

BOARD OF SELECTMEN
Minutes of October 5, 2015

MEMBERS PRESENT: Chairman Al Letizio called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Joel Desilets, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Letizio opened with the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Fire Chief Tom McPherson announced the promotion of Ralph DeMarco to Lieutenant; filling recent retiree Jim Brown's position. Lt. DeMarco's wife Susan and daughter Taylor were present; with the former performing the actual pinning. Chief McPherson explained that Lt. DeMarco has been a fulltime firefighter since 1999, a paramedic since 2001, and since 2007 he has served as a tactical medic to the Southern NH SWAT team.

Lt. DeMarco extended thanks to the Chief and staff for their confidence in him, to the Board of Selectmen for accepting the Chief's recommendation, and to his family for their support of him over the years.

Community Development Director Laura Scott advised that there would be a free business seminar the following Thursday at Delahunty's; anyone interested in attending should RSVP to her.

Ms. Scott advised there are still spaces available to participate in the Trick or Treat portion of the Annual Harvest-Fest on 10/17, and any businesses or non-profits interested in participating should contact her.

Ms. Scott announced that Small Business Saturday is being planned for 11/28; and information will be going out soon regarding the event.

Mr. Sullivan noted the recent passing of long-time Dispatcher Barbara Sealock; extending condolences to her family. Mr. Letizio echoed same, noting he will always recall Ms. Sealock's insistence on the proper pronunciation of "WindHAM".

Mr. Sullivan noted that the revaluation is now complete, and the MS-1 has been submitted by Mr. Norman to the DRA. He extended thanks to Mr. Norman and Mrs. Zins for their efforts, as well as to administrative staff members who worked collaboratively to stuff approximately 6,000 letters to property owners with the results of KRT's evaluations.

Mr. Sullivan explained that approximately 300 informal hearing requests were received, and that KRT had finished up with those the previous Tuesday. He indicated that there had been a few requests received since, and those parties had been advised that while they are not able to meet with KRT, they can apply for an abatement after receipt of their December bill; adding they can also speak with someone in November once MRI becomes available.

Mr. Sullivan noted that, as is typical in a revaluation, 1/3 of our assessments increased, 1/3 decreased, and the remaining 1/3 remained level; adding that KRT had approximately 200 sales available for comparison. Mr. Sullivan explained that, typically, in a revaluation year the tax rate will decrease, and that \$60M in new values were picked up by KRT. Discussion ensued regarding the revaluation process and outliers which had been discovered during the review and corrected.

Mr. McLeod inquired who residents can contact if they still have questions, and Mr. Sullivan noted that the new tax cards will be available online, and Mrs. Zins can assist with questions. He urged property owners to pay their taxes even if they disagree with their assessment, in order to avoid 12% interest and penalties.

Mr. Letizio inquired as to the revised residential percentage of our tax base as a result of the revaluation, and Mr. Sullivan noted that it has reduced from 92.1% to 92.06%. Discussion ensued in that the new growth of \$60M was primarily residential in nature. Mr. Breton requested that staff put out a press release about the revaluation and results, and Mr. Sullivan replied in the affirmative.

LIBERTY UTILITIES: Mr. Michael Licata, Mr. William Clark, and Mr. Richard McDonald were present on behalf of Liberty to make the attached presentation to the Board; outlining Liberty's request to the PUC to expand their natural gas franchise into Windham. A pre-hearing conference regarding their request is scheduled for 10/28; and more information can be found by referencing project #DG-15362 at the PUC's website. Discussion ensued subsequent to the presentation, with the representatives fielding several questions, highlights of which included:

