

BOARD OF SELECTMEN
Minutes of November 30, 2015

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

ANNOUNCEMENTS/LIAISON REPORTS: Mr. Sullivan, on behalf of Recreation, noted that the Annual Tree Lighting would take place on 12/5 from 3-5PM at the Town Hall; adding that road closures in the area would be effect from 2:30 PM on. More information is available on the Town website.

Mr. Sullivan noted that an additional donation had been received towards the Searles, in the amount of \$100 from Bob and Mary Ashburn. Mr. McLeod moved and Mr. Breton seconded to accept same with gratitude. Passed 4-0.

Mr. McLeod extended thanks to Louise Peltz for hosting the 21st Annual Turkey Trot; noting that over 1000 had attended this year with over \$25,000 raised for Helping Hands, Family Promise and the Shepherd's Pantry. He also expressed gratitude to the neighbors in the area, as well.

Mr. Letizio noted that he had been asked about the detention pond in the area of Range/West Shore Roads, and had received confirmation that the steel pieces there will be removed now that the work there is complete.

PUBLIC HEARING – PORCUPINE ROAD: Mr. Sullivan read the public hearing notice into the record, as follows: *“The Board of Selectmen will hold a public hearing at 7:00 pm on November 30, 2015 at the Community Development Department to consider acceptance of the following as public road: Porcupine Road from station 0+00 to station 10+88.44”.*

He indicated that the Board has received the related documentation from Community Development, Highway Agent and Planning Board, and that all is in order for the acceptance. Mr. Sullivan then noted that the ownership has changed, and the bond will be released to the Attorney representing the LLC's for disbursement to the partners. Brief discussion ensued.

Mr. McLeod moved and Mr. Breton seconded to accept Porcupine Road as stated. Mr. Sullivan requested the motion be amended to include release of the bond in the amount of \$31,717.20 plus interest.

Mr. McLeod amended his motion, and Mr. Breton his second, to also release the bond. Passed unanimously.

BID AWARD: Chief McPherson advised that bids for tools and equipment for the new tanker had been received from four vendors, as follows: WS Darley and Company, Industrial Protection Services, Bergeron Protective Clothing, and Harrison Schrader Ent. The Chief explained that the Truck Committee had reviewed the bids and additional information had been sought from IPS and Harrison Schrader; noting that Darley is a catalog company with whom the Town has never dealt, and that Bergeron had not been present.

Chief McPherson indicated the recommendation was to award the bid to IPS for an amount not to exceed \$39,499.55. Mr. McLeod noted that there were lower bids received, and Chief McPherson explained that the Department tries to obtain the best pricing, and there had been exceptions with the other bidders. Discussion ensued regarding the bids not being “apples to apples”, and the desire to obtain interchangeable/comparable equipment to the existing engines.

Mr. Desilets sought clarification regarding the types of tools, and Chief McPherson noted this purchase was hoses, rollers, extinguishers/brackets, nozzles, male/female adapters and other components. Mr. Desilets then expressed concerns that Bergeron, a NH vendor, had bid 80% lower. Chief McPherson clarified that they had not bid on all the equipment; rather only what they can distribute.

Mr. Hohenberger inquired whether a thermal camera was included, and Chief McPherson replied in the affirmative. Discussion ensued regarding the 15G ISG bid versus a FLIR, the possibility of doing a reconditioned camera versus new, and what the camera is utilized for.

Mr. McLeod then moved and Mr. Breton seconded to award the bid to IPS for an amount not to exceed \$39,499.55. Further, brief discussion ensued regarding going with a reconditioned thermal camera, and Chief McPherson noted he is willing to work with the vendor to obtain same if necessary.

Motion passed unanimously.

OLD/NEW BUSINESS: Mr. Sullivan noted that the Community Development building HVAC system had been placed out to bid twice, the most current for replacement with an in-kind system. He indicated that Mr. Breton had raised questions regarding the current system, and clarified that in excess of \$9,000 had been paid to date in repairs for same. Mr. Sullivan noted that the Local Energy Committee has reviewed the bids, and their recommendation is to re-bid for replacement with a split system; adding that he and Maintenance co-directors Dave Poulson and Jack McCartney support that recommendation.

