

BOARD OF SELECTMEN
Minutes of February 14, 2005

ROLL CALL: Chairman Alan Carpenter called the meeting to order at 7:05 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger, and Galen Stearns. Mr. Sullivan was also present. Chairman Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Stearns urged the residents to get out and vote on March 8.

Mr. Carpenter praised the community for their participation in and attendance at the School and Town Deliberative sessions.

FINANCIAL UPDATE: Dana Call, Finance, Director, presented the 2004 year-end financial information that will appear in the Annual Town Report for the Board's review.

A general discussion ensued regarding the Town's finances and several questions from the Board were addressed regarding general fund tax collections, recreation revolving and other special funds, as well as road bonds.

Mrs. Call then discussed the 2004 audit and requested that the Board waive the bid process for this service, which is estimated to cost \$9,700 this year. Due to the fact that 2004 is the first year of implementation of new accounting standards for the Town's financial statements, Mrs. Call indicated that this would not be a good year to potentially change auditors, thus the request to continue as we have in past years and engage Vachon, Clukay & Co. without conducting a formal bid process.

After discussion then turned to the work involved in implementing the new standards, known as GASB 34, Mr. Stearns moved and Mr. Doyle seconded to waive the bid process for the 2004 audit. Passed 3-2, with Mr. Hohenberger and Mr. Carpenter opposed.

Lastly, Mrs. Call notified the Board that the company hired to assist us in appraising our fixed assets for GASB 34 purposes will be sending a draft report shortly.

The Board thanked Mrs. Call for her presentation.

NEW BUSINESS: *Dwight Stearns*, resident, approached the Board to request approval of his proposed Eagle Scout Project. Dwight would like to undertake the task of repairing the gazebo located on the Town Common. He presented a detailed proposal to the Board, which included re-painting/re-roofing of the structure, landscaping of the surrounding area, and repairs to adjacent benches, if necessary, at no cost to the Town.

Mr. Carpenter inquired how long the project might take to be completed. Dwight felt that the project would likely be completed over 3 or 4 weekends. Mr. Stearns suggested that Dwight work with Maintenance Supervisor Allan Barlow to review the proposed plans for the project, and to ascertain what work needs to be done.

Mr. Tom Case suggested that Dwight contact the Garden Club regarding any grant money for beautification projects to help with the cost of the landscaping.

Mr. Stearns moved and Mr. Breton seconded to approve the plan for the Eagle Scout Project pending review by Mr. Barlow. Passed unanimously.

DENNIS SENIBALDI/GRIFFIN PARK: Recreation Chairman Dennis Senibaldi updated the Board on the status of the Fire Alarm monitoring at the Griffin Park multi-purpose building. He reported he had spoken to Charlie McMahon and several others, and it appears as though the conduit is not frozen, but crushed. Mr. Bartlett, Recreation member, continues to offer to install a wireless, radio-style transmitter and to arrange for monitoring at a cost of \$25/month. Mr. Breton inquired whether there would be additional costs beyond the monthly fee. Mr. Senibaldi noted that the equipment would be provided at no charge, provided the monitoring contract with Mr. Bartlett's employer was confirmed.

A discussion ensued regarding the contract, and it was determined that it would be presented to Mr. Sullivan, as well as the Board, for review. Mr. Doyle noted that a workshop was scheduled in the coming weeks, at which the proposed agreement could be reviewed.

Mr. Case noted that the original intention for the building had been an IP connection to the Police Department and questioned whether it would now be routed to a third party. Mr. Senibaldi noted that the fire alarm monitoring was a specific requirement to obtain a certificate of occupancy for the building, and the surveillance at the area for which the IP was intended, was a separate issue.

He reiterated that the Recreation Committee was willing to move forward with facilitating the wireless monitoring, and that prior to compiling all the necessary information they would like the endorsement of the Board. Based on further, brief discussion, Mr. Senibaldi will work with the Recreation Committee to provide additional information on this matter to the Board.

Mr. Charlie McMahon approached to update the Board on several matters related to the Park including:

- The proposed planting program is continuing, with Delahunty Nursery working on the plan.
- The Playground Committee remains active, and will be approaching the Board in the near future with their proposal.
- In addition to the \$5,000 donation recently accepted by the Board, additional funds may be needed for fencing at the Skateboard Park. Also, the height of the fence still needs to be determined. Mr. McMahon noted his hope that the fence will be up within the next few weeks, prior to spring and increased traffic at the Park.
- Outside of a few minor issues remaining in the building, it is functional at this point, and already being used to store Baseball and Soccer's equipment.

Mr. Carpenter sought confirmation that the alarm monitoring was the final requirement for a certificate of occupancy. Mr. McMahon stated it was, and that two sinks also remained to be installed in the lavatory. He noted that Allan Barlow, Maintenance Supervisor, had been a tremendous asset in the completion of the building, and thanked him for his assistance.

