

BOARD OF SELECTMEN
Minutes of June 5, 2006

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:05 PM. Selectmen Roger Hohenberger, Margaret Crisler, Alan Carpenter, and Dennis Senibaldi were present, as was Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Stearns noted that, despite the weather and the move to Center School, the Strawberry Festival had been very well attended.

Kyle Cole, Boy Scout Pack 266, approached to advise the Board that the kiosk at Griffin Park, which he had built as his Eagle Scout Project, was now completed. He presented pictures of the item to the Board, along with a detailed list of costs and keys to the notice board. The Board and Recreation Coordinator, Cheryl Haas, congratulated Mr. Cole on a job well done. Mr. Cole extended thanks to the Town for their contribution toward the project.

Mr. Sullivan presented the 2006 Employee of the Year Award to call firefighter William Brown. Mr. Sullivan explained that circumstances had arisen that prevented presentation at the Annual Town Meeting. Firefighter Brown retired from the Windham Fire Department as a Lieutenant in 2005, but remained on staff as a call firefighter and has served the Fire Department and Town of Windham for over 40 years. Firefighter Brown thanked the Town amidst a standing ovation from those present.

Mr. Senibaldi apologized to the members and the residents for his previous delayed arrival at the meetings due to work, and stated those issues have hopefully been worked out and won't effect future meetings.

MINUTES: Mr. Hohenberger moved and Mrs. Crisler seconded to approve the minutes of May 8th, 15th, and 22nd as written. Passed unanimously.

CORRESPONDENCE: Memo received from Finance Director Dana Call requesting permission to initiate a tax anticipation note (TAN) with Citizen's Bank in the form of a credit line up to \$1,000,000, to bridge any shortfall between the annual payment to the School District and collection of the first tax billing.

Mr. Sullivan explained that doing the paperwork for the TAN now allows the funds to be available if necessary at year's end, and noted that the entire \$1M would not be accessed at once. Mr. Carpenter inquired what the estimated cost to the Town would be for interest, to which Mr. Sullivan replied approximately \$1,500.

Discussion ensued regarding the timing of the tax billing to avoid the necessity for TANs, making payments to the School District rather than one lump sum to avoid the need to borrow, and possibly moving the impact fees now to offset any shortage.

Mrs. Crisler moved and Mr. Hohenberger seconded to approve the issuance of a Tax Anticipation Note with Citizen's Bank in the amount of \$1,000,000 at an interest rate of 3.95% and due December 31, 2006. Passed unanimously.

ANNOUNCEMENTS, CONTINUED: Mr. Senibaldi reminded all that the Annual Town Day will take place on July 2nd beginning at 10:00 AM at Griffin Park. There will be a tennis tournament beginning at 10:00 AM, a bike/wagon/stroller parade, games, and a performance by the Flute Ensemble.

CORRESPONDENCE, CONTINUED: Notice received from the NH Department of Health and Human Services that the NH Fish & Game Department and the United States Department of Agriculture, Wildlife Services will be conducting wild bird testing to detect avian flu. The notice stressed that no cases of have been identified in the U.S. either in birds or people. Additional information can be found at www.dhhs.nh.gov.

The notice encourages residents to report the following dead birds to the USDA Wildlife Service at 1-866-4-USDA-WS: a cluster (same location and time) of more than 5 non-water birds, or: a single water bird (webbed feet, long slender legs, or a long bill). Concerns regarding poultry should be directed to the State Veterinarian at 271-2404. All other dead birds should be reported to NH DHHS at 1-866-273-NILE.

Mr. Turner noted that this notice is posted in the Planning and Development Department, and residents should feel free to speak to the staff with any questions they might have.

Mrs. Crisler inquired whether the recent heavy rains have washed away the larvacide treatments throughout the Town. Mr. Turner stated he had spoken to the owner of Municipal Pest Management, who had indicated he believed the application was down long enough to be effective in many areas, and the rains had likely washed much of the larva downstream anyway. However, it is now very wet and the Town will likely experience a large population of regular mosquitoes this year.

