

**BOARD OF SELECTMEN**  
**Minutes of July 14, 2014**

**CALL TO ORDER:** Chairman Ross McLeod called the meeting to order at 7:25 PM. Selectmen Roger Hohenberger, Joel Desilets, and Bruce Breton were present, as was Town Administrator David Sullivan. Selectman Al Letizio was excused. Mr. McLeod opened with the Pledge of Allegiance, and then advised those in attendance that there would be no discussion of the Septic regulations that evening; rather they would be addressed in two (2) weeks.

**ANNOUNCEMENTS/LIAISON REPORTS:** Recreation Chairman Dennis Senibaldi approached to request the Board's support of the Committee's applying for grant funds under the LWCF program, to be used towards Spruce Pond. Mr. Senibaldi clarified that there is no cost to submit an application, and after a brief discussion relative to acceptance of the funds, which is not mandatory, and inclusion of Spruce Pond in the CIP, it was the consensus of the Board to support Recreation's request to apply.

*Community Development Director* Laura Scott approached noting that a Master Plan Visioning Session was scheduled for 7 PM on Wednesday at the Searles facility. She noted all are welcome to attend and give input on a range of topics impacting Windham over the next ten (10) years.

Ms. Scott then advised that she had been approached by Nelson Analytic in Manchester with an offer of reduced cost water testing for Windham residents. She noted that test kits will be available at the Department between July 21 and 24, and must be dropped off by the 25<sup>th</sup>; adding that Nelson will email submitters their results.

*Chief McPherson* approached to advise that official notice had been received from FEMA that the Town would not be receiving grant funds toward the purchase of the Quint vehicle; despite receiving high marks on their application. He extended thanks to the members of the Department who had worked on the grant application, as well as the voters who supported the purchase, and added that they will re-apply in the future. Discussion ensued as to why the application had been rejected, and the Chief noted feedback received from FEMA would be submitted to the Committee. He did clarify that the average age of the Department's vehicle fleet did hurt their application; as FEMA requires same to be twenty (20) years. Further brief discussion ensued.

*Mr. Sullivan* advised that there is new Federal grant program available, the TAP, for which he would like an application to be submitted for funding to improve the Greenway Trail. Mr. Sullivan reminded all that, as part of the I-93 project, a box culvert was going to be installed under the highway for pedestrian use; adding that the Town must improve the area leading from said culvert to the Rail Trail. Mr. Sullivan noted this would be an 80/20 grant, and that submission of an application does not obligate the Town. He then added that Mr. Wayne Morris, Conservation Commission, had offered to assist in the application process. After a brief discussion regarding the distance in question and estimated costs, it was the consensus of the Board to support submission of a letter of intent to apply for the grant.

*Mr. McLeod* advised that the Annual Senior Picnic has been scheduled for August 13, 2014 at the High School. Doors will open at 11 AM, lunch will be served at 11:45 AM, and entertainment will follow in the air conditioned auditorium from 1 – 2 PM. Tickets will be available starting July 15<sup>th</sup> from the Recreation office; with the deadline for same being August 8<sup>th</sup>.

*Mr. Desilets* advised that Windham's Helping Hands has put out their annual Back-to-School Tree at the Nesmith Library.

**PUBLIC HEARING - DONATION:** Chief Lewis approached, noting that Officer Iworsky and Detective van Hirtum were also present. He explained that the Windham Police Association has offered to donate up to \$13,000 worth of Class A uniforms for the officers; as well as dress blazers for the administrative staff. Chief Lewis noted this dress gear, which includes related leather equipment, will be reserved for use at special occasions, such as funerals. He noted that, if this donation were accepted, he would then ask that the Town invest approximately \$750 for any new officers in the future who complete their probationary period. Mr. Breton concurred with the latter, noting that the Board should assure the

Association that they will continue with the tradition established. Discussion ensued, and Chief Lewis noted that dress hats are not included in the donations, and that fifteen (15) will be purchased through his budget at an approximate cost of \$750. Further discussion ensued as to procedure in the event an officer outgrows his dress uniform, and the Chief noted that the officer would be responsible to replace same. Chief McPherson added that Fire staff pays for their own dress uniforms out of their clothing allowance.

