

**BOARD OF SELECTMEN**  
**Minutes of September 17, 2007**

**MEMBERS PRESENT:** Chairman Carpenter called the meeting to order at 7:20 PM. Selectmen Bruce Breton, Roger Hohenberger, and Margaret Crisler were present, as was Town Administrator David Sullivan. Selectman Dennis Senibaldi was delayed, and arrived at 8:00 PM. Chairman Carpenter then introduced the members of the Windham School Board, with whom a site walk of the High School area had been conducted beginning at 6:00 PM, as well as Superintendent Bass and Owner's Representative Glenn Davis.

Mr. Carpenter then read the agenda into the record, followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** John Pierson, Pack 266, approached seeking the Board's endorsement of his proposed Eagle Scout project to construct platforms at the recently designated camping area on the Cyr property. Mr. Carpenter noted that permission would also need to be granted by the Board to allow for the use of ATV's to transport the lumber to the site. A brief discussion ensued regarding various access points to the area, and Mr. Carpenter inquired whether Mr. Pierson could approach Acting Chief Yatsevich about utilizing the Department's ATV. Mr. Sullivan replied in the affirmative.

Mr. Breton then moved and Mrs. Crisler seconded to allow the use of ATVs on Town property on Saturday, September 22nd as requested. Passed 4-0.

**WORKSHOP/SCHOOL BOARD:** School Board Chairman Al Letizio officially introduced Superintendent Bass to the Selectmen, and noted that several areas along the access road had been reviewed by the parties during the site walk. Mr. Carpenter then requested that Mr. Davis approach and provide a project update.

Mr. Davis noted that there were two main issues with the roadway construction: the slope at the entrance point and the slope beyond the archway. He further noted that, on the first pass, the contractor was unable to obtain a 1:1 or 3:1 slope, however after meeting with Planning Director Al Turner, a compromise of a 1:1 and 2:1 slope was agreed upon. Mr. Davis noted that, when the contract had been written, the quality of the rock was believed to be solid, however, it was found to actually be fractured, which resulted in the slope problems.

Mr. Davis then noted that the roadway had been paved the previous week, and that there remain only minor issues to be addressed. The bill for the construction has been received by the District, and is being reviewed.

Mr. Davis then discussed the slope area at the entrance, which had been originally designed to include a retaining wall. Mr. Davis noted that Miller Engineering had raised concerns whether such a wall would hold and, after further review, the design had been revised to include rip rap to better suit the area. Mr. Davis advised that the DES had been contacted and approved the change, a letter regarding which was being forwarded to the Selectmen.

Mr. Davis then advised that, after several revisions to the plan, he believed the District was relatively close to receiving approval for a traffic light at the access road.

Mrs. Crisler expressed concerns regarding a sharp curve and steep drop off along the access road, and inquired whether or not guardrails were planned for installation. Mr. Davis indicated that the roadway had been designed to NH Department of Transportation specifications and he assumed that guardrails had been included, noting he would contact Appledore to confirm. He then stated that, although the Town had preferred wood, metal guardrails

had been planned where necessary, driven to a depth of 6' +/-, to provide better protection. A brief discussion ensued regarding gaining access to the deep gully in the event of an emergency.

Mr. Hohenberger expressed concerns regarding areas along the roadway that were lacking erosion controls. Mr. Davis pointed out that the curbing has not been installed as yet, which was approved as part of the erosion control measures. He noted it will be in place later in the year after the guardrails are installed. Mr. Hohenberger then noted there were several slopes down to the ditchline that did not have any controls, and Mr. Davis replied that the contour in those areas needed to be looked at and that Appledore is aware that these areas need to be addressed. A discussion ensued regarding the possible use of hay bales or similar in these areas of concern, and Mr. Davis indicated that, with the exception of the top coat, the roadway is expected to be finished this fall.

Mr. Hohenberger then inquired as to the status of the utilities to the site. Mr. Davis noted that all 8 conduits are in from Route 111 to the High School site, and that the PSNH permit fee for temporary service has been paid. He advised that a few trees need to be taken down in the area of the Transfer Station, and that the poles should be set within a month, from which underground service will be run to the site.

