

BOARD OF SELECTMEN
Minutes of September 10, 2007

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

ANNOUNCEMENTS: Mrs. Crisler reminded all that the Fire Department would be conducting their 9/11 Memorial service the following morning beginning at 8:30 AM at the station.

Mr. Senibaldi announced that the Nesmith Library would be hosting the "Driving for Books" Golf Tournament on Monday, September 17, 2007 at the Campbell's Scottish Highlands Golf Course. Interested residents should contact the Library at 432-7154.

Mr. Senibaldi stated that he wished to clarify that he had been misquoted in the latest Pelham/Windham News regarding the staff at the Police Department. He advised he had spoken to the PW News editor regarding the article, as well as to Captain Yatsevich, and that a retraction will appear in the next issue.

Mrs. Crisler reminded all that the Women's Club Annual Coat Drive will take place on Saturday, October 6th, at the Town hall. All collected coats are distributed to local charities, including the Windham Shepherd's pantry, and Mrs. Crisler urged residents to check their closets for possible donations.

Recreation Coordinator Cheryl Haas approached to advise the Board that there had been an issue at Roger's Field the previous weekend. She stated that she had been contact by several parents of Pelham/Windham Razorback participants regarding the disruption of their practice by the Pine Terrace Association. Mrs. Haas noted that, each year, the Association hosts a weekend field day and softball event, on Saturday and Sunday, respectively, which she had granted approval for in 2006 and 2007. This year, she had advised the Association that they could not commence their softball game until after 12PM due to the Razorback's practice, however, the parents had reported that the Association had arrived at 11 AM, and brought a large amount of alcohol to the field with them. The parents stated to Mrs. Haas that, as a result of the Association's behavior at the field, they had had to end practice early. Mrs. Haas had spoken to two members of the Pine Terrace Association, neither of whom claimed any knowledge of drinking at the field, which is prohibited by Town ordinance, or of how the trash cans became full of beer cans. Mrs. Haas indicated that she intends to send letters to each of the parties involved.

A discussion ensued as to whether the Board should ban any future softball games by the Association at Roger's Field. Mr. Breton then moved and Mr. Hohenberger seconded to rescind any activity permit that may be requested for 2008 by the Pine Terrace Association. Passed 3-2, with Mrs. Crisler and Mr. Senibaldi opposed.

LIAISON REPORTS: Mr. Carpenter reported that the Planning Board is continuing to work on the 95-lot, Spruce Pond subdivision.

CORRESPONDENCE: Letter received from Lisa Haswell Hebert requesting permission to conduct a yard sale on the Town Common to raise funds for Duchenne Muscular Dystrophy research. 100% of the proceeds will be donated to ParentParent.org, an organization that focuses specifically on Duchenne research.

Mr. Breton moved and Mr. Senibaldi seconded to approve Ms. Hebert's request as presented for October 6th; with a rain date of October 13th. Passed unanimously.

Memo received from Mr. Sullivan relative to a request from Mr. and Mrs. Marquebreuck to purchase lots 16P-510 (.22 acres) and 16P-520 (.18) located on Fourth Street. Mr. Sullivan noted that, as per procedure, this request had been reviewed by the Planning Board and Conservation Commission, and both had recommended that the land be retained by the Town. It was now up to the Board members to determine whether to deny the request or to move forward to sell the property through a sealed bid or public auction process.

Mrs. Crisler moved and Mr. Hohenberger seconded to deny the request to sell lots 16P-510 and 520 located on Fourth Street. Passed unanimously.

Letter received from Mr. Sullivan regarding those properties available for tax deeding. No action was taken by the Board.

Right-of-Way Permit Request/Pennichuck: Mr. McCartney explained that the applicant was seeking a permit to trench a crossing on Horseshoe Road to allow #3 to be tied into the Pennichuck water system. Mr. McCartney noted that the applicant currently has three (3) wells on his property, all of which are dry. Mr. McCartney indicated he has advised the applicant of all trenching and backfilling requirements. Mr. Sullivan noted that the Board, if approving of the request, would need to waive the required two (2) week period prior to blasting at the site.

A discussion ensued regarding the Pennichuck line in question, and the restrictions on the Common Man well tie-in. Mr. McCartney clarified that this line is an older existing line, and is not related to the Common Man well. Discussion then moved to blasting required. Mr. Tom Dinsmore of TDD Earth Tech, spoke on behalf of the owner, and clarified that they would be applying for a Class B permit, and that approximately 2 days of blasting would be required totaling 100+/- feet. Mr. Dinsmore noted that the ledge in the area is too flat to allow for hammering of the trench. Pre-blast surveys will be conducted, and the blasts reduced to smaller charges to allow for less impact/disruption to the neighboring properties.

