

**BOARD OF SELECTMEN**  
**Minutes of August 25, 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.

**LIAISON REPORTS:** None.

**ANNOUNCEMENTS:** Fire Chief McPherson approached to remind all that the Department would be conducting their annual 9/11 Memorial Ceremony on Thursday beginning at 8:30 AM.

*Chief McPherson* announced that the Annual MDA Boot Drive was coming up the following weekend, and that firefighters will be out around Town raising funds. The Chief noted that all funds raised are kept in NH to assist MDA patients, and that staff was trying to attain a personal goal of raising \$10K.

*Chief McPherson* advised the Board that the blue “evacuation” signs that have been placed along the highway are part the State’s emergency plan in place during the ongoing construction. The signs are to aid the public in seeking alternative routes.

*Mr. Senibaldi* announced that Movie Night at Griffin Park had been very successful and well-attended.

*Mr. Senibaldi* announced that on September 13<sup>th</sup> and 14<sup>th</sup> the Windham Tennis Open would be taking place at Griffin Park. He urged anyone interested in participating to contact Recreation Coordinator Cheryl Haas for more information.

*Mr. Senibaldi* advised that the Board of Selectmen had taped a presentation the previous Friday relative to the Londonbridge Road layout, which will begin airing this week. He urged any residents who have further questions to please contact the Board.

Mrs. Barbara Coish, Chairman of the School Board, approached to inquire when the road plans were expected to be finished. Mr. Senibaldi replied that the planned finish time was by month’s end.

*Mr. Sullivan* advised the Board that the meeting with the State planned for August 27<sup>th</sup> was being postponed until the second or third week of September. He further noted that Mr. Stammus of the NHDOT had indicated he could accommodate meeting in Windham, but it would need to be an afternoon workshop session.

**OLD/NEW BUSINESS:** Historic Committee Chairman Marion Dinsmore approached advising that the Committee had been awarded a \$10K grant from the Cogswell Benevolent Trust, which would be used towards the purchase of a leaded glass window in honor of Maria Webber. Mrs. Dinsmore advised that two prices had been sought relative to the window as part of the grant application, and only one vendor was able to proceed with the project.

Mr. Sullivan advised that the Committee would like permission to single source the bid based upon the vendor's expertise and availability. Discussion ensued regarding bidding the project, and whether the grant required any other obligations of the Town. Mrs. Dinsmore replied in the negative.

Mr. Stearns then inquired whether this vendor was the same that had completed the other windows in the facility, to which Mrs. Dinsmore replied in the affirmative.

Mr. Stearns then moved and Mr. McMahon seconded to waive the bid process to allow for a single source vendor to complete the Searles window. Passed unanimously.

**EAGLE SCOUT PROJECT:** Mr. Mark Samsel approached on behalf of the Windham Rail Trail Alliance to introduce Jarod Garfield of Troop 266. Mr. Garfield explained that, as his Eagle Scout project, he was proposing to construct a 16' bridge to provide access to the rest area at the 3 mile mark on the trail.

Discussion ensued regarding clearing of the rest area and the potential for another Eagle Scout Project in that same area. Mr. Hohenberger inquired whether trash or vandalism might become an issue in the area. Mr. Samsel replied that they had been very lucky thus far, and would have to wait and see.

Mr. McMahon suggested that Mr. Garfield utilize Timber-Tech synthetic wood for the decking. Mr. Garfield replied he was proposing pressure treated wood for conformity, and noted that Timber-Tech is not a practical alternative given the sizes he needed. Mr. Samsel indicated that the cost difference was a factor, as well. Mr. McMahon replied that the project as proposed looked great, and he would hate to see it fail in the future due to lack of maintenance. A brief discussion ensued.

Mr. Stearns inquired how the materials would be brought to the site, to which Mr. Garfield replied he had access to a trailer to bring the lumber in. Mr. Samsel clarified that the WRTA would be present to supervise Mr. Garfield's activities.

Mr. Breton then moved and Mr. Stearns seconded to approve the Eagle Scout Project as proposed, with Mr. Samsel to serve as the contact person for the Town. Passed unanimously.

**TAX ASSESSOR:** Mr. Norman advised the Board that the Town has been presented the opportunity to join with 18 other communities to have a new flyover completed at a reduced cost to obtain new orthophotography and pictometry data for the current GIS system. Mr. Norman indicated that the data set currently in use is from 2005, and many areas of Town have changed significantly, such as the by-pass. Mr. Norman noted that the advantages of having the new data are many, and that the estimated cost to the Town if all 18 communities participate would be \$12K versus \$25-30K.

Discussion ensued as to how often a flyover should be done, that the flyover will be completed even if the Town doesn't participate, and the software included with the data as it differs from Google Earth.

Mr. Norman then updated the Board on data collection status for new construction to date, noting that he has identified and listed 56 new homes and 385 miscellaneous building permits. In addition, he has personally inspected 1,081 properties since April of 2007.

