

BOARD OF SELECTMEN
Minutes of April 13, 2009

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Charles McMahon, and Ross McLeod were present, as was Town Administrator David Sullivan. Selectman Bruce Breton was delayed and arrived at 7:10 PM. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Sullivan advised that the debris disposal dates at the old landfill are going well, and announced additional dates as follows: April 15th and 18th from 11 AM to 3 PM.

Mr. Sullivan also advised that the bids for right-of-way cleanup are due on Friday, however, the bid award will be several weeks out as the submissions need to be reviewed by FEMA.

Mr. Sullivan advised that the Senate will hold a series of budget workshops, and noted that the closest available would be April 16th at 5:30 PM at the Manchester City Hall.

LIAISON REPORTS: None.

CORRESPONDENCE: Letter received from the Cobbetts Pond Improvement Association (CPIA) offering to provide information gathered by Geosyntec Consultants as part of the CPIA's water quality grant toward the Town's salt reduction action plan/grant application.

Letter received from the CPIA requesting an opportunity to review the drainage plans for the Cobbetts Heights project (lots 17L-17 and 17L-150) and to attend both the planning and public sessions regarding this project.

Copy received of letter from the CPIA to NH Department of Transportation (NHDOT) Commissioner Campbell relative to off-site discharge events from the I-93 construction site. Mr. Sullivan explained that Mr. Poulson, Ms. Scott, and Mr. McGuire had visited the site when the latest incident occurred, and had responded by making a formal request for correction of the issue by the NHDOT. Mr. Poulson approached and indicated that Mr. Monson of the CPIA would be meeting with the NHDOT Commissioner the following Wednesday to discuss the run-off issues. Mr. Poulson further noted that the DOT has made every attempt on-site to mediate the run-off, but that he believed the US Environmental Protection Agency (USEPA) needed to take a more active role in the project.

Mr. Hohenberger expressed concerns that the NHDOT was not paying as close attention to Windham as they should be. Mr. Poulson replied that the DES has the leverage in this project, not the NHDOT or CPIA, and that violations should be being issued by the NHDES through the USEPA. Mr. Stearns inquired who was responsible to notify the NHDES of these events, and Mr. Poulson replied that the NHDES were notified and have responded to every episode.

Mr. McMahon sought clarification of whether the turbidity from the latest event was above or below the standard. Mr. Poulson replied it was above. Mr. McMahon then stated that, as this was a violation, what was the Town doing in response. Mr. Poulson indicated the Town cannot do anything, and recommended the situation be monitored and guidance urged of all parties.

Discussion ensued regarding possibly drafting a letter to the DES regarding this incident and a report thereof, and the value of the Pond as an asset.

Mr. Poulson noted that he could speak with the NHDES representative at the upcoming meeting to find out the status of this incident and then, if the Board does not feel the response is adequate, he could assist in drafting a letter. Further discussion ensued.

Mr. Sullivan advised the Board that he would also be attending a site meeting on Friday with Project Manager Peter Stammus and the Police and Fire Chiefs, and inquired whether any of the members wished to attend. Mr. McMahon and Mr. Stearns indicated they would be present.

Mr. McLeod then moved and Mr. Hohenberger seconded that Mr. Sullivan draft a letter to the NHDES documenting the two (2) breaches at the I-93 construction site; highlighting the importance of Cobbetts Pond to our Town and the Board's concerns that these events may not have been given the appropriate weight; insisting on stronger, more proactive oversight of the project; and offering the Town's assistance in whatever capacity as may be appropriate regarding the I-93 interchange construction problems. Mr. Hohenberger then requested that Mr. McLeod include his motion that the letters are to be hand-delivered by staff. Mr. McLeod agreed, and the remaining Board members concurred.

Motion passed unanimously as amended.

Mr. McMahon advised the Board that the House has eliminated school building aide for the next two (2) years, which will result in approximately \$1M in losses to Windham, and that revenue sharing has also been eliminated representing a loss of approximately \$57K. Mr. McMahon felt that letters from all to the State Senators regarding these changes would be appropriate, as both will go to the conference committee for decision in late June.

Mr. Breton suggested that the Board needs to take a hard look at the budget moving forward, as there has already been a substantial loss of revenue in the first quarter. Mr. Sullivan clarified that any cuts made this year will not be realized until 2010. Discussion ensued.

LIAISON ASSIGNMENTS: After discussion regarding the member requests, Mr. McMahon moved and Mr. Breton seconded to approve the following liaison assignments:

- Cable Advisory Board: Mr. Hohenberger
- CIP Committee: Mr. Hohenberger, Mr. Stearns (Alternate)
- CTAP: Mr. Stearns, Mr. McMahon (Alternate)
- HazMat District: Mr. McLeod
- Historic District Commission: Mr. Stearns
- Historic Committee: Mr. Stearns
- Planning Board: Mr. Breton, Mr. McLeod (Alternate)
- Joint Loss Safety Committee: Mr. Breton
- Welfare Overseer: Mr. McMahon
- Housing Authority: Mr. Breton, Mr. McLeod (Alternate)
- Technical Advisory Committee: Mr. Hohenberger
- Recreation Committee: Mr. McLeod
- Fire Safety Committee: Mr. Breton

- Depot Advisory Committee: Mr. Stearns
- Salt Shed Committee: Mr. McMahon, Mr. Hohenberger (Alternate)
- Economic Development/CoC: Mr. McMahon, Mr. Breton and Mr. McLeod (Alternates)
- Police, Fire, & Municipal Unions: Mr. McMahon

Motion passed unanimously.

