

**BOARD OF SELECTMEN**  
**Minutes of May 12, 2008**

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

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas noted that Festa-Ball was scheduled for the following Saturday at Griffin Park, weather permitting, with a rain date of Sunday. Mr. McMahon noted that games will start at 8 AM, the parade will begin at 10:45 AM, and from 11 AM to 6 PM food and entertainment will be available. Donations of canned goods and other non-perishable items for the Shepherd's Pantry are being accepted in lieu of money for tickets.

*Ms. Haas* announced that the Annual Employee Appreciation Day has been scheduled for Thursday, May 29<sup>th</sup> from 11 AM to 1 PM at the Town Hall. To allow employees to attend, the Transfer Station will be closed from 10 AM to 1 PM, and all other offices will be closed from 11AM to 1PM. There will be no interruption to emergency services.

*Ms. Haas* extended thanks to Mr. Chris Rosetti and the Democratic Committee for their recent cleanup of the Town Beach, and to Highway Agent Jack McCartney and his staff for removing the debris.

*Ms. Haas* advised the Board that she had received several requests to utilize grills on Town property, as follows:

- Windham Baseball/Softball League for Festa-Ball: Mr. Hohenberger moved and Mr. McMahon seconded to approve the request. Passed unanimously.
- Private party at Nashua Road parking lot on June 21<sup>st</sup>: After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to approve the request. Passed unanimously.
- NOTB at Griffin Park on July 21<sup>st</sup> for a National Skateboarding Day competition. This event will be geared towards younger skaters, and *Ms. Haas* has spoken to them about trash issues at the Park. NOTB will be conducting raffles throughout the event, and all proceeds will be donated towards maintenance of the Skate Park.

Mr. Breton moved and Mr. McMahon seconded to approve the request. Passed unanimously.

Mr. Breton advised that he had spoken to Continental Paving, who will be providing a reader board for Festa-Ball advising drivers to use caution in the area of Griffin Park. A brief discussion ensued regarding a special, emergency services duty at the Park for this event. Chief McPherson indicated he will arrange for staff to be on-site.

*Police Chief Lewis* requested that Officer Scott Rogers again be allowed to lead the Annual Knight Ride on the Department's motorcycle. Mr. McMahon moved and Mr. Stearns seconded to approve the Chief's request. Passed unanimously.

**MINUTES:** Mr. Hohenberger moved and Mr. Stearns seconded to approve the minutes of April 7<sup>th</sup> and 14<sup>th</sup> as written. Passed unanimously.

**CORRESPONDENCE:** Request received from the Windham High School Booster Club to utilize Town Hall. Mr. Breton moved and Mr. McMahon seconded to approve the request and add the Boosters to the list of organizations authorized to utilize the room free of charge. Passed unanimously.

*Petition received* from residents Breezy Gale Estates to establish a village district. Mr. Sullivan advised that this will require a public hearing and abutter notifications and that, if successful, this district would operate similar to the Cobbetts Pond Village District in that a separate tax bill would be issued annually to them to raise funds for road maintenance. This item will be posted accordingly by staff.

*Notice received* of a Workforce Housing Workshop, scheduled for May 14, 2008 at the Town Hall beginning at 7:00 PM.

*Memo received* from Chief McPherson advising that, beginning May 1<sup>st</sup>, the NHDOT will be instituting a Service Patrol for Route 93 to provide assistance to motorists, clear debris, and assist with emergency incidents. Coverage will extend from the Massachusetts line to Exit 3 in both the north and southbound lanes.

*Resignation received* from Assistant Town Planner Shaun Logue. Mr. Breton moved and Mr. McMahon seconded to accept Mr. Logue's resignation with regret. Passed unanimously.

Mr. Sullivan noted for the record that the Board had posted, in two (2) locations, an emergency non-public session at 5:30 PM on the previous Friday, during which the Board authorized him to negotiate with Mr. Logue in efforts to retain him. Mr. Sullivan advised that Mr. Logue had opted not to accept the Town's offer and recruitment for his replacement will continue.

*Request received* from Ms. Elaine Clarke to locate her permitted hot dog cart at Griffin Park. Ms. Haas explained that Ms. Clarke was the first to undergo the new permitting process, and that her operation has been approved. Ms. Haas further indicated that Ms. Clarke is aware of the restrictions surrounding the concession stand. Mr. Hohenberger suggested that, if there was a set schedule of hours available for the concession stand, it be provided to Ms. Clarke so she is aware of when she cannot be at the Park.

Discussion ensued regarding possible conflicts with WBSL vendors, other locations available to Ms. Clarke, and future vendors who may seek permits. Mr. McMahon suggested that Center School, Golden Brook School, and Rogers Field be offered as alternatives.

