

BOARD OF SELECTMEN
Minutes of December 17, 2012

CALL TO ORDER: Mr. Breton called the meeting to order at 7:00 PM. Selectmen Ross McLeod, Kathleen DiFruscia, and Roger Hohenberger were present; as were Town Administrator David Sullivan and Assistant Town Administrator-Finance Dana Call. Selectman Phil LoChiato was excused. Mr. Breton opened with the Pledge of Allegiance, and then requested a moment of silence for the victims and families of the Newtown, CT tragedy.

Police Chief Gerry Lewis approached and advised that, as of last Friday, the Department's attention has been focused on the schools; adding that he met with each of the Principals, and that officers were on site at each of the schools on Friday. He indicated that, as of that morning, more thorough patrols have been instituted at the schools.

Chief Lewis then advised that there had been an incident at the High School that day, involving a loud noise that could not be attributed to anything specific. He indicated there had been a full response from the Police and Fire Departments, and they were still trying to determine what the noise was. Chief Lewis explained that a "shelter in place" order had been implemented, all was found to be fine, and the school cleared. He noted that staff was then placed at the middle and elementary schools for the remainder of the day and, after meeting with the Superintendent and staff, for the remainder of the week the officers will be concentrating on the elementary and middle schools in efforts to reassure the students, parents, and staff that their safety is foremost. Officers will be present from start to end of school, daily, and the Chief will re-evaluate the situation after the holidays.

MINUTES: None.

CORRESPONDENCE: Mr. Sullivan requested that the Chair execute two deeds, as authorized under RSA 80:80. Mr. Breton executed the documents accordingly.

Mr. Sullivan then advised that he had received fifteen (15) emails/letters regarding the Transfer Station hours, which he will explain in greater detail as part of that agenda item.

ANNOUNCEMENTS: Mr. Breton advised that the Governor was very touched by turnout at his recent visit to Windham; in which he assured the citizens of a smooth transition and extended his thanks to the Town and the voters of Windham for their support. Mr. McLeod extended his thanks to Mr. Breton for arranging the Governor's visit; noting that the latter had spent much time during his visit addressing concerns regarding the I-93/Route 111 projects.

PUBLIC HEARING: Mrs. Call read the public hearing notice as follows: "*In accordance with RSA 31:95-b, the Board of Selectmen will hold a public hearing at 7:00 pm on December 17, 2012 at the Community Development Department for the purpose of considering the acceptance of funds from the Urban Search & Rescue Task Force (MA-TF1) in the amount of \$12,953.40. These funds will be utilized to reimburse the Town of Windham for salary and benefit costs relating to the federal deployment of two Town employees, as members of the task force, to assist with the Hurricane Sandy disaster during 2012.*"

After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to accept these funds. Passed 4-0.

PUBLIC DISCUSSION – TRANSFER STATION HOURS: Mr. Sullivan noted that this discussion was related to a petition received by the Board expressing concerns about the hours at the Transfer Station including the gap between Saturday and Wednesday and those times it is extended to Thursday due to a holiday. He then, briefly summarized the input he had received as follows:

- A total of fifteen (15) emails and one call were received in response to the posting notice.
- Eight (8) offered negative comments and/or lack of support for the current hours.
- Four (4) were neutral in nature in that they were okay with the 4/10 hours (four days open/ten hours per day) but they would like at least one evening and a way to avoid a large gap due to holidays.
- Four (4) were positive in that the hours as they are right now are fine.

Mr. Sullivan went on to note that the negative input related primarily to wanting the Station open more days and/or expanded hours and a dislike of the three and sometimes four day gap in availability. Mr. Sullivan noted that several expressed concerns specific to holiday closings, including the day after Thanksgiving. He clarified that, as has been the case the last couple of years, the Station was closed on the day after Thanksgiving, thereby saving 16 hours in holiday pay.

Mr. Sullivan then reminded the Board that the change to a 4/10 shift was due to budgetary concerns related to forced overtime being paid to staff at a minimum of four hours per week at a cost of \$10K. He further explained that the Town had worked with the Union to negotiate the 4/10 shift with no overtime. Mr. Sullivan noted that there are other alternatives, which Mr. Poulson has suggested in the past, such as opening five days per week for eight hours/day (5/8's).

