

**BOARD OF SELECTMEN**  
**Minutes of July 29, 2013**

**CALL TO ORDER:** Chairman Phil LoChiatto called the meeting to order at 7:00 PM. Selectmen Al Letizio, Kathleen DiFruscia and Roger Hohenberger were present; as was Town Administrator David Sullivan. Selectman Ross McLeod was excused. Mr. LoChiatto opened with the Pledge of Allegiance, and then indicated he would like to take the matter of the sale of lot 14B-2101 out of order as the bidding parties were both present. The remainder of the Board concurred.

**ANNOUNCEMENTS:** Mrs. DiFruscia noted it had been a very busy summer for the Police and Fire staff with water rescues, etc., and extended thanks to both for doing a tremendous job.

Mrs. DiFruscia announced that Ms. Barbara Danais of Windham had been crowned as Miss Senior NH and would represent the state in the National pageant.

Mrs. DiFruscia noted that volunteers of Windham's Helping Hands had recently been honored by the Windham Terrace with a Senior Volunteer Award.

Mrs. DiFruscia noted that the new raft is in place at the Town Beach and extended thanks to Recreation and in particular, Mr. Senibaldi, for their efforts.

Mrs. DiFruscia noted the return of the Vial of Life program as previous discussed by the Fire Chief; reiterating its importance.

Mrs. DiFruscia noted that on August 8<sup>th</sup> there would be a concert at Griffin Park at 6:00 PM, and that the Harvest Fest is coming up in October.

Captain Mike Caron approached, requesting the Board's authorization to participate in a grant application for a \$9,000 fully reimbursable grant for thermal printers for use in the cruisers. Captain Caron explained that this equipment is necessary in order to participate in the second phase of grant funding toward moving to paperless. After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to support the grant application. Passed 4-0.

**LIAISON REPORTS:** None.

**MINUTES:** None.

**CORRESPONDENCE:** None.

**FIRE CHIEF:** Chief McPherson approached in order to recognize departing Call Firefighter Dave Norton; who had served the department for 24 years. Chief McPherson noted that Mr. Norton will be staying as a volunteer to the Emergency Management Committee, and presented a certificate of recognition to him with gratitude. On behalf of the residents and the Board, Mr. LoChiatto extended thanks to Mr. Norton for his service.

**SALE OF TOWN PROPERTY:** Mr. LoChiatto noted that two bids had been received for the sale of parcel 14B-2101, and that each had been accompanied by the required \$100 deposit, as follows: \$25,200 from Attorney William R. Mason, and; \$25,000 from Earl and Georgianna Goodnough.

Mrs. DiFruscia inquired whether Attorney Mason's bid had been submitted on behalf of someone else, and he approached to clarify that, as of this date, he would be the purchaser. Mr. Sullivan noted that, as Atty. Mason appeared to be the high bidder, the appraisal will be arranged and the final sale price will be the higher of the two. Discussion ensued in that the sale will be finalized once the appraisal is completed.

Mrs. Beverly Donovan approached on behalf of the Goodnoughs to remind the Board that it was actually the latter who requested the warrant article in order to merge the lot in question with their property for development purposes. She asked that the Board please keep that in mind when making their decision. Discussion ensued, and Mrs. DiFruscia noted that there is only a \$200 differential and it is a concern when looking at the economic viability of the parcels.

Mr. Sullivan noted that the bid notification had specified the property would be sold to the highest bidder except in the case of noncompliance. Further discussion ensued and Mr. Karl Dubay noted that there are certain features of this parcel, including a driveway, that the Goodnoughs maintain rights to. Mr. Sullivan clarified that the sale released only that interest that the Town has, and any other interest would carry through the sale.

After further discussion, Mr. Hohenberger moved and Mr. Letizio seconded to award the sale to the highest qualified bidder and proceed forward with obtaining an appraisal. Passed 3-1, with Mrs. DiFruscia opposed.

**COMMITTEE APPOINTMENTS:** Mr. Sullivan advised that Jean Manthorne had expressed an interest in continuing as a Museum Trustee. Mr. Hohenberger moved and Mr. Letizio seconded to appoint Ms. Manthorne as Museum Trustee for a term of three years. Passed 4-0.

**RIGHT OF WAY PERMIT:** Mr. Sullivan noted that the request for a trenching permit from RH White for utility work on Crestwood Road had been reviewed and approved by the Highway Agent. Mrs. DiFruscia moved and Mr. Hohenberger seconded to approve. Passed 4-0.

