

BOARD OF SELECTMEN
Minutes of September 19, 2011

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Kathleen DiFruscia, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Phil Lochiatto was excused. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: None.

LIAISON REPORTS: Mr. Hohenberger noted that the CIP Committee had completed their ranking of submissions, and would next be completing their draft Plan.

Mrs. DiFruscia noted that the Recreation Committee is currently working on their budget and Master Plan, which are nearly completely.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of June 13, 20, 27 and July 11 as written. Passed 4-0.

CORRESPONDENCE: Request received from the Windham Cooperative Kindergarten to be placed on the list of non-profit entities entitled to use the Town Hall meeting room at no charge. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to approve the request contingent upon verification of the Kindergarten's non-profit status. Passed 4-0.

Letter received from Mr. Peter Zohdi of Edward Herbert Associates requesting return of \$3,000 of the \$9,000 paid in bond fees by his client, Kerry Logan, as part of a trenching permit. Return is requested due to the fact that the third trench requested was not required. Mr. Sullivan noted that the Highway Agent has no opposition to the release of these funds. Mrs. DiFruscia then moved and Mr. Hohenberger seconded to release \$3,000 of the bond as requested. Passed 4-0.

BID AWARD/PAINTING: Mr. Sullivan noted that, at the last meeting, the Board had heard input from Rhino Shield and Target, as well as a third vendor whose bid had been rejected as he had bid the project as a non-lead job. He noted that staff had requested additional time to review the bids, and that further input had since been received from the Historic District/Heritage Commission regarding the use of Rhino Shield. Mr. Sullivan went on to state that he had been advised by Ms. Carol Pynn, Chairman of the HDC, that the Commission had voted the previous Wednesday to not support the use of Rhino Shield based upon concerns regarding the lack of long-term data available regarding its use on historic buildings. Mr. Sullivan indicated that the Board could accept the recommendation of the HDC, however, the Commission's authority is limited in this case as the project does not require issuance of a building permit. He did note that, typically, the Board would support the Commission's recommendation, however it is not required to do so. Mr. Sullivan noted that doing so would leave only Target of NE, or the Board could choose to reject all bids received and re-bid the project for next year.

Mrs. DiFruscia inquired whether Target was prepared to do all the buildings, and Mr. Sullivan replied in the affirmative; adding that the higher cost of the Community Development Department had been clarified as being related to the difficulty of the job and that the Town Hall bid was as close to what was expected. Mr. Sullivan then noted that Rhino Shield is lower in overall cost for the Community Development Department, and that the Board is authorized to negotiate with the bidders and does have the option to split the bid. Discussion ensued.

Mr. James Doherty of Target NE approached to clarify that the higher cost for the Community Development Department was due to access issues with the building; in that ladders would be required as opposed to a two man lift which can be utilized for the Town Hall. He noted that he felt he could come down on that price, however, he would need to hold the price as bid for the Town Hall. Discussion ensued regarding awarding only the Town Hall in order to evaluate the work and re-bidding the other buildings.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to award Target of NE the contract for painting of the Town Hall as bid. Passed 4-0.

Discussion ensued, and it was the consensus of the Board that the Bartley House and Community Development Department be re-bid. Mrs. Call indicated that staff would do so, and noted that bids would need to include an escalator clause. Discussion ensued, and it was the consensus of the Board to wait for a period of 30 days and then re-bid the projects for the Spring.

FIRE ENGINE FINANCING: Mrs. Call advised the Board that the new engine would be delivered next month, which was sooner than expected, and that she had previously spoken with the Board about financing options. She indicated that, while the financing could be placed out to bid, she preferred to stay with the same bank which is currently being used for the existing vehicle loans in order to expedite the process. Mr. Hohenberger inquired why time was an issue in obtaining the financing, and Mrs. Call replied that the funds are required to close on the loan to purchase the engine. She noted that the interest rate is an issue and reiterated that the financing can be placed out to bid, however, those bids would likely include other fees such as legal counsel reviews. Mrs. Call noted that at the time the warrant article was drafted, for budgetary reasons, a 3% interest rate was estimated. Discussion ensued regarding past dealings with the bank in question and their offering of the lowest rate with no additional costs. Mrs. Call indicated that this would be a two year note and based upon budgetary estimates would involve approximately \$19K in interest.

