

SELECTMEN'S MINUTES
January 12, 2015 Budget Public Hearing

MEMBERS PRESENT: Chairman Ross McLeod, Vice Chairman Al Letizio, Roger Hohenberger, Joel Desilets and Bruce Breton were present. David Sullivan, Town Administrator and Dana Call, Asst Town Administrator were also in attendance, along with several department heads. Mr. McLeod opened the meeting with the Pledge of Allegiance at 7:00 pm.

BOND PUBLIC HEARING: Fire Engine Article 3 (Art 1 on hearing notice):

LEGAL NOTICE
TOWN OF WINDHAM, NH
PUBLIC HEARING NOTICE- FIRE ENGINE/TANKER

In accordance with RSA 33:8-A, the Board of Selectmen will hold a Public Hearing on a proposed bond issue in the amount of \$344,530 for the purpose of purchasing a Fire Engine/Tanker for the Fire Department, to replace the 1994 Fire Engine (E2), and necessary equipment and materials to place the vehicle into service, on Monday, January 12, 2015 at 7:00 pm at the Community Development Department. The total cost of the vehicle and equipment is estimated to be \$500,000.

Mr. Hohenberger briefly explained that this article is part of the CIP and the regular replacement schedule for the fire department equipment. Mr. Hohenberger motioned and Mr. Desilets seconded to recommend the article and move to the warrant. Passed 5-0.

Discussion turned to the procedure for the meeting and noted the movement of the article and recommendation could be combined, unless Board members wish to take them up separately. Mr. Sullivan noted that per the Board's rules of procedure, outside of appropriation articles which require a recommendation, if Board members prefer to not place a recommendation on an article, there would need to be a majority vote of the Board to do this.

BOND PUBLIC HEARING: Spruce Pond – Mr. McLeod noted his affiliation with Windham Soccer Association and recused himself from the discussion. As he stepped down, Mr. Sullivan requested the Board consider waiting to hold this hearing once Mr. Senibaldi arrived. Mr. Letizio and the Board agreed and Mr. McLeod returned to the Board.

BUDGET PUBLIC HEARING: Dave read the hearing notice into the record as follows:

LEGAL NOTICE
TOWN OF WINDHAM, NH
PUBLIC HEARING NOTICE

The Board of Selectmen will hold a Public Hearing on the proposed Town Budget and Warrant for 2015 on Monday, January 12, 2015 at 7:00 pm at the Community Development Department, in accordance with RSA 32. A second

hearing, if necessary, will be held on Monday, January 19, 2015 at 7:00 pm at the Community Development Department.

The proposed budget figures are as follows:

General Government	\$ 2,185,515.00
Public Safety	6,875,200.00
Highways, Streets and Bridges	1,172,830.00
Sanitation	819,895.00
Health and Human Services	34,360.00
Welfare	57,040.00
Culture and Recreation*	1,436,490.00
Debt Service	86,279.39
Capital Outlay	360,000.00
Total Proposed Budget	<u>\$13,027,609.39</u>

*does not include \$5,430 for Conservation Commission – shown as separate article

Note that the Default Budget for 2015 would be \$12,773,660

Mr. Sullivan also noted that, throughout the hearing the Selectmen will address all Special Warrant Articles included in the posting notice. Mr. McLeod then acknowledged residents in the room and opted to take articles out of order based on the interest of the audience.

Article 23 (Art 21 on hearing notice) - **Petitioned article by Robert Coole and others to authorize the Conservation Commission to manage the town forest established at 2014 Town Meeting** - Mr. McLeod read the article pertaining to management of the Town Forest and opened the discussion for public comment. Mr. Hohenberger motioned to move this article to the warrant. After discussion, it was noted that this is a petitioned article. Mr. Hohenberger motioned to recommend, and there was no second. Mr. Letizio motioned to not recommend and Mr. Breton seconded; motion passed 4-1 with Mr. Hohenberger opposed.

