

BOARD OF SELECTMEN
Minutes of November 2, 2009

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

ANNOUNCEMENTS: Mr. Sullivan advised that the Wall Street Advisory Committee would conduct their project kick-off meeting on November 5th at 7:00 PM at the Searles building.

Mr. Sullivan announced that the Tax Rate had been officially set at \$18.92/thousand, which represented an overall increase of 5%. He noted, however, that the Town side had gone down, and credited the Department Heads and staff for lowering this portion of the overall rate.

Mr. Sullivan noted that, for the fourth year of the last five, the Town had been awarded first place in the Local Government Center's "Excellence in Annual Reports" contest.

Mr. McLeod noted that the Girls' Y14 travel team had finished first in their division, and would now be going to the finals. He noted that the team's performance boded well for the future High School soccer team.

LIASON REPORTS: Mr. Hohenberger noted that the CIP Committee was scheduled to meet with the Planning Board on the following Thursday to review the first draft of the CIP Plan.

ANNOUNCEMENTS CONTINUED: Ms. Laura Scott, Community Development Director, introduced Ms. Elizabeth Wood the newly hired Town Planner/Code Enforcement Officer. Ms. Scott noted that Elizabeth had started work the previous Friday, and gave a brief background of her experience prior to coming to Windham from Wyoming. Ms. Wood thanked the Board for the opportunity.

Mr. McLeod announced that the Town's Annual Tree Lighting would be held on Saturday December 5th beginning at 3:00 PM.

Mrs. Margaret Crisler approached to announce that the Windham Garden Club's Conservation Committee would be conducting a walk of the Gage Lands on the following Saturday. Those interested in participating should meet by the High School football field at 9:15 AM. Mr. Wayne Morris of the Commission will be guiding the walk, and the rain date is scheduled for the following Sunday at 1 PM.

LIAISON REPORTS CONTINUED: Mr. Stearns noted that at the last meeting of the Historic District/Heritage Commission a vote had been taken to remove the antenna located on the side of the Community Development Department. After a brief discussion, Mr. McMahan moved and Mr. Breton seconded to remove the antenna as recommended by the HDC. Passed unanimously.

MINUTES: Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of September 21st and 28th as written, and the minutes of October 19th subject to correction of Ms. Bondioli's name. Passed unanimously.

CORRESPONDENCE: None.

PUBLIC HEARING/DONATION: Mr. Stearns read the public hearing notice into the record. Mr. Breton then moved and Mr. McMahon seconded to open the public hearing. Passed unanimously.

Mr. McMahon explained that, when developed, the plan for Griffin Park had included planting of vegetation as a buffer along the south side of the park. He noted this project had now come to fruition through the generosity of Mr. Jay Yennaco of Delahunty Nursery. He added that the proposed donation had been discussed and approved by both the Windham Baseball Softball League and the Recreation Committee, and included 60+ trees which were currently in place at a total of cost of \$32,540. Mr. McMahon noted that \$27,290 had been donated by Mr. Yennaco, with the remainder being covered by the WBSL. He indicated that the trees will reach an approximate height of 20 feet and require no maintenance.

Mr. Breton noted for the record that, on behalf of Mrs. Mary Griffin, he had been asked to extend her thanks to Mr. Yennaco, Mr. McMahon, and all involved; and that she felt the trees were a beautiful addition to the Park.

Mr. McLeod noted he was very grateful for the donation and agreed the trees are a beautiful addition to the park, however, he had concerns that the plantings didn't seem to be fully incorporated into the area (ie: leaving adequate room for mowing and to prohibit the re-invasion of bitter sweet). Mr. Yennaco approached in response, noting that similar concerns had been discussed prior to installation of the trees, and an expert brought to the site to evaluate the best location. Mr. Yennaco noted the location was primarily determined by the purpose of the plantings to serve as a buffer. He noted that to put the trees anywhere else would not have looked as good in the future and, within approximately five years, there will not be a need to maintain beneath them. Mr. Yennaco then stated that the bittersweet is an annual issue and, had the trees been moved further out they would have grown over the walking path.

