

BOARD OF SELECTMEN
Minutes of May 23, 2005

MEMBERS PRESENT: Chairman Roger Hohenberger called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Galen Stearns, Margaret Crisler and Alan Carpenter were present. David Sullivan, Town Administrator, was also in attendance.

ANNOUNCEMENTS: Mrs. Crisler announced that the Garden Club Annual Plant Sale on the 21st was a great success, and extended thanks to all involved.

Mr. Breton announced that the first Annual Fest-a-ball at Griffin Park was also highly successful, with over 2,500 attendees. He extended his thanks to the Fire and Police Chiefs for their assistance with parking and safety during the event.

Mrs. Crisler reminded all of the Department of Transportation meeting scheduled for Thursday the 26th at 7:00 PM at the Town Hall to discuss the Lowell Road bike paths.

Mr. Carpenter announced that Golden Brook School had been the recent recipient of the "Eddy Award", naming it the finest elementary school in New Hampshire out of over 300. Mr. Breton suggested that a letter be forwarded to the School Board, acknowledging their success. Mr. Sullivan will see to its completion.

Mr. Carpenter inquired whether the issue of the survey stakes in the area of the Gage Land had been resolved, as he had had an inquiry from an area resident. Mr. Sullivan noted he had spoken to the School District Administrator approximately one month prior, who had explained their purpose and offered to remove them if the Town wished but, to date, no action had been taken. Mr. Stearns explained for the public that Gove Environmental had placed the stakes while flagging the school land purchase. Mr. Stearns further explained that the stakes were not intentionally placed within the Gage Lands, but rather Gove was just flagging the general area of the wetlands. Mrs. Crisler felt it may be good to have the wetlands in the area flagged and stated that, if the stakes were not a problem they should perhaps be left in place.

LIAISON REPORTS: Mrs. Crisler reported that the Historic District Commission had expressed concerns regarding the status of the Town Hall painting project: both the quality of the job and the status of the punch list. She stated the HDC was researching vendors who specialize in historic painting, and had recommended the Town not continue with the current vendor.

Mr. Sullivan noted there were still funds outstanding on the project, and that the vendor intended to address the punch list by summer.

Mr. Breton reported that the Planning Board had continued two plans at their most recent meeting, one being for an 89-lot subdivision.

MAINTENANCE TRUCK: Mr. Allan Barlow, Maintenance Supervisor, discussed the condition of the current maintenance vehicle and presented a detail of existing issues with the 20-year old Chevy, military surplus truck. Mr. Barlow requested that the Board consider transferring the old Ford Fire Forestry truck to Maintenance to replace the vehicle in question.

Mr. Barlow explained to the Board that cost to update the forestry vehicle for maintenance department use would be approximately \$2,600. Of this, the most expensive modification would be transferring of the maintenance plow, as the wiring harness may need replacement. Mr. Barlow indicated he had spoken to a Fischer plow representative regarding the wiring harness, who

indicated that the cost would be considerably less if only a Ford plow receiver were needed and the wiring harness could be modified.

A discussion ensued regarding previous safety concerns with the Forestry truck. Mr. Barlow explained the truck had been taken out of service due to safety issues resulting from the weight of the skid pump and water tank required for forestry response. Without the pump and tank, the issues are resolved. Mr. Barlow also indicated that the pump would be retained for use by other departments, such as the Highway Department to flush out culverts.

Mr. Stearns moved and Mrs. Crisler seconded to transfer the Fire Department Forestry truck to the Maintenance Department, and to authorize expenses not to exceed \$3,000 to successfully swap the vehicle over. Passed unanimously.

KYLE COLE/EAGLE SCOUT PROJECT: Mr. Cole was present to seek the Board's approval that he be allowed to construct and install a kiosk-type sign at Griffin Park as his Eagle Scout project. As explained by Mr. Cole, the kiosk would include a center map of the park, along with signs depicting the park rules and a bulletin board area. Mr. Cole noted he had presented his proposal to the Recreation Committee, which had granted their approval. The anticipated cost for the project is \$329.

