

**SELECTMEN'S MEETING
DECEMBER 15, 2003**

MEMBERS PRESENT: Galen Stearns, , Christopher Doyle and Bruce Breton. David Sullivan, Town Administrator, was also present. Roger Hohenberger and Alan Carpenter arrived later. Meeting commenced at 7:00 pm.

ANNOUNCEMENTS: Mr. Sullivan announced that the tax bills are presently being printed and will be mailed Wednesday and Thursday of this week with a due date of January 24, 2004. He apologized for the delay which was due to computer conversions and associated issues.

Mr. Sullivan stated that the Town has contacted the major mortgage companies asking them to expedite payments so that tax deductions may be taken for this year. He stressed however, that residents should contact their mortgage holder and request immediate payment.

LIAISON REPORTS: Mr. Breton, on behalf of the Recreation Committee, thanked the Windham Neighborhood Variety, Windham Dunkin Donuts and Piro's Bakery, and all others who participated in the Christmas Tree Lighting.

CORRESPONDENCE: Request received from Palmer Gas for an easement for access to the propane tank at Griffin Park for any necessary maintenance and repairs. Mr. Stearns signed the necessary paperwork for the easement.

Letter received from Selectman Breton stating that he wished to decline his Selectman salary and have it remain in the General Fund and further requested that the Board authorize the issuance of a check in the amount of his salary, \$1,100, to Windham Helping Hands from the Welfare Budget. Mr. Doyle moved to transfer \$1100 from the TOS budget to the Welfare budget and approve an expenditure of \$1100 to Windham Helping Hands from that budget. Mr. Stearns seconded. Passed 2-0-1 with Mr. Breton abstaining.

Request received (tabled from December 1, 2003) to approve the partial release of the road bond for Dunraven Road in the amount of \$158,790. Mr. Turner, Planning Director, explained that he and the Planning Board felt the work done was sufficient to approve the requested amount from the road bond.

Mr. Doyle motioned to approve the partial release of \$158,790 from the road bond for Dunraven Road and retain \$20,260. Mr. Breton seconded. Passed unanimously.

PUBLIC HEARING: Mr. Stearns read the notice: “The Board of Selectmen will hold a public hearing at 7:15 pm on December 15, 2003 at the Planning Department to consider the acceptance of the following roads as public roads:

Hawthorne Road from station 0+00 to 37+00
Chestnut Road from station 0+00 to 10+50
Squire Armour Road from station 0+00 to station 36+00
Carr Hill Road from station 0+00 to station 19+42.35
Coventry Road from station 0+00 to station 10+00
Grandview Road from station 0+00 to station 23+77.30”.

Mr. Doyle motioned to accept Hawthorne Road from station 0+00 to 37+00 and Chestnut Road from station 0+00 to 10+50. Mr. Breton seconded. Mr. Sullivan confirmed the deeds were in place and no cisterns were required. Passed unanimously.

Mr. Turner stated that due to the recent weather, the Fire Department requested acceptance of Squire Armour, Carr Hill, Coventry and Grandview Roads be delayed until a final inspection of cisterns could be completed. Mr. Sullivan stated that the acceptance could be made contingent on approval from the Fire Department of these cisterns.

Mr. Doyle motioned to accept Squire Armour Road from station 0+00 to station 36+00; Carr Hill Road from station 0+00 to station 19.42.35; Coventry Road from station 0+00 to 10+00 and Grandview Road from station 0+00 to station 23+77.30 contingent on receipt of letter from the Fire Department approving the cisterns. Passed unanimously.

CORRESPONDENCE CONTINUED: Letter received from Atty Notaris requesting that the Board of Health reconsider their decision to deny a septic system waiver for 21 Fish Road. Mr. Sullivan explained the procedure should the Board agreed to reconsider. The Board asked for a letter stating new evidence as to why the Board should reconsider this decision. Mr. Turner will request said letter

The Board discussed enforcement of their previous decision and Mr. Turner will follow up and consult with Town Counsel.

Memo received from Police Chief Moeckel asking the Board to approve a request for a license to sell pistols/revolvers from Al's Dart Outlet formerly of 92 Main Street, Salem and now located at 11 Rockingham Road. Sales to be done by catalogs only and no guns will be displayed at the store. Mr. Turner requested that if the Board approves this request they do so contingent on the condition that all state and local zoning and site plans requirements are met.

