

BOARD OF SELECTMEN
Minutes of April 11, 2011

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:20 PM. Selectmen Bruce Breton, Phil Lochiatto, Kathleen DiFruscia and Roger Hohenberger were present, as were Town Administrator David Sullivan and Assistant Town Administrator Dana Call. Mr. McLeod opened with the Pledge of Allegiance.

Mr. McLeod noted that the Board had been with Town Counsel prior to the meeting to receive the latter's annual update relative to ongoing legal matters; noting that such matters are not required to be posted as part of the Board's regular meeting.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of January 24, February 7, 14 and 28, and March 7 as written. Passed 3-0-2, with Mr. Lochiatto and Mrs. DiFruscia abstaining.

Mr. Breton then indicated that he would like the minutes of March 14 and 21 amended to note his objections to non-public sessions which occurred on those evenings. Brief discussion ensued, and these minutes were subsequently tabled.

LIAISON REPORTS: Mr. Lochiatto noted that he had recently attended his first Economic Development meeting as liaison, and announced the following:

- United Party Rental, a new Windham business, will be hosting an Open House on Saturday April 16th from 12-4PM.
- "Go Green Windham" is also taking place on the 16th and includes: Community Clean-up with registration at 9AM at the Bartley House Parking lot, and; the High School Go Green Fair from 9AM to 3PM. The latter will include a 10:30 AM screening of the documentary "11th Hour" and 1:15PM discussion on geothermal energy.

Mr. Hohenberger advised that the Wall Street Advisory Committee had met the previous Thursday and reached a consensus regarding a recommendation for Route 111. The Committee will now be making presentation to the Planning Board and Board of Selectmen.

Mrs. DiFruscia advised that the Historic District/Heritage Commission will be formally presenting the framed Fellows watercolor painting to the Nesmith Library, as a donation, on Wednesday April 20th at 2 PM.

Mr. McLeod noted that the Planning Board had voted the previous week to approve a bank/café complex to be located on Range Road and, further, had turned down the proposed Cricket Ridge workforce housing project.

CORRESPONDENCE: None.

ANNOUNCEMENTS: Police Chief Lewis approached and noted that the Police Department will be hosting their annual Blood Drive on Saturday the 16th at the High School.

The Chief then, as the Town's 9-1-1 coordinator, presented the members with a CD of information relative to the State's recently completed project which included review/documentation of every addressable structure in Windham. The Chief noted that the documentation is extensive, thus his providing it in electronic format, and that he believed it contains a number of issues which the Board may wish to address before signing off as they are required. He asked that the Board review the documents at their leisure, and once comfortable with the information a workshop session be scheduled to address this matter.

RECREATION: Ms. Cheryl Haas made several announcements to the Board, as follows:

- The Skate Park will be officially opening on Friday morning.
- The Annual Easter Egg Hunt will take place on Saturday beginning at 10:45 AM at the Town Hall.
- Earth Day will also take place on Saturday, with registration from 9AM to 10AM in the Bartley House parking lot.
- Soccer and Lacrosse fields are now open, and baseball fields should be open by the weekend.

Ms. Haas then requested the Board accept the following donations towards the Annual Daddy Daughter/Love One Dance:

- Artistic Creations, \$50 value/hair and nails
- Windham Beauty Shop, \$25 value/hair
- Delahunty's, \$10 value/corsage
- Linehan Limo, \$200 value/transportation
- All About Moi (Salem), \$75 value/glittery mirrors

Mr. Hohenberger moved and Mr. Breton seconded to accept these donations with gratitude. Passed unanimously.

Ms. Haas advised the Board that the bathrooms at Griffin Park will be opening in 7-14 days, and noted that the chemical toilets had not been budgeted to be on site from May to November. This change was due to the functioning bathrooms at the multi-purpose building. She noted that, if the Board wished to retain a chemical toilet at the site one could be there, however, it was not budgeted for.

Mr. Lochiatto inquired what the cost of maintaining a porta-potty at the site would be, and Mrs. Call replied the cost per month for two (2) was \$140; as extra pump outs were required. Discussion ensued regarding the location of the chemical toilets, level of use, and the need.