Letter received from Mr. Turner relative to emergency repairs to a sinkhole on Searles Road. Mr. Turner approached and explained that this is the third sink hole which has occurred on Searles. He indicated he had spoken to Craig Francisco of Bedford Design who had, on behalf of the finance firm that took over for the developer sometime in the 1990's, indicated the bond should be called in and the roadway repaired. Mr. Turner noted that the Planning Board had voted on the previous Wednesday to call in the bond and, if the Board followed suit, a strict accounting of contractor/staff time and expense would need to be kept throughout the repairs so that any remaining bond funds can be released back to the developer. He did recommend that the Board wait one year after the repair to do so.

Mr. Turner noted that Highway Agent Jack McCartney had inspected the area and felt that more under-drains were needed in the area to avoid the problem in the future, and that currently there was \$49,000 in the bond account, which should be enough to do the repairs. Mr. Sullivan indicated that Mr. McCartney would like to do test borings in the area, as well, to see what material is present.

Discussion ensued regarding why the bond had not previously been released on the Town portion of the road, and Mr. Sullivan explained this bonding was for improvements to the existing portion.

Mr. Carpenter then moved and Mrs. Crisler seconded to call the Town portion of the road bond to make emergency repairs and other repairs necessary to Searles Road, and that all work, materials and labor associated with these repairs be documented for a final accounting of the bond amount. Passed unanimously.

BOARD OF HEALTH/95 LONDONDERRY RD: Mr. Stearns read the public hearing notice into the record. Mr. Hohenberger moved and Mr. Carpenter seconded to enter into the Board of Health. Passed unanimously.

Mr. Turner explained that, due to a septic system failure, the applicant was proposing a replacement system in a new location at only 2'-3' above the high water table. He explained that the area is slanted, and the level averages out to 3'.

Mr. Joe Maynard, Benchmark Engineering, approached on behalf of the Gaumers. He presented a map of the area to the Board for review, and pointed out the property in question abuts the Rockingham Recreational Trail, Fern Street, and 98 Londonderry Road is across the street. He advised the Board that all area wells are outside the 75' required radius, and noted that to replace the system in the current location is difficult due to the abutting hydric-A wetlands. Mr. Maynard noted that, due to issues with the home's foundation and grading in the area, the 3' level as allowed by the State would be reached approximately halfway through the leach field.

Mr. Carpenter inquired what the implications would be at 3', and Mr. Turner noted he had never seen an issue of failure or contamination at the 3' level, and that 3' is permitted by the State. He noted that most major university studies indicated 3' of good sand is sufficient.

Discussion ensued regarding the leach field elevation and possible pooling at the home's foundation. Mr. Maynard stated the latter was not a major concern as the home has a gable roof.

After further brief discussion, Mrs. Crisler moved and Mr. Turner seconded to grant the waiver of Section 103.1 of the Town's Water Supply Regulations as requested according to the plan presented dated May 16, 2006. Passed unanimously.

Mr. Hohenberger moved and Mr. Senibaldi seconded to adjourn as the Board of Health. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Senibaldi 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, Mrs. Haas, and Ms. Devlin were in attendance.

Mrs. Haas discussed the hiring of lifeguards for the Town Beach with the Board.

Mr. Senibaldi moved and Mr. Hohenberger seconded to hire three (3) applicants as recommended by Mrs. Haas at a rate of \$8.78/hour pending successful background and physical examinations, and further, if any of the three does not accept the offer of employment to authorize Mrs. Haas to hire the fourth applicant discussed. Passed 4-0-1, with Mr. Stearns abstaining.

Mr. Stearns called the public portion of the meeting back to order at 8:10 P.M. He advised those present that the Board had discussed the hiring of lifeguards, and had authorized Mrs. Haas to hire three (3) individuals.

PUBLIC HEARING/MULTI-USE BUILDING: Mr. Stearns read the public hearing notice into the record.

Mr. Charles McMahon sought clarification of the intent of this public hearing. Mr. Stearns replied the Board was seeking to formalize acceptance of the donation of the multi-use building by the Windham Baseball/Softball League (WBSL). Mr. McMahon advised the Board that the WBSL felt doing so at this time was premature, given that the note has not been paid off. He noted that \$58,000 is still outstanding.

Mr. McMahon pointed out that, as the building is on Town property, it is essentially Town owned, and that the WBSL wanted the building to be free and clear before officially donating it to the Town.

