

**BOARD OF SELECTMEN**  
**Minutes of July 20, 2009**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Roger Hohenberger, Ross McLeod and Charles McMahon were present, as was Town Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Police Chief Lewis approached to advise the Board that the previous Friday a load had been placed on the Station's generator to test the equipment and, after approximately an hour, the generator had seized. The Chief noted that problems have existed since the December ice storm and that over \$5,000 has been expended to date on repairs. He added that to repair the generator now would be very expensive and that, although the technician that responded does have the generator running there is no guarantee how long it will last. The Chief noted that the generator is vital to operations, as it runs the telephone system and town-wide servers when the power is out.

Maintenance Supervisor Allan Barlow approached and noted that the technician fears the head and oil pan gaskets are the issue, as the coolant and oil had completely burned out of the unit, and that the vendor will not warranty any repairs made. Chairman Stearns noted that he had looked at the generator that afternoon and his recommendation was that it not be relied on any longer. He suggested a back-up generator be put in place while the engine on the existing one is either rebuilt or replaced.

Mr. McLeod sought clarification that the new coolant was already discolored, and Mr. Barlow replied in the affirmative, noting that the interior of the block had been burned. Mr. McLeod then expressed his agreement with Mr. Stearns, in that the integrity of the generator had been compromised.

Mr. McMahon inquired if the technician had advised why the generator had failed. Mr. Barlow replied it may have been caused by a split coolant line and issues built up over time. Discussion ensued.

Chief Lewis indicated that the consensus was to obtain a stand-by generator on a trailer and to rebuild/replace the current engine to include a warranty. Discussion ensued, and the Chief indicated that the cost to obtain a stand-by generator has not been established, while Mr. Stearns estimated the cost to rebuild the engine at \$15-20,000. Chief Lewis added that a completely new generator would cost \$80-100,000.

After further discussion, Mr. McLeod moved and Mr. Hohenberger seconded to support the recommendation as presented to obtain a stand-by generator and to bid the repair/replacement of the current engine. Passed unanimously.

*Fire Chief McPherson* approached to advise the Board that the State's guidelines relative to the Emergency Management Grant discussed in May have changed, and that the Board is required to officially move to accept the grant funding. The Chief reminded that Board that these funds are utilized to equip the Emergency Operations Center, and that the grant received was \$2,064.36, with the Town's portion being \$1,032.18 as budgeted.

Mr. McMahon moved and Mr. McLeod seconded to accept the Emergency Management Grant. Passed unanimously.

*Chief McPherson* advised the Board that the four (4) firefighters hired under the SAFER grant have completed their first year with favorable reviews, and requested the individuals be removed from probationary status.

Mr. Breton felt that this discussion should be deferred to a non-public session. Discussion ensued, and Mr. Sullivan clarified it could be handled either way depending on the Board's preference.

Mr. McMahon then moved and Mr. McLeod seconded to formally approve the transition of the four firefighters to full-time status.

Mr. Hohenberger inquired whether, if the firefighters are not retained by the Town during the grant period, the funds received would need to be returned. Mr. Sullivan replied in the affirmative. Mr. Breton then inquired whether the individuals should be kept on probation for the duration of the grant period. Mr. Sullivan replied that, statutorily, the individuals cannot be kept on probation beyond one (1) year.

Discussion ensued regarding the grant procedures.

Motion passed 4-1, with Mr. Breton opposed.

**LIAISON REPORTS:** Mr. McLeod advised the Board that Mr. DaCruz had attended the Recreation Committee meeting as requested by the Board of Selectmen.

**MINUTES:** Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of June 29<sup>th</sup> as written. Passed unanimously.

**CORRESPONDENCE:** Letter received from Mr. Peter Stammus of the NH DOT advising that, in response to the Board's request for clarification, a final location for the Park and Ride has yet to be determined.

*Letter received* from the NH ADA relative to resident concerns at the Transfer Station. Mr. Sullivan explained that a resident had approached the Town with concerns regarding compliance and, after attempting to work with him, the Town had referred the gentleman to the State. Mr. Sullivan noted that the State had reviewed the site and found the Town has provided adequate accessibility and assistance for those in need, with their only suggestion being colored vests or some similar means of identifying staff.

*Letter received* from the Department of Environmental Services relative to blasting operations by the Department of Transportation at the I-93 site. Mr. Sullivan explained that, thus far, the DES is in support of the DOT's mitigation plans, and that the DOT hopes to obtain authorization to resume blasting operations within the next few weeks. He noted that there is little going on with the project at the moment, and that the DOT will be before the Board in the near future for a general project update.

*Letter received* from Brox Paving advising that night re-surfacing of Route 28 will commence at the beginning of August.

