

BOARD OF SELECTMEN
Minutes of June 27, 2005

MEMBERS PRESENT: Chairman Roger Hohenberger called the meeting to order at 8:10 PM. Selectmen Bruce Breton, Galen Stearns, Margaret Crisler and Alan Carpenter were present. David Sullivan, Town Administrator, was also in attendance. Mr. Hohenberger read the agenda into the record.

ANNOUNCEMENTS: Mr. Dennis Senibaldi, Chairman of the Recreation Committee announced that the Town Fourth of July activities will begin at 10:00 AM on Saturday. He noted a blues concert is scheduled for 2 – 6 PM, and that the grand opening of the Playground is scheduled for 12:30 PM.

Mr. Senibaldi also advised the Board that several vendors had offered to donate products toward the festivities, including Coca Cola, Pepsi, and Springfield Foods. Mr. Senibaldi advised the Board that all donations were under the \$500 limit for a public hearing, and requested that the Board officially accept these products.

Mr. Stearns moved and Mr. Breton seconded to accept the donations in question with gratitude. Passed unanimously.

Mr. Breton announced that the field of candidates for Recreation Coordinator had been narrowed to two.

PUBLIC HEARING/CONTRACTED SERVICES: Mr. Hohenberger read the public hearing notice into the record.

Mr. Sullivan explained that the fees charged by the Town for Police contracted services had not been amended since 1999. He noted that, as salaries have increased over that same time period, the Town has now begun losing money for these services. The proposed rates of \$42.50 without a cruiser, and \$47.50 with, should hold the Town for the next several years.

A discussion ensued regarding the impact of current fuel prices, related maintenance costs, and fees currently charged by surrounding communities. Mr. Sullivan suggested that, based on the discussion, the Board may want to consider amending the fee to \$50 with a cruiser. Mr. Carpenter suggested \$52.50, and inquired whether the matter would require re-posting.

Mr. Sullivan replied that the change was likely substantial enough to require reposting, and suggested that, for the time being, the Board approve the fees as posted and then repost for the higher rate.

Mrs. Crisler requested that Chief Lewis compile a summary of fuel and maintenance costs for details for the next public hearing. Chief Lewis will follow-up accordingly.

Mr. Carpenter moved and Mrs. Crisler seconded to approve the police detail rates as posted, effective immediately, with the intent being to re-post the fee with a cruiser at \$52.50. Also, Chief Lewis will provide cost information as requested. Passed unanimously.

SAFER GRANT APPLICATION: Deputy Fire Chief Tom McPherson reviewed the grant narrative as previously submitted to the Board. He explained that the goal of the Department was to add additional firefighters within the next five (5) years, and that the grant was a worthwhile program to aide in addressing safe staffing concerns.

Mr. Carpenter sought clarification of the financial data submitted by Deputy McPherson to the Board for review. Deputy McPherson explained that the first portion represented straight funding of the four (4) firefighter positions, and the second represented consideration of the \$100,000 cap per employee.

Mr. Hohenberger noted that overtime had not been included in any of the calculations. Deputy McPherson explained that the grant funds may be used strictly toward salary and benefits and not toward overtime costs, thus their omission. Deputy McPherson further noted that, in considering staffing needs, the Fire Department does not consider overtime expenses and that, through the grant, the Department was attempting to ramp up their staffing of additional firefighters and turn-over needs.

Mr. Hohenberger noted the magnitude of the implications, with the Federal costs being \$400,000 over the five year period and the Town's expense being \$1.556M.

A lengthy discussion ensued regarding whether the Department had a need for four additional firefighters, whether the grant was available on an annual basis, future impacts of upcoming highway projects, and overtime costs.

Mr. Breton felt it may behoove the Town to delay applying for the grant for one year and work instead on the Strategic Plan to clarify the Department's needs.

Further lengthy discussion ensued regarding current staffing, training requirements for new firefighters, promotion from within, Strategic Planning, and use of the grant funds for existing staffing issues.

Mr. Hohenberger was unclear whether staffing issues currently existed at the Department, and failed to see what staffing four additional positions accomplished.

A lengthy discussion ensued regarding overtime, the firefighters' collective bargaining agreement, and minimum staffing requirements.

Mr. Stearns felt that two positions were appropriate and the process should be started. He then moved and Mrs. Crisler seconded to endorse submission by Deputy McPherson of the SAFER grant application for two additional firefighters. Passed 3-2, with Mr. Breton and Mr. Hohenberger opposed.