Mr. Breton indicated he had reviewed the LEC's information and suggested that the water heater may also want to be replaced with three individual units for each sink. He also suggested that the bays be insulated with fire rated insulation/sheetrock. Mr. Letizio noted that the LEC's report was extensive, and inquired whether they supported Mr. Breton's suggestions.

Mr. Pat Manzo, LEC, approached and explained that bidding for a split system may provide the opportunity to obtain a higher efficiency system. As to Mr. Breton's suggestion regarding the water heaters, he indicated it was a good idea as the smaller, instant-on types will save money in the long run.

Mr. McLeod noted that, given the small amount of fuel utilized for the building, there would be no return on a high efficiency system. Discussion ensued regarding the previous bids, the configuration of a split system, and the energy audit completed on the building.

Mr. Manzo noted that most of the energy loss in the building is through the stone walls; adding that substantial savings in heating costs could be realized by insulating the floor. Mr. Breton added there were severe ice dams last year, as well. Discussion ensued, and Mr. Breton suggested that a detailed "to-do" list be developed for the building, and that the HVAC be re-bid as recommended for the systems and to tighten up the building. Mr. Desilets concurred, but questioned what should be bundled in versus multiple bids. Mr. Breton replied that the LEC's recommendation should be bid, along with foam or blown in insulation to correct the building envelope. Further discussion ensued.

Mr. Breton moved and Mr. McLeod seconded that two separate bids be put out: 1) for the heating and hot water systems and duct work for same, and 2) to insulate the building envelope. Passed unanimously.

Mr. Desilets questioned whether the areas where the ice dams occurred could be fixed now, and Mr. Sullivan noted that ice diverters and additional insulation had been installed and the gutters are being removed. Mr. Letizio inquired whether there were shutters/peak vents, and discussion ensued regarding the need for air flow and the location of the dams. Mr. Sullivan reiterated that corrective action has been taken and the area will be evaluated this season.

Mr. Breton then moved and Mr. McLeod seconded to reject the current bids received for the HVAC system at the Community Development building. Passed unanimously.

Chief McPherson noted that, per the Board's request, the Highway Safety Committee had held a meeting on 11/23 to discuss resident concerns regarding Mallard Road; adding that seven emails had been received from area residents with concerns regarding speed, vandalism/litter, and parking. Chief McPherson noted that Chief Lewis had visited the area 59 times, and found little evidence of these issues, but is willing to place a traffic counter out in the spring. He indicated that the HSC would suggest the residents reach out to the Conservation Commission regarding the trail network itself; adding there are concerns whether restricting parking would detract from what Spruce Pond was intended to be. Chief McPherson noted that the residents have been asked to be vigilant and contact the Police with any issues,

and that the HSC does not recommend any additional posting of signs beyond the one previously placed near the cistern.

Mr. Letizio inquired whether the matter of fear of repercussions, raised previously by a resident, had been discussed. Chief McPherson noted that this was not an ongoing issue, and reiterated the need to contact Police. He added that not all of the residents were okay with the HSC's recommendation.

Mr. Desilets inquired whether the residents wanted the speed limit lowered, as well, and if so whether a speed study could actually provide data to justify raising it. Discussion ensued regarding speed studies and the limits and that the latter begins with the Planning Board and thus vigilance is needed there.

The Board took no further action.

Mr. Sullivan noted that, per the Board's previous decision, Engineer Steve Keach had reviewed the merged lots on Blueberry Road to determine how many saleable lots could be obtained. He indicated that concerns had since been raised by resident Angelo Fisichella regarding this project, and the purpose of this discussion was to determine how to proceed.

