

BOARD OF SELECTMEN
Minutes of September 22, 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.

OLD/NEW BUSINESS: The Board members interviewed Ms. Kathleen Proulx, 19 Beacon Hill Road, who had submitted a letter of interest for appointment to the Cooperative Alliance for Regional Transportation (CART) Board. Mr. McMahon moved and Mr. Breton seconded to appoint Ms. Proulx to the CART Board for a period of two (2) years. Passed unanimously.

Mr. Breton stepped out of the meeting.

The Board spoke briefly with Mr. Tom Case, current CART representative, who expressed an interest in continuing his appointment. Mr. McMahon moved and Mr. Hohenberger seconded to re-appoint Mr. Case to the CART Board for a period of two (2) years. Passed 4-0.

Mr. Breton returned to the meeting.

CORRESPONDENCE: Memo received from Planning Director Alfred Turner, advising that the Planning Board had voted unanimously to recommend that Eileen Maloney be reappointed to the Rockingham Planning Commission. Mr. Hohenberger moved and Mr. McMahon seconded to reappoint Ms. Maloney to the RPC for a period of four (4) years. Passed unanimously.

Notice of Hearing received from the Department of Environmental Services, scheduled for September 25, 2008 beginning at 6PM at the Windham Town Hall, reference to an Alteration of Terrain Permit application for the Ledge Road business park. Brief discussion ensued regarding this project also being scheduled for site plan review with the Planning Board on Wednesday the 24th.

Letter received from Mr. Edward R. Murdough of the Department of Education, advising that he will not be attending the proposed meeting on September 29th between local and State representatives to discuss the proposed secondary High School access; and indicating that he nothing more to add on the matter.

Letter received from Planning Director Al Turner, advising that per Mr. McMahon's request he had researched and compiled historic references to the establishment of the Town's Gateway District. Copies of same were attached for the Board's review.

ANNOUNCEMENTS: Chief McPherson reminded all that the Fire Prevention Week Open House was scheduled for October 4th beginning at 10AM at the Fire Department.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of July 28th, August 4th, and August 11th as written. Passed unanimously.

LIAISON REPORTS: None.

PUBLIC HEARING: Mr. Senibaldi read the public hearing notice into the record. Recreation Coordinator Cheryl Haas approached to extend thanks to the following for their generosity to the Senior Picnic: Klemm's Baker, NH Fisher Cats, Nashua Pride, Windham Junction, Charley's Pizza and Kabob, and Howie Glynn's.

She then thanked the following contributors to the Windham Tennis Open: Coffee Roasters, Lobster Tail, Shaw's, Howie Glynn's, Mobil on the Run, Meat House (Salem), Prime Butcher, Blue House Pizza (Salem), Klemm's Bakery, Infinite Fitness, Bella Viaggio, Cyr Lumber, and Rockingham Toyota Salem.

Mr. Hohenberger moved and Mr. McMahon seconded to accept the donations to the Senior Picnic and Tennis Open with gratitude. Passed unanimously.

Mrs. Haas reminded all that the Harvest-fest is scheduled for October 18th at Griffin Park.

PROPOSED TRAFFIC LIGHT: Mr. McMahon led the presentation to the Board, noting that several times they had discussed the placement of several surplus properties on the market by the State. Mr. McMahon indicated he was seeking the Board's support, as well as the Planning Board's, to request the Department of Transportation plan for a traffic signal at the intersection of the new Delahunty Road between the Semi-conductor building and the Bohne property. Mr. McMahon noted that the By-pass provides limited access to commercial properties, and that the values of these surplus properties continue to be debated. Mr. McMahon indicated that, without a signal in this area, the potential for economic development which the properties were specifically re-zoned for, will be impacted.

Mr. Hohenberger indicated he understood the need for access to allow for economic development, but expressed concerns with installing light after light along the By-pass. He inquired whether the properties could be accessed from the rear instead, from Range Road.

Discussion ensued regarding the traffic impacts as a result of growth in the area, possibly tying the access to the properties into an existing signal, increased property values with a traffic signal, and timing of the By-pass project.

