

BOARD OF SELECTMEN
Minutes of July 16, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:05 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 7:10 PM. Following the Pledge of Allegiance, Mr. Carpenter requested that all observe a moment of silence in memory of Officer Mark Knight, who had passed away the Friday before after a courageous battle against cancer.

Mr. Carpenter then read the agenda into the record.

ANNOUNCEMENTS: Mr. Sullivan noted that some Town offices would be closed for part of the day on Wednesday to allow employees to attend Officer Knight's memorial service.

Chief McPherson approached to introduce the new department secretary, Charlotte Misauraca. Mrs. Misauraca began her duties in June, and the Chief noted she has been doing a phenomenal job and is a good fit for the Department.

Chief Lewis advised the Board that departmental coverage will be provided by surrounding communities during the memorial service, and that staff will resume their duties at 4:00 PM.

Chief Lewis then presented newly promoted Sergeant Ed Fedele, whose wife Debbie conducted the pinning ceremony. Sgt. Fedele thanked the Board for the opportunity, and stated he looked forward to the coming years with the Department.

Mr. Senibaldi announced that NTOB would be hosting a skateboard clinic at Griffin Park on August 4th.

LIAISON REPORTS: Mrs. Crisler noted that she, Ruth-Ellen Post, Karl Dubay, Sally D'Angelo, Planning Director Al Turner, and Assistant Planner Sean Logue had attended the recent Economic Development tutorial hosted by Mr. Mike Bergeron and Ms. Cindy Harrington at Windham Terrace.

Mrs. Crisler reported that the CTAP Steering Committee had met the previous week to discuss the upcoming year's budget and Phase II of the program implementation. Also discussed were project grants in the amount of \$10,000 for joint community expense; funding for open space/conservation land; funding to assist with programs such as GIS; and funding for build-out analysis.

Mr. Carpenter noted that the Planning Board public hearings relative to Spruce Pond II had opened. As this is a 95-unit development, Mr. Carpenter expected there will be multiple hearings to come.

MINUTES: Mr. Senibaldi moved and Mrs. Crisler seconded to approve the minutes of May 21st, June 4th, June 11th, June 18th, and June 25th as written. Passed unanimously.

CORRESPONDENCE: Copy received of letter to the Conservation Commission from the NH DOT relative to possible leasing of State-owned land for use as a parking area for the Rail Trail. Mr. Sullivan indicated that Mr. Wayne Morris was seeking the Board's endorsement of his pursuing this possibility. He noted the land is located behind the former Roger's Service Station, and that if the WRTA is unable to lease the property they would like to pursue acquiring the land. Mr. Sullivan requested that, if the Board supported this request, he be allowed to send a letter to the NH DOT accordingly.

After a brief discussion, Mr. Breton moved and Mr. Senibaldi seconded to support Mr. Sullivan's sending a letter as requested. Passed unanimously.

Copy received of letter to the Conservation Commission from the Planning Department relative to damage to the Rockingham Recreational Trail. This matter will be discussed later in the meeting.

Letter received from Chief McPherson relative to an increase to \$5,999 in dues in 2008 for the Town's membership in the Southeastern NH Hazardous Materials Mutual Aid District. Chief McPherson indicated that this a small increase overall, noting that Salem's dues increased by \$8,000. He asked that the Board support continuing with the District, as it is a tremendous asset to the Town.

Copy received of letter to the Police Chief from Ed Herbert Associates advising that the test well drilling will begin on July 9th. Mr. Sullivan noted that the drilling company was endeavoring to follow the existing logging path, however, some small trees had been removed to allow access. None of the trees removed were over 8" in diameter.

AUDIT REPORT: Mr. Bob Vachon and Ms. Jen Door of Vachon, Clukay, and Associates made presentation regarding their audit findings. Highlights included:

- A review of auditing procedures
- The Town's Capital Assets total \$29.6M, an increase of \$500,000 from 2005
- Unrestricted Net Assets total \$619,000, an increase of \$90,000 from 2005
- Total expenses were \$11.8M, an increase of \$600,000 from 2005
- Undesignated fund balance for tax rate setting was \$965,871
- Revenues and transfers exceeded budget by \$272,115
- Actual expenditures were \$263,275 less than adjusted budgeted amounts.
- The Town-side general obligation debt is less than 8%, compared to an average of 26% in other southern NH communities
- No significant, reportable issues or management issues were noted during the audit
- Various changes to the audit standards for 2008 were then discussed

OLD/NEW BUSINESS: Mr. Senibaldi noted that there were excess funds in the amount of \$1000 from those authorized by the Board for repairs to the Beach building roof and towards the purchase of the fountain for Griffin Park. He requested that the Board allow those savings to be expended as follows: \$350 towards clearing of the Tokanel Field swale and the remaining \$650 towards maintenance issues at the Skateboard Park.

Mr. Sullivan noted that, in previous discussions regarding the monies available in the Recreation Improvement Fund, he had neglected to include in his calculations the \$2,175 bill for RC Bonner for the Rail Trail gates which the Board had authorized as an expenditure from the Fund. A discussion ensued regarding the \$2,200 approved for the Nashua Road project permitting fees, the propriety of manipulating the funds after approval, and the likelihood of additional monies coming into the Improvement Fund.

