

**BOARD OF SELECTMEN**  
**Minutes of February 7, 2005**

**ROLL CALL:** Chairman Alan Carpenter called the meeting to order at 7:00 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, and Roger Hohenberger. Mr. Sullivan and Mr. Stearns were delayed.

**ANNOUNCEMENTS:** Mr. Breton announced that the Master Plan meeting, which had been postponed due to snow, would be held on Wednesday the 9<sup>th</sup> at 7:00 PM. Also, that the Conservation Commission would be holding a public hearing on Thursday the 10<sup>th</sup> at 7:00 PM at the Planning and Development Department to discuss an impending land purchase.

*Mr. Carpenter* reminded all that the School and Town Deliberative Sessions were scheduled for the upcoming Friday and Saturday.

*Mrs. Margaret Crisler*, resident, announced that NH Orchid Society would host an orchid show on February 19 and 20 at the Crowne Plaza in Nashua. Mrs. Crisler brought along a "moth orchid" as an example of the orchids attendees can see at the show, noting there will also be seminars and discussions on raising and caring for orchids. The cost for the show will be \$6/adults, \$3/seniors, and children under 12 may enter free.

**CORRESPONDENCE:** Memo received from the Board of Adjustment regarding their previous request that the Selectmen make Alternate appointments to the ZBA, withdrawing same in light of the small number of meetings remaining before the election in March.

*Mr. Sullivan* arrived at 7:10 PM.

*Memo received* from Public Relations Committee Chair Dave Poulson regarding a proposed Workforce Appreciation Day. Mr. Sullivan noted that Mr. Poulson would be present later in the evening to discuss this proposal.

*Memo received* from Transfer Station Manager Dave Poulson, confirming that no changes will be made to demolition collection procedures at this time, and that he will be researching the matter further as per the Board's request.

*Letter received* from Planning Director Al Turner, praising his staff, and in particular Ginny Gray, for their efforts while the Department was short two staff members for an extended period of time.

*Bond Release:* The Board reviewed a request for a bond release for Fletcher Road in the amount of \$58,672, which was approved by the Planning Board. After a brief discussion, it was determined that as Mr. Turner was unavailable to comment, no decision would be made.

**PUBLIC HEARING/DONATION:** Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan explained that, in December of 2003, a donation of \$500 had been received for Central Catholic High School for use toward Griffin Park, which the Recreation Committee was now requesting the Board accept. A discussion ensued regarding the age of the check; its location for the previous 14 months; and whether it was an actual donation or represented a rental fee for use of the field.

Mr. Dennis Senibaldi, Recreation Committee Chairman, approached to clarify that CCHS had utilized the field previously with Recreation Committee authorization, and that the \$500 represented a \$100/donation per use toward Park improvements. He stated that, while the Recreation

Committee had discussed renting the fields in the past, they had not done so as no policy was in place.

A discussion ensued regarding a policy for field and building rental at the Park, and Mr. Sullivan noted that the draft regulations were scheduled to be revisited by the Board at the February 28<sup>th</sup> workshop.

*Mr. Stearns* arrived at 7:20 PM.

After further discussion, Mr. Senibaldi stressed that the check in question was not purposely held by the Committee, but was in the possession of a Committee member and overlooked. He felt the intention of CCHS that the \$500 was a donation was clearly stated in their accompanying letter. Mr. Stearns noted that, as there was no policy in place at the time of the use for rentals, it could not be considered a rental fee. Mr. Senibaldi clarified that CCHS had not been charged a rental fee, but that the \$100/use was an agreed upon donation. Mr. Hohenberger did not feel that, moving forward, there should be any outside uses of the fields until a policy for rentals is in place.

Mr. Breton moved and Mr. Doyle seconded to accept with gratitude the donation of \$500 from Central Catholic High School for use at Griffin Park. Passed 5-0.

*Mr. Breton* reported that Mr. McMahon had forwarded a request to him from the Salem High School Girls' Tennis Team to utilize the courts at Griffin Park from 4-6 PM, one weekday a week, from April to June.

