

BOARD OF SELECTMEN
Minutes of May 2, 2016

CALL TO ORDER: Chairman Joel Desilets called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Jennifer Simmons, Ross McLeod, and Roger Hohenberger were present; as was Town Administrator David Sullivan. Mr. Desilets opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McLeod urged that anyone who enjoys the Rail Trail reach out to Mr. Sullivan, as Norm Babineau of the Alliance could use assistance in maintaining same. He indicated the latter does much work in the area, and extended thanks to him for his efforts.

Mr. Sullivan noted, on behalf of Recreation, that parking at Griffin Park will be limited on May 7th due to work in the area.

Mr. Sullivan noted that, at the last meeting, the Board had met in nonpublic session under reputations to discuss an interim consultant in the Community Development Department and, in the course of the discussion, had realized they were on the borderline of appropriateness; clarifying this for the record. He then advised that the Board, in that session, had ultimately opted to utilize a team approach to same, contracting with Mr. Fougere and Mr. Keach.

Community Development Director Laura Scott approached noting that water testing kits will be available in the Department for residents to purchase at reduced cost from May 9th to 13th.

Ms. Scott also noted there will be a free business networking event on the 17th at SFC Engineering from 5:30-7P; a free wine event on the 10th; and a stormwater workshop on May 26th.

Ms. Scott advised that the new Welcome to Windham signs have been installed, and extended thanks to all.

Chief McPherson updated the Board on a house fire the previous Saturday, which had occurred on Horseshoe Road. He indicated the home was owned by a young family with two children; and that no one had been injured. Chief McPherson advised that donations can be made to the family via Helping Hands or the Fire Department; adding that the response from residents was a testament to the community. Brief discussion ensued as to the cause of the fire, which the Chief indicated was still under investigation.

FORESTRY COMMITTEE: Chair Wanda Rice provided an update to the Board on the McIlvaine Forest, noting that:

- The first harvest was completed in the fall; resulting in approximately \$56,000 net income
- Access to the Forest via the landfill, as authorized by the Board, had worked out great
- The Committee is exploring seeding of the harvest landing site now, and the Highway Agent has no issue with their continued access through the landfill for same
- The Committee is working on improving the existing trail network, and will host an evening meeting on May 19th to discuss same

Mr. McLeod extended thanks to the Committee for their efforts, and for working with the Highway Agent regarding access.

LIAISON REPORTS: Mr. Desilets noted that he had attended a Business Innovation event that day, at which Dean Cayman, Kelly Ayotte and Mark Kaplan had been key speakers. He noted many excellent ideas had been presented, and the video is available at nhhtc.org.

WINDHAM BASEBALL: Mr. Jay Yennaco approached requesting that the Field Use Regulations be amended to extend the use of lights at Griffin Park by one hour. He explained that the regulations require the lights be turned off by 9P, however over the years permission has been granted to extend same. Mr. Yennaco explained that the lights are remotely controlled and Baseball has spoken to the Recreation Coordinator regarding this request.

Mr. Sullivan noted that Ms. Haas, via email, had expressed she has no issue with this request and, further, there have been no complaints received from residents regarding the lights. Ms. Haas indicated that Baseball adheres to the rules and turns off the lights early if they are finished. Mr. McLeod noted that the regulations also speak to the start of practices, and inquired whether Mr. Yennaco was requesting that be amended as well. Mr. Yennaco replied in the affirmative.

Mr. Hohenberger noted that, when this all began, there was a fear that Griffin Park would turn into a late night sports complex; adding he had no issue with trying out Baseball's request but that it be monitored for issues with abutters. Discussion ensued regarding the Musco system utilized to monitor the lights, with Mr. Yennaco reviewing historical data depicting the on/off times.

Mr. Yennaco explained that there is a need to extend the lights, as games cannot begin until approximately 6:00 PM and, with the current schedule, they can't get in a second game. Also, the League has grown and we are unable to host tournaments. Discussion ensued.

