

**BOARD OF SELECTMEN**  
**Minutes of March 9, 2015**

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

**ANNOUNCEMENTS/LIAISON REPORTS:** Mr. Sullivan announced that the Annual Easter Egg Hunt will take place on Saturday, March 28<sup>th</sup>; however due to the amount of snow it has been moved indoors to the High School gym. Information regarding the specific times for each age group is available on the Town website.

*Mr. Letizio* noted that the EDC will meet on Friday morning at 7:30A at the Community Development Department. Also, the Market Square Subcommittee will meet on Thursday the 12<sup>th</sup>. Mr. Letizio noted that the latter is making progress and hopes to be before the Planning Board on April 8<sup>th</sup>.

*Mr. McLeod* reminded all to get out and vote; noting that the polls will be open from 7A to 8P at the High School.

**SEARLES:** Mr. Sullivan noted that the application for a \$10,000 grant from the Methuen Festival of Trees had been successful; and that the Town's matching \$10,000 was available in the Restoration fund. He indicated the intent would be to utilize these funds to restore one (1) of the stained glass windows in the Chapel. Mr. Sullivan noted that the Board must first accept the grant funds, and Mr. Letizio moved and Mr. Desilets seconded accordingly. Passed unanimously.

Mr. Sullivan then advised that the Board had previously discussed allowing the Historical Commission to obtain quotes from vendors who specialize in such restorations, and that three (3) had been received which ranged from \$22,500 to \$33,000. He noted that he would ask that the Board accept these quotes as fulfilling the bid requirements. Mr. Desilets moved and Mr. Hohenberger seconded to waive the bid process and allow for the quotes obtained rather than a full bid specification. Passed unanimously.

Mr. Sullivan then noted that the recommendation would be to award the project to ArtGlass by Misci for his price of \$22,500; adding that this vendor has been utilized in the past. Mr. Desilets moved and Mr. Hohenberger seconded to award the project as recommended. Passed unanimously.

Mrs. Margaret Case then approached noting that she had been advised that there was a grant available similar to the one received last year via the Moose Plate Program that had been used for roof repairs. She noted the category for this new grant was the "arts" and that it would apply to the stained glass windows. She requested that the Board award a project totaling \$15,000 to ArtGlass. Discussion ensued, and it was clarified that in order for Mrs. Case to apply for the grant funds a commitment must be in place with a vendor; also, that this is a 100% grant, with no requirement for matching funds.

Mr. Desilets sought clarification as to the maximum grant that could be awarded, and Mrs. Case noted that it could range from \$2,000 to \$20,000; adding that a window restoration fits perfectly into the available funds.

Mr. Breton then moved and Mr. Letizio seconded to authorize Mrs. Case to apply for the grant and to award a window replacement to ArtGlass contingent upon receipt of the grant funds. Passed unanimously.

*Upgrades* to the meeting room were then briefly discussed; including a new HDMI television/wall mount system. Mr. Breton suggested that another be added and angled for better viewing, and Mr. Letizio suggested the new large one be moved to the area behind the Board table. Mrs. Case indicated she would bring the suggestions back to the Cable tech people and Cable Advisory Board, and a further, brief discussion ensued.

Mrs. Case then publicly expressed her thanks to IT Director Eric DeLong for his assistance in finding the final issue with the Cable equipment that was impacting uploads to the Peg channel.