Discussion ensued regarding the applicant possibly speaking to Pennichuck about tying in the neighboring properties in the event their wells are impacted; and consulting with Mr. Turner relative to extending the blast period and the range of the pre-blast surveys. Mr. Dinsmore indicated that Mr. Turner has reviewed both the plan and the site.

Mrs. Crisler moved and Mr. Senibaldi seconded to conditionally approve the right-of-way permit request, provided staff is consulted regarding the strength of the blasts and the range of the pre-blast surveys. Mr. Breton requested that it be added that Mr. Turner ensure that the blaster has an adequate bond in place in case the need arises. Mrs. Crisler amended her motion and Mr. Senibaldi his second accordingly. Passed unanimously.

PUBLIC HEARING/DONATION: Mr. Carpenter read the public hearing notice into the record. Mrs. Haas approached and thanked the following for their donations to the Senior Picnic: Citizens Bank, \$50; Windham Junction/The Kitchen; \$25; Dunkin Donuts, \$50; Klemm's Mobil on the Run, \$75; Waterhouse Store, \$20; Howie Glynn's, \$75; Charley's Kabob & Pizzeria, \$100; Prudential Dinsmore Associates, \$75; State Farm/Jess O'Neil, \$25; Cyr Lumber, \$100; Law Office of Monique Donovan, \$75; and Coca Cola of Manchester.

Mr. Senibaldi moved and Mr. Hohenberger seconded to accept the donations with gratitude. Passed unanimously.

BID AWARD: Mr. McCartney noted that he'd received clarification from three (3) of the original bidders relative to any exclusions for ledge or unsuitable materials regarding the reconstruction of/improvements to a portion of East Nashua Road.

A lengthy discussion ensued regarding the discrepancies in estimated footages in the submitted bids, the potential for unsuitable materials in the area, and possibly rebidding the lowest two bidders with exact plans and specifications.

Mr. Hohenberger then moved and Mr. Senibaldi seconded to award the bid for the reconstruction of East Nashua Road to Jennings for their bid price of \$162,145. Any additional costs are to be approved by Mr. McCartney.

Mr. Conicco, East Nashua Road resident, approached expressing concerns regarding blasting in the area. Discussion ensued regarding pre-blast surveys and charge options, as well as removal of trees/stumping along the reconstructed stretch. Mr. Breton indicated he would like to see a police detail required as opposed to flagmen. After a brief discussion, it was the general consensus of the Board that flagmen were adequate.

The motion passed 4-1, with Mr. Breton opposed.

After further brief discussion, it was the consensus of the Board that the project be capped at \$205,000.

BASKETBALL COMMITTEE: The Board met with Mr. Al Matthews, President of Windham Basketball, regarding the surplus funds from prior to Basketball's separation from the Town, which total approximately \$18,000.

Mr. Matthews explained that the Basketball Committee would like to save the funds for use toward items for the High School, such as painting the logo on the court floor, or for future unexpected needs. He indicated that, if it is necessary to expend the funds now, the Committee has several projects/needs they would support. Mentioned were: lowering of the nets at Golden Brook School to allow for hosting of the 2nd grade program there; re-doing the Golden Brook School floor; purchase of balls for each Recreational team; or padding of the net poles at Griffin Park or Nashua Road.

Mr. Hohenberger expressed concerns that the money is just sitting there, and asked that Mr. Matthews and the Committee work with the Recreation Coordinator to prioritize some of their ideas, which he felt were good ones. Mrs. Crisler supported the idea of saving the funds for the High School or other emergency needs. Mr. Vin Federico, member of the Basketball Committee, indicated he and Mr. Matthews had spoken to the School Superintendent, who was very supportive of the Committee's ideas for the High School.

Mr. Breton inquired whether the Committee would consider spending a small amount of the funds to offer a clinic at the season start for the younger children. A brief discussion ensued.

Mr. Matthews then requested that the Town look into whether the program could be covered under the Town's insurance, as the cost to maintain their policy is a burden they must pass onto the participants. He noted that the Town of Londonderry covers their Basketball program, which is also separate from the municipality. Mr. Sullivan will look into this possibility.

After a brief discussion, it was the consensus that the Basketball Committee work with Mrs. Haas to explore the costs to pad the poles as suggested, and to lower the nets at Golden Brook School. Mr. Senibaldi also requested that the Committee return to a future meeting with a financial and enrollment update. Mr. Matthews agreed.

