

BOARD OF SELECTMEN
Minutes of March 18, 2013

MEMBERS PRESENT: Vice Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Phil LoChiatto, Kathleen DiFruscia, Roger Hohenberger and newly elected member Al Letizio were present, as was Town Administrator David Sullivan. Mr. McLeod opened with the Pledge of Allegiance. Town Clerk Nicole Merrill then proceeded to swear in Selectman Letizio; and the remaining members extended their congratulations on his election.

ANNOUNCEMENTS: Mr. McLeod extended thanks to all who voted, noting a 37% turnout, and to Mr. Sullivan, Mrs. Call, and the Department Heads for their efforts.

LIAISON REPORTS/CORRESPONDENCE: None.

MINUTES: Mrs. DiFruscia moved and Mr. LoChiatto seconded to approve the minutes of October 15 and March 11 as written. Passed 4-1, with Mr. Letizio abstaining.

BOARD REORGANIZATION: Mr. Letizio moved to nominate Mr. LoChiatto as Chairman and Mrs. DiFruscia as Vice-Chairman. After a brief discussion, Mr. Hohenberger seconded, however he preferred Mrs. DiFruscia serve as Chair. He then went on to explain that, historically, those that are up for re-election in the ensuing year generally serve as Chair. A discussion then ensued, with both Mrs. DiFruscia and Mr. LoChiatto citing their individual reasons, experience, and goals in support of their serving as Chair; with both also revealing that it was not their intent to seek re-election in 2014.

Motion failed 2-2, with Mrs. DiFruscia and Mr. McLeod opposed and Mr. Hohenberger abstaining.

After further discussion, Mr. Letizio again nominated Mr. LoChiatto as Chair and Mrs. DiFruscia as Vice Chairman. Mr. Hohenberger seconded the motion, which passed 4-1, with Mr. McLeod opposed.

Mr. LoChiatto then assumed the Chairmanship with thanks.

ANNOUNCEMENTS CONTINUED: Mrs. Margaret Case, Chairman of the Cable Advisory Board, approached to discuss an increasing number of complaints she has been receiving regarding Comcast; noting that the WCAB had met the previous Thursday and voted to send a letter to Comcast regarding same. She then read the letter into the record, as attached, regarding implementation of new fees by Comcast. Mrs. Case went on to note that Comcast stands to garner \$550M through implementation of these fees and that she takes issue with: 1) the boxes were presented as being “free”; 2) you cannot have cable without them, and; 3) there is a legal requirement to provide basic cable to residents. Discussion ensued.

Mrs. DiFruscia moved and Mr. McLeod seconded to support the concerns as expressed by the Cable Board, and a lengthy discussion ensued as to whether Mrs. Case had received any other complaints, Comcast rate increases, their monopolizing of service in Windham, and that they are not regulated by the Public Utilities Commission. Motion passed unanimously.

FIRE CHIEF: Chief McPherson began by requesting the Board consider a waiver of the bid process for the purchase of two (2) Life Pack defibrillators. After the Chief was required to step out of the meeting, Deputy Chief Morgan approached to further clarify that the request would allow this equipment to be purchased from the same vendor utilized prior; citing the level of service, quality of equipment, and the department staff’s familiarity with this brand. Chief Morgan noted that a lease/purchase offer was available, adding that the equipment would require less training and is compatible with existing items.

Mrs. DiFruscia inquired what the cost for each Pack would be, and Mr. Sullivan replied that in total the cost for the two packs is approximately \$81,000 and, if leased, the annual payment would be approximately \$27,000. He went on to note the savings staying with the same vendor/machine would offer. Mr. McLeod inquired whether these were the only defibrillators compatible with current equipment, and Firefighter Scott

Savard approached replying in the affirmative; noting that the majority of surrounding towns also utilize the Life Pack brand. Discussion ensued, with input from Firefighters Sliver and Hildebrandt regarding interoperability and muscle memory benefits.