After a discussion regarding scheduling the use through Recreation Committee and possible overcrowding due to soccer season, the consensus of the Board was to support the use as requested.

Mr. Senibaldi noted that the Recreation Committee was scheduled to meet later in the month, and asked that a copy of the request be sent to them for review. He also noted that, previously, the Board had limited the Recreation's tournament to only half of the available courts, and inquired if the Board would impose the same restrictions on the SHS team. After a brief discussion, the Board did not feel that it would cause a conflict with residents, given the limited time the team would be at the Park. Mr. Sullivan will follow-up on this request.

**PUBLIC HEARING/DONATION:** Mr. Carpenter read the public hearing notice into the record. Chief Moeckel addressed the Board, explaining that he had been approached by a resident employee of Zoll Medical Corporation, Scott Logsten, offering to donate and outfit the Town's cruisers with seven (7) AED units.

Mr. Doyle inquired about training on the devices. Chief Moeckel noted that these defibrillators are essentially the same machines currently in use, and training should be minimal. Fire Chief Don Messier noted that the Fire Department could train any officers, if necessary.

Mr. Hohenberger moved and Mr. Stearns seconded to accept with gratitude the donation of seven (7) AED units from Zoll Medical Corporation. Mr. Doyle asked that a letter of thanks be sent, as well. Passed unanimously.

Mr. Breton noted that the Board should consider placing an AED unit at Griffin Park and training the various coaches in its proper operation. Chief Moeckel noted it was a possibility, as where to distribute the two older models was still being considered.

**DENNIS SENIBALDI:** Mr. Senibaldi explained that he had requested time on the agenda to discuss the Recreation Committee's concerns with Griffin Park, including the multi-purpose building which he now understood would be addressed at the February 28<sup>th</sup> meeting.

He advised the Board that the Recreation Committee is willing to assist with some of the items remaining to be finished at the Park, including the fire alarm monitoring. He noted that Committee member Earl Bartlett has offered to assist with the completion of this requirement, and to install and monitor the service through his company at a cost of \$25/month. A discussion ensued regarding the delay in running the wire and the status of the conduit.

Mr. Breton stated that all that remained to do at the Park was to establish the status of the conduit, the monitoring, and to complete the bathrooms. Mr. Senibaldi thanked Mr. Breton and Mr. McMahon for their efforts, and noted the Committee was simply trying to aid in moving the process along. He stated that Recreation would also be willing to help ensure the bathrooms are finished, if necessary.

**CONSERVATION DONATION:** Mr. Carpenter read the public notice into the record. Mr. Sullivan explained that, normally, donation of real estate required a Town meeting vote; however, since the land was being donated to the Conservation Commission it required only an endorsement from the Board of its acceptance.

The first parcel is located on Abbott Road, past the Deer Leap Conservation Area. Mr. Sullivan explained to the Board that, in the past, the Town has expended funds toward the maintenance of Woodbury Road as an abutter, and that acceptance of the parcel in question would make the Town an abutter to Abbot Road, as well. Mr. Carpenter noted that, because of Deer Leap, the Town already abuts Abbot Road. Mr. Sullivan concurred, but noted that there is no access to Deer Leap from Abbot, and thus no funds as an abutter have been required for maintenance.

The second parcel was, at one time, believed to be owned by the Town, but was determined to actually be owned by H & B Homes, who now wishes to donate it to the Town.

Mr. Senibaldi approached to note that the Conservation Commission had not discussed possible road maintenance costs related the acceptance of the Abbot Road parcel and that he, personally, may not be in support of the donation if that were the case. Regarding the H & B parcel, Mr. Senibaldi noted that it is a valuable parcel in that it provides access to the trail network in the area.

Mr. Breton inquired as to the quality of the parcel on Abbot Road. Mr. Sullivan noted that is approximately .25 acres in size. A brief discussion ensued regarding the value of the lot.

Mr. Breton moved and Mr. Doyle seconded to send a letter to the Conservation Commission endorsing the acceptance of these land donations. Passed unanimously.