**FINANCE DIRECTOR:** Mrs. Call presented her year-end report to the Board; noting most was the same information as contained in the Annual Reports. Highlights included:

- As of year-end, a net of roughly \$280,000 is available for the 2014 fund balance.
- As far as revenues, which Mrs. Call reminded the Board are estimated conservatively at tax year time, the year ended with the Town approximately \$274,000 ahead.
- These two numbers combined, provide roughly \$554,000 for the 2015 tax rate setting; which is fairly average.
- The Town had no debt schedule until the Campbell Farm purchase, which is being paid by the Conservation Commission.
- Investments were discussed, and Mr. Breton requested that the Chair send out a letter post-election to the new Treasurer regarding exploration of investment/interest opportunities. Mrs. Call noted that the special funds are currently at 0.5%, and that the Town treasurer cannot invest the Trust Funds. It was the consensus that a letter be forwarded to the Trustees of the latter, as well.
- Impact fees will need to be discussed at a future meeting, as some are approaching their statutory 6 year return date as a result of not being spent. Mr. Sullivan noted that the methodology for public safety impact fees had changed as well, in that they can only be used for buildings or equipment, and that these will rapidly be returned without a plan to utilize them.
- Brief discussion ensued regarding the amount of funds available in the Cable Special fund, and the purchase of additional TVs for the meeting room. It was reiterated that the Board wished to see the proposed equipment before anything is purchased.

**MUNIS SUPPORT CONTRACT:** Mr. Sullivan advised that the Town's 3-year contract with MUNIS was expiring, and the latter had offered an opportunity to extend for three more years at a cost of an additional \$1,500/year; bringing the total annual cost to \$37,507. He reminded the Board that this cost had been planned for during budgeting, and that staff would recommend extending.

Mr. Breton questioned whether there were any other software available that was comparable with MUNIS. Mr. Sullivan replied in the affirmative, adding however that the Town would have to give up their investment to date and go new. Mr. Breton inquired whether the Board needed to make a determination now, and Mr. Sullivan replied that the offer to extend expires on March 31. Discussion ensued regarding the amount of time that switching to a new software/vendor would require.

Mr. Breton inquired whether staff could look into switching, and Mr. Sullivan replied that other options on the municipal side have been explored in the past; adding that a number of communities are now moving to MUNIS. Mr. Sullivan noted that he believed there was no better option than MUNIS from the payroll side. Tax Collector Ruth Robertson, who was in attendance, was consulted and she indicated that she did not wish to switch from MUNIS.

Discussion ensued regarding other NH communities using MUNIS, the software modules, and the percentage of the increase.

Mr. McLeod inquired what would be required if the Board did not extend with MUNIS. Mr. Sullivan noted that new software systems/hardware would need to be acquired.

Mr. Letizio moved to approve moving forward to extend the MUNIS contract as presented. There was no second.

Mr. Hohenberger noted he had concerns with entering into a contract for another three years; inquiring whether one year could be done and other options explored. Discussion ensued, and it was noted that it would take much time and exploration to switch to another vendor.

Mr. Hohenberger felt that it is always worth keeping an eye out for other options, noting he dislikes MUNIS because he feels they have towns over a barrel. Mr. Breton suggested that staff reach out to MUNIS to see if the contract could be extended only for one year, and that a committee then be formed to explore other options.

Mr. Desilets moved to proceed with MUNIS for three years at a negotiated 0% increase; or for one year at a 4% increase. Mr. Breton seconded for discussion. Mr. Sullivan clarified that the 4% increase being offered is over the three year period, adding MUNIS will not negotiate same. Discussion ensued, and Mr. Desilets amended the latter part of his motion to be for one year at a 1/3 the 4% increase. Mr. Breton amended his second.

Further discussion ensued regarding the percentage of increase, and that MUNIS may not be willing to offer a one year contract. Mr. Sullivan clarified that the total increase over the three year period is \$4,500, and Mrs. Call urged the Board to please reconsider the direction in which they were heading.

Motion failed 2-3, with Mr. McLeod, Mr. Letizio, and Mr. Hohenberger opposed. Mr. Letizio moved to accept the contract extension as written. Mr. Sullivan clarified that staff will explore what else is available. Mr. Hohenberger seconded, and the motion passed 3-2, with Mr. Desilets and Mr. Breton opposed.

