

BOARD OF SELECTMEN
Minutes of July 27, 2015

MEMBERS PRESENT: Vice-Chairman Joel Desilets called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Roger McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Chairman Al Letizio was delayed and arrived at 7:10. Mr. Desilets opened with the Pledge of Allegiance.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. Desilets announced that the NH DOT would present an I-93 project update on August 6th from 6:00 to 7:30 PM at the Community Development Department.

Mr. Desilets announced that donations were being accepted towards a second memorial window at the Searles building, in memory of Bob Skinner.

KRT ASSESSING REVALUATION: Mr. Rob Tozier of KRT approached noting that the company, as part of their data collection project, would normally do “call backs” for those properties where they were unable to perform an interior inspection; however, they do not have time to complete these. He indicated that he would suggest one of the following options: 1) do not do this portion at all, which would reduce the contract by \$7,500; 2) perform the call backs in the Fall, or; 3) send out a data verification form to those properties in lieu of an interior inspection. Mr. Tozier further clarified that KRT cannot complete the call backs by the statistical update deadline.

Discussion ensued, with Mr. Hohenberger seeking clarification as to which options will reduce the contract payment; as KRT is unable to complete same. Mr. Tozier noted that two of the options would reduce the amount, and a discussion ensued regarding KRT taking on the project and now being unable to complete same. Mr. Sullivan noted that, at a minimum, the questionnaires should be sent out; which would reduce the contract by \$4,000. Discussion ensued.

Mr. Letizio arrived and assumed the Chairmanship.

Further discussion ensued as to the percentage of the Town being reevaluated, which Mr. Sullivan clarified was 100%; adding that these call backs are for existing properties which KRT did not get into, not new construction.

Mr. McLeod moved and Mr. Hohenberger seconded to proceed with option 3, sending out of questionnaires. Passed unanimously.

COMMITTEE INTERVIEWS: The Board heard from Mr. Dave Curto, who was interested in possible appointment to the Recreation Committee and/or Conservation Commission. After a brief discussion, Mr. Desilets moved and Mr. McLeod seconded to appoint Mr. Curto as alternate to the Conservation Commission for a period of one year and as an alternate to the Recreation Committee for a period of one year.

Mr. Sullivan clarified that the Board could appoint Mr. Curto to Conservation for a period of three years, as one of the current alternates will be moving up to Regular. Mr. Desilets amended his motion accordingly, and Mr. McLeod his second.

Mr. Letizio sought clarification from Mr. Curto that he was okay with being appointed to both, and the latter replied in the affirmative.

Motion passed unanimously.

OLD/BUSINESS: Mr. Sullivan advised that the Board must formally adopt a resolution, which they had received for review on the One Drive, relative to the vehicle leases.

Mr. Desilets moved and Mr. Hohenberger seconded to adopt the lease resolution dated July 27, 2015. Passed unanimously.

CORRESPONDENCE: Mr. Sullivan noted that a request had been received relative to hosting of a race on Town property; deferring to Mrs. Marianne Bemister and Mr. Chris Bright. Mr. Bright, owner of Phantom Cross Fit in Salem, approached and explained he would like to organize the "Mother of All Races" to be held across various areas of Town such as Deer Leap and the Town Forest. Lengthy discussion ensued as to the nature/format of the race. Mr. Bright clarified that the target for this one day event is 500 teams shuttled in from Rockingham Park, and that all liability coverages will be in place. Mr. McLeod inquired whether local medical support would be needed, and Mr. Bright replied in the affirmative. Discussion ensued regarding the need to coordinate with public safety and recreation.

Mr. Letizio inquired whether participation was fee based, and Mr. Bright replied in the affirmative; noting the entry fee would be \$400/team with a certain portion of the proceeds being allocated to a non-profit organization. Discussion ensued regarding the logistics/military-based format of the event, and Mr. Sullivan noted that the Town properties in question are under the auspices of other Town committee/commissions. Mr. Bright indicated that he would be approaching those entities as well, if the Board endorses the concept of the race.

