

**BOARD OF SELECTMEN**  
**Minutes of November 4, 2013**

**CALL TO ORDER:** Chairman Phil LoChiatto called the meeting to order at 7:00 PM. Selectmen Al Letizio, Kathleen DiFruscia and Roger Hohenberger were present; as well as Town Administrator, David Sullivan and Assistant Town Administrator, Dana Call. Selectmen Ross McLeod was excused. Mr. LoChiatto opened with the Pledge of Allegiance.

**NON-PUBLIC SESSION:** Mrs. DiFruscia moved and Mr. Hohenberger seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c, all members – yes. The topic was reputations. The Board, Mr. Sullivan and Chief Lewis were in attendance. No decisions were made.

**PUBLIC SESSION RESUME:**

**ANNOUNCEMENTS/LIAISON REPORTS:** None.

**RIGHT OF WAY BOND** – Mr. Letizio moved and Mr. Hohenberger seconded to approve a right of way permit for work on Oakwood and Hemlock Roads contingent upon receipt of a \$10,000 bond and proof of insurance. Passed unanimously.

Mr. Sullivan stated that at the October 21, 2013 meeting the Board had approved a bond release for Londonbridge Road Trenching in an amount up to \$5,000 and the amount which needed to be released is \$6,000. Mrs. DiFruscia moved and Mr. Hohenberger seconded to reconsider the above release. Passed unanimously. Mr. Letizio then moved to approve the bond release for Londonbridge Road Trenching in an amount of \$6,000. Mrs. DiFruscia seconded. Passed unanimously.

**MINUTES:** Mr. Letizio motioned and Mrs. DiFruscia seconded to approve the minutes of October 7<sup>th</sup> and 21<sup>st</sup>. Mr. Hohenberger stated that he wanted to amend the minutes of October 21 to add under the 2014 budget discussion, first paragraph, fifth line after “as such. Mr. Hohenberger suggests the increase in the budget be held to 2.5%.” Mr. Hohenberger also amended under 2014 Budget discussion second paragraph to strike the second sentence. Motion passed unanimously as amended.

**DONATION ACCEPTANCE:** Fire Chief Thomas McPherson stated that Naults of Windham is donating a Lighting Balloon to the Fire Department which will be used at accidents and other incidents and noted that it can light up to 16,000 square feet. The donation was coordinated by George Skaperdas of Naults and Doreen Demone, Naults Business Administrator. Mr. Skaperdas spoke on behalf of Dick Nault and his wife Karen, stating that they were pleased to donate and give back to the Town. Mr. LoChiatto thanked the Nault family for their generosity to the Town. Mr. Letizio moved and Mrs. DiFruscia seconded to accept the balloon light with gratitude. Passed unanimously.

**FIRE DEPARTMENT:** Fire Chief Thomas McPherson asked the Board’s permission for the department to apply for a federal grant for a piece of fire apparatus to replace Engine 2 – the ladder truck. The grant must be filed by December 6, 2013 and allows for the federal government to pay 95% of the cost leaving the Town only responsible for 5%.

The Chief explained that the present truck was donated to the Town and was manufactured in 1980. It was donated to the Town in the 90’s. The CIP has a replacement truck approved in their plan as

presented. In August of 2013, the Fire Department formed a committee to ascertain the needs for the truck. The committee consisted of Lt Delaney, FF Zins, DeMarco, Sliver, Hildebrandt and Deputy Chief Morgan. The committee recommends writing the grant for a Quint truck at a cost of \$850,000 which includes purchase, outfit and personnel training. The estimated Town's portion would be \$45,000.

Deputy Fire Chief Morgan gave the Board a history of the repairs that have been made to the truck and those that need to be done. He stated that the truck is over 30 years old and has safety issues. Mrs. DiFruscia asked what would happen if we do not get the grant. The Chief stated they would keep evaluating the truck, make repairs or take it out of service.

Mr. Letizio motioned and Mrs. DiFruscia seconded to support submission of the grant for the Quint. Passed unanimously.

**HIGHWAY SAFETY COMMITTEE:** Police Chief Gerald Lewis addressed the parking issues on Roulston Road and traffic and safety issues at Depot Road. The Chief explained that the Police Department does not have the resources to have a constant presence in the Trail area. He stated that cars are being parked on Roulston Road which is a safety hazard and speed is a problem on Depot Road. The Chief stated that the Trail is a great resource and widely used. Parking has become a real issue and asked what happened to the planned parking area behind the old Rogers Auto facility. Mr. Sullivan stated that the matter is held up at the State level as the State owns that land. Mr. Letizio volunteered to work with the State to get approval to use this land for parking. Mr. Samsel stated that if this land is acquired, the Town would need to build access to the trail itself.

The Board members questioned Chief Lewis as what could be done to address the speed and safety issues on Depot Road and its intersection at North Lowell Road. The Chief stated that it would probably involve engineering and road changes.

Wayne Morris suggested portable speed bumps and a cross walk at Roulston Road. Mr. Samsel suggested a sidewalk on Depot Road. Mr. Hohenberger stated that he thought proper signage and crosswalks would work well. Mr. Magnon suggested that the intersection be narrowed and was concerned about the parking lot, safety of people walking on Depot Road and proposed church exits.

**IMPACT FEE UPDATE:** Dana Call, Assistant Town Administrator, presented the Board a revised total of Uncollected Public Safety impact fees is \$17,831 or 11 lots. Mrs. Call explained the breakdown of this is \$11,347 (7 lots) not collected due to lack of understanding that grandfathering had expired; and \$6,484 (4 lots) that were not collected due to oversight.