After further discussion, it was the general consensus of the Board to have Ms. Haas work with Mr. McMahon to coordinate this matter.

**TAX ABATEMENT:** *25 Indian Rock Road.* After a brief discussion, with input from Mr. Norman and Mr. Mark Leuter, representing the owner, it was determined that this matter should be tabled due to a lack of information/communication between the parties.

Mr. Breton moved and Mr. Hohenberger seconded to table this matter until 7:15 PM on June 2. Mr. McMahon requested that all available information be provided to the Board prior to that date. Mr. Norman and Mr. Leuter concurred. Motion passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that one response had been received relative to 19 Seavey Road, lot 8A-52, which had been put out to sealed bid. Mr. Senibaldi opened the bid, from Todd and Anitra Brodeur of 23 Seavey Road, which was in the amount of \$10,019.

Mr. McMahon moved and Mr. Breton seconded to accept the bid of \$10,019 for the purchase of 19 Seavey Road. Brief discussion ensued as to when the abandoned building on the site would be removed. Mr. Brodeur indicated it would be razed within 30 days. Further brief discussion ensued regarding whether or not the property should be merged with the Brodeur's existing year-round property, after which the motion passed 4-1, with Mr. Stearns opposed.

Mr. Breton then moved and Mr. Stearns seconded to waive any fees related to the permit to demolish the building in the interest of public safety. Passed 4-1, with Mr. Hohenberger opposed.

**SINGLE STREAM RECYCLING:** Mr. Poulson discussed with the Board several items related to the planned transition to single stream recycling, including:

*Operational Hours:* Mr. Poulson suggested several alternatives such as moving to Tuesdays 10A-6P and Wednesday through Saturday 8A-4P, or conversion to a 10 hour day for four days per week. Mr. Poulson did not support, for fiscal reasons, the return to a 50 hour week. Discussion ensued regarding the need for additional hours on Saturday.

*Staffing:* Lengthy discussion took place relative to the current staffing of six at the Station, the need for staffing for non-recyclable trash and possible extended hours on Saturday, and that single stream will free up current staff to check permits and provide other customer service to users. It was the consensus of the Board to try to shift the operational hours to allow for two (2) additional hours on Saturday, and that Mr. Poulson undertake a cost analysis of same as doing so will either require a split shift or overtime. It was noted that the current staffing is adequate to cover a split shift.

Mr. Breton moved that Mr. Poulson proceed to implement a 50 hour work week. Discussion ensued, after which Mr. Breton withdrew his motion.

Mr. Hohenberger then moved and Mr. McMahon seconded that a 40 hour work week be implemented to include ten hours on Saturdays. Mr. Sullivan sought clarification as to whether Mr. Hohenberger's intent was to retain the current six staff members at 42 hours per week, or to eliminate one position and cover the extended Saturday hours with overtime. Mr. Hohenberger noted his intent was to retain the six employees at a 40 hour week. After a brief discussion, the motion passed unanimously.

Further discussion ensued regarding a re-alignment of the current staffing to provide three drivers, one prime and two contingency, which will allow for two vehicles to be on the road transporting the Town's recyclables. It was the consensus of the Board that the six staff members be maintained and utilized as Mr. Poulson thought best.

Mr. McMahon moved and Mr. Stearns seconded that Mr. Poulson maintain and realign the current staff members at the Transfer Station as he deems best. Passed unanimously.

*Commercial Haulers:* Mr. Poulson advised that Casella Waste was proposing a move toward curbside single stream recyclable pickup. Discussion ensued regarding the current commercial hauler contracts and rates, and whether this move would translate to increased costs to users. Mr. Poulson indicated it would not.

Mr. Stearns then moved and Mr. Hohenberger seconded to authorize Mr. Poulson to allow any commercial haulers moving to single stream in Windham to do so, and to relieve them of the requirement to bring those recyclables to Windham. Passed unanimously.

*Implementation Schedule:* Mr. Poulson recommended that the renovation project begin September 1, 2008, and that single stream be implemented by formal contract on January 1, 2009. After a brief discussion relative to cash rebates from the contracted MRF to the Town, Mr. Stearns moved and Mr. Hohenberger seconded to implement the schedule as proposed. Passed unanimously.

Discussion then ensued relative to waiving of the bid process to allow for a single source bid for a compactor and outsourcing via a turnkey bid. No decisions were made, and Mr. Poulson will bid out this phase of the facility renovations.

*Regulatory Compliance:* Mr. Poulson advised that the NH DES had determined that no modification of our operational permit would be required for this transition/renovation.