Mr. Poulson began by reading a prepared statement; adding that since October he had been working around the planned consolidation of the Departments. He then reiterated that the 4/10 shift was based on cost savings, increased efficiency, and operational needs; adding that he believed the change had given more hours of service to the public over the duration. Mr. Poulson noted that, when the hours were 5/8's with one late night, he was receiving input from the public that there were not enough early/late hours; and that the only solution without adding staff or increasing cost was the move to the 4/10's as approved by the Board. Mr. Poulson then asked that, if the Board does opt to change the hours, they maintain a Tuesday-Saturday schedule as the majority of the waste stream is generated Wednesday-Friday via curbside pickup and the internal operations has to be considered, as well.

Mr. Poulson then pointed out that the traffic counter placed at the Station by the Board showed no significant change in traffic from day to day, and reiterated his previous comments that the basic reason for traffic backups in the Station is people not using the parking spaces. He also clarified for the Board that two (2) person staffing at any given time is driven by DES recommendation. A brief discussion ensued regarding the Town policies that prohibit one individual working alone at the Station.

Mr. Poulson then advised the Board that he had looked at other facilities in the region and compiled a comparison of operational hours; adding that he believes it shows Windham accommodates the residents more than the others. Mr. Poulson indicated that, while he was sure communities such as Goffstown, which closes at 3 PM, receive similar complains, they regiment their hours. He suggested that the Board either take a stand on the hours as other communities do, or make a change; stressing that he did not implement the change to 4/10's for self-serving reasons but to better serve the community.

Lengthy discussion ensued regarding how long the 4/10's had been implemented, the previous hours, and curbside operations in Town. Mr. Sullivan noted that several complainants had suggested opening Tuesday, Thursday, Friday and Saturday, with the Station closed on Wednesday. Mr. Poulson indicated that would not work as it will shift all Wednesday's work to Thursday; adding that there is no good day to close and if the continuity is interrupted internal operations will suffer.

Discussion ensued regarding the "gap" from Saturday to Wednesday and whether it is actually that the trash is sitting too long or that residents do not want to go to the Station on Wednesday. Also, that curbside customers are only picked up once weekly, and that residents generally only visit the Station once per week.

Mr. Ray German, 1 Coventry Road, approached noting that after listening to the evening's conversation he can understand the reason for the 4/10's shift. He added, however, that five days open is more preferable to him and his neighbors. He inquired whether different hours on different days had been considered, and Mr. Poulson replied that the station had been run that way previously, with late hours on Tuesday, however the residents were not happy and wanted more hours. Mr. Breton clarified that the Station, based upon the number of permits issued, has 3,000 users with the remaining 1,500 +/- households using curbside carriers. Mr. Poulson concurred, and a discussion ensued regarding users versus the waste stream generated.

Mr. Alan Carpenter, 8 Glenwood Road, approached stating that the Transfer Station is operated as a service to the community and, when he was a Selectman, it seemed that every couple of months discussions were held about the hours. He noted that during the period when the hours were staggered, the Board was constantly receiving complaints, however, when they were changed to 8AM to 6PM, five days a week the complaints seem to stop. Discussion ensued as to the reason for the latest change in hours, the number of staff at the Station and whether it was adequate to staff a fifty hour week. It was clarified by Mr. Poulson and Mr. Sullivan that the staff is not adequate for a 5/10 shift, in that one has to consider one employee is a driver and is not generally there. Brief discussion ensued regarding the move to single stream recycling and related reduction in head count.

Mr. Carpenter inquired whether the Board had considered part-time staff. Mr. Breton believed that would have to go through the union. Mr. Sullivan noted that the Board could hire a part time staff person, which would be a union position, however the full-time staff would have first opportunity at any overtime. Discussion ensued.

Mr. Carpenter then suggested that the Board could save on hours by amending the personnel policy to allow one staff person on duty for the first hour or so of the day. Mr. Poulson disagreed, saying staff typically makes pulls first thing in the morning in order to get an empty trailer and, in his opinion, full staff is needed for the duration which is why he would only advocate for either 4/10's or 5/8's. Discussion ensued, and Mr. Carpenter indicated he felt the station needed to be open five consecutive days per week, ten hours per day as its purpose is to serve the public and that is currently not working. He stressed the hours need to be consistent, with no deviation, and suggested a return to Tuesday-Saturday, 8A to 6P, which had worked.