Mr. Hohenberger sought clarification that the costs of any necessary details, etc., would be covered, and Mr. Bright replied in the affirmative.

Mr. Hohenberger then moved and Mr. McLeod seconded to authorize Mr. Bright to proceed to take the necessary steps toward coordinating the event, with the support of the Board. Mr. Desilets sought clarification that this authorization would be contingent upon the other involved committee/commissions' endorsement, and Mr. Hohenberger replied in the affirmative. After further, brief discussion, motion passed unanimously.

REAL ESTATE SERVICES INTERVIEW: Mr. Sullivan noted that one proposal had been received from Platinum Realty Group relative to disposal of those Town-owned properties which have been approved for sale; which involved marketing of same for a period of one year and a 6% commission on the sale. As representatives from Platinum was not yet in attendance, this item was deferred.

FIRE DEPARTMENT BIDS: Mr. Sullivan advised that the Chief had asked that the exhaust system be postponed to the next meeting. He then deferred to Chief McPherson to discuss the fire truck bid award.

Chief McPherson extended thanks to those members of the Department who had worked tirelessly to develop and analyze the bids. He advised that two bids had been received, as follows:

Bulldog Fire Apparatus, Woodville, MA (KME) \$446,786.00

Rosenbauer of New England (Rosenbauer) \$447,619.00

Chief McPherson indicated that the recommendation of staff and the Committee would be to award the bid to Rosenbauer for their bid price; adding that he had personally reached out to and encouraged other vendors to participate in the bid process, however, they had chosen not to.

Deputy Chief Ed Morgan approached and echoed the Chief's thanks. He went onto explain that in looking at the two bid packages, Rosenbauer was the better deal for the money; adding it was a year newer, has a lifetime warranty on the subframe and a four year one on the engine, it has a better warranty on the pump, and they can obtain the Bridgestone tires preferred by the Department. Chief Morgan also noted that he had spoken to area Chiefs who have Rosenbauers, and that they had indicated they would recommend them. Discussion ensued as to the local availability of a maintenance facility, which Chief Morgan indicated would be Greenwood in N. Attleboro MA. He also noted that Rosenbauer offers a travelling mechanic, as well.

Mr. Breton moved and Mr. McLeod seconded to, per the Committee's recommendation, award the bid for purchase of Tanker 2 to Rosenbauer for their bid amount of \$447,619. After further brief discussion, motion passed unanimously.

Mr. Hohenberger sought clarification as to whether there were any other costs anticipated to transfer the equipment, and Chief McPherson advised that the balance of the Warrant Article funds will be used for that purpose including, possibly, the purchase of a new thermal camera.

Discussion then moved to the possibility for additional savings of approximately \$5,237 if the Town were to prepay the Chassis. It was the consensus of the Board that staff do so.

BEAUTIFICATION GOAL: Mr. Sullivan advised that he has been working with the HDC, Mrs. Case, Mr. McCartney, and Mr. Poulsen regarding ideas to improve the Town complex, some of which included:

- Cutting back of the trees for 15-20'; which will discourage rodents and allow for walking around the side of the Community Development Department
- Updating of the entrance and exit, including removal of the pavement in front of the old fire station bays and making it a true, one way in/out driveway

Mr. Sullivan noted that should the Board endorse this concept, he will then proceed to further develop same with an eye toward the 275th celebration in 2017. He also indicated installation of a sign at Church Street/Route 111 had been suggested; directing travelers to the Town complex.

Mr. Desilets expressed his support of the initiative for the complex; adding that he had reached out to the communities of Meredith and Portsmouth for input on incorporating public sculptures into the area.

Mr. Hohenberger concurred that he liked the concept, but expressed concerns with removing the area for parking. Discussion ensued in that it is illegal to park in front of the bay doors, anyway. Mr. McLeod expressed his concurrence with Mr. Hohenberger; adding that he would be hesitant regarding removing/adding asphalt with development of the Village Center District still pending.

Mr. Breton suggested that staff sit down with an engineer to develop a plan; concurring that the existing layout is not the best way to get in/out of the complex. He inquired whether gravel could be placed in the area cleared of trees to preserve some parking spaces. Brief discussion ensued.

