

BOARD OF SELECTMEN
Minutes of April 21, 2014

CALL TO ORDER: Vice-Chairman Al Letizio called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Bruce Breton and Joel Desilets were present; as was Town Administrator David Sullivan. Chairman Ross McLeod was excused. Mr. Letizio announced the passing of long-time resident and volunteer, Nancy Tullo, and requested a moment of silence be observed after the Pledge of Allegiance.

SKATE PARK RE-USE: Mr. Letizio noted that Recreation Coordinator Cheryl Haas, and Recreation Committee members Fred Connard and Mark Lucas were present for this discussion. He then indicated that the purpose of this discussion was to garner public input into potential uses for the former skate park area at Griffin Park. Mr. Letizio noted that the suggestions gathered would then be reviewed by the Recreation Committee and a recommendation submitted to the Board of Selectmen for review. He then opened the floor to the public and the following suggestions were presented:

- Mrs. Barbara Coish, President of the Windham Seniors, advised that the ideas posed by her group related to passive activities such as shuffleboard, bocce, horseshoes, and/or a grass area with shade trees.
- Mr. David Howard, Windham Community Band, approached suggesting that an outdoor performance stage be constructed for use by a wide range of local groups and organizations; for plays, concerts and similar events. Mr. Howard indicated that the Windham Actors Guild concurs with this suggestion. Discussion ensued regarding the size of the area, which is 80' x 170', possible size of such a stage, and parking.
- Ms. Betsy Raymond, Turtle Rock Road, approached to suggest the area be repurposed for sand volleyball; noting that two (2) regulation sized courts could fit with room left over for some of the other passive suggestions. She noted that the Town of Brookline is currently constructing such an area at an approximate cost of \$15K; adding it will round out the activities at the park and involves equal participation by all age groups. Discussion ensued regarding the nature of it being a team sport and whether a league would be proposed, grooming/maintenance needs, and whether this would be better offered at the Town Beach. Ms. Haas advised there is currently no portion of the Beach that is unutilized where sand volleyball could work.
- Mr. Peter Griffin, West Shore Road, approached expressing concerns that some of the suggestions will make parking at Griffin Park unrealistic; noting the regional nature of the Park. He indicated he thought a performance stage was an excellent idea, but suggested a better location for same would be at the High School where parking is not an issue. He then thanked the Board for opening this matter up for public discussion.
- Ms. Ginny Campiola, West Shore Road, approached to propose a netted golf cage be constructed at Griffin Park; adding however that she was not suggesting it be done in the skate park area. She indicated it would be better located in the rear by the tennis courts. Ms. Campiola noted that she believed it would be a wonderful addition to the park, and would serve all ages; adding it would consist of ten (10) poles, netting, and a concrete slab.
- Mr. Bob Coole, Morrison Road, approached noting that on the original Park plan a volleyball court and horseshoe area was depicted; which would fit into the area in question. He then noted that in 1997 a survey had been conducted regarding what residents wanted to see at the Park, which he suggested the Board revise and send out for input.
- Ms. Laura Scott, Community Development Director, approached advising that static tables for chess and checkers had been suggested to her for the area; noting that these could be utilized as a fundraiser, as well. She also suggested a raised bed flower garden, similar to that at Prescott Park, as a possibility.
- Mrs. Margaret Case, Mountain Village Road, noted that when the Park was first proposed, the residents were promised that it would not involve solely sports; and would include passive recreation. She indicated that the checkers/chess, shuffleboard, bandstand, etc., would meet that

original promise. Mrs. Case noted Andy Griffin's fondness for music; adding he would have loved a bandstand at the Park. She also urged that the Board not just focus on the small area in question, but rather look at the big picture for the Park; adding she would like to see the bandstand proposal sketched out to include seating, to see what would be left of the area if it were constructed.

