

**BOARD OF SELECTMEN**  
**Minutes of August 27, 2007**

**MEMBERS PRESENT:** Chairman Alan Carpenter called the meeting to order at 7:15 PM. Selectmen Bruce Breton, Dennis Senibaldi, and Margaret Crisler were present, as was Town Administrator David Sullivan. Selectman Roger Hohenberger was excused. Mr. Carpenter read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas announced that the following Friday would be the final day that lifeguards would be on duty at the Town Beach. A discussion ensued regarding extending the placement of the chemical toilets at the site. It was the consensus of the Board that they remain onsite for another month.

*Fire Chief McPherson* approached, noting that a Child Passenger Safety Technician course was scheduled to be offered at the Station beginning on October 29<sup>th</sup>. The program, which is targeted towards workers in the public safety, healthcare, and similar fields, will be offered at no cost, however a fee will be required for certification. The course will end with an opportunity for the public to have their child safety seats inspected by the technicians. Chief McPherson indicated he was hoping to have some the Department staff certified through this program. A brief discussion ensued regarding related costs.

**LIAISON REPORTS:** Mrs. Crisler advised that the CTAP Steering Committee had met the previous Thursday, to discuss Phase II of the program, the planned \$10,000 direct and \$10,000 shared grant funds, and the development of a certificate program for "Citizen Planners".

Mrs. Crisler also reminded the members that an invitation had been extended to them to attend the CTAP Conference on Saturday, September 2<sup>nd</sup> in Manchester. The conference will begin with an update and overview of the I-93 and Route 111 By-pass projects, and will be taped for airing on local access channels.

*Mrs. Crisler* then noted that the Salt Shed Committee continued to meet on a regular basis, and was working to evaluate town owned properties and others available for sale as potential site. She also advised that the Committee had discussed expending some of the engineering funds available, and that the State had indicated they are still interested in establishing a joint facility.

Mrs. Crisler then noted that the Committee is very concerned regarding the impending salt allocations to be put in effect by the State, and its potential impacts on our roadways.

*Mrs. Crisler* reported that the Depot Advisory Committee also continues to meet regularly; primarily to discuss the ongoing restoration of the caboose.

*Mr. Carpenter* advised that the Planning Board had conducted a joint meeting with the Windham Trails Committee relative to their intention to begin utilizing 20+- easements granted over the years for future trail access. Mr. Carpenter noted there had been several residents in attendance and, as this would fall under the purview of the Selectmen it is expected that the Trails Committee will request the Board review their requests at some point.

**MINUTES:** None.

**CORRESPONDENCE:** Letter of resignation received from Police Chief Lewis, effective August 31, 2007. Mr. Senibaldi moved and Mr. Breton seconded to accept the Chief's resignation with regrets. Passed 4-0.

The Board then extended best wishes to the Chief and thanks for his service to the Town.

*Site Bond Release/Shaw's:* Planning Director Al Turner advised the Board that the site had been inspected with no issues, and recommended the bond be released.

Mrs. Crisler moved and Mr. Breton seconded to release the bond in the amount of \$10,500 to D&A Wilson for the Windham Shaw's location. Passed 4-0.

*E-mail received* from Mr. Mike Morrison of Municipal Pest Management, suggesting that the Board consider emergency spraying for mosquitoes in light of a recently confirmed human case of EEE in Newton. After a brief discussion regarding the current dry conditions and cool temperatures, it was the consensus of the Board that it was not necessary to spray at this time.

*Abatement Request/Colonial Road:* Mr. Sullivan explained that Mr. Norman had reviewed a claim of damage submitted by the owner and, after inspection, had adjusted the assessment accordingly and a settlement agreement reached.

Mr. Breton moved and Mr. Senibaldi seconded to abate the sum of \$99.78 for 6 Colonial Road as recommended by the Assessor. Passed 4-0.

*Right-of-Way Activity Permit/Comcast:* After a brief discussion regarding a bond amount, which Mr. Turner indicated will be established once the project is reviewed, Mrs. Crisler moved and Mr. Senibaldi seconded to grant the request for right-of-way work as presented. Passed 4-0.

