

BOARD OF SELECTMEN
Minutes of June 13, 2005

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

ANNOUNCEMENTS: *Mrs. Crisler* reported that she had attended the Friends of Windham Historic's Renaissance Dance the previous Saturday, which was an outstanding event. She noted that the singers were first rate and the flutist excellent. She urged all to attend if a similar event were to be held in the future. Mr. Carpenter also noted that it was hoped a video would be provided to Cable for airing on the local access channel.

Mr. Breton announced that he had attended the recent live broadcast by New Hampshire Public Radio from the Windham Town Hall. He noted that Mrs. Diane Carpenter had spoken during the broadcast, and that the event had been very well received. He extended the thanks of NHPR to the staff for their help in arranging the event.

Mr. Hohenberger reminded all that the community build for the Griffin Park Playground was scheduled for the upcoming weekend, and urged the residents to either sign-up to help or simply show up over the weekend to contribute.

Mr. Breton noted that this weekend was also the scheduled Boy Scout camp out at Griffin Park.

Mrs. Barbara Coish advised the Board that she had recently seen Eagle Scout Mike Kenyon installing the signs constructed by him at Roger's Field.

Mr. Stearns announced that the Middle School 8th Grade Graduation was scheduled for the following Thursday evening at 8:00 PM.

PUBLIC SAFETY GRANT: *Chiefs Messier and Lewis* were present to provide the Board details on the grant application discussed at the previous meeting, which was due for submission by noon on Wednesday. Chief Messier noted that the application is nearly complete, and would provide equipment valued at \$145,938 with a warranty of one year. Subsequently, the service contract would require a budget amount of \$7,200 annually.

Chief Lewis noted that the detail of digital equipment currently on hand, as requested by the Board, was also included in the grant application. He noted the cost to install the existing equipment was approximately \$20,000, plus an additional \$4,000 to tap into the existing line, both of which would be covered by the grant funds.

Mr. Hohenberger inquired whether the new equipment and installation of the existing will completely fill any gaps in the communication. Chief Lewis replied it would not, but that 90% coverage is an excellent goal. He stated that the topographical study conducted a few years back had shown several dead spots in Town, which have been improved, however the northwest area of Town remained an issue. Chief Lewis stated that he and Chief Messier were hoping to utilize the height and location of the Windham High School to their advantage toward this area near Londonderry.

Mr. Carpenter noted that 90% coverage is far better than most, and that some vendors can provide a radio frequency propagation map to detail coverage areas. He inquired of the Chiefs whether Londonderry had a facility available to aid Windham in that area of Town. Chief Messier noted there was a cell tower just off Route 93 in Londonderry, but that time had not been available to do a complete study. Mr. Carpenter noted that, as Verizon

utilized the tower in question, he may be able to obtain RF propagation maps for the Chief's use.

Chief Lewis noted that, several years ago, issues had arisen with the landlord of the tower property in question. A brief discussion ensued. Chief Lewis noted he planned to investigate utilization of this tower, and that off of Route 93, in efforts to use whatever infrastructure is already in place.

After some further discussion, Chief Lewis advised the Board that he had also spoken to Dr. Cutler regarding the grant, who had voiced 100% support of the new equipment.

Mr. Stearns inquired whether any further equipment would be necessary for compatibility. Chief Messier replied in the negative, noting that all radios and infrastructure will be compatible. He also stated the grant would include the town-wide frequency sought by the Chiefs and the digital emission designator.

Mrs. Crisler posed several questions of the Chiefs, including whether this was a 100% or a matching grant; whether additional personnel or manpower would be required; any related training expenses; and would the equipment provide the ability to communicate town-wide and with other communities, state and federal public safety organizations.

The Chiefs noted that this is a 100%, non-matching grant application, and would require no additional personnel or training expenses. The equipment would provide communication with all local areas and the State of New Hampshire.

Mr. Stearns sought clarification that the equipment would be compatible with Derry dispatch. Chief Messier replied in the affirmative.

