

BOARD OF SELECTMEN
Minutes of November 16, 2015

MEMBERS PRESENT: Chairman Al Letizio, Jr. called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Joel Desilets was present via conference call as he was out of Town. Mr. Letizio opened with the Pledge of Allegiance, followed by a moment of silence for the victims of the Paris attacks.

NON-PUBLIC: Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a. Passed unanimously. Roll call vote all “yes”.

The Board, Mr. Sullivan, and Captain Caron were in attendance in the first session. Mr. Hohenberger moved and Mr. Breton seconded to approve hire of the recommended candidate to fill the vacant officer position. Passed unanimously.

The Board, Mr. Sullivan, and Chief McPherson were in attendance in the second session. Mr. Hohenberger moved and Mr. McLeod seconded to approve hire of the recommended candidate to fill the vacant firefighter position. Passed unanimously.

PUBLIC SESSION: Mr. Letizio called the public session back to order by announcing that the Board had discussed the hiring of candidates for the Police and Fire Departments and that both recommendations had been affirmed.

ANNOUNCEMENTS/LIAISON REPORTS: Senator Regina Birdsell approached and presented two (2) resolutions from the Senate in recognition of two (2) recent recipients of the Greater Salem Chamber of Commerce’s “Hidden Jewel Awards”. Senator Birdsell presented same to Mrs. Patti Letizio, Sapphire Award recipient, and to Mrs. Barbara Coish, recipient of a Ruby Award. Thanks were extended to both ladies for their volunteer efforts on behalf of the community.

OLD/NEW BUSINESS: Mr. Letizio advised that he would like to take the matter of whether or not to bill the Clinton campaign for the recent event at the High School out of order. The remaining members concurred. Mr. Letizio indicated that the last time such a discussion occurred was in 2012 regarding the Obama visit; noting that at that time a conversation had been held as to whether a policy should be developed. He inquired whether this had been done, and a discussion ensued in that no direction had been given to staff to draft such a policy, thus there was not one.

Mr. Letizio then sought input from the members as to whether there should be. Mr. Hohenberger and Mr. Breton replied in the affirmative, Mr. McLeod was unsure noting a key factor would be the need to treat all campaigns and events equally, while Mr. Desilets replied in the negative citing the opportunities that having candidates to Windham provides. Mr. Letizio then noted that he concurred with Mr. Hohenberger and Mr. Breton in that a policy was needed.

Mr. McLeod noted the validity of Mr. Desilets’ points; citing articles regarding the economic and civic benefits that hosting such events provide and previous political visits including those by Reagan and Ford. He indicated none of the previous visits were even mentioned in Board minutes and that such events serve to aid our public safety personnel as was the case with the Obama visit wherein our staff spent many hours with and learned much from the Secret Service. Mr. McLeod then noted he did not believe a policy was needed.

Mr. Hohenberger agreed that the Town should not hand pick whom to charge, and all candidates should be charged equally. He indicated he would propose charging anyone who is not a 501c 3 group affiliated with the Town of Windham; adding that those organizations deserve the attention of police/ fire details, if required. Mr. Hohenberger indicated that candidates are, essentially, businesses, and need to be charged for putting a burden on Town staff for the benefit of a select few. Discussion ensued, and Mr. Desilets noted he understood Mr. Hohenberger’s concerns, however, in terms of the full equation he concurred with Mr. McLeod; reiterating the economic benefits.

Mr. Breton cited several previous candidate visits, including Gingrich, Paul and Santorum, noting that none had required staff or incurred costs. He noted that when Christie visits on the 12th there will be no cost to the Town either, and that he believed the Clinton campaign should be billed. Mr. Breton indicated the School District has advised that if Clinton will not reimburse the Town they will, which he felt was ludicrous. Discussion ensued.

Mr. Letizio noted that he did not want to discourage any candidate from visiting, as there is value to all in having them come, and putting a policy in place that discourages that does a disservice to the community. He queried the members as to whether they felt if passing on any taxpayer costs incurred to the candidates would deter them visiting. Discussion ensued, with Mr. Hohenberger replying negatively, Mr. McLeod questioning what kind of light that would put the Town in, and Mr. Desilets believing it would discourage candidates. The latter also noted the administration involved in calculating expenses.