*Public Outreach:* Methods will include a new brochure, signage, media releases, and a cable spot. Staff will also work to assist residents during this transition.

*The Chair called for a five minute recess.*

**LONDONBRIDGE ROAD:** Mr. Sullivan gave a brief history on the project noting that, after a petition to layout the roadway had been received, the roadway had been moved to the School District Warrant. As that article had been defeated, direction was now being sought on how to proceed. Mr. Sullivan indicated that the original layout petition was still active, and proceeding on it would require a process similar to that of the High School access road.

Mr. McMahon advised that he had requested this item be placed on the agenda, with the goal being to move the project forward to a vote at a Special Town Meeting for financing. He noted that the road must be open or the school cannot open in 2009, and that the primary issues in its completion are land crossings and the cost.

Mr. Hohenberger sought clarification from Mr. Peter Zohdi of Herbert Associates of his original estimates of \$800K for a gravel road or \$1M for a paved roadway.

Mr. Zohdi replied that the original estimate of \$1M was inclusive of pavement, drainage, and conduit for underground utilities. The \$800K included all necessary items except pavement. Mr. Zohdi indicated that \$45,000 is currently available to improve the existing portion of Londonbridge Road, and that the Board needs to decide how they want the area improved.

Mr. McMahon inquired whether a completed plan was available for the second access road, and Mr. Zohdi replied in the negative. When asked how he had arrived at the estimated costs, Mr. Zohdi indicated that the center line had been staked and the pricing based on the contour of the land.

Discussion ensued regarding the need for and timing of a site walk. Attorney Campbell noted that the site walk is part of the public hearing process to lay out the road, and should be posted accordingly. Mr. Sullivan advised that a minimum of 45 days would be needed to post the public hearing, conduct the appropriate title searches, and send out abutter notifications.

A brief discussion ensued regarding the specifics of the roadway, such as class. Attorney Campbell noted that any other discussion would have to wait until testimony is heard at the public hearing to determine if there is an occasion to lay out the roadway. Subsequent to that, the specifics of the design can be discussed. Attorney Campbell then advised the Board that they are not bound to School Board or other regulations, and could design a gravel roadway, or Class VI or other roadway. After a brief discussion, it was the consensus of the Board that Mr. Sullivan and staff meet with the land owners.

School Board Chairman Barbara Coish approached seeking clarification of what would happen with the school opening if the funding article for the roadway was defeated. Fire Chief Tom McPherson approached, replying that the State and NFPA statutes are clear that a second access is required. He stated, for the record, that while those requirements could be waived by him as Chief, he would not waive them. Chief McPherson noted he was willing to work with all parties regarding what the roadway will be, but reiterated there will not be a waiver granted.

After further, brief discussion, the Board requested that Mr. Sullivan post a public hearing for either July 21<sup>st</sup> or 28<sup>th</sup>, and research the possibility of a Special Town meeting.

**OLD/NEW BUSINESS:** Mr. Breton advised the Board that the Griffin Park overflow parking lot would be going before the Zoning Board of Adjustment for a variance, and requested the Board consider waiving any related fees up to \$500. Mr. Sullivan explained that the parcel requires a variance as a parking lot is not an allowed use in that area.

After a brief discussion, Mr. Sullivan clarified that if the Town owned, leased, or rented the land a variance would not be required to construct the parking lot, however, the Town does not. As such the donor, Mr. Mesiti, is going through the variance process.

A lengthy discussion ensued regarding the lack of a completed drainage plan for the project. Attorney Anthony DiFruscia approached representing the Cobbetts Pond Improvement Association and expressed concerns that a drainage plan was being circumvented; citing previous correspondence from Town Counsel.

Discussion ensued regarding the confidential nature of Town Counsel correspondence, and that the ZBA does not require a drainage plan for their hearing. The Board assured Attorney DiFruscia that construction would not begin without an approved drainage plan.

Mr. Zohdi approached advising that the drainage plan is not completed because the Board of Selectmen has yet to select a final design for the area. He requested that the project be put on a future agenda, at which he will bring in the various options for the Board's review. It was the consensus of the Board to wait to review the options until after Mr. Breton goes to the ZBA with Mr. Mesiti.

Mr. Breton then moved and Mr. McMahon seconded to waive the ZBA fees as requested, up to \$500. Passed unanimously.

*Mr. Breton* stepped out of the meeting.

*Spruce Pond:* Mr. Senibaldi reviewed a plan of the proposed athletic fields at the Spruce Pond II development. Mr. Senibaldi has been working with H&B homes and Mr. Joe Maynard of Benchmark Engineering to develop these fields in the open space area of the Spruce Pond II subdivision.

