

BOARD OF SELECTMEN
Minutes of September 11, 2006

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Margaret Crisler, and Alan Carpenter were present, as was Town Administrator David Sullivan. Selectman Dennis Senibaldi was delayed. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Fire Chief Tom McPherson announced that the Fire Department's September 11th memorial service was very well attended by employees and members of the public. He extended thanks to the firefighters for their efforts toward making the ceremony successful, and to Hilltop Deli for their donation of refreshments.

Mr. Stearns reminded all to vote the following day, September 12th. Polls will be open from 7:00 AM to 8:00 PM at Golden Brook School.

LIAISON REPORTS: None.

MINUTES: Ms. Carol Pynn, Historic District/Heritage Commission, approached to express several concerns regarding the minutes of the Village Center District discussion on August 21st. After some discussion between Ms. Pynn and Mrs. Crisler, Mr. Sullivan pointed out that the Selectmen minutes should not be amended, as they correctly reflected what had been reported by Mrs. Crisler that evening. Ms. Pynn then clarified that the HDC had not failed to notify representatives of the Presbyterian Church, and that the HDC had agreed to "consider" relocating the Town Pound only.

Mrs. Crisler then requested that the minutes of the 21st be amended to clarify that she had neglected, rather than "failed", to notify representatives from the Presbyterian Church. She then moved that the minutes of August 21st be approved as amended, and the minutes of August 28th and September 1st be approved as written. Mr. Carpenter seconded. Motion passed 4-0.

CORRESPONDENCE: Letter of resignation received from Assistant Planner Rebecca Hebert, effective September 22, 2006. Mrs. Crisler moved and Mr. Hohenberger seconded to accept Mrs. Hebert's resignation with regret and best wishes. Passed 4-0.

Mr. Senibaldi arrived at 7:10 P.M.

Letter received from the Windham Rail Trail Alliance, inviting all to attend the September 16th Rail Trail Ribbon cutting, from 2-4 P.M. Governor Lynch is expected to attend, and the ceremony will take place at the Depot.

OLD/NEW BUSINESS: Chief McPherson approached to advise the Board that he had requested an eight month extension on the Emergency Management Performance Grant obtained by former Chief Messier. This extension will allow for the completion of several outstanding projects; one of which is the establishment of a Local Emergency Planning Committee (LEPC) All-Hazard Mitigation Plan. Chief McPherson noted that he has a 2004 proposal of \$14,000 from Ms. Hubbard of Hubbard Consulting to complete the development, which she has indicated she will honor. The Town's portion of this project after grant reimbursement would be \$7,000, which is currently within the budget. Chief McPherson noted that the Rockingham Planning Commission provides a similar service; however, they are currently very backed up and feel it best that the Town contract out the project. He then requested that the Board waive the bid process to allow the Department to work with Hubbard Consulting to develop the mitigation plan, which will aide in the identification of potential hazards to the residents and staff.

A brief discussion ensued regarding the process, time frame for completion, time elapsed since the award of the grant, and what information is included within the plan.

Mr. Hohenberger moved that the Department go out to bid for the development of an All-Hazard Mitigation Plan. There was no second.

Mrs. Crisler then moved and Mr. Senibaldi seconded to waive the bid process and award the bid to Hubbard Consulting for \$14,000 for the development of an All-Hazard Mitigation Plan. After a brief discussion regarding the reimbursement procedure, the motion passed 4-1, with Mr. Hohenberger opposed.

Mr. Hohenberger inquired whether there were any other grants pending that should currently be being put out to bid. Mr. Sullivan replied in the negative.

Mrs. Crisler inquired of Chief McPherson if any grant application would be available for purchase of the High School generator due to its intended use as a shelter. Chief McPherson was unsure, but will research the possibility further.

PUBLIC HEARING/DONATIONS: Mr. Stearns read the public hearing notice into the record, and Mr. Sullivan the donation letters from the Soccer Association and Windham Baseball Softball League.

Mr. Hohenberger apologized for being unable to make it to the meeting on the 28th when Tokanel Field had been discussed at length. He noted that he had been disturbed by the “scramble” to find funds for the project while watching the replay of the meeting. He cited several concerns surrounding the Board’s discussions and decisions regarding the project, including re-bidding with a reduced scope, the attempt to take a combination of funds from other areas, the expense of the remaining Special Warrant Article funds on the project and resulting elimination of other priority items, and the voters’ defeat by a 2-1 margin of funds to repair the field.