JONES ROAD: Mr. Peter Zohdi, Herbert Associates, explained that site improvements were needed in this area of Jones Road, as well as correction to drainage, sheeting, and ice-build up issues in this same area and in proximity to the Manor Motel.

Mr. Zohdi stated the proposed drainage design included installation of two additional catch basins, 75' of 12" culvert, and cleaning of the existing ditch line. Mr. Zohdi explained that, since the work was to be conducted in the Town's right-of-way, Board permission was required, however the cost for the project would be borne by Mr. Cyr. There will be no work to Jones Road, itself.

Mr. Al Turner, Planning Director, explained that this area had been addressed previously, and two drainage problems resolved. He further noted that Mr. Zohdi's design, which had been reviewed and approved by himself and the Highway Agent, appeared to be the best solution in this case.

A brief discussion ensued concerning the current pipes and who is responsible for the maintenance, as well as whether work could legally be done on them. Mr. Turner and Mr. Sullivan noted that work was allowed under an implied easement.

Mr. Carpenter moved and Mr. Stearns seconded to approve work within the Town's right-of-way on Jones Road as presented. Passed unanimously.

PLAYGROUND SHADE TREES: Ms. Jennifer Colvin, Playground Committee, presented some background for the Committee's request for shade trees at the Griffin Park Playground, noting several requests had been

made of the committee for such plantings. She explained that the Committee had researched the best options with the equipment manufacturer, Delahunty's, and Assistant Planner Becky Way. Ms. Colvin advised the Board that seven trees were proposed to be planted, with benches beneath each.

Ms. Way explained that a meeting had taken place on site with Delahunty's to explore available locations for the trees. She stated the areas were selected based upon the limited space available and the required 12' setback from the protective rubber coating. Ms. Way stated the plantings were not excessive, and appeared to work well with the Master Plan for the Park. She noted that the following trees were flagged: five (5) October Glory Red Maples and two (2) flowering, but fruitless, pear trees. She stated each was 15 to 20' in height, and would offer immediate shade.

Ms. Colvin noted that Delahunty's had generously offered to donate the installation of the trees to the Committee, as well as 50% of the total cost.

Mr. Stearns expressed concerns regarding the leaves clogging the screen in the adjacent pond to the irrigation lines. A discussion ensued regarding the increased maintenance needs the trees might cause for staff.

Mr. Carpenter expressed concerns that such plantings commit the Town to a landscaping plan for the Park. Ms. Colvin noted that the residents had requested the trees, and further felt that their absence limited the use of the playground to morning and late afternoon in the summer months.

A lengthy discussion ensued regarding the Master Plan and as-built plan for the Park.

Mr. Hohenberger inquired about any liability brought about by the placement of the shade trees. Mr. Sullivan noted it would be no different than any other tree currently at the Park.

Mr. Carpenter moved and Mr. Breton seconded to authorize the planting of seven (7) trees, specifically five (5) October Glory Red Maples and two (2) flowering, fruitless pear trees, around the Griffin Park playground subject to working with Town staff and Dig Safe to ensure no damage occurs to the irrigation, etc., systems. Passed 4-1, Mr. Stearns opposed.

The Board then reviewed with Ms. Colvin proposed signage containing the Playground rules. After some discussion regarding proposed materials, it was the consensus of the Board that Ms. Colvin return to a future meeting with more details. Ms. Colvin will proceed accordingly.

PLANNING DEPARTMENT WORKSHOP: Mrs. Crisler noted the importance of this discussion, and suggested it be tabled until the following Wednesday evening given the lateness of the hour. Mr. Hohenberger disagreed, and polled the Board members: Mr. Breton, table; Mr. Hohenberger, proceed; Mrs. Crisler, table; Mr. Stearns, no opinion; and Mr. Carpenter, table.

Mr. Sullivan advised the Board he would be unable to attend should the workshop be held on Wednesday. It was then discussed whether to conduct the workshop on July 18 from 7:00 to 9:30 PM, with no other items to be added to the agenda.

Mr. Breton moved and Mrs. Crisler seconded that the tabled workshop with the Planning Department be the only agenda item on July 18, 2005. Passed unanimously.

MINUTES: Mr. Carpenter moved and Mr. Breton seconded to approve the minutes of June 6th, June 13th, and June 20th as written. Passed unanimously.

CORRESPONDENCE: Letter received from the Department of Environmental Services regarding the Town's expedited minimum impact application. Mr. Hohenberger explained that his application pertained to additional sand at the Town Beach.

Mr. Breton sought clarification of how much sand was to be placed. Mr. Sullivan noted 10 cubic yards were planned per the application.

