

BOARD OF SELECTMEN
Minutes of February 9, 2015

MEMBERS PRESENT: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Al Letizio, and Roger Hohenberger were present; as was Town Administrator David Sullivan. Mr. McLeod opened with the Pledge of Allegiance; immediately after which Selectman Joel Desilets arrived.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. McLeod noted the recent passing of long-time resident, Lena Thorndike; as well as that of Bill Russell. The latter was a former member of the Windham School Board, and also served terms as the School District and Town Moderator.

Mr. McLeod then extended thanks to all who had attended the Town and School deliberative sessions; adding that resident input to the Boards was of help and that it is good to see people get involved.

Mr. Letizio announced that, earlier this month, Boy Scout Troop 266 had produced their 97th Eagle Scout, and that another Life Scout has their Eagle Scout Board review coming up. He indicated that the Troop is planning a celebration of their impending milestone of reaching 100 Eagle Scouts; noting further that Manchester is the only other Troop to have reached the 100 mark. Mr. Letizio noted that a recognition event has been planned for all the scouting groups on Saturday, June 6th from 4-9PM at the High School. He indicated that he will be in attendance and would be pleased if the remaining Board members and other officials could be, as well.

Mr. Breton asked that the Chairman reach out to the School Board to offer the assistance of our Local Energy Committee; also, that amendments to the LEC by-laws to include a School Board representative in the membership be placed on an upcoming agenda. Discussion ensued regarding when to undertake the latter. Mr. McLeod noted that District Business Administrator, Adam Steel, had requested of him the contact information for the LEC, which he had provided; adding that this is a great opportunity for the Town and School to work together.

Mr. Mark Kovacs, LEC Chair, approached noting that he planned to get in touch with Mr. Steel later in the week to invite him to attend an upcoming meeting. He added that he supported the idea of adding a District member to the Committee. Discussion ensued regarding the possibility for increased grant opportunities that having a District presence on the LEC may bring.

Community Development Director Laura Scott announced that there will be a free business networking event on Thursday, February 26th, from 5P to 7P at the Village Green. She indicated that it is co-sponsored by the Department and the Toastmasters, and is open to all Windham businesses and non-profits. Ms. Scott then noted that the Village Bean had won the “Best of Business” award, which will be presented in March, and extended congratulations for same. Brief discussion ensued regarding the Award, which is part of a State-wide competition.

Mr. McLeod advised that National Grid’s presentation had been postponed to 2/23, as representatives were unable to attend due to the inclement weather.

HIGHWAY AGENT: Mr. McLeod noted that Mr. McCartney was in attendance to discuss paving projects for the upcoming year. Mr. McCartney noted that the primary project planned for the CIP funding would be in the West Shore Road area; as part of Pennichuck’s upgrading of their water lines. He indicated that there was approximately 11,000’ of roadway involved, and that Pennichuck would be doing the binder coat and the Town the finish coat on 8,600’; while the Town would engage Continental to do both the binder and finish on the remaining 2,400’. Mr. McCartney then noted that, with the department’s summer maintenance budget, he hoped to engineer and complete work on Gaumont, Ministerial, and East Nashua Roads.

Mr. Breton noted that he would like to, each year, get the bids for the annual road projects out earlier; citing concerns with timing of the bid awards and the paving season. Lengthy discussion ensued regarding timing of same and bidding of the proposed projects. Mr. Sullivan sought clarification as to whether the Board wished to place the West Shore Road area out to bid, as well, or should that be negotiated with the contractor already working in the area as part of the Pennichuck project. Further discussion lengthy ensued regarding the Pennichuck project and roads involved.

Mr. McCartney indicated that his recommendation would be that, if Pennichuck is unable to complete their portion of the project by July, then the Town utilize Continental to complete just the binder coat on the full 11,000' this year as no other vendor will be able to beat their price. Mr. Letizio sought clarification that Continental was the vendor working with Pennichuck, which Mr. McCartney confirmed. Discussion ensued regarding the various contractors, the bid process and past submissions, contractors who obtain their materials from Continental. Mr. Sullivan noted that his recommendation would be that, as the West Shore area is a special case, the Board should waive the process and meet with Continental to negotiate a price for same; placing the other projects out to bid.

