

**BOARD OF SELECTMEN**  
**Minutes of November 19, 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 7:10 PM. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas announced that only 25 tickets out of 400 remain available for the Annual Senior Christmas Party.

*Margaret Case, Cable Advisory Board Chair,* approached to introduce the Town's new Cable Coordinator, Anastasia "Stacy" Sofronos. Miss Sofronos thanked the Town for the opportunity, and indicated that she is very excited and honored to be working in Windham. She encouraged anyone with comments or suggestions to visit her at the Studio.

Mrs. Case then extended thanks to her husband, Tom, for his efforts in undertaking interim Coordinator duties, and to the Administrative Staff and IT Director for their assistance in getting Miss Sofronos situated in her duties. Mrs. Case also extended a special thanks to Maintenance Supervisor Allan Barlow for his assistance at the studio.

*Mrs. Case* then advised that Comcast had recently changed their channel line-up, resulting in the loss of the Hallmark, TV Guide, and Cspan-2 channels to users who do not have a box. She indicated that a box can be obtained free of charge from Comcast in Londonderry, along with a one year free starter pack. In addition, Comcast is now offering the \$99 bundle for internet/cable/phone service to all of Windham, provided one or more of the three services in being added. This \$99 price is good for a period of one year.

*Mrs. Case* closed by announcing that WCTV has won a film festival award for two (2) clips submitted of the School Board.

**LIAISON REPORTS:** Mr. Hohenberger advised that the CIP Committee had met and prioritized all requests. He noted that approximately two more meetings will be needed before the CIP Plan is completed.

*Mr. Carpenter* reported that the Planning Board has completed their review of the proposed Zoning Amendments, which will be available for public review in the near future.

**ANNOUNCEMENTS CONTINUED:** Mr. Senibaldi requested that Mr. Sullivan update the Board on a vandalism incident at the Wonderland Playground. Mr. Sullivan deferred to Mrs. Haas, who advised that members of Girl Scout Troop 107 had discovered several areas at the playground that were defaced using a Sharpie® or similar marker with extremely graphic graffiti, and that police were called to investigate. The graffiti will be sanded and painted over.

*Mrs. Haas* then reminded all that the Annual Tree Lighting will take place on December 1<sup>st</sup>, from 3-5PM, at the Town Common. She also noted that the Museum will be open to the public that day.

**MINUTES:** Mr. Hohenberger moved and Mr. Senibaldi seconded to approve the minutes of September 17<sup>th</sup> and 24<sup>th</sup>, and October 1<sup>st</sup> and 15<sup>th</sup> as written. Passed unanimously.

Discussion ensued regarding the non-public minutes of September 10<sup>th</sup>, and Mr. Breton's concerns that a vote of the Board had not been properly recorded. Mr. Sullivan will draft an amendment for the Board's review, clarifying a poll amongst the members during the session regarding probationary status of the Police Chief and the term "status quo".

**CORRESPONDENCE:** Letter received from Paul Henle, Executive Director of the Granite State Fair Tax Coalition, regarding placement of a resolution on the 2008 Town Warrant regarding adoption of a fairer tax system to lower property taxes.

Ms. Laurel Redden, Coalition member, approached, noting that similar articles have been passed in 14 other communities. A discussion ensued, and it was the consensus of the Board that this be a petitioned article rather than one submitted by the Board.

*Notice received* from the Department of Health and Human Services commending the Town for its mosquito control efforts, and advising that the Regional Arboviral Illness and Funding meeting has been scheduled for November 29<sup>th</sup> at 6 PM at the Newton Town Hall.

**LEDGE ROAD BLASTING:** Mr. Greg Kindrat approached to express his continued concerns regarding damage to his property as a result of the Ledge Road site, including deteriorated water quality and potential related health issues. Mr. Kindrat noted that the residents affected by this site have been subjected to very negative treatment, and that a group had been organized in opposition of the project and hundred of petition signatures collected to date.

Mr. Kindrat then cited the Town's Value Statement, which states in part "Keep paramount, above all else, the health, safety, and welfare of our citizens and employees". He stated it did not seem that the residents' health and safety was a paramount concern.

At Mr. Carpenter's request, Planning Director Al Turner clarified that the first round of water testing has been completed by the independent analyst, and that these results have been submitted to the Department of Environmental Services for review, as well. The latter will be contacting the residents directly upon completion of their review to set up a meeting with the residents to discuss the results.

A discussion ensued regarding holding another discussion after the DES meets with the residents, and the similarity of this issue to a project on Glance Road several years ago.