Article 14 (Art 17 on hearing notice) - **Release ROW on Heritage Hill Road between lots 24-F-1605 & 24-F-1607 from public dedication and convey parcel to Windham School District** - Mr. McLeod read the article pertaining to the release of the right-of-way off Heritage Hill Road near the Middle School, with conveyance to the School District. Mr. McLeod noted that the article is specific to the potential land transfer from the Town to the School District and does not address what will be done with the ROW by the School District, as that would be in the purview of the Windham School Board.

Raymond Rees, 8 Heritage Hill Road asked if the Board considered the effect of the transfer on property values, noting that he believes values of area homes will significantly decrease. He also believes the Selectmen are not concerned about the road and safety issues. Mr. McLeod noted

this article will go to Town Meeting for discussion and it is ultimately up to the Town voters at March Town Meeting. Mr. McLeod noted that if the transfer takes place, the process from that point will be up to the School Board but may include public forums at the Planning Board level.

John Hall, 6 Heritage Hill Road also voiced concerns about what the School Board will do with the land once it is transferred and asked if it would be appropriate for him to read a prepared statement. Mr. McLeod reiterated that the issues of traffic management would not be part of this warrant article discussion, but suggestions pertaining to why the Town may want to keep the land versus transferring to the School District, would be relevant. Mr. McLeod noted that the Town deliberative session on Saturday, February 7 at Windham High School, would be the time to make changes to the wording of the warrant article. Mr. Hall noted that there are other alternatives for the School District to consider, other than developing this right-of-way. It was also asked if any portions of the abutting properties could be taken by eminent domain, and Mr. McLeod noted this would not be done as part of this warrant article, but up to the School District.

Mr. Desilets noted that he would like to hear all of the residents' concerns and does believe this would be the forum to discuss these issues. Mr. Letizio added that he believes the conversation should be centered upon the discussion of whether or not to transfer the ownership, as he firmly believes the Town should maintain ownership. Mr. Hall agreed that the main concern is what the School Board could do with the land once they own it. Mr. Hohenberger noted that he believes this was part of the original planning of the Middle School. He believes the upcoming article pertaining to the Gage land swap is a similar situation, in which the School Board and Selectmen have worked together to plan for the future.

Jessica Calderara, 7 Heritage Hill Road asked the Board to not recommend this article because of the effect it will have on the residents in the area and the traffic issues it will cause, until the School Board can show some concrete information such as a traffic study.

Mr. Breton reiterated that the forum for this discussion is the deliberative session, as there are a number of residents present at this meeting, but not putting it to the Town warrant is not allowing the entire town to weigh in on this discussion, also noting that the whole intent of the article could potentially be changed at deliberative session. Mr. Letizio reiterated that the Selectmen still have to determine tonight if this article will move to the warrant.

Steve Calderara, 7 Heritage Hill Road asked why this came to the Board in the first place and Mr. McLeod replied that this came as a request from Adam Steel, on behalf of the School Board. Mr. Calderara noted that the Board knows what the School Board intends to do with the land, and the Board of Selectmen have the ability to stop the process now, by removing the article. Further discussion ensued.

Alan Putnam of 26 Bear Hill Road asked what the Board generally takes into consideration when choosing to sell or transfer land. Mr. Hohenberger noted that the Board looks at what is in the best interest of the Town as a whole. Mr. Hohenberger noted that the current Middle School driveway is a huge safety concern and by giving the School Board this land it will provide flexibility and alternatives to address the situation. He also noted that he firmly believes the School Board will vet this out with the neighbors.

Betty Dunn, School District Moderator, noted that based on previous communications with the School Board, she feels the article should go forward on the warrant, with or without recommendation, because the School Board is under the impression that it would move to the warrant, and had they thought it would not, they might have taken other procedural actions. Barbara Coish indicated that at some point, something is going to happen with this Middle School access point due to safety concerns.

Mrs. Calderara noted that she has met with the School Board and Adam Steel and both told her to come to this meeting and this forum is the place to voice her concerns, and she is concerned that they are now being told to go to the February 7th meeting. Mr. Desilets voiced his concerns that a vote tonight is, in effect, a vote to put a road in. He also noted that it was not known to him that the School Board considers this to be an emergency. Mr. Sullivan noted for the record that a letter was received from Elaine Johnson of 33 Heritage Hill Road, who was not able to attend the meeting but is not in favor of this article for the reasons previously stated.

