

BOARD OF SELECTMEN
Minutes of December 1, 2014

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Joel Desilets, and Roger Hohenberger were present, as were Town Administrator David Sullivan and Assistant Town Administrator-Finance Dana Call. Selectman Al Letizio was excused. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. McLeod extended best wishes to Samantha Letizio, Mr. Letizio's daughter, for a safe tour of duty; noting her impending military deployment.

Mr. McLeod expressed hopes that all had had a good Thanksgiving despite the inclement weather.

Mr. McLeod noted that the Annual Christmas Tree Lighting is scheduled for 12/6, from 3P – 5P at the Town Hall/Town Common. He advised that Santa will arrive at 3P, escorted by the Salem High Marching Band, with photos to follow at the Cable Studio. In addition, there will be crafts at the Town Hall, a bon fire, the Community Band will play from 3:30-4:30P, cookies will be available courtesy of Mr. Letizio, and there will be complimentary cocoa. Carolers will perform at the gazebo at 4:30, followed by the official lighting of the tree at 5:00 PM.

Mr. McLeod extended thanks to Mrs. Louise Peltz for another successful Turkey Trot.

Mr. Desilets advised that the Economic Development Committee had established a Market Square Sub-Committee that had met for the first time the previous week. He indicated that the members have been tasked with reviewing Planning Board concerns regarding the proposed district, and will be meeting in workshop session with the latter on the following Wednesday at 7:00 PM.

Chief McPherson approached to update the Board on the Thanksgiving storm; noting that the Department had received 49 calls over a 36 hour period. He advised that most, if not all, power outages in Town have been restored, and that staff had remained in constant contact with the electric companies during the event. Chief McPherson noted that a regional shelter had been established in Londonderry, at which Windham Emergency Management volunteers had assisted; and that preparations had been made to open our Department Training Room as a warming/charging station if the need had arisen. Chief McPherson then stressed the importance of generator safety; noting caution must be exercised regarding carbon monoxide emissions. He urged their placement be, at minimum, 10' from the home and that they be shut down while refueling.

Chief McPherson then noted that any resident who remains without power, who is not receiving a response from their power company, can contact the Station for assistance.

MARGARET CASE - SEARLES: Mrs. Case requested the Board accept the following donations towards the Searles restoration fund/facility improvements:

- \$500: Bob and Pat Skinner
- \$25: Lt. Colonel Walter and Veronica Hewitt
- Faucets valued at \$425: Mr. Breton
- Sod/gravel valued at \$2,000: Northpoint Outdoors
- Approximately 150 tons of bank run gravel, plus hauling, valued at \$2,500+/-: Weaver Brothers. As a result of this donation, Hudson Paving reduced the final cost to the Town for paving the parking lot by approximately \$4,000.

Mr. Hohenberger moved and Mr. Breton seconded to accept these donations with gratitude. Passed 4-0.

Discussion then moved to the award of grant funds through the Moose Plate program; with Mr. Breton noting this was the first time the Town had received such funds and that he had hand-delivered the application to Senator Rausch. Mrs. Case then noted she is working on another grant application for \$10,000 for use towards the stained glass window replacements. Brief discussion ensued.

Mr. Sullivan advised that the Town has received one half of the Moose Plate monies, totaling \$4,800; which needs to be encumbered before the end of the year. He noted that a quote in the amount of \$9,688 had been received for the repairs to the Searles slate roof from Mr. Raboin; adding that this same individual had completed prior repairs to the roof and the Historic Committee was recommending the bid be awarded to him. He indicated that, if the Board concurred, a motion would be in order to waive the bid process to allow for a sole source vendor. Discussion ensued as to the specialized nature of slate roofing.

Mr. Hohenberger moved and Mr. Breton seconded to waive the bid process due to the unique nature of the work involved. Passed 4-0.

Mr. Hohenberger then moved and Mr. Desilets seconded to award the project to Mr. Raboin for his quoted price of \$9,688 to repair the Searles slate roof. Passed 4-0.

Brief, further discussion ensued regarding the stained glass before the Board thanked Mrs. Case.