Mr. Desilets then moved and Mr. Breton seconded to accept with gratitude the donation as presented. Passed 4-0. Officer Iworsky then briefly showed the Board members photos of the uniform in question.

**DONATION ACCEPTANCE:** Mr. Sullivan noted the success of this year's Annual Town Day; extending congratulations to Recreation Coordinator Cheryl Haas. He then requested, on behalf of Ms. Haas, that the Board accept the following donations towards Town Day: \$550 towards the Band, snow cones, and glow-necklaces valued at \$100+/- from ConvenientMD; five (5) sleeves of ice valued at approximately \$50 from Howie Glynn's, and; the use of eight (8) trash containers from Stateline Waste Management. Mr. Breton moved and Mr. Desilets seconded accept same with gratitude. Passed 4-0.

**HELPING HANDS:** Mr. Sullivan advised that Helping Hands was seeking formal permission from the Board to hold their 2<sup>nd</sup> Annual Walk-a-Thon fundraiser at Griffin Park in the fall. Brief discussion ensued regarding the organization's 501c-3 status, and their contributions to the Town. Mr. Breton moved and Mr. Hohenberger seconded to approve the request of Helping Hands to utilize Griffin Park. Passed 4-0.

**WESTCHESTER ROAD – SPEED LIMIT REQUEST:** Mr. Sullivan explained that Mr. and Mrs. Cushman of Westchester Road had gone to the Highway Safety Committee to request a reduction in the speed limit on Westchester Road to 25 mph. He indicated that the Police Department had subsequently conducted a speed study on the road, and as a result of same the Highway Safety Committee did not recommend lowering the limit.

Mr. Sullivan then went on to note that, in preparation for this item, he had researched further and found that since 2008 the approximately 1,500' portion of Westchester Road from Lowell Road has been 25 mph; adding that the extension of approximately 300', however, was not approved for posting at 25.

Mrs. Renee Cushman then approached with her husband, Josh. Mr. Cushman noted that Mr. Sullivan had summarized well the matter at hand; adding that they had moved here five (5) years ago and that he was amazed at the speed at which people drive on Westchester. Mr. Cushman noted that the speed study had shown that the 85<sup>th</sup> percentile on the street was 40 mph, which seemed fast for a residential street with curves such as those on Westchester. He added that he was unaware that the last portion of the road was 30 mph, and that they would love to have a 25 mph speed limit installed thereon. Discussion ensued, with Mr. McLeod noting the number of signs in place that are unenforceable and thus serve as more of a feel good measure. Also discussed was the footage involved in the limits on Westchester, and it was clarified that 1,500' is currently 25 mph, with the remaining 300' being 30.

Mr. Desilets sought clarification from the Police Chief as to whether, in his professional opinion, the speed survey in accordance with the MUTCD warranted a speed limit of 25 mph. Chief Lewis replied it did not, and Mrs. Cushman then raised concerns as to the correctness of the speed survey itself; noting it had been conducted on July 4<sup>th</sup>. She indicated she would request that a second study be conducted, and a discussion ensued regarding the adequacy of sight lines and visibility in the design of Westchester road.

Mr. McLeod noted that Federal data does not support that lowering a speed limit to 25 mph serves to make a roadway safer; adding that neither was any evidence being presented of that to the Board. He noted that, the way the roadway had been designed, all the tools were there for drivers to operate responsibility. Mrs. Cushman countered that drivers would be more cognizant of their speed if a new 25 mph sign were installed.

Discussion ensued as to the enforceability of a 25 mph speed limit. Chief Lewis indicated that the legally enforceable limit on Westchester, and all other roads currently posted at 25 mph, is 30 mph; adding that when the speed cannot be enforced the signs do more harm than good. He noted that travelers tend to become oblivious to signs, and that he would venture to guess that if a 25 mph sign were installed on Westchester, the speed would reduce slightly only initially before coming back up. Chief Lewis clarified

that the “85<sup>th</sup> percentile” is utilized nationally to set speed limits, and that on Westchester it was 34 mph which indicated 85% of users feel comfortable driving 34 mph or slower. He cautioned that the hundreds of miles of roadway in Town need to be considered, rather than just 1,500’, and added that Westchester is designed for travel at a certain speed.