*Letter received* from Ms. Vicky Mason, indicating she wished to resign her position as a member of the Windham Housing Authority.

After a brief discussion, Mr. Breton moved and Mrs. Crisler seconded to appoint Mrs. Mary Griffin to the Windham Housing Authority. Passed 4-0.

*Memo received* from the Windham Historic District/Heritage Commission, regarding requests for appointment. After a brief discussion, Mr. Senibaldi moved and Mr. Breton seconded to appoint Mrs. Kay Normington as a regular member of the HDC. Passed 4-0.

Mr. Senibaldi then moved and Mr. Breton seconded to appoint Mr. Patrick Schena as an alternate member of the HDC. Passed 4-0.

Mrs. Crisler then moved and Mr. Senibaldi seconded to appoint Ms. Nancy Kopec as a regular member of the HDC. Passed 4-0.

**PUBLIC HEARING/DONATION:** Chief McPherson explained that he had been approached earlier in the year by Mr. Zohdi, who was inquiring what type of equipment the Department was in need of. After review of a prioritized list of needs, Mr. Zohdi had expressed a desire to donate a set of wildland/forest fire gear for each firefighter to consist of Nomex rated jackets, neck protectors, pants, and helmets/goggles. The total value of the equipment is \$7,954.50.

After a brief discussion, Mrs. Crisler moved and Mr. Breton seconded to accept with gratitude Mr. Zohdi's donation of \$7,954.40 worth of fire equipment to protect the Windham firefighters. Passed 4-0.

**OLD BUSINESS:** Chief McPherson and Deputy Leuci reviewed the final draft of the SAFER Grant application with Board. Discussed were:

- ◆ A 6.5% decrease in staffing, including call personnel, versus a 56% increase in call volume since 1991.
- ◆ Of the calls for service received, 34% are simultaneous calls.

- ◆ Currently, on duty staff protects 4,125 residents, 6.8 sft of land, and 3,119,707 sft of property per firefighter.
- ◆ SAFER provides a funding mechanism to ease burden of acquiring additional staff by way of five (5) years of funding for salary and benefits on a sliding scale. Based upon the amount of funds available through this Federal program, Windham may be eligible to receive up \$421,700 towards the hiring of four (4) additional staff members.
- ◆ If awarded, the added impact to the Fire Department budget for 2008 would be \$123,104.
- ◆ Staffing changes over the years were reviewed. In the early 1990's, the Department went to three (3) firefighters per shift; in 2002, staffing allowed for four (4) per shift. If awarded the SAFER grant, five (5) staff members would be available per shift shift.
- ◆ Impacts of the I-93 and Route 111 projects on call volume was discussed, as well as the proposed construction of a substation, both of which Chief McPherson stated would be aided by additional staffing.
- ◆ The Department applied for, but did not receive, the same type of grant in 2005.

Mr. Carpenter clarified that the Board's endorsement of the grant application submittal was all that was being sought at this time; not actual hiring. Deputy Leuci replied in the affirmative, noting that the grant would not be awarded until January at the earliest. At that time, additional discussions would occur regarding acceptance of the grant and hiring of additional personnel, which would then be put to the voters.

Mrs. Crisler then moved and Mr. Breton seconded to authorize the Fire Chief to move forward to submit the prepared application for a SAFER grant. Passed 4-0.

*Bid Award/East Nashua Road Reconstruction:* Mr. McCartney advised that five (5) bids had been received as follows:

<i>Jennings Excavation, Hollis NH</i>	\$162,545
<i>Hiltz Excavating, Inc., Ashland, NH</i>	<i>No Bid</i>
<i>JGE Enterprises, Inc., Bedford, NH</i>	286,600
<i>Northeast Earth Mechanics, Pittsfield, NH</i>	194,900
<i>Tate Brothers Paving, Inc., Hudson, NH</i>	257,205
<i>Pike Industries, Hooksett, NH</i>	272,525

Mr. McCartney indicated he had not previously worked with Jennings, however, they have done several projects in Town and he no issues with awarding the bid to them provided the project was capped for unsuitable materials and/or ledge removal. Discussion ensued regarding test borings, the questionability of the materials in the area, and the average costs per yard for removal. Mr. Sullivan indicated that, in reviewing the bid forms, it appeared that JGE, Pike, and Northeast had built in the costs for unsuitable materials/ledge removal, while Tate had specified an additional cost.