Mrs. Pearl Nickels, Cobbetts Pond Road, approached in opposition of maintaining the 4/10's shift. She inquired whether Mr. Poulson knew for a fact that curbside customers did not actually go to the station in between pickups, and Mr. Poulson replied in the negative. Discussion ensued.

Mrs. Nickels then inquired whether any thought had been given to a means to accommodate the holiday issues. Mr. Poulson noted that there are only three floating holidays in question, and a discussion ensued.

Mr. Breton inquired whether it was Mr. Poulson's recommendation to stay with the 4/10's, and the latter replied in the affirmative. Mrs. DiFruscia then inquired what the overtime cost would be associated with going to a five day/50 hour week, and Mr. Sullivan noted that, if staffed with the four existing personnel only, it would represent an additional \$37K. Discussion ensued.

Mr. Breton inquired whether there were any way to expand the hours without expanding overtime costs, and Mr. Poulson replied there was not at this juncture; adding it would be difficult to do even with a full complement of staff given what the station does. Mrs. DiFruscia suggested 8A – 5P, five days, and a discussion ensued in that the complaints regarding not enough late/early hours would then resume.

Mr. Dennis Senibaldi, Transfer Station Supervisor, approached in concurrence with Mr. Poulson. He explained that they had spent an exorbitant amount of time trying to balance service to the resident and the needs of the Station. Mr. Senibaldi felt that no matter what the Board does, there are going to be those who have issues. He then advised the Board that, since implementation of the 4/10's he had noticed an elimination of long lines at peak times on Saturdays and that, prior to this meeting, several people had contacted him saying it would be foolish to change the hours.

Mr. Hohenberger noted that, in speaking to people at the polls, opening on Sundays had been suggested as well as concerns regarding the gap. He felt that changing Town policy to allow one person on duty in the morning or at night could help. Mr. Hohenberger indicated that he also heard complaints that the 10 hours chosen fall right into the period when people are working and are not convenient. He then indicated that he would be in favor of looking at a five day schedule, but not a 50 hour one.

Mr. McLeod concurred with the need for consistency in hours, however, he indicated he was unsure whether 24 hours really makes a difference in odor from Tuesday to Wednesday. He also noted that no one has commented to the Board that they go to the Station more than once per week, which undercuts any argument regarding a "gap". Discussion ensued regarding the \$37K in cost to extend the hours, prior support of the Transfer Station budget by the voters, the Board's move to maintaining level funding, and the possibility of extending the hours without added cost via utilizing one person.

Mr. Breton indicated he was strongly opposed to having one person at the station only, as it was contrary to the nature of the business. Discussion ensued that it does happen on occasion for short durations, and safety concerns regarding same.

Mr. Poulson suggested that, if the gap between Saturday and Wednesday is the primary concern, then the Board could go back to a five day schedule with fixed hours. Discussion ensued, and Mr. Breton noted that he believes we are accommodating more people with the current hours than ever in the past. Further discussion ensued regarding advance notice of the floating holidays and that the petition was signed by only 1.5% of the population.

Mrs. DiFruscia felt that the only two options were to leave the hours as they were or go to a five day/40 hour schedule, which will avoid overtime but increase complaints. Lengthy discussion ensued regarding complaints about the current hours, incurring additional costs, safety of personal while alone, and part-time staffing and/or staffing models; with input from the Board, Mr. Senibaldi, and Mr. Carpenter.

Mr. Chuck Nickels, Cobbetts Road, approached seeking clarification as to what staff is currently paid for time off; ten hours or 8 hours. Mr. Sullivan clarified that a transfer station employee taking two days off would be paid twenty hours. Mr. Nickels then expressed concerns regarding increases in wildlife as of late, and urged the Board to expand the hours to five days.

Discussion ensued, and Mrs. DiFruscia requested that Mr. Sullivan clarify what the cost factor would be to open the transfer station 7:30 AM to 5:30 PM five days per week. Mr. Sullivan replied that, assuming the shifts were not flexed with two people, the cost would be approximately \$40K. Lengthy discussion ensued.

Mr. Hohenberger then moved and Mrs. DiFruscia seconded to change the hours at the Transfer Station to 8A-4P, Tue/Wed/Fri/Sat, and Thursday 9:30A-5:30P. Motion failed 2-2, with Mr. McLeod and Mr. Breton opposed. Further lengthy discussion ensued, however no decisions were made.