Mr. Letizio motioned to not move the article forward; seconded by Mr. Desilets for discussion. Mr. Desilets noted that this Board has not yet met with the School Board, the Department of Transportation or the Town Assessor. Mr. Letizio noted that he agrees that there is a concern at the Middle School, but that this proposed solution will just create another problem and not necessarily resolve the issue. Motion failed 2-3 with Mr. Hohenberger, Mr. Breton and Mr. McLeod opposed. Mr. Hohenberger motioned and Mr. Breton seconded to move the article forward. Motion passed 3-2 with Mr. Letizio and Mr. Desilets opposed.

Mr. Breton motioned and Mr. Hohenberger seconded to not place a recommendation on the article. The motion failed 2-3 with Mr. McLeod, Mr. Letizio and Mr. Desilets opposed. Mr. Hohenberger motioned to place the Board's recommendation on the article with the previous 3-2 vote, and Mr. Desilets seconded. Motion passed 4-1 with Mr. Breton opposed. Mr. Sullivan interjected that this would not be an appropriate motion, because he believes the result is that "Recommended 4-1" would appear on the warrant, and asked the Board to clarify. After further discussion regarding the intent of the Board, Mr. Hohenberger motioned to reconsider the previous two motions, seconded by Mr. Letizio. Passed 5-0. Mr. Hohenberger motioned that the Board recommend the article.

No second was received. After further discussion, Mr. Breton motioned that the Board not place a recommendation on the article. No second was received. Mr. Hohenberger then made a motion to recommend the article. No second was received. Without a positive motion to *not* place a recommendation on this article, Mr. Hohenberger motioned to waive the Selectmen's by-laws/rules of procedure and Mr. Breton seconded. Motion passed 3-2 with Mr. Letizio and Mr. Desilets opposed.

Mr. Hohenberger motioned to show the article as recommended 3-2, and Mr. Letizio seconded. Motion passed 4-1 with Mr. Breton opposed.

New Article 15 (not listed on hearing notice): **Gage land swap** - Mr. McLeod read the article. Mr. Sullivan explained that this is the exact article that was approved in 2008, which had a sunset clause of Dec 31, 2014. It is proposing to convey portions of Lot 20-D-1800, 20-D-1600 to the Windham School District in return for a least twice the acreage to be conveyed to the Town. Mr. Letizio explained that he had proposed to bring this forward to the ballot, as it was originally anticipated that the transfer could be done within 6 years of the high school being built (for the purpose of constructing athletic facilities). However, this did not happen, so this would give the School Board additional time to address this issue (until December 31, 2035). He also noted that the School Board will have a similar article on the School District warrant. Mr. Letizio motioned to move the article to the warrant with the Board's recommendation. Mr. Breton seconded. Passed 5-0.

Bond Hearing – Spruce Pond Article 4 (Article 2 on hearing notice). Mr. McLeod again recused himself from the discussion. Mr. Sullivan read the notice into the record:

*LEGAL NOTICE
TOWN OF WINDHAM, NH
PUBLIC HEARING NOTICE- FIRE ENGINE/TANKER*

In accordance with RSA 33:8-A, the Board of Selectmen will hold a Public Hearing on a proposed bond issue in the amount of \$180,000 for the purpose of constructing a multi-use recreational field on town lot 3-B-601 (Spruce Pond) to accommodate such sports as soccer and lacrosse, to include but not limited to site work, field development, fencing, loaming and sodding, installation of a sprinkler system with an associated pump house and water storage tank, and an area for off-street parking, on Monday, January 12, 2015 at 7:00 pm at the Community Development Department. The total cost of the construction is estimated to be \$275,000.