After further discussion, it was the consensus of the Board to table the bid award to allow Mr. McCartney time to clarify the bidders' prices.

*Bid Award/Paving Projects:* Three (3) bids were received for this project, as follows:

*Tate Brothers Paving, Inc., Hudson, NH*

Camelot Road	\$ 88,000
Jones Road	39,020
Leni Road	25,075
Alternate price - Leni Road cul-de-sac	5,750

*Pike Industries, Hooksett, NH*

Camelot Road	\$ 127,457
Jones Road	62,883
Leni Road	58,676
Alternate price - Leni Road cul-de-sac	Included

*Brox Industries, Dracut, MA*

Camelot Road	\$ 160,000
Jones Road	72,000
Leni Road	50,000
Alternate price - Leni Road cul-de-sac	20,000

Mr. McCartney clarified that the Leni Road alternate price was in reference to the removal of the existing cul-de-sac and construction of a hammerhead. After a brief discussion, Mr. Breton moved and Mr. Senibaldi seconded to award the bid to Tate Brothers for their bid prices \$88,000/Camelot Road, \$39,020/Jones Road, \$25,075/Leni Road, and \$5,750/cul-de-sac replacement. Passed 4-0.

*Bid Award/Armstrong Roofing:* Mr. Sullivan indicated that five (5) bids had been received for this project, as follows:

<i>Vendor</i>	<i>As Specified</i>	<i>Plywood Alt.</i>
<i>DeRossi Classic Home, Londonderry, NH</i>	\$20,210.00	\$5,210.00
<i>Englewood Construction, Bedford, NH</i>	\$16,520.00	\$8,760.00
<i>Build-Tech, Inc., Methuen, MA</i>	\$22,750.88	\$3,600.47
<i>MC Contracting, Inc., Pepperell, MA</i>	\$23,500.00	\$6,400.00
<i>Desjardins Roofing, Exeter, NH</i>	\$20,369.00	\$10,107.00

Maintenance Supervisor, Allan Barlow, advised the Board that he had checked references for all, and no issues had been reported with Englewood. He recommended the bid be awarded to them for their bid price.

Mr. Sullivan requested that the Board frame the award as a total bid not to exceed \$25,280, to include the plywood alternative, if necessary. Mr. Breton then moved and Mr. Senibaldi seconded to award the bid contract for roofing of the Armstrong Building to Englewood Construction for their bid amount of \$16,520 plus the plywood alternative not to exceed \$8,760. Passed 4-0.

*Bid Award/Trim Painting and Power Washing:* Seven (7) bids were received, as follows:

<i>Vendor</i>	<i>Armstrong Building</i>	<i>Senior Center</i>	<i>Package Bid</i>
<i>Englewood Construction, Bedford, NH</i>	\$3,120.00	\$4,350.00	\$7,470.00
<i>Best Choice Painting, Windham, NH</i>	\$4,895.00	\$5,900.00	\$10,000.00
<i>Noonan Brothers Painting</i>	\$5,000.00	\$6,000.00	\$11,000.00
<i>Bill Johnson Painting, Windham, NH</i>	\$7,150.00	\$5,300.00	\$12,960.00
<i>Stebbins Painting, Keene, NH</i>	\$13,500.00	\$9,800.00	\$20,970.00
<i>FA Gray, Portsmouth, NH</i>	\$9,855.00	\$5,215.00	\$15,070.00
<i>M &amp; L Maintenance, Litchfield, NH</i>	\$12,861.00	\$7,561.00	\$20,422.00

Discussion ensued regarding bonding and insurance requirements for contractors and the possibly requiring both as part of the award. Mr. Barlow clarified for the Board that the Armstrong Building will not be power washed as specified, but rather the front will be hand scraped for the same bid price.