BID AWARD – PAVING: Highway Agent Jack McCartney noted that the three (3) bids had been received as follows:

Vendor	Country Club Rd	Golfview Rd	Country Village Rd	Total for All	Option: Package Bid
Brox Industries, Dracut MA	\$20,475	\$45,250	\$42,600	\$108,325	\$99,995
Tate Brothers Paving, Hudson NH	\$11,520	\$43,460	\$34,820	\$89,800	\$88,902
Hudson Paving, Hudson NH	\$12,607	\$46,375	\$39,791	\$98,773	\$92,889

Mr. McCartney then advised that his recommendation would be to award these roads as a package to Tate Brothers for their bid amount of \$88,902. After a brief discussion, Mr. McLeod and Mrs. DiFruscia seconded to award the bid to Tate Brothers Paving of Hudson as recommended. Passed 4-0.

Discussion ensued as to which portion of the Highway budget this project was being funded from, and Mrs. Call clarified that it is part of the total summer road budget. Mr. Breton then expressed concerns that there seem to be roads in worse shape than these, and Mr. Sullivan clarified that this project involved just shim and overlay, and that doing so will prolong the life of these roads for the next 10 or 15 years. Brief discussion ensued.

BUDGET WORKSHOPS: Mr. Breton asked about changes made to date in the overall budget and what the bottom line increase is currently, split between capital items and the operating budget. Mr. Sullivan reviewed the Board’s changes to date, noting they had been minimal and the overall increase is proposed at \$298 thousand, or 2.4%.

Mr. Poulson requested the Board discuss a staffing concern regarding an employee on medical leave. Mr. Hohenberger motioned and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II b. Roll call vote all “yes”. The topic of the meeting was hiring. The Board, Mr. Sullivan and Mr. Poulson were in attendance. The Board returned to public session and Mr. Breton noted the Board authorized Mr. Poulson to utilize the available 2012 budget to hire a part-time, temporary employee to fill a staffing vacancy.

Solid Waste – Mr. Sullivan brought to the attention of the Board that the budget for Holiday Salaries does not include funds for the day after Thanksgiving, noting the Station has been closed on this day for the last couple of years, consistent with the other Town offices. Mr. Sullivan indicated that if during the course of the year the Board elects to change this determination, he believes we will be able to fund it through use of other line items within the Town budget.

Mrs. DiFruscia asked about Contracted services (hauling) and the likelihood of needing this since there are no funds budgeted this year; Mr. Poulson indicated it is unlikely this would be necessary due to current staffing for drivers and reliable equipment. Discussion turned to Site Monitoring and the reason for the proposed increase in 2013. Mr. Poulson noted there are some increased testing parameters this year, but noted that DES may allow us to minimize the frequency of post-closure groundwater monitoring in the future. Discussion turned to vehicle maintenance and 2012 expenditures to date.

Mr. Poulson discussed the continued issues with commercial demolition (C&D) disposal and the reason for overexpending the line item, which is over budget this year. Mr. Poulson discussed the size of the loads that tend to come in, which sometimes fill the C&D trailer with one load, and that policing this, and determining the demolition is coming from a Windham residence, is difficult if the individual has a Transfer Station sticker. Mr. Poulson noted this is an area that can be abused. In addition, it was noted that the entire Town budget is paying for that service, while it is only used by a portion of the residents.