**CART UPDATE:** Ms. Lee Maloney presented a brief update to the Board of the Cooperative Alliance for Regional Transportation's activities for the year to date. She noted that Windham's usage represented 727 trips total to date, and that the number of Windham residents is growing.

Discussion then moved to new initiatives planned by CART, including: scheduling software refinement; proposed fare increases; and utilization of ARRA funding towards operations and new vehicle purchases. Mr. McMahon requested clarification of the proposed fee increases, and Ms. Maloney explained as follows: in-town trips will increase from \$1 to \$3; out of town will increase to \$4; and out of region trips will increase to \$6. Mr. McMahon questioned whether the increase was driven by a Federal mandate, and Ms. Maloney replied in the negative, noting it was an attempt to lessen the financial burden to communities of participation. Brief discussion ensued regarding the lack of impact an increase would have to the Town budget and how the percentages of municipal funding are determined.

The Board thanked Ms. Maloney for attending.

**INTERVIEWS:** The Board conducted several volunteer interviews for possible appointment to the Wall Street Corridor Advisory Committee, as follows: Robert St. Laurent, Tom Seniow, Robert Ashburn, Patrick Sullivan, and Robert Windmill. Mr. Wayne Morris and Ms. Marilyn Bailey withdrew their letters of interest.

**WAYNE MORRIS:** Mr. Wayne Morris approached on behalf of the Conservation Commission and explained that, after the defeat of their proposed warrant article in March, the Commission had begun to look closer at open space in Town, and would now like to conduct a Cost to Community Service Study regarding the benefits of open space. Mr. Morris indicated he had spoken with Mr. Greenwood at CTAP regarding the availability of funds toward such a study through the RPC, which Mr. Greenwood indicated was a possibility. He noted that the estimated cost for the study was \$5-6,000 and the end result would exhibit the costs to the community for residential, commercial, and open space lands.

Discussion ensued regarding the two studies currently underway by the RPC on behalf of Windham, and whether this study could be tied in. Mr. Morris indicated it could not. Mr. Hohenberger noted that open space has been analyzed many times by other communities, and questioned whether the outcome would ultimately be the same. Mr. Morris replied that he believed it would benefit the Town to reveal the costs of commercial and open space in Windham in that voters could offer better informed decisions.

Mr. McLeod indicated he supported the idea, but was unsure what the Town would gain for the expense. He noted that so many similar studies have been done and are available for review, such as that done for the Town of Littleton. Discussion ensued.

Mr. Morris reiterated that he felt this study is something the Town should have, and noted that Conservation funds could be utilized if the Board preferred. Brief discussion ensued regarding how much CTAP funding is currently tied up, and Mr. Sullivan noted that \$15K has been earmarked for various studies.

Mr. Breton recommended that the Board hold off on making any decision until the Community Development Director is in place. Further discussion ensued regarding the CTAP funding available, the timing to expend, and the need to wait for Underwood to complete Phase I of their sewer study to ascertain the costs of Phase II.

It was the consensus of the Board to hold off on making any decision and re-address this subject in the future.

Mr. Morris then advised the Board of the Safe Routes to School program, a federally fund grant program related to sidewalks, infrastructure, bike paths, etc. Noting that the question of completing the Lowell Road bike paths to the Pelham line had been raised in March, he explained that the program offers 100% reimbursable funding and that the Board would need to form a task force to develop a plan for submission to the program. Mr. Morris explained that \$100-200,000 could be available to continue the bike paths for the remaining .6 miles and, after a brief discussion, it was the consensus of the Board that Mr. Morris explore further the program requirements.

**BID AWARDS:** Mr. McCartney advised that the following bids for paving projects had been received:

<b>Vendor</b>	<b>Blueberry</b>	<b>Grandview</b>	<b>Mulberry</b>
Pike Industries, Hooksett NH	\$117,000	\$121,000	\$55,500
JGE Enterprises, Bedford NH	\$93,300	\$103,500	\$61,200
Hudson Paving & Excavation, Hudson NH	\$103,815	\$114,497	\$61,326
Busby Construction, Atkinson NH	\$99,175	\$96,315	\$59,235
Tate Brothers Paving, Hudson NH	\$98,370	\$99,763	\$51,130

Mr. Breton moved and Mr. Hohenberger seconded to award the paving of Blueberry Road to JGE enterprises; Grandview Road to Busby; and Mulberry to Tate Brothers. Mr. McLeod pointed out that Blueberry and Mulberry connect, and inquired whether there were any savings offered if both were awarded to the same vendor. Mr. McCartney indicated he did not believe so, and requested the Board consider awarding Grandview to Tate Brothers instead; noting its similarity in structure to Beacon Hill Road which Tate had completed. Discussion ensued.

