

**BOARD OF SELECTMEN**  
**Minutes of April 7, 2008**

**MEMBERS PRESENT:** Chairman Dennis Senibaldi called the meeting to order at 7:00 pm. Selectmen Bruce Breton, Galen Stearns, Roger Hohenberger and Charles McMahon were present, as was Town Administrator David Sullivan. Mr. Senibaldi read the agenda into the record, followed by the Pledge of Allegiance.

**LIAISON REPORTS:** None.

**ANNOUNCEMENTS:** Mr. McMahon announced the sad passing of former Dispatcher Lenny Morgan's mother, Norma.

*Mr. McMahon* reported that the State House is currently considering three (3) bills related to workforce housing, copies of which he provided to Mr. Sullivan and the remaining Board members. A brief discussion ensued.

*Mr. Senibaldi* announced that the Skate Park would be opening on Tuesday the 8<sup>th</sup> at 6 PM. The opening will begin with a general cleanup of the area and review of the Park rules.

*Mr. Senibaldi* reminded all that the Recreation Department's Child Safety Day is scheduled for the 12<sup>th</sup> from 10AM to 1PM at Windham Center School.

*Mr. Senibaldi* reminded all that the athletic fields are still closed.

**MINUTES:** Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of March 3<sup>rd</sup>, 10<sup>th</sup>, and 17<sup>th</sup> as written. Passed 3-0-2, with Mr. McMahon and Mr. Stearns abstaining.

Minutes of March 24<sup>th</sup> and 31<sup>st</sup> were tabled.

**ANNOUNCEMENTS CONTINUED:** Chief McPherson approached requesting that the Board execute a resolution to adopt the completed Hazard Mitigation Plan, which has recently been approved by FEMA.

After a brief discussion, Mr. Stearns moved and Mr. Breton seconded to approve the following resolution:

**“TOWN OF WINDHAM, NH**  
**A RESOLUTION ADOPTING THE**  
**WINDHAM HAZARD MITIGATION PLAN**

WHEREAS, the Town of Windham received funding from the NH Bureau of Emergency Management to assist in the preparation of the Windham Hazard Mitigation Plan; and

WHEREAS, several public meetings and committee meetings were held between December 5, 2006 and May 30, 2007 regarding the development and review of the Windham Hazard Mitigation Plan; and

WHEREAS, the Windham Hazard Mitigation Plan contains several potential future projects to mitigate hazard damage in the Town of Windham; and

WHEREAS, a public meeting was held by the Board of Selectmen on April 7, 2008 to formally adopt the Windham Hazard Mitigation Plan.

NOW, THEREFORE, BE IT RESOLVED that the Windham Board of Selectmen Adopts the Windham Hazard Mitigation Plan.”

Passed unanimously.

Chief McPherson then extended thanks to the Emergency Management Committee day staff for their efforts in completing the Plan.

**CORRESPONDENCE:** Resignation received from Call Firefighter Junior Johnson. Mr. Stearns moved and Mr. McMahon seconded to accept with deep regret. Passed unanimously.

*Memo* received from Tax Assessor Rex Norman advising that, as of April 1, 2008, there is \$271,700 pending in land use change tax.

*Letter received* from the Windham Presbyterian Church requesting permission to display a banner regarding the National Day of Prayer on Town property located at the corner of North Lowell Road and Route 111.

Mr. Stearns moved and Mr. Hohenberger seconded to approve the request to hang a banner. Passed unanimously.

*Letter received* from the Highway Safety Committee advising that, after review of the area and discussion by the members, the Committee took no position on the right-hand lane at the Shaw’s intersection.

Discussion ensued regarding the next steps, lack of data supporting a change, and whether or not an issue exists at the intersection, Mr. Breton moved and Mr. McMahon seconded that the intersection remain status quo and that the Police Chief issue a press release regarding safe driving in the area. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

*Mr. Sullivan* advised that the point well baseline test results had been received and showed only some minor hardness.

*Resignation received* from Call Firefighter Jim Curtin. Mr. Hohenberger moved and Mr. Stearns seconded to accept with regret. Passed unanimously.

