

BOARD OF SELECTMEN
Minutes of March 30, 2009

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Roger Hohenberger, Charles McMahon, and Ross McLeod were present, as was Town Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Hohenberger noted that the Annual Firefighters' Ball had been a great success, and a good time had by all.

Recreation Coordinator Cheryl Haas approached to note that the Daddy Daughter Dance, held on March 20th, had been very successful and extended thanks to the following: Deb Mackenzie Realty, CLIX Portrait Studios, Promises to Keep, Scott Mueller, Ralph Valentine, Dennis Senibaldi, and Lynn and Barry Goldman.

Ms. Haas then reminded all that the Annual Easter Egg Hunt would take place the following Saturday beginning at 10:30 AM at the Town Hall.

Ms. Haas noted that she continues to work on implementing the new Skate Park registration policy, and that new signage and the decals are currently on order. She also indicated that no opening date has been set, as yet, and that the information video discussed as part of the non-resident registrations is currently in production.

Mr. McLeod noted that, in efforts to spread the word about the Skate Park policy, the Windham Soccer Association has posted it on their website and sent out a mass email to their subscriber list. Ms. Haas noted that the Windham Baseball/Softball league has done the same.

LIAISON REPORTS: None.

MINUTES: None.

ANNOUNCEMENTS CONTINUED: Ms. Haas announced that, with the help of Mr. Breton, she has discount coupons available at the Recreation Office to T-Bones restaurants. The coupons are free of charge, and T-Bones will credit 10% of each purchase made with the coupon to the Recreation Department toward future purchases.

CORRESPONDENCE: Copy of letter received from Mr. Ansel Sanborn of the CTAP project to Mr. Cliff Sinnott of the RPC, indicating support of the Town's request to expend \$5,000 in local discretionary funds toward a conceptual level feasibility study for a closed sewer system.

Mr. McMahon advised that several residents of Squire Armor Road had requested a review of sound barriers in the area of their homes, as a result of the relocation of the southbound lane of I-93. Discussion ensued regarding the construction of the homes without sound deadening materials, decibel levels, and the estimated cost per home for barriers.

RECREATION/DENNIS SENIBALDI: Mr. Senibaldi approached explaining that he was endeavoring to spearhead the project to repair the playground at Griffin Park. He noted that, since the last meeting, he had spoken further with Mr. Sullivan, Maintenance Supervisor Al Barlow, and the Highway Agent Jack McCartney. He indicated he was seeking the Board's authorization to proceed, and that he is willing to work with Mr. McCartney, Mr. Barlow, and Ms. Haas.

Mr. Senibaldi went on to note that the first step would be to meet with the rubber company regarding a drainage plan, and to have them sign off on same. He noted if the company won't sign off on the plan, then it would still be worthwhile to fix the area but it will degrade again without the drainage repairs due to several drops zones in the area where water just sits.

Mr. Hohenberger indicated he hoped the repair could happen without taxpayer funds, and requested that Mr. Senibaldi add to his list of items a review of the swale to check the pipe invert, noting the area is always full of water. A brief discussion ensued.

Mr. McLeod inquired why the Recreation Committee was not handling this repair by way of Ms. Haas. Mrs. Jennifer Colvin, former Chairman of the Griffin Park Playground Committee approached, and indicated that this issue had arisen within six months of the playground being completed. She noted that, at that time, she had met with Childscapes regarding the installation of the surfacing and the coverage provided by the Surface America manufacturer's warranty.

As it was noted that further discussions with representatives of both companies brought to light concerns regarding the subsurface and drainage issues, Mrs. Colvin made it clear that this was why the playground group hired Childscapes for this work, so it would not be installed by volunteers. She voiced her displeasure that the Town did not pursue involvement of Town Legal Counsel, once it was determined that Childscapes would not take full responsibility for the surfacing issues.

Mrs. Colvin went on to say that she had been pushing for a resolution of this issue for years, and did not want the project back under the Town's control as she felt nothing has been done to date. She expressed her support for Mr. Senibaldi, and indicated that if control of the project were given to him \$6,000 would be donated from remaining playground funds towards the repair. Discussion ensued, and Mrs. Colvin clarified that only one year remains on the original five-year warranty.

Lengthy discussion ensued regarding the project specifics, including removal of the current surface, installation of a new subsurface/drainage system, and pouring of the new rubber, as well as previous correspondence between Mrs. Colvin and Childscapes regarding responsibility for various parts of the project.

Mr. Senibaldi indicated that the drainage repair can likely be accomplished without removing the entire surface, and that Childscapes likely won't fix the area in its entirety. Mr. Senibaldi noted that he had already spoken to an engineer, and that staff was also involved and he would not be undertaking the project on his own. Mr. McLeod requested that Town Planner Laura Scott also be involved, and Mr. Senibaldi agreed.

Mr. McMahon inquired whether a new warranty would be issued once the repair is complete, and Mrs. Colvin replied she did not believe so, as the warranty extended for five years from the original installation date. Discussion ensued.

