

BOARD OF SELECTMEN
Minutes of June 19, 2006

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Margaret Crisler, Alan Carpenter, and Dennis Senibaldi were present, as was Town Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Carpenter noted he had the pleasure of bicycling the rail trail over the weekend, where he saw several other people utilizing it as well. He reported the first coat of pavement is down, with only the finish coat remaining.

Fire Chief Tom McPherson introduced newly hired Firefighter/Inspector Ken Whicker, who began his duties the previous Monday. Mr. Whicker comes to Windham from the Rindge Fire Department, and received high recommendations from his peers and former Chiefs. The Board welcomed Mr. Whicker, who thanked the Town for the opportunity.

Police Chief Lewis advised the Board that the Department had received the donated cubicles from TD Banknorth, and was in the process of setting them up now. He noted that more items are available, including desks and chairs, all of which are valued under \$500. Mr. Hohenberger moved and Mr. Carpenter seconded to accept the donation of additional furniture from TD Banknorth. Passed unanimously.

Mr. Stearns inquired how the recently purchased Ford Explorer was working out, and Chief Lewis noted very well.

CORRESPONDENCE: Letter received from Ms. Nancy Kimball, expressing concerns regarding Tokanel Field and the Board's intent to utilize Town funds toward its repair in light of the defeat of the special article for \$30K at Town Meeting. Mr. Stearns explained that the Board had not supported the special article regarding Tokanel Field, as \$25K was already available that could be used towards repairs. He noted the Board was not opposed to fixing Tokanel Field, but did not want to ask for additional funds from the taxpayers.

Ms. Kimball's letter also referenced what she felt was a similar occurrence with Griffin Park when Phase II was defeated by Town Meeting, and Mr. Stearns noted that the Board felt Griffin Park should be completed through donations. Mr. Carpenter noted that neither vote was against the projects, but against further taxation.

Mr. Stearns pointed out that the Board also cannot abandon Tokanel Field, as it was built with Federal funds.

Mrs. Crisler noted that, in reference to Griffin Park being a "sports complex" as opposed to a park, a survey of the Town had been conducted prior to construction, which overwhelmingly showed a desire for what was currently there. She did, however, agree that there was a need for more passive recreation space in Town.

Mr. Senibaldi echoed Mr. Stearns' and Mr. Carpenter's comments that the Special article only had been defeated, and that money had been in the budget to repair Tokanel Field.

Mr. Hohenberger indicated his agreement that the Town must be cautious regarding donations, which may come at no cost up front, but require funding further down the road, such as the well at Griffin Park. As Mr. Hohenberger had broached the subject, Mr. Sullivan advised the Board that the well would be re-fractured on Wednesday.

Letter received from Recreation Committee Chairman Ralph Valentine, indicating the Committee's recommendation that Mags Adamchuck be appointed as an Alternate to the Recreation Committee. Mrs. Haas, Recreation Coordinator, indicated that Ms. Adamchuck will be in attendance at a future meeting.

Letter received from the Highway Safety Committee relative to a request for "No Parking" signs at the intersection of Cobbetts Pond Road and 30' up Ministerial Road. A discussion ensued regarding enforcement and possibly adding further signage that additional parking for Roger's Field is available in the rear.

Mrs. Gail Webster, Cemetery Trustee Chairman, approached noting that parking along Ministerial Road interferes with funeral services. She noted that if parking started 30' down Ministerial it would put the cars at the Cemetery gate. A discussion ensued, and it was the consensus of the Board that, in such circumstances, the cars are to be towed.

Mr. Carpenter then moved and Mr. Senibaldi seconded to support the recommendation of the Highway Safety Committee that no parking signs be installed from the intersection of Cobbett's Pond Road 30' in either direction along Ministerial Road, and that signs be posted indicating additional parking is available in the rear. Passed unanimously.

Mrs. Barbara Coish, resident, approached and suggested that the Board budget next year to remove the trees in front of Roger's Field and update the parking area there.

