

BOARD OF SELECTMEN
Meeting Minutes October 3, 2016

CALL TO ORDER: Chairman Joel Desilets called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Jennifer Simmons, Ross McLeod and Roger Hohenberger were present; as was Town Administrator David Sullivan. Mr. Desilets opened with the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. Sullivan read into the record a letter from Maintenance Co-Directors Dave Poulson and Jack McCartney; in which they discuss Mr. Breton's concerns regarding their recent presentation to the Board and maintenance repairs, and apologize for not having clear answers to his concerns. Mr. Sullivan went on to note that, since the meeting on 9/12, he has met with the Maintenance Department and Fire Inspector, and that much work has been completed. He indicated an electrical audit was conducted on all life/safety lighting items, along with the full gamut of testing as recommended in NFPA standards. Mr. Sullivan did advise that, when the shutdown tests were completed, 41 of the 91 emergency lights did not function; stressing, however, that all were corrected within three (3) days of the test. He indicated that, moving forward, protocols have been developed which include monthly and annual testing; adding that he is confident that the issue will not happen again given the processes put in place

Chief McPherson extended thanks to the Selectmen for attending the Department's Open House, and to Mrs. Simmons for emailing that she would be out of town. He indicated this year's event was probably the biggest thus far, and the Firefighters and Deputy Martineau did a great job with putting on demonstrations for the kids. Chief McPherson then thanked all who attended; expressing hope that next year will be even bigger.

Mr. Desilets extended thanks to Chief McPherson, noting particularly the great job staff had done with the children. Mr. Hohenberger also noted the great job done with the mock accident, which had given him chills. Mr. McLeod noted there had also been a Taser demonstration, which he'd found interesting. Discussion ensued regarding the winners of the chili contest, with Chief McPherson noting this year's winner had won with her first ever chili.

Mrs. Simmons announced that Harvest-Fest is scheduled for Saturday from noon to 4:00 PM at Griffin Park.

Mrs. Simmons announced that the Historic District Commission will be hosting a presentation by speaker George Morrison on "Roger's Rangers". The free event will take place on October 12 beginning at 7:00 PM at the Searles facility.

Mr. Sullivan, on behalf of the Recreation Coordinator, advised that fertilization and grub control will take place at Griffin Park on October 10 and grassy areas will be closed that day. He asked that residents, and their pets, stay off these areas; adding that notices have been posted at Griffin Park and on the Town website.

INDIAN ROCK LANDSCAPING PROJECT: Mr. Christopher Redard presented a proposed Eagle Scout project to improve the area of the historic landmark, Indian Rock. He advised his plans, shown in the attached conceptual drawing, will include a gravel path, mulch, an informational kiosk, and a bench crafted out of a log. Mr. Redard indicated the purpose of the project is to make the site more presentable to the public. Mr. Hohenberger sought clarification that the project was limited to the front of the Rock, and Mr. Sullivan replied in the affirmative.

Mr. McLeod sought clarification that access to the site was off of Enterprise Drive, and Mr. Redard replied in the affirmative. Mr. McLeod inquired whether there would be parking available. Mr. Redard noted he would be clearing some brush at the entrance for easier access and there may, possibly be a sign to indicate the presence of a historic site.

Mr. Sullivan added that, with the intent being to acquire the piece from the State, it was thought that funds could be included in the Town budget to install one of the HDC's signs, similar to those already in place at various locations. He indicated the State's permission would be needed to install the sign; adding that Mr. Redard is working with the Historic District Commission. Mr. Desilets noted he thought that Mr. Redard would be looking for donations for this, as well. Discussion ensued.

Mr. Desilets indicated this was an excellent project, and extended thanks to Mr. Redard for considering Indian Rock. Mr. Sullivan noted a motion would be appropriate in light of the agreement with the State to allow the project.

Mr. McLeod moved and Mrs. Simmons seconded to support Mr. Redard's Eagle Scout project proposal to improve Indian Rock. Passed unanimously.

IT DIRECTOR: Mr. Desilets noted that the Board had discussed the previous week the issuance of an RFP for live streaming; adding that the Board had the opportunity to review same and inquiring whether there were any questions or suggestions.