Mr. Letizio expressed his appreciation for staff taking the initiative to develop the proposal, adding that he supports the concept as well and would encourage expert input to be sought.

Mrs. Margaret Case, WCAB Chair, approached encouraging the Board to, at a minimum, do the tree cutting now in light of issues with squirrels at the studio. Discussion ensued in that the squirrels are slated to be removed simultaneous to the bats in August, and that the trees have been trimmed.

Mrs. Case noted she believed Mr. Sullivan's plan was a good one, and further discussion ensued regarding the squirrels in the studio and urine issues they are causing. Mr. Sullivan clarified that the proposal obtained for removal was for both the squirrels and the bats and further discussion ensued as to whether the former should be eradicated immediately.

Mr. McLeod moved and Mr. Hohenberger seconded to wait and deal with the squirrels in keeping with the plan for removal. After further discussion regarding the timing of same, the motion passed 4-1, with Mr. Breton opposed.

Mrs. Margaret Crisler, Past President of the Garden Club, approached noting that the Club maintains the garden areas within the complex; adding that she very much supports the plan. She also felt that removal of the asphalt/trees is a good idea, but urged that a landscape architect be hired. Mrs. Crisler noted that the Club is also willing to lend their expertise, having 5 master gardeners available.

Mrs. Crisler also suggested that the possibility of burying the electrical wires also be looked into, as well as removing and/or replanting the trees along Route 111 in order to frame the Town Common. Discussion ensued as to whether there was a need for a sub-committee to develop the beautification process.

Mr. Peter Griffin, HDC, approached to commend the Board's efforts and express his agreement with Mrs. Crisler as it pertained to hiring an architect. He also felt that a subcommittee would be a good idea; and added that by endorsing the plan the Board was making an investment in the Town's future and would therefore need to endorse the funding for same, as well.

Mrs. Kathleen DiFruscia, Horseshoe Road, approached to extend thanks to the Board for bringing forth this goal. She expressed endorsement for Mr. Sullivan's proposal, noting the 275th will serve as an incentive to bring it to fruition and the end result will help to attract business. Mrs. DiFruscia also noted the need for a plan, a subcommittee, and input from professionals. Mr. McLeod concurred with the need for a subcommittee.

Mr. Letizio then proposed that the median strips in the area of Klemm's also be looked at for improvement; similar to those in Boxford or North Andover MA, which are hardscaped. He indicated these medians provide an opportunity to define the Village of Windham, and suggested that everything within them be removed and replaced by uplit trees and river rock; noting this would also improve safety and visibility in the area. He suggested that a subcommittee could look into this possibility, as well. Discussion ensued as to the existing median landscaping, which had been done by the State at a cost of \$385K, as well as the amount of funding the Town budgets to maintain same on an annual basis and the current hazards.

Mrs. Crisler noted that she and Mr. Letizio have had several lengthy conversations regarding his proposal, and that trees are part of our nature as a rural oasis. She indicated that what we have in the medians should have been beautiful, but has been hampered by a weed problem which exists due to a lapse between the initial planting and mulching. Mrs. Crisler then noted that the Garden Club supports Mr. Letizio's suggestion, and that there is also an organization known as Urban Trees which may be able to assist. Mr. Hohenberger noted that input would need to be garnered from the DOT, as trees can pose a hazard as well.

Discussion ensued regarding the hazards of trees, and Mr. Hohenberger noted that if something were to be done in the medians it should be something very low maintenance. Mrs. Crisler noted that the plantings that are there are very valuable, reiterating that it was well done, and suggesting that they be relocated.

Ms. Scott approached to suggest that the Board consider two separate sub-committees for the two areas; as there may be timing/mindset issues in having one address both. She agreed that the existing plantings were expensive and done at the Board's behest; adding that the issue relates to the initial, nominal amount of \$6,000 annual which was budgeted for their maintenance. Ms. Scott clarified that she would hate to see the median issues portrayed as being the landscaper's fault. She also advised that the type of beautification Mr. Letizio was describing had been looked at as part of the Wall Street study, and that those designs could be used as a starting point.