Mr. Keach approached and advised that the lots were plotted in 1971, and have never been built on as approximately 50% of them are wetlands. He indicated he had been asked to determine the highest and best use of the property, and had determined that only one building lot could be obtained as there is not enough dry land for more. Mr. Keach noted that the one lot would require a variance from the WWPD, and that the driveway access would need to be on the southwest corner and would impact approximately 400-500 sft of wetlands. He indicated there was a prior attempt to get a WWPD waiver, which was denied, however that had been a very aggressive proposal; adding that he felt the historical information presented by Mr. Fisichella in opposition to development of the area was factually correct.

Mr. Desilets sought clarification that, combined, the acreage was 2.885. Mr. Keach replied in the affirmative, noting that the lots have already been voluntarily merged. Mr. Desilets then inquired whether the sale of the property would go to the ballot, and Mr. Sullivan replied in the negative as it was not required for these particular lots.

Mr. Fisichella, 12 Blueberry Road, approached explaining that over the years there has been an inordinate amount of water that comes through this land; however the water table is now down and the Board should consider that. He noted that the creek serves as a sluiceway from the wetlands on this property to his, and that the parcel is a sponge that protects his and other properties in the area.

Mr. Letizio suggested that the Board members see where they are on this, as each had received the information from Mr. Keach and Mr. Fisichella, which may save time. Mr. Hohenberger noted that he is very familiar with the area, and he agrees with both.

He then moved, and Mr. Desilets seconded, to retain the property.

Discussion then ensued regarding the previous attempt to develop the property. Mr. Keach advised that building on the lot would involve crossing the wetlands and local and state ordinances would need to be adhered to. He indicated that what he had engineered could be permitted at the State level. Mr. Desilets queried whether doing so would contribute to flooding of the neighboring houses. Mr. Keach replied in the negative, as there is a public easement to serve as a discharge point for the drainage system; adding the driveway would be culverted and essentially a drainage pond would be made.

Mr. Breton noted it sounded as if development could actually improve the issues, and Mr. Keach replied it would not make it worse. Mr. Hohenberger noted that the area is very wet, and will be wet with every storm; adding that when people want their yards dry the way they do it is to push the water to their neighbors'. Discussion then ensued regarding potential issues from overflow of Haskell Pond at the back side of the property.

Motion passed 4-1, with Mr. Desilets opposed based upon Mr. Keach's professional opinion that development of the lot would not make neighboring issues worse.

Mr. Breton then moved and Mr. Hohenberger seconded that a letter be sent to the Conservation Commission that the Board intends to transfer lot 01B-1025 to the Commission via a Town Warrant article. After brief discussion, the motion passed 4-1, with Mr. Desilets opposed as he did not feel this was the highest and best use of this property.

Mr. Letizio noted there was a hearing the following day regarding the Kinder-Morgan pipeline and inquired whether any of the members were planning to attend. Mr. Hohenberger and Mr. Breton noted that they may be able to.

Mr. Sullivan advised that the owner of 21 Roulston Road has approached the Town offering to sell the parcel to the Town for the assessed value; which includes a house. He indicated he had spoken to Mr. Samsel of the Rail Trial Alliance, and he does not support the purchase given the cost.

Mr. Breton noted that the Town already leases land from the Town of Salem for parking and should look, instead, at improving that. Mr. McLeod concurred, noting that the offered property is not an ideal area for parking. Mr. Desilets disagreed, noting that this is a commercial property with significant, potential value.

He then moved to purchase the property at 21 Roulston Road for \$405,300. There was no second.

Mr. Breton moved and Mr. Hohenberger seconded to thank the owner for offering the property, however the Town has no interest in purchasing same. Passed unanimously.

Mr. Sullivan advised a request to waive interest assessed on property taxes had been received from the owners of 5 Edinburgh Road in the amount of \$281.37. He indicated the Board does not typically grant such waivers barring a gross error on the Town's part; explaining that the property had been purchased in May, and the owners had not received their tax bill because the Town did not receive the new deed. Mr. Sullivan noted, however, that the new owners were made aware of the bill at closing. He noted that the Tax Collector's recommendation was to deny the request, and he supported same.