Mr. Hohenberger noted that, last time the Board left it, Mr. DeLong was going to speak to Cable Studio Coordinator Kelly Yucupicio regarding any possible legalities. Mr. DeLong advised he had not spoken to Ms. Yucupicio, but had spoken to PEG Central. He noted the latter had advised that the only legal issue could relate to language in the franchise agreement that prohibits using franchise fees for livestreaming. Mr. DeLong indicated that, in reviewing the document, he did not see any such language and, other than that, Comcast does not own the content that we produce. Mr. Hohenberger expressed surprise that this was the case, but added it was good Comcast does not restrict content.

Mr. Breton inquired whether the Windham Cable Advisory Board (WCAB) has reviewed this, and Mr. Hohenberger noted that approximately a year ago at budget time it had been discussed and, at that time, the WCAB decided it was not worthwhile to pursue it. Mrs. Margaret Case, WCAB Chairman, approached noting that was the only time it had been discussed with the WCAB.

Mr. Desilets questioned whether anyone from the WCAB had reached out to Mr. DeLong, knowing that he has been looking into it, and Mrs. Case replied in the affirmative; adding that he had been advised that there was no interest at this time. Mr. Desilets felt it would have been good to share that feedback with the Selectmen, and Mrs. Case replied it would have been a better courtesy for the Selectmen to have had the WCAB in for discussion.

Mrs. Case pointed out that the WCAB runs the station and determines what goes out over the air, noting that, while she meant no disrespect to Mr. DeLong, that was not his job; likening it to asking the WCAB to determine what weapons the Police should use.

Mr. Desilets noted that the WCAB has been aware that the Selectmen have been talking about this for months; expressing concern that the first feedback received from the former was at the eleventh hour as the RFP was being looked at. He reiterated that the WCAB should have had the courtesy to inform the Selectmen if they had an official position. Discussion ensued regarding Mr. Hohenberger's advising the Selectmen that Cable had no interest and, subsequently, the Selectmen deciding to move forward.

Mrs. Case noted that one of the reasons the WCAB is not in favor of implementing live streaming is that not a single resident besides Mr. Desilets has brought it up; adding that the WCAB has never been one to spend money frivolously if there is no community interest. Discussion ensued, before Mr. Desilets asked Mr. DeLong to continue with his presentation.

Mr. DeLong reiterated how he had approached the issue; explaining that he had been asked to look into live streaming while being aware that the Town Clerk was also working hard to archive lots of data. He noted that these are two separate, but related, projects; as there are lots of archived videos as well as documents. Mr. DeLong advised, that, as he had reviewed options, he had found that live streaming was not really the gold standard of the products; rather that was the ability to get the archive up and running with videos on demand, increases in data storage, and video indexing. Mr. DeLong noted that towns and cities are looking for the latter and that, while he understands people aren't asking for live streaming, he cited himself, a resident of Derry, as an example of someone who may want to watch the meetings. He indicated that, in a nutshell, his RFP includes all three of those components because the direction vendors are taking is to include all of them, regardless of what is being bought.

Mr. Breton felt this should be a collaborative effort between the WCAB and the IT Director, presenting proposed amendments to the Scope of Work in the RFP relative to such things as types of video and streaming formatting. Mr. Breton also noted he hoped implementation of live streaming would not affect cablecasts, as he would rather see viewers watch on TV.

Mr. Desilets agreed it should be a cooperative effort and asked that, as they had just heard from the WCAB that they do not want to investigate the possibility irrespective of the Selectmen, the IT Director be instructed to work with the WCAB to make changes to the RFP before it is placed out. He felt the two could come together with just a couple of meetings. Discussion ensued.

Mr. Hohenberger then suggested that, as Mr. DeLong mentioned accessing archived information as well, he become involved with the Record Retention Committee who are currently going out to bid for same. Mr. DeLong advised he had spoken with the Town Clerk at length regarding that and, because of the way the web works, he believes it would an exceptional "look" to have a single search page on the Town site which searches all, or specific areas, of the archives. He indicated that, ultimately, we must make sure that our data remains accessible should we leave the vendor chosen by the Town Clerk, and that it is not licensed to another as to its presentation; adding this would also apply to video files in that they should not require any special drivers or CODECS to access them.

Discussion ensued regarding the need to determine a practical time frame for the availability of videos and indexing. To the latter, Mr. DeLong pointed out this is a process that has to take place in the course of every video; adding that in order to go back would require someone to have access to the agenda and to watch the entire video itself. Discussion ensued as to whether this would be done by a cable volunteer or minute taker, and the need to see a demo.

