

**BOARD OF SELECTMEN**  
**Minutes of August 10, 2015**

**MEMBERS PRESENT:** Chairman Al Letizio called the meeting to order at 7:25 PM. Selectmen Bruce Breton, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Joel Desilets was present via phone. Mr. Letizio opened with the Pledge of Allegiance, followed by a moment of silence in honor of Special Sgt. Andrew McKenna who had recently been killed in action.

**ANNOUNCEMENTS/LIAISON REPORTS:** Mr. Desilets noted that the Record Retention Committee, for which Mr. Hohenberger was previously liaison, is currently lacking a representative from the Board; a position which he would like to fill. After a brief discussion, Mr. Breton moved and Mr. McLeod seconded to appoint Mr. Desilets as liaison to the Record Retention Committee. Passed 4-0-1, with Mr. Desilets abstaining.

*Mr. Frank Farmer*, Chairman HDC, approached requesting the Board's permission to reallocate \$3,000 in funding, which had been earmarked to retain a consultant to update the Town History. Mr. Farmer noted that the HDC would like to use the funding instead to bring in speakers from the Humanities Council on subjects such as cellar holes. After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to allow Mr. Farmer on behalf of the HDC to reallocate funds as requested.

Mr. Breton sought clarification as to where these funds are coming from, and Mr. Sullivan explained that they are in the budget, however they were specifically for a consultant. Motion passed unanimously.

*Mr. Sullivan* advised that he and Community Development Director Laura Scott had met with Salem Town Manager Keith Hickey regarding the proposed development in Windham that would involve town sewer. He noted that the logistics of same had been discussed and that they had collectively agreed that the next step should be authorization for Mr. Letizio or his designee to participate in a second meeting with Salem.

Mr. McLeod noted he had thought the purpose of meeting with Salem was just to gather information, and Mr. Sullivan replied in the affirmative. He clarified that information had been garnered regarding what the process would be; adding that agreements would be required between the parties and, first and foremost, the two towns would need to agree to an allocation for Windham through Salem's line. Mr. McLeod expressed concerns as to whether Mr. Sullivan was negotiating with Salem, and Mr. Sullivan replied in the negative.

Mr. Hohenberger queried whether the Memorandum of Understanding (MOU) from 2007 still existed between Windham and Salem, and Mr. Sullivan replied in the negative. Mr. Hohenberger noted he had no problem with Mr. Sullivan getting data, however he did not want the impression to be given that the Town was in favor of anything. He noted this would need to go to the voters, and a discussion ensued. Mr. Sullivan reiterated that, ultimately, the two Boards would need to agree whether or not to go forward; and that any other agreements would then follow.

After further discussion, Mr. Hohenberger moved and Mr. McLeod seconded to allow Mr. Letizio to participate in the next meeting. Mr. McLeod requested the motion be with the caveat that this would be just to gather information to bring back to the Board. Mr. Hohenberger concurred, and the motion passed unanimously.

**ASSESSING INTERVIEWS:** Mr. Sullivan reminded the Board that three (3) bids had been received from KRT, MRI, and CMP, which the Board had narrowed to two (2) for interviews, adding that both met the bid specifications. Mr. Letizio sought clarifications as to the process after these presentations, and Mr. Sullivan noted the Board would be asked to consider the vendors for decision on the 24<sup>th</sup>.

Mr. Don Jutton, President of MRI, then presented information on his company to the Board, and fielded several questions, noting that:

- MRI has been in business 26 years and assists approximately 500 communities across New England.
- They are a full service business, with Assessing representing approximately 25% of their business.
- They have a comprehensive understanding of Municipal Government.
- Their Senior Assessor is a Certified NH Assessor (CNHA) who resides in Salem, and they envision having him on staff, with field people, for three (3) days per week at a minimum. He has been with MRI for 18 years.
- They are familiar with Vision, however, they do not utilize the wand device that KRT does for external measurements.

Mr. Breton requested that Mr. Sullivan clarify for the public what was occurring, and Mr. Sullivan explained that with the departure of our most recent Assessor, the Board had opted to contract out this service. He went on to note that the Board is seeking a five year contract to allow for completion of the cyclical review, as well as in-office staffing. Mr. Sullivan noted that many communities are operating similarly, and that this will represent a cost savings to the Town. He advised that a five year contract with MRI would total \$524,700, which could be reduced to \$493,700 via an option to partner with Vision on the statistical update in 2020. Brief discussion ensued, and Mr. Breton sought clarification that the Department will be staffed at all times, and Mr. Sullivan replied in the affirmative. He clarified that Mrs. Zins remains a valuable resource and is working on additional training now. Mr. Jutton noted that training for Mrs. Zins was also included in their proposal; and Mr. Sullivan added that it had been a requirement of the RFP.

