

**BOARD OF SELECTMEN**  
**Minutes of April 26, 2010**

**MEMBERS PRESENT:** Chairman Charles McMahon called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod, and Roger Hohenberger were present, as was Assistant Town Administrator Dana Call. Selectman Galen Stearns was delayed and arrived at 7:50 PM, and Town Administrator David Sullivan was excused. Mr. McMahon opened the meeting with the Pledge of Allegiance.

**ANNOUNCEMENTS:** None.

**LIAISON:** None.

**MINUTES:** None.

**CORRESPONDENCE:** Letter received from the Department of Transportation acknowledging their receipt of a CTAP grant application from the Town.

*Notice of a Public Hearing* received from the Town of Litchfield, NH relative to discussion of a cell tower proposal in their town scheduled for May 4, 2010 beginning at 7:00 PM at the Litchfield Town Hall, 2 Liberty Way.

**CREDIT CARD POLICY:** Mrs. Call clarified that this policy was unrelated to that recently adopted by the Board authorizing the Town to accept credit cards for payments. Rather, this pertained to the Board's previous discussions relative to facilitating internal purchases by departments via a corporate credit. Mrs. Call noted that the availability of such a card would replace current store cards held by the Town, such as Walmart and Staples.

Mrs. Call then explained that the draft policy was based upon surrounding community procedures and those followed by the Nesmith Library relative to their corporate cards. She indicated the policy specifically prohibits personal use of the cards, and requires authorized users to operate within current budget parameters and obtain department head approvals. Mrs. Call added that the availability of a corporate card will also minimize reimbursements to employees who at times are required to use their own credit cards to facilitate purchases, reservations, etc., and will broaden purchasing options via the internet.

Mr. Hohenberger inquired whether this would replace the gas cards, and Mrs. Call replied in the negative. Discussion ensued, and it was clarified that the vehicle fleet currently utilizes Speedpass tokens which are assigned to vehicles as opposed to employees.

Discussion ensued regarding authorized purchases/users and the potential to "lend" the card, which Mrs. Call says is restricted by the policy.

Mr. Hohenberger then sought clarification that there would be no further reimbursements to employees if the cards were implemented and Mrs. Call replied in the negative. She advised that the purpose of the corporate card was primarily for online purchases and to avoid obtaining additional/expanding store cards. Mrs. Call reiterated that reimbursements will be lessened, however, there is no current policy prohibiting employees from seeking reimbursements for Town-related expenses. Mr. Breton raised the issue of a past occurrence brought to light by the Auditors of an employee who had made personal purchases on a Town account which had not been reimbursed by the employee. Mrs. Call clarified that had been a one-time occurrence, and was ultimately found to be an oversight on the employee's part. Since then, a policy strictly prohibiting the use of Town cards/accounts for personal purchases, regardless of the intent to reimburse the Town for or pay the expense, was implemented.

Discussion ensued regarding amendment of Section V to add "see cardholder list". Mrs. Call concurred, and Mr. Hohenberger then moved and Mr. McLeod seconded to approve the Credit Card Policy as amended. Passed 4-0.

**PUBLIC HEARING:** Mr. McMahon read the public hearing notice into the record. Mrs. Call explained that the vests have already been purchased, 50% of the funding for which came out of the 2009 budget with the balance coming from these grant funds. Mr. Hohenberger moved and Mr. McLeod seconded to accept the grant in the amount of \$7,200 toward the purchase of JABV protective vests for the Police Department. Passed 4-0.

**PUBLIC HEARING:** Mr. McMahon read the public hearing notice into the record. Mrs. Call explained that these funds are a reimbursement for expenses related to the replacement of the Police Department generator. Mr. Breton moved and Mr. Hohenberger seconded to accept the grant in the amount \$16,217. Passed 4-0.

**PUBLIC HEARING:** Mr. McMahon read the public hearing notice into the record. Chief McPherson explained that the Department had erroneously believed they had not been awarded a grant for the purchase of new personal protective equipment, and thus the items had been funded through the global budgeting process in the amount of \$37K. Mrs. Call added that these grant funds are now, essentially, revenue. Mr. Breton moved and Mr. Hohenberger seconded to accept the grant funds in the amount of \$37,145. Passed 4-0.