Mr. Letizio moved and Mr. Desilets seconded to follow Mr. Sullivan's recommendation. Mr. Breton expressed concerns with just waiving the bid process; noting this involves a large sum of money and citing the varying prices in oil and the need for a concrete plan.

Discussion ensued, and Mr. McCartney clarified that if Pennichuck did not finish his recommendation would be to do the binder and let it set, and then the finish could be bid out. Mr. Breton indicated he would like a schedule of the project from Pennichuck as they are working in the Town's rights-of-way.

Further discussion ensued regarding Mr. Breton's concerns about scheduling of the project and timing of the bids, and Mr. Letizio noted that he had made his motion based upon staff's recommendation and expertise. Mr. Breton inquired whether it was a guarantee that, if it were bid, Continental would be lowest. Mr. Sullivan replied in the negative, but clarified that historically they have been and reiterated that most other obtain their materials from Continental. He then indicated that, if the Board was uncomfortable with the motion, three (3) quotes could be obtained.

Further discussion ensued regarding the scope of work (eg driveway tie-ins). Mr. Breton indicated that he agreed with piggy-backing on Pennichuck's project, but reiterated that he feels there should be a conversation with them regarding their schedule.

After further lengthy discussion, the motion passed 3-2 with Mr. Breton and Mr. Hohenberger opposed.

Mr. McCartney indicated he will return to the Board in the future with a schedule from Pennichuck, as well as further details regarding the proposed projects on Gaumont Road and the others.

LOCAL ENERGY COMMITTEE: Mr. Desilets advised that he had received a request to postpone from Mr. Manzo of the LEC, who was to do this evening's presentation. Mr. Manzo had asked that this be moved to the 2/23 agenda, as he was unable to attend.

OLD/NEW BUSINESS: Mr. McLeod advised that, as it pertained to the Board's finalization of their warrant article recommendations, Mr. Senibaldi had requested that the Board move up their discussion on Article 4. Mr. McLeod also advised that, due to his affiliation with Soccer, he would recuse himself.

Mr. Letizio assumed the Chairmanship, and noted that the article is currently "Recommended" 3-1. Discussion ensued regarding the amendment made at the Deliberative Session, and Mr. Hohenberger moved, based upon same, to "recommend" Article 4. Mr. Breton seconded.

Mr. Desilets noted that he had been waiting to hear whether or not the grant had been awarded; adding that the information had not been received. He noted that, as such, he had hoped the contingency would reflect at least 40 or 50%, which it does not; however, in light of assurances that the grant will be equal to at least 50% if awarded, he will maintain his support for the article.

Motion passed 4-0. Mr. McLeod then resumed the Chairmanship.

COMMUNITY DEVELOPMENT: Ms. Scott requested that the cash guarantee of \$7,500 currently in place for the property at 22 Haverhill Road relative to work in the Town right-of-way be rolled over into a new guarantee for site plan work related to landscaping. Ms. Scott clarified that the former was complete, and had been signed off on by the Highway Agent, and that the owner, MacThompson Realty, concurs with this request. Discussion ensued regarding the original guarantee for right-of-way work, and that the owners are aware that if the related warrant article to discontinue the right-of-way fails they may be required to remove the items therein at their cost.

Mr. Desilets moved and Mr. Letizio seconded to roll the \$7500 over into a site plan financial guarantee for landscaping as requested. Further discussion ensued regarding the Board's previous motion relative to the trees in the right of way and whether they were to be guaranteed for one (1) year. Ms. Scott clarified that there is a letter from the owners on file with Administration to the effect that they acknowledge they are responsible to correct/remove/repair anything in right of way at their cost. Further, brief discussion ensued.

Motion passed 4-0-1, with Mr. Breton abstaining as he believed that the minutes indicated that the \$7500 guarantee needed to remain in place specific to guaranteeing the trees.

