

1 **BOARD OF SELECTMEN**

2 **Draft Meeting April 24, 2017**

3  
4 **CALL TO ORDER:** Chairman Ross McLeod called the meeting to order at 7:00 PM.  
5 Selectmen Joel Desilets and Roger Hohenberger were present. Ms. Simmons was present  
6 by phone. Mr. Breton was excused. Town Administrator David Sullivan was also present.  
7 Chairman McLeod opened with the Pledge of Allegiance.

8  
9 **Announcements**

10 Ms. Simmons thanked Cheryl Haas for organizing a great Mom and Son night at a  
11 trampoline park. She added the egg hunt was held on April 8th, over 5,000 eggs were  
12 hidden. There was a great turnout. She thanked the Boy Scouts, Coco Early and Shanon  
13 Dipietro for their donations and help.

14  
15 Mr. Desilets noted that Windham’s FIRST robotics team is going to the world  
16 championships and wished them luck.

17  
18 **Public Meeting – Water Use Regulations**

19 Mr. McLeod noted that Eric DeLong used the town’s GIS data to overlay the town map  
20 over the drought map to determine exactly where the drought lines were. About 1% of the  
21 town’s surface is in an area of moderate drought with the remaining 99% as abnormally  
22 dry.

23  
24 Mr. Desilets suggested they look into including provisions for residents planting new  
25 lawns if the drought conditions persisted instead of requiring people to come before the  
26 Board for a waiver.

27  
28 Margaret Crissler from the garden club noted they would be having a garden tour and  
29 would like for the lawns to look their best. She questioned if the homes on the tour could  
30 be granted a waiver. Mr. McLeod noted they could possibly grant a waiver.

31  
32 Mr. Hohenberger supported protecting water rights. When they enacted the regulations,  
33 people were under severe hardship because they didn’t have water coming into their  
34 homes. He believes they still have homes with issues. He was concerned about  
35 prematurely lifting the ban and causing future problems if the dry pattern persisted.

36  
37 Karen Markey, resident, noted they ran out of water twice. They had to bathe their  
38 children at the gym and they could not flush their toilets. There were neighbors across the  
39 street watering their lawns excessively. It was a very stressful and frustrating time for  
40 their family.

41  
42 Ms. Simmons questioned if they were able to enforce the water ban if only 1% of the  
43 town was in drought conditions. She suggested they stay on top of it and review the  
44 conditions at every meeting.

45

46 Mr. McLeod noted that Mr. DeLong would download the data every Friday and run a  
47 new version of the overlay map so they could determine the exact conditions. He added  
48 that if the entire town was not within a drought classification, they did not have the  
49 authority to regulate a water ban.

50  
51 Mr. Desilets had concerns about causing millions of dollars of property valuation damage  
52 by continuing a water ban.

53  
54 **MOTION:** Mr. Hohenberger made a motion to keep the complete ban in place. There  
55 was no second to the motion. Motion failed.

56  
57 Ms. Crisler noted the Planning Board hears from abutters to new developments with  
58 concerns about their wells not yielding enough water. Some are bringing in water yield  
59 tests that are significantly lower than what the Board of Health requires. The developers  
60 state they meet the specs, but there is no real data to compare. She would recommend the  
61 Board consider having the town do yield testing and bill the developers versus having the  
62 developers do the testing. She added that the Planning Board has formed a water  
63 subcommittee.

64  
65 Mr. McLeod noted they are creating a growth management plan for the town as well as  
66 an additional chapter for growth in the master plan.

67  
68 **MOTION:** Ms. Simmons made a motion for a Level 2 water ban, which would mean  
69 odd number addressed homes could water on Monday and Thursday and even numbered  
70 addresses on Tuesday and Friday. Mr. Desilets seconded the motion.

71  
72 *Discussion:* Mr. McLeod noted through research he found that a Level 2 had the best  
73 reduction in use and was the most practical balance.

74  
75 Vote 3-1. Mr. Hohenberger opposed. Motion carried.