- Liberty advised that physical construction would take approximately 3 months, with start date being dependent on the PUC, and Liberty could come into Windham in the future from multiple angles via Derry and Londonderry.
- Liberty advised that there are methods for them to make natural gas available to the Gateway and/or Village Center Districts prior to the infrastructure reaching those areas.
- In response to inquiries from Ms. Peggy Huard of Pelham, Liberty advised that they are a customer of Kinder-Morgan as an anchor shipper on the pipeline; but this project is not contingent upon same. It was noted that, without the pipeline however, there will be a shortage in 2017.
- Mr. Pat Manzo of the Local Energy Committee advised that the latter has been working with Liberty. He noted the current lack of natural gas availability, the safe, cost effective and clean nature of natural gas, the lack of major disruption this project would involve, and the potential for significant benefits to the Town as reasons the LEC urges the Board to support this project.
- In response to questions from Ms. Julie Motson of Pelham, Liberty clarified that the bulk of the product would come from Mexico, with some from Pennsylvania as well. In addition, they advised that no additional compressor stations will be required.
- In response to inquiries from Mr. Bruce Witte, Autumn Street, Liberty clarified that, since filing with the PUC, their map has been amended as they learned of the Pennichuck paving project; reiterating their willingness to work with the Town.

Also, as it pertains to the timing of construction in relation to upcoming Eversource project, Liberty advised their start date will depend on the PUC approval, but potentially they can start the next construction season.

- Mr. Ralph Valentine, Telo Road, urged the Board to support this project and issue a letter to that effect.

Mr. Breton moved and Mr. McLeod seconded that a letter be sent to the PUC in support of Liberty Utilities' natural gas expansion. Brief discussion ensued, in which Mr. Desilets extended thanks to all and noted this would provide an excellent option for both residents and businesses.

Mr. Breton requested that our State representatives and Senator be cc'd on the letter of support, and the remaining members concurred.

Motion passed unanimously.

BEAUTIFICATION COMMITTEE: Mr. Sullivan advised that nine (9) individuals had expressed interest in serving, and that he would recommend the Board consider establishing two (2) committees and appointing all of the interested parties. Discussion ensued, and Mr. McLeod suggested that Mr. Sullivan go back and inquire of them which they would prefer to serve on, Route 111 or Town Center. Mr. Desilets expressed concerns regarding quorums on each.

Lengthy discussion ensued before Mr. Breton moved and Mr. McLeod seconded to make the following appointments:

Route 111 Beautification Committee: Mr. Letizio, Anthony Bernie, Jay Yennaco, Lisa Ferrisi, Kathleen DiFruscia, Bill DeLuca, and Laura Scott.

Town Center Beautification Committee: Kathleen DiFruscia, Maureen Spooner, Peter Griffin, Frank Farmer, Dave Poulson and Dave Sullivan.

Motion passed unanimously.

MUSEUM TRUSTEES: Mr. Sullivan advised that the current trustees had requested that the membership be expanded to five (5) regular and two (2) alternates; explaining that in 1995 the Trustees had been established as five (5), however historically only three (3) had been appointed.

After brief discussion, Mr. Desilets moved and Mr. McLeod seconded to increase the membership as requested. Mr. Sullivan advised that these available positions will be posted this week. Passed unanimously.

BID AWARD – TOKANEL TENNIS COURTS: Mr. Sullivan reminded the Board that, as these courts were constructed with the aid of Federal funds, the Town must maintain them in perpetuity. He then advised that the following bids had been received:

| Vendor | Repairs to Tennis Court | Repairs to Entrance to Court | Replace ALL Fencing | Replace SECTIONS of Fencing | Other |
|--------------------------------|-------------------------|------------------------------|---------------------|-----------------------------|--|
| | \$21,400.00 | \$2,000 | \$19,900 | \$600 | Repair cracks with Armor-Crack; additional \$4,300 |
| TRACKLITE SYSTEMS- Andover, MA | | | | | |
| Fences Unlimited-Windham NH | No Bid | No bid | \$14,612 | \$1,690 | Repair all fencing , excluding fence posts \$7,468 |

Mr. Sullivan noted that the Board could either:

- Reject the bids and rebid the project for this year, which he would not recommend;
- Reject the bids and rebid next year, reallocating the available 2015 budget dollars towards video surveillance improvements to several recreational properties planned for the 2016 Recreation Budget, or;
- Award the bid to Tracklite Systems for the repairs to the tennis court (\$21,400) plus the entrance to the courts (\$2,000), replacing the impacted sections of fence that are required to come down to remove stumps and trees (\$600), and repairing the cracks with Armor Crack (\$4,300). Total cost \$28,300.

