

**BOARD OF SELECTMEN**  
**Minutes of September 27, 2004**

**ROLL CALL:** Chairman Carpenter called the meeting to order at 6:55 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger and Galen Stearns. Mr. Carpenter read the agenda into the record. Mr. Sullivan arrived at 7:00 PM.

**GRIFFIN PARK UPDATE:** Mr. Charles McMahon updated the Selectmen on the progress of the commemorative bench project. He advised the Board that the program had proven very successful, and that 33 benches had been purchased to date with an additional 5 pending. He presented a proposed diagram of the bench placement, suggesting that 12 be placed in the area of the tennis courts with the remainder at intervals around the walking path, with the exception of the lower right quadrant. Mr. McMahon noted this location had been skipped due to the lack of visibility in the area.

Mr. Carpenter inquired whether the benches could be moved at a later date to compliment the proposed memorial landscaping projects. Mr. McMahon replied that they could, and presented a list of bench purchasers to the Board for review. He stated he would like to submit the order for the benches this week, with an expected turn around of 4 weeks.

Mr. Stearns felt that, although he understood Mr. McMahon's reasoning, one or two benches should be placed in the empty quadrant. After further, brief discussion, the consensus of the Board was to allow Mr. McMahon to proceed with the purchase of the benches.

Mr. Carpenter inquired as to the status of the bathrooms in the multi-purpose building. Mr. McMahon noted that they are still waiting to receive the correct hinges to hang the stall doors, however the bathrooms are fully functional. He also noted that, while it tastes fine, the water in the cooler is still in need of testing.

Mrs. Barbara Coish approached to state she wished to purchase two additional commemorative benches, bring the total possible number available for placement to forty. Mr. McMahon and the Board thanked her for her generosity.

**WORKSHOP/CABLE:** Members of the Cable Advisory Board and Cable Coordinator, Jim Daddona were present. Margaret Case, Chairman, noted that, currently, the Cable Advisory Board had only two items of concern for discussion: disposal of old videotapes, and the condition of the Armstrong Building basement.

The Boards discussed the disposal of Selectmen meeting videos prior to the year 2000, primarily due to space constraints at the Cable Studio, or dubbing them to DVDs. After a lengthy discussion regarding how far back was appropriate to retain the tapes and the logistics of transferring them to DVD in-studio, the consensus of the Selectman was that the Cable Advisory Board should obtain pricing to contract to have all the videos transferred to DVD.

Mrs. Case expressed concerns regarding the condition of the Armstrong basement, and the mustiness that permeates the cable studio. Mr. Sullivan will make arrangements to have the issue reviewed by Mr. Barlow, and to bring in someone to work with the Maintenance Department to correct it, if necessary.

Mrs. Case announced that the WCAB was working on presenting a level budget to the Selectmen, as per their request.

A brief discussion was held regarding Adelphia: rumors of its sale, which were clarified by Mrs. Case as being essentially untrue, rather the main corporation is splitting into several smaller companies; the recently implemented call center, which is working well; the franchise agreement which will be up for renewal in 2005; and the procedures for franchise renewal in the event of a sale.

The Board extended its thanks to those present from Cable for attending.

**MINUTES:** Mr. Stearns moved and Mr. Doyle seconded to approve the minutes of September 13 and 20, 2004 as written. Passed unanimously.

**NEW BUSINESS:** Mr. Sullivan, on behalf of Highway Agent Jack McCartney, advised the Board that the installation of a third catch basin in the area of the Karen Road and Linda Street intersection was being recommended. Mr. McCartney feels this new basin should be installed to improve the area conditions during winter. After a brief discussion, Mr. Sullivan tried unsuccessfully to reach Mr. McCartney to provide more information for the Board. No decisions were made, and this issue will be re-addressed at some future time.

**CORRESPONDENCE:** *Request received from Mr. Thomas Murray, Jr., 29 West Shore Road, to permit trenching across West Shore Road to allow for installation of a 1" water line to connect two properties owned by him.*

Mr. Sullivan advised the Board that Mr. McCartney had no issues with allowing the trenching, so long as the fill was extended to allow for smooth transition from the new pavement to the old. Mr. Sullivan also noted that this section of road will need to be improved sometime in the future, as it is the old portion of West Shore Road.

Mr. Stearns moved to allow Thomas Murray, Jr. to trench across West Shore Road for the purposes of installing a 1" water line, provided he meets Town requirements for backfilling and width of pavement.

Mr. Breton inquired whether the Selectmen could require a bond on the project. Mr. Carpenter noted that would be part of the permitting process, if necessary.

Mr. Doyle seconded the motion, which passed unanimously.

*Driveway Bond Release:* Request received from Kaiss Kirata, 48 Searles Road, for release of a \$1,400 driveway bond held by the Town. Mr. Sullivan noted that the driveway was completed and had been inspected by staff without issue.