Mrs. Simmons sought clarification that this involved only one field, and Mr. Yennaco replied in the affirmative.

After further discussion, Mr. McLeod moved and Mr. Breton seconded to approve a waiver of Section IX of the Field Use Regulations to extend the lighting at Griffin Park by one hour for Windham Baseball for the season. Passed unanimously.

NEIGHBORS AGAINST KINDER-MORGAN PIPELINE: Mr. Dick Gumbel and Mr. Homer Shannon updated the Board on Kinder-Morgan's suspension of their application. Mr. Shannon noted that the Neighbors were originally going to request that the Board join the Pipeline Coalition, which was put together by 18 towns along the pipeline route. He indicated that the Coalition has not been disbanded, and the Town can still join as either a political or legal member. Mr. Shannon explained that the former allows the Board to state their position only, while the latter affords legal representation at a cost of approximately \$40,000. He indicated that it remains unknown, until May 25th, whether or not Kinder-Morgan is truly done, and that the Coalition has filed intervenor status with the Public Utilities Commission. He indicated that, if the fight continues, he would like to see the Town join the coalition as a political member.

Mr. Desilets polled the Board as to whether there was any will to join, and Mr. Hohenberger indicated he thought the Board's previous letter had accomplished that despite receiving no response. Discussion ensued in that the letter in question had gone to FERC rather the coalition, and did not establish membership with the latter. Mr. Hohenberger then indicated he would just as soon wait and see before making a decision.

Mr. Gumbel extended thanks to the Board for their support these long months, and to Mr. Sullivan for his assistance. Mr. McLeod noted that, if the project continues, he would be amenable to a political membership on the coalition, and a brief discussion ensued. No decisions were made.

PROPERTY TAX ABATEMENTS: Mr. Sullivan indicated that he had anticipated one of the assessing contractors to be in attendance; however despite their absence the Board could still act on the abatements as they had all the information available. He indicated the abatements are related to listing errors/corrections.

Mr. Hohenberger moved and Mrs. Simmons seconded to approve the abatement request for 17J-70A in the amount of \$1,474.79. Passed unanimously.

Mr. Breton moved and Mr. Hohenberger seconded to approve the abatement request for 21B-26 in the amount \$217.20. Passed unanimously.

The balance were then tabled until the next meeting.

ECONOMIC DEVELOPMENT: Mr. Desilets noted this item was centered on the Economic Development Committee's recommendation that a fulltime Economic Development Director be hired; and that salary information for same was requested and received from Mr. Sullivan.

Mr. McLeod noted that his initial thought was this would make sense as a part time position, however Mr. Gallagher had made good points in his presentation to the Board. He noted that there are several commercial areas of Town that are taking off, and if we want to compete with the surrounding towns we need to step up to the plate. He suggested a three year contracted position, which can then be evaluated.

Mr. Hohenberger then asked that Ms. Scott offer her opinion on the recommendation. Ms. Scott approached, noting that she had attended the EDC meeting at which this was discussed and that their recommendation had changed between then and their presentation to the Selectmen. Mr. Desilets interjected that he disagreed it had changed, followed by Mr. Sullivan taking the opportunity to concur with Ms. Scott; adding that while discussion did take place regarding the need for full time focus on economic development the Chair was not asked to present a recommendation to hire staff. Mr. Desilets noted this conversation could be continued in non-public.

Ms. Scott then explained that her job description has changed twice since she started, and that it is very important to work with those businesses that are here. She noted she is concerned that the focus appears to be on large businesses relative to certain parcels and certain types of businesses; pointing out that a Dollar Store is welcome in Windham provided it meets the zoning regulations. She was concerned about cherry picking types of businesses and parcels to market; adding that she works with all businesses, regardless.

Ms. Scott questioned how travelling all over the country to attract businesses would work if, when they arrived, the property they need isn't available, etc. She indicated that it is very rare that someone from far away approaches Windham, as most have local connections. Ms. Scott also noted that we cannot be all things to everyone, that we are a unique community in both location and zoning, and that the voters have decided what kind and where they want commercial development.