Community Development/EDC Request: Mr. Letizio moved to approve the request to authorize non-Windham based businesses to sponsor the WEDC site at Windham-NH.com. He explained that there is a resident of Town who owns a non-local business who has requested to sponsor the site, and that the by-laws did not allow such to occur. Discussion ensued as to whether this would be a one-time authorization or a blanket one moving forward. Ms. Scott approached and clarified that when the website was created and pitched to the Board, she had indicated the sponsorship would always be by Windham businesses or non-profits. She noted that it was not part of the by-laws, however she would want any sponsor to be somehow connected to Windham.

Mr. Hohenberger sought clarification that the non-Windham sponsorship would be for a single month, and Ms. Scott replied in the affirmative. Discussion ensued in that the site would not be monopolized by non-Windham businesses, and that Ms. Scott prefers only a single ad at a time; rather than it appearing to be an ad-based site.

Mr. Desilets questioned whether the Board needed to rule on this request, or if it should be just left to Ms. Scott's discretion. Discussion ensued regarding it not being stipulated in the by-laws who could sponsor the site. No decisions were made, and thanks were extended to Ms. Scott for keeping the Board apprised.

Request to utilize Searles Facility: Ms. Scott noted that she had events planned for the Searles on June 16, September 12, and November 28; and requested that Board authorize these dates to be locked in and not subject to being "bumped" in favor of a paying event. Mr. McLeod clarified, if the Board were so inclined, that a waiver of sections R and C of the Regulations Governing the Use of the Searles Chapel for the following would be in order: June 16 from 3-5P for the Child Care Expo, September 12 from 10A-2P for the Annual Foodie Expo, and November 28 from 10A-2P for Small Business Saturday.

Discussion ensued in that each of these was a Saturday, as well as regarding wedding season. Mr. Sullivan clarified that Donna Markham, Searles Coordinator, has no concerns with Ms. Scott's request.

Mr. Letizio moved and Mr. Breton seconded to approve waiving of the Regulations as requested. Passed unanimously.

10-YEAR TRANSPORTATION PLAN: Mr. Sullivan noted the annual request had been received for any projects the Board wishes to submit for possible inclusion in the State's 10-year Transportation Plan. He noted that, currently the only Windham item in the Plan is the I-93 project; adding that he would suggest re-submission of last year's items including the Route 111 Corridor Study, replacement of five (5) bridges, and re-alignment of the Roulston Road/Route 28 intersection.

Mr. Breton suggested that the Town not submit too much, but supported the inclusion of the corridor study as it had received high points last time. Ms. Scott concurred with the latter; noting that the engineering request for 111 had scored highly on the planning and regional levels. She noted that she did not think inclusion of the bridges would hurt the Town, and a discussion ensued as to whether ours were red-listed as yet. Mr. Sullivan noted that he had no issue with not including the bridges, with the exception #2, the Castle Hill Road bridge, which is red-listed.

Further discussion ensued, and Mr. Breton suggested that the #2 bridge and the Route 28/Roulston intersection be combined somehow. It was the consensus of the remaining members that the two items be kept separate.

Mr. Desilets sought clarification as to the 2011 recommendation for Route 111 and what it referred to. It was clarified as being related to the Wall Street Study, and a discussion ensued as to the recommended roundabouts on Route 111, the conceptual plan; and that the recommended submission to the 10-year Transportation Plan would relate to actual engineering of the Route 111 corridor.

Further discussion ensued regarding the suggested items, and Mr. Hohenberger noted for the record that while he will support the recommendation, he remains opposed to the Corridor Study. He then moved and Mr. Letizio seconded to submit I-93, the Route 111 Corridor Study, the Castle Hill Road bridge, and the Route 28/Roulston Road realignment to the State as recommended. Brief further discussion ensued as to what Mr. Hohenberger was specifically opposed to, and the latter noted the roundabouts and sidewalks, plus the failure to explore an extension to North Lowell Road. Passed unanimously.

