

BOARD OF SELECTMEN
Minutes of February 11, 2008

MEMBERS PRESENT: Vice-Chairman Dennis Senibaldi 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. Chairman Alan Carpenter was excused. Mr. Senibaldi read the agenda into the record, followed by the Pledge of Allegiance.

LIAISON REPORTS: Mrs. Crisler advised that the Planning Board would be meeting with representatives of the Rockingham Planning Commission on Wednesday to review the Town assessments as part of the CTAP program.

ANNOUNCEMENTS: State Representative Charles McMahon approached to advise the Board that he had recently received a letter from Senator Letourneau regarding SB361, which has been drafted in response to the State's intention to reduce the 10-year highway improvement plan through prioritization, which will directly impact the I-93 widening project. Mr. McMahon explained that the bill calls for the State to consolidate all corridor projects into one to ensure that no further bifurcation of the project can occur in the future, and requested that the Board of Selectmen send a letter to the State in support of the 93 project prior to February 20th. A discussion ensued regarding the benefits of bundling the projects, and the joint salt shed project was briefly discussed, as well.

Mr. Breton then moved and Mr. Hohenberger seconded to support SB361 and that the Town Administrator forward a letter as such to the NH DOT on behalf of the Board. Passed 3-0-1, with Mrs. Crisler abstaining.

CORRESPONDENCE: *Chief McPherson* approached as Chairman of the Highway Safety Committee relative to parking issues in the area of Center School during functions. The Chief noted that the Highway Safety Committee had met on February 6th to discuss concerns raised by a resident of Collins Brook Road, and had voted to recommend posting Collins Brook Road and Lowell Road "No Parking" as follows: both sides of Collins Brook for approximately 175' from the intersection of Lowell Road, and; the easterly side of Lowell Road from the Collins Brook intersection approximately 50' in either direction. The Highway Safety Committee further recommends that the DOT be contacted to request that they post additional "No Parking" signs on the westerly side of Lowell Road to extend approximately 50' beyond the most southerly driveway of Center School.

After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to post both sides of Collins Brook for approximately 175' from the intersection of Lowell and that the DOT be contacted to request that they post additional "No Parking" signs on the westerly side of Lowell Road to extend approximately 50' beyond the most southerly driveway of Center School Road and on the easterly side of Lowell Road from the Collins Brook intersection approximately 50' in either direction as recommended by the Highway Safety Committee,. Passed 4-0.

Letter received from the Highway Safety Committee regarding the Board's recent vote to reduce the speed limit on Westchester Road to 25 MPH without benefit of a traffic study, and requesting an accounting of all roadways similarly reduced by the Board.

Mr. Breton clarified that he did not feel his motion had “altered” the speed limit on Westchester Road as referenced in the State statute, which would have required a traffic study or similar as a basis to do so. Chief McPherson noted that the HSC had not been consulted regarding Westchester Road, and that he had offered that evening to bring the matter to the Committee for review. He felt the HSC should have the opportunity to do their duties and that processes in place should be followed, noting that in the past traffic studies have been conducted.

Mr. Sullivan indicated that he had found six occurrences in the past when the Board had voted to reduce a speed limit to 25 MPH: portion of Marblehead Road in 1997; Faith Road in 2003; Hardwood/Oriole/Cardinal Roads in 2004; all of which were preceded by a speed radar survey, and Sheffield and Westchester which were posted at 25MPH as part of their original acceptance as a Town road. Mr. Sullivan read an excerpt from RSA 265:63 noting that the State approved speed limits are either 30 or 35 MPH depending on the area (either rural or urban) unless otherwise amended by the Town following a traffic or engineering investigation. Ultimately the Board determines the limits based on the data presented from these studies as well as their knowledge of the road conditions.

Discussion ensued regarding the Board having traffic study data available in the future as part of the package presented them for acceptance of the roadway. It was the consensus of the Board that a traffic study be conducted on Westchester Road and that, moving forward, all roadways have a speed survey completed by the Police Department prior to being presented to the Board for acceptance.

Letter received from the NH Department of Transportation regarding the status of the possible joint Salt Shed, advising that at this time the State is unable to commit to the project due to lack of funding.

REVIEW OF WARRANT ARTICLE RECOMMENDATIONS: Mr. Senibaldi requested that the Board remove their recommendation from Article 31, an article dealing with the school’s discussions relative to Juniors and Seniors transitioning into the new High School from Salem. Mr. Hohenberger moved and Mrs. Crisler seconded to remove any recommendation from Article 31. Passed 4-0.

After review of remaining articles, no further changes were made.

