

BOARD OF SELECTMEN
Minutes of January 23, 2012

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Phil LoChiatto, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Kathleen DiFruscia was excused. Mr. McLeod opened with the Pledge of Allegiance, and then announced that the personnel matter scheduled for this evening had been postponed until a full Board was available. Also, ZBA Chairman Tom Murray's agenda item had also been postponed at his request.

MINUTES: Mr. Hohenberger noted that he had advised Ms. Devlin of a minor, grammatical amendment to the November 14, 2011 minutes. He then moved and Mr. LoChiatto seconded to approve the minutes of 10/17, 10/24, 11/14, 11/19, 11/21, 11/28, 12/15, and 01/09/12. Passed 4-0.

ANNOUNCEMENTS: Mr. McLeod extended a welcome to several scouts who were in attendance for their Government badge.

Ms. Ruth-Ellen Post advised the Chairman that she was also amenable to postponing her requested agenda item regarding the Community Development reorganization to a future meeting with a full board. The Board concurred.

LIAISON: None.

LAURA SCOTT: Ms. Scott announced that the Economic Development Committee would be launching a business visitation program which included reaching out to existing businesses regarding services that were available to them on a state, regional, and local level. She noted this program was being sponsored by Enterprise Bank and involved no cost to the Town, and that businesses interested in participating should contact her for more information.

Ms. Scott noted that the Chamber of Commerce, Community Development Department, and Windham High School were co-sponsoring another Business Expo to coincide with Career Day at the High School. Businesses interesting in taking part should contact Ms. Scott, or visit windham-nh.com to register.

Job Descriptions: Mr. McLeod explained that the descriptions in question were amended in response to a budget proposal which added a staff member but reduced overall cost. Ms. Scott added that the three existing support positions had been revised to align more with these staff members' actual duties.

Mr. McLeod inquired whether Ms. Scott had provided these amended descriptions to Mrs. Post, and Ms. Scott replied in the negative. Copies were provided to Mrs. Post for this discussion.

Ms. Scott went on to state that she had worked with Mr. Sullivan and the current staff members to revise the descriptions. Mrs. Post inquired why Ms. Scott had not shared this information with the Planning Board or ZBA at any time during the process, given that the changes stand to directly impact the work of those Boards. She added she did not feel this represented good business practices.

Ms. Scott noted that two workshops had been held regarding the changes and, in her view, they would not impact the Boards who will still have a minute taker available. She added it would just not be one who completes the minutes in the office during business hours. Ms. Scott indicated nothing was being taken away, and these changes should actually serve to help the Board as more staff time will be available in the office.

Mrs. Post expressed concerns that just having a minute taker was not enough in light of the experience needed and the technical terminology, etc., involved in the Planning Board meetings. She noted the Board is very happy with Mrs. Kolodziej, and that the Board and the public count on the accuracy of the minutes; as does the Court. Mrs. Post expressed concerns that it sounded as if these changes were a done deal, and requested that the Board of Selectmen issue a policy directive to effect that when personnel changes are being proposed that

impact support services to elected boards and committees in town, that those be shared with those boards and committees to be effected and that the board or committee being effected be given an opportunity to have some input into the decisions being considered to the extent that it effects that board. Mrs. Post noted that she understands there are areas regarding the Department that are not within the purview of a land use board, however, in cases like this she would insist they be involved.

Mr. LoChiatto noted it would be a change in practice if the Selectmen began consulting with the Planning Board; and noted that he was unsure whether Mrs. Kolodziej had had prior experience in taking minutes. He noted that the Planning Board has the option to have a board member take minutes and that, while he appreciated Mrs. Post's concerns this matter has already been through public input.

Mr. Hohenberger noted he did not have any concerns with Mrs. Post's proposal, as it was non-binding and advisory in nature and the Board of Selectmen still had purview over such matters. He inquired whether a minute taker had been hired, and Ms. Scott replied the position had yet to be advertised. Mr. Hohenberger then inquired whether the Planning Board and ZBA chairmen could be involved and allowed to offer input. Ms. Scott noted she would not mind if the chairs met with the final candidate, as Mr. Sullivan does. Discussion ensued regarding the lack of experience of the current minute takers when they started, Mrs. Post's proposal, the learning curve involved in taking minutes, and that the position is not intended to be temporary in nature.