Mr. Breton suggested that, as it pertained to the Committee he had proposed, citizen members be included along with staff and a Selectman. Mr. Desilets noted that citizen input would be available via Board meetings. Mr. Sullivan noted that he would plan to put out an RFP to see what others are available. Mr. Hohenberger suggested he speak with other communities, as well. Further discussion ensued, and Mr. Desilets opined that the Town really should be able to negotiate for a better deal with MUNIS, and he would encourage doing so.

**LOCAL ENERGY COMMITTEE:** Mr. Pat Manzo, Mark Kovacs, and Neelima Gogumalla of the LEC were present. Mr. Manzo then made presentation to the Board regarding the Town's entering into a Green Power Partnership with the EPA (*as attached*). Mr. Desilets, as liaison for the Committee, commended all for their efforts. He indicated he had spoken to the Environmental Protection Agency, which manages the program the LEC was proposing, and that it is a self-electing, representing program that is not binding. Mr. Desilets noted that if the Town opted not to utilize green energy, then the agreement simply goes away with no risk; adding, however, that it does afford the Town credit for its efforts. Mr. Manzo approached to further clarify that the agreement can be terminated by either party with no prior notification.

Discussion ensued regarding the lack of risk, and the potential benefits such as grants/programs. Mr. Desilets moved and Mr. Breton seconded authorize Mr. Sullivan to execute the Green Power Partnership agreement as discussed. Passed unanimously.

*Discussion then moved* to the LEC Rules of Procedure; with Mr. Breton noting that he had suggested they be amended to add a liaison from the School District as a non-voting member. He explained that doing so could afford opportunities for the District to participate in or piggy-back on the Town efforts. Mr. Breton also noted he believed it would bring the Town and School together on energy issues and possibly bring about increased grant or other opportunities. Mr. Desilets noted that the Committee had discussed Mr. Breton's suggestion, and has in the past worked with the District. He indicated that District Business Administrator Adam Steel has recently reached out to the LEC, and that the latter intends to invite District representatives to meetings throughout the year, along with the Fire Chief and other department heads. He indicated that the LEC does not, however, feel it is necessary to add a District member to their roster.

Mr. McLeod suggested that, as Mr. Steel has been invited to the LEC's March 24<sup>th</sup> meeting, this topic be re-scheduled for the April 6<sup>th</sup> meeting in order to obtain a final opinion from the LEC; adding that Mr. Breton's point regarding increased opportunities was a good one. Discussion ensued, and Mr. Breton questioned what the disadvantage would be to amending the Rules. Mr. Desilets noted he believed it was the wrong way to approach things; adding that extending invitations or having an open door policy at LEC meetings would be better.

Mr. McLeod indicated that he did not believe the Board had enough information to proceed, and suggested that the LEC explore the various possibilities (eg an ex-officio member versus liaison). LEC Chairman Mark Kovacs approached to note that the Committee had discussed this, but not formally voted; concurring that the Committee should discuss it further and return with a recommendation. He then noted that the District and the Town are distinct organizations, and that the LEC had been established by the latter to perform specific functions. Mr. Kovacs noted he had some concerns regarding mixing the two, and suggested that things could be maintained as is, and that the educational function of the LEC could be amended to include residential, commercial, and the District. He noted this would keep the lines clearer while allowing the LEC to assist both the Town and the District; adding however that this was only his opinion and that he would discuss same with the Committee after their meeting with Mr. Steele. The Board members concurred.

Mr. Breton then clarified that he was not advocating that the LEC work for the District, rather only that they be afforded a seat at the table. Mr. Desilets noted that the LEC is very excited to re-open a dialog with the District. Brief discussion ensued.

**WORKERS' COMPENSATION INSURANCE:** Mr. Sullivan advised that the Town has been presented with the opportunity to extend their contract with Primex for an additional two (2) years; based upon two (2) years of good experience. He advised that staff had performed due diligence in searching out private companies; however few were interested in covering the Town as it is very difficult to compete with Primex and the size of their pool. Mr. Sullivan noted that he believed extending with Primex was the best and most financially sound plan; asking that the Board bear in mind that by not extending training programs and dividends will be lost.