Mr. Hohenberger inquired where the proposed playground would be located. Mr. McMahon stated he would attempt to get a copy of the original plan to the Board, and that the playground was planned to be centrally located in the Park.

A discussion ensued regarding turning of the building over to the Town; a possible event in May to familiarize residents with the operations of the Park; and, means of addressing parking issues. Mr. Breton will follow up the latter issue as more information becomes available.

NEW BUSINESS, CONTINUED: *Mr. McMahon* moved on to discussion of the State's planned revisions to education funding, and the likelihood that Windham will cease receiving funds in the future. Mr. McMahon noted that the State may be heading towards targeted tax benefits and that current funding to Windham, as well as Hollis, Bedford, and Amherst, is being questioned given our higher per capita income and total valuations. Mr. McMahon urged the Board to remain aware, as they move forward, of this probable loss of funding and the effects it will have on the Town.

Mr. Carpenter inquired how much funding Windham had received in 2004. Mr. McMahon replied that \$2.34M had been received, and Mr. Sullivan added that those funds were in addition to the \$3.49/thousand raised through local taxation.

Mr. Hohenberger asked if any studies had been conducted to establish a relationship between the extra funding and Standardized Test scores since the program was established 6 years ago. Mr. McMahon replied in the negative.

Mr. Stearns inquired whether the State, in developing the revised plan, would be taking current use status into account in "land poor" communities. Mr. McMahon replied that, from those he had spoken to on the Committee, it appeared that the State would be reviewing carefully every factor on every level. He noted that, as more information becomes available, he will forward it to the Board for their information.

VOLUNTEER OF THE YEAR AWARD: Mr. Sullivan, on behalf of the Board of Selectmen and the community, presented the 2004 Volunteer of the Year Award to Mr. McMahon. Mr. Sullivan cited Mr. McMahon's efforts not only as a Selectman for several years, but the countless hours of time spent in just this past year on making Griffin Park a reality. Mr. McMahon received a standing ovation from the Board and members of the audience.

In accepting the Award, Mr. McMahon noted his successes at Griffin Park would not have been possible without the efforts of numerous other people including: Andy and Mary Griffin; the Griffin Park Committee; Windham Baseball; and, Eric Nickerson and others. He then thanked the Board and Mr. Sullivan for their support.

Mr. Breton presented Mr. McMahon with a skateboard as a keepsake reminder of his involvement in the Windham Skateboard Park.

CORRESPONDENCE: Letter received from the Department of Environment Services (DES), advising the Town that gas monitoring at the Marblehead Road former landfill site may now be discontinued. Mr. Sullivan advised the Board that this decision by the DES will save the Town approximately \$3,000 per year and, in fact, the budget for 2005 had been trimmed in anticipation of a positive outcome of the review by the DES conducted at Mr. Poulson's urging.

Mr. Carpenter inquired when, if ever, the landfill could be utilized for some other purpose. Mr. Sullivan replied that it's very difficult to re-use landfill sites for anything beyond passive recreation, which is even questionable.

Carbon copy of a letter sent from Mr. Sullivan to Commissioners Murray and O’Kane of the departments of Transportation and Economic Resources and Development. Mr. Sullivan, on behalf of the Depot Advisory Committee, was requesting information on the possible acquisition or long-term lease of the historic buildings at the Windham Depot.

Mr. Sullivan reported that the Committee is coming together well, and that a couple of building walkthroughs have been conducted, to date. He noted that the interior of the buildings are remarkably well-preserved, and the buildings are quite amazing to view. Mr. Sullivan stated one of the biggest hurdles for the Committee before expenditure of any funds was considered, is the need to establish the status of the buildings. He noted that the Committee hopes to receive a positive response from the State, and have a plan compiled for presentation to the Selectmen by spring.

OLD BUSINESS: *Mr. Stearns* requested that Mr. Sullivan contact the Department of Transportation to obtain their opinion on the success or failure of the “brine” program. Mr. Sullivan indicated he would delegate this request to Stormwater Committee Chairman Dave Poulson, who is attending a related meeting later this week in Concord.

Mr. Sullivan inquired if the Board wished to change their recommendations on those articles which were amended at the recent Deliberative Session. Mr. Carpenter polled the members: Mr. Stearns, “no”; Mr. Hohenberger, “no”; and Mr. Breton, “no”. Mr. Doyle requested that the Board reconsider their recommendation on the Article pertaining to Conservation.

Mr. Hohenberger moved and Mr. Breton seconded to reconsider the Board’s recommendation of Article 29. Passed unanimously.

Mr. Doyle moved and Mr. Breton seconded to recommend Article 29. Passed unanimously.

