

BOARD OF SELECTMEN
Minutes of June 30, 2008

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

ANNOUNCEMENTS: Mr. Stearns advised that he had attended a CTAP Steering Committee meeting the previous week, and that a series of meetings with local Planning and other Boards to discuss the future of the CTAP program, benefits, and funds will be scheduled.

Mr. Senibaldi announced the success of the Annual Knight Ride, and extended congratulations to the Police Department.

School Board Chairman Barbara Coish approached to announce that School District Moderator Elizabeth Dunn has established the Withdrawal Committee per Article 14 of the School District Warrant, and that the following had been appointed: Mary Anderson, John Bassett, Edward Gallagher, Chief Lewis, and Ross McLeod.

MINUTES: Tabled.

LIAISON REPORTS: None.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Stearns seconded to enter into a non-public session in accordance with RSA 91-A:3-IIa. The topic of discussion was hiring, and the Board, Mr. Sullivan, Maintenance Supervisor Allan Barlow, and Ms. Devlin were in attendance.

After a discussion regarding potential candidates, Mr. McMahon moved and Mr. Hohenberger seconded to extend a conditional offer of employment at Step 2 of the current pay grade to the recommended candidate subject to the requirements of the Employment Policy. Passed unanimously.

Mr. Senibaldi resumed the public portion of the meeting by announcing the decision of the Board.

OLD/NEW BUSINESS: The Board interviewed resident Dan Griffiths for possible committee appointment. Mr. Griffiths indicated that he is interested in volunteering for any position that may be available, including the Cable Advisory Board and/or Conservation Commission.

PUBLIC HEARING/DONATION: Mr. Senibaldi read the public hearing notice into the record. Chief McPherson approached to explain that the family of the late Helen Tucker had graciously offered a monetary donation to the Fire Association, which had been used to purchase of four Garmin GPS units in Mrs. Tucker's memory.

Mr. Stearns moved and Mr. Breton seconded to accept with great pleasure and thanks the donation of four (4) Garmin GPS units. Passed unanimously.

PUBLIC HEARING/CASTLE HILL BRIDGE: Mr. Sullivan read the public hearing notice into the record, and then deferred to Michael Croteau of SEA Consultants as the project engineer.

Mr. Croteau gave a brief history of the Castle Hill bridge project, to date, noting that:

- The bridge is functionally obsolete and structurally deficient.
- Two (2) alternative plans had been considered, and the proposed pre-cast rigid deck beam will reduce environmental impacts.
- Preliminary plans for the replacement were approved in February of 2008, and the road plans are ongoing.
- Due to the age of the bridge, an historical inventory report was required as part of the plan. The report indicated there was historical value to the bridge, which led to a meeting with the NH Department of Cultural Resources in March of 2008. At that meeting, written support for the replacement from the Town of Windham and Pelham was presented, as well as proposed alternative uses for the historic timbers, which was supported by the NHDCR.

Mr. Croteau then indicated that the purpose of this public hearing is to garner public input as to whether the replacement plan and timber re-use is acceptable and, if so, SEA will proceed with the MOA and documentation report.

Mr. Stearns sought clarification that only the six stringer beams were historic and would be re-used, to which Mr. Croteau replied in the affirmative. Mr. Croteau then stated that the original rubble masonry walls were also noted as being historic and it was proposed to attempt to leave some in place.

Mr. Hohenberger inquired whether the end station referenced in the plan provided enough distance of repair to encompass the remaining, damaged pavement. Mr. Croteau replied that the State, which is providing 80% funding for the project, views it primarily as a bridge repair and not a roadway replacement. However, he noted that the repaired area will match with the existing pavement to the limit shown on the plan, and will encompass the area damaged by the floods. Brief discussion ensued.

Mr. Hohenberger inquired what the rating would be on the new bridge, and Mr. Croteau replied it would be HS25 rated, which is sufficient for emergency vehicles.

Mr. McMahon sought clarification that, once the timbers have been collected, the bridge would no longer be historic. Mr. Croteau stated he believed that to be correct, and that nothing would remain in the area of historic value. Brief discussion ensued regarding the possible crushing/re-use of the granite.

Discussion then ensued regarding the lack funding support from Pelham for the project, the project cost impacts to Windham, and the sharing of the timbers with Pelham. Mr. Croteau explained that the sharing of the historic timbers with Pelham was only being discussed and had yet to be decided. Mr. Sullivan added that Windham's 20% share is predominantly being covered by funds provided by an area development.

Mr. Alan George approached expressing concerns regarding the height of the road and flooding in the area which is a common occurrence. Mr. Croteau indicated that, as proposed, the roadway will be 10" higher than previously, which is not significant enough to eliminate water in the area during a substantial rain event.