He further explained that there is only \$20,000 budgeted, however, \$5,000 is available in recreation salaries and the balance of \$3,300 could come from either the Property Maintenance Trust or the Maintenance/Highway budget at year end.

Mr. Desilets requested a description of the current court conditions. Recreation Coordinator Cheryl Haas advised that they are in very poor condition, and must be repaired by 2016 or the Town will be required to pay the Federal Government \$27,000 for failure to keep the courts playable. She advised that the court was inspected in 2014, and the Town at that time was given two years to complete repairs. Brief discussion ensued regarding removal of brush on the Town’s property, which will be done, and that only fencing that is being disturbed by the project is being replaced.

Mr. Hohenberger inquired as to any warranty on the Armor-Crack, and discussion ensued in which it was clarified there was none. Mr. Desilets inquired when the project would be complete, and Mr. Sullivan advised it would begin in October barring weather, in which case it would be completed in the Spring. Further discussion ensued regarding brush and future oversight by Ms. Haas.

Mr. Desilets moved and Mr. McLeod seconded to, per staff and Recreation's recommendation, award the bid Tracklite Systems for an overall cost not to exceed \$28,300. Passed unanimously.

DONATIONS: As the donor, Mr. Letizio recused himself from the Board. Police Captain Mike Caron requested the Board formally accept the donation of two (2) 46" LG TV's from Mr. Letizio to the Police Department.

Mr. McLeod moved and Mr. Hohenberger seconded to accept with gratitude. Passed 4-0.

Mr. Letizio resume the Chairmanship and briefly explained that he felt this donation was the least he could do as a resident; given the excellent work by the Department in recovering these and other stolen items.

POLICY MATTERS: Mr. Sullivan advised that Mr. McLeod had asked that staff research statutes relating to Police operations and non-emergency responses. He noted that the Chief had looked into same and provided the Board with an extensive write-up, and that Town Counsel has also provided an opinion on the matter. Mr. Sullivan noted that the Chief was present to answer any questions the Board might have and that, moving forward, the intent was for all to have a better understanding. Discussion ensued in that the Department has a Pursuit Policy in place and the Chief is currently drafting another regarding response, and Mr. Desilets noted that the Pursuit Policy addressed many of his concerns and he felt it was a very comprehensive, excellent policy.

Mr. McLeod echoed Mr. Desilets' sentiments regarding the Pursuit Policy. He then noted that NH RSA 265:8 covers the authority of the department, and clarified that this discussion had been predicated by a minor vehicle accident involving a cruiser; adding he still had not received an adequate answer as to what the visual impairment had been. Mr. McLeod then went on to note the specific requirements of the RSA and relevant case law; noting the areas where he and Chief Lewis disagreed, particularly as it pertained to "emergency". Chief Lewis noted the use of "or" in the statutory language, which he interpreted as exclusionary; citing for an example the pursuit of someone who drives through a stop sign, which is not an emergency per se.

Lengthy discussion then ensued between Chief Lewis, Mr. McLeod and Mr. Desilets regarding the department's Pursuit Policy, the authority granted the department by the Statute, various response scenarios, and the cruiser-related incident. Chief Lewis clarified that the visual impairment noted on the incident report related to the fact the sign the officer had hit was mostly obscured by the cruiser itself.

Further discussion ensued, in which Mr. McLeod noted he felt a resolution had been reached although he was disappointed it had taken this long to do so. Mr. Desilets noted he believed the Statute was deficient, and should be amended to afford greater authority to departments as it pertained to such things as clandestine operations. Mr. McLeod concurred.

Mr. Sullivan then moved to the matter of the Town's sidewalk policy; which is currently to not maintain same. He reminded the Board that the current agreement with the State requires that the Town maintain all sidewalks upon completion of new ones, and advised they must determine what to do in the interim.