The Board reviewed several requests from developers for street name approvals, as follows:

Copps Hill Estates: Requested name, Wellington Road. Mrs. Crisler indicated the HDC had researched the area, and found that "Cutting Road", "Porcupine Road", or "Deer Ledge Road" would all be historically appropriate for the area. A discussion ensued regarding the recently approved list of street names, procedure, and 911 requirements.

Mr. Carpenter then moved and Mrs. Crisler seconded to send "Cutting" and "Porcupine" to the developer as options. Passed unanimously.

Castle Reach: Requested name, Brewster Way. After some discussion, with input from Mrs. Crisler on behalf of the HDC, Mrs. Crisler moved and Mr. Hohenberger seconded to send "Walden Road" to the developer as an option, with an explanation of the Board's decision. Passed unanimously.

Clark Farm: Requested names, Clark Farm Road/Baxter Road/Crowell Road. After some discussion, with input from Mrs. Crisler on behalf of the HDC, Mr. Carpenter moved and Mr. Senibaldi seconded to send "Clark Farm Road", "Buckhide Road", and "Scotland Road" to the developer as options. Passed unanimously.

LIAISON REPORTS: Mrs. Crisler noted that the HDC continues to work on the demolition delay ordinance, and also will be seeking funds in 2007 for documentation of sites, etc.

RECREATION: Mrs. Haas advised the Board she had met with representatives from the NH Department of Environmental Services the previous week, and that no new information was available regarding the replacement sand for the Beach. DES is conducting more research on the matter, and a recommendation from them, Mr. Turner, Mr. McGuire is pending.

Discussion moved to the issue of ice cream trucks at the Town Beach. Mrs. Haas noted she had spoken with Mr. Sullivan regarding this matter. Mr. Sullivan noted that some communities issue one permit per year to one vendor, which Windham does not, and that the trucks pose a safety hazard.

A discussion ensued regarding whether it was safer to allow them in the parking lot or have them operate from the street, that there are no real concession offerings at the beach, and that the matter should be looked at closer for 2007.

Mr. Sullivan reiterated that if the trucks are allowed onto Town property, then any incidents could result in some Town liability. He noted that permitting the trucks would allow for background checks. A discussion ensued regarding posting “No Soliciting” signs and have Administration and the Planning Department work further on the matter.

Mr. Senibaldi then moved and Mrs. Crisler seconded to post “No Soliciting” signs as soon as possible at Griffin Park and the Town Beach. Passed unanimously.

Mrs. Haas advised the Board that the following bids were received relative to Tokanel Field:

Plaza Landscape- Windham, NH	
Creation of New Field w/Fenway Mix	\$26,950
Creation of New Field w/Premium Red Mix	\$29,950
Fencing/Backstop Installation	NO BID
Fisette Excavation – Pelham, NH	
Creation of New Field w/Fenway Mix	\$24,500
Creation of New Field w/Premium Red Mix	\$28,500
Fencing/Backstop Installation	\$19,500
Total Bid with Fenway Mix	\$44,000
Total Bid with Premium Red	\$48,000
Earthtones – Pelham, NH	
Creation of New Field w/Fenway Mix	\$55,223
Creation of New Field w/Premium Red Mix	\$58,223
Fencing/Backstop Installation	\$20,828
Total Bid with Fenway Mix	\$76,051
Total Bid with Premium Red Mix	\$79,051
S&C Services – Windham, NH	
Creation of New Field w/Fenway Mix	\$53,603.60
Creation of New Field w/Premium Red	\$75,290
Fencing/Backstop Installation	\$18,654
Total bid with Fenway Mix	\$72,257.60
Total bid with Premium Red Mix	\$93,944
Dzioba Construction – Derry, NH	
Creation of New Field w/Fenway Mix	\$53,705
Creation of New Field w/Premium Red	\$N/A
Fencing/Backstop Installation	\$19,275
Total bid with Fenway Mix	\$72,980
Total bid with Premium Red	\$N/A

Mrs. Haas stated that the Recreation Committee had reviewed the bids, and recommended that all be rejected. Mr. Senibaldi noted he had spoken to Mr. Sullivan about the bid specifications, and he felt the project should go back out to bid with a reduced scope of work.

