the Department, and he did not feel the Town should send plans out for additional review. Discussion ensued.

Mr. Case added that he was also concerned with the vagueness of the fees, specifically there is nothing outlining the return of remaining fees to the applicants, and that \$500 for a lot-line change is unnecessary as this involved simply resetting the property bounds.

Further discussion ensued regarding outside engineering, and Ms. Scott clarified that the plans are not being reviewed on the applicant's behalf, but rather on the Town's. She noted that the reviews are conducted to ensure that the plans are in compliance with Town regulations, many of which are found not to be, and that these reviews are directed by the Planning Board. Ms. Scott added that these reviews are currently conducted now, and reiterated that the proposed fee is to create a mechanism to collect a set amount up front. Discussion ensued.

Mr. Stearns expressed concerns with the number of errors Ms. Scott indicated were found via these reviews, and wondered what the applicants' engineers were not understanding in the Town's ordinances. He noted that perhaps a Town engineer was needed as opposed to a Code Enforcement Officer. Ms. Scott clarified that staff is in the process of re-writing the subdivision regulations, and reiterated that the Planning Board prefers these reviews and the protection they afford the Town. Further discussion ensued regarding the need for a system of checks and balances, and where/why the errors existed.

Mr. McLeod then moved and Mr. Breton seconded to adopt the fees as proposed. Motion was withdrawn to allow for further public input.

Mr. Case approached and noted that a fee of \$200 is currently charged for subdivision applications, and inquired what its purpose was; adding that subdivision fees should not be held in a special fund or be used toward engineering. Ms. Scott replied that the \$200 is placed in the General Fund, and that these proposed escrow fees would be placed into the Special Fund. She noted that the \$200 offsets other related costs.

Discussion ensued as to the level of funds accumulated in the Special Funds as shown in budget reporting, and it was clarified that this figure represents 30+ escrow accounts within a master account.

Mr. McLeod again moved and Mr. Breton seconded to accept the proposed fees as presented. Mr. McLeod then added that, to Mr. Stearns' point, future applications should be looked at closely to see if there was a pattern to the errors being found.

Motion passed 3-2, with Mr. McMahan and Mr. Stearns opposed.

AUDIT PRESENTATION: Ms. Jen Dorr of Vachon, Clukay & Co. conducted a powerpoint presentation relative to the recently completed audit and resultant 2009 Financial Statements, highlights of which included:

- Town's total capital assets are \$35.6M
- Long-term liabilities are \$1.5M

- Expenses are \$13.8M
- General revenues \$12.8M; Program revenues \$3.3M
- Increase in net assets of \$2.3M; this figure includes new roads, etc.
- Net unreserved fund balance of \$580K; bond agencies recommended amount = 10% or \$4.8M
- One significant deficiency was found relative to cash reconciliation process; subsequent to year-end this issue was resolved and new procedures put in place
- As part of the audit, walkthroughs of various departments' revenue collection procedures were conducted; no issues were found

Brief discussion ensued regarding the liability that will be imposed upon communities relative to retirement payments, and pending changes to the Government Accounting Standards Board procedures for 2012. The Board extended thanks to Ms. Dorr and Mr. Vachon for their presentation.

WINDHAM SOCCER REQUEST FOR LIGHTS: Mr. McLeod recused himself from the Board and explained that the Soccer Association was requesting permission to set up temporary lighting at Griffin Park. He noted that, last year, similar lighting had been utilized at Nashua Road for a one-week trial, which had proven successful. Mr. McLeod indicated that these temporary lights at Griffin Park were supported by the Recreation Committee and the cost of them would be borne by WSA. He added that their use would be contingent upon the parking lot/walkway lights being operational, that per policy they would be extinguished by 9 PM, and that they would be utilized for practices only.

Mr. Stearns inquired how many lights were being proposed, and Mr. McLeod replied four at the lower field to light the half closest to the walkway. Mr. Hohenberger inquired whether the generators could be moved further away to buffer the noise, and a discussion ensued regarding the noise at Nashua Field, which was reported as tolerable by the direct abutter. Mr. McLeod noted that there is a buffer of mature trees between Griffin Park and Squire Armor Road, and the distance is greater than that at Nashua Road.

Mr. McMahon noted that the parking lot/walkway poles are up, the transformer is being installed shortly, and the lights should be operational by September 1st. Mr. Stearns felt the Board should wait on this request until the other lighting is evaluated/vetted out as to resident response. Discussion ensued.

Mr. Stearns then moved and Mr. Hohenberger seconded to allow the WSA to move forward as requested; however, if any complaints are received the lighting will be suspended for review.