Mr. Hohenberger inquired why the chemical toilets had been moved from their original location to adjacent to the multi-purpose building. Mr. Sullivan noted that the move was in response to the DES's audit of the site, which required that the chemical toilets be a minimum of 75' from all wells.

Mrs. DiFruscia inquired what *Ms. Haas*' recommendation would be, and the latter replied that she believed they could do without the chemical toilets during this period with the exception of the High School's needs in March of next year during practices.

Further discussion ensued, and Mr. Lochiatto moved and Mr. Breton seconded to cancel the chemical toilet order for Griffin Park for May. Passed 4-1, with Mr. Hohenberger opposed.

Ms. Haas then discussed the Summer Tennis program with the Board; noting that historically the Town had hired an Instructor and Assistant Instructor. She explained that she would like to improve the overall Tennis program and had looked into how area towns provide this service. She noted that those she had contacted either retain a Tennis pro, or contract the lessons out; and that she would like the Board's approval to contract with NH Tennis Hub, LLC whom the Town of Derry utilizes; rather than hiring instructors.

Ms. Haas explained that, currently, there are a number of Windham children who go to Derry for lessons, and that NH Tennis provides all equipment and offers a 5-10 year old "Quick Start" program. Mrs. Call added that the program will still be self-funding as part of the Revolving fund.

Mrs. DiFruscia inquired whether the hours for the program would be changed, and *Ms. Haas* replied the hours will be changing either way; as conflicts persist with swimming lessons. Brief discussion ensued, and it was the consensus of the Board that *Ms. Haas* proceed to contract with NH Tennis Hub as requested.

NON-PUBLIC SESSION: Mrs. DiFruscia moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel and the Board, *Ms. Haas*, and *Ms. Devlin* were in attendance.

Mr. Breton moved and Mr. Lochiatto seconded to hire the returning Park Rangers as discussed. Passed unanimously.

Mr. Lochiatto moved and Mr. Breton seconded to hire the returning lifeguards as discussed. Passed unanimously.

Mr. McLeod then recused himself from the non-public session, as *Ms. Haas* had advised that he had been listed as a reference by a candidate for the next position.

Mr. Hohenberger moved and Mr. Lochiatto seconded to hire the recommended candidates for lifeguard as discussed; subject to the requirements of the Employment Policy. Passed 4-0.

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

Expenditures: Most line items should be approximately 25% expended:

- Certain larger items are paid for up front:
 - Amounts encumbered from 2010 (Assessing contracted utility appraisal, Cemetery maintenance projects, etc)
 - One time - NHMA dues (Admin); Ballots for town meeting (Elections); Software maintenance agreements i.e. Munis, etc (IT); copier maintenance contracts (Comm Dev); service agreement for Video on Demand (Cable)
 - Dispatch – Contracted Services - Derry Fire contract paid Jan/July each year; Training (academic reimbursement paid upon course completion)
 - Highway - 2nd year payment on 2010 truck lease-purchase
 - Insurance - Workers & Unemp Comp insurance paid half up front

Across several budgets:

- Vehicle Fuel is running over budget – price per gallon utilized for budget preparation (in Sep 2010) was \$2.55 for Unleaded and \$2.87 for Diesel, whereas actual prices (March average) are running \$3.32 and \$3.73, respectively. Staff is monitoring this line item closely, and the universal fleet cards have been implement which allow for staff to shop for best pricing.
- Heat – Propane price is fixed, however, oil (used in 3 buildings-Bartley, Searles & Senior Center) has been higher than expected. This item is being closely monitored by staff, as well.