Mr. Sullivan indicated he took exception to Mrs. Colvin's implication that the Town had done nothing toward repair of this area, noting it had been discussed with the Board three times to date. He pointed out that the Committee had never officially turned the playground over to the Town, and that it was owned by extension only. Assistant Town Administrator Dana Call concurred, reiterating that the Board had previously discussed this matter and that funding of the drainage repairs has been the issue all along.

Discussion ensued.

Mr. Hohenberger then moved and Mr. McMahon seconded to allow Mr. Senibaldi to proceed with the project, and return to the Board in three weeks with a plan to repair the Griffin Park Playground and, further, that staff schedule a public hearing for acceptance of the Playground. Passed unanimously.

Mr. Senibaldi asked that the Board also be aware that he intends to request a waiver of the bid process. A discussion ensued regarding funds available, the bid process, and donation of funds versus a completed project.

Discussion then moved to the proposed bridge leading over the swale to the soccer field. Mr. Senibaldi indicated he has a company who is willing to donate a 12' concrete bridge, and requested the Board's authority to approach the donor to request a longer span. He also indicated he would like to explore costs to put a small pipe/gravel into the swale area. Mr. Stearns indicated the NHDES would have to be consulted on the swale work, and discussion ensued.

Mr. Gary Garfield, Soccer Association, approached noting his job is as a civil engineer and he believed the DES would be reasonable. He stated he agreed with Mr. Senibaldi, and that his first recommendation would be to install piping/gravel. Mr. Garfield noted that he believed Mr. Hohenberger was correct that the invert was wrong and, if the pipe could be extended 20' that a widening of the bottom of the swale may serve as adequate mitigation for the DES. Mr. Garfield then indicated there are a couple of different options available regarding the bridge itself, considering the aesthetics of wood versus concrete, and indicated his willingness to assist Mr. Senibaldi and to speak with Laura Scott, as well.

Mr. McLeod indicated he would like to see Mr. Senibaldi go forward on this project working with Mr. Garfield, Ms. Haas, and Mr. Barlow. Mr. McMahon concurred, noting that the Town could have a contact with the DES through Mr. Garfield. He suggested the DES be contacted and asked to respond with options for the swale. Discussion ensued regarding the purpose of the swale and the possibility of filling in the area, and approaching the DES as a West Nile Virus issue to see if that would be a viable option.

Mr. Breton moved and Mr. McMahon seconded to authorize Mr. Senibaldi to work with Mr. Garfield, Ms. Haas, and the NHDES on the project as outlined. A brief discussion ensued regarding the start of field uses for soccer and baseball, and the fact that fields are not yet open for use. Motion passed unanimously.

PURCHASING POLICY: Mrs. Call reviewed the proposed amendments to the Purchasing Policy as given to the Board at the previous meeting. Mrs. Call noted that the intent of the amendments was to bring the policy up to date and closer in line with her job description/duties as Finance Director/Assistant Town Administrator. She explained that the purpose of the policy is to govern the expense of all Town funds, and a discussion ensued regarding the proposed increases in approval limits for Department Heads from \$1,000 to \$2,500 and for Town Administrator from \$5,000 to \$7,500. The Board concurred with this change.

It was then suggested that a definition for "Assistant Town Administrator or designee" be added for use throughout the document, and the need for a waiver clause was also noted. The Board concurred with these items.

Mr. Sullivan noted that the policy needs to be posted in-house for a period of fourteen (14) days, and can then be brought to the Board for final approval.

Mr. McMahon moved and Mr. Breton seconded to accept the policy as amended for posting.

Mr. Breton expressed concerns regarding a schedule of maintenance agreements as attached to the policy, which Mrs. Call explained changed on an annual basis, and a lengthy discussion ensued as to which could or could not be placed out to bid. It was the consensus of the Board to review and amend this schedule at budget time.

Mr. McMahon amended his motion and Mr. Breton his second to also strike the word "and attached hereto" from Section 2.

Motion passed unanimously.

SPECIAL ELECTION/POLLING LOCATION: Mr. Stearns indicated that the turnout for the primary, recently held at Golden Brook School, had been dismal, and inquired whether the Board wished to consider an alternate location for the upcoming election. Mr. Stearns noted that concerns had been raised regarding additional costs as the election falls during school vacation week, and that the Town Moderator, Town Clerk, and Supervisors of the Checklist had been discussing possibly using the Town Hall or Searles facility.

Lengthy discussion ensued regarding parking issues at the Town Hall, handicap accessibility at the Searles facility, and the actual costs involved to utilize the school.

Mr. McLeod then moved and Mr. Hohenberger seconded to leave the polling location for the special election at Golden Brook School. Passed unanimously.

A brief discussion ensued regarding the number of booths required to be set up, which Mr. Sullivan clarified was one booth for every one hundred voters, per statute.

BLASTING AGENT DISCUSSION: Mr. Stearns explained the Board has, several times, discussed who the proper individual was to be handling blasting permits/inspections and had considered transferring this duty to the Fire Department. Chief McPherson approached indicating the Fire Department's willingness to assume these duties, and presented several documents to the Board which he had drafted after researching local ordinance and surrounding communities' processes.