Mr. Senibaldi noted that the grant application was submitted to the State and thanked all that were involved. He noted that the Town may have an indication on the grant prior to deliberative session, and also noted the project has been put out to bid, the results of which will be known prior to deliberative session. If approved, the grant will be up to 50% of the project, or \$137,500, and it was noted that the article is not contingent on the grant being received. At this point, the \$275,000 is coming from taxation, through a three-year bond. Mr. Desilets noted that the article is being presented as the same article as the prior year, which was

defeated, and is concerned that we don't know the status of the grant at this point. Further discussion ensued. Mr. Senibaldi noted that although the project hasn't changed since last year, the need for additional fields, as noted in the Recreation Master Plan, has only continued to get worse. Mr. Letizio noted that approximately \$260,000-\$275,000 in materials and services have already been donated towards this project to get it to the point it is today.

Norm Babineau, Rockingham Road, asked about the boulder material that has been placed on the site. Mr. Senibaldi noted that it was placed there because it is less costly to crush the gravel on site and use it for the parking area, then to purchase and bring in the gravel needed at a later date. Mr. Senibaldi also clarified that this funding is for building the lower field only, and that the second phase of the project will be several years away.

Mr. Hohenberger motion to place the article on the warrant and Mr. Desilets seconded; passed 4-0. Mr. Hohenberger motioned to place "not recommend" on the article and Mr. Desilets seconded. Motion failed 2-2 with Mr. Letizio and Mr. Breton opposed. Mr. Desilets motioned to recommend the article and Mr. Breton seconded. Passed 3-1 with Mr. Hohenberger opposed.

Mr. McLeod rejoined the Board and the Board resumed the budget hearing.

BUDGET OVERVIEW PRESENTATION: Mr. Sullivan gave an overview presentation of the 2015 proposed operating budget and warrant articles.

As noted in the hearing notice, if all special articles are approved (total \$1,932,875) the gross appropriation will increase by (\$637,173.39) or (4.45%) over 2014. Total gross budget for 2015 would then be \$14,960,484.39 (before use of other revenue sources).

The 2015 net budget, on which the tax rate is set, would be \$13,741,954.39, which represents a total budget increase of \$452,643.39, or 3.41%, after taking into account the use of \$30,000 from the Searles Revenue fund, \$640,000 in a TAP grant, and \$180,000 in bond funds from Recreation Field Article, \$344,530 in bond funds from Fire Engine article, and \$24,000 from Capital Reserve Funds for Library HVAC (grand total of \$1,218,530 in revenue).

Mr. Sullivan summarized that the departments, in conjunction with the Board of Selectmen, are presenting a budget with a net overall increase of \$366,864, or 2.761%. Mr. Sullivan noted that this amount assumes that the Conservation Commission is going to pay the bond payment for the Campbell Farm property (increase is shown net of this revenue from the land fund), which the Conservation Commission has committed to do.

Mr. Sullivan presented the budget overview charts and provided a brief explanation for the increases and/or decreases in the departmental budgets, including any changes in salaries and benefits (including impacts of state retirement increases, changes in insurance rebates, proposed cost of living increases for non-union employees) and vehicle/equipment replacements. Mr. Sullivan noted there is one new police officer proposed in the Police department to allow for an additional School Resource Officer, however, this has been included as a separate warrant article. Further discussion ensued regarding individual items affecting the overall Town budget increase. Mr. Sullivan noted that the CIP portion of the budget represents the largest portion of the overall budget increase, but includes all items within the CIP plan proposed by the Planning Board.

The Board then turned discussion to the draft warrant articles:

Article 5 (Art 7 on hearing notice) – **\$50,000 to be added to the Property Maintenance Expendable Trust Fund** – Mr. McLeod explained the article. Mr. Hohenberger motioned and Mr. Desilets seconded to recommend the article and move to the warrant. Passed 5-0.

Article 6 (Art 8 on hearing notice) – **\$30,000 to be added to the Earned Time Trust Fund** - Mr. McLeod explained the article. Mr. Letizio motioned and Mr. Hohenberger seconded to recommend the article and move to the warrant. Passed 5-0.

Article 7 (Art 9 on hearing notice) – **\$30,000 for Marketing and Maintenance costs associated with Searles Building (funding to come from revenue fund)** – Mr. McLeod explained the article. Mr. Hohenberger motioned and Mr. Breton seconded to recommend the article and move to the warrant. Passed 5-0.

