

**BOARD OF SELECTMEN**  
**Minutes of May 2, 2005**

**MEMBERS PRESENT:** Chairman Roger Hohenberger called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Galen Stearns, and Margaret Crisler were present. Selectman Alan Carpenter was excused. David Sullivan, Town Administrator, was also in attendance. Mr. Hohenberger read the agenda into the record.

**ANNOUNCEMENTS:** Mr. Hohenberger publicly acknowledged that Mr. Sullivan had been one of the five (5) finalists for the position of Town Manager in Billerica, MA. Mr. Hohenberger went on to state that, as the Board believed Mr. Sullivan to be a tremendously valuable asset to the Town, the members had approached him in efforts to reach some form of agreement to have him continue as Town Administrator.

Mr. Hohenberger advised the public that, while not finalized, an agreement had been reached which provided for: 1) reinstatement of the summer intern program in the Administrative Offices, wherein a political science/administrative college student aides the staff for the summer months; 2) an agreement, details of which will be finalized at a future date, providing that if the Town Administrator position is eliminated for whatever reason, an adequate severance package will be provided to allow Mr. Sullivan ample opportunity to find another position; and, 3) the Board will work to develop an incentive/motivational program for the non-union employees.

Mr. Hohenberger stressed that no additional salary had been requested by Mr. Sullivan, and stated the Board was very pleased that Mr. Sullivan chose to remain with the Town of Windham.

Mr. Sullivan extended his thanks to the Board for their obvious confidence in him by approaching to ask him to stay.

*Mrs. Crisler* announced that the Garden Club's Annual Plant Sale will take place on May 21, and raffle tickets are currently on sale to support the Nancy Surette Scholarship fund.

**CHIEF LEWIS:** Mr. Hohenberger formally introduced Police Chief Gerald Lewis, who comes to Windham from South Windsor, CT. Mr. Sullivan invited Chief Lewis' wife, Ellen, to join her husband at the podium and perform his "pinning". Mrs. Lewis did so, and a standing ovation by all in attendance followed.

Chief Lewis expressed his excitement at the opportunity to work in Windham. He stressed a commitment to the community, and his goal to maintain a well respected, trained, and equipped department.

**FINANCIAL UPDATE:** Finance Director Dana Call presented her monthly financial update to the Board. Highlights included: contracted services; salaries, which are up due to Chief Moeckel's earned time buyout; and revenues which are right on track. Ms. Call also noted that interest revenues on deposits are currently higher than anticipated.

Mrs. Call then presented the fire truck bond paperwork to the Board for execution, and the discussion moved to the Fire Department overtime budget. Mrs. Call noted that, to date, \$79,000 (38%) of the budgeted amount had been expended.

Chief Messier approached to discuss attempts by the Department to lower the overtime expenditures. He cited several changes in operating procedures, including changes in the call-back procedures and utilization of the Fire Inspector to cover shifts. Chief Messier noted that the latter has seriously effected inspections.

Chief Messier acknowledged that the overtime budget is over for the first quarter, but stressed the Department's goal to keep four staff members on each shift and the need to maintain quality of service for the residents. He noted that one full-time firefighter will be out for an extended period for medical reasons, and another FF/Paramedic has recently resigned.

A lengthy discussion ensued regarding operational demand, use of call firefighters, and mutual aid.

Ms. Lucy LaChance, resident, inquired who was conducting fire education if the Inspector was covering shifts. Chief Messier replied no education was currently being offered. Ms. LaChance inquired of the Board whether a part-time person would be hired. Mr. Hohenberger replied in the negative, stating this was, hopefully, a temporary situation.

Mr. Pat Robertson, resident and Hudson Firefighter, commented that prior to Windham going to four (4) people per shift, Hudson's ambulance was called to Windham approximately four (4) times per week. He felt strongly that the Board should absolutely maintain four firefighters per shift in Windham.

Lieutenant Jay Moltenbrey offered input on the importance of the fourth person per shift, citing the "two in, two out" OSHA standard and the individual's importance in situations beyond structure fires, such as traffic safety during accidents on I-93.

