

BOARD OF SELECTMEN
Minutes of October 18, 2010

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

ANNOUNCEMENTS: Ms. Laura Scott announced the grand opening of two local businesses scheduled for the upcoming week; Thursday, October 21, Fringe Boutique will be holding an open house and Saturday, October 23 will be an open house for Breath of Sun.

LIAISON: None.

MINUTES: None.

CORRESPONDENCE: Mr. McMahon read an invitation received from the Nesmith Library to attend the annual banquet on November 9.

Financial Guarantee Release: Ms. Scott explained that the funds had been collected several years ago for the purpose of setting bounds, however, the work had never been completed. The department engaged SFC Engineering to complete the work at a reduced rate, equivalent to the balance in the Delpozso escrow account and the Planning Board previously approved the release of the funds to SFC Engineering. Mr. Breton motioned to approve the full release of \$500 plus accrued interest. Mr. Hohenberger seconded and the motion passed 3-0.

MEMORIAL BENCH AT GRIFFIN PARK: Ms. Susan Tokanel advised the Board that her daughter wished to place a granite bench at Griffin Park in memory of her fiancé who tragically passed away. Discussion ensued regarding the style of the bench, the specific location and requirements for placement and the engraving on the bench. The Board suggested the family coordinate the placement of the bench with Mr. Barlow, Maintenance Supervisor and provide the specific engraving to the Board at a future date prior to placement of the bench. Mr. Hohenberger motioned to approve as specified and Mr. Breton seconded. Passed unanimously.

COMMUNITY DEVELOPMENT ITEMS: Ms. Scott announced that the Planning Board is conducting several workshops relating to Town Meeting items in the upcoming months and reminded everyone to check the Town's website for frequent updates.

Ms. Scott presented to the Board an original, 1973 Town of Windham Business Directory which she had framed and is providing to the Town as a gift. The Board accepted with thanks.

Ms. Scott requested the Board approve a \$1,500 scope of work change

relating to the utilization of CTAP funds to review and make recommendations regarding Town regulations, in support of local agriculture. Mr. Breton motioned and Mr. Hohenberger seconded to approve the change. Passed unanimously.

Ms. Scott requested the Board approve the expenditure of an additional \$500 in CTAP funds currently available to the Town, the purpose would be to produce additional marketing materials for use by the department in economic development activities. This is an adjunct to the department's original \$10,000 request to utilize CTAP funds for website development and marketing activities. After some discussion regarding the need for this expenditure, Mr. Breton motioned to approve the request and Mr. Hohenberger seconded. Passed unanimously.

Ms. Scott presented the Board with a detailed memo acknowledging the Board's current statutory role as the issuer of junkyard licenses. Ms. Scott also presented an excerpt from an LGC publication on this topic and offered additional example forms if the Board chooses to implement them. Ms. Scott indicated that although the Planning Board may move forward with a junkyard ordinance, the BOS are currently the licensing authority. Ms. Scott noted that no action was required of the Board tonight.

Ms. Scott presented a follow up to her previous memo regarding the Town's current practice of performing winter maintenance on unaccepted town roads. Ms. Scott reminded the Board that although the Planning Board will be updating the subdivision regulations in order to provide the groundwork to potentially change this practice on roads built in the future and/or require escrow funds, it will be up to the Board of Selectmen to establish procedures for billing and collecting funds to reimburse the town for this service in the future. Mr. Hohenberger questioned the practice as described by Ms. Scott and Ms. Scott clarified that the Community Development department would continue to be responsible for collecting any monies paid up front, but that administering those funds would be under the purview of the Board/Administration/Highway. It will also be up to the Board of Selectmen to establish procedures governing continued winter plowing of existing unaccepted roads, such as formally declaring them as emergency lanes. The list of roads affected by this current practice was previously presented to the Board, and discussion ensued regarding this list. Mr. McMahan noted that once the Planning Board has updated the existing regulations, the Board of Selectmen would then take up policy development. Ms. Scott noted that the Planning Board's process to update the subdivision regulations, affecting new roads only, would take place in January 2011.

Discussion ensued regarding who determines reasonableness of the maintenance of roads while under development, and ultimately what triggers the use of escrow funds. Mr. McMahan asked Mr. McCartney, Highway Agent, to explain his memo documenting the estimated annual cost per mile of winter maintenance that had been requested by the Board, estimated at approximately \$3,200. It was noted that this is a

fluid number and will need to be updated continuously, perhaps even on an individual road basis as a result of the complexity of a given road design. Discussion then turned to the remaining bond funds on these unaccepted roads and how to address roads that have not been completed in many years, and the potential for developers forfeiting their responsibility to complete these roads. Mr. Breton asked if the current list of unaccepted roads could be reviewed to ensure that sufficient bond funds remain to cover the remaining costs to complete the road, and whether the Town could go back to the developer and request additional funds if not enough has been retained. Ms. Call noted that staff would review the list and determine if any are considered at risk of not having enough funds to complete. Mr. McCartney also noted that several roads on the original list have been completed and will be up for release soon, while several others have just receive finish pavement and would be up for final release/acceptance next year.