Mr. McLeod extended thanks to Mrs. Kolodziej, and Ms. Scott to Mrs. Kovolyan, for an excellent job in taking minutes for the Planning Board, ZBA, and Conservation.

Discussion then moved to the job descriptions themselves. Mr. Sullivan noted that if the Board adopted the amended documents tonight, the position could be advertised as early as the next day as the Board has already approved the change in staffing. Ms. Scott indicated she anticipated a 2/10 deadline for submission, with the successful candidate to start in March.

Mr. LoChiatto then moved and Mr. Breton seconded to approve the job descriptions as presented. Passed 4-0.

Ms. Scott then requested that the Board waive the requirement to advertise the position in the Eagle Tribune. Brief discussion ensued, and Mr. LoChiatto moved and Mr. Hohenberger seconded to waive this requirement as requested. Passed 4-0.

Financial Guarantees: Ms. Scott presented the Board with a status update of the various financial guarantees currently in place relative to subdivisions, roads, etc. She noted that most pertain to roadways, several of which she is currently focusing on getting to the Board for acceptance including: Cristy Road Extension, Appleton, Bitternut, Glendenin, Poplar, Sagamore, Wall Street, International, and Lakeview Farm. Brief discussion ensued regarding other pending items requiring file organization, which Ms. Scott noted mostly pertain to Castle Reach.

RAIL TRAIL WORK: Mr. McLeod noted that correspondence had been received from the Conservation Commission expressing their full support of the proposal to be discussed. Mr. Mark Samsel, President of the Windham Rail Trail Alliance, approached and presented a brief history of the Trail development initiatives to date including: completion of the Roulston to Range Road section of the trail (.5m); construction of the Mallard Road access path as part of the Spruce Pond II project; and enhancement and formal opening of the parking area on Route 28 for which an agreement with the State is in place.

Mr. Samsel went on to discuss the status of the Transportation Enhancement Grant, for which Windham had been awarded \$144K to complete the remaining .5 miles, for which the Town's matching amount would be \$36K. Mr. Samsel noted that the planning for the Windham, as well as Derry and Salem areas, of the project has slowed. He then added that, as it pertained to Windham's portion of the funding, the Town has the opportunity to utilize a soft match (ie: materials or labor) for the \$36K, or to either only partially utilize the total award, or use none of it at all.

Mr. Samsel explained that the WRTA was looking to only partially use Windham's award, or to pass the award based on the following:

- The WRTA has soft match available in the context of development material and labor, which reduces both the amount required to complete the project and the private funding requirement of the TE grant; resulting at greatly reduced cost and administrative duties.
- Challenges with the soft match include the DOT's reluctance to allow use of same.
- Challenges with the TE funding include cost escalation and related administrative work.
- Any unused Windham TE award funds would revert to the Salem/Derry Projects.

Mr. Samsel then explained the WRTA was proposing to accept an offer from H & B homes to provide work in the area from Roulston Road to Route 111, which does not represent the entire .5m remaining. He noted this area is in need of extensive work including clearing of brush/trees, installation of drainage and graveling to a pre-asphalt condition. Mr. Samsel noted that H & B could begin work immediately, and their doing so would reduce the TE request. He added that Mr. Chris Gamache of the NH Department of Resource and Economic Development concurs with allowing he project to commence.

Mr. McLeod sought clarification that, should our \$144K be absorbed by Salem or Derry it could be put to use. Mr. Samsel replied in the affirmative, noting one way or another funds will be utilized.

Mr. LoChiatto requested that Mr. Samsel clarify the work that could be completed with the TE funding. Mr. Samsel replied that the remaining portion of the trail from Roulston to the pedestrian access; adding there was a possibility the WRTA would then be back before the Board regarding asphalt. Discussion ensued regarding the parking area on Route 28 not being contiguous if the work is not completed past the pedestrian bridge, and the ongoing traffic/parking concerns on Roulston Road. Mr. Samsel noted that the South end of the trail is the busiest and whether it is gravel or pavement it will need to be cleaned up to allow for its use. Further discussion ensued regarding H & B's proposed donation, hard pack vs fine gravel, and area grade.