Mr. Hohenberger inquired whether anything was wrong with our existing equipment beyond its age. FF Savard indicated the other two units, each over 10 years old, are still operational, and a discussion ensued as to what will be done with them. Mr. Sullivan indicated he believed one was going to be utilized as a trade in.

Chief McPherson returned to the meeting, and explained the Department has been working with the vendor since June to secure the best pricing; ultimately obtaining a 0% interest lease offer. He noted that one of the current packs will be placed on an engine, while the other will be used as a trade in. Chief McPherson further explained that the advanced nature of these machines will also allow the Department to eliminate some other equipment, and that the lease would include all related items and one accompanying CPR Chest Compression unit. Discussion ensued regarding alternate brands and pricing, as well as whether the State has a bid in place.

Mr. Letizio moved and Mrs. DiFruscia seconded to grant the request for a bid waiver relative to the purchase of two Life Pack defibrillators and CPR chest compression machine.

Mr. McLeod extended thanks to the Chief for presenting thorough information in justification of the delta between lower priced equipment and the Life Packs. Mr. LoChiatto inquired whether the life expectancy for the new equipment was the same and whether a service contract for the life of the unit was included; and the Chief replied in the affirmative and noted a service contract is included for the term of the lease. Discussion then ensued regarding establishment of a maintenance contract, as well as the existing contract on the old equipment.

Motion passed unanimously.

Mrs. DiFruscia then moved and Mr. McLeod seconded to authorize the purchase of the Life Packs as presented. Passed unanimously.

Discussion then moved to the purchase of SCBA equipment in accordance with the successful Town Warrant article. The Chief advised that the Town has the opportunity to take advantage of the State of Massachusetts bid pricing from Scott. He went on to cite the same advantages regarding savings, trade in, training, and compatibility in remaining with the same vendor.

Mr. McLeod moved and Mr. Letizio seconded to waive the bid process as requested for the purchase of the SCBA equipment. Lengthy discussion ensued regarding the cost of equipment, FEMA grant funding, and bidding the items. Motion passed 4-1, with Mr. Hohenberger opposed.

Mr. Letizio then moved and Mr. McLeod seconded to authorize the purchase of the SCBA equipment as requested. Passed 4-1, with Mr. Hohenberger opposed.

RECREATION: Recreation Coordinator Cheryl Haas approached explaining that the Committee is requesting to utilize the former golf course property at 53 Range Road in order that over-seeding and swale work can be completed at Griffin Park. Before Ms. Haas continued, Mr. McLeod recused himself from the Board due to his affiliation with Windham Soccer.

Ms. Haas went on to explain that the rear of Griffin Park would not be re-opened until August due to the work, and thus boy's lacrosse needs to be relocated. She noted she is working with the High School, but additional space is needed; adding that Windham Soccer has offered to line the field for use.

Mrs. DiFruscia sought clarification that the lease with the State would only go through June and there is no cost involved, and Ms. Haas replied that was correct. Mr. McLeod then approached to confirm that Soccer is working with Recreation to line the fields; adding that even though the season has yet to officially start,

scheduling has already begun and the loss of an entire field for a season is critical to same. He noted this is a fantastic option and, on his own behalf as opposed to Windham Soccer's, expressed hope that the Board would support it.

Mr. LoChiatto sought clarification that the appropriate insurance coverages were in place, and Mr. Sullivan replied in the affirmative. Mr. LoChiatto then inquired whether parking in the area would be clearly established; given the area businesses. Recreation Chair Dennis Senibaldi approached indicating the former driving range parking lot would be utilized, which will be sufficient given it is only one team playing on that field. Discussion ensued in that this is where the former Farm Stand was located.

Mrs. DiFruscia moved and Mr. Hohenberger seconded to authorize the signing of the lease for State owned land for recreation purposes including lacrosse and soccer and any other needs as determined by Recreation while Griffin Park is being over-seeded. Passed 4-0.

Mr. Senibaldi then approached advising he had spoken to Jack McCartney and Herbert Associates regarding the swale work, and that elevation changes need to be established. He noted that Herbert Associates is willing to do this at no cost, however, the Board's authorization is required for them to do so as it is Town property.