Dennis Senibaldi, Recreation Committee Chair, approached to state that the only request the Committee had made of Mr. Cole was that he endeavor to conduct some fundraising for his project, as he had more time available for completion than most Eagle Scouts.

After discussion regarding location of the sign, color scheme, materials, and height, Mr. Cole indicated that upon approval by the Board, he would move to draft a more detailed proposal for the Town and the Boy Scouts of America. Mr. Hohenberger indicated that he would like to see greater detail on the planned artwork for the map of Griffin Park, which Mr. Cole will submit to the Administrative Office. Mr. Carpenter requested that Mr. Cole construct the sign shorter than the proposed 8', if possible.

Mr. Stearns moved and Mr. Breton seconded to allow Mr. Cole to work toward erection of a kiosk-type sign at Griffin Park, and that he work with the Recreation Committee and Allan Barlow. The Board shall have final approval of the artwork and interior signs. Passed unanimously.

Mr. Hohenberger praised the newly refurbished Town Common gazebo, which was an Eagle Scout project completed by Dwight Stearns. Mrs. Crisler also commended Mr. Stearns efforts, noting that the Garden Club had been very impressed with the results.

RECREATION FEES: Mr. Sullivan opened the discussion by bringing to the Board's attention an error in the public hearing posting. Mr. Sullivan explained that a resident had brought to his attention that the wrong statute had been cited. Mr. Sullivan stated that the Board could discuss the fees in general terms, but may wish to postpone making a decision until the matter was reposted.

Mr. Ralph Valentine, Recreation Committee, approached to say that, since the notice was initially posted, the Recreation Committee had researched the subject further, and now felt the schedule of fees as posted was too complex. The Committee felt that it would be easier to do profit versus non-profit fees, and resident versus non-resident fees. Mr. Valentine also noted that he had developed a draft application for the Board's review.

A lengthy discussion ensued, with input from the Recreation Committee, Mr. Ross McLeod, Mr. Tom Case, Ms. Gail Webster, Mr. Jack Gattinella, and Mr. Duane Delfosse. Topics included: the reasoning behind the proposed fees (increased maintenance with outside uses); determination of

renter status as a Town organization or entity; use of the term “residents” as opposed “taxpayers”; enforcement of a resident-only park; and the nexus to calculate fees and/or security deposits.

Mr. Carpenter noted that the preference of those present appeared to be to allow use of Griffin Park by town organizations and taxpayers only. After brief discussion, the consensus of the Board was that the Park was not constructed for use by others besides Windham organizations, taxpayers, and residents.

Mr. Senibaldi approached expressing concerns that some clinics currently offered to Windham residents may be eliminated with such a limitation. Mrs. Crisler noted that, if the clinic was sponsored by the Recreation Committee and a fee set up with the clinic operator that would be acceptable, as is the case now. She stressed, however, that a field use fee should not be assessed.

Mr. Carpenter moved to limit access to the Griffin Park sports facility to Windham residents, taxpayers, and organizations only.

Mr. Sullivan suggested that the Board wait for Town Counsel opinion before making a decision, and continue the status quo for the time being.

The Board concurred, and Mr. Carpenter withdrew his motion accordingly.

CEMETERY TRUSTEES: Chairman Gail Webster advised the Board that the planned hydroseeding of the cemeteries would be completed by the current vendor as part of the normal maintenance.

Ms. Webster reported to the Board that the Cemetery Trustees had been contacted regarding the condition of Esty Road. She noted that there is ample dirt available at the cemeteries, which could be spread along the roadway leading to the Wonderland Playground.

Mr. Sullivan advised the Board that the Highway Agent had obtained updated quotes to repair the road from the two vendors who had bid the project in 2004 as follows:

<i>Taylor Paving, Windham:</i>	<i>\$5,100</i>
<i>Tate Bros. Paving:</i>	<i>\$5,250</i>

Mr. Sullivan also stated that he had spoken to the residents in the area of Esty Road, who advised him they could contribute \$1,000 toward the project.