Mr. Desilets then moved to institute a policy to not charge any candidate, and Mr. McLeod seconded for discussion. Mr. McLeod then noted that these events are costing approximately \$800 to \$1000, once every four years. Discussion ensued and Mr. Sullivan clarified those costs are for each candidate who comes through.

Mr. Letizio sought clarification as to who asked for support from the Town. Chief McPherson noted that the Secret Service had requested same based upon the number of visitors expected at the School. Mr. Breton disagreed with the Chief, and a discussion ensued. Mr. Sullivan advised that he could confirm the Secret Service had spoken to Assistant Chief Morgan and Captain Caron, and that Chief Morgan had advised him that an ambulance would be placed on site at the Secret Service's request. Mr. Sullivan noted that he had advised the Chief of issues in 2012 related to the Obama visit, after which the Chief had withdrawn the ambulance. Subsequently, however, the Chief had reconsidered and advised Mr. Sullivan he would be placing an ambulance at the event as he felt it was the correct choice for the safety of the residents in attendance. Chief Morgan confirmed Mr. Sullivan's account, and added the ambulance had been staffed by two (2) individuals.

Mr. Desilets commended Mr. Sullivan and Chief Morgan for making the correct decision for the safety of the residents rather than being bullied by the efforts of some to drum up a news story. Discussion ensued, and Mr. Sullivan stressed that no one was bullied. Mr. Breton questioned why, if the residents' safety was really a concern, the event was hosted in the foyer of the High School rather than in the 900 seat auditorium. Further discussion ensued.

Mr. Desilets' motion failed 2-3, with Mr. Hohenberger, Mr. Letizio, and Mr. Breton opposed.

Mr. Letizio reiterated he did not want to discourage such events, but the Board has a responsibility to the taxpayers and must be even handed. He indicated he, himself, has hosted events that required a detail and he paid for it. He noted these costs could add up, with Senator, Governor, etc., visits, and that he would like to see a policy that, if expenses are incurred in support of any campaign, those be billed.

Mr. Hohenberger indicated that, just as importantly, there could be other organizations that come to Windham which require details. He then moved that the Town not bill any non-profit organization affiliated with the Town of Windham, and to bill all others for costs incurred for details. Mr. McLeod seconded for discussion.

Mr. McLeod then questioned how to define "affiliated" with Windham when there are several that are not 501c 3's. Also, what of groups such as the Garden Club who may have a large turnover in membership to primarily Salem residents; would they still be "affiliated" with Windham? Mr. Hohenberger noted there exists a list of groups who utilize the Town Hall at no charge, which is a good representation of such organizations. Discussion ensued.

Mr. Desilets expressed his agreement with Mr. McLeod, noting the Clinton visit had cost taxpayers about one cent on their taxes; an extraordinarily small amount of money for the benefit to the community. He indicated that he was disappointed in the direction the Board was headed, and a discussion ensued.

Mr. Breton noted that some campaigns would pay, however some won't; adding that in 2012 at the same time Obama visited Windham, Romney was in Keene and the latter did pay the costs incurred there. He felt that Clinton for American should be billed, and Mr. McLeod pointed out that the Campaign had not requested assistance, the Secret Service had and thus they would need to be billed. Discussion ensued.

Mr. McLeod then indicated that he would support Mr. Hohenberger's earlier motion to not bill any non-profit group who is on the Town Hall list. Discussion ensued in that the Windham GOP Committee is on said list and will be hosting Santorum.

Mr. Letizio felt that any such costs should be billed to the party incurring them, including such groups as FLOW. Discussion ensued, and Mr. Hohenberger withdrew his motion.

Mr. Hohenberger then moved to bill any political campaign which comes to Windham that creates a need for the services of police or fire. Mr. McLeod seconded for discussion only; noting the motion was in direct conflict with the Supreme Court of Appeals position on First Amendment issues. Discussion ensued.

Mr. Desilets questioned whether the amount of staff time involved in administering such billing had been determined; adding the Board is trying to solve a problem that doesn't exist. Mr. Sullivan clarified that, as part of protocol, the Chiefs would just establish the identity of the billable party at first contact.