Mr. Hohenberger moved and Mr. Letizio seconded to authorize Herbert Associates to work on Town property. Passed 4-0.

Mr. McLeod resumed his seat on the Board.

REORGANIZATION PLAN – MAINTENANCE DEPARTMENT: Mr. Sullivan gave a brief history of the discussions and proposals to date, as well as the previous and interim structures/costs per the attached. Mr. Sullivan then indicated that while Mr. McCartney and Mr. Galle are doing an excellent job in the interim, something needs to be done for the long-term.

Mrs. DiFruscia indicated that she had spoken to Mr. McCartney and the Maintenance staff regarding Mr. Galle's performance. She noted that she did not see the need for a Supervisor position, as she believed Mr. Galle has the ability as Foreman to manage the Maintenance Department in the absence of Mr. McCartney.

Mr. Letizio thanked Mr. Sullivan for taking the time to bring him up to speed, then sought clarification as to whether this proposal would be his recommendation. Mr. Sullivan noted his original proposal was his preference, however, this would be his recommendation given the lack of support for the former.

Mr. McLeod expressed concerns that the proposal lends itself to being management top-heavy given the small number of employees. Mr. Sullivan disagreed, and a discussion ensued. Mr. McLeod went on to express concerns regarding utilization of a matrix management set up as proposed in an ongoing, daily work environment; adding he was also not in support of a supervisor position.

Discussion ensued regarding the current structure and the duties/responsibilities Mr. Galle has been assuming as explained to Mrs. DiFruscia by Mr. McCartney. Mr. Hohenberger indicated he shared similar concerns as Mr. McLeod, and sought clarification as to how the interim structure has been working. Mr. Sullivan noted it does work, however, there are still duties falling to he and the Assistant Town Administrator which should be handled by others. Discussion ensued regarding project coordination, and whether Mr. Senibaldi has been assisting in the interim in a supervisory fashion; which it was clarified he has not. Further discussion ensued as to the workings of the interim solution and what would define the "absence" of Mr. McCartney as it pertained to supervision of the Maintenance staff.

Mr. Letizio noted his appreciation of the extensive time that been spent on this issue, and the time Mr. Sullivan spent with him on it. He then indicated that that he supports Mr. Sullivan's recommendation; adding that, after his many years of service, he would trust that any recommendation he presented would be in the best interest of the Town. Mr. Letizio then noted that he does not feel a need to micro-manage such matters.

Mr. Sullivan noted that he believed Mr. Poulson and Mr. McCartney will be able to coordinate this structure; adding that if it does not work they will come back to the Board. He reiterated they had been trying the current configuration for six months, and he would propose they now try the new for a few months. Mr. McLeod disagreed, believing they should keep working the current configuration with a custodial foreman if necessary.

Mr. LoChiatto indicated he believed this to be a viable solution, noting it does address Mrs. DiFruscia's concerns and also dilutes the management numbers. He then echoed Mr. Letizio's comments regarding micro-management.

Mr. Bob Coole, Morrison Road, approached to inquire what would happen if the Supervisor were needed off-site and at the Transfer Station, simultaneously. Mr. Sullivan noted there is a Department Head and foreman in the event that unforeseen situation arises; citing as an example that the Transfer Station Manager does not work on Saturday. Lengthy discussion ensued as to the supervisor duties, scheduling of staff/shared resources, whether there was a need for a supervisor and a foreman, and hours/operational schedules.

Mr. Al Barlow, Cops Hill Road, approached noting that he believed Mr. Galle had the capability to step into the foreman role reporting directly to Mr. McCartney; citing his skills and experience. He went on to note that the Board should plan for the future; leaving the Supervisor where he is at the Transfer Station and moving Mr. Galle up. Discussion ensued regarding possible future scenarios, including retirement of the Transfer Station Manager and loss of the Supervisor to that position, leaving just a foreman.

Mr. Senibaldi, Transfer Station Supervisor, approached to clarify his work and supervisory experiences; adding that it was uncomfortable for him to be speaking, however he was as his name had been mentioned. Discussion ensued regarding the deliberation of the proposal being structure rather than employee driven, and the proposed structure itself.