Mrs. Jennifer Colvin, resident, stated that from her standpoint, she couldn't imagine cutting fire staffing to save money, citing the professionalism and dedication of the staff during an episode with her child the previous year.

Mr. Hohenberger clarified that the Board was not considering reducing the normal shifts to three (3) firefighters.

**LIQUOR LICENSE:** Ms. Joanne Flynn, owner of the Windham Country Club, was present to request endorsement to implement a mobile beverage cart and pavilion area.

Ms. Flynn fielded several questions from the Board regarding the number of carts, monitoring of the service, and uses of the pavilion. Ms. Flynn noted that only one cart/driver will be available. Given the travel time around the course, monitoring should be fairly easy and people will receive service 2 or 3 times, at most. She also noted that the Club has a policy regarding alcohol service of one drink per person and the service personnel must see the person requesting the drink. Regarding the pavilion, Ms. Flynn noted it would be used only sporadically, in times of special functions.

Mr. Sullivan noted that the liquor license would actually come from the State, and that the Board need only take a position on the matter and advise the State accordingly.

Mr. Stearns moved and Mr. Breton seconded to endorse the State granting a license to the Windham Country Club for a mobile beverage cart and pavilion, and to have staff forward the appropriate letter to the State. Passed 4-0.

**INTERMENT BIDS:** Mr. Sullivan advised the Board that the invitations to bid had been advertised per standard procedure and only one bid had been received from the current contractor, as follows:

*James Thornton, Plaistow, NH:*

Graves opened between April 16 and November 15	\$500.00
Graves opened between November 16 and April 15	600.00
Infant graves opened between April 16 and November 15	250.00
Infant graves opened between November 16 and April 15	350.00

Cremation graves opened between April 16 and Nov. 15	200.00
Cremation graves opened between Nov. 16 and April 15	300.00
Additional charge for Sunday/holiday funerals	150.00

Mr. Sullivan noted that these are direct costs to the user, and are not paid by the Town.

Mr. Breton moved and Mr. Stearns seconded to approve the fees as read. Passed 4-0.

**LAKEVIEW FARM PETITION:** Prior to the discussion beginning, Mr. Sullivan clarified that this was not an official public hearing, rather it was to determine the need to proceed to public hearing.

Atty. Peter Bronstein, representing Lakeview Farm, LLC, explained that the petition in question was a request that the Town hold a public hearing to layout Harvest Road over Town property. Atty. Bronstein noted that this crossing had not been the developer's preference, but rather it had been requested by the Planning and other boards, as well as Town staff.

Mr. Hohenberger recalled the Town meeting vote when Mr. Abdinoor wished to construct a golf course at the Farm. At that time, the voters included a provision that any future development of the area to anything other than a golf course would void the approval granted Mr. Abdinoor to cross Town property. Mr. Hohenberger stated that, in his opinion, this matter should not be addressed by the Board of Selectmen, but be brought back before the voters.

Mr. Bronstein countered that the vote in question required that if the owner developed the property in the future, the project could not rely on the easement and would have to go back to Town Meeting. Mr. Bronstein stated that did not apply in this case, as this was a new proposal.

Mr. Hohenberger then noted the abutter opposition to Mr. Abdinoor's proposed development subsequent to the Town meeting vote.

Atty. Bronstein noted that these concerns were not brought up during the planning process, and reiterated that the crossing was favored by the Town boards and staff for safety reasons.

Mr. Stearns questioned how many houses would be serviced by the road; Atty. Bronstein replied 24 homes planned in the subdivision, as well as 13 existing homes. When Mrs. Crisler inquired about traffic counts at the Armstrong Road intersection, Joe Maynard of Benchmark Engineering noted that currently the counts were 40 at peak morning and 47 and peak evening hours. The new development is anticipated to add 8 and 11 cars to the peak traffic, respectively.

A discussion ensued regarding the possible need for improvements to the intersection at Armstrong Road, including the addition of stop signs.

Mr. Stearns inquired whether the developer had considered "gating" the crossing for emergency access only. Atty. Bronstein noted the developer had no objection, however such a solution had not been requested.