Mr. McMahon clarified that he was not requesting that the State complete the installation of infrastructure for a signal or a signal itself, but rather that they show a future signal at that intersection as part of their as-built plan for the By-pass. Mr. Sullivan indicated that he believed the State would support a light at this intersection in the future at developer cost, if recommended by the Planning Board and supported by traffic studies. Brief discussion ensued.

Mr. McMahon indicated he would also like a commitment in writing from the State that no opposition will be offered in the future to a traffic signal at that intersection should traffic studies show one is warranted.

After further discussion, Mr. Breton moved and Mr. Stearns seconded to request the State include a future traffic signal at the intersection of Delahunty Road and the Route 111 By-Pass, and that they draft a letter to the Town regarding same.

Mr. Robert Skinner approached to inquire about the intersection of Searles Road and the By-pass, noting a signal will be required there in future, as well. Brief discussion ensued.

Mr. Tom Case approached, noting that there is also a stub road into these properties from Range Road near the putting green at the Driving Range.

Motion passed 4-0-1, with Mr. Hohenberger abstaining.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan requested the Board consider waiving all permit fees related to the Transfer Station conversion project. Mr. Hohenberger moved and Mr. McMahon seconded to waive the fees as requested. Passed unanimously.

Mr. Sullivan advised the Board that a new, five (5) year lease had been executed for the Town's postage machine, and that the monthly cost had increased only \$20.

Mr. Sullivan advised the Board that, per their instructions, Mrs. Call had successfully negotiated a capped price for fuel oil of \$3.499 with B & H Oil. He further noted that the consortium process will not be utilized in the future.

Mr. Sullivan inquired whether the Board would be available on Saturday, November 22nd, for their annual kick-off meeting for the Town budgets. The members indicated their agreement.

Mrs. Margaret Case approached as Chairman of the Cable Advisory Board. She advised the members that the WCAB had met with IT Director Eric Delong regarding the purchase of a big screen monitor for placement in the Planning Department meeting room, and that the WCAB had determined it would fund the project in its entirety. Mrs. Case requested the Board's authorization to remove the funds, previously approved by the Selectmen as up to \$2,500 for this project, from the special PEG fund.

Mr. Breton moved and Mr. Hohenberger seconded to approve the withdrawal of up to \$2,500 from the PEG fund for the purchase of up to a 52" TV. Passed unanimously.

Mrs. Case then advised the Board that the Cable equipment budget is nearly depleted, and requested authorization to withdraw an additional \$1,500 from the same fund for use in the event of an emergency. Mr. McMahon moved and Mr. Breton seconded to approve Mrs. Case's request. Passed unanimously.

Mrs. Case advised that thirteen (13) donated laptops will be arriving within the next week from Mitre Corporation, and that the PEG Access Grant money had been received and was in excess of \$22,000.

Chief Tom McPherson approached as Chairman of Highway Safety, noting that the Committee had met on September 18th to discuss two issues:

- Griffin Park: Request received from resident to post no parking along Range Road in the area of Horseshoe Road. Chief McPherson indicated that the HSC recommended the Board ask the State to post Range Road "No Parking" from Sawtelle Road up to the second leg of Horseshoe Road, plus 50' in either direction of Squire Armor Road.

After discussion regarding ongoing safety concerns and the overflow parking lot, Mr. Stearns moved and Mr. Hohenberger seconded to support the HSC recommendation and request the State post "No Parking" signs along the westerly side of Range Road as recommended. Passed unanimously. Chief McPherson will send a letter to the State on behalf of the Board.

- "Stop" Sign/Colchester Road: Chief McPherson indicated that the HSC unanimously supported this request. Mr. Breton moved and Mr. Stearns seconded to install a Stop sign on Colchester Road at its intersection with Mockingbird Hill Road. Passed unanimously.