Mr. Hohenberger expressed concerns regarding that amount of interest, and Mrs. Call indicated she would inquire to other banks as to whether they can accommodate this type of loan. Discussion ensued, and it was the consensus of the Board that Mrs. Call solicit rates from both the preferred bank and other institutions.

OLD/NEW BUSINESS: Mrs. Call advised that, due to the School District's special meeting scheduled for October 4th, it is likely that the Town's second tax billing will be late. She explained that this is due to the timing of the meeting itself and the 20 day window the District has to return their paperwork to the State. Mrs. Call noted that normally nothing would change financially in October and the Town would be good to go in setting their appointment for the rate, however, given the delay and newly reduced staffing at the Department of Revenue Administration, as well as their revised queuing system, it is likely the Town's appointment will be behind. She noted that staff will make every effort to get the bills out on time, however, the Board should be aware they will be behind and will likely have to borrow funds.

Mrs. Call updated the Board on the retirement impacts, noting that on August 1st the State Retirement System had reconvened and certified new rates resulting in lesser impacts to the Town. She added, however, that the Town will still need to find \$60K in funding to cover impacts for this year.

Mrs. Call extended thanks to Mr. Bill DeLuca for his efforts again this year in disposing of the Town's surplus cruisers at a final revenue total of \$19K. She added that Mr. DeLuca had also waived all his auction fees, as well, and Mr. Breton asked that staff determine what those fees were and send a letter of thanks to Mr. DeLuca. Staff will follow up to do so.

BID RESULTS/HIGHWAY TRUCK: Mrs. Call advised that four bids had been received relative to the purchase of new highway truck as approved via a Town Warrant article. She noted that the Warrant Article had been in the amount of \$150K, with \$120K coming from grant funds leaving a net cost of \$30K to the Town. Mrs. Call noted that two companies had bid the full truck, and two had bid just equipment, with the total truck bids being as follows: Freightliner of NE - \$145,209 and Liberty International - \$164,804.

Mrs. Call noted that the Highway Agent is currently analyzing the bids/alternatives and that the results are posted on the Town's website. Discussion ensued, and Mrs. Call indicated staff hoped to return next week with a recommendation. Mr. Sullivan added that the Board would then vote to make a recommendation for forwarding to the State and Federal governments for approval as part of the grant process.

Mr. Sullivan advised that staff had reviewed the Griffin Park parking lot plans with Mr. Zohdi, and that several changes had been made as a result of last week's meeting. He noted that the plans would be amended and be sent out to bid.

Mr. Hohenberger inquired whether an arborist had been consulted regarding the trees, and Mr. Sullivan replied in the affirmative; noting that a meeting was scheduled for the following day with the current president of the NH Arborist Society. Mrs. DiFruscia noted that she had also raised concerns the previous week regarding the 100' buffer between Johnson's and the parking lot, and inquired whether section 602.2 of the Town's Zoning Ordinance relative to 100' side/rear buffers was applicable. Mr. Breton noted that the plan does not involve widening the parking area to the side.

Mrs. DiFruscia requested that Mr. Sullivan ask Mr. Zohdi to look at sections 602.1 and 602.2 to see if they were applicable and Mr. Sullivan noted that he would but questioned whether the town would have to adhere to the regulations. He also added that if the project were to involve getting closer to Johnson's it would be via the bio-detention pond. Brief discussion ensued.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into a nonpublic session in accordance with RSA 91-A:3 II b and c. Roll call vote – all members "yes". The Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions and the topics of discussion were hiring and reputations.

Mr. Sullivan discussed the sale of a tax deeded parcel with the Board. Mr. Breton moved and Mr. Hohenberger seconded to reject all bids and place the property in question out to a public auction with a minimum bid of \$25K plus auction fees. Passed 3-1, with Mr. McLeod opposed.

Mr. Sullivan discussed the temporary Tax Collector position. Mrs. DiFruscia moved and Mr. Breton seconded to hire the recommended candidate subject to the background and medical verification provisions of the Employment Policy. Passed 4-0.

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

Meeting was adjourned at 8:10 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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