

**BOARD OF SELECTMEN**  
**Minutes of March 7, 2016**

**CALL TO ORDER:** Chairman Al Letizio called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod, and Roger Hohenberger were present; as were Town Administrator David Sullivan and Finance Director Daniel Popovici-Muller. Mr. Desilets was slightly delayed. Mr. Letizio opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. Desilets recognized all who hosted the First Annual Robotics Championship the previous weekend. He indicated approximately 3,000 had attended, and the event had run very smoothly. Mr. Desilets also extended congratulations to the Windham robotics team.

*Mr. Letizio* noted he would like to recognize the Police and Fire departments for their actions during the 40 car pile-up on I-93 involving overturned vehicles/entrapments. He indicated that four other communities had been involved, as well. Fire Chief Tom McPherson echoed Mr. Letizio's sentiments; extending a "hat's off" to staff.

*Mr. Letizio* announced that there will be a business networking event on March 22 from 5:30 to 7:00 PM at the Village Bean. Individuals interested in attending should RSVP by March 19 to Community Development Director Laura Scott or online at windham-nh.com.

*Mr. Letizio*, noting this will be his last meeting, presented to the Town a gift of the State and US flags which had previously been displayed in the Community Development Meeting room. Mr. Letizio and his wife Patti had donated new, replacement flags upon his election; along with the first ever official Town flag. He indicated that the former flags – presented in wooden tri-fold display cases - had been cleaned, restored and officially retired.

Mr. Letizio noted that the State flag was hand-carried by his son, Navy Lt. Adam Letizio, to Tinker AFB; while the US flag was carried to Afghanistan by his daughter, Navy Lt. Samantha Letizio, where it was flown over Camp Integrity. Mr. Letizio also presented framed documents detailing the flags' retirements, as well as a Certificate of Authenticity from General Reeder as it pertained the US flag.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Desilets seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c. Roll call vote - all "yes". The topic of discussion was reputations, and the Board and Mr. Sullivan were in attendance. No decisions were made.

**COMMITTEE INTERVIEWS:** Mr. Sullivan advised that there was a vacant alternate position available on the Conservation Commission, as well as one regular on the Economic Development Committee. He indicated both had been advertised with a deadline for letters of interest of 2/29; adding Ms. Neelima Gogumalla had submitted an interest letter for the EDC and Mr. Brian McFarland for the Conservation. Mr. Sullivan then indicated that he had also received an email from Mr. Letizio that afternoon, expressing his interest in continuing on the EDC and the Route 111 Beautification Subcommittee; adding consideration of same would be at the Board's discretion as it was received after the deadline.

The Board then heard from Mr. McFarland. Mr. Hohenberger moved and Mr. McLeod seconded to appoint Mr. McFarland as an alternate to the Conservation Commission for a term of three years. Passed unanimously.

Mr. Letizio then recused himself from the Board; with Mr. Desilets assuming the Chairmanship.

Discussion ensued regarding Ms. Gogumalla's letter of interest and whether the Board wished to consider Mr. Letizio's request.

Mr. Breton noted that he had, prior to Mr. Letizio being on the EDC, served as the Board liaison to same with Mr. Letizio being a citizen member. Mr. Breton noted that, when Mr. Letizio was elected to the Board, Mr. Breton had moved to citizen member to allow Mr. Letizio to serve as liaison as he'd had some projects he'd wished to wrap up. Mr. McLeod sought clarification as to whose position was to be filled, and Mr. Sullivan clarified it would be Mr. Breton's as he had stepped down. He further indicated that the term would expire in 2016. Discussion ensued regarding Mr. Letizio's appointment expiring the following day, as he is the Board liaison to the EDC.

Mr. Letizio clarified that he had been asked by members of an EDC sub-committee if he could stay on to finish working on some possible zoning amendments. In addition, the Beautification Committee is about to implement their first phase, and he believes it would best serve the community for him to see that through. Mr. Letizio clarified that he would not stay on either committee beyond June.

Mr. Desilets noted that he sits on both sub-committees with Mr. Letizio, and he appreciated the latter's offer to continue, which he felt was appropriate. Mr. Breton noted it represented a good opportunity for Mr. Letizio to finish up, and Mr. McLeod concurred.

Discussion ensued regarding the number of positions advertised for due to vacancies, and that Ms. Gogumalla could reapply in June as Mr. Letizio will not continue beyond that point.

