

SELECTMEN'S MINUTES
December 28, 2004 Year-End Meeting

MEMBERS PRESENT: Chairman Alan Carpenter, Chris Doyle, Galen Stearns, Roger Hohenberger and Bruce Breton were present. David Sullivan, Town Administrator, and Dana Call, Finance Director, were also in attendance. Meeting commenced at 4:00 pm.

ANNOUNCEMENTS: Mr. Sullivan wished everyone a happy and safe holiday. Don Messier, Fire Chief, announced that the Town has been awarded a \$225,000 90/10 matching grant (Town's portion is \$25,000) from the Department of Homeland Security for the purchase of a tanker truck. The Board congratulated Chief Messier on a job well done in obtaining the grant.

Mr. Mike Carchia, representing the Windham Community Band, read a letter to the Board discussing the background of the band and its involvement in community activities, including the Town's annual Christmas Tree lighting ceremony, and the need for improved communication between the band, the Town and the Recreation Committee to ensure future events continue to be successful.

LIASION REPORTS: Mr. Breton announced the upcoming meetings for the Planning Board including a public hearing on January 4, 2005 to discuss the proposed zoning amendments with a second public hearing scheduled for January 18, 2005 if necessary, a workshop on January 12, 2005 and a Master Plan goals meeting on January 26, 2005.

BUDGET WORKSHOP: The Board announced the public hearing for the Town budget and warrant is scheduled for January 13, 2005, with a second public hearing scheduled for January 17, 2005 if necessary.

The Board revisited a previous Fire budget workshop discussion regarding the \$30,000 the department requested to outfit the tanker with required equipment, now that the grant has been confirmed. After discussion regarding the use of donated funds, Mr. Breton motioned to withdraw \$55,000 from the funds already collected in the Rt. 28 Emergency Response Fund and apply \$25,000 to cover the Town's portion (10%) of the tanker grant and \$30,000 to purchase the required equipment for the tanker. Mr. Doyle seconded and the motion passed 5-0. Mr. Stearns then motioned to apply the balance in the Rt. 28 Emergency Response Fund, as of December 31, 2004, to offset the cost of the Fire forestry truck that is currently being funded through the CIP. Mr. Hohenberger seconded and the motion passed 5-0.

The Board then revisited the Fire overtime budget and discussion ensued regarding the Chief's request to reinstate \$28,000 that had been reduced in a previous workshop as a result of adding two new firefighters to the budget, after those firefighters were removed at a subsequent workshop. Mr. Stearns made a motion to reinstate the overtime budget to the department's original request of \$208,320 from \$180,140. Mr. Doyle seconded and the motion failed 2-3, with Mr. Doyle, Mr. Breton, and Mr. Hohenberger opposed.

The Board then discussed the Special Revenue Fund for the Griffin Park multi-purpose building and consensus was to leave the language as proposed. Mr. Breton then requested that the Board restore \$3,300 in the Police department budget for training on Tasers, and no motion was made. Mr. Doyle then motioned to move the budget as presented forward to the public hearing. Mr. Stearns seconded and the motion passed 5-0.

MINUTES: A discussion was held on all minutes that had previously been sent to the Selectmen for review. Mr. Stearns motioned to approve the minutes of November 1, 2004, November 8, 2004, November 9, 2004, November 15, 2004, November 22, 2004, November 29, 2004, November 30, 2004, December 6, 2004 and December 9, 2004 as presented. Mr. Hohenberger seconded and the motion passed 5-0. Mrs. Call then noted that one meeting previously approved had been mislabeled as November 16, 2004 but should have been November 18, 2004 (there was no meeting on November 16, 2004). Mr. Doyle motioned to approve the November 18, 2004 minutes with the revised date. Mr. Stearns seconded and the motion passed 5-0. Mr. Breton and Mr. Doyle then noted two changes that needed to be made to the December 13, 2004 minutes. Mr. Breton motioned to approve the December 13, 2004 minutes as amended. Mr. Doyle seconded and the motion passed 5-0.

NEW BUSINESS: Gail Webster, Cemetery Trustee, presented several bids and quotes for upcoming projects at the Cemeteries. To construct a fence at the Cemetery on the Hill, only one bid was received from Figlioli Welding of Hampstead, NH for \$5,500. Mr. Stearns motioned to award the bid to Figlioli Welding for \$5,500. Mr. Breton seconded and the motion passed 5-0.

Ms. Webster discussed three additional projects planned for early 2005 with funding to come from the 2004 budget. The first is a hydroseeding project for all cemeteries, for which several vendors were contacted but only one submitted a quote for \$4,000. Mr. Breton noted that the Town's two landscaping contractors should be contacted for a price on the hydroseeding project. The second project is a stone and brush removal project to prepare for the fence construction, and again several vendors were contacted with two submitting quotes for \$1,800 and \$2,100. The last project is to fix and put barriers up at the corners of the cemeteries, and again several vendors were contacted with two submitting quotes for \$1,500 and \$1,800. Mr. Stearns motioned to award the contract to fix the corners of the cemeteries for a price not to exceed \$1,500. Mr. Hohenberger seconded and the motion passed 5-0. Mr. Stearns then motioned to award the hydroseeding contract for a price not to exceed \$4,000. Mr. Doyle seconded and the motion passed 5-0. Mr. Stearns then motioned to award the contract for stone and brush removal for a price not to exceed \$1,800. Mr. Doyle seconded and the motion passed 5-0.