Discussion ensued regarding the wider/higher bridge span proposed and the placement of more substantial rip rap, and that the flow will remain essentially the same upon completion of the project.

Mr. George inquired when the project would begin, and Mr. Croteau replied that once the permit had been approved and the MOA and Historic issues resolved, the project will then be sent out to bid. Mr. Sullivan added that it was hoped the bid could be awarded this year and preliminary work started for completion in the Spring of 2009.

Ms. Carol Pynn, Chairman of the Historic District/Heritage Commission, approached to reiterate that the HDC had discussed and agreed to the bridge replacement. She also noted the HDC had proposed utilizing the timbers to re-build the platform at the Windham Depot and/or construct stairs into the Stickney Cellar behind the caboose. She then inquired of Mr. Croteau if an archeological study had been completed.

Mr. Croteau indicated that one had been requested and it was mitigated by an agreement to stake off a flat portion of property, which would have served as an ideal camping area, adjacent to the project so that it would remain undisturbed. Further, brief discussion then ensued relative to the historic granite slabs.

Discussion of Mr. George's concerns regarding area flooding resumed. Mr. Croteau explained the scour potential in the area and noted that the velocity had been graphed by SEA staff and would remain unchanged. It was asked whether the sloping of the proposed rip rap into the stream was adequate to withstand a 50-year flood event similar to that which had destroyed the road. Mr. Croteau indicated the plan proposed a full box reconstruction with good material to subgrade, crushed stone, 3" of pavement and gravel shoulders.

After further, brief discussion, Mr. Hohenberger moved and Mr. Stearns seconded to close the Public Hearing. Passed unanimously.

Mr. Hohenberger then moved and Mr. Stearns seconded that SEA proceed as presented. Passed unanimously.

ABATEMENTS: Tax Assessor Rex Norman updated the Board on the status of abatements received for tax year 2007, noting that abatements were filed for 77 parcels and, of them, 4 have been approved, 40 from Windham Meadows II are pending appraisal, and 24 are pending receipt of additional information or settlement agreements. He further noted that any abatement not acted upon by July 1st is deemed denied. Mr. Norman then presented the remaining nine abatements to the Board for consideration as follows:

59 Lowell Road/Cyr Revocable Trust: Recommended for approval based upon listing errors found during full inspection of the property. Mr. Hohenberger moved and Mr. McMahon seconded to approve the abatement in the amount of \$35.42. Passed unanimously.

52 Blossom Road/Boucher: Recommended for approval based upon listing errors found during full inspection of the property. Mr. McMahon moved and Mr. Hohenberger seconded to approve the abatement in the amount of \$569.94. Passed unanimously.

Dow Road/Panich: Recommended for approval based upon voluntary merger of this undersized lot into primary property at 13J-80A. Mr. McMahon moved and Mr. Breton seconded to approve the abatement in the amount of \$1,130.22. Passed unanimously.

The following were recommended for denial by Mr. Norman based upon evidence in support of the current assessment and/or lack of information presented by the applicant that would support an abatement: Johnny Hill Road/Derick, 11 County Road/Pelletier, Wall Street/Corbett Realty Trust, Wall Street/Fin-Lin Trust, Indian Rock Road/Fin-Lin Trust, 43 Indian Rock Road/Route 111 Windham LLC, and 7 Farmer Road/Randall. Mr. Norman advised the Board that these individuals may still appeal to the Board of Tax and Land Appeals or the Superior Court if denied.

Mr. McMahon then moved and Mr. Breton seconded to accept the Assessor's recommendation and deny the abatement requests on the seven parcels as stated. Passed unanimously.

Mr. Norman updated the Board on the following BTLA cases pending from Tax Year 2006: Commons at Windham/holding for appraisal, Garabedian Family Trust/pending scheduling, Peck Realty Trust/pending scheduling, DJR Realty LLC/pending scheduling, Heller/pending scheduling, and Filler/pending scheduling.

PUBLIC HEARING/CHAPEL ROAD CONTINUED: Mr. Sullivan explained that the proposed naming of the access to the Searles facility "Chapel Road" impacts one residential property owned by the Coakley family, and that this public hearing had been continued to allow their input to be garnered. Mr. Sullivan advised that the Coakleys had requested their address remain 29 Range Road, and that the Fire and Police chiefs had expressed concerns regarding their request as it pertained to mutual aid response. Mr. Sullivan suggested that, if the Board granted the Coakleys request, a letter of acknowledgement of potential issues be executed by the the Coakleys. Discussion then ensued regarding the best placement for the Coakleys mailbox and the street sign for Chapel Road.

