

BOARD OF SELECTMEN
Minutes of October 29, 2007

MEMBERS PRESENT: Selectman Margaret Crisler called the meeting to order at 7:05 PM. Selectmen Bruce Breton and Roger Hohenberger were present, as was Town Administrator David Sullivan. Chairman Alan Carpenter was delayed, and arrived at 7:10 PM. Selectman Dennis Senibaldi was excused. Mrs. Crisler read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mrs. Crisler extended thanks to the Fire Department for sponsoring their Annual Breakfast at the Common Man, which benefited Windham's Helping Hands this year, noting it was very well run and attended.

LIAISON REPORTS: Mrs. Crisler reported that the Planning Board continues to work on proposed zoning amendments, and have tentatively scheduled public hearings to discuss same on December 12, 2007 and January 9, 2008.

CORRESPONDENCE: Invitation received from the Windham Historic Society to Town Boards and Committees to join them for a discussion about preservation of Windham's character and history, scheduled for November 7th at 7:30 PM at the Town Hall.

Letter received from Tax Assessor Rex Norman, requesting appointment to the Highway Safety Committee.

Site Bond Release/Granite State Animal Hospital: Mr. Hohenberger moved and Mr. Breton seconded to release the bond in amount of \$1,500 to Carol Macomber. Passed 4-0.

OLD/NEW BUSINESS: Mr. Carpenter assumed the Chairmanship.

Chief McPherson approached to discuss the possibility of the Fire and Police departments participating in a municipal lease program as part of the vehicle replacement schedules. Chief McPherson noted that the Fire Department currently utilizes two (2) Ford Expeditions as command vehicles, both of which are beyond their scheduled replacement date per the Vehicle Maintenance Policy.

Chief McPherson then explained that, as part of the global budgeting process, he and Chief Lewis had worked to research municipal lease programs, and the proposed Departmental vehicle budgets were currently structured to include a lease option.

Chief McPherson noted that both Ford and Chevrolet offer a municipal program. Specifics of the Ford program include: 2, 3, or 4 year terms; accessories can be included in lease price; interest rate of 6-6.5%; no money down and no security deposit required; no penalties or mileage restrictions; vehicle titled to the Town with Ford listed as the security; and an option to purchase the vehicle for \$1.00 at end of lease term. In addition, the municipal lease program allows for early termination of the lease without penalty in the event funds are not appropriated in any given year. Chief McPherson noted that Chevy's program through GMAC is similar, however there is a price disparity between vehicles.

Chief McPherson felt that leasing was a fiscally responsible option for the Town to consider, and requested the Board support trying the program to see how it works out. He further noted that his goal would be to lease two new command vehicles, and move one of the current Ford Expeditions down to the Inspector.

Mr. Hohenberger questioned whether a better interest rate couldn't be obtained with a purchase. Finance Director Dana Call indicated she could research this with the Town's bank.

Mrs. Crisler suggested the Chief look at a more fuel efficient vehicle for the Inspector. Chief McPherson indicated he could research an Explorer or similar, smaller vehicle, however the Inspector is required to carry a multitude of equipment to allow for his immediate response.

Mr. Sullivan noted that the intent of this discussion was to see whether or not the Board would support discussing the possibility of leasing before they entered too far into the budget process. A discussion ensued relative to the proposed interest rate, trying the program with Police command vehicles, and reduced maintenance costs leasing would afford.

It was the consensus of the Board to support the Chiefs looking further into the possibility of entering into a municipal lease program.

PUBLIC HEARING/DONATION: Mr. Carpenter read the public hearing notice into the record. He then noted that this Eagle Scout project was one of three involving the Cyr conservation property on Route 28, the others being clearing of the trail/bridge construction and construction of a tent platform.

Mr. Sullivan reviewed a plan of the project, which is proposed to include a cleared gravel parking area and kiosk, with the Board. Approximately 6 parking spaces will be available, and Mr. Carpenter indicated the lot will be ADA compliant.

Mrs. Crisler inquired whether the lot would be kept clear in the winter, to which Mr. Sullivan replied it could be if the Board so desired.

Recreation Coordinator Cheryl Haas then approached to suggest that the kiosk include some type of lettering other than stick-on as was used on the Griffin Park kiosk, as these are now peeling off due to their exposure to the elements.

Mr. Breton then moved and Mr. Hohenberger seconded to accept the donation as posted. Passed 4-0.

FINANCE/RECREATION: Mrs. Call approached to update the Board on her findings relative to implementation of credit card service for recreation programs and, specifically, the Lacrosse program per their request. Mrs. Call indicated that Attorney Campbell had opined that RSA 80:52c does allow the Town body to accept credit cards for "other" fees, and concurs with the opinion that the service can be implemented only through passage of a warrant article. Mr. Sullivan noted that Attorney Campbell had also consulted with the Department of Revenue Administration, who also concurred that a warrant article was necessary to allow the Board to enter into agreement with any credit card companies.

Mr. Carpenter sought clarification that, in most cases, user fees are not permitted. Mrs. Call replied that she had spoken to one credit card processor and had been advised that Visa and Mastercard do not allow a fee to be charged for anything other than property taxes. A discussion ensued regarding the convenience factor, popularity of use by Recreation Departments, and related software needs.

Mrs. Call then reviewed a spreadsheet of average effective rates/fees for credit card services with the Board, which were estimated based on 2006 services provided and ranged from \$5,063.69/1.86% in the Planning Department to \$786.07/2.39% for the Lacrosse program. Discussion ensued regarding contract lengths and periods of review.