Mr. Poulson's recommendation is to have the residents dispose of C&D at LL&S in Salem, show identification as a Windham resident, and they would be charged \$100 per ton, which is a negotiated, discounted rate. However, it would cost a minimum of \$75 for each disposal. Mr. Hohenberger noted that the issue with policing the trash disposal is the same for the solid waste as well. Mr. Hohenberger also noted concerns regarding improper disposal of demo that could arise if residents are required to pay for this service. Mr. Poulson noted that C&D is outside the scope of what is normally dealt with at a Transfer Station. Mr. Poulson noted that small demolition items could be taken at the Transfer Station, but he is trying to avoid a scenario in which a single disposal fills a trailer. Mrs. DiFruscia agreed that this scenario seems excessive and would there be a way to limit the amount an individual could dispose of. It was discussed that a ticketing system was previously used, but it was not cost-effective for staff to manage this. Mr. Poulson noted that if no policy changes are made, he would request the Board increase the 2013 budget for demolition disposal to \$90,000, based on actual usage in 2012. A lengthy discussion ensued regarding potential restrictions and the ability to detect abuse. Mr. Breton suggested that C&D collection be limited to certain days of the year, similar to how hazardous materials are collected. Mr. Senibaldi then suggested that the Board approach the issue from a budgetary standpoint and allow the Station to stop accepting demolition, at the point when the C&D budget has been expended, even if it is November or early December. Discussion turned to the logistical issues of limiting this to certain times per month, with the traffic it could generate, and Mr. Poulson agreed that the Town should either continue to accept all C&D or not accept any. Mrs. Coish asked if the potential abuse could be monitored via the cameras that are in use at the Station. Mr. Sullivan noted that the definition of demolition is prescribed in the Town's Solid Waste Ordinance, therefore, any changes pertaining to this collection will need to go through Town meeting vote. No proposed changes to the Ordinance, or the Solid Waste budget, were made.

Highway – Mr. Hohenberger asked about the cost of vehicle maintenance based on expenditures to date this year. Mr. McCartney noted that the repairs this year centered around sizeable repairs needed for the department's three oldest vehicles. Discussion turned to the vehicle equipment line item, in which the standard replacement of plow blades and cutting edges is budgeted. Mr. Hohenberger motioned and Mr. McLeod seconded to reduce this allocation from \$15,000 to \$7,500, based on the amount of new plow equipment purchased in the past year. Motion passed 4-0. Mr. Breton also asked about the installation of an alarm system at the Highway Garage, and it was noted that this could be addressed under property maintenance, and potentially out of the 2012 budgetary funds. No other changes to the Highway budget were made.

General Government/Building Maintenance – Mr. Sullivan noted that the budget was prepared by Administration, as Mr. McCartney was not overseeing the department at this time. Mr. Sullivan noted that he had previously described to the Board the basis for the 2013 budget, which does not propose to replace Mr. Barlow’s position, but does provide funding for an additional part-time laborer and/or subcontracted work, as well as funding for the additional pay for Mr. McCartney to oversee the department. Mr. Breton noted that he would not be in favor of hiring a part-time laborer, instead would prefer to subcontract many of these services, such as HVAC maintenance. Consensus was to have the funds available in the budget to handle the maintenance needs either through in-house labor or subcontracted work and defer the discussion regarding staffing/department oversight to a future date. Discussion turned to the Part-time Laborer position as listed in the budget and consensus of the Board was to label this item as “Laborer and/or Subcontractors”.

Discussion turned to the Groundskeeping line item, noting that the portion of the contract for the Route 111 bypass has been increased to \$16,000 for 2013, from \$6,000 in the prior year, as has been previously discussed with the Board. Mr. Breton also requested that Ms. Haas be designated as the primary contact for Griffin Park and recreation fields. Mr. Sullivan agreed and noted that although the funds would remain centralized in the Groundskeeping budget, it is understood that Ms. Haas would be the primary day to day contact for Mr. Boyden, with Mr. McCartney as a backup.

Mr. Sullivan reminded the Board that he recommended they consider a cost of living adjustment (COLA) for non-union personnel, which would have an additional impact of approximately \$68 thousand, bringing the overall budget increase to \$360 thousand, or 2.9%. After discussion among the Board members, Mr. Hohenberger motioned and Mr. McLeod seconded to add funding for a 2.5% COLA. The motion passed 3-0-1, with Mr. Breton abstaining at this time based on collective bargaining unit negotiations that are pending.

Mr. Sullivan discussed the upcoming Board meeting schedule, which will be held on December 27 at 4 pm, while the public hearing on the budget will be set for January 14th. Discussion turned to the police grievance hearing from December 13 and whether it would be scheduled for the December 27 meeting, or whether it could be postponed to later in January. The Board requested Mr. Sullivan arrange with the Union to schedule for a January meeting.

NON-PUBLIC SESSION: Mr. Hohenberger motioned and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all “yes”. The topic of the meeting was a Municipal union grievance appeal. The Board, Mr. Sullivan and Mrs. Call were in attendance. Mr. Sullivan gave the Board an update and no decisions were made.

Mr. McLeod motioned and Mrs. DiFruscia seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 10:45 pm.

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.