After further discussion regarding alternative options such as a cul-de-sac or hammerhead, the previously discussed town meeting vote, and the intersection concerns, Mr. Stearns noted that, while he liked the subdivision plan and the idea of gating the crossing he, too, felt the approval should be granted by the voters.

Mr. Turner noted that when the golf course was proposed by Mr. Abdinoor, his request for a crossing provided specific benefit to him as the owner. Mr. Turner did not feel that there was any incentive for the current developer to go before Town meeting to request the crossing when he could return to the Planning Board with an alternate proposal and noted that, if the crossing

were to be required at a future time, the cost would be borne by the Town. Mr. Turner also advised the Board that no residents in the area of the development had attended the Planning Board hearings to offer input.

After further, brief discussion, Mrs. Crisler moved to send this matter to a public hearing. There was no second to the motion and the request is therefore deemed "denied".

Mr. Maynard approached regarding his request for a driveway permit which the Board of Selectmen had postponed at a previous meeting. Mr. Turner noted that, as part of the driveway the developer planned improvements to the Town-owned portion of Armstrong Road. Mr. Maynard explained that a catch basin was planned and the ditch-line between the culverts would also be cleaned out.

Mr. Brandon Teslas, Walkey Road, approached regarding the denial of the crossing request. He expressed the belief that the proposal was extremely beneficial to the residents of Walkey Road, and disappointment as a public hearing would have allowed the residents to voice their opinion.

Ms. LaChance sought clarification of what the status was of the request presented by Atty. Bronstein. The Board clarified that, as Mrs. Crisler's motion had not received a second, the matter would not go to a public hearing and the request was deemed denied.

Mrs. Crisler moved and Mr. Stearns seconded to approve the driveway permit application from Benchmark Engineering on behalf of Lakeview Farm, LLC. Passed 4-0.

Mr. Sullivan requested that, as Mr. Turner was present, the Board address several bond releases included in their correspondence.

**CORRESPONDENCE:** *Bond release: Hancock Road.* After some discussion, it was the consensus of the Board to increase the retained amount to cover the cistern. Mrs. Crisler moved and Mr. Stearns seconded to partially release the bond in the amount of \$12,920 to Ken Bergeron, retaining \$33,160. Passed 4-0.

*After brief discussions,* the following remaining bond releases were tabled: Timberlane Road, Ryan Farm Road, and Duston Road.

**PLAYGROUND GROUP:** Mrs. Jennifer Colvin updated the Board on the status of the Group's fundraising efforts. She happily reported that, after almost 600 hours of fundraising, all of the necessary \$140,000 was in place and 91% of it collected. She noted the Group was still looking for the volunteer services of a mason and an installation coordinator.

Mrs. Colvin noted that nine (9) major sponsors had stepped forward, each donating \$5,000 and over: Birch Grove Landscaping, H&B Homes, KP Bergeron Development, Maureen & Richard Landry, Linda Roberts Realty & Associates, Realtor Paul Redmond, Sovereign Realty/Dan and Kathryn Buckless, Tokanel Builders, and the Windham Lions Club.

Mrs. Colvin then reviewed the final plan with the Board, noting that nothing had changed from the Group's previous presentation. She noted that the Group had opted to go with a poured rubber surface, which should provide 15 +/- years of use before needing to be re-surfaced.

Discussion moved to the recognition wall. Mrs. Colvin noted that, as of that evening, 59 plaques were needed for the top contributors to the playground. While the final design had not been finalized, the wall was planned to be 40'Lx26"Hx18-20"W, with the bronze plaques being approximately 20"x20".

Discussion moved to drainage issues at the Park and their effect on the Playground installation. Mr. Charlie McMahon approached, and began by congratulating the Group for their efforts.

Mr. McMahon then presented survey and topo maps of that particular area of Griffin Park, prepared at no charge by Peter Zohdi and Herbert Associates. Mr. McMahon explained that the Playground site is essentially flat, and that the drainage problem that exists over the central path flows under the electrical building and runs directly across the planned access to the Playground. He requested that the Board consider installation of a French drain to correct the situation, consisting of 300' of 12" pipe installed at a depth of 24", with gravel covering to the surface, which would divert the water to the existing swale across from the multi-purpose building.