ECONOMIC DEVELOPMENT COMMITTEE: Mr. George Fredette approached on behalf of the Windham Economic Development Committee, an offshoot of the Greater Salem Area Chamber of Commerce, and gave a brief history of the Committee’s evolution. Mr. Fredette then indicated that the WEDC was present to discuss a possible partnership with Center for Urban and Regional Policy at Northeastern University. CURP’s program includes an assessment of locality strengths and weaknesses, aid in surmounting items that discourage economic growth, means to effecting positive change in policies and procedures, and means to enable communities to compete for critically needed private sector job generating investment. Mr. Fredette indicated that the cost to partner with CURP would be \$5,000, and these funds can be applied for through the CTAP program.

After a lengthy discussion regarding the beneficial information CURP can provide, the Town’s Master Plan, and the ongoing analysis by the Rockingham Planning Commission, Mrs. Crisler moved and Mr. Breton seconded to authorize the WEDC to apply for a \$5,000 grant from CTAP funding to partner with CURP.

Mr. Breton requested that the motion be amended to allow the funding to come from the General Fund in the event the grant is unsuccessful. A brief discussion ensued regarding the lack of affiliation between the Town and the WEDC and the need to have some formal connection prior to any public funds being expended from the budget. Motion passed 4-0.

FINANCIAL UPDATE: Finance Director Dana Call presented her year-end update to the Board. Highlights included:

- The overall budget at year-end was in the positive with \$143K +/- remaining in unexpended funds, which will be added to the fund balance to offset the tax rate for this year.
- The majority of unexpended funds were the result of salary/benefit savings in several departments due to vacancies.
- Town revenues also came in slightly higher than budgeted for 2007, adjusting for revenues that will offset certain appropriations deferred to 2008.

OLD/NEW BUSINESS: Mr. Sullivan inquired whether the Board wished to make a decision whether or not to join the consortium of communities taking legal action to oppose proposed changes, which will result in increased cost impacts to municipalities, to the NH Retirement System. After a brief discussion, Mr. Breton moved and Mrs. Crisler seconded to support the Town Administrator's recommendation to expend \$2,441.35 to the Local Government Center. Passed 4-0.

Chief Lewis approached indicating that grant funding has once again been made available to reimburse the Town 100% for OHRV patrol expenses. Mr. Breton moved and Mr. Hohenberger seconded to support the Chief's recommendation to apply for grant funding. Passed 4-0.

Mr. Hohenberger inquired as to the status of the letter requested by the Board from Attorney Maslin regarding use of Conservation funds for the Rail Trail. After a brief discussion, it was the consensus of the Board that staff send a letter to the Conservation Commission reminding them of the Board's request.

Mrs. Crisler moved and Mr. Hohenberger seconded to return the file that the Board had removed from the Planning and Development Department, and that Mr. Sullivan and Mr. Turner review the file to ensure it remains intact.

Mr. Sullivan took exception to Mrs. Crisler's motion, feeling it questioned his personal integrity as the file has been in a secured cabinet in his locked office. Discussion ensued, and the motion failed 2-2, with Mr. Breton and Mr. Senibaldi opposed.

Mr. Sullivan reviewed Mr. Senibaldi's amendment to the September 10, 2007 non-public minutes regarding the re-hire of Chief Lewis. Mr. Breton moved and Mrs. Crisler seconded to approve the amendment as written. Passed 4-0.

Mr. Sullivan extended his personal thanks to staff and the Department Heads for their cooperation and support during the budget season, and for their attendance at the Annual Deliberative Session.

Mr. Senibaldi inquired whether an update on the Ledge Road blasting would be upcoming soon. Mr. Sullivan indicated he will follow-up to find out. Mr. Senibaldi requested that Mr. Sullivan also try to determine why only six of the effected homes are receiving bottled water. Mr. Sullivan will do so, and will also check with the Department of Environmental Services to see whether they can attend an upcoming meeting.

Mrs. Crisler inquired whether the Board would be discussing a matter relating to Zoning Enforcement. Discussion ensued as to whether it was a topic for public or non-public discussion.

It was the consensus of the Board to begin the discussion in non-public and, if subsequently deemed necessary, resume the public session.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 91A:3 Iia and c.

Further discussion ensued, and it was determined if it were improper to discuss the issues involving a zoning enforcement matter in non-public, then it will be continued to February 25th.

Roll call vote – all members “yes”. The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, Chief Lewis, Sgt. Caron, and Ms. Devlin were in attendance in the first session.

Chief Lewis and Sgt. Caron reviewed with the Board a potential candidate for the vacant officer position. After discussion, Mr. Breton moved and Mrs. Crisler seconded to support the Chief’s and Sgt. Caron’s recommendation and extend an offer of employment to the candidate subject to the requirements of the Employment Policy. Passed 4-0.

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

The Board discussed a potential legal matter relative to a zoning enforcement issue. No decisions were made.

The Board, Mr. Sullivan, Assistant Planner Shaun Logue, and Ms. Devlin were in attendance in the final session.

The Board discussed a personnel matter related to an enforcement issue, and a potential legal issue regarding same. Mr. Logue will follow-up on this matter as Code Enforcement Administrator.

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

The meeting was adjourned at 10:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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