

BOARD OF SELECTMEN
Minutes of March 19, 2012

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Phil LoChiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan.

SWEARING IN OF ELECTED OFFICIALS: Mrs. DiFruscia swore in Town Clerk Nicole Merrill who, in turn, swore in Selectmen Ross McLeod and Roger Hohenberger, and Town Treasurer Robert Skinner. Mr. McLeod then proceeded with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McLeod extended thanks to all who had voted on the 13th. Mr. Hohenberger concurred and extended congratulations to Mr. McLeod.

Mr. McLeod then noted that Officer Brian Landry had been involved in an accident while on duty, and deferred to Chief Lewis. Chief Lewis explained that it had been a significant collision that occurred as Officer Landry was attempting to cross Route 111 from Fellows Road approximately a minute or two behind the Fire Department. He indicated that Officer Landry had been hit by a vehicle travelling west on Route 111 and had luckily only suffered bumps and bruises and was expected back to work shortly. Chief Lewis noted that the accident remains under investigation by the State Police and the Town's accident reconstruction team.

Chief Lewis then went on to advise that the cruiser had been totaled by the impact and had been towed to the Department's vendor to have all the equipment removed and set aside. He indicated a new cruiser will need to be purchased and it is estimated that the Town will only receive approximately \$17K for the damaged vehicle which was purchased for \$23K in 2011. Chief Lewis then indicated he had looked into the State's recently completed bid process to ascertain prices they had received for marked cruisers; which included a Ford Interceptor that he had wanted to purchase last year but had not been able to due to the cost. He advised that the bid received by the State for an AWD 2012 Ford Interceptor was \$22,688, less than had been paid for the Dodge last year. Chief Lewis then requested that the Board considering waiving the bid process and allow him to piggyback on the State's bid to replace the Dodge with a Ford Interceptor.

Mr. Hohenberger indicated he normally would not support waiving the bid process, however, the Town had bid cruisers fairly recently and the State bid was now lower and thus he would be comfortable doing so. Mrs. DiFruscia concurred, noting that in this case a bid process has taken place.

Discussion ensued regarding the nexus between the value of the totaled vehicle and the new cost and related equipment needs. Chief Lewis proposed that the current line item for cruiser laptop purchases, in the amount of \$11K, be reallocated toward the balance due with any remainder put towards purchase of laptop for the new vehicle. Mr. LoChiatto inquired how many laptops could have been purchased with the \$11K, and Chief Lewis replied approximately three. Discussion ensued regarding the age of the current computers, issues therewith, purchasing replacements next year, and the possibility of enough funds being left to purchase two this year rather than one.

Mr. LoChiatto then moved and Mr. Breton seconded to waive the bid process for acquisition of a new Ford Interceptor as access to the State bid is available; to purchase at a cost of \$22,688 with funding to come from the computer line item of the Police budget; and that any residual funds in said line item be used to purchase a new computer for same. Passed unanimously.

CORRESPONDENCE: Mr. Sullivan advised that an additional bid, postmarked 3/5, had been received on 3/19 for the Police SUV. He noted the bids were due on 3/13, however, given the postmark date he believed the Board should waive the requirement and accept the bid. Discussion ensued regarding amendments to the purchasing policy and incorporation of any SUV's on the State's bid list into the bid analysis, which the Chief indicated he would do.

Mr. Hohenberger then moved and Mr. Breton seconded to waive the purchasing policy and accept the bid for consideration; as it had been postmarked well prior to the due date. Passed unanimously.

MINUTES: Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the minute of January 30, 2012 as written. Passed unanimously.

LIAISON REPORTS: None.

BOARD RE-ORGANIZATION: Mr. Sullivan advised that the Board should select their Chair/Vice Chair this evening, and that he will be distributing the liaison assignments to the Board in the ensuing week for future discussion.

Mr. Hohenberger moved and Mr. LoChiatto seconded that Mr. Breton serve as Chairman. Passed 3-2, with Mr. McLeod and Mrs. DiFruscia opposed.

Mrs. DiFruscia moved and Mr. Hohenberger seconded that Mr. McLeod serve as Vice-Chair. Passed unanimously.

PUBLIC HEARING/CRISTY RD: Mr. Sullivan read the public hearing notice to accept Cristy Road Extension as a Town road into the record; noting that the Highway Agent, Community Development Department and Planning Board had all signed off on the acceptance. He went on to request that, as a condition of acceptance, the Board include within their motion a requirement to retain a \$5K maintenance bond for work to be conducted in the Town's right-of-way by the developer to clean-up the area trenches/swales. Discussion ensued regarding the areas needing cleaning, the potential for risk to the pavement, and whether the Board should delay the acceptance until the clean-up is completed.

Mr. Bob Coole approached seeking clarification of where this extension began, and Mr. Sullivan replied it started at approximately the third home in and extended to the cul-de-sac. Further discussion ensued.

Mr. McLeod then moved and Mr. LoChiatto seconded to accept Cristy Road Extension from station 5+00 to station 18+00 as a Town road; and to release the bond in the amount of \$18,592 plus interest, retaining \$5,000, to MHB Development Corp. Passed 3-2, with Mrs. DiFruscia and Mr. Hohenberger opposed; both citing their preference to wait to accept the road until the clean-up was complete as the reason for their opposition.