Mr. Desilets inquired whether this feature could be added in later, and Mr. DeLong noted it is an option that you either do or do not do. He indicated none of the vendors presented it as being a necessity, but it is a very popular feature. Mr. Desilets inquired whether Mr. DeLong could add it to the RFP as an optional feature, and the latter replied in the affirmative.

Mr. Breton suggested the Board should take a step back to allow the WCAB to meet with Mr. DeLong in case there are additional equipment needs, as well; rather than having the former come back after they have looked at it. Mrs. Simmons concurred, suggesting that Mr. DeLong and the WCAB get together to develop an RFP.

Mr. Desilets noted that, when this was previously discussed by the Board, the RFP was to have included both live streaming and the website. He indicated it was disappointing to be here, two months later, particularly as what was being discussed was an optional feature; adding that, although there will likely be some cost related to the indexing component, as it is a discrete cost he did not understand the need for delay tactics.

Mrs. Case pointed out that indexing has been available since the studio went to PEG Central, but it is a very time consuming product. She noted that there is not enough staff time to even think about it, nor is appropriate to ask a volunteer to take on another job, which is why it is not done. Discussion ensued.

Ms. Yucupicio advised that she had looked into three (3) options that were, in her professional opinion, viable; adding that costs had been obtained and the vendor she would choose affords the ability to go back and make chapter marks. Mr. Desilets pointed out that he was suggesting this be made an option in the current RFP thus having the vendors explain the costs. Mrs. Case noted that Ms. Yucupicio has the costs, and discussion ensued.

Ms. Yucupicio noted that she has had some discussion with Mr. DeLong previously; reiterating that she had determined the three viable options and brought them to the WCAB, who were not interested. She reiterated she does have some costs and numbers from the beginning of this year which are still valid; with the price from their preferred vendor, Lantronix, remaining the same. Discussion ensued regarding video indexing versus chapter markers, and that both have equipment needs and require going back to watch older meetings.

Mr. Desilets expressed he was happy to hear that, as part of her job, Ms. Yucupicio had been looking into this; adding that he may, in fact, have missed the Selectmen being informed of the outcome of her research. He asked that it be shared with Mr. Sullivan, so the Board can review it; seeking clarification as to whether Ms. Yucupicio had an issue working with Mr. DeLong to formalize the RFP if the Selectmen want to find out the costs. Mrs. Case noted that the costs involved with the company that the WCAB would want to use are within their discretion and do not require an RFP. Mr. Desilets indicated he had been asking Ms. Yucupicio.

Ms. Yucupicio advised she had no problem working with Mr. DeLong, as she has in the past. She went on to reiterate that when the WCAB comes to the Selectmen with a request, they typically want to go with a certain vendor; as would be the case here. Mr. Desilets inquired whether, if the Board were to put out an RFP, Ms. Yucupicio would be okay working with those vendors. Ms. Yucupicio replied she would bring the information to the WCAB with her recommendation.

Mrs. Case reiterated that these costs are within the WCAB purview, and could be accomplished without an RFP; adding that streaming has nothing to do with archiving. Discussion ensued, and Mrs. Case suggested that live streaming be removed from the RFP and the WCAB be allowed to proceed with the information they have gathered; bringing it to the Selectmen at budget time.

Mr. Desilets argued that the Selectmen do not have the costs in front of them because it has not gone through an RFP process. Mr. McLeod suggested it did not hurt to go out to RFP, and Mr. Breton indicated the WCAB should be allowed to go forward. Mr. Desilets then noted there were a couple hundred reasons why he would be opposed to that.

Mr. Hohenberger expressed support for Mr. Breton's and Mrs. Case's suggestion, in that it be passed off to the WCAB and they be allowed to do the legwork working with Mr. DeLong. Mr. Desilets expressed concerns with that, such as should the WCAB not want to do it for five years, when would they inform the Selectmen as such. Discussion ensued.

Mr. Breton inquired when the WCAB's budget discussion would be scheduled for, and Mr. Sullivan replied it would be after Thanksgiving. Mr. Breton felt this offered them plenty of time to work on something. Discussion ensued, with Mr. Desilets indicating he sees a vote against the IT Director and the 21st century as a whole. Mrs. Simmons noted that she has complete faith in Mr. DeLong, and is not delaying; adding she would like to see some collaboration with the WCAB. Mr. DeLong noted that sometimes it is better to work with people whom you're comfortable with, and doing so makes perfect sense to him; adding he liked the idea of being involved from the archiving standpoint.

