

BOARD OF SELECTMEN
Minutes of April 25, 2011

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Phil Lochiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Assistant Town Administrator Dana Call. Town Administrator David Sullivan was excused. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mrs. DiFruscia advised that the Historic District Commission had met the previous Thursday and discussed the following items:

- An Eagle Scout project to install fencing is being proposed at the Depot, and the particulars of the proposal as they relate to other fencing at the site were discussed. The scout will also be meeting with the Town Administrator and the Depot Advisory Committee regarding the specifics.
- Mr. Peter Zohdi and Mrs. Susan Mesiti were present and discussed with the HDC the preservation of the Fellows property. The Commission was advised that the barn will be incorporated into the development design, however, the house cannot be saved. The barn will be relocated approximately 100' and attached to a new structure. Mrs. DiFruscia noted that all were very pleased with the concept, and commended Mr. Zohdi and the Mesitis for their efforts to save the structure.

LIAISON REPORTS: Mr. McLeod noted the following Planning Board items:

- Notice had been received that Public Service will be conducting tree cutting along Morrison Road; which is a designated scenic roadway.
- A workforce housing proposal has been brought forth by Mr. Lochiatto for construction near Windham Meadows on Mammoth Road.
- An 18-lot extension of Sheffield Road is also being proposed.

MINUTES: None.

CORRESPONDENCE: Invitation received to an Eagle Court of Honor on behalf of David Pierson; to be held on June 11, 2011.

Memorandum received from Tax Assessor Rex Norman relative to the consolidation of town-owned lots 11-A-300 and 11-A-201. Mrs. Call explained that the Town was voluntarily merging the Highway Department and Transfer Station sites for 9-1-1 purposes.

Letter received from the Town of Salem relative to the former Rogers Service site and proposed use agreement between Windham and the State; noting that Salem has no concerns regarding Windham's proceeding. Mr. McLeod noted that, per the Board's previous motion, Mr. Sullivan will now be executing the use agreement and forwarding it to the state.

Request received to amend the Animal Complaint Investigation Policy. This matter will be scheduled as a future agenda item.

Request received from Patricia Mahoney to utilize the Town van for a trip to Crotched Mountain to take her handicapped son on an outing. Mrs. Call clarified that the Mahoneys have been trained by staff as authorized drivers of the van, and a discussion ensued regarding the Use Policy, training procedures, and potential liability issues.

Mrs. DiFruscia inquired whether a specific inquiry had been made of the Town's insurance carrier regarding such a use, and Mrs. Call replied in the negative; noting that she will contact the carrier before the Mahoneys utilize the van.

After further, brief discussion, Mr. Lochiatto moved and Mr. Breton seconded to allow the previously trained driver to utilize the van as requested, contingent upon clarification of liability coverage. Brief discussion ensued.

Mr. Lochiatto then amended his motion and Mr. Breton his second to add in conformance with the Town Van Policy. Passed unanimously.

Notice received from SkyLine Property Advisors, LLC of the State's intent to install wireless communication on the existing tower located on Governor Dinsmore Road; to include two (2) canopy access point antennas and one (1) two-foot (2') microwave dish at a height of 248'.

Several documents relative to previous Board discussions/decisions were executed by the members, including: a license for temporary access between the Town and Devlin Family Revocable Trust for access to Foster's Pond; the Salt Reduction Grant paperwork; and several forbearance agreements.

Application for pole license received from segTEL, Inc.. Mr. Hohenberger moved and Mr. Breton seconded to approve the pole license as requested. Passed unanimously.

EAGLE SCOUT PROJECT PROPOSAL: Mr. Wayne Morris, as Vice-Chair of the Rail Trail Alliance, introduced Greg Samsel of Pack 266; noting that if endorsed by the Board, Mr. Samsel's project would be the 7th Eagle Scout project to benefit the Depot and/or Rail Trail.