**OLD/NEW BUSINESS:** Chief McPherson advised the Board that the Highway Safety Committee had reviewed a request to install "Horse X-ing" signs, in both directions, in the area of 44 East Nashua Road. He noted that, after review, the HSC recommended the signs be installed as requested 50' to either side of the property. Mr. Hohenberger moved and Mr. McLeod seconded to approve the recommendation of the HSC to install "Horse X-ing" signs as requested. Passed. 4-0.

*Mrs. Call* discussed the possible need for a Tax Anticipation Note in the ensuing weeks. She advised that the tax bills would be going out by June 1<sup>st</sup> with a due date of July 1<sup>st</sup>, however the School District had provided their schedule of upcoming requests which includes a balloon payment due on June 3<sup>rd</sup>. *Mrs. Call* noted that the Town had borrowed last year for a period of 16 days, at a cost of approximately \$1,500 in interest. She indicated she will continue to watch the balances and update the Board at a future meeting with rate quotes, as necessary. Brief discussion ensued regarding the School District's needs and the statutory timing of the tax billing. *Mrs. Call* indicated she would look further into the RSA's relative to when the bills can be issued/due.

**INTERVIEW/LEC:** The Board interviewed Mr. Jim Hebert for possible appointment to the Local Energy Committee. Mr. Hohenberger then moved and Mr. McLeod seconded to appoint Mr. Hebert to the LEC for a term of one year. Passed 4-0.

**ECONOMIC DEVELOPMENT COMMITTEE:** Mr. McMahon clarified that the purpose of this discussion was to review the proposed Committee rules for ratification, thus making the WEDC a formal Town committee. Mr. Ralph Valentine, WEDC, approached and gave a brief history of the committee, which is currently a sub-committee of the Greater Salem Chamber of Commerce, and their accomplishments to date.

Mr. Valentine then advised that the WEDC had considered several options for their future structure, including remaining status quo, becoming a 501:3c organization, or becoming a Town committee. He indicated that the members had endorsed the latter option, and then begun work to draft a set of regulations for the Board of Selectmen's adoption.

A lengthy discussion ensued regarding the benefits and advantages as determined by the WEDC in becoming a Town committee including: tying in of the WEDC to the Town's Master Plan and their overall mission as a committee; legitimization of the committee; greater availability of funding resources; and elimination of the need for Chamber of Commerce endorsement of their endeavors. Mr. Hohenberger questioned the retention of an ex-officio member of the Chamber in light of the reasons cited, and Community Development Director Laura Scott replied that the Committee felt the Chamber member was important as it pertained to regional matters.

Mr. McLeod noted that the WEDC would be afforded more freedom to operate and take positions of matters as a 501:3c, and pointed out that the tie-in to the Master Plan was established through the Windham resident members of the WEDC. Further discussion ensued regarding the legitimization of the Committee, as well as the current exclusion of the WEDC from participation in other Town Committees and the proposed membership structure.

Ms. Ruth-Ellen Post approached in support of the WEDC being formalized as a Town committee citing the following: legitimacy regarding the function and perception of the committee; accountability of the committee and membership; the resultant need to comply with statutory requirements; and credibility. She also noted that, as a Town committee, the focus of the WEDC would be shifted primarily to Windham.

Mr. George Fredette, Chair of the WEDC, approached noting that he had been Chairman for a number of years, and that Ms. Scott has been a valuable member of the Committee and should have a team such as the WEDC to assist her. Ms. Scott clarified that, if designated as a Town committee she would not be a member but would provide staff support in a fashion similar to the current working relationship with the Planning Board. Mr. Fredette then went on to note that the Chamber representative can bring a regional perspective to the WEDC, and a discussion ensued regarding the potential for differing opinions regarding development in Windham and the greater flexibility afforded to a stand-alone organization.

Ms. Sally D'Angelo approached to point out that the Chamber representative could be a Windham resident, and the biggest concern of the WEDC in considering their options was the need to be a legitimate committee that cannot be swayed by a weighted membership. She noted that Chambers of Commerce have given birth to many Town Economic Development Committees, and cited Pelham as an example.