Article 8 (Art 10 on hearing notice) – **Conservation Commission \$5,430** – Mr. McLeod explained the article. Discussion turned to the purpose of the article Mr. Sullivan noted that it is the Commission's operating budget including funding for a Park Ranger and the Minute Taker, as well as other miscellaneous items. It is in a separate warrant article because it allows the unexpended balance to be transferred to the Conservation Land fund instead of lapsing to the General Fund. Discussion turned to the Park Ranger funding, which previously had been paid from Conservation Land funds, with funding for a second Ranger in the Recreation budget. Discussion turned to moving this funding to the operating budget so any unexpended balance lapses to the General Fund. Betty Dunn spoke in opposition to this, saying that she feels the Conservation Commission should have the flexibility to have any excess funds available for the Land fund, as has been the case for many years. Mr. Desilets motioned and Mr. Hohenberger seconded to remove the article and place the \$5,430 in the operating budget warrant article. Passed 4-1 with Mr. McLeod opposed.

Article 9 (Art 11 on hearing notice) – **\$68,345 for the hiring of a new Police Officer as of July 1, 2015** – Mr. McLeod explained the article and noted that this was put as a separate warrant article because it is a new position. Chief Lewis explained the department’s need for the position and asked that the article wording be slightly revised to change the word “normal *patrol* duties” to “normal *police* duties”. Mr. Letizio motioned to recommend the article as amended, and move to the warrant and Mr. Breton seconded. Motion passed 4-1 with Mr. Desilets opposed due to inability to discuss the motion.

Mr. Breton motioned to reconsider the previous motion and Mr. Letizio seconded; passed 5-0. Mr. McLeod asked if Mr. Desilets wished to address his concerns. Mr. Desilets clarified that the warrant article represents the half-year cost including vehicle/equipment needs, but the future, full-year, cost is \$94,650 annually. Further discussion ensued regarding the costs for the position for both salary/benefits and equipment needs. Mr. Letizio motioned to recommend the article as amended, and move to the warrant and Mr. Breton seconded. Motion passed 5-0.

Article 10 (Art 3 on hearing notice) - **\$75,100 for the second year payment on the 2014 ambulance lease** – Mr. McLeod explained the article and noted that this is part of the CIP plan. Mr. Letizio motioned to recommend the article and move to the warrant and Mr. Breton seconded. Motion passed 5-0.

Article 11 (Art 4 on hearing notice) – **\$75,000 for a Vehicle Exhaust Capture System for the Fire department’s apparatus bays** – Mr. McLeod explained the article and noted that this is part of the CIP plan. Mr. Hohenberger motioned to recommend the article and move to the warrant and Mr. Letizio seconded. Motion passed 4-1 with Mr. Desilets opposed, noting he did not understand the need for the system if it had not been done as of yet. Assistant Chief Morgan asked to address Mr. Desilets’ concerns, noting that the Fire department had a trainer come in to discuss firefighter safety, and cancer issues were seen as prevalent in this line of work. He indicated that this should have been installed when the station was constructed because, unlike other municipal buildings with garages, the firefighters are in the station 24 hours a day and sleep there, with the exhaust fumes present at times in the building, so it is a safety concern. He also noted that there is a good chance the department will receive a grant to offset a portion of the cost of the project.

Mr. Letizio motioned to reconsider the previous motion and Mr. Breton seconded; passed 5-0. Mr. Letizio motioned to recommend the article and move to the warrant and Mr. Breton seconded. Motion passed 5-0.

Article 12 (Art 5 on hearing notice) - **\$24,000 to be used towards the Nesmith Library HVAC system replacement; funding to be withdrawn from existing CRF** – Mr. McLeod explained the article and noted that it is part of the CIP plan. Mr. Sullivan noted that the \$24,000 will be added to the \$94,000 which was raised in 2014 to complete the

project, as the bids had come in higher than expected. Further discussion ensued regarding the size/adequacy of the planned new system and whether weatherization improvements had been made in advance of installing a new system. Mr. Letizio motioned and Mr. Desilets seconded to recommend the article and move to the warrant. Passed 5-0.