WINDHAM BASEBALL/SOFTBALL: Mr. Jay Yennaco approached on behalf of WBSL to request the Board's authorization to work on Town property to make facility improvements. He first reviewed with the Board a conceptual design proposal to expand the existing concession stand located at Rogers Memorial Field. He noted the League would like to construct an 18'x16' addition to house ADA compliant bathroom facilities, install a septic system for same, and a patio area. Mr. Yennaco explained that, of all the Town fields, Rogers three (3) fields are actually the most heavily utilized by WBSL, as well as by the Wolverines for practices. He indicated that addition of the facilities will serve not only the athletic users, but Cemetery visitors/staff, Wonderland playground visitors, and attendees at the Annual Memorial Day ceremony. Mr. Yennaco advised that he has presented the proposal to both Recreation and the Cemetery Trustees; and received the full support of both.

Mr. Hohenberger expressed concerns related to the bathroom facilities at Griffin Park having experienced problems from the outset, and a discussion ensued. Mr. Yennaco noted that a test pit had been completed at the site, and the results showed the area to be perfect for installation of a septic system. Mr. Hohenberger noted the problems at Griffin relate to the water flow, particularly during peak hours, and a discussion ensued regarding the level/consistency of use being different at the two sites. Mr. Hohenberger then inquired about locking of the facilities, and Mr. Yennaco noted that an automated system/app to handle that would be explored.

Mr. Hohenberger then expressed his full support for proposal, and Mr. Desilets concurred. Mr. Yennaco clarified that this project will be fully funded by WBSL, and the building turned over to the Town upon completion. Brief discussion ensued. Mr. McLeod expressed his support, as well, noting that it was a marked improvement and he supported making the Town fields more useful.

Mr. Desilets then moved and Mr. Hohenberger seconded to approve the request to work on Town property as presented; with gratitude. Passed 4-0.

Mr. Yennaco then presented a conceptual design proposal to construct an announcers' stand/press box at Griffin Park to be located between the two (2) little league fields. He indicated it would be equipped with announcing and scoring equipment, and should generate volunteer interest in calling the games. Mr. Yennaco noted that the final architectural design was pending, and he would be working with the Town on same; adding that this proposal was fully supported by Recreation, as well, and would also be fully funded by WBSL.

Mr. Hohenberger inquired whether drop-down type stairs could be considered as opposed to a full set of stairs, citing safety concerns. Mr. Yennaco replied that perhaps WBSL could look into those, or could install a locked gate at the bottom and top of the stairway. He added that the overall height of the stairs as conceived was no higher than any other structure at Griffin Park. Discussion ensued, and Mr. McLeod then inquired whether the area underneath the proposed structure should be enclosed to afford more storage; and Mr. Yennaco replied it would likely need to be left open to afford access given the limited space in the area, as well as to provide shade/cover.

Mr. Desilets also expressed concerns regarding the stairs, wondering if the stairway should be enclosed with a door at the bottom to avoid damage/safety issues. Mr. Yennaco noted that WBSL is very proactive as it relates to maintenance/improvements; adding that last year approximately \$65,000 had been spent

towards same. He indicated that while he is not opposed to enclosing the stairwell, it would be very costly; adding that he did not envision the stairs deteriorating if left open.

After further, brief discussion, Mr. Breton moved and Mr. Desilets seconded to approve the request from WBSL as presented to work on Town property and, in addition, to waive all related Town fees for both projects. Passed 4-0.

Mr. McLeod extended thanks to Mr. Yennaco and WBSL for their generosity.

TOWN PROPERTY REVIEW: Mr. Sullivan noted that the Board had previously determined that three (3) town-owned parcels on Blueberry Road should be merged and sold; and that, similarly, four (4) on Fourth Street should be merged and sold. Mr. Sullivan advised that, as it pertained to the Fourth Street lots, three (3) were obtained by tax deed while the fourth was gifted to the Town and must, therefore, go to Town Meeting for approval. Mr. Sullivan noted that he concurred with Town Counsel's opinion as it pertained to these lots; suggesting that the three (3) tax deeded ones be merged as per the Board's authority; followed by a warrant article to merge the newly created parcel with the remaining one and to sell the resulting, single parcel.

Discussion ensued, and Mr. Hohenberger noted that while he was in favor of merging the Blueberry lots, he believed the intent in the past had been to get an engineering analysis of them. As it pertained to the Fourth Street lots, Mr. Hohenberger advised he was opposed to merging them as he believed the purpose of keeping them was to serve the adjacent parcels in the event of a septic failure. He did note that if they were to be sold, they should be offered individually as the abutters may have interest in them.