**POLICY COMMITTEE:** Mr. Sullivan noted that per the Board's vote to reduce their membership, the Recreation Committee had amended their by-laws relative to what constituted a quorum. Mr. Letizio moved and Mr. Hohenberger seconded to affirm the by-laws of the Recreation Committee changing the membership to five (5) and a quorum to three (3). Passed 4-0.

**SKATE PARK:** Mr. Sullivan gave a brief background to date, noting that on July 1<sup>st</sup> Mr. McMahon had requested that the Board reconsider their previous motion and hear the proposal from the Save Our Skatepark (SOS) group; at which time the Board had in turn directed same to go to the Recreation Committee on July 18<sup>th</sup>, which they had. Recreation Coordinator Cheryl Haas approached noting that, on the 18<sup>th</sup>, the Recreation Committee had voted 4-1 against support for SOS's proposal.

Mr. LoChiatto sought clarification for the record that, based upon the Board's previous vote, either a joint proposal or a recommendation from Recreation would be necessary in order for the Board to hear from SOS. Mr. Sullivan noted that, in light of Recreation's vote, the Board would need to reconsider its own prior vote in order to continue.

Mr. Hohenberger inquired why the Committee had not supported the proposal. Ms. Haas indicated that concerns raised included future funding of the monitor position, and then deferred to Mr. Tim Kelleher. Mr. Kelleher approached noting that although he was Chairman of the Recreation Committee he was, at that time, speaking for himself. He went onto explain that his vote against the proposal was related to the Police Chief and Recreation Coordinator's lack of support for same, as well the future long-term capital improvements the skate park will need.

Mr. Chris O'Neil, Recreation Committee member, then approached noting his vote against the proposal had also been related to the Chief and Ms. Haas' lack of support, as well as the group's failure to meet the timelines set out for them, that the metrics for the monitor position were not there, and that he believed the location of the Park was wrong.

Mr. LoChiatto inquired whether the Board wished to reconsider their previous vote. There was no motion offered and a discussion ensued in that lack of same meant the vote of the Board stayed as is and that the park will be sold with no further presentations being entertained.

Mrs. Michelle Hutchins then raised concerns from the audience relative to comments to her from a Board member, as well as the actions of others. Mr. LoChiatto advised Mrs. Hutchins that she should submit her concerns regarding same to the Town Administrator.

Further discussion ensued regarding the vote of the Recreation Committee, and Mr. Sullivan clarified that members attending via conference call was, indeed, legal.

**BID AWARD/SOFTWARE:** Town Clerk Nicole Bottai approached noting that she had received three quotes for new Clerk software, as attached. She indicated that her recommendation would be to award the bid to Interware, as she is familiar with the company, it is both MUNIS and hardware/software compatible, and is within budgeted funds.

Mr. Letizio moved and Mrs. DiFruscia seconded to support the Town Clerk's recommendation and contract with Interware for the ClerkWorks software. Discussion ensued regarding increased efficiency this will offer both staff and the residents, as well as savings in equipment costs. Mr. Hohenberger inquired whether this change was a result of an audit recommendation, and Finance Director Dana Call replied in the negative.

Further discussion ensued regarding whether the maintenance/licensing fees were capped. Mr. Letizio amended his motion and Mrs. DiFruscia her second that the award be subject to Mrs. Bottai pursuing an extended agreement with Interware in order to control annual maintenance costs. Passed 4-0.

**POLICY COMMITTEE:** Mrs. Call reviewed with the Board a revised red line of the Purchasing Policy; noting that same incorporated the Board's previous comments including removal of the 5% differential and that items at the \$15K level will not be awarded by the Town Administrator. She also noted that several comments received from Mr. McLeod had been incorporated, including placing a value limit on surplus items, as follows: less than \$1,000 will be approved by the Town Administrator while items valued at \$1,000 and above will be presented to the Board with a recommendation for disposal.

Mrs. DiFruscia suggested that language be amended under "Objectives" to read "consider the purchase of goods from local businesses, as well as encourage participation in the procurement process." Mr. LoChiatto suggested, alternatively, that language be added to the beginning of the section to read "for the purpose of strengthening the local economy." Discussion ensued.