Mr. Doyle motioned to approve the license to sell pistols/revolvers by catalog for Al's Dart Outlet on the condition that all state and local zoning and site plan requirements are met. Mr. Breton seconded. Passed unanimously.

PUBLIC HEARING – PROPOSED PERSONNEL POLICY CHANGES: Mr. Stearns deferred reading the following notice:

PROPOSED CHANGES TO WINDHAM PERSONNEL
POLICIES

The Board of Selectmen will consider the following amendments/changes to the Town of Windham Personnel Policies at their regular meeting on December 15, 2003 at 7:30 PM. Any comments concerning these proposed changes may be submitted by any employee to their department head who in turn will submit same to the Board of Selectmen.

GENERAL AMENDMENT: the intent of these proposed amendments to the personnel policy is to replace the entire existing personnel policy with the one attached to this notice. Most of the proposed changes are grammatical in nature and do not have any effect on the intent of the section being amended. There are however some substantive changes being proposed which are detailed below:

ARTICLE V - APPOINTMENTS AND PROBATION - AMEND Section 2 by ADDING the words “unless expressly negotiated otherwise” following the words “All appointments shall be made by the Board of Selectmen and shall be subject to a probationary period of one (1) year,”

and ADD the word “written” before the word “evaluation”.

Intent of Amendment: To allow flexibility in hiring by allowing the Board to offer a lesser time on probation for candidates who have similar experience in previous positions.

ARTICLE IX - WAGE/SALARY SCHEDULES - AMEND Section 2 by ADDING the following sentence to the end of the paragraph “Step increases shall be effective on the first day of the pay period closest to the employees step date.”

Intent of Amendment: To lessen complexity of payroll process. Presently an individual is compensated at split rates for the payroll period in which they are granted a step increase. This amendment would result in one rate for the entire period, thus avoiding split calculations.

ARTICLE X – WORK HOURS - AMEND Section 2 by DELETING the words “8:00 am, Wednesday morning and ending Wednesday morning, 7:59 am, one (1) week later” and ADDING in place thereof the words “12:01 am, Thursday morning and ending Wednesday night, midnight, one (1) week later, except for Fire Department personnel which shall use a payroll week beginning 8:00 am, Wednesday morning and ending Wednesday morning 7:59 am, one (1) week later”.

Intent of Amendment: To better reflect present work schedules across all departments..

ARTICLE XIII - EARNED TIME - AMEND by ADDING a new Section 2C to read:

2c) Those employed in positions scheduled to work an average of forty two (42) hours per week shall receive the following:

Years of Service	Days Accr. Per Hour	Hrs. Accr. Per Hour	Hrs. Accr. Per Year	Annual Days
0 thru 5	.0091	.1099	240	20
6 thru 10	.0114	.1374	300	25
11 thru 19	.0137	.1649	360	30
After 19	.0160	.1924	420	35

Note: The above table is based on an average forty two hour per week schedule and is to be prorated for those employees working less than an average forty two hours per week. For purposes of calculating an individuals actual accruals, the “Hrs Accrued Per Hour” column shall be used as the factor.

Intent of Amendment: To provide an accrual table for probationary firefighters who work a 42 hours shift schedule. The total days accrued on an annual basis is the same as other employees.

ARTICLE XXI - UNIFORM ALLOWANCE - AMEND Section 4 by DELETING the words “and eye glass frames – not to exceed \$50. and ADDING in place thereof the words “ and eye glass frames – not to exceed \$100.

Intent of Amendment: To update the current cost for standard eye glass frames.

ARTICLE XXV - REIMBURSEMENT OF EXPENSES - AMEND Section 2 by ADDING the following sentence immediately following the first sentence in the paragraph to read:

“The amount of mileage shall be calculated from the employee’s normal place of employment to the point of destination. If a department vehicle is available for use by the employee and the employee chooses not to use the vehicle, the employee shall not be entitled to any mileage reimbursement”

Intent of Amendment: To clarify that vehicles may be available for employees to use in going to training and meetings and when offered and rejected by the employee, the employee forfeits the mileage allowance.

ARTICLE XXVI - GRIEVANCE PROCEDURES - AMEND the Article by ADDING a new step between the department head response and the Board of Selectmen to read as Step 3 in the Grievance Process:

STEP 3 - If the employee is not satisfied with the decision of the Department Head, he/she may, within five (5) working days from such decision, submit the matter in writing to the Town Administrator. The Town Administrator shall have a meeting with the aggrieved employee and the Department Head and render a written decision within ten (10) working days of the meeting.

