

**BOARD OF SELECTMEN**  
**Minutes of September 9, 2013**

**CALL TO ORDER:** Chairman Phil LoChiatto called the meeting to order at 7:10 PM. Selectmen Ross McLeod, Kathleen DiFruscia, and Roger Hohenberger were present; as was Town Administrator David Sullivan. Selectman Al Letizio was excused. Mr. LoChiatto opened with the Pledge of Allegiance.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mrs. DiFruscia noted that the Annual Harvest Fest is scheduled for October 19<sup>th</sup>, and that a volunteer to provide hay rides is being sought. Interested individuals should contact the Recreation Coordinator.

Mr. McLeod noted that the Planning Board had recently heard the proposed Dunkin Donuts plan, and that it had conceptually been approved. He indicated that the plan does not include a drive-thru and that the discussion had mostly revolved around aesthetics. Discussion ensued regarding the prohibition on drive-thrus, and that the facility could be built to accommodate one should the ordinance change in the future.

**CORRESPONDENCE:** None.

**MINUTES:** Mr. McLeod moved and Mr. Hohenberger seconded to approve the minutes of 8/26 as written. Passed unanimously.

*Mr. LoChiatto* then advised that the following items had been removed/postponed from the agenda: the Cub Scout request; the gun range discussion; and the flag donation.

**COMMUNITY DEVELOPMENT DIRECTOR:** Ms. Laura Scott approached noting that the 1<sup>st</sup> Annual Foodie Weekend will take place on 9/27 and 28; with an estimated seven (7) businesses participating. She also noted there will be a food expo at the Searles facility on the 28<sup>th</sup>; with approximately twenty (20) vendors. Ms. Scott then advised that Heavenly Donuts will be opening at the end of the month in the ConvenientMD plaza.

*Eagle Scout Project:* Ms. Scott noted that she had been working with a Scout regarding construction of “Welcome to Windham” signs, however that project has since been placed on the back burner as the young man is busy with school. She indicated, however, that she does have one such sign pending installation at Mammoth/Glance Roads, which is being funded through the Adopt-a-Spot program and the generosity of two additional businesses. Ms. Scott indicated that this will be the first such sign in Town, and that she will return to the Board at a future meeting with additional details regarding the design. Brief discussion ensued regarding inclusion of the Town logo and incorporation date on same.

**POLICY AMENDMENTS:** Ms. Scott reviewed with the Board proposed amendments to the Safety Policy, as drafted by the Joint Loss Management Committee, Department Heads, and the Policy Committee. Mr. McLeod noted that on, page 2, Section I, the verbiage should be “has been”. Mr. Sullivan then commended Ms. Scott and the others for their efforts.

After further, brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to adopt the Safety Policy as amended. Passed 4-0.

Mr. Sullivan then reviewed with the Board proposed amendments to the Sexual Harassment Policy, noting that same had been posted internally for the required 14 day period with no comments/concerns received from employees. He indicated that the amendments related to the retaliation clause and are in keeping with Statutory language; adding that the policy has also been clarified in that parties may go directly to the Human Rights Commission if they so choose. Mr. McLeod felt the policy should be clarified further in that claimants will not be subject to retaliation from fellow employees or their employer. Discussion ensued in that the amended language came right from the Town’s insurer, the various scenarios that might occur, and the overall context of the policy. It was the consensus of the Board that “by another employee” be added to the relevant clause.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to approve the Sexual Harassment Policy as amended. Passed 4-0.

**POLICE DEPARTMENT:** Chief Lewis approached and spoke briefly to the removal of the gun range from the agenda. He indicated that the Department currently utilizes ranges in surrounding communities, which does not afford staff a lot of range time; and that possible construction of one in Town behind the Highway Garage had been considered. Chief Lewis noted, however, that testing had shown it would be too loud in that area and he could not, in good conscience, bring such a proposal to the Board. Brief discussion ensued regarding the old Range, which is close to the same neighborhood and also abuts a wet area, and the size that would be needed. Chief Lewis indicated it would need to be 100 yards long by 25 yards wide, with high berms; adding that he didn't believe a viable location would be found in Town.