Mr. Desilets noted he wanted a clear expectation of when the Selectmen were going to receive the information, and a discussion ensued. Mrs. Case pointed out that the WCAB has been doing this for years, and know what they are doing. She indicated it is not the price that counts, but rather what the equipment will do and how it blends with what is already in place. Discussion ensued regarding citizen interest.

Mr. McLeod noted he certainly wanted more information, which is why he supports the RFP; adding, however, that it could happen in parallel to Mr. DeLong and the WCAB working together. He also noted data should be gathered from other towns, such as population and subscribers, and what impact live streaming has had on their viewership. Discussion ensued, and Mrs. Case advised that research had been done at the time when the WCAB made the decision it was premature.

Mr. Desilets noted that, sometimes, you get what you ask for as far as viewership; and it does not mean that people are apathetic or do not want to attend. He suggested that, perhaps, a town who only had 25 viewers simply had not advertised it and that failure in one community does not mean anything. Discussion ensued.

Mr. Breton moved that the Cable Coordinator and Cable Committee look into live streaming. Mr. Hohenberger inquired about archiving, as well, and a discussion ensued in that they are totally different.

Mr. Breton clarified his motion to be that the Cable Coordinator and Cable Committee look into the concept of providing the Town of Windham residents live streaming, and to report back to the Board of Selectmen prior to budget time.

Mr. Hohenberger inquired about indexing, and Mr. Breton noted that live streaming is a product which goes over the air with related equipment, so it would be Ms. Yucupicio. Ms. Yucupicio noted that we currently offer video on demand, and their archive of DVDs is much like the Town Clerk's.

Mr. DeLong clarified that the reason live streaming, video on demand, and archiving get jumbled together is because they all come from the same place as far as visiting a web page and searching for a live or old meeting. He indicated that, from what he has seen, the three come as a bundled product, with live streaming and indexing being optional. Discussion ensued.

Mr. Desilets inquired how, based on Mr. Breton's motion, the Selectmen could assure Cable does not come back to the Board with just one vendor and, also, how they would know that multiple vendors had been allowed to provide their competitive costs. Mr. Breton noted that, based upon the purchasing policy, the WCAB will comply. Mr. Hohenberger concurred that the WCAB has to abide by Town Policy, and Mrs. Case confirmed they do follow the guidelines. She then reiterated that they could go out and buy the live streaming, but they usually obtain multiple inputs. Mr. Desilets reiterated that he would like to ensure that multiple vendors get to participate.

Mr. Breton amended his motion that the WCAB, with the IT Director, draft an RFP regarding live streaming, archiving, and indexing services. Mr. Hohenberger seconded.

After brief discussion in that this did not include the Town Clerk archives, motion passed unanimously.

WATER ORDINANCE: Mr. Desilets advised that the Board would be reviewing proposed revisions to the draft watering ban ordinance presented at the previous meeting. He reminded all that the Board did, at the same meeting, vote to enact a voluntary watering ban. Mr. Desilets noted that, although there are no fines if one does not adhere to the ban, the Board and staff would encourage people to do so. He indicated that the Board would discuss tonight whether to go further either this fall or in the spring; noting that Mr. McLeod had done considerable work on the draft.

Mr. McLeod noted that he had made a few comments at the previous meeting regarding the poor quality of the regulations which came from the DES; adding he stood by those comments as he believe they were fatally flawed as written and that he had gone through them to straighten them up in compliance with the RSAs. He advised he cleaned up the grammar/syntax, added a longer notice period so residents have a chance to be informed about the ban, as well as an appeal provision so anyone with an issue can come to the Board and plead their case. Mr. McLeod noted that, regardless of whether the Board changes their decision from last week, these regulations will be in place if they wish do something.

Mr. Hohenberger expressed his agreement with almost all of Mr. McLeod's changes, however, he felt the Board should enact it that night. He noted we are in a drought, and the only question he would have is regarding a provision wherein the Board can lift the restriction. Brief discussion ensued in that the regulation does contain one in Section VI. Further discussion then ensued regarding adoption of the regulations that evening, and Mr. McLeod noted that the Board could do so, but that does not mean anything in it is enforced.

Mrs. Simmons expressed her thanks to Mr. McLeod for his work, and then questioned the ten (10) calendar day notification period; specifically when it began. Mr. McLeod noted that as a paper of general circulation, the Windham Independent comes out weekly. Discussion ensued as to whether the ten (10) days would begin after Friday when the paper came out, or would it be ten (10) days from the bulletin board/website postings. It was the general consensus that it would be ten (10) days from the newspaper publication.