**SURPLUS CABLE EQUIPMENT:** Mrs. Margaret Case, Cable Advisory Board Chair, approached to request the Board's authorization to dispose of surplus cable equipment. Mr. Carpenter inquired as to the approximate total value of the items. Mrs. Case responded that the total value was in the area of \$3-5,000.

After discussion regarding the type and condition of the equipment and various means of sale, Mr. Doyle moved and Mr. Hohenberger seconded to

authorize the Cable Director to sell the unused equipment at the studio as listed, with the approval of the Town Administrator. Passed unanimously.

**CORRESPONDENCE, CONTINUED:** Mr. Poulson was present to discuss the proposal of the Public Relations Committee to host a Workforce Appreciation Day on May 18. He explained that the event would run from 1-4 PM and that, with the exception of emergency services, operations would be ceased for the afternoon. He stated the goal of the “mixer” was to raise morale and bridge the gap between management and the workforce, and expressed hope that the Selectmen and Department heads would all consider attending.

*Mr. Doyle* stepped out of the meeting at 8:00 PM.

Mr. Carpenter inquired whether the PR Committee had considered a “family day” at Griffin Park as an alternative. Mr. Poulson replied they had, but had decided the first event should be somewhat more formal and on management’s rather than the employees’ time.

After brief, further discussion, Mr. Breton moved and Mr. Stearns seconded to endorse hosting of a “Workforce Appreciation Day” on May 18, 2005. Passed 4-0.

**OLD BUSINESS:** Mr. Sullivan advised the Board that the kick-off for the Strategic Planning Steering Committee was planned for after Town Meeting. He noted that he had had two employees volunteer for the Committee, and requested that the Board amend the line-up to allow for two employees rather than one.

Mr. Breton suggested that a member of the business community also be invited to join. A discussion ensued about the reasoning behind Mr. Breton’s request. Mr. Breton felt that a resident of Windham who also operates a business in Town may have a unique perspective to offer to the Steering Committee.

*Mr. Doyle* returned to the meeting at 8:20 PM.

Mr. Breton moved and Mr. Doyle seconded to add one additional employee and one resident member of the Windham business community to the Strategic Planning Steering Committee. Passed unanimously.

*Chief Messier* approached to request the Board’s approval to expend the \$7,000 in remaining monies from the Homeland Security II Grant on a hydraulic rescue tool as recommended by the Firefighter’s Study Committee.

A discussion ensued regarding the need to go out to bid, and doing so for the preferred brand. Firefighter Gordon Campbell approached to clarify that that there was only one New England distributor for the preferred tool, and went on to describe the benefits of the Committee’s recommendation including its compatibility with tools already owned by the Department.

Mr. Doyle moved and Mr. Breton seconded to waive the bid process. Mr. Hohenberger noted his general opposition to waiving the process. Mr. Carpenter stated that, although he is generally opposed to doing so, given the circumstances, time constraints, and time spent researching the purchase by the Committee, he supported the waiver. Passed 4-1, with Mr. Hohenberger opposed.

Chief Messier announced that the Committee recommended purchase of a 4.0hp Yanmar diesel twin power unit from Marshfield Rescue Supply, LLC of Plainfield, VT.

Mr. Breton moved and Mr. Doyle seconded to approve the purchase as requested by the Chief and members of the Fire Department as shown in the quote of December 4, 2004. Passed unanimously.

**NEW BUSINESS:** Chief Moeckel requested that the Board again authorize him to “execute and deliver for in the name and on the behalf of the Town of Windham, New Hampshire all professional service contracts, agreements and reports with the State of New Hampshire Fish and Game Department for Off Highway Recreational Vehicle law enforcement purported to be binding upon the Town shall be conclusive evidence for all purposes that such instrument is authorized by this vote.”

Mr. Doyle moved and Mr. Breton seconded to authorize the Chief to proceed as read into the record. Passed unanimously.

*Mr. Sullivan* reported he had been working with Adelphia on transferring over some of the old cable bonds, and requested the Board’s authorization to execute the related contracts. Mr. Stearns moved and Mr. Hohenberger seconded to authorize Mr. Sullivan to sign the contracts rotating the bonds. Passed unanimously.