Mr. Hohenberger noted that the Board has discussed this issue many times, and that he did not believe such signage was a feel good measure. He noted that he believed drivers look to the sign to judge how fast they should be traveling plus 5 mph.

Ms. Marcy Fink, Westchester Road, approached and noted that when Westchester was initially built, it was constructed as a cul-de-sac and that when it was opened through to Bear Hill Road the speed limit should have been changed as it then became a cut-through. Ms. Fink also noted that, as it pertained to the 85<sup>th</sup> percentile and comfort while driving, she may be comfortable driving at 85 or 90 on the highway, however, it is not legal to do so. Chief Lewis reiterated that it is the Federal government which says that, not him. Discussion ensued, with input from Mrs. Cushman, regarding the Federal guidelines and other items which should be taken into consideration as to speed limits, such as changes to the area.

Chief Lewis noted that setting new roads as 25 mph does not adhere to State law, and that when the connection was built through to Bear Hill, it was constructed at 30 mph. Ms. Fink noted the safety hazards to residents, such as walking at night; and added that as it pertained to the speed study she had never seen so many vehicles come to a near stop as when the sensor was across the road. Discussion ensued as to whether Ms. Fink’s assessment of the latter was speculative or not.

Mr. Desilets noted that he agreed the data did not support the Cushman’s request. He also indicated that the average speed on Westchester may in fact be 40 or 42 but we don’t know as the studies themselves serve to diminish the speeds.

Mr. Breton expressed his agreement with Ms. Fink; adding that the study should be re-done on a school day wherein people are rushing, etc. He also indicated he concurred with Mr. Hohenberger regarding lower speeds helping to slow down traffic. Mr. Hohenberger added that he believed the speed study process to be ludicrous; adding that there is a difference between setting and reducing a speed limit.

Mr. McLeod cited NH RSA 265:63, which governs this matter, and noted that the requestors were asking that the Board ignore a portion of the statute in favor of the remainder; reiterating that the speed study does not warrant a reduction. Discussion ensued, with input from Ms. Fink and Mrs. Cushman, regarding the MUTCD and that Section II requires consideration of other factors besides a speed study.

Mr. Dennis Senibaldi approached seeking clarification on Town Counsel’s previous opinion on whether new roads could be set at 25 mph. Mr. Sullivan noted that Town Counsel had advised that the Board could not do so; adding that since 2004 the Board had set eight (8) new roads at 25, nine (9) at 30, and changed five (5) to 25 and five (5) to 30. Discussion ensued.

Mr. Breton moved and Mr. Hohenberger seconded to grant the request of the residents and lower the balance of Westchester Road to 25 mph. Passed 3-1, with Mr. McLeod opposed.

Chief Lewis then requested that a letter be forwarded to the Attorney General’s Office to obtain a formal opinion/ruling on whether the setting of new roads at 25 mph is legal. He went on to indicate that he felt unenforceable signage was a travesty, and that there were no special conditions in this case to warrant the change. Discussion ensued regarding the original plans for Westchester Road, the potential for pending legislation changes, and the number of slow children sign requests the Board has denied.

**BID AWARDS:** Mr. Sullivan advised that three bids had been received, as follows, and that the recommendation would be to award the bid to B & H Oil.

Vendor	Fixed \$/Gal
B&H Oil, Salem NH	\$3.199
Palmer Gas/Ermer Oil, Atkinson NH	\$3.346
Eastern Propane, Hudson	\$3.499

Mr. Breton moved and Mr. Hohenberger seconded to award the bid to B & H Oil for their bid price of \$3.199/gallon. Brief discussion ensued as to the previous meeting and why this had been re-bid with revised specifications. Motion passed 4-0.

*Paving Projects:* Mr. Sullivan advised that the following bids had been received for paving projects, and that the recommendation would be to award same to Tate Brothers for their combined package price of \$522,000.