A discussion ensued regarding the Rogers Field and Playground parking lots; the danger of making Esty Road a town road via paying more than an abutting share; repair methods with input from Highway Agent Jack McCartney; levels of usage; and delaying the project until after the Playground evaluation is completed.

Mr. Carpenter suggested that, as the status report on the Playground was some time away, revised bids be obtained to include the Rogers Field and Playground parking lot as separate line items. After a brief discussion, it was the consensus of the Board to re-address this matter on June 6.

Ms. Barbara Moore, 11 Fish Road, stated that the property owners on her road used to maintain Esty prior to construction of the playground, despite the fact that they are not actually abutters. She noted that the Town owns one whole side of Esty, while the opposite is the back part of a property that utilizes Willow Road as its access. She also encouraged all to take time to drive down Esty Road and experience the poor condition of its condition.

BID AWARDS: *Crack Sealing:* Mr. McCartney advised the Board that, after advertising as necessary for labor and materials, four bids had been received for crack sealing as follows:

<i>NHBTS, Auburn, NH:</i>	<i>\$11.68/gallon</i>
<i>NW Dow, Concord, NH:</i>	<i>\$3,200/pallet</i>
<i>JDK Striping, Rindge, NH:</i>	<i>\$17,975/in total</i>
<i>Crack Sealing, Inc: Raynham, MA:</i>	<i>\$4.28/gallon</i>

Mr. McCartney noted that the project had been bid differently by each vendor and, after some discussion, the Board felt that Mr. McCartney may have to return to the four bidders to obtain consistent bids, either by gallon, pallet, or in total, to allow the Board to effectively compare the bids.

Mr. Henry Dow of HW Dow Asphalt approached to explain he had bid by the pallet, as doing so ensured that the full weight of the product was received. He also indicated he had assessed all roads previously, and was familiar with the Town. Mr. Carpenter inquired how many pounds were in a pallet. Mr. Dow responded 2,400 lbs.

After a lengthy discussion, Mr. Stearns moved and Mr. Carpenter seconded to the award the bid for crack sealing to HW Dow Asphalt for an amount not to exceed the budgeted amount of \$21,000. Passed 3-2, with Mr. Breton and Mr. Hohenberger opposed due to lack of clarification in the bids.

As it was discovered that a representative of JDK Striping was present but had not approached to speak, Mr. Carpenter moved and Mr. Breton seconded to reconsider the previous motion. Passed unanimously.

The representative in question approached the Board briefly to explain that their bid encompassed 6 pallets in 6 days, dependant upon road conditions. If there were any material remaining after this time period, an added cost per day would be assessed to continue sealing.

After a brief discussion, Mr. Stearns and Mr. Carpenter reiterated their previous motion/second, and again the motion passed 3-2, with Mr. Hohenberger and Mr. Breton opposed.

Power Sweeping: The Board inquired why this project is bid midway through the year, rather than at the beginning. Mr. McCartney explained that, early in the year, the sweepers are unavailable as they're working with the paving contractors, etc.

Mr. McCartney advised the Board that, after advertising as required, two bids had been received as follows:

<i>FB Hale, Hudson, NH:</i>	<i>\$80.00/hour</i>
<i>Immaculate Power Sweeping, Pelham, NH:</i>	<i>\$75.00/hour</i>

Mr. McCartney recommended that, although they were not the low bidder, the contract be awarded to Hale, who has previously performed sweeping throughout the Town at an average of 120 hours.

After a brief discussion, Mr. Carpenter moved and Mr. Breton seconded to award the bid for roadway power sweeping to Immaculate Power Sweeping of Pelham NH at a cost of \$75/hour, not to exceed 130 hours overall. Passed unanimously.

Catch Basins: Mr. McCartney advised the Board that three bids had been received for this project as follows:

<i>NE Basin Cleaners, Meredith, NH:</i>	<i>\$105.00hour</i>
<i>Bellemore, Bedford, NH:</i>	<i>\$ 54.95/basin</i>
<i>Larry Blanchette, Windham, NH:</i>	<i>\$12.00/basin</i>

After a very brief discussion, Mr. Carpenter moved and Mrs. Crisler seconded to award the bid for catch basin cleaning to Larry Blanchette for his bid amount of \$12.00/basin. Passed unanimously.

