

**BOARD OF SELECTMEN**  
**Minutes of August 25, 2014**

**CALL TO ORDER:** Mr. McLeod called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Al Letizio, Bruce Breton and Joel Desilets were present; as was Town Administrator David Sullivan. Mr. McLeod opened with Pledge of Allegiance.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mr. McLeod noted that he had recently seen on WMUR that Windham High School music teacher, Jared Cassidy, had been nominated for a Grammy. He noted this is a fantastic honor, and extended congratulations to Mr. Cassidy.

*Mrs. Margaret Case* approached advising that another grant opportunity had arisen; this one being a 50/50 matching grant through the Historical Preservation Program. She advised that she and Mr. Peter Griffin would work on applying for same, that the Town's portion would be \$10,000, and that submissions are due by December.

Mr. Hohenberger expressed concerns relative to previous defeat by the voters of funding for the Searles, and a discussion ensued in that these matching funds would be covered by the Searles revenue as opposed to tax dollars. Mrs. Case further clarified that the purpose of this grant, if awarded, would be to begin the stained glass restoration.

Mr. Breton moved and Mr. Letizio seconded to authorize Mrs. Case to apply for the grant as described. Passed unanimously.

*Mr. Desilets* advised that the previous Saturday he attended the grand opening walk at the Town Forest as part of Maddie Riese's Gold project. He extended thanks to the latter for her efforts, as well as the Recreation and Forestry committees and the Windham Garden Club.

*Town Moderator Peter Griffin* approached to remind all of the upcoming State primary; advising that the polls will be open from 7AM to 8PM. Mr. Griffin then reviewed with the Board members several pertinent statutes relative to:

- The Selectmen are required to be present for the bulk of the polling hours; and their participation is part of regular election auditing.
- Statutes prohibit the dissemination of election materials within the polling area, or the requesting of recipients that same be left in the voting booths. This was an issue last year, and statutes do prescribe a penalty for violation of same.
- The required 10' corridor on the exterior will be clearly marked/maintained; as it is important to protect the integrity of the voters. Failure to comply with same is also a violation subject to penalty.
- It is the responsibility of the Moderator to report all issues to the Attorney General and any penalties assessed on violators are paid directly to the County. Mr. Griffin continues to receive complaints regarding egregious infractions by campaigners last year.
- Blurbs will be placed in the local papers regarding these statutes.

Mr. Griffin then extended thanks to the Board and to Town Clerk Nicole Bottai and Deputy Town Clerk Nancy Charland for their efforts. He also advised that he intends to schedule one-on-ones with the local partisan groups to review these requirements with them.

Discussion ensued regarding the degradation of the 10' corridor throughout the day. Mr. Griffin then noted concerns regarding a voting guide that was distributed last year which appeared to be "official" in nature. Mr. Breton queried what the issue was with same; noting he had been part of the group which distributed the guide. Mr. Griffin noted that some had taken the guide as an endorsement from the Town for a particular slate, and Mr. Breton noted that the group which had compiled same had been clearly noted on the guide. Discussion ensued regarding the need for voters to exercise due diligence; and Mr. Letizio noted that a means to maintain the integrity and welcoming nature of the corridor also needs to be devised.

*Chief McPherson* approached and advised that the Annual Boot Drive had successfully raised \$3,300 over a two-day period; and extended thanks to Klemm's and McDonald's for their cooperation. He noted that these funds, in their entirety, remain in NH, and extended kudos to Jim Brown and Bill Merrill for their success. Chief McPherson then reminded all that the Annual Common Man Breakfast was also upcoming.

*Chief McPherson* then noted that the Windham Professional Firefighters union and Helping Hands were partnering to participate in "Operation Warm"; a fundraiser to ensure children in NH have new winter coats. He noted that donations can be made by visiting [www.pffnh.org](http://www.pffnh.org), looking for Operation Warm and then Windham Local; and that a donation of \$34 allows for the purchase of one (1) new jacket.