Discussion then turned to Squire Armour Extension, which is not complete, and it has recently been determined that the developer has no intention of completing the road. Ms. Scott presented a summary to the Board of the events that have transpired to date, the status of the road and “punch list” of items to be completed, an estimated cost to complete is approximately \$11,819-14,419 more than the current bond amount, which is held in cash by the town. In addition, a deed to the road has not been obtained by the Town, however, the developer’s attorney has offered to draw up the deed and forfeit the remaining funds, if the Town agrees to release the developer from all liability and responsibility regarding completion of the road. Ms. Scott indicated the Planning Board has voted to call the bond in order to utilize the funds towards completing the road, based on requests from several residents. Discussion ensued regarding the release of liability and Mr. Hohenberger made a motion to call the bond in the amount of \$16,464, including any accrued interest to date, as well as the remaining subdivision escrow funds of \$1,617. The intention of the motion was not to include a release of liability.

Discussion ensued regarding the developer’s responsibility, the town’s ongoing maintenance of the road and the town’s liability as a result, whether the financial guarantee in cash is at the town’s disposal to expend, and consultation with Town legal counsel. Mr. Hohenberger amended his original motion to include a request that Attorney Mason draw up the deed. Mr. Tom Case approached the podium and indicated his agreement with Mr. Hohenberger in regards to developers’ responsibilities. After additional discussion, Mr. Breton seconded the motion. Mr. Breton reiterated that the town should have a standard procedure for dealing with this type of situation in which a deed may not be attainable and that Town counsel should be consulted. Ms. Scott indicated that Attorney Campbell is aware of this situation and has been involved in the process to date. Ms. Scott further suggested that we attempt to obtain this deed from Attorney Mason, and if there is a need to further involve Attorney Campbell, that it be done as a next step. The motion passed 3-0.

Ms. Scott indicated she would follow up regarding the deed and will advise the Board if there is an issue. In regards to completing the Squire Armour roadwork, with cold weather approaching, consensus of the Board was to have Mr. McCartney obtain three written or verbal quotes to present to the Board at their next meeting, with the understanding that the funding shortfall will come from the Town's 2010 highway budget.

Mr. McMahon reminded all that the Board's next meeting will start in Salem with the Salem Board of Selectmen and then will reconvene at the Community Development department at 8:00.

SALT SHED/HIGHWAY GARAGE CISTERN BID AWARD: Ms. Call read the results of the bid to install a 10,000 gallon fire cistern at the new Highway Garage site which were opened on October 15, 2010 at 2:00 pm, as follows:

Vendor	Bid Price	Notes
Hawkins Construction, New Ipswich NH	\$21,250	Bid notes cistern has seams below the water line
Devlin Construction, Windham NH	\$31,800	Bid excludes ledge removal, if needed
Dulac Foundations, Manchester NH	\$30,830	
M.B. Maintenance, New Boston NH	\$54,670	Proposal notes several exclusions

A notation was made by the apparent low bidder that the cistern included in their bid has multiple seams below the water line, which would not comply with the Windham Fire department detailed bid specifications which were provided to all bidders. A lengthy discussion ensued regarding the bid specifications and the specific cistern included in each of the bidders' proposals. Mr. McCartney indicated that he attempted to get clarifying information from the apparent low bidder, but without supplementary shop drawings, he could not confirm that the bidder was in compliance with the bid specifications. Ms. Call and Chief McPherson clarified that the detailed specifications prepared by the Fire Department set forth the construction and piping of the cisterns and supplementary drawings were not required to be submitted, as the bidders were instructed to utilize the Fire department specifications. Mr. Dulac, representing the next apparent low bidder, confirmed that his bid met all required specifications for the price quoted, without exclusions.

Mr. Breton questioned whether the Hawkins bid should be automatically discounted as not meeting the specifications, and Mr. McMahon indicated that the letter attached to the bid clearly states that the cistern contains seams below the water line. Further discussion ensued regarding the difference between providing two tanks, in pieces, versus

providing one tank piped together with bonding material, grout and backfill. Mr. Hohenberger motioned to award the bid to Dulac Foundations for \$30,830 and Mr. Breton seconded. Passed 2-1 with Mr. Breton opposed.