Mr. Bob Coole, Morrison Road, approached and expressed concerns as to whether the Board was over-riding School District policy which says the organization will pay their costs.

Representative David Bates, Range Road, approached and concurred that the School District policy is very specific in that any organization must hire public safety for attendance of 250 or more. He felt the Selectmen need to get together with the School Board on what is already in place. Rep. Bates also expressed his agreement with Mr. McLeod and Mr. Desilets regarding the benefits to the Town of such visits, and that he is concerned the Board would discriminate against political groups. He noted the latter is problematic from a legal perspective, and pointed out that not all campaigns are multi-million dollar organizations; for some \$500 could be a make or break expense.

Discussion ensued and Mr. Letizio sought Rep. Bates opinion on whether, if the former had an event requiring a detail should he not pay for same. Rep. Bates replied that if Mr. Letizio requests a detail then he should pay for it; adding however that he would question whether it was necessary as there are events all over Town with hundreds of people in attendance that don't need one. Further discussion ensued, and Rep. Bates opined that if the Chief determines, for safety reasons, that staff should be there, then that is part of providing service to the Town. Mr. Desilets agreed with Rep. Bates, noting that in this case though the Secret Service made the request, the final decision was made by Chief Morgan and he supports same.

Mr. Peter Griffin, West Shore Road, approached and recommended that the Board review their policy on this after the election season is over. He also noted, that to Mr. Breton's earlier point, it is up to the School District to decide what part of the High School will be used. Mr. Griffin then queried whether this is the kind of signal Windham wants to send to others; pointing out the coverage in the Boston papers.

Discussion ensued, and Mr. Breton sought clarification as to whether the campaign had requested a contracted detail. Captain Caron replied in the negative, noting the Secret Service had contacted him and they had met and spoken twice.

Mr. Jay Yennaco approached noting the Board's going round and round on this was embarrassing. He indicated that Youth Football has an EMT present every Sunday and they are charged for same; adding everyone pays for what they receive. Mr. McLeod disagreed, noting everyone does not pay, and a discussion ensued. Chief McPherson clarified that the Wolverines have an EMT present and pay for same because it is a requirement of the League rules that they do so. Further discussion ensued.

Captain Caron cautioned the Board that, regardless of whether a policy regarding political campaigns is put in place, Police and Fire may still require staff be there whether it's requested or not; adding that it needs to be clear that the final determination rests with public safety staff.

Discussion ensued, and Mr. Hohenberger asked how that determination is made (eg. numbers in attendance). Captain Caron replied that expected numbers do play a part in the decision, however there are lots of different factors. He noted that in Clinton's case, for example, she is a former First Lady/Secretary of State, which was also taken into consideration.

Discussion ensued regarding the Secret Service contacting the Department, and Captain Caron clarified they had asked for assistance which was no different than any other law enforcement agency (eg. the Town of Salem) that we would not bill. Captain Caron expressed his agreement with Mr. McLeod regarding First Amendment concerns and further discussion ensued. Mr. Breton noted that the Secret Service's request for a detail was no different than the Wolverine's request, and that they should be billed.

Mr. Desilets agreed with Captain Caron in that the police and fire need to be empowered to make such decisions in the best interest of the residents; without needing to consult with the Board every time. He also concurred with Mr. Griffin in that this should be looked at the end of the political season. Discussion ensued.

Mr. McLeod indicated he thought Mr. Breton was conflating the issue; noting that in the cases of Obama and Clinton those were public safety issues addressed through the Secret Service working with our public safety staff; and not requested or required by the event sponsor. He also agreed this should be picked up at the end of the political cycle and that it would be worthwhile to look at the School District policy; reiterating that he felt Mr. Hohenberger's motion was a flagrant violation of First Amendment rights.

Mr. Hohenberger disagreed; feeling instead that the talk of the First Amendment was grandstanding and hyperbole. He then noted that the same suggestion to wait had been made as part of the Obama discussion, which was why there was no policy in place; adding he did not wish to put it off again.

Discussion ensued as to Mr. Hohenberger's motion and whether it encompassed Captain Caron's concerns regarding public safety being able to make the final determination. Mr. Hohenberger clarified that, yes, the determination could be made by staff and Mr. McLeod disagreed, feeling that the motion only puts into motion staff's development of a policy for the Board's review.