Mr. Senibaldi disagreed that the defeat of the petitioned article was an indication that the voters did not want Tokanel fixed. He noted that when the budget public hearing was held, the consensus of the Board had been to not recommend the petitioned Tokanel article only because \$15,000 was included in the Recreation budget and another \$25,000 would be available if the special warrant article passed. A brief discussion ensued.

Mr. Carpenter then sought clarification on the conditions for donation posed by the Soccer Association. Mr. Sullivan re-read that portion of the letter, which required that soccer and lacrosse be given priority use of the field during their seasons, and also stated that the field was expected to be playable by Spring of 2007. Mr. Carpenter pointed out that the Board cannot guarantee that the field will be playable in the spring, as unforeseen circumstances could arise, and questioned whether the donation would have to be returned if it were not. Recreation Coordinator Cheryl Haas replied that the Field Use Policy currently includes priority use as stipulated. Mr. Sullivan noted that the field was “expected” to be playable, and thus the funds would not need to be returned if circumstances arose that prevented the completion of the field. A brief discussion ensued regarding the definition of “completed”. Mr. Hohenberger inquired how completion could be determined without engineering of the field. Mr. Senibaldi replied that an engineer had evaluated the field, and recommended a repair costing \$150,000. Mr. Senibaldi noted that the plans are not 100% complete, but that this repair will work to make the field useable. A brief discussion then ensued regarding the fencing and other contingencies.

Mr. Carpenter stated that Mr. Hohenberger’s concerns were valid ones, and noted that refurbishing the field would dramatically increase its use. He inquired whether the Board should notify the area residents in any way. Mr.

Sullivan replied the Board was not required to do so, and Mr. Hohenberger stated that in the past, one side of the roadway had been posted "No Parking" in consideration of the residents in the area.

Mrs. Gail Webster approached to inquire whether the acceptance of the donation would limit use of the field by the residents, to which the Board replied it would not.

Ms. Carolyn Webber approached in opposition of the project, noting that the voters had defeated the petition for \$30,000 to repair the field. Mr. Hohenberger concurred.

After further discussion, Mr. Senibaldi moved and Mrs. Crisler seconded to accept with gratitude the donations of \$5,000 from the Windham Baseball/Softball League and \$5,000 from the Windham Soccer Association for use for fencing at Tokanel Field. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Senibaldi then moved and Mrs. Crisler seconded to award the bid for fencing at Tokanel Field to B-Line Fencing for the sum of \$9,800. A discussion ensued regarding the bid specifications. Motion passed 4-1, with Mr. Hohenberger opposed.

VILLAGE CENTER DISTRICT: Mr. Stearns read the public hearing notice into the record. Mr. Sullivan explained that this would be a courtesy hearing only, as after consulting with Town Counsel, it had been determined that the Planning Board would need to approve the line and location of the road prior to a hearing for the layout. The Board could hear conceptual input that evening, and determine whether or not there was a need to move this request forward. Mr. Sullivan indicated that if the Board did not determine a need, the process would stop that evening and, if they did move it forward, Mr. Zohdi would then need to go to the Planning Board prior to a public hearing.

Ms. Pynn approached to express concerns that the HDC had only had two minor discussions regarding this proposal, and had seen no plans for the project. She noted that without HDC approval nothing can happen on the roadway. Mr. Stearns stated that the Board was not bypassing anything by having the discussion.

Ms. Pynn stated that a written agreement would have to be in place as the HDC wants the Fellows house and barn preserved. Mr. Carpenter did not feel the Board was rushing ahead with the project, as two full public hearings would be required. He expected that before the second public hearing, a formal opinion would be received from the HDC.

Ms. Pynn stated that HDC would have to hold a public hearing of their own, and would have final say on the project. She noted that there was much opposition to the roadway, and its construction was ultimately the HDC's decision. A brief discussion ensued regarding the HDC and Heritage District authority and current version of their respective regulations. Mr. Sullivan pointed out that only the Planning Board can approve the line and location of a roadway, and only the Board of Selectmen can approve the layout subject to any other relative conditions, such as HDC approval. A brief discussion ensued.

