

BOARD OF SELECTMEN
Minutes of June 8, 2009

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Roger Hohenberger, and Charles McMahon were present, as was Town Administrator David Sullivan. Selectman Ross McLeod was delayed and arrived at 9:05 PM. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McMahon reminded all that Festa-Ball was scheduled for June 13th from 8A to 6P at Griffin Park. He indicated that, once again, the WBSL would be collecting food for the Shepard's Pantry in lieu of admission.

Mr. Breton noted that Rockingham Park was celebrating its 103rd year, and that season passes were being made available through the Town Recreation department. Those interested in obtaining one should contact Recreation Coordinator Cheryl Haas for more information.

LIAISON REPORTS: None.

MINUTES: None.

CORRESPONDENCE: Bond release/Cobbetts Pond Plaza/Ralph Glynn: Mr. McMahon moved and Mr. Hohenberger seconded to release the bond in the amount of \$58,937.50, retaining zero. Passed 4-0.

Bond release/Duston Road/H&B Homes: Mr. Hohenberger moved and Mr. McMahon seconded to approve the release of \$7,630, retaining \$40,012. Passed 4-0.

Bond release/Northland Road/H&B Homes: Mr. McMahon moved and Mr. Breton seconded to approve the release of \$1,911, retaining \$58,524. Passed 4-0.

Brief discussion ensued regarding the small amount of funds released for Northland Road and possible implementation of a policy to establish minimum amounts in light of the costs involved to generate bond releases.

DONATION/GRIFFIN PARK TREE: Recreation Coordinator Cheryl Haas approached to advise that the MOM's Club of Windham had planted the previously approved tree at Griffin Park approximately 10 days ago. She noted the cost of the tree was less than \$200, and requested the Board accept the donation accordingly.

Mr. McMahon moved and Mr. Breton seconded to accept the gracious gift of a weeping cherry tree from the MOM's Club of Windham. Passed 4-0.

OLD/NEW BUSINESS: Mr. Sullivan advised the Board that the blasting contractor for the Londonbridge Road project had submitted all their permit applications and related data, and had inquired about a waiver of Section V, C, 10 of the Blasting Ordinance which pertains to submission of certain information to the blasting agent two (2) weeks prior to the start of blasting.

Discussion ensued regarding notifications to the area residents who had previously had issues as a result of blasting, which Mr. Hohenberger felt should be provided to include the start date and duration of blasting.

Mr. Sullivan clarified that such notifications would be beyond the requirements of the ordinance, but that staff could arrange for them to be sent out to those same individuals included in the conditional layout process.

After further, brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to waive Section V, C, 10 as requested; and that staff notify area residents as discussed and notice be posted in the local paper. Passed 4-0.

Mr. Sullivan advised that a request had been received from the Rockingham Planning Commission to utilize the Searles facility for their regional meeting at no charge. Mr. Hohenberger moved and Mr. Breton seconded to approve the request. Passed 4-0.

Mr. Sullivan inquired whether the Board would consider waiving any permit/Planning Board fees relative to an ongoing Helping Hands assistance project. Mr. Hohenberger moved and Mr. McMahon seconded to waive all related fees as described. Passed 4-0.

METAL RECYCLING: Mr. Poulson advised the Board that he had received a proposal from LL&S/Gateway Resource Recovery to establish a metal exchange program, which could reduce the station's operational budget by eliminating costs related to pull, drive time, fuel, wear/tear, etc., and would also eliminate the need to purchase a new trailer at an estimated cost of \$65-75K in 2010. In addition, DeVito Trucking has offered \$3,500 in salvage value for the current trailer.

Mr. Poulson explained that, under the program, LL&S will provide a driver, pull, and trailer at no cost to the Town in exchange for the majority of our metal value. He noted that, when the market price exceeds \$79/ton, Gateway will reimburse a percentage per ton and, conversely, should the market drop below \$70/ton it will have no impact on the hauling agreement.

Mr. Hohenberger inquired whether Mr. Poulson could negotiate the agreement to read if the market drops below \$79/ton it will not affect the agreement, to which Mr. Poulson replied in the affirmative.

Mr. McMahon expressed concerns that recycling remains a source of revenue and, when factoring everything together, the Town would lose approximately \$8,500 annually. Discussion ensued regarding the need to replace the existing trailer in 2010, and that it would take approximately 5 years to pay off the cost of the trailer through metal revenues. Mr. Poulson indicated he was endeavoring to look at the savings from the opposite perspective, noting this agreement would also free up one of the drivers at the Station.

Further discussion ensued regarding the current success of the metal recycling program overall and the net revenue per week, which Mr. Poulson noted was approximately \$43. Mr. Sullivan inquired what the term of the agreement would be, and Mr. Poulson replied that would be determined at the Board's discretion. Mr. Sullivan noted that, if the contract were a minimum of five or six years, then it could forego the taxpayer impacts of a new trailer.

After further, brief discussion Mr. Breton moved and Mr. Hohenberger seconded to approve the metal exchange proposal as written and to authorize Mr. Poulson to work with Mr. Sullivan to draft terms in the best interest of the Town.

Mr. McMahon felt the Board should wait to make a decision on this matter until the agreement is drafted. Discussion ensued, and Mr. Breton withdrew his motion and asked that Mr. Poulson draft a contract for the Board's review.

Lengthy discussion ensued, and it was the consensus of the Board that Mr. Sullivan and Mr. Poulson work to draft a contract and cost analysis to include driver costs and tonnage prices for the Board's review and discussion at a future workshop session.

