

BOARD OF SELECTMEN
Minutes of May 11, 2009

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Roger Hohenberger, Charles McMahon, and Ross McLeod were present, as was Assistant Town Administrator Dana Call. Town Administrator David Sullivan was excused. Mr. Stearns opened the meeting with the Pledge of Allegiance, and then read the agenda into the record.

ANNOUNCEMENTS: Mr. Stearns noted that the Annual Strawberry Festival had been scheduled for June 6, 2009 at the Nesmith Library.

Mr. Stearns extended congratulations to Selectman Breton on his recent marriage. Birthday wishes were extended, as well.

Transfer Station Manager David Poulson announced that the Town Offices would be closed between the hours of 11AM and 1 PM on Wednesday May 13th, for the 5th Annual Employee Appreciation Day.

WETLAND RESTORATION GRANTS: Mr. Poulson advised the Board that the NH Department of Environmental Services has established an Aquifer Restoration Grant Program aimed at restoring areas in the Merrimack Valley Watershed. Mr. Poulson noted there are \$650K in funds available, and that two areas in Windham have been identified as possible submissions for grant funds: the area adjacent to the landfill on Marblehead Road and the area on the corner of Lowell Road and Route 111. Mr. Poulson asked the Board's endorsement of the submission of these areas to the grant process, and a waiver of the bid process to allow SWAMP, Inc. to prepare the application for submission and complete the project(s) if funds are awarded. Mr. Poulson indicated that SWAMP, currently Windham's mosquito control vendor, is familiar with the Town and has established a good working relationship with the DES.

Mr. Hohenberger inquired whether the Town had to have a vendor under contract in order to receive the grant funds. Mr. Poulson replied in the negative, but noted he would like SWAMP to act as a consultant/contractor from the application process to post-monitoring as there are no other qualified vendors in the area.

Mr. McMahon moved and Mr. Breton seconded to waive the bid process as requested. Mr. McMahon explained his motion to waive as being a result of the competitive nature of the grant process and the relationship between the DES and the vendor. Mr. Poulson added that he would be meeting with the Conservation Commission that week to request endorsement from them as well. Motion to waive the bid process passed unanimously.

Discussion ensued regarding the application process, and Mr. Breton then moved and Mr. McLeod seconded that the Chairman send a letter to the NH Department of Environmental Services endorsing the ARM project and these areas. Passed unanimously.

LIAISON REPORTS: Mr. McMahon advised that progress continues to be made on the Post Office access to the elderly housing site on Fellows Road.

MINUTES: Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of April 13 and 20 as written, Passed unanimously.

CORRESPONDENCE: Notification received from Public Service of New Hampshire that they will be trimming brush/limbs throughout Town adjacent to and beneath their power lines.

Letter of thanks received from the Cobbetts Pond Improvement Association relative to the Board's recent denial of a request from the Litchfield Fishing Club to utilize Cobbetts Pond for their annual derby.

Letter received from the Highway Safety Committee recommending the following actions be taken to correct safety issues at Governor Dinsmore/Mockingbird Hill Roads: 1) place a "Stop Ahead" sign on Mockingbird Hill approximately 150-200' prior to its intersection with Governor Dinsmore; 2) place a "Sharp Curve Ahead" sign (with appropriate directional arrow) on Governor Dinsmore Road approximately 150-200' prior to its intersection with Mockingbird Hill Road; and 3) place a "No Outlet" sign nearest the stone wall at the intersection.

Mr. McMahon moved and Mr. McLeod seconded to accept the recommended actions as proposed by the Highway Safety Committee. Passed unanimously.