76  
77 **Windham Garden Club – Story Garden at Nesmith Library**

78 Jamie Slocum, Karen Markee and Margaret Crisler representing both the Garden Club  
79 and the Mom’s Club presented plans for a story garden at Nesmith Library. Ms. Slocum  
80 noted the garden would be located off the children’s room. They are hoping to keep it  
81 simple and are proposing a cedar picket fence, cedar hardtop pavilion, seating and picnic  
82 tables. They are half way through their fundraising goal. As years continue, the Mom’s  
83 Club will raise funds to help grow and maintain the garden. They are not looking to have  
84 winter use of the space.

85  
86 The Board agreed it would be an excellent addition to the library and will attract a lot of  
87 people.

88  
89 **MOTION:** Ms. Simmons made a motion to support the project for the story garden at the  
90 Nesmith Library and permit the construction on town property. Mr. Hohenberger  
91 seconded the motion.

92 Vote 4-0. Motion carried.

93

94 **MOTION:** Mr. Desilets made a motion to waive any town fees that may arise as a result  
95 of the story garden. Mr. Hohenberger seconded the motion.

96 Vote 4-0. Motion carried.

97

98 **Announcements Continued**

99 Ms. Crisler noted the Garden Club would be having their annual plant sale on May 20<sup>th</sup> at  
100 the town hall from 9:30am-1:00pm.

101

102 Ms. Slocum added that the Mom’s Club was having their annual preschool and daycare  
103 fair on May 13<sup>th</sup> at the Goldenbrook School from 10:00am-2:00pm.

104

105 Mr. Sullivan noted that the revised water restrictions would not be in effect until  
106 Tuesday, May 2 because any changes aren’t in effect for five days following posting in  
107 the newspaper.

108

109 Chief McPherson noted that it was time for the annual renewal of Forest Deputy  
110 Wardens.

111

112 **MOTION:** Mr. Hohenberger made a motion to support the reappointment of the  
113 firefighters as Deputy Wardens for the Town of Windham. Mr. Desilets seconded the  
114 motion.

115 Vote 4-0. Motion carried.

116

117 Chief McPherson added that in October, he submitted a grant through Emergency  
118 Management requesting \$47,000 for the replacement of the Smokey the Bear sign. They  
119 received notification that the grant has been given consideration and requires signatures  
120 from the Board. The project will include a new dynamic sign on Fellows Road as well as  
121 a zip-change board to be located at the town common. If they do receive the grant, they  
122 will remove the Smokey the Bear sign but assured the Board they would restore it.

123

124 Mr. McLeod questioned if they would see plans for the sign. Mr. Sullivan noted that the  
125 beautification committee would also like to see the proposed sign for the town common.

126

127 Chief McPherson added that it would be a 50/50 matching grant. The Town portion of  
128 \$23,000 would come out of the emergency management budget which was included as  
129 part of the budget.

130

131 **MOTION:** Mr. Hohenberger made a motion to accept the terms of the Emergency  
132 Management Performance Grant (EMPG) as presented in the amount of \$23,457.00 for  
133 the purchase and installation of an emergency notification sign(s). The Board  
134 acknowledges that the total cost of this project will be \$46,914.00 in which the Town will  
135 be responsible for a 50% match \$23,457.00 and approve the signatures of the grant. Mr.  
136 Desilets seconded the motion.

137 Vote 4-0.

138 Motion carried.

139

140 Chief McPherson reminded residents that the fire department would be doing training at  
141 15 Roulston Road, located directly across from Industrial Drive on Tuesday, May 9<sup>th</sup>  
142 starting at 7:00am. They notified all residents as well as Medicus and the daycare. They  
143 are planning for additional resources throughout the day to protect the firefighters and  
144 surrounding area. They welcome the public to view from a designated area. They will  
145 conduct a live fire training and at the end of the training will let both buildings burn. The  
146 Chief asked the Board to accept the donations of the buildings by Mark Harvey and John  
147 O’Neal as well as \$6,500 to the fire department for equipment for both training and  
148 operations.

149

150 Mr. Sullivan noted that the donation is over \$5,000 and would require a public hearing.

151

152 **Bid Award – Fire Quint Aerial Financing**

153 Mr. Popovici-Muller noted they put the project out to bid and received 10 bids from local  
154 banks. He recommended they award the financing to Northway Bank for a 10-year note  
155 at 2.45%, (*Yearly Payment of \$96,586*) which provides the overall lowest cost in total  
156 payments. They originally budgeted for a 12-year loan but there would be a \$50,000  
157 difference in interest to extend the loan for two years.

