

BOARD OF SELECTMEN
Minutes of July 23, 2012

MEMBERS PRESENT: Vice-Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Phil LoChiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. Breton was delayed and arrived at 8:10 PM. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: None.

LIAISON: None.

MINUTES: None.

CORRESPONDENCE: Request received from the Windham School District to utilize the field at Griffin Park for their Model Rocket Camp on July 26 from noon to 2 PM. Recreation has reviewed and okayed this request, and liability insurance is available. The District intends to utilize the lower Soccer field. Discussion ensued regarding potential hazards to the sprinklers in the area, and Mr. Sullivan indicated he could have Mr. Barlow coordinate the use; adding that in the past the High School has been utilized for the Camp but it is not available this year. Further discussion ensued regarding the amount of space needed and cordoning off the field for safety.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to grant permission to the Windham School District to host their Rocket Camp at Griffin Park on Thursday from noon to 2 PM. Passed 4-0.

Bond Release/Orchard Blossom Road: Mr. McLeod noted that this is a request for a partial release to the owner, Nassar; adding that the release has been approved by the Planning Board. Mr. LoChiatto moved and Mrs. DiFruscia seconded to approve the partial release of \$36,775, retaining \$2,500, for Orchard Blossom Road. Passed 4-0.

Mr. Sullivan then noted, for the record, that no issues existed with any of the requested releases.

Bond Release/Governor Dinsmore Road: Partial release requested to the owner, Sam Nassar, as approved by the Planning Board. Mrs DiFruscia moved and Mr. Hohenberger seconded to release \$92,220, retaining \$2,500. Passed 4-0.

Bond Release/McIntosh Hollow Road: Partial release requested to the owner, Sam Nassar, as approved by the Planning Board. Mr. LoChiatto moved and Mr. Hohenberger seconded to approve the release of \$60,905, retaining \$192,682. Passed 4-0.

Bond Release/Ryan Farm Road: Partial release requested to the owner, Mesiti Development, as approved by the Planning Board. Mrs. DiFruscia moved and Mr. Hohenberger seconded to approve the partial release of \$22,735.12, retaining \$2,500. Passed 4-0.

Bond Release/Taylor Farm Road: Partial release requested to owner, Joe Vachon, as approved by Planning Board. Mr. LoChiatto moved and Mr. Hohenberger seconded to approve the partial release of \$65,506, retaining \$7,500. Passed 4-0.

RUTH ROBERTSON: Tax Collector Ruth Robertson advised that she was present to request permission to utilize budgetary savings in salaries in the amount of \$1,912.50 to have MUNIS conduct an Investment Analysis of her software. She noted that the analysis would allow an expert to come to the office and observe staff's use of the system and to hear any concerns they may have. Mrs. Robertson added that MUNIS will then provide a report documenting usage gaps and the like, along with their recommendations. She also indicated that, of the expense for the analysis, up to \$1,275 could be credited back to the town towards training or custom reports as MUNIS may recommend; and added that, despite several upgrades, staff has received no formal in office training since 2002.

Mr. Sullivan advised the Board that this analysis is in line with the IT Assessment recommendations as it pertained to how staff utilizes the software available to them and what functions they may be missing out on. He noted that such an analysis was not available to the Town years ago, but is being offered as part of the new MUNIS program. Mr. Sullivan indicated he believed the analysis was a wise investment, and that currently there is \$7,900 available in salary savings. He added that the \$1,912 would be a one time cost, and that the Community Development Department has expressed an interest in doing the same.

Mr. Hohenberger expressed concerns that MUNIS is not providing training, and appears to be using the analysis as a means to try and sell additional products to the Town. Discussion ensued regarding use of the system, Mrs. Robertson's procedures, the various upgrades over the years, and Crystal Reports.

Mrs. DiFruscia noted that the analysis proposal did not include travel expenses, and inquired what those costs were estimated to be. Mr. Sullivan noted that the company is located in the Falmouth, ME area, and would charge the standard, Federal mileage rate; therefore the Board could anticipate an additional couple hundred dollars for travel.

Further discussion ensued, and Mr. LoChiato then moved and Mrs. DiFruscia seconded to approve the request to complete an Investment Analysis as discussed. Passed 3-1, with Mr. Hohenberger opposed.