Mr. McLeod moved and Mr. Breton seconded, per staff recommendation, to deny the request to forgive interest charges.

Mr. Desilets noted that he concurred the Town was not in error, however, the resident wasn't either. Discussion ensued in that there was no fault on either side.

Motion failed 0-5, with all opposed.

Mr. Hohenberger moved and Mr. McLeod seconded to forgive interest in the amount of \$281.37 for the property at 5 Edinburgh Road based upon the uniqueness of the circumstance. Passed unanimously.

Mr. Letizio noted that he had spoken to Mr. Sullivan regarding a large number of advertising signs on the roadsides, and that the latter had indicated they were on state roads. Mr. Sullivan noted his suggestion was that Code Enforcement Administrator Dick Gregory be asked to send a letter to the NH DOT advising the Town would like the signs removed. Ms. Scott approached to clarify that the Department does follow up on such matters, with Mr. Gregory contacting the businesses. She further advised that, while the Town cannot touch the political signs, the Police can remove others.

CORRESPONDENCE: None.

MINUTES: Mr. McLeod moved and Mr. Breton seconded to approve the minutes of 10/19 as written. Passed 4-0-1, with Mr. Letizio abstaining.

BUDGET WORKSHOPS: Mr. Sullivan advised that the Board's upcoming meeting schedule would be as follows: 12/7, budget only; 12/10, budget only; 12/14 regular meeting and budget workshop; and 12/21 budget only. He indicated that the last day the budget can be posted would be 1/8/2016.

Mr. Sullivan then made a brief overview presentation, as attached, outlining a proposed increase of 4.02% over the 2015 budget. He explained that 3.182% of that cost is in the operating budget encompassing such items as retirement, health insurance, and COLA's.

The Board then reviewed the following budget items:

Legal: Level funded. Board made no changes.

Debt Service: Increase of \$87,000 due to new truck and second payment for Campbell Farm; the latter of which has offsetting revenues. The Board made no changes.

Senior Center: Decrease of \$1,380. There was brief discussion regarding the phone system. Board made no changes.

Welfare: Level funded. There was brief discussion regarding the nature of this account and that any unexpended funds go into the fund balance. The Board made no changes.

Cemeteries: Level funded. The Board made no changes.

Street Lights: Level funded. There was some discussion regarding the possible impacts of additional lights as a result of the State projects. The Board made no changes.

Trust Funds: Level funded. There was brief discussion regarding the payment of earned time buyouts from salaries versus the Earned Time trust. The Board made no changes.

Retirement: The Board made no changes.

Insurance: The Board made no changes.

Mr. Breton then suggested that the Board look into legislative amendments regarding the additional revenue collected by the Town Clerk. After brief discussion, no action was taken.

ANNOUNCEMENTS, CONTINUED: Mr. Desilets advised that video of the recent TedEx event was available at TedExWindham.com/videos.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Desilets seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, b and e. Roll call vote - all "yes". The topics of discussion were personnel and legal.

The Board and Mr. Sullivan were present in all sessions.

Mr. Sullivan updated the Board on a vendor contract matter. Mr. Hohenberger moved and Mr. McLeod seconded to authorize restructuring of the current contract as described. Passed unanimously.

Mr. McLeod broached a personnel matter with the Board. After lengthy discussion, he then moved, and Mr. Hohenberger seconded, to seal this portion of the minutes. Passed 4-1, with Mr. Desilets opposed.

Mr. McLeod then moved and Mr. Hohenberger seconded to reconsider the Board's 11/24 vote regarding the Finance Director hiring. Passed unanimously.

After lengthy discussion, Mr. McLeod moved and Mr. Hohenberger seconded to hire the candidate in question at step 1. Passed unanimously.

Mr. Desilets moved and Mr. Breton seconded to adjourn. Passed unanimously.

Meeting was adjourned at 11:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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