

BOARD OF SELECTMEN
Minutes of February 26, 2007

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

ANNOUNCEMENTS: Mrs. Crisler announced that the Windham Democratic Committee would be hosting an informational discussion of Town and School warrant articles on Wednesday, March 1st at 7:00 PM at the Nesmith Library. She noted that she would be present on behalf of the Town, and Dr. Anderson on behalf of the School District, to answer questions and offer more information on the warrant articles.

Mrs. Crisler then noted that the School District will be hosting an information meeting on Wednesday, March 7 at 7:00 PM at Golden Brook School to discuss the High School.

On behalf of Recreation Coordinator Cheryl Haas, Mr. Sullivan announced that the Mother/Son Pizza night had been very successful and thanked Charley's Pizza of Windham. He further stated that Ms. Haas will be scheduling another such event later in the year.

LIAISON REPORTS: Mrs. Crisler announced that the Planning Board had reviewed one application for an elderly housing development. She then noted several changes to the requirements for 55+ development, including proof of the provision of services to uniquely meet senior needs.

Mr. Sullivan noted that the caboose had not been moved to the Depot as planned due to the contractor's availability. The move has been postponed until Spring.

MINUTES: Mr. Hohenberger moved and Mrs. Crisler seconded to approve the minutes of January 22nd and 29th as written. Passed 4-0.

CORRESPONDENCE: *Mr. Stearns* read into the record the following resolution:

WHEREAS, the Town of Windham holds the health and safety of our staff, our citizens, and our visitors in the highest regard and regularly takes measures to protect their well being; and

WHEREAS, as participants in the NH Public Risk Management Exchange, commonly referred to as Primex³, we recognize our responsibility to ourselves and to our fellow pool members to implement best risk management practices; and

WHEREAS, we have adopted and effectively implemented the following risk management best practices:

- Identified Improvement Benchmarks
- Joint Loss Management Committee
- Current Written Safety Program
- Prompt Claim Reporting Procedures
- Temporary Alternate Duty Program
- Slip, Trip, and Fall Prevention Policy
- Facility Inspections
- Position Descriptions
- Required Federal/State Postings, and
- Harassment & Discrimination Policy.

NOW THEREFORE BE IT RESOLVED, as the Board of Selectmen of the Town of Windham, we are issuing this resolution, on behalf of the people we represent, to acknowledge the successful completion of implementing the aforementioned risk management best practices to protect the health, safety, and wellness of our staff, our citizens, and our visitors.

IN WITNESS WHEREOF, we hereto set our hands and cause to be affixed the seal of the Town of Windham, this 26th day of February in the year of our Lord, two thousand and seven”.

Mr. Sullivan explained that the foregoing essentially affirmed that the Town of Windham practices and maintains a safety program as part of its culture and mission to promote a safe work environment for its employees, residents, and customers. Mrs. Crisler then moved and Mr. Senibaldi seconded to adopt the resolution as read. Passed. 4-0.

PRIMEX: Mr. Gary Steinhouse and Mr. Jonathan Kipp were in attendance on behalf of Primex, our Worker’s Compensation Risk Management provider to present a brief outline of the Town’s history with Primex and how they work with the Town as well as to present the Town with a Prime Program award in recognition of its risk management training and JLMC safety audits, among other things. Transfer Station Manager and JLMC Chairman David Poulson accepted the award on behalf of the Town and the JLMC.

CORRESPONDENCE CONTINUED: Letter received from Mr. Sullivan relative to a damaged mailbox at 2 Brentwood Road. Mr. Sullivan explained that, in this case, mechanical failure of the plow wing had caused the damage, and suggested there was cause for some reimbursement to the property owner.

Following a brief discussion with Mrs. Hsu, the property owner, the Board members discussed proposed amounts to reimburse.

Mr. Senibaldi then moved and Mrs. Crisler seconded to reimburse the owner \$75 in replacement costs for the mailbox and post and that, once weather permits, Mr. McCartney or his staff will install the replacement items for the owner.

Mr. Senibaldi clarified for the record that he was not endeavoring to set a precedent with his motion, but that it was due only to the mechanical failure of the plow equipment.

Motion passed 4-0.

NH Retirement Board Resolution: The Board reviewed a resolution as submitted by the Town of Dover to propose a change in the makeup of the NH Retirement Board, on which there is currently minimal employer representation. After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to approve and forward a similar resolution to change the makeup of the State of NH Retirement Board to Windham’s legislative delegation. Passed 4-0.

Memo received from Chief Tom McPherson requesting permission to dispose of miscellaneous departmental surplus items. Chief McPherson explained that some of the items were suitable for donation to local explorer posts/schools, however most would just be disposed of. He also indicated that there are several lengths of old hose available, which residents can obtain for use on their docks by contacting the Department. After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to authorize the Chief to dispose of the listed Town equipment as presented. Passed 4-0.

Chief McPherson then advised the Board that the site walk of the schools for installation of the defibrillators had been completed by himself, Mr. Gallagher, and a representative of Philips. He noted he anticipated attending a future School Board meeting to discuss this program further.

Letter received from CART relative to the areas of their network which are approved “out-of-service” locations. Transportation to several of these locations, including Catholic Medical Center and the Elliot Hospital, is frequently requested of the Town Van by Windham residents. A brief discussion ensued regarding the cost of the CART program versus the usage by and level of service to Windham residents.

Letter received from Comcast, advising that the currently available video on demand service will change to Comcast’s “On Demand” service within the next few days.

