

BOARD OF SELECTMEN
Minutes of December 6, 2010

MEMBERS PRESENT: Chairman Charles McMahon, Selectmen Bruce Breton, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. McMahon called the meeting to order at 6:00 pm. Mr. Hohenberger motioned and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel. The Board discussed a request from an employee for a temporary leave of absence for disability reasons. Mr. Hohenberger motioned and Mr. McLeod seconded to approve the request. Passed unanimously.

At approximately 6:45 pm, Mr. McMahon opened the public session with the Pledge of Allegiance then read the agenda into the record. Selectman Galen Stearns was delayed and arrived at approximately 7:10 pm.

ANNOUNCEMENTS: Mr. McLeod reminded everyone that the Annual Christmas Tree Lighting at the Town Common is Saturday, December 11 and the Senior Christmas Party is Wednesday, December 8.

LIAISON: None.

MINUTES: None.

CORRESPONDENCE: Mr. McMahon read into the record a letter from the NH Department of Transportation regarding an offer to sell to the Town a parcel of surplus land in the vicinity of Route 28 and Harris Road. The Board requested that letters be sent to the Planning Board, Conservation Commission and Town Assessor to weigh in as to whether this is something the Town should purchase, in order to give an answer to the State within the required 30 days.

Mr. McMahon read into the record a citizen's petition by Dennis Butterfield and others, pertaining to amending the zoning in an area on Route 28. Mr. Breton motioned to accept the petition for processing and Mr. Hohenberger seconded. It was noted that the petition has more than the required minimum signatures as verified by the Town Clerk. Motion passed unanimously.

Mr. McMahon read a letter from the Community Development Department regarding the appointment of Windham's representative to the Rockingham Planning Commission, to replace Annette Stoller who no longer lives in Town. It was suggested that the current alternate, Carl Griffin, be appointed to fill the existing 4 year term (through June 2014). Mr. McLeod motioned to appoint Mr. Griffin as proposed and Mr. Hohenberger seconded. Motion passed unanimously.

Mr. McMahon read a notice from the Nesmith Library that the building will be closed to the public for renovations beginning December 20 through December 27.

Mr. McMahon read a letter from representatives of the City of Nashua regarding the City's recent acquisition of Pennichuck Water Works. They are requesting a meeting with the Board and Windham residents on January 24, 2011. Mr. McMahon asked that Mr. Sullivan confirm the meeting.

Mr. McMahon read a notice from Nobody's Children regarding a "Holiday of Hope" gathering at the Castleton on December 13, with a request for RSVP by December 2. Mr. McMahon commented on the tremendous work done by this organization and hoped the community would support them.

SCHOOL BOARD: Mr. McMahon noted that Ed Gallagher, Chairman of the School Board and Frank Bass, Superintendent, were in the audience. The Board had intended to meet with them at 6:00 pm, however, due to a miscommunication, they arrived at 7:00 pm with a brief update for the public. Consensus of the Board was to allow Mr. Gallagher to address the Board.

Mr. Gallagher noted that although the two boards are autonomous, they have common goals as it relates to serving the townspeople and therefore, he felt it was appropriate to provide an update on behalf of the School Board. He noted that the School Board's budgetary directive to Administrators was to produce a flat operating budget as compared to last year, and although they are not complete, he believes they have essentially met this goal. He noted that this includes the absorption of the senior class at Windham High School. He noted that the Facilities Planning Committee will be presenting their initial findings to the School Board on December 7 and that the joint Pelham-Windham committee has been working to evaluate options such as a tuition or AREA agreement for high school students, and these results will be presented to the School Board in January.

He noted that the Board and Administrators are in contract negotiations with teachers, and that the primary focus is the labor and health insurance costs, as the large ticket items. He also noted that non-union staff have begun contributing to their health insurance costs, and this will continue to increase.

