

BOARD OF SELECTMEN
Minutes of June 2, 2008

MEMBERS PRESENT: Vice-Chairman Bruce Breton called the meeting to order at 7:05 PM. Selectmen Galen Stearns, Charles McMahon and Roger Hohenberger were present, as was Town Administrator David Sullivan. Chairman Dennis Senibaldi was delayed and arrived at 8:30 PM. Following the Pledge of Allegiance, Mr. Sullivan noted the cancellation/postponement of the following agenda items: Eagle Scout presentation, tax abatements, and Griffin Park overflow parking drainage plan review.

ANNOUNCEMENTS: Mr. McMahon indicated that alternative energy sources were being explored for the High School, noting that in addition to the windmill proposed by Mr. Hutchins, solar panels were being considered. Mr. McMahon stated that it is too late to implement geo-thermal at the site, however, it should be considered for future facilities. He indicated a proposal should be presented to the School Board in the near future relative to solar panels. Brief discussion ensued regarding electrical/oil costs versus solar costs, and whether any programs were available to retrofit existing facilities.

Mr. Breton deferred to Mr. Sullivan to discuss their recent site walk of Londonbridge Road. Mr. Sullivan indicated that he, Mr. Turner, Fire Chief McPherson, Mr. Zohdi, and Mr. Breton had walked the center line of the proposed Londonbridge Road, and noted that the remainder of the Board needed to walk the area as well. He noted that various issues in the area had been looked at, including stone walls along the route. Mr. Sullivan noted that the required title searches had been completed and abutter notices will be mailed next week notifying them of the July 21st layout hearing.

Mr. McMahon inquired whether the handling of the stone walls would be similar to that along Morrison Road, and Mr. Sullivan replied in the negative, noting that Morrison Road is a designated scenic route.

Police Chief Lewis advised the Board that he and Fire Chief McPherson had recently attended a meeting at the NH DOT and toured the Traffic Management Center. He noted the State had indicated that bids are expected to be awarded for the Exit 3 portion of the I-93 project, including the new northbound lane from the weigh station to Salem, with construction to begin soon after. Once completed, southbound traffic will shift to the new northbound lane until the south side is completed, after which the existing northbound lane will be abandoned.

Mr. Sullivan indicated that the DOT will be attending an upcoming meeting to make a full presentation to the Board updating them on the I-93 and Route 111 By-Pass projects, including landscaping, which will ultimately be the Town's responsibility to maintain. Brief discussion ensued regarding the remaining utility work for the by-pass project.

Chief Lewis announced that Officer Bryan Bliss had successfully completed the motorcycle training course, and the Department now had two (2) officers available for motorcycle patrols. The Chief indicated he would be working to get the department's motorcycle out as much as possible, primarily for the fuel cost savings it offers.

Chief Lewis requested the Board's authorization to apply for a 100% funded Homeland Security Grant for use toward purchasing cruiser cameras. Mr. Stearns moved and Mr. McMahon seconded to allow the Chief to apply for the grant as requested. Passed 4-0.

LIAISON REPORTS: Mr. Stearns advised the Board that the CTAP Committee had recently held elections to the Steering Committee, at which he had been nominated and chosen as a member.

CORRESPONDENCE: Notice of retirement received from Officer Greg Malisos, effective July 1, 2008 after twenty (20) years of service. Mr. McMahon moved and Mr. Hohenberger seconded to accept Officer Malisos' retirement with sincere regret. Passed 4-0. Brief discussion ensued regarding Officer Malisos' transition to Special Officer status.

Trenching Permit/Balmorra Road: Mr. Turner explained that the permit would allow PSNH to install conduit along Balmorra Road in response to service issues in the area, and that the Highway Agent had offered no objection. PSNH is not planning on crossing Balmorra Road, however, should the need arise they will bore under the roadway.

Mr. Hohenberger moved and Mr. Stearns seconded to allow PSNH's contractor to work at Balmorra Road under the oversight of Mr. Turner and the Highway Agent. After a brief discussion regarding inspection of the area by the Highway Agent post-project and bonding/insurance procedures, the motion passed 4-0.

ANNOUNCEMENTS CONTINUED: Recreation Coordinator Cheryl Haas reminded all that the Strawberry Festival is scheduled for the following Saturday. In addition, the Town Beach will officially open with lifeguards on duty on Sunday.

Ms. Haas thanked the following donors to the Child Safety Day: Debbie Mackenzie Realty, Boyden's Landscaping, Senibaldi Contracting, Delahunty's Nurseries, Victoria Noel/Century 21 D'Amico, Brenda Brophy/Century 21 D'Amico, HP Hood, Collins Dentistry for Children, CLIX Portrait Studio, Manchester Monarchs, NH Fisher Cats, Super Suppers, and Goodale's Bike Store. Mr. McMahon moved and Mr. Hohenberger seconded to accept these donations with gratitude. Passed 4-0.