Motion passed 3-2, with Mr. Desilets and Mr. McLeod opposed.

Mr. Breton then moved to bill the Clinton campaign for the additional costs incurred. Mr. Hohenberger seconded.

Mr. McLeod questioned, then, whether any time the Board entered into a contract they were going to go back in time and change it; as this was essentially what would be done here. Discussion ensued.

Motion failed 1-4, with all opposed save Mr. Breton. Mr. Hohenberger clarified that he was only opposed because the Board would be going backwards and the campaign was not made aware they would have to pay; adding that going forward the policy will be to charge. Mr. Letizio concurred.

Discussion ensued, and Mr. McLeod sought clarification that the direction from the Board was to ask staff to draft regulations. Mr. Sullivan and Mr. Hohenberger replied in the negative; noting that, going forward, any campaign which comes in and incurs costs will be billed.

ANNOUNCEMENTS/LIAISON REPORTS CONTINUED: Mr. Peter Griffin approached noting that the Methuen Festival of Trees, from whom the Searles had received a generous grant, would be hosting their annual event 11/21 to 12/5. He urged all to support their efforts, and noted that Recreation would be hosting a shuttle to the festival; more information regarding same is available via email to Recreation@WindhamNH.gov. Mr. Sullivan added that an additional grant is also being applied for from the Festival.

Mr. Desilets advised that the Local Energy Committee will be posting soon for more members, and encouraged residents to consider joining.

Mr. Norm Babineau, Forestry Committee, advised that the timber harvest of the McIlvain Town Forest has begun. Mr. McLeod extended thanks to the Committee for keeping the Board and public informed.

Mr. Sullivan noted that on Tuesday, December 1 beginning at 6P, there will be public information meeting regarding the Kinder Morgan pipeline project. If residents are unable to attend the Windham meeting, there will be additional ones held in Rindge on 12/2 and in Milford on 12/3.

Mr. Sullivan noted that Ms. Colleen King, ZBA/ConCom secretary, had submitted her resignation effective 11/20. Mr. McLeod moved and Mr. Hohenberger seconded to accept same with regrets. Passed unanimously.

Mr. Letizio noted that the WEDC had been working for over a year on the Market Square Overlay District, and that he was pleased to advise that the Planning Board has moved an article to establish same forward to the March ballot.

BOARD OF HEALTH: Mr. McLeod moved and Mr. Hohenberger seconded to recess the Board of Selectmen to the Board of Health. Passed unanimously. Deputy Health Officer Mike McGuire joined the Board.

Mr. Joe Maynard of Benchmark Engineering approached on behalf of the owners of 23 Walkey Road, David and Marie Latte. Mr. Maynard explained that the parcel has an existing year round home, which has been in violation for a couple of years, since the prior owners, for a failed septic system. He indicated the home has been vacant for approximately one year. Mr. McGuire explained that it will remain vacant until the system can be repaired or replaced, and Mr. Maynard noted that all other approvals are in place with the exception of replacement of the septic system.

Mr. Maynard went on to explain that the lot is only 70' x 60', and the existing system will be replaced by a Clean Solutions one; adding that permits for same have been obtained from the State, the ZBA and the Planning Board. He noted the new system will be within two (2) well radiuses; the owners' and the neighboring lot.

Mr. Hohenberger questioned whether the variances granted had to do with this being a non-conforming lot, and Mr. Maynard noted that the new footprint is actually smaller and the variances were related to the volume of the home (addition of a second floor) and the WWPD/Shoreland protection. Brief discussion ensued.

Mr. Desilets moved and Mr. McLeod seconded to approve the application for waiver as requested. After brief discussion, Mr. Desilets agreed to defer his motion to allow for public input.

Mr. Hohenberger sought clarification that all abutters had been notified. Mr. Maynard replied in the affirmative, adding that the two direct abutters were present. Discussion ensued in that there is one impacted property for which a waiver is already in place from when those owners dug their new well.

Mr. Letizio inquired whether there was any public input or objection to the request; and none was offered.

Mr. McLeod noted the benefits of having all the necessary information in such cases clearly available; and a brief discussion ensued in that the proposed septic is partly within the radius of one other well and is 50' from the owner's well.

