

BOARD OF SELECTMEN
Minutes of October 4, 2010

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

ANNOUNCEMENTS: Mrs. Margaret Case, Cable Advisory Board Chair, advised that the Town had received a grant from PSNH in the amount of \$7,739 relative to the High School studio lighting project. This is an increase over the \$5,800 expected.

Mrs. Case then clarified that last week's letter from Comcast had actually been advising of a decrease in cost for those subscribers with HD basic service from \$8.95/month to \$2.50/month for the box rental. Mrs. Case noted that there is likely nobody in Windham with this most basic of service.

Mrs. Case noted that today was the 23rd anniversary of WCTV, and urged all to visit the studio on Facebook.

Fire Chief Tom McPherson deferred to Firefighters Kurgan, Savard and Dubowik relative to October being Breast Cancer Awareness month and the Department's participation in a local awareness program to wear pink t-shirts for the period of 10/12 to 15/2010.

Firefighter Savard explained that there are currently two female firefighters in the State who are battling breast cancer, and that the fire union had adopted a resolution to wear pink during the month of October. Firefighter Savard advised that pink t-shirts, as designed by Windham firefighters, are available for purchase for \$15/each, and that 50% of the proceeds will be donated to the Cancer Foundation. The remainder of the proceeds will go the firefighter support fund.

Chief McPherson noted that staff will be wearing the t-shirts while on duty, and they will be available for purchase at Saturday's Open House, as well.

Mr. McMahon advised that the Windham Garden Club would be hosting a fundraiser on November 10, 2010 to raise funds toward construction of a receiving garden/family area at the Air Force Base in Dover, Delaware where deceased servicemen arrive. The Garden Club will be screening the movie "Taking Chance" starring Kevin Bacon beginning at 7:00 PM. Admission is free, with voluntary donations toward the garden being accepted. Mr. McMahon urged all to check the Town website for more information.

LIAISON REPORTS: None.

MINUTES: Tabled.

CORRESPONDENCE: None.

ACCEPTANCE OF DONATIONS: On behalf of Recreation Coordinator Cheryl Haas, Mrs. Call requested the Board accept the following donations toward the Annual Tennis Open: Rockingham Toyota Salem, \$750; Windham Deli, \$100; Simply Wholesome, \$100; Citizens Bank, \$25; Cyr Lumber, \$75; and Coffee Roasters Café, coffee. Mr. McLeod moved and Mr. Breton seconded to accept the donations with gratitude. Passed 3-0.

EAGLE SCOUT PROJECT UPDATE: Mr. David Pierson made his final presentation to the Board for acceptance relative to his Eagle Scout Project to construct trash receptacle housings at the Cemetery on the Plains. Mr. Pierson noted the following as part of his presentation:

- His projected project cost had been \$520.19 for five (5), unstained housings.
- His actual cost had been \$510.79 for five (5) stained units
- Additional savings had been realized through coordination of a donation of five (5) new barrels, valued at approximately \$495
- Total hours expended on the project = 159 hours 45 minutes

Mr. McLeod then inquired if the Cemetery Trustees were satisfied with the project. Ms. Devlin replied in the affirmative, noting that Mr. Pierson had done a meticulous job throughout the project, and the Trustees were very happy with the end result. Mr. McLeod then moved and Mr. Breton seconded to accept Mr. Pierson's project as completed. Passed 3-0.

REVENUE UPDATE: Mrs. Call presented an overview to the Board relative to other, non-tax generated, revenues; emphasizing how these items impact the overall tax rate. Highlights of the discussion included:

- Approximately 60% of the Town's annual budget is raised through general taxation. The remainder is garnered from other revenue sources such as motor vehicle registrations, permits/fees, state revenues, etc.
- Of the latter, 7% comes from State sources, leaving approximately 33% under the control of the Board, but the bulk of that being from motor vehicle registrations.
- Budgeted revenues for tax rate setting purposes are originally developed in late August, and then revised for the tax rate setting mid to late October utilizing actual year-to-date receipts as the basis for projecting the remainder of the calendar year.
- Of the anticipated revenues for 2010, approximately \$2M remains to be collected. Mrs. Call reminded the Board, however, that there are several large payments pending, including \$500K from the state, one more franchise fee check, the remainder of Highway Block Grant, and four months of motor vehicle fees.

OLD/NEW BUSINESS: Tax Assessor Rex Norman approached, noting that the MS-1 has been completed and was ready for signature by the Chair. He noted that once the form is received by the Department of Revenue Administration, an appointment will be made to set the tax rate. Mr. Norman advised that the new, net valuation of the town is \$1,995,150,170, which is down 12.3% over 2009. He then estimated that, based upon current permits and ongoing construction, the new growth for 2011 is currently estimated at \$25M to date. Mr. Norman indicated he will continue to update the Board on a monthly basis. Discussion ensued.

