

**SELECTMEN'S MINUTES**  
**January 14, 2013 Budget Public Hearing**

**MEMBERS PRESENT:** Chairman Bruce Breton, Ross McLeod, Phil LoChiato, Roger Hohenberger and Kathleen DiFruscia were present. David Sullivan, Town Administrator and Dana Call, Asst Town Administrator were also in attendance. Mr. Breton opened the meeting at approximately 7:05 pm with the Pledge of Allegiance, and read the agenda into the record.

**ANNOUNCEMENTS/LIAISON REPORTS/CORRESPONDENCE / MINUTES:** None.

**MAINTENANCE DEPT STRUCTURE / TRANSFER AND HIGHWAY:** Mr. Sullivan reminded the Board that this item was previously discussed, most recently at the budget workshop for the Maintenance Department. In light of the retirement of the Al Barlow, Maintenance Director, Mr. McCartney, Highway Agent, has been overseeing the Maintenance department on a temporary basis until it is determined by the Board how best to structure the Maintenance department and whether to consider any consolidation among the Maintenance, Highway and Solid Waste departments. Mr. Sullivan noted that he had developed the proposed 2013 Maintenance department budget based on an overall calculation of funds needed, with the assumption that the Maintenance Director position is not replaced in kind, but with sufficient funds to replace the labor time with either part-time or contracted labor. As a reminder to the Board, Mr. Sullivan had presented a proposed structure for the department, on which the proposed funding was originally based for each line item (representing a total department budget of \$437,280). Mr. Sullivan also noted that Mr. LoChiato had previously presented the Board with alternate options for the future of the department, and since the last budget workshop, Mr. Sullivan and Mr. LoChiato met with the intention of creating a joint proposal to the Board with a proposed department structure that will work within the budgetary funding. As a result, all funds attributed to individual line items within the budget have been consolidated into one amount.

Mr. LoChiato wanted to reiterate that he and Mr. Sullivan are not presenting competing proposals. Mr. LoChiato agreed that the \$437,820 is sufficient for funding at this time, but that he feels that the budget could be even further reduced with additional ideas, and that he and Mr. Sullivan could continue to modify the proposals to create the most efficient use of resources. He agreed that the terminology used in the proposed budget of "department reorganizational costs" will work for now, but that it does not indicate a decision has been made pertaining to hiring employees/contractors, and that Mr. McCartney would continue overseeing the department for now.

Mr. Hohenberger noted he is satisfied with what was presented the night of the budget workshop and doesn't foresee his position changing with additional discussion. Mr. LoChiato noted that he intended to review the tape of the previous budget workshop meeting, and would meet with Mr. Sullivan again in the next two weeks, in order to bring a joint proposal back to the full Board, with plenty of time to discuss before the Deliberative session. Consensus of the Board was that this would be better addressed in a workshop session, due to the full agenda for this evening's meeting. Mr. Breton asked for clarification that the proposed budget does not include funding for any new hires. Mr. Sullivan responded that this decision would ultimately be left up to the full Board, but that the proposed budget does not reflect any specific new hires. Mr. McLeod asked about the other department budgets (Solid Waste and Highway), if the Town were to continue to operate as it is today. Mr. Sullivan replied that those budgets were not adjusted, so there is sufficient funding in place. Mr. McLeod also indicated that he also may have suggestions, once the proposal comes before the full Board. Mrs. DiFruscia asked if there will be any Union implications and Mr. Sullivan responded that there could be, depending on which direction the Board chooses to go in, but this could be impact bargained with the Union.

**PUBLIC HEARING SEARLES BOND:** Mr. Breton opened the public hearing and deferred to Mr. Sullivan to read the notice into the record.

*LEGAL NOTICE  
TOWN OF WINDHAM, NH  
PUBLIC HEARING NOTICE- SEARLES BUILDING*

*In accordance with RSA 33:8-A, the Board of Selectmen will hold a Public Hearing on a proposed bond issue in the amount of \$100,958 for the purpose of making renovating and repairs to the Searles Building, on Monday, January 14, 2013 at 7:00 pm at the Community Development Department. The total cost of the construction is estimated to be \$100,958. Dated December 26, 2012*