DONATION ACCEPTANCE: Town Clerk Nicole Merrill approached and explained that, annually, the proceeds generated from the Rabies Clinic are split between two (2) local charities, and that this year she would like to disburse the funds to the Shepard's Pantry and Cystic Fibrosis.

Mr. McMahon moved and Mr. Hohenberger seconded to accept the funds and approve disbursement as recommended. Passed 4-0.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan presented several abatements to the Board on behalf of Tax Assessor Rex Norman:

- Commons/Indian Rock Rd: Mr. Sullivan explained that, during a hearing of this case at the BTLA, data errors were found requiring correction. Mr. Hohenberger moved and Mr. Breton seconded to approve the abatement request for the Commons at Windham in the amount of \$27 _____, as a result of data errors and as agreed upon at the Board of Tax and Land Appeals. Passed 4-0.
- Veterans Exemption: Mr. Sullivan noted that, per state statute, the property owner in question has requested a waiver of the April 15th deadline to apply for a \$500 veteran credit. Mr. Hohenberger moved and Mr. Breton to waive the deadline as requested and allow the veteran credit of \$500. Passed 4-0.
- Residential in Commercial: Mr. Sullivan explained that RSA 75:11 allows property owners who are zoned commercial, yet utilize their property as residential, to be valued as the latter. Similar to the veteran credit, there is an April 15th deadline to apply. Mr. McMahon moved and Mr. Hohenberger seconded to waive the deadline as requested. Passed 4-0.

DEPOT PROJECT/ARRA FUNDS: Mr. Sullivan explained that, as part of Phase I of the Depot Restoration project to stabilize the buildings, the Town received a \$210K Transportation Enhancement Grant, however, the Department of Transportation had recently contacted him regarding the availability of ARRA funding. Mr. Sullivan noted that the DOT had suggested that the project be submitted, and that he and Assistant Town Administrator Dana Call had met with the project engineers to discuss which was the better option: continuing to utilize the TE grant or moving to ARRA funding.

Mr. Sullivan noted that, on the positive side, ARRA funding is 100% as opposed to 80/20%; conversely, it involves additional compliance requirements that will entail significant staff time. He noted, however, that the delta between the two methods of funding is substantial enough at approximately \$30K for the Board to consider switching, and that he would need to confirm with Town Counsel if the Board can do so under the original warrant article language.

Lengthy discussion ensued regarding potential uses for the extra funds, timing required under the ARRA funding, and how the project could commence to comply with ARRA requirements while the Highway Department is still utilizing the site. Mr. Sullivan noted that the majority of the work would be done on the Station building, and would not impact the Highway Department operations.

Mr. McMahon moved and Mr. Hohenberger seconded to accept the ARRA funding as described conditional upon Town Counsel affirmation of the legal ability to do so.

Mr. Breton sought clarification regarding the remaining \$30K as previously discussed, and Mr. Sullivan noted that the Board could determine its disbursement or it could be allowed to lapse into the General Fund.

Motion passed 4-0. Mr. Sullivan noted that if it is determined the ARRA funding can be used under the current warrant article language he will proceed to post a formal hearing to accept, if needed.

OLD/NEW BUSINESS CONTINUED: Mr. McMahon noted that on the following Wednesday the House will hold a hearing beginning at 9:30 AM on the State budget, a large portion of which will center on expanded gambling. He further reiterated that \$87M in bond aide as reinstated by the Senate will be up for discussion, as well.

Mr. Breton moved and Mr. McMahon seconded that the Board forward a letter to each State Representative requesting their support of expanded gambling. Motion passed 3-1, with Mr. Hohenberger opposed.

Discussion ensued regarding the vote, and Mr. Breton, Mr. Stearns, and Mr. McMahon cited loss of revenue, impacts to Rockingham Park, and impacts to Windham employees at Rockingham if expanded gambling is defeated as reasons for supporting a letter. Mr. Hohenberger felt that, though the reasons cited had merit, all items at the State level impact the Town. He noted that the Board had not sent such a letter regarding the Rooms and Meals tax, and felt that singling out expanded gambling does an injustice to all other issues.

Mr. Tom Case approached to advise the Board that he would likely have extra funds remaining after completing the painting of the Fire Department light poles, and requested the Board's permission to do those at the Library, as well.

Mr. McMahon moved and Mr. Breton seconded to authorize Mr. Case to move forward as requested if funding allows him to do so. Passed 4-0.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 91-A:3-II a and c. Roll call vote; all members "yes". The topics of discussion were personnel and reputations.

Mr. Sullivan advised the Board on a reputations matter. No decisions were made.

Mr. Sullivan updated the Board on a reputations matter relative to Town property. No decisions were made, and Mr. Sullivan will follow-up.

The Board discussed annual committee appointments. Mr. McLeod moved and Mr. Hohenberger seconded to appoint Alan Shoemaker, Margaret Case, and Barbara Coish to the Cable Advisory Board for terms of three years. Passed unanimously.

Mr. Hohenberger moved and Mr. McMahon seconded to appoint Dennis Senibaldi, Brian Dellorfano, and Bernie Rouillard (Alternate) to the Conservation Commission for terms of three years. Passed unanimously.

Mr. McLeod moved and Mr. McMahon seconded to appointment Ralph Valentine and Lynn Goldman to the Recreation Committee for terms of three years. Passed unanimously.

Mr. Sullivan discussed an employee step increase with the Board. Mr. Hohenberger moved and Mr. McLeod seconded to approve the salary increase to Step 2 as recommended. Passed unanimously.

Mr. Hohenberger then moved and Mr. McMahon seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:30 PM.

Respectfully submitted, Wendi Devlin, Administrative Assistant

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