Mr. Sullivan advised that the Town must make a determination by May 29, 2015 and explained that, if the Board were to miss that deadline and end up staying with Primex, they would be doing so as a new customer and all previous years' experience would be treated differently in the rating model. He also noted the Town would lose a 10% discount which it currently receives for bundling our Workers' Compensation and Property Liability coverage.

Discussion ensued regarding the increase, and that the experience would be the same relative to other quotes; with Mr. Letizio suggesting that the package of Property Liability and Workers' Compensation be bid. Mr. Sullivan clarified that a package deal cannot be explored as the Town's property liability contract goes through 2017.

Mr. Sullivan then explained that Primex considers the previous five years of experience while private companies generally look at the previous three for rating. He then gave a brief history of what the Town has paid in versus our incurred expenses since 2009; for example in 2009 the Town incurred \$294,000 but paid less than \$100,000. Mr. Sullivan noted that if the Town were to leave Primex for a better deal, it would lose dividends in 2018. He also clarified that the benefit of a pooled program is the protection it offers in bad years; adding that very few companies can compete with Primex which is why they offered an extension to allow exploration of other companies.

Mr. Desilets sought clarification as to whether there had been negotiation with Primex, and Mr. Sullivan replied in the negative; adding that there is a contract in place through the end of the year. He noted that during the budget season the process had been discussed and that he would explore other opportunities,

which he has done. Discussion ensued, and Mr. Letizio again suggested that the whole package be bid as it would be the only way to obtain a clear picture.

Mr. Sullivan noted that the Town had moved from the LGC to Primex a few years back for Liability Insurance as it was a better deal; adding that he was very concerned that the Board appears to have an expectation of saving thousands of dollars by going to the private market. Mr. Breton noted that he did not advocate the private sector, but rather another public risk pool management company; adding that not all NH communities utilize Primex. He also indicated that he would not recommend asking for quotes, but rather a sealed bid process. Mr. Sullivan clarified that the coverage is statutory, but that it can be sent out for bid. Further discussion ensued regarding the various providers and private versus pooled. Mr. Sullivan advised the Board that he will finish up research of the private sector, and send it out to the pooled providers.

**OLD POLICE STATION:** Mr. Sullivan advised that the Board had received a first draft of the RFP for the Adaptive Re-use of the former Police Station/Pre-School. He noted this document had been modeled after one from the Town of Durham, and that the draft had been reviewed by the Community Development Director and sent to Town Counsel who was reviewing the lease portion. Mr. Sullivan indicated he believed the document met the Board's intent, and inquired as to whether they had any direction/changes; clarifying that the Board can enter into renewable, one-year leases and any other would need to go to Town Meeting. Mr. Letizio moved and Mr. Breton seconded to move forward with the RFP as drafted.

Mr. Desilets sought clarification as to the zoning of the property and allowed uses. Mr. Sullivan noted it is zoned rural, and the uses are detailed in the RFP. Mr. Desilets noted that, given the nature of the RFP, he would not want to encourage a significant investment in the property. Discussion ensued in that the goal is simply to obtain proposals.

Mr. Breton noted that the RFP does not affect the surrounding land, and that the RFP stresses that proposals could be brought to Town meeting for a longer lease. Further discussion ensued, and Mr. Hohenberger expressed concerns regarding the previous lead remediation that had taken place and whether same needed to be noted in the document. Discussion ensued, and Mr. McLeod suggested Town Counsel be consulted regarding the need to include same.

Mr. Letizio noted that generating revenue is important, however, permanency should not be encouraged given the potential value of the parcel if it were combined with abutting ones. Mr. Desilets concurred, and suggested that language on Page 8 relative to possible consideration of outright purchase be removed as the Town is not soliciting for that. Discussion ensued amongst the members as to whether the Town was or not.