Mr. Norman indicated that the State has advised towns of a proposed Senate Bill, which would allow towns to tax poles and wires (ie: Verizon). He indicated, if the legislation passes, it would result in approximately \$7-10M increase in valuation. Discussion regarding this tax being passed on to users.

Brief discussion ensued regarding the due date of September 1st for the MS-1, and Mr. Norman confirmed that he had requested and been granted an extension.

Mr. McMahon raised concerns relative to the Board's vote the previous week to require all negotiations be scheduled after 5 PM. Mr. McLeod indicated he would like a motion to reconsider this motion, citing state statute, and indicating he was not on the prevailing side of the vote and therefore could not do so himself. Mrs. Call clarified that she believed all union contracts have the same language relative to paid time for union matters, and that state law prevails in this matter.

Mr. McLeod noted that RSA 273-A:11 provides for paid time, and that the Board's motion last week was in direct conflict with statute. Mr. Breton replied that he was endeavoring to not incur additional costs for the taxpayer.

Discussion ensued. Mr. Breton indicated he would prefer additional time to review the RSA and a full board before reconsidering the motion.

Mr. McMahon then moved and Mr. McLeod seconded to reconsider the previous motion of the Board to schedule all negotiations after 5 PM. Passed 2-1, with Mr. Breton opposed.

Mr. McMahon indicated that the Town would now be back to standard practice of conducting union negotiations during the work day.

Mrs. Call advised that concerns had been raised by a resident relative to the lights at Griffin Park, and inquired if the Board would like this to be scheduled for a future agenda. Mr. McMahon noted that the Recreation Coordinator had, in response to part of the complaint, utilized the Musco software to ascertain the times the lights were on/off. He indicated he had spoken to Ms. Bondioli, the complainant, regarding the information Ms. Haas had obtained which clearly shows the lights have been shut off earlier than expected each evening.

Mr. McLeod noted that this information shows that the program is working well as the Board intended. He added that Ms. Bondioli did mention she was satisfied with the relocation of the temporary light being utilized by soccer.

After further discussion, it was the consensus of the Board that Ms. Haas continue to look at these concerns and, if necessary, bring this matter back to the Board.

Mrs. Call inquired whether the Board wished to discuss the possibility of an extended warranty on the Highway Department truck, and the members replied in the negative; indicating they wished to wait for a full Board.

Mrs. Call advised that representatives of the new Lowe's in Salem had approached her offering to open a line of credit for the Town, and inquired whether the Board would support her doing so with a cap of \$20K.

Mr. McLeod felt that, unless Cyr Lumber was not meeting the Town's needs, he was not in favor of diverting business from a local vendor. Mr. Breton noted there was no need for a line of credit given the Town's credit cards. After brief, further discussion, it was the consensus of the Board that Mrs. Call not pursue opening a line of credit with Lowe's.

Mr. McMahon requested that the Board approve the drafting of a letter to the Commissioner of the NH DOT relative to ensuring that North Lowell Road is placed on the State's repair list, as it is in a state of disrepair. He also noted that the Wall Street Committee had recently eliminated the possibility of a connector to North Lowell Road via Wall Street, which he felt should also be mentioned.

After a brief discussion, Mr. Breton moved and Mr. McLeod seconded to send a letter as described to the DOT, Senator Letourneau and Division 5. Passed 3-0.

Mr. Breton noted for the record that the DOT had successfully removed the graffiti from the North Lowell Road overpasses as requested.

NON-PUBLIC SESSION: Mr. McLeod moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91-A:3 II, a. The topic of discussion was personnel.

The Board, Mrs. Call, Mr. Glenn Milner, Firefighter Ken Whicker, and Ms. Devlin were in attendance in the first session. The Board heard testimony regarding and discussed a grievance filed by Mr. Whicker. No decisions were made.

The Board, Chief McPherson, Mrs. Call, and Ms. Devlin were in attendance in the second session. The Board heard testimony regarding and discussed said grievance with the Chief, along with his recommendation regarding same. No decisions were made.

The Board, Mrs. Call, and Ms. Devlin were in attendance in the final session. The Board deliberated regarding the testimony received from all parties. Mr. McLeod then moved and Mr. Breton seconded to vacate the one-day suspension issued by the chief, and replace it with a letter of counseling/reprimand in the employee's personnel file, where it will remain for two years as per the contract language. Passed 3-0.

It was also the consensus of the Board that Standard Operating Procedures be developed by the Chief relative to pre-exit inspections to ensure similar incidents to not occur in the future.

Mr. Breton moved and Mr. McLeod seconded to adjourn. Passed 3-0.

The meeting was adjourned at 9:06 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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