Ms. Way explained that the Town may only replenish the beach sand once every seven years without obtaining a full Dredge & Fill Permit, but that the State will allow the Recreation Committee to replenish under the minimum impact application.

After a brief discussion, Mr. Breton noted that the cost to completely sift the existing sand at the beach should be explored.

OLD BUSINESS: *Esty Road:* Mr. Sullivan gave a brief explanation of circumstances leading up to the Board's previous award of this bid to Tate Brothers, noting that the project never went out to formal bid as the estimated cost for Esty Road alone had been approximately \$3,000.

After a discussion of the process and review of the previous minutes/motion, Mr. Hohenberger suggested the Board might reconsider its previous motion and put the Esty Road, and Rogers and Playground parking areas out to a formal bid. Mr. Carpenter concurred, and added an apology should be extended to Tate Brothers. Mr. Carpenter further stated that the fault lay with the Board, which changed the project mid-stream.

Mr. Carpenter moved and Mr. Breton seconded to reconsider the award of the Esty Road project to Tate Brothers. Passed 4-1, with Mrs. Crisler opposed.

Mr. Carpenter moved and Mr. Breton seconded that staff go out to bid with detailed specifications for the Esty Road, Rogers parking lot, and Playground parking lot project. Passed unanimously.

Mrs. Crisler moved and Mr. Carpenter seconded to accept and sign off on the annual Emergency Management Plan report. Passed unanimously.

Rocky Ridge Rights-of-Way: Mr. Sullivan advised the Board that, based upon the previous discussion to set the minimum bid at \$25,000, two of the three interested parties will likely withdraw. Mr. Sullivan urged the Board to lower the minimum bid and thus return the properties to the tax roles and remove the liability concerns to the Town.

A discussion ensued regarding the pros and cons of retaining the properties and the extensive legal expenses, to date.

Mr. Sullivan reminded the Board that the Annual Town Meeting has previously authorized the sale of these properties. Mr. Breton inquired if an agreement could be drafted with the abutters regarding the liability issues should the Town retain the rights-of-way. Mr. Sullivan noted there were several other owners authorized to use the land as well.

Mr. Carpenter moved and Mr. Breton seconded to continue with the sealed bid process to dispose of two (2) 10' rights-of-way on Rocky Ridge Road, to set the minimum bid at \$15,000 each, and to follow the standard advertising procedure. Passed unanimously.

Mr. Sullivan advised the Board that all language concerns had been addressed within the Emergency Dispatch Services contract between the Town and Derry. He further noted that the Town would recognize a savings of \$67,000 over the three year contract period from what was projected, and that the Department remains pleased with the service provided by Derry.

After a brief discussion regarding the equipment compatibility clause, Mr. Carpenter moved and Mrs. Crisler seconded to approve the contract to continue dispatch services with the Town of Derry for a period of three years. Passed unanimously.

Mr. Carpenter inquired regarding the status and oversight of the bathrooms at Griffin Park. Mr. Breton replied that Mr. Barlow has been opening them in the morning and Mr. McMahon has been locking them in the evening. The facilities are being cleaned by the Maintenance staff, and are in good working order. Mr. Breton also noted the recent water test was acceptable.

Mr. Hohenberger reminded all that no policy was in place, and a discussion should be scheduled. Mr. Breton noted that Mr. McMahon is currently developing a punch list for the park for future discussion with the Board.

NEW BUSINESS: None.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 93-A:3 Iib and e. Roll call vote, all members “yes”. The topics of discussion were personnel and legal. The Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions.

The Board discussed the remaining candidates for the Recreation Coordinator position. Mr. Sullivan will submit all relevant information to the Board for review, and interviews will be conducted on July 11 beginning at 6:00 PM. No other decisions were made.

Mr. Sullivan advised the Board that a position in Dispatch will soon be opening up, due to a mutual termination agreement. Mr. Carpenter moved and Mr. Breton seconded to terminate Dispatcher Connelly as per the Chief’s recommendation. Passed unanimously.

Mr. Sullivan updated the Board on an ongoing personnel matter. No decisions were made.

The Board discussed the consortium to address the buy-out of Adelpia and the related legal costs. The Cable Advisory Committee will continue to represent the Town as part of the consortium.

Mr. Sullivan updated the Board on an ongoing legal issue involving the Police Department. No decisions were made.

Mr. Carpenter moved and Mr. Breton seconded to adjourn. Passed unanimously. The meeting was adjourned at 11:05 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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