

**BOARD OF SELECTMEN**  
**Minutes of March 24, 2008**

**MEMBERS PRESENT:** Vice Chairman Mr. Senibaldi called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Galen Stearns, Charles McMahon, and Roger Hohenberger were present, as was Assistant Town Administrator Dana Call. Town Administrator David Sullivan was excused. Mr. Senibaldi read the agenda into the record, followed by the Pledge of Allegiance.

**CABLE AWARD:** Mrs. Margaret Case, Cable Advisory Board Chair, began by announcing that the stationary camera in the Planning Department was back up, showing the intersection of Church/North Lowell Road. In addition, the cable franchise fees check was received, totaling over \$194,000. Mrs. Case then deferred to Cable Coordinator Stacey Sofronos.

Ms. Sofronos presented WCTV's Volunteer of the Month Award to Mr. Wally Heath for his continued dedication and assistance to the Studio.

**ANNOUNCEMENTS:** Mr. Senibaldi officially introduced the newly seated Board: Mr. Hohenberger, Mr. McMahon, Mr. Stearns, and Mr. Breton, and extended congratulations to Mr. McMahon and Mr. Stearns on a successful election.

*Recreation Coordinator Cheryl Haas* presented the Court Jesters game ball to the Board.

*Mrs. Haas* deferred to Mr. Sean Welch of the Cobbetts Pond Improvement Association to discuss the previous week's request from Nault's to utilize Cobbetts Pond for watercraft testing.

Mr. Welch approached expressing concerns with the request. He noted that the CPIA has undertaken programs to control milfoil at Cobbetts, and has concerns regarding a lessening of water quality due to foreign watercraft. Mr. Welch also indicated that there are restrictions on the horsepower of vehicles entering/exiting the Pond through the Beach.

Discussion ensued regarding the permitted hours at the boat launch not being conducive to testing, that Nault's had not previously made such a request, and the current policy in place regarding use of the boat launch

Mr. McMahon pointed out that Nault's is providing a service to Windham residents, and suggested that the current policy be reviewed. Further discussion ensued regarding the policy, which limits access to before/after the beach is open for boats under 15' and under 15 HP, and that it does not pertain to people who have a private mooring on the pond.

Mr. Breton indicated he would not have a problem with the request if Nault's could adhere to the policy, but it did not appear that they could. Mr. Stearns expressed concerns with milfoil, as well as with the earliness/lateness of the hours Nault's would be testing and the negative impacts to residents.

After further discussion, it was the consensus of the Board to table this matter. Mrs. Call will follow up to contact Nault's and the CPIA to attend a future meeting to discuss this matter further.

*Mr. Karl Dubay*, Windham Economic Development Committee, approached requesting the Board's support of WEDC's application for additional grant funding in the amount of \$1,500 from the NH Department of Economic Development towards the Committee's partnership with CURP.

Mr. Breton inquired how local businesspeople may become a member of the WEDC. Mr. Dubay replied that the Committee has not established a roster of membership or guidelines, as yet, and indicated that interested parties can contact the Greater Salem Chamber of Commerce to obtain contact information for the Committee.

Discussion of the grant application resumed, and Mr. Stearns inquired whether it would be a matching grant. Mr. Dubay replied in the affirmative, noting it would be matched with CTAP funding. Discussion ensued regarding the Town's CTAP money allocation, which would not be impacted by this grant, and the ability to leverage additional funding if successful in obtaining this grant.

Mr. Stearns then moved and Mr. Hohenberger seconded to allow Mr. Dubay, through the Windham Economic Development Committee, to apply for a \$1,500 matching grant from the NH Department of Economic Development. Passed unanimously.

*Fire Chief Tom McPherson* approached to advise the Board that the Department had received a donation from Main Street Animal Hospital in Salem of animal oxygen masks. The Chief indicated that these items will be placed on the ambulances, and will be available to provide assistance to pets at the scene until Animal Control arrives. After a brief discussion, the Board extended its thanks to Main Street for their generosity.

*Mr. Senibaldi* explained that Mr. Stearns and Mr. McMahon had not been in attendance at the previous week's meeting due to the recount. He noted that Mr. McLeod had had five (5) days to appeal the recount results, which he had not done, and as such Mr. McMahon and Mr. Stearns had been sworn in that evening as Selectmen. A brief discussion ensued that Mr. McLeod had not officially conceded the election.

**BOARD REORGANIZATION:** Mr. Hohenberger nominated Mr. Senibaldi as Chairman. There were several seconds. Passed unanimously.

Mr. McMahon nominated Mr. Breton as Vice-Chairman, seconded by Mr. Breton. After a brief discussion, the motion passed unanimously.

**CORRESPONDENCE:** Site bond release/Edinburgh Road. Mr. Turner explained that the bond related to offsite work at an abutting property, which had been completed.

Mr. Hohenberger moved and Mr. McMahon seconded to approve the release of \$5,000 to Herbert Associates for lot 7A-810. Passed unanimously.

*Letter received* from Mr. Turner relative to proposed changes in blasting permit fees. After a brief discussion, it was the consensus of the Board that this matter be posted for public hearing on April 22nd.

*Copy of email received* from Mr. Turner relative to Ledge Road, advising that all rock crushing has ceased and the machine has been disabled. Mr. Turner further noted that all activities not related to blasting/crushing may be resumed, provided that all dust, erosion, and safety controls are adhered to.