Article 13 (Art 6 on hearing notice) - **\$800,000 to engineer, design and construct sections of the Windham Greenway Recreational Trail with \$640,000 from a State TAP grant; net of \$160,000 from taxation** – Mr. McLeod explained the article and noted that it is part of the CIP plan. Mr. Hohenberger motioned and Mr. Letizio seconded to recommend the article and move to the warrant. Passed 5-0.

Article 16 (Art 12 on hearing notice) - **Designate parcels 11-C-1800, 11-C-1801, 11-C-1802 & 22-R-250 as Conservation Land** – Mr. McLeod explained the article, noting the next series of articles have been discussed at several Selectmen’s meetings as part of their review of Town-owned land. Mr. Hohenberger motioned and Mr. Desilets seconded to recommend the article and move to the warrant. Passed 5-0.

Article 17 (Art 13 on hearing notice) - **Authorize Selectmen to sell vacant parcels: 1-B-1022*, 3-B-290A, 3-B-680*, 3-B-850-L2*, 7-A-625*, 11-C-3400, 16-C-5*, 16-P-560*, 17-L-65A*, 19-B-701*, 19-B-715, 20-D-2500*, 21-V-243J*** – Mr. McLeod explained the article and Mr. Sullivan pointed out that the parcels identified with an asterisk on the draft warrant are all properties taken by tax deed. Based on additional information from Town legal counsel, Mr. Sullivan noted that these parcels could be removed from the warrant as the Board may sell “as justice may require”. He noted this is consistent with the previous Article 15 (per the posting notice) for the Blueberry Road lots, which was removed by the Board because these lots were also taken by tax deed and do not need to go to Town Meeting to sell.

Mr. Letizio motioned to amend the article to remove the specified parcels, and to recommend the article and move to the warrant. Mr. Breton seconded for discussion and indicated that he would prefer that all parcels be listed in the article. After further discussion with the suggestion that the parcels be individually identified on a future Selectmen agenda prior to their sale, consensus was to agree with the amendment. The motion passed 5-0.

Article 18 (Art 14 on hearing notice) – **To merge lot 16-P-1010 into town lot 16-P-510 and authorize Selectmen to sell the combined lot** – Mr. McLeod explained the article. Mr. Breton motioned and Mr. Desilets seconded to recommend the article and move to the warrant. Passed 5-0.

Article 19 (Art 16 on hearing notice) – **Establish a Fire Cistern Special Revenue fund and restrict revenues from cistern inspection fees to be placed in the fund and used for cistern maintenance/replacement** – Mr. McLeod read the article and Mr. Sullivan read the notice into the record:

LEGAL NOTICE
TOWN OF WINDHAM, NH
LEGAL NOTICE- SPECIAL REVENUE FUND

In accordance with RSA 31:95-c and 31:95-d (1,b) the Selectmen will hold a public hearing on January 12, 2015 at 7:00 PM to consider the establishment of a Special Revenue Fund for Maintenance and Replacement of Fire Cisterns, said fund to be voted on at the 2015 Town Meeting. The wording for the proposed article is as follows:

“Shall we adopt the provisions of RSA 31:95-c to restrict 100% of the revenues from income derived from permit fees charged to inspect fire cisterns to expenditures for the purpose of paying for the maintenance, upkeep, and replacement of fire cisterns and their associated parts and equipment? Such revenues and expenditures shall be accounted for in a special revenue fund to be known as the Fire Cistern Special Revenue fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote of the legislative body to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue.”

Deputy Chief Martineau presented the article and noted that the Town currently owns over sixty cisterns in Town, most of which were installed by developers, and the Town is required to maintain them. He noted that establishing this fund is a good start towards that. Mr. Breton motioned and Mr. Letizio seconded to recommend the article and move to the warrant. Passed 5-0.