Mr. LoChiatto inquired whether the other side, from the parking lot to the pedestrian bridge, could be graveled instead of the proposed area paved; making the entire length prepared for pavement during the next phase. Mr. Joe Maynard, representing H & B Homes, approached noting he understood the WRTA's request to pave now via this donation due to escalating costs. Discussion ensued.

Mr. Maynard then explained that H & B Homes had completed the Mallard Road crossing and, as part of the Spruce Pond II approval had been asked to do more; which this proposed donation represented. Mr. Maynard explained that good drainage is available along the first 700' +/- of the trail, however, the next 1200' is flat grade where water sits. He explained that the proposal was to go in this winter and raise the outer grade by almost 3', creating ditch lines and a 1% slope to allow for better flow of water. Mr. Maynard noted that H & B prefers to fill the area with bank run gravel, which compacts nicely into a hard surface and remains that way, and that clearing of brush had begun in the Fall.

Ms. Ellie Rouillard approached inquiring whether snowmobiles would be allowed in the area in question, and Mr. Samsel replied in the affirmative subject to State requirements for a minimum snow base.

After further brief discussion, Mr. Hohenberger moved and Mr. LoChiatto seconded to allow the construction by H & B Homes as outlined from Roulston Road to Range Road. Passed 4-0. Brief discussion ensued regarding the need to post the donation for acceptance.

OLD/NEW BUSINESS: Mr. Sullivan reviewed with the Board proposed changes to the Personnel Policy, which he reminded all had been previously discussed and postponed to allow for a full Board. These changes include codification of the new health insurance offerings as it pertains to current non-union members and new hires; and 25% contribution of whichever plan is selected. In addition, amendments to the earned-time scale for new hires including removal of the fourth accrual level, a three day accrual differential for Department Heads, and a hard cap of 400 hours. Discussion ensued regarding posting and public hearing requirements.

Mr. Hohenberger moved and Mr. Breton seconded to post the proposed amendments to the Personnel Policy for employee comment. Brief discussion ensued regarding other pending changes and an overall review of the policy in 2012. Motion passed 4-0.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, b and c. Roll call vote all "yes". The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, Chief Lewis and Ms. Devlin were in attendance in the first session.

Chief Lewis discussed a personnel matter with the Board. Mr. Breton moved and Mr. Hohenberger to place the employee on limited duty status as discussed. Passed 4-0.

The Board, Mr. Sullivan, Laura Scott, and Ms. Devlin were in attendance in the second session.

The Board discussed the vacant ZBA/CEO position. Mr. LoChiatto moved and Mr. Breton seconded to extend an offer of employment to the recommended candidate, at Step 2 with review at 6 months; subject to the requirements of the employment policy. Passed 4-0.

Mr. Sullivan discussed a personnel matter with the Board. Mr. LoChiatto moved and Mr. Breton seconded to support the Town Administrator's recommendation relative to non-response of an employee. Passed 3-1, with Mr. Hohenberger opposed.

Ms. Scott discussed a vacancy in staffing. Mr. Breton moved and Mr. LoChiatto seconded to support filling the vacancy as proposed; subject in-house posting of the position for one week. Passed 4-0.

Ms. Scott discussed a vacancy in staffing. Mr. Breton moved and Mr. LoChiatto seconded to waive the employment policy requirements for advertising and allow Ms. Scott to proceed as outlined; contingent upon the previous motion of the Board. Motion failed 2-2, with Mr. McLeod and Mr. Hohenberger opposed.

Mr. LoChiatto then moved and Mr. Breton second to waive the requirements to post this position in the Eagle Tribune. Passed 4-0.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the final session.

Mr. Sullivan discussed a personnel matter with the Board relative to Workman's Comp. Mr. LoChiatto moved and Mr. Hohenberger seconded to support the recommendation to terminate as discussed. Passed 4-0.

Mr. LoChiatto moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

Meeting was adjourned at 9:0 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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