

**BOARD OF SELECTMEN**  
**Minutes of April 21, 2008**

**MEMBERS PRESENT:** Chairman Dennis Senibaldi called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Roger Hohenberger, Galen Stearns 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.

**RECREATION AWARD:** Mr. Senibaldi noted that this award is usually presented during the Annual Deliberative Session, however, this year's recipient had been unavailable. He noted that this individual had served many, many years on the Recreation Committee, and was always available to get things done. Mr. Senibaldi noted that, because of this dedication, the Recreation Committee had voted unanimously to name Mr. Earl Bartlett the Recreation Committee's Volunteer of the Year.

Recreation Coordinator Cheryl Haas also extended thanks and congratulations to Mr. Bartlett, noting that she is still able to call him today when needed, and he continues to be helpful to Recreation.

Mr. Bartlett extended thanks to all.

**ANNOUNCEMENTS:** Ms. Haas announced that all athletic fields had opened the previous Friday and Saturday, and extended thanks to Boyden's Landscaping.

*Ms. Haas* advised the Board that the Skate Board park had been found that morning littered with more trash than has been seen to date. She indicated that she and Officer Lodise had returned to clean up the area with the skaters that afternoon and that, if similar conditions were found the following day the area would be closed for a minimum of 48 hours. Ms. Haas explained that many of the skaters and their parents had been unreceptive to the idea of cleaning the area, which is why she had requested Officer Lodise's presence. Ms. Haas then noted that this week is Massachusetts' school vacation, and offered a good opportunity for the Board members to visit the Park and see the number of out of town kids utilizing it.

*Ms. Haas* advised the Board that she had been receiving complaints regarding the geese at the Park, and noted that the front part is covered in droppings. She stated that the fountain should be in the pond next week, and requested that if the Board had any other solutions they move quickly to implement them. Mr. McMahon indicated he would be discussing a new strategy with the Police Chief regarding the geese, and Mr. Senibaldi indicated that Dodge Grain has a natural deterrent product available. Brief discussion regarding the latter ensued, and Ms. Haas indicated she would forward the product specifications to the Board, noting it is comprised of natural oils.

Mr. McMahon indicated he would like to work with Ms. Haas, Chief Lewis, and Maintenance Supervisor Al Barlow to implement something immediately. The remaining members concurred.

**LIAISON REPORTS:** None.

**MINUTES:** None.

**NON-PUBLIC SESSION:** Mr. McMahon moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91A:3 II a. Roll call vote – all members “yes”. The topic of discussion was personnel and the Board, Mr. Sullivan, and Ms. Haas were in attendance.

Ms. Haas presented a candidate to be hired for the position of Tennis Instructor. Mr. McMahon moved and Mr. Breton seconded to hire the candidate as recommended by Ms Haas, contingent on background and medical check, with salary to be 1<sup>st</sup> step of the position’s scale. Passed unanimously.

Ms. Haas presented a candidate to be hired for the position of Lifeguard. Mr. McMahon moved and Mr. Breton seconded to hire the candidate as recommended by Ms Haas, contingent on background and medical check, with salary to be 1<sup>st</sup> step of the position’s scale. Passed 4-0-1 with Mr. Stearns abstaining.

Ms. Haas recommended that the Board hire a candidate to work as a fill-in tennis instructor, as well as fill-in lifeguard. After a brief discussion on how this position would fill in for lifeguard hours, intending to be only after all others were unavailable, Mr. McMahon moved and Mr. Breton seconded to hire the candidate as recommended by Ms Haas, contingent on background and medical check, with salary to be 1<sup>st</sup> step of the position’s scale. Passed 4-0-1 with Mr. Stearns abstaining.

Mr. Sullivan presented a candidate to work as a cable intern for the purpose of completing the transfer of the remaining Selectmen meeting video tapes to DVD’s. The individual, who would receive a stipend of \$500, currently works part time as a summer employee. The Board’s consensus was to offer this opportunity to other students looking for summer employment.

**CORRESPONDENCE:** Notice of retirement received from Office Michael Lodise, effective April 30, 2008. Mr. Breton moved and Mr. McMahon seconded to accept with regrets. Passed unanimously.

Brief discussion ensued regarding current staffing and potential candidates available.

*Letter received* from Mr. John Carpenter regarding the right-hand turn lane at Shaws, as well as similar lanes at the new Route 111/Route 28 intersections and the new Route 111/old Route 111 intersection by Searles Chapel. Mr. Carpenter expressed concerns regarding traffic back-ups and wasted fuel for people trying to make a right turn who are unable to do so because of those individuals who are in these right lanes to go straight.

Discussion ensued regarding the Shaw’s lane. Chief Lewis indicated he had monitored the area and found that most of the issues there appear to stem from vehicles in the left lane not allowing the right lane to merge.