Article 20 (Art 18 on hearing notice) – **Release lot (proposed future road) off Rock Pond Road from public dedication and convey to abutters** – Mr. McLeod explained the article and Mr. Sullivan noted that the Selectmen and abutters had previously agreed to terms for the sale. Mr. Letizio motioned and Mr. Breton seconded to recommend the article and move to the warrant. During discussion on the motion, Mr. Desilets indicated that he was concerned that the offer price of \$2,000 is too low and Mr. Hohenberger agreed. Mr. Sullivan reminded the Board that this proposed future road now ends in another property owner’s back yard, so the area has very little value to the Town. Discussion ensued as to how the value per the assessment file was determined. Diana Fallon of 26 Rock Pond Road indicated that she believes the property should be sold to the abutters, as the area is wet, contains a lot of pine trees, and the abutters have been maintaining the area and removing downed trees without asking anything from the Town. Motion passed 4-1 with Mr. Hohenberger opposed.

Article 21 (Art 19 on hearing notice) – **Discontinue certain sections of Old Route 111 which were turned over to the Town by the State** – Mr. McLeod read the article and turned to Mr. Sullivan. Mr. Sullivan presented several plans that were prepared for the Town at no cost by the Dubai Group. Mr. Sullivan explained that as these plans were developed, it was discovered that within the short time-frame for Town meeting, the Town would be unable to identify all of the parcels involved or provide proper notification to landowners/abutters, as required for a

discontinuance. Mr. Sullivan identified three parcels: Lots 11-A-520, 11-A-530 & 11-A-317, for which we can meet the statutory requirements in time for Town meeting, therefore, he recommends the Board move forward with these parcels and then the Town continue to do research on the other areas over the next year. Board members thanked the Dubay Group for all the effort put into these plans and noted they contained a lot of great information and were very well done.

Mr. Desilets motioned and Mr. Breton seconded to move forward with only the three specified parcels and recommend the article, as amended. Passed 5-0.

Article 22 (Art 20 on hearing notice) – **Authorize Selectmen to sell portions of lots 8-B-850 & 8-B-900 to a private concern in exchange for land of equal or greater value** – Mr. McLeod read the article and Mr. Sullivan explained details of the proposed land swap, noting that a lot-line adjustment will occur in town-owned lot 8-B-850 to allow a portion to be sold and merged into neighboring lot 8-B-500. Mr. Letizio noted that through a development restriction, three quarters of the newly developed property will be 55+ housing, as opposed to a fully developed condominium project, which could have been done by the landowner without the Town land swap. Mr. Letizio noted there was a benefit to the developer as well, through adjusting the wetland crossing, which is also better from an environmental perspective. In addition, the Town was able to retain the land that was intended for a future fire substation (8-B-900 and portion of 8-B-850) through the lot line adjustment. The landowner will convey lot 8-B-6100 to the Town, which abuts the Rte 28 Town Forest, to be designated as Conservation land.

Mr. Letizio motioned to amend the article to add language to place Lot 8-B-6100 under stewardship of the Conservation Commission, and recommend the article and move to the warrant. Mr. Desilets seconded, as amended. Passed 5-0.

Article 24 – (Art 22 on hearing notice) - **Adopt Moeckel Pond By-Laws** – Mr. McLeod presented a summary of the proposed By-Laws, and Mr. Sullivan indicated they were patterned after the rules for Deer Leap and Foster’s Pond conservation areas. Wayne Morris, Conservation Commission, responded to questions from the Board. Mr. Desilets indicated he would prefer to see stricter penalties for violations. Mr. Breton suggested the relevant lot number(s) for Moeckel Pond be added to the warrant article. Mr. Letizio motioned to recommend the article as amended and move to the warrant; Mr. Desilets seconded. Passed 5-0.