Mr. Breton then indicated that he and Mr. Senibaldi had arranged to have the money for the Nashua Road project donated. Mr. Valentine, Recreation Committee Chairman, stated he was unaware that such a donation was in place.

Further discussion ensued regarding reallocation of the savings, the need to clear the swale at Tokanel, the need for the Board to pay closer attention to the Recreation budget yearly, the need to pay the gate invoice, and the permitting fee for Nashua Road.

Mrs. Crisler moved to pay the invoice for the gates from the Property Maintenance Trust and table the rest of the items until a full accounting of the funds was available. There was no second.

Mr. Breton then moved and Mr. Senibaldi seconded to authorize Mr. Senibaldi to use the \$1,000 in savings towards the Tokenal Field swale and Skateboard Park as requested. Motion failed, 2-3, with Mr. Carpenter, Mrs. Crisler, and Mr. Hohenberger opposed.

Mr. Senibaldi then moved and Mr. Breton seconded to expend \$650 of the savings towards necessary repairs at the Skateboard Park. After a brief discussion, the motion passed 4-1, with Mr. Hohenberger opposed.

Mr. Senibaldi then moved and Mrs. Crisler seconded to pay the invoice for the gate from the Property Maintenance Trust. Passed 4-1, with Mr. Hohenberger opposed.

The Chairman called for a five minute recess.

Mr. Senibaldi left the meeting at 8:35 PM.

CORCORAN PRESENTATION: Mr. Patrick Corcoran and Mr. Ed Inferari of Corcoran Environmental, the Town's current recycling contractor, made a lengthy presentation to the Board regarding the Town's possible participation in a regional, Single Stream Material Recovery Facility (MRF) being constructed by them in Manchester. Highlights included:

- The MRF will be constructed on approximately 12 acres of city-owned land on Dunbarton Road in Manchester, and will be approximately 70,000sft in size.
- Vehicles will be subcontracted out. Currently, Pinard and other companies are retained by Corcoran for their removal services.
- The benefits of a single stream facility include allowing all recyclables to be placed in a single bin, with no rinsing, cleaning or sorting required, which increases participation. Sensors along the line "puff" the various items out into separate areas, and then undergo a final, manual inspection. This method allows a broader range of items to be recycled.
- The plant, which breaks ground in August, will be a "green" facility including solar power, rainwater capture, and methane gas capture for power. It will have a 350 ton/day capacity.

Discussion ensued regarding current methods of recycling in Windham, and the means to get Windham's recyclables to Corcoran should they participate. Mr. Inferari noted that a portion of the participating towns will still continue to have their recyclables go to their transfer stations and that, economically, the purchase of a compactor trailer should be considered. He noted that the Town has trucks now and could transport the recyclables to Manchester.

Discussion ensued regarding pricing scenarios, and the ability of Pinard to pick up Windham's recyclables curbside.

- Impacts to the Town's labor force were discussed. Mr. Poulson indicated there would be an impact, but pointed out that municipal solid waste and bulky waste would still be going into the Transfer Station.
- After further discussion regarding mandatory recycling, volume/commodity, savings and efficiency of curbside pickup, bulky waste, and employee impacts in other communities, the Board thanked Mr. Corcoran and Mr. Inferari for their presentation.

OLD/NEW BUSINESS CONTINUED: Chief McPherson updated the Board on the bids for Engine 3 repairs. He noted he had spoken to the lone bidder, which had revised their bid to \$64,432.09 and encompassed the entire scope of work, including paint. The revised bid had been reviewed by Firefighter/Mechanic Scott Zins, and would include a brand new engine with a 2 year/2000 hour warranty, replacement/repair of the radiator and exhaust, and rebuilding of the transmission and pump. Chief McPherson then requested the Board award the bid to Bulldog Fire Apparatus.

Mrs. Crisler moved and Mr. Breton seconded to award the bid as requested for an amount not to exceed \$65,000 to Bulldog. After a brief discussion, the motion passed 4-0.

WAYNE MORRIS: Mr. Morris approached regarding Article 37 of the 2007 Town Meeting, which authorized the Town to sell property located on Blueberry Road, noting that Mr. Harvey no longer desired to purchase the land to construct a dwelling, which had precipitated the Article. Mr. Morris then indicated that the portion of the Rockingham Rail Trail that runs behind this property is in poor condition and poses a liability issue for the Town, and suggested that the Town subdivide the lots referenced in Article 37 and dispose of them by direct sale or through a lottery, the proceeds of which could then be utilized to repair the trail.

A lengthy discussion ensued regarding the issues a lottery could pose, the need for a Town meeting to sell the property, and improvements needed to other portions of the Trail. It was the consensus of the Board that Mr. Morris work with Mr. Sullivan further on this possibility.

Mr. Morris then suggested that the Board look into the excess land south of Range Road as part of the I-93 project for possible use as athletic fields. A brief discussion ensued, however, no decisions were made.

