

**BOARD OF SELECTMEN**  
**Minutes of September 10, 2012**

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

**ANNOUNCEMENTS:** Mr. Hohenberger urged all to get out and vote; noting that the polls will be open from 7AM to 8PM at the High School.

Chief Thomas McPherson reminded all that at 8:30 AM the following morning the Department would be hosting their annual 9/11 ceremony.

Chief McPherson then noted two particular incidents to which personnel responded to, a cardiac arrest on 9/5 and a home birth that morning. He applauded the efforts of all responders, as well as a by-stander in the former case who had performed CPR until personnel arrived, noting all patients are fine.

Community Development Director Laura Scott approached noting that it was once again time for the free, four-part business seminar series, which will kick off the following Thursday at the Village Bean. Information is available on the Town website: windhamnewhampshire.com. Ms. Scott then noted that the Department and Windham High will be partnering on a project on November 25<sup>th</sup>.

**LIAISON:** None.

**MINUTES:** None.

**CORRESPONDENCE:** Bond Releases/Ryan Farm Road/Phase I and II: Discussion ensued regarding the Planning Board approval for release, as well as the Station numbers as posted for Phase II. It was determined that the latter may be wrong and Ms. Scott will follow-up to correct.

Mr. LoChiatto then moved and Mr. Hohenberger seconded to grant the partial release of \$86,933, retaining \$40,356, for Phase I based upon the Planning Board's review and approval. Passed 4-0.

**PUBLIC HEARING – ORCHARD BLOSSOM RD:** Mr. Sullivan read the public hearing notice into the record; adding that all paper work is in order and the roadway is ready for acceptance. Ms. Scott noted that the Planning Board had approved the acceptance on 8/15, and that Town Counsel has the deed.

Mr. LoChiatto moved and Mr. McLeod seconded to accept Orchard Blossom Road from station 0+00 to 14+30.14 as a Town road; and to release the related \$2,500 cash bond. Passed 4-0.

Mr. LoChiatto then moved and Mr. Hohenberger seconded to post Orchard Blossom Road as 25MPH. Mr. McLeod inquired whether a speed study had been conducted, and Chief Lewis responded in the negative; adding that he would caution the Board regarding posting the speed limit as such given that the State determines such limits based up development types.

Motion passed 3-1, with Mr. McLeod opposed citing unenforceability.

**DONATION ACCEPTANCE:** On behalf of Recreation Coordinator Cheryl Haas, Assistant Town Administrator Dana Call requested the Board accept the following donations to the Town Day event:

- Howie Glynn: ice valued at approximately \$75
- Eagle Tribune: \$400 towards the pre-firework musical entertainment

Mr. Hohenberger moved and Mr. LoChiatto seconded to accept these donations with thanks. Passed 4-0.

**CHIEF MCPHERSON:** The Chief noted that, back in November of 2011, the Fire Department had received a grant from the State of NH for CBURN equipment and training in the amount of \$30K. He added that, at the time of the purchase of the new engine, it was the Department's goal to purchase two (2) thermal cameras, however, after much discussion only one had been acquired. Chief McPherson noted that the State does allow the purchase of thermal cameras with CBURN funds, and noted it would behoove the Town to take advantage of this 100% funding. He noted that there is currently \$26,099 remaining; \$15K of which has been set aside for training.

Discussion ensued regarding the previous purchase, the need for a second camera, and that an RFP would be developed and sent out. Mr. LoChiatto sought clarification that these grant funds had not been available at the time of the first purchase, and Chief McPherson replied that was correct. Further discussion ensued before Mr. Hohenberger moved and Mr. McLeod seconded to allow the Chief to proceed. Passed 4-0.

**BID AWARDS:** Mrs. Call advised that the furnace bids were still being evaluated, and asked that this award be deferred. The Board concurred.

*Propane/Oil:* Mrs. Call noted that, in response the Board's request, service call rates had been obtained from the four (4) bidders as attached. She then advised that the number of calls had not been analyzed, and reminded the Board that the initial recommendation had been to go with the low bidder for each. She added that the School District had been able to obtain a \$3.095 rate with Fred Fuller, however, the Town could not piggy back on their bid at this time. Discussion ensued regarding the number of service calls and the small number of Town facilities utilizing oil.

Mr. Hohenberger moved and Mr. McLeod seconded to award the bid for oil to Palmer Gas/Ermer Oil for their bid amount of \$3.19/gal. Passed 4-0.