*Notice of retirement* received from Officer Louis Palermo, effective June 1<sup>st</sup>. Mr. Breton moved and Mr. McMahon seconded to accept with regrets. Passed unanimously.

*Letter of resignation* received from Highway Laborer John Cogliano, effective March 21<sup>st</sup>. Mr. Breton moved and Mr. McMahon seconded to accept with regrets. Passed unanimously.

**NON-UNION COLAs:** Mrs. Call explained that, for the past several years, cost of living allowances for the non-union employees and for union negotiation purposes had been based upon the previous year's CPIU index. For 2008, all employee COLAs had been budgeted at 3%. Mrs. Call then explained that the CPIU for 2007 had been established at 1.9%, however the Police Union would be receiving 3% as negotiated in their new contract, and the Fire and Municipal Unions would be receiving 2%.

After a lengthy discussion, Mr. McMahon moved and Mr. Hohenberger seconded to authorize a 2.5% increase for the non-union employees. Passed unanimously.

**PARK RANGER:** Mrs. Haas reviewed a draft job description with the Board members. Highlights of the discussion included:

- Whether the employee would utilize a town vehicle for patrols, or if mileage would be reimbursed for personal vehicle use. It was the consensus that a Town vehicle not be provided.
- Liability related to injuries caused by hazards or confrontations.
- The intent of the position, which Mrs. Haas indicated was primarily to be present at and monitor the facilities and to assist the public.
- Issuance of a radio, uniform and/or badge was discussed. It was the consensus that the Ranger would need to have a radio available and be required to check in with the Recreation Office throughout their patrol.
- Patrolling of conservation areas was discussed, and Mr. Breton indicated he would be approaching the Commission to request funding for additional rangers.

Mr. McMahon moved and Mr. Hohenberger seconded to approve the draft job description as amended to include a radio as part of equipment and to require use of personal vehicle. Passed unanimously.

**OLD/NEW BUSINESS:** Mrs. Haas advised the Board that she been approached by a hot dog cart vendor, inquiring about the permitting fee as required in the Town's ordinance. Discussion ensued that the previous Board had not established a permit fee at the time they approved the ordinance.

Mr. Hohenberger moved to post a permit fee of \$100 for public hearing. After further discussion, Mr. Hohenberger withdrew his motion.

Mr. Hohenberger then moved and Mr. Breton seconded that the cost for a background check be determined, that Mrs. Haas survey similar costs in surrounding communities, and the matter be posted for a public hearing. Passed unanimously.

After a brief discussion regarding the Town's Vending Policy, Mr. McMahan moved and Mr. Hohenberger seconded to waive any vending fees/restrictions related to the Windham Baseball/Softball League for the 2008 season. Passed unanimously.

*Right-Turn Lane/Shaw's:* Mr. Breton indicated that, after tabling the item last week, he had not had an opportunity to discuss this area with Chief Lewis. He suggested a letter be hand carried by Selectman McMahan to the DOT regarding the Board's concerns. Mr. Hohenberger noted that an opinion had yet to be sought from the Chiefs and Highway Safety Committee.

Mr. Tom Case, Mountain Village Road, approached in concurrence with the safety concerns expressed regarding the right lane merging beyond the Shaw's intersection.

Mr. Senibaldi indicated he would like to see data regarding the impacts of removing the ability to go straight from the right lane. Mr. Senibaldi indicated he uses the right lane properly to go straight, and sees other drivers doing so, as well.

Mr. Case then suggested that the Board look into additional signage for the by-pass, as a majority of people are still utilizing Range Road.

After further discussion, it was the consensus of the Board that Chief McPherson follow-up on this matter with the Highway Safety Committee.

**LIAISON APPOINTMENTS:** After a lengthy discussion regarding Selectmen membership on multiple Boards, and multiple individuals serving on Conservation and Planning Board, the members unanimously agreed upon the following Board liaison appointments:

Cable TV	Mr. Hohenberger
CIP	Mr. Hohenberger
CIP (Alt)	Mr. Stearns
CTAP Committee	Mr. Stearns
CTAP Committee - Alternate	Mr. McMahan
Haz Mat District	Mr. Senibaldi
Historic District Commission	Mr. Senibaldi
Historic Committee	Mr. Stearns
Planning Board	Mr. Breton
Planning Board - Alternate	Mr. Senibaldi

Joint Loss Safety Committee	Mr. Breton
Welfare Overseer	Mr. McMahon
Housing Authority	Mr. Senibaldi
Housing Authority - Alternate	Mr. Breton
Tech Advisory Committee	Mr. Hohenberger
Recreation	Mr. Breton
Fire Safety Committee	Mr. Breton
Depot Rd Advisory	Mr. Stearns
Salt Shed	Mr. McMahon
Salt Shed - Alternate	Mr. Hohenberger
Chamber of Commerce	Mr. McMahon
Chamber of Commerce - Alternate	Mr. Breton

Mr. Breton indicated for the record that, should Town Counsel concur that it would be improper to have two members of the Conservation Commission also serving on the Planning Board, he will submit his resignation from the Conservation Commission effective immediately.

Mr. Senibaldi requested that staff work to send out notices to all committees advising them of the new liaison appointments, and also to obtain board/committee chairperson information for the Selectmen liaisons. Mrs. Call will follow up to do so.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously.

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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