

BOARD OF SELECTMEN
Minutes of January 26, 2009

MEMBERS PRESENT: Chairman Dennis Senibaldi called the meeting to order at 7:10 PM. Selectmen Bruce Breton, Charles McMahon, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Galen Stearns was excused. Mr. Senibaldi read the agenda into the record, followed by the Pledge of Allegiance.

LIAISON REPORTS: Mr. Hohenberger advised that the final Capital Improvements Plan would be presented to the Planning Board by the CIP Committee the following Wednesday at 7:30 PM.

Mr. McMahon noted that the Windham Housing Authority would be meeting the following day, as well as on February 3rd, to finalize the funding applications for the elderly complex which are due by February 6th. The Authority will meet at the Bartley House beginning at 10:00 AM.

ANNOUNCEMENTS: Mr. Breton extended his thanks to Planning Board member Nancy Prendergast for her assistance to Mr. Sullivan in assembling the Town's stimulus package submission.

Mr. Sullivan advised the Board that he had attended a meeting held by Congressman Hodes and, though the meeting went well, he did not believe the funds that are being anticipated will actually be available. He explained that, of the approximately \$780B in funds, the State of NH will receive approximately \$300M, 10% of which will be held back by the Federal government. Mr. Sullivan noted that no funding will go directly to municipalities as entitlements; rather they will be disbursed through a competitive application process using current grant program formulas used by the State. Mr. Sullivan advised that some of the projects being suggested by various departments/boards are outside the realm of the program, which is tailored toward shovel-ready projects.

Discussion ensued regarding potential uses on the State level for the funding, including the Route 93 project, Medicare assistance, and mortgage assistance. Mr. Sullivan indicating that there is no funding available for mortgages and that the 93 project had not been discussed.

School Board Chairman, Barbara Coish, approached and inquired whether the renovations to Golden Brook School could or should be included in the Town's stimulus package submission. Mr. Sullivan indicated this project may qualify, and should be included. Discussion ensued.

Police Chief Lewis approached stating he had been advised by the NH Fish & Game Department that the annual OHRV enforcement grant funds are now available. These funds serve to reimburse the Town for expenses related to enforcement along the Rockingham Recreational Trail at a rate of \$45 per hour, per officer. The Chief requested the Board's authorization to submit application for this grant. Mr. McMahon inquired whether approval was guaranteed upon receipt of an application, to which the Chief replied in the affirmative.

After a brief discussion, Mr. Breton moved and Mr. McMahon seconded to approve the submission of the OHRV grant request by the Police Chief. Passed 4-0.

OLD/NEW BUSINESS: Mr. Sullivan noted the time has arrived to submit the Town's mosquito control permit application, and requested the Board consider waiving the bid process to continue with the current vendor.

Mr. McMahon moved and Mr. Breton seconded to waive the bid process and have the current vendor move forward with the application process. Passed 3-1, with Mr. Hohenberger opposed. Mr. Hohenberger clarified his vote by noting his opposition was because he did not believe mosquito control to be a useful program.

Mr. Sullivan advised the Board that, after approximately three years, a lease agreement between the Town and State was now finalized for the Depot buildings, which the Town is currently working to stabilize and renovate through grant funding. Mr. Sullivan noted that, without ownership of some kind of the buildings, the Town cannot proceed with the project. Mr. Sullivan advised that lease term is 25 years, at zero dollars, and that the Depot Advisory Committee and staff are satisfied with the final language. He requested the Board's endorsement and execution of the document.

Mr. McMahon inquired why it had taken so long to finalize the terms. Mr. Sullivan replied that items of much discussion over that period had included the lease fee, clarification of what the Town was planning for the buildings (ie: rehabilitation versus restoration versus stabilization), and a clear understanding of what was being leased. Mr. Sullivan indicated that the latter had been established as the buildings themselves plus 20' around their perimeters. Mr. McMahon noted that the lease requires the Town to provide to the State final plans and cost estimates for the improvements within one year. Mr. Sullivan indicated this was due to the fact that the State has final approval of the plans.

Mr. Hohenberger sought clarification of the lease requirement that the Town maintain \$2M in liability insurance and agree to hold the State harmless for any incident. Mr. Sullivan noted that if the Town permits the general public to use the facility then such coverage must be carried, which is under the Town's current umbrella policy.

Mr. Breton then moved and Mr. Hohenberger seconded to enter into a lease agreement with the State of New Hampshire for the Windham Depot structures and land as described, and that the Chairman execute the lease accordingly. Passed 4-0.

Mr. Sullivan requested the Board endorse the contract with Integrated Paper Resources for the Town's single-stream recycling. Mr. Sullivan indicated that this a boilerplate contract, which specifies a fee of \$22.50 per ton received.

Mr. Hohenberger moved and Mr. McMahon seconded to approve the agreement with IPR, and to authorize Mr. Sullivan to execute the document. Passed 4-0.

Mr. Sullivan advised the Board that Mr. Andy Dufour, Mockingbird Hill Road, had contacted him to suggest that the Board request the NH Department of Transportation install additional signage at the traffic signal by Klemm's. Mr. Dufour's request is due to the fact that drivers often, intentionally or accidentally, utilize the left turn lane at this signal to continue straight along the by-pass.

Fire Chief McPherson approached in support of Mr. Dufour's suggestion, noting he has also witnessed the occurrence. He then requested that the Board make an additional request to the NHDOT to add a curb cut in the median just beyond this intersection, which will allow emergency access to the four homes located at 44-50 Range Road, behind the Searles wall. The Chief explained that, currently, emergency vehicles must travel to the end of the median, by Delahunty's, and attempt to make a u-turn to respond to these homes and that he had previously spoken to Mr. Stannus who had denied the request.