PRELIMINARY GOAL DISCUSSION: Mr. Sullivan noted that, in efforts to be less reactionary, staff had developed a long-range item/issue list for the Board's review. He noted that this represented a fluid list of items which staff is currently aware will be coming before the Board; and that these items had been incorporated into long-range agendas through June. Mr. Sullivan also requested that the Board consider in the future not tabling minor items for lack of a full Board. Mr. Sullivan then reviewed the following long-range issues with the Board:

- Conflict of Interest ordinances scheduled for 3/26
- MUNIS ASP transition, 3/26
- Highway maintenance bids, 3/26
- Police SUV bids, 3/26
- Bookkeeper hiring, review of job description 3/26; approval of same 4/2
- Fund Balance Policy, submittal of draft 3/26; adoption consideration 4/2
- Strategic Planning, ongoing throughout the year with workshops to begin with Department Heads on 4/2, final adoption of Plan for 2012-14, 6/11
- Review of Town's organizational structure, ongoing throughout the year, with Department Head workshop scheduled for 4/2
- Police/Fire Contract negotiations, 4/2 non-public agenda item
- Implementation of IT Assessment, report to be reviewed on 4/9 by Board, to be followed by a workshop with the IT Director regarding implementation of any supported recommendations
- Legal Services Contract, interviews are planned for the weeks of 3/26 and 4/6, and two members of the Board are requested to participate; award scheduled for 4/9
- Paving projects, scheduled for 4/9 to discuss paving projects including whether to complete same via in-house staff or bids; also scheduling a special meeting during the week of 4/16 to conduct a Spring Road Tour

- Castle Hill Road culvert replacement, 4/9 agenda to review State deficiency reports and discuss need for replacement
- Department Head workshops ongoing throughout April and May
- Review of all Town lands for possible sale; workshop to review on 4/23 to be followed by solicitation of input from the Planning Board and Conservation Commission, provision of an opinion of value from the Assessor, and possible auctions in June
- Quarterly Financial updates: 1st quarter scheduled for 4/23
- Route 93 project, 4/30 agenda item to determine the Board's position on re-classification of State roads and sidewalk construction
- Grants Management Policy, draft of new policy submitted to the Board 5/14, with adoption scheduled for 6/4
- Purchasing Policy, recommended changes to Board 5/14, with approval scheduled for 6/4
- Regional Planning Affiliation, presentations from the Rocking Planning Commission, Southern NH Planning Commission and Nashua Regional Planning Commission as part of a joint meeting with the Planning Board, ZBA, and Conservation Commission to determine which entity the Town wishes to be affiliated with; scheduled for 6/4
- Bi-Annual meetings with the School Board/SAU Administration; first tentatively scheduled for 6/18 subject to School Board availability, with the second in October (TBD)
- Update from the DOT regarding the I-93 Project, 6/25
- Personnel Policy, tentatively scheduled for July
- Sunday Licenses, scheduled for July to determine whether to continue with issuance of these licenses or to repeal the Ordinance
- Storm Water Management, tentatively scheduled for July to discuss the hiring of a consultant to assist the Town in securing its new MS4 Permit
- Junkyard License/Driveway Permits, in response to new Ordinance requirements a permit/application process must be developed; tentatively scheduled for July
- Annual Audit Presentation; tentatively scheduled for July; also Audit Services contract for 2012-15 is tentatively scheduled for August
- Regional Meetings with Pelham/Londonderry/Derry/Salem/Hudson; staff suggests these be scheduled to discuss areas where the Towns can collaborate to save funds
- Workshops with State Representatives; held at least annually prior to or during legislative sessions
- Board of Health, date to be determined to review proposed amendments to Water and Septic regulations

Mr. Sullivan then urged the Board to submit any additional goals/items to him that they wished to address. Discussion ensued regarding the long-range agenda. Mr. LoChiatto indicated he applauded staff's efforts; noting that this listing was a great tool and he looked forward to working with the Board on these items.

Mr. McLeod requested that the bids for Roadside Mowing and Sweeping be handled earlier than the norm; and Mr. Sullivan replied that these were scheduled for the following week. Discussion then ensued regarding the following week's agenda, and moving of the bids and other items due to the planned discussion regarding the passage of the conflict of interest ordinance. Mr. Sullivan noted that the other items should be fairly quick, and further discussion ensued, with no changes being made.

Mr. McLeod then moved that Town Counsel's correspondence regarding the conflict of interest ordinances, dated 3/19, be released to the public in preparation for next week. Discussion ensued, and the motion was withdrawn to allow for the Board to consider the matter further in non-public.

OLD/NEW: Mr. Sullivan, on behalf of Mr. Senibaldi, requested that the Board authorize Highway staff to move the material received from Cairns as time permitted, without the use of overtime, and to waive the testing requirements as this material had come from the same location as that already satisfactorily tested. After brief discussion, Mr. Hohenberger moved and Mrs. DiFruscia seconded to allow staff to move the material and to waive the testing of same. Passed unanimously.

Mr. Sullivan advised the Board that he had received notification from the State that the Salem/Windham/Derry TE Project relative to the Rail Trail was being cancelled due to non-compliance on Salem's part. He advised

that Salem was currently requesting that the State reconsider, and that Mr. William Rose of the DOT had notified Mr. Sullivan that the State was receptive to Windham still receiving funding to complete our portion totaling \$144K. Brief discussion ensued.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. Roll call vote all “yes”. The topic of discussion was legal and the Board, Mr. Sullivan and Ms. Devlin were attendance.

The Board reviewed Town Counsel’s latest correspondence, dated 3/19, relative to the passage of Articles 18 and 19. Mr. LoChiatto moved and Mr. McLeod seconded to release the correspondence subject to redaction as discussed by the Board. Passed unanimously.

Mr. Sullivan updated the Board on a legal matter regarding a tax abatement; advising that Town Counsel offered to handle the appeal of the case on a contingency basis. Mr. Hohenberger moved and Mr. McLeod seconded to allow Town Counsel to pursue this issue as discussed. Passed 3-2, with Mr. Breton and Mr. LoChiatto opposed.

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

Meeting was adjourned at 8:35 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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