	1	2	3	4			
Vendor	Dublin Rd	Roman Rd	Kendall Pond Rd	Morrison Rd	Total of Each Bid		Bid Price if all awarded
Brox Industries, Dracut MA	\$69,000	\$101,800	\$232,460	\$173,780	\$577,040	(1)	\$572,040
Tate Bros. Paving, Hudson NH	\$49,530	\$88,520	\$231,537	\$163,080	\$532,667	(2)	\$522,000
Hudson Paving, Hudson NH	\$69,257	\$123,242	\$297,260	\$194,151	\$683,910	(3)	\$679,910

Mr. Hohenberger inquired as to whether Tate would be able to complete these this year, and Highway Agent Jack McCartney replied in the affirmative. Mr. Hohenberger then moved and Mr. Breton seconded to award the projects to Tate Brothers for their combined, low bid of \$522,000. Mr. Desilets sought clarification that the Town has used Tate in the past, which Mr. Sullivan confirmed. Motion passed 4-0.

**RIGHT-OF-PERMIT REQUEST:** Mr. Sullivan advised that a trenching permit was being requested on Wall Street for the purpose of cable repairs; which Mr. McCartney had reviewed and signed off on.

Mr. Breton moved and Mr. Hohenberger seconded to authorize the Chairman to execute the right-of-way permit as requested. Passed 4-0.

*Mr. Breton* excused himself from the meeting, returning at 8:35 PM.

**LOCAL ENERGY COMMITTEE PRESENTATION:** Mr. Mark Kovacs, LEC Chairman, made the attached presentation to the Board relative to the possibility of natural gas service in Windham. He concluded same by advising that the LEC was requesting the Board's support of their continuing to assess the possibility and that same be spearheaded by the Community Development Department.

Discussion ensued regarding the service to Towns surrounding Windham, the various costs referenced in the presentation, the demographics of the Maine communities referenced versus Windham, and conversion costs to homeowners. Ms. Scott approached and clarified that: Unitil has targeted where they want to be in Salem; Tennessee Gas has no plans for expansion in Windham, and; Liberty Utility is currently doing a rate structure study for Windham which should be completed by August/September. She also noted that the latter is very interested in Windham, and is actively looking to expand here.

Further discussion ensued regarding the lack of Summit's authority to operate in NH, the bid process, tapping into the Tennessee Gas line, and the type of materials usually used to feed the service, which Mr. Kovacs indicated was typically an 8" plastic pipe.

Mr. Desilets extended thanks to Mr. Kovacs and the LEC for putting together the data and presentation, and then moved to support the LEC's continued assessment, and sharing of data with local utilities, in pursuing potential gas service extension in Windham. Mr. Breton seconded and the motion passed 4-0.

**CORRESPONDENCE:** Mr. Sullivan advised that the Planning Board had approved a partial bond release for Cricket Ridge/AWAC Realty in the amount of \$168,531; with \$63,956.50 being retained. Mr. Breton moved and Mr. Hohenberger seconded to reduce the bond as stated in the 6/27 memo from the Community Development Department. Passed 4-0.

Mr. Sullivan then advised that a partial bond release had also been approved by the Planning Board for Weston Estates/One West Rd, LLC in the amount of \$408,988; retaining \$241,544.34. Mr. Breton moved and Mr. Hohenberger seconded to reduce the bond as requested. Passed 4-0.

**MINUTES:** Minutes of June 30, 2014 were tabled.

**RIGHT-OF-WAY PERMIT:** Mr. Karl Dubay approached to request a right-of-way permit relative to work at 22 Haverhill Road; indicating he had previously been before the Board and advised at that time to follow-up with a summary plan for said work. Mr. Dubay advised that the NH DOT permit is in place relative to all proposed items, including grading/smoothing, landscaping, underground electric, and replacement of the sign; as well as relocation of the drive/drive culvert. Mr. Dubay reviewed with the Board the site plan for the location.

Discussion ensued, and Mr. Hohenberger expressed concerns that the plan showed drastic changes to the right-of-way area as opposed to just a driveway cut as previously presented. Discussion ensued regarding the previous conceptual design presented to the Board, and Mr. Dubay noted it had not changed and that the landscaping involved smoothing of the area and putting in street trees. He added it was not being developed, and that there was a tremendous distance between the building and the State highway. Further discussion ensued as to whether it was more beneficial to do level landscaping so the business could be seen, and that such a change would require Mr. Dubay to return to the Planning Board as the street trees were a requirement.

