

BOARD OF SELECTMEN
Minutes of April 16, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Margaret Crisler and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Dennis Senibaldi was delayed and arrived at 7:05 PM. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Sullivan updated the Board on any damage due to the recent flooding. He noted that, compared to last year's May floods, the Town had fared very well.

Mr. Hohenberger requested a moment of silence in memory of the passing of former Police Chief Willis Low.

Mr. Sullivan advised the Board that Transfer Station Manager Dave Poulson had tentatively scheduled the Board's tour of the Goffstown facility for May 5th at 9:00 am.

In recognition of National Volunteer Week, Mr. Sullivan extended thanks to all of the Town volunteers for their efforts. He then read the attached list of volunteers into the record.

Mrs. Cheryl Haas, Recreation Coordinator, extended thanks to Steve Pierson and Boy Scout Troop 266 for their efforts the previous weekend at Griffin Park for Earth Day. The boys spent several hours picking up trash, etc. She also thanked Chris Rosetti and the Democratic Committee for their efforts to cleanup the Town Beach the previous Saturday.

Mrs. Haas then announced that the Skate Park has been opened for the season.

Mr. Senibaldi requested that Highway Agent Jack McCartney be asked to pick-up and remove the debris remaining at the Beach from the recent clean-up. Mr. Sullivan will contact with Mr. McCartney.

Mr. Senibaldi noted that he had visited the Pelham Skate Park recently, and found it interesting that the sign at their entrance indicated that the park was dangerously close to being closed due to trash., etc. He wondered if the Board would consider such a sign here, should our issues continue. A brief discussion ensued.

MINUTES: Mr. Hohenberger moved and Mrs. Crisler seconded to approve the minutes of March 19th as written. Passed unanimously.

Mr. Hohenberger moved and Mr. Senibaldi seconded to approve the minutes of March 26th as written. Passed 4-0-1, with Mrs. Crisler abstaining due to absence.

Mr. Senibaldi requested that the minutes of April 2nd be amended to remove the final sentence of the second to last paragraph which referenced Mr. Carpenter's comments on the Planning Board liaison position. After a brief discussion, these minutes were tabled until staff has an opportunity to review the DVD.

CORRESPONDENCE: None.

LIAISON REPORTS: Mr. Carpenter noted that the Planning Board had met with Town Counsel relative to the issue of donations/exactments from developers. Mr. Campbell will be issuing a follow-up letter detailing that meeting and the topics discussed.

RECREATION: Mrs. Haas reviewed three (3) proposed job descriptions with the Board. She noted that, although the Town has historically had the positions of Tennis Instructor, Beach Supervisor, and Lifeguard, there had never been a standardized description of their duties. Mr. Sullivan noted that these have been drafted to the standard model of the Town's ADA descriptions and include the duties, minimum qualifications, exposures, etc.

After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to approve the job descriptions for the part-time Tennis Instructor, part-time Beach Supervisor, and part-time Lifeguard as written. Passed unanimously.

BID AWARD/CHEMICAL TOILETS: Mr. Sullivan noted that four (4) bids had been received, each with additional options for year 2 and 3. He then reviewed the first year bid amounts as follows:

- United Site Svcs., Foxboro, MA: Total \$ 6,438.60
- Dave's Septic, Bedford, NH: 6,659.00
- NE Restrooms, N Reading, MA: 7,095.55
- Triangle Portable Svc., Derry, NH: 14,325.00

Mr. Sullivan noted that the bids had been reviewed by him, Mrs. Call, Mrs. Haas, and Mr. Barlow, and that when the overall costs for the three (3) year period was analyzed, there was only an \$11 difference between United and Dave's Septic. He stated that Dave's had provided excellent service to the Town last year, and recommended the bid be awarded to them despite their not being the low bidder.

After a brief discussion, Mr. Breton moved and Mr. Senibaldi seconded to award the bid for one (1) year to Dave's Septic for their bid price of \$6,659.00. Passed unanimously.

A brief discussion ensued regarding additional units, the budgeted amount, and utilization of the excess funds towards extra pump-outs, etc.

NEW BUSINESS: Mrs. Haas expressed concerns regarding smoking at the Town Beach, noting that it is a very small area and not all smokers are courteous enough to do so away from others. She suggested a designated smoking area being established. Mr. Senibaldi requested that this topic be placed on a future agenda. After a brief discussion, it was determined that this will be posted for public discussion on May 14th.

NON-PUBLIC SESSION: Mr. Senibaldi moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 91-A:3-II a and e. Roll call vote – all "yes".