Mrs. Crisler inquired whether the interest rate was singular to the transaction. Mrs. Call replied that she believed the providers looked at the book of business as a whole to establish the rate. Discussion ensued regarding setting a dollar limit for acceptance and that acceptance of cards may eliminate the number of bounced checks received and the related time to recoup those funds. Mr. Carpenter noted that Town services will be paid for regardless of whether credit cards are accepted, and that to offer the service would be as a convenience only.

Mr. Breton noted that he had suggested the possibility relative to smaller items such as permits, etc. Discussion ensued regarding the average building permit and Town Clerk fee. Mrs. Call reiterated her statements from the previous discussion in that the State is not able to process credit cards. She then noted that the E-Reg system is an electronic check program, not a credit card program, which the Board would need to discuss with the Town Clerk.

It was the consensus of the Board that Mrs. Call work to draft an ordinance and warrant article to begin offering credit card services in the Recreation Department.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan reviewed an option to lease with the Board relative to the Housing Authority, which had been reviewed and revised by Town Counsel. He explained that this was related to several approved warrant articles giving the Board authorization to enter into such an option with the Housing Authority for 10 acres of land on Fellows Road for construction of elderly housing. Mr. Sullivan noted that the Housing Authority has been very active of late, and that execution of the option would allow them to explore grant availability for the project. If funding becomes available, the lease itself would then be presented to Town Meeting for approval.

A discussion ensued regarding federal funding and the inability to limit availability to Windham residents only, the availability of rental units, ingress/egress to the property, and infrastructure costs.

Mr. Breton then moved and Mrs. Crisler seconded to approve the document as presented with one edit to delete "Windham" on page one, paragraph three. Passed 4-0.

Mr. Sullivan requested the Board consider waiving all permit fees related to repairs to the Police Department plumbing and electrical repairs to the Windham Middle School public safety radio "voters" system.

Mr. Hohenberger moved and Mr. Breton seconded to waive the fees as requested. Passed 4-0.

Mr. Sullivan noted that he had received several calls relative to the renaming of Roulston and Lamson roads, requesting attendance at an upcoming meeting for reconsideration of the Board's decision. A brief discussion ensued regarding the number of businesses affected by the renaming. Mr. Sullivan will schedule this item for discussion at the next meeting.

Mr. Tom Case approached on behalf of Town Clerk Joan Tuck, stating that she had called him to request that he advise the Board that she was upset that credit card service for her Department was being discussed without consulting her.

AMENDMENTS TO BLASTING/ROW ORDINANCES: Mr. Turner indicated he had requested this workshop to get the Board's guidance on these amendments.

Right-of-way Ordinance: Several items were discussed, including removal of the Administrative duties of the Right-of-Way agent and their transfer to the Selectmen. Mr. Sullivan noted that over a year ago the Board had assumed those duties from Mr. Turner and, at that time, had gone through each duty to specifically designate them. Mr. Turner had then been instructed to redraft the document accordingly. Discussion ensued regarding what constituted day-to-day versus emergency duties; who was charged with what; and definition of "obstruction".

It was the consensus of the Board that Mr. Turner redraft the document for further discussion.

Blasting Ordinance: Mr. Turner presented a draft document inclusive of Dr. Simmons of Hager-Richter's changes, and requested the Board's input regarding any further changes. Several suggestions were raised by the Board, including: incorporation of language requiring broader notification and availability of pre-blast surveys; addition of a requirement to notify as part of the permit process and via legal notices at 30 day intervals; limiting the allowed hours for blasting to 10AM to 2PM; requiring that safety personnel be onsite; inclusion of greater detail on submitted site maps; certification of blasters' qualifications/experience; a requirement for independent evaluations of large sites; adjustment of the peak particle velocity limit; and doubling of the \$1M per occurrence insurance requirement to \$2M.

Mr. Turner will redraft the document and another workshop will be scheduled prior to Town Meeting.

OLD/NEW BUSINESS CONTINUED: Mr. McCartney advised that four bids had been received relative to the Town's winter sand as follows:

<u>Vendor</u>	<u>Per Ton/Delivered</u>	<u>Picked Up</u>
Plourde Sand & Gravel, Suncook NH	\$11.05	\$5.63
Pike Industries, Belmont NH	9.87	7.00
Manchester Sand & Gravel, Hooksett NH	9.95	6.00
Brox Industries, Dracut MA	9.65	7.00

A discussion ensued regarding the tonnage purchased per year, possibly splitting the bid, and subcontractor availability.

Mr. Hohenberger then moved and Mr. Breton seconded to award the per ton sand, picked up, to Plourde for their bid amount of \$5.63/ton; and the per ton sand, delivered, to Brox for their bid amount of \$9.65/ton. Passed 4-0.

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

Mr. Sullivan and Chief Lewis updated the Board on a Police union grievance relative to offer discipline. Mrs. Crisler moved and Mr. Hohenberger seconded to settle the grievance as proposed by the Chief and Mr. Sullivan. Passed 3-0-1, with Mr. Breton abstaining.

Mr. Sullivan advised the Board that the Police Union did not wish to reconsider acceptance of the Factfinder’s report, but rather move forward with the new tentative agreement reached between the Town and Union. Said agreement will be submitted to Town meeting for consideration.

Mr. Hohenberger then moved and Mrs. Crisler seconded to adjourn. Passed 4-0.

The meeting was adjourned at 9:35 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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