The Board then heard from and posed several questions to Mr. Ken Rogers, President of KRT, and his associates Doug Irvine and Keith Hawley who noted the following:

- KRT has been in business for five years, while Mr. Rogers has 23 years of experience in the assessing field. Mr. Irvine has 12 and began his career at Vision Appraisals.
- Mr. Irvine is also a CNHA and most recently worked in the Town of Bedford.
- KRT also will commit to staffing the office for three days, and is the only company authorized to utilize the wand device for measuring.
- KRT's proposal is \$559,000; with possible savings of \$80,000 in 2016 if they don't utilize the wand to re-measure properties in 2016.

Discussion ensued regarding the current project being handled by KRT, the mailing of surveys to property owners in lieu of performing call-backs, and the process/nature of conducting internal inspections. Mr. Rogers noted that the response to the surveys has been tremendous, with approximately 1500 returned thus far.

Mr. Sullivan sought clarification of KRT's proposed cost of \$18/parcel, questioning whether it would remain the same if additional parcels were added, and whether appearances at the Board of Tax and Land Appeals were included. Mr. Rogers noted he believed that the latter were included, and indicated that any additional parcels would be pro-rated.

Mr. Hohenberger expressed concerns that KRT had been unable to complete their current contract with the Town, and a discussion ensued regarding the cyclical program versus one year.

Mr. Breton noted that background checks should be in place and a letter issued by the Chief for the selected vendor. Mr. Irvine noted that the Department of Revenue Administration also requires background checks. Discussion ensued, and Mr. Sullivan noted that KRT had been issued town ID's and letters in addition to the DRA requirements. After further, brief discussion, Mr. Sullivan noted that this will be on the next agenda for decision by the Board.

**REAL ESTATE SERVICES INTERVIEW:** Mr. Letizio noted that a single bid had been received to market and sell certain Town-owned properties from Platinum Realty Group. Mr. Dan Rosa, representing same, approached to field questions from the Board.

Mr. Hohenberger inquired whether the 6% commission proposed by Mr. Rosa was negotiable. Mr. Rosa noted that the commission would be split between agencies, with him receiving only 3%, unless he also sells the property; adding he will be listing them in both MA and NH. Discussion ensued regarding the labor involved in marketing/advertising the properties, and Mr. Rosa noted the amount of work involved in selling vacant land. He indicated the commission for same is generally in the 7-10% range.

Mr. Sullivan inquired as to Mr. Rosa's success rate with vacant land, and Mr. Rosa noted that he has sold many parcels in his 17 years; including several on Horseshoe Road.

Mr. Desilets queried whether Platinum Realty had a website on which the properties would be listed. Mr. Rosa noted that NHPlatinumRealty.com is under development, however, most of his business is done through word of mouth. Discussion ensued, and Mr. Desilets expressed concerns regarding the lack of a web presence, as well as that Platinum was the only bidder. Mr. Rosa clarified that the company consists of five employees and, even if the Board went with a larger company, they would still have only one agent.

Mr. Desilets then sought clarification as to the process (eg negotiations and the final decision). Mr. Rosa replied that as the Town's realtor he would negotiate the highest deal, and the final decision to accept same would be the Board's. Discussion ensued, and Mr. Desilets noted he would like to see this placed back out to bid to see if a larger response could be received. Mr. Breton disagreed, noting that the bid documents are now public, and Platinum's price is out there. Mr. McLeod concurred, adding that the Board has been considering these sales for a while and Mr. Rosa was the only respondent.

Mr. McLeod then moved and Mr. Breton seconded to award the bid for Real Estate Services to Daniel Rosa of Platinum Realty Group.

Mr. Sullivan clarified that the RFP had been sent to nine local companies, advertised in the newspaper, and posted on the Town website. He indicated he had received one call from a company in Bedford, who had not bid, and one from Mr. Rosa. Discussion ensued.

Mr. Desilets noted that he had conferred with a commercial realtor, and Mr. Rosa's proposal of 6% was not as egregious as it may seem. He then reiterated his concerns regarding the lack of website.

Motion passed 3-2, with Mr. Desilets and Mr. Hohenberger opposed; the latter indicating that he believed the 6% commission was too high given that there are other means to dispose of the property.