Mr. Breton moved and Mr. Hohenberger seconded to approve the name "Chapel Road", and to permit the Coakleys to retain their address of 29 Range Road subject to execution of a letter of understanding. Passed unanimously.

CIP DISCUSSION: Mr. Sullivan reminded the Board that all CIP requests needed to be submitted by August 8th, and inquired whether the Board wished to add any proposals. He noted that, of previous items submitted by the Board, only the ampitheater at Fellows Road remained. Discussion then ensued as to whether or not the Board wished to review individual Department submissions prior to the deadline.

Mr. Hohenberger and Mr. Stearns did not feel it was necessary that the Board review departmental requests, however, Mr. Breton and Mr. McMahon disagreed and, in addition, Mr. Breton felt the cost limit for submissions should be raised from \$50K to \$100K. Mr. Senibaldi did not feel the Board needed to review department requests, however, he expressed

concerns that by not doing so the Board would lose its authority to remove items at a future date. He supported Mr. Breton's suggestion to raise the limit.

Discussion ensued regarding the cost limit, and Mr. Breton suggested a request be made to the Planning Board to raise the limit to \$100K and that letters be forwarded to Department Heads advising them to include anything under \$100K in their operating budget for review.

After further brief discussion, Mr. McMahon moved and Mr. Breton seconded to forward a letter as suggested to the Planning Board asking that they increase the rate, that letters be forwarded to all Departments advising them to adhere to a \$100K minimum limit, and that advisory letters be sent to those board/committees not under the Board's purview urging them to do the same. Passed 4-1, with Mr. Hohenberger opposed.

Discussion then moved to submissions from the Board, and the following potential items were discussed: replacement of the Town van; improvements to the pond at Griffin Park to allow for ice skating and construction of a winterized shed; a second egress from Fellow's Road via a horseshoe drive; and the previously proposed amphitheater. In addition, a new Town Hall was discussed at length as it pertained to energy costs, CIP parameters, bonding, and the original plan for Fellows Road.

Mr. McMahon then advised the Board that he is currently bidding out the costs to construct an amphitheater at Griffin Park, which he hopes to have completed this year through fundraising efforts.

After further brief discussion, Mr. Sullivan advised he will do a draft CIP submittal for the Board's review, and schedule Mr. McMahon on an upcoming agenda to review the proposed amphitheater plan for Griffin Park.

BREEZY GALE: Mr. Sullivan explained that the previous petition to establish a Village District had been invalidated based upon one incorrect signature. The petition had since been revised, and all signatories validated as legal voters within the district. Mr. Sullivan indicated that the Board now needed to establish the boundaries of the district, and reviewed an enlarge map of the area detailing all properties abutting the roadways in question, representing 65 parcels and 21 residences housing legal voters. Discussion ensued regarding the process to establish a district, taxing authority, tax liens and the requirement of those within the District to pay, and the purpose of the District which is to maintain the roadways in question.

Mr. McMahon inquired whether the funds could be used to rebuild Sawtelle Road, to which Mr. Sullivan replied in the affirmative. Discussion then ensued regarding the potential disproportionateness of the tax impacts based upon the largeness of the Ironfield and Johnson properties on Sawtelle Road.

Mr. James Morrow, Treasurer of the Breezy Gale Association, approached indicating the petition had been submitted primarily to maintain the roadways, and that the Association did not feel that Mr. Johnson's property should be included as he does not utilize Sawtelle Road. He further indicated that Mr. Ironfield did utilize Sawtelle Road to access his home.

Discussion ensued regarding the annual monies collected by the Association now for winter and summer maintenance needs.

Mr. Ironfield approached indicating he has, in the past, been asked for funds to complete paving further down Sawtelle, which does not affect him as his drive is only 630' in. He then inquired what limits there were to prevent the District from adding to purpose of the District. Mr. Sullivan replied that RSA 52:6 does allow additional powers to be added by the District at a future date. Mr. Ironfield indicated he did not have an issue with paying a proportionate share, but that he has not been in the past.

Mr. Senibaldi sought clarification of the Board's purview. Mr. Sullivan replied that the purview of the Board is to establish the boundaries only, which they are required to do based upon the petition, and nothing else.

Further discussion ensued regarding the potential for subdivision of the Johnson and Ironfield properties and the area of the properties versus their actual assessments. Mr. Sullivan clarified that the Johnson property is currently in Current Use, as is a portion of the Ironfield parcel.

Mr. Scott Johnson approached indicating that Sawtelle Road is considered a private drive, and that he utilizes his own access off of Range Road. Mr. Stearns noted that if Mr. Johnson built on the property in the future he would need to use Sawtelle Road. Mr. McMahon inquired whether or not the boundaries could be amended in the future. Mr. Sullivan replied in the affirmative, noting that RSA 52:5 allows the District to petition the Board of Selectmen to amend them.