*Speed Limit Signs:* Chief Lewis presented a recommendation to the Board to post a Town-wide speed limit; noting that most neighborhoods in Town are 30 mph zones per statute. He suggested that "Town-wide Speed Limit 30MPH, Unless Posted Otherwise" signs be posted at entry points to the Town. The Chief indicated that such signs would give notice to drivers as they enter the community, and that the Town Prosecutor supports same.

Mrs. DiFruscia inquired as to the number of signs proposed and the locations. Chief Lewis replied that eight (8) signs were proposed to be posted on the major roadways into Town; adding that permission will need to be garnered from the State for several of them. Discussion ensued in that the current roadways posted at 25MPH will remain as such, and that same should be re-evaluated.

Mr. Hohenberger then moved and Mr. McLeod seconded to approve the posting of eight (8) speed limit signs as detailed by the Chief; subject to permission from the State of NH where required. Passed 4-0.

*Chief Lewis* then advised that the Department will be holding a Shred Day in the Station parking lot on Saturday September 28 from 10A to 2P. The service will be provided free of charge to residents by Cintas.

**BID AWARDS:** *Electricity Supply:* Mrs. Call advised that ENH has withdrawn their bid, and reviewed with the Board pricing from the Town's current broker, Freedom Energy, who offers three levels of "green" energy. Mrs. Call noted that PSNH is currently at \$0.086/kwh, and that the minimum green pricing for a 12 month period with Freedom would be \$0.077955/kwh; adding that going 100% green would be \$0.080493/kwh.

Lengthy discussion ensued, with input from Ms. Neelima Gogumalla of the Local Energy Committee, regarding the types of green options and percentage of fossil fuels versus pure green across the levels, as well as the workings of Renewable Energy Credits. Ms. Gogumalla advised that there are not many communities participating in such programs, which does affect the green pricing. Mr. LoChiato noted that, if the Board opted to award the bid at the 50% green level, an approximate savings of \$5000 would be recognized; only \$800 less than opting for the minimum level of green offered.

After further discussion, Mr. McLeod moved and Mr. Hohenberger seconded to award the contract for the Town's electric supply for a twelve month period, with 50% Green Energy, to Freedom Electric at a cost of \$0.077955/kwh. Passed 4-0.

*Propone, etal:* Mrs. Call advised that the School District had completed their bid process, and received three bids for propane, with Palmer Gas being the lowest at \$1.62/gal; which is lower than last year's pricing of \$1.79. After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to award the bid for the Town's propane needs to Palmer Gas for their bid price of \$1.62/gallon. Passed 4-0.

Mrs. Call noted that a fixed price of \$3.486/gallon had been bid by Palmer Gas for heating oil; however, the School District has opted to negotiate with their previous vendor. Mrs. Call indicated that only two (2) town buildings utilize oil for heat, and asked that the Board waive the bid process and authorize staff to negotiate a pre-buy with our current vendor. After a brief discussion, Mr. Hohenberger moved and Mrs. DiFruscia seconded to waive the bid process for heating oil and allow staff to enter into negotiations for same as requested. Passed 4-0.

Mrs. Call then noted that the School District had received no bids for diesel fuel, and that this is not something the Town has bid in the past for the Fire and Highway department filling stations. She suggested that the Town allow staff to negotiate proceeding with the current vendor for same, and then place it out to bid for calendar year 2014 for a margin cost over rack price. Discussion ensued regarding the amount of fuel delivered annually, and that there is only one local vendor who can provide this service/meet the proper blend needs.

Mrs. DiFruscia moved and Mr. McLeod seconded to authorize staff to negotiate with the current vendor as requested. Passed 3-1, with Mr. Hohenberger opposed.

**PAVING BID RECONSIDERATION:** Highway Jack McCartney advised the Board that the vendor has requested that the Board reconsider award of his bids for Hawley and Marblehead Roads, and Mr. Sullivan added that the vendor had advised they had made errors in their bid and submitted change orders for same at increased costs. Mr. Sullivan indicated he felt that the Board should either place these roads back out to bid in their entirety, or give the other bidders an opportunity to re-bid, as well. Discussion ensued as to why the vendor had re-assessed their pricing, and the original bid specifications/scope of work.