Mr. Breton requested that Mr. Sullivan copy Senator Birdsell on the submission letter.

SNOW POND FARM: Mr. McLeod noted that a request for a refund of fees paid for two (2) Zoning Board of Adjustment appeals had been received; citing financial hardship. Mr. Sullivan further clarified that, although the parties were requesting \$392, they had already received \$78 back which they had overpaid. Therefore the Board would, if so inclined, be refunding only \$314.

Mr. Breton inquired whether these cases are still pending, and Ms. Scott replied that they will be heard by the ZBA the following evening. Mr. Breton expressed concerns regarding refunding the fees before the cases, which are related to enforcement, are resolved. Discussion ensued regarding previous such requests, of which Mr. Sullivan indicated he'd only seen one in his tenure and it had been denied by the Board.

Mr. Hohenberger indicated that he believed this case was different; adding that he remains on the fence as to whether the enforcement action was contrary to what is an allowed use by the State. Mr. Sullivan noted that the ZBA case has yet to be argued, and the Board should be looking only at whether the fee represented a hardship. Discussion ensued. Mr. Desilets noted that he has been a party to this issue as the Alternate liaison to the Planning Board; adding that he concurred with Mr. Hohenberger.

Mr. Desilets then moved to waive the fees as requested. Mr. Breton seconded for discussion and then inquired whether this really represented a hardship as it relates to an appeal of an administrative decision. Mr. Sullivan reiterated that the matter has yet to go to the ZBA, and a discussion ensued in that a waiver of the fees, which only the Selectmen can do, would set a precedent.

Mr. Letizio noted that he had not seen in the request that it was due to a hardship; rather it was requested based upon what the applicant felt was selective enforcement. He went on to note that based upon the list of fifty-four (54) enforcement actions presented to the Board by the Code Enforcement Administrator, of which Snow Pond received eighty (8), he believed it had been proven there was no selective enforcement.

Ms. Wendy Lundquist approached to clarify the hardship; noting that in the past year the Farm had made only \$4,000. She noted that the fee represents 10% of their income, and with it they could purchase 3-4 months of hay.

Mr. Breton sought clarification as to whether the Planning Board has proposed an amendment to correct the issue of on-conformance; and Mr. Desilets replied in the affirmative. The latter then noted that, as it pertained to the list referenced by Mr. Letizio, he had not found it to be a useful tool or of good quality.

Further discussion ensued, and Mr. McLeod reminded the members that they need only decide on the issue of whether this is a financial hardship or not; adding that the balance of the issues are for the ZBA to decide. Motion passed 3-2, with Mr. Letizio and Mr. Breton opposed.

ADMINISTRATIVE ABATEMENT: Mr. Sullivan advised that Tax Assessor Mike Fedele was requesting that the Board approve an Administrative Abatement for the property located at 8 Red Fox Road; parcel 09-A-109. He indicated that the incorrect assessment table in the software had been applied to the property, resulting in an error in the valuation. Mr. Fedele was requesting an abatement in the amount of \$405.50 plus interest, for a total of \$410.80.

Mr. Hohenberger moved and Mr. Desilets seconded to approve the abatement as requested. Passed unanimously.

KINDER MORGAN MATERIALS: Mr. McLeod advised the Board that he'd had a discussion with Senator Birdsall and Mr. Breton relative to possibly scheduling a public discussion on March 23rd and inviting the State Representatives and Kinder-Morgan. Also, he would like the Board's input as to whether additional materials related to the Project should be made available on the Town website. Mr. Breton indicated he felt that the Kinder-Morgan page on the website should include only factual items related to the project.

Mr. Sullivan noted that, currently, all that is on the page is the presentation Kinder-Morgan made to the Board, and their notice of neighborhood meeting dates. Mr. Breton reiterated he believed only factual information from the applicant, such as official documents/filings, are all that should be posted; and that letters, news items and the like should not be included. Mr. Hohenberger pointed out that Kinder-Morgan's presentation is biased in their favor, and a lengthy discussion ensued regarding means to include other materials, such as labeling links as either applicant or resident submitted materials, and whether items such as resident letters should be included.

