

BOARD OF SELECTMEN
Minutes of July 9, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Dennis Senibaldi, Margaret Crisler, and Roger Hohenberger were present. Town Administrator David Sullivan was delayed and arrived at 9:15 PM. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Carpenter noted that there are currently no lifeguards on duty at the Town Beach, due to high ecoli levels. He advised residents to swim at their own discretion.

Mr. Senibaldi noted that the fountain has been installed at the pond at Griffin Park. In addition, the brush removal has been completed and safety greatly improved. He noted that Windham Outdoor Materials removed 11 truckloads of material from the area.

RETIREMENT PRESENTATIONS: Captain Yatsevich approached on behalf of the Town and the Police Department to present retiring Sergeant Chuck Occhipinti with a gift in recognition of nearly 30 years of service.

Mr. Carpenter then presented a similar gift to Mr. Les Bell, who is retiring from the Transfer Station after 20 years of overall service to the Town.

ABATEMENTS: Tax Assessor Rex Norman presented several items to the Board for review:

- *Cooperative Kindergarten:* Mr. Norman explained that the new Kindergarten property had been purchased in March from the State of NH in exchange for the existing parcel. While the existing property was tax-exempt, the State law does not allow the transfer of the exemption to the new parcel and, as such, the Kindergarten had received a tax bill. Mr. Norman felt there was just cause to abate the taxes in light of the misunderstanding regarding the exemption, which the Kindergarten will receive for 2008. A discussion ensued regarding the means of resolving this issue after the December bill.

Mr. Hohenberger moved and Mr. Breton seconded to waive the taxes pending an opinion from the Department of Revenue Administration regarding the timing of the abatement. After further discussion regarding Mr. Norman sending a letter regarding the Board's decision, the motion passed 4-0-1, with Mr. Carpenter abstaining.

Mrs. Diane Carpenter approached on behalf of the Kindergarten to thank the Board for their support. She then inquired whether any accrued interest would be waived as well, and the Board replied in the affirmative.

Mrs. Carpenter then expressed concerns regarding possible impacts the Kindergarten's credit rating if the abatement is not implemented until December. A brief discussion ensued.

- *Yield Tax: High School:* Mr. Norman explained that, due to an Administrative error, the logger cannot be held liable for the yield tax due for the site clearing. He noted that the only option would be for the Board to abate the taxes, as the School District cannot be held liable for the amount. A discussion ensued regarding the original terms negotiated between the School District and the logger, and it was the consensus of the Board to table this matter until more information is available regarding those negotiations.

- 13-A-40: Mr. Norman noted that it had been discovered after the December billing that this parcel had been transferred from the NH DOT to a taxable entity and a supplemental bill had been issued. He explained that upon receipt of the abatement application and research of the deed, it was found that the transfer was made with stipulations reserving all rights of access to the State, and prohibiting a driveway cut which limits the ability to develop the site. After a brief discussion regarding how much value would be added to the owners overall property when merged, which Mr. Norman indicated would be minimal, Mrs. Crisler moved and Mr. Senibaldi seconded to grant the abatement of \$1,228 for lot 13-A-40. Passed unanimously.
- Mr. Norman advised the Board that 181 abatement requests had been received for tax year 2007. Of this, 38 were hardship abatements resolved by the Board. As of July 1st, seventy-seven have been granted totaling \$120,534.41 and, of the remaining 66 applications, 29 settlement letters have been sent and additional supporting data is pending on thirty-three. Mr. Norman then presented a total of 16 recommendations, all of which have been inspected, corrected, and have settlement agreements in place. The parcels presented were as follows:

○ 1-A-92	\$ 454.36
○ 5-A-428	73.68
○ 5-A-1015	914.86
○ 5-A-1021	1,350.80
○ 5-A-1022	698.43
○ 7-A-411	675.40
○ 7-A-652	132.01
○ 8-B-5714	600.19
○ 11-A-700	148.90
○ 11-C-500	4,506.76
○ 12-A-532	73.68
○ 13-C-301	968.59
○ 17-C-96A, 94A, 97 & 107B	715.31
○ 18-L-34	655.45
○ 21-C-284	709.17

After a brief discussion, Mr. Senibaldi moved and Mr. Hohenberger seconded to approve the 16 abatements as presented totaling \$8,680.43. Passed unanimously.

Mr. Norman then advised the Board that 48 properties remain that have not been resolved, either due to lack of response or requested information. He noted that State statute requires these properties be “deemed denied” as of July 1st, however, that does not mean he cannot continue to review the applications and make recommendation to the Board. Mr. Norman will be making an additional presentation at the August 13th meeting, and any applications that have not come to agreement by that time will be referred to the Board of Tax and Land Appeal or Superior Court for appeal.

Mr. Raymond Rees of Heritage Hill Road then approached and raised several concerns regarding his assessment as compared to others in his neighborhood. Mr. Norman indicated he will be responding to Mr. Rees directly, and will copy his response to the Board.