Mr. McLeod moved and Mr. Hohenberger seconded to reconsider the award of Hawley and Marblehead Roads to Hudson Paving. Passed 4-0.

Mr. McLeod then moved and Mr. Hohenberger seconded to re-bid these roads to the three original bidders with an updated bid specification. Passed 4-0.

**BID AWARD – EXTERIOR PAINTING:** Mr. Sullivan advised that one bid had been received from Bill Johnson Painting of Windham for exterior painting of the Senior Center, Bartley House, Police and Fire stations, and the Searles Facility, as follows:

- Senior Center \$4,950
- Police Station Station \$4,850
- Fire Station \$5,350
- Bartley House \$5,125
- Searles (Rear) \$5,275 or \$12,575 for the entire building

Discussion ensued regarding the bid specifications, EPA lead abatement compliance requirements, and the timeline for the projects. It was the consensus of the Board that Mr. Sullivan confirm with the bidder that his lead mitigation plans are equivalent to the EPA requirements for compliance.

Mr. McLeod then moved and Mrs. DiFruscia seconded to award the bid for exterior painting of the Police and Fire stations to Bill Johnson as bid. Passed 4-0.

**PROPERTY LIABILITY INSURANCE RENEWAL:** Mr. Sullivan advised that the Town had the option to extend their coverage with Primex for a period of three (3) years at no more than a 7% annual increase; reminding the Board that in excess of \$80K had been saved in the switch from the LGC to Primex three years ago. Mr. Sullivan indicated he would recommend the Board avail themselves of this option, noting that the switch had worked very well and, based upon previous pricing, Primex would remain the lowest should it be placed out to bid. Brief discussion ensued.

Mr. Hohenberger moved and Mr. McLeod seconded to waive the bid process for the Town's liability insurance coverage. Passed 4-0.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to accept Primex's offer to continue the Town's coverage at a 7% cap for each of the next three years. Passed 4-0.

Mr. Sullivan then noted that the following resolution must be adopted by the Board, as well: *“Resolved: To hereby accept the offer of the New Hampshire Public Risk Management Exchange (Primex<sup>3</sup>) to enter into its **Property & Liability Contribution Assurance Program (CAP)** as of the date of the adoption of this resolution, and to be contractually bound to all of the terms and conditions of Primex<sup>3</sup> risk management pool membership during the term of the **Property & Liability Contribution Assurance Program (CAP)**. The coverage provided by Primex<sup>3</sup> in each year of membership shall be as then set forth in the Coverage Documents of Primex<sup>3</sup>.”*

Mrs. DiFruscia moved and Mr. Hohenberger seconded to adopt the preceding resolution as read. Passed 4-0.

**SNHPC APPOINTMENT:** Mr. Sullivan advised that the Planning Board has recommended that Mr. Peter Griffin be reappointed as a commissioner to the Southern NH Planning Commission for a term of three years.

Mr. McLeod moved and Mrs. DiFruscia seconded to appoint Mr. Griffin as recommended. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that the 275<sup>th</sup> anniversary of the incorporation of Windham was approaching in 2017; and that Mr. Griffin had approached him regarding the possible establishment of committee to arrange for the celebration. After a brief discussion, it was the consensus of the Board that a proposal be brought to the Board to develop such a committee led by the Historic District/Heritage Commission.

*Mrs. DiFruscia* sought an update on the status of the impact fee analysis, and Mr. Sullivan advised that Ms. Scott is compiling the data, which Town Counsel will review, and that same will be scheduled for the October 21<sup>st</sup> agenda. He noted that the information will be available for the Board's review by the end of September.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and e. Roll call vote, all members "yes". The topics of discussion were personnel and legal.

Mr. Sullivan updated the Board on a legal matter. No decisions were made.

Mr. Sullivan reviewed with the Board a Department Head personnel evaluation. No decisions were made.

Mr. Hohenberger moved and Mr. McLeod seconded to adjourn. Passed 4-0.

Meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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