DERRY DISPATCH CONTRACT: The Board then discussed the renewal contract with the Town of Derry for Fire dispatching services. It is a three-year contract, with two one-year renewal options, for a cost of \$64,763, \$71,239, and \$78,363 in year 1, 2 and 3, respectively. Chief McPherson noted that he and Chief Lewis, as well as Mr. Sullivan, had reviewed the contract and were satisfied with the language. Mr. Hohenberger motioned to approve and Mr. Breton seconded. Passed unanimously.

OLD/NEW BUSINESS:

2011 Groundskeeping Contract: The Board discussed the annual contract for groundskeeping, mowing and fertilizing. Ms. Call indicated that the Board has the option of awarding the second year of the original contract awarded for the 2010 season. The quoted bid for Year 2 is as follows:

<u>Boyden's Landscaping</u>	<u>2010 Cost</u>	<u>2011 Per Bid</u>
Groundskeeping	\$40,000.00	\$41,400.00
Infield Maintenance	\$2,500.00	\$2,600.00
Irrigation	\$1,350.00	\$1,400.00
Rte 111 Bypass	<u>\$5,000.00</u>	<u>\$5,175.00</u>
<i>Total</i>	<i>\$48,850.00</i>	<i>\$50,575.00</i>
<u>Cornerstone Strategic Svcs</u>	<u>2010 Cost</u>	<u>2011 Per Bid</u>
Fertilization	\$17,334.00	\$17,334.00

Ms. Call noted that staff had not yet contacted the two vendors regarding their Year 2 prices, but instead requested direction from the Board as to whether they were satisfied with the two vendors' performance over the past season or whether they would prefer to put the entire contract out to bid again. Mr. Breton indicated that he was unsatisfied with the Rte 111 Bypass portion of the contract and requested that staff be more specific with required timeframes for mowing and mulching in the future. After additional discussion, Mr. Breton motioned to award the contract to Boyden's Landscaping and Cornerstone Strategic Services for the prices as stated. Mr. Hohenberger seconded and motion passed unanimously.

Salt Shed/Highway Garage Project Update: Ms. Call indicated that Sy Wrenn, contractor overseeing the project, was here to update the Board on the status of the drilled well. Mr. Wrenn indicated that his contract included drilling a 500 foot well and as of this week, with authorization they have drilled to 800 feet and still have not hit water. He indicated that in discussions with Mr. Sullivan, the suggestion was made as to whether they could tap into the well at the Transfer Station, instead of continuing to dig further in the current spot or selecting another spot and risking the same result. He provided the Board with an estimate of the cost to dig a trench from the garage site to the Transfer Station well and

install the water lines (approximate 600+ feet) as follows:

Funds to cover the additional footage on the well	\$3,705
Estimate to connect to the Transfer Station well	\$7,158
Credit for pressure switch/pump/holding tank	<u>(\$700)</u>
Net additional cost	\$10,163

Discussion ensued regarding the risk of expending additional funds without knowing if water would be found, or connecting to the Transfer Station, which at one point had a 26 gallon/min output and likely could support both buildings. A lengthy discussion ensued regarding the logistics of this “tie-in”, the usage required by both buildings, any treatment that may be required, potential of running two systems off one well and whether the garage site should still have its own switch/pump/holding tank regardless. Mr. Hohenberger asked if this would cause the project to go over budget. Ms. Call indicated that there is a small amount of funds within the budget to cover contingencies such as this, but funds are tight.

Consensus of the Board was to not continue to drill at the current site. Mr. Breton motioned to approve the additional expense not to exceed \$10,163 to connect to the Transfer Station well, and to explore options regarding the Highway garage’s specific needs for a holding tank, treatment, booster pump, etc., which is not expected to represent significant additional expense. Consensus was to have Mr. McCartney and Mr. Wrenn meet directly with representatives from Derry Well to clarify the specific needs for each building. Mr. Hohenberger seconded the motion; passed 3-0.

Also in regards to the Salt Shed/Highway Garage project, Mr. Wrenn indicated that PSNH has notified the Town that in order to install the three-phase service that was previously approved by the Board, an additional charge for \$2,730 will be required to install a transformer pad (8 x 7.5 feet). Mr. Wrenn noted that this was not included in the plans, and therefore not in his contract price. He also noted that it is unusual for this to be required for a 200 amp service. After further discussion regarding the previously approved PSNH quote, PSNH design changes which now require a transformer and the overall project budget, Mr. Hohenberger approved the expense and Mr. Breton seconded; passed 3-0.

Extended Warranty for 2010 Dump Truck:

Based on a previous request from members of the Board, Mr. McCartney presented a quote from Liberty International to further extend the truck’s warranty from 5 year/150,000 miles to 7 years/175,000 miles, for a cost of \$3,571. Mr. McCartney noted that this could be absorbed in his department’s 2010 Vehicle Equipment budget. Mr. Hohenberger motioned to approve and Mr. Breton seconded; passed 3-0.