Mr. Breton noted that each of the jackets is made in the USA, and Chief McPherson confirmed same. He then added that there are approximately 43,000 children in NH living below the poverty level, and that Operation Warm hopes to raise enough funding to clothe at least 10% of same.

*Chief McPherson* noted that the Department will host their Annual 9/11 Memorial Ceremony on that Thursday beginning at 8:30 AM at the Station; followed by light refreshments.

*Mr. Sullivan* advised that on September 1<sup>st</sup>, there will be a candlelight vigil taking place at Griffin Park by the family of Chad Markievitz. He advised that the family had contacted Recreation and the Police Department; neither of which had issues with the event. Mr. Sullivan noted that the family hopes to raise awareness of the dangers of heroin through the vigil.

**COMMITTEE INTERVIEWS:** Mr. Sullivan advised that Mr. Bostic was again unable to attend to discuss his interest in being appointed to the Economic Development Committee, and that he had advised he had no issue with the Board proceeding. Brief discussion ensued, and it was determined that the Board would proceed with making an appointment to the EDC in non-public.

**DONATION ACCEPTANCE:** On behalf of the Recreation Coordinator, Mr. Sullivan requested that the Board accept the following donations toward the Annual Senior Picnic and the water carnival at Town Beach: Jim Foley, watermelons; and ConvenientMD, fruit punch and Sno-cones. In addition, a \$500 donation had been received from the Windham Wolverines for use towards field maintenance.

Mr. Desilets moved and Mr. Breton seconded to accept the donations as presented with gratitude. Passed unanimously.

**HARRIS ROAD:** Mr. McLeod explained that Police Chief Lewis had raised concerns relative to duplicate house numbers on Harris Road in Windham and Salem. There are twenty (20) properties on the Windham side and four (4) on the Salem; the latter of which have the duplicate numbers of 21, 23, 26 and 28. The Chief has asked that the Board contact the Town of Salem to ask that they consider renumbering those four (4) homes in the interest of resolving this matter.

Discussion ensued, and Mr. Letizio moved that the Town of Salem be asked to consider renumbering their properties. He noted that the duplication represents serious safety issues, and a discussion ensued as to whether the motion should include authorization for Chief Lewis to enter into a conversation with Salem. Mr. Letizio amended his motion to include said authorization, and Mr. Hohenberger seconded for discussion.

Mr. Hohenberger then expressed concerns that similar circumstances exist in Windham, without issue. Chief Lewis clarified that on Harris Road there is a resident who is being routinely disturbed by the duplication.

After further discussion regarding the need to address all such instances, and safety versus the implications of having to change ones' address, the motion passed unanimously.

**SURPLUS VEHICLES:** Mr. Sullivan noted that, as is the case annually, there are surplus vehicles as a result of the new purchases; adding that the best of these will be assigned to Administration, Community Development, and Assessing. He noted that there will be three (3) cruisers and one (1) SUV in need of disposal, as follows: 2009 Impala, 2008 Impala, 2011 Charger, and a 1998 Expedition. Mr. Sullivan inquired whether the Board supported his approaching Deluca to aid auctioning off these vehicles; which has proven successful in the past.

After a brief discussion regarding the Charger, which the Chief indicated was terrible from the outset, Mr. Hohenberger moved and Mr. Breton seconded to request Deluca's assistance in auctioning off the surplus vehicles as described. Passed unanimously.

**CORRESPONDENCE:** Mr. Sullivan advised that a bond release had been requested relative to landscaping at the Villages of Windham; which was signed off on by all. He noted a total release of \$42,834 was being recommended, which will be replaced by a cash guarantee of \$22,447.50 to cover remaining work.

Mr. Breton moved and Mr. Desilets seconded to approve the bond release as recommended. Passed unanimously.

**CAMPBELL FARM:** Mr. Sullivan advised that, since acquisition of the Farm was completed, staff had been working to ensure that conditions are worked out between the Town and tenant Joan Normington as it pertained to such things as insurances. He noted that Mrs. Normington will have to obtain the necessary insurances for the home and appurtenant land. He then advised that the Conservation Commission was present that evening for an initial discussion as to how to proceed relative to the actual house.