Mr. Doyle moved and Mr. Stearns seconded to approve the bond release of \$1,400 as requested. Passed unanimously.

*Letter received from Rex Norman, Tax Assessor, proposing the combining of land and building values to one figure on property tax bills, as opposed to displaying separate values. After a brief discussion, it was the consensus of the Board that they would prefer the values continue to be portrayed separately. Mr. Sullivan will advise Mr. Norman as such, and invite him to approach the Board to discuss the matter further if he wishes.*

**OLD BUSINESS:** Mr. Case approached the Board to update them on his approach to surveying the seniors about the level of transportation service they are currently receiving. He explained that he was planning on speaking to the local churches this week about placing a survey at each location.

As the meeting was running ahead of schedule, the Chairman called for a ten minute recess.

**PUBLIC HEARING/DOG REGULATIONS:** Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan noted that Town Counsel had reviewed the proposed regulations, and verbally responded with his comments. Atty. Campbell noted two concerns as follows:

Section IX, Penalties: Because the Town has adopted the Dog Control Law it is limited in the types of penalties it can assess. Per RSA 41:11, under which these regulations are being proposed, any infractions would be deemed a violation and sent to the district court for disposition. Mr. Sullivan noted that Town Counsel will be drafting the proper language for inclusion in the regulations.

Section XI, Amendments: Although the language is legally correct, Town Counsel feels it would be better to post and hold a public hearing prior to amending the regulations.

The consensus of the Board was that changes to Section XI to include posting and a public hearing were acceptable.

Various sections of the regulations were discussed by the Board as follows:

Section IV, Leash Requirements: Amending leash length to 8', and removing sub-section b pertaining to retractable leads and "training".

Section VIII, Enforcement: Amending to state "owners *shall* be subject to payment of any and all expenses incurred at the animal control facility..."

Section X, Exceptions: Concerns were raised regarding conservation land and whether the Town could regulate land under the control of the Conservation Commission. A new sub-section will be drafted excepting Conservation lands from the provisions of the regulations.

Mr. Tom Case voiced several concerns including: regulation of recreation/conservation land and reference to private property within the document; the required leash length of 6'; the enforceability of Section VI, a), if individuals rely on provided disposal systems; the lack of a warning for a first offense; and, posting of the regulations on Town land.

Mr. Jack Gattinella questioned the purpose of the leash requirements, feeling that if it were in the interest of safety then the Board should consider banning dogs from Town property instead, as leashes were not an effective safety measure. He also suggested that the Board converse with the School District about encompassing their fields into the regulations, as well.

Ms. Donna Morgan of Edgewood Road, and Ms. Kathy LaCharite of Londonderry Road, separately expressed concerns regarding the effects such regulations would have on responsible pet owners. Ms. Morgan noted that she brings her two dogs, both of which are whistle trained, to Griffin Park each morning and implementation of the proposed regulations would prohibit her from doing so. Ms. Morgan felt that lack of education in pet ownership was a chief cause of clean-up issues; a belief echoed by Ms. LaCharite.

Mr. Case noted that Ms. Morgan and Ms. LaCharite had raised several good points, and that requiring leashes will not solve the main problem of owners failing to clean-up after their dogs. He wondered if exemptions couldn't be granted to individuals such as Ms. Morgan, whose pets are exceptionally well-trained.

Mr. Hohenberger responded that a leash requirement serves to protect children and adults, and those who have an innate fear of dogs, as well. Mr. Carpenter did not believe that an exemption based on training would work, as non-exempt people might see the dogs without leashes and assume that none were required.

Mr. Sullivan will incorporate the amendments and suggestions raised, distribute the revised document to the Board for review, and re-post for a subsequent public hearing.

**WORKSHOP/DISPATCH:** Mr. Sullivan updated the Board on the progress of the Dispatch Study meetings held over the past several months. He stated that Chiefs Moeckel and Messier, as well as himself, felt it best to discuss the options they had developed with the Board before proceeding any further. The alternatives are:

1. Maintain the status quo, with Fire being dispatched by Derry, and Police by Windham personnel.
2. Revert to the previous set-up, with both Fire and Police being dispatched centrally from the Windham Police Station.
3. Make modifications to the existing dispatch panel at the Windham Police Station, and staff with separate Fire and Police dispatch personnel.
4. Establish separate dispatch centers in Windham for Police and Fire, in each respective station.

Mr. Sullivan explained that, currently, the Town pays approximately \$20,000/year to dispatch our fire services out of Derry, which will triple by fiscal year 2007 based on population and call volume.

Chief Messier explained that Derry has invested heavily in their facility, and is looking to maintain two dispatchers on duty for all three shifts. Windham is the second largest community they dispatch.