Ms. Scott approached to note that Kinder-Morgan's presentation had been made available on the website only at the Board's direction. She suggested that, as the area residents are going to host a meeting of their own on the project, their presentation from same be posted; adding that this would give equal standing to both sides on the website, without the inclusion of letters and the like.

Mr. Letizio inquired whether, if a submission were to be libelous or false and cause financial damage to Kinder-Morgan, the Town would become a party to same by posting it on the website. Mr. McLeod confirmed that there could be a risk; going on to agree that if the residents were to put together a presentation of their own that could be posted. Mr. McLeod then clarified that his idea of the additional meeting was based upon the fact that the State Representatives are a better target audience for the residents' concerns given the regulatory nature of the project.

Mr. Desilets noted that he had read all the letters in opposition to the project, but that he had not seen the one submitted to Mr. Sullivan in favor of same. He indicated that he would like to see all of the resident letters made public, with a disclaimer that the Town does not endorse them, as the writers put much effort into them and they don't seem to be of ill-intent.

Discussion ensued. Mr. Sullivan noted he believed Ms. Scott's solution seemed to the best, adding that he receives everything from letters to news articles and all are kept as part of the public record.

Mr. Homer Shannon, 15 Autumn Street, noted that FERC posts everything on their website regardless of the submitter's position. He indicated that he did not know whether there would be a liability to the Town, but a disclaimer would be warranted. He suggested that the Board check with Town Counsel; adding that he felt putting everything out there was a good idea provided it was not difficult to manage.

Mr. Breton noted that the National Grid project will result in the same issue, and inquired how this has been handled in the past. Mr. Sullivan replied that the information presented to the Board is posted, and any letters, etc., are maintained in the file. Discussion ensued and Mr. Hohenberger expressed his concurrence with Ms. Scott's suggestion. Mr. Letizio felt that, if it posed no liability to the Town, all documents received should be posted. Mr. Desilets and Mr. Breton concurred.

After further, brief discussion, Mr. Sullivan noted staff will post all the submissions to the website.

Mr. Shannon then advised that the previous Friday the residents had hosted a meeting at the Searles Facility, which had been videotaped and uploaded to YouTube. He shared the link with the Board, and it was noted this will be made available on the website, as well.

Discussion then moved to the proposed March 23 meeting, and extension of an invitation from the Chair to Senators Ayotte and Shaheen, and Congresswoman Kuster to attend. Mr. Breton noted that he believed Governor Hassan has requested that Kinder-Morgan conduct additional informational meetings, and Mr. Shannon concurred that there have been requests for more open house sessions. He added, however, that he was not sure what these would accomplish. Brief discussion ensued regarding the National Grid project.

Mr. Sullivan suggested that if a meeting were to be held on the 23rd it be kept to just the Kinder-Morgan project, and that it be held at the High School if possible. Discussion ensued and the Board concurred, with this recommendation.

Mr. Desilets then noted that he will be unable to attend that evening, and a discussion ensued as to whether to move the meeting to a different night. Mr. Sullivan suggested that Kinder-Morgan be held on the 16th, and the Board's regular meeting be held on the 23rd; which will keep the Board on their every other week schedule. Further discussion ensued regarding the need to hold the Kinder-Morgan meeting at the High School as the anticipated attendance will not fit at any other location.

OLD/NEW BUSINESS, CONTINUED: The Board conducted their final review of the Warrant, as follows:

- Articles 3, 5, 6, 7, 8, 9, 10, 11, and 12 – no changes made to the Board's recommendation as it appeared at the Deliberative Session.
- Article 13 – discussion ensued regarding the amendment to the sister article at the School Deliberative Session. Mr. Breton moved and Mr. Desilets seconded to "Not Recommend" Article 13. Motion passed 3-2, with Mr. McLeod and Mr. Hohenberger opposed.
- Articles 14, 15, and 16 – no changes.
- Article 17 – Mr. Breton moved and Mr. Letizio seconded to "Recommend". Motion passed 4-1, with Mr. Hohenberger opposed; clarifying that his opposition was based on testimony relative to the proximity of the lots to the Pond. Brief discussion ensued regarding the lots and whether they are individually buildable.
- Article 18 – no change.
- Article 19 – Mr. Desilets moved and Mr. Letizio seconded to "Recommend". Passed 3-2, with Mr. Desilets and Mr. Hohenberger opposed.
- Mrs. Barbara Coish approached advising she had just received a request via email that the Board reconsider their vote on Article 13 – the Heritage Hill Road right of way. After brief discussion, the Board took no action on this request.
- Articles 20 and 21 – no change.
- Article 22 – Mr. McLeod clarified that he had not, at the Deliberative Session, meant to imply that there was any nefarious intent behind the article; adding that he understood now the concerns of the Conservation Commission and the purpose of the article. He noted he would prefer that the Board include no recommendation or, if the Board reconsiders, he will probably abstain.

Mr. Desilets noted that he had been hoping to receive feedback from the Forestry Committee, which he had not, and that he had gotten the impression from their Chairman that she was happy serving in her current capacity. Mr. Letizio noted he believed it was good to have checks and balances in place; adding that while we have a fantastic Conservation Commission in place, he liked the idea of the separation which he believes makes both entities better. He then noted that, if it does not work out, then there would be a reason to look at a change. Mr. Breton concurred, noting that 40% of the Forestry Committee are members of Conservation.

Mr. Breton then moved to "Not Recommend" Article 22, and Mr. Letizio seconded. Motion passed 3-1-1, with Mr. Hohenberger opposed and Mr. McLeod abstaining.

- Articles 23 and 24 – no change.
- Article 25 – Mr. Letizio moved and Mr. Desilets seconded to "Recommend". Mr. Breton inquired what the final budget increase was, and Mr. Sullivan replied 2.64% if all items including the Greenway pass. Without the latter, the increase is 1.44%. Brief discussion ensued regarding cost of living increases. Motion passed unanimously.

- Mr. Dennis Senibaldi, School Board member, approached to request that the Board reconsider the motion on Article 13. He indicated that Mr. Breton's concerns seemed to be based on a lack of trust regarding the School Board, however, the Article does not guarantee the District will receive the land. He noted that the Board of Selectmen get to set any terms and conditions on the transfer and that he could not fathom why it could not go to the ballot with a positive recommendation. He stressed the importance of the parcel to the District, and reiterated that in the end Selectmen are not required to transfer it, however, the Article gives them the ability to do so.

Mr. Breton noted that he had been in support of the article prior and that while he had the utmost respect for Mr. Senibaldi, he had since thought more about the process leading to the Article. He noted he had changed his vote in order for the Board of Selectmen to maintain control over the parcel, and that doing so will not hold up the District as the Board of Selectmen could grant an easement if the District wished to build a road. Discussion ensued as to whether or not one of three (3) affirmative votes wished to reconsider, and why the District wanted the article at this time.

Mr. Letizio indicated that he would not move to reconsider, however, he respected Mr. Senibaldi's commitment. Mr. Breton suggested the Board waive their Rules of Procedure and not place a recommendation on the article at all, and a discussion ensued.

Mr. Breton then moved and Mr. Hohenberger seconded to reconsider the Board's recommendation. Mr. Desilets noted that the Board had a recommendation on every other article, and he would not be in favor of removing one from Article 13. Motion passed 3-2, with Mr. Desilets and Mr. Letizio opposed.

Mr. Desilets moved and Mr. Letizio seconded to "Not Recommend" Article 13; and that it be reflected on the ballot. Motion failed 2-2-1, with Mr. McLeod and Mr. Hohenberger opposed and Mr. Breton abstaining.

Mr. Breton then moved and Mr. Hohenberger seconded to waive the Board of Selectmen Rules of Procedure, and that no recommendation be placed on Article 13. Passed 3-2 with Mr. Letizio and Mr. Desilets opposed.

