

**BOARD OF SELECTMEN**  
**Minutes of June 28, 2010**

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

**ANNOUNCEMENTS:** Fire Chief McPherson approached to advise residents that Class C fireworks are not permitted in Windham. He suggested that residents visit the State Fire Marshall website for more information.

*Chief McPherson* then reminded all that the Town's annual fireworks display is scheduled for July 3<sup>rd</sup> at the Windham High School; beginning between 9-9:30 PM.

**LIAISON:** None.

**MINUTES:** Mr. McLeod clarified that, in the minutes of June 14<sup>th</sup> as it pertained to the Flat and Fast 5K Race, Mark Wimmer and Danielle Ross had been the fastest Windham participants. He then moved and, and Mr. Hohenberger seconded to approve the minutes of June 14, 2010 as amended. Passed 4-0.

**CORRESPONDENCE:** Letter received from Ms. Betty Dun requesting that the Canobie Lake Protection Association, a 501-3c organization, be added the list of entities entitled to utilize the Searles facility at the reduced, non-profit rate. Mr. McLeod moved and Mr. Hohenberger seconded to approve the request pending confirmation by staff of the organization's non-profit status. Passed 4-0.

*Mr. Sullivan* reviewed with the Board a request from Eagle Scout candidate Steven Chau to waive ZBA and building permit fees related to his proposed project to construct a fence at the Presbyterian Church. After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to waive these fees as requested. Passed 4-0.

*Mr. McMahon* noted that an email had been received by the Board and Mr. Sullivan from a resident relative to boat restrictions at the Town Beach. Discussion ensued, and it was the consensus that this be scheduled for a future agenda.

*Letter received* from Mrs. Margaret Crisler expressing her pleasure with the response from citizens relative to appointment to the Economic Development Committee and noting that, although she was not appointed, she is prepared to assist however she can.

*Mr. Sullivan* advised that notification had been received from the State of New Hampshire relative to surplus property located at 13A-1 totaling 1.36 acres. As is procedure, the Town has the right of first refusal to purchase the property, and the state is asking \$198K.

Mr. Sullivan then advised that the Tax Assessor, along with the Planning Board and Conservation Commission are reviewing the property, and will submit their recommendation at a future date.

**COMMUNITY DEVELOPMENT JOB DESCRIPTIONS:** Mr. McMahon inquired whether the Board had any questions or concerns relative the proposed documents as submitted to them. There being none, Mr. Breton moved and Mr. Hohenberger seconded to approve the following as written: CEO/ZBA Administrator, Community Planner, Building Inspector, and Administrative Assistant job descriptions. Passed 4-0.

**REQUEST FOR WAIVER/WBSL:** Mr. McMahon explained that the multi-purpose building needed to be closed to allow PSNH to complete the lighting, and that the Baseball/Softball League was requesting to close the building and obtain a waiver to allow outside vending during the closure period. He noted that the Recreation Committee had voted to support the request of the WBSL, and that the closure would begin on August 1 and continue for approximately 3 weeks. During this period, porta-potties will be available.

After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to grant the request of the WBSL to close the multi-purpose building at Griffin Park from August 1 to August 21. Mr. McLeod sought clarification that Soccer would still be able to access the storage room, which was confirmed. Further discussion ensued regarding notification to the Fire Department regarding the alarms while the electrical is shut off. Mr. McMahon indicated that the Department had been notified, and Mr. Hohenberger suggested that Police be notified as well to increase patrols, and that Dave's Septic be advised that the porta-potties will require increased service. Motion passed 4-0.

Discussion then moved to the request for waiver to allow vending via a mobile cart during the closure. Mr. Breton moved and Mr. Hohenberger seconded to allow a waiver of Section IV (1) of the Multi-Purpose Building regulations to allow for outside vending at the Park by WBSL's authorized contractor from August 1 to August 21. Brief discussion ensued regarding the need to identify the carts as being from GKK concessions. Motion passed 4-0.

Mr. Breton then moved and Mr. Hohenberger seconded to allow a waiver of Section VII (D) of the Vending Policy to permit the authorized WBSL contractor to vend items outside the multi-purpose building for the period August 1 to August 21. Passed 4-0.

Mr. Bob Coole approached to inquire whether the pavilion area would still be accessible during the project, and Mr. McMahon replied in the affirmative. Mr. McMahon then added that the junction box in the front area of the building, which has caused issues in the past, will be eliminated as part of this project.

**OLD/NEW BUSINESS:** Mr. Sullivan advised that since the previous meeting at which the Board had voted to award the lease finance contract to TD Bank, additional information had become available relative to the need to obtain Counsel opinion. Previously, TD Bank had indicated this would not be required, however, this was found to be incorrect. He noted that and Mrs. Call had then re-examined the sign-off and fee requirements of each of the vendors and now recommended reconsidering the previous motion and awarding the financing to Enterprise Bank due to the additional cost to contract with TD Bank..

Mr. McLeod moved and Mr. Hohenberger seconded to reconsider the award of the lease financing to TD Bank. Passed 4-0.

Discussion ensued regarding the quotes, and Mr. McLeod moved and Mr. Hohenberger seconded to award the lease financing contract to Enterprise Bank of Salem per the contract terms dated June 28, 2010. Passed 4-0.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 IIa and c. Roll call vote, all members “yes”. The topics of discussion were personnel and reputations

The Board, Mr. Sullivan, Ms. Scott, and Ms. Devlin were in attendance in the first session. Mr. Breton moved and Mr. Hohenberger seconded to remove Tracey Mulder, Administrative Assistant to the Planning Board, from probationary status. Passed 4-0.

*The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the second session. The Board discussed the current management of the Searles facility. No decisions were made.*

*The Board, Mr. Sullivan, Elizabeth Dunn, Fred Linnemann, Sally D’Angelo, George and Marion Dinsmore, and Ms. Devlin were in attendance in the final session.*

The Board and the members of the Historic Commission discussed the current management of the Searles Facility and a vendor proposal to assume those duties. It was the consensus of the Board that same not be contracted out with the vendor in question as proposed, and that the Commission develop and action plan retaining control of the facility and return to the Board at a future meeting.

Mr. Hohenberger moved and Mr. McLeod seconded to adjourn. Passed unanimously. The meeting was adjourned at 8:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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