

BOARD OF SELECTMEN
Minutes of December 1, 2008

MEMBERS PRESENT: Chairman Dennis Senibaldi called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Galen Stearns, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Charles McMahon was delayed, and arrived at 7:15 PM. Mr. Senibaldi read the agenda into the record followed by the Pledge of Allegiance.

LIAISON REPORTS: Mr. Hohenberger advised that the CIP Committee would next meet on Thursday, and that the CIP Plan should be completed by then for submission the following Wednesday to the Planning Board.

ANNOUNCEMENTS: Recreation Coordinator Cheryl Haas advised that the annual Christmas Tree Lighting would take place the following Saturday from 3:00 PM to 5:00 PM.

DONATION: Mrs. Haas explained that the Recreation Department had received a donation of \$300 from the Rice Corporation on behalf of FairPoint Communications. This was in thanks for the Department's help in allowing FairPoint to conduct public outreach in the Town.

Mr. Breton suggested that Ms. Haas be authorized to expend these funds on future items, rather than depositing the monies into the General Fund, and Mr. Hohenberger noted it could be used towards the Senior Christmas Party.

After a brief discussion, Mr. Hohenberger moved and Mr. Hohenberger seconded to accept the donation of \$300 from Rice Corporation with thanks. Passed 4-0.

Mr. Breton then moved and Mr. Stearns seconded to authorize the Recreation Coordinator to utilize the funds toward recreation items. Passed 4-0.

CORRESPONDENCE: Bond release / Temporary Connector Off Mockingbird Hill Road: Mr. Stearns moved and Mr. Hohenberger seconded to release the bond in the amount of \$10,000 to Carbo Development, LLC. Passed 4-0.

Bond release/ Temporary Connector/Hancock Road: Mr. Stearns moved and Mr. McMahon seconded to release the bond in the amount of \$5,000 to Carbo Development, LLC. Passed 4-0.

MINUTES: Mr. Hohenberger moved and Mr. Stearns seconded to approve the minutes of September 29th, October 6th, October 9th, October 20th, October 27th, November 3rd, November 10th, and November 17th as written. Passed unanimously.

PUBLIC HEARING: Mr. Sullivan read the public hearing notice into the record, and explained that one of Windham's Fire Lieutenants had been deployed in response to hurricanes Gustav and Ike to assist in recovery efforts. These funds represented reimbursement of the employee's costs, as well as the Department overtime costs to fill his shift for a period of 8 days.

After a brief discussion, Mr. Hohenberger moved and Mr. McMahon seconded to accept the reimbursement in the amount of \$13,911.97. Passed unanimously.

BID CONSIDERATIONS: *Mr. Poulson/Mack Truck Purchase:* Mr. Poulson advised the Board that he had located a 2007 Mack, with only approximately 50K miles, for a price of \$90K. Mr. Poulson noted that the vehicle was fully equipped with a wet system, and came with a three (3) year warranty. Mr. Poulson noted that, in comparison, the best vehicle Freightliner could offer was a 2005 model with 300K miles for a price of \$60K. Mr. Poulson indicated that McDevitt trucks had agreed to hold the 2007 Mack for purchase in 2009 for a fee of \$400/month, contingent upon passage of the 2009 budget.

Lengthy discussion ensued, and it was the consensus of the Board that Mr. Poulson contact McDevitt to finalize a price for the vehicle and return to the Board at the next meeting with that information along with the trade-in amount, hold-over amount, and any costs to retrofit the vehicle.

Town Hall Alarm Re-wiring: Maintenance Supervisor Allan Barlow advised the Board that the new AED devices need to be hard wired into the Town's alarm systems, and that this cannot be done at the Town Hall as the alarm system is too old.

Mr. Sullivan further explained that the Town Hall system has not been upgraded since the 1990's and that, as it is now, the AED alarm would not go through 9-1-1 but to the local alarm only. He noted that a cost estimate had been obtained to upgrade the system, which exceeds the \$5K limit requiring a bid process. Mr. Sullivan indicated he believed that hard-wiring costs for the AEDs in the remaining facilities can be absorbed in the departmental budgets, and that if the Board wished to upgrade the Town Hall he suggested the funds either be taken from the Property Maintenance Trust or the project deferred to 2009. Either way, he indicated the project does need to be completed.

Lengthy discussion ensued, and it was the consensus of the Board that the hard-wiring, re-wiring, and alarm monitoring service be placed out to bid.

Groundskeeping Bids: Mr. Sullivan enquired whether the Board wished to re-bid these services or exercise the third year option on each contract. Cost to continue the contracts would be: \$54,100, an increase of \$2,460, for groundskeeping and irrigation with Boyden Landscaping; and \$37,174, a 0 increase, for fertilizing with Tru-Green.