Mr. Sullivan clarified that, as it pertained to this discussion, the Selectmen are operating under the Right-of-Way ordinance which prohibits permanent structures within the right of way. He inquired of Mr. Dubay whether the owner was prepared to remove the trees if instructed to do so in the future by the Board; to which Mr. Dubay replied in the affirmative. Discussion then ensued regarding possibly bonding for said removal, and Mr. Desilets indicated he did not believe that would be prudent and he would not support same in the interest of a business friendly nature.

Ms. Scott approached and reiterated the plan has not changed from that previously presented; clarifying that the site plan requires street trees to be planted. She indicated that if the Board does not want same, then Mr. Dubay will have to return to the Planning Board to receive waivers for same. Mr. Sullivan suggested that a letter be obtained from the owner asserting that they agree to bear the costs of the removal if necessary. Mr. Desilets concurred with this suggestion, and further discussion ensued regarding the proposed seating areas for which these trees will aide as a buffer, as well bond calculations.

Mr. Desilets then moved and Mr. Hohenberger seconded to approve the right-of-way permit request contingent upon the property owner providing a letter to the Town in accordance with Section VI: c of the Right of Way Ordinance.

Discussion ensued, and Mr. Hohenberger requested that an escrow requirement be included in the motion. Mr. Desilets amended his motion to include requirement for a \$7,500 escrow, and Mr. Hohenberger amended his second, as well. Motion passed 4-0.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Desilets seconded to enter into a 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.

The Board discussed a pending tax deeding situation and instructed Mr. Sullivan to follow up with a letter to the property owner in question.

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

Meeting was adjourned at 10:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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













# Oil and Propane Are Principal Heating Fuels for Windham Residences

Liberty – 2.1 mi 



 Potential "tie-in" points exist nearby



Windham Local Energy Committee

Data courtesy of Rex Norman and Eric Delong, Town of Windham

# How Does Gas Service Extension Come About?

- Economic decision made by utility
  - Utility profit derives from gas distribution; no profit on gas commodity cost

$$\begin{array}{|c|} \hline \text{Consumer Price} \\ \hline \end{array} = \begin{array}{|c|} \hline \text{Meter Charge} \\ \text{(\$ / month)} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Delivery Charge} \\ \text{(\$ / therm)} \\ \hline \end{array} + \begin{array}{|c|} \hline \text{Cost of Gas} \\ \text{(\$ / therm)} \\ \hline \end{array}$$

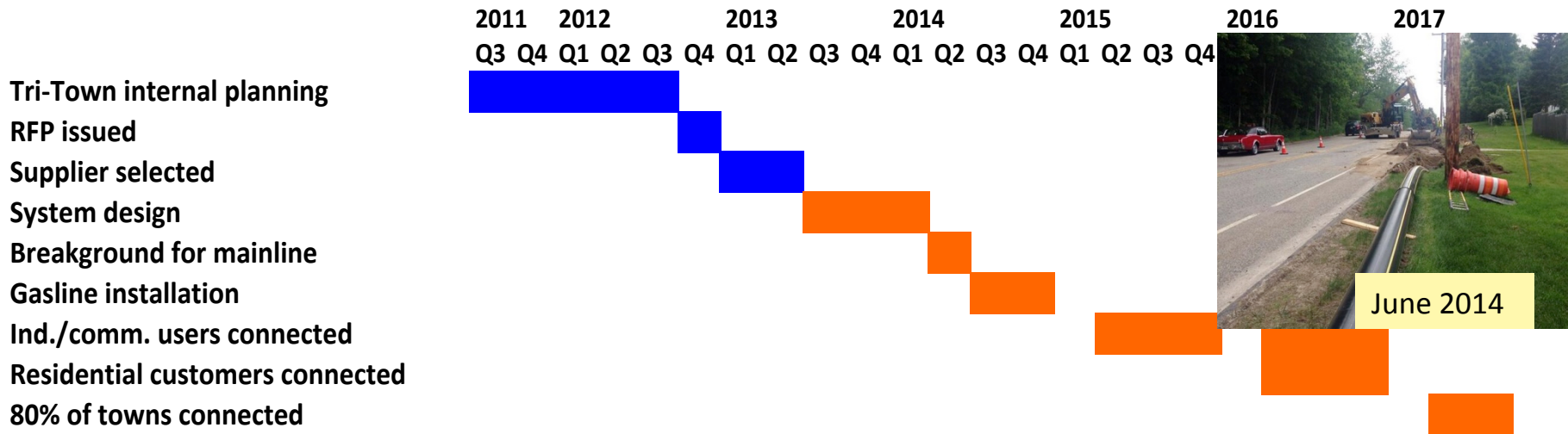
CONSUMER	UTILITY	PIPELINE
Monthly fuel bills Fuel conversion payback Hook-up costs	Investment for gas line expansion Operating costs Profit	Utility passes through gas costs with <b>no profit</b> ; Market sets price

