

**BOARD OF SELECTMEN**  
**Minutes of May 17, 2010**

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

**ANNOUNCEMENTS:** Mr. McLeod advised that the Windham Garden Club's Annual Plant Sale was scheduled for the following Saturday at 10 AM at the Town Hall.

Mr. McLeod asked that anyone who sees an ice cream truck vending at Griffin Park note the plate number and forward the information to the Recreation Coordinator.

**LIAISON:** None.

**MINUTES:** Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of March 29, April 5, and April 12 as written. Passed unanimously.

**CORRESPONDENCE:** None.

**I-93 UPDATE/NHDOT:** Mr. Pete Stamnas, Mr. Jay Levine, and Mr. Bill Cass were present representing the Department of Transportation for the update. Mr. Stamnas began by noting the following actions implemented relative to the Canobie Lake area subsequent to the Department's last meeting with the Board:

- Middlesex has made significant efforts toward erosion control over the last months.
- A working group was developed comprised of representatives of the DOT, CLPA, and the contractors to focus on immediate mitigation/control measures.
- DB1277 was completed and the water line relocated there. The basin is now three times larger, with a capacity of 700-750K gallons, and includes an impervious liner to prevent seepage. In addition, the by-pass ditch was fortified and the berm raised to eliminate the low point where the overflow occurred.
- An additional temporary basin has been engineered for future use as the project moves south. Mr. Stamnas noted that Middlesex has nearly completed the 111A bridge work, after which Cairns will take up the project southward for approximately 1 mile.

Mr. Stamnas then reviewed photographs of the area before and after with the Board, and a discussion ensued regarding the previous exceedances.

Clarification of the basin membrane was sought, and Mr. Levine explained that it is a 3mil PVC membrane bonded together, which is designed for long term use. He added that it may be implemented into the final basin design. Mr. McMahon asked how the water would be removed from the basin when necessary, and Mr. Levin replied it would be pumped or trailered out. Mr. Hohenberger inquired what the overall size of the liner was, and Mr. Levine replied it was roughly 60' wide at the top, 30' wide at the bottom, and 750' long. He then noted that the basin also includes spill containment system and shut off gates.

Mr. Hohenberger sought clarification of the proposed location and capacity of the secondary basin, and Mr. Stamnas replied it will be located between the NB/SB crossovers and will hold approximately a half a million gallons. Mr. Hohenberger then asked if the DOT was confident future incidents could be handled with the improvements, and Mr. Stamnas replied in the affirmative noting the basins would be used in tandem with trucking/pumping as necessary.

Discussion ensued regarding future maintenance needs for the basins during storm events. Mr. Stamnas noted that they are designed to handle 50-year storms and, for events beyond that, the spillways would come in. He indicated the basins were designed with DES guidance and review, and represent state-of-the-art systems. Mr. Cass approached and reminded the Board that, once the I-93 project is complete, the basins will be handling common storm water run-off, without the turbidity currently being caused by the construction operations.

Further discussion ensued regarding future maintenance relative to silt removal, and Mr. Stamnas noted that a plan will be developed in accordance with permitting requirements. Mr. McMahon inquired whether the water will need to be treated similar to that at the Route 111 site, with flocculants, and Mr. Stamnas indicated that was a possibility. Mr. McMahon then inquired whether the solutions currently in place guarantee no further impacts to Canobie Lake, and Mr. Stamnas replied the DOT could not guarantee that, but were in a good position to prevent impacts. Discussion ensued regarding future storms and turbidity possibilities. Mr. Levine reminded the Board that when aware of an impending storm, the DOT arranges to have a contractor on site for the duration and schedule trailers/pumping in the event they are needed.

Mr. Stamnas and Mr. Levine noted that the overall plan is ongoing, and the focus over the next couple months will be completing the work up to the crossovers. Mr. Stamnas noted that, at the next update with the Board, more information will be available relative to the plan specifics.

Mr. Bud Sweetser, CPIA, approached to thank the Board for keeping the pressure on the DOT relative to the project. He indicated that he had recently toured the site with representatives of the DOT, and noted much work/changes to the area. Mr. Sweetser noted that this project has represented a learning experience for all, and that the contractors, DOT, and DES have worked tirelessly throughout.