*Copy received of letter* to Transfer Station Manager Dave Poulson from Jan Carter of NH the Beautiful advising that Windham has been awarded a grant of \$6,000 toward the purchase of new 4 cubic yard compactor, or \$3,000 towards the purchase of used one. Ms. Carter advises that these grants are awarded as reimbursements and, as such, the Town would need to purchase the item then submit proof of payment to NH the Beautiful. Purchase must be completed by October 10, 2008.

Brief discussion ensued regarding the compactor and Mr. Sullivan and Mr. Poulson's recent visit to the Auburn NH MRF (Material Handling Facility).

*Copy received of letter* to Chief Gerald Lewis from Leo Connors of the Villages of Windham Board of Directors thanking the Chief for his efforts to resolve ongoing issues with the gated emergency access on Mountain Village Road.

*Copy received of email* to Planning Director Al Turner from Fire Chief Tom McPherson, advising the cistern at 4 Ledge Road has been tested and approved by the Department. In addition, the two (2) cisterns on Jackman Ridge have also been tested and approved.

*Bond Release/Jackman Ridge Road Extension:* Mr. Hohenberger moved and Mr. McMahon seconded to release the bond in the amount \$14,400, retaining \$54,600, to Mako Development. Passed unanimously.

**PUBLIC HEARING/BLASTING FEES:** Mr. Turner explained that these proposed fee changes had been posted in response to the new Blasting Ordinance, which requires a more extensive review by staff. He noted, however, that since the posting staff had been able to work more with the new ordinance, and he now had a better idea of staff time required for each permit. Mr. Turner felt that the following was a more realistic fee schedule: \$150/30-day, \$300/60-day, and \$500/90-day, with the 1<sup>st</sup> renewal being 50% of each cost and the 2<sup>nd</sup> returning to the full amount.

Mr. Hohenberger inquired what the rationale was for reducing the fee by 50% for a first renewal. Mr. Turner explained that, at that time, staff has already reviewed all liability requirements, consultant information, etc., so less time is involved. He noted that, per the ordinance, a second renewal is essentially a new application with full review requirements.

Discussion ensued regarding a second renewal, and that the scope of projects covered under 90-day permit offer the most possibility for issues to arise.

Mr. Hohenberger then moved and Mr. Stearns seconded to approve the increased fees as amended: \$150/30-day, \$300/60-day, and \$500/90-day; first renewals \$75/30-day, \$150/60-day, and \$250/90-day; and, second renewals \$150/30-day, \$300/60-day, and \$500/90-day. Passed unanimously.

Mr. Turner then advised that the Blasting Permit Application is not part of the Ordinance, and must be approved separately by the Board. After a brief discussion, Mr. Breton moved and Mr. McMahon seconded to accept the Blasting Permit application as submitted. Passed unanimously.

*Trenching Permit:* The Board sought Mr. Turner's input on a trenching permit received from Limfar Comm. to install telephone/cable under Hawthorne Road and along Link Street for a distance of 251'. Mr. Turner indicated the project involved a standard trench with directional boring and an escrow bond of \$2,500. Mr. Turner clarified that no pavement will be disturbed during the project.

Mr. Breton moved and Mr. McMahon seconded that the Chairman execute the trenching permit as submitted. Passed unanimously.

**INSURANCE RENEWALS:** Mr. Sullivan inquired whether the Board was inclined to continue the Town's health coverage through the NH Local Government Center, to include administering the Town's Cobra and retirement health benefits. Mr. Sullivan then proceeded to read a resolution which was provided to express the Boards intentions to continue with LGC and authorized Mr. Sullivan to execute the necessary membership documents.

In addition, Mr. Sullivan indicated that the Town's property liability insurance, through the NH LGC, is up for continuation. He read a resolution intended to express the Boards intentions to continue for an additional three years through the PLT 2011 program offered by LGC.

Mr. Sullivan indicated his recommendation would be to continue both coverages. After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to continue coverage as presented and to authorize Mr. Sullivan to execute the agreements. Passed unanimously.

**OLD/NEW BUSINESS:** *Naults Agreement:* Ms. Haas reviewed with the Board the proposed agreement with Naults Honda for access to Cobbetts Pond via the Town's boat launch for testing purposes. Ms. Haas indicated that the agreement encompasses all concerns raised by the Board, and that Naults had no issue with the document.

Mr. Breton moved and Mr. Hohenberger seconded to approve the agreement as presented and recommended by the Recreation Coordinator.

Mr. Senibaldi inquired as to whether the Board wished to set a specific reimbursement amount for staff required onsite during testing. A brief discussion ensued.

Mr. Breton amended his motion and Mr. Hohenberger his second to require a minimum of one hour's reimbursement. Further discussion ensued regarding the number of staff and rate of pay.

Mr. Sullivan indicated he would draft a clarification to the agreement language specifying two staff members for one hour minimum at the current rate of pay.

Motion passed unanimously as amended and per Mr. Sullivan's clarification.

Mr. Breton inquired how the service will be billed, and Ms. Haas indicated one invoice will be sent to Naults at the end of the season.

