

BOARD OF SELECTMEN
Minutes of July 9, 2012

MEMBERS PRESENT: Chairman Bruce Breton called the meeting to order at 7:05 PM at the Searles Facility. Selectmen Ross McLeod, Phil LoChiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Breton opened with the Pledge of Allegiance, and then requested a moment of silence in acknowledgement of the passing of Representative Okerman's daughter, Gabriella.

ANNOUNCEMENTS: Mr. Breton noted that the other State Representatives have initiated a memorial fund for the Okerman family at Citizens Bank, and extended thanks to Representative Bates for organizing same.

Mrs. DiFruscia asked that all extend their thoughts and prayers to Nancy Tullo, who is very ill; noting that Mrs. Tullo is very active in the Windham Woman's Club and other town activities.

MINUTES: None.

CORRESPONDENCE: Letter received from the State of New Hampshire offering the Town the opportunity to purchase the driving range property on Range Road at a cost of \$3,060,000. Mr. Sullivan indicated he will forward the parcel information to the Economic Development Committee, Planning Board, and Conservation Commission for input; and that the Board will re-address this at the July 23 meeting.

Letter received from the State notifying the Town of its intent to re-classify various sections of the old Route 111; some of which are residual from the 1960's. Mr. Sullivan advised that the Board could opt to keep these areas as Class VI roads, or take each to Town Meeting in order to discontinue them permanently. Brief discussion ensued.

Letter received from the Friends of Moeckel Pond noting that they are in the process of subdividing the Linton estate, and requesting that the Board waive any application fees regarding same. Further, an abatement of the 2011 taxes and 2012 taxes to date, totaling \$7,670 plus interest, for the related conservation property was requested.

After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to waive the subdivision fees. Brief discussion ensued, and Community Development Director Laura Scott inquired who will be covering the Keach subdivision review fee. Discussion ensued regarding requesting the Conservation Commission to cover this fee. Mr. Sullivan noted for the record that the Friends are willing to pay the related tangible subdivision fees, such as abutter notices.

Mr. Hohenberger amended his motion, and Mr. McLeod his second, to waive the subdivision application fees only. Passed unanimously.

Mr. Hohenberger then moved and Mr. McLeod seconded to abate the 2011 taxes in the amount of \$5,482.67 plus interest, and the 2012 taxes in the amount of \$2,198.78 plus interest as requested. Passed unanimously.

Mr. Sullivan advised that he had received correspondence from Primex advising that, as a result of review by the Attorney General and Secretary of State, large sums of money are being returned to various communities in the form of a "premium holiday". He noted that Windham will receive \$87,738.65, which will represent a savings of \$32,672 for this budget year, and a credit of approximately \$55,000 for next year.

PUBLIC HEARING – COMMUNITY DEVELOPMENT FEES: Mr. LoChiatto requested that the proposed fees be addressed separately, as he would be recusing himself relative to the proposed Workforce Housing fee. Mr. Sullivan then read the public hearing notice into the record as attached.

Ms. Scott gave a brief explanation of the proposed new fees regarding well waivers and Design regulations. Mr. LoChiatto moved and Mr. Hohenberger seconded to approve the fees as posted. Passed unanimously.

Mr. LoChiatto recused himself from the Board.

Ms. Scott explained that the proposed \$300 escrow fee for Workforce Housing pertained to contracting a third-party review of candidate eligibility applications. Mr. Tom Case expressed concerns regarding RSA 674-60; noting he could not locate where the Town had adopted those provisions allowing them to determine eligibility. Ms. Scott noted that monitoring of eligibility is required in the Town's ordinance, and is completed to ensure compliance at the time of sale or lease. She noted that candidates are notified via covenants, deeds, and/or plans that they are required to be eligible. Lengthy discussion ensued regarding the June 6th Planning Board discussion of this matter, and the lack of clarity regarding same in those minutes. Mrs. DiFruscia indicated that she had been present and did recall discussing this at length before the Planning Board approved it.

Mr. Hohenberger inquired whether \$300 would be sufficient to cover all applications, and Ms. Scott replied in the affirmative; adding that the price had been determined by Keach. Further discussion ensued, and Mr. Case expressed concerns that no where were the guidelines for eligibility available; citing the potential to lose \$300 if, in the end, one did not qualify.

Lengthy discussion ensued regarding the multi-layer nature of the qualification process before the final step, and that it is designed for the protection of the Town. Mr. Case then raised concerns with the term "escrow", in that it requires return of the funds upon fulfilling of a certain condition. He then inquired what that condition would be. Mr. Sullivan noted that Black's Law Dictionary defines escrow as holding account to pay expenses, including cash, which would be appropriate terminology in this case.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to approve the \$300 escrow fund for Workforce Housing Eligibility reviews. Passed 3-1, with Mr. McLeod opposed. Mr. McLeod indicated he would like to see it clarified when an application is required, and after a brief discussion, Ms. Scott indicated she would draft clarification language for the application.

Mr. LoChiatto rejoined the Board.