Mr. Hohenberger inquired whether Ms. Scott saw a need within her department for such a position, and Ms. Scott replied she did not see a need for a fulltime one. Mr. McLeod pointed out that he did not see such a position as being part of Community Development, as it inherently conflicts with same. Lengthy discussion ensued.

Mrs. Simmons sought clarification from Ms. Scott as to how she helps the business community. Ms. Scott pointed out that her Department is the first stop for business owners; offering marketing, permits, zoning assistance, etc. She indicated that she had met with three businesses that day who wanted to locate in Windham, and there are others she has been talking to for years who aren't quite ready yet. She also noted she aides property owners, and offers promotional and networking assistance for new businesses. Ms. Scott indicated that strengthening the existing community is important, as no one wants to go to a Town that is not flourishing.

Mr. Desilets noted that the input provided to the EDC was that 30% of Ms. Scott's time is currently dedicated to economic development; adding it comes down to hours of time dedicated to same and that the recommendation is not a reflection on performance. He then went on to express several concerns, including that the percentage of commercial versus residential taxes has actually decreased. Ms. Scott noted that the commercial percentage of the tax base has slipped because the residential growth in town has been enormous and those property values are much higher; adding that commercial development has involved smaller/rehab projects.

Further discussion ensued, and Mr. Desilets noted that per the Master Plan survey the Town does support water/sewer, to which it was pointed out that the Town meeting vote did not show that. Mr. Breton noted that the Rockingham Planning Commission had completed a comprehensive report on our commercial land/build out. He noted that the Town of Derry does not have an Economic Development Director, and that Salem and Londonderry are not comparable situations. Mr. Breton noted that the EDC should look at our zoning and the build out report, as he knew several businesses that would come to Windham if the former were changed. Discussion ensued.

Mr. McLeod noted, as to the cost impacts of creating a new position, the Community Development Director grade could be lowered to 23 to reflect removal of that responsibility, or the Code Enforcement Administrator duties could be absorbed in the CDD duties and the salary lowered to grade 24. Discussion ensued in that Mr. McLeod was still referring to a three year contract.

Mr. Hohenberger noted that twice the Board had re-vamped Town departments, and the process had been ugly. He felt this was not productive and was a detriment to the work being done; adding the discussion should end now. He questioned what the need was for this, noting he did not see one, nor did Ms. Scott. Mr. Hohenberger felt this was only causing angst in a situation that was working, and this discussion of a new position had come out of nowhere. Mr. Desilets noted that the Board's split votes on the Economic Revitalization Zones, as an example, were a good indication that all board members have different ideas. Lengthy discussion ensued regarding the need for additional data from the EDC, the need to remain flexible and adaptable, and that the Board had much to digest.

After further discussion as to when this could be rescheduled on the agenda, Mr. Hohenberger moved and Mr. Breton seconded to not discuss this any further at this time. Motion failed 2-3, with Mrs. Simmons, Mr. McLeod, and Mr. Desilets opposed. Further discussion ensued, and Mr. Breton noted that the EDC needed to provide information relevant to their request adequately in advance of the next discussion for the Board's review. Mr. Desilets concurred

BID AWARD – HANDYMAN SERVICES: Maintenance Project Supervisor Jack McCartney advised that three bids were received to provide “Handyman” Services for the Town's Maintenance Department, as follows, with the recommendation being to award the bid to KO Construction:

- KO Construction, Sandown, NH \$25/hr Scheduled Projects & \$75/ hr Emergency Response
- Handyman Etc. LLC, Windham, NH \$75/hr Scheduled Projects & \$100/hr Emergency Response
- TJ Bro-Co, LLC, Windham, NH \$75/hr Scheduled Projects & \$125/hr Emergency Response

Mr. McLeod noted there was quite a disparity in the bids, inquiring whether staff was confident that KO could perform the duties. Mr. McCartney replied in the affirmative, noting KO has done work for the Town before with no issues. Mr. Hohenberger sought clarification that this was within the realm of the previous discussions and reorganization of the Maintenance department, with Mr. McCartney replying in the affirmative.