Ms. Haas thanked the following donors to the Employee Appreciation Day: Lilly's Gourmet Pasta, Village Bean, Johnson's Farm, Charley's Kabob and Pizza, Oasis Mini-Mart, and Selectman Breton. Mr. Stearns moved and Mr. McMahon seconded to accept these donations with gratitude. Passed 4-0.

Ms. Haas advised the Board that a request had been received from the Cobbetts Pond Waterskiing Group to host their annual cookout at the Town Beach on June 27th from 6PM to dusk. Mr. Stearns moved and Mr. Hohenberger seconded to approve the request as presented, however, Mr. Hohenberger suggested a policy needed to be developed in light of the number of requests being received. Motion passed 4-0.

STATE SURPLUS PROPERTIES: Mr. McMahon indicated that he and Mr. Breton had attended a sub-committee meeting of the Long Range Capital Utilization Committee, which oversees the disposition of State surplus properties. Mr. McMahon indicated that he had presented a letter from the Board of Selectmen and Planning Board requesting that the State honor their earlier promise to sell these properties, thereby returning them to the Town's tax rolls, as soon as possible. He noted that the Committee had discussed tabling the matter, as the DOT had been in attendance and requested that the sale of all surplus property be held in abeyance. Mr. McMahon noted that a follow-up meeting had been scheduled regarding the driving range and Delahunty properties on June 18th at 1 PM, which Mr. McMahon will attend.

Mr. McMahon expressed continued concerns that surplus land in Windham will continue to be held by the State unless the Selectmen, School Board, Planning Board, and Windham Economic Development Committee work together to urge the State to move forward. Discussion ensued regarding the low values being quoted by the State for the properties, the Town's right of first refusal, property taxes on the properties, the 440 process utilized by the State for surplus property disposal, zoning, and income versus market assessments. School Board Chairman Barbara Coish approached to note that the School Board would be reviewing a letter of support for approval at their next meeting.

OLD/NEW BUSINESS: Deputy Fire Chief Leuci approached to request that the Board waive the bid process for the purchase of eleven (11) portable defibrillators; five (5) of which will be utilized in Town facilities and six (6) for the School District. Deputy Chief Leuci explained that a quote had been obtained from a single source vendor for the Town AEDS, which offered a significant discount when the School equipment was included. Discussion ensued as to whether other distributors were available in the area and if the equipment should be placed out to bid.

Mr. Sullivan advised that \$8,500 had been budgeted to purchase five (5) AEDs for placement at the Library, Griffin Park, Senior Center, Planning Department, and Transfer Station. The proposal included the required cabinets for the equipment, and exceeds the budgeted amount by approximately \$1,300. Mr. Sullivan advised that the Windham Senior's Inc. had offered to pay one-half of this overage and expressed support for the Deputy's recommendation, feeling the \$650 will be available within the budget.

Discussion ensued regarding the model quoted and its annual maintenance costs, which Deputy Leuci indicated was far less than the AED currently in place at the Town Hall as it is a universally compatible model. Mrs. Coish then approached noting that the School District needs to move forward to obtain theirs so that the cabinets can be set in the walls. Mr. McMahon then moved to waive the bid process as requested. There was no second.

Mr. Hohenberger moved and Mr. Stearns seconded to go out to bid for eleven (11) model FXR defibrillators, with specifications as detailed in the quote presented by Deputy Leuci. Discussion ensued that all other possibilities had been researched, with the exception of other distributors.

Motion failed 2-2, with Mr. McMahon and Mr. Breton opposed. Further discussion was delayed as the members reviewed the specifications contained in the proposal.

Mr. Sullivan advised the Board that the Cemetery Trustees had requested an amendment to the ordinance governing dogs on Town property to prohibit dogs within the cemeteries. Mr. Hohenberger moved and Mr. Stearns seconded to post this amendment for public hearing. Passed 4-0.

Mr. Sullivan reviewed with the Board a petition to establish a Village District by members of the so-called “Breezy Gale” area on Cobbetts Pond. Mr. Sullivan advised that the Board of Selectmen is charged with determining the boundaries of the proposed district, and that the residents’ intent is raise funds for road maintenance for Spring Street, Summer Street, Cross Street, and Sawtelle Road. Mr. Sullivan indicated that the district should encompass all the abutting properties to these roads, but the Board could expand the area if they wished. This item will need to go to an old-style Town Meeting, requiring only a posting in two (2) public places within the proposed district and fourteen (14) days notice of the meeting. Mr. Sullivan advised that only impacted, registered voters within the district will be allowed to vote on the matter and, if passed, the district will operate similarly to the Cobbetts Pond Village District.