**WORKSHOP HIGHWAY AGENT:** Jack McCartney met in workshop session with the Board. Items discussed included:

- *Mowing Bids:* Mr. McCartney supported continuing with the current vendor via the second year contract option, at no change in the rates. After a brief discussion, Mr. Stearns moved and Mr. Breton seconded to extend the contract for mowing with Blazing Saddles, LLC of Hooksett. Passed unanimously.
- *Salt Shed:* Mr. McCartney and Stormwater Committee Chairman David Poulson sought the Board’s direction regarding expenditure of funds earmarked to study potential locations for the Salt Shed.

Discussion ensued regarding the need to reserve this matter for non-public session, the time frame for establishing a location, and the date the Shed must be moved. Mr. Sullivan clarified that, as part of the 5-year Stormwater Permit, a plan for the Salt Shed must be in place by the end of 2008. Additionally, as part of the Transportation Enhancement Grant received by the Town for the restoration of the Historic Depot District, the Highway Department/Salt Shed must be physically out of the area by 2011.

Further discussion ensued regarding the need to establish the size of the facility required and the amount of land necessary, whether or not the entire facility should be enclosed, and the stricter requirements that will accompany the next Stormwater Permit.

Further discussion was then tabled until after the non-public session.

- *Roulston Road:* Mr. McCartney inquired whether the Board would support his completing our portion of this project in tandem with the State's paving, or whether they preferred he put it out to bid. Mr. McCartney noted he would obtain estimates prior to starting work, but he feels doing the project this way will offer a significant savings.

After a brief discussion, it was the consensus of the Board that Mr. McCartney proceed to get estimates for the project.

- *Goodhue Road:* Mr. McCartney noted a similar situation to Roulston Road, in that Derry will be completing an overlay of their portion of Goodhue Road. It was the consensus of the Board that Mr. McCartney proceed similarly to Roulston Road, and obtain estimates to complete the project.
- *Beacon Hill Road:* Mr. McCartney inquired whether the Board would support in-house completion of this project as opposed to bidding it out. As proposed, Mr. McCartney would obtain estimates, and select and oversee the contractors and the project for an overall "not to exceed" price voted by the Board. This is similar to the way projects were conducted under the previous Road Agent.

Discussion ensued regarding monitoring of the site, accountability for any subsequent issues, and funds available versus actual costs.

It was the consensus of the Board that Mr. McCartney obtain estimates and vendors to be used and return to the Board for further discussion.

- *Truck Replacement:* Mr. McCartney inquired of the Board whether, if he proceeded to lease a new vehicle with appropriated funds as discussed during budget season, it would preclude him from replacing any other vehicles during the lease period.

Discussion ensued regarding the lack of CIP programming for new Highway trucks, that historically the Highway Department has purchased/outfitted surplus vehicles, surplus versus new vehicles, and the addition of future vehicles to the CIP plan.

Mr. McCartney clarified that if he would be unable to replace anything else over the next 3-5 years, he is not interested in leasing a new vehicle. Mr. Sullivan noted that, for the last few years, up to \$30,000 has been approved annually for a surplus vehicle.

After further discussion, there was no decision by the Board. Mr. McCartney will return with further information at a future meeting.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91A:3 IId. Roll call vote – all members “yes”. The topic of discussion was land acquisition and the Board, Mr. Sullivan, Mr. Poulson, Mr. McCartney, Mr. Wayne Morris, and Ms. Devlin were in attendance.

**WORKSHOP SESSION CONTINUED:** The public portion of the meeting resumed at 9:35 PM. Mr. Breton moved and Mr. Stearns seconded to seal the non-public portion of the minutes. Passed unanimously.

*Mr. Breton* requested that Mr. McMahon work with Senator Letourneau to arrange a meeting with Mr. Jeff Brillhart of the NH DOT to discuss the latter’s correspondence from December, 2007 regarding the Salt Shed. Mr. McMahon will follow-up.

Mr. Hohenberger then moved and Mr. McMahon seconded to approve the expenditure of \$15,000 to study the laying out of a salt shed on the Wilson property and other property as deemed appropriate. Passed unanimously.

**SALE OF TOWN PROPERTY:** Mr. Sullivan opened the discussion by advising that comments on the possible sale of these Town owned properties had been received from all interested parties, with the exception of the Conservation Commission.