Mr. Pat Robertson, Kendall Pond Road, approached to note that the Board should bear in mind that the new construction on Route 111 will also have a new median; adding that increases in the funding toward maintenance of the existing had made a difference.

Mr. James Rand, Pleasant Street, approached urging that the Board work very closely with the DOT before going too far; adding that while they are all very good ideas, each has issues. Discussion ensued.

Mr. Peter Griffin, West Shore Road, approached suggesting that the Board discuss the new areas with the DOT, and indicated that while he likes the plan, the Board must consider the future (eg ultimate size of the trees and the impacts of their roots).

Mr. Frank Farmer, HDC Chair, approached to remind the Board that the Presbyterian Church is in the process of repairing the steeple. Discussion ensued, and Mr. Desilets noted that he would be in favor of a subcommittee; adding that the important part of any plan that may be submitted is inclusion of maintenance costs.

He then moved and Mr. McLeod seconded that the Board commission a single sub-committee for the purposes of Town Beautification. Discussion ensued and Mr. McLeod noted he concurred with Mr. Desilets and Mr. Breton regarding the need to consider future maintenance costs. Mr. Breton felt that there should be two committees, suggesting that Ms. Scott could establish same. Lengthy discussion ensued regarding the nature of the projects, and the available pool of talented volunteers.

Ms. Carol Pynn, HDC, approached indicating she believed two subcommittees were needed. She felt that the Town center project was the more important of the two as it requires a lot of attention. When asked whether he would amend his motion to establish two subcommittees, rather than one, Mr. Desilets declined.

After further discussion regarding advertising for the committee and assessing the needs thereafter, Mr. Desilets amended his motion to be that staff solicit volunteers to serve on a beautification subcommittee. Mr. McLeod amended his second, as well, and the motion passed unanimously.

Mr. Breton asked that the Board allow Ms. Scott to begin the dialogue with DOT, and she indicated she had already done so.

ERZ ZONING: Ms. Scott explained that the State of NH offers an Economic Revitalization Zone program at no cost to communities; which allows business owners within these zones to apply for tax credits. Ms. Scott noted she would like to submit an application to the Department of Resources and Economic Development to establish three (3) zones in Windham in the areas of Wall Street and Route 111, Route 111 and Range Road, and Route 111 and 111A. Discussion ensued as to these areas being in the Gateway and Business Technology districts and the impacts of these credits on State funding.

Mr. McLeod inquired whether there was data to support that such ERZ programs serve to encourage growth. Ms. Scott clarified that it will not create development, however, it can serve as an incentive to those already planning on locating here.

After further discussion, Mr. Desilets moved and Mr. Hohenberger seconded to support the establishment of three ERZ's as recommended by Ms. Scott. Passed 4-1, with Mr. McLeod opposed.

FORESTRY COMMITTEE: Mr. Sullivan explained that the Committee has approached him regarding re-doing their Rules of Procedures and, as they are an autonomous Committee, it would be his suggestion that the Board amend the existing Rules of Procedure to keep the language regarding appointment to the Committee only. He provided a copy of the proposed edits to the Board for review. Discussion ensued regarding the Town's existing appointment policy, as well as State statutes and the Forestry Committee.

Mr. McLeod moved and Mr. Hohenberger seconded to, per protocol, post the proposed amendments for Public Hearing. Passed 4-1, with Mr. Desilets opposed.

SIDEWALK MAINTENANCE AGREEMENT: Mr. Sullivan advised that the owners of 49 Range Road had approached him relative to who would be maintaining the sidewalk in their area, and that he had informed them that the Town did not do so in keeping with their 2008 agreement with the State. He then noted that, once the new sidewalks being installed as part of the By-pass are completed, the Board will either need to affirm their policy of not maintaining the sidewalks or, if the intent was to begin maintaining same, make preparations for the winter to do so. Mr. Sullivan indicated his recommendation would be to contract out the maintenance if that were the Board's decision.