Mrs. Simmons then questioned whether that were too long a period, and Mr. McLeod suggested it could be reduced to five (5) calendar days. Mr. Sullivan clarified that, by law, the timing does have to be based upon the newspaper. Discussion ensued.

Mr. Desilets expressed concerns that it could be tight if someone needed to have a company in to adjust their system; suggesting five (5) business days instead. Mr. Sullivan noted that would be a valid reason for a waiver, clarifying that the first offense is only a warning. Mr. McLeod concurred with five (5) business days.

Mr. Breton questioned why businesses were not included in the ban, and Mr. Sullivan explained that the law only allows restrictions on residential water. Mr. Breton felt that, if the Board enacts this, then turning off the Town's irrigation should be discussed, as well. Mr. Sullivan noted that Pelham had ceased watering of their Town common and other areas, with the exception of sports fields. Discussion ensued, and Mr. Breton noted that if residents are being asked to help out, the Town should as well, since its irrigation is on private wells also. Discussion ensued.

Mr. Desilets then indicated he was disheartened by some comments he has seen about the Board's decision; noting that when the extent of the drought was realized a few months ago, information had been put out and the Board had spoken about it. He went on to indicate that, last week, when the Board voted he felt it was a 100% good faith, serious water ban and he wanted the public to recognize it as such; adding he did not view the voluntary ban as a compromise, but rather something that could be impactful.

After brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to adopt the Regulations Restricting Residential Outdoor Lawn Watering as amended by Mr. McLeod and to reflect five (5) calendar days, not ten (10), after publication in a newspaper of general circulation.

Mr. Bob Coole, Morrison Road, approached inquiring what agency the Board would be utilizing to determine a drought; with Mr. McLeod replying primarily the NH DES. Mr. Coole then questioned if the ban is put into effect now and remains in effect until spring, when does the Board plan to lift it. Mr. McLeod noted the Board would likely look at in late March/early April. Discussion ensued.

Mr. Sullivan clarified that, if there is no drought, the Board has no authority to restrict watering; in which case they would post for three (3) days in advance of a meeting at which the ban would be lifted. Mr. Breton noted that, of New Hampshire's 239 towns, 157 currently have some kind of ban in place. Discussion ensued in which it was clarified that the motion only adopts the regulations.

Motion passed unanimously.

Discussion then ensued as to which level of restrictions to impose. Mr. Hohenberger moved and Mr. McLeod seconded to impose a level 3, complete ban.

After discussion regarding the sports fields, appreciation for those who had contacted the Board and/or stopped watering after the voluntary ban, and the various restriction levels, motion passed unanimously.

Mr. Desilets then clarified for those watching that the Board had officially adopted a non-optional, 100% required ban on residential outdoor lawn watering; adding that while it technically does not go into effect for a number of days, those watching should prepare.

Mr. McLeod then interjected to correct that the Board cannot implement the ban this evening. Discussion ensued regarding the wording of the regulations and the agenda, as well as the previous discussion. Mr. Desilets indicated he saw no need for the clause in question, which required three (3) days advanced notice of the Board's discussing same; adding that if the Board amended the policy to remove it the ban could go into effect immediately.

Further discussion ensued before Mr. McLeod moved and Mr. Hohenberger seconded to waive the notification provision relative to posting of a meeting to discuss this matter. Passed unanimously.

Mr. Hohenberger again moved and Mr. McLeod seconded to enact a level 3, complete water ban. Passed unanimously.

Mr. McLeod recused himself from the Board due to a potential conflict given his association with Windham Soccer.

Mr. Hohenberger then moved and Mrs. Simmons seconded to turn of the spigots at Griffin Park.

Mr. Desilets sought clarification as to where we water; with Mr. Sullivan replying Griffin Park, Tokanel, Nashua, and other sports fields. He noted we do not have any non-sports field irrigation systems with the exception of the Searles facility.