- Mrs. Mary Griffin, Wynridge Road, approached noting that her wish would be for everyone to share their thoughts and work with the Selectmen on this issue. She extended thanks to Ms. Haas and the Committee, and added all must work together to make a decision. Mrs. Griffin noted that she would not want to see the Park be too crowded; and added she supports all the ideas that have been mentioned, however, she concurs with Mrs. Case that the entire Park needs to be considered. Mrs. Griffin noted she loves the idea of a bandstand, but is not sure the Skate Park is the best area for same. She then noted it is very important to her that everybody is able to enjoy the park; adding that Griffin Park was Andy's utopia and asking that those listening please make it theirs.
- Mr. Kevin Waterhouse, Haverhill Road, approached expressing support for Mrs. Griffin's input. He then indicated that he favors the bandstand idea as proposed by the Community Band and supported by the Actors Guild.
- Mr. Dennis Senibaldi, Mitchell Pond Road, approached and concurred with Mrs. Case regarding the need for a passive area at the Park comprised of shade trees/sitting area and tables. Mr. Senibaldi noted that all of our parks are currently geared towards pure sports, and it was time to gear an area towards any age.
- Ms. Haas advised that she had received some suggestions, as well, including pickleball, a splash pad, a dog park, and keeping the area as it is for toddler bike/sidewalk chalk use.

Discussion ensued regarding the parking concerns raised, and Ms. Haas advised that there are times that it remains bad, usually due to scheduling, and that the impacts of any new uses would depend on the choice of activities and when they are scheduled, if applicable.

Mr. Letizio noted for the record that a letter had been received from the Windham Actors Guild in support of a bandstand. Discussion ensued regarding the original 1997 survey and the offerings it had proposed including such things as fitness, walking, and horseshoes. Mr. Sullivan advised that he had received a call suggesting hopscotch in the skate park area.

Mr. Bob Haas, Juniper Road, approached noting that there may be grant funding available for the construction of a bandstand/stage. He noted that area stage offerings to theater groups are very expensive to use, and the costs are prohibitive. Mr. Haas opined that a Town facility with a small maintenance fee to use would be very attractive to regional theater groups; adding that the audience for outside productions is usually less than 100 people.

Discussion then ensued amongst the Board members regarding the best course of action and suggestions offered. Mr. Hohenberger indicated he like the idea of conducting another survey for Recreation to use to get more input.

Mr. Desilets encouraged people to view the area in person; noting there may be potential to make it a larger space. He also indicated that a part of it could be used to make adjustments to the existing walking path, creating a quarter mile track, and suggested that a review committee be formed to analyze the options. Mr. Breton concurred, suggesting that Ms. Haas return to the Board in June with more information; adding that a bandstand could also serve as shelter at the Park. Discussion ensued regarding the benefits of conducting a survey versus time constraints of the season; and the need to gather more input beyond the Selectmen and Recreation.

Mr. Breton inquired about adding this matter to the Master Plan, and Ms. Scott replied that a survey is upcoming regarding the latter and a question regarding Griffin Park could be added. She also noted that a visioning session is scheduled, as well. Ms. Scott indicated that it is likely too late to do anything with the skate park area this year. Mr. Letizio inquired when the Master Plan survey will be completed, and Ms. Scott replied it should be finished by this summer. Discussion ensued.

Ms. Raymond approached noting that she also likes the idea of a bandstand, but thinks it would be better in the Town center.

Mr. Mark Lucas approached in support of conducting a survey to garner as much input as possible; adding that Mr. Connard concurs. Brief discussion ensued.

Mr. Letizio thanked all for their input. Mr. Hohenberger moved and Mr. Breton seconded that Recreation take the information presented and, working with the Planning Board in a timely fashion, draft questions for inclusion in the Master Plan survey. Passed 4-0.

Mr. Sullivan requested the Board go into a brief non-public session.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into a nonpublic session in accordance with RSA 91-A:3 II a. Roll call vote - all members "yes". The topic of discussion was personnel; and the Board, Mr. Sullivan, Ms. Haas and Ms. Devlin were in attendance in the first session.