Mr. McMahon moved and Mr. Breton seconded to continue the contract with Boyden Landscaping for groundskeeping and irrigation. Mr. Hohenberger agreed that Boyden does an excellent job but indicated that, given the economy, he would like to go out to bid. Discussion ensued.

Mr. Sullivan requested that Mr. McMahon amend his motion, and Mr. Breton his second, to include the infield maintenance which is also currently handled by Boyden in the amount of \$3,600. Mr. McMahon and Mr. Breton amended their motion accordingly.

Motion passed unanimously.

After a brief discussion regarding the fertilizing contract, Mr. McMahon moved and Mr. Breton seconded to exercise the third year option with Tru-Green. Passed 4-1, with Mr. Senibaldi opposed.

Engineering Copier: Planning Director Al Turner advised the Board he had had an opportunity to look into an engineering copier to enhance the Town's GIS program beyond the current copier used to make standard copies of plans. Mr. Turner indicated the new copier offered the option to scan plans into an electronic file, and that he and the IT Director had met with several companies who had all suggested moving away from hard copies. Mr. Turner indicated the recommended model is compatible with the current color plotter, would allow the Department to scan/archive all the existing plans, and in the future could be modified to serve as a printer if the current plotter were to fail. Mr. Turner requested the Board waive the bid process to allow purchase of the copier from the lowest quote received.

Mr. Sullivan clarified for the record that \$15K had been allocated to replace the copier, and that the Board of Selectmen had agreed at their Saturday budget meeting to remove this item from the 2009 budget and expend these funds this year.

Discussion ensued, and Mr. Hohenberger moved and Mr. Stearns seconded to waive the bid process contingent upon two additional quotes being obtained. Passed unanimously.

Mr. Sullivan indicated that he will discuss this matter further with the Board as soon as the additional pricing information is available.

OLD/NEW BUSINESS: *Credit Card Ordinance:* Mrs. Call inquired whether the Board had any interest in proceeding to place the draft Credit Card ordinance on the 2009 warrant. She noted that this document would allow the Board to arrange for certain departments to accept credit cards for fees, and noted that Recreation and Planning had been previously discussed as options.

Discussion ensued regarding the need for a Town Meeting vote to implement the ordinance, related Town fees/user fees, and that passage of the ordinance does not mean the Board of Selectmen must enact the program.

Mrs. Call will schedule this matter for further discussion closer to year-end.

Housing Authority Lease: Mr. McMahon advised that the draft lease pertains to authorization granted to the Board of Selectmen by the 2007 Town Meeting relative to securing a site for an elderly housing project by the Windham Housing Authority. Mr. McMahon indicated that the Board of Selectmen had reviewed the draft document previously, and it was now needed as part of the WHA's Federal funding application.

Discussion ensued regarding items #5 and #8 relative to the terms of the option/lease, and that the document represented only an option to lease in the future. Mr. Sullivan clarified that the actual lease, when presented, would need to be approved by Town Meeting.

Mr. Breton moved and Mr. Hohenberger seconded to execute the option to lease as amended. Passed 4-0-1, with Mr. McMahon abstaining.

The Chair called for a five minute recess.

PLANNING DEPARTMENT REORGANIZATION: Mr. Senibaldi opened the discussion by noting that over the last 3-4 months, a consultant retained by the Town had conducted a study of the Planning Department and presented a draft report of his findings. He then opened the discussion to the public.

Mr. James Rand, Pleasant Street, approached indicating he had been employed by several municipalities in Massachusetts and Florida, and knew the benefits of having a Community Development Director. He indicated such a position offers continuity and direction, and urged the Board to give this change consideration.

Ms. Kristy St. Laurent, Range Road, approached also in support of a Community Development Director. She noted that she felt there was much exposure in Windham with the amount of vacant property, and felt someone needed to be in charge of focusing on the Town's long and short-term Economic Development plans.

Planning Director Al Turner approached noting he had read the study and agreed with most of the consultant's recommendations. He stated that the Planning and Development Department, as it is, does provide direction to other departments as necessary, and over the last 12 years during his employment the Planning Board had approved over \$62M in economic development projects. He cited several other Departmental accomplishments, including: assistance provided regarding the Shaw's parcel; raising the issue of energy management, two (2) town-wide Master Plans; re-zoning for greater economic development; the Village Center District and Gate District Master Plans; re-zoning of the Exit 3 area to Professional Technology District at the State's behest; and annual re-zoning recommendations.

Mr. Turner disagreed that the Department was not encouraging economic development, and noted that staff currently handles several things that they had not requested to, such as blasting permits, mosquito control, and road inspections. He expressed support for a Technical Review Committee and submission of staff recommendations earlier to the Planning Board.

Mr. Turner indicated he looked forward to receiving direction in writing from the Administration, as indicated was needed in the report, outlining departmental priorities in order to avoid future misunderstandings.