Mr. Hohenberger inquired whether there was any hindrance to other organizations in utilizing the building, and Mr. McMahon replied there was not, stating that the Recreation Committee, WBSL, and Soccer Association utilize the building for storage. Mr. Hohenberger inquired whether the

kitchen facility was available to other organizations, and Mr. McMahon replied in the affirmative, provided training was received.

A discussion ensued regarding scheduling conflicts, of which Mr. McMahon indicated there were none, and that the Board had previously established regulations regarding the building.

Mrs. Crisler expressed concerns with taking the building before the loan was paid off, however, she noted that residents assume that the Town oversees and maintains the building, and noted that the recent inspection by Building Inspector Mike McGuire shows some fire/safety issues that need correction. She also pointed out a memo from Maintenance Supervisor Al Barlow referencing groundwater seepage into the well.

Mr. Stearns noted that the well is on Town land and as such they should move forward with the staff review to correct any problems. He felt the well was a separate issue from the building.

A lengthy discussion ensued regarding the inspection report and testing of the well and possible contamination if it is cracked.

Mr. Carpenter felt the outstanding note was the business of the WBSL, and had no bearing on the Town accepting the building. Mr. McMahon pointed out that the agreement with the Town was that the WBSL would utilize the concession stand proceeds to pay off the note, which supersedes anything else. Mr. Carpenter replied that the building has been built for two years, and that the Town looks to the Board for resolution of any issues with it.

Mr. Sullivan then advised the Board that, in response to their request for an independent opinion, a company that had had no involvement with the well had been consulted regarding the lack of water. The company opined that the well should be re-fractured. Staff has obtained a quote of \$1,700 to do so along with removing the pump and utilizing a camera to do an inspection. Mr. Sullivan indicated the representative had given a 98% assurance of improvement in output. In addition, a quote of \$1,000 was given to seal the well casing 30' +/- down.

Mr. Carpenter then inquired whether the septic system had been evaluated to determine whether it could handle a large event; for example, 1,000 people and 1,000 flushes. Mr. Sullivan indicated it had not, as the Board had been primarily concerned with the well. A brief discussion ensued.

Mr. Carpenter reiterated that he believed it was time to accept the building and take responsibility for it, while maintaining the agreement with the WBSL. Mrs. Crisler concurred, suggesting the formal ceremony could take place at Town Day. Mr. McMahon indicated he did not believe the WBSL would agree, but he would discuss it with them on the following Wednesday.

After further brief discussion, Mr. Hohenberger stated he did not see what formal acceptance of the building accomplished. He noted that the Town has access, keys to, and use of the building, and noted that the WBSL has done a good job with the building with the support of the Town. Mr. Carpenter noted it would allow the Town to fix any issues that exist, and would offer some accountability. Mr. Hohenberger felt that the Town had that purview without formal acceptance. Mr. McMahon reiterated that no problems exist with the building, only the well is the problem.

After further discussion, Mr. Carpenter moved and Mr. Senibaldi seconded to continue the public hearing to July 17, 2006 at 8:00 P.M., and that during the interim staff will obtain Town Counsel opinion regarding the outstanding note on the building. Passed unanimously.

Mr. Carpenter then moved and Mr. Senibaldi seconded to authorize staff to expend up to \$2,700 to hydro-fract and seal the well; that staff work with the

Planning Department and Fire Inspector to resolve inspection issues noted by the Building Inspector; and that the bathrooms be open each morning at dawn from Easter to October. Passed unanimously.

Mr. Stearns called for a five minute recess.

NEW BUSINESS: Mr. Stearns read a petition into the record to reclassify a portion of Flat Rock Road from Class VI to Class V.

Mr. Matt Hammer, Engineer, approached on behalf of developer James Jamison. He noted the request was to reclassify approximately 600' from Hadleigh Road out, to include 22' pavement plus drainage and other small improvements. Mr. Hammer noted that he had worked with Mr. McCartney and Mr. Turner to develop the plan as shown.

After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to schedule a public hearing consider changing a section of Flat Rock Road from Class VI to Class V as petitioned. Passed unanimously.

LIAISON REPORTS: Mrs. Crisler reported that the Planning Board had discussed a proposed cell tower on Route 111. She presented pictures of the related balloon test to the Board members for review. She noted that two potential sites had been discussed, and that Waterhouse's on the corner of Mammoth Road and 111 had been recommended. A variance will be required and the tower will be a flagpole style.