Discussion ensued regarding other issues that exist at the field, such as drainage. Mr. Sullivan noted that the intent was to “flip” the field, which would include removal and replacement of all materials and irrigation, and pitching the field for proper drainage. Mr. Senibaldi indicated he would like

to revisit the field with the bidders and Highway Agent Jack McCartney to evaluate further what is needed.

A lengthy discussion ensued regarding the current condition of the field, the Committee's recommendation to reject the bids, and whether it was proper to just adjust the scope of work rather than re-bid. It was suggested that the Board support the Recreation Committee's recommendation and have them return to the Board at a future date. A brief discussion ensued about reverse bidding the project.

Mr. Hohenberger then moved and Mr. Carpenter seconded to reject all bids received and authorize the Recreation Committee or their designee to work with the vendors to develop and submit revised proposals.

Mr. Valentine approached, noting that he had been the dissenting vote on the Recreation Committee to reject the bids, however he supported their recommendation.

After further brief discussion, the motion passed 4-1, with Mr. Carpenter opposed. Mr. Carpenter felt the project should be sent back out to a full, open bid. A lengthy discussion ensued regarding the available options, however no decisions were made.

Mr. Valentine requested authorization for the Committee to expend funds to enhance the drainage at the Nashua Road soccer field. He noted that \$4K would allow for wetlands permitting, flagging/surveying of the area, and development of a plan and specifications. He then presented a proposal from a local engineer to complete these items.

Discussion ensued regarding the need for two (2) additional proposals as it is over \$1K, or whether the Board should waive the bid process.

Mr. Carpenter then moved and Mrs. Crisler seconded to authorize the expense of up to \$4K by the Recreation Committee to improve the drainage at the Nashua Road soccer field, provided two additional quotes are obtained and approved by the Town Administrator. Passed unanimously.

BOARD OF HEALTH: Mrs. Crisler moved and Mr. Carpenter seconded to enter into the Board of Health. Passed unanimously.

Mr. Senibaldi stepped out of the meeting.

1 Barker Road: Mr. Turner advised the Board that the applicant had reviewed their request further, and now indicates that 4' is attainable. Mr. Turner moved the Board deny this request for waiver of Section 103.1 of the Waste Disposal Regulations without prejudice, and Mr. Carpenter seconded. Passed 5-0-1.

Mr. Carpenter moved and Mrs. Crisler seconded to exit the Board of Health. Passed 5-0-1.

Mr. Senibaldi returned to the meeting.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mrs. Crisler seconded to enter into non-public session in accordance with RSA 93-A:3 IIb. Roll call vote, all members "yes". The topic of discussion was personnel, and the Board, Mr. Sullivan, Chief Lewis, and Ms. Devlin were in attendance.

The Chief discussed an ongoing personnel matter with the Board.

The public portion of the meeting resumed, with Mr. Stearns calling for a five (5) minute recess.

BOARD OF HEALTH: Mr. Senibaldi moved and Mrs. Crisler seconded to enter into the Board of Health. Passed unanimously.

8 and 11 Rocky Ridge Road: Mr. Turner explained that the lots currently consisted of a seasonal cottage and a two-family home owned by two

parties. The plan proposes removal of the seasonal dwelling, construction of a new dwelling, and installation of a new septic system to serve both properties. He noted the plan meets all requirements, except 4' of cover above the high water table for the septic, and that a system approved by the State for installation at 3' is planned.

In reviewing the plan, Mr. Carpenter inquired why the system could not be moved closer to the existing deck to obtain the 4' required. Mr. Joe Maynard of Benchmark Engineering, representing both parties, noted that doing so would result in the grading going toward the abutter, as well as effecting the setback requirements. Mr. Maynard also noted that rotating the system may impede the natural flow in the area. He noted that the "clean solution" is State approved at 3', and the system will consist of a gravity down/pump up to one leach field designed for 4-bedrooms. A brief discussion ensued regarding the additional loading requirements for two households.

Mr. Carpenter inquired how the high water table had been located, and Mr. Maynard noted that a test pit for modeling had been conducted, which shows the historical high water level in a particular area.