*Mr. Sullivan* then advised that Keach-Nordstrom Associates has been working on a plan to consolidate the Blueberry Road parcels and, as it pertained to those on Fourth Street, a title issue had been discovered. He indicated that Town Counsel recommends that a quiet title be done for Fourth Street, for which KNA is willing to do a survey map at an approximate cost of \$1,500. Mr. Sullivan advised that these monies are available in the legal budget. After brief discussion, it was the consensus of the Board to move forward with the quiet title as discussed.

**INDIAN ROCK ROAD RENAMING:** Mr. Letizio recused himself from the Board and, as Mr. Desilets was not physically present, senior Selectman McLeod assumed the Chair. Mr. McLeod then noted that this item pertained to the renaming of the stub road leading to Castleton. He reminded all that the Board has already named the new construction "Indian Rock Road", and that this public hearing had been posted to name the stub either "Independence Drive" or "Enterprise Drive; adding that the Board could also opt for something else and repost for a new public hearing.

Mr. McLeod then noted for the record that correspondence had been received from the property owner of 82 Indian Rock Road advising that they were no longer in favor of "Independence Drive." Mr. Sullivan explained that the Bevins had been one of the five who signed a letter to the Board in support of same.

Mr. Hohenberger noted for the record that he had been contacted by a resident who suggested the name "Granite". Discussion ensued and it was clarified that there was already a "Granite Hill Road" in Town. Mr. Breton then noted that he had received calls in support of "Enterprise Drive".

Mr. Bud Sweetser, North Shore Road, approached in opposition to both choices as they are too commercial. He indicated he felt it was more appropriate to have a historic name tied to the Town and/or geographical area.

Ms. Carol Pynn, HDC, approached to express her agreement with Mr. Sweetser; questioning how much time there was to make a decision. Mr. Sullivan noted that the DOT had wanted a response a month ago, and that he felt the Board should make a decision that evening. Mr. Hohenberger did not see the need to rush, and a discussion ensued regarding the Town's being advised several years ago that the area would need to be renamed.

Ms. Pynn reiterated her concerns that neither name fit with Windham; citing the loss of much of Windham's visible history. She asked that the Board allow the HDC to discuss this prior to making a decision. Discussion ensued regarding the length of time that the Town has known of this and input received from the impacted property owners.

Mrs. Marion Dinsmore, Waters Edge Road, approached noting that they had not signed the previous letter as they did not agree. She noted the name should be something more appropriate for Windham; adding that she has no sympathy for the State's needs given issues the project has caused.

Mr. Bob Coole, Morrison Road, approached noting he agreed with Mr. McLeod's sentiments at the previous meeting; those being that it should have remained "Indian Rock Road". He noted the costs involved to residents to change their addresses; adding that there is nothing on the new construction as yet. Mr. Coole then inquired how one was to explain that "Indian Rock" is not on "Indian Rock Road". Discussion ensued.

Mr. Letizio noted that there are only eleven parcels involved and that maintaining this area as "Indian Rock Road" would result in continuity problems from a safety standpoint. He noted that five of the eleven parcels impacted are owned by the State and nine are commercial; adding that he had arranged a meeting of the six private owners to discuss possible options. Mr. Letizio noted that five originally, and now four given the Bevins reconsideration, had supported naming the road "Independence Drive". He went on to note the commercial nature of the area and the importance of an appropriate name; as well as the tax positive benefits of commercial development as it pertained to cost of services.

Mr. Frank Farmer, HDC Chairman, approached noting that he understood the public safety concerns requiring the name change; adding, however, that he will be disappointed if the Board does not come up with an historic name.

Mrs. Barbara Coish, Golden Brook Road, approached to suggest "Rural Oasis Road". Discussion ensued.

Mr. Breton moved and Mr. Desilets seconded to name the road in question "Independence Drive". Discussion ensued in which Mr. Desilets withdrew his second as he had thought Mr. Breton said "Enterprise". There was no other second given.

Mr. Desilets then moved and Mr. Breton seconded to name the road in question "Enterprise Drive". Lengthy discussion ensued, in which it was noted that the signers of the letter to the Board had supported "Independence Drive", whereas "Enterprise Drive" had only been posted as an option at the Board's behest.

Motion passed 3-1, with Mr. Hohenberger opposed.

*Mr. Letizio* resumed the Chairmanship.

**HOUSING AUTHORITY:** Mr. Sullivan noted that Housing Authority (HA) Chairman Charlie McMahon was requesting a special Town Meeting to approve an option to lease for eleven acres of land on Fellows Road for use for elderly housing. He explained that the former option had expired in 2012, and a new one was required in order for the HA to proceed. Mr. Sullivan noted that the HA's legal counsel had reviewed the proposed option, and made minor amendments, and that Town Counsel has reviewed it as well and had only minor comments. He indicated that a September Deliberative Session could be scheduled, followed by voting in October. Discussion ensued.