Mrs. Crisler then noted that Mr. Howie Glynn is proposing updating of the Town plaza, which was approved by the Planning Board the previous Wednesday. She noted the plan will triple the size of the plaza, and that pictures are available in the Planning and Development Department.

Mrs. Crisler advised the Board that the Planning Board had conducted a site walk on the proposed development adjacent to Shaw's. This development would include retail shops and a restaurant, as well as a connecting roadway to the Village Green. Mr. Carpenter suggested the Planning Board try to work with the developer to connect from the Village Green to the "Commons", as well.

Mrs. Crisler noted that the High School access road was before the Planning Board for approval of the line and location, and that the Planning Board had voted to ask the Board of Selectmen for their input on the final plan.

A discussion ensued regarding the need for the Board to establish dates for the public hearing to lay out the roadway. It was the consensus of the Board that the site walk occur on July 8th at 8 AM, and the public hearing be posted for July 10th at 7:15 P.M.

Mr. Carpenter suggested that a formal opinion be obtained from the Planning Board prior to the public hearing, and the remaining members concurred. Mr. Sullivan will follow-up.

OLD BUSINESS: Mr. Sullivan noted that the Wall Street study by the Rockingham Planning Commission has been revived, and that he, Mr. Turner, Mr. Sinnott, and Mrs. Stoller had recently met. Mr. Sullivan noted that the study will begin in August, and will include the Village District. He advised the Board that a pre-bid conference will be required, and the review committee will consist of himself, Cliff Sinnott, Annette Stoller, Mr. Turner, and Wayne Morris. He then noted the members would like to invite Mrs. Crisler to join the committee as the Board of Selectmen/Planning Board representative. Mrs. Crisler accepted.

Mr. Sullivan announced that the Sylvestri Group was coordinating a golf tournament to raise funds for flood relief to benefit residents of Salem, Windham, and Atkinson. The tournament will take place on July 17th and more information will be available in the near future.

Mr. Sullivan discussed a memo from Chief Lewis relative to failure of the HVAC system at the Police Station. He noted that the estimated cost to repair the defective equipment was \$4-5,000, and sought the Board's support to expend these funds from the Property Maintenance Trust as this is not part of the maintenance contract.

Mr. Carpenter inquired whether other estimates had been obtained. Mr. Sullivan replied they had not, but could be, and requested authorization to expend not more than \$5,000.

Mr. Carpenter moved and Mr. Senibaldi seconded to authorize staff to expend up to \$5,000, and that they obtain up to two or three quotes to repair the heating/AC system at the Police Department. Passed unanimously.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Senibaldi seconded to enter into non-public session in accordance with RSA 93-A:3 IIa, c, and d. Roll call vote, all members "yes". The topics of discussion were personnel, reputations, and legal and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Reputations: Mr. Sullivan discussed a welfare lien with the Board. Mr. Carpenter moved and Mr. Hohenberger seconded to accept the pay-off amount and release the lien. Passed unanimously.

Personnel: Mr. Sullivan reviewed those applications received for a Highway Department seasonal laborer. Mr. Senibaldi moved and Mrs. Crisler seconded to hire the recommended candidate subject to successful background check and physical examination. Passed unanimously.

Reputations: The Board discussed board/committee appointments. Mr. Hohenberger moved and Mr. Senibaldi seconded to continue all cable appointments. Passed unanimously.

No decisions were made regarding Conservation Commission appointments.

Mr. Carpenter moved and Mr. Hohenberger seconded to appoint Ralph Valentine, Brian Carne, and Lynn Goldman as regular members of the Recreation Committee for a three year period, and Earl Bartlett as an Alternate member for a period of one year. Passed unanimously.

Legal: The Board discussed the denial by the ZBA of the Board's appeal. No decisions were made, and Mr. Sullivan will follow-up for discussion at the next meeting.

Mr. Stearns excused himself from the meeting at 10:00 P.M.

Reputations: The Board discussed possible substitutes for Mr. Stearns as required for the high school access road layout. No decisions were made, and Mr. Sullivan follow-up for future discussion.

Mr. Hohenberger moved and Mr. Senibaldi seconded to adjourn. Passed 4-0.

The meeting was adjourned at 10:10 P.M.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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