Mr. Breton suggested that the Fire Chief be asked to look into areas of potential safety issues, such as evacuation concerns, and that the Town maintain those areas. Mr. Desilets noted that, by next winter, the Town will be in possession of the maintenance responsibility anyway. He inquired whether cost estimates were available for the maintenance, and Mr. Sullivan confirmed that quotes had been received; adding that staff would not advocate buying equipment for same. He indicated that, as quoted, to plow the sidewalks at 2" depth for approximately 14 storms would cost \$51-53,000 for all sidewalks and the Griffin Park walkway; without the latter the cost would be \$32-\$37,000. Discussion ensued.

Mr. Desilets moved to instruct staff to bid the current and new sidewalks in their entirety for 2015; without Griffin Park. Mr. McLeod seconded for discussion, but asked that Mr. Desilets amend his motion to include Griffin Park. He noted that Griffin Park is a recreational asset to the Town, and plowing of same provides an opportunity for residents to get out more. Mr. Breton concurred.

Discussion ensued, and Mr. Desilets agreed to amend his motion to include Griffin Park. Mr. McLeod amended his second, as well.

Mr. Hohenberger expressed his opposition to sidewalk maintenance; feeling that the businesses could shovel same as they do in other communities. Discussion ensued.

Mr. Sullivan clarified that the quotes were based upon 2” of snow, to be completed 24 hours after the event is over.

Mr. Karl Dubay approached to inquire whether the Range Road sidewalks would be included, and Mr. Sullivan replied any constructed by the State are included. Mr. Dubay suggested that Griffin Park be scoped out differently, and a discussion ensued. Mr. Dubay expressed his agreement with Mr. Hohenberger, and Mr. Sullivan explained that Town Counsel has reviewed this and the Town must assume the maintenance.

After further discussion regarding the specifications, Griffin Park, and the areas in question, the motion passed 4-1, with Mr. Hohenberger opposed.

Further discussion ensued, and Mr. Letizio inquired whether the Board would not be drafting a policy for same. Mr. Sullivan replied in the negative; rather the Board will need to amend the existing maintenance policy to include the sidewalks as discussed.

After further discussion Mr. McLeod moved and Mr. Desilets seconded to amend the policy accordingly. The need for posting was noted, and the motion was withdrawn.

Mr. Sullivan then noted that he had provided the Board with a proposed ordinance regarding use of the Town seal which, if the Board chose, would be presented to the voters in March. Discussion ensued, with members expressing concerns regarding the draft as written and the restrictions.

Mr. Desilets moved and Mr. McLeod seconded to move the Ordinance to the Town warrant. Motion failed 0-5.

FORMER ROUTE 111 DISCONTINUANCES – Mr. Sullivan advised that staff would recommend the Board not proceed with discontinuing as a whole those sections of the former Route 111 given the high cost involved to do so; adding that Mr. Dubay had provided the Town with a very valuable resource by detailing these areas, at no charge. Mr. Sullivan noted that Ms. Scott had several recommendations in the Village Center District that the Board may wish to send to Town Meeting; or they can do each on a case by case basis with the cost borne by the applicant.

Ms. Scott approached and clarified that there are nine (9) she would recommend, and indicated that she is willing to work with Mr. Sullivan to draft letters to the owners regarding same.

Mr. Hohenberger moved and Mr. Desilets seconded that staff proceed. Mr. Sullivan clarified that he would want Town Counsel to proceed and the applicant’s pay the related costs.

Passed unanimously.

Thanks were extended to Mr. Dubay for his efforts.

OLD/NEW BUSINESS: Mr. Sullivan advised that he had looked into the Board’s concerns regarding acceptance by Conservation of the donation of open space land from the Wood Meadow subdivision. He indicated that his research had revealed that such donations are actually encouraged in our Zoning Regulations, and that as it pertained to tax impacts these would be nominal as the open space is generally attributed to the individual lots.

After a brief discussion, Mr. McLeod moved and Mr. Hohenberger seconded to approve the Conservation Commission's acceptance of approximately 95 acres of open space land granted to them as part of the Wood Meadow subdivision. Passed unanimously.

Mr. Sullivan advised that he had negotiated with MRI to bring in a Senior Assessor at a cost of \$75/hour for one day per week. After brief discussion, Mr. Desilets moved and Mr. McLeod seconded to approve contracting with MRI as described. Passed unanimously.