Mr. Hohenberger inquired what the intent was of section 10, B; whether it was that anything under \$10K which was part of a State bid did not require a full bid process. Mrs. Call replied in the affirmative, in that their process would be inserted into ours and the bid automatically awarded. Discussion ensued in that this assumed the State undertook a valid process and that this was similar language to other community purchasing policies. It was the consensus of the Board that "with the approval of the Town Administrator" be added to this section and that "shall" be changed to "may." Further discussion then ensued, and Mr. Sullivan suggested the following: "If the item is greater than \$10,000, Department Heads shall present this request to the Board of Selectmen for approval." The Board members concurred.

Mr. Letizio noted that all concerns raised by the Windham Taxpayer's Coalition and the Economic Development Committee seem to have been addressed. Discussion ensued regarding the Town continuing to endeavor to work with the School District on purchasing.

Mr. Letizio moved and Mr. LoChiatto seconded to approve the Purchasing Policy as amended. Lengthy discussion ensued regarding the proposed increases in purchasing levels, and that same pertained only to budgeted items which had previously been vetted by the Board as part of the budget process. Motion failed 2-2, with Mrs. DiFruscia and Mr. Hohenberger opposed.

Mr. Hohenberger then moved and Mr. Letizio seconded to approve the Purchasing Policy as amended and with the proposed purchasing level of \$15K changed to \$10K. Passed 4-0.

*Mrs. Call* then reviewed with the Board a payroll reconciliation form; explaining that same had been recommended by the auditors. She noted it is similar to the signature form for the manifest, and that Mr. Hohenberger is currently the default signer. Mrs. Call explained there is currently an internal proof process involving the Human Resource Coordinator reconciling to Department Head totals. Discussion ensued regarding the audit recommendation and past practice.

Mrs. DiFruscia moved and Mr. Letizio seconded to designate Mr. Hohenberger or his designee as signer of the Payroll Reconciliation. Passed 3-0-1, with Mr. Hohenberger abstaining.

Mrs. DiFruscia then moved and Mr. Letizio seconded to adopt the policy change related to same. Passed 4-0.

*Mrs. Call* then reviewed with the Board a proposed Ambulance Billing Policy; noting that this had also been recommended by the auditors to codify current practices. She indicated that the Town currently utilizes a third party vendor for billing/collections, and that the Finance Department is not involved; however the auditors believe the latter should delve deeper into reporting.

Mrs. DiFruscia inquired whether this service had ever been placed out to bid, and Mr. Sullivan replied in the negative; adding that the same vendor had been utilized since day one and had never changed their fees. Mr. Letizio noted that he felt the policy was great, however, he disagreed with waiting to go to collections until after the third billing; rather he felt it should be after the second billing. Discussion ensued regarding the time needed for individuals to process insurance claims, etc. Chief McPherson approached to clarify that many times he has been asked to intercede on behalf of residents in light of insurance issues. Mr. Letizio indicated that, in light of that, he concurred with the language as it is.

Mr. Hohenberger suggested that the policy needed to be clear that the Town was endeavoring to collect insurance funds, as well as that the Chief should be contacted in the event a waiver was needed. Further discussion ensued, and it was the consensus that the policy be posted for future approval.

*Mr. Sullivan* indicated that amendments were being proposed to the Vehicle Maintenance Policy relative to greater flexibility in the tracking forms, as the various Departments have their own. In addition, the distinction between standard and severe duty vehicles had been eliminated as it pertained to pre-trip checks. Discussion ensued as to who the tracking forms are submitted to/maintained by, and it was clarified that these are provided to the Department Heads.

Mr. LoChiatto noted that the Joint Loss Management Committee had recommended inclusion of first aid kits in each vehicle and requiring regular checks of windshield wipers, etc. Ms. Laura Scott, JLMC Chairman, approached noting that it had since been clarified that the Fire, Police, and Transfer Station do conduct such daily checks, and that the Administrative and Community Development vehicles will be similarly inspected by the Maintenance staff. She also advised that the first aid kits are already in place, and it was recommended that cones and extinguishers also be included. Brief discussion ensued.

Mrs. DiFruscia inquired whether there were any policies in place regarding personal use of Town vehicles, and Mr. Sullivan advised that only the Chiefs and the Highway Agents have such use, the latter of whom receives it as a taxable fringe benefit. After further discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to approve the Vehicle Maintenance Policy as amended. Passed 4-0.