A lengthy discussion ensued regarding equipment, staffing, and fire-specific training requirements to move the dispatch operations back to Windham. The consensus of the Board was that the chiefs and Mr. Sullivan focus on developing detailed information regarding costs, training requirements, etc., to pursue the third alternative: modifying Windham's panel and staffing with separate dispatchers. Once research is completed, an additional meeting will be held to review the information with the Board of Selectmen to determine the future direction of the Town's dispatching service.

**PUBLIC HEARING/YORKSHIRE RD:** Mr. Carpenter read the hearing notice into the record. Mr. Sullivan explained that this release had been tabled approximately a year ago due to issues with the cistern installed as part of the subdivision. He noted that the cistern has recently passed testing by the Fire Inspector, and that Planning feels the release can now be approved. Chief Messier confirmed that the cistern is functioning properly.

Mr. Breton questioned the need to maintain a bond for one year after successful testing of the cistern.

The Board moved to old business while Mr. Sullivan located the proper paperwork on the Yorkshire matter.

**OLD BUSINESS:** Mr. Al Matthews, Windham Basketball, approached the Board with concerns regarding the proposed agreement between the WBC and the Recreation Committee. He presented a draft copy of the agreement

to the Board, detailing language the WBC wished to see included in the agreement. Mr. Matthews explained that the Recreation Committee had agreed to each of the amendments as suggested by the WBC, with the exception of allowing the WBC to approve expenditure of the funds collected by them throughout the season. Mr. Matthews noted that there are more basketball expenses annually than just those by the WBC, and they are concerned that funds for their program will be expended elsewhere.

A discussion ensued regarding the WBC's concerns. Liability questions were also clarified: participants are not covered by the Town's policies. The question of whether the Recreation Committee could enter into the agreement with the WBC was also raised, and it was determined that the agreement would need to be signed by the Board of Selectmen.

Mr. Doyle moved and Mr. Breton seconded to amend the agreement by incorporating the language included by the WBC, and to approve the document as amended. Passed unanimously.

**YORKSHIRE ROAD CONTINUED:** The discussion of bonding the cistern for one year continued. Mr. Breton noted that the cistern requirements in question had not been passed until August, 2004. Mr. Stearns inquired whether a partial bond could be held for the one year period. Mr. Carpenter and Mr. Hohenberger did not feel that was appropriate, as the bond release in question had not pertained to the cistern.

After further discussion, it was the consensus of the Board that the cistern should be retested to ensure it continues to function correctly. Mr. Doyle moved and Mr. Hohenberger seconded to continue the Yorkshire Road bond release to a future date. Passed unanimously.

**OLD BUSINESS, CONTINUED:** Mr. Stearns inquired as to the status of the follow-up traffic count Hardwood Road. Captain Yatsevich stated the study had been completed, and that he had discovered an additional parameter within the system that removed the 0-15 MPH data from the final equation. Without the 0-15 data, the average speed on Hardwood Road was 37 MPH +/- . Captain Yatsevich advised the Board that the counter would be placed on Oriole Road for that requested follow-up within a few days.

*Mr. Breton* sought discussion of a personnel issue and public announcement of any disciplinary action taken. Mr. Sullivan, citing legal opinions and the Right-to-Know law, reminded the Board that information regarding personnel matters cannot be publicly discussed beyond assurances that the matter has been addressed. To do otherwise may subject the Town to legal action by the employee. Mr. Breton maintained that, as the issue had been raised in public, a public response should be offered.

*Mr. Hohenberger* inquired as to the status of the Whispering Winds van. A brief discussion ensued, establishing that this matter is not under the purview of the Board of Selectmen, as it was a condition of the subdivision approval.

*Mr. Sullivan* presented a draft copy of the agreement between the Town and Bose Landscaping to manage the Town's compost program. He asked that the members review this document for discussion at the next meeting.

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 93-A:33-II b and c. Roll call vote – all members “yes”.

*Personnel:* The Board, Mr. Sullivan, Chief Moeckel and Captain Yatsevich were in attendance to discuss a Dispatch staffing issue. No decisions were made.

*Reputations:* The Board and Mr. Sullivan were in attendance to discuss police department staffing and recruitment procedures for the Police Chief's position. It was the consensus of the Board that: 1) rather than utilizing a recruitment committee right away, the Board would review any resumes submitted and, 2) candidates must reside within (or be able to relocate to within) a 12-minute response area at maximum, with residency in Windham being preferred. Mr. Sullivan will draft criteria for the Board's review prior to advertising for the position.

A brief discussion was held regarding an ongoing Planning Board issue. Mr. Sullivan will extend an invitation to the Planning Board to attend the October 5, 2004 meeting to discuss this matter further.

Motion by Mr. Doyle and second by Mr. Breton to adjourn. Passed unanimously.

The meeting was adjourned at 11:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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