Intent of Amendment: To provide the Town Administrator an opportunity to resolve grievances prior to going to the Board of Selectmen.

ARTICLE XXVII - CAUSES FOR DISCIPLINE - AMEND Article by ADDING new section to be numbered #2 to read:

“#2 CONSULING SESSIONS: The immediate supervisor shall may conduct a predisciplinary or counseling session with the employee to discuss the infraction which may be sufficient to

address the infraction without need for formal disciplinary action. Any counseling session shall be documented in the employees personnel file, but shall not be considered a formal disciplinary action. The supervisor shall notify the employee of the nature of the infraction and will offer remedial suggestions”

And ADDING a new section to be numbered #10 to read:

“#10 ADMINISTRATIVE LEAVE WITH PAY: The Department Head, subject to the approval of the Town Administrator, may place an employee on Administrative Leave with Pay pending an investigation of any alleged incident of wrongdoing if it is determined to be in the best interest of the Town and employee.”

Intent of Amendment: To provide a preliminary action step to resolve a personnel issue prior to formal discipline.

The second amendment is intended to provide the department heads with a mechanism to remove an employee with pay pending a formal investigation into possible wrongdoings.

Mr. Sullivan gave the brief description of the above noted changes. Mr. Breton stated that he wanted #10 changed to read with the approval of the Board of Selectmen rather than the Town Administrator.

Mr. Sullivan told the Board that no input had been received from any employees.

Mr. Doyle motioned to approve the proposed Personnel Policy changes as amended by Mr. Breton. Mr. Breton seconded. Passed unanimously.

TOM CASE –WINDHAM FARMS: Mr. Case stated that he had two questions concerning the order condemning the building at Windham Farms. First, he asked why the order was given by the Board of Health and not the Building Inspector. Mr. Stearns stated that it is the jurisdiction of the Board of Health to insure the safety of the public.

Mr. Case’s second question was why this order was given now and not after the first of year when the stand closed.

Discussion with the Board, Mr. Turner and Chief Messier followed stating that the order was not given by the Board of Health but originally by Code Enforcement and a second notice was also

posted by Code Enforcement with the wording as required by State law. Chief Messier confirmed that neither notice was by the Board of Health.

The timing of the notice was to protect the Town and the public from the structural deficiencies of the building. The State owns the property (which it presently rents) and has boarded the building but has not cleared a 25 foot area as requested. Mr. Turner stated that the business was not shut down and is still operating.

Mr. Case stated that he agreed the building needs to come down but felt the order was given at a bad time.

CORRESPONDENCE CONTINUED: Letter received from the Conservation Commission inviting the Board to attend a special meeting concerning Butterfield Estates and Pine Hill Road Upgrade. Mr. Doyle and Mr. Breton stated that it would be a conflict at this point for the Board to attend this meeting as they could eventually have to consider the upgrade of Pine Hill Road and its reclassification.

Mr. Stearns read the following Zoning Petitions received by the Board which were verified by the Town Clerk and forwarded to the Planning Department.

“Presented by Debbie Mackenzie, To change two (2) lots from the Rural District to Neighborhood Business District. The parcels located in Windham, known as or described as Assessors Map 14B, Lot 5000 at 17 and 15 Mammoth Road, at the Southeast corner of New Hampshire Route 111 and New Hampshire Route 128 consisting of approximately 3.78 acres”.

“By petition of Patricia Kovolyan and others “To see if the Town will vote to have the members of the Zoning Board of Adjustment as appointed non-elected members in the manner provided by RSA 673:3, Par. II.”

Mr. Doyle motioned to accept the petitions as described above and forward to the Planning Board for consideration. Mr. Breton seconded. Passed unanimously.

Mr. Sullivan stated that he had received an email and a telephone call from two residents in the Cardinal and Oriole Roads area, requesting that the Board reconsider their decision to remove the berm/barrier placed at the intersection of the two roads

Mr. Doyle motioned and Mr. Breton seconded to schedule a public hearing on this traffic slowing mechanism at Cardinal and Oriole Roads before removing it as previously approved. Passed unanimously. This public hearing will be scheduled in January.

BOARD OF HEALTH PUBLIC HEARING: Mr. Doyle motioned to recess the Board of Selectmen's meeting and convene the Board of Health public hearing. Mr. Breton seconded. Passed unanimously.