Mr. McMahon noted that the original cost of this installation of \$12,000 had been adjusted to just under \$10,000.

After further lengthy discussion, Mrs. Crisler moved and Mr. Stearns seconded to approve the playground to proceed as planned; that the Planning & Development be consulted for inspections; and, the Board of Selectmen, Town Administrator and Mr. Barlow be kept up to date.

Mr. Breton moved and Mr. Stearns seconded to withdraw \$9,936 from the Recreation Improvement Fund for use towards drainage as proposed.

After discussion regarding purchasing procedures and the bid process, Mr. Breton withdrew his motion, and Mr. Stearns his second.

Mr. Breton moved and Mr. Stearns seconded to waive the bid process. Passed 3-1-0, with Mr. Hohenberger opposed.

Mr. Breton moved and Mrs. Crisler seconded to withdraw \$9,936 from the Recreation Improvements Fund for use toward drainage at Griffin Park as proposed by Edward Herbert Associates, and to waive any related fees. Passed 4-0.

Mrs. Colvin extended her thanks to the Board and her fellow Playground Group members, and Mr. McMahon reminded the Board that the memorial planting plan is also awaiting approval.

**PARAMEDIC REPLACEMENT:** Chief Messier approached the Board requesting permission to advertise for the position of Firefighter/EMT with Paramedic preferred.

As a preface to the discussion, Mr. Hohenberger read into the record a letter of resignation from Firefighter/Paramedic Jen Hanlon. Motion and second by several to accept with regret Ms. Hanlon's resignation and to wish her well in the future. Passed 4-0.

Chief Messier explained that Ms. Hanlon's departure left the Department with only four paramedics, one of whom is a Lieutenant. Chief Messier did not feel that, operationally, it was beneficial to have a supervisor on shift away from the Department on an ambulance call, stating the Lieutenant should be the secondary rather than primary medic on shift.

After some discussion, with input from Deputy McPherson and Lieutenant Jay Moltenbrey, it was the consensus of the Board that the Chief may proceed to advertise the position as Firefighter/EMT Paramedic Preferred.

**CHEMICAL TOILET BIDS:** Mr. Sullivan explained that one "no bid" had been received from Haul-Away, and the following four bids received for the Town's chemical toilets:

Handi-House, Foxboro, MA:	\$ 6,318.06
Dave's Septic Service, Bedford, NH:	7,795.00

Triangle Portable Services, Derry, NH:	11,610.00
Allied Septic, Manchester, NH:	12,815.50

Mr. Sullivan recommended that the bid be awarded to Handi-House. A discussion ensued, in which George Winslow of Dave's Septic clarified that their bid amount was free of any additional charges.

Mr. Senibaldi expressed his opinion that, when taking into account additional charges, Handi-House was the low bidder by only \$700 +/-, and that he would prefer the Board award the bid to a local contractor rather than an out-of-state company. Mr. Breton concurred, noting that Handi-House had had the contract for several years and that it may be time for a change.

After some further discussion, Mrs. Crisler moved and Mr. Stearns seconded to award the bid for the Town's chemical toilets to Handi-House for their bid amount of \$6,318.06. Passed 4-0.

Mr. Breton moved and Mr. Stearns seconded that none of the remaining funds within the chemical toilet budget be expended without the Board's approval for anything other than chemical toilet expenses. Passed 4-0.

**TOWN DAY:** Mr. Senibaldi presented the Board with a trimmed down itinerary for the proposed Town Day on July 2. He noted that a fireworks display will not be held, and that the food will be provided by the Lion's Club with the concession stand being opened for drinks after. Planned activities include: all Roger's Field Fourth of July activities; a tennis tournament; and an afternoon blues concert.

After some discussion regarding parking, Mr. Stearns moved and Mr. Breton seconded to authorize the Recreation Committee to go forward with the Town Day as planned, keeping Mr. Sullivan advised as the project moves along. Passed 4-0.

**OLD BUSINESS:** Mrs. Crisler noted that she had been advised of an illegal boat dock that had been constructed off of the Town's Hayes Hart Road boat ramp. Mr. Sullivan will investigate this issue.