Mr. Breton moved and Mr. Senibaldi seconded to award the bid for power washing/painting to Englewood Construction of Bedford, NH for their bid amounts of \$3,120 for the Armstrong Building and \$4,350 for the Senior Center for a total package price of \$7,470. The project is to be overseen by Mr. Barlow and the Historic District Commission. Passed 4-0.

*Propane Bids:* Mr. Sullivan inquired whether the Board wished to put the purchase of the Town's propane fuel out to bid or exercise their second year option with the Town's current vendor, Palmer Gas, at \$1.65/gallon. After a brief discussion, it was the consensus of the Board to put the purchase of propane out to bid.

*Mr. Carpenter* noted that Chief Lewis' will service to the Town will have ended before recruitment of a new Chief. Discussion ensued regarding whether or not to return to the short-list of candidates from the previous recruitment or to re-advertise the position and undertake the full process. Mr. Sullivan noted that the Board has the option to revise the standard recruitment process as they wish. After further discussion regarding the costs related to the standard process, the Board was unable to reach a consensus. Mr. Sullivan will follow-up to compile and analysis of costs related to recruiting for the position.

Mr. Breton then moved and Mr. Senibaldi seconded to appoint Captain Patrick Yatsevich as Acting Police Chief effective September 1, 2007. Passed 4-0.

A brief discussion ensued regarding the need to appoint an Acting Captain, however no decisions were made. Staff will consult with Captain Yatsevich as to his preference.

*Blasting/Ledge Road:* Planning Director Al Turner briefly updated the Board on the status of this issue. He noted that the independent contractors have been monitoring the blasts/site, and the well water data is being reviewed. Mr. Turner advised that the analysis had just begun the previous Wednesday and it will be 4-5 weeks before the process is complete, however periodic updates will be available. He then noted that the well consultant will be contacting the affected property owners directly.

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

*The Board*, Mr. Sullivan, Mr. Turner, Mr. Bruce Richardson, and Ms. Devlin were in attendance in the first session.

The Board heard lengthy testimony from Mr. Richardson and Mr. Turner surrounding on ongoing personnel matter relating to the expiration of a variance granted to Mr. Richardson for a commercial venture on Rockingham Road. Mr. Richardson requested reimbursement from the Town for additional costs incurred by him as a result of this matter. As part of the discussion, Mr. Senibaldi move and Mr. Breton seconded to make public the opinion of Town Counsel dated 12/28/2006 regarding the expiration of ZBA variances. 4-0.

Mr. Carpenter then requested that Mr. Turner and Mr. Richardson excuse themselves from the room to allow the Board members to deliberate.

After a lengthy discussion amongst the members, Mr. Turner and Mr. Richardson rejoined the session. Mr. Carpenter then advised the parties that it was the consensus of the Board to not approve a reimbursement as requested by Mr. Richardson and that Mr. Turner will request approval of Mr. Richardson's plan as submitted and note an exception on it relative to variance from ADA requirements as granted by the Zoning Board. Mr. Richardson requested the Board provide them their decision in writing, and staff will follow-up to do so.

*The Board, Mr. Sullivan, Mr. Wayne Morris and Mr. Jim Finn of the Conservation Commission, and Ms. Devlin were in attendance in the second session.*

Mr. Finn and Mr. Morris discussed a potential land purchase with the Board members. Mr. Senibaldi moved and Mr. Breton seconded to seal this portion of the minutes. Passed 4-0.

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

*Mr. Sullivan* discussed a personnel matter with the Board. Mr. Breton moved Mr. Senibaldi seconded to terminate the employment of Dispatcher Muldoon as recommended by the Police Chief. Passed 4-0.

*Mr. Sullivan* discussed a potential legal matter with the Board. No decisions were made, and Mr. Sullivan will draft a follow-up letter for the Board's review.

*Mr. Sullivan* discussed a potential legal matter with the Board. No decisions were made, and Mr. Carpenter will follow-up.

*Mr. Sullivan* advised the Board that a tentative agreement was in place with the Police Union. No decisions were made.

*The Board* briefly discussed the vacant School/Community Resource Officer position. No decisions were made.

Mr. Senibaldi then moved and Mrs. Crisler seconded to adjourn. Passed unanimously. The meeting was adjourned at 11:10 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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