158

159 The Board was in favor of the savings in interest.

160

161 **MOTION:** Mr. Desilets made a motion to enter into an agreement with Northway Bank  
162 for a 10-year note at 2.45% interest with a yearly payment of \$96,586. Mr. Hohenberger  
163 seconded the motion.

164 Vote 4-0. Motion carried.

165

166 Mr. Sullivan corrected that the threshold for a public hearing to accept a donation is  
167 \$10,000 and suggested the Board could move forward with the previously discussed  
168 donation.

169

170 **MOTION:** Mr. Desilets made a motion to accept the donation from Mark Harvey and  
171 John O’Neal of \$6,500 with gratitude. Mr. Hohenberger seconded the motion.

172 Vote 4-0. Motion carried.

173

174 **Bid Award – Road Sweeping**

175 The Board received two bids, one of which was addressed to the wrong city and not  
176 opened prior to the meeting. Staff contacted the company and the City of Attleboro and  
177 have been sent a new bid. They did not publicize the results of the previous bid and no  
178 one was in attendance when the other bid was opened.

179

180 **MOTION:** Mr. Hohenberger made a motion to receive the bid from Hi-Way Safety  
181 Systems. Mr. Desilets seconded the motion.

182 Vote 4-0. Motion carried.

183

184 Following the opening of the received bid, Mr. Sullivan noted that the two bids were as  
185 follows:

186 AMRIC Power Sweeping - \$16,000 for year 1; and \$16,500 for both year 2  
187 and 3 (at the town's option).

188  
189 Hi-Way Safety Systems – \$37,950 for year 1; \$39,750 for year 2; \$40,590 for  
190 year 3.

191

192 Mr. Desilets noted that the price is a 14% increase over what they are currently  
193 paying and would only accept year one at this point. Mr. Hohenberger and Ms.  
194 Simmons agreed. Mr. McLeod supported accepting the bid for all three years  
195 considering they only received two bids and one was more than double the price.

196

197 **MOTION:** Mr. Desilets made a motion to award the bid to AMRIC Power  
198 Sweeping not to exceed \$16,000 for one year. Mr. Hohenberger seconded the  
199 motion.

200 Vote 4-0. Motion carried.

201

202 Mr. Sullivan added that the Board still has year two and year three as an option  
203 they could accept should they chose to not go out to bid.

204

#### 205 **Bid Award – Roadside Mowing**

206 Two bids were received for mowing the town roadsides twice annually, the  
207 landfill three times and the rail trail once. Mr. Sullivan noted the bids were from  
208 Blazing Saddles for \$18,000 for the roadside mowing; \$1,800 for the landfill; and  
209 \$1,500 for the rail trail. Field Works of NH did not bid on the roadside mowing  
210 and bid \$1,725 for the landfill; and \$1,200 for the rail trail.

211

212 **MOTION:** Mr. Desilets made a motion to award each of the mowing components  
213 to Blazing Saddles for three years. Ms. Simmons seconded the motion.

214 Vote 3-1. Mr. McLeod opposed because he would have preferred to split up the  
215 work to the low cost vendor for each line item. Motion carried.

216

#### 217 **Transfer Station Workshop – Organizational Alternatives**

218 Dave Poulson, Transfer Station Manager, presented a series of alternative  
219 structures for the Board to consider in terms of how to operate the Transfer Station  
220 going forward. The options are as follows:

221

222 *Curbside Collection:* This option would likely double the budget since they would  
223 still need to maintain drop centers for items that cannot be collected on the curb.

224 The Town currently pay \$50/capita for its operation; other towns that use a  
225 curbside collection pay \$80-100 per capita. Mr. Poulson did not recommend this  
226 option.

227

228 *Outsourcing Hauling:* Under this option the company the town would outsource to  
229 would only provide the tractor and driver. The Town would still need to provide

230 the trailer. The town would pay per pull plus additional costs for wait times. Mr.  
231 Poulson did not recommend this option.

