

BOARD OF SELECTMEN
Minutes of October 24, 2005

MEMBERS PRESENT: Chairman Roger Hohenberger called the meeting to order at 7:15 PM. Selectmen Galen Stearns, Alan Carpenter, Bruce Breton, and Margaret Crisler were in attendance. Town Administrator David Sullivan was also present.

Mr. Hohenberger announced that the meeting had been opened at 6:00 P.M. with a non-public discussion, and then read the remainder of the agenda into the record.

Mr. Carpenter then moved and Mr. Breton seconded that the Board continue the suspension of Deputy Town Clerk Sean Boylan indefinitely, pending the outcome of an investigation by the State of NH regarding alleged improper use of the State computer. Passed unanimously.

ANNOUNCEMENTS: Mrs. Crisler announced that the Windham Womens' Club latest cookbook was now available for purchase from any member of the Club or at the Town Clerk's Office. The cost is \$15.

LIAISON REPORTS: Mrs. Crisler reported that Mr. Stearns had recently arranged a working committee meeting regarding the I-93 project, which had been attended by Mr. Bill Cass of the NHDOT, Keith Cots the Chief of Consultant Design, State Representatives McMahon and Waterhouse, Senator Morse, and Selectmen Stearns, Breton, and herself. She noted that the Committee had reviewed the project to date, and highlighted the following: that lane access had been assured so there would be no emergency access delays; busses to Boston are being explored; the Exxon and Sunoco stations will be demolished by year-end; and the closed bid process will not be utilized for the disposition of surplus property. Mrs. Crisler also noted that the State would still like to meet with the Windham Planning Board to discuss the area north of Route 111 and east of I-93, and that the next Committee meeting had been scheduled for November 16, 2005.

Mrs. Crisler announced that the Planning Board had recently conducted a discussion regarding the Village Center District, and heard extensive input from the public. The Planning Board will review the matter further, and schedule an additional public hearing in the future.

ANNOUNCEMENTS, CONTINUED: Mrs. Cheryl Haas, Recreation Coordinator, extended congratulations to the Youth 13 Girls and Youth 14 Boys soccer teams, who will be playing for a bid to the State championships the following weekend.

Mrs. Haas announced that the Harvest Festival had seen a great turn-out, despite needing to be postponed due to inclement weather. She extended her thanks to the following: Delahunty's, Johnson's Farm, Apple Acres, Yennaco Custom Gloves, Valentine and Scanlon, Best Mortgage, Women's Club, Newcomer's Club, Girl and Boy Scouts, Lion's Club, Garden Club, Windham Lacrosse, Windham Baseball, Mr. Al Barlow, Mr. Dennis Senibaldi, Mr. & Mrs. Goldman, Mr. Keith Craun, and Selectman Breton.

Mrs. Haas then announced that the Annual Christmas Tree Lighting had been scheduled for December 12th at 2:00 P.M. More details will be forthcoming.

Mr. Hohenberger stated he had had a chance to view the new tanker and forestry trucks, and noted that both were phenomenal vehicles.

Mrs. Beverly Donovan of the School Board approached, along with fellow members Bruce Anderson, Beth Valentine, and Barbara Coish. On behalf of the School Board, Mrs. Donovan and Mr. Anderson announced that a formal

arrangement had been reached regarding a land swap for access to the new High School. Mrs. Donovan stated the Board had been keenly aware of the residents concerns throughout the year long negotiations in non-public session. She extended the Board's thanks to the following: Dan Bisson, Jim Delisle, and Wes Bonney of Team Design; Brad Mezquita of Appledore Engineering; Attorney Gregory Michaels of Wiggins & Nourie; Superintendent Elaine Cutler; Brian Gallagher; John Hollinger; Al Letizio; James Logan; and Herbert & Associates. Thanks were also extended to the citizens of Windham for the continued support and patience.

Mr. Anderson went on to explain that the agreement between Mr. Logan and the School District entails an exchange of near equal amounts of land with no exchange of monies. Mr. Logan will receive a single, 13-acre section of land in the northeast corner of the property, and the School District will receive two sections of land totaling approximately 13 acres, these being: 2-3 acres of land necessary to open and reconstruct Londonbridge Road, and 10.5 acres of land contiguous to the southeast corner of the High School site.