Discussion ensued regarding grading requirements versus a foundation/retaining wall to hold back the field.

Mr. Senibaldi then moved and Mrs. Crisler seconded to grant the requested waiver allowing reduction from 4' to 3' on lots 17J-105 and 17J-100A, according to the plans submitted and dated 01/31/2005 prepared by Benchmark Engineering.

A brief discussion ensued whether 4' could be obtained, and Mr. Maynard noted he had done all he could without removing the deck. Mrs. Crisler pointed out that the well radius requirements severely limit what can be done, as well.

Motion passed 5-1, with Mr. Hohenberger opposed, noting he believed more engineering could be done.

28 Ash Street: Mr. Carpenter moved and Mr. Senibaldi seconded to open and continue this hearing until July 17th at 8:30 P.M. Passed unanimously.

Mr. Hohenberger moved and Mrs. Crisler seconded to exit the Board of Health. Roll call vote – all members "yes".

SCHOOL BOARD: Mr. Sullivan presented two versions of Article 1 of the Special Town Meeting Warrant to the Board, noting the only difference between the two was one contained the metes and bounds description of the parcels. He noted that Town Counsel did not feel inclusion of the full description was necessary, however it was the Board's preference. Mr. Sullivan then reviewed Article 2 and 3 with the Board, both of which entailed only minor wording changes from the previous meeting. He noted that if Article 3 is approved by the Board, Town Counsel will immediately start the title search for the required 14 day notice.

Mr. Sullivan then noted that it appears Tuesday, July 11th for the Deliberative Session and Thursday, August 8th works for all parties.

Mr. Hohenberger suggested that the words "to wit" be removed from Article 1 and the long version utilized. The Board concurred, and executed the warrant as presented.

OLD/NEW BUSINESS: Mr. Sullivan advised the Board that Mr. McCartney had obtained a \$1500 proposal for minor repairs to Esty Road and the playground parking area, with 1/5 to be paid by the abutters. The work would include graveling/leveling off of the areas, at a cost of \$1250 from the Property Maintenance Trust.

Mr. Senibaldi moved and Mrs. Crisler seconded to authorize the expenditure of \$1250 for repairs to Esty Road and the playground parking area from the Property Maintenance Trust. Passed unanimously.

Mr. Sullivan noted a request had been received to purchase lot "8-A-52 (19 Seavey Pond Road)". He noted that the Assessor, Conservation Commission, and Planning Board all recommend disposal of this property and, if the Board concurs, sale can occur either through a public auction, sealed bid, or Town meeting.

Mr. Carpenter inquired whether this was a waterfront lot, and Mr. Sullivan replied in the affirmative and contains an accessory building. He recommended the Board dispose of the property through a sealed bid process, with the stipulation that the building be removed and the lot combined with another.

A discussion ensued, in which the Board determined they wished to conduct a site walk of the area prior to making a decision. Mr. Sullivan requested they also view lot "8-A-61 (Seavey Pond Road)", which he has also had an inquiry regarding.

Mr. Sullivan inquired whether the Board wished to authorize the closing of Town Offices on July 3rd. After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to close Town Offices on July 3rd per Mr. Sullivan's request. Employees will utilize their earned-time for this day. Passed unanimously.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mrs. Crisler seconded to enter into non-public session in accordance with RSA 93-A:3 IIc and d. Roll call vote, all members "yes". The topics of discussion were legal and reputations. The Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Legal: The Board discussed a request for damage reimbursement. Mr. Carpenter moved and Mrs. Crisler seconded to deny the request and follow-up with correspondence to the requesting party. Passed unanimously.

Reputations: Mr. Sullivan reviewed several properties with the Board for possible deeding. After some discussion, Mr. Carpenter moved and Mrs. Crisler seconded to instruct the Tax Collector to hold in abeyance the deeding of all properties as presented. Passed unanimously.

Mr. Carpenter moved and Mr. Hohenberger seconded to re-open the public portion of the meeting.

Mr. Carpenter then moved and Mrs. Crisler seconded to seal the minutes of the non-public session conducted at approximately 8:30 P.M. Passed unanimously.

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

The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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