Mr. Hohenberger moved to maintain the current policy of not maintaining the sidewalks, and that same be amended to incorporate suggested language from Town Counsel relative to the addition of roadside sidewalks not leading to Municipal Buildings to the Section addressing areas that will not receive maintenance. There was no second.

Discussion ensued regarding the 2012 agreement with the State versus the 2005 one, the new versus existing sidewalks, and that per practice the Town does not maintain sidewalks. It was noted that once the Town does start maintaining the new, they will also have to do the existing per Federal requirements.

Mr. Breton noted that not maintaining the sidewalks presented a liability issue, and that he felt not doing so was a disservice to the public. He indicated that the Planning Board approved buildings in those areas, and disagreed with Attorney Campbell relative to liability. Further discussion ensued.

Mr. McLeod moved to amend the existing sidewalk maintenance policy to incorporate Town Counsel's language. Mr. Breton suggested this be deferred and that the sidewalks in the area of businesses be evaluated to include input from the Chiefs.

Mr. McLeod withdrew his motion and asked that this be rescheduled on a future agenda to include maps of the area. Lengthy discussion ensued regarding the maps, which were made available to the Board on the OneDrive, the existing versus future sidewalks and costs; as well as whether, if the Board were going to assume responsibility anyway in the future, they should just begin doing so now. It was the consensus of the Board that this be deferred to a future agenda.

OLD/NEW BUSINESS: Mr. Letizio recused himself from the Board, and Vice Chairman Desilets assumed the Chair. Discussion then ensued regarding renaming of the balance of Indian Rock Road, from the Wall Street intersection and ending in the area of Castleton. Mr. McLeod noted that, to motorists, it is all Route 111; adding that the Board had previously voted to name the newly constructed area "Indian Rock Road" and querying if the Board should reconsider same. Discussion ensued regarding the safety issues previously noted with the segmenting of Indian Rock Road in such a fashion.

Mr. Pat Robertson, Windham Firefighter, approached and noted that the splitting of the road as such causes issues, and he felt it was more important to maintain a continuous name.

Mr. McLeod moved and Mr. Hohenberger seconded to reconsider the Board's vote to name the newly constructed portion of Route 111 "Indian Rock Road". Motion failed 2-2, with Mr. Desilets and Mr. Breton opposed.

Mr. Desilets noted that a letter had been received from area property owners requesting to name the old portion "Independence Drive". Mr. Letizio explained that he had invited the six (6) affected property owners to attend a meeting to discuss same, and that five (5) had signed on in support of "Independence Drive"; noting that other suggestions had been "Rum Hill", "Rocky Pasture" or "Pond View" roads, as well as "Enterprise" or "Intrepid" drive.

Mr. Desilets noted he would be in support of either “Independence” or “Enterprise”, while Mr. McLeod noted that an “Independence Avenue” exists just over the line in the Town of Derry. Discussion ensued as to whether to schedule a public hearing, and Mr. Breton moved that, as the individuals having standing in the matter have weighed in, the road be named “Independence Drive”. There was no second.

Mr. McLeod moved and Mr. Breton seconded to post for Public Hearing the renaming of the old portion of Indian Rock Road as either “Independence” or “Enterprise” Drive. Passed 3-1, with Mr. Hohenberger opposed.

After further, brief discussion, Mr. Letizio resumed the Chair.

Mr. McLeod noted that, per statute, a vote to seal non-public minutes must be 2/3's in the affirmative, or 4-1; adding that, as such, the April 6th minutes had been sealed improperly.

Mr. McLeod moved and Mr. Breton seconded to reconsider the approval of the 4/6 minutes, and to amend same to read “needing 4 votes to pass, the motion to seal this portion of the minutes failed”. Passed unanimously.

Mr. Breton moved and Mr. McLeod seconded to reconsider the vote to seal the non-public portion of the 4/6 minutes. Passed unanimously.

Mr. Breton moved and Mr. Hohenberger seconded to seal the non-public portion of the 4/6 minutes. Passed 4-1, with Mr. Desilets opposed.

Mr. McLeod moved and Mr. Breton seconded to approve the minutes of 4/6 as amended. Passed unanimously.