Discussion ensued regarding complaints, and it was agreed that it would need to be a complaint from an abutter, which would then be reviewed by the Recreation Coordinator to ensure its validity.

Motion passed 4-0 as amended. Mr. McLeod noted use of the lights will begin the first week of September.

Mr. Stearns excused himself from the meeting at 8:00 PM, as Mr. McLeod resumed his seat with the Board.

FINANCIAL UPDATE: Ms. Call presented her second quarter financial update to the Board, highlights of which included:

Expenditures

- Town Clerk – “Office Equipment” is high as this is a placeholder for the monthly E-Reg invoices which were not properly budgeted for (it is a pass-through as the E-Reg fee is collected with the car registration revenue, however, the invoice must be applied to a budget line item) – *this will be corrected in the 2011 budget*
- General Gov’t – Vehicle Fuel is over budget as the 2010 budget was not correctly calculated; anticipated gallons used for the budget calculation included only the fuel obtained from Mobil on the Run and not the diesel obtained from the Fire Dept – *this will be corrected in the 2011 budget*
- General Gov’t – Equipment Maintenance is over budget as the 2011 expenditures include \$1,300 in emergency repairs to the Fire Station’s heating control system
- Dispatch – Training over budget due to one employee enrolled in college courses and reimbursed per contract; Town typically doesn’t budget for 100% usage
- Community Development – Contracted services line item will be over budget by approximately \$8,000 for MRI contracted assistance due to staffing vacancies earlier in the year (offsetting savings in the regular salaries line)
- Solid Waste – Waste removal line item under budget due to timing of payments (Jan-May only paid to date)
- Capital Outlay – Depot Improvements – line item will be adjusted for additional ARRA funds; awaiting final accounting with the State

Personnel vacancies (savings in salary & benefit line items):

- Police Overtime – all Patrol positions are currently filled (1 at the academy, 1 just recently hired), however, 2 officers out with injury therefore we are experiencing higher overtime with some savings in regular salaries to offset
- Highway – 1 position out with injury has recently returned to full duty

Revenues

- Building permit fees have taken an upward turn as compared to 2009
- Cable Franchise fees were higher than normal in 2009 (due to one-time adjustment by Comcast from annual payment to quarterly payments) – 2010 receipts are at normal levels
- Interest revenue continues to be down, however, we have invested \$5 million of Town funds at higher 1.1% rate, earning the Town an additional \$11,300 through 6/30
- Fed/State Grant – consists of \$37,145 reimbursement for Fire Dept personal protective gear encumbered in Dec 2009; 100% grant received from Federal Homeland Security and is available as a general revenue to the Town this year

- Additional \$20,000+ in FEMA Disaster assistance funds are expected
- Firefighter SAFER grant funding will continue to decrease as we move further into the 5-year grant period
- Budgeted income from other sources is related to ARRA funding for Depot project and will be forthcoming

PUBLIC HEARING SEARLES SIGN DONATION: Mr. Sullivan read the public hearing notice into the record: *“In accordance with RSA 31:95-e, the Board of Selectmen will hold a public hearing at 8:00 pm on August 23, 2010 at the Community Development Department for the purpose of considering the acceptance of a donation, by George Dinsmore, of a new facility sign to be installed at the Searles School and Chapel, replacing the existing sign. The sign will be donated in honor of Mr. Dinsmore’s brother, John Dinsmore, and Mr. Dinsmore’s nephew, Sidney Walters. The approximate value of the donation is \$7,235.00.”*

Mr. McMahon inquired whether the sign would be electrified. Mr. Dinsmore approached and replied in the affirmative; noting it is down-lit under the coving. Mr. Dinsmore added that the sign will be placed in the same area as the current sign, and will measure 117” high with a granite base/synthetic wood construction.

Mr. McLeod moved and Mr. Breton and Mr. Hohenberger seconded to accept the donation as described with thanks. Passed 4-0.

WORKSHOP – SEARLES RENTAL FEES: Ms. Sally D’Angelo, Historical Commission, approached to explain that the members had looked at other, similar facilities, which utilize a sliding fee scale for their rentals. She noted that the Searles facility is only breaking even with the current fees, and a lengthy discussion ensued regarding the implementation of a sliding scale of increased fees for the facility. It was the consensus of the Board that the proposed fees be posted for public hearing on September 13th.