Mr. Carpenter moved and Mr. Stearns seconded to allow submission of the grant application for \$145,938. Mr. Sullivan requested that the motion be amended to authorize him to execute the application. Mr. Carpenter and Mr. Stearns agreed. The motion passed 4-1 as amended, with Mr. Hohenberger opposed.

Mr. Hohenberger expressed concerns that the existing equipment was not even installed, and felt that other options should be investigated first.

On a final note, Chief Messier advised the Board that the chassis for the new apparatus had arrived in Pennsylvania approximately a week ago, and that all the equipment was progressing on schedule. Delivery of the forestry truck was expected in around 50 days, with the other new vehicles authorized at town meeting following each month thereafter.

RECREATION/BASKETBALL: Mr. Hohenberger advised those in attendance that this was intended to be a Board discussion only, with inquiries by Mrs. Crisler who was not in attendance at the last meeting.

Mrs. Crisler noted that she had watched the tape of the previous meeting and noted several items, including: the WBC clearly wished control of the program to be in the hands of the people who raise its funds; that the liability provided while under Recreation was a benefit to the program; that Mr. Breton had spoken eloquently to the disadvantages of a Town-run program; the time spent by the Finance Director in dealing with the program; that the funds being outside of the Town's control could be a disadvantage; and that the issue appeared to boil down to who controlled the funds. She suggested that a Friends of Windham Basketball be established to facilitate splitting of the funds between the Town and the Windham Basketball Committee. She noted such a move would provide the best of both worlds, providing the advantage of the Town's liability umbrella and offering control of the program to the WBC.

Mr. Al Matthews, WBC, approached to state he was unsure how such a solution would work. He noted the WBC is at the same point with Recreation as last year, and that they had endeavored to work within the agreement, which had proven impossible. Mr. Matthews further stated the WBC was very disappointed after the last meeting, noting they had provided a program to be proud of at zero cost to the taxpayers. He also noted the WBC had established an excellent relationship with the schools, and made wise expenditures during their time running the program.

Mr. Matthews noted that the number of travel teams had increased from 5 to 11 the first year the WBC had taken over the program and that, to continue successfully, the WBC must be able to control the destiny of the program, which it cannot if the Town had control.

Mrs. Crisler inquired whether the WBC would have any objection to the establishment of a non-profit organization to collect donations and manage fees for the program. Mr. Matthew replied that was where the Committee currently was, and that the only benefit offered by the Town was the liability insurance. He further stated that the Basketball Board had voted unanimously every time the matter was discussed to not continue under Recreation.

Mr. Senibaldi clarified that the program funds are deposited into the Recreation Revolving fund, not the Town's general fund. Further, he stated that issues had only arisen this year relative to capital expenditures by the WBC, which must be discussed with the Recreation Committee as per the agreement entered into last year. Mr. Senibaldi requested that someone from WBC explain to him why following the agreement and the Town's purchasing procedures was an issue, and stated that the Recreation Committee had never advised the WBC they couldn't spend their program funds.

Mr. Breton again stated there was no benefit to keeping the program under Recreation, and noted that the Recreation Coordinator was being hired to expand the Town's program offerings. He felt the Board should honor the wishes of the Basketball Committee and allow them to strike out on their own.

A lengthy discussion ensued regarding current surplus funds and budgeting for the program.

Mr. Stearns noted that, when his children had participated in sports programs he had often wondered why the fees were so high and where the funds went, and stated he liked the accountability afforded with a Town program. He also noted that that the Recreation Committee is comprised of volunteers, as well, and to go against their wishes is no way to promote volunteerism. Mr. Stearns stated he would prefer to let the Recreation Coordinator begin his or her duties and run the program, and see what transpires.

Mr. Carpenter inquired of Mr. Matthews whether, if the Board supported the WBC as a separate entity, they would be willing to agree to provide a financial accounting of the program to the Town on an annual basis. Mr. Matthews replied in the affirmative, reiterating that the Committee currently does so on a monthly basis to the WBC members and any public in attendance.