Mr. Sullivan noted that the Board must make a final recommendation on Article 1 of the Special Town Meeting or, alternatively, take a formal vote to not include a recommendation on same.

Mr. Desilets moved and Mr. Hohenberger seconded to "recommend" article 1. Motion passed 4-1, with Mr. McLeod opposed as he felt it could have waited until March.

CORRESPONDENCE: Mr. Sullivan noted the Town had been awarded a grant via the NH State Council for the Arts; which will be used towards another window at the Searles facility. He advised that the Board must adopt the following resolution to proceed: *"Be it resolved that [David Sullivan] is hereby authorized on behalf of this Corporation to enter into contracts with the State of New Hampshire and to execute any and all documents, agreements and other instruments, and any amendments, revisions, or modifications thereto, as (s)he may deem necessary, desirable or appropriate."*

Mr. McLeod moved and Mr. Hohenberger seconded to adopt the resolution as read. Passed unanimously.

MINUTES: Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of 9/14 as written. Passed unanimously.

Mr. Desilets moved and Mr. Hohenberger second to approve the minutes of 8/24 as written. Passed 3-0-2, with Mr. Breton and Mr. Letizio abstaining due to absence.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan advised that the Board will consider amendments to the Town Hall Use Regulations on the 19th.

NON-PUBLIC: Mr. McLeod moved and Mr. Hohenberger seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and e. Passed unanimously. Roll call vote all "yes".

The Board, Mr. Sullivan, Chief Lewis, Captain Caron, and Ms. Devlin were in attendance in the first session. Mr. Hohenberger moved and Mr. McLeod seconded to hire the recommended candidate for the vacant dispatcher position. Passed unanimously.

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

Mr. Sullivan discussed a legal matter with the Board. No decisions were made.

Mr. Letizio resumed the public portion of the meeting at 10:43 PM.

Mr. McLeod moved and Mr. Hohenberger seconded to accept the resignation of Jacob Tarrelian, Passed unanimously.

Mr. McLeod moved and Mr. Desilets seconded to accept the resignation of Records Clerk Amanda Jiminez with regrets. Passed unanimously.

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

Meeting was adjourned at 10:45 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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



Liberty UtilitiesSM



Liberty Utilities Natural Gas Franchise Windham

October 5, 2015

Speakers

Michael Licata

Director, Government and Community Relations

William Clark

Business Development Professional

Richard McDonald

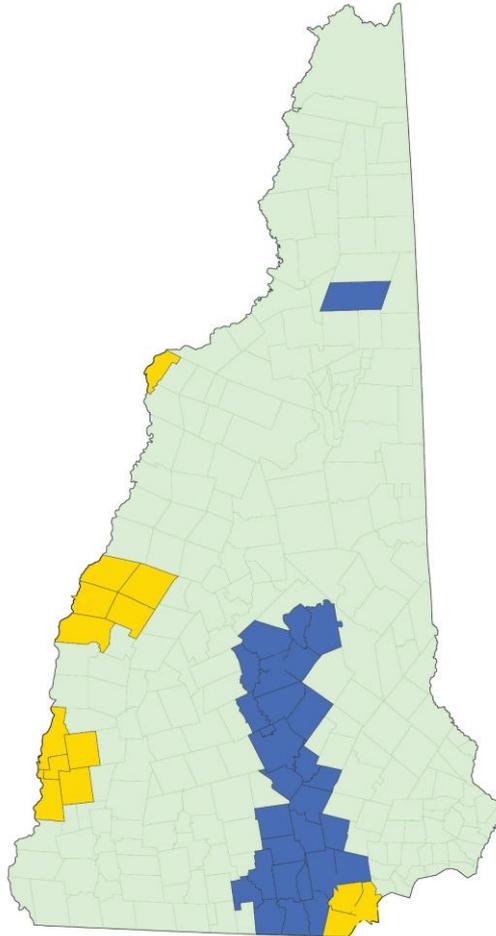
Director, Gas Operations

Agenda

- Overview of Liberty Utilities
- Natural Gas Comparison
- Costs
- System Buildout
- Outreach
- Safety
- Engineering & Operations
- Next Steps
- Questions

