

**TOWN OF WINDHAM, NH
BOARD OF SELECTMEN MEETING**

January 9, 2023

**Community Development Department
3 North Lowell Rd.
Draft Minutes**

Attendance:

Chairman Heath Partington- present
Vice Chair Jennifer Simmons- present (via telephone)
Bruce Breton- present
Roger Hohenberger- present
Ross McLeod- present

Staff:

Brian McCarthy- Town Administrator
Deb Padykula-Finance Director

A motion was made by Mr. McLeod to allow Ms. Simmons to participate by telephone. Seconded by Mr. Hohenberger. Roll call vote: Chairman Partington, Mr. Breton, Mr. Hohenberger, Mr. McLeod- yes. Vote 4-0. Motion passes.

Chairman Partington recused himself for the first Timber Tax Abatement Request on the agenda as he is an abutter to the project.

Mr. Paul McKenney addressed the Board. The Timber Tax Abatement for 150 Haverhill Road was reviewed by Mr. McKenney for a Timber Tax Abatement which was dated September 2022 and the application submitted a new application within 60 days of the cut being complete, according to the applicant. Mr. McKenney cited RSA 79.10.2 which required the applicant to apply by May of each year. A report was filled out on April 26th, 2022 and Mr. McKenney reports that May 4th is when the report was given to the town. The applicant was informed of the prior denial. Mr. McKenney stated that an applicant must apply in a timely fashion per the above-mentioned RSA.

A motion was made by Mr. Hohenberger to take no action this evening. Seconded by Mr. Breton. Roll call vote: Vice Chair Simmons, Mr. Breton, Mr. Hohenberger, Mr. McLeod- yes. Vote 4-0. Motion passes.

Mr. McLeod stated that there is no good cause shown and they do not wish to start extended deadlines.

Chairman Partington rejoined the Board as Chair.

Mr. McKenney discussed a timber cut on Lot 22-4-89-01-T, Map 16 D 203, 204, 205 and 206. The applicant is looking for the board to accept a timber tax abatement.

A motion was made by Mr. McLeod to issue the timber tax warrant and to reduce the timber tax to \$1,423.63. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McKenney then discussed the veteran's credit for 26 Winridge Road. The property owner has applied for the veterans' tax credit and provided all the necessary paperwork to the town. Mr. McKenney is recommending the property owner be granted the veterans' tax credit.

A motion was made by Mr. Breton to grant the veteran credit to the property at 26 Winridgge Rd., Map 11A, Lot 8-90-26 in the amount of \$500 Breton. Seconded by Mr. McLeod. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McKenney discussed the abatement for the previous years at the same property for 2019, 2020, 2021 and looking for the credit of \$1500 for the last 3 years.

A motion was made by Mr. Breton to grant the abatement for \$1,500 plus any interest for Map 11A Lot 8-90-26. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McKenney then discussed Tax Map 21 Lot D-151, 14 Cobbetts Pond Road which is no longer inhabited by a pastor and no longer qualifies for an exception. Mr. McKenney discussed the supplement of funds for the value of the property, \$347,700; \$6,870.55 would be the taxes on the property.

A motion was made by Mr. McLeod to allow the supplement in the amount of \$6,870.55. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McKenney stated that it appears as if the property went between churches; this was in response to Mr. Breton's question about the property transfer.

Public Hearing

A motion was made by Mr. McLeod to move Article 3 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. McLeod to move Article 4 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice

Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. Hohenberger to move Article 5 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. Coole asked what was meant by tentative in the language. The tentative is related to the town and whether or not this is voted on in the affirmative by the voters.

A motion was made by Mr. Breton to move Article 6 to the warrant as recommended by the Board. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. Hohenberger to move Article 7 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. McLeod to move Article 8 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. Galen Stearns addressed the Board and asked if this article was part of the CIP and if so why it was. Chairman Partington stated that it was taken out as the way it was originally funded. Mr. McCarthy stated it is part of the CIP but it is funded through a lease and not the way it had been depicted in the CIP.

Mr. Hohenberger asked about the wording of Article 11, as it related to the wording of Article 9. Mr. McCarthy stated that the warrant was reviewed by Attorney Bernie Campbell and he did agree with the wording of the articles. Mr. McCarthy stated that they were using Comstar money to put towards the funding of the ambulance. Chairman Partington recommended putting in the language a “future” ambulance.

Mr. Stearns asked if Article 9 was a replacement ambulance; it is according to the Board. Chairman Partington stated that they are collecting approximately \$500,000 a year

A motion was made by Mr. Hohenberger to move Article 9 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McLeod stated that he is in support of the article but he would have liked to have seen the ARPA funds be reserved for other items.

Chief McPherson stated that this allows the fire department to apply for the grant with the support of the article.

A motion was made by Mr. Hohenberger to move Article 10 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. Hohenberger to go into non-public under 91A: 3 II (c). Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

The Board came out of non-public session at 7:45 pm.

A decision was made to take no action while in non-public according to Chairman Partington.

An abatement case was discussed and no action was taken.

A motion was made by Mr. Breton to move Article 11 to the warrant. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. McLeod to move Article 11 to the warrant as recommended by the Board. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. McLeod stated that he does think the Board does agree with Ms. Simmons that the Board needs to consider their long-term obligations for funds such as these.

A motion was made by Mr. McLeod to move Article 12 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. Hohenberger to move Article 13 to the warrant as recommended by the Board as amended. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. Hohenberger- yes. Mr. McLeod abstained. Vote 4-0-1. Motion passes.

Mr. Stearns asked if there was a term for the appointment. Mr. McCarthy stated that the treasurer would serve at the pleasure of the Board. The Board discussed the language in the article as proposed. Mr. Hohenberger asked if this makes the person an employee of the town; Mr. McCarthy stated it does.