WORKSHOP SESSION: The Board met in workshop session with Fire Chief McPherson and Deputy Fire Chief Leuci. Items discussed included:

- *Engine 3:* Chief McPherson advised the Board that bids for repairs to E-3 had been solicited from five vendors, and advertised in the newspaper and on the Town website. He noted that Greenwood had submitted a “no bid”, and only one bid had been received as follows:

<i>Bulldog Fire Apparatus</i>	<i>\$69,029.62</i>
-------------------------------	--------------------

Chief McPherson noted that he had met with Mr. Sullivan and a representative of Bulldog regarding any flexibility there may be in the bid. He recommended the Board table this matter until more information is available. A brief discussion ensued regarding pricing for a new engine with related warranty versus a rebuilt engine as specified.

- *Budget:* Chief McPherson noted that 47.8% of the Department budget had been expended to date. Staff is still working to keep overtime down, and currently 51.6% of the overtime budget has been expended. Calls to date were then discussed, and Chief McPherson noted that 783 calls for service had been received as of June 30th and, of those, 31% were simultaneous calls. Discussion ensued regarding the nature of the calls, mutual aide, the differences between basic, intermediate and advanced life support provided by staff, and delays in response due to the efforts to reduce overtime.
- *Training:* Deputy Leuci discussed the costs involved in certifying call firefighters, which total approximately \$7,600 per person. Paramedics, on average, cost \$12,000 to train. Brief discussion ensued regarding the funds available in the training budget, and other items pending such as training burns and driver certification.
- *Substation:* A lengthy discussion took place regarding the need for a substation, establishment of a “SAFER” grant committee within the Department, and the development of a plan for presentation to the Board. Deputy Leuci noted that the average response time in Windham is 7 minutes, which exceeds the NFPA recommendation of 4 minutes. Discussion ensued regarding the funding expended on Call firefighters versus fulltime staffing through the SAFER program. Deputy Leuci noted that the grant would fund, on a sliding scale over 5 years, four (4) firefighter positions. After the fifth year, the Town would fully assume the salary and benefit costs for the four positions.

Discussion moved to the location. Chief McPherson noted that a substation in the area of Route 28 and Range Road would be preferred over north Route 28 as previously discussed, and that he has been investigating some properties that may be coming available from the State. He then sought the Board’s support of the formation of a substation committee. Discussion ensued regarding the division of the Town into quadrants for study purposes, impact fee studies, and the possible availability of CTAP funding.

Discussion then moved to the timing of the SAFER grant and its future availability. Deputy Leuci noted that, if awarded the grant, the Town would have to hire the four firefighters in 2008, and the estimated impact to the taxpayers after the grant period would be approximately \$0.25 on the tax rate.

It was the consensus of the Board to support the formation of a Substation Committee and the development of a related charge. The Chief and Deputy will follow-up to do so, and to advertise for citizen members representing the four quadrants of Town.

- *Vehicle Purchases:* Chief McPherson inquired as to the Board's position on municipal leases, noting that the Department's staff vehicles are past the recommended replacement schedule. After a brief discussion, it was the consensus of the Board to allow the Chief to explore this option further and return with more details at a future meeting.
- *Defibrillators:* Chief McPherson noted that the machines are in place at each of the schools, and staff will be trained prior to the start of the school year. Brief discussion ensued regarding the future placement of defibrillators at Griffin Park and the Town Beach, which the Chief fully supports.
- *Safety Seat Inspections:* Brief discussion took place regarding the lack of certified staff at the Department to conduct child safety seat inspections.
- *Child Safety Day:* Planning for this event is ongoing and it is tentatively scheduled for the Fall.

The Board then thanked the Chief and the Deputy for attending.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 91:A-II:3a. Roll call vote – all members “yes”. The topic of discussion was personnel and the Board, Mr. Sullivan, Police Chief Lewis and Ms. Devlin were in attendance for the first three sessions.

Chief Lewis discussed the Sergeant promotion process. After a lengthy discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to authorize the Chief to appoint Officer Fedele to the position of Acting Sergeant.

After further discussion the motion and second were withdrawn. Mrs. Crisler then moved and Mr. Hohenberger seconded to promote Officer Ed Fedele to the position of Sergeant effective immediately. Passed 3-1-1, with Mr. Senibaldi opposed and Mr. Breton abstaining.

The Board discussed a Police Union matter. It was the consensus of the Board to invite the Union representatives to attend an upcoming meeting and discuss this matter to clarify the basis of the grievance.

The Chief reviewed the Officer recruitment process. After a brief discussion, Mr. Senibaldi moved and Mrs. Crisler seconded to approve extending an offer of employment to the recommended candidate subject to successful background and physical checks. Passed unanimously.

The Board, Mr. Sullivan, Transfer Station Manager Dave Poulson, Municipal Union Representative Laura Cryts, Transfer Station Operator Tim Healey, and Ms. Devlin were in attendance in the final session.

Testimony was presented to the Board for consideration from Mr. Poulson, Mr. Healey and Mrs. Cryts relative to a disciplinary issue, after which the Chairman requested the parties exit the meeting to allow the Board to deliberate on the matter.

After a lengthy discussion amongst the Board members, Mr. Poulson, Mrs. Cryts, and Mr. Healey were recalled to the session, at which time the Board of Selectmen voted 4-1 in support of Mr. Poulson's recommended action.

Mr. Sullivan then advised Mr. Healey that he has a right to appeal the Board's decision. A brief discussion ensued.

Mr. Carpenter then moved and Mr. Senibaldi seconded to adjourn. Passed unanimously.

The meeting was adjourned at 11:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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