OLD/NEW BUSINESS: Mr. Senibaldi indicated that the Recreation Committee had discussed the Board's request to reconsider the placement of wind screens on three sides of the Griffin Park tennis courts to allow for just the ends to be enclosed. He noted the Committee would still prefer to do three sides, but is willing to leave the bottom three feet of the front side open for better viewing. Mrs. Haas indicated that the two ends have been delivered and are awaiting installation.

After a brief discussion, it was the consensus of the Board to wait until the two ends are installed and can be visually assessed to make a decision regarding the third screen.

Mr. Sullivan advised the Board that they are scheduled to meet at 6:00 PM on the 17th with the School Board to conduct their site walk of the access road to the High School. He noted that the School Board and Superintendent Bass have also been invited to attend the Selectmen's meeting that evening.

Mr. Senibaldi noted he would be unable to attend the site walk due to a work conflict, and inquired whether Conservation and Recreation should also be invited to attend if the Gage Lands were going to be discussed. Mr. Sullivan indicated there was no need, as the Gage Lands weren't scheduled for discussion.

Mr. Sullivan then advised that the majority of concerns with the roadway have been resolved, and Mrs. Crisler requested that Mr. McCartney and Mr. Turner also be in attendance.

Mrs. Barbara Coish, School Board member, then approached to advise the Board that the first well at the site was producing 50gpm at 350' +/-, and the second 23gpm at 700'.

Mr. Sullivan advised the Board that the School District will be spraying on Wednesday evening for mosquitoes, and inquired whether the Board wished the Town's fields to be done simultaneously. He noted that testing will cease after September, and there have been no positive results in Town as of yet. The cost to spray will be approximately \$1,800, and the effects will last 3-4 weeks. A discussion ensued regarding limiting activities as opposed to spraying.

Mr. Senibaldi then moved and Mr. Breton seconded to authorize the expense of up to \$1,840 to spray the Town's athletic fields. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Sullivan clarified that Griffin Park, Rogers Field, Herbert Field, Tokenal Field, and Nashua Road Field will be sprayed.

Mr. Sullivan reported that he and Mr. Breton had met with Acting Chief Yatsevich relative to the School Resource Office position, which is currently posted in-house. He noted that one or two officers have expressed an interest in the position so far, which will encompass some traffic officer duties, as well. The cost to fill the position will be absorbed within this year's salary savings. A brief discussion ensued.

Mr. Sullivan presented a proposal on behalf of Transfer Station Manager Dave Poulson to perform sandblasting/painting on the Station scale. Mr. Sullivan indicated that Mr. Poulson had been able to obtain only one price to

perform both projects, and was thus requesting that the Board waive the bid process and allow Mr. Sullivan to authorize the expense.

After a brief discussion, Mr. Breton moved and Mr. Senibaldi seconded to waive the bid process for the painting/sandblasting of the Transfer Station scale. Passed 4-1, with Mr. Hohenberger opposed.

Mrs. Julia Wissel, 55 Haverhill Road, approached expressing concerns with the email procedure via the Town's website. Staff will look into the matter, and correct any issues if necessary.

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

The Board discussed at length a request received from former Chief Gerald Lewis that the Board of Selectmen consider re-hiring him to the position of Windham Police Chief.

Mrs. Crisler moved and Mr. Hohenberger seconded to instruct Mr. Sullivan to negotiate Mr. Lewis' return to the position of Windham Chief of Police, subject to status quo compensation and benefits. After further discussion, motion passed 3-2, with Mr. Breton and Mr. Senibaldi opposed.

PUBLIC SESSION: Mr. Carpenter explained that the Town had been approached by former Chief Lewis requesting to be re-hired to his former duties, and that the Board had discussed this matter in non-public under reputations due to Mr. Lewis' current position at Connecticut College.

Mr. Carpenter went on to explain that after a contentious discussion amongst the members, the Board had voted 3-2 in favor of Mr. Lewis' return. He then advised that Mr. Lewis is expected to resume his duties with the Town effective October 9, 2007.

Mr. Breton and Mr. Senibaldi briefly explained their opposition to the Chief's return citing, among other things, precedent and policy concerns.

Mrs. Crisler and Mr. Hohenberger indicated they had been happy to hear of Mr. Lewis' request to return, as they felt he had done an excellent job for the Town since his hire.

Mr. Carpenter indicated that, after weighing all the factors involved, he felt it to be the best decision for the residents and the Department to support Mr. Lewis return.

Mr. Hohenberger then moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:25 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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