Mr. Breton extended compliments to the School Board, Dr. Bass, and Mr. Davis for their efforts. Mr. Letizio noted that discussions will be coming up regarding scheduling a day for the public to view the site.

Mr. Anderson advised the Board that survey data is available regarding a portion of the Middle School property which will be deeded to the Town as previously agreed.

Dr. Bass approached announcing a public presentation will be held on October 2 to review program offerings at the High School, and another held on October 15 for parents/students to discuss same.

Mr. Hohenberger noted that there were several rumors around the Town regarding the use of the Gage Lands for additional fields. Mr. Letizio clarified that the School Board has not discussed using any property beyond the High School site, for which a Master Plan was developed to ensure that space remains within it for future High School items and an Elementary school. He noted that the engineering team is now working on a plan to fit all the items necessary onto the site, and that it will be presented to the Selectmen as soon as it becomes available. Mr. Letizio noted it would be premature to discuss the use of other sites.

Mr. Hohenberger noted that the Town is moving forward to construct the other access to the site, and inquired whether there were any cost benefit to fast track the project to coincide with the High School. Mr. Davis stated he did not believe PSNH had looked at that portion, but indicated he will discuss it with them. Mr. Sullivan noted that, although the petition has been received and the title search conducted, the matter still needs to go to the Planning Board to determine the line and location. He further noted that the engineering of the area and means to fund the project have yet to be determined, and that the cost to construct the roadway will need to be approved by Town Meeting.

After a brief discussion, the Selectmen thanked the School Board for attending.

**ANNOUNCEMENTS CONTINUED:** Mrs. Crisler extended congratulations to the staff on a recent complimentary article in the Salem Observer regarding local municipalities and their understanding and implementation of the Right-to-Know Law.

*Mrs. Crisler* noted that the Nesmith Library had held their 10th anniversary celebration the previously Saturday, and that Town Moderator Peter Griffin had served as MC for the event.

*Fire Chief Tom McPherson* approached to thank all who had attended the annual 9/11 Memorial Ceremony, as well as Hilltop Deli for providing refreshments.

*Mr. Sullivan* announced that, the previous Saturday, the Transfer Station truck had been involved in accident on the northbound I93 on ramp. Mr. Sullivan commended the Fire and Police staff, and the State Police for their response and assistance to Mr. Poulson following the accident. He noted that the employee involved is recovering from his injuries, and that the investigation is ongoing. Mr. Sullivan stated that it appears the trailer can be repaired, but the truck will likely be totaled.

Mr. Sullivan then advised that, as a result of the accident, there are no drivers available at the Transfer Station, and presented a proposal from a temporary agency offering CDL driver services. Mr. Sullivan indicated that the Town need only provide liability insurance on the vehicle, as the drivers are covered by the agency, and the cost to hire would be \$32/hour. Mr. Sullivan indicated that Mr. Poulson would like to move forward to contract a driver immediately. After a brief discussion, it was the consensus of the Board to move to forward to contract a CDL driver as proposed.

Mr. Sullivan then indicated that the insurance adjuster would be reviewing the truck the following day, and that the claim has been submitted to the Town's insurance carrier. He noted that Mr. Poulson is currently looking for a replacement vehicle in the event the truck is totaled.

*Mrs. Crisler* reminded all that the Women's Club Coat Drive has been scheduled for Saturday, October 6th at the Town Hall.

**LIAISON REPORTS:** Mrs. Crisler noted that the Depot Advisory Committee continues to meet every other Friday, and that the open house for the caboose has been scheduled for October 27th.

*Mrs. Crisler* reported that the Historic District Commission had met the previous week, and that the Seven to Save application had been completed and submitted.

*Mrs. Crisler* noted that the Greater Salem Chamber of Commerce Economic Development Committee was meeting monthly to discuss potential projects and funding. She noted that, as part of the Chamber's effort to reach out to Windham businesses, a reception has been scheduled for October 10th from 5:30 to 7:30 at Bank of New England on Range Road, and all Windham business owners are invited to attend.