*Tax Assessor Rex Norman* presented the Board with an abatement request involving a condominium unit at Brookview Road which had been miscoded as being 100% complete, when in fact it was only at 65%.

Mr. Breton moved and Mr. Hohenberger seconded to approve the abatement request as submitted by the Assessor. Passed unanimously.

*Mr. Sullivan* advised the Board that a fax had been received from the Department of Environmental Services regarding a February meeting to discuss emergency water uses. He indicated that he was going to send Mr. Poulson as the Stormwater Committee Chairman, unless the Board wished to attend. It was the consensus of the Board that Mr. Poulson should attend.

*Mr. Sullivan* reported that Ambulance 1 had been involved in an accident, and while no injuries had been sustained by the patient or staff, the ambulance would be out of service for a period of time.

Mr. Carpenter inquired as to the time frame for repairs. Chief Messier noted that he is waiting for approval from the Property-Liability Trust to proceed with repairs and, once received, the vehicle would likely be sent to Hortan in North Andover.

*Mr. Carpenter* advised the Board that he had been approached by several residents seeking release of legal correspondence related to the proposed zoning amendment #8.

Mr. Breton felt the documents should be opened to the public, as they were not legal in nature but opinions of Counsel. He felt they would offer clarification to the voters.

Mr. Stearns expressed concerns that the correspondence be verified to ensure they contained only references to the zoning ordinances, and Mr. Hohenberger questioned who would make that determination.

Mr. Sullivan noted that the proper body to consider their release might be the Planning Board rather than the Board of Selectmen.

Mr. Carpenter did not see the harm in their release, as the Planning Board has completed its review and finalization of the amendments. Mr. Doyle concurred. Mr. Sullivan felt that Town Counsel may disagree, as the Planning Board is now an elected body and it may fall under their purview.

Mr. Sullivan will consult with the LGC Municipal Counsel for discussion at the next meeting.

*Mr. Hohenberger* requested that the Board considering opening the Police Chief search process to the public after the Board makes its next cut of the candidates. Mr. Breton inquired if he meant a general press release from the Town Administrator. Mr. Hohenberger replied in the negative, stating he would like to see a list of the names of candidates under consideration released.

Mr. Carpenter noted that the candidates would need to be advised of the Board's intention once the short list was established, as some may choose not to continue with the process if their name were to be released. Mr. Stearns concurred, noting that it should occur when the Board is down to 3-5 candidates, believing affecting a larger number would be unfair.

After further, brief discussion, it was the consensus of the Board that the search will be opened to the public at a future date.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Doyle seconded to enter into non-public session in accordance with RSA 93-A:3 IIa. Roll call vote, all members "yes". The topic of discussion was personnel.

*The Board*, Mr. Sullivan, and Chief Moeckel were in attendance in the first session to discuss overtime costs for the School Resource Officer. No decisions were made.

*The Board*, Mr. Sullivan, and Chief Moeckel were in attendance in the second session. The Chief updated the Board on his review of two ongoing personnel matters, the status of an external review currently underway, and a potential third personnel issue which he is monitoring. No decisions were made.

*The Board* and Mr. Sullivan were in attendance in the third session to discuss removal of an employee from probationary status and organization of the Planning Department. After discussion, Mr. Stearns moved to remove Rebecca Way from probationary status. There was no second.

Mr. Doyle moved and Mr. Breton seconded that the Board delay their decision regarding the probationary status of the Assistant Planner for one week, and to schedule a meeting at the same time with Mr. Turner and Ms. Way. Passed 3-2, with Mr. Carpenter and Mr. Stearns opposed.

Mr. Sullivan will follow-up with Planning Department staff.

*The Board* and Mr. Sullivan were in attendance in the fourth session to review the secondary responses from the Police Chief candidates and to review the Board's individual recommendations for advancement to the next phase of the process. After discussion, the Board approved the submission of a short list of candidates to the Assessment Center process. Mr. Sullivan will also draft a press release about the search process, to date.

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

The meeting was adjourned at 10:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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