Mr. Senibaldi inquired what economic development Mr. Turner was speaking of relative to \$62M as he had stated, beyond the Oasis on Route 28, Shaw's project, and the Mobile re-development. Mr. Turner noted that two (2) major day cares had been constructed, as well, and offered to provide the Board with a full listing. The Board indicated they did wish to receive this information, which Mr. Turner will follow-up to provide.

Mr. Sullivan advised the Board that he did not encourage their consideration of Option 3, which would be to have the Assistant Town Administrator assigned to oversee the Community Development Department, as he did not believe that this was a viable option. He noted, however, that he has advocated for some time to delegate duties such as the Health Officer to other employees in order to free up Planning Department staff.

Mr. Ron Preble, Assistant Building Inspector, approached to speak in support of Mr. Turner's and the other departmental staff efforts. He expressed concerns regarding the repercussions of Mr. Turner's removal, and felt the Department was not broken but rather needed some tweaking.

Mr. Michael McGuire, Building Inspector, approached to concur with Mr. Preble, noting that all staff members had stepped up to the plate and the department is running efficiently despite staff shortages.

Mr. Senibaldi noted that the study process was about providing direction and tweaking to the Department.

The Board then proceeded to discuss the options presented as part of the consultant's report. Mr. Hohenberger indicated his support of a Director of Community Development, and his agreement that the Department was not in tune with the Administration relative to economic development. He also supported a Technical Review committee.

Mr. McMahon stated it was time to restructure the Department as Windham has changed and the Town needs to change the way it conducts business. He expressed concerns with residents being forced out of town due to increasing taxes, and the need for planning to address that. Mr. McMahon did not feel the Department needed tweaking, but rather a new direction with Board of Selectmen involvement. He indicated his support of Option B, headed by a Director of Community Development, and empowerment of the staff to do their jobs.

Mr. Stearns felt the focus needed to be on economic development and attracting businesses, and what the Town needs to do moving forward to support economic development. He noted his agreement that Windham can no longer afford to remain a bedroom community.

Mr. Breton expressed his agreement with the statements made by the Board and public, and noted that existing business need to be considered as well to avoid the passing on of increased costs to their clients. He proposed a Director of Community to Development to serve as point person to deal with existing and new businesses. Mr. Breton felt the study was overdue, noting the problems in the Department did not just arise this year. He felt the Department needs direction and someone with vision at the helm.

Mr. Senibaldi indicated he believed that the current zoning in Town was done to discourage economic development, and stressed a need to bring in good development to provide jobs and assist with the tax rate. He felt a Director of Community Development was needed to proactively promote economic development and to explain the reality of commercial development, ie: no increased crime. Mr. Senibaldi felt that responsibilities such as blasting should be delegated to others, the Department job descriptions updated, and the Department brought to full staff.

Mr. McMahon suggested a Director of Community Development be confirmed as the new departmental head, a job description be developed immediately, and the current positions be evaluated. Discussion ensued.

Mr. McMahon then moved and Mr. Breton seconded that the Board of Selectmen initiate an action to layout the restructuring of the current Planning and Development Department by working with the Town Administrator and staff to detail related job descriptions immediately. Passed unanimously.

Further discussion ensued regarding the job descriptions and delegation of duties such as blasting. Mr. Sullivan urged the Board to remember the human aspect of their motion, as well, noting that there are staff members that need to be spoken to. After further discussion, this matter was tabled until the following week.

OLD/NEW BUSINESS CONTINUED: Mr. Turner advised the Board that the NH Department of Transportation intended to begin blasting in the area of Exit 3 later in the week, and had advised that they will not adhere to the Town's Blasting Ordinance requirements. Mr. Turner noted that Saunders Drilling and Blasting has applied for a permit, but will not abide by the Town's vibration levels or pre-blast survey requirements, however, they will adhere to the State's Best Management Practices which were developed after the issues arose at the Ledge Road project.

Mr. Turner stated that, if a permit was issued, it would have to be subject to the NH RSA's exempting the State, or, the Board could deny the permit and thus remove any liability. Discussion ensued regarding possibly contacting the DOT Commissioner and requesting his attendance at a meeting to discuss this matter and possible denial of the permit.

Mr. Stearns moved and Mr. McMahon seconded to deny the blasting permit, and that Mr. Sullivan follow-up in writing to the DOT Commissioner regarding the State's failure to follow the Town's decibel levels, and other requirements. Passed unanimously.

NON-PUBLIC SESSION: Mr. Stearns moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91-A:3-II a and c. Roll call vote – all members "yes". The topics of discussion were personnel and reputations and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan reviewed a request for extended leave with the Board. Mr. Hohenberger moved and Mr. McMahon seconded to approve the request subject to retention of coverage at the current pay rate. If unable to secure coverage, the request is denied. Passed unanimously.

The Board discussed a personnel matter with Mr. Sullivan. No decisions were made.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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