*Mr. Sullivan* noted that there are approximately 15 community volunteers who are heavily involved in working to restore the caboose, and suggested the Board consider offering them some form of protection via an official letter. The members concurred.

**MINUTES:** Mrs. Crisler moved and Mr. Hohenberger seconded to approve the minutes of 8/6, 8/13, and 8/27 as written. Mr. Breton requested the minutes be tabled. The motion was withdrawn.

**CORRESPONDENCE:** Right-of-way Permit/Comcast: After a brief discussion, Mr. Senibaldi moved and Mr. Hohenberger seconded to approve the permit request. Passed unanimously.

*Right-of-way Permit/Hawthorne Rd:* After a brief discussion, Mr. Senibaldi moved and Mr. Hohenberger seconded to approve the permit request subject to staff obtaining a letter from Comcast clarifying the name of the applicant. Passed unanimously.

*Letter received* from Mr. Ted Maravelias requesting the Board instruct the School Board to conduct a revote on Article 2 of the 2007 Town Meeting. After a brief discussion, it was determined this matter is not under the purview of the Board of Selectmen and no decisions were made.

*Notice received* from the Rockingham Planning Commission relative to upcoming GACIT hearings.

**FINANCIAL UPDATE:** Mrs. Call provided her quarterly financial update to the Board. Highlights included:

- Fire overtime budget looks good
- Legal expenses are higher than normal due to union issues and high number of cases this year
- Highway overtime has been fully expended
- Some departmental revenue fees are lower than normal, but interest is doing well
- Health Trust is currently at a negative balance and will hopefully level off in the last quarter
- \$198,000 has been deposited/expended from the Police Contracted Detail fund to date

The Board then discussed with Mrs. Call the possible implementation of credit card service for residents in some of the larger departments, as was previously suggested by the IT Director. Mrs. Call will work to gather further information for the Board's review.

**BID AWARD:** Mrs. Call advised that three (3) bids had been received for the Town's propane needs as follows:

Vendor	07-08 season	08-09 season	09-10 season
Palmer Gas Co., North Salem, NH	\$1.63 fixed	Selkirk* + \$0.30	Selkirk* + \$0.30
Irving Oil, Concord, NH	\$1.80 fixed	No bid	No bid
Eastern Propane, Hudson, NH	\$1.675 fixed	No bid	No bid

After discussion, Mr. Hohenberger moved and Mrs. Crisler seconded to award the propane bid to Palmer Gas for the 2007-08 season at \$1.63/gallon, with the option to continue in 2008-09.

Discussion ensued regarding the addition of a 30-day, no cause, out clause in the event that pricing drops dramatically. Mr. Hohenberger amended his motion, and Mrs. Crisler her second, accordingly. Passed 4-0-1, with Mr. Breton abstaining.

**HIGHWAY AGENT:** Mr. McCartney approached noting he had received several calls from residents of Doiron Road inquiring whether the remainder of the roadway would be repaired. Mr. McCartney indicated that this roadway does not belong to Windham, but rather to Salem who will not conduct any repairs. Mr. McCartney indicated the estimated cost to complete the reclamation and gravel and to lay a 2" binder and 1" of finish would be \$10,900.

Discussion ensued regarding the status of Doiron Road, which is private, and the lack of jurisdiction to repair as Doiron is a private road in Salem. It was the consensus of the Board that letters be forwarded to the residents of Doiron Road explaining why the Town is unable to assist them and indicating that the Town could repair the area if the residents were to offer reimbursement for the project.

Mr. McCartney then indicated that funds were available in the Capital Reserve fund for placement of a culvert on Roulston Road, however, the State will not soon be done with their portion of the project. He noted he could wait to do the culvert or the funds could be utilized to repair further up Beacon Hill Road as part of the Nashua Road reconstruction for which the contractor has offered the price of \$125/foot.

After a brief discussion, Mr. Senibaldi moved and Mr. Breton seconded to authorize Mr. McCartney to proceed to issue a change order to repair 500-600' of Beacon Hill Road at a cost of \$125/foot per itemized list presented.

After a brief discussion, the motion was withdrawn.

Mr. Senibaldi moved and Mr. Breton seconded to waive the bid process for the reconstruction of 500-600 linear feet on Beacon Hill Road. Passed 4-0-1, with Mr. Carpenter abstaining.