Mr. McLeod then moved and Mrs. DiFruscia seconded to, with respect to the Transfer Station, Highway Department, and Maintenance Department, keep the existing management/staffing structure in place with the following exception: eliminate one custodian position in the Maintenance Department and create a foreman position in same. Mr. Hohenberger expressed concerns that the current structure had not been fully tested, and a lengthy discussion ensued amongst the members.

Motion passed 3-2, with Mr. LoChiatto and Mr. Letizio opposed. Mr. Sullivan then advised that he will re-work a foreman job description for presentation to the Board. Brief discussion ensued.

ROUTE 111 BY-PASS MAINTENANCE CONTRACT: Mr. Sullivan advised that, at the Board's direction, he had met with the Town's current groundskeeper and the Highway Agent regarding this matter. He noted that, last year, the by-pass had not been fully maintained due to costs; reminding the Board that only \$5,000 had been budgeted for this whereas the actual expense was far greater. Mr. Sullivan noted that he would propose awarding this contract to the current vendor, Boyden Landscaping, in the amount of \$16,475; working within the budget to do so and thereby providing for more maintenance throughout the season. Discussion ensued regarding the condition of the by-pass, the scope of work, and whether to bid the contract or waive the process.

Mrs. DiFruscia moved and Mr. McLeod seconded to waive the bid process for the by-pass landscaping contract. Mr. McLeod sought clarification that this would be a one year contract only, and Mr. Sullivan replied in the affirmative.

Motion passed 4-1, with Mr. Hohenberger opposed.

Mr. McLeod then moved and Mrs. DiFruscia seconded to award the contract to Boyden Landscaping in the amount of \$16,475. Passed unanimously.

OLD/NEW BUSINESS: Mr. Sullivan advised that the Town is being offered, at no cost, participation in a reverse 9-1-1 system. Information has been provided to the Board for review and future decision. Chief McPherson gave a brief overview of the service and what they currently utilize, and a discussion ensued.

Mr. Letizio then inquired whether there would be any other information forthcoming to review; noting that he was comfortable with what he had received and would support the Chief's recommendation. Mr. Sullivan noted there was nothing further planned to be presented.

Mr. Letizio then moved and Mr. Hohenberger seconded to support the Chief's recommendation to participate in the reverse 9-1-1 system as offered by the State at no cost to the Town. Passed 4-1 with Mr. McLeod abstaining as he had not had an opportunity to review the documents.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to appoint the Police and Fire Chiefs as authorized users. Mr. McLeod suggested that, in keeping with the State's policy, Mrs. DiFruscia amend her motion to "designated authorized officials". Mrs. DiFruscia amended her motion, and Mr. Hohenberger his second accordingly. Passed unanimously.

Mr. Sullivan advised the Board that, as it pertained to the property recently sold on First Street, the purchaser was requesting that language be added to the deed authorizing their use of the property for unpaved parking in addition to the restrictions regarding well/septic use only. Brief discussion ensued regarding tree clearing, which is not restricted per the deed, and the need to comply with local ordinances. Mrs. DiFruscia requested language be added regarding the need to comply with the latter, and Mr. Sullivan suggested "zoning and any other town ordinances." The Board concurred.

Mrs. DiFruscia moved and Mr. Letizio seconded to approve amendment of the deed. Passed unanimously.

Mr. Sullivan advised that annual liaison assignments will need to be established; asking that the Board review and submit their requests to him for next week. Mr. Letizio noted that, if the remaining members agreed, he would be willing to simply step into Mr. Breton's assignments. Mr. LoChiato then inquired whether the remaining members wished to keep their current assignments, and a discussion ensued. Mrs. DiFruscia and Mr. McLeod agreed to swap their liaison positions to the Planning Board, and Mr. LoChiato indicated he had intended to take Mr. Breton's liaison assignment to the JLMC. Discussion ensued.

Mr. McLeod moved and Mr. Letizio seconded to approve the liaison assignments as discussed. Passed unanimously.