Attorney Campbell advised that there are limited use options available for open space, and that a variance would be needed for active recreational uses such as the proposed fields. It was noted that the fields would be deeded to the Town after completion, and Attorney Campbell noted that if conveyed the parcels would remain subject to the covenants/restrictions associated with the Spruce Pond II subdivision.

Mr. Breton resumed his seat.

Discussion then ensued regarding the field specifications, which Mr. Senibaldi noted were based on those utilized by the School District, the timing of the project, any necessary stabilization of the area, whether the Recreation Coordinator had been consulted, and the need to develop an agreement with H & B Homes.

It was the consensus of the Board to conceptually support the project. Mr. Senibaldi will continue to work with Mr. Maynard and return to the Board for further discussion.

*Ideal Disposal:* Mr. Stearns questioned why Ideal Disposal was now charging for their donation last year of trash barrels/ pickup at Griffin Park. Mr. Senibaldi read into the record a letter from Mr. John Augusta, President of Ideal Disposal, in which he noted their inability to continue entirely donating this service due to increased labor, insurance, and fuel costs. Mr. Augusta advised that Ideal is willing to absorb a portion of the cost, and was proposing a fee of \$500/month for the current level of service, for each month the Park is open.

Discussion ensued regarding the number of barrels at the Park and the current bi-weekly trash pickups by Ideal, the amount of comparable staff time that would be required for same, the number of months the barrels are needed, available funding, and whether or not the service should be put out to bid.

Mr. McMahon moved and Mr. Breton seconded to waive the bid process for trash removal at Griffin Park. Passed 4-1, with Mr. Hohenberger opposed.

Mr. McMahon then moved and Mr. Breton seconded to approve continuing with Ideal Disposal, Inc. at a rate of \$500/month. Passed unanimously.

Mr. Sullivan clarified that, once the Skate Park is officially closed for the season, trash removal by Ideal will cease as well.

*Brief discussion* occurred regarding the Town's lowering of acceptable drinking water arsenic levels to the DES standards, and the possible impacts to residents. Mr. Sullivan will speak with Mr. Turner to clarify this matter.

*Mr. McMahon* advised that he will be seeking a letter from the Town relative to the State's intention to consider retaining surplus properties for ten (10) years as opposed to returning them to the Town's tax rolls.

*Mr. Sullivan* reviewed with the Board the renewal contract for dispatch services with the Town of Derry, noting that the 3-year contract contained a new proviso allowing Derry to charge an additional \$10K for services in the event they opt to add a second, 24-hour dispatcher. Mr. Sullivan indicated that Derry stated they had no plans to do so for the coming year, and noted that the Town retains the right to terminate the contract with 120-day notice, if necessary.

After a brief discussion in which Chief McPherson clarified that the additional \$10K fee would represent Windham's portion of a per capita cost, Mr. Breton moved and Mr. McMahon seconded to approve the Dispatch contract as recommended by the Town Administrator. Passed 4-1, with Mr. Stearns opposed.

*Mr. Sullivan* advised that he and Mr. Breton had reviewed the Griffin Park pump specifications as requested by the Board, and that Mr. Breton believes the Franklin motor proposed by Boyden Landscaping is best suited to the Park needs. He further indicated that all other pump specifications, as bid, were the same and that Boyden's included a five-year warranty.

Discussion ensued regarding the additional cost, prior pump failure/pressure issues, and lightning protection. Mr. Breton moved and Mr. McMahon seconded to award the bid to Boyden Landscaping in the amount of \$5,700.

Motion was withdrawn.

Mr. McMahon moved and Mr. Breton seconded to reconsider the Board's vote to expend \$5,100 for replacement pumps at Griffin Park. Passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Breton then moved and Mr. McMahon seconded to award the bid to Boyden Landscaping in the amount of \$5,700. Passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91A:3 II a and b. 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 discussed with the Board two (2) potential candidates for the vacant patrolman positions.

Mr. Breton moved and Mr. McMahon seconded to hire the recommended candidate subject to the requirements of the Employment Policy, at step two of the current pay grade. In addition, a payout of the annual clothing allowance will be made upon hire. Passed unanimously.

Mr. McMahon moved and Mr. Breton seconded to hire the recommended candidate subject to the requirements of the Employment Policy, at step one of the current pay grade. In addition, a payout of the annual clothing allowance will be made upon hire. Passed unanimously.

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

The Board discussed an appointment to the CTAP Steering Committee. No changes were made, and Mr. Stearns will remain the Board's liaison.

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

The meeting was adjourned at 11: 50 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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