Motion failed 2-3, with Mr. McLeod, Mr. McMahan, and Mr. Stearns opposed. Mr. McLeod then moved and Mr. McMahan seconded to award the paving of Blueberry Road to JGE Enterprises, and of Grandview and Mulberry Roads to Tate Brothers. Passed 4-1, with Mr. Breton opposed.

**OLD/NEW BUSINESS:** Mr. Sullivan noted that a request had been received to utilize grills at Roger's Field. Mr. Breton moved and Mr. Hohenberger seconded to approve the request. Passed unanimously.

The Chairman called for a five minute recess.

**FINANCIAL UPDATE:** Mrs. Call presented her quarterly update to the Board. Items discussed included:

*Expenditures:* General to many budgets:

- Vehicle Fuel, Heating Oil & Propane – continue to have favorable budget variances based on '09 budgeted \$/gal versus actual market prices
- Vehicle Equipment – Police, Fire & Highway consist of Year 2 payment of 3-year lease (additional Highway funds of \$35,000 still available for purchase/lease of additional truck)
- All departments – COLA budgeted at 3.75%; actual based on CPI was 3.5%, approx \$15,000 savings

- Personnel vacancies as of 1/1/09-6/30/09 – Deputy Town Clerk (8 wks); Highway Laborer (21 wks); Planner (10 wks); Community Development Director (12 wks); Police Captain portion of salary paid by third party disability (25 wks); Police Patrol (25 wks) – salary/benefit savings from vacancies are offset earned time buyouts upon retirement and half year impact of Police/Fire additional retirement contributions – net savings, after these offsets, totals \$54,000 through 6/30
- Administration Miscellaneous – large portion (\$2,425) is related to sale of land with the Hulmes' & will be reimbursed in full
- General Government (Maintenance) Overtime – portion (\$1,214) will be reimbursed from Searles Special Revenue fund
- Transfer Station Waste Removal under budget; YTD expended through 6/30 represents 5 months' payments at approx \$23k/month on average
- Tax anticipation note interest – we borrowed \$1.4 million for a period of 16 days; total interest was \$1,456. It is hoped we will not need to borrow again December.
- Our upcoming August bond payment represents the final payoff of all Town debt.
- Overtime analysis: Lengthy discussion ensued regarding the overtime expenditures to date for the Fire Department, which Mrs. Call noted were at 45% to date. Mr. Breton expressed concerns with the filling of every shift back to five, and urged that the Board needed to look at overtime closely. He requested that Mrs. Call make available for the next meeting the previous six months payroll data for all departments. Discussion ensued.

Mr. Sullivan clarified that full staffing does provide a savings on the operational demand side of the budget, through less call backs, and noted that the difference between 2008 and 2009 (4 vs. 5 per shift) is \$8,200 to date. Further discussion ensued, and Mr. Sullivan and Mrs. Call felt that this matter was better discussed with the Chief.

- FEMA Reimbursements: Currently at 75% of expenditures, and Mr. McCartney is attempting to absorb the remaining 25% through his and his staff's efforts. Mrs. Call noted all work will have to be done by September 30, 2009.

*Revenues:*

- State Shared Revenue will not be available for 2009 due to State budget cuts – overall impact of \$69,298 in lost revenue (see additional handout provided)
- Fed/State Grant – represents mainly the reimbursement received from FEMA for the 2008 costs we incurred related to the Dec '08 ice storm (see additional handout provided)
- Motor Vehicle revenue continues to be down from previous two years, however, we've collected approximately 50% of what we budgeted for 2009

- Building Permit Fee revenue still continues to be down significantly from previous two years; however, Planning Board revenues are up
- Cable Franchise fees will be higher than budgeted for 2009 due to Comcast changing its frequency of payment from once per year to quarterly
- Interest YTD revenue down significantly from previous two years – current interest rate earned on deposits is 0.5% versus 1.41% in June '08
- Transfer Station – recycling revenues continue to be down significantly; cash received through 6/30 represents revenue Jan-May
- Selectmen's Miscellaneous – includes \$15,282 reimbursement for taxes previously abated on 112 Range Rd
- Income from Other Sources consists of Fire SAFER Grant revenue (see additional handout for summary of Year 1 of Grant)

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

Mr. Sullivan updated the Board on a matter related to tax deeding. The Board concurred with Mr. Sullivan's recommendation, and he will follow-up accordingly.

The Board discussed a personnel matter. No decisions were made.

Mr. Breton moved and Mr. McMahon seconded to appoint Mr. Windmill and Mr. Ashburn to the Wall Street Corridor Advisory Committee. Passed unanimously.

Mr. Stearns recused himself from the meeting.

The remaining members discussed the vacant Community Development Director position. Mr. McMahon moved and Mr. McLeod seconded to extend a conditional offer of employment to the recommended candidate. Passed 4-0.

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

The meeting was adjourned at 11:05 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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