Other:

- IT Equipment Maintenance – Unforeseen expenditure for several UPS systems needed to enhance protection from power outages in the dispatch/server rooms
- Highway – Winter Maintenance (plowing/sanding) 78% expended; Jan-Mar costs represent the highest costs for this 3 month period since 2005
- Highway – Miscellaneous includes the last month's payment on rental building as well as incidental items to equip the offices at the new Highway garage
- Highway – Heat cost is overexpended due to unexpected heating costs of Cyr rental facility as well as higher than budgeted cost for heating new Highway garage (utilized an estimate for budgeting purposes based on unknown utilization for building)
- Solid Waste - Waste removal under budget due to timing of 1st quarter payments (Jan & Feb only paid to date)
- Overtime expenses are being monitored and it is suggested that this be scheduled as a separate agenda item for discussion. It was noted that the Board may wish to have a discussion with the Union relative to drafting a sidebar to allow for the hiring of a temporary employee to fill vacancies, as opposed to doing so with overtime.

Revenues: Most line items are in line with expectations; for some, we need a few more months' of activity to determine if budgeted amounts remain reasonable.

- Fed/State Grant – consists of 1st installment of this year's SAFER grant payment, which is steadily decreasing as we are nearing the end of this grant period
- State revenues continue to be at risk until the State budget is passed - Rooms and Meals and/or Highway Block Grant may be less than budgeted
- Interest revenue – we continue to invest up to \$5 million of Town funds in higher rate account (currently at 0.8%), based on cash flow needs

POLICE/FIRE VEHICLE BID AWARDS: Mrs. Call dispensed with reading the bids into the record; noting that they have been posted since the opening. She explained that all of the vehicles in question had been budgeted as lease purchases, and recommended that the Board award the bids so that the vehicles can be ordered, with the financing package being worked out afterwards as has been done in the past.

Mrs. Call noted that the apparent low bidders for the vehicles were as follows:

- Fire Command Vehicle: Ford of Londonderry at \$25,410 for an Expedition
- Policy Utility SSV: Grappone Ford of Concord at \$21,113 for an Expedition (includes \$5,100 in trade)
- Police Cruisers: Bill Deluca Chevrolet of Haverhill at \$23,216/each for Dodge V6 Chargers

Mr. Lochiatto sought clarification that, through this program, the Town would own the vehicles at the lease end. Mrs. Call replied in the affirmative, and a discussion ensued regarding leasing versus purchasing.

Mr. Hohenberger inquired why Grappone had bid two different amounts for the Police and Fire SUV's, and it was clarified that the vehicles had been bid with separate specifications as per the Department needs. Discussion ensued regarding the proposed trade-in value.

Mrs. DiFruscia inquired as to the life expectancy of the cruisers, and Chief Lewis replied that, each year, the Department looks to trade out those cruisers experiencing issues, having high mileage, etc. He noted that, last year, the Department had not replaced any of the vehicles.

Discussion ensued regarding the cruiser paint scheme as it pertained to the current vehicles versus new. It was clarified that the Department's front line vehicles, including working cruisers and Supervisor vehicles, will all have the same scheme. Further discussion ensued regarding 6 cylinder versus eight.

Mr. Breton moved and Mr. Lochiatto seconded to award the cruiser bid to Bill Deluca Chevrolet of Haverhill for the bid amount of \$23,216 per cruiser. Passed unanimously.

Mr. Lochiatto then moved and Mrs. DiFruscia seconded to award the bid for the Fire Command Vehicle to Ford of Londonderry for the bid amount of \$25,410. Discussion ensued relative to approaching the bidders regarding a package price. Motion passed 3-2, with Mr. Breton and Mr. Hohenberger opposed.

Mr. Lochiatto moved and Mr. Breton seconded to award the bid for the Police SUV to Ford of Londonderry for the bid price of \$25,830 with no trade-in; trade will be sold through a sealed bid or auction process. Passed 3-1-1, with Mr. Hohenberger opposed and Mrs. DiFruscia abstaining.

Mrs. Call noted that she recommended placing the lease financing package out to bid to local banks. Mrs. DiFruscia inquired who the Town is currently utilizing for lease financing; and Mrs. Call replied that the Town has contracts with Municipal Leasing of Vermont, TD Equipment Finance, and Enterprise Bank. The Board concurred with Mrs. Call's recommendation to bid the package financing.