Mr. Anderson also noted that the School District will retain an easement across the 13 acre parcel to be deeded to Mr. Logan, which will allow access to the Town-owned wells on the adjacent lot, as well as a walking path to Center School.

Mr. Anderson went on to state that, while these negotiations were ongoing, other work on the High School project was also continuing, in particular: the Curriculum and Facilities committees have drafted the educational specifications and reviewed several floor plans; the Arts and Extra-curricular Committee have been reviewing theatre and music offerings at other schools; the Sports and Athletics Committee has been developing a list of inter-school and intramural sports; and the Integration Committee has been soliciting input on the mascot and name of the High School, as well as working on planning for a smooth transition for students from Salem to Windham High. Mr. Anderson extended the School Board's thanks to the citizens who have served so diligently on these committees.

Mr. Anderson then noted that an Open House is being planned for mid-November at which the public will be able to view the floor and site plans for the High School, and stressed that the District is still on schedule to open the High School in September of 2008.

Mr. Anderson then extended his thanks to Mrs. Donovan for her efforts as Chairman during the past year, and echoed her thanks to the residents, participants, and fellow Board members.

Mr. Hohenberger inquired whether a second egress from the High School site was planned. Mr. Anderson replied one is anticipated through future development in the area of the School.

IT DIRECTOR: Mr. Eric DeLong explained that the Town's contract with Choice One had recently expired, and he was present to determine if the Board wished to go out to bid for telephone service for the Town facilities. Mr. DeLong further noted that the contract does not need to be re-executed, but would simply roll over. He then advised the Board that the verbal responses to his inquiries for proposals had not been successful, as services vary from company to company. Mr. Hohenberger pointed out that the Town may be able to obtain a lower price if put out to bid. Mr. DeLong agreed, but noted that he is very happy with the service the Town has received from Choice One.

A discussion ensued regarding annual costs, and VOIP and other types of services. Mr. Carpenter recommended that Mr. DeLong approach Choice One to inquire about their rates in avoidance of a formal RFP process, and bring their response to the Board for review. The remaining members concurred, and Mr. DeLong will follow-up with Choice One.

NEW BUSINESS: Mr. Dennis Senibaldi advised the Board that an issue has arisen regarding electrical service to the Town Common. He stated it had been believed that new wire could just be run through the existing conduit, however that was not possible. Mr. Senibaldi noted he had spoken to the electrician Mr. Barlow had referred him to, who had provided a quote of \$1,675 to run a 1¼” underground conduit with a 60 amp circuit and wire from the Bartley House to the gazebo.

Mr. Breton pointed out that \$239 had been expended in 2004 to temporarily fix the issue, however he had suggested at the previous Recreation Committee meeting that the problem be properly repaired for safety reasons and to provide use year-round.

Mr. Senibaldi stated the quote was to replace the electrical panel at the Bartley House, and install two grounding rods, underground PVC conduit, and 235’ of wire to the main box on the gazebo. Mr. Stearns inquired whether the conduit would be run around, rather than under, the parking area, to which Mr. Senibaldi responded in the affirmative. Mr. Senibaldi then requested that the Board waive the bid requirements.

Mr. Sullivan inquired what the additional cost would be run the wire out to the trees, to which Mr. Senibaldi replied a couple hundred dollars. Mr. Sullivan then recommended the Board authorize expenditure of up to \$2,000 to include extending the project to the trees.

After further, brief discussion, Mr. Carpenter moved and Mr. Breton seconded that staff obtain and review three (3) proposals and be authorized to award the project to the lowest bidder.

Mrs. Crisler suggested that waiver of the permitting requirements and inspection by staff of the end result also be included in the motion. Mr. Carpenter agreed and amended his motion accordingly. Mr. Breton amended his second, as well. Passed unanimously.