Mr. Sullivan noted the previous votes of the Board regarding these parcels; clarifying that a reconsideration will be necessary if the Board wishes to have the Blueberry lots engineered. Discussion ensued regarding the previous determination of the Board, the property assessments, and the timing of the Town warrant. It was the consensus of the Board to table the Blueberry lots to allow for Mr. Sullivan to look into engineering of same.

Mr. McLeod noted that he supported the merger/sale of the Fourth Street lots as presented by Mr. Sullivan. Mr. Desilets indicated he concurred, however, he preferred the option to merge all four lots ahead of a warrant article to sell the property. Discussion ensued, and Mr. Sullivan clarified that these lots have to go to Town meeting regardless because the fourth was not obtained by tax deed. Discussion ensued, and Mr. Breton moved to merge the three (3) tax deeded lots and move forward with a warrant article to merge same with the final lot and to authorize sale of the parcel. There was no second. Further discussion ensued before this matter was also tabled.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the 11/17 minutes as written. Passed 4-0.

CORRESPONDENCE: None.

OLD/NEW BUSINESS: Mr. McLeod noted that he had recently learned of RSA 51-2; related to the requirement to conduct a perambulation of the Town's borders every seven years. Mr. Sullivan noted that these have, historically, been done and that the location of each of the bounds is known. He noted that the last perambulation was not completed in a timely manner, however, as some of the neighboring communities were not interested in participating. Discussion ensued as to the statute and whether it should be repealed; and it was noted that legislation to do so is pending.

Mr. Coole approached seeking clarification of commentary in the Windham Independent relative to the Town Forest not being "official". Mr. Sullivan clarified that the article in question was in reference to the land on Route 28. He noted that while this area has always been referred to as the "Windham Town Forest", it is not an "official" forest per the statutes; adding that the area recently established as such by Town Meeting is the only "official" forest in Town. Brief discussion ensued.

Mr. Coole also sought clarification as to whether any of the Town-owned Parcels being discussed were going to be designated as "forests". Mr. Sullivan noted that the Board had sent two (2) parcels to the Forestry Committee for their input and, if all concur, these would be sent to Town Meeting for formal designation as such. Further discussion ensued regarding forest land and the income from same; which it was clarified can only be expended by Town meeting.

The Chairman called for a five minute recess.

BUDGET WORKSHOP: *Cemetery* – Mr. Sullivan noted there were minor changes made to individual line items but overall, the budget is level funded. No changes to the budget were made.

Legal – Mr. Sullivan noted that the Town continues to benefit greatly from the “flat fee” arrangement with Attorney Campbell, but that the contract is up for renewal next Spring. Discussion turned to the reason for the proposed \$4,000 budget increase, which was based on average actual spending exceeding the budget over the last several years. It was also noted that some funds were reallocated within the overall legal budget based on anticipated needs for the upcoming year. Mr. Breton motioned to decrease the proposed budget by \$4,000, in total, back to level funding. Mr. Hohenberger seconded, noting that any overages have historically been absorbed by savings in other areas of the Town budget. After further discussion, the motion passed 3-1 with Mr. McLeod opposed.

Debt – Mr. Sullivan commented that the new item for this year is the ten-year bond for the Campbell Farm conservation purchase. He noted that because this is legal debt of the Town, it must be budgeted in the debt line item, but that the revenue side of the budget will reflect the \$85,000 anticipated from Conservation land funds. It was noted, however, that the Conservation Commission each year must authorize the funds to be remitted to the Town to cover the bond payment. No changes to the budget were made.

Senior Center – Mr. Sullivan noted there was only a slight increase for this proposed budget due to increased utility costs. No changes to the budget were made.

Welfare - Mrs. Call noted that this budget is level funded and that although it may be overspent in some years, average spending on general assistance has been in line with the budget in recent years. Mr. Sullivan noted that the line item for \$5,000 for the Town’s contribution to Family Promise had actually been requested by the agency for \$6,000, but that Administration had proposed level funding the item. Mr. Hohenberger asked about the notation that the service has not been utilized by any Windham residents in the two years since we have funded this new program. Mrs. Call clarified that while the organization may have served Windham residents during this time, the Town’s welfare department had not been able to successfully refer any Windham residents to the shelter as of yet. Although there has been the occasional need to find shelter for homeless families in Windham since Family Promise has been in operation, it has not worked out due to either timing or space constraints at the shelter. Mr. Hohenberger expressed disappointment that the Town has not directly benefited from this program and Mrs. Call noted that similar to other agencies, our contribution is part of a regional initiative to provide this much needed service. Mr. Sullivan asked that if the Board were to consider reducing or eliminating this funding, that they extend an offer to Family Promise to come meet with the Board prior to doing so. No changes to the budget were made. Mrs. Call also noted that the other funding requests from Health & Human Service agencies, which are scheduled to be discussed at the next budget workshop on Thursday, will be uploaded to the Board’s “OneDrive” for their review prior to the next meeting.