Mr. Desilets moved and Mr. Hohenberger seconded to accept the recommendation of the Recreation Coordinator to retain six (6) lifeguards and (2) park rangers. Passed 4-0.

Mr. Breton moved and Mr. Desilets seconded to accept the recommendation of staff to fill three (3) vacant lifeguard positions; subject to successful physical and background checks. Passed 4-0.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the second session.

Mr. Hohenberger moved and Mr. Breton seconded to hire Mrs. Barbara Coish as an additional driver for the Town van, as recommended. Passed 4-0.

Public session resumed, and Mr. Sullivan announced the decisions made by the Board in non-public.

SEARLES DONATION: Mrs. Margaret Case approached and reviewed with the Board a proposed donation from Delahunty Nurseries, valued at \$16,305.46, for landscaping in the rear of the Searles Facility. Mr. Breton moved and Mr. Hohenberger seconded to move the donation as presented to Public Hearing. Brief discussion ensued, and the motion passed 4-0.

RECREATION DONATIONS: On behalf of Ms. Haas, Mr. Sullivan requested that the Board accept a donation from Shannon DiPietro of Coco Early and Associates for candy for the Annual Egg Hunt; valued at approximately \$350. Mr. Breton moved and Mr. Desilets seconded to accept the donation as stated with gratitude. Passed 4-0.

POLICY AMENDMENTS: Mr. Sullivan reviewed with the Board proposed amendments to the Personnel Policy relative to new employees. These amendments relate to reducing the Earned Time minimum usage requirement for those hired after October 1, 2011 and earning on a lower accrual schedule; clarifying the date at which an employees' accrual amounts will be measured against maximum amounts allowed on an annual basis; and increasing the health stipends offered to employees who waive the health benefit for either a two-person or family plan. He advised that these amendments will bring the personnel policy in line with the union contracts as ratified at Town meeting; and that they have been posted in-house for 14 days as required, with no comments received.

Mr. Desilets inquired whether the increase in stipends serves to save funds, and Mr. Sullivan replied in the affirmative; adding that since the change to the union contracts three (3) employees have come off the Town's insurance representing a net savings of \$22,000.

After a brief discussion regarding what constitutes a "day" as it pertains to earned time, which was clarified as being the typical hours a person works per their schedule, Mr. Breton moved and Mr. Hohenberger seconded to accept the amendments to the Personnel Policy as proposed. Passed 4-0.

Credit Card Policy: Mr. Sullivan explained this was the same policy as rescinded at Town Meeting, save for minor language changes; and comes as a result to Statutory changes that now allow the Board to oversee the acceptance of credit card payments. Discussion ensued, and Mr. Breton requested that "or its agent" be added after "The Board" in Section VI, first sentence. He then moved, and Mr. Hohenberger seconded, to approve the Credit Card Policy with the addition of "or its agent". Passed 4-0.

Water Supply and Subsurface Sewage policies: Ms. Scott explained that the majority of changes to these two (2) policies were to bring them in line with the NH DES requirements and to remove the responsibility for ensuring compliance from Town staff; and a waiver/appeal process has been included in both. Ms. Scott advised that both had been reviewed by several external entities, including engineers and experts in the field.

Mr. Hohenberger sought clarification of the proposed amendments to Section 2.5 of the Water regulations, and whether removal of language relative to surface water and lot lines made the policy more restrictive. Ms. Scott replied that other portions of the policy increase the restrictions beyond just the lot line setback. Mr. Hohenberger noted for the record that he would vote against these amendments, as there have been many issues on the Pond that were presented to the Board on a case by case basis whereas these changes would now send them to the DES.

Discussion ensued regarding the previous regulations and the number of applications received since the reduction in setback requirements was made from 100' to the current 75'. Ms. Scott clarified that sections 2.5 and 2.6 cannot be waived other than by the Board of Health; noting that other proposed amendments add requirements for DES approvals, cross easements, and official recording of same. Further discussion ensued.