Discussion ensued regarding the proposed membership roster, and Ms. Scott noted that there would be only 3 non-residents out of the eleven members, all of whom have a vested interest in Windham. She added that, in their research, the WEDC had found only two communities which had non-Town economic development committees and that, in those cases, the EDC's had been charged with selling/leasing Town property.

Ms. Donna Morris, Executive Director of the Chamber, approached to echo Ms. Scott's comments, and added that each of the options considered had limitations. She noted that a concentrated effort had been made in developing the membership to ensure a structure of checks and balances.

Mrs. Margaret Crisler approached noting that, as a member of the current WEDC, she had not supported becoming a Town committee primarily because of the requirements of RSA 91-A which could impact their operations. She added that while the benefit of availability of expanded resources would be a positive result, non-resident members on a Town committee would be negative.

Atty. Kathleen DiFruscia approached to indicate that her primary concern was accountability, and thus she had supported the WEDC becoming a Town committee.

Lengthy discussion then ensued regarding the WEDC's anticipated financial support/budget and the expanded grant offerings as a Town Committee. Ms. Scott indicated the assumption was there would be a small budget available to the Committee.

Mr. McMahon, who is a member of the current WEDC, indicated it was the consensus of the members to become a Town committee, and that he believed it should be as the focus of their efforts should be Windham. He added that regional considerations should be adjunct to, not the driver, of the committee. Mr. McMahon noted that planning for Windham is critical in light of the ongoing I-93 project.

Discussion ensued, in which Mr. Valentine summarized the WEDC's position regarding budget expectations. Ms. Scott indicated a small amount funding would be anticipated for expos, marking, outreach, etc., and Mr. Jim MacDonald added the Committee envisions conducting a community-wide survey as well. Ms. Scott noted the budget request would be small, at approximately \$10K.

Lengthy discussion then ensued regarding the committee make-up, possible amendments to same, and appointment procedures particularly as it pertained to ex-officio representatives of the Planning Board and other existing Town committees.

Mr. Breton moved and Mr. McMahon seconded to approve the WEDC Rules of Procedure as amended to remove the word "-based" in Section II B). Further discussion ensued regarding the overall number of committee members and ex-officio versus liaison status.

Motion failed 2-3, with Mr. Hohenberger, Mr. McLeod and Mr. Stearns opposed.

Mr. Hohenberger then moved and Mr. Stearns seconded to approve the document with the following amendments:

- Remove the word "-based" in Section II B)
- Amend Section IV A) 1. a) to read: "Eight (8) regular members, which are to be Members of the Windham Business Community or Windham Residents, to be appointed by the Board of Selectmen."
- Delete Sections IV A) 1. b) and c)
- Delete the last line of Section IV A) 5.
- Amend Section IV B) 3. to read "two (2) business days" as opposed to twenty four (24) hours
- Delete everything after the word "shown" in Section V
- Amend section VI to read "fourteen (14) days" as opposed to twelve (12) days

Further discussion then ensued regarding ex-officio versus liaison status, and there was no change to the motion. Motion passed 3-2, with Mr. McLeod and Mr. Stearns opposed.

Ms. Scott then advised the Board that the CTAP grant application submitted by the WEDC had been approved in the amount of \$10K. She also noted that there are grand openings scheduled for the near future for seven (7) new businesses in Town, and that four (4) business education events are upcoming.

**OLD/NEW BUSINESS CONTINUED:** Highway Agent Jack McCartney discussed the sweeping bids with Board, clarifying for Mr. Breton the previous years' expenses as follows: 2009 \$73/hour, and 2008 and 2007 \$78 and \$75/hour, respectively.

Mr. McLeod then moved and Mr. Breton seconded to award the contract for roadway sweeping to Immaculate Sweeping for one year for their bid price of \$69.75/hour. Discussion ensued regarding equipment used and estimated hours of labor.

Motion passed unanimously.

Mr. McLeod then inquired whether the annual sweeping could commence earlier, and Mr. McCartney replied that each year it is the goal to begin the process somewhere between mid-April and early May. This year, sweeping operations will begin the following week.