Mr. Sullivan noted that the rates are guaranteed for a period of six months, at which time staff will bring this back to the Board to determine whether to renegotiate/continue the contract.

Mr. Breton noted additional steps were required, citing the need to clarify the remaining employee's hours/duties and revisiting the project list to prioritize same. Mr. McCartney noted the latter was occurring that week. Mr. Breton then questioned whether KO would need to be bonded in order to work in the Police Department, and Mr. Sullivan replied if they were to be in there alone, then yes; adding they have the required insurances, etc., in place.

Mr. McLeod then moved and Mr. Breton seconded to award the bid to KO Construction of Sandown as recommended. Brief discussion ensued regarding establishing a logging/ticketing system to track areas of need/trends. Motion passed unanimously.

Mrs. Barbara Coish approached expressing concerns as to how maintenance will now work. Mr. Bob Coole approached, as well, believing the Board owed an explanation as to why the maintenance people had been done away with.

Mr. Sullivan noted that this restructuring had been discussed for more than a year and had included, after amendment of the union contract, the contracting out of janitorial services at significant cost saving. He indicated that these changes were not related to performance, and that a couple of the employees had been close to retirement. Mr. Sullivan noted that the exiting staff had received a monetary separation package, that two had retired, one had moved to a new job, and Mrs. Lorentzen would remain for another year. He further explained that:

- Cleaning/janitorial is already contracted out
- Plumbing/electrical work has been subcontracted, as the Maintenance foreman was not licensed to perform same
- The \$25/hour for the Handyman services is comparable to Town salary, however this individual would work as an on call/as needed contractor
- There are agreements in place with the Union to allow for other departments to assist in voting set up, etc.
- While the Searles facility is the biggest issue, Mrs. Lorentzen is available along with the Park Rangers to assist
- The Town and the Union worked together to make this transition as smooth as possible

Mr. Coole extended thanks to Mr. Sullivan for his explanation. Mr. Breton suggested that, as to the issue of elections, the School be asked if the booths can be stored there and District staff used to assemble them. Mr. Sullivan noted he has spoken to the District about that in the past, and a brief discussion ensued.

BID AWARD – FD COMMAND VEHICLE: Chief McPherson advised that four bids had been received, as follows:

- Ford of Londonderry, Londonderry, NH - \$35,971
- Grappone Ford, Bow, NH - \$35,587
- Irwin Ford, Laconia, NH - \$35,373
- DeLuca Family Chevrolet, Haverhill, MA - \$39,939

The Chief recommended the bid be awarded to Irwin Ford for their bid price of \$35,373; noting this is \$2,800 over the available budget. He advised there is no trade-in available, and requested the Board award a not to exceed bid and allow the line item to be overexpended by the cost delta with the hope being the existing vehicle will sell for more.

Mr. Hohenberger moved and Mr. McLeod seconded to approve award of the bid for the command vehicle to Irwin Ford in an amount not to exceed \$35,373. Mr. Desilets sought clarification as to why the Chief recommended Irwin, and Chief McPherson explained they were the low bidder and the Department has dealt with them before without issue. Brief discussion ensued in that the vehicle can still be serviced at Ford of Londonderry.

Mr. Breton inquired whether there were any way to take the surplus vehicle sale proceeds and place them in a special fund; and Mr. Sullivan replied one could be established at Town meeting. Discussion ensued in that the proceeds do not go back to the Fire budget, but rather into the revenue side as offsetting.

Motion passed unanimously.