Mr. William Schroeder, CLPA, approached noting that the DES and DOT have been very cooperative throughout the process, which he appreciated. He indicated that all were doing their best to prevent erosion into the lakes, and extended his thanks to the Board of Selectmen.

Mr. Schroeder then inquired whether there were a limit to the number of open areas at the site at one time. Mr. Stamnas replied in the affirmative, noting such limitations were part of the contract and overall Storm Water Pollution Plan. Mr. Stamnas noted that the hall roads have been the biggest issue relative to open areas, and the contractors were working to button those up as soon as possible with stone over the next couple months.

Mr. Schroeder then inquired whether it was part of the plan to monitor area wells and, specifically, Pennichuck's. Mr. Stamnas replied in the affirmative, noting that monitoring has been ongoing since the project began with no issues noted. He added that the monitoring will continue, and the blasting plan for the advancing work is being developed.

Mr. Schroeder then inquired who is responsible to maintain the basins once the project is completed, and Mr. Stamnas replied they will be maintained by the State.

Mr. Hohenberger inquired whether the final location for the new park and ride had been determined. Mr. Stamnas replied in the negative, noting that the State's preference is to site it at the NB loop ramp. He noted that a public informational meeting relative to the park and ride will be scheduled sometime next year. Discussion ensued relative to the various options.

Mr. McMahon inquired how the flocculants had been working at the Route 111 site, and Mr. Stamnas replied it was a tremendous tool which had allowed for the discharge of turbid water more quickly. He added that the DOT is planning/coordinating future use of the product with the DES, as well. Mr. Cass approached adding that the DOT has met with the DES to take stock of all issues/improvements, and will continue to do so. He indicated that flocculants are a great tool, however, all other items and requirements still need to be, and will be, done.

A brief discussion ensued relative to the timing of the next update from the DOT, which will be scheduled for late July.

Mr. Levine then gave a brief update of the overall project progress as follows:

- Middlesex blasting operations are 99% complete
- SB ramp open areas are being closed with crushed stone/sand
- Final excavation of DB558 will begin soon
- Pouring of the concrete decking at Route 111 will begin in June
- Route 111 concrete decking is nearly completed

- Cairns project areas are all up to subgrade/drainage
- Crushing operations will begin in approximately two weeks, with the aggregate most likely being stockpiled to the north of Route 111
- Aggregate will be used to stabilize the hall roads, after which the slopes will be fertilized and seeded

Chief Lewis inquired whether the aggregate could be stockpiled in the same area as where it will be used, to cut down on trucking and traffic interruptions. Mr. Levine noted the material would still have to be trucked across Route 111, however, the DOT had discussed having the trucks cross together to minimize interruptions.

Mr. Stearns inquired what the hours of crushing would be, noting the Town's noise ordinance. Mr. Levine noted the hours should be 7 AM to approximately 3 PM.

**TOWN TREASURER – DEPUTY APPT.:** Treasurer Robert Skinner approached noting that Deputy Treasurer is not a position that anyone wants. Mr. McLeod indicated that he had been approached by a resident inquiring about the position, whom Mr. Skinner could speak to. Mr. Breton suggested the position be advertised for.

Mr. Skinner indicated he preferred to make his own selection and appointment to the Deputy position, noting his statutory authority, and a discussion ensued. Mr. McLeod indicated he would have expected Mr. Skinner to have more of an open mind relative to discussing this matter with the Board, and be willing to work together to fill the position.

Mr. Skinner noted that the only real purpose of a Deputy would be to sign checks in his absence, and inquired what the sudden urgency was from the Board that he appoint one. Mr. Breton noted accounting issues back to 2008, and pointed out that the RSA requires the Deputy to perform all duties of the Treasurer in his/her absence. Mr. Breton indicated the Board was simply asking to work with Mr. Skinner to put a Deputy in place, and requested the Board advertise for candidates for Mr. Skinner to interview. Mr. McLeod added that having a Deputy in place would serve to aid any future transition of Treasurers. Discussion ensued.