Mr. McLeod moved and Mr. Hohenberger seconded to appoint Mr. Letizio to the balance of Mr. Breton's citizen term on the EDC, though June of this year. Mr. Sullivan requested the motion be amended to include a waiver of process and allow acceptance of the letter of interest received after the deadline.

Mr. McLeod amended his motion, and Mr. Hohenberger his second, accordingly. Passed 4-0.

Mr. Desilets then moved and Mr. McLeod seconded to appoint Mr. Letizio to the Route 111 Beautification sub-committee for the same period of time. Passed 4-0.

Mr. Letizio resumed the Chairmanship.

**DONATIONS:** On behalf of Recreation, Mr. Sullivan requested the Board accept a donation of candy, valued at \$219.96, towards the Easter Egg Hunt from Shannon DiPietro of Coco Early.

Mr. Hohenberger moved and Mr. McLeod seconded to accept same with thanks. Passed unanimously.

**ABATEMENTS:** Mr. Sullivan reminded the Board that these had been deferred from the previous meeting, as the Board had questions; adding that two additional requests had since been added. Mr. Sullivan explained that Scott Marsh of MRI was available to answer the Board's questions.

Mr. Hohenberger inquired what the basis was for the recommended abatements on 20D-3003 and 3026. Mr. Marsh noted that the properties were in the current use program which, he explained, resulted in them been assessed at a substantially lower amount until a one-time payment of 10% of market value was assessed upon development. He indicated that 20D-3003 is a very steep lot and the owner had presented information regarding the substantial amount of fill it would require; adding the lot had recently sold for \$95,000. Mr. Marsh noted that the lot will be filled and built upon later on, and that he felt it appropriate to assess it down due to the significant topographic issues. Mr. Marsh then explained that 20D-3026 is flat and level now, and its current assessment has been brought in line, however he and Mr. Lessard had felt an adjustment was appropriate as it had also needed some fill and work.

Mr. Desilets inquired what 12 Bennington (20D-3026) had been on the market for, and Mr. Marsh noted it had just sold for \$200,000; however it was removed from current use in July and thus valued at that time, not now. Discussion ensued regarding comparables used, that lot sales in Town range from \$100-175,000, and that the lots are in saleable condition now. Mr. Marsh reiterated that this recommendation relates to the land use change tax, and is not an abatement, per se.

Mr. Hohenberger moved and Mr. McLeod seconded to approve the following abatements, as recommended: 01C-406 (\$901.38); 02B-231 (\$212.86); 03A-558 (\$812.33); 07B-45 (\$543.00); 17L-53A (\$154.21); 20D-3003 (\$2,888.76); 21B-30 (\$1,930.91); 21F-602 (\$1,613.80); and, a timber tax credit for 25R-7010 (\$1,856.00). Passed unanimously.

Mr. Desilets moved and Mr. Hohenberger seconded to deny the following abatements for 3 and 12 Bennington Road: 20D-3003 (\$10,500.00); and 20D-3026 (\$2,500.00). Brief discussion ensued before the motion and second were withdrawn. No further action was taken.

**BOND RELEASE - WALKERS WOOD:** Ms. Scott explained that this is a partial release, which the Planning Board has approved and the Highway Agent and Keach Nordstrom have signed off on.

Mr. Hohenberger moved and Mr. Breton seconded to reduce the bond amount by \$136,791.12, leaving a balance of balance of \$701,977.98. Passed unanimously.

**RABIES CLINIC:** Ms. Scott, on behalf of Town Clerk Nicole Bottai, indicated that in an attempt to expand the dog fair authorization was being requested to invite local, dog-related businesses and non-profits to participate and sell products. She indicated that participants would have to register with Mrs. Bottai in order to participate and to ensure their wares were appropriate.

Mr. Breton questioned whether, if the Board were to approve this request, going forward would the non-profits have to seek permission to hold bake sales, etc. on Town property. Discussion ensued in that businesses and non-profits would be invited to attend town sponsored events.

Mr. Hohenberger expressed concerns regarding the precedent this may set; citing Town Day and whether businesses would then be allowed to sell there. He indicated he had no problem with non-profits, however, he felt it was an issue bringing in even Windham businesses. Mr. McLeod concurred.

Ms. Scott noted that, to concerns about businesses, the local participating vet charges for the shots. Further discussion ensued.

Mr. Desilets noted he saw no problem with the request, as there are only a small number of dog related businesses in Town. He then moved to authorize sales by dog vendors at the Annual Rabies Clinic, along with non-profits. Mr. Breton seconded, and added that when the rabies clinic first started the shots had been free.