After further, brief discussion, Mr. McLeod moved and Mr. Hohenberger seconded to accept the donation as detailed. Mr. McMahon noted that the project had been fully vetted out, and thanked the Board for their support. Further discussion then ensued regarding the bittersweet.

Mr. McLeod withdrew his motion and Mr. Hohenberger his second to allow for further input. Mr. Senibaldi, Recreation Committee, approached noting that 11 truckloads of bittersweet had been removed, and additional funding was necessary on an annual basis to allow for continued spraying/eradication. Discussion ensued as to whether the Recreation Committee had included a funding request within their budget and/or developed a plan to continue addressing the issue.

Mr. McLeod then moved and Mr. McMahon seconded to accept the donation as described. Passed unanimously.

OLD/NEW BUSINESS: Mrs. Margaret Case, Cable Advisory Board Chair, approached to request approval of the withdrawal of funds up to \$50K, with Mr. Sullivan to oversee their expenditure, from the Cable Special Fund towards the purchase of equipment for the High School studio. Mrs. Case added that Cable will also be donating \$50-60K worth of used equipment toward the HS studio.

Mr. Hohenberger inquired whether the requested funding would cover the necessary wiring for the studio, and Mrs. Case replied in the negative, noting it was only for equipment. Discussion ensued regarding what is required for the studio versus what the School District is requesting.

Mrs. Case noted that the District is paying for the wiring and three (3) cameras in the auditorium, and Cable will equip the studio and audio/video booth in the auditorium. Mr. Hohenberger sought clarification as to whether this request for \$50K would cover complete equipping of the High School or will an additional request follow. Mrs. Case replied that there will be a subsequent request, but not for the High School. Rather it will be for additional equipment for the Cable Studio which the Board will be putting out to bid. Discussion ensued regarding the value of the donated equipment, available funds, and the amount being funded by the School district. Mrs. Case noted that the latter should be approximately \$60-70K.

After further, brief discussion, Mr. Hohenberger moved and Mr. McMahon seconded to authorize the Cable Advisory Board, under the oversight of Mr. Sullivan, to expend up to \$50K from the Special Cable Fund. Passed unanimously.

Mr. Sullivan noted that the Historic Committee was requesting a waiver of the bid process to allow them to utilize the previous vendor to continue with repairs to the Searles' roof. After a brief discussion, with input from Committee Chair Marion Dinsmore, Mr. McMahon moved and Mr. Hohenberger seconded to waive the bid process based upon the successful history with the vendor in question. Passed unanimously.

Mrs. Dinsmore then explained that she has a quote from the vendor to complete the work, however it may change when he views the roof again in the spring. She noted the Committee will do only what they can with the funds available. Mrs. Call explained that there is \$20K available as approved at Town meeting, and she believes an additional \$5K will be available toward the roof at year end. She noted the Committee needs authorization to expend the money by year end, or the funds will be lost. Discussion ensued regarding the Searles revenue and the self-funding nature of the facility.

Mr. McLeod then moved and Mr. Hohenberger seconded to approve the expense of up to \$17,000 for the stated roof repairs. Passed unanimously.

Mr. Sullivan then noted that Mr. John Mentuck had been offering assistance to the Historic Committee for some time, and that appointment to same by the Board does not involve any terms/limitation. Mr. McMahon then moved and Mr. McLeod seconded to appoint Mr. Mentuck as a member of the Historic Commission. Passed unanimously.

BID AWARD: Mrs. Call noted that the bid results for the repair/replacement of the Police Department emergency generator had been available on the Town website for some time (see attached), and therefore she would not be reading them into the record. She noted that, since their posting, one correction had been clarified relative to a replacement vs. repair price.

After a brief discussion, Mr. McLeod moved and Mr. McMahon seconded to waive the bid technicality relative to repair versus replacement bid amounts. Passed unanimously.

Mr. Sullivan noted for the record that the Board had waived the bid provisions to allow late acceptance of a bid from Winmill Equipment, which upon opening had been a "no bid".

Further discussion ensued regarding the current vendor and maintenance service requirements. Mr. Matthew Oliver of ElecComm Power Services was present and clarified that regular maintenance is included in their bid price. Mr. McMahon requested that the service specifications be forwarded to staff, and Mr. Oliver agreed.