Mr. Doyle read the following notice: "Notice is hereby given that a hearing will be held on December 15, 2003 at 8:00 pm at the Planning & Development Office concerning a request by Ethel Murphy for a Waiver from Section 2.5 of the Windham New Hampshire Board of Health Supply Regulations, requiring wells to be a minimum of 100' from septic systems. Waiver requested to permit a well to be installed 10' from the northerly line, 10' from the right of way for Fourth Street and 75' from a proposed leach area on the same lot at the property located at 59 Ministerial Road, Windham NH Tax Map 16-P-470".

Mr. Turner stated that this item was incorrectly posted and will be rescheduled on December 29, 2003. Mr. Doyle motioned and Mr. Breton seconded to deny the request as stated above without prejudice. Passed unanimously.

MINUTES: Mr. Doyle motioned and Mr. Breton seconded to accept the minutes of December 1 and 8, 2003 as presented.

Mr. Carpenter arrived.

OLD BUSINESS: Mr. Sullivan stated that the interest rate quoted for borrowing in anticipation of taxes is 1.93%. Mr. Breton motioned to approve the issuance of a tax anticipation note with Citizens Bank in the amount of \$3,000,000 at an interest rate of 1.93% and due January 30, 2004. Mr. Doyle seconded. Passed unanimously.

The Board executed the tax warrant for the collection of taxes for the second half of 2003.

Mr. Sullivan told the Board that the Historic Committee requested permission to place a street light at Searles Building at the granite marker near Delahunty's and a waiver of all permit fees. Mr. Doyle motioned to approve the street light at Searles as described above and to waive all permit fees. Mr. Breton seconded. Passed unanimously.

Mr. Sullivan stated that the Historic Committee also requested a waiver for the fees for the renovations of the west wing at Searles. Mr. Doyle so moved and Mr. Breton seconded. Passed unanimously.

Mr. Sullivan told the Board that DRED had informed him that since the Snowmobile Club would not be using the parking lot at the Depot, the State would only be plowing the emergency access. Mr. Sullivan asked the Board if they wished to have the Town plow.

Mr. Case stated that he felt the State should still plow the parking lot. Mr. Samsel spoke against plowing. The Board took no action – parking lot will not be plowed.

NON-PUBLIC SESSION – Mr. Doyle motioned and Mr. Breton seconded to go into non- public session in accordance with RSA 91-A:3, IId. Roll call vote – all members – yes. The Board, Mr. Sullivan, the following members of the School Board: Mrs. Unger, Mrs. Coish, Mr. Letizio, Mr. Holinger and Ms. Donovan, Superintendent Cutler and Mr. Boucher and the following members of the Planning Board were present: Mr. Morris and Mr. Anderson. The subject was land acquisition.

Mr. Doyle motioned to seal the minutes. Mr. Breton seconded. Passed unanimously.

Mr. Hohenberger arrived.

BUDGET WORKSHOP: The Board met with the Fire Chief and representatives of the Recreation Committee in a budget workshop.

The following motions were made:

Recreation: Mr. Doyle moved to keep the salary for part time recreation coordinator in the proposed budget. Motion failed due lack of second.

Mr. Hohenberger moved to separate the recreation coordinator into a separate warrant article. Mr. Carpenter seconded. Passed 3-2 with Mr. Doyle and Mr. Breton opposed.

Searles Irrigation – Mr. Doyle moved to keep \$14,000 in proposed operating budget for installing a new well pump and irrigation

system for the Searles Soccer Field. Mr. Breton seconded. Passed 3-2 with Mr. Hohenberger and Mr. Stearns opposed.

New Personnel – Mr. Breton to have all new employee positions placed as separate warrant articles. Mr. Doyle seconded. Passed 4-1 with Mr. Stearns opposed.

Mr. Hohenberger moved to reconsider separating all positions. Motion failed due to no second.

Fire Department – Mr. Carpenter moved to keep annual conference cost of \$2000 in proposed operating budget. Mr. Doyle seconded. Passed 3-2 with Mr. Hohenberger and Mr. Stearns opposed.

Mr. Doyle moved to keep vehicle maintenance lift for \$12,000 in proposed fire operating budget. Mr. Breton seconded. Passed 4-1 with Mr. Hohenberger opposed.

Mr. Doyle moved to adjourn. Mr. Carpenter seconded. Passed unanimously. Meeting adjourned at approximately 10:45 pm.

Respectfully submitted,

Kathleen Davis
Human Resources Coordinator

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