*Ms. Scott* approached and reviewed proposed amendments to Article 15 of the Personnel Policy relative to Authorized Leave (formerly Maternity Leave). She indicated that the proposed amendments basically mirror current FMLA language, and adds a process for the Police and Fire staff relative to pregnancy duty requests. Mrs. DiFruscia inquired about females in highway or transfer, and Mr. Sullivan clarified that the previous language indicated that all could work as long as they were comfortable doing so with the exception of Police and Fire staff. He indicated that the latter were required to vacate their positions immediately upon notification, which is now illegal and was thus removed; adding that as it pertained to remaining staff if they feel they are unable to work they may file for disability. Discussion ensued, and

Ms. Scott noted that the Department Heads felt the policy should reference “sworn” personnel as there is little to no flexibility regarding their duties. Mr. Sullivan added that reasonable accommodations can be made for others in this circumstance. Mr. Hohenberger suggested that #11 be amended to read “accepts employment”; and the remainder of the Board concurred. Mr. Sullivan indicated that the policy will now be posted in house as required for future adoption.

*Mr. Sullivan* advised that the Department Heads were collectively recommending the following changes to the Town’s Mission Statement: “Provide quality public service through professionalism dedicated to excellence *while upholding the public trust.*” Mr. Sullivan then noted that the Department Heads were also recommending the adoption of a Vision Statement as follows: “*To make Windham a desirable community where the residents and businesses have the opportunity to share in a diverse, vibrant environment in which to live, work, and recreate.*” Discussion ensued regarding the term “recreate”, and it was suggested it be changed to “play”. Mr. Sullivan noted there were other minor edits to the Town’s current value statement. Mrs. DiFruscia then moved and Mr. Hohenberger seconded to adopt these items as amended. Passed 4-0.

**TEN YEAR OPERATIONS PLAN:** Mr. Sullivan reviewed with the Board a draft 10-year Operations Plan; noting that same had been developed in response to staff’s previous workshop with the Board. He indicated that the plan encompassed vehicles, equipment and infrastructure items such as cruisers, tasers, and painting; adding that the Town on average spends \$180K in budgetary funding for same. Lengthy discussion ensued regarding the currently leased vehicles, the operations plan versus the CIP process, Property Maintenance Trust and other available special funding, the goal of the Board to prepare residents for expenses, and the accumulation of funds to avoid spikes/drops.

Mr. Sullivan noted that the purpose of the Property Maintenance Trust was for roofing and similar needs, and clarified that the plan as presented was a template; adding that Board would establish where to draw the line between it and CIP submissions.

Mrs. Margaret Case approached in support of the plan, but expressing concerns that raising funds in trust has not been very successful in Town and would require a separate warrant article. Mr. Sullivan clarified that the Property Maintenance Trust is successful each year and would be maintained, and that the balance would be level funded via the operating budget. After further brief discussion, it was the consensus of the Board that staff continue to work on the plan and return to the Board in the fall for further review.

**OLD/NEW BUSINESS:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into a nonpublic session in accordance with RSA 91A:3, II, d. Roll call vote – all “yes”. The topic of discussion was negotiations and the Board, Mr. Sullivan, Mrs. Call, and Ms. Devlin were in attendance.

The Board discussed the disposition of the surplus skate park equipment. It was the consensus of the Board that staff proceed as recommended.

Mr. Letizio moved and Mrs. DiFruscia seconded to adjourn. Passed 4-0.

Meeting was adjourned at 9:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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

To: David Sullivan, Board of Selectmen  
 Subject: Town Clerk Software - Cost Comparisons of Written Quotes

Software was selected by pre-existing contracts, compiling with State of NH DMV standards, functionality and what would fit best for the Windham Town Clerk's Office. Quotes were given after a spec was sent out to determine what we looking for in the office.

One time cost (initial set up, on site training etc):

<b>Interware (ClerkWorks)</b>	<b>BSMI (Clerkworks)</b>	<b>Avitar</b>
\$7,500.00 software cost + \$1,945.00 training/implem	\$10,065.00 (incl software & training/implem)	\$16,400.00 (incl software & training/implem)

Discount on first payment

-\$1,125.00	0	-\$4,100.00
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One time cost including discount

\$8,320.00	\$10,065.00	\$12,300.00
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Annual ongoing costs for Town of Windham (subscriptions, licensing, annual maintenance etc.):\*

\$4,722.00	\$4,433.00	\$5,250
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\*the numbers directly above will be included in annual budget from year to year.

**Total Cost for 2013** (budget is \$13,675 for new software implementation & 1<sup>st</sup> yr maintenance/support):

<b>\$13,042.00</b>	\$14,498.00	\$17,550
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*Request is for the Town to contract with Interware Development.*