

BOARD OF SELECTMEN
Minutes of November 28, 2011

MEMBERS PRESENT: Chairman Ross McLeod, Selectmen Bruce Breton, Phil Lochiatto and Roger Hohenberger were present, as was Town Administrator David Sullivan and several department heads. Mrs. DiFruscia was excused. Mr. McLeod called the meeting to order at 7:00 pm, opened with the Pledge of Allegiance then read the agenda into the record.

LIAISON REPORTS: None.

MINUTES: None.

CORRESPONDENCE: Letter received from Brox Industries advising the Town that they will be holding their price per ton for winter sand at \$9.65 for the upcoming winter season. Mr. Hohenberger motioned to accept the offer and approve the pricing from Brox and Mr. Lochiatto seconded. Motion passed unanimously.

Letter of resignation from Tim Corwin, the Town's Zoning/Code Enforcement Administrator, resigning his position effective December 28, 2011 to take a new, full-time position with the City of Dover. Mr. Breton motioned to accept with regret and Mr. Hohenberger seconded. Motion passed unanimously.

Ms. Laura Scott, Community Development Director, presented to the Board a memo outlining her plan for coverage within the Community Development Department during the period the Zoning/Code Enforcement Administrator position is vacant. Ms. Scott noted that she would advertise the position this week and expects to have it filled by early February, therefore, there will only be a few Zoning Board meetings that will not be covered by Mr. Corwin. In the interim, the duties will be split between Ms. Wood, Community Planner, and Ms. Scott. Mr. Breton motioned to approve the temporary reassignment of Zoning/Code Enforcement duties as outlined in Ms. Scott's November 28th memo. Mr. Lochiatto seconded and motion passed unanimously.

ANNOUNCEMENTS: Margaret Case, Chairperson of the Cable Advisory Board, and Kelly McLaughlin WCTV Coordinator, made a presentation to recognize Anna Marie Cattarin of "Anna Marie's Euro Kitchen", who's show placed 3rd in the 14th Annual Northeast Regional Video Festival. Ms. Cattarin expressed her excitement to be back on the air and gratitude for all those involved.

BUDGET WORKSHOP:

Recreation – The Board met with Cheryl Haas, Recreation Coordinator, to discuss the Recreation budget. Mr. Hohenberger asked for further explanation regarding the field maintenance portion of the budget. Mr.

Hohenberger then asked for clarification regarding the proposed increase in the budget for fireworks, associated with the annual Town Day celebration. Mr. Senibaldi, Chairman of the Recreation Committee explained that in the past, partial funding was received via donations, however for 2012, the entire cost of the fireworks show will need to be funded through the budget. Mr. Senibaldi noted that the vendor has agreed to hold the price at \$6,500, which is \$2,000 more than what the Town spent from the budget last year, and that this represents a great price for a show that is worth more than \$6,500. Mr. Hohenberger noted that with funds very tight overall, this may not be the year to increase the budget for fireworks. Discussion then turned to the Senior Christmas Party and Ms. Haas expressed the Committee's desire to begin charging a nominal fee for the party tickets, in order to limit the number of "no-shows" that the Town pays for. Since the full cost of the party will be appropriated through the budget, with potential revenues to offset the expense, consensus was to further discuss the concept of charging for the tickets at a later date. Discussion then turned to the cost of electricity and whether the Windham Baseball/Softball League was contributing to the cost of operating the lights at Griffin Park. Mr. Sullivan clarified that the WBSL is not contributing, per an earlier vote of the Board which only required the league to pay if the Recreation budget for electricity, overall, exceeds \$10,000.

Mr. Hohenberger then motioned to reduce the fireworks portion of the budget by \$500. The motion received no second. Mr. Senibaldi asked the Board about a waiver of the bid process to lock in the fireworks quote and consensus was to put this item on next week's regular agenda.

General Government Buildings/Maintenance and CIP – The Board met with Al Barlow, Maintenance Supervisor, to discuss the General Government budget. Mr. Hohenberger asked about the portion of the Groundskeeping budget for Rte 111 bypass maintenance. Mr. Sullivan noted that this was a reallocation from the Highway budget, where it was previously budgeted, but that it is part of the Town's regular groundskeeping contract. It was noted that the bypass required additional cuttings in 2011, therefore, the amount increased slightly for 2012. Mr. Hohenberger then asked about the increase in the general Property Maintenance budget, specifically regarding building alarm costs and Mr. Barlow noted that the 2012 budget more closely aligns with actual expenditures in 2011. No changes to the budget were made.