He indicated that, outside of the operating budget, the School Board has two requests of the Capital Improvements Program – \$140,000 to fund Phase II of the Master Plan Architect Study and \$165,000 for a Capital Reserve Fund for roof repairs. Mr. Hohenberger asked Mr. Gallagher if the flat operating budget that was referred to earlier was based on the default budget or the requested budget of 2010 and Mr. Gallagher confirmed the 2011 budget will be essentially level with the 2010 default budget. Mr. Gallagher went on to say that the School Board took a

different approach to the budget this year, reviewing it from the bottom up. He also indicated that they continue to aggressively pursue cost savings, especially by collaborating the two school districts for purchasing, as well as pursuing state and federal grants.

Mr. Gallagher thanked the Board for the opportunity to present this information and noted that the School Board would welcome additional joint meetings with the Board of Selectmen, as well as with the local delegation of State Representatives.

Mr. McMahon thanked Mr. Gallagher for the information and reiterated the importance of working with the delegation of Representatives, as this year's budget process at the State level will be very difficult. He noted that it will take significant involvement on behalf of the Town because of the potential for re-apportionment of the statewide property tax to places other than southern New Hampshire. He also reiterated the continued lack of revenue sources, causing a significant structural deficit, and that expanded gambling will again be a topic of debate. He indicated that we won't know until later in June as to whether sufficient revenues are in place and that there could be an expanded legislative session if these issues are not resolved.

BUDGET WORKSHOP:

Cable - The Board discussed the new item funding the video on demand service and no changes were made. Mrs. Case indicated that based on the latest quarterly franchise fee received by the Town, there may be a slight increase in the total revenue projected for 2011.

Elections – Mr. Hohenberger noted that the 2011 budget as presented is satisfactory, however, he had concerns about the fact that the 2010 budget was significantly overexpended. He noted that although the Supervisors had advised the Board earlier in the year as to the reasons for the overexpenditure, he would like assurances that this will not happen again next year. Mr. McLeod echoed the same concerns. Mr. Skinner, Ms. Tuck and Mrs. Johnson each spoke regarding the various line items budgeted for 2011, including a discussion regarding the 10-year checklist purge and hours required for that. Nicole Merrill, Town Clerk indicated that her office will be assisting with this endeavor. Ms. Merrill noted that the State has indicated the Town of Windham will be purging a total of 1,737 voters due to being inactive over the past four years, and the Supervisors will be provided with a list from the State. No changes to the budget were made.

Town Clerk – Ms. Call provided a summary of the 2009 revenues collected by the Town Clerk, by type, with the reduction for the Clerk's fees reflected. Mr. Hohenberger asked for clarification regarding postage costs, and the discussion turned to the E-Reg fee paid by residents and how that is reported in the monthly revenue reports. Ms. Call indicated that if the detailed E-Reg fee can be broken out by the Town Clerk, the finance reports to the Board will be updated to reflect

this information. In addition, Ms. Call indicated that she will pursue with our postage machine vendor the ability to departmentalize the postage costs. No changes to the Town Clerk budget were made.

General Government/Recreation - The Board then continued its discussion from the previous meeting on the field maintenance portion of the Recreation budget and relocating the majority of that line item into the General Government/groundskeeping budget. Mr. Hohenberger discussed his view that this line item was built up in past years to “refurbish” the fields to a certain level and that this has been accomplished. Since then, the line item has been referred to as “field maintenance”, however, he doesn’t feel that this is the intended purpose and that the funds are not being used that way by the Recreation Committee. He believes that if it is in fact maintenance funding, it should be located in the groundskeeping budget. Mr. McLeod reiterated his opposition to this proposal on the premise that the Recreation Committee has a methodical process for prioritizing and spending these funds based on each member’s knowledge of what needs to be maintained at the various fields & recreational facilities, and that Mr. Hohenberger may have misconstrued the meeting he attended in which the committee discussed how best to spend the funds. Mr. Stearns indicated his conviction that although Mr. Barlow would be capable of administering these funds, he has a lot on his plate and Mr. Stearns respects the work that the Committee has done and believes the funding should remain in the Recreation budget. Mr. Stearns then motioned to leave the budget as originally proposed and Mr. McLeod seconded. Motion passed 3-2 with Mr. Hohenberger and Mr. Breton opposed.

