

BOARD OF SELECTMEN
Minutes of January 5, 2009

MEMBERS PRESENT: Chairman Dennis Senibaldi called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Galen Stearns, Charles McMahon and Roger Hohenberger were present, as was Town Administrator David Sullivan.

NON-PUBLIC SESSION: Mr. McMahon moved and Mr. Stearns seconded to enter into a non-public session in accordance with RSA 91-A:3-II d. Roll call vote – all members “yes”. The topic of discussion was land acquisition, and the Board, Mr. Sullivan, Chiefs McPherson and Leuci, Mr. Peter Zohdi, and Ms. Devlin were in attendance.

The Board discussed a matter relative to land acquisition negotiations. No decisions were made.

PUBLIC SESSION: Mr. Senibaldi resumed the public session at 7:40 PM, by announcing that no decisions had been made in the non-public session relative to land negotiations. He thanked Mr. Zohdi on behalf of the Board for his attendance.

ANNOUNCEMENTS: Mrs. Barbara Coish approached to update the Board on her recent trip to Windham’s Sister City; Suzdal Russia. Mrs. Coish indicated that the Town’s annual donation had been divided this year, and presented to the orphanage and the hospital for ongoing renovations. She indicated that the next trip will be in April of 2009.

WALL STREET UPDATE: Ms. Annette Stoller, Rockingham Planning Commission, approached to note that various options for the Wall Street connector would be discussed, and introduced Cliff Sinnott, RPC Executive Director, and Mr. Gene McCarthy of McFarland Johnson, Project Manager.

Mr. Sinnott and Mr. McCarthy hosted a Powerpoint presentation of the Corridor project, highlights of which included:

- Background of the project, from the final design of Exit 3 in 2003, to the NHDOT’s offer to fund this corridor study as part of an extension study after the Town’s request for mitigation including a Wall Street extension.
- Through an RFP process, McFarland Johnson was selected as consultant. The project scope included the Wall Street extension, NH 111 corridor study, and the Town Center/NH 111 relocation; and existing conditions analysis, projected future conditions, and short and long-term recommendations relating thereto.
- Context Sensitive Solutions to the issues are being considered, and have been embraced by the DOT. This method differs, in that officials and the public are engaged in the process from the outset. As part of the public participation, the Project Advisory Committee would be revived, consisting of the following individuals: representatives of the Board of Selectmen, Planning Board, Economic Development Committee, Conservation Commission and Historic District Commission; public works and public safety staff; Town Administrator and Planning Director; representatives of the NHDOT and RPC; and citizen members/groups. Public informational meetings/workshops would then be scheduled.

- A project schedule was detailed as follows: January/February, existing conditions analysis; March/April, Wall Street extension concept; April/May, projected future conditions; short and long-term recommendations by summer; final document drafting and presentation in November; and project completion in December.
- Next steps in the process include: re-establishment of the Project Advisory committee; entering into an in-kind local match agreement between the RPC and the Town; begin the data collection for existing conditions; and plan a public project kick-off meeting.

Mr. Hohenberger inquired whether the approximately six year delay in the project had been due to the RPC or the NHDOT. Mr. Sinnott replied it was a bit of both, noting that the scope of work had been changed twice in addition to other delays.

Mr. Hohenberger indicated he fully supported the Wall Street connection, but that he had concerns regarding the topography of the area. Discussion ensued regarding the conditions analysis, environmental impacts, and feasibility studies. Mr. Hohenberger suggested that the RPC contact businesses in the area, as well local organizations such as the CPIA regarding representation on the Committee.

Mr. Stearns echoed Mr. Hohenberger's concerns, and indicated he hoped the impacts to existing businesses would be considered.

Mr. Scott Burnett, resident, approached to inquire why the State could not consider an additional exit on North Lowell Road to offload the Derry traffic, which would eliminate the need to extend Wall Street. Mr. Sinnott replied that there are certain requirements to add exits, and a discussion ensued regarding the NHDOT and previous options discussed. Mr. Sinnott noted that the goal at this time was to discuss possibilities and then move forward.

Mr. Senibaldi inquired when Mr. Sinnott would need to be notified of the designated Board of Selectmen representative, and Mr. Sinnott replied within the month.

CTAP UPDATE: Mr. Sinnott briefly updated the Board on the CTAP funding, noting that Windham has completed the community assessment phase of the process and utilized some funding to date. He noted that the Town would now need to work to schedule plans for future expenditures. A brief discussion ensued, and it was the consensus that Mr. Sullivan and Mr. Stearns work to do so.

Mr. Senibaldi extended his thanks to Ms. Stoller, Mr. Sinnott, and Mr. McCarthy for attending.

At Mr. Breton's request Mr. Casey Burnett approached the podium to explain that he and Mr. Alex Savastano were in attendance that evening as part of a Freshman school project for Salem High School. The youths were instructed to attend a Town meeting, take notes, and report their thoughts in class. The Board wished them well with their task.