A motion was made by Mr. McLeod to move Article 14 to the warrant as recommended by the Board as amended to include the words “with” in front of RSA and the word “currently” in front of “the person”. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. McLeod to recommend Article 15 to the warrant as recommended by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

The Board discussed the \$300,000 that was the estimate for the project and the moisture control issue with the building. The Board discussed that if this is approved, the Board needs to take the initiative on this project.

A motion was made by Mr. McLeod to move Article 16 to the warrant as recommended by the Board. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. Breton to move Article 17 to the warrant as recommended by the Board. Seconded by Mr. McLeod. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

A motion was made by Mr. McLeod to move Article 18 to the warrant as recommended by the Board. Seconded by Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

The Board discussed the language around Articles 19 and 20. The Board discussed getting rid of the Note for both articles. The Board also discussed changing the language from “re-adopt” to “adopt”.

A motion was made by Mr. Hohenberger to move Article 19 and 20 to the warrant as recommended by the Board with the changes in language. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Mr. McLeod, Mr. Hohenberger- yes. Vote 4-0. Motion passes. Vice Chair Simmons recused herself.

The Board discussed if language in the article could be changed. It cannot by the Board as they are citizen’s petitions but it can be changed in deliberative. The Board and Chief Caron discussed the language around the penalty process proposed in the warrant article. Mr. Breton stated that he does not think the town’s attorney looked at this currently presented proposal. Mr. McCarthy stated that the entire ordinance does need to be added to the warrant article. Mr. Hohenberger discussed that a warrant article can be changed by the Board once it becomes a regulation. The Board was very clear about the potential language changes and clarifications.

A motion was made by Mr. McLeod to move Article 21 to the warrant by the Board. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. Hohenberger discussed Article 22. “age restricted affordable housing” instead of elderly

housing.

Ms. Nicole Bottai, town clerk, and Mr. McCarthy discussed the changes made to the original language. Ms. Bottai has the only available version of the Warrant Article. It has been changed since the originally proposed warrant article.

Mr. Stearns asked if the new article had been reviewed by town council. Mr. McCarthy stated that he will double check to make sure the proposed version has been reviewed by town council.

Mr. Charles McMahon addressed the Board. The article is for affordable elderly housing. Mr. McMahon stated that this article is the recommendation of the RSA as presented. Mr. McMahon stated that there is competition for these types of housing developments and their competition does need to buy their land as opposed to this proposal where the land is essentially being donated.

A motion was made by Mr. Hohenberger to move Article 22 to the warrant. Seconded by Mr. McLeod. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

The Board discussed a potential Board of Selectmen meeting after the deliberative session on the Saturday of the Deliberative session.

Article 23 is a Citizen's Petition and contains .03-acre parcel of land. The Board discussed the date December 31, 2024; this would need to be extended for the applicant.

A motion was made by Mr. McLeod to move Article 23 to the warrant. Seconded by Mr. Breton. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Mr. Hohenberger stated that there is an 8.5% increase from the previous budget, down from 11.5% and he does think a lot of work has been done by the Board. Mr. Hohenberger stated that he would like to cut \$90,000 from the budget and if that is not cut, he would probably vote not to recommend the budget.

Mr. Coole addressed the Board. Mr. Coole asked about the \$5 in contracted services. Mr. McCarthy stated that is a placeholder.

Mr. Simmons stated that she does not want to see the roads amended in anyway and the budget is only up 6.4% from the previous budget when consider the salary changes.

Mr. Senibaldi addressed the Board and stated that if more roads are removed, they will likely be more expensive the following year as the cost is about \$100,000 more this year than last year.

Mr. Hohenberger stated that the contracts for the employees will all be renewed this year and that will be very unlikely after this year now that it is staggered. Mr. McLeod stated that there is no guarantee that these will not be an impasse down the road. The Board will need to be mindful

of this going forward.

Mr. McLeod discussed the employment challenges for the management and civil positions. Mr. McLeod does support the budget and agrees with Ms. Simmons; he realizes that this is a difficult year.

Mr. McCarthy stated that he is concerned that the town is not leaving themselves a lot of options financially moving forward.

Ms. Bottai addressed the Board and stated that she does apologize for not coming to the last meeting but she would like to advocate for the positions to be put back into her budget. Ms. Bottai stated that they are just trying to stay afloat and they are a state agent for many positions. Ms. Bottai stated that she should really be asking for an additional full-time staff member but she is requesting that one person be moved from part time to full time. Ms. Bottai is respectfully asking to reconsider the wish list item. Ms. Bottai is looking for an 11-hour increase plus benefits. Ms. Bottai stated that they do need the man power to do the services for people as needed.

Ms. Simmons stated that she does understand that the town's clerk's office is in support of the idea but she cannot recommend it this year.

Mr. Breton stated that the default budget would be about 1 million dollars less than this proposed budget.

Chairman Partington stated that the roads are a budget that has been increased each year.

A motion was made by Mr. McLeod to move Article 24 to the warrant as recommended by the Board. Seconded by Vice Chair Simmons. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod- yes. Vote 4-1. Mr. Hohenberger opposed. Motion passes.

Chairman Partington read the Warrant Article into the record.

Meeting Minutes

The Board briefly discussed edits but nothing was approved.

A motion was made by Mr. McLeod to adjourn at 9:16 pm. Seconded Mr. Hohenberger. Roll call vote: Mr. Breton, Chairman Partington, Vice Chair Simmons, Mr. McLeod, Mr. Hohenberger- yes. Vote 5-0. Motion passes.

Respectfully submitted by Anitra Lincicum