Liberty Utilities New Hampshire

- Electric distribution company serving 21 communities, including Windham
- 43,000 customers in New Hampshire, 700 in Windham
- Corporate Headquarters and Customer Service center located in Londonderry
- Operations and Customer Service facility located in Salem



- Largest gas utility in New Hampshire, serving 90,000 customers
- Serves 31 communities with Natural Gas
- Propane and Liquefied Natural Gas (LNG) facilities, located in Nashua, Manchester, Concord and Tilton
- 24/7 Emergency, Dispatch and Control Center located in Londonderry

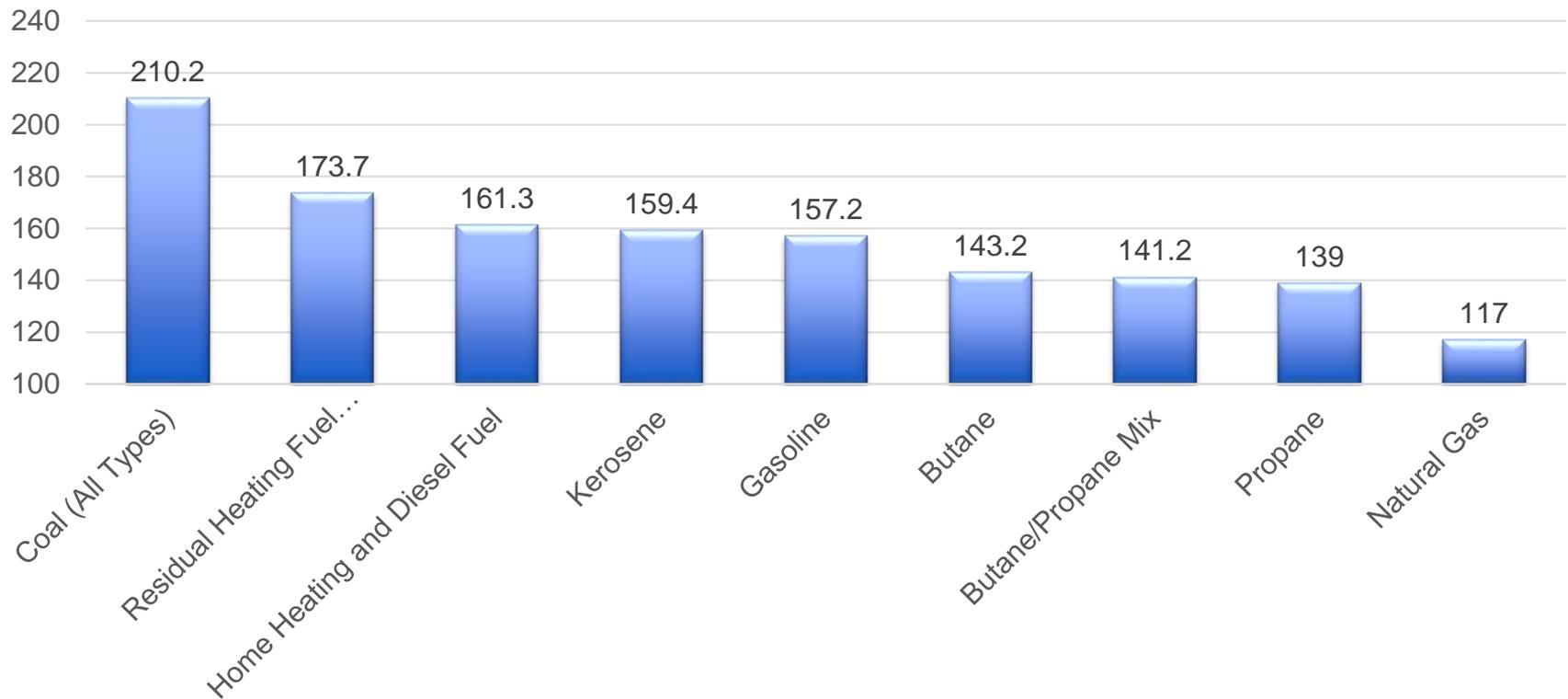
Natural Gas vs Other Fuels

- Using natural gas for heating and manufacturing processes releases less carbon dioxide than other fuels
- Displace usage of oil and propane for home and commercial heating