Mr. Breton asked what kind of spending would take place with the \$24,000 and whether it would be held to strictly maintenance and not new projects. Discussion then turned to the administering of these funds and Mr. McMahon offered a suggestion that the Recreation Committee be limited to a \$1,000 spending limit, with items above that going through a bid process with the Town Administrator so that the Board could be advised as needed. Mr. McLeod expressed opposition to this because it would be singling out Recreation. He felt that the previous issue regarding the planting of trees has been dealt with and resolved and should have no bearing on the future expenditure of this line item. Mr. Hohenberger disagreed, indicating that the landscaping issue was not his motivation for requesting the change and he would agree with Mr. McMahon’s proposal. Mr. Stearns agreed with Mr. McLeod that we should be adhering to the already established policy and this would be micro-managing a particular department. Discussion ensued regarding this being a Committee as opposed to a department head, that the town’s purchasing policy sets forth spending parameters for all departments, that Ms. Haas’ spending authority is currently limited by the Committee to \$1,000 and that Ms. Haas currently informs the Town Administrator of any significant expenditures voted on by the Committee.

Mr. Breton motioned that for account # 12661-53800 (recreational sportsfields), that any expenses over \$1,000 the Selectmen be notified

and that bids be required to go through Mr. Sullivan, instead of the current \$2,500 that triggers this process. Mr. Hohenberger seconded the motion. Mr. Valentine approached the Board and indicated that obtaining bid quotes for this dollar level, not only adds time, but is very difficult to obtain and the Committee will be requesting waivers from the Board more frequently. Mr. Valentine suggested that Mr. Sullivan be provided with a detailed list of the projects/items that make up the \$24,000 budget. Mr. Breton indicated he would be agreeable to this and would retract his motion if the Board is apprised as to how the money will be spent. Mr. Hohenberger agreed to retract his second. Mr. Valentine indicated that this list has already been preliminarily agreed to by the Committee during the budget development process and can be provided to Mr. Sullivan tomorrow. Consensus of the Board was to move forward with this list and procedures will remain as is.

General Government - Discussion ensued regarding Board members' questions on particular line items within the General Government budget. It was noted that the fertilization will be put out to bid, but staff is hoping it will come in within the budgeted amount. No changes to the budget were made.

Transfer Station/Solid Waste – Mr. Hohenberger observed that the demolition service appears to be well-used based on the statistics provided by the department and funding should be continued. Mr. McLeod asked Mr. Poulson to explain the management structure of the station in terms of having both a Station Manager and a Supervisor position, overseeing three employees. Mr. Poulson indicated that this position had been discussed upon the retirement of the previous Supervisor, and that the Board elected to retain this position in the staffing structure due to the fact that it not only provides a second in command in the absence of the Manager, especially on Saturdays, but is a working supervisor position. Mr. Poulson addressed the “top heavy” concept and pointed out that the disparity in wage structure between the Supervisor and Operator positions is very minimal. Mr. McMahon asked about times that neither the Supervisor or Manager are present at the station and Mr. Poulson indicated that this is infrequent and it is planned for and coordinated so that the remaining staff can oversee the station operations. Mr. Poulson asked if the Board is asking about a reduction in staff. Mr. Breton asked if this would be a public discussion. Mr. Sullivan indicated that if the Board is discussing positions, this would be public, but if they are discussion specific individuals, this would be non-public. Mr. Poulson indicated that if the Board wishes to generically discuss a reduction in staff, he can do this without focusing on specific positions, but that the total number of staff personnel needs to be considered in order to safely run the station and adequately cover absences.

Mr. Sullivan weighed in that, regardless of titles, he supports the number of personnel currently in the department, primarily because of the range of other management duties (Health Officer, Stormwater, etc) that are performed by Mr. Poulson, thereby requiring some type of “second in command” at the station itself. Further discussion ensued regarding the extended evening and Saturday hours, and ensuring staff is on the site. Mr. McMahon asked if the

Transfer Station is monitored on video, because of the limited staffing at times, and Mr. Poulson indicated this is in place.