Mr. Norman further noted that he has identified and listed 27 new parcels, and reviewed 14 subdivision plans pending approval and recording.

Mr. Norman advised the Board that sales reviewed between April 1 2007 and March 31 2008 indicated that the Town is currently at a median of 105%. Mr. Norman noted that the Department of Revenue Administration will utilize sales data from between October 1 2007 and September 30 2008 to determine the Town's 2008 ratio, and that he is currently reviewing sales/ratios by property type to see if an overall update is necessary. A brief discussion ensued.

Mr. Norman then requested that the Board approve an extension for submission of the Town's MS-1 until September 19<sup>th</sup>. After a brief discussion regarding whether or not this would delay the final tax bill mailing, to which Mr. Norman replied in the negative, Mr. McMahon moved and Mr. Hohenberger seconded to authorize an extension on the MS-1 submission to September 19<sup>th</sup>. Passed unanimously.

A brief discussion ensued regarding the impacts on the tax rate of overall valuations and the quartering program wherein each area of Town is re-assessed at least every four years.

Mr. Norman then presented an abatement request for 82 Searles Road to the Board for consideration. Mr. Norman indicated the abatement in the amount of \$1,703.38 was substantiated by his inspection/adjustment and an independent appraisal presented by the owners. Mr. McMahon moved and Mr. Hohenberger seconded to approve the abatement in the amount of \$1,703.38 as recommended for 82 Searles Road. Passed unanimously.

**HIGHWAY AGENT:** Jack McCartney advised the Board that three bids had been received for crack sealing as follows:

<b>Vendor</b>	<b>\$ per pallet</b>
<i>H.W. Dow Asphalt Surfacing, Concord NH</i>	\$3,350.00
<i>Sealcoating, Inc. Hingham MA</i>	\$3,645.00
<i>Petra Paving, Hampstead NH</i>	\$5,250.00

Mr. McCartney advised that an estimated seven pallets had been budgeted for, and recommended that the bid be awarded to HW Dow. Mr. McMahon moved and Mr. Stearns seconded to award the bid to HW Dow for their bid amount of \$3,350 per pallet. Passed unanimously.

Mr. McCartney advised that four bids had been received for winter sand as follows:

<b>Vendor</b>	<b>Per Ton Picked Up</b>	<b>Per Ton Delivered</b>
<i>Plourde Sand &amp; Gravel Co., Suncook, NH</i>	\$6.13	\$13.34
<i>Brox Industries, Inc., Dracut, MA</i>	7.25	10.00
<i>FL Merrill Construction, Pembroke, NH</i>	3.50	9.90
<i>Thibeault Corporation, Londonderry, NH</i>	5.00	8.89

Mr. McCartney recommended the bid be awarded to Thibault, but indicated he would need to verify the product by obtaining a sample.

Mr. Hohenberger moved and Mr. McMahon seconded to award the bid for winter sand to Thibault Corporation pending approval of a sample. Passed unanimously.

*Mr. McCartney* indicated that two bids had been received for winter salt, as follows:

<b>Vendor</b>	<b>Per Ton Delivered</b>
<i>Eastern Salt Company, Inc., N. Chelmsford, MA</i>	<i>\$76.03</i>
<i>*International Salt Company, Inc., Clarks Summit, PA</i>	<i>72.46</i>
<i>Granite State Minerals, Portsmouth, NH</i>	<i>No Bid</i>

\*Minimum of 30 tons

Mr. McCartney recommended the bid be awarded to International Salt. Discussion ensued regarding taking advantage of the State pricing. Mr. McCartney advised that the State had declined this season to allow towns to participate in their bidding/pricing process.

Mr. McMahon then moved and Mr. Hohenberger seconded to award the bid to International Salt for their price of \$76.03/ton delivered. Passed unanimously.

*Mr. McCartney* then advised the Board that all road projects currently underway are on budget and on schedule.

**CHIEF MCPHERSON:** Chief McPherson noted that, in 2004, all of the I-93 corridor communities had formed a sub-committee comprised of local chiefs and safety personnel relative to safety issues during the I-93 project. In 2006, the members were charged with establishing community needs and he had looked specifically at secondary access road and additional equipment needs for Windham, and had sought funding for both. Chief McPherson indicated that, in addition, he had sought funding to offset personnel and equipment needs and to implement dry stand pipes. He then explained that a dry stand pipe is a steel pipe that extends from the bottom of bridge up to the highway, which allows water to be pumped from the underpass up to an emergency incident on the roadway.

Chief McPherson advised that the committee is currently at a stalemate with the State regarding funding, and that a meeting has been scheduled for the following Thursday in the Town of Londonderry at which the stand pipes and secondary accesses will be discussed further. Chief McPherson indicated that the State has no issue with the items being installed, but they will not maintain them; the Town would need to agree to assume that cost.

Discussion ensued regarding the need for these items and potential maintenance cost/requirements. Mr. Stearns agreed the items were necessary, but did not feel the Town should have to assume the cost. He suggested contacting our Senators regarding possible Federal/FEMA funding.

