

1 **BOARD OF SELECTMEN**

2 **Draft Meeting Minutes December 29, 2016**

3 **CALL TO ORDER:** Chairman Joel Desilets called the meeting to order at 7:00 PM. Selectmen  
4 Bruce Breton, and Roger Hohenberger were present; as was Town Administrator David Sullivan.  
5 Mr. Desilets opened with the Pledge of Allegiance.

6 **ANNOUNCEMENTS**

7 Mr. Desilets noted that Cheryl Haas and other staff members put together the annual employee  
8 luncheon. It was excellent event. He thanked them for their hard work.

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10 *Year-End Donations*

11 Senior Christmas party - gift basket donated by Salem Woods, 50 Egg McMuffin gift certificates  
12 donated by McDonalds, raffle items donated by Margaret Case, one month of yoga donated by  
13 Windham Pilates.

14 **MOTION:** Mr. Hohenberger made a motion to accept the donations with gratitude. Mr. Breton  
15 seconded the motion.

16 No discussion.

17 Vote 3-0-0.

18 Motion carries.

19  
20 **MOECKEL POND DAM**

21 Mr. Sullivan explained that the dam is in need of reconstruction. The Friends of Moeckel Pond  
22 raised \$150,000 to do the repairs and would like to apply for a grant that would fund the remaining  
23 50% of the cost. They are not eligible to be the applicant and are looking to the Town to partner  
24 with them. The grant is worth \$150,000. There would be two warrant articles. The first is to raise \$1  
25 to purchase easements for the dam and access over Bay Leaf Road in Pelham. The second is to raise  
26 and appropriate \$300,000 funded by the grant and a donation from the Friends of Moeckel Pond  
27 Dam, with no financial impact to the Town. If the grant were not received, the article would be  
28 deemed null and void.

29  
30 Attorney Steven Wagner from BCM Environmental Land Law, representing the Friends of Moeckel  
31 Pond noted there were two main issues for the warrant—to raise and appropriate the funds and to  
32 enter into the agreements for the two easements. The Friends of Moeckel Pond would have full  
33 responsibility for the dam reconstruction. The Village District would take on the dam maintenance  
34 since they will own the dam and the access through Pelham. They would develop use and  
35 occupancy agreements that would spell out the rights of the agreements. They would put a bond in  
36 place to ensure the Town is not responsible for any of the financial components if the Village  
37 District was to dissolve. Mr. Hohenberger questioned how the bond would be executed. Would it be  
38 signed over to the Town as the beneficiary?

39  
40 Attorney Campbell noted he spoke with Mr. Gegus from the State who is the administrator for the  
41 grant. Based on that conversation, he has a few concerns. The first being that the Town is the co-  
42 applicant and recipient of the federal grant and would have to sign on as a sponsor of the project.  
43 The Town would be responsible for the expenditure of the grant funds, which means they would be  
44 responsible for auditing, tracking the funds and reporting to the State. If for some reason the grant  
45 was taken away because of unlawful activity, the Town would be responsible for finishing the  
46 project. The Town will ultimately be responsible for maintenance of the dam and future public  
47 access.  
48

49 In terms of the performance bond, it would function the same way as a road bond and would likely  
50 be provided through an insurance company. They have not yet determined how much the bond  
51 would be for or how the amount would be determined. There is still no way to guarantee that the  
52 Town would not have some financial responsibility.

53

54 Mr. Hohenberger questioned if there was a way to protect the Town from an “act of God”. Mr.  
55 Sullivan noted that there are limitations on their insurance; if the dam were to break and flood  
56 properties down the stream, the Town might be liable for those costs.

57

58 Mr. Campbell noted the Town would have some maintenance obligations. The dam would need to  
59 be regularly inspected and permitted. That may need to be contracted out to the Village District.

60

61 *Al Letizio Jr.*

62 Mr. Letizio expressed his support for the project. Like anything the Town endeavors to accomplish,  
63 it isn’t always simple. In the long-term view he sees the great benefits that will come with  
64 completion of the dam and the assets it will add, that will help make the Town a special place.  
65 Water is a primary aspect of the Town seal and what this project does is bring back another  
66 waterway to the Town. It enriches conservation land so it has water again.

67

68 *Jim Murphy – Patricia Street, member of the Village District*

69 Mr. Murphy questioned if the State would require regular maintenance. Mr. Sullivan noted they  
70 would expect the recipient of the grant to maintain it in perpetuity.

71

72 Attorney Campbell noted that Mr. Gegus stated that the Town must be willing to accept perpetual  
73 responsibility to make sure the property will be continually used for public use. Attorney Campbell  
74 added that they would need to determine if the type of public access the grant will require is in  
75 compliance with the bylaws of the Conservation Commission since the land that the pond is over, is  
76 Town-owned conservation land.