232  
233 *Privatize the operational components:* Mr. Poulson recommended keeping  
234 ownership of the transfer station, however a vendor to be hired would “operate”  
235 the facility. This option would eliminate the cost of personnel and the future costs  
236 of replacing assets (trucks and equipment). He could not estimate what the cost of  
237 “operations” would be and recommended the Board go out to bid for this to see  
238 how costs compared.

239  
240 Mr. Poulson noted there is some risk that at the end of the contract, the company  
241 could walk away leaving the town with no assets, but felt confident that there  
242 would always be another company to step in. He believed they could get a 10-year  
243 contract.

244  
245 Mr. Hohenberger questioned how they would separate the assets and questioned if  
246 the company would buy the buildings and areas around the building. Mr. Poulson  
247 noted that the town would never want to let go of the property or the  
248 administrative portion. All this option would be doing is farming out the  
249 operational components. The Town would want to maintain ownership and  
250 administration of the buildings to ensure they were properly maintained.

251  
252 Mr. Desilets noted that he respects the recommendations, but when he weights the  
253 costs savings—which, at rough estimate, would be \$30-40 per year per  
254 household—he would prefer to retain 100% control of the transfer station and  
255 personnel.

256  
257 Mr. Hohenberger suggested when they put the project out to bid, they receive 10-  
258 year quote so they could see the cost of replacement of their equipment and their  
259 asset replacement schedule.

260  
261 Mr. Poulson noted they would have the assets already, so the bid likely would not  
262 include the cost of assets. It would include the manpower.

263  
264 The Board agreed they would like to get information to build the bid  
265 specifications.

266  
267 *Dennis Sennibaldi*

268 Mr. Sennibaldi noted that companies sometimes use transfer stations as their hub  
269 for their trash from other locations. He would want to make sure they retain  
270 administrative oversight to ensure that wasn’t the case and limit their ability to  
271 expand the facility. The Windham facility is large enough that they could  
272 potentially do that. They should also have requirements for the number of  
273 employees so they could ensure the same level of customer service.

274

275 Mr. Desilets noted that they could see an increase in traffic if the transfer station  
276 was used as a hub and they would need to take that into consideration.

277

278 Mr. Hohenberger noted that they currently share personnel with the highway  
279 department during large snowstorms. With this option, they wouldn't be able to  
280 continue doing that so they would need to consider the cost of losing that  
281 capability.

282

283 Mr. Poulson reviewed the new storm water regulations the town would be  
284 required to implement to comply with the new MS4 permit that would be coming  
285 out in 2018.

286

### 287 **Review of the Minutes**

288 The Board reviewed the April 10, 2017 minutes.

289

290 L342-364 needed to be amended to include the motion to appoint Mr. McLeod as  
291 Alternate to the Planning Board.

292

293 **MOTION:** Mr. Desilets made a motion to approve the April 10, 2017 minutes as  
294 amended. Mr. Hohenberger seconded the motion.

295 Vote 3-0-1. Ms. Simmons abstained.

296 Motion carried.

297

### 298 **Employee Satisfaction Survey**

299 The Board will discuss this at the next meeting so a full Board could be present  
300 for the discussion.

301

### 302 **Liaison Assignments**

303 Mr. Breton requested this discussion be held off until he could be present.

304

305 **MOTION:** Mr. Desilets made a motion to nominate Mr. Breton to be appointed  
306 as liaison to the Planning Board.

307

308 Mr. Hohenberger preferred to wait until Mr. Breton could be present.

309

310 Motion failed for lack of second.

311

312 The Board agreed to wait until Mr. Breton could be present.

313

314 Mr. Desilets noted he would be happy to support Mr. McLeod as the primary and himself  
315 as the alternate to the Planning Board. He has concerns with the conflict of Mr. Breton  
316 serving on both ZBA and Planning as he doesn't feel it is proper to sit on both. He would  
317 be willing to remove his name as primary, serve as alternate and have Mr. McLeod serve  
318 as primary.

319

### 320 **Correspondence/Recurring Items**

321 *Carrier Funeral Home – Site Work Bond Release* – The Board postponed the  
322 release because the Planning Board did not sign off on the form.

323

324 **New Business/Announcements Continued**

325 Mr. Sullivan noted they did not receive any input from other Boards on lot 13-B-  
326 74-B located on Harris Road and would like to send a letter to the State saying  
327 they have no interest in the property.