NHDOT UPDATE: Mr. Peter Stammus Project Manager, and Mr. Jay Levine Corridor Supervisor, were on hand to update the Board relative to the I-93 and Route 111 projects. Mr. Stammus opened the discussion by reviewing the scope of work planned for the area from the Massachusetts border to the I-293 split. Highlights included:

- The 20-mile stretch will be widened from 2 to 4 lanes and the interchanges reconstructed.
- 43 bridges in the area will be repaired/constructed, including 20 new.
- 3 new Park and Rides will be constructed.
- 5 miles of sound barriers will be installed.
- 1000 acres of wetlands will be preserved, of which 300 +/- are in Windham.
- \$3.5M in CTAP funds are available to corridor communities.
- \$5M has been expended on chloride impact/mitigation studies.
- 80% of stormwater run-off will ultimately be collected and treated once the project is completed.
- Stage 2, mainline priorities, are now the focus involving the areas of Exit 1 to Exit 3, and Exit 5, which includes 18 red listed bridges. This phase is included in the State's 10-year plan and is therefore fully funded. Completion date is expected to be six years. Expected cost for Phase 1 and Phase 2 of the project is \$375M, of which \$134M has been completed or is under contract.
- Remaining areas are not included within the 10-year plan, and are therefore not funded, as yet. Their expected start date is 2012, with a six year completion time.

- Exit 3 overview - During the 2008-12 construction seasons, 3 miles of road work will be undertaken from the Salem line to just north of the weigh station, including 2 bridge constructions over 111 and 111A. Both the Northbound and Southbound lanes are expected to be complete and open to traffic by 2015. Discussion ensued regarding the latter and possible bottleneck effects on Windham from the 4-2 lane transition, and stormwater collection methods. Mr. Stammus explained the design of the on/off ramps which is aimed at diminishing bottlenecks, and that through wet basins and other high order treatments the State is endeavoring to meet the DES mandate of no net increase in run-off.
- Viewers were urged to visit RebuildingI93.com for continuing updates about the project.

Mr. Levine discussed current project activities, including:

- Completed items: 1) detention pond at the SB off ramp; 2) additional drainage in the area of Dinsmore Brook; 3) steel sheeting dam behind the former Cooperative Kindergarten; and, 4) pre-boring for the Route 111 bridge.
- Upcoming items include construction of the retaining wall by the Common Man Restaurant.
- Ongoing items include blasting of the SB ramp, which is 40% completed with 184K yards of rock moved to other fill locations on the site. Since February, there have been approximately 60 blasts, of which 3 exceeded the Town's ordinances.
- The former Dunkin Donuts area will be paved within a week or so, and the traffic re-aligned.
- Erosion control: The site is inspected on a weekly basis, and representatives of the Town, DES, CPIA, DOT, and the contractors meet weekly to discuss any past/potential concerns. A plan has been put in place to actively monitor the site in the event ½" or more of rain is forecast.
- The project in its entirety is 19% complete to date.

The Board inquired of Mr. Levine how much longer, overall, blasting was expected to continue. Mr. Levine replied it would take a couple of years to blast all the areas involved.

Mr. Breton noted that the By-pass landscaping has begun, and looks great.

Mr. McMahan inquired about the Emergency Access off of North Lowell. Mr. Stammus replied that it is expected to be completed prior to Labor Day, pending execution of the agreement drafted with the Fire Chief.

Mr. McMahan then inquired about the sound walls requested by residents of Squire Armor Road. Mr. Stammus noted he would be meeting on site with the residents on the following Wednesday. Mr. McMahan requested that Mr. Stammus be prepared to discuss the sound barriers installed at Exit 1, and why identical ones cannot be used in this case.

Discussion moved to the utility conduit sleeves, which Mr. Stannus indicated were left in the State's contract when bid. He noted the approximate cost to the Town would be \$80K per sleeve, and advised that the State will need to know fairly soon whether the Town wants them installed or not. Mr. Stannus noted that, if the State does not receive a confirmation from the Town, the sleeves will not be installed. Mr. McMahon clarified that the total cost would be approximately \$240K, with which Mr. Stannus concurred. Discussion ensued regarding directional boring in the future and the placement of alternate, loose fill by the State in designated areas to facilitate it. Mr. McMahon inquired when the State would need confirmation of the Town's desire for alternate fill, and Mr. Stannus requested response by July of 2009.

After a brief discussion regarding location, with no decision made, the Board extended their thanks to Mr. Stannus and Mr. Levine for attending.