Natural Gas vs Other Fuels

Pounds of CO2 Per Million Btu



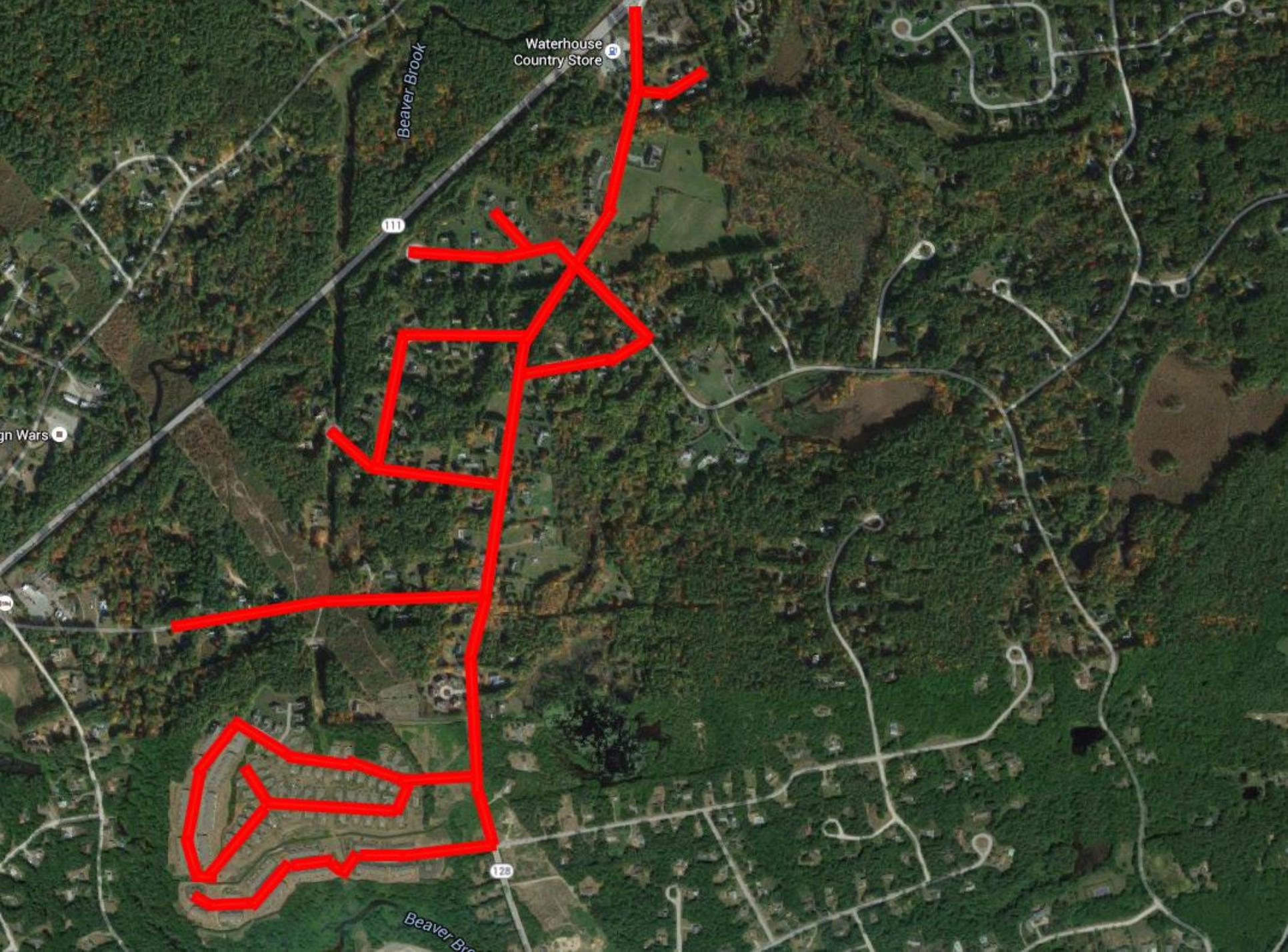
Costs

- New customers will be treated the same as all other EnergyNorth customers. Line extension policy, Cost of Gas rate and delivery rate
- Gas operations center located on Bridge Street in Nashua
- Customer walk-in centers on Buttrick Road in Londonderry and Lowell Road in Salem