Mr. McLeod then noted he had reviewed the reverse 9-1-1 information, and requested that the Board reconsider their vote to allow him to vote, as well. Mrs. DiFruscia moved and Mr. Letizio seconded to reconsider. Passed unanimously.

Mr. Letizio moved and Mr. Hohenberger seconded to support the Chief's recommendation to participate in the reverse 9-1-1 system as offered by the State at no cost to the Town. Passed unanimously.

Mr. Sullivan inquired whether the Board were available on April 6, rather than the upcoming Saturday, for the Strategic Planning retreat; as Mr. Letizio is unavailable due to a prior commitment. The Board concurred.

Mrs. DiFruscia moved and Mr. McLeod seconded to adjourn. Passed unanimously.

Meeting adjourned at 9:05 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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

PL
3/10/13



WINDHAM CABLE ADVISORY BOARD

P.O. Box 120, Windham, New Hampshire
(603) 434-0300 / Fax (603) 537-0209
Cable@WindhamNewHampshire.com

March 19, 2013

Kevin Casey
President North East Division
676 Island Pond Road
Manchester, NH 03109

Dear Mr. Casey:

We have an extremely serious issue regarding Comcast Cable Service in Windham, New Hampshire that needs to be brought to your attention immediately. This official correspondence is follow up to verbal conversations I have had with Mr. Bryan Christiansen, Senior Manager, Government and Regulatory Affairs.

The Windham Cable Advisory Board has been deluged with complaints (many quite vitriolic) from cable subscribers that COMCAST is now charging \$1.99/month for the small adapter boxes (DTA) that were originally provided free of charge as part of the changeover to digital service. They argue that no such charge was ever mentioned at the time the boxes were provided, and customers were assured that they were part of Comcast's customer service. Windham Comcast customers regard this action as a serious breach of business ethics, and question how this fits in with the branding you've been trumpeting nationally as "Home of the Comcast Customer Guarantee?"

The Windham Cable Board cannot find fault with these complaints as each board member including myself recalled the very same assurance during the digital changeover.

Copies of this letter have been distributed to the Town of Windham Board of Selectman and the letter has been read publicly at their meeting last evening.

We hope you will not underestimate the importance of this issue, and request you take immediate action to pursue a mutually acceptable solution. The Windham New Hampshire Cable Advisory Board expects to hear from you soon regarding a resolution to this matter.

Sincerely,

Margaret A. Case
Chairperson,
Windham Cable Advisory Board

Copies:

Windham Board of Selectman
Bob Carr, Director of Government & Regulatory Affairs
Steven Hackley, Sr. Regional VP Greater Boston
Bryan Christiansen, Sr. Manager, Government and Regulatory Affairs
US Senator Jeanne Shaheen
US Senator Kelly Ayotte
NH Senator Jim Rausch
NH Governor Maggie Hassan
NH Attorney General Michael Delaney
Eagle Tribune
Windham Independent
Windham Pelham News
Windham Patch

REORGANIZATION PROPOSAL

Transfer Station
Highway Department
Maintenance Department

March 18, 2013

**TRANSFER STATION
MANAGER**

**HIGHWAY/MAINTENANCE
MANAGER**

Proposed \$5,000 Annual Stipend

SUPERVISOR
(Reports to both Managers)
Current Grade: 15/5
Proposed Grade: 16/5
Annual Impact: \$2,725 (2013)

TRANSFER STATION STAFF

MAINTENANCE STAFF
Move (1) Custodian to Foreman
Current Grade: 8/5
Proposed Grade: 9/5 (2013) 10/5 (2014)
Annual Impact: \$1,950 (2013)

TOTAL ANNUAL IMPACT 2013

HIGHWAY/MAINTENANCE MANAGER STIPEND	\$ 5,000
SUPERVISOR TO GRADE 16	2,725
CUSTODIAN TO FOREMAN GRADE	1,950
<u>CONTRACTED SERVICES*</u>	<u>13,935</u>
	\$23,610

**(includes service contracts/outside tradesmen)*