Mr. Breton sought clarification that there is no funding involved, and Mr. Sullivan replied in the affirmative; explaining that the HA is under separate jurisdiction and any monies they require come from their own funding.

Mr. McLeod inquired whether input had been sought from the Planning Board, EDC, etal; as well as the Town Clerk as it pertained to the cost of the Town Meeting. Mr. Sullivan noted that the approximate cost would be \$1,500 or less. Mr. McMahon advised that he had not solicited input from the remainder, as the HA has nothing to show them at this time. Discussion ensued.

Mr. McLeod sought clarification as to federal funding, and Mr. McMahon confirmed the HA will receive federal funds. Discussion ensued regarding restrictions of same and the timing of this request. Mr. McMahon clarified that it will take a year for the HA to make anything happen, however, the timing of applications for the federal funds is always in August; leaving little time for the HA to prepare if they wait until March.

Mr. Sullivan noted that this goes back to control of the land and the option to lease; clarifying that the Federal Housing Authority will not invest in any project without the land in place; reiterating that if we wait until March our HA will have no time to complete the application.

Discussion ensued regarding the process the HA must follow to obtain grants/credit, and Mr. McMahon clarified the Town has no obligation in such a project. He indicated that applications are through the HA and this will offer low income rentals to individuals aged 62 and up. Discussion ensued regarding the lack of cost to the Town and that the development would likely include a PILOT (payment in lieu of taxes). Mr. Breton suggested that a line be added to the agreement clarifying that there is no liability for the Town.

Mr. Hohenberger noted that HUD will not allow restriction to Windham residents only, and sought clarification as to whether the Board of Directors would be our local HA or the NH Housing Finance Authority. Mr. McMahon replied it would be the former, and a discussion ensued in that the HA is a separate entity.

After further lengthy discussion amongst the members with input from Mr. McMahon and HA member John Alosso as to what Mr. McMahon was requesting and whether a Special Town Meeting was necessary, Mr. Breton moved and Mr. Hohenberger seconded to send this matter to a Special Town Meeting as requested; date to be determined. Passed 4-1, with Mr. McLeod opposed.

**CYR LUMBER/NO PARKING SIGNS:** Chief Lewis, Chairman of the Highway Safety Committee, approached and noted that the Committee had reviewed a request to install "No Parking" signs on either side of the new Cyr Lumber driveway on Jones Road. He indicated the Committee had approved the request; which will keep the sight line in the area clear.

Mr. Letizio noted that installation of these signs had also been a condition of the Planning Board's approval, which Chief Lewis confirmed. Discussion ensued regarding parking in the area and who will bear the cost for the signage. It was clarified that the developer will pay for same.

Mr. McLeod moved and Mr. Breton seconded to permit the installation of four "No Parking" signs on Town property as per the site plan. After further discussion, motion passed unanimously.

**FORESTRY COMMITTEE:** Mr. Sullivan noted that no comments had been received on the proposed amendments to the Forestry Committee Rules of Procedure. Mr. McLeod moved and Mr. Breton seconded to approve and adopt the amendments as posted. After brief discussion, motion passed 4-1, with Mr. Hohenberger opposed as he felt the Board was relinquishing control over the Committee.

**CHIEF LEWIS:** Mr. Letizio noted that the Board had received report of an accident involving one of the Town's cruisers, and inquired whether the members had any questions regarding same. Mr. McLeod requested that the Chief elaborate on why the officer was attempting to enter the Post Office via the one way when the accident occurred, and also why certain items related to visual impairment were checked while others related to the officer were not. Mr. Letizio clarified that only general inquiries/answers should be discussed, otherwise this would be a non-public matter.

Chief Lewis indicated that he was unsure as to how to respond to Mr. McLeod's concerns without referencing the driver, and a discussion ensued. He then noted that, in his 10 years, there had been 30-40 incidents reported and the Board had never questioned same; seeking clarification as to whether this were going to be the norm. Further discussion ensued, and Mr. McLeod clarified that he had asked as he could not fathom the cruiser going in that way and potentially causing a head on collision; adding that he had also concerns that the report noted "visual obscurement" but placed no responsibility on the driver.

Chief Lewis replied he had thought the report was clear in that the officer had just completed a motor vehicle stop and that, in the regular course of duty, staff does make illegal u-turns or go in/out in the opposite direction. Mr. Desilets queried why that would be the normal course of action if it were not an emergency situation, and a discussion ensued.