Mr. Sullivan noted that it is the Town's intention to take out a ten-year bond or note in 2013, with the first payment of principal and interest due in 2014. Mr. Sullivan noted that this will be very similar to the way the first 10-year note was done in 2002, in which annual bond payments were funded by the rental revenue brought in from the building, and that this was successful with the rental revenue being sufficient to cover the bond payments for ten years. Mr. Peter Griffin, representing the Historic Commission, noted that the original bond was primarily used to "catch up" on maintenance projects that had not been done over many years. He then discussed the specific projects and maintenance needs that will be addressed as part of this funding request, including replacing the septic system, repairs to the tower floor, repairs to foyer areas affected by water damage, some additional roof (valley) work and exterior painting. In addition, there are plans to replace additional stained glass windows in the East room (were temporarily replaced with plywood and clear glass), as well as landscaping improvements geared towards outdoor weddings. Mr. Griffin noted the goal is to make the building more marketable for weddings, including making the parking area more efficient and renovating the downstairs area for a "green" or "bridal" room. Mr. Breton asked about the bond including funds for a website, noting this is not a capital item. Mr. Sullivan reminded the Board that the Searles website upgrade is part of the overall contract with AdminInternet approved by the Board in December, but will be done after the Town's website upgrade is completed, and that bond funds will not be used for this purpose.

Mrs. DiFruscia wanted to thank the committee for the information that was gathered when the Board met at the building this summer. She also wanted to thank the committee for their hard work, hoping that the community understands this would be money well spent. Mr. Hohenberger emphasized the success of the original bond and that the Town budget did not need to fund any of the previous bond payments. Discussion ensued regarding the marketing of the building and ways to educate the voters on the proposed article. Mr. McLeod reiterated the importance of educating the voters on how the original bond was successful. Discussion turned to the bond interest costs and emphasizing that the overall annual cost will likely be less than the previous bond due to lower interest rates. The Board agreed that, with the requirement for a 60% majority to pass the bond article, the more information that can be put out regarding cost and funding estimates, the better.

**Article 3 – \$100,958 for renovations and repairs to the Searles building -**

Mr. Hohenberger read Article 3 into the record and motioned to move the article forward as written to the warrant. Mr. McLeod seconded and the motion passed 5-0. Mr. Hohenberger motioned to recommend the article. Mr. McLeod seconded and the motion passed 5-0.

The Board then closed the bond hearing and opened the public hearing on the budget.

**BUDGET PUBLIC HEARING:** Mrs. DiFruscia motioned and Mr. Hohenberger seconded to refer to the budget as posted and dispense with reading the full notice of public hearing on the 2013 Town Budget and Warrant. Motion passed 5-0.

The proposed budget figures are as follows:

General Government	\$ 2,072,445.00
Public Safety	6,180,790.00
Highways, Streets and Bridges	1,154,770.00
Sanitation	931,675.00
Health and Human Services	56,740.00

Welfare	57,040.00
Culture and Recreation	1,292,920.00
Debt Service	210,986.79
Capital Outlay	300,000.00
Total Proposed Budget	<u>\$12,257,366.79</u>

The Selectmen will also address all Special Warrant Articles including:

1. \$100,958 – bond for improvements to the Searles building
2. \$50,000 for Property Maintenance Trust
3. \$30,000 for Earned Time Expendable Trust
4. \$20,000 for Searles School Marketing and Maintenance – funding to come from Revenue Fund
5. \$0 - \$12,064 for paying bond for Searles Building Improvements – funding to come from Revenue Fund – actually shown in operating budget
6. \$75,000 for purchase of computer equipment and infrastructure upgrades
7. \$84,600 for purchase of new Mobile Data Communication equipment for the Police Department (offset by \$23,348 use of public safety detail funds) with remainder of \$61,252 funded from taxation
8. \$202,867 for purchase of new SCBA Gear for the Fire Department
9. \$175,000 for purchase of a 5-ton dump truck (offset by State of NH Salt Reduction grant funds of \$140,000) with remainder of \$35,000 funded from taxation
10. \$2,350 for funding Conservation Commission operations
11. Reclassification of 12 town owned land parcels
12. Change Conservation Commission membership from 7 to 5
13. Acceptance of 2.737 acres of land off Buttrick Rd as donation
14. Modify income and asset thresholds for qualifying for the Disabled tax exemption
15. Modify income and asset thresholds for qualifying for the Deaf tax exemption
16. Amending the Sunday Sales Ordinance to regulate Sunday sales in the same manner as all other days of the week
17. Authorize Board of Selectmen to sell town owned parcel off Londonbridge Rd

If all special articles are approved (total \$740,775) the gross appropriation will increase by (\$456,451.72) or (3.64%) over 2012. Total gross budget for 2013 would then be \$12,998,141.79 (before use of other revenue sources).