*Bid Award/Fire Vehicles:* Chief McPherson approached noting that six (6) bids had been received for the Fire Department command vehicles as follows:

<b>Vendor</b>	<b>Option A (Lease) – Cost per Vehicle</b>	<b>Option A – Lease Principal for 2</b>	<b>Option B (Purchase) – Cost per Vehicle</b>	<b>Option B – Purchase Price for 2</b>
Deluca's Woodworth Chevrolet, Andover MA	\$31,987.00	\$63,974.00	\$31,987.00	\$63,974.00

MacMulkin Chevrolet, Nashua NH	\$31,611.19	\$63,222.38	\$31,611.19	\$63,222.38
Currier's Hilltop Chevrolet, Somersworth NH	\$31,712.15	\$63,424.30	\$31,462.15	\$62,924.30
Hillsboro Ford, Hillsboro NH (bid for 2009 model year)	\$29,342.00	\$58,684.00	\$29,342.00	\$58,684.00
Ford of Londonderry, Londonderry NH	\$26,592.24	\$53,184.48	\$26,592.24	\$53,184.48
Grappone Ford, Concord NH	\$25,268.00	\$50,536.00	\$25,268.00	\$50,536.00

Chief McPherson advised the Board that he and Mrs. Call are continuing to work out the best lease options for the vehicles, however, in order to lock in the 2008 vehicles/pricing he was requesting that the Board award the purchase of two (2) vehicles to the low bidder, Grappone Ford. The final lease details will be worked out after proposals are received for financing terms, both from Grappone as well as financial institutions.

After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to approve the Chief's request to purchase two (2) vehicles from Grappone Ford as presented. Passed unanimously.

*Salt Shed:* Mr. Sullivan advised the Board that, since their recent approval to complete an engineering study on the Wilson and any other appropriate property, the Salt Shed committee had met and was now requesting the Board reconsider to allow staff to complete an in-house study with Mr. Zohdi, from Herbert Associates, being retained to assist. Mr. Sullivan indicated that the Committee felt completion of the survey in this fashion would result in a much reduced cost to the Town.

Discussion ensued regarding the staff's level of expertise in such matters and whether or not DES/DOT staff and information would be utilized.

Mr. Breton moved and Mr. McMahon seconded to support Mr. Sullivan's recommendation as presented. Mr. McMahon requested that staff utilize available DOT data, as well. Motion passed unanimously.

Mr. McMahon then moved and Mr. Breton seconded to waive the bid process to allow for a single source, Mr. Zohdi, not to exceed \$5,000. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Sullivan indicated that the goal is to complete the survey by year end for the 2009 budget season.

**ANNOUNCEMENTS CONTINUED:** Mr. Sullivan advised the Board that the Greater Salem Chamber of Commerce would be conducting a business expo the following day at Castleton, which he and Tax Assessor Rex Norman would be attending. Mr. Sullivan indicated that the Windham Economic Development Committee would be receiving a grant from Governor Lynch relative to the CURT partnership.

**OLD/NEW BUSINESS CONTINUED:** Mr. McMahon requested that the Board members be provided a full packet of information for review on the secondary access road to the High School for discussion on May 12<sup>th</sup>. In addition, he requested that Mr. Zohdi and Chief McPherson be invited to attend. Mr. Stearns then requested Town Counsel be in attendance, as well.

A brief discussion ensued regarding obtaining clarification from Town Counsel of his previous opinion regarding the access road prior to the meeting. Mr. Sullivan will follow-up.

*Meeting Start Time:* The Board held a lengthy discussion regarding eliminating the current “block” scheduling for agenda items, timing of non-public sessions, and start times for the meeting. Several suggestions were made by the Board members, including: beginning the meetings at 6:30 PM, moving non-public sessions to the beginning in deference to Department Heads, establishing an end time of 11:00 PM, and possibly conducting non-public sessions separately on a different evening.

It was the consensus of the Board to eliminate the block scheduling and, if convenient for the Board members to attend earlier, schedule any future lengthy non-public sessions to begin at 6:00 PM.

Mr. Sullivan indicated that the latter may require posting to amend the Board of Selectmen Rules of Procedure which, he believed, state that non-public sessions will occur at the end of the agenda. Mr. Sullivan will research this matter further.

*Mr. Senibaldi* advised the Board that the Recreation Committee is continuing to work with Mr. Joe Maynard and H & B Homes regarding the construction of baseball/softball fields at the Spruce Pond development, and that the developer had inquired whether or not the value of their work will be waived off any future impact fees. Mr. Sullivan indicated that the Board has already received a legal opinion on this matter. Discussion ensued.

Mr. Senibaldi inquired whether there was any flexibility available for the Board to waive the fees, and Mr. Sullivan indicated that short of the Town paying for the construction or the fields being offered as a donation, there was nothing. Further discussion ensued, however, no decisions were made.

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

The meeting was adjourned at 9:05 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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