Discussion turned to the CIP item that was requested jointly by the Maintenance department and the Local Energy Committee. Mr. Barlow and Mr. Sullivan discussed the makeup of the request to appropriate \$105,870 for weatherization improvements and HVAC replacements in the Town Hall, Bartley House and Community Development department, which have been proposed as a result of the outside energy audit completed in 2011. A lengthy discussion ensued regarding the use of the lower level of the Community Development building as a mixed use building and the associated building and life safety codes. Mr. Sullivan noted that the lower level is not being used for office space for the

Maintenance/Highway departments, as in the past, and that it is primarily storage. Mr. Tom Murray spoke regarding his understanding of the building codes and expressed his opinion regarding the proposed HVAC and weatherization improvements for the Community Development building. Mr. Hohenberger then questioned whether the funding could be raised over period of years in lieu of being done all at once.

Transfer Station / Stormwater – The Board discussed the Transfer Station budget with Dave Poulson, Transfer Station Manager. Discussion ensued regarding the Overtime line item and Mr. Poulson presented several options to the Board in an effort to reduce overtime costs. The options include potentially closing the Transfer Station one additional weekday and being open for extended hours on the other days of the week, or adjusting the work schedules of the employees to 10 hour shifts versus 8 hours. Further discussion ensued regarding negotiation with the municipal union representing the Transfer Station employees as well as efficiencies that could be gained. No changes to the budget were made.

Mr. Poulson then discussed the Stormwater Management program, funding for which is included in the Administration budget. Mr. Poulson explained the EPA requirements for 2012 and the expected costs for consultants to assist the Town with compliance.

Legal Services – Mr. Sullivan discussed the 2011 legal expenditures, noting that it was a particularly active year causing the Town to overexpend this line item, but that this may not reoccur in 2012, thus he is not proposing an increase in the legal budget for 2012.

Discussion then turned to the Zoning Board's request for a separate legal budget. Mr. Tom Murray, ZBA Chairman, spoke on behalf of the Zoning Board regarding this request. Mr. Murray discussed the ZBA's need to avoid a conflict of interest and, at times, utilize an attorney other than Town Counsel. Mr. Murray also discussed logistical concerns regarding the need to go through the Community Development Director or Town Administrator prior to contacting Town Counsel. Mr. Murray indicated that the ZBA has not been blocked access to Counsel, but that most of the cases they deliberate stem from decisions made by the Community Development Department, thus creating inherent conflicts. Discussion turned to the logistics of creating a separate ZBA Legal budget, how documentation and legal letters would be managed and what would happen if the ZBA needs more funds than what they are granted. A lengthy discussion ensued regarding specific issues that they have encountered this year which have created concerns among the ZBA members. It was noted by several that some of these issues could be worked through by procedural changes, and not necessarily by creating a separate budget line item. Mr. Samsel, ZBA member, spoke regarding past issues when he was Chairman and noted that this issue is being brought up for both process and budgetary reasons.

It was noted that, historically, the Board of Selectmen has not had an issue with the ZBA retaining separate counsel, and that in many cases,

this has been a requirement if two Boards are involved in a case on opposing sides. Several Board members noted that they would be supportive of a separate line item of \$5,000, within the overall Legal budget, to be expended by the Zoning Board, but procedurally with Mr. Sullivan as the “gatekeeper” to understand the nature of the questions that are being sent to counsel. It was also noted that by leaving the \$5,000 within the overall Legal budget, it could be overexpended if the Board of Selectmen votes to transfer funds from another line item within the bottom-line Town budget. Mr. Breton motioned to establish a \$5,000 line item for ZBA Contracted Legal Services, with that same amount being reduced from the existing “Other Lawfirms” line item within the Legal budget. Mr. Hohenberger seconded and motion passed unanimously.

Debt Budget – No discussion.

OLD/NEW BUSINESS: Mr. Sullivan discussed the remaining workshop schedule, noting that he will be out of Town on Monday, December 19 and advised the Board that their “wrap-up” budget workshop is scheduled for Thursday, December 15, but that additional budget matters could be addressed by the Board up to and including the Budget Public Hearing in January.

NON-PUBLIC SESSION: Mr. Hohenberger motioned and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. Roll call vote all “yes”. The topic of discussion was legal. The Board, Mr. Sullivan and Mrs. Call were in attendance. Mr. Sullivan advised the Board on an ongoing legal case and no decisions were made.

Mr. Lochiatto motioned and Mr. Breton seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 9:15 pm and the Board remained to discuss Union negotiations.

Respectfully submitted,

Dana Call
Asst Town Administrator-Finance

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