Mrs. DiFruscia asked Mrs. Call for further explanations on specific properties (shown on a spreadsheet provided by Mrs. Call). Mrs. Call explained that some discrepancies were human errors, some properties were grandfathered and others may have had arrangements made by the Planning Board.

Mr. Sullivan discussed with the Board the 2009 decision relative to updating the school impact fee from \$3400 to \$3436 and requested direction in how far back the Board wanted the review to go in terms of possible refunds. After discussion by all Board members and Mr. Sullivan, it was agreed that a further review would be done by staff in January to determine if there was under or over payments made.

Mrs. DiFruscia stated that process is very important and it concerns her why mistakes were made and how the process will be corrected in the future. Mrs. Call stated that she is now tracking with all building permits and they are marked as to whether impact fees are applicable.

Resident, Robert Coole, stated that the lost revenue bothers him and no one is being held accountable.

Resident, Allan Carpenter, asked the Board to vote to release a packet on this matter, including letters from Town Counsel. Mr. Hohenberger moved and Mrs. DiFruscia seconded to release the information requested. Passed unanimously. Mr. Carpenter further asked the Board why impact fees were not collected on seasonal property conversions. Mrs. Scott had told Mr. Sullivan that impact fees were not collected in the past but are now. Mr. Hohenberger stated that in the past fees were not due for seasonal conversions.

Resident, Ruth Ellen Post, stated that she is very happy that the Board now has a new system to track these fees and thanked Mrs. Call for all her work on this. She gave the Board some suggestions for going forward to protect the Town and improve reporting and collections of fees due.

Resident, Pat Nysten, thanked staff for their work to correct this in the future and to make sure that process is rock solid. He further suggested third party consultants be hired to do a total review and see if anyone had overpaid that they be refunded and that there are no questions moving forward. Mr. Carpenter agreed that a third party review should be done.

Mr. Sullivan stated that the errors were human errors by staff.

Resident, Vanessa Nysten, noted that the information Mr. Sullivan and Mrs. Call reviewed was received from Ms Scott, Community Development Director, and questioned if it was correct. Mr. Sullivan replied that he felt the data was correct based on both his and Mrs. Call's review, but that he had no problem with an outside review. The problems that lead to not collecting certain fees, have been addressed and will be corrected in the future.

Mr. Sullivan also told the Board that school impact fees have not yet been reviewed in detail as where the public safety fees but will be done in January (presently he and his staff are busy with budget preparations).

Mr. Hohenberger noted that the Town cannot go back and collect on errors, the issues are understood now and there is a good new process moving forward and questioned the value of a third party audit. Mr. Nysten felt that if people had overpaid a third party audit would be justified. Mrs. DiFruscia stated that she is concerned but is confident with Mr. Sullivan and Mrs. Call's work, but with the public expressing concern she would consider a third party audit after reviewing the report on the school fees in January. Mr. Letizio also agreed to wait until school audit is complete. He asked Mr. Sullivan to get an estimate for a review.

Mr. Sullivan asked the Board what the scope of the review would be as it would be difficult to get an estimate without a definite scope. Mrs. Call stated that she could check with Londonderry regarding their recent review.

**POLICY COMMITTEE:** Mr. Sullivan told the Board that the proposed *Bullying Policy* has been removed from the agenda as PRIMEX (insurance provider) is in the process of reviewing it.

*Citizen Complaint Policy* – The Board reviewed the proposed Citizen Compliant Policy – Mr. Sullivan noted that Mr. McLeod was not present but had reviewed the policy and gave comments regarding anonymous complaints. Mr. Sullivan stated he does listen to anonymous complaints on employees and does investigate but he uses the “lesson learned” concept.

Mr. Hohenberger asked how we can accommodate the “timid” residents and still address their complaints. Mrs. DiFruscia agreed with Mr. Hohenberger and suggested the term “lesson learned” be removed from the policy. Mr. Letizio stated that it is an excellent point that “timid” persons be heard but employees also be treated fairly.

Mr. Sullivan stated that the policy is for signed complaints but the anonymous complaints will be looked into also. Mr. Sullivan suggest adoption with the following changes:

1. No anonymous complaints – by striking the words “including those from citizens wishing to remain anonymous” from the last paragraph in Section II
2. Striking the second sentence in Section IV E. “Should they refuse, advise the complainant of the “lesson Learned”, non-punitive outcome”
3. Changing Section X to read “This policy shall be effective upon the vote of the Board.”

Mr. Letizio moved and Mr. Hohenberger moved to accept the policy as written with Mr. Sullivan’s changes as described above. Passed unanimously.

**BUDGET WORKSHOP SESSION:** The Board discussed the proposed budget workshop schedule and agreed to start with it and adjust or shorten as needed.

**HIGHWAY GARAGE SITE VISIT:** The Board agreed to meet at the Highway Garage on Saturday, November 9<sup>th</sup> at 8:00 am to review proposed site improvements.

**OLD BUSINESS:** The Board signed the “Intermunicipal Agreement For Winter Road Maintenance Between The Towns of Derry And Windham, New Hampshire” relative to 200’ of Nathan Road within the Spruce Pond Development.

**ADJOURNMENT:** Mr. Hohenberger motioned and Mr. Letizio motion to adjourn. Passed unanimously. Meeting adjourned at 10:10 pm.

Respectfully submitted,

Kathleen Davis  
Human Resources Coordinator

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