FAIRPOINT DONATION: Mr. Sullivan advised that a donation of \$500 had been received from Fairpoint. Mr. Hohenberger moved and Mr. Stearns seconded to accept the donation with thanks.

Mr. McMahon requested the motion be amended to divert this donation to assist in the senior oil program. Passed unanimously as amended.

CONSERVATION COMMISSION/DRAFT EASEMENT: The Board reviewed the draft third party conservation easement. Mr. Hohenberger requested that Section XII:C be amended to include “in the Town of Windham” at the end. Discussion ensued regarding RSA 486 as it pertained to Section XI: D.

Mr. Senibaldi noted that “low impact” uses within the easement still need to be clarified. Discussion ensued regarding defining general types of uses such as hunting, horseback riding, or hiking.

Mr. Breton moved and Mr. Hohenberger seconded to expedite this draft as quickly as possible, as amended. Passed 4-1, with Mr. Stearns opposed.

OLD/NEW BUSINESS: Chief McPherson advised the Board that municipalities have been notified that assistance will be available for governmental expenses incurred as part of the ice storm. He further noted that, to date, no determination has been made regarding reimbursement of individual/private expenses. Chief McPherson reported that \$91,378 in claims had been sent to the State that day, of which approximately \$66,000 represented claims for lost food. Residents can still forward information to the Chief, who will pass it on to the State for use in their analysis.

Discussion ensued regarding elderly residents and public outreach, the severity of the storm, and whether or not a post-action debriefing was scheduled to include the two (2) public utilities.

Chief McPherson indicated that he will be meeting with National Grid regarding general storm response, not specific to the December event, and a discussion ensued regarding the need to obtain power grids from both National Grid and PSNH, as well as their methodology for prioritization of service restoration. Chief McPherson will follow-up with both utilities and report back to the Board.

Mr. Sullivan advised the Board that the Depot lease had been returned to the Town by the Attorney General’s office with only minor modifications.

Mr. Sullivan reminded the Board that the following week’s agenda was full and would consist of budget and bond hearings. Mr. Sullivan noted that, if necessary, those hearings would be continued to the 19th, along with the public hearing for the current use petitions. Mr. Sullivan noted that public hearings relative to the Community Development Block Grant application also need to be scheduled.

Mr. Sullivan presented three administrative abatements to the Board on behalf of Tax Assessor Rex Norman:

- Herbert Field: Mr. Sullivan explained that this property is leased by the Town. Mr. McMahon moved and Mr. Breton seconded to approve the abatement in the amount of \$1,728.00 Passed unanimously.
- Range Road: Mr. Sullivan explained that this property is that planned for donation to the Town for Griffin Park overflow parking. Mr. Breton moved and Mr. Hohenberger seconded to approve the abatement in the amount of \$5,551.20. Passed unanimously.

- 19A-800: Mr. Sullivan explained that errors had been made in calculating the property owner's deaf and elderly exemptions that, when corrected, resulted in an abatement of \$3,150.00 Mr. Breton moved and Mr. McMahon seconded to approve the abatement as presented. Passed unanimously.

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

The Board, Mr. Sullivan, Chief McPherson, Assistant Chief Leuci and Ms. Devlin were in attendance in the first session. The Chiefs and the Board discussed potential candidates for the vacant Deputy Chief of Fire Prevention position. Mr. McMahon moved and Mr. Breton seconded to extend a conditional offer of employment to the recommended candidate at Step 2; with an increase to Step 3 upon satisfactory review at six months; subject to the requirements of the Employment Policy. Passed unanimously.

Mr. McMahon then moved and Mr. Breton seconded that, if the recommended candidate refuses the conditional offer, a conditional offer of employment be extended to the second recommended candidate, also at Step 2; with an increase to Step 3 upon satisfactory review at six months; subject to the requirements of the Employment Policy. Passed unanimously.

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

The Board discussed a request for committee appointment. No decisions were made.

Mr. Sullivan discussed the vacant Planner position with the Board. Mr. McMahon moved and Mr. Breton seconded to extend a conditional offer of employment to the recommended candidate at Step 2 of the pay grade. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

Mr. Sullivan discussed a personnel matter with the Board. No decisions were made, and Mr. Sullivan will follow-up with the employee.

Mr. Sullivan discussed a matter relative to reputations and potential legal issues regarding land acquisition. Mr. Breton moved and Mr. McMahon seconded to authorize Mr. Sullivan and Mr. Breton to return to the School Board prior to the following evening to draft a whereas/therefore agreement between the parties with funding for the Town portion of the project to come from the 2009 Road budget. Passed 3-2, with Mr. Hohenberger and Mr. Stearns opposed.

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

The meeting was adjourned at 10:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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