Mr. Stearns asked about the Vehicle Maintenance budget and Mr. Poulson explained that 2010 was a difficult year, primarily early in the year prior to replacing the old trailers, but that this shouldn't repeat next year because the equipment is newer and under warranty. It was also noted that we no longer budget for the NRRRA dues, which was primarily for brokering recyclables, because we now utilize one vendor for our single-stream recycling. With no other questions regarding the budget, Mr. Senibaldi approached the Board and reiterated that if the time comes that both he and Mr. Poulson are on a scheduled day off, that provisions are made to ensure the Station is covered and he has always maintained communication with the staff. Mr. McMahon reiterated that the Board's concern continues to be the appropriate staffing level, and not individual's schedules.

Community Development - Mr. Hohenberger asked for explanation regarding the new contracted services line item. Ms. Scott indicated that this is a new line item funded through the budget process, as in the past the department has utilized encumbered funds within the bottom-line department budget to contract assistance for regulations and/or ordinances such as Excavation, Stormwater/Road Standards and WWPDP. This year the Planning Board requested \$5,000 to assist with regulations regarding Cell Towers, Village Center, Parking & Access Management as potential ideas, however, the Planning Board has not decided the exact use of the requested funds. In addition, the department has requested \$7,500 on behalf of the WEDC for website and marketing services, as well as a non-residential buildout analysis. Ms. Scott indicated she is hopeful that the Town will be able to utilize CTAP grant funds instead, but since it is not known what CTAP will allow for the upcoming year, it has been put in the department's budget. It was noted that additional funds were budgeted for Committee Expenses to cover WEDC economic development activities, much of which has been provided by corporate sponsorships in the past. Discussion ensued regarding the use of outside contracted assistance for drafting/rewriting ordinances versus utilizing Planning staff. Ms. Scott indicated that these areas are specific and technical in nature and require in-depth review and analysis, beyond what the department can provide while still handling the day-to-day needs of the department. Her request is to enable the department to be proactive on these items, versus being reactive as time allows. Discussion then turned to the plan for a non-residential buildout analysis versus a broad buildout analysis and Ms. Scott indicated the WEDC's focus was to look at land currently zoned as commercial and determine what is developable.

After further discussion, Mr. McLeod motioned to reduce contracted services by \$5,000, representing the funds for Planning Board related items and Mr. Hohenberger seconded. Discussion ensued regarding the current staffing of the department and specific duties of each member. Ms. Scott noted the difference between the previous department structure with a Planning Director versus the current structure with a Community

Development Director, which requires more time for economic development activities and less overall time for planning activities. Mr. McLeod noted that building and development activity in recent years is far less than in earlier years under the Planning Director structure. Mr. Breton indicated that he believes the \$5,000 should remain in the budget so that Ms. Scott can focus her efforts on the unaccepted road list and minimize what could be significant cost exposure to the Town.

Mr. Breton suggested a cost savings of approximately \$20,000 and made a motion to reduce the Community Development Department Secretary position, which is currently at 32 hours/week to 30 hours/week. While the position currently doesn't qualify for State retirement benefits, it does qualify for health/dental insurance benefits, and reducing to 30 hours will eliminate all benefits, while the reduction of 2 hours per week will not negatively impact the department. Mr. Hohenberger seconded. Mr. Sullivan concurred that the benefit savings would be approximately \$22,000 and salary savings would be approximately \$2,000 with this change. Mr. McLeod indicated that he is not in favor of the motion because, unlike the earlier discussion regarding the transfer station, not all parties affected by this decision are currently in the room and he believes the employee currently in the Department Secretary position should have an opportunity to comment, as well as the fact that the position was just recently reorganized to the 32 hour level. He suggested that he would be willing to revisit the discussion as a future agenda item. Mr. McMahan called for a vote and the motion failed 2-3 with Mr. McMahan, Mr. McLeod and Mr. Stearns opposed. Mr. Stearns also noted that he would be willing to revisit the topic at a future meeting with sufficient notice provided, such as the budget public hearing in January. Ms. Scott asked the Board to notify her of any future discussion so that the staff could be notified. The Board reiterated that the department should plan for a discussion on this item at the budget public hearing on January 10, 2011.