WORKSHOP – HISTORIC COMMISSION: The meeting was recessed to allow for the Board to tour the facility with the Commission; being called back to order at 8:10 PM. Ms. Sally D'Angelo then reviewed with the Board the attached project outline. Mr. Breton inquired whether the Commission had available the Facility Inspection report completed by Mr. Barlow, and Ms. D'Angelo indicated they were aware of it, and would like to work on combining this list and the one they had prepared.

Ms. D'Angelo then noted that the Commission's top priority was the painting that was needed at the rear of the building, for which monies were not available in the Searles fund and, as such, the Commission was requesting it be paid from the Property Maintenance Trust. Mr. Hohenberger inquired whether the Commission was requesting a loan of some sort, and Mrs. Call clarified that the Board cannot do that. Discussion ensued regarding the availability of funds after the final payment on the facility mortgage in 2013, the large amount of funds needed overall for the facility, and the possibility of placing items into the CIP.

Mrs. Betty Dunn approached noting that the Commission's goal is to have the facility repairs covered by the income, and lengthy discussion ensued regarding efforts to run the Searles as a business and the overall goal of self-sufficiency.

Mrs. DiFruscia indicated she would need to see cost estimates, adding that there are both aesthetic and safety issues. Mr. Breton noted that Mr. Barlow is working to cost out the items included on his list. Discussion ensued.

Mr. Hohenberger indicated he believed that the Commission needed to approach the CIP, and further discussion ensued. Mr. McLeod noted that the Commission subsidizes various Town groups via a lower rate, and that because of that he felt that the Town should be contributing to the maintenance. Mr. Breton noted that residents are also afforded a lower rate. Further discussion ensued.

Mrs. DiFruscia indicated that she concurred with the need for the painting, and moved to support funding same from the Property Maintenance Trust. Mr. McLeod seconded.

Mr. Hohenberger indicated he agreed with supporting revitalization of the building, and he felt the voters would as well via the Capital Improvements program, however he had concerns with funding the painting as it represented a slippery slope. Mr. LoChiatto indicated he agreed with the expense of funds for painting from the Property Maintenance Trust, but that he also agreed with Mr. Hohenberger regarding utilization of the CIP. He noted that items under the \$40K CIP limit could be "packaged" together for submission.

Discussion ensued regarding the funds available in the Property Maintenance Trust, which currently total \$20,420, and the projects that were planned for those funds. Mr. Sullivan clarified there were three main projects planned: painting of the Community Development Department; trim painting at others; and replacement of the garage doors at the old fire station as part of the weatherization project. He noted that the Searles painting could be completed this year, and added that it would not be setting a precedent as Property Maintenance funds have been used in the past for various unintended items, such as furnace replacement. Mr. LoChiatto sought clarification that there were sufficient funds to complete the three project cited plus the painting, and Mr. Sullivan replied that, barring any emergency, that was correct.

Discussion ensued regarding the need to find a way to address the bird issue at the rear of the building, as well as the CIP or the possibility of the Commission obtaining another bond for the facility. Mrs. Dunn indicated the Board should also be aware of other needs, such as the need for WiFi in the building. She noted that the Commission has to be careful as it pertained to bid awards, as they need to be cautious of who does work on the facility. Brief discussion ensued regarding marketing of the facility and its website.

Discussion then moved to the quotes received for the painting, and whether removal of the birds should be added, and liability concerns surrounding volunteers completing the related trim work. Mr. Sullivan indicated he believed the latter should be included in the quotes. Mr. LoChiatto indicated he supported the painting but felt the Board needed to make sure it was done not just quickly but correctly. Mr. Sullivan noted that the Board may need to consider waiving the bid process, as the painting alone was close to the \$7,500 bid requirement and any additional items may put it over that limit. Discussion ensued, and it was the consensus of the Board to include the trim repair work.

Mr. Sullivan then suggested that the Board authorize him to award a bid in an amount up to \$10K for the painting to include any associated repairs. Mrs. DiFruscia amended her motion, and Mr. McLeod his second, accordingly. Motion passed 4-1, with Mr. Hohenberger opposed.

Mrs. Marion Dinsmore then advised the Board that an anonymous donation to the facility was pending, however, she was not aware of what the amount would be. She noted, however, that a donation of new sally pulls for the carillons had been received, valued at \$1,800.

Mr. Hohenberger moved and Mr. McLeod seconded to accept the sally pulls valued at \$1,800 with thanks. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c and e. Roll call vote all “yes”. The topics of discussion were reputations and legal and the Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions.

Mr. Sullivan updated the Board on a legal matter. No decisions were made.

Mr. Sullivan advised the Board of a union matter relative to a grievance. Mr. LoChiatto moved and Mrs. DiFruscia seconded to support placing this matter on hold to allow for the opportunity to settle. Passed 4-1, with Mr. McLeod opposed.

Mr. Sullivan advised the Board of a personnel matter relative to a complaint. No decisions were made.

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

Meeting was adjourned at 8:40 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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