*Mrs. Crisler* inquired as to the status of the punch-list for the Town Hall painting project from 2004. Mr. Sullivan stated the items are still outstanding, and he is following up on the matter.

*Mr. McMahon* approached to inquire whether the Town had been successful in forming a team for the Festi-ball tournament, noting that Fire and Police have theirs in place. Mr. Sullivan noted that the goal was to put together one baseball team and then one fire and two town softball teams, on possibly being police. Mr. Sullivan will continue to follow-up with staff.

**NEW BUSINESS:** Mr. Sullivan advised the Board that Mr. McMahon had requested that T-ball be allowed to dig three (3) shallow, 4'x4' areas for bases at the temporary T-ball field at Griffin Park. After brief discussion, it was the consensus of the Board that Mr. McMahon proceed.

*Mr. Sullivan* reviewed two abatement applications as submitted by Tax Assessor Rex Norman:

*10' Right-of-Way:* Mr. Sullivan explained that this property located on Cobbetts Pond had always been assessed as unbuildable and that, this year, it had erroneously been taxed as a buildable waterfront lot. Mr. Stearns moved and Mr. Breton seconded to approve the abatement as requested. Passed 4-0.

*5 Bell Road:* Mr. Sullivan explained that, after an interior inspection by Mr. Norman, the assessment for this property had been reduced by \$40,000. Mrs. Crisler moved and Mr. Stearns seconded to approve the abatement as requested. Passed 4-0.

**CORRESPONDENCE:** *Letter received* from the School Board requesting the Board schedule a meeting to discuss their petition to the Board of Selectmen to layout a road for access to the Londonbridge property. Mr. Stearns explained that this pertained to access to the High School and that, after much discussion the School Board had determined that the layout of a roadway over the old roadbed was the best way to proceed.

After a brief discussion regarding possible effects to the abutters and obtaining legal opinion regarding the layout, it was determined that this matter will be discussed on May 16<sup>th</sup>, and that Mr. Sullivan will contact Town Counsel for input.

**NEW BUSINESS, CONTINUED:** Mr. Senibaldi advised the Board that he had been approached on several occasions by an individual who wished to conduct a tennis program at Griffin Park. Mr. Senibaldi advised the Board that he had repeatedly told the gentlemen he could not do so until the Board established procedures for Griffin Park, however the man was advertising his program in the paper and proceeding anyway. After a brief discussion, it was the consensus of the Board that the individual in question does not have authorization to proceed, and will be put off the courts. Mr. Senibaldi will follow-up on this matter with both the individual in question and Mr. Sullivan.

*Mr. Senibaldi* then expressed concerns to the Board regarding the condition of the Nashua Road T-ball field. He stated he had spoken to Al Barlow, and that the field remained un-mowed and the baselines undefined. Mr. Sullivan clarified that the contract does not include a provision for infield maintenance.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 93-A:3 II a and c. Roll call vote, all members "yes". The topics of discussion were personnel and reputations. The Board, Mr. Sullivan, Mrs. Call and members of both the Recreation Committee and the Windham Basketball Committee (WBC) were present for the session on Reputations. The Board and Mr. Sullivan were present for the session on Personnel.

*Reputations:* The topic of discussion was the Town's basketball program, which has been run for the last two years by the WBC under the general direction of the Recreation Committee. Discussion ensued regarding the terms of the agreement previously signed between the two parties, future operation of the program, and perception of the implications of the letter recently sent to program participants by the WBC. The WBC agreed to reconvene in two weeks to consider their options for their involvement in future basketball programs and to report back to the Selectmen.

*Personnel:* The Board and Mr. Sullivan discussed the recommendation of Dave Poulson, Transfer Station Manager to extend the probationary status of an employee. Mr. Breton moved and Mr. Stearns seconded to extend said probationary period by three months.

Mr. Sullivan updated the Board of a personnel matter with no decisions being made.

Mr. Breton moved and Mr. Stearns seconded to adjourn. Passed unanimously. The meeting was adjourned at 1:00 AM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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