- Municipality grants franchise to utility to provide gas service to specified area; extension costs borne by utility, not by municipality
- **New Approach:** Community(ies) issue RFP to multiple suppliers to attract attention and garner most favorable terms
  - Cumberland, Falmouth and Yarmouth, Maine took this approach

**Economics driven; funded by utility; paid by users through monthly delivery charges; Town can take initiative**



# New Approach: 3 Maine Communities (Cumberland, Falmouth, Yarmouth) Teamed to Gain Gas Service



## Maine Project Scope:

**Construction Costs ~\$72.5 million over 30 years.**

**Pipelines: 32 miles of primary pipe; 213 miles of distribution line**

**Population: 26,000 (Windham: 14,000)**

**Customers: ~ 8,000 (Windham: 5,000)**

**Bidders: Summit Natural Gas (winner) and Maine Natural Gas**

**Rebates**

**Residential customer conversion: up to \$1,500;**

**Low income households: rebate of 100% with a maximum of \$4,000**

**Typical conversion costs: \$3,000- \$7,000.**



# Maine Towns/Summit Natural Gas Rate Structure Acceptable to All

	Liberty Utilities (NH)	Unitil (NH)	Summit Natural Gas (ME)
Annual Residential Delivery Charges for 780 therms*	\$386	\$534	\$903
Allocation (\$/consumer) for gas line extension	\$3,087	\$4,271	\$6,684
Attractive to Utility	No	No	Yes
Outcome	No service	No service	Installation underway

\* Average estimated residential usage by SNG

**Higher Delivery Charge Still Yields Significant Cost Reduction**

Total Cost		
Natural Gas (Summit)	Fuel Oil	% Reduction
\$1,332	\$2,063	35%



# Summary

## **Actions Taken:**

**Contact with NH Utilities, Maine Utility, NH PUC and Maine Towns Liberty Utilities (Bill Clark – Business Development Manager/Bill Sherry, VP for Customer Care)**

Discussions -Laura Scott (Community Development) and Mark Kovacs (LEC)

Corporate approval for extension to under-served (e.g. Derry) and un-served communities (e.g. Windham) in NH

Windham feasibility assessment this summer; 4-5 year plan; requires PUC approval

**Unitil (Tim Noonan – Director Business Development)**

Need expression of interest by Windham residents

## **Conclusion:**

**Natural gas extension to Windham - large cost benefit to entire Town;  
Rates can be set to attract utility (example: Maine communities)**

**Requesting Selectmen approval: continue LEC assessment, share data with utilities and pursue gas service extension to Windham**