Mr. Sullivan advised the Board that he had received an email from Mr. Dick Hannon of the Canobie Lake Protection Association, expressing the CLPA's concerns regarding transfer of water into Canobie from the Spickett River and requesting the Board of Selectmen forward a letter to the Department of Environmental services in opposition of this proposal.

Discussion ensued regarding DES' failure to keep the Town of Windham informed as requested, and possibly having Mr. Sullivan contact Ms. Pillsbury at the DES to obtain more information. Mr. Sullivan indicated it did not appear that any decisions had been made relative to the Transfer yet. It was determined that Mr. Poulson will contact the DES on behalf of the Board, as Stormwater Committee Chairman.

Mr. McMahon advised the Board that he had attempted to contact Town Manager Sistere in Salem relative to the possibility of tying into their sewage lines as discussed, and had been unsuccessful as yet. Mr. McMahon indicated he had, however, spoken to a member of the Salem Board of Selectmen, and learned that monies were being requested in Salem's upcoming budget to fund related work around Canobie. Mr. Breton requested similar funding be scheduled on an upcoming agenda for discussion. Mr. Sullivan will follow up.

Mr. Senibaldi stepped out of the meeting.

Salt Shed Update: Mr. Sullivan provided the Board a brief update of the Salt Shed Committee's efforts to date, and indicated that after working with Mr. Zohdi to design conceptual plans for two different properties the Committee believed the Wilson property located by the Transfer Station to be the best location. Mr. Sullivan indicated that the Wilson property is currently owned by the Town, and is comprised of 7 +/- acres.

Mr. Senibaldi resumed the Chairmanship.

Mr. Sullivan indicated that the conceptual layout, which he reviewed with the Board, shows that the property can support a 60'x80' shed, an 80'x40' garage, and a 24'x36' storage/office area. Mr. Sullivan indicated the area may also be able to support a fuel depot as previously discussed.

Mr. Sullivan indicated that the Committee believed that the State would grant the Town access over the old Route 111, and that the traffic would flow into the site from Ledge Road, around the facilities, and back out. He then requested the Board's approval for the Committee to move forward to obtain cost estimates, which they believe will be far less with this site than any other option. In addition, Mr. Sullivan noted that this property will allow for future expansion, if necessary.

Lengthy discussion ensued regarding the size and capacity of the buildings, future expansion capabilities, building materials, the grade/outflow of the property, and inclusion of pricing for a fuel depot.

Mr. McMahon then moved and Mr. Breton seconded to direct the Salt Shed Committee to continue to develop a conceptual plan for the Wilson site. Passed unanimously.

Mr. Senibaldi requested that Mr. Sullivan briefly explain why a new salt shed was needed. Mr. Sullivan noted that, under the EPA regulations and the Town's Stormwater permit the facility must be moved by 2011.

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

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

Mr. Sullivan and Mr. Poulson updated the Board on an ongoing personnel matter. No decisions were made, and Mr. Poulson will follow up with staff.

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

The Board discussed the vacant Highway laborer position. Mr. McMahon moved and Mr. Breton seconded to offer the recommended candidate a starting pay equivalent to Step 2 of the union pay grade. Passed 4-1, with Mr. Hohenberger opposed.

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

Mr. Sullivan advised the Board of a potential legal matter. It was the consensus of the Board that Town Counsel not respond.

Mr. Sullivan updated the Board on a legal matter related to boundary lines. No decisions were made.

Mr. Sullivan updated the Board on a potential legal matter relative to a civil action. No decisions were made.

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

Mr. Sullivan discussed a procedural concern with the Board. No decisions were made.

Mr. Sullivan discussed two Municipal Union grievances with the Board relative to disciplinary action taken. Mr. Stearns moved and Mr. Hohenberger seconded to deny the grievances. Passed unanimously.

Mr. Sullivan updated the Board on a personnel matter relative to disciplinary action and a citizen complaint. No decisions were made.

Mr. Sullivan updated the Board on a personnel matter. It was the consensus of the Board that Mr. Sullivan work to draft a letter to the employee advising the matter is now under review by the Board of Selectmen.

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

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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