Animal Control – Mr. Sullivan noted that this budget of \$18,000 has been eliminated, with the retirement of Mr. Seifert and the addition of the Community Service Officer funded in the Police budget.

Street Lights – Mrs. Call noted that the budgets for electricity are generally based on actual usage through 9 months, and prorated through 12 months, with a 5% increase due to expected increases in electricity rates. Mr. Breton asked if funds had been added to address new street lights the Town will take on previously funded by the State of NH, and Mr. Sullivan noted that this will be addressed in the 2016 budget. No changes to the budget were made.

Trust Funds – Mr. Sullivan noted that both the Earned Time and Property Maintenance trust funds had been requested at level funding, and went over the usage of the trust funds this past year. It was noted that with a few projects that are pending completion, all funds in the Property Trust will have been spent by the end of this calendar year. Discussion turned to previously identified maintenance projects, including improving the handicap accessibility of the Town Hall and Mr. Sullivan had noted that the building is currently ADA compliant, however, he will look into additional improvements that do not represent a significant cost. No changes to the trust fund budgets were made.

Retirement – Mrs. Call explained that this budget contains funds to cover the annual service charges for the Town’s supplemental retirement plan that is offered to non-Police/Fire employees. It was noted that in most years the service charges are covered by forfeiture funds generated from non-vested employees that leave the Town, however, this is not a guarantee, so \$4,000 is budgeted for these annual fees. It was also noted that similar to the State retirement contributions, the Town cost for contributions is budgeted within the individual department budgets. Mr. Hohenberger asked Mr. Sullivan to explain the purpose of this plan and the history of the 3% contribution with 5% employer match. Mr. Sullivan explained that this plan has been in operation since the early 1980’s to supplement the employee retirement benefits, due to the disparity between the employer contribution rates for Group 1 employees versus those for Police & Fire. Further discussion ensued regarding the ability to change the provisions of this plan and the overall number of employees that participate. No changes to the budget were made.

Insurance – Mr. Sullivan explained that this budget contains funding for the Town’s Workers Compensation, Unemployment Compensation and Property-Liability Insurance, all provided by the pooled program, Primex. The increase in Workers’ Compensation insurance this year is due to the fact that the previous two years’ budget requirements had been lowered because of the premium holiday the Town had received from Primex. Mr. Sullivan explained that in the past, the Town had paid upwards of \$150,000 per year in insurance, but would also receive dividends and credits based on overall experience. He noted that the premium holiday was distributed over 3 years, based on agreement between Primex and State regulators, and that there is no guarantee of any future holiday, thus the budget of \$145,000 is back up to the levels the Town paid prior to 2010. Mr. Sullivan further noted that the Town experienced several severe Workers’ Compensation cases over the past few years, causing actual payouts by Primex to exceed our annual premiums, as well as causing the Town to no longer qualify for the program that provides a cap to our annual rate increase. However, the most recent two years’ experience have resulted in a favorable trend that should equate to lesser premium increases in the future.

A lengthy discussion ensued as to the rationale for a previous Board entering into a multi-year agreement with Primex and the feasibility of putting the Workers’ Compensation program out to bid. Mr. Sullivan explained the statutory requirements of public employers and noted that a large percentage of municipalities join the pooled programs, of which Primex is now the only one available, to keep the premiums from spiking year to year. He agreed that once our contract has expired at the end of 2015, we could seek to put a bid out to the private insurance market, but that he would not recommend ending the contract with Primex early and incurring penalties to do so. No changes to the insurance budget were made.

The Board was reminded that our next budget meeting is Thursday, Dec 4th.

With no other business to discuss, Mr. Breton motioned to adjourn the meeting at 9:10, and Mr. Hohenberger seconded. Passed 4-0.

Respectfully submitted,

Dana Call, Assistant Town Administrator-Finance/Wendi Devlin, Administrative Assistant

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