MARK MURPHY: Mr. Murphy, 17 Burnham Road, approached the Board to request authorization to keep a split-rail fence at his home which was constructed within the Town's right of way. Mr. Murphy explained that that he had been unaware of this until advised as such by the Highway Agent, who had indicated to Mr. Murphy he did not believe the fence posed a risk to him or his staff in its present location. Mr. Sullivan indicated that as part of such requests the owner accepts all responsibility and liability for any damages to the fence that may occur, as well as holding the Town harmless should the fence need to be moved in the future.

Mr. LoChiato indicated he could empathize with Mr. Murphy's plight, but expressed concerns regarding liability issues. Mr. Sullivan indicated that the Right of Way Ordinance allows the Board to grant exceptions for structures in the right of way. He indicated that the Highway Agent and Police Chief are required to review the area, which in this case both have with no concerns noted. Mr. Sullivan indicated that, in fact, the guardrail in that area is closer to the road than the fence in question; adding that if the Board approves Mr. Murphy's request the latter will be required to execute a letter accepting all liability. Discussion ensued as to whether the approval, if granted, should remain with the owner or the property.

Mr. LoChiato then moved and Mr. Hohenberger seconded to grant permission to keep the fence constructed within the right of way in accordance with Section V of the Right of Way Ordinance; and that this approval remain with the property for the fence in question. After a brief discussion, motion passed 3-1, with Mr. McLeod opposed.

JOE MAYNARD: Mr. Maynard, Benchmark Engineering, approached on behalf of the owners of 24 Gaumont Road to present a request to purchase property located at 22 Gaumont Road.

Mr. Maynard indicated that the owner has a failed septic system and there is no feasible location on site to locate a replacement system due to ledge issues and space constraints relative to distances from wells. The intent of the request is to purchase the Town property and install a replacement system on that lot.

The Board discussed the potential of dividing the town lot into two pieces, conveying one portion to the owner of #24 Gaumont Road and retaining the other piece for other future needs, including other septic systems if needed for other owners in the area.

Following a brief discussion regarding the process to subdivide the property and who would be responsible for the cost of same, Mr. Hohenberger moved and Mr. LoChiato seconded to authorize Mr. Maynard to proceed with determining the cost to subdivide the property, as well as providing authorization for him to enter onto the site for the purpose of conducting test pits, and to come back to the Board with a final cost proposal. Passed 4-0.

LOCAL ENERGY COMMITTEE: Mr. Jim Hebert, Chairman, presented a brief update to the Board of the Committee's activities, including:

- Several energy audits have been completed to date, and the Committee is currently applying for additional grant funds to complete the Fire Department.
- The Committee has been in contact with Freedom Logistics regarding their current energy rates. The Town currently pays \$0.08 under a contract which is expiring in August. Discussion ensued regarding this matter, and Mr. Sullivan clarified that the Town generally brokers through Satori, and if it does not do so by August 1st any potential savings would be lost. Further discussion ensued regarding bidding this simultaneous to the LEC working with Freedom in order to compare the options available.
- The Committee is working with the Police Department regarding possible solar upgrades.

Mrs. DiFruscia thanked the LEC for their efforts and for bringing this information to the Board.

CHIEF LEWIS: The Chief approached seeking authorization to expend funds from the Public Safety Revolving fund towards new portable radios. He explained that the Town's current radios are no longer serviceable, and advised that the State has developed a program to fund new radios for all local departments. Chief Lewis indicated that sixteen (16) portables have been allocated for Windham, leaving the Department five (5) short which he would like to purchase at a cost of \$15,030. He indicated he would also like to upgrade the existing lapel microphones to those with a digital display at a cost of \$300/each for twenty-one (21) units. Chief Lewis advised that there is currently in excess of \$100K in the Public Safety Fund, and that he anticipated 10-15 years of use from the equipment being requested.

Discussion ensued regarding the equipment source, which the Chief indicated would be a local Motorola vendor rather than direct from Motorola, which municipalities are not permitted to do. Further discussion ensued regarding Homeland Security's process of issuing grant funds versus equipment.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to approve the purchase of five (5) Motorola portable radios as requested, as well as twenty-one (21) lapel microphones, with the funding of \$21,330 to come from the Public Safety Revolving Fund. Passed 4-0.