Mr. Breton suggested that two (2) separate letters be written, and that Chief McPherson's request be directed to Commissioner Campbell.

Mr. McMahon moved and Mr. Hohenberger seconded that a letter be drafted to the NH DOT requesting additional, left-turn only signage at the traffic signal by Klemm's. Passed 4-0.

Chief McPherson indicated he would provide his original letter to Mr. Stannus to Mr. Sullivan, and a brief discussion ensued. Mr. McMahon suggested that it be noted in the Commissioner's letter that a similar concern had been raised relative to those homes behind Citizen's Bank, and that plans and/or pictures be enclosed. It was the consensus of the Board that a letter be drafted to the Commission as discussed, which Mr. Breton will hand deliver.

Mr. Sullivan advised the he, Assistant Town Administrator Dana Call, Mr. Breton and Mr. Senibaldi had interviewed three (3) firms in response to legal bids received. He then suggested the members consider holding off on any decision until a full Board was present. The members present concurred.

Mr. McMahon advised that the Housing Authority, as part of their continuing efforts to acquire funding, was requesting that the Board of Selectmen draft a letter of assurance that once the access road to the facility is completed, it will be accepted and maintained as a town-owned roadway.

After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to draft a letter in support of maintaining and accepting the facility road once constructed. Passed 4-0.

JULIA WISSELL: At Mr. Senibaldi's request, Mr. Breton assumed the Chairmanship. Mr. Breton noted that Mrs. Wissell had forwarded two specific questions to Mr. Sullivan, who had then forwarded them to the Board.

Mrs. Wissell asked Mr. Senibaldi if he had called her home in July and September of 2008. Mr. Senibaldi replied that he had, to discuss town issues such as Londonbridge Road. Mr. Breton interjected that he did not wish to discuss what Mr. Senibaldi and Mrs. Wissell had talked about six months ago.

Mrs. Wissell then stated that Mr. Senibaldi had asked her to reveal who was posting on Mr. Case's unofficial website. Mr. Breton did not feel this meeting was the proper place to discuss this. Mr. Senibaldi replied that he did not recall asking Mrs. Wissell to do that, however, he asked what it mattered if he had.

Mrs. Wissell noted that Mr. Senibaldi had also asked for her help regarding the access road in swaying some of the posters on the bulletin board, and that a vote had been taken to ask her to help as a straight shooter. Mr. Senibaldi replied he had never said anything to Mrs. Wissell about a vote. Mrs. Wissell did not believe it was ethical for Mr. Senibaldi to ask for names of posters or for help in pushing a \$1.25M road, and stated it was wrong to “out” people. Mr. Senibaldi noted there is no accountability on Mr. Case’s website, and a discussion ensued.

Mr. Senibaldi stated that Mrs. Wissell had called him while he was on vacation and that he had thought about reaching out to her or having Mr. Sullivan facilitate a meeting between them, however, he had decided not to. He then indicated that he did not wish to debate Mr. Case’s site.

Mrs. Wissell then asked why Mr. Senibaldi had called her. Mr. Senibaldi replied that he had reached out to her because he had read her posts and knew her name from them. Mrs. Wissell disagreed that that was the reason, and stated she did not believe it was the right thing for him to do.

Mr. Senibaldi then advised Mrs. Wissell if she had any other questions of the Board she could ask those, as well. Mrs. Wissell indicated she had tried to do that the last time she had approached the Board, and had been shot down because of Mr. Case’s site, which she pointed out Mr. Senibaldi posts on, as well.

OLD/NEW BUSINESS CONTINUED: Mr. Dufour approached to inquire why the Town was negotiating a new contract with Comcast as opposed to looking at other providers, noting that Comcast’s service is awful without even local technicians available.

Mr. Sullivan explained that approximately 8 months prior the Board had authorized the Cable Advisory Board to negotiate a new contract with Comcast, the final draft of which will be presented to the Board in February. He further noted that the contract is non-exclusionary, which means that any provider can come into Windham as Verizon was going to in 2008, however no others have come forward. Discussion ensued regarding the cable franchise fees and services available as established by Comcast.

Mr. Dufour noted that he had spoken to Comcast regarding a credit for the December ice storm, and was advised that residents could not obtain one unless they contacted Comcast directly. Mr. Dufour indicated he had suggested to customer service that a letter be included in the next bill advising users accordingly. Discussion ensued regarding the Board sending a letter to Comcast suggesting same, and it was the consensus that staff follow-up to do so.

Brief discussion ensued regarding the impending Planning Board meeting on February 4th and the planned Ledge Road discussion.

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

After a brief discussion, Mr. Senibaldi moved and Mr. Hohenberger seconded to approve the Town Planner job description as amended to include “may be called upon to handle Code Enforcement duties.” Passed 4-0.

The Board discussed potential candidates for the vacant Planner position. No decisions were made.

Mr. Hohenberger moved to appoint Mr. Carl DePaolo to the Conservation Commission. There was no second.

Mr. Breton moved and Mr. Senibaldi seconded to appoint Mr. DePaolo to the Recreation Committee as an alternate member. Passed 4-0.

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

Mr. Sullivan made recommendation to the Board for the Annual Volunteer and Employee of the Year awards. The members concurred with Mr. Sullivan’s recommendations.

The Board reviewed potential candidates for the Director of Community Development position. Mr. Sullivan will follow-up to advise all applicants of their status accordingly.

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

The meeting was adjourned at 9:55 PM.

Respectfully submitted, Wendi Devlin, Administrative Assistant

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