Mr. Desilets reiterated his motion to approve, and Mr. McLeod his second. Motion passed unanimously.

Mr. Breton moved and Mr. McLeod seconded to adjourn the Board of Health. Passed unanimously.

RECREATION: Recreation Coordinator Cheryl Haas and Mr. Yennaco presented a proposal to the Board to install temporary ice rink on the Town Common.

Mr. Hohenberger inquired about maintenance of the rink for skating, and Mr. Yennaco noted this had been discussed at length and he has been approached by a few individuals willing to help. He also noted he is willing to do some, as well, and it would be a group effort to keep it clear. Discussion ensued regarding bringing shovels and that the rink is designed to be low maintenance.

Mr. Hohenberger sought clarification of the material, and Mr. Yennaco noted the rink is plastic that snaps together at a height of 18" with a foam cap around the top. Discussion ensued regarding the amount of water, which Mr. Yennaco explained will depend on the levelness of the area; adding the rink will not be filled immediately.

Mr. McLeod inquired whether there were any public safety concerns, and Chief McPherson replied in the negative.

Mr. Letizio thanked Mr. Yennaco on behalf of the Town, and inquired whether hours of use will be posted and if some kind of lighting should be installed. Ms. Haas echoed Mr. Letizio's thanks, and noted that she would initially look to try dawn to dusk for hours. As to maintenance, if Town staff happens to be snow-blowing they may do a quick pass over the rink.

Ms. Haas went on to note that skating would be at one's own risk, with no fires and no hockey allowed. She also indicated she would like to bring some benches over from Griffin Park, along with some milk crates for the littlest skaters. Ms. Haas noted that she believed she could borrow lights, but was unsure as yet whether she wanted to do so; rather she'd like to see how it works out first. She indicated the proposed location is very visible, and Chief Lewis supports the project, as well.

After further discussion, Mr. McLeod moved and Mr. Hohenberger seconded to authorize Mr. Yennaco to construct a portable skating rink as described on the Town Common; operation of which is to be overseen by the Recreation Coordinator. Gratitude was extended to Mr. Yennaco before the motion passed unanimously.

CORRESPONDENCE: Mr. Sullivan noted a request had been received from Youth Lacrosse to hold a fundraising event at Nashua Road Field on Saturday, May 21, 2016 between the hours of 12 noon and 6 pm. He indicated this event would be open to the entire community and would be coordinated with Ms. Haas.

Mr. McLeod moved and Mr. Hohenberger seconded to approve the request. Passed unanimously.

BID AWARDS: *Sidewalk Plowing:* Mr. Sullivan advised that two (2) bids had been received from Delahunty's and Boyden Landscaping; both of whom had bid a per storm cost for the existing and future sidewalks, as well as Griffin Park. He indicated that, net/net, Delahunty's offered the lowest per storm cost and that Mr. Yennaco had also provided an option for a flat fee of \$25,000 for the season to maintain the existing sidewalks and Griffin Park. Mr. Sullivan noted he had spoken with Mr. Yennaco and clarified that, as to the future sidewalks in November of next year, those would be done at a per storm cost of \$200 for removal and \$100 for treatment. Further, any maintenance required of the existing sidewalks and Griffin Park for the balance of this year would also be at a per storm cost.

Mr. Sullivan noted he would recommend the Board award the bid to Delahunty's for the seasonal cost of \$25,000 for January 1 to December 31, 2016 for the existing sidewalks; and for a per storm price as bid for the existing for the balance of this year, as well as for the future sidewalks. He reminded the Board that the budget for same had been estimated at \$55,000.

Mr. Desilets moved and Mr. McLeod seconded to award the bid to Delahunty's as outlined.

Mr. McLeod sought clarification of "per storm". Mr. Sullivan noted that it would be an event involving 2" or more, to be completed within 24 hours after the event. He noted that, for this reason, going with the flat rate is better budgetarily, and that Mr. Yennaco understands that it may involve him going back out multiple times due to the State's winging back the roadway.

After further, brief discussion, motion passed 4-1, with Mr. Hohenberger opposed as he did not believe the Town was required to plow the sidewalks if they did not choose to do so.