Article 25 – (Art 23 on hearing notice) – **Adopt Rte 28 Town Forest By-Laws** – Mr. McLeod presented a summary of the proposed By-Laws and the Board discussed the article. Earl Bartlett, Millstone Road, expressed concerns about the restriction to no longer be able to discharge firearms, other than for hunting, and not for target or site shooting. A lengthy discussion ensued regarding the potential to establish a

designated area for target shooting, the ability to hunt on these designated town parcels, and the by-laws allowing both passive recreation and hunting activities on the same parcel. Discussion turned to the allowance of hunting in this area, as well as other areas in town and the ability of hunting and passive recreation activities being able to co-exist. Mr. Morris clarified that in writing the By-Laws, the Conservation Commission was trying to codify in writing, what is already allowed, and not allowed, in this area and not to change current provisions. He agreed that the majority of hunters are responsible, but there have been issues at Deer Leap with the discharge of firearms, thus it was felt that By-Laws for the Rte 28 Town Forest should be adopted. Mr. Breton indicated that because this is the first time the Board has seen and discussed the By-Laws, it might be best to wait. Mrs. Coish agreed that she felt these By-Laws should be put on hold and the Board should have additional discussion. Mr. Babineau felt that passive recreation users can co-exist with hunters in the same area, but that discharge of firearms for other than hunting should be prohibited. Mr. Senibaldi felt that the Board should be careful in limiting people's rights, as we are living in New Hampshire, and felt that they shouldn't stop the ability to discharge firearms because of a few unlawful people.

Mr. Desilets indicated that with the clarifications tonight, he is in favor of the article as written and Mr. McLeod agreed. Mr. Breton motioned to recommend the article and move to the warrant and Mr. Desilets seconded. Passed 5-0.

Mr. Letizio then asked if Lot 8-B-6100, which will be accepted as Conservation Land if Article 22 passes, should be included in the Rte 28 Town Forest By-Laws. Mr. Letizio then motioned to reconsider Article 22 and Mr. Desilets seconded; passed 5-0. Mr. Letizio motioned to add to Article 22, authorization to merge Lot 8-B-6100 into the existing town Lot 8-B-3001. Mr. Letizio then motioned to recommend Article 22, as amended, and move to the warrant; Mr. Desilets seconded. Passed 5-0.

Article 26 – Operating Budget – Mr. Sullivan read the article in its entirety, and reminded the Board that the \$5,430 previously in Article 8 has been transferred to this article through an earlier vote. Mr. Breton asked the Board to consider an amendment to reduce the capital budget for Roads from \$360,000 to \$300,000, based on decreased fuel prices and the effect on paving costs. It was noted this line item had previously been reduced by the Selectmen from the CIP recommended amount of \$390,000 to the \$360,000, and a discussion ensued regarding the amount of roadwork being done each year. Mr. Desilets motioned to reduce the line item by \$60,000 and Mr. Breton seconded. Motion failed 2-3 with Mr. Letizio, Mr. Hohenberger and Mr. McLeod opposed. Mr. Breton then asked the Board to consider an overall \$15,000 reduction in the Town's budget for vehicle fuel, based on the drop in gas prices. Mr. Sullivan explained that the budget is calculated based on average prices experienced over the current year, but he would agree that this is an area that can be reduced with the understanding that as gas prices rise in the future, the 2016 budget will likely increase. Mr. Breton motioned to

reduce the line item by \$15,000 and Mr. Hohenberger seconded. Passed 5-0.

Mr. McLeod noted that with no other discussion, this brings the budget hearing to a close. Article 26 will move to the warrant, as amended, with a reduction of \$15,000 (including a transfer of \$5,430 from Article 8), for a new total of \$13,018,039.39.

Mr. Letizio motioned to adjourn at 12:27 am. Mr. Desilets seconded; passed unanimously.

Mr. Sullivan noted that there was one Correspondence matter for the Board to address. Mr. Letizio motioned to reconsider his motion to adjourn and Mr. Desilets seconded; passed unanimously. Mr. Hohenberger motioned and Mr. Letizio seconded to approve a reduction of a \$5,000 financial guarantee for Meadowcroft, in the amount of \$1,200 to be retained by the Town as reimbursement for prior payments to Attorney Campbell in regards to this case, with the remaining balance of \$3,800 to be retained as the financial guarantee. The motion passed 5-0. Mr. Desilets then motioned to adjourn at 12:30 am. Mr. Letizio seconded; passed unanimously.

Respectfully submitted,

Dana Call
Asst Town Administrator-Finance

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