After a brief discussion with input from Mr. and Mrs. Morrow, petitioners, it was the consensus of the Board to move this item forward to a Town Meeting with the boundaries to encompass the abutters to the roads under consideration.

Mr. Sullivan presented a revised copy of the Right-of-Way Ordinance amendments to the Board for review and future discussion, indicating the document contains all changes made by the prior Board at their previous discussions with Mr. Turner and Town Counsel. It was the consensus of the Board to schedule this matter for a public hearing.

Fire Chief McPherson approached advising that one (1) bid had been received for the Department’s boat motor replacement. Chief McPherson noted this was the second time this item had been bid, and that specifications had been sent out to vendors and posted on the Town’s website and in the newspaper. He then recommended the bid be awarded to the sole bidder in the amount of \$7,300 for a 60hp motor.

Mr. Hohenberger moved and Mr. McMahon seconded to award the bid as recommended by the Chief. Passed unanimously.

Chief McPherson noted the following bid information for the record:

| Vendor | Option A (60 hp) | Option B (90 hp) |
|---|-----------------------------|-----------------------------|
| Rockingham Boat Repair & Sales, Hampstead NH | \$7,300.00 | \$8,500.00 |

Discussion resumed relative to the purchase of portable defibrillators and the availability of other area distributors for this same equipment, which Deputy Leuci will research.

Mr. McMahon moved and Mr. Hohenberger seconded to waive the bid process and award the bid to ERT Associates as presented provided no other suppliers are found to be available. Passed unanimously.

Special Police Officers: Mr. Breton requested the rates approved at the last meeting of the Board be revised, citing the availability of new information related to comparable rates in surrounding communities. Mr. Sullivan reviewed his analysis of the program, and clarified that he was comfortable with the \$18/hour “town” rate established by the Board. He then noted that the \$23/hour “detail” rate as provided in his analysis was representative only of the current top step of the Town’s part-time scale. Mr. Sullivan then recommended the Board reconsider the “detail” rate.

Mr. McMahon moved and Mr. Senibaldi seconded to reconsider the “detail” rate. Passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Breton reviewed comparable rates for the surrounding communities, and Mr. Senibaldi then moved and Mr. McMahon seconded to change the “detail” rate from \$23/hour, as previously approved, to \$28/hour.

Lengthy discussion ensued regarding the differences between the “town” and “detail” rate, the need to maintain the solvency of the revolving account through this rate and an additional adjustment to the full-time staff rate, and recoupment of training costs. Mr. Sullivan noted for the record that, had the additional information provided by Mr. Breton been available to him, the \$23/hour rate likely would not have been included in his analysis.

Motion passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

Discussion then moved to the billable detail rates. Mr. Sullivan noted that, based upon the current billable rate of \$42.50/hour, the Town expended \$13K more than was deposited in the account for the period of January 1 to date. He recommended a public hearing be posted to amend the rates to reflect current hourly rate paid to full-time staff.

After a brief discussion, Mr. Senibaldi moved and Mr. Hohenberger seconded to post a public hearing, date TBD, to amend the detail rates to \$50/hour for an officer alone and \$60/hour for an officer with a cruiser. Passed unanimously.

NON-PUBLIC SESSION: Mr. Senibaldi moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 91A:3 IIa, c and e. Roll call vote – all members “yes”. The topics of discussion were personnel, reputations, and legal, and the Board, Mr. Sullivan, Planning Director Al Turner, and Ms. Devlin were in attendance.

The Board discussed a court decision relative to an enforcement issue. Mr. Hohenberger moved and Mr. Breton seconded that Town Counsel offer a settlement of \$2,500 to the party involved. Passed 4-1, Mr. Stearns opposed.

The Board discussed a legal matter relative to an appeal of a ZBA decision. Mr. McMahon moved and Mr. Breton seconded that Mr. Sullivan follow-up with Town Counsel to research and draft an amicus brief on behalf of the ZBA if the ZBA chose to move forward. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

The Board discussed a legal matter relative to enforcement. No action was taken.

The Board discussed the vacant Assistant Planner position and a request made by Mr. Logue to the Board to return to duty. Mr. McMahon moved and Mr. Hohenberger seconded that the former Planner be advised that he could submit his resume as part of the recruitment process for consideration. Passed 3-2, with Mr. Breton and Mr. Senibaldi opposed.

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

The meeting was adjourned at 10:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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