77

78 *Wayne Morris, member of the Conservation Commission*

79 Mr. Morris believes the Bylaws discuss passive recreation and allow for public access. They have  
80 had discussions with the Pelham Conservation Commission to discuss the access and parking lot  
81 and will continue to work with them. Mr. Morris added that it would be a huge benefit to have water  
82 back on the 40 acres. With the proximity to Rock Pond, it would mean 70 acres of kayaking, paddle  
83 boarding, and canoeing.

84

85 Mr. Sullivan noted he supports the project, but the Town needs to understand any maintenance or  
86 repairs that have to happen after the grant may be the responsibility of the Town.

87

88 *Diane Carpenter, resident and member of the Windham Endowment for Community Advancement*

89 Ms. Carpenter noted they have been working with the Friends of Moeckel Pond and will support  
90 them in any way. The project has been in progress for seven years, so they are unlikely to run when  
91 something goes wrong. The Village District is comprised of 18 families that have worked very hard  
92 for the benefit of the greater good. It would be a tremendous asset to the community from an  
93 economic and recreational standpoint.

94

95 *Betty Dunn*

96 She would urge the Selectmen to go forward with the warrant articles and commit to putting them  
97 on the ballot and commit to the concept. There are issues that need to be worked out and issues that  
98 are evolving, but this project is worth the risk. There is significant historical, conservation and  
99 recreation value. Once we get to the details and the legal minds work out the details, there is small  
100 risk and cost to the Town.

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Attorney Wagner noted that the Friends of Moeckel Pond have raised over \$400,000 and can meet a lot of the responsibilities. The NH Dam Bureau will be available for the next meeting to help the Town quantify any future risks.

Mr. Desilets noted that he is in support of the project. Once the pond is restored, it will be an asset to the entire community. Mr. Desilets questioned what the level of confidence was in receiving the grant? He would propose that if they do not receive the grant, the Board might consider a third warrant article that the Town would pay the \$150,000. He would support that because it would allow the entire community to make the choice whether they wanted that asset.

Mr. Hohenberger would not be in support of that for this year. He would propose it go before the CIP Committee. He would prefer to see it proposed to the Town at zero cost and see what kind of support it gets. He is also behind the project and would hate to see it not get the support it needs because of a dollar figure. If they don't get the grant they have time to work through the CIP.

**MOTION:** Mr. Hohenberger made a motion to put forward to the January 9, 2017 budget public hearing, the drafts of the warrant articles as presented, to be further vetted by both attorneys. Mr. Breton seconded the motion.

*Discussion:* Mr. Breton requested to see information for all 18 properties involved and any additional information available. He would also like to see the access shown on the maps. Mr. Sullivan requested the Friends to provide a map that shows the location, access points and to clarify whether M5 Lot 9-149 in Pelham needed to be added to the warrant article.

Vote 3-0-0  
Motion carried.

**FORMER POLICE STATION/PRE-SCHOOL**

Mr. Sullivan noted that the School District requested that the Town re-convey the property to the District for their use.

Mr. Desilets noted that they have discussed several options for different uses for this building. Some money was set aside to survey the land and determine where the wetlands were. Mr. Sullivan noted the Board previously put forward a warrant article to lease the property to Mr. Yennaco to be used by Delahunty Nursery. At Town meeting, the article was changed to authorize the Selectmen to study a lease. That article failed.

Mr. Sullivan noted he spoke with the Superintendent who informed him they had the desire to reapply for use of the property. In 1998, a warrant article conveyed the land to the School District for at least 10 years for \$1. After 10 years, the Town could take the land back or if the School District discontinued use, it would go back to the Town.

The School District would like to put forward a warrant article to give the land back to the school. They would like to use the building for the maintenance department, professional development space for staff and have community rooms available for themselves and the Town.

Mr. Sullivan noted they could enter into a long-term lease commitment, which would need to go back to Town meeting. The School District would need to invest a significant amount of money into the property to bring it up to speed.

Mr. Breton noted the building is deteriorating and based on the investment the School District is

153 willing to make, he feels it is well worth the investment to enter into a lease agreement. Mr.  
154 Hohenberger would like to keep it owned by the Town and would be comfortable leasing it to them  
155 for a certain number of years.

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157 Mr. Desilets would support leasing it to them for three years. He does not agree that the best use of  
158 the property involves retention of the building.

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160 *Daniel Popovici-Muller, School Board Chair*

161 On behalf of the school administration, they would want a lease longer than three-years given the  
162 amount of money they would need to spend on the building.

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164 Mr. Desilets noted he would support three years with the option to extend by two years. He would  
165 want to move forward with engineering to determine what could be done with the property before  
166 entering into a long-term agreement.