Mr. Carpenter went on to state that he could think of dozens of reasons to let the WBC go, and only a few to keep it with Recreation. He noted that the WBC is, essentially, the basketball program, and felt that separation of the WBC might be the best thing that could happen to the Recreation Committee. He explained further by stating that having the three major sports groups out of Recreation's hands allows the Committee and the Coordinator to service the other 9000 or so residents of the Town.

Mr. Hohenberger again stated he would prefer to see the winter program only run by the WBC, which is a unique program and tied to travel.

Mr. Crisler noted that all non-profit organizations are required to have open books by the Attorney General.

Mr. Carpenter inquired if the existing surplus could be transferred to the WBC for capital expenses should they go off on their own. Mrs. Call and Mr. Sullivan stated it could, provided an agreement for expenses was in place.

A discussion ensued regarding whether the Recreation Committee had the resources in place to run the program. Mr. Senibaldi assured the Board they did.

Mr. Carpenter moved and Mr. Breton seconded to authorize the Windham Basketball Committee to run the Windham approved basketball program; that the WBC will provide an annual financial accounting of the program to the Town; and to authorize the WBC to request withdrawal not to exceed \$8,000 from current surplus funds for their use toward capital expenses. Passed 4-1, with Mr. Stearns opposed.

Mr. Hohenberger inquired whether the WBC will be hosting a summer program. Mr. Matthews replied it would be difficult at this late date, but the WBC would be willing to make an attempt. When posed the same question by Mr. Hohenberger, Mr. Senibaldi replied he would have to check with the remainder of the Recreation Committee to see if there was still an interest in hosting the summer program.

MINUTES: Mrs. Crisler requested the liaison appointment portion of the minutes of March 28 be amended to read as follows: "After the Board discussed RSA 673:5 (b) which confirms that the Board of Selectmen may appoint the Selectman member for 4 months, Mr. Stearns moved and Mr. Breton seconded to appoint Mr. Breton as Planning Board liaison for 4 months with Mrs. Crisler as alternate, and to appoint Mrs. Crisler to be the Planning Board liaison for the following 4 months."

Mr. Stearns moved and Mr. Breton seconded to approve the minutes of March 28th as amended, as well as the minutes of March 21st, April 4th, April 11th, April 18th, May 2nd, May 9th, May 16th, and May 23rd as written. Passed unanimously.

CORRESPONDENCE: Letter received from Town Clerk Joan Tuck, advising the Board that, to date, there remain approximately 1,600 dogs unlicensed. Mr. Sullivan advised the public that the \$25 civil forfeiture is now in effect, and will be assessed to each owner.

Letter received from Mr. Daniel Ciarcia expressing his gratitude to the Board of Selectmen for their support of the Windham Rail Trail Alliance's efforts and the proposal to build a bike trail in Windham. In addition, Mr. Ciarcia expressed his support for the bike path proposed for Lowell Road.

Letter received from David Sullivan regarding applicability of RSA 674:41. In it, Mr. Sullivan advised the Board that the question had been raised subsequent the Fourth Street discussion whether or not the RSA was being properly enforced. After careful review and input from Town Counsel, it has been determined that the RSA's language is very clear, and applies only to initial dwelling construction, and not to additions, alterations, or improvements. Mr. Sullivan noted that in the latter cases, provided the applicants pass all Planning and Zoning requirements, there is no need to appear before the Board of Selectmen.

A discussion ensued regarding the intent of the law and either implementation of a new waiver or continued use of the existing waiver for

seasonal conversions. Mr. Turner suggested that the waiver requirement could be added to the seasonal conversion regulations in the fall.

After brief, further discussion, it was the consensus of the Board to support the opinion of Mr. Sullivan and Town Counsel regarding the application of RSA 674:41.