The 2013 net budget, on which the tax rate is set, would be \$12,701,771.79, after taking into account the use of \$32,064 from the Searles Revenue fund, \$140,000 in highway grant, \$23,348 from public safety details fund and \$100,958 in bond proceeds (grand total of \$296,370 in revenue). The 2013 net budget would represent an increase over 2012 of \$324,193.72 or 2.62%.

**BUDGET OVERVIEW PRESENTATION:** Mr. Sullivan gave an overview presentation of the 2013 proposed operating budget and warrant articles. He noted that the departments, in conjunction with the Board of Selectmen, are presenting a budget with an overall increase of \$324,194, or a 2.62%. Mr. Sullivan explained that the default budget represents a total of \$12,179,002, or \$78,365 less than the proposed operating budget of \$12,257,367. The primary source of the overall Town budget increase is related to CIP articles, representing an increase of \$308,264 over the total CIP items funded the prior year.

Mr. Sullivan presented the budget overview charts and provided a brief explanation for the increases and/or decreases in the departmental budgets, including any changes in salaries and benefits (including retirement and insurance costs), as well as general operating and capital outlay increases and/or decreases. Mr. Sullivan noted there are no new employees proposed, however, the budget does include a cost of living adjustment for non-union employees of 2.5%, representing a cost increase of \$69,423. Further discussion ensued regarding the Town's health insurance program and the State retirement system.

The Board then turned discussion to the draft warrant articles (there were no citizens' petitioned articles):

**Article 4 – \$50,000 to be added to the Property Maintenance Expendable Trust Fund** - Mrs. DiFruscia read the article and briefly explained the planned uses for the funds, noting that it is \$20,000 more than what has been requested over the last several years, but that this is offset by a one-time savings in the workers compensation insurance program for 2013. A brief discussion ensued regarding the use of the funds in the current year and plan for future maintenance projects. It was also noted that the trust fund needs to be replenished because much of the balance has been used for emergency repairs, and not proactive maintenance. It was noted that it is expected the funding request will return to \$30,000 for the 2014 budget. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 5 – \$30,000 to be added to the Earned Time Trust Fund** - Mrs. DiFruscia read the article. A brief discussion ensued regarding the history of the earned time appropriation, the use of the trust in the current year, as well as expected use in the upcoming year and the overall liability the Town is facing. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 6 – \$20,000 for Marketing and Maintenance costs associated with Searles Building (funding to come from revenue fund)** – Mr. LoChiatto read the article and indicated that the amount is the same as was requested last year, with the funding still coming from the rental income, therefore there is no tax impact from this article. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 7 – \$12,064 for Bond payment on Searles Building renovations (funding to come from revenue fund)** - Mr. LoChiatto read the article and indicated that this amount also comes from the rental income, therefore there is no tax impact from this article, and that this is the final payment on the original 2003 bond. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 8 - \$75,000 for IT equipment upgrades** – Mr. Hohenberger read the article. Mr. Hohenberger noted that the article as drafted reads “this article is part of the CIP plan”. Mr. Hohenberger explained that at the previous budget workshop it was noted that the project has been significantly revised and, as presented, no longer represents what exactly what the CIP committee voted on, therefore he would like this language removed. Mr. LoChiatto agreed. Mr. Sullivan noted this language was highlighted in the draft, so the Board could address this concern. He further explained that the main difference in what was originally submitted to the CIP pertains to the number of systems/workstations to be replaced.

Eric Delong, IT Director, made a brief presentation explaining the planned use of the funds and how the overall project has changed throughout the process, as members of the TAC committee have done additional research and investigating as to the best use of the funds. Discussion turned to the likelihood of additional costs in the future, noting that the \$75,000 is likely to fund the “backbone” of the network infrastructure, and whether we need to fund workstation replacements. Margaret Case stated her opinion that this funding amount is reasonable and that there is no way that Mr. Delong can predict exactly what is needed and at what cost, because of the changing technology and how quickly equipment becomes obsolete. Mr. Breton reiterated that the CIP request included, specifically, a need for 50 new workstations. Mrs. DiFruscia motioned to strike the CIP language and move the article forward to the warrant as amended, and Mr. McLeod seconded.