Community Development Department HVAC: Mr. Sullivan noted that two bids had been received, as follows:

Granite State Plumbing and Heating - Weare, NH	\$24,535
Denron Plumbing and HVAC - Manchester, NH	\$23,800

He indicated that Mr. Pat Manzo of the LEC had reviewed the bids and provided a comprehensive write up; and that he and Maintenance Supervisor Jack McCartney had reviewed them, as well. Mr. Sullivan noted that the recommendation of all was to award the bid to Denron for their bid amount of \$23,800.

Mr. Breton asked that this be referred back to the Energy Committee, as HVAC has two components: the ductwork and the furnaces. He suggested that this be completed in two phases, first replacement of the ducts with a higher R-value, and then re-bidding for a high efficiency furnace. Mr. Breton did not think installing an 82% efficient furnace will provide the Town with any payback. Discussion ensued regarding repairs to the existing system, the need to tighten up the structure, and payback with a high efficiency system as had been previously spec'd out.

Mr. Desilets concurred with Mr. Breton on the need to tighten up the building, however, given the magnitude of the project he supported the recommendation to award; feeling the rest could be taken care of as part of the Town's maintenance plan.

He then moved to award the bid to Denron as recommended by staff. Mr. McLeod seconded.

Mr. Breton queried what the anticipated savings would be, and Mr. Sullivan replied an estimated \$600/year. Discussion ensued regarding the existing system, which fails often, and that the ductwork is being replaced as part of the project.

Mr. Mark Kovaks, LEC, approached noting that the Committee was charged with coming up with a recommended heating unit rather than analyzing the efficiency of the building; adding that Mr. Manzo, however, had recommended additional insulation with the ductwork. Mr. Kovaks noted that heat lost/total energy consumption relates to the building's insulation, which would likely be significant cost to replace. He noted the LEC is willing to investigate for the Board.

Mr. Letizio asked whether Mr. Kovaks would recommend the Board move forward or delay award of the bid. Mr. Kovaks indicated he was not prepared to make such a recommendation; reiterating what the LEC had been charged to explore. Discussion ensued.

Mr. Desilets amended his motion, and Mr. McLeod his second, to include those additional costs incurred for insulation as recommended by Mr. Manzo.

Discussion ensued, and Mr. Sullivan noted that original goal, barring cost, was to bring in a high efficiency. He indicated that the current system performs marginally, at best, and confirmed that if awarded it would be replaced with the same percentage system. Mr. Sullivan indicated that if the Board wants to go high efficiency, now is the time to do it; suggesting that an auditor could be brought in to analyze the building and the project re-bid for a high efficiency system next year.

Discussion ensued, with Mr. Desilets reiterating his support for proceeding now.

Motion passed 4-0-1, with Mr. Breton abstaining as he believes the building envelope should be tightened up prior to replacing the system.

Mr. Breton then sought clarification that the heat exchanger had been replaced three (3) years prior and included a ten (10) year warranty. Mr. Sullivan replied in the affirmative and a discussion ensued.

Mr. Hohenberger moved and Mr. McLeod seconded to reconsider the motion to award. Passed unanimously.

Mr. Sullivan suggested that the Board table this matter for two (2) weeks and ask Mr. Breton to review the maintenance logs. Discussion ensued, and Mr. Kovaks noted that the LEC would be happy to review the logs as well and work with Mr. Breton. Mr. Sullivan clarified that the funds for the system are in the Property Maintenance Trust and thus will not lapse if the project is delayed.

Discussion ensued, and Mr. Desilets indicated he believed the two should be done in parallel, and reiterated his previous motion. There was no second.

SALE OF TOWN PROPERTY: Mr. Sullivan advised that Mr. Joe Maynard had approached the Town on behalf of a client to express interest in purchasing lot 16P-560 on Third Street; which the Board had previously opted not to sell but rather to hold for future septic system use should the need arise. He indicated that Mr. Maynard's client currently owns three (3) neighboring lots which they would like to combine for a home, and that they would like 16P-560 for their septic.

Mr. Maynard explained that one of the lots currently has a seasonal building which will be razed, and that reconstruction will involve a year round home. He indicated that the Town parcel does involve wetlands, but there is an area on it where a septic system could go. Mr. Maynard noted that there are two year round homes, one seasonal, and one conversion in the area, so the Town lot in question really only benefits those parcels purchased by his client.