Mr. Senibaldi then moved and Mr. Breton seconded to authorize Mr. McCartney to proceed to issue a change order to repair 500-600' of Beacon Hill Road at a cost of \$125/foot per itemized list presented. Passed 4-0-1 with Mr. Carpenter abstaining.

**OLD/NEW BUSINESS:** Mr. Senibaldi advised the Board that the windscreens have been installed, and inquired whether the Board had reviewed them. Mr. Carpenter indicated he had, and noted they appear to work well and can be seen through in bright daylight.

Recreation Coordinator Cheryl Haas approached and noted that the 3' of open space as proposed on the remaining side will not work as per the manufacturer instructions. A brief discussion ensued, and it was the general consensus of the Board to table any decision to allow Recreation to discuss this further.

*Mr. Senibaldi* inquired as to whether a legal opinion had been received relative to H&B Homes proposal to the Recreation Committee. Mr. Sullivan indicated the only opinion received was relative to the Spruce Pond release. It was the consensus of the Board to table this matter until the Planning Board discusses Spruce Pond further.

Mr. Carpenter noted that to his understanding H&B was not proposing a donation, but rather to loam/grade the area as a field and designate it as Recreation land within their open space covenants. A brief discussion ensued.

*Police Chief:* Mr. Sullivan advised the Board that he had been contacted by Mr. Lewis, who stated he would be available to resume his duties prior to October 9th as his vacation had been postponed. Mr. Sullivan noted that Mr. Lewis' background check and physical exam have been completed, however, his fingerprint results are pending from the FBI.

Mr. Senibaldi expressed concerns regarding projects ongoing by Acting Chief Yatsevich, and what will happen when Mr. Lewis returns. Mr. Sullivan indicated that the Community Resource Officer position is in the selection process, and will not be disrupted.

Mr. Breton felt that the start date had been negotiated and should not be altered. Discussion ensued.

Mrs. Carole Amabello approached seeking clarification of the Board's vote to rehire Mr. Lewis, and to inquire whether input had been garnered from Mr. Sullivan, Captain Yatsevich, and the Department staff. Mr. Carpenter indicated that Mr. Sullivan's input had been sought, but none other.

Mrs. Barbara Coish approached expressing concerns regarding the School Resource Officer and staffing shortages in the Department. Mr. Breton indicated staffing was not a concern. Mrs. Coish then inquired as to whether the School Board would have any opportunity to offer input into the selection process. The Board replied in the negative, noting that the position is that of Community Resource Officer, not School Resource Officer.

Discussion of Mr. Lewis' return resumed. Mr. Senibaldi moved and Mr. Breton seconded that Mr. Lewis' return be effective October 1. Discussion ensued.

Motion failed 2-3, with Mr. Hohenberger, Mr. Carpenter, and Mrs. Crisler opposed.

Mr. Hohenberger then moved and Mrs. Crisler seconded to extend an offer to Mr. Lewis to begin his employment as soon as all paperwork is in place, or as soon as Mr. Sullivan feels comfortable that all paperwork is in order for his return.

Mr. Senibaldi requested that Mr. Hohenberger amend his motion to state when all legal requirements are met for his return. Mr. Hohenberger declined, noting that if Mr. Lewis has a need to return sooner his motion as worded will allow him to do so.

Motion passed 4-1, with Mr. Breton opposed.

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

The Board, Mr. Sullivan, Mrs. Amabello, and Ms. Devlin were in attendance in the first session.

Mrs. Amabello discussed a matter relative to reputations with the Board. No decisions were made, and Mr. Sullivan will follow-up.

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

The Board discussed compensation for the Acting Chief position. Mr. Breton moved and Mr. Senibaldi seconded that the Acting Chief shall be compensated at Step 1 of the Police Chief grade for the duration of his interim service. Passed unanimously.

Mr. Sullivan discussed a union matter with the Board. Mr. Breton then moved and Mr. Senibaldi seconded to accept the tentative police union agreement as reviewed. Passed unanimously.

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

The meeting was adjourned at 10:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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