Mr. Sullivan requested that the Board review the information on the remaining portions of the discontinued Route 111 for discussion at a future meeting; noting the possibility of a Town Meeting warrant article and the need to conduct title searches and abutter notices for same.

Mr. Sullivan advised that Town Counsel had reviewed the Board’s questions regarding the Town’s restricting usage of the official seal. He indicated that staff has drafted a proposed ordinance for Town Meeting, and he will schedule this on an upcoming agenda once Counsel has reviewed same.

Mr. Sullivan requested that the Board approve a standard, formal delegation of Town Treasurer duties; drafted in keeping with State statutes. He explained that this covers the delegation of various financial duties, such as daily deposits, to staff. Mr. McLeod moved and Mr. Breton seconded to approve the delegation as presented. Passed unanimously.

Ms. Scott requested that the Board approve the final release of the financial guarantee relative to the Village of Windham; noting same has been approved by the Planning Board et al. Mr. Breton moved and Mr. McLeod seconded to approve the final release of \$22,447.50 plus interest as recommended. Mr. McLeod sought clarification that there were no outstanding issues, and Ms. Scott confirmed there were none. Passed unanimously.

Mr. Letizio noted that the Board had been asked by residents whether a Selectman would be attending one of the upcoming FERC scoping meetings; adding he had planned on attending but could not any longer. Mr. Desilets noted that he will likely attend the upcoming one in Milford.

Mr. Breton sought clarification as to why day staffing at the Fire Station had been reduced by one. Mr. Sullivan explained that, the Chief had done so as the budget was projected to be overspent on the overtime and salary lines. Discussion ensued regarding the addition of the fifth firefighter by voters, and that there are no minimum manning requirements. Mr. Hohenberger noted that the voters had not voted on the latter, but rather on the Fire Department budget as a whole. Further discussion ensued regarding the budget versus firefighter concerns.

Mr. Hohenberger noted that the Chief is doing his best to manage the funding available to him, and Mr. Breton requested that this be placed on a future agenda to hear both sides. Mr. Hohenberger disagreed, Mr. McLeod noted he would be willing to discuss it with the Chief and the head of the Fire Union, while Mr. Desilets concurred with Mr. Hohenberger. Further discussion ensued, and Mr. Sullivan clarified that the Chief was not filling the second person on the day shift only, and that nights and weekends were fully covered.

After further discussion, Mr. Breton moved and Mr. McLeod seconded to schedule this on a future agenda at the Chair's discretion. Passed 3-2, with Mr. Hohenberger opposed.

CORRESPONDENCE: *Mr. Sullivan* requested that the Board officially recognize four teens as volunteers for Conservation, who will be working at Foster's Pond to garner community service hours towards graduation. Mr. Hohenberger moved and Mr. Breton seconded to authorize all. Passed unanimously.

MINUTES: Mr. Desilets moved and Mr. McLeod seconded to approve the minutes of 6/5 and 6/29 as written. Passed unanimously.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan noted that, as it pertained to the potential for a special town meeting regarding the Housing Authority option to lease, he had provided current and historical information to the Board for their review. He noted that a discussion will be scheduled as to whether a special town meeting is necessary, or if it can wait until March.

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

Mr. Letizio then called for a ten minute recess to a non-meeting to allow the Board to discuss a union matter.

Non-public session resumed, with the Board, Mr. Sullivan, Mr. McCartney, and Ms. Devlin in attendance in the first session.

The Board discussed a personnel matter relative to staffing. In the course of the discussion, Mr. Breton exited the meeting.

Mr. Hohenberger moved and Mr. McLeod seconded to place these staffing needs out to bid as discussed. Passed 4-0.

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

Mr. Sullivan updated the Board on a potential development involving Town infrastructure, and his intent to gather more information from the Town of Salem regarding same. After a lengthy discussion, it was the general consensus of the Board that Mr. Sullivan not speak to Salem at this time.

Mr. McLeod discussed a reputations matter with the Board. No decisions were made.

Mr. Hohenberger moved and Mr. McLeod seconded to adjourn. Passed 4-0.

Meeting was adjourned at 11:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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