CONSERVATION EASEMENT: Conservation Commission Chairman Jim Finn approached to advise that the Southeast Lands Trust had agreed to the final revisions to the Easement document requested by the Board, including clarification of passive recreational uses and return of the funds to the Town in the future, if necessary. He noted that several clarifications were made at the NH DES level as well, and incorporated into the document, and that the Commission's attorney and Town Planner Laura Scott have reviewed the final draft.

After a brief discussion regarding delineation of the area on Town maps and the Town's purview over the use of the property, Mr. McMahon moved and Mr. Breton seconded to approve the Conservation Easement Deed based upon revisions made April 13, 2009. Passed 4-1, with Mr. Stearns opposed.

OLD/NEW BUSINESS: *Tax Anticipation Note:* Mrs. Call advised the Board that she had reviewed the Town's cash flow with the Treasurer, and also spoken to the School District regarding their impending needs. Mrs. Call stated that, worst case scenario, TAN for \$1.8M would be required, which would likely be paid off within 30 days.

Mrs. Call then advised that she had requested quotes for interest rates from both Citizens Bank and Ocean Bank, and for a TAN Line of Credit, Ocean quoted a lower rate of 2.34% versus Citizens' quoted rate of 2.95%. She then recommended that the Town proceed with Ocean, with a caveat that if the process experiences major delays due to paperwork then the Treasurer may go to Citizens Bank. Mrs. Call also recommended the Board obtain a line of credit, as opposed to a fixed TAN, due to the fact that not all of the money will be needed up front.

After a brief discussion, Mr. McMahon moved and Mr. Hohenberger seconded to approve the issuance of a Tax Anticipation Note Line of Credit with Ocean Bank in the amount of \$1,800,000 at an interest rate of 2.34% and due August 29, 2009. Passed unanimously.

The discussion of CTAP Committee make up was tabled.

Mr. Stearns advised that the Town Planner had requested the Board consider making a blanket motion to waive all fees related to Town projects, as opposed to doing so on a case by case basis. After a brief discussion, it was the consensus of the Board to wait to speak with Mr. Sullivan about this request.

Mrs. Call advised the Board that the School District had forwarded their oil bid results for the Town's review, and inquired how the Board wished to proceed to bid the Town's heating supplies. After a brief discussion, it was the consensus of the Board to separately bid the Town's heating oil and propane needs with both fixed and index options.

NON-PUBLIC SESSION: Mr. McLeod moved and Mr. McMahon seconded to enter into a non-public session in accordance with RSA 91-A:3-II c and e. Roll call vote; all members "yes". The topics of discussion were reputations and legal.

The Board, Mrs. Call, Mr. Poulson, and Ms. Devlin were in attendance in the first session. After ascertaining the purpose of Mr. Poulson's request for a non-public session, the Board determined that it did not fall under the auspices of RSA 91-A. The Chairman immediately resumed public session.

PUBLIC SESSION: Mr. Poulson advised that he had expressed concerns regarding his attendance at the weekly meetings between the DOT, DES, CPIA, and contractors regarding the I-93 project, and had requested to be excused from attending. Mr. Poulson indicated he did not believe it to be a productive use of his time to attend the meetings.

Mr. Stammus and Mr. Levine re-joined the meeting, and a lengthy discussion ensued regarding the purposes of the meetings and the involvement of the CPIA and NHDES in the project process. It was the consensus of the Board that Mr. Poulson continue to attend the meetings as a liaison between the Board and State agencies involved.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McMahon seconded to enter into non-public session in accordance with RSA 91-A:3-II c and e. Roll call vote; all members "yes". The Board, Mrs. Call, and Ms. Devlin were in attendance, and the topics of discussion were reputations and legal.

Mrs. Call presented a list of those properties scheduled for tax deeding to the Board for review and decision at the next meeting.

Mrs. Call updated the Board on a legal matter. No decisions were made, and Mrs. Call will follow-up with Town Counsel.

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

Meeting was adjourned at 9:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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