Mr. Bob Coole approached to inquire whether the original minutes had been consulted, as he believed one of the original selling points was that after 20 years the property could be sold as a residential home. Mr. Sullivan noted nothing to that effect was in the original minutes/article. Brief discussion ensued.

Motion passed 4-1, with Mr. Desilets opposed.

**MINUTES:** Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of 2/9 as written. Passed unanimously. Mr. Letizio moved and Mr. Breton seconded to approve the minutes of 2/23 as written. Passed 3-0-2, with Mr. Desilets and Mr. McLeod abstaining due to absence.

It was requested that staff post the minutes of 2/23 to the National Grid page on the Town website. Mr. Sullivan replied in the affirmative.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that a representative from Eversource will attend on April 6<sup>th</sup> to update the Board on their efforts in Windham. Brief discussion ensued regarding the National Grid and Kinder-Morgan meetings; and Mr. Sullivan advised that he had received no confirmation, as yet, from KM about the March 30<sup>th</sup> meeting. Discussion ensued, and Mr. Sullivan

clarified that the full delegation had been invited, as well, but had not yet replied. Mr. Sullivan also noted that invitations had been received to attend coalition meetings regarding the KM project, however, staff has not done so and will not without the Board's directive. Discussion ensued in that no decision should be made on the latter until after the March 30<sup>th</sup> meeting. Mr. Desilets also noted that any discussion regarding same should take place in public.

*Mr. McLeod* advised that normally the polling area at the High School would be set up the afternoon before, however there was a playoff game, in addition to a JV game, booked by the School, which pre-empted doing so. Mr. Sullivan indicated that the school had moved the game from 7 pm to 5 pm and, short of forfeiting, could not do much more. Discussion ensued in that had the District given the Town more notice then the polling area could have been moved.

Mr. McLeod indicated he was concerned with the communication breakdown between the District and the Town. Mr. Sullivan clarified that he had received a call regarding same from the Superintendent. Discussion ensued in that the polling place has not changed, and that the District offered to assist staff in setting up; which was already completed. Mr. Desilets suggested that, rather than clarifying what happened this year, a solution be put in place in the event this happened again next year. Brief discussion ensued, and staff will follow up to do so.

*Mr. Breton* inquired when the handicapped access door to the Town Hall will be updated, and Mr. Sullivan replied in the spring.

*Mr. Sullivan* noted that, as it pertained to legal services, he would recommend extending with Beaumont & Campbell for a period of one year given the number of pending cases; clarifying, however, that he had not obtained prices from same yet. Mr. Sullivan noted that the Board had budgeted less for legal this year, and Attorney Campbell's bids are always lower; however if the Board wished to place legal service out to bid they would need to do so quickly.

Mr. Breton inquired as to the total amount budgeted, and Mr. Sullivan replied \$52,400. Discussion ensued regarding the various expenses, such as unions and covenant/escrow review. Mr. Desilets inquired when a price would be available, and Mr. Sullivan noted that if the Board is amenable to extending he will sit down with Attorney Campbell. After further discussion it was the consensus that Mr. Sullivan proceed to obtain extension options.

**CORRESPONDENCE:** *Mr. Sullivan* advised that Mr. Senibaldi had submitted his resignation from the Recreation Committee after twelve (12) years; adding that he had hoped to be able to complete the Spruce Pond Project, however, the Town did not receive the grant. Mr. Sullivan advised the Board, however, that the project is the first alternate.

Mr. Letizio moved and Mr. Desilets seconded to accept Mr. Senibaldi's resignation with sincere appreciation for his years of service. Passed unanimously.

Mr. Sullivan then noted, even though the Town had not received the Grant, anyone who planned to support it should still do so given its status as first alternate.