Mr. Zohdi stated that, since the last discussion with the Board, he had continued to work with staff on the plans and is scheduled to go before the Planning Board. He stated he understands that he has to go before the HDC and return to the Board of Selectmen, as well. Mr. Zohdi stated the reason for that evening's discussion was Mr. Mesiti's willingness to drill wells on the Town's property as previously suggested. Mr. Zohdi reiterated that Mr. Mesiti has adequate water for his project. Mr. Carpenter noted that the wells had not been posted, and suggested it wait until the end of the discussion.

Mr. Hohenberger was unsure whether it should be discussed at all, as it wasn't posted. A brief discussion ensued, after which Mr. Stearns suggested the Board move to the matter of the roadway.

Mr. Hohenberger sought clarification that the Village Center District does not have setback/lot size requirements, to which several replied it did not. Mr. Carpenter explained that the VCD encompasses the Town center and back properties, and its suggested development is residential/small retail, however, technically it doesn't have to be mixed development.

Mr. Hohenberger inquired whether a traffic study was available, and Mr. Carpenter noted that the purpose of the meeting was to determine whether the Board wished to exchange access for improvements to the Center. Mrs. Crisler pointed out that the applicant does have an alternative access, as he can tear down the Fellows house.

Ms. Susan Hoey of 4 Eastwood Road approached in opposition to the overall project. She noted that the 6 houses on Eastwood Road, as well as homes on Hardwood Road would be impacted. She urged the Board to consider the residents when making their decision. Mr. Carpenter noted that approval or denial of any connection to Eastwood Road is not under the Board of Selectmen's purview, and that the applicant has the right to develop his property regardless of what the Board does.

Ms. Carolyn Webber approached stating that she had thought the concept of the Village Center District when presented to the voters was mixed development, not entirely residential.

Attorney Bill Mason, representing Mr. Mesiti, approached to clarify that the topic of discussion that evening was the access only. He stated the applicant had worked with the State, Town, and design architects to develop the theme and traffic flow pattern of the area.

Mrs. Barbara Coish approached to remind the Board that, several years ago, the Fire Department was not allowed to expand their building due to the Town Pound.

Ms. Deb Mackenzie approached representing the Presbyterian Church. She clarified that the Church was not currently in negotiations with Mr. Mesiti, and had not been since 2004, however they would be willing to discuss this matter with him. Ms. Mackenzie also spoke in opposition of the proposed roundabout.

Mr. Wayne Morris approached to note that the Planning Board workshops are not generally televised, and to stress that they should be. He then suggested that a workshop be scheduled with the applicant, Planning Board, HDC, and Board of Selectmen. Mr. Morris also noted that the right-of-way to Eastwood Road is not part of the VCD, but was put there by the Planning Board when Eastwood was constructed. Mr. Morris then pointed out that the Town Pound isn't even visible beyond the sign, as there are too many vehicles parked in the area.

Ms. Gail Webster approached to inquire how the roundabout would work with the number of large trucks traveling North Lowell Road. Mr. Carpenter noted that the truck traffic was a valid concern, and inquired of Mr. Zohdi whether the roundabout was an integral part of the plan. Mr. Zohdi replied it was not.

Mr. Peter Griffin approached suggesting a Master Plan be developed for the Town Common and Fellow's property by Town staff rather than by a developer. He then inquired whether any discussion had occurred between the owners regarding the look of the District and when development would begin. He then suggested, again, that the Town appoint some individual to develop a plan for the common.

Ms. Webber approached stating that the HDC has been working with Mr. Zohdi and Mr. Mesiti, and that all meetings had been posted however no public had been in attendance. Discussion ensued that the 4:00 P.M. time of the HDC meetings was not conducive to public attendance.

Mr. Hohenberger stated he would like to see specific plans for utilization of the area and a traffic study prior to the next meeting. Mr. Stearns noted that an ongoing concern was the amount of space available in front of the Planning and Development Department for parking, as well as the site distance. Mrs. Crisler indicated she would like to pursue this solution, as she is dedicated to preserving the Fellows house.

Ms. Mary Vale of 5 Eastwood Road approached to express concerns with moving the Pound, whether the Army Corps of Engineers had been consulted, possible impacts to Town services, and whether the Fellows house would be deeded to the Town. Mr. Senibaldi noted that the developer has access through the Fellows property and Eastwood Road, and that it is his right to develop the property.