Discussion ensued in that Mr. Maynard would reserve a septic easement for other abutters, if necessary, the reasons the Town retained the lot, and the practicality of Mr. Maynard's clients placing a septic system for their lots without it. To the latter, Mr. Maynard noted that waivers would be required.

Mr. Sullivan questioned whether there was a septic system already and whether it was in failure. Mr. Maynard replied there is one that is not failing, however, it is suspected to be sitting on ledge.

Mr. Sullivan then clarified that the Town lot was acquired via tax deed, so the Board is authorized to sell it as justice may require. He indicated that would generally be to assist with a failed septic or similar situation, which had been the case previously when Mr. Maynard approached with a similar request. Discussion ensued, and Mr. Sullivan noted that he believed if the Board were to entertain selling the property, it should be done via auction or sealed bid, or sent to Town Meeting to sell it directly to Mr. Maynard's client. This is because he did not believe it met the "as justice may require" provision. Discussion ensued.

Mr. Desilets indicated he did not believe it needed to go to auction; questioning the value of the parcel. He indicated he believed it to be in the \$100,000 area and, if it were to go to auction and only \$20,000 was offered he would not support a sale at that amount as anything under fair market value is not fair to the taxpayers. Discussion ensued regarding the parcel, and it was clarified that it was largely wet.

Mr. Hohenberger moved to not sell the parcel at this point; explaining that he had voted originally to hold onto it in the event of a failed system and not in order to allow a seasonal dwelling to be replaced thereby exasperating issues on the Pond. Mr. Desilets seconded; echoing Mr. Hohenberger's feelings.

Discussion ensued regarding value and Mr. Letizio noted that he would not support the motion as he would like to aid the property owner. He indicated, however, that he would like to take a portion of the parcel and put it out to auction or bid and retain the balance for any future problems. Mr. Sullivan noted the Board would need to subdivide the parcel.

Mr. Sullivan then indicated that, procedurally, it would be better to sell the parcel and have the purchaser reserve an easement back to the Town. Mr. Breton questioned why the Board would subdivide a two acre lot and keep half of it when a septic can't be put there due to the wetness. Discussion ensued, and Mr. Maynard noted that Mr. Breton's assessment was correct.

Mr. Desilets sought clarification as to whether the Town could let any of the other three abutting area parcels use this parcel if their septic failed. Mr. Maynard clarified that one does not have a home on it, and the other's septic is currently being replaced. Mr. Desilets sought clarification as to whether the

Town parcel could be strategically subdivided such that one piece could serve Mr. Maynard's clients' needs and the rest another's. Mr. Maynard explained that the wetland bisects the parcel into two halves and, given the setback requirements, it would not leave enough area to place a septic system without variances. Mr. Desilets indicated he is in support of selling but leaving a portion that could, with such variances, be sufficient to provide a backup area in case it is needed for lot 16P-189. Discussion ensued.

Motion passed 3-1-1 with Mr. Letizio opposed and Mr. Breton abstaining. Brief discussion ensued in that Mr. Maynard can submit a petition to Town meeting if he wishes.

Mr. Sullivan then advised that Mr. Maynard is also requesting to purchase a portion of the Spruce Pond lot and that he would recommend Recreation's comments be sought before the Board considers same. Mr. Maynard clarified that he has no issue with going to Recreation, but he would like a consensus from the Board prior.

Mr. Maynard then explained that when the fields were developed two easements were reserved by H & B Homes for future development of wells, etc., on parcel 3B-625; which is owned by Mr. Tom Murray. He indicated that Mr. Murray has developed his property nicely, but it has come to his attention that this reserved portion would be an ideal area to place a parking lot out of the WWPD. As such, Mr. Murray would like to have that portion subdivided off so that he may purchase it.

Discussion ensued in that this request would have no impact on the fields, for which Mr. Maynard donated much time and expense towards completion. Mr. Maynard reiterated that he had no issue with going to Recreation or providing a path for access to the field.

Mr. Sullivan noted that, if this were to go forward, it could be advantageous to the Town by allowing use of the lot on weekends and such. Mr. Maynard noted the distance involved would be approximately 300', but it would be an at grade path; adding it could be worked out. Discussion ensued regarding the benefits to the future upper fields.