Mr. Breton noted that policy requires that the accident report be submitted to the Board, however he did not wish to discuss the Department's standard operating procedures. Discussion ensued, and Mr. Breton noted that if this were going to require a non-public session it should be conducted immediately.

**NON-PUBLIC SESSION:** Mr. Desilets moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II c. Passed 3-2 with Mr. Letizio and Mr. Breton opposed. Roll call vote - all "yes" save for Mr. Letizio and Mr. Breton.

The Board, Mr. Sullivan, Chief Lewis, Captain Caron, and Ms. Devlin were in attendance. After lengthy discussion regarding the circumstances of incident, Mr. Desilets moved and Mr. McLeod seconded to discipline the officer for negligence.

Further discussion ensued regarding the Board's lack of jurisdiction to impose discipline in this matter, and Mr. McLeod withdrew his second. After further discussion, there was no other second offered and no decisions were made.

**PUBLIC SESSION** resumed at 10:10 PM.

**REGIONAL ELECTRICITY CONSORTIUM:** Mr. Sullivan explained that the Local Energy Committee has been working with the Southern NH Planning Commission to develop a consortium for the purchase of energy. He noted that this could afford the opportunity to bid out 15 million kw of power, versus 700kw, at a significant savings to the Town. Mr. Sullivan noted that Mr. Matt Rounds, LEC member, has offered, at no cost, to complete the initial set up/bidding process, which can be re-used going forward. Mr. Sullivan noted that a strike price would be in place, and there is no obligation to the Town.

Mr. Desilets extended his thanks to Mr. Sullivan and LEC members Matt Rounds and Neelima Gogumalla for their efforts; adding that this represented a zero risk opportunity to the Town. He then moved and Mr. McLeod seconded to move forward as discussed. Passed unanimously. Mr. Sullivan noted he will return to the Board with an update.

**MOSQUITO SPRAYING:** Mr. McLeod recused himself due to his affiliation with the Windham Soccer Association. Mr. Sullivan explained that the following contributions had been offered towards costs to spray the sportsfields this year:

- \$275 for Rogers Field from Football
- \$260 for Nashua Road from Soccer
- \$100 anonymous donation towards Griffin Park

Mr. Sullivan advised that the balance of \$600 would then be due from the Recreation budget. Mr. Breton moved and Mr. Desilets seconded to approve the expenditure of \$600 for mosquito spraying. Passed 3-1, with Mr. Hohenberger opposed; explaining that he will always be opposed to spraying as it provides a false sense of security to residents.

Mr. McLeod resumed his seat with the Board.

**RIGHT-OF-WAY PERMIT:** Mr. Hohenberger moved and Mr. McLeod seconded to approve a permit request for cable repairs involving work on Telo and Almas Street, and another for utility trenches under or alongside Roulston, Lamson and Industrial Drive. Passed unanimously.

Mr. Breton requested that, in the future, the Highway Agent include on the paperwork a bond amount for the Board's approval. After brief discussion, in which Mr. Sullivan clarified that Comcast has a standing, \$5,000 bond in place, Mr. Breton moved and Mr. McLeod seconded to reconsider the vote to approve. Passed unanimously.

Mr. Breton then moved and Mr. McLeod seconded to approve the permit requests conditional upon a \$5,000 bond plus payment of the applicable permit fees. Passed unanimously.

**MINUTES:** Mr. Desilets moved and Mr. McLeod seconded to approve the minutes of July 13 as written. Passed 3-0-2, with Mr. Desilets and Mr. McLeod abstaining due to absence.

**NON-PUBLIC:** Mr. Breton moved and Mr. McLeod 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". The Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions.

*Mr. Desilets* moved and Mr. McLeod seconded to move Nancy Kopec from regular to alternate member of the HDC, to promote Mark Moreau from alternate to regular HDC member, and to appoint Derek Saffie as an HDC alternate. Also, to promote Justin Pare from alternate to regular member of the Conservation Commission. Passed unanimously.

*Mr. Sullivan* discussed a request for a hardship abatement with the Board. Mr. Hohenberger moved and Mr. McLeod seconded to deny the request. Passed 4-1, with Mr. Desilets opposed.

*Mr. Sullivan* discussed a legal matter with the Board relative to easements on Town property. Mr. McLeod moved and Mr. Hohenberger seconded to support Mr. Sullivan proceeding as discussed with the intent being to bring same to Town Meeting. Passed unanimously.

*Mr. Sullivan* discussed a personnel matter with the Board relative to compensation. No decisions were made.

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

Meeting was adjourned at 10:50 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant

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