Letter received from the Federal Emergency Management Association regarding issuance of a new National Flood Insurance Program map panel. The purpose of this letter was to advise the Town of Letters of Map Amendment issued on the map panel. The lots in question were as follows: Lot E, Plan of the Gould Witch Hazel Co., 105 Rockingham Road; Tax Map 3B, Lots 200, 265, and 271, Hadleigh Woods; Lot 7, Lakeview, 28 Doiron Road; and Lots 11-C-2511 to 11-C-2520, and Lot 950. Mr. Sullivan will ensure a copy of this letter is forwarded to the appropriate owners.

Letter received from Assistant Planner Rebecca Way regarding the proposed beautification project at Griffin Park. Ms. Way noted several items of concern in the Plan including: lack of an as-built drawing of the Park; drainage issues; coordination of plantings with the irrigation system; location of the playground; visibility and security of the Park; and planting of the overflow parking areas.

Mr. Carpenter suggested this matter be scheduled for further discussion in fall/winter for implementation in the spring, and the remaining Board members concurred.

Letter received from the NH Department of Transportation proposing development of an I-93 Coordination Committee. Mr. Stearns explained that he had met with Mr. Cass, Commissioner Murray and several other State officials to discuss the I-93 project and its impacts to Windham. The notion of a Coordination Committee was raised as a means of keeping Windham up-to-date throughout the project and of keeping its concerns in the forefront. Mr. Stearns felt the Committee was a great opportunity, as many issues remained to be addressed.

Mrs. Crisler, Mr. Breton, and Mr. Stearns all expressed an interest in sitting on the Coordination Committee. Mr. Carpenter suggested that two (2) Selectmen and one (1) member of the Planning and Development staff be appointed.

Mr. Carpenter moved to appoint Mr. Stearns and Mrs. Crisler to the Committee, with Mr. Breton to attend if one or the other is unable. After a brief discussion, Mr. Carpenter withdrew his motion, and it was determined that Mr. Breton, Mrs. Crisler, and Mr. Stearns will all be seated on the Committee, and that Mr. Turner and Ms. Way will alternate attending.

Letter received (cc) from Chief Lewis regarding suspension of all out-of-town details for the remainder of the current year. Chief Lewis' hope is to extend the life of the detail account while continuing to allow details in Town.

Letter received (cc) from William Powers, Kendall Pond Road, regarding the condition of the Fosters Pond Conservation Area and, specifically, litter and ATV damage. Mr. Carpenter noted that, to his understanding, the contractor working in the area on the bridges had been advised of the damage and Mr. Powers' letter, and has addressed the matter.

Letter received from the City of Portsmouth requesting the Board and the residents of Windham express their support of the Portsmouth Naval Shipyard, which has been included on the Secretary of Defense's Base Realignment and Closure Commission list.

Letter received from Raymond Rees, Heritage Hill Road, regarding his previous request for curbing and his plan to possibly install his own buffer of some kind to discourage traffic from damaging his lawn.

Mr. Hohenberger cautioned that the Town has an ordinance regarding structures/items within the rights-of-way.

Mr. Sullivan noted that the Highway Agent has unsuccessfully addressed this issue with Mr. Rees, who will now have to approach the Board.

Mr. Stearns suggested that the Highway Safety Committee review posting one (1) side of Heritage Hill Road as "No Parking". Mr. Sullivan will schedule this matter on an upcoming HSC agenda.

Letter received from the Lion's Club regarding the Recreation Committee's Fourth of July Field, advising the Board that they would be unable to provide food for the event due to lack of notification and date change.

Mr. Carpenter inquired whether the Town had contacted the Lion's Club to resolve this matter, perhaps by changing the date. Mr. Sullivan stated he had not, but thought the Recreation Committee may have. Mr. Breton noted there was a Recreation Committee meeting pending, and it could be discussed then.

Mr. Carpenter suggested that a letter be sent to the Lion's Club apologizing and asking them to reconsider their decision. After a brief discussion, it was the consensus that the Chairman should contact the Lion's Club personally, as well.

Letter received from Doucet Survey, Inc., regarding survey work on 20-D-1500 and 1700, and 14-B-2200, and notifying the Town as an abutter of the placement of stakes and presence of survey crew.