After further brief discussion regarding the location and that the request is for this year only, the motion passed 3-2, with Mr. McLeod and Mr. Hohenberger opposed.

**IT DIRECTOR:** Mr. DeLong approached noting he has been researching what to do with the Town's phone system for approximately a year now; adding the issue had begun with a voice mail problem and had evolved into needing to replace all of our phones. He indicated that the Board had directed he cut costs if possible, and he had first looked at the Town's bills to determine if there was a better way to obtain service.

Mr. DeLong went on to explain that he has had the Town's bills analyzed by a VOIP company, TSE, who has indicated they can estimate an \$18,000 per year savings for the Town. He noted that, while he did not believe savings would actually be that high, \$9,000-10,000/year or better is possible and, as such he was requesting the Board's authorization to go with a SIP (Session Initiation Protocol) system through TSE and then obtain costs for new equipment. Mr. Letizio commended Mr. DeLong for his efforts; adding he felt this request was heading in the right direction.

Mr. Sullivan clarified for the Board that Mr. DeLong was requesting that Town contract with TSE, as a sole source vendor, for the Town's phone service and that the related equipment hardware and installations costs would be placed out to bid; adding that, similar to our electric supply, TSE would thus be the Town's provider.

Discussion ensued regarding the difference between TSE serving as supplier and bidding the equipment. Mr. Breton suggested that the equipment be bid out as a lease and Mr. DeLong concurred, indicating that had been his idea as well.

Mr. Desilets noted this was excellent work by Mr. DeLong. He then inquired how, as TSE's estimated savings was simply a delta compared to current costs, we would know whether another provider wasn't equal to or better than TSE cost-wise. Mr. DeLong indicated he had proceeded with the same philosophy as years ago when OneComm had approached the Town with the potential for substantial savings; adding that TSE has proved invaluable to him over the years.

Mr. McLeod moved and Mr. Breton seconded to support Mr. DeLong's request to award a sole source contract with TSE for the purposes explained. Passed 4-1, with Mr. Hohenberger opposed as he would prefer to go out to bid whenever possible. Further, brief discussion ensued.

**HISTORICAL COMMISSION:** Mr. Sullivan noted there were two items before the Board, and requested they be taken independently; the first being a request for a name change, and the second adoption of Rules of Procedure. As to the latter, Mr. Sullivan advised that a draft had been received from the Historical Commission, which staff had formatted and edited in anticipation of the Board's review. He indicated that the edited draft had been sent to the Historical Commission, and based upon response the Commission was satisfied with staff's changes.

Mr. McLeod noted that he supported the change of name, as well as considering the staff amended Rules as he felt it was a stronger document.

He then moved and Mr. Hohenberger seconded to change the name of the Historical Commission to be "Searles School and Chapel Trustees." Mr. Desilets noted for the record, as liaison to the Commission, that they had voted unanimously to change the name.

Motion passed unanimously.

Mr. Desilets then concurred with Mr. McLeod that the Board should consider the staff document; adding that the draft submitted by the Commission represented excellent work. He went on to note that, in reviewing the two documents, he believed that the staff version would be amenable to the Trustees.

He then moved to approve the Rules of Procedure as written. Mr. McLeod seconded for discussion, which ensued regarding several suggested amendments by Mr. McLeod including:

- Punctuation changes
- Removal of reference to 20% and parenthetical language in Section IV A) 3.
- Change "shall" to "may" review under Amendments.
- Amend Section IV A) 1 d to read: "Upon the initial adoption of these Rules of Procedure, all then existing members' terms shall be converted to staggered terms not to exceed three (3) years such that, henceforth, no more than three (3) members' terms shall expire in a given year."

Discussion ensued regarding the current number of members, and reductions made to other committees, such as Conservation, due to quorum issues. Mr. Breton suggested the membership be established as five (5) regular members with two (2) alternates appointed to staggered terms. Mr. Desilets indicated that, from his time sitting in with the Committee, he knew they would not want that; rather, they desire it to read exactly as it did (7-9 members). Mr. Sullivan concurred, adding he had spoken to them and they were very firm that they wanted 7-9 members with no alternates. Discussion ensued.

Mr. Breton expressed concerns regarding the liaison language, and Mr. McLeod clarified that as written any such agreement would need to be mutual.

Further discussion ensued regarding membership numbers. Mr. Desilets noted the Committee would look to Mr. Sullivan to post to fill the seventh spot and, hopefully, get additional, new members.