Mr. Hohenberger then moved to award the bid for propane to Eastern Propane. Mrs. Call clarified that she had been advised there would be no cost to replace the tanks, all of which would need replacement as Eastern is a new vendor.

Mr. Hohenberger amended his motion to be contingent upon there being no additional cost to switch vendors. Mr. McLeod seconded this amended motion. Brief discussion ensued regarding the need to ensure the tanks are up to specification given their age. Motion passed 4-0.

*Electricity:* Mrs. Call reviewed with the Board the attached bids obtained through an outside broker for electricity supply. She noted that the Town's contract with Constellation is expired, and that the Local Energy Committee had asked that renewable energy be considered, as well, which was reflected in the summary. Mrs. Call indicated that the savings as shown were projected only, as PSNH's rates are subject to change. She then noted that the LEC had recommended that the Board consider going with the renewable energy rate of \$0.06779 for 12 months with Freedom.

Mr. LoChiatto inquired whether it was known what the renewable source was, and Ms. Neelima Gogumalla of the LEC approached noting that Freedom would not reveal the vendor until after the contract is signed. Discussion ensued regarding the method of purchasing credits utilized in the case of renewable energy, and that the latter offered the greatest savings.

Mr. LoChiatto then moved and Mr. Hohenberger seconded to award a 12 month contract to Freedom Logistics at the rate of \$0.06779/kw hour. Passed 4-0.

**MAINTENANCE DEPARTMENT REORGANIZATION:** Mr. Sullivan noted that, with Mr. Barlow's retirement, the question facing the Board is what to do with the department moving forward. He noted that, as the Board is aware, both he and Mr. LoChiatto have developed alternative proposals regarding a reorganization of the Department. Mr. Sullivan went on to indicate that he and Mr. LoChiatto had recently met regarding same, and both agreed that the best thing the Board could do at this point would be to suspend discussion for a period of thirty days to allow him to oversee Mr. McCartney and Mr. Poulson's conducting an assessment of the departments as it pertained to roles/responsibilities. He indicated that this information may help reveal which is the appropriate alternative.

Mr. LoChiatto concurred, adding that he did not believe his and Mr. Sullivan's plans were competing, however, it was about which was the best and most efficient use of what is available. Mr. LoChiatto indicated he would like to achieve the assessment as objectively as possible; limiting it just to day to day roles, rather than individuals.

Mr. Hohenberger indicated he was in favor of stepping back, but added he believed it was critical to have Mr. Barlow involved in the assessment. Discussion ensued, and Mr. Sullivan clarified that the intent is not to obtain any recommendation from the Department heads, but rather to gather facts about the departments. Further discussion ensued.

Mr. McLeod indicated he agreed with Mr. Hohenberger, in that Mr. Barlow's input is vital to the assessment. Discussion ensued regarding the goal/purpose of the assessment, that the Board will make the ultimate decision regarding the department, and the potential cost savings of reorganization.

Mr. LoChiatto indicated that efficiency and cost savings were his intent in developing a proposal to reorganize; adding that perhaps neither proposal will work, however, the Board owes it to the taxpayers to take this opportunity to look at alternatives. Mr. Sullivan agreed, noting that this is the time to do so, while there is no impact to a department head. Further discussion ensued, and it was determined that the assessments are to proceed and be provided to the Board.

**SUNDAY LICENSE PROGRAM:** Mr. Sullivan advised that RSA 332-D prohibits work on Sundays, however, municipalities can adopt an ordinance to allow businesses to operate; which Windham had in 1967. He indicated that the "Sunday Sales Ordinance" had not been amended since its adoption and; with the support of the Economic Development Committee and Community Development Department; it was being recommended that the Board do so in March to remove the requirements for fees/licenses (Section 7). Mr. Sullivan clarified that these permits are not a revenue generator for the Town, and have not been issued for some years now.

Mr. McLeod concurred that the statute is obsolete, and suggested that the existing ordinance be replaced in its entirety with the following: *"Pursuant to RSA 3323-D:1, the Town of Windham shall regulate retail business, plays, games, sports and exhibitions on Sundays the same as on all other days of the week with no unique regulations applying to Sundays."*

After a brief discussion, Mr. McLeod moved and Mr. LoChiatto seconded to support the creation of an amended ordinance for submission to Town Meeting to read as suggested by Mr. McLeod. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that he had met with Historic District Heritage Commission, and the removal of the screen house between the Bartley House and Senior Center had been agreed to by the HDC as it has no historic value. Mr. LoChiatto inquired whether the stump could be removed, as well. Mr. Sullivan indicated he would speak to the HDC regarding same, and a discussion ensued regarding the possible installation of additional parking. It was the consensus of the Board to concur with the removal of the screen house as discussed.