FIRE ENGINE FINANCING: Mr. Sullivan explained that Mr. Popovici-Muller had issued an RFP for the financing and received the following quotes:

- Northway Bank – 1.50% interest rate
- TD Bank – 2.15%
- Enterprise Bank – 2.31%
- Citizens Bank – 3.30%
- Bank of New England – 3.50%

Mr. Sullivan noted that the Town has worked with Northway before, and their rate of 1.5% is if the full bond amount, not to exceed \$339,980, is taken out. He recommended that, if the Board were so inclined, the following motion be made: “To accept the terms of financing, with Norway Bank, in the amount not to exceed \$339,980 for the Town of Windham’s acquisition of a new Fire Engine. Terms are: Fixed interest rate of 1.50%; total principal of \$339,980.00, interest of \$8,487.12 and payments of \$348,467.12. The loan period may not exceed Four years but is expected to be a Three year, two month loan with prepayment available without penalty. Satisfactory opinion by Town Counsel is required. The Board authorizes Town Administrator David Sullivan to sign all loan and closing documents on behalf of the Board of Selectmen of the Town of Windham.”

Mr. Hohenberger moved and several seconded accordingly. Passed unanimously.

TRUSTEE OF THE TRUST FUND VACANCY: Mr. McLeod moved and Mrs. Simmons seconded to appoint Kathleen DiFruscia to fill the vacant position until the 2019 election. Passed unanimously.

SNHPC REPRESENTATIVES: Mr. McLeod moved and Mr. Hohenberger seconded to reappoint Peter Griffin and Mark Samsel as representatives to the Southern NH Planning Commission as recommended by the Planning Board. Passed unanimously.

BOND RELEASE – WESTON ESTATES: Mr. McLeod moved and Mr. Breton seconded to, per the recommendation of the Planning Board, approve the partial bond release of \$77,310.82 for Weston Estates; resulting in a balance of \$47,819.79. Passed unanimously.

2016 BOARD GOALS: Mr. Desilets requested this be deferred for two weeks, as he would like to provide some additional information to the Board members. Mr. Sullivan noted that he will not be there on the 16th, and a brief discussion ensued.

OLD/NEW BUSINESS: Chief McPherson advised the Board that his building has been very well taken care of by the contracted custodians, who come in overnight to clean. Mr. Sullivan noted that the Library is pleased as well.

CORRESPONDENCE: Mr. Sullivan advised that resignations had been received from Sally D’Angelo and Marilyn Bailey from the Searles School & Chapel Trustees. Mr. McLeod moved and Mr. Hohenberger seconded to accept same with regrets. Passed unanimously.

Brief discussion ensued regarding the Trustees need for all four remaining members to be present in order have a quorum to meet, and that the annual advertisement for volunteers will be published shortly.

Minute Taker: Per Ms. Scott’s recommendation, Mr. McLeod moved and Mr. Hohenberger seconded to hire Ms. Andrea Cairns as minute taker, waiving the motor vehicle and fingerprinting background checks, at the rate of \$100/meeting followed by a review and possible increase to \$110/meeting after six months. Passed unanimously.

Request received from the Searles School & Chapel Coordinator to authorize Bartending Services by Mr. Carol, Inc. to obtain an indefinite license to operate at the Searles facility. After discussion, Mr. McLeod moved and Mrs. Simmons seconded to approve the request to apply for a license to operate from June 1 to 12/31/2016 and to authorize staff to execute the permit request. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c and e; to be followed by a non-meeting to discuss union matters. Roll call vote - all "yes". The topics of discussion were reputations and legal, and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in all sessions.

Mr. Sullivan updated the Board on a legal matter relative to a 2014 abatement case. Mr. McLeod moved and Mr. Hohenberger seconded to offer a settlement in the amount of \$41,500. Passed unanimously.

Mr. Sullivan advised the Board of a potential legal matter relative to permitting. No decisions were made.

Mr. Sullivan reviewed with the Board a series of properties eligible for tax deeding, recommending none be deeded due to potential liability issues. Mr. Hohenberger moved and Mr. McLeod seconded accordingly. Passed unanimously.

Mr. Sullivan discussed a personnel matter with the Board. No decisions were made.

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

Meeting was adjourned at 10:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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