Mr. Desilets noted that the 2012 conveyance for Spruce Pond required the parcel to be for recreational or open space purposes and that, specifically, no dwelling, structures or service roads other than those shown on the plan be allowed. He indicated feedback would be required before making a decision, and the Board would need to ensure any future fields were not adversely impacted by pervious surfacing.

Further discussion ensued, and Mr. Maynard will now go to Recreation for their input.

BUDGET KICK-OFF: Mr. Sullivan advised that the Board is in receipt of all material for same. It was a consensus of the members to defer until the November 30th meeting.

MINUTES: Mr. Breton moved and Mr. McLeod seconded to approve the minutes of October 5th as written. Passed unanimously.

OLD/NEW BUSINESS, CONTINUED: Mr. Sullivan advised that he had been approached by Ms. Siri Wilbur who was interested in serving on the Town Center Beautification Committee. He indicated that Ms. Wilbur is currently the President of the Garden Club, and the Committee unanimously supports her appointment.

Mr. Desilets moved and Mr. Hohenberger seconded to appoint Ms. Wilbur as a member of the Town Center Beautification Committee. Passed unanimously.

Mr. Sullivan advised that the Forestry Committee and Conservation Commission are requesting that the six parcels in the Southeast Lands that comprise the Town Forest be merged. Brief discussion ensued in that there is no downside to same as it already designated forest land.

Mr. McLeod moved and Mr. Hohenberger seconded to approve merger of these parcels. Passed unanimously. The Chairman will execute the merger request in the presence of a notary and return same to the Town Administrator.

Mr. Letizio advised that he had received a request that the Board reconsider not posting “No Parking” signs on Mallard Road due to continuing issues. Mr. Sullivan clarified that one sign had been posted only, in the area of the fire cistern.

Mr. Letizio went on to explain that the resident indicated that hunters are parking on his lawn, and asking that the Board address the continuing issues. Mr. Breton questioned why the Police Chief was not present, and a discussion ensued regarding the latter’s previous investigation and determination that there was no justification to post the area. Mr. Sullivan deferred to Chief McPherson, who was Chairman of the Highway Safety Committee.

Chief McPherson indicated that, based upon the information he’d just received, he would have to refer the matter back to Chief Lewis. He noted that, when the Highway Safety Committee had considered the previous request, he and Chief Lewis had visited and found no evidence; adding Chief Lewis had also spoken to the residents of which only one had concerns. Mr. Sullivan clarified that, procedurally, such requests go to Highway Safety who then make a recommendation to the Selectmen.

Mr. Breton suggested that the Committee arrange to meet prior to a Selectmen’s meeting in order to allow the residents to attend; as normally they meet during the day.

Mr. Gavin Murphy, 18 Mallard Road, approached noting there is graffiti, drug use, and 3-6 cars per day in that area. He advised that Police have been contacted, and that the kids are confronting the residents now. Mr. Murphy noted it is becoming very frustrating, and that things have gotten much worse. Discussion ensued in that any further incidents should also be reported to the Committee at hsc@windhamnh.gov, and that Chief Lewis could provide information regarding increased call volume, if any.

Mr. Babineau approached in concurrence with Mr. Murphy; noting that vandalism and graffiti is a constant battle. He indicated that the Depot and caboose have also been vandalized, and believes the Town should address it as leaving it encourages more.

After further discussion, Chief McPherson indicated he will arrange for a meeting of the Highway Safety Committee.

Mr. McLeod extended an apology to Mr. Breton, the other Board members, and those who may be watching for getting “snippy” with Mr. Breton during the campaign discussion. He went on to note that the Board does good job of addressing issues without getting personal, however, he had taken it personally when interrupted by Mr. Breton when he should have stayed focused on the issue.

NON-PUBLIC: Mr. McLeod and Mr. Hohenberger seconded to enter into nonpublic session in accordance with RSA 91-A:3 II b. Passed unanimously. Roll call vote all “yes”.

The Board and Mr. Sullivan were in attendance. Mr. Sullivan updated the Board on a personnel matter related to recruitment. No decisions were made.

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

Meeting was adjourned at 11:00 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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