Mr. Wayne Morris, Chairman, approached noting that the Commission had discussed the farmhouse at their last meeting; and that the majority of the members feel that the house should be retained. He indicated that the Commission had tasked themselves with looking to other communities and/or agencies who have experience in dealing with similar properties; and that all the members are in agreement that Mrs. Normington should be allowed to remain in residence at the farmhouse beyond the current six (6) month agreement. He noted it did not make sense to leave the home vacant, and added that Mrs. Normington has lived there for twenty-five (25) years. Lengthy discussion then ensued amongst the members, with input from Mr. Sullivan and Mr. Morris. Items noted included:

- Mr. Breton noted that retention of such property is regularly done through the NH Farm Bureau, with funding for same obtained through grants, etc. Removal of the building is contrary to what the Town was endeavoring to accomplish.
- The Commission feels strongly that the property, if sold, should include strict covenants requiring that the building never be torn down.
- The structural analysis was discussed, and Mr. Sullivan noted that the cost to stabilize the building is minimal. The majority of any future costs would be for cosmetic purposes.
- Mr. Hohenberger indicated there had never, in previous discussion, been a defined plan for the building; adding that he had never envisioned keeping the house as part of his affirmative vote. He felt the house should be sold and the revenues used to offset the bond.
- Mr. Desilets expressed concurrence with Mr. Morris in that it was a good idea to consider extending the rental agreement as an empty home will deteriorate quickly. He also, however, concurred with Mr. Hohenberger's position.
- Mr. Sullivan clarified that the agreement is currently that Mrs. Normington may remain in the home at no charge for a period of six (6) months, and that some form of rent would need to be discussed beyond that period as the taxpayers will expect there to be some kind of remuneration.
- Mr. Letizio opined that he had no issue should the property be subdivided and sold off, however, he would be equally comfortable if it can be converted to a revenue generating property. He noted something mutually beneficial to both the Town and Mrs. Normington would need to be worked out if she were to stay.
- Mr. McLeod echoed the comments of all; adding that he had also supported the acquisition of the land. He noted that the property is disconnected, and too far away for regular use and should therefore be sold off to cover a portion of the bond. As it pertained to extension of the agreement, he noted it was a tricky thing to allow someone to utilize a town asset at no charge.

- Management of the home as an asset by the Conservation Commission was discussed, as well as exploration of ways to preserve same.
- Mr. Sullivan noted that, for the remainder of the six (6) month period, Mrs. Normington must maintain the home and pay the bills for same as a requirement of the purchase and sale agreement. Discussion of structural versus maintenance issues ensued.
- Fair market value of the property was discussed as it pertained both to rental and sale; as well as the possibility of selling same with stipulations that the farmhouse be restored. Mr. Sullivan also noted the possibility of arrangements for a tradesman caretaker and lower rent in exchange for work. The availability of grant funding was reiterated, and that use of Conservation funds is also appropriate in the maintenance of the building as it is a Conservation asset.
- When asked, Mr. Morris clarified that the Commission envisions establishment of a defined trail network on the land; and discussion of the value of haying and the zoning of the area ensued.

*Mr. Desilets* excused himself from the meeting at 7:55 PM.

After further discussion regarding the potential uses of the land, similar building preservation projects in the Town of Haverhill, MA and innovative methods to achieve same, and that a portion of the land was a tree farm in the past, Mr. McLeod opened the floor to public comment.