*Portions of Lot 21W-2, 6, and 15A:* Mr. Sullivan explained that the Hulme family currently leases portions of 21W-6 and 15A from the Town, and would now like to purchase them, along with a portion of 21W-2 and small strip of unknown Town land. Mr. Sullivan indicated that, while some portions could support a septic system only, the bulk of the property is wetlands.

Mr. Gil Hulme reviewed with the Board a plan of the area prepared by Herbert Associates, showing the properties in question. Mr. Hulme indicated that their major goal in obtaining this land would be to improve their existing septic systems, which are circa 1950.

Mr. Sullivan noted the following: the Cemetery Trustees have no issues with the sale and the Planning Board supports the sale limited to septic systems only. He noted that the Board could submit the properties to sealed bid or wait until 2009 to do a warrant article, however, the ownership of the strip of land needs to be verified.

A discussion ensued regarding the location of the area, the current lease, the lack of value to any party other than the Hulmes, limiting future use to septic systems only, and the need to ensure access to the Cobbetts Pond dam by the Cobbetts Pond Improvement Association.

It was the consensus of the Board to support the sale of this property through a 2009 warrant article, subject to further research of the unknown strip of land.

*19 Seavey Road:* Mr. Sullivan noted that neither the Planning Board nor Planning Director had any objection to the sale of this property. In addition, the Conservation Commission had had no objection when this property went out to sealed bid in 2006, at which time no bids were received. Mr. Sullivan further explained that there is currently a building on the property which is in disrepair and must be taken down.

Mr. Sullivan indicated that the Brodeurs, who own the abutting home, had made an offer to purchase #19, conditional upon their being approved for a garage and a septic system. Mr. Breton questioned whether or not 19 Seavey was a conforming lot, to which Mr. Sullivan replied that he did not believe it to be. Mr. Sullivan indicated that the Brodeurs would need to obtain a variance, but were seeking a guaranteed approval of same, which the Town cannot provide.

Mrs. Anitra Brodeur approached, noting that the property has been vacant for over ten years. She noted that she and her husband have been interested in purchasing the property for two years, and that the building is a liability and must be removed. Mrs. Brodeur indicated that the garage previously discussed is no longer a necessity, and that the ability to utilize it for a septic system is their main interest.

Lengthy discussion ensued regarding expansion of the Brodeurs current home, conditions of the sale, and removal of the abandoned structure.

Mr. McMahon then moved and Mr. Breton seconded to put the property at 19 Seavey Road out for sealed bid, with the Board reserving the right to reject any and all bids received.

Discussion ensued regarding setting a minimum bid amount and placing some restrictions on the sale.

Mr. McMahon amended his motion, and Mr. Breton his second, to require a minimum bid of \$10,000 and to restrict the sale as follows: property cannot be built on for any purpose other than a septic system and the existing building must be removed at once by the purchaser.

Lengthy discussion on the amendment ensued. Mr. Brian Delfano, Seavey Road resident, approached to inquire what would happen with the structure if the sealed bid were unsuccessful. The Chairman indicated that the building would then be removed by the Town within 30 days.

Motion passed 4-1 as amended, with Mr. Stearns opposed.

**OLD/NEW BUSINESS:** IT Director Eric DeLong approached, requesting the Board review a price quote received from Dell for the purchase of six (6) new computers, and that they waive the full bid process and to accept the three quotes obtained. Mr. DeLong indicated that four (4) of the systems were for the Administrative Offices, and the remainder were for the Assessing Department.

After a brief discussion, Mr. Stearns moved and Mr. McMahon seconded to waive the bid process and approve the purchase of six (6) new computers as presented. Passed unanimously.

**2008 PROJECT/GOAL SETTING:** Mr. Sullivan and Mrs. Call reviewed with the Board the Administration's ongoing issues/upcoming projects. Highlights included:

- Strategic Planning
- Capital Projects, including: salt shed, single stream recycling, Bartley House renovations, Castle Hill Bridge replacement, Lowell Road bike paths, Depot improvements, and ergonomic improvements at Town Hall.
- Large Scale Projects including: Londonbridge Road layout, Route 111 By-pass landscaping, Ledge Road blasting, and Griffin Park overflow parking.