Mr. Desilets sought clarification as to whether this would go to Town meeting if the Board wished to rescind it, and Ms. Scott replied in the negative as it is a Town policy. Discussion ensued in that the proposed amendments move some of the responsibilities from the Board of Health to the Building Inspector and/or the DES.

Mr. Hohenberger then raised concerns regarding the Subsurface Sewage policy and the proposed removal of Section 103.1 in its entirety; which spoke to installation requirements. Ms. Scott noted that its removal in favor of reference to DES standards was recommended by many, including the Town Engineer and the DES. Discussion ensued regarding in-kind replacements and whether or not they are permitted, as well as enforcement concerns raised by Mr. Bob Coole.

Discussion moved back to the Water regulations, and Mr. Breton requested that the words "in writing" be added to section 6.1 as it pertained to exceptions. Discussion ensued regarding removal of section 2.7.3 and whether that would remove the requirement that anything less than 75' would come to the Board, and Ms. Scott replied in the affirmative; adding that it would be a DES waiver. Brief discussion then ensued regarding point wells.

Mr. Desilets moved and Mr. Breton seconded to accept the adoption of amendments to the Water Supply Regulations, including the requested language from Mr. Breton. Passed 3-1, with Mr. Hohenberger opposed.

Discussion of the Subsurface Sewage regulations resumed, and Ms. Scott clarified that, as it pertained to design requirements, the Town's were outdated and less stringent than the DES's.

Mr. Breton moved and Mr. Desilets seconded to approve the amendments as presented. Discussion again ensued regarding in-kind replacements, and Ms. Scott clarified that, as of 2010, all new or expanded systems require submission of new plans. Mr. Hohenberger did not feel that pertained specifically to an in-kind replacement, and further discussion ensued.

Mr. Breton amended his motion to approve the amendments with the exception of the removal of Section 103.7, and with the addition of "in writing" to section 108. There was no second.

Mr. Breton then suggested this be rescheduled and, in the interim, Ms. Scott work to gather more information/answers; providing same to the Board along with DES fact sheets regarding these regulations. The remaining Board members concurred.

BID AWARDS: Mr. Sullivan advised that the Planning Board had reviewed the proposal for Phase I of the Master Plan, as submitted by Southern NH Planning Commission, and concurred with the recommendation to award the bid to them for their bid amount of \$13,300. Mr. Breton moved, and Mr. Desilets seconded to award the bid as recommended to SNHPC for Phase I of the Master Plan for their bid amount of \$13,300. Mr. Hohenberger sought clarification that only one bid had been received; and Mr. Sullivan replied in the affirmative. Motion passed 4-0.

Mr. Sullivan advised that three (3) bids had been received for roadside mowing, as follows:

Vendor – Year 1	Fixed Price per Mowing	Total for 2 Mowings	Cost for mowing former landfill (3 times)	Estimated completion date 1st & 2nd mowing
Blazing Saddles Mowing, Hooksett NH	\$8,000	\$16,000	\$1,800	June September
Rail Head Tractor, Lyndeboro NH	\$8,370	\$16,740	No bid	June 20 October 1
Boyden's Landscaping, Pelham NH	\$80 per hour, per mowing	Not to exceed \$17,000	\$1,500	TBD by Town TBD by Town

He then advised that, after review, it was his and the Highway Agent's recommendation that the bid be awarded to Blazing Saddles for their combined bid price of \$17,800. Brief discussion ensued regarding flat rates versus hourly rates, and whether this was consistent with what the Town has been paying for this service. To the latter, Mr. Sullivan replied in the affirmative; adding that the recommendation would also be to award the contract for three years at this same price inclusive of an "out clause" for the Town in the event of poor performance.

Mr. Breton moved and Mr. Desilets seconded to award the bid as recommended for a three year period to Blazing Saddles for their bid amount of \$17,800. Passed 4-0.