Mr. Senibaldi inquired whether all wells adjacent to the property had been tested. Mr. Turner replied in the negative, noting that eleven wells had been selected by the consultant and, of those, five appear to have suffered impacts from the blasting. Mr. Senibaldi pointed out that the Board had discussed establishing a baseline for properties above the site, to which Mr. Turner replied there would be a second round of testing subsequent to receiving direction from the NHDES. Discussion ensued regarding the Board's previous discussion of the need for a baseline and the future resumption of blasting.

Mr. Andre Vignos approached expressing concerns regarding ongoing rock crushing at the site. He noted that the noise is extreme and the dust is washing into everything. Mr. Vignos noted that the developer, Sylvan, had agreed to construct a berm but had not done so. Mr. Turner disagreed, noting a berm had been built all along the property line by the developer. Discussion ensued.

Mr. Carpenter reiterated that there are ordinances in place that limit what the Board can do to assist. He also noted that the developer had been very cooperative with the Town to date.

Mr. Vignos then inquired why the Board could not suspend the crushing operations. Mr. Carpenter replied that, as a landowner, the developer has a right to crush the stone. Mr. Breton suggested the Board, acting as the Board of Health, stop the crushing. Mrs. Crisler pointed out there was no ordinance allowing the Board to do so. Mr. Vignos then inquired how such an ordinance could be developed. It was noted that an ordinance could be drafted and submitted by petition to the Town Warrant regarding quarrying regulations, however, it may not impact the Ledge Road project which would likely be grandfathered.

Ms. Terri Marescia approached noting that her water had been tested by the consultant on November 5<sup>th</sup> and, as yet, she had not received any results. She further noted that she had since had the water tested herself, and been advised it was not safe for drinking.

Ms. Julia Wissel approached and questioned why, if there had been similar problems before, the Town had not had any foresight regarding the Ledge Road project. She then expressed concerns regarding flying silica and gravel trucks leaving the site uncovered. Captain Yatsevich indicated he believed that loads had to be covered offsite at speeds over 30 MPH, and that he would look into whether or not the site was complying.

Mr. Carpenter inquired how the property is currently assessed. Tax Assessor Rex Norman replied that the property is currently in current use. Mr. Carpenter then inquired whether business could be conducted from the site under current use regulations. Mr. Norman replied if it were an actual gravel operation it could be taxed as such, however, the rock is being processed as part of an approved subdivision.

Discussion ensued regarding excavation tax procedures and billing, scheduling this matter for further discussion, and consulting with Town Counsel in the interim.

Mr. Carpenter noted that the Board had yet to discuss this with Atty. Campbell. After a brief discussion, Mr. Sullivan suggested the Board schedule a meeting with Town Counsel to begin at 6PM one evening.

Mr. Jack Hamburger approached to inquire whether the blasting would be allowed to resume on December 4<sup>th</sup>. Mr. Carpenter noted that if the developer were to reapply in the interim the request would be denied, which the developer could then appeal.

**TAX ABATEMENT:** Mr. Norman advised the Board that the previously offered settlement agreement regarding Brewster Road had been accepted by the owners. The Board then executed the agreement as presented.

*23 Millstone Road:* Mrs. Pam Bartlett explained that while their abatement application had been submitted prior to the deadline and a settlement agreement received, they had been unable to meet with Mr. Norman until July 6<sup>th</sup> to discuss their concerns with his proposal. After meeting with Mr. Norman to discuss comparable properties and corresponding with him, they had missed the September 1<sup>st</sup> deadline as well. As such they were requesting that Board grant their request to waive the deadline requirements.

After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to waive the deadline requirements as justice may require to allow the Assessor to negotiate a settlement agreement with the Bartletts. Passed unanimously.

Mr. Sullivan advised the Bartletts to pay their taxes accordingly until an agreement is reached to avoid the accrual of penalties.

**BUDGET OVERVIEW:** Mr. Sullivan and Finance Director Dana Call reviewed a slideshow presentation with the Board relative to the 2008 proposed budget. Highlights included:

- The 2008 tax rate has been set at \$16.10/thousand, representing an increase of \$180 +/- on the average Windham home.
- The proposed budget represents an increase of 9.69% over 2007. This increase includes the police contract which would cover two years of retroactivity back to April 2006.
- Other areas of increase include: budgeting for a 53<sup>rd</sup> pay week; increasing to full-time the police records clerk; hiring of a part-time code enforcement employee; completion of the Osgood Road cistern; and a proposed full-time maintenance employee.
- The total increase is comprised of operational funds. There are no petitioned articles, to date.
- The first budget public hearing has been scheduled for Thursday, November 29<sup>th</sup>.