Volunteer Steward: Mr. Letizio moved and Mr. Desilets seconded to accept with gratitude a resident's offer to volunteer their time to assist in the stewardship of the Town Forest. Passed unanimously.

Committee Appointment: Mr. Sullivan advised that Ms. Bonnie Parenteau had submitted her resignation as a member of the Historic District/Heritage Commission; and that he would recommend that Ms. Joan Normington be appointed to fill her position. He added that the latter had been attending the HDC meetings for the last several months.

Mr. McLeod inquired how long remained in the term, and Mr. Sullivan replied one (1) year. Mr. Breton sought clarification as to whether there were Alternates who could be moved up and Mr. Sullivan replied in the negative; adding that staff has been advertising for vacancies.

Mr. Breton moved and Mr. Desilets seconded to appoint Joan Normington as a regular member of the HDC for a term of one (1) year. Passed unanimously.

Mr. Desilets moved and Mr. Letizio seconded to accept Ms. Parenteau's resignation with regret and gratitude for her service. Passed unanimously.

Old Police Station: Mr. Breton noted that he would like the Board to undertake a process similar to that completed by the Town of Durham when they re-purposed their old Town Hall; that being soliciting proposals for same. Mr. Sullivan noted that the only concern he has regarding this relates to the Board only being able to authorize lease of the building for a one (1) year period; as anything beyond that will need to go to Town Meeting. Discussion ensued, and Mr. Letizio noted that EDC's recommendation is that nothing be done with the parcel at this time, as it could impact the property surrounding it and preclude development. He noted that Mr. Breton's proposal is a good idea, but not in this particular case.

Lengthy discussion ensued amongst the members and Mr. Sullivan, with input from Ms. Scott as well, regarding zoning in the area, revenue potential, the differences between Durham's building and ours, the abutting parcels, and the EDC's recommendation.

Mr. Sullivan sought the Board's direction if their decision was going to be to hold off on any re-use of the building; noting that he has been approached by some interested parties. It was the consensus of the Board that this would be discussed under non-public.

CORRESPONDENCE: Bond release – One Weston Road, LLC. Ms. Scott clarified that this was not a total release, and that the Highway Agent and Engineer had both signed off in approval.

After a brief discussion, Mr. Desilets moved and Mr. Letizio seconded to approve the partial release of \$42,313.05, retaining \$125,130.61, as recommended by staff. Passed unanimously.

MINUTES: Mr. Hohenberger moved and Mr. Letizio seconded to approve the minutes of 12/22 as written. Passed 4-0-1, with Mr. McLeod abstaining due to absence.

Mr. Letizio moved and Mr. Desilets seconded to approve the minutes of 12/29, 1/5, and 1/12 as written. Passed unanimously.

OLD/NEW BUSINESS, CONTINUED: Ms. Jessica Caldero, Heritage Hill Road, approached urging that the Board place a recommendation back on Article 13; adding that she thought deliberation on the matter was over and she feels the Board was pressured into changing their vote.

Lengthy discussion ensued regarding assurances of Selectmen control, what steps the Board would take if it passed, and the lack of a plan from the School District. Ms. Caldero noted that she had seen an email from Mr. Steel to the Superintendent that laid out a plan for the area in question. Further discussion ensued regarding same, however, the Board took no action and made no changes.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Letizio seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, c, and d. Passed unanimously. Roll call vote – all "yes".

The Board, Mr. Sullivan, and Ms. Scott were in attendance.

Mr. Hohenberger moved and Mr. Letizio seconded to hire the recommended candidate for Conservation Commission minute taker. Passed unanimously.

Mr. Letizio moved and Mr. Hohenberger seconded to hire the recommended candidate for Planning Board/ZBA minute taker. Passed unanimously.

The Board and Mr. Sullivan were in attendance in the remaining sessions.

Mr. Sullivan updated that Board on matters relative to land acquisition and reputations. No decisions were made.

Mr. Desilets moved and several 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 not been submitted to the Board for approval.