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168 **MOTION:** Mr. Breton made a motion to propose a warrant article to enter into a five-year lease  
169 agreement with the School District to utilize the former police station. Mr. Hohenberger seconded  
170 the motion.

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172 *Discussion:* Mr. Hohenberger believed they should have the entire board present to discuss the  
173 number of years. He would be willing to support that motion pending further discussion.

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175 Mr. Sullivan questioned if they wanted to include a dollar figure. He suggested the language be “to  
176 authorize the Selectmen to lease to the School District for a period of five years for \$1 for the  
177 purposes of, but not limited to, the following, maintenance, professional development, and  
178 community/conference areas”

179  
180 Mr. Desilets noted he would support “lease” but not “convey” and would support the motion with  
181 the understanding that they could further discuss other options for the timeframe.

182  
183 Vote 3-0

184 Motion carried.

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186 **HIGHWAY SAFETY COMMITTEE**

187 Mr. Sullivan noted that the Committee is recommending “Pedestrian Crossing” signs on Roulston  
188 Road and additional safety measures, including a striped crosswalk; an individual that uses the trails  
189 often recommended these changes. Mr. Breton suggested reflective stickers along the crosswalk  
190 area.

191  
192 **MOTION:** Mr. Breton made a motion to put four “Pedestrian Crossing” signs in now and put in the  
193 crosswalk in the spring. Mr. Hohenberger seconded the motion.

194 No discussion.

195 Vote 3-0.

196 Motion carried.

197  
198 **BID EXTENSION REQUEST**

199 Mr. Sullivan requested the Board consider extending the Town’s current Pest Control contract for  
200 one year. The contract is \$50-60 per month/building and covers rodent and insect control. Pests like  
201 bats and squirrels are covered on an as needed basis if they need to be excluded from a building. He  
202 further stated that he feels the company’s costs are reasonable and they have done a good job for the  
203 Town.

204

205 Mr. Sullivan noted there were are some issues with bats at the Senior House. These will be  
206 addressed in the summer, since bats are not present in the winter.

207

208 **MOTION:** Mr. Hohenberger made a motion to continue the pest control contract for another year.

209 Mr. Breton seconded the motion.

210 No discussion.

211 Vote 3-0.

212 Motion carried.

213

214 **Old/New Business**

215 Mr. Sullivan questioned if the board wanted Gateway Boulevard spelled out on the sign or if they  
216 could abbreviate Boulevard. The board agreed it could be “Blvd.” but should be the same size as  
217 Gateway.

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219 Mr. Sullivan noted the Board, if desired, could choose to encumber an additional \$20,000 from the  
220 “bottom line” 2016 budget on projects. He recommended they expend the funds for items in next  
221 year’s budget and suggested the police trailer (net of \$8,000) and the personnel protective clothing  
222 dryer for the fire department (\$10,000). Those dollar amounts could be removed from the proposed  
223 2017 budget.

224

225 **MOTION:** Mr. Breton made a motion to purchase the dryer for the fire department for \$10,000 and  
226 the trailer for the police department for a net of \$8,000.

227

228 *Discussion:* Mr. Hohenberger had concerns about including the trailer for the police department  
229 without a full board. Mr. McLeod had concerns about purchasing the trailer and was not present.

230 Mr. Sullivan noted there were no other smaller items that were needed to utilize the funds. It was  
231 already approved by the Board to be put in the proposed budget for next year.

232

233 Vote 3-0.

234 Motion carried.

235

236 **REVIEW OF MINUTES**

237 Mr. Desilet requested the minutes of 12/19 regarding the Gateway Blvd discussion be amended by  
238 changing the sentence “*the Board did not agree that they should expend town funds to fight a road*  
239 *name*” to “*the Board agreed that they should not expend town funds to fight a road name*”

240

241 **MOTION:** Mr. Hohenberger made a motion to accept the 12/19/16 minutes as amended. Mr.

242 Breton seconded the motion.

243 Vote 3-0.

244 Motion carried.

245

246 **NON-PUBLIC SESSION:** Mr. Hohenberger made a motion to go into non-public session in  
247 accordance with RSA 91-A:3 II (a). Mr. Breton seconded the motion. Passed unanimously. Roll call  
248 vote all “yes”.

249

250 **MOTION:** Mr. Hohenberger made a motion to hire a new part-time highway driver as  
251 recommended by the Highway Agent. Mr. Breton seconded the motion.

252 Vote 3-0.

253 Motion carried.

254

255 **MOTION:** Mr. Hohenberger made a motion to adjourn. Mr. Breton seconded the motion. Meeting

*Windham Board of Selectmen – December 29, 2016*

256 adjourned at 9:05 pm  
257 Vote 3-0.  
258 Motion carried.  
259