328

329 **MOTION:** Mr. Hohenberger made a motion to have send a letter to the state  
330 stating they have no interest in lot 13-B-74-B, located on Harris Road. Mr.  
331 Desilets seconded the motion.

332 Vote 4-0. Motion carried.

333

334 Mr. Sullivan noted they received a resignation letter from Al Barlow who served  
335 on the Highway Safety Committee.

336

337 **MOTION:** Mr. Desilets made a motion to accept the resignation of Al Barlow  
338 from the Highway Safety Committee with thanks for his service. Mr. Hohenberger  
339 seconded the motion.

340 Vote 4-0. Motion carried.

341

342 Mr. Sullivan noted that the Museum Trustees will have an exhibit on view of the  
343 19<sup>th</sup> century in Windham through the eyes of the Harris Family on May 7, from  
344 1:00pm-4:00pm.

345

346 On May 8<sup>th</sup> the Board will hold a public hearing to consider a ratification vote on  
347 the results of the March 18<sup>th</sup> town elections as allowed under the recently enacted  
348 law under House Bill 329. The School Board will hold their own public hearing  
349 on a different evening.

350

351 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public  
352 session in accordance with RSA 91-A:3 II (a, c) Mr. Desilets seconded the motion.  
353 Passed unanimously. Roll call vote all “yes”.

354 4-0

355

356 The Board considered Mr. Sullivan’s recommendation to hire a selected candidate for the  
357 position of Human Resource Coordinator effective on or about June 1, 2017. Mr. Sullivan  
358 gave the Board an overview of the interview process and the potential candidates.

359

360 **MOTION:** Mr. Hohenberger made a motion to support the recommendation of the Town  
361 Administrator and hire the candidate for the position of Human Resource Coordinator.

362 Mr. Desilets seconded the motion.

363 Vote 4-0. Motion carried.

364

365 The Board considered the recommendation of Cheryl Haas, Recreation Coordinator, to  
366 hire a selected candidate for the position of junior Life Guard effective Summer 2017.



367

368 **MOTION:** Mr. Desilets made a motion to hire the selected candidate for the position of  
369 junior Life Guard effective Summer 2017 as recommended by Cheryl Haas. Mr.

370 Hohenberger seconded the motion.

371 Vote 4-0. Motion carried.

372

373 The Board discussed interim changes to staffing within the Transfer Station as a result of  
374 Dave Poulson’s retirement.

375

376 Mr. Sullivan suggested they use the opportunity to reexamine the General Services  
377 Matrix he created several years as one alternative structure. Further discussion will be  
378 addressed at a subsequent meeting.

379

380 Mr. Sullivan recommended consideration of a stipend for one of the current employees to  
381 assume some additional responsibilities once Mr. Poulson completed his time in service.

382 The Board agreed for Mr. Sullivan to proceed as proposed.

383

384 The Board review the list of properties which could be taken by tax deed on May 1<sup>st</sup> by  
385 the Town if the property owner fails to pay up to at least the 2014 tax year by that date.

386

387 **MOTION:** Mr. Desilets made a motion to send a letter to the Tax Collector to not record  
388 the tax deeds on any of the properties under a current forbearance agreement and to  
389 authorize Mr. Sullivan to enter into a new forbearance agreement relative to #2 Colonial  
390 Road; and further not to assume the tax deed on lot 17-M-37a due to potential liabilities  
391 associated with a shared well. Mr. Hohenberger seconded the motion.

392 Vote 4-0. Motion carried.

393

394 Mr. Sullivan updated the Board on a matter of reputations. No decisions

395

396 Ms. Bottai made a recommendation to hire a part-time assistant clerk to fill a vacant  
397 position.

398

399 **MOTION:** Mr. Desilets made a motion to hire the part-time assistant clerk as  
400 recommended by Ms. Bottai. Mr. Hohenberger seconded the motion.

401 Vote 4-0. Motion carried.

402

403 **MOTION:** Mr. Hohenberger made a motion to adjourn. Ms. Simmons seconded the  
404 motion.

405 Vote 4-0.

406 Motion carried.

407 Meeting adjourned at 10:00 p.m.