- Mr. Jim Finn, Conservation Commission, noted that he was endeavoring to obtain more information regarding the tree farm status. He noted that, after working the site, he was no longer in favor of selling the home. He noted the Commission needs more time to assess and explore funding to preserve the home, which will need a boiler replacement soon. Lengthy discussion ensued, and Mr. Finn noted that, if the Board opted to sell the home, they would need to establish how much acreage would go with it.
- Mr. Peter Griffin noted he supported an earlier suggestion by Mr. Breton that a sub-committee be formed to evaluate the options; adding that the Town needed to do their due diligence. Mr. Sullivan noted that the Board was brainstorming only; adding that the Commission is the steward of the property.
- Mr. Bob Coole sought clarification that a sale would need to go to Town meeting, and Mr. Sullivan replied in the affirmative.
- Mrs. Kathleen DiFruscia noted that she believed the home was an integral part of the Campbell farm, and that she completely concurred with Mr. Breton. She noted she understood it may not ultimately be possible to retain the home, but she would like the Board to at least maintain an open mind about same.
- Mrs. Barbara Coish approached noting that she would support setting aside some of the land for future cemetery purposes.
- Mrs. Betty Dunn also concurred with Mr. Breton. She also indicated it is not likely that a decision will be made in time for Town Meeting, thus the Board should determine whether or not to extend agreement with Mrs. Normington. She also noted that she would not be comfortable with selling the property subject to covenants, as such a contract would require much detail and delicacy in drafting.

Lengthy discussion ensued regarding the timing of the Conservation Commission's return to the Board, extension of the lease, short-term leasing versus long-term (which would need to go to Town meeting), and formation of a sub-committee. It was the consensus of the Board that the latter be formed encompassing members of the Commission, EDC, and Historic; and that Mr. Sullivan and Mr. Morris work to return to the Board with an extension proposal.

**TOWN PROPERTY REVIEW:** Mr. McLeod noted that, based on his need to leave, Mr. Desilets had requested that this be tabled; inquiring as to the Board's preference. Mr. Breton indicated he would prefer not to postpone, however, Mr. Hohenberger and Mr. Letizio were fine with deferring. Mr. Letizio noted that, in fact, the EDC's comments on thirteen (13) particular parcels were pending as they had not had an opportunity to meet and review same. Brief discussion ensued.

Mr. Morris noted that, previously, the Board had discussed a professional engineering review of the properties to establish means to obtain the best/highest value. Mr. Sullivan clarified that the follow-up to previous discussions regarding these properties had been sidelined by the Impact Fee analysis; adding that the engineer would recommend narrowing of the list to a select number of parcels for further assessment.

Lengthy discussion ensued regarding the differences in the property acquisitions and those that needed Town Meeting approval/designation, the recommendations received and those still pending, and the number that would be eliminated immediately (such as cellar holes).

Community Development Director Laura Scott approached and noted that the EDC will not meet in time for this to be taken up at the next Selectmen meeting. Brief discussion ensued, and it was determined that this will be scheduled for September 22<sup>nd</sup>.

**OLD/NEW BUSINESS:** Mr. Breton noted that he had received a call from an older resident who utilizes a motorized scooter. This gentleman advised Mr. Breton that he had been asked to leave the rail trail by another individual who claimed motorized vehicles were not permitted on Town property. Mr. Sullivan confirmed that ATV's are prohibited, but that such a restriction did not extend to scooters used for mobility purposes to the best of his knowledge. He will follow-up to confirm.

**MINUTES:** Mr. Letizio moved and Mr. Hohenberger seconded to approve the minutes of August 11, 2014 as written. Passed 4-0.

**CORRESPONDENCE:** None.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Letizio seconded to enter into a nonpublic session in accordance with RSA 91-A:3 IIC. Roll call vote-all "yes". The topic of discussion was reputations.

The Board, Ms. Scott, Mr. Sullivan and Ms. Devlin were in attendance in the first session.

Ms. Scott updated the Board on a reputations matter relative to Code Enforcement. Mr. Breton moved and Mr. Hohenberger seconded to defer the payment of fees in this matter as discussed. Passed 4-0.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the remaining session.

Mr. Breton moved and Mr. Hohenberger seconded to appoint Noel Lyons-Baker to the EDC until July of 2015. Passed 4-0.

Mr. Sullivan updated the Board on a reputations matter relative to insurance. No decisions were made.

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

Meeting was adjourned at 9:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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