HIGHWAY AGENT: Mr. Jack McCartney approached to review proposed plow rates for the upcoming winter season. Mr. McCartney explained that the rates have not been amended since the year 2000, and proposed an average increase of 10% across the board.

A discussion ensued regarding rates in surrounding towns and increased fuel costs. Mr. Carpenter felt that, with his proposed rates, Mr. McCartney had done an excellent job of competitively placing the Town.

Mr. Carpenter then moved and Mr. Stearns seconded to approve the rates as presented. Passed unanimously.

ARTICULATING LOADER BIDS: Mr. Dave Poulson, Transfer Station Manager, advised the Board that eight (8) bid packages had been mailed, and four (4) responses received, as follows:

<i>Casey Equipment, Kingston, NH: JCB407ZX</i>	\$63,265
<i>Rosencrantz & Sons, Kensington, NH: J.D. 244J</i>	75,408
<i>Southworth Milton, Hopkinton, NH: CAT 906</i>	69,725
<i>CAT 904B</i>	54,638
<i>Chadwick-BaRoss, Concord, NH: Volvo L20</i>	57,382
<i>Volvo L30</i>	73,798
<i>Volvo L30/enhanced</i>	84,568

Mr. Poulson noted that each of the models bid had been physically demoed by staff and the lowest bid piece of equipment found inadequate for the Transfer Station needs. He then recommended that the JCB407ZX be purchased, without the optional air conditioning, for \$59,755.

A discussion ensued regarding the difficulty of obtaining parts for the JCB models, maintenance down time, and the standard warranties. When asked, Mr. Poulson pointed out that the CAT 906 was the preferred model, but was not within the budgeted \$60,000.

Further discussion ensued regarding the life-expectancy of the equipment, encumbering of additional funds in 2006 and postponing the purchase, and possible leasing of the loader. Mr. Sullivan pointed out that leasing was not an option at this point, as the warrant article had not been worded as such.

Further discussion ensued regarding maintaining or trading of the existing loader, the benefits of the CAT 906, and re-sale values.

Mr. Carpenter moved and Mr. Stearns seconded that the JCB407ZX be purchased as recommended by Mr. Poulson. Passed unanimously.

CABLE COMMITTEE: Mrs. Margaret Case, Cable Advisory Committee Chair, reviewed the proposed Transfer Agreement with the Board. After a brief discussion regarding minor corrections and reporting concerns, Mr. Stearns moved and Mrs. Crisler seconded to approve and execute the Cable Transfer Agreement with Time Warner Comcast. Passed unanimously.

WBSL/SCOREBOARDS: Mr. Charles McMahon noted that scoreboards at Griffin Park had been planned since 2000, and that the WBSL had been in discussion with Coca-Cola, which has a history of supporting local organizations. Mr. McMahon explained that Coke was willing to provide the scoreboards, in return for a five (5) year commitment from the Town to purchase their products for the Park. Coca-Cola would provide three (3) scoreboards at an approximate cost of \$9000 for LED boards. Mr. McMahon further explained that the donation does not include installation/conduit costs, and that the WBSL will be raising funds for these items. Mr. McMahon then pointed out that scoreboards are essential to tournament play, and requested the Board's permission for the WBSL to proceed.

A lengthy discussion ensued regarding the commitment to purchase, placement of vending machines, that all profits will go to the WBSL, and donations versus exchanges of services.

Mr. Carpenter moved and Mrs. Crisler seconded to allow the WBSL to proceed to obtain an agreement from Coca-Cola of Manchester for review by the Board for LED scoreboards. Mr. McMahon clarified that time is an issue as trucks will not be able to cross the field during the wet season, and stated the WBSL would like to proceed with the prep work for installation. The motion passed unanimously.

Mr. Breton then moved and Mr. Stearns seconded to allow the WBSL to proceed with prep work for the installation of scoreboards, provided they work with Mr. Barlow, and to waive all permit fees. The work is to be inspected by staff. Passed unanimously.

NEW BUSINESS, CONTINUED: Mr. Peter Zohdi, on behalf of James Logan, approached to present plans to the Board of a roadway proposed by Mr. Logan. He explained that the High School road and Mr. Logan's will intersect, and Mr. Logan would like to construct a 90° intersection. To do so, a small area of Town-owned land would be impacted, and Mr. Zohdi requested that when laying out the School Road the Selectmen consider Mr. Logan's need.