The Board, Mr. Sullivan, Mrs. Haas, and Ms. Devlin were in attendance in the first session. Mrs. Haas reviewed potential Tennis Instructor candidates with the Board. Mr. Hohenberger moved and Mrs. Crisler seconded to approve the hire of a Tennis Instructor as recommended by Mrs. Haas, pending a background check. Passed unanimously.

Mrs. Haas then reviewed two (2) lifeguard candidates to fill current vacancies. Mr. Hohenberger moved and Mrs. Crisler seconded to hire the two (2) candidates in question at \$9.05 and \$10.05/hr respectively, as recommended by Mrs. Haas, pending background checks. Passed unanimously.

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

Mr. Sullivan discussed an ongoing personnel matter with the Board. Mrs. Crisler then moved and Mr. Hohenberger seconded to approve the hiring of

a temporary secretary for the Fire Department until the position is filled. Passed unanimously.

Mr. Sullivan updated the Board on a legal matter concerning a Selectmen appeal of a ZBA waiver. Mr. Senibaldi moved and Mr. Hohenberger seconded to not pursue the case any further. Passed unanimously.

Mrs. Crisler moved and Mr. Hohenberger seconded to exit the non-public session. Passed unanimously.

BOARD OF HEALTH: Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into the Board of Health. Passed unanimously.

Carroll: Mr. Turner explained that this application has been withdrawn, and moved to deny the request without prejudice. Mr. Senibaldi seconded and the motion passed unanimously.

Carpenter/23 Abbot Road: Mr. Carpenter recused himself from the Board, and Mr. Senibaldi assumed the Chairmanship.

Mr. Turner explained that the applicant has entered into a shared well agreement with the adjoining property. A new well is proposed, which will meet the 75' setback requirement for the proposed septic, but does not meet the property line setback requirement of 50'.

Mr. Turner explained that, as the Health Officer, he can allow applicants to be within the 50' requirement, but he cannot authorize less than 10'. The proposed well will be 6' from the property line, thus the applicant is requesting a waiver.

A brief discussion ensued regarding the distance of the proposed well from the shoreline, which is 20', and the establishment of the shoreline itself.

Mr. Turner then noted that the existing well on the property will be abandoned, and a discussion ensued regarding why the proposed well could not be drilled in the rear of the property. Wes Aspinwal of Herbert Associates, representing Mr. Carpenter, pointed out issues with the slope and terracing in the rear of the property, and noted that to move the well there would put it closer to the shoreline. Mr. Turner clarified that the proposed location was dictated by the shoreline and the proximity of the surrounding/proposed septic systems.

A discussion then ensued regarding erosion control and the number of trees to be downed along the easement to the adjoining lot.

Mrs. Crisler then moved and Mr. Hohenberger seconded to grant the waiver subject to the minimization of tree cutting when the water line is installed along the easement, and that the applicant work with staff to ensure utilization of adequate erosion controls.

After a brief discussion regarding the deeded agreement to share the well, the motion passed 5-0.

Mr. Breton then moved and Mr. Hohenberger seconded to exit the Board of Health. Passed 5-0.

OLD/NEW BUSINESS: Mr. Sullivan reviewed the Board of Selectmen Rules of Procedure, noting that all previous changes by the members had been incorporated into the final draft, including: clarification of "annual audits"; updates to the agenda description; change to Wednesday's agenda closing; and addition of a new section relative to Warrant article recommendations.

A brief discussion ensued regarding addition of language relative to time-sensitive items needing attention after the close of the agenda. Mr. Sullivan will add "or time sensitive items" after "bona fide emergency".

Mrs. Crisler then moved and Mr. Hohenberger seconded to approve the Rules of Procedure as amended. Passed unanimously.

Mr. Sullivan then reviewed the Highway Safety Committee Rules of Procedure with the members. He noted that, currently, three (3) citizen positions are being advertised for and, procedurally, the regulations need to be adopted by the HSC rather than the Board. No decisions were made, as the approval or amendment of the Rules of Procedure will be determined by the HSC once the roster is complete.

Mr. Sullivan discussed the Salem/Plaistow MPO re-alignment resolution. He reminded the members that Windham will not be adversely affected by this, as it simply aligns the membership of the MPO's with the existing Rockingham and Seacoast planning commissions.

After a brief discussion, Mr. Carpenter moved and Mr. Breton seconded to endorse the resolution as presented. Passed unanimously.

Mr. Sullivan reminded the Board that the following meeting will be a workshop with Mr. Turner, and requested that they review the Right-of-Way Ordinance for discussion.

Mr. Carpenter moved and Mr. Hohenberger seconded to execute the acknowledgement of the Emergency Management Plan. Passed unanimously.

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

The meeting was adjourned at 8:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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