After a brief discussion, Mr. Sullivan requested that this conversation be deferred for one week to allow time for all to review the documents drafted by the Chief, indicating he would like time to clarify by whom the regulations need to be adopted and the Town's role relative to handling complaints.

After brief, further discussion, the Board members concurred, and this matter was postponed to the April 6th agenda.

Chief McPherson then requested the Board's permission to undertake a review of area departments' fee schedules as compared to Windham's. The consensus of the Board was that Chief McPherson proceed as requested and, per Mr. Breton's suggestion, that a time frame for inspections, etc., also be established and included in the proposed fee schedule.

OLD/NEW BUSINESS: Mr. McMahon expressed his thanks to Mrs. Margaret Case, noting that the residents on Porcupine Road who had been experiencing difficulties with Comcast have had their hook-up delays resolved.

Mr. Sullivan advised the Board that seven (7) bids had been received for care and maintenance of the Cemeteries as follows:

Vendor	Yr. 1 Bid
Concrete Services & Landscape, Salem, NH	\$27,000.00
Gordon Landscape & Hydroseed, Candia NH	\$23,998.00
Montes Landscaping, Wakefield, MA	\$28,600.00
Boyden's Landscaping, Pelham, NH	\$28,250.00
NJ Hamel Enterprises, Atkinson, NH	\$28,695.00
Pristine Greens, LLC, Windham, NH	\$32,410.18
Delahunty Nurseries & Florist, Windham, NH	\$27,000.00

Mr. Sullivan advised that the Cemetery Trustees were requesting the bid not be awarded to the low bidder, as it appeared from their supporting documentation that they specialized in large scale projects and had no experience with cemetery maintenance.

Discussion ensued regarding the Trustee's recommendation to award the bid to Concrete Services for their bid amount of \$27,000. Ms. Devlin, Cemetery Trustee, explained that the owner of Concrete Services, Scott Polumbo, has served as groundskeeper for Windham since 2004, as a subcontractor to the previous vendor. She noted that the Trustee's have been very satisfied with Mr. Polumbo's upkeep of the grounds and that he has extensive experience in the field of cemetery supervision.

Further discussion ensued regarding the scope of work bid on and the aspects of care outside of general groundskeeping. Ms. Devlin indicated that, by virtue of their presence in the cemeteries, whomever is awarded the contract will often serve as the "face" of the Windham Cemeteries, and that the Mr. Polumbo's experience in the field afforded him the tact and sensitivity to properly deal with visitor inquiries/concerns.

Mr. Breton expressed his desire to award the bid to Delahunty's; as a Windham business owned by a Windham resident. Further discussion ensued and, after input from Mr. Polumbo regarding his years of experience and previous service to the Town, Mr. McMahon moved to award the bid for cemetery care and maintenance to Concrete Services for one year, for the bid amount of \$27,000. Passed 3-2, with Mr. Breton and Mr. McLeod opposed.

Mr. Sullivan advised the Board he had been contacted by representatives of Covanta regarding the solid waste contact approved in 2008 with Corcoran Industries. Mr. Sullivan noted that he had been advised that Covanta was no longer working with Corcoran, the latter of whom served as intermediary between the Town and Covanta, but that Covanta would honor the existing agreement as executed between the Town and Corcoran.

Mr. McLeod moved and Mr. Hohenberger seconded, for discussion, to authorize Mr. Sullivan to execute the assignment with Covanta.

Discussion ensued regarding putting this item back out to bid versus executing the assignment, and the original selection process.

Passed 3-2, with Mr. Hohenberger and Mr. Breton opposed.

Mr. Sullivan advised the Board that Assistant Town Clerk had successfully completed her first year with the Town, and received a satisfactory evaluation. Mr. McMahon moved and Mr. Hohenberger seconded to remove Ms. Marotta from probationary status. Passed unanimously.

Mr. Sullivan requested the Board consider releasing recently received legal correspondence relative to the Spruce Pond recreational area to Mr. Senibaldi, who has been involved in this project from the beginning.

Mr. Hohenberger moved and Mr. McMahon seconded to allow Mr. Senibaldi to read the letter in question. Passed 4-0-1, with Mr. McLeod abstaining.

Mr. Sullivan advised the Board that Stormwater Committee Chairman David Poulson will be in attendance at the next meeting to discuss a salt reduction resolution with the Board. Brief discussion ensued.

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

Mr. Breton reconvened the meeting while Mr. Stearns had stepped out. The Board met with Mr. Sullivan and Ms. Haas regarding the re-hiring of returning summer recreation staff. Mr. McMahon motioned to approve Ms. Haas’ recommendations for re-hires at the wage scale proposed and Mr. Hohenberger seconded. Passed 4-0.

Mr. Stearns then rejoined the Board and Ms. Haas left. Mr. Sullivan discussed a tax abatement issue and no decisions were made.

Mr. Hohenberger moved and Mr. McMahon seconded to adjourn. Passed unanimously. The meeting was adjourned at 10:20 PM.

Respectfully submitted, Wendi Devlin, Administrative Assistant

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