Mr. Breton asked that language be added regarding posting of their minutes per RSA. Discussion ensued relative to adding language to the relevant section, and Mr. Breton suggested subsections b and c be stricken and the RSA referenced. It was the consensus that staff draft language and insert it as appropriate.

Mr. McLeod then suggested section IV A) 1, b be amended to add “balance of vacancies”.

Mr. Desilets then moved and Mr. Hohenberger seconded to approve the Searles School & Chapel Trustees Rules of Procedure as amended by Mr. McLeod and Mr. Breton. Passed unanimously.

Discussion then moved to the formal appointments of the existing members; with Mr. Desilets providing the Board with the Trustees’ suggested roster.

Mr. McLeod moved, based upon the Trustees’ input, to appoint Marilyn Baily, Sally D’Angelo and Peter Griffin as Trustees for a term of three (3) years; John Mentuck and Fred Linnemann for two (2) years; and Betty Dunn for one (1) year. Mr. Hohenberger seconded.

Mr. Breton inquired how long the 7<sup>th</sup> term would be for, and discussion ensued. Mr. Sullivan indicated he would suggest there be two, one-year terms. Further discussion ensued regarding the uniqueness of the situation and the need to keep the members engaged, as well as that it is very close to June which is when all terms generally expire. As to the latter, Mr. McLeod suggested that these terms encompass through next year. The members and Mr. Sullivan concurred; the latter clarifying that expirations would be 2017, 2018, and 2019.

Mr. McLeod then amended his motion that the 7<sup>th</sup> position be advertised as a one year term. Mr. Desilets noted the Trustees would like additional members as well, and suggested advertising for two 2-year and one 1-year positions. Discussion ensued, with Mr. McLeod withdrawing his amendment.

Motion passed unanimously.

Mr. Breton then moved and Mr. Hohenberger seconded to advertise for a seventh member for a term of one year. Mr. Desilets requested that Mr. Breton amend his motion to allow the committee to be filled out should others come forward. Mr. Breton felt that, should that happen, the Trustees could come to the Board to increase their membership. Discussion ensued, and Mr. Desilets expressed his disagreement with Mr. Breton regarding the need for the Trustees to come back to the Board.

Motion passed 4-1, with Mr. Desilets opposed.

**SEARLES WINDOW:** Mr. Sullivan advised that Mrs. Case had successfully obtained another grant from the Methuen Festival of Trees; which the Board needed to accept. Mr. McLeod moved and Mr. Breton seconded to accept the grant funds with gratitude for Mrs. Case’s hard work. Passed unanimously.

Mr. Sullivan then indicated that, as in the past, a waiver was being requested to allow for the window to be sole sourced to ArtGlass by Misci, who has completed all of the other stained glass windows. Discussion ensued as to the possibility of making this waiver a standing authorization for future windows, and it was the consensus of the Board that they preferred to waive the requirements on a case by case basis.

Mr. McLeod then moved and Mr. Hohenberger seconded to waive the bid requirements to allow for a sole source bid to ArtGlass by Misci. Passed unanimously.

**ENERGY CONSORTIUM:** Mr. Letizio requested this item be deferred and the members concurred.

Mr. Letizio then recused himself from the Board, with Mr. Desilets assuming the Chairmanship.

**RIGHT OF WAY REQUEST:** Mr. Letizio explained that he has had a plan in place since 2012 to improve his property; which has been delayed due to the I93/Route 111 projects. He indicated he is now almost ready to proceed, and will be going to the Planning Board one more time for improvements/enhancements to same. Mr. Letizio then reviewed with the Board the proposed expansion to his property, as well as proposed improvements within the right of way; the latter of which will include some stone structures, plantings, footpaths, and a replica of a historic Searles tower in the cul-de-sac. The latter will be 43' in height, with 35' of occupiable space; and will look similar to how the one behind ConvenientMD had when built by Edward Searles. He indicated he will cover 100% of the costs to construct and permanently maintain the tower, which will be donated to the Town upon completion; adding that the area will include irrigation, power, plantings/shrubs and, at the request of the Chiefs, live feed security cameras and motion detectors. Mr. Letizio indicated that the tower will not be open to the public, but will contain a single spiral stairway to the top.

Mr. Letizio then detailed some of the features incorporated into the tower design, including an airtight top to avoid deterioration and a man-made slate roof, and advised that he had also sought input from the neighbors and other committees which had been taken into account. He further indicated that, as Enterprise Drive is not yet owned by the Town, he was seeking conditional approval from the Board based upon the future acceptance of the road.