Mr. Samsel approached and advised that his project, as proposed, would consist of the following improvements to the area at the corner of Frost and Depot roads in front of the caboose:

- Fabrication/installation of two benches and a bike rack.
- Half inch stone dust ground cover.
- Bike rack will be fabricated of steel and double-sided. Color will be black.
- Volunteer assistance will be provided by other troop members and members of the Alliance.
- Project is estimated to take 476 +/- man hours and \$900+/- to complete.
- Two (2) car wash fundraisers are planned, and it is hoped that the project will be completed by July.
- The Historic District/Heritage Commission and Rail Trail Alliance have both reviewed and endorsed the project.

After a brief discussion, Mr. Lochiatto moved and Mr. Breton seconded to approve the Eagle Scout project as presented by Mr. Samsel with the Board's thanks. Passed unanimously.

TAX ANTICIPATION NOTES: Mrs. Call updated the Board, as she does annually, on the possibility of obtaining a TAN to cover School District needs. Mrs. Call noted that, between now and the first billing due date there is approximately \$4M in funding which needs to go to the School District, however, the latter is working with the Town to delay their needs as much as possible. Mrs. Call advised that she is currently soliciting interest rates from those banks who deal in TAN's, and that she prefers to go with a line of credit if possible despite it having a higher interest rate. She added that it was her hope she could return to the Board and advise them that the School is able to work with us and there will be no need to borrow.

Discussion ensued regarding the School District's needs and the lack of funds available to cover both those and the Town's before tax revenue begins coming in. Mrs. Call clarified that it is a timing issue, and that there are adequate funds available to cover the Town's needs. She added that, worst case scenario, approximately \$1M would need to be borrowed for a 2-3 week period. Mr. Lochiatto inquired what the average cost of TAN's were, and Mrs. Call noted that, although interest rates vary, last year approximately \$1,500 had been paid in interest. Discussion ensued that such interest is not charged back to the District as it considered part of the municipality's responsibility to manage funds collected.

Mr. Hohenberger sought clarification of the earliest date that taxes could be due, and Mrs. Call clarified that although the bills could be mailed anytime they cannot, statutorily, be made due before July 1st. Discussion ensued regarding sending the bills out as soon as possible in the hopes that payments will become coming in, and Mrs. Call advised that the Assessor expected to have the data to the Tax Collector by the end of May.

AGENDA STRUCTURE: Mr. Lochiatto indicated that this discussion was in response to his having a conversation with Mr. Sullivan about the possibility of not putting times on the agenda in order that the meetings are not held up waiting for posted times to discuss items. Mr. McLeod indicated that he had also spoken with Mr. Sullivan regarding the possibility of including a disclaimer on the agenda that times listed are approximate.

Discussion ensued regarding public hearings, which must include a time, and Mr. Breton suggested that these items be posted for the beginning of each agenda. Mr. Hohenberger and Mrs. DiFruscia concurred.

It was the consensus of the Board that the agenda be posted with no times, save for public hearing requirements, and a disclaimer be added that the Board reserves the right to change the order of agenda items.

OLD BUSINESS: Mrs. Call presented the Board with the final Loss Mitigation Agreement documents from Primex for execution relative to the Town's property liability insurance needs. Mr. Hohenberger moved and Mrs. DiFruscia seconded that the Town of Windham, Board of Selectmen hereby accepts the offer of the New Hampshire Public Risk Management Exchange to reduce their contributions in the Property & Liability Program as outlined in this letter as part of a Loss Mitigation Agreement, and to be contractually bound to all of the terms and conditions of Primex risk management pool membership during the term of this Program. Passed unanimously.

NEW BUSINESS: None.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into non-public session in accordance with RSA 91-A:3 II b. Mrs. Call noted that this non-public session would be followed by a discussion regarding union negotiations, which is not considered a meeting.

Roll call vote all "yes". The topic of discussion was hiring, and the Board, Mrs. Call, and Ms. Devlin were in attendance.

Mrs. Call discussed the vacant Deputy Animal Control Officer position with the Board. Mr. Hohenberger moved and Mrs. DiFruscia seconded to hire the recommended candidate as Deputy ACO. Passed unanimously.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to adjourn. Passed unanimously.

The meeting was adjourned at 7:50 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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