Mr. McLeod then moved and Mr. Hohenberger seconded to award the replacement of the Police generator to ElecComm for their bid price of \$32,434. Passed unanimously.

Mrs. Call then noted that a grant application has been submitted for 50% reimbursement of the replacement cost, however, until receipt of the funds staff recommended that the Property Maintenance Trust be utilized.

Mr. McLeod moved and Mr. McMahon seconded to authorize use of funds from the Property Maintenance Trust as recommended. Passed unanimously.

ECONOMIC DEVELOPMENT COMMITTEE: Community Development Director Laura Scott opened the discussion by noting that as part of their September 17th event, the WEDC had initiated a web-based opinion survey regarding economic development in Windham. She then deferred to Mr. John McDonald of the WEDC, who presented a powerpoint summary of the survey findings. Highlights of the presentation included:

- 160 responses were received and, although not sufficient to accurately/statistically represent all the residents of Windham, a valid glimpse was gained of opinions from persons passionate about Community Development. Therefore, the WEDC has sufficient guidance and information to formulate a meaningful Strategic Plan for 2010.
- Highlights of survey results synopsis: 88% of the 160 respondents were Windham residents; 29% owned/operated a business in Town; 60% indicated 25% of their shopping needs were met in town, and 24% indicated 50% was met in Windham; 35% desired 50% of their shopping needs to be met in Town, while 28% desired 75% to be met; and 49% used 10 or fewer Windham businesses in the past year, 20% used 20, while 10% utilized 30. The full results can be found on the Town's website.
- Some items being considered for the Strategic Plan include steps to address a lack of awareness and understanding of local business: such as public events where local businesses can interact with residents; development of a WEDC website; and educational forums for local businesses.

Mr. Hohenberger commended the WEDC on an excellent job, and suggested a quick survey be conducted at the upcoming polls. Mr. McDonald welcomed the suggestion, and added that he believed there are several innovative means available to garner input. Mr. McLeod inquired how the WEDC planned to do a bi-modal study, and Mr. McDonald indicated that all information that could be garnered from the limited response had been and a bi-modal study was not possible with the small database of results.

After further, brief discussion the Board thanked the WEDC for attending.

The Chair then called for a five minute recess.

OLD/NEW BUSINESS: Tax Assessor Rex Norman discussed with the Board a 2008 abatement request for the golf course property, which had been deemed denied due to the owner's lack of response. He noted, that since the denial, a valid appraisal and comparables had been submitted. Mr. Norman had since adjusted the assessment to \$4,204,200, and the owners had agreed to settle for that assessment rather than proceed to the Board of Tax and Land Appeals. In addition, they will not appeal their 2009 assessment.

Discussion ensued regarding the value of only \$25K+/- per acre at the adjusted amount, which Mr. Norman indicated was being assessed as raw land. Mr. McLeod inquired whether the owner's appraisal would have stood up to the rigors of the BTLA, and Mr. Norman replied in the affirmative. Discussion ensued regarding per hole cost patterns for golf courses.

Mr. McMahon then moved and Mr. Breton seconded to approve the abatement for tax year 2008 in the amount of \$12,846.60 for the golf course. Passed unanimously.

Mr. Norman then indicated he had been contacted by a Windham resident who had been receiving a veteran's credit, who would now like to reimburse the Town in order to avoid being subject to a property lien in the State of Florida. Mr. Norman noted that the resident had received the \$500 credit for the past two years while in Florida, and that there is no set standard for such circumstances.

After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to accept \$1,000 in reimbursement and allow Mr. Norman to advise Florida that the individual has released NH as his residence and returned the credit received. Passed unanimously.

Mr. Sullivan noted that, at the same time the Board had recently approved acceptance of a donation for the swale bridge at Griffin Park, the Storm Water Committee had been working with Mr. Zohdi to ascertain if the swale could be filled in. Mr. Sullivan inquired how the Board wished to proceed, as the bridge was scheduled to be installed this week. He noted that, should the Board wish to apply for an application to fill the area a \$200 fee will be required, and Mr. Zohdi will donate his engineering services.