Mr. Hohenberger praised Mr. Letizio for a very classy plan, but added the issue he will have with approval is based upon his opposition to taking over Enterprise Drive. He indicated he would fear that granting a conditional approval to Mr. Letizio's plan would give the State the impression the Town will take the road. He felt the plan is good on its merits, but does not want to tie the two together.

Mr. Letizio indicated that he believed if the State was aware that the Board had given the plan conditional approval, then they will grant him approval to proceed. Discussion ensued as to whether the State would give Mr. Letizio approval to work in an area they intend to convey to the Town.

Mr. McLeod expressed his agreement with Mr. Hohenberger regarding the merits of the project, and that he applauded Mr. Letizio's efforts regarding the historical accuracy of the Tower. He then noted that the benefits of taking over Enterprise are many, and that the new construction has provided better traffic flow and relocation of the salt load. He indicated he would support the plan and conditional approval of same.

Mr. Desilets sought clarification as to whether feedback had been solicited from the Cobbetts Pond Improvement Association. Mr. Sullivan replied that the right-of-way ordinance requires the Board get comments from the Highway Agent, and Fire and Police departments, which Mr. Letizio had. He then noted that Peter Griffin had expressed support for the project, as did he; adding that Mr. Letizio had met with Mr. Monson of the CPIA, and the latter is in support of the plan and the Board giving it conditional approval. Mr. Sullivan then advised that the owner of Castleton had also expressed support of the plan and encouragement for the Board's approval. Discussion ensued regarding the benefits to Castleton, and Mr. Breton raised suggestions regarding acceptance of the road.

Mr. McLeod then moved and Mr. Desilets seconded to grant conditional approval of this plan for construction in what will be the Town's right of way should the Town accept Enterprise Drive.

After further discussion the motion failed 2-2, with Mr. Hohenberger and Mr. Breton opposed.

Mr. Breton felt the Board should conditionally approve the project and simultaneously state the reasons why; indicating the pros and cons for the road's acceptance in the future should be included. Mr. McLeod noted the cons included the incurred costs for plowing/maintenance, however, a resulting improved flow of traffic and moving of the salt load outweigh the cons. Mr. Hohenberger noted that none of those pros will change if the Town accepts the road, and felt the State wanted the Town to take on the maintenance cost as they did not want the expense; adding that the Town hadn't asked for Enterprise Drive. Discussion ensued.

Mr. Breton then moved and Mr. McLeod seconded to grant conditional approval of Mr. Letizio's project as presented. Passed 3-1, with Mr. Hohenberger opposed.

Mr. Letizio resumed the Chairmanship.

**INDIAN ROCK:** Mr. Letizio explained that there has been conversation regarding preservation of the historic Indian Rock, and a group of people has been formed wishing to do so. He indicated there has been a donation offered, there is an Eagle Scout who wishes to do a project at the site, and members of the legislature are willing to lobby at the State level to obtain the land.

Mr. Desilets added that the group had just recently met, and the Eagle Scout is very excited to begin. He also noted that Representative Kolodziej is working at the State level, and it is estimated it will take 4-12 months to bring the project to fruition. Mr. McLeod wondered whether an official highway historic site marker could be obtained, and a discussion ensued.

Mr. Letizio noted that the rock is on a four acre lot surrounded by other State owned land; and then played a video of the site for the Board. Discussion ensued. Mr. Breton suggested that Mr. Letizio be authorized to stay involved with these preservation efforts. The remainder of the Board concurred.

**OLD/NEW BUSINESS:** None.

**CORRESPONDENCE:** None.

**ANNOUNCEMENTS CONTINUED:** Mr. Sullivan reminded all to vote the following the day. Polls will be open from 7A to 8P at the High School.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Desilets seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and c. Roll call vote - all "yes". The topics of discussion were personnel and reputations.

Mr. Letizio then thanked all for the opportunity to serve the community.

Personnel – Mr. Sullivan updated the Board on a personnel matter and will follow up.

Reputations – The Board discussed a tax payment issue and agreed to extend an existing forbearance agreement until June 30, 2016

Reputations - The Board discussed a request by the former owner of 141 Londonderry Road to redeem their property taken by the town by Tax Deed. Mr. Hohenberger moved to sell the property back to the former owner in accordance with the Tax Deed statutes for all back taxes, interest, and \$5,000 in administrative and legal fees. Mr. Desilets seconded. Motion passed unanimously.

Mr. Desilets moved and several seconded to adjourn.

Meeting was adjourned at 10:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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