Mr. McLeod, on behalf of Soccer, suggested that the Board speak to the Recreation Coordinator and Boyden's Landscaping to ensure that, what is a sizeable town asset, does not suffer; adding it may or may not need water for grub control. Mr. Breton noted that some of the residents have sizeable assets, also, and a lawn is much different than a field. He suggested that the fields be watered only at night, and that the School District be asked to do the same

Mr. Popovici-Muller, School Board Chair, noted that, given he does not have the information to determine the appropriate level of watering necessary to preserve the fields, he would suggest administration be directed to reduce watering as much as possible while maintaining the fields. Discussion ensued, with Mr. Desilets suggesting the Town and School propose to the Board a significantly reduced watering strategy which can be enacted immediately at the next meeting; adding that a ban like this could have an appreciable impact on the sports fields.

Mr. Hohenberger expressed that he was not in favor of saying the Town was more important than any resident; adding that water can be brought in as it was when the pond was low, although it would cost the Soccer League some money to keep the fields watered.

Mr. McLeod suggested that perhaps Mr. Sullivan could work with Ms. Haas to look at Kentucky Bluegrass for over seeding; adding that the legislation is geared towards decorative grass whereas fields are functional. Mr. Desilets concurred this would not be backed by statute, just the will of the Board. He indicated he did not feel he understood well enough how much water the fields are using; adding he felt he could trust the Town and School to enact significant conservation measures and leave it up to them. Mrs. Simmons proposed that a level 2 restriction be suggested to them, so that they are watering every other night.

Discussion ensued, and Mrs. Simmons withdrew her second; asking that this be brought up at the next meeting with more information from the Recreation Coordinator.

Mr. Breton moved that the Town enact water conservation measures wherever possible, and that a letter be sent to the School District requesting same.

Mrs. Simmons requested that Mr. Breton amend his motion to include obtaining feedback from the Recreation Coordinator and the Athletic Director. Mr. Breton felt his motion covered that, as it allowed them to enact what they felt best.

Mrs. Simmons seconded.

Mr. Popovici-Muller noted that the School District will do everything possible; adding they are meeting twice this week and he will bring it up and was sure his fellow Board members will agree to implement what they can. He indicated he will communicate what the District is doing back to the Board.

Mr. Hohenberger advised that he would be voting no, as there are other methods available to get the lawns watered (eg bringing outside water in) and he did not see the Town's use of grass as being any different than other people who may have trophy lawns; adding the latter are going to be upset that they cannot water and it is not right to not put the same restriction on the Town.

Mrs. Simmons indicated she appreciated Mr. Hohenberger's position; adding that she would support that, but she needed to know the numbers as to cost/how often water would be needed. Mr. Desilets noted that information could be gathered over the next two weeks.

Mr. McLeod noted that, from the Soccer Association perspective, he would suggest it was the Town's responsibility to pay for the water coming in; as WSA has entered into contracts with people who have paid money expecting to use the Town's fields. He felt that to now tell them "no" unless they pay more money runs contrary, and if it is the Town pulling the plug, then the Town should pay the money. Discussion ensued.

Mrs. Simmons inquired whether a rundown of costs could be available by the next meeting, and a discussion ensued regarding when the systems will be blown out and Mr. Breton's motion.

Motion failed 2-2, with Mrs. Simmons and Mr. Hohenberger opposed.

Discussion ensued, and Mr. Breton clarified they would not have been telling them, but rather, asking them to do something. Mr. Sullivan noted that something can be done, even if we only cut back to one watering per week. Mr. Breton reiterated that he was asking that they put into place measures that they thought necessary. Discussion ensued, and Mr. Desilets determined that the last vote would be retaken.

Motion passed 3-1, with Mr. Hohenberger opposed.

Mr. Sullivan advised he will speak to Ms. Haas and the landscaper and whatever measures are plausible and possible for the sports fields will be put into place.

Mr. Breton inquired whether we have rain sensors on the systems, and Mr. Sullivan replied he did not believe so. Mr. Breton suggested one be purchased the next day, as the costs for same are not exorbitant. Mr. McLeod pointed out that sometimes the sensor may not absorb enough water during a rain event and that it is entirely possible to have one in place and the system still run. Brief discussion ensued regarding the Planning Board requirements regarding lawns/irrigation systems.

Mr. McLeod resumed his seat with the Board.

SIDEWALK SNOW REMOVAL CONTRACT: Mr. Desilets advised that the Board will consider an offer to extend the current contract for sidewalk snow removal for an additional year, or more, at the current price of \$25,000/season for existing sidewalks, as well as an additional \$5,500/season for the newly constructed sidewalks on Route 111; explaining that the last contract had provided a per storm cost on the latter. Mr. Desilets noted that Delahunty Nurseries is the current vendor and, last year, only two bids had been received of which they had been lowest. He indicated staff's recommendation would be to extend.