Mr. Sullivan advised that the following bids had been received for roadway sweeping:

Vendor – Year 1	Sweeper w/ Operator (per hour)	Estimated Hours included in bid	OR Fixed Price Bid	Estimated Completion Date
Eco-Sweep, Milford NH	\$115.00	334 hrs (\$38,410)	No bid	6/13/14
AMRIC Power Sweeping, Tewksbury MA	n/a	n/a	\$13,500	Not specified
FB Hale, Hudson NH	\$95.00	Not specified	No bid	5/1/14
Immaculate Power Sweeping, Pelham NH	n/a	n/a	\$11,500	6/20/14 (with start date of 6/1/14)

Mr. Sullivan advised that normally the recommendation would be to award the bid to the low bidder, however, given their late start date, doing so may not be in the best interest of the Town. As such, he indicated the recommendation would be to award the bid to FB Hale for their bid amount of \$95/hour (or \$11,400 to \$15,000+/- based upon the work historically taking, on average, 120-160 hours to complete).

Discussion ensued regarding the bid specification and the average hours. Mr. Desilets inquired whether the bid specifications had expressed the urgency to have the work completed by a date certain and, if not, whether Immaculate could actually start earlier. Mr. Sullivan replied that he had confirmed with Immaculate that they cannot start any earlier than June 1.

Mr. Breton moved and Mr. Desilets seconded to award the bid to FB Hale for their bid amount of \$95/hour; contingent upon a start of May 1 and total hours not to exceed 142. Mr. Sullivan inquired what course the Board wished him to take in the event Hale could not or would not meet the requirements of the motion. Discussion ensued, and Mr. Breton amended his motion and Mr. Desilets his second to add that, in the event FB Hale refuses the bid, it be awarded to Amric for their fixed price of \$13,500. Motion passed 4-0.

Mr. Sullivan advised that one bid had been received for maintenance of the Route 111 by-pass; that being from Boyden Landscaping in the amount of \$20,000 for two (2) years. Mr. Sullivan explained that this is \$4,000 higher than last year, and does not include pre-emergence control which is done by another vendor certified to apply treatment chemicals.

Discussion ensued regarding the bid specifications and the need for pruning of the bushes. Mr. Breton moved and Mr. Hohenberger seconded to award the bid to Boyden for their bid amount of \$20,000. Mr. Letizio noted that he believed the maintenance of these areas could be done better, and that he hoped to bring forward a plan in the near future for same. Motion passed 4-0.

Mr. Sullivan noted that two (2) bids for a utility vehicle for the Fire Department had been received, as follows, adding that the vehicle would be leased with the financing worked out by the Finance Director:

Vendor	Option A: Purchase w/ 3 yr lease	Other Costs	Annual Payment (3 yr lease)	Interest Rate	Total Payments (P&I)	Option B: Purchase (if Town to finance separately)	Truck Type
Ford of Londonderry, Londonderry NH	\$39,376	\$425 (lease fee)	\$13,341.26	6%	\$40,023.78	\$39,376	2015 Ford F350
Central Dodge, Raynham MA*	\$31,138	\$6,527.94 (includes plow cost of \$5,150)	\$13,238.70	5.5%	\$39,716.10	\$37,665.94	2014 Dodge Ram 3500

Mr. Sullivan advised that the recommendation would be to award the bid to Ford of Londonderry based upon the current fleet of Fords and success with same. Brief discussion ensued regarding the interest rate, which will end up much lower, and that the Ford price includes the plow.

Mr. Breton moved and Mr. Desilets seconded to award the purchase of the utility truck with plow to Ford of Londonderry for their bid price of \$39,376 as recommended. Passed 4-0.

BID WAIVER REQUESTS: Mr. Sullivan explained that both the Fire and Police chiefs were requesting waivers of the bid policy to allow for sole source purchases; adding that he concurs with both requests.

Personal Protective Equipment (PPE): Mr. Sullivan noted Chief McPherson was requesting a waiver to allow for the purchase of PPE's, at a cost of \$10,564.95, from Bergeron Protective Clothing; which is the only local distributor of the Globe brand used by the department. Discussion ensued regarding the lifespan of the equipment, which is approximately 10 years, that five (5) sets would be purchased, and that funding is within the Town budget.