Legal Services - Mr. McMahan asked if any Board members had any questions on this budget, and it was indicated that there were none.

Other - Mr. McMahan then asked the Board to review the list of budgets scheduled for December 13 to see if there are any that can be addressed tonight; this includes Insurance, Retirement, Debt, Trust Funds, Street Lights, Senior Center, Searles, Conservation, Cemetery and Library. Consensus of the Board was that no further discussion was needed on these budgets.

The Board then discussed the agenda for December 13 and Mr. Breton indicated that he believes the Board still needs to schedule the policy discussion regarding the Fire department staffing. Discussion ensued regarding the scheduling over the next several weeks and the lack of a full 5-member board at upcoming meetings; consensus of the Board was to schedule the Fire Chief to discuss staffing policy with the 4 members of the Board on December 13.

CIP/Community Development – The Board revisited the request for \$65,000 for Phase III of a Sewer Study due to the previous 2-2 vote on this item. Ms. Scott reiterated that the study was comprised of legal and engineering components, building off the first 2 phases, working with the NH DOT, the Town of Salem and the GLSD. Discussion ensued regarding the components of the Phase II study and that Phase III would get into more cost figures, data collection and research for grants. Discussion turned to the results of the Phase II study, which have not yet been made available. Ms. Scott noted that she had sent an updated email to the Board regarding this, noting that some of the delay was a result of this being administered through the Town of Salem and that their process included more involvement from the DES. A lengthy discussion ensued regarding the individual Board members' views on the need for continued study, future development and watershed issues, coordination with ongoing Route 93 construction, concerns about not having all the answers from Phase II of the study and not having public input. Ralph Valentine, WEDC Chairman, spoke in favor of the Phase III study due to the need to protect water quality and natural resources, while development continues. Mr. Valentine noted that because it's a joint Windham/Salem concern, Windham needs to continue to participate and have a voice, or Salem will move forward on decision making without us. Ms. Scott reiterated that it makes more sense to stay on track with Salem because this is a regional endeavor as part of the Spickett River watershed, and by waiting to do this work, the costs will continue to rise. Ms. Scott further explained the timing of the Phase II contract, previous updates provided to the Board, and that results will be in by the end of December. Ms. Scott reminded the Board that there will still be opportunity for public input and that the WEDC will make an effort to promote the results of Phase II prior to town meeting.

Mr. Sullivan reiterated the previous meeting's discussion regarding the \$720,000 allocation for CIP items and how this project could be funded. Mr. Sullivan summarized that with the Board's previous decisions to fund the Dump Truck (\$150,000), Engine 3 Replacement (\$135,108), Griffin Park parking (\$200,000) and Roads of (\$330,000), pending a decision on the Sewage Study (\$65,000) and Police building enhancement (amount TBD), we would still be higher than last year's allocation. Mr. Sullivan proposed to reduce the Roads to \$300,000, add \$80,000 for the Police building, in order to build a structure but fund interior work in 2012, then utilize operating budget savings of \$43,913 and impact fees of \$46,195, to maintain an overall level funded budget. Mr. Stearns indicated that he agrees with the concept of the sewage study, noting he is disappointed in not having the results of Phase II, but that there is time for public input prior to town meeting and the sewage study article/funding could be removed, therefore, he agrees with moving forward with the funding proposal as described by Mr. Sullivan. Mr. Stearns motioned to support the CIP proposal as outlined by Mr. Sullivan and Mr. Breton seconded. Motion passed 3-2 with Mr. Hohenberger and Mr. McLeod opposed, both noting opposition due to inclusion of the sewage study in the overall CIP funding package. The Board then elected to hold off on revisiting the online Vision Appraisal topic with

Mr. Norman, should he choose to revisit as this previously was a 2-2 decision by the Board.