Additional discussion ensued regarding different language that could be included in the warrant article to distinguish that the funding request was put through the CIP process, but that the specific items to be purchased have changed. It was noted that specifically including language that the article was *not* part of the CIP plan, could be detrimental to the passage of the article. Ms. Ruth-Ellen Post spoke as a member of the CIP, noting her view that this was approved in concept, and as a member of the Committee she understood it to be a work-in-progress. Ms. Post noted her concern that by striking it in its entirety the voting public might think it was not put in for consideration by the CIP at all. Mr. Sullivan noted that there are limits to the language that can be put in the article, but suggested language indicating it was part of the CIP plan but that

the specific equipment to be purchased has been changed through the budgeting process. Mr. Hohenberger noted that within the existing wording of the article (outside of virtualization) we can still make sure we get workstations as part of the funding.

The motion to amend the article and move to the warrant passed 5-0. Mrs. DiFruscia then motioned to recommend the article. Mr. Hohenberger seconded and motion passed 5-0.

**Article 9 - \$84,600 for Police MDT equipment with offsetting funds; net \$61,252 from taxation** – Mr. Breton read the article. Discussion ensued regarding the amount of the appropriation and use of other funds. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 10 – \$202,867 for the purchase of SCBA Fire gear** - Mrs. DiFruscia read the article and noted that the CIP Committee assigned this an urgent priority. Chief McPherson further explained the article and noted that the department has not yet heard from the granting authority, which means it is still being considered, thus the department could potentially receive a grant for 95% of the cost of the equipment. Chief McPherson noted that this was voted on favorably last year but that the grant last year was not funded so the article was made null & void and no equipment was purchased. Mrs. DiFruscia noted that this year the article is not contingent on grant funding because of the dire need. It was noted that the gear has reached its life expectancy and cannot be pressure tested at this point to ensure they are working properly.

Mr. LoChiatto motioned to recommend the article and move forward to the warrant. Mrs. DiFruscia seconded and motion passed 5-0.

**Article 11 - \$175,000 for the purchase of a Highway truck with offsetting grant funds; net \$35,000 from taxation** – Mr. LoChiatto read the article, noting the article is part of the Capital Improvement Program and reflects funding by the State of 80% of the cost of the truck. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. LoChiatto seconded and motion passed 5-0.

**Article 12 – Conservation Commission \$2,350** – Mr. Hohenberger read the article and noted the amount is level funded with the previous year. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 13 – Designate parcels of Town land as Conservation** – Mr. Breton read the article and noted the parcels listed. Mr. Sullivan noted that the Conservation Commission has requested that certain parcels (8-B-3900, 8-B-4100, 8-B-4300, 8-B-5800 and 8-B-6000) be added to this list because they were previously thought to already be designated as Conservation. Mrs. DiFruscia motioned to waive the Town policy on disposition of real estate, which sets forth certain procedures that would normally take place prior to making such a designation, based on the previous understanding that all of these parcels were already designated as Conservation. Mr. Hohenberger seconded. Passed 5-0.

Discussion turned to the parcels and a question regarding Brookdale Road. It was noted this is on the Salem town line, and consensus was to add a descriptive note “Salem town line” in the article. Mr. LoChiatto asked about the parcels in the area of London Bridge Road and if we could communicate with the School District as to any potential use they may have for this parcel, prior to Town Meeting.

Mrs. DiFruscia motioned and Mr. McLeod seconded to add the five previously noted parcels to the warrant article, as well as the amendment pertaining to Brookdale Road, and to recommend the article and move forward to the warrant as amended. Further discussion ensued regarding those acquired by tax deed and clarification on the warrant. Mr. Senibaldi asked about the added lots and if these are being merged into the larger Cyr property owned by Conservation, and, if so, would the same restrictions apply (monitored by a third party easement). Mr. Sullivan noted that this may be the intention of the Commission in the future, but that the parcels would need to be designated as Conservation first, and then they would need to conduct research and consult with legal counsel as to the ability to merge any parcels with existing Conservation lands. Motion passed 5-0.

**Article 14** – **Change Conservation Commission membership from 7 to 5** – Mr. McLeod read the article and noted that it stemmed from difficulty in generating a quorum at Commission meetings. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. McLeod seconded and motion passed 5-0.

**Article 15** – **Accept donation of a parcel of land** – Mr. McLeod read the article. Mr. Sullivan noted that Ms. Scott had discovered that this was a previous condition of Planning Board approval of the original subdivision, but that it was never completed. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 16** – **Modify thresholds for Disabled Exemption** – Mr. Hohenberger read the article. Mr. Sullivan noted that this change is to make these thresholds consistent with the Elderly exemption that was modified in 2010. Mr. LoChiatto motioned to recommend the article and move forward to the warrant. Mrs. DiFruscia seconded and motion passed 5-0.