HIGHWAY AGENT: Mr. McCartney advised the Board that the required permits for Londonbridge Road have been submitted, and Mr. McMahon added that the Alteration of Terrain permit should be completed by Friday, after which the project can begin.

Mr. McCartney went on to say that he has some concerns regarding what the asphalt costs may be in the fall versus the funding cap on the project. He indicated that while the project might be finished within four (4) months, prior to the increase, asphalt cost could exceed \$100/liquid unit in August. Mr. McCartney noted there may not be enough funds available to complete the old portion of Londonbridge Road, and he would rather not go as far as to do the drainage/tree removal there and have it end up gravel only. Discussion ensued regarding the Route 28 Emergency Fund, which currently totals approximately \$76K. Mr. McCartney indicated if the Town were going to utilize these funds he would rather put them towards the Town portion.

Mr. Hohenberger expressed concerns regarding the fact that these funds came from the Lamplighter and other subdivisions in that portion of Town, and he would like to see it used for the purposes it was collected for, such as a possible substation on Route 28. Chief McPherson approached and explained that, based on studies recently conducted, the Route 28 area of Town is no longer recommended as the best area for a substation. He then indicated he cautiously supported the use of these funds towards the Londonbridge Road project. Mr. Hohenberger concurred with the latest opinion about the substation, but felt the funds could be used towards some form of improved fire service to that area of Town.

After further brief discussion, Mr. McMahon moved and Mr. Breton seconded to authorize that \$65,000 from the Route 28 Emergency Fund be directed towards the High School second access.

Mr. McLeod inquired what the rational nexus was between the purpose of this fund and the Londonbridge Road project. Discussion ensued regarding the collection of these funds and the current service time topographical map.

Chief McPherson indicated that, prior to the Route 111 project, the longest response time in Town had been to the Goodhue/Longmeadow road area, at approximately 12 minutes, which has now been shortened by a couple minutes. Chief McPherson further noted that generally the only way to get to West Windham currently is to utilize Faith Road or go down to Mammoth Road.

After further, brief discussion, motion passed 3-2, with Mr. McLeod and Mr. Hohenberger opposed.

Mr. McCartney then sought the Board's input as to whether funds within his budget should be utilized towards leasing a new vehicle or purchase of a surplus. The current highway fleet / drivers was discussed, and Mr. McCartney advised he had only spoken to one dealer at this point regarding

whether the \$35K he has available would be adequate for the first year lease on a new/leftover vehicle.

After further discussion, it was the consensus of the Board that Mr. McCartney inquire of other dealers what they may have available and look at NH and out-of-state surplus vehicles and/or used vehicles. Mr. McCartney will follow-up to do so and return to the Board at a future date.

Salt Shed: Mr. Stearns sought the Board's input on how to proceed in light of the defeat of the March warrant article. Mr. McMahan reminded all that the salt shed must be moved per the NHDES/NHDOT by the end of 2011. Mr. Breton noted the possibility of a 3-5 year waiver could be explored.

Mr. Hohenberger stated he believed the article had been defeated because the project was expanded from the original presentation and suggested it be reduced to just a salt shed without four (4) maintenance bays. Mr. McLeod added that he believed there was also confusion regarding the language of the article itself in that it was not clear that only a portion of the \$925K would be bonded. Discussion ensued regarding the Salt Shed Capital Reserve Fund, reducing the scope, and the warrant article language.

Mr. McMahan felt more education was needed, and that the maintenance facilities were a necessity. He further felt that the project should have been fully within the CIP.

Discussion ensued regarding the initial presentation made to the Board, and obtaining new bids. It was the consensus of the Board that Mr. McCartney re-bid the project with two options: 1) as previously bid to include the salt shed and four bays; 2) with the shed and two bays.

Brief discussion ensued regarding possible waivers to the requirement to move the shed. Mr. Sullivan clarified that two waivers to remain beyond 2011 would be necessary, one from the DES/EPA as it pertained to the shed, and the other from the State of NHDOT as owners of the property.

OLD/NEW BUSINESS: Mr. Sullivan indicated that he anticipates requesting the Board's final approval of the Conservation Easement with the Southeast Lands Trust on the April 27th agenda.

Mr. Sullivan advised he had received a request from a Litchfield resident to use Cobbetts Pond for his organizations year-end bass fishing outing. After a brief discussion regarding the potential impacts, CPIA input, and the precedent that might be set by approving this use, Mr. McMahan moved and Mr. Hohenberger seconded to deny the request. Passed unanimously.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into a non-public session in accordance with RSA 91-A:3-II b. Roll call vote – all members “yes”.

The topic of discussion was personnel and the Board, Mr. Sullivan, and Ms. Devlin were in attendance. Mr. Stearns recused himself from the meeting.

The Board discussed the vacant Director of Community Development position. No decisions were made, and Mr. Sullivan will follow-up to prepare for further discussion at the next meeting.

Mr. McMahan moved and Mr. Hohenberger seconded to adjourn. Passed 4-0

The meeting was adjourned at 9:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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