Mr. Sullivan noted that the equipment is replaced on a condition versus age basis, and Mr. Desilets sought clarification of the average age of the current gear. Mr. Sullivan replied 7-10 years. Mr. Breton inquired whether there was a bid specification for the equipment, and Chief McPherson explained that minimum standards had been developed by the Department in 2009, which were Globe specific. Discussion ensued regarding the Board's direction at that time being to phase in new Globe equipment, as well as the need for consistency in the gear among the staff.

Mr. Desilets moved and Mr. Breton seconded to grant the waiver request for the purchase of Fire Department personal protective equipment. Passed 3-1, with Mr. Hohenberger opposed.

Mr. Breton moved and Mr. Hohenberger seconded to authorize the purchase of five (5) sets of PPE as requested by the Chief. Passed 4-0.

Police Vehicles: Mr. Sullivan noted that the Department was replacing four (4) cruisers and one (1) Captain's vehicle and, when the Chief had looked into using the NH State bid it had been discovered that 2014 pricing was no longer available. Mr. Sullivan indicated that Chief Lewis had then looked into Massachusetts' State bid, and found a vendor who has the vehicles in stock for \$131,617.50; which is \$117 more in total than was budgeted. Discussion ensued regarding financing and the additional budgeted funds to cover swapping over of the equipment.

Mr. Desilets inquired whether the new vehicles are more fuel efficient than the current ones, and Chief Lewis replied in the affirmative.

After further brief discussion, Mr. Breton moved and Mr. Desilets seconded to waive the bid process as recommended. Passed 3-1, with Mr. Hohenberger opposed.

Mr. Hohenberger then moved and Mr. Desilets seconded to approve the vehicle purchases as recommended. Passed 4-0.

OLD/NEW BUSINESS: Mr. Desilets inquired about a liaison assignment to the Conservation Commission; and Mr. Sullivan noted that he had advised Mr. Desilets that while, historically, there had not been one the Board could opt to appoint a non-voting liaison.

Discussion ensued regarding the nature of the interactions between the Board and the Commission, and potential conflicts, as well as the Commission's bylaws and recent change in membership. Mr. Hohenberger suggested that the Commission be queried as to whether they would object to having a liaison, and further discussion ensued. No action was taken, and Mr. Sullivan will look into what other towns do and return to the Board with more information.

Mr. Sullivan advised the Board that the previous week he had attended an executive session at the State House relative to new legislation regarding the Campbell Farm purchase; adding he was pleased to note that the Committee had unanimously voted it "ought to pass". Mr. Sullivan also noted that an amendment is being proposed, which will permanently fix the deadline issues which the Town faced. He extended thanks to Representatives McMahon and Griffin for their support.

ANNOUNCEMENTS/LIAISON REPORTS: None.

CORRESPONDENCE: Request received from the John Birch Society to be added to the Town's non-profit listing for use of the Town Hall at no charge. Mr. Hohenberger moved and Mr. Breton seconded to approve the request. Passed 4-0.

Notification of official non-profit status received from the "Educational Choices Foundation". Brief discussion ensued, and it was determined this will be referred to the Tax Assessor for his records.

MINUTES: Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of March 24 and April 7 as written. Passed unanimously.

Payroll and manifest were executed by the Board.

NON-PUBLIC SESSION: Mr. Desilets moved and Mr. Hohenberger seconded to enter into a nonpublic session in accordance with RSA 91-A:3 II a, c and e. Roll call vote - all members "yes". The topics of discussion were personnel, reputations and legal; and the Board and Mr. Sullivan were in attendance in all sessions.

The Board executed three (3) amended forbearance agreements relative to tax payments.

Mr. Sullivan advised the Board that a Police Union grievance regarding a denial of step increases involving transition from the Town rate to Union rate had been adjudicated in the Union's favor. Resultant cost to the Town of this determination will be approximately \$37,000; which is in addition to that budgeted for the new union contract.

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

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.