Vehicle Fuel Bids: Mr. Sullivan advised the Board that three essential criteria had been required as part of the bid specifications: 24-hour service; a corporate or in-house credit card system; and removal of all Federal and State taxes (“net” billing). He noted that three bids had been received from the following Windham vendors: Klemm’s Mobil on the Run, Windham Gas and Mini Mart, and Windham Neighborhood Variety. Of the three bids received, only two were able to meet all three criteria, Klemm’s and Windham Neighborhood Variety, with Windham Gas and Mini Mart unable to provide for removal of taxes as required.

Mr. Sullivan then reviewed a detailed analysis of regular (87) octane sales, which represents 85% of the Town’s fleet purchases, from the three vendors including base prices, discounts/gallon, net prices, and net after tax prices. Mr. Sullivan pointed out to the Board that, on average, the vendor prices per gallon were as follows: Windham Gas & Mini Mart, \$1.732; Klemm’s, \$1.733; and Windham Neighborhood Variety, \$1.743.

Mr. Sullivan then discussed the proffered, additional per gallon discounts from each vendor: Windham Gas & Mini Mart, 0.5%; Klemm’s, \$0.05; and Windham Neighborhood Variety, \$0.02. In addition, Exxon Mobil, card provider for Klemm’s, offers an additional 2% fleet discount. Mr. Sullivan advised the Board that, based on net price plus the corporate discount, Klemm’s Mobil on the Run was the low bidder.

A discussion ensued regarding gas quality, amount of evening purchases, and possibly having all bidders set a price and allowing the fleet to use the station of their choice.

Mr. Thomas Klemm advised the Board that splitting the fuel three ways would pose a severe impact to him in light of the discounts he has offered. He noted that, if that were the Board’s choice, he would not be interested in bidding.

Mr. Senibaldi, Windham Neighborhood Variety, approached to advise the Board that the agreement he has with his fuel supplier forces him to compete with the Derry gas stations and that, generally, his pump price is \$0.04 lower than Klemm’s. He also advised the Board that Citgo does offer an additional \$0.01 discount that he was unaware of at the time of the bid. He suggested the bid be split between him and Klemm’s for fuel and diesel respectively. Mr. Senibaldi felt this would be the fairest solution for the two bidders present.

After some further discussion, Mrs. Crisler moved and Mr. Stearns seconded to award the bid for the Town’s vehicle fuel to Klemm’s Mobil on the Run.

Mr. Carpenter expressed his opposition to the motion, stating he felt the bid specifications eliminated the two other vendors in Town by requiring 24-hour service. He also felt that, if the Board was going to award the bid that evening, it should be awarded to the two bidders present as a dual award. He suggested the fuel be re-bid without the 24-hour requirement.

After a very brief discussion, the motion passed 4-1, with Mr. Carpenter opposed.

Mr. Breton suggested that obtaining a Citgo card for use in emergency situations be considered.

NEW BUSINESS: Mr. Sullivan advised the Board that the Planning Board had recommended that Eileen Maloney be appointed to the Rockingham Planning Commission to fill Mr. Carpenter’s position, which expired in 2004. Mr. Carpenter moved and Mr. Stearns seconded to appoint Eileen Maloney to the Rockingham Planning Commission for a term of four years (2008). Passed unanimously.

Mr. Sullivan advised the Board that Chief Lewis and Captain Yatsevich had recommended amending the police detail rates, which have not been increased since 1999. Mr. Sullivan recommended that the Board send this matter to a public hearing.

Mr. Carpenter moved and Mr. Stearns seconded to post the proposed amendments to the police detail rates for a public hearing. Passed unanimously.