*Mr. Sullivan* noted a letter had been received from Tax Assessor Mike Fedele requesting the Board waive the annual requirement to review veterans' exemptions. Mr. McLeod inquired whether anyone had contacted staff regarding their exemptions, and Mr. Sullivan replied many had, yes. Discussion ensued in that the recipient's status as a veteran would not have changed, however, some could have moved.

Mr. Desilets moved and Mr. Letizio seconded to support the recommendation of Mr. Fedele. Passed unanimously.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Letizio seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and c. Roll call vote all “yes”. The topics of discussion were personnel and reputations and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in all sessions.

*Mr. Breton moved* and Mr. Letizio seconded to waive the requirements of the personnel policy and hire the ballot clerks as recommended by the Town Clerk. Passed 4-1, with Mr. Hohenberger opposed.

*The Board* discussed a request for a leave of absence. Mr. Letizio moved and Mr. Desilets second to approve the leave without pay. Discussion ensued, and Mr. Letizio amended his motion and Mr. Desilets seconded to grant a leave retroactively, but moving forward any uncovered leave will be subject to disciplinary action.

Further discussion ensued, and the motion and second were withdrawn.

Mr. Breton then moved and Mr. Letizio seconded to deny the request for a leave of absence. Passed unanimously.

*Mr. Sullivan* updated the Board on a reputations matter relative to a forbearance agreement. Mr. Letizio moved and Mr. Hohenberger seconded that payment in the amount of \$100,000 must be received relative to the agreed deadline. Passed unanimously.

*Mr. Sullivan* discussed a matter related to the management oversight of the maintenance department, recommending that a dual hybrid approach be implemented with the Highway Agent and Transfer Station Manager sharing the responsibilities. Mr. Desilets moved and Mr. Breton seconded to support proceeding with this approach as discussed. Passed 4-0-1, with Mr. Hohenberger abstaining.

*Mr. Desilets* moved and Mr. Letizio seconded to adjourn. Passed unanimously.

Meeting was adjourned at 9:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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

# **Presentation to the Windham Board of Selectmen**

**On**

## **EPA's Green Power Partnership**

**LEC Members: Tom Barstow, Neelima Gogumalla, Pat Manzo, Peter Tousignant, Mark Kovacs (Chair)**



**Windham Local Energy Committee**

## **What is the Green Power Partnership**

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- **Green Power Partnership (GPP) is an EPA program:**
  - 1. Encourage the use of Green/Renewable Energy**
  - 2. Assist Organizations and communities in adapting Green Energy**
  - 3. Provide Tools**
  - 4. Provide Recognition and Assistance**

# Benefits and Costs of Membership

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- **Benefits of membership**
  - **Publicity and Recognition**
    - Recognition on EPA's Website
    - Two Road Signs
    - Use of EPA's Green Power Logo
    - Press Releases
  - **Access to EPA's Tools and Resources for help in pursuit of community wide Energy Conservation and Green Energy Acquisition**
    - Green Power Procurement Assistance
    - Assistance in Green Power Promotion
- **Costs**
  - **Yearly Energy Use Status Report**
    - 4 page document – LEC can complete; prep for Signature

**Windham BOS recognizes the importance of  
Green Energy and has made a strong  
commitment to its purchase**

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- **BOS has committed to the purchase of Green Energy for all Town facilities**
  - **100% Green for Con Edison purchase for 2015**
- **Last year's purchase of Green Energy was at 50% level.**
- **Approval to Join GPP – Positive Step in a longer term goal of encouraging Community Wide Energy Conservation and use of Green Renewable Energy**

## Summary

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- **In view of:**
  - **Long Term Support of BOS for Green Energy**
  - **Potential Assistance EPA can provide to efforts to further use of Green Energy within Windham**
  - **Recognition of Windham's efforts to "GO GREEN"**
  - **Positive Publicity**
  - **Negligible cost**

**Energy Committee Recommends that BOS  
approve submission of Partnership Agreement**