Mr. Sullivan advised the Board that he had met with Mr. Chris Waszczuk of the NHDOT regarding the Lowell Road bike paths to determine which properties the Town will have to work with regarding easements, of which there are approximately 20. He then noted that the State has advised him that the cost for the project has increased, and may increase again when the work is put out to bid. To date, the Town has raised \$160,000, and the revised estimated Town contribution is now \$212,000. Mr. Sullivan indicated the Board will need to determine whether they wish to draft a warrant article for additional funds.

After a brief discussion, it was determined that Mr. Sullivan will ask that the State work to obtain their bid results prior to the next Town Meeting before making a decision regarding a warrant article.

CORRESPONDENCE CONTINUED: Mr. Sullivan presented several emails to the Board clarifying the original negotiation regarding the payment of the timber tax for High School site. Mr. Sullivan stated it had been

confirmed that the payment of the timber tax by the logger had been waived in exchanged for a lower price.

After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to approve the abatement of \$2,182 for the logging of the school property, to include a letter of clarification from the School District. Passed 4-0.

29 Farrwood Road Trenching Permit: After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to approve the trenching permit as requested. Passed 4-0.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan requested the Board review the Employee Policy and Drug Testing Policy for future decision.

Mr. Sullivan advised the Board that he had found nothing prohibiting the establishment of an additional Alternate position for the Recreation Committee, as they had requested. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to support the Recreation Committee's recommendation to add a fourth alternate position. Passed 4-0.

Mr. Hohenberger then moved and Mr. Breton seconded to appoint Mr. Michael Hatem and Mrs. Victoria Noel as Alternates to the Recreation Committee. Passed 4-0.

Mr. Sullivan advised the Board that he had inquired of the four Housing Authority members whether they wished to continue their membership. He noted Mrs. Marad, Mr. Hart, and Mrs. Luhrman had expressed interest in staying on the Authority, and that he was awaiting response from Mrs. Mason. Mr. Sullivan noted that there was one vacant position through 2011, and that Mr. McMahon had expressed interest.

Mr. Senibaldi returned to the meeting at 10:05 PM.

After brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to appoint Mr. McMahon to the Housing Authority through 2011. Passed unanimously.

Mr. Sullivan advised the Board that three (3) bids had been received for the purchase of the Town's heating oil as follows:

<i>Palmer Gas/Ermer Oil</i>	<i>\$2.299/gallon</i>
<i>Fred Fuller</i>	<i>2.245/gallon</i>
<i>B & H Oil</i>	<i>2.199/gallon</i>

Mr. Sullivan recommended the Town award the bid to the current vendor and low bidder, B&H Oil.

Mr. Breton moved and Mr. Hohenberger seconded to award the bid for heating oil to B&H Oil for their bid amount of \$2.199/gal. Passed unanimously.

Mr. Hohenberger inquired as to the status of the Town's vehicle fuel purchasing and the State's fuel pricing. Mr. Sullivan indicated the Town could save approximately 3 cents per gallon if it went with the State, however, staff would have to drive to Londonderry to fill up and the Chiefs do not support this option. Mr. Sullivan then indicated the vehicle fuel was currently out to bid, and a discussion ensued regarding the specifications.

Mr. Hohenberger then moved and Mr. Senibaldi seconded to send out an amendment to the bid specifications removing the requirement to provide 24-hour access. Passed unanimously.

Mr. Hohenberger then moved and Mr. Senibaldi seconded that additional language be added as part of the amendment relative to the Town's option to purchase elsewhere during off hours if 24-hour access cannot be provided. Passed unanimously.

Mr. Hohenberger inquired as to the status of a petition to layout the second egress from the High School roadway. Mr. Sullivan stated he believed it was in progress.

Mrs. Crisler raised concerns regarding the previously approved 4-way stop on Faith Road, which was initially supposed to be a round-a-bout. She noted that currently there are only two stop signs installed.

After a brief discussion, Mrs. Crisler moved and Mr. Breton seconded to schedule a public hearing to discuss the installation of two stop signs at Faith and Ridgemont Roads and Faith and Scotland Roads. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91:A-II:3a, c, d, and e. Roll call vote – all members “yes”. The topics of discussion were personnel, reputations, legal, and land acquisition. The Board, Mr. Sullivan and Ms. Devlin were in attendance in all sessions.

Personnel: Mr. Sullivan discussed a union grievance with the Board. Mr. Hohenberger moved and Mrs. Crisler seconded to deny the grievance. Passed unanimously.

Personnel: Mr. Sullivan discussed ongoing union negotiations with the Board. No decisions were made.

Land Acquisition: This item was tabled and staff requested to follow-up on this issue.

Legal: Mr. Sullivan advised the Board of a potential legal matter relating to a property owner. After a lengthy discussion, Mr. Breton moved and Mr. Senibaldi seconded to reimburse the individual \$1,500 for survey work completed. Motion failed 2-3, with Mr. Hohenberger, Mrs. Crisler, and Mr. Carpenter opposed. Mr. Sullivan will follow-up accordingly.

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

The meeting was adjourned at 10:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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