Ms. Pynn noted that the Pound is part of a Historic District and is eligible for the State registry as part of the District. She noted that the State doesn't recommend just moving it without excavating and archeologically studying the surrounding soil. A discussion ensued regarding conducting a workshop as suggested by Mr. Griffin.

Mr. Zohdi noted that data regarding the traffic study and other items is still being compiled. After further discussion, no decisions were made by the Board.

The Chairman called for a five minute recess.

OLD/NEW BUSINESS CONTINUED: Chief Lewis advised the Board that the Department had received \$227 in restitution for overtime expenses related to the mailbox vandalism case. He noted that, whenever able, he intends to pursue such restitution in the future.

Chief Lewis then advised the Board that a new grant is being offered by the Department of Homeland Security, the deadline for which is September 22nd. He requested permission to apply for funds totaling approximately \$8,000 for the purchase of video surveillance equipment for setup in various locations throughout. Chief Lewis explained that this grant is 100% funded, with no match required from the Town, and the only cost would be for repairs and batteries. Mr. Carpenter moved and Mrs. Crisler seconded to allow Chief Lewis to apply for a grant of 100% funding/0% match in the amount of \$8,000 for video surveillance equipment. Mr. Sullivan inquired whether this would go out to bid if the grant is awarded, and Chief Lewis explained the Department will not receive the funds, but rather the equipment. The motion passed unanimously.

Chief Lewis advised the Board that the booking area video system had been awarded in the amount of \$3,100, and that the card access system bids had come in much higher than anticipated. The latter will be re-bid. Chief Lewis also noted he had spoken with the State Police regarding the digital radios in storage at the Department. He stated that the State will install the equipment, however three data lines will be required for which he is establishing a price. A brief discussion ensued regarding the location of the lines and that the Chief look into microwave versus data lines for the connection.

Mr. Morris approached to request reimbursement of the Spruce Pond funding to allow the Rail Trail Alliance to make partial payment to Tate Brothers paving. Mr. Hohenberger noted that the WRTA is a private organization, and these are Town fees being requested. Mr. Sullivan explained that the funds will be disbursed directly to the contractor as the Town has an agreement with the State to pave the trail. Mrs. Crisler then

moved and Mr. Senibaldi seconded to release funds collected toward the rail trail paving, with the exception of those required to maintain the account, to Tate Brothers Paving. Passed unanimously.

Mr. Morris reminded all of the upcoming ribbon cutting ceremony, and noted that the Junction will be offering hayrides at 12:00 P.M. Mr. Sullivan noted that the crosswalks should be done by Wednesday at the Depot.

Mr. Sullivan advised the Board that Cheryl Killam from the Governor's Council on Disability had notified him that an official letter was being sent regarding the Town's efforts to complete the ADA improvements at Griffin Park. He stated Ms. Killam felt the Town had gone above and beyond in addressing the issues.

Mr. Sullivan announced that the following Thursday the School Administrative staff and Town department heads would be meeting regarding the Strategic Plan. The data, which covers large ticket items only, will be sent to the Board for review. Mr. Sullivan also reminded the Board that they would be joining the School Board at their next meeting, and inquired whether the Board wished any specific items be planned for discussion beyond budgeting and the Strategic Plan. Mr. Hohenberger indicated he would like the High School access road connection placed on the agenda for discussion.

Mr. Sullivan requested that the members set aside December 12th for the annual Saturday budget meeting.

Mrs. Coish approached to offer to train anyone interested in volunteering to run the camera for various meetings.

Mr. Senibaldi inquired whether the Selectmen had a responsibility to look into the School Board's decision to proceed with the roadway. Mr. Carpenter called for a point of order, noting it was not the Board's purview to discuss anything related to the matter.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Hohenberger 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, Chief Lewis and Ms. Devlin were in attendance

Chief Lewis reviewed the results of the Sergeants exam with the Board. After some discussion, Mrs. Crisler moved and Mr. Carpenter seconded to promote Wendy Foley to the rank of Sergeant effective October 1st, as recommended by the Chief. Passed unanimously.

The Board discussed current staffing at the Police Department and Mr. Carpenter moved and Mr. Senibaldi seconded to place the Acting Captain at Step 3 of the wage scale as recommended by Mr. Sullivan. Passed unanimously.

Mr. Carpenter moved and Mrs. Crisler seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:35 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.