NEW/OLD BUSINESS: Police Chief Lewis reported that the National Insurance Crime Bureau has a program that offers vehicles (typically stolen or vehicles involved in insurance scams) for use at local Police departments at no cost. Our local NICB agent indicated that MetLife has a ¾ ton Chevy Silverado pickup that we can use for \$1. The department would use for surveillances, taking equipment to the range, transporting the ATV, etc. Chief Lewis requested the Board allow him to move forward and provide authorization for him to sign the agreement. Mr. Stearns made a motion to approve the Chief's request and Mr. Hohenberger seconded. Passed unanimously.

Mr. Sullivan discussed the last component of the Depot project which was the building of the deck that was previously put out to bid. Mr. Sullivan first asked if the Board would support assisting the Rail-Trail Alliance with installing guardrails across the front of the road and along the parking area, per plans previously presented to the Board, providing some security to protect the facility in the winter. The total cost of the project by Fences Unlimited is \$5,254, and with \$4,500 available in Alliance funds, they are requesting the Town fund the remaining \$754 from the Property Trust.

Mr. Sullivan discussed the options regarding the deck project, comparing the low bid price of \$23,600 versus constructing it utilizing in-house (Maintenance dept) personnel, with the cost of materials only totaling \$21,121.68. Because the low bid was still higher than the remaining budget available (\$21,674.46), Mr. Sullivan sought an alternative price, replacing the metal rail system with a wooden rail. This would be a cost of \$20,200 by the low bidder or \$9,117.95 in materials only for in-house construction. Mr. Sullivan noted that the analysis presented includes the salary/benefit cost of in-house personnel for comparison purposes, but that we are paying these costs anyway, therefore the true dollar savings would be realized based on materials only. The wooden rail option was reviewed with the NH Department of Cultural Resources, but we would still need to get this option approved by the local Historic District Commission.

Mr. McLeod motioned to approve the expenditure of \$754 from the Property Trust account for the guardrails and Mr. Stearns seconded. Motion passed 3-2 with Mr. Hohenberger and Mr. Breton opposed. Mr. Hohenberger motioned to approve the expenditure of \$9,117.95 utilizing in-house personnel to build the deck, with wooden rails contingent on HDC approval, and Mr. McLeod seconded. Mr. Breton indicated his opposition to utilizing Maintenance personnel for this project because they should be spending their time on other projects at town buildings. Mr. Stearns felt that for the small difference noted, we should utilize the contracted vendor so as not to burden our Maintenance department on this project. Mr. Sullivan indicated that the Maintenance department has worked on several "maintenance/construction" projects, saving the town

significant dollars, as we specifically hired a professional carpenter to have on staff for these types of projects, however, he acknowledged that they do have a lot on their plate. Mr. Sullivan noted that the Board will need to decide if the local HDC says no to wooden rails, whether the Board wishes to overspend the budget, utilizing Property Trust funds, or not do the deck at all and let the funds lapse. Mr. McLeod asked if this finishes the project and Mr. Sullivan indicated that this would finish the exterior work. Further discussion ensued regarding the utilization of Maintenance personnel and the quality of their work that has been evidenced by the Griffin Park deck/bridge, Town Hall renovations, etc, as well as the approximate time required to complete the deck project (estimated at 120 hours each for two employees, however, this may be exceeded). Mr. McMahon noted that Mr. Barlow has the capability of managing and prioritizing his full plate of projects and we should utilize the resources we have on staff and realize true savings in spending. Discussion turned to the ultimate responsibility for the work on these types of projects, the difference between construction and maintenance projects and that the time to complete this project should be tracked. Mr. McMahon called for a vote and the motion passed 4-1 with Mr. Breton opposed. Mr. Sullivan indicated that if the HDC doesn't approve the wooden rails, he will be back before the Board next week.

NON-PUBLIC SESSION: Mr. Stearns motioned and Mr. Hohenberger seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote all "yes". The topic of discussion was personnel and the Board and Mr. Sullivan were in attendance. The Board discussed a personnel matter and no decisions were made. The Board will follow up at the next meeting.

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

Meeting adjourned at approximately 10:45 pm.

Respectfully submitted,

Dana Call
Asst Town Administrator-Finance

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