Mr. McLeod recused himself from the Board, and Mr. Hohenberger assumed the Chairmanship.

WINDHAM SOCCER ASSOCIATION: Mr. McLeod, as President of the WSA, presented the Association's annual request to allow temporary lighting at Griffin Park; noting that the only difference from previous requests was the WSA would like to install a fifth light that will be aimed away from Squire Armor Road. Mr. McLeod indicated that the time frame would be the same as in previous years, mid-September to November 3rd this season, with the lights being extinguished at the same time. He indicated that the WSA will again work with the Recreation Coordinator to mark the fields, and will bear the cost of any damages as a result of the use of the lights. Mr. McLeod then noted that the Association will again be using the newer, quieter version of the lights, and that no issues had been reported last year. Mr. Sullivan confirmed the latter.

Mr. Hohenberger expressed his continued concern with the expansion of the lights at the park, and a brief discussion ensued.

Mrs. DiFruscia moved to authorize the WSA to install five (5) temporary lights at Griffin Park, with all associated costs to be born by the Association. Further discussion ensued, and Mr. LoChiatto seconded the motion, however, he indicated he did share Mr. Hohenberger's concerns.

Motion passed 2-1, with Mr. Hohenberger opposed.

Mr. McLeod resumed the Chairmanship.

OLD BUSINESS: Mr. Sullivan advised that he had received responses from the Planning Board, Conservation Commission, and Economic Development Committee regarding the State's offer for the Town to purchase the driving range property, and that all recommended the Town not purchase this property in favor of

the State placing it on the open market. After a brief discussion, the Board concurred with this recommendation and staff will follow-up to advise the State accordingly.

NEW BUSINESS: Ms. Carolyn Webber, 19 Cobbetts Pond Road, approached to present a petition signed by 76 individuals requesting a change in the Transfer Station operating hours. She went on to express concerns regarding the inconvenience to residents, particularly as it pertained to Wednesday holidays and closure of the Station. Discussion ensued, and Mr. Sullivan clarified that July 4th and Veterans Day would be the only two “floating” holidays on which this might occur. He further explained that, had the Station been open this past July 4th, employees would have received 16 hours in holiday pay on top of their 40 hour pay, which was not budgeted.

Further, lengthy discussion ensued with several residents approaching to echo the petitioner’s concerns, including: Mr. Dick Ford, Ms. Phyllis Churchill, Mr. Lane Bickford, and Mrs. Barbara Coish. Mrs. DiFruscia noted that it was obvious there were a lot of people concerned, and suggested that she was open to meeting with Mr. Poulson, the Transfer Station Manger, to discuss how to better serve the residents within the budget. Mr. Hohenberger concurred.

Mr. McLeod noted that residents utilizing curb side pickup go seven days between removals, and do make it work, however the Board should look at whether the hours, as they are, are best to optimize service to the residents. He concurred with having a workshop with Mr. Poulson and suggested that, in the interim, the latter be asked to complete an hourly load analysis. Mr. LoChiatto agreed, and suggested that the Police Department’s traffic counter could be utilized. Chief Lewis replied that the old unit could be placed at the Station if the Board wished. Mr. Breton suggested that the unit be placed at the Station on 8/1, to allow for a full month of data.

Mr. Breton then inquired whether there were any contractual limitations regarding the hours of operation, and Mr. Sullivan replied in the negative save for the requirement to pay overtime for any hours worked over eight per day. Further discussion ensued, and it was the consensus of the Board that the traffic counter be placed at the Station as discussed, and that a workshop be scheduled with Mr. Poulson.

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

The Board discussed the vacant officer position. Mr. Hohenberger moved and Mr. LoChiatto seconded to extend an offer of employment to the recommended candidate per the Employee policy. Passed unanimously.

The Board discussed a personnel matter relative to a grievance. Mr. Hohenberger moved and Mr. LoChiatto seconded to uphold the Chief’s denial of said grievance. Passed unanimously.

Chief Lewis updated the Board on a personnel matter. No decisions were made.

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

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

Meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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