Natural Gas vs Other Fuels

- Safe
- Reliable
- Low cost
- Convenient

| Current Heating Fuel Values - Updated September 9, 2015 | | | |
|---|---------------|-----------------------------|-----------------------|
| Fuel Type | Price/Unit | Heat Content Per Unit (BTU) | Price Per Million BTU |
| Fuel Oil (#2) | \$2.23/Gallon | 138,690 | \$16.05 |
| Propane | \$2.54/Gallon | 91,333 | \$27.79 |
| Kerosene | \$3.07/Gallon | 135,000 | \$22.75 |
| Natural Gas 1st Tier (<20 Therms) | \$0.78/Therm | 100,000 | \$7.84 |
| Natural Gas 2nd Tier (>20 Therms) | \$0.72/Therm | 100,000 | \$7.24 |
| Wood (Bulk Delivered Pellets) | \$251.38/Ton | 16,500,000 | \$15.24 |
| Wood (Cord) | \$325/Cord | 20,000,000 | \$16.25 |
| Electricity | \$0.14/kwh | 3,412 | \$41.55 |



Beaver Brook

Waterhouse
Country Store

11

gn Wars

123

Beaver Bro

Liberty Sales Team

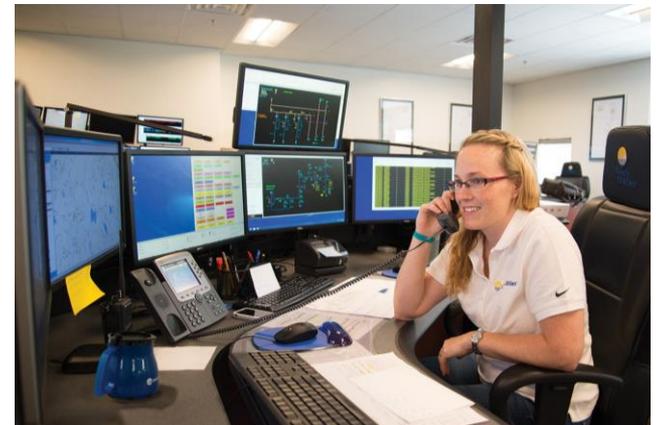
- Located in Manchester
- Dedicated staff of 10 representative ready to speak with you about the benefits of converting your home or business to natural gas

We Make the Process Easy

- Energy efficiency rebates will be available
 - Incentives for installing qualified energy savings products
 - Turnkey solutions to identify savings opportunities
 - Education and workforce training
 - NHSAVES.COM to review current programs available for both electric and gas customers
 - Financing programs will be available for new gas customers
 - Contractor Referral Program
-

Safety

- Compliance with Federal & State Requirements
 - Liberty Utilities Operation and Maintenance Specifications
- Qualifications
 - Contractors & Liberty Employees
- Traffic Control & Public Safety
- Emergency Response
 - Monitoring and response 24/7
- 2012 AGA Safety Achievement Award
 - Lowest reportable motor vehicle accidents



Engineering & Operations

- Engineering Objectives
 - Building good relationships with state & local municipalities
 - Gas Operations support
- Construction Practices
 - Gas line installation requirements
 - Permitting / restoration
- Operating Specifications
 - Line pressure
 - Pipe size & material



Next Steps

- Continued Outreach
 - Meetings and outreach with potential customers
 - Additional presentations to municipal officials, town boards, chambers of commerce
 - Regulatory Approval
 - Public Utilities Commission Docket [DG 15-362](#)
 - Work with Municipal Officials
-

Questions