Mr. Hohenberger clarified that Mr. Logan's road would become a town-owned road at some point, and therefore no town property would be lost. Attorney Ratigan, representing Mr. Logan, concurred, stating that if the Board supported the intersection as presented, Mr. Logan will then approach the School District to include it in their layout presentation to the Board. Mr. Zohdi pointed out Mr. Logan would like to work with the School District

and, if the Board supports the proposal, the Conservation Commission, as well.

After a brief discussion, it was the consensus of the Board to support the proposal as it appeared on the plan.

MINUTES: Mr. Carpenter moved and Mr. Stearns seconded to approve the minutes of October 3rd as written. Passed unanimously.

CORRESPONDENCE: *Road Bond/Castle Hill Road:* After a brief discussion, Mr. Stearns moved and Mr. Breton seconded to release the bond in the amount of \$14,728.80 to Everett Ryan as requested. Passed unanimously.

Road Bond/Heritage Hill & Timberlane: After a brief discussion, Mr. Stearns moved and Mr. Breton seconded to release the bond in the amount of \$27,824.80 as recommended by the Planning Board. Passed unanimously.

Road Bond/Castle Reach: Mr. Stearns moved and Mr. Breton seconded to release the bond in the amount of \$99,612 as recommended by the Planning Board. Passed unanimously.

Road Bond/Ryan Farm Road: Mr. Stearns moved and Mr. Breton seconded to release the bond in the amount of \$64,296 as recommended by the Planning Board. Passed unanimously.

Lamplighter Village Bonds: After some discussion, these bonds were once again tabled pending DES review and recommendation regarding the run-off issues.

Trenching Permit: The Board reviewed a request from PSNH to dig a 6' x 20' trench at the intersection of Telo Road and Almas Street. After a brief discussion, Mr. Stearns moved and Mr. Breton seconded to approve the permit based upon the Highway Agent's recommendation as to bonding required. Passed unanimously.

The Board reviewed a letter for execution to Ms. Sarah Pillsbury of the DES requesting that the Department require Pennichuck Water Works to conduct additional testing of the brine backwash at the West Shore Road site. Mr. Breton moved and Mr. Stearns seconded that the letter be sent as written with a slight wording change, and that Mr. Sullivan be authorized to sign. Passed unanimously.

Letter received from Ross McLeod, expressing concerns regarding the residency of Mrs. Lisa Linowes. Mr. Sullivan submitted to the Board a letter from Mrs. Linowes' affirming her residency in Windham.

After some discussion, it was the consensus of the Board to invite Mrs. Linowes to discuss this matter with the Board on November 21st.

OLD BUSINESS: Mr. Sullivan advised the Board that the newly hired Building Inspector was awaiting his physical examination before starting.

Mr. Sullivan requested the Board reconsider their previous motion to go out to bid on the Town's auditing services, citing staffing shortages and the timing of switching companies.

After a brief discussion, Mr. Carpenter moved and Mr. Stearns seconded to reconsider the previous vote to bid the Town's auditing services. Passed 4-1, with Mr. Breton opposed.

Mr. Stearns then moved and Mrs. Crisler seconded to waive the bid process for the Town's auditing services and to allow staff to retain the same services as in prior years. Passed 3-2, with Mr. Hohenberger and Mr. Breton opposed.

NON-PUBLIC SESSION: Mrs. Crisler moved and Mr. Carpenter 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, and the Board, Mr. Sullivan and Ms. Devlin were in attendance.

The Board discussed an ongoing personnel matter. No decisions were made, and Mr. Sullivan will follow-up.

After a brief discussion, Mr. Breton moved and Mr. Stearns seconded that Deputy McPherson assume the duties of Acting Fire Chief effective December 3, 2005, and that Mr. Sullivan proceed with the process to recruit a new Fire Chief. Passed unanimously.

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

The meeting was adjourned at 10:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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