Mr. Breton inquired whether Mr. Yennaco will consider three years, and Mr. Sullivan replied that he might; clarifying that when this was first bid it was only for one year. Mr. Sullivan noted that Mr. Yennaco had approached the Town regarding the extension, and he can certainly inquire if he will do three years.

Mr. Breton then moved and Mr. McLeod seconded to extend the contract for sidewalk snow removal for two years, and to inquire for an optional third year for budgeting purposes.

Mr. Desilets indicated that believed last year there had been much public input, however, no one was in attendance tonight. He felt this was a not an insignificant amount of money, nor was this a discussion that should not be had in the future. Mr. Desilets indicated he was a proponent of doing it for the first year, and that he supported this year, but he saw no reason not to be fair and open this up to other bidders; urging caution in beholding the community to this for an extended period of time.

Mr. Sullivan clarified that this not an atypical situation; citing as an example Mr. Boyden's contract. He noted that, based upon the bidders who responded last year, there are not many who do sidewalk snow removal and that he would continue to recommend the extension and support Mr. Breton's motion. Discussion ensued, wherein Mr. Desilets noted that the losing business is now aware of the price that we are paying, which is how competitive bidding works.

Mr. Bob Coole approached seeking clarification as to which sidewalks this pertained to, and it was noted it pertained to all. Mr. Sullivan clarified that some are still owned by the State, however, it is the Town's obligation to plow them. Discussion ensued regarding the new Federal contract executed in 2012 and whether or not it meant the Town had to plow them. Mr. Breton also noted that the Board had included the walkway at Griffin Park.

Mr. Coole questioned whether, if it were put out to bid, the vendors would know about the extra length of sidewalks that have been put in. Mr. Sullivan noted they were clearly included in last year's bid, which had requested a package price for the known sidewalks and a per storm cost for the impending ones. Discussion ensued.

Mr. Desilets noted it would seem there was more than enough time to make a decision and have a fair and open bid process; questioning whether we were expecting snow next week. Mr. Sullivan clarified that plowing for this year is under the current contract, whereas the offer was brought forth for going forward.

Motion passed 3-2, with Mr. Desilets and Mr. Hohenberger opposed. The latter clarified it was because he was not in favor of the plowing at all, while Mr. Desilets indicated he was opposed because there was not a fair and open bid process.

Mr. Sullivan advised that bids will be going out to do the sidewalks around Town facilities, as with the reorganization of the Maintenance Department building snow removal will be contracted. Discussion ensued regarding the parking lots and that staff is looking at bids for both.

Mr. Desilets then noted that, when spring had arrived, it appeared the lawn had been damaged at Griffin Park during snow removal; questioning whether it had been repaired and noting he would hope the correct tool would be used for the job.

OLD/NEW BUSINESS: None.

CORRESPONDENCE: Mr. Sullivan advised a letter had been received from the Department of Transportation approving the Route 111 Beautification Committee's request to place four "Welcome to Windham" signs. He indicated there are some conditions, and that two cannot be installed until the DOT project is complete; adding he will advise Mr. Letizio via email of same.

Mr. Sullivan advised that the old police station/preschool is again generating some interest, as he has received a few phone calls and, that afternoon, a letter. He indicated that there are people interested should the Board decide to put the building back out for lease; noting the letter of interest received was from a company who would like to open a kitchen/bath center. Mr. Sullivan advised he will maintain the letter on file until such time as the Board's position changes. Brief discussion ensued regarding the warrant article, which did not pass, and the declining condition of the property. Mr. Sullivan indicated he will have staff look into the latter.

Mr. Sullivan read the attached correspondence into the record from Windham Lacrosse to Ms. Haas advising of their intent to separate their program from the Town of Windham. Mr. McLeod indicated he fully supported the separation plan, with one minor edit. He noted that Lacrosse has grown thanks to working with the Town, and that they are doing the right thing to grow their program going forward; however, he did not agree with their provision that their field allocation remain the same, as Ms. Haas needs the flexibility to allocate fields annually. Mr. Sullivan noted he had read it as it would be directed by the Coordinator. Brief discussion ensued, and Mr. McLeod indicated he would concur if that were the case. Further brief discussion ensued regarding the manifest, and that those payment requests will also go away.

Mr. McLeod then moved and Mr. Breton seconded to support Lacrosse's endeavor, subject to his one caveat, as stated. Passed unanimously.