Discussion ensued regarding the benefits of filling the swale and the previous denial of a similar permit application. Ms. Laura Scott approached and indicated that she and Mr. Poulson had viewed the site and spoken to the DES regarding the project. She noted the DES indicated the area could be dredged and filled with rip rap without a permit. Ms. Scott noted, however, that it was being proposed to dredge, install filter fabric and a culvert, and cover the area sloping down to the walk. She indicated the DES had viewed the site and felt the project could be completed under a wetlands permit, which would be good for several years, and that Mr. Zohdi was willing to donate his time to engineer a design.

Mr. Dennis Senibaldi approached, noting that as Mr. Poulson had been speaking to the DES regarding other matters he had requested he inquire about the dredging/filling of the swale which the Recreation Committee endorsed. He indicated he had not been aware that the bridge was scheduled to be installed so soon, and added the permit fee of \$200 is available within the Recreation budget. Mr. Senibaldi reiterated Mr. Zohdi's donation of services, and advised that Gove Environmental will be encouraged to donate their services, as well.

Mr. McMahon expressed concerns with costs to fill area and the DES's previous stand on the swale/drainage. He noted the earth bridge is in and materials have been purchased for the bridge to meet ADA requirements. He asked that the Board support moving forward with the bridge donation. Discussion ensued regarding the type of decking being utilized for the bridge and the ability to relocate it in the future should the swale be filled.

Mr. McLeod noted that filling of the swale is a more comprehensive solution, and that the ADA issue is resolved with the earth bridge. Discussion ensued regarding the original complaint to the Governor's Council regarding accessibility at the park and ADA requirements.

Mr. McLeod then moved and Mr. Hohenberger seconded to authorize the application for a wetlands permit as discussed, and to proceed with the construction of the bridge as donated. Passed unanimously.

Highway Agent Jack McCartney approached and indicated that Brox is willing to hold their current pricing for sand. Mr. Hohenberger moved and Mr. McMahon seconded to continue with Brox for the Town's winter sand needs at their current price. Passed unanimously.

Mr. McCartney indicated he would be putting several projects out to bid for next year including work on approximately 900' of Searles Road utilizing forfeited bond funds and repairs to several other Town roads with current funding to be awarded by year end. Discussion ensued regarding the damage to Searles road.

Mr. McCartney indicated that, of the three quotes for vehicles received, only one truck remains: an International at a cost of \$118,165. He recommended placing the financing of this vehicle out for a period of four years. Discussion ensued regarding the vehicle replacement schedule and related financing, equipment included with the vehicle, and the benefits of leasing.

Mr. McMahon then moved and Mr. McLeod seconded to authorize the lease purchase over four years in the amount of \$118,165 for an International vehicle for the Highway Department. Passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

Mrs. Call advised the Board that tax bills had been issued with a due date of December 9th. She noted that the School District has been working with the Town and it did not appear that a TAN would be necessary.

Mr. McLeod inquired whether the Board wished to pursue a request for a re-hearing relative to the ZBA's decision regarding the plaza/gas station proposed by Howie Glynn on Route 111. After discussion, it was the majority consensus to not request a re-hearing.

Town Treasurer Robert Skinner approached noting that he had looked into the offering from Enterprise Bank of a money market fund at 1.75% interest. He indicated this offering was through March only and that, as Enterprise is a MA bank, full collateralization is not authorized with such a third party custodial bank.

Mr. Breton then inquired how the investments with Centrix Bank are proceeding, and Mr. Skinner and Mrs. Call advised that they are awaiting collateralization documents, however, the investment of \$3M until May has been approved.

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

The Board, Mr. Sullivan, and Mr. Senibaldi were in attendance in the first session to discuss matters related to the policy and procedure. No decisions were made.

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

Mr. Sullivan updated the Board on the potential lease of property by the Town. No decisions made, and Mr. Sullivan will follow-up.

Mr. McLeod motioned and Mr. Hohenberger seconded to adjourn. Passed unanimously. The meeting was adjourned at 11:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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