Mr. Sullivan advised the Board that he had received a response from Town Counsel regarding inclusion of the vote counts with the recommendations on the Official Ballot. Mr. Sullivan noted that, essentially, Attorney Campbell did not recommend doing so, but it is at the Board’s discretion. He also noted that, per State statute, the vote count can be included with the citizen zoning petitions, but not the Planning Board amendments.

After some discussion regarding the members’ opinions on inclusion, Mr. Sullivan noted that three articles would not reflect a recommendation as they are non-appropriation articles: the two regarding exemptions and the one regarding the Tax Collector position.

Further discussion ensued regarding the language of the Statute; placement of the Board’s recommendation on the non-appropriation articles; and, possible future challenges to the articles if approved.

Mr. Stearns moved and Mr. Hohenberger seconded to allow Board recommendations to stand on all articles and citizen petitions, including non-monetary ones. Passed unanimously.

NEW BUSINESS, CONTINUED: Ms. Daphne Kenyon, 11 Faith Road, approached to request that the Board of Selectmen arrange for a special mailing to all residents with the full text of Articles 2, 3, and 4.

She indicated she was seeking a more open government and better informed citizens. She was concerned that, as a property owner in the area of Town involved in Article 2, she had not been notified. Also, that the Planning Board’s public hearing had not been televised.

Mr. Breton pointed out that the disclaimer on the cover of the blue “preliminary” warrant mailed to the residents stated that it contained those articles that would be discussed at the Deliberative Session, which does not include proposed zoning amendments. He also noted that a second mailing of the Warrant was scheduled, which would include the full text of the zoning amendments. Ms. Kenyon replied that she was aware of that, however she did not feel that 7 days notice prior to the election allowed interested parties enough time to make an informed decision.

Mr. Breton noted that the Planning Board hearings, of which there were extras held, had been posted in the local papers accordingly, and that public attendance had been minimal. Ms. Kenyon countered that she had received no notification to attend. She also cited previous notifications to abutters as part of a variance request on the property in question, which no one on Faith Road had received. While Ms. Kenyon acknowledged that the abutters had been notified per the letter of the law, she still maintained that some notice should have been received by the residents of Faith Road.

A discussion ensued regarding the time-frame for completion, mailing, and receipt of the amended warrant. Mr. Sullivan noted it had been expected to be received no later than 7 days prior to the election, however he could speak to the printer to see if that could be moved back to 12 or 14 days.

Mr. Hohenberger reminded Ms. Kenyon that the preliminary mailing is done only as a courtesy and, as Town Counsel indicated at the Deliberative Session, the Planning Board adheres to a different set of deadlines. He noted that, while he wished it could be different, it was likely that the zoning amendments would be absent from the first mailing every year. He also concurred with Mr. Breton that public input at the Planning Board hearings had been minimal, at best.

The point was raised during the discussion that abutters are not required to be notified as a result of zoning amendments, as these carry a town-wide effect. Ms. Kenyon then requested that the Planning Board deadlines be moved up in the future. The Board advised her that the Planning Board adheres to State statute and the timeline can’t be changed.

After brief, further discussion, it was the consensus of the Board that no special mailing will be sent, however, staff will follow-up with the printer regarding rushing the amended warrant.

Mr. Case approached the Board to concur that the first mailing had been proper, and that the Planning Board hearings had been well advertised and the public had had ample opportunity to attend.

Mr. Case then expressed his opinion that Article 8 served no purpose as written, as it was not done as an overlay and required an additional zoning change for each lot.

NON-PUBLIC SESSION: Mr. Doyle moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 93-A:3 Ila, c, and e. Roll call vote, all members “yes”. The topics of discussion were personnel, reputations, and legal. The Board and Mr. Sullivan were in attendance in all sessions.

Personnel: Mr. Sullivan updated the Board on the Police Chief search process. The Board reviewed and approved a draft Press Release regarding the search to date, which Mr. Sullivan will distribute.

Legal: Mr. Sullivan advised the Board of a potential legal matter facing the Town, which is currently being reviewed by Town Counsel. No decisions were made.

Personnel: Given the absence of the Department Head due to illness, this discussion was postponed to a date dependent upon the employee's return to duty.

Personnel: The Board and Mr. Sullivan discussed the labor requirements prohibiting "volunteering" for activities directly related to normal duties, and means to address such occurrences. No decisions were made.

Reputations: Discussion was held regarding a State Statute compliance issue, and possible disciplinary action resulting from a failure to comply.

Mr. Breton moved that a written warning be issued citing violation of state law and negligence of duties. Mr. Doyle seconded.

After further discussion regarding the importance of documenting the incident, Mr. Sullivan indicated that he had intended to address the issue from the outset. Given that, Mr. Breton and Mr. Doyle withdrew their motion and second, respectively. Mr. Sullivan will follow-up on this matter.

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

The meeting was adjourned at 9:25 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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