Mr. Doyle motioned to reconsider the previous motion on hydroseeding. Mr. Hohenberger seconded and the motion passed 5-0. After discussion regarding the time of year and lack of contact with the Town's landscaping contractors, Mr. Stearns withdrew his previous motion regarding the hydroseeding project and the project will be addressed again in 2005.

Dave Poulson, Transfer Station Manager, discussed the bids received for the Lead Remediation project at the old Police Station site. The bids were as follows:

DL King & Associates, Nashua, NH	\$7,850.00
Clean Harbors, Bow, NH	\$8,624.00
EPI, Gray, ME	\$6,034.00
TMC, Bellingham, MA	\$11,500.00
Enpro, Newburyport, MA	\$4,952.44
Marcor, Wilmington, MA	\$7,900.00

Mr. Stearns motioned to award the bid to Enpro, Newburyport, MA for \$4,952.44. Mr. Breton seconded and the motion passed 5-0.

Bruce Moeckel, Police Chief, discussed the proposed purchase of a traffic enforcement trailer out of the 2004 budget. Due to the specialized nature of the equipment, Chief Moeckel requested that the bid process be waived and he be allowed to work with two specialized vendors. Mr. Stearns motioned to waive the bid process for this specialty item, however, there was no second.

Mr. Sullivan addressed several other items for which the Town has entered into contracts or purchase orders as of December 31, 2004, requesting the funds be carried over from the 2004 budget including Senior Center renovations and Munis training. Mr. Doyle motioned to approve carry over of \$7,828 for completion of the senior center project. Mr. Stearns seconded and the motion passed 5-0. Mr. Stearns motioned to approve carry over of \$5,350 for Munis training. Mr. Hohenberger seconded and motion passed 5-0.

Mr. Sullivan then discussed the results of the recent IRS audit, which reviewed the Town's payments for the year 2003 for payroll, vendors, employee reimbursements, etc. and the related IRS forms completed by the Town for that year. Discussion ensued regarding the types of violations found by the IRS auditor, including a few cases in which forms 1099 were not submitted to vendors, several cases in which forms 1099 were submitted but the vendors should have been treated as employees, and several cases of employee reimbursements which should have been treated as taxable fringe benefits. Although the IRS auditor found that the Town was generally in compliance with IRS rules and regulations, the few violations found could amount to up to \$22,000 in penalties. Mr. Hohenberger motioned to carry over \$22,000 from the 2004 administration budget to pay the IRS penalties, and if the entire \$22,000 is not needed, the remainder is to lapse to the general fund balance. Mr. Stearns seconded and the motion passed 5-0. Discussion then turned to one of the cases of taxable employee fringe benefits. The

Town's Highway Agent, Jack McCartney, currently drives the Town's pickup truck to and from his personal residence due to the need for him to be on call 24 hours a day. Unlike Police and Fire personnel, which are exempt from the IRS regulations, the value of this benefit needs to be included in the Highway Agent's Form W-2 as non-cash taxable wages. Mr. Sullivan noted that the tax effect to the employee for 2004 will be approximately \$300 and suggested that, for at least 2004, the Town increase Mr. McCartney's wages by that amount because this was not anticipated. Mr. Stearns motioned to increase the employee's pay to cover the additional taxes for 2004, at approximately \$300, and allow him to choose for future years to pay the additional tax or leave the vehicle at the Town offices. Mr. Hohenberger seconded and the motion passed 4-1 with Mr. Breton opposed.

Mr. Sullivan discussed a tax abatement requested by the Town Assessor for \$262.70. Mr. Doyle motioned to approve the abatement as requested. Mr. Breton seconded and the motion passed 5-0.

NON-PUBLIC SESSION: Motion by Mr. Doyle and seconded by Mr. Breton to enter into non-public session in accordance with RSA 91-A:3,IIa, b. Roll call vote: all members "yes". The subjects of discussion were Personnel, Reputations. The Board, Mr. Sullivan, and Chief Moeckel were present for the first session on Personnel. The Board and Mr. Sullivan were present for the second session on Personnel and the session on Reputations.

Personnel: Mr. Doyle moved to hire the candidate for police officer as recommended by Chief Moeckel pending physical and background checks Mr. Stearns seconded. Passed unanimously.

Second Personnel: The Board and Mr. Sullivan discussed the Police Chief process and candidates for the position. No decisions made.

Reputation: Mr. Doyle moved to approve a tax deferral for the elderly. Mr. Hohenberger seconded. Passed unanimously.

Meeting adjourned at 6:30 pm

Respectfully submitted,

Dana Call
Finance Director

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