COMMUNITY DEVELOPMENT: Director Laura Scott presented a brief update to the Board regarding the ongoing sewer study being conducted via the CTAP grant funding, highlights of which included:

- Technical reviews by Underwood Engineering of the Greater Lawrence Sanitation District, the Town of Salem, and Windham are completed:
 - GLSD will consider sewer service to Windham
 - GLSD’s recent agreement with Dracut will serve as the model for a Windham connection
 - The Salem Westside Interceptor Project must be incorporated into the sewerage project providing sewer to Windham
 - Underwood will follow-up with the Interceptor Project design engineer to request a status report on the design documents

- Windham needs to review the service areas and associated flows. Passage of the Cobbetts Pond Watershed ordinance should be viewed as establishing the service area. It was discussed that the Gateway, Wall Street, Canobie Lake, Cobbetts Pond and Shadow Lake district only should be considered
- Administrative Overviews are ongoing, including:
 - GLSD's main focus will be renewal of the existing GLSD-Salem agreement that expires in 2017, and a subcommittee has been formed to work through the details which will consider Windham's sewerage
 - Salem should anticipate becoming involved in an intermunicipal agreement with Windham
 - Windham needs to finalize their service area and should anticipate getting involved in both the GLSD renewal and an intermunicipal agreement with Salem
- Underwood is undertaking an additional analysis regarding system placement concept for cost estimation purposes.
- A Capital Improvements Program funding request should be anticipated for engineering, outreach and legal costs.
- The committee continues to meet monthly, and the next update can be expected in October. The Underwood Study must be completed by year-end per the grant requirements.

Ms. Scott then raised concerns relative to the Town's practice of performing winter maintenance on unaccepted roads; noting that the Town generally begins to plow/sand roads upon issuance of the first certificate of occupancy. She noted that the Highway Safety Committee and Planning Board were asked by her to weigh in on this practice, which she feels is a liability to the Town. Discussion ensued, and it was the consensus to schedule this for discussion at a workshop session on September 20th with the Planning Board, Highway Agent, and public.

ANNOUNCEMENTS: *Ms. Scott* advised that there were several items coming up, including 9/1 workshops at the Town Hall, the last of the free business seminars, and a 9/30 LGC workshop on meeting facilitation. *Ms. Scott* also noted that the following Wednesday was the last day to purchase the Jaguar Boosters discount cards, and that the Soccer Association discount cards would go on sale beginning in September. Finally, *Ms. Scott* noted that the Planning Board would begin their workshop season in October.

Mr. Sullivan reminded the Board of the standard practice of not allowing solicitation on Town property, noting that he believed that the Jaguar cards had been an exception. *Mr. McLeod* recused himself from the Board, and a discussion ensued.

Mr. Breton then moved and Mr. Hohenberger seconded to authorize the sale of discount cards on behalf of the Windham Soccer Association and Jaguar Boosters at the Community Development Department only. Passed 3-0.

Ms. Scott then invited all to attend the “Woof It Down” celebration on September 11th from 11 AM to 1 PM, in celebration of their receipt of the “Best in NH” award.

CORRESPONDENCE: Resignation received from Cable Coordinator Stacey Barr effective September 24, 2010. Mr. McLeod moved and Mr. Hohenberger seconded to accept with regret; noting Ms. Barr’s excellent service to the Town and residents. Passed 4-0.

LIAISON REPORTS: None.

MINUTES: None.

OLD/NEW BUSINESS: Mr. McLeod advised he had received a call from Mr. Scott Mueller of the Windham Baseball/Softball League relative to the transformer location/options as it pertained to the lights at Griffin Park. Mr. McLeod inquired whether installation of “check” meters as opposed to two, individual meters for field and parking/walkway lights would be acceptable to the Board.

Lengthy discussion ensued relative to cost savings of moving the panel and the workings of the check meters versus the original intent to install two meters in order facilitate isolating the costs. Mr. McMahan advised he would provide the Board with more details. No further decisions were made.

Mr. Sullivan advised that a letter had been sent to Salem requesting a joint meeting to discuss Canobie Lake water levels, however, as yet no reply had been received.

Mr. Sullivan advised that the Depot project final paperwork had been completed, and requested the Board authorize the Chairman to sign the documents indicating acceptance of the work. Mr. Hohenberger moved and Mr. McLeod seconded to authorize the Chairman to sign the documents as requested. Passed 4-0.

Mr. Sullivan advised that a draft agreement had been compiled relative to the proposed Searles Facility coordinator position. He requested the Board review the draft and submit their comments to him for inclusion.

Mr. Sullivan advised that the Salt Shed/Highway Garage electricity costs to power the site will be scheduled for discussion the following week. He noted that these PSNH costs are not part of the contract, but funds covered in the Town budget for this project.

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

Mr. Sullivan updated the Board on a matter related to sale of property. It was the general consensus of the Board that the property be re-advertised for sealed bid with a minimum bid of \$80K.

Mr. Hohenberger then moved and Mr. Stearns seconded to adjourn. Passed 4-0.

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.