

BOARD OF SELECTMEN
Minutes of March 16, 2009

MEMBERS PRESENT: Vice-Chairman Bruce Breton called the meeting to order at 7:00 PM, and introduced the Board as follows: Selectman Roger Hohenberger, Selectman Charles McMahon, Selectman Ross McLeod, and Selectman Galen Stearns. Mr. Breton then swore in Miss Nicole Merrill as Town Clerk; who in turn swore in newly elected Board members McLeod and Hohenberger.

ANNOUNCEMENTS: Mr. Hohenberger extended his thanks to former Selectman Dennis Senibaldi for his three years of service to the Town; sentiments echoed by Mr. Stearns. Mr. McLeod then extended his thanks to Mr. Senibaldi, as well. Mr. Senibaldi approached and extended his congratulations to Mr. Hohenberger and Mr. McLeod, noting it had been an honor and privilege to serve the residents of Windham. He also extended thanks to the Administrative staff, as well as the Department Heads and employees, and offered his services to the Board of Selectmen in the future to assist on various committees.

LIAISON REPORTS: Mr. Hohenberger noted that the Cable Advisory Board would be meeting on March 26th to discuss a possible joint venture with the School District to establish a studio at the High School.

ANNOUNCEMENTS: Mr. Sullivan noted that a recount had been requested for the following three (3) zoning articles: Article 3 Amendments 1, 2 and 8. The recount has been scheduled for Saturday, March 21st, at the Town Hall beginning at 8:00 AM.

Mr. Sullivan advised that the protest petition filed relative to Article 3 Amendment 1 was still in the process of being validated. He noted that several meetings have occurred with Town Counsel and MHF Design to validate the tax maps, and it was expected to be available for discussion at the next meeting. Mr. Sullivan inquired whether, if the information were available prior, the Board had any objection to the public being allowed to review it. Mr. McMahon noted he felt the Board should have the opportunity to view the information first, as it was their responsibility to validate the petition. Mr. Breton added that the Board is required to act on the petition per NH RSA.

Mr. McLeod sought clarification that an outside party and not Mr. Zohdi was working to validate the petition in order to avoid any conflicts. Mr. Sullivan replied in the affirmative, noting that MHF Design had been retained. Mr. McLeod then noted he believed it would be helpful if the information could be made available to the public ahead of time. Mr. Sullivan indicated he would advise the Board as soon the information was available.

Mr. McLeod then inquired how the ownership of the open space development was being resolved as it pertained to the protest petition, and Mr. Sullivan replied that would be part of the overall discussion the following Monday evening.

CORRESPONDENCE: Resignation received from Nicole Merrill as Deputy Town Clerk. Mr. Stearns moved and Mr. McLeod seconded to accept. Passed unanimously.

Brief discussion ensued regarding advertising for a new Deputy, which Mr. Sullivan explained would normally not occur as selection of the Deputy Town Clerk is under the purview of the Town Clerk.

Memo received from Assistant Town Administrator Dana Call relative to the submission of projects to the Rockingham Economic Development Corporation (REDC) for possible inclusion on their Comprehensive Economic Development Strategy Project Priority list. Mr. Sullivan explained that, per the Board's direction, three (3) items had been submitted: the sewer extension as part of the I-93 project; the salt shed, which the REDC has since been advised failed at the election; and the construction of Londonbridge Road.

Mr. Sullivan then noted that the REDC had requested to meet with Town officials during the next two weeks to discuss these specific projects, as well as "underutilization" of current commercial facilities in Town; the latter of which he was unsure was within his and Mrs. Call's purview. After a brief discussion, it was the consensus of the Board that Mr. Sullivan and Mrs. Call limit their discussion with the REDC to the submitted projects only at this time.

Notice received from Comcast of several impending rate decreases.

BOARD REORGANIZATION: Mr. Hohenberger nominated Mr. Stearns as Chairman; seconded by Mr. McLeod. Passed unanimously.

Mr. Hohenberger nominated Mr. Breton as Vice-Chairman; seconded by Mr. Stearns. Passed unanimously.

Mr. Stearns thus assumed the Chairmanship.

MINUTES: Tabled.

OLD/NEW BUSINESS: Mr. Sullivan advised that the Town's Health Flex Benefit Plan and Health Spending Plans, both of which are managed by Benefit Strategies in cooperation with Anthem, periodically require updated resolutions. Mr. Sullivan noted there have been no changes to the overall plan other than some language changes and requested the Board adopt the following and authorize him to execute the documents accordingly:

- "Whereas, The Town of Windham desires to offer its employees a flexible benefit program providing for payment of employee's insurance premiums, and the reimbursement of medical expenses and dependent day care expenses, the Plans entitled the Town of Windham flexible Benefit Plan, the Town of Windham Health Care Reimbursement Plan and the Town of Windham Dependent Care Assistance Plan have been prepared and submitted to this Board with a recommendation of adoption; now, therefore, be it resolved that this Board amends its current Plans entitled the Town of Windham Flexible Benefit Plan, the Town of Windham Health Care Reimbursement Plan, and the Town of Windham Dependent Care Assistance Plan which were originally effective as of January 1, 1993, replacing and adopting in whole the enclosed Plans bearing an effective date of January 1, 2009, and directs the management to implement the amended and restated Plans in accordance with its terms." Mr. McMahan moved and Mr. Hohenberger seconded to accept the resolution as presented. Passed unanimously.
- "Resolved: That the Plan be amended and restated in the form attached hereto, which Plan is hereby adopted and approved; Resolved further: that the appropriate officers of the Company be, and they hereby are, authorized and directed to execute the Plan on behalf of the Company; Resolved further: That the officers of the Company be, and they hereby are, authorized and directed to take

any and all actions and execute and deliver such documents as they deem necessary, appropriate or convenient to effect the foregoing resolutions including, without limitation, causing to be prepared and filed such reports, documents or other information as may be required under applicable law.” Mr. McLeod moved and Mr. Breton seconded to adopt the resolution and authorize Mr. Sullivan to execute the appropriate documents. Passed unanimously.

Fire Chief McPherson approached to advise the Board that the Department had responded to a fire at approximately 12:30 AM at 10 Fish Road. Chief McPherson noted that having five firefighters on duty per shift had made a big difference in this instance, as responders were able to contain what was found to be a heavy fire on arrival to the porch. He further noted there were no injuries, the home was not a total loss, and assistance was provided by the towns of Salem, Derry, Hudson, and Londonderry.

Chief McPherson advised the Board that, based upon approval of the warrant article on March 10th, the bid specifications for the ambulance have been completed and submitted to Mrs. Call for review. The Chief extended his thanks to the Ambulance Committee for their efforts.

Chief McPherson then noted that on March 11th he had attended a NH Emergency Management meeting in Derry to discuss the December ice storm, the goal of which was to review the status of operations in the context of this event, and garner input from and discuss with public safety officials what worked/didn't work in their communities. The Chief noted that representatives from PSNH and the Public Utilities Commission were present, and several questions regarding PSNH's prioritization methods for service restoration were posed. The Chief also noted that it does not appear that FEMA will offer reimbursements for individual losses as a result of the event, but indicated that any information submitted to him will be retained in the event this changes in the future.

Discussion ensued regarding the prioritization issues. Chief McPherson reiterated that it was a concern raised by many, and stated he believed it was a combination of poor planning on PSNH's part and a high number of service drops to individual homes, the latter of which resulted in a delays in the ability to repair/energize downed lines along the roadways. When asked by Mr. McMahan, Chief McPherson noted that the department has received the power grid information from National Grid, map data from Unitel, and that PSNH is working to provide theirs. Brief discussion ensued regarding the benefits of having the power grids to public safety personnel in identifying and communicating information to residents regarding outages.

Mr. Stearns commented he had heard from several residents that they were unaware shelters were available during the ice storm, and a discussion ensued regarding means of advising residents during such incidents. Chief McPherson noted that, in December, Mr. Letizio had graciously offered to power his sign on Route 111 for display of shelter information, and the School District had noted the information on their bulletin signs.

After further discussion, it was the consensus of the Board that the Fire Chief, along with Police Chief Lewis, explore means of obtaining/funding a portable electronic scrolling sign for use year-round at events, incidents, and/or emergencies.

Mr. Sullivan advised that the old landfill will be opened to residents for brush/storm debris disposal on March 31, April 3, April 8, and April 11 from 11AM to 3PM. Subsequently, the hope is to make the site available two weekdays and one weekend day to facilitate resident disposal. Town staff

will monitor the site and chipping will be arranged by the Town. Mr. Sullivan reiterated that the Town does not have the manpower available to go home to home to remove debris on private property.

Discussion ensued regarding any size restrictions on debris. Mr. Sullivan indicated that length was not an issue, however, diameter should be limited to not more than approximately 6"-8". A question was raised regarding how disposal will be policed, and Mr. Sullivan indicated that staff will have available a property owner listing, and contractors disposing of items need only give them the name and address where the debris originated.

Mr. Senibaldi approached to congratulate Transfer Station Manager David Poulson for coordinating the highly successful electronics round-up the previous weekend at Center School. He noted that another is being considered for the fall.

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

The Board discussed a possible amendment to the cable franchise. No decisions were made.

The Board discussed a legal matter relative to reputations. No decisions were made.

After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to appoint Mr. Poulson as Health Officer. Passed unanimously.

The Board discussed the Director of Community Development position. It was the consensus of the Board that Mr. Sullivan follow-up to advise the Planner that they would be responsible during the time the Board continued to recruit for the position of Community Development Director and issue a step differential to the Planner for assuming these responsibilities.

After a brief discussion, Mr. Hohenberger moved and Mr. McMahon seconded to authorize Mr. Sullivan to converse with Mr. McLeod relative to an ongoing personnel matter. Passed 4-0-1, with Mr. McLeod abstaining.

PUBLIC SESSION: Mr. McMahon advised the Board that he had spoken to Tax Assessor Rex Norman regarding the projected \$27M in taxable revenues for the ensuing year which, due to the State’s condemnation of the Walter property, will not be realized. A lengthy discussion ensued and it was the consensus of the Board that Mr. Sullivan arrange to hold a meeting on Saturday April 4th from 8:00 AM to 10:00AM at the Searles School to discuss Strategic Planning and other goals and objectives with Department Heads.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously. The meeting was adjourned at 8:45 PM.

Respectfully submitted, Wendi Devlin, Administrative Assistant

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