

**BOARD OF SELECTMEN**  
**Minutes of September 27, 2010**

**MEMBERS PRESENT:** Mr. McMahon called the meeting to order at 7:00 PM. Selectmen Bruce Breton and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Ross McLeod was delayed and arrived at 7:05 PM. Selectman Galen Stearns was delayed at arrived at 8:30 PM. Mr. McMahon opened with the Pledge of Allegiance, and then Read the agenda into the record.

**ANNOUNCEMENTS:** Chief Lewis advised that the drug "Take Back" event in conjunction with the DEA had been very successful; with 74 pounds of drugs collected. Chief Lewis noted that, according to the DEA, Windham had an above average turnout. He noted that another collection would be planned within the next six months, or so, and that the NH chiefs are continuing exploring the placement of permanent boxes.

Discussion ensued regarding facilitating disposal of the drugs collected being the primary issue, and the need for legislation to allow for departments to place such boxes.

Mr. McMahon asked that the Chief clarify the reasons for such events, and Chief Lewis replied it was to discourage flushing of drugs which leach into the groundwater. He added it is also a safety issue to have old drugs in homes with small children.

*Chief Lewis* then introduced Captain Carl Wagner, noting that his promotion was the final step in the Department's reorganization. Chief Lewis advised that Captain Wagner had been with Department for a number of years and was well thought of by his peers and the community. He noted that Captain Wagner will be in charge of the Department's support services.

Captain Wagner's wife, Paula, completed the pinning ceremony, after which the Captain read a lengthy statement thanking, among others, the Department and his wife and children for their support.

*Mr. Sullivan* noted that the Wall Street Advisory Committee will be making a presentation the following evening at 7:00 PM at the High School.

**CORRESPONDENCE:** Notice of rate increase received from Comcast.

*Email* received from Recreation Coordinator Cheryl Haas requesting the Board add the Pelham/Windham Razorbacks to the Town Hall list of organizations that may utilize the facility at no charge.

Mr. Hohenberger moved and Mr. Breton seconded to approve the request. Passed 4-0.

**LIAISON REPORTS:** None.

**MINUTES:** Tabled.

**EAGLE SCOUT PRESENTATION:** Postponed to October 4<sup>th</sup> agenda.

**DEPOT PROJECT FINAL PRESENTATION:** Mr. Sullivan reviewed with the Board the project financials and extended thanks to the Depot Advisory Committee for their efforts in obtaining grant funds for the project and their assistance throughout. He reviewed several before and after photos with the Board, noting that the freight building interior had not been completed as its future use had yet to be determined.

Mr. Sullivan noted that there is \$21,674 remaining in funds from the original warrant article, and inquired whether the Board would consider allowing bids to be sought for construction of decking around the freight building. He noted that this would complete the project fully, with the exception of the continuation of the split rail fence.

Mr. Hohenberger inquired whether there were any other outstanding invoices on the project, and Mr. Sullivan replied there may be a couple relative to gravel for the area around the Depot, but it would come out of the Highway budget.

Discussion ensued regarding the Davis Bacon Law as it pertained to ARRA funding, that the remaining funds will lapse if not expended, that the conceptual plan as presented to the voters had included the deck in question, and the intent of the original warrant article.

Mr. Sullivan noted that the Board can reject all bids received, if necessary. He then noted that he did not believe funding would be available in the near future for the decking in these economic times. Discussion ensued regarding the size and location of the proposed decking. Mr. Sullivan advised that the Board could choose to complete the split rail fence with the remaining funds, if they desired.

After further, brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded that staff bid the decking as per the state approved design. Passed 4-0.

Mr. Mark Samsel, Chairman of the Depot Advisory Committee, approached and extended thanks to Mr. Sullivan for his efforts throughout the project. He then noted that the guardrail in question is intended for security and safety in the area. It will run from Depot Road along the trail and by the old sand pile with a gate; on the opposite side, it will run to the drop off and will serve to discourage off-road vehicles in the area. Mr. Samsel noted that the Windham Rail Trail Alliance is going out to bid for completion of the rail, and currently has \$4,500 available toward the project. Discussion ensued regarding off-road vehicles, which are allowed on the trail, and the funds needed to match another grant currently in place. Mr. Samsel clarified that in-kind services are being sought relative to the latter.

Mr. Samsel then advised the Board that a donation had been proffered of a B & M freight wagon, which will be before the Board in the near future for acceptance. Brief discussion ensued regarding the proposed location of the wagon.

Mr. McMahan requested that Mr. Samsel return to the Board with the quotes received relative to the guardrail, and Mr. Samsel agreed noting it would be approximately two weeks. After further, brief discussion, thanks were again extended to the DAC and Mr. Sullivan for their efforts in improving the Depot area.

**HIGHWAY AGENT JACK MCCARTNEY:** Mr. McCartney requested the Board's approval to expend remaining summer budget funds on improvements to several cul-de-sacs in Town. Possible areas included: Aladdin Road, Woodvue Road, Windsor Street, Oxford Road, and two locations on Autumn Street. Mr. McCartney indicated the cul-de-sacs would be widened to 25', where they are currently only 16'.

Discussion ensued, and Mr. McCartney clarified he would not bid the projects, but rather complete them in house via local contractors. It was the consensus of the Board that Mr. McCartney proceed as requested, and at minimum, Aladdin, Woodvue, and Windsor roads be completed.

**OLD/NEW BUSINESS:** Mr. Breton requested that the Board move to schedule all union negotiations to take place after 5 PM, noting that if the negotiations take place during the day representatives are being paid for their time. He also requested that a list of police and fire negotiators be obtained to ensure the negotiations are scheduled around those employees' shifts. Discussion ensued.

Mr. Hohenberger sought clarification that Mr. Breton was endeavoring to ensure that no employees were paid for their time in negotiations. Mr. Breton replied in the affirmative.

Mr. Breton then moved and Mr. Hohenberger seconded that all negotiations be scheduled so as to not incur costs to the Town. Passed 3-0-1, with Mr. McLeod abstaining.

Further brief discussion ensued.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91-A:3 II, a, b, c and e. Roll call vote – all members “yes”.

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

The Chief advised the Board of a disciplinary action initiated by him, and a resultant grievance filed by the employee. It was the consensus of the Board that this matter be scheduled for hearing on October 4, 2010.

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

Mr. Sullivan discussed with the Board the Cable Advisory Board's recommendation relative to the vacant Coordinator position. Mr. McLeod moved and Mr. Breton seconded to accept the recommendation of the WCAB and extend an offer of employment to the recommended candidate subject to the provisions of the Employment Policy. Passed 3-1, with Mr. Hohenberger opposed.

*Mr. Sullivan* reviewed with the Board the recommended candidates for the vacant Searles Coordinator position. Mr. McLeod moved and Mr. Hohenberger seconded to accept the recommendation of the Historic Committee and offer the contract as drafted to the candidate in question. Passed 4-0.

*Mr. Breton* moved and Mr. McLeod seconded to accept with regret the resignation of Mr. MacDonald from the Economic Development Committee. Passed 4-0.

Mr. Breton then moved and Mr. McLeod seconded to appoint Mr. Young to the EDC to fill the term vacated by Mr. MacDonald. Passed 3-1, with Mr. Hohenberger opposed.

*Mr. Sullivan* discussed with the Board a request for leave without pay. Mr. Breton moved and Mr. McLeod seconded to approve the request for leave in accordance with the Personnel Policy. Passed unanimously.

*Mr. Sullivan* discussed a union matter with the Board. It was the consensus of the Board that Mr. Sullivan proceed to schedule this matter as discussed.

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

The meeting was adjourned at 8:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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