PUBLIC HEARING: Mr. Stearns read the public hearing notice into the record. Mr. Sullivan explained that this proposed donation of \$1,000/lot pertained to that portion of Londonbridge Road extending out to Castle Hill Road. He further noted that he is awaiting a reply from Town Counsel relative to concerns that the Planning Board motion required that this area be improved within five years and what would be required were it not completed.

A lengthy discussion ensued relative to whether these monies were a condition of the subdivision approval and whether they were in fact a donation or an exaction fee.

Mr. Bruce Breton approached noting that he believed the area in question was actually the existing portion of Londonbridge Road, rather than the nonlaid out portion. Mr. Senibaldi and Mrs. Crisler concurred. Mrs. Crisler further pointed out that this related to a subdivision off of Bear Hill Road and the developer in question was also donating a parcel to the Town which abuts Londonbridge Road.

After further discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to continue the public hearing until March 12th at 8:00 PM. Passed 4-0.

ATV DISCUSSION: Mr. Sullivan indicated that this discussion had been prompted by several concerns expressed to the Police Department relative to ATV traffic over the Town Beach. The current town ordinance prohibits ATV use on Town property, and there are also stormwater and erosion concerns arising from the traffic.

Acting Captain Carl Wagner approached on behalf of the Police Department, noting that complaints had been lodged regarding late night noise from the vehicles, as well as the beach traffic. He noted that enforcement of the Town ordinance could be spotty at best, and inquired whether the gate accessed during the summer via a fishing key could be opened to allow access to the pond through the boat ramp.

A discussion ensued regarding how many late night noise issues are actually residents of the pond area, opening the ramp and posting signs, and using the ensuing year to find alternative resolutions.

Mr. Bill DeLuca, Cobbetts Pond Improvement Association, approached noting that the CPIA had no issues with resident usage, but that most are actually from out of town. He noted that an additional concern was the number of dogs brought onto the beach and ice by non-residents. He stated that the beach was for Windham residents only, and felt that should be enforced.

Mr. Ralph Steele approached to inquire whether or not the Town had a noise ordinance in place. The Board replied in the negative, and a brief discussion ensued regarding past attempts to develop such a regulation.

Ms. Carolyn Webber approached to note that the majority of the residents on the lake are respectful of others however the excessive speed of some should be a safety concern. She then suggested that a key system be implemented for the ice fishermen.

Mr. Rick Okerman approached and echoed Ms. Webbers suggestion that a key be issued. He also suggested a sticker be issued and a post placed in front of the main gate access to the beach.

Chief McPherson stated that both the Fire and Police departments share a year-round concern relative to emergency access. He stated that the parking area is the primary access for rescue services and suggested that, for now, crossings of the beach should be limited and a solution developed for next season.

A discussion ensued regarding blocking of the boat ramp by vehicles and the need to keep this area clear for fire/safety access.

Mr. Hohenberger suggested that a public hearing be scheduled to discuss prohibiting non-resident parking at the beach, similar to the Hayes Hart Road boat ramp.

Mr. Stearns supported the blocking off of the beach sand area and issuance of a key to ice fishermen.

After further discussion, it was the consensus of the Board that Mr. Sullivan follow-up to ensure placement of a jersey barrier at the gate access and clearing of the boat ramp gate, and that a public hearing be posted to discuss this matter further.

Mr. Senibaldi stepped out of the meeting.

PUBLIC HEARING/DONATION: After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to accept with thanks the donation of 28 Remington 870 shotguns from Secuitas Security. Passed 3-0.

OLD/NEW BUSINESS: Acting Captain Wagner requested the Board's authorization to proceed with a grant application for 100% reimbursement of overtime expenses relative to alcohol enforcement. Mrs. Crisler moved and Mr. Hohenberger seconded to authorize the Department to proceed with the application as requested. Passed 3-0.

Mr. Senibaldi returned to the meeting.

Mr. Allan Barlow, Maintenance Supervisor, advised the Board that he had spoken with both Sloan and Pressure Right relative to the water tank at Griffin Park. Both had advised him that, while the tank is 40 gallons, it is an air tank so when it is pressurized only 13 gallons are available. Mr. Barlow stated the recommendation to him was that the water be pumped to a 300 gallon tank then pressurized. The estimated cost to do so is \$2,400.

A discussion ensued regarding possibly waiving the bid process. Mr. Breton approached and suggested a horizontal tank be considered.

After further, brief discussion, no decisions were made. Mr. Barlow will follow-up to obtain three quotes for this project.

Mr. Sullivan presented proposed changes to the Town Hall Use regulations and a draft Media Relations Policy to the Board for review and discussion the following week.

Mr. Sullivan advised the Board that the mosquito control program for 2007 was moving forward, and that staff would like to continue with the same company as last year. Mr. Hohenberger was opposed, feeling the service should be put out to bid.

After a brief discussion, Mr. Senibaldi moved and Mrs. Crisler seconded to waive the bid process and continue with the current vendor as it is one of only two companies providing the service and there is a substantial cost difference between the two. Passed 3-1, with Mr. Hohenberger opposed.

NON-PUBLIC SESSION: Mrs. Crisler moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91-A:3-IIc and d. Roll call vote – all members “yes”. The topics of discussion were reputations and land acquisition. The Board, Mr. Sullivan, and members of the Conservation Commission were in attendance in the first session on land acquisition. The Board and Mr. Sullivan were in attendance in the sessions on reputations.

First Session: Mrs. Crisler moved to seal the minutes of this session. Mr. Senibaldi seconded. Passed unanimously.

Other Sessions: The Board reviewed department head evaluations submitted by Mr. Sullivan, signing same. Mr. Sullivan also discussed a separate matter on reputations as it related to the Media Policy discussed earlier in the meeting. No decisions were made on this topic.

The meeting was adjourned at 10:30 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.