COMMUNITY DEVELOPMENT DIRECTOR: Ms. Scott reviewed with the Board proposed changes to the Planning and Zoning Board fee structures including:

- Amending all Zoning Board of Adjustment fees to \$50 and adding a separate \$25 fee for newspaper notices.
- New Planning Board fees related to ordinances passed at Town meeting including: \$1000/excavation application and \$2500/excavation escrow account.
- Clarifying of Planning Board fees to be: Site Plan Preliminary Review Application \$200.00, Site Plan Change of Use/Minor \$200.00, Subdivision Design Review Application \$200.00, and Lot Line Adjustment \$200.00.
- Amendment of Planning Board Major Site Plan Application fee 1% of total site development cost (\$100 min) to \$0.25/sqft development cost building footprint (not to exceed \$10,000) plus \$0.10/sq ft site disturbance, excluding building footprint, not to exceed \$5,000
- Addition of a \$5 fee for copies of the Excavation Regulations

Lengthy discussion ensued regarding staff's interpretation of the existing \$200 Planning Board fee, proposed new Planning Board fees, and language of the posting notice. It was the consensus of the Board that this be posted for a public hearing on May 2, 2011.

OLD/NEW BUSINESS: Mr. Sullivan advised that he had received correspondence from Mr. Zohdi, per the Board's request, clarifying the Griffin Park parking lot project scope of work.

Mr. Sullivan requested that the Board execute a release of rights agreement relative to the engineering study completed for the Moeckel Pond Dam. He noted that this document releases Mr. Carpenter, who had contracted for the service, and the document then becomes owned by the Town. Discussion ensued regarding a right-to-know request filed by a resident relative to this report. Mr. Lochiatto then moved and Mr. Breton seconded to authorize the Chair to execute the release as requested. Passed unanimously.

Mr. Sullivan advised that, in response to Mr. Breton's concerns, Mr. Poulson had contacted the DES for clarification of any issues related to the Town's stockpiling of catch basin materials and testing thereof. Mr. Sullivan noted that a plan is now in place to test materials currently being stored at the old landfill, of which there is approximately 2,000 cubic yards, and the results should be available within the next two weeks.

Mr. Lochiatto noted that this matter had come up in discussion at the previous meeting as it pertained to clamshell cleaning of basins, and asked that testing be incorporated into the bid specifications. Mr. Sullivan confirmed that language pertaining to same will be included. Mr. Breton noted that he believed a policy would need to be in place regarding street sweeping, as well, and Mr. Sullivan replied in the negative provided the basin material and sweeping material are not combined. Discussion ensued.

Mrs. DiFruscia inquired where materials resulting from vehicle crashes/spills are removed to, and Chief McPherson replied that DES standards establish reportable quantities and, in general, the wrecker companies clean-up and remove such material.

Mr. Hohenberger clarified that it was highly possible there is nothing wrong with the material the Town is storing, however he felt it should be tested to ensure it was okay. He added that he felt the way the Town was recycling the material was the best way to handle it.

Mr. Lochiatto concurred that recycling was good, and felt it needed to be determined how it fit in with testing. Discussion ensued regarding the annual testing/monitoring of the landfill site itself.

Mr. Lochiatto requested that the Board and staff endeavor to list items to be discussed under old or new business on the agenda so that the members and staff can be better prepared. Discussion ensued, and the Chair asked that if the Board members have specific matters under these agenda items that they be forwarded to staff for inclusion.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Lochiatto 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 and Mr. Sullivan were in attendance.

Mr. Sullivan discussed the possibility of entering into forbearance agreements with the Board members as it pertained to tax deeding.

Mr. Hohenberger moved and Mr. Lochiatto seconded to enter into a forbearance agreement in the amount of \$500/month; with an initial \$6,000 due on April 25th and \$4,500 due on June 1st as discussed. Passed unanimously.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into a forbearance agreement in the amount of \$300/month as discussed. Passed unanimously.

Mr. Lochiatto moved and Mr. Breton 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.