After further discussion, Mr. Hohenberger moved and Mr. Stearns seconded to remove parcels 17L-140 (Tatone), 17I-500 (Bella Vista), and 17I-400 (Johnson) for the purposes of establishing the District boundaries.

Discussion then ensued regarding the other vacant properties shown within the proposed boundaries. Mr. Hohenberger clarified his motion by stating that the properties he was removing would never need access via Sawtelle Road. Mr. Ironfield approached then, noting that he technically didn't need access via Sawtelle Road either, as he could move his driveway to Sawyer Road. Mr. Hohenberger replied that, if Mr. Ironfield would stipulate to utilizing Sawyer Road for his access, he would amend his motion to include his parcel, as well. Mr. Ironfield declined.

After further, brief discussion, the motion passed unanimously. Mr. Sullivan will move forward to post for the required Town Meeting.

OLD/NEW BUSINESS: Mrs. Call advised the Board that the cages and other equipment swap needs between the old and new emergency vehicles were budgeted into the lease agreement, however, because there are so many vehicles involved the cost would need to be waived to allow for a sole source vendor. Costs for the equipment moves are \$17,500 for the six cruisers, and \$10,532.60 for the two Fire Command vehicles. Mr. McMahon moved and Mr. Breton seconded to waive the bid process for equipment swap-overs in the amounts as stated. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

Mrs. Call advised the Board that an opportunity has arisen for the Town to enter into a consortium of communities to bid for heating fuel. Mrs. Call noted that the majority of the School District utilized oil, while the Town is primarily propane. She further advised that the Town could proceed with Competitive Energy Services for a fee of \$300 to facilitate its fuel bidding, however, it may not make sense as Palmer Gas owns all of the Town's tanks and it may not be feasible to swap vendors.

Discussion ensued regarding talking to the current vendors regarding pricing, but to also expend the \$300 simultaneously to explore other options. It was the consensus of the Board to join with the consortium but not commit to any purchases, and that staff work to establish the Town's options at the same time.

Mr. Sullivan inquired whether the Board wished to schedule the proposed compressor project in Pelham as a future agenda item in light of concerns raised by Windham residents. The Board replied in the affirmative, and time will be scheduled on the first available agenda.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McMahon 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 hiring, reputations and legal.

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

Mrs. Call and the Chief updated the Board on a matter related to the Town's audit. A procedural deficiency was noted, which has been corrected.

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

The Board discussed a request for appointment as a part-time Special Officer. It was the consensus of the Board to take no action, as the program's effective date commenced after the individual in question had retirement.

The Board, Mr. Sullivan, Highway Jack McCartney, and Ms. Devlin were in attendance in the third session.

Mr. McCartney made a recommendation to the Board for the full-time Highway Laborer position. Mr. McMahon moved and Mr. Hohenberger seconded to extend a conditional offer of employment to the recommended candidate subject to the requirements of the Employee Policy, and that Mr. Sullivan be authorized to negotiate a starting salary not to exceed Step 2 of the current pay scale. Passed unanimously.

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

The Board discussed the vacant Assistant Planner position. No decisions were made.

The Board, Mr. Sullivan, Planning Director Al Turner, and Ms. Devlin were in attendance in the fifth session.

The Board discussed the vacant Assistant Planner position with Mr. Turner. It was the consensus of the Board that the position not be filled until after the departmental re-organization is completed.

Mr. Turner then discussed a request from a resident to serve as an intern to assist in water sampling. After a brief discussion, Mr. Breton moved and Mr. McMahon seconded to authorize the hiring of a summer intern as recommended at a rate of \$10/hour not to exceed 20 hours per week. Passed unanimously.

Mr. Turner discussed a potential legal matter with the Board. No decisions were made.

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

Mr. Hohenberger moved and Mr. McMahon seconded to appoint Dan Griffiths an alternate member of the Cable Advisory Committee. Passed unanimously.

Mr. Sullivan discussed a union matter relative to implementation of new stipends for waiver of health benefits with the Board. Mr. Hohenberger moved and Mr. McMahon seconded to execute a sidebar with the Police and Municipal unions relative to the same health stipends recently implemented for non-union employees to include a sunset date of March 31, 2010. Passed unanimously.

Mr. Sullivan updated the Board on a recent PELRB hearing relative to Earned-time compensation and potential unfair labor practice charge filed against the Town. He noted that the PELRB had found that no such unfair practices had occurred.

Mr. Sullivan updated the Board on a personnel matter. No decisions were made.

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

The meeting was adjourned at 12:00 AM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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