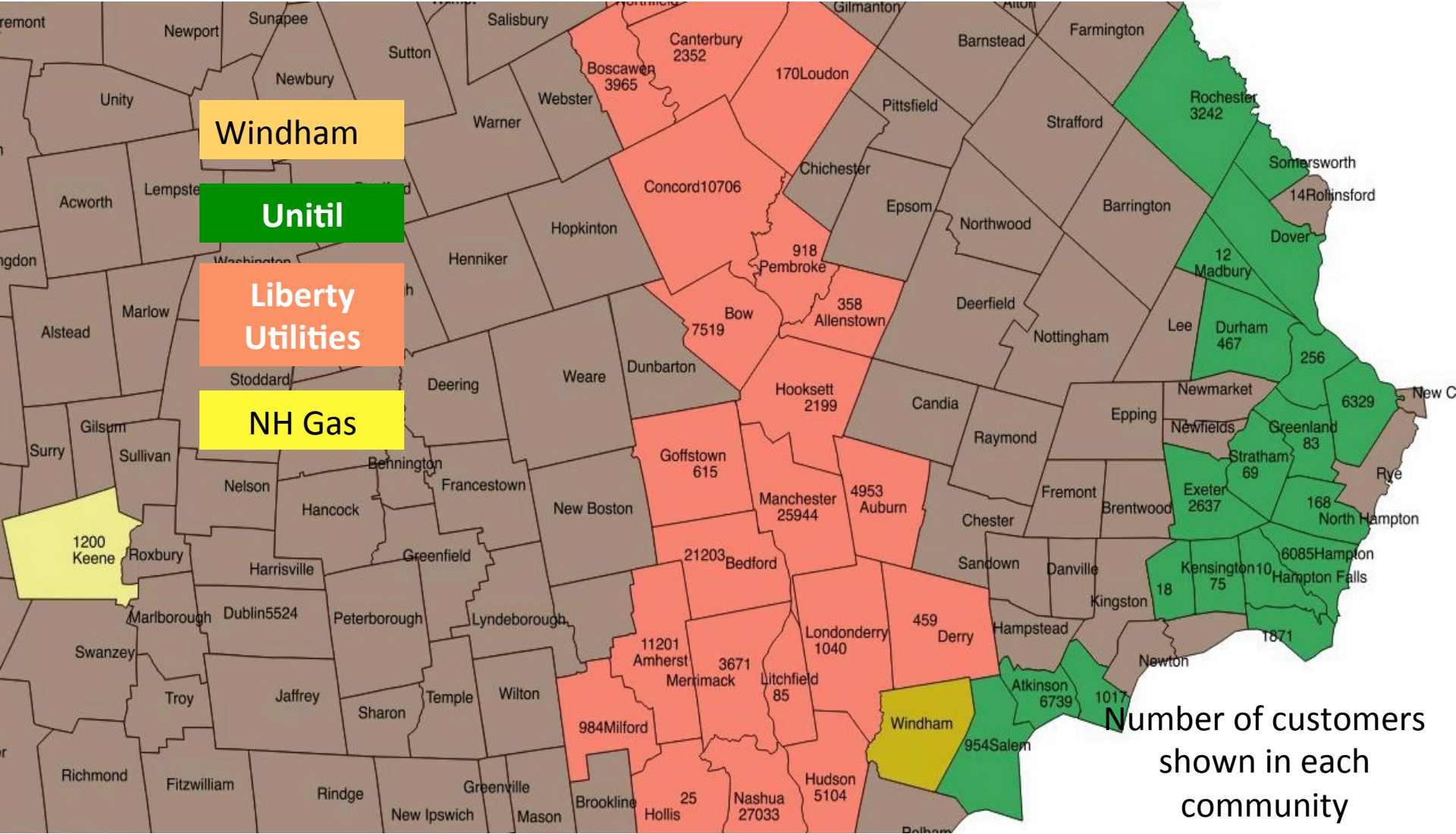
# BACKUP



Windham Local Energy Committee



# Many Nearby Communities, Large and Small, Have Natural Gas Service



Number of customers shown in each community





# Specific Carbon Dioxide Emissions of Fuels

Fuel	Emissions in kgCO <sub>2</sub> /kWh	Emissions in kgCO <sub>2</sub> /GJ
Wood *)	0.39	109.6
Peat	0.38	106.0
Lignite	0.36	101.2
Hard coal	0.34	94.6
Fuel oil	0.28	77.4
Diesel	0.27	74.1
Crude oil	0.26	73.3
Kerosene	0.26	71.5
Gasoline	0.25	69.3
Refinery gas	0.24	66.7
Liquid petroleum gas	0.23	63.1
Natural gas	0.20	56.1

\*) not sustainable used without reforestation

Source: Regenerative Energiesysteme (Renewable Energy Systems)