Mr. Sullivan requested that the Board move the two Town-owned Rocky Ridge properties, where the dock and stairway are located, to a sealed bid or auction for disposal. Per Town policy, these properties were submitted to the Conservation Commission, Planning Board, and public safety departments for input, and no concerns were brought to Mr. Sullivan's attention. Mr. Sullivan recommended the Board utilize the sealed bid procedure, which imposes no expense upon the Town.

Mr. Senibaldi advised the Board that no input had been received from the Conservation Commission as they had not had a quorum for several weeks. He sought clarification on the properties in question. Mr. Sullivan explained they consist of two 10' rights-of-way on Rocky Ridge Road to Cobbetts Pond. Their sale would not affect the rights of abutting property owners to utilize them to pass and re-pass to the Pond, as provided for in their individual deeds.

Mr. Breton moved and Mrs. Crisler seconded to sell the parcels in question by sealed bid. Passed unanimously.

Mr. Sullivan will follow-up to ascertain the proper, minimum bid.

Senior Center Lease: After a brief discussion regarding changes to the previous lease with the Windham Seniors Inc., including the extension of the lease to 20-years, Mr. Carpenter moved and Mr. Stearns seconded to approve the lease as written, for a twenty year period at \$1.00 per year. Passed unanimously.

Mr. Sullivan requested the Board accept the donation of four (4) first aid kits from Parkland Medical Center valued at \$100. Based upon the value of the items, a public hearing is not required.

Mrs. Crisler moved and Mr. Breton seconded to accept the donation with gratitude. Passed unanimously.

Mr. Sullivan advised the Board that the Finance Director had requested the \$500 donation received from Central Catholic High School for use of the Griffin Park facility be allocated towards drainage repairs at the Park. After a brief discussion, this request was withdrawn.

CORRESPONDENCE: Bond release/Duston Road: This bond had been previously tabled by the Board. Mr. Sullivan advised the Board that there was no cistern required, and that typographical errors in the original document had been corrected.

Mrs. Crisler moved and Mr. Carpenter seconded to approve the partial release of \$256,443 to H&B Homes, retaining \$252,915. Passed unanimously.

Letter received from Wayne Morris regarding the option of a bicycle/pedestrian connection from the rail-bed west of I-93 to North Lowell Road., and requesting the Board send a letter of interest in this possibility to the Department of Transportation.

After a brief discussion regarding the location of the trail and previous requests for a similar passage under Route 93, Mr. Carpenter moved and Mr. Breton seconded to forward a letter of interest as requested. Passed

unanimously. Mr. Sullivan will draft the letter accordingly for signature by the Chair.

Ryan Farm Bond Release: Mr. Sullivan advised the Board that Mr. Ryan prefers to cut a check for his previously agreed upon \$50,000 portion of the reconstruction project, and will re-do the bond paperwork to reflect the difference. After a brief discussion, it was the consensus of the Board that Mr. Sullivan proceed accordingly to facilitate receipt of the funds.

Letter received from the New Hampshire Department of Transportation regarding the proposed sidewalks/median areas as part of the Route 111 bypass project. Therein, the State advised the Town that all such structures would not be maintained by the State after installation, but would become the responsibility of the Town.

Mr. Sullivan advised the Board that Mr. Cass, author of the correspondence, will make himself available at the Board's convenience to discuss this matter further. It was the consensus of the Board that Mr. Sullivan proceed to schedule a meeting with Mr. Cass.

OLD BUSINESS: *Mr. Sullivan* provided the Board with a revised proposal for submission to the State in reference to the mutual agreement between the Town and the State. The Board requested Mr. Sullivan forward the document to the State with the revision as submitted.

Mr. Sullivan reminded the Board that the Windham Basketball Committee and Recreation Committee are scheduled on the June 6th agenda.

Mr. Hohenberger reminded the public that the Annual Memorial Day parade will be held on Monday. Step-off is at 9:30 AM at Center School.

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

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the first session. The Board reviewed and executed a Department Head evaluation as prepared by Mr. Sullivan, who will now present the document to the employee for review.

Mr. Sullivan then updated the Board on an ongoing personnel matter. No decisions were made.

Mr. Carpenter moved and Mr. Stearns seconded 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.