*Mr. Sullivan* advised that, in light of the recently confirmed cases of EEE/WNV, the Recreation Committee and various leagues had approached him regarding spraying of the sportsfields. Mr. McLeod then recused himself from the Board due to his affiliation with Windham Soccer. Mr. Sullivan went on to note that the School District was intending to spray their areas, as well, and that no permit would be required as the Governor has declared an emergency. Mr. Sullivan advised that the cost for said emergency spraying would be \$1910 during the daylight hours, or \$2500 if done from dusk on; and funds are available within the Recreation budget. He recommended the Board authorize the expense of up to \$2,500 to spray Tokenal, Rogers, Nashua Road, Griffin Park, and the Searles fields.

Mr. Hohenberger indicated that he is not in favor of spraying; noting its recent ineffectiveness in Methuen and their subsequent moving of games to daylight hours. He noted it made sense to move the games, and that he believed the leagues should endeavor to make sure bug spray is available for their players, which is much more effective than spraying. Mr. Hohenberger felt that, if spraying is going to be done, it should be undertaken by the leagues. Discussion ensued.

Mr. Sullivan noted that the leagues had indicated a willingness to contribute to the Griffin Park costs; however, he would recommend that the Town fund the spraying and have the leagues donate funds thereto. Mr. McLeod indicated that, for Soccer, mosquitos are not a concern for games but rather for practices. He also noted that the swale at Griffin Park is big issue area, and added that the Soccer Association would be meeting the following evening and could discuss possibly contributing toward the cost.

Mr. LoChiatto sought clarification that spraying would only impact the mature mosquitos, and Mr. Sullivan replied in the affirmative; adding that the perimeter of the fields would sprayed and it would last approximately 2-3 weeks. Discussion ensued.

Mr. LoChiatto then moved and Mr. Breton seconded to support emergency spraying at a cost up to \$1,910. Passed 2-1, with Mr. Hohenberger opposed.

Brief discussion ensued regarding notifications to the leagues; which the Recreation Coordinator can do via a mass emailing. Mr. McLeod then resumed his seat with the Board.

*Mr. Sullivan* advised that the State has updated the sidewalk maintenance agreement, which will be presented to the Board next week for signature. Also, as it pertained to installation of a hybrid signal, that agreement has been sent to Town Counsel for review due to concerns regarding the scope of responsibility. Mr. Sullivan then noted that the NH DOT would be present at a future meeting to give an overall update on the project.

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

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

The Chief advised the Board of a personnel matter relative to compensation. It was the general consensus of the Board that the Chief proceed as discussed regarding the job description.

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

Mr. Sullivan updated the Board on a legal matter. It was the consensus of the Board that Mr. Sullivan advise the party in question accordingly. No further decisions were made.

Mr. Sullivan reviewed with the Board a Department Head evaluation. No adjustments were made to the document.

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

Meeting was adjourned at 9:10 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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

PSNH vs Freedom Logistics vs Integrys -  
Electricity plan - Sept 10th 2012

Utility	PSNH					
# of a/c	23					
Ave. Monthly usage - kWhs	56896					
Current Supplier	PSNH					
Supplier Rate per kWh	0.0711					
Term in months	Rate per kWh	<u>PSNH</u>	Rate per kWh	<u>Freedom Logistics - NHRPS*</u>	Rate per kWh	<u>Integrys (Not Renewable Energy)</u>
12	0.0711	\$48,543.67	0.06779	\$46,283.76	0.07060	\$48,202.29
24	0.0711	\$97,087.33	0.06856	\$93,618.95	0.07170	\$97,906.64
36	0.0711	\$145,631.00	0.06937	\$142,087.52	0.07280	\$149,113.04
Savings for 12 months				\$2,259.91		\$341.38
Savings for 24 months				\$3,468.38		n/a
Savings for 36 months				\$3,543.48		n/a

\* - NH Renewable Portfolio Standard which requires 10.43% renewables in the mix.