Mr. Breton felt secondary accesses would enhance response time and were short to plow. He further noted that it could be several years before a maintenance issue arose with the stand pipes.

Mr. McMahon noted that the bridge repairs along the corridor are a six year project, and suggested the communities work to draft a bill requiring the State to maintain these items. Brief discussion ensued.

Mr. Hohenberger did not support these items unless maintained by the State. He then suggested the towns look into charging the State for increased calls due to the project.

Discussion resumed regarding drafting of a bill co-sponsored by the corridor communities and submission of a letter to our Congressman from the Board. It was the consensus of the members that Chief McPherson return to the Board with an update subsequent to the meeting on Thursday.

*Mr. Sullivan* advised the Board that, based upon the quality based selection process, the Depot Advisory Committee had selected Dubois and King as engineers for the Depot restoration project. He further noted that fee negotiations are in process, and he will have more information available at the next meeting.

**CORRESPONDENCE:** Bond release/Copps Hill Road: Mr. Breton moved and Mr. Hohenberger seconded to release the bond in the amount of \$18,720 to Cobbs Hill Road LLC for station 00+00 to 12+00+/- . Passed unanimously.

*Bond Release/Overton Road:* Mr. Stearns moved and Mr. McMahon seconded to release the bond in the amount of \$19,378, retaining \$62,328, to Castle Reach Development LLC. Passed unanimously.

*Bond Release/Edinburgh Road:* Mr. Breton moved and Mr. McMahon seconded to release the bond in the amount of \$1,896, retaining \$23,406, to Castle Reach Development LLC. Passed unanimously.

*Bond Release/Jackman Ridge Road:* Mr. Stearns moved and Mr. Breton seconded to release the bond in the amount of \$24,100, retaining \$54,600, to Mako Development LLC. Passed unanimously.

**OLD/NEW BUSINESS CONTINUED:** Mrs. Julia Wissell, 55 Haverhill Road approached, indicating that several questions had been raised on Mr. Case's message board that she was seeking to clarify. Mr. Breton noted for the record that Mr. Case's website is not an official Town website, and that posts are often edited/deleted.

Mrs. Wissell inquired whether kindergarten would be going in the Windham High School. Mr. Senibaldi referred Mrs. Wissell to the School District.

Mrs. Wissell inquired whether the Planning and Development answered to the Town Administrator, to which Mr. Senibaldi replied in the affirmative. Mrs. Wissell then inquired why a consultant was being paid \$8,000 to do a study of the department. Mr. Senibaldi explained that the Department was being assessed for things such as efficiency, and that it was the Board's plan to conduct the same study on other departments in the future.

Mrs. Wissell then noted that the land owners offering to donate property toward the extension of Londonbridge Road will be able to write off the donation, and inquired why they could not be asked to contribute toward making it a Town road. Mr. Senibaldi replied that there are no legal mechanisms in place for the Board to require them to contribute.

Mrs. Wissell then noted that the cost estimates for the Londonbridge Road project indicate the Town would be paying for loam/gravel. She inquired what the Town had received for excavation tax from the Ledge Road project, and whether or not the costs regarding same had been increased as previously discussed. Mr. Senibaldi replied the Board would need to look into the latter. Mrs. Wissell then pointed out that the Town should have negotiated with Harvey Construction for the gravel from the High School site, and Mr. Senibaldi replied that the Town had had no involvement in that portion of the road beyond laying it out.

Mrs. Wissell then stated that the Town should have re-assessed those homes impacted by the Ledge Road project, and a discussion ensued regarding the abatement process. Mr. Norman clarified that an abatement can only be filed for after the December billing, and that there is no statutory recourse for the 2006/07 tax year. Mr. Norman noted that the impacts need to be quantified.

Mr. Senibaldi then suggested that if Mrs. Wissell had additional questions, she could contact the Administrative Office to be scheduled on an upcoming agenda.

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

The Board, Mr. Sullivan, Mr. Norman, and Ms. Devlin were in attendance in the first session. Mr. Norman updated the Board on a legal matter relative to an abatement request, and discussed his recommended course of action. It was the consensus of the Board that Mr. Norman proceed as recommended.

*The Board*, Mr. Sullivan, Transfer Station Manager Dave Poulson, Transfer Station laborer Christopher Lorentzen, Union Representative Laura Cryts, Union Representative Joe Macaroon, and Ms. Devlin were in attendance in the second session. Those present discussed a personnel matter.

Mr. Breton then moved and Mr. Hohenberger seconded to continue this matter to Wednesday August 27<sup>th</sup> at 5:30 PM. Passed unanimously.

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

Mr. Sullivan presented agreements to the Board relative to land acquisition for execution. The Chair signed these documents accordingly.

*Mr. Sullivan* updated the Board on a potential legal matter. No decisions were made.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously. The meeting was adjourned at 12:10 AM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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