OLD BUSINESS: *Mr. Sullivan* requested that the Board reconsider their bond release of the previous week to JRV Homes for Mitchell Pond Road Extension. Mr. Sullivan explained that the additional \$20,000 the Board had retained for the cistern installation was unnecessary, as the cistern was already installed and the original \$10,000 was for maintenance only. After a brief discussion, Mr. Carpenter moved and Mr. Breton seconded to release an additional \$20,000 to JRV Homes for Mitchell Pond Road Extension. Passed unanimously.

NEW BUSINESS: *Mr. Sullivan* advised the Board that damage had occurred to Griffin Park during drainage work, wherein the contractor had pulled up the 100 amp service, plus the suction, soccer field, and passive recreation irrigation lines. Regarding the irrigation lines, Mr. Sullivan noted that Mr. Barlow had hand-dug the line intersection to aid the contractor, however work was done above where the lines were revealed. Mr. Sullivan noted that the repairs have been completed at a cost of \$1900 for the electric, and a combined \$1000 for the lines.

Mr. Sullivan advised the Board that no one was aware that the 100 amp service was there, and as such the Town could likely not hold the contractor liable. He inquired, however, whether the Board wished to hold the contractor, who has insurance, accountable for the \$1000 repairs. After some discussion, it was the consensus of the Board to file a claim regarding the electrical and pay the balance out of the property maintenance budget, and to seek damages from the contractor on the irrigation lines.

WORKSHOP PLANNING & DEVELOPMENT: Director Al Turner and Assistant Planner Rebecca Way were present for the workshop session. Mr. Turner hosted a slideshow presentation, highlighting construction and development in Town.

Ms. Way offered a detailed overview of the plan approval and review process, including: Tuesday engineering meetings; review and acceptance of conceptual plans; staff reporting; Keach-Nordstrom reviews; and project follow-ups.

Mr. Turner discussed economic development and growth management, noting that the request for viable retail space is increasing and available space is limited. He noted that Planning Board is committed to looking closely at re-zoning some areas of Town.

Mr. Turner discussed blasting activities, noting that it is occurring more and more frequently as most building lots now require at least some be done.

Mr. Turner discussed public awareness and inspection activities in the Health Department, as well as increased efforts by the State to keep Town's informed of ongoing issues.

After a brief discussion, the Board decided to table workshop discussion of the Code Enforcement and building plan/review/inspection activities of the Department due to the lateness of the hour. Mr. Sullivan will reschedule this discussion for June 27th at 8:00 PM, and will also endeavor to complete his own analysis of the Tuesday engineering meetings for discussion as part of this workshop.

NON-PUBLIC SESSION: Motion by Mr. Carpenter and second by Mr. Stearns to enter into non-public session in accordance with RSA 91-A:3,IIa. Roll call vote: all members "yes". The subject of discussion was personnel.

The Board, Mr. Sullivan, Mr. Turner and Ms. Devlin were in attendance in the first session.

The Board discussed the Building Inspector candidates interviewed to date. Based upon the unsuitability of the applicants, Mr. Sullivan suggested that the Board re-open the application process, possibly without the Health Officer requirement.

After a brief discussion, it was the consensus of the Board that the position be re-advertised as "open until filled", without reference to the Health Officer, in the Windham Independent and on the web only.

The Board, Mr. Sullivan and Ms. Devlin were in attendance in the remaining sessions.

The Board reviewed a letter of concern submitted by a resident regarding Town personnel. After discussion, the Board determined that Mr. Sullivan should provide the letter in full to the employee in question and follow-up accordingly.

Mr. Sullivan presented a request from the Assessor to hire a temporary employee for a 30-day period to cover his Administrative Assistant's medical absence. After some discussion, it was the consensus of the Board to hire Jeannine Zins to assist the Assessor for a period of 30 days at the rate of \$13/hour.

Mr. Carpenter moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 11:20 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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