**QI FINANCIAL UPDATE:** Mrs. Call presented her quarterly update to the Board, highlights of which included:

*Expenditures:* General to many budgets

- Certain larger items paid for up front: - Amounts encumbered from 2009 (PD Generator, FD personal protective gear, IT GIS contracts, Highway facility rental, etc)
- NHMA dues & Town Report (Admin); RPC dues (Comm Dev)
- Software maintenance agreements i.e. Munis, etc & Computer Equip (IT)
- Derry Dispatch contract paid twice per year (Dispatch)
- 1<sup>st</sup> year payment on 2010 truck lease-purchase (Highway)
- Workers comp insurance half up front (Insurance)

*Investments:*

- To date, investment income is up approximately \$7K with Centrix over what it would have been if left in the Citizens accounts

*Personnel vacancies (savings in salary & benefit line items):*

- Police –1 remaining vacant Patrol position due to previous retirements & Captain promotion; 1 Patrol continues to be out with injury
- Highway – 1 position out with injury

*Solid Waste*

- Waste removal under budget due to timing of 1<sup>st</sup> quarter payments (Jan & Feb only paid to date)

*Revenues:* Most line items are in line with expectations

- Fed/State Grant – consists of \$37,145 reimbursement for Fire Dept personal protective gear encumbered in Dec 2009; 100% grant received from Federal Homeland Security and is available as a general revenue to the Town this year
- Room and Meals may be less than budgeted
- Cable Franchise fees were higher than normal in 2009 (due to one-time adjustment by Comcast from annual payment to quarterly payments)
- Interest revenue continues to be down, however, we have invested \$4 million of Town funds at higher 1% rate
- Firefighter SAFER grant funding will continue to decrease as we move further into the 5-year grant period
- Budgeted income from other sources is related to ARRA funding for Depot project and will be forthcoming

Mr. Breton urged the Board to schedule a discussion relative to appointment of a Deputy Treasurer. It was the consensus of the Board that this item be placed on a future agenda.

**CREDIT CARD POLICY:** At Mr. Stearns request, Mr. McLeod moved and Mr. Hohenberger seconded to reconsider the previous motion to accept as amended. Passed 4-0-1, with Mr. Stearns abstaining.

A brief discussion ensued regarding concerns that Mr. Stearns had relative to authorized users. The previous amendment was explained to Mr. Stearns in greater detail, to which he concurred. Mr. Stearns then indicated he was not concerned with the individual users/limits being assigned by the Finance Office, but felt that the Board should approve the overall Town spending limit.

Mr. McLeod then moved and Mr. Hohenberger seconded to approve the Credit Card Policy with the original amendment adding “see cardholder list” to Section V, as well as a statement that “The total Town credit limit shall not exceed \$20,000.00”. Passed unanimously.

**OLD/NEW BUSINESS CONTINUED:** As it pertained to GASB45 requirements, Mrs. Call advised the Board that the Town’s actuary had completed its review of the Town’s other post employment benefits (OPEB), and quantified the Unfunded Actuarial Accrued Liability (UAAL) at \$1.4M, which is in line with other communities. She noted this figure will appear in the Town’s 2009 audited financial statements.

*Timber Bond Release:* Mr. Hohenberger moved and Mr. McLeod seconded to release the bond as requested relative to the I-93 logging. Passed unanimously.

*Mrs. Call* advised the Board that the proposed vendor relative to the Transfer Station loader purchase is willing to hold the equipment for a period of 90 days subject to a \$7K deposit. She recommended the Board do so, and then pursue financing options. Mr. Breton disagreed, and a discussion ensued. It was the general consensus of the Board that Mrs. Call proceed as recommended.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c. Roll call vote all “yes”. The topic of discussion was reputations and the Board, Mrs. Call, Ms. Devlin and Mr. Mark Samsel, John Mangan, and Wayne Morris of the Windham Rail Trail Alliance were in attendance.

The Board discussed with the Alliance an issue related to Rail Trail paving expenses. Mr. Stearns suggested the Board of Selectmen authorize payment of the total due to the contractor, less \$6K, until the final walkthrough is complete. Discussion ensued.

It was the consensus of the Board to concur with Mr. Stearns recommendation, subject to the members of the WRTA acknowledging the Alliance’s obligation to repay should fundraising efforts be pursued, and authorize immediate payment of \$17,690.21; with \$5,278 from Recreation Improvement funds and the remainder from the Town budget.

Mr. Stearns moved and Mr. Hohenberger 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.*