Mr. Sullivan requested that the Board approve an addendum to the Purchase and Sale agreement for parcel 16-C-5; clarifying this had been discussed in non-public the previous week and pertained to the need for a quiet title process on the property. He explained that the prospective purchaser, Mr. Lannon, had agreed to extend the P&S until March to allow the process to take place.

Mr. McLeod moved and Mr. Breton seconded to authorize Mr. Sullivan to execute the Purchase and Sale agreement addendum. Passed unanimously.

Mr. Breton requested that a warrant article be worked on to put monies garnered from surplus vehicle sales towards capital improvements. Mr. Sullivan advised this will come as part of the budget process.

MINUTES: Mr. McLeod noted that an amendment was necessary to Page 2 of the 9/12 minutes, where the Board was discussing police grants; specifically, explanation as to why he had abstained from the vote.

The Chairman then tabled these and a number of other minutes which are pending approval.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 91-A:3 II b. Passed unanimously. Roll call vote all “yes”. The topic of discussion was personnel and the Board and Mr. Sullivan were in attendance.

The Board discussed the vacant Community Development Director position. Mr. McLeod moved and Mr. Hohenberger seconded to extend an offer of employment to the preferred candidate as discussed, subject to successful completion of the employment process. Passed 4-1, with Mr. Breton opposed.

Mr. Breton then moved and Mr. Hohenberger seconded to extend an offer of employment to the alternate candidate in the event the preferred candidate is unable or unwilling to accept the position. Passed 3-2, with Mr. Desilets and Mr. McLeod opposed.

Discussion then ensued regarding the need for a minute taker for the Board meetings. Mr. Hohenberger moved and Mr. Breton seconded to advertise for same. Passed unanimously.

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

Meeting was adjourned at 10:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

Note: These minutes are in draft form and have yet to be submitted to the Board for approval.

TOWN OF WINDHAM
MAINTENANCE DEPARTMENT



September 19, 2016

To: Selectman Breton

From: David Poulson & Jack McCartney, Maintenance Directors

Pursuant to our 9/12 workshop, we (Maintenance) apologize for any personal distress you felt as a result of our discussion on the JLMC Report and the subject of life-safety items. We acknowledge our response to your inquiry should have been more direct and concise by admitting the cited life-safety item should have been corrected in a more prudent timeframe. You were correct in your assessment of this very important issue.

Going forward, the JLMC and the Maintenance Department will ensure all life-safety items will be corrected within a 24-48 hour timeframe. When there is a delay, steps will be taken to protect the public from harm until the correction can be completed. A protocol will be developed and adopted by the JLMC, reviewed by appropriate parties, and made part of our Health and Safety Policy.

CC: David Sullivan, Town Administrator

Hi Cheryl,

As per our meeting on Friday, September 30, 2016 with Mr. Russ Perkins and Mr. Tom Kendzulak, I would like to formally request that Windham Youth Lacrosse be allowed to leave its affiliation with the Town of Windham Recreation Department and operate in the Town of Windham as a separate non-profit organization. This would be similar to every other youth sport organization in Town.

As we discussed, we are so very grateful for all of the support that the Town of Windham has given our organization since it was established. Our request for leaving the Windham Recreation Department is by no means due to any incident, management issue, or lack of Town Support. Our decision to leave is solely that we believe it is a necessary step in order to allow our organization to grow and adapt to the ever changing needs of one of our countries fastest growing sports. We formally request this separation as of November 1, 2016.

Again, as discussed in our meeting we understand the following:

- Our field allocation and time will remain the same with the use of Nashua Road, Griffin Park and Searles fields from April till the end of June as scheduled by the Director of Recreation. We will pay an annual fee to the Town as set by the Director of Recreation to assist with the maintenance of these fields.
- We will be responsible for the storage of our own nets and equipment.
- We are required to have our own insurance and we will be doing this through US Lacrosse.
- We will be responsible for our own funds, website and on-line transactions. We have received our 501 c3 non-profit status and will be responsible for setting up our new bank account and managing our own on-line transactions. We do understand that we will leave \$100 in our account to cover any monthly charges incurred by the Town of Windham for the month of November.

Once again, the Windham Lacrosse Board thanks the Town of Windham and the Windham Recreation Department for all of its past support and for their continued support as we make this important transition as a new Windham organization.

Sincerely,

Joseph Connelly
President, Windham Youth Lacrosse