Mrs. Call noted that she had asked Mr. Skinner to consider appointing a Deputy in the past, and noted that he was correct in that the Deputy's primary duty would be related to check signing. She noted, however, that a bigger concern for her was that Mr. Skinner is the only signatory on the Town's accounts and, should anything happen to him, the Town finances will come to a standstill. Mrs. Call indicated she would like to have a back-up in place. Mr. McLeod inquired what the Town's auditors recommended relative to this issue, and Mrs. Call noted that, while they do support having a Deputy in place as an internal control measure, they have not issued an official comment on the lack of one. After further discussion, Mr. Skinner agreed that Mrs. Call's stance made sense and to review his potential choices.

Mr. Robert Coole approached to note that it is up to Mr. Skinner to appoint a Deputy, rather than the Board, and added that the appointee could become a public official for several years. Given that, he felt the voters should have the opportunity to weigh in as to whether they even want a Deputy.

**OLD/NEW BUSINESS:** Mrs. Call advised the Board that she had obtained three quotes relative to issuance of a short-term Tax Anticipation Note and that, after review, it was her recommendation that the Board proceed to do so with Citizens Bank in the amount of \$1.8M at a fixed interest rate of 1.88%. Discussion ensued regarding the length of time the funds will be borrowed, which Mrs. Call had calculated at 16 days based upon the last few years of data but could not guarantee with absolute certainty.

Mr. McLeod noted that if the 16 day period were to be exceeded, then Centrix' quote would be lower even with the related document and counsel review costs. Mrs. Call pointed out that there is very little lead time available when it comes to implementing the TAN, and expressed wariness regarding the document preparation time and secondary counsel review involved in going through Centrix. She noted that Centrix does not have pre-prepared TAN documents, which Citizens does.

After further discussion, Mr. Hohenberger moved and Mr. McLeod seconded to approve the issuance of a Tax Anticipation Note with Citizens Bank in the amount of \$1,800,000 at an interest rate of 1.88% and due July 26, 2010. Passed unanimously.

*Mrs. Call* then advised the Board that, in follow-up to Mr. Hohenberger's inquiry relative to earlier issuance of the first billing, the bill due date is set as July 1 by statute. She added, however, that that does not preclude the Town from issuing them sooner than normal, if logistically the departments can compile the data to generate them sooner. After a brief discussion, it was the consensus of the Board to schedule a discussion at a future date to determine means of issuing the bills earlier.

*Tax Abatements:* Tabled.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, b, c and e. Mr. McLeod indicated he would vote in the affirmative, with the exception of the reputations, which was related to the Griffin Park Playground and he felt should be conducted in public. After a brief discussion, Mr. Hohenberger withdrew his motion and Mr. Breton his second.

**OLD/NEW BUSINESS CONTINUED:** Mr. Breton advised the Board that Mr. Senibaldi had informed him that the cost to complete the drainage at the playground had been established as \$8,000. Mr. Breton noted the Playground Committee had \$6,000 remaining, and requested the Board approve the expense of \$2,000 to complete the project.

Discussion ensued, and Mr. Hohenberger indicated he desired clarification of who was engineering the drainage and would therefore be the responsible party should it fail again. It was the consensus of the Board that this discussion be scheduled for the next agenda.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, b, and e. Roll call vote – all members “yes”. The topics of discussion were personnel, hiring and legal.

The Board, Mrs. Call, Chief Lewis, Captain Caron and Ms. Devlin were in attendance in the first session.

The Chief updated the Board on a personnel matter and potential legal issues. After a lengthy discussion, Mr. Breton moved and Mr. McLeod seconded to support Chief Lewis’ recommendation to assign Officer Theresa Moore to Administrative Duty. Passed unanimously.

*The Board*, Mrs. Call, and Ms. Devlin were in attendance in the final session.

Mrs. Call discussed with the Board the recommended candidate for the vacant Assistant Tennis Instructor position. No decisions were made.

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

The meeting was adjourned at 9:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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