Mr. Senibaldi requested that the Spruce Pond recreation area also be included in the list ongoing large scale projects.

- Policy Updates, including: Blasting fees (a public hearing is currently scheduled for April 21<sup>st</sup>), Right-of-Way Ordinance, Winter Maintenance Policy, Disposition Policy, Investment Policy (scheduled for discussion on April 14<sup>th</sup>), Cash Policy, and Internal Control Standard Operating Procedures.
- Department Head workshop sessions with the Board will be scheduled during the months of May and June.
- Miscellaneous Items, including: Economic Development, assistance to the Housing Authority, and further discussion of customer convenience items such as debit/credit card acceptance or E-Reg service.

Discussion ensued, and the Board members added several items for consideration including: review of all Departments for methods of streamlining services, ongoing monitoring of the I-93/Route 111 projects, possible restructuring of the Capital Improvements Program, and exploring the consolidation of Town services via a new municipal facility.

Mr. Sullivan requested that the Board members submit any other additions/deletions to this prior to the next scheduled meeting.

**OLD/NEW BUSINESS CONTINUED:** Mrs. Call presented to the members a draft Investment Policy for review and discussion at the next scheduled meeting.

*Mr. Stearns* advised the Board that former Selectman Margaret Crisler had informed him that she would like stay on as a member of the CTAP Steering Committee, and indicated he would be willing to give up his liaison appointment to allow her to stay if the Board agreed. After a brief discussion, no decisions were made.

*Mr. Stearns* expressed concern regarding the Board's alternate liaison to the Planning Board, noting that Mr. Senibaldi was also a member of the Conservation Commission. Mr. Senibaldi indicated that he did not wish to resign the Commission in order to keep his liaison appointment to the Planning Board, as Mr. Breton had. After a brief discussion, Mr. Hohenberger nominated Mr. Stearns as Alternate liaison to the Planning Board. The remaining members concurred.

*Mr. McMahon* requested the Board consider allowing the Windham Baseball/Softball League to purchase two (2) concrete utility sheds similar to those in place at Griffin Park. The sheds would be used for storage of maintenance items and located at Rogers and Tokenal fields. Mr. McMahon indicated that the steel door sheds would be 12'x8'x9'(h) and would be set on a gravel base. In addition, Mr. McMahon indicated WBSL would like to place a small, wooden shed at Griffin Park for the T-ball area and would like to cut in base paths for T-Ball in the front field area.

Discussion ensued regarding foundations for the sheds, their mobility and locations, and the construction of base paths, Mr. Breton moved to approve Mr. McMahon's requests as described. Further discussion ensued, and there was no second.

Mr. Breton then moved and Mr. Hohenberger seconded to approve the items as proposed for Tokenal and Rogers field. Passed unanimously.

*Mr. Breton* requested that Chief Lewis look into the lack of speed limit signs on West Shore Road. The Chief will follow up to post West Shore Road and to place the traffic study trailer there, as well.

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

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

The Board discussed at length a Police grievance filed in response to the results of personnel complaint investigation.

Mr. Hohenberger moved and Mr. Stearns seconded to deny the grievance. Passed 4-1, with Mr. Breton opposed.

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

Mr. Sullivan discussed an ongoing personnel matter with the Board. No decisions were made.

The Board discussed a matter relating to a tax abatement. No decisions were made.

The Board discussed a request related to rental of the Searles facility. Mr. Stearns moved and Mr. McMahon seconded to waive all fees as requested. Passed unanimously.

The Board reviewed a list of properties currently subject to tax deeding. After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to proceed to deed all properties as presented with the exception of Lot 8-A-19 which has a current Forbearance agreement between the Town and property owner in place for payment of taxes. Passed unanimously.

Mr. Sullivan reviewed the annual Health Officer appointments, and recommended that Mr. Turner be appointed as primary, with Mr. Maguire as Deputy. Mr. Breton moved and Mr. Hohenberger seconded to approve the Health Officer appointments as recommended. Passed unanimously.

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

The meeting was adjourned at 11:30 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant  
David Sullivan, Town Administrator

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