The layout of Londonbridge Road was briefly discussed. The estimated cost to complete the project to subdivision standards is \$800-900,000. This matter will need to be discussed by the CIP Committee.

**SINGLE STREAM:** Transfer Station Manager David Poulson briefly reviewed the operations of a single stream system. He noted that all recyclables are transported to a Municipal Recycling Facility (MRF), where they are then sorted. Residents are thus no longer required to sort anything except glass prior to disposal at the Transfer Station.

Mrs. Crisler inquired where the materials would be sent, and Mr. Poulson indicated that if the Manchester MRF were not completed by March there were at least two others available, as well as a new facility being proposed in Concord.

A lengthy discussion ensued regarding net loss in revenue, which Mr. Poulson believes can be offset through reduced staffing; that moving to single stream would effect only recyclable handling and not other items/services; the availability of CIP funds for purchase of the required

trailer/compactor; the opportunity to recycle a greater range of recyclables and increased convenience to residents; and the need to return the Station to 50-hours/week of service.

Mr. Breton then moved and Mr. Senibaldi seconded to instruct Mr. Poulson to proceed with undertaking single stream. Passed unanimously.

*Mr. Senibaldi* exited the meeting at 9:10 PM.

Mrs. Crisler noted that several other items needed to be discussed in the near future regarding the Transfer Station, including: stickers, demolition, commercial hauler contracts, and hazardous material collection.

A brief discussion ensued regarding current staffing, the development of a project outline by Mr. Poulson, and a possible 2008 implementation of single stream disposal.

**OLD BUSINESS:** Mr. Breton requested the Board reconsider supporting the purchase of 40 bottles of wine for the Annual Senior Christmas Party based upon their recent approval of the Drug Free Workplace Policy. Discussion ensued regarding liability, tradition, the timing of the party, and the number of bottles per table (one).

The Board took no action on Mr. Breton's request.

*Mr. Hohenberger* inquired as to the status of the vehicle fuel purchases. Mr. Sullivan indicated that he and Mrs. Call were continuing to work to arrange for universal fleet cards through Wright Express, which would provide greater flexibility as to when vehicles could be refueled.

**NEW BUSINESS:** *Dump Body Bids:* Highway Agent Jack McCartney advised the Board that four bids had been received as follows:

<i>Donovan Equipment, Londonderry, NH</i>	<i>\$23,350</i>
<i>EW Sleeper, Concord, NH</i>	<i>25,190</i>
<i>Howard P. Fairfield, Pembroke, NH</i>	<i>27,031</i>
<i>Truck Equipment, Brighton, MA</i>	<i>23,901</i>

A discussion ensued regarding available funds and any variations in the equipment bid. Mr. McCartney indicated that the equipment was essentially the same.

Mr. Hohenberger then moved and Mrs. Crisler seconded to award the bid for the dump body to Donovan Equipment for the bid amount of \$23,350. Passed 4-0.

Mr. Carpenter then requested that Mr. McCartney look into the intersections of Londonderry/Nashua, Londonderry/Cardinal, and Nashua/Beacon Hill roads, noting that as one cut these corners there are potholes forming on the edges. Mr. McCartney advised that he is monitoring these areas.

*Mr. Sullivan* advised that he had met with Mr. Zohdi, Mr. Turner, Mr. Mesiti, and a representative from Pennichuck to discuss the framework of the draft water agreement, and that he hopes to schedule a public information meeting on December 3<sup>rd</sup>.

*Mr. Carpenter* noted that, as the new Cooperative Kindergarten facility is open, the old facility will be sitting vacant for the next several years. He requested that staff contact the State regarding the Town's possible use of the building for storage. Mr. Sullivan will follow-up to see if such use was available as the Town needs.

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

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

The Board discussed the current temporary staff member at the Transfer Station and the vacant part-time laborer position.

Mr. Hohenberger moved and Mrs. Crisler seconded to approve the hiring of the current temporary employee to fill the part-time position as recommended, subject to the requirements of the Employee Policy. Passed 4-0.

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

The Board discussed a request from the Library Trustees relative to the vacant Trustee position.

Mrs. Crisler moved and Mr. Hohenberger seconded to appoint J Gross as a Library Trustee through March as per the Trustees' request. Passed 3-0-1, with Mr. Breton abstaining.

Mr. Breton then sought clarification of the Board's authority to review personnel files. Mr. Sullivan indicated that the Board could request to review a file for a specific reason, however, individual members did not have the authority to access files without a vote of the full Board to act as their agent.

Mr. Breton moved and Mr. Hohenberger seconded to adjourn. Passed 4-0.

The meeting was adjourned at 9:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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