**Article 17** – **Modify thresholds for Deaf Exemption** – Mr. Breton read the article. Mr. Sullivan again noted that this change is to make these thresholds consistent with the Elderly exemption that was modified in 2010. Mrs. DiFruscia motioned to recommend the article and move forward to the warrant. Mr. Hohenberger seconded and motion passed 5-0.

**Article 18** – **Sunday Sales Ordinance** – Mr. McLeod read the article, noting that this would regulate business operations on Sunday consistent with other days of the week. Mr. LoChiatto noted that this would not be affected by any other zoning regulations regarding hours of operation. Mr. Hohenberger motioned to recommend the article and move forward to the warrant. Mrs. DiFruscia seconded and motion passed 5-0.

**Article 19** – **Authorize BOS to sell town owned parcel** – Mr. Breton read the article and deferred to Mr. Sullivan to present the specific details, including a plan showing the area. Mr. Sullivan noted that Karl Dubay and Bev Donovan were present, as representatives of the interested abutting property owner. Mr. Sullivan noted that at the Board's last meeting, it was requested that an appraisal be done in time for the Deliberative Session so that the warrant article could be amended to reflect a specified sale amount, and not to give the Board of Selectmen full authority to sell it for any amount they deem appropriate. Mr. Sullivan noted that subsequent to that meeting, there has been no firm commitment for an appraisal, thus an appraisal is not underway. Instead, the abutting property owner has requested amended language to offer the Town the greater of \$20,000 or the appraised value if it comes in higher, and this language is reflected in the draft warrant. However, it was noted that the article as written would not guarantee that the abutting landowner would be able to purchase it, as the current language would allow it to be purchased by anyone. It was noted that this is not the intent of the abutting property owner. Mr. Sullivan also noted that they would like the appraiser to be mutually selected by both parties.

Discussion turned to the area of the Town's existing right of way and potential future needs. Mr. Dubay addressed this concern noting that the ultimate sale will include deed restrictions granting the Town easements for an additional lane if needed in the future, as well as drainage and utilities. There would also be deed restrictions regarding curb cuts and site distance. Mr. Dubay noted that obtaining this property would allow some flexibility, within the neighborhood business district, for parking, landscaping and other items that would be allowed as part of developing the parcel. Additional discussion turned to the wording of the article and the discussion at the January 7<sup>th</sup> meeting. Mr. Sullivan noted that if it was the intention of the Board to sell the parcel to any bidder, the abutting property owner would likely have taken the opportunity to submit a citizens' petition, instead of requesting it be added to the warrant as a Selectman's article, however, this deadline has now passed.

Mr. Hohenberger suggested amended language to stipulate a direct sale to the owner of Lot 14-B-2100. There was no second. Mr. Breton noted that he would not be in favor of selling this parcel directly to a specified abutter, as this does not follow proper procedure.

Mr. LoChiatto noted that he agrees with the added language pertaining to the \$20,000 minimum, but asked for clarification as to who would be paying for the appraisal. It was noted the Town would engage the appraiser, but that the cost of the appraisal, along with any legal and other fees will be recouped as part of a future Purchase & Sale Agreement for this parcel, as is customary practice in a Town land sale.

Mr. McLeod suggested amended language to note the appraiser should be “mutually selected by the Board and purchaser” removing language regarding “qualified appraiser” and “approved by Board”. Mrs. DiFruscia motioned to move the article to the warrant as drafted, with the amended language pertaining to the appraiser, and to recommend the article. Mr. Hohenberger seconded the motion and it passed 5-0.

**Article 20 – Operating Budget** – Mr. Breton read the article. Consensus was to dispense with a reading of the budgetary details contained in the article, noting that the details of the budget have been posted. Mr. Sullivan reiterated the default budget would be \$12,179,001.79.

Mrs. DiFruscia noted that she had been approached by members of the Windham Community Band about the annual funding provided from the Recreation budget, which was \$3,000 for many years, but was lowered to \$2,000 for 2012, and continues to be the proposed funding for 2013. David Howard, representing the WCB, addressed the Board requesting that the annual funding be reinstated at \$3,000. He explained all the events the Band plays at for the Town directly, as well as other events in Town, not necessarily sponsored by the Town. He also discussed the overall funding of the program and limited source of funds to cover their operating costs. He also discussed the many Windham residents, as well as high school students, that are involved in the Community Band, and the benefits attributed to this. Mrs. DiFruscia motioned to add \$1,000 to the Recreation budget to return the WCB contribution to \$3,000. Mr. Hohenberger seconded and motion passed 5-0.

Mr. Hohenberger motioned to reduce CART funding in its entirety and potentially leave \$6,000 in the budget to assist with running the Town van program as necessary. Mr. LoChiatto seconded. Additional discussion ensued regarding the CART ridership and the Town van program. Mrs. DiFruscia disagreed with eliminating funding altogether, noting that CART supplements the Town van program and is a needed alternative. Mrs. Coish approached the Board and noted her concerns regarding the excessive cost of the CART program, based on the limited use by Town residents and that other options utilizing the Town van could be considered.

It was suggested that \$8,000 may be needed for the Town’s van program, thus Roger agreed to amend his motion and maintain \$8,000 in funding for maintenance of the Town van program, including, but not limited to paying a stipend to generate additional drivers. Mr. Sullivan noted that paying a stipend would give the drivers some liability protection that they don’t currently have as volunteers. He also noted that the Town is generally able to provide transportation to doctor visits, as well as the weekly shopping trip, but that the van program would not be able to sustain regular trips to bring residents to their place of employment. Mr. LoChiatto agreed to amend his second. Mr. Breton noted that the funding should remain in the Health & Human Services budget under a generic “transportation” line item. Motion passed 3-2 with Mrs. DiFruscia and Mr. McLeod opposed.

Mr. Hohenberger motioned to recommend the article as amended, with a new total of \$12,253,466.79, and move forward to the warrant. Mr. LoChiatto seconded and motion passed 5-0.

Ms. Kelly McLaughlin, Cable Coordinator, invited Board members or others to come to the Cable Studio and address the public. She has time slots available to schedule a taping for items pertaining to Town meeting, and she asked that anyone interested contact her at the WCTV studio.

**NON-PUBLIC SESSION:** Mr. Hohenberger motioned and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, c and d. Roll call vote all “yes”. The topic of discussion was personnel, reputations and land acquisition. The Board, Mr. Sullivan and Mrs. Call were in attendance. Chief Lewis was also in attendance to discuss a compensation offer to an employee. Mr. Hohenberger motioned to set a flat rate of \$45 per hour for contracted details performed by the Police Captains, with a maximum of 8 hours per week of details allowed. Mrs. DiFruscia seconded and the motion passed 5-0. The Board also addressed a request by the Municipal Union for a sidebar agreement pertaining to compensation.

No motions were made to consider a sidebar agreement outside of the normal negotiation process. The Board also addressed an issue pertaining to Police Union negotiations and consensus of the Board was to support Mr. Sullivan's intention to work directly with the Union to avoid a grievance on the issue. Chief Lewis then left the meeting.

The Board addressed a request from a resident for the Board to reconsider a previous motion pertaining to denial of a request for the Board to waive property tax interest. No motion to reconsider was made.

The Board discussed a land acquisition request from the Conservation Commission. No motion was made to authorize the purchase.

The Board then discussed a previous matter pertaining to a Municipal Union grievance hearing, which is pending a scheduled arbitration. Mr. Sullivan explained that the outcome of the previous hearing held on November 26, 2012, which resulted in a 2-2 vote by the Board members present that evening, may be challenged as an invalid vote once it reaches the arbitrator. In order to avoid a costly arbitration resulting in no decision, Mr. Sullivan suggested the Board members address the issue of the 2-2 vote. Mr. Breton recused himself from this session, as he was not in attendance for the original hearing. Mrs. DiFruscia motioned and Mr. Hohenberger seconded to suspend Robert's Rules of Order for this session. The motion passed 3-1 with Mr. McLeod opposed. Mr. Hohenberger motioned and Mr. LoChiatto seconded to reconsider the Board's previous motion to deny the grievance and uphold the disciplinary action taken by the department supervisor. Motion to reconsider passed 3-1 with Mr. McLeod opposed. After further discussion, Mr. Hohenberger motioned and Mr. McLeod seconded to leave the Board's original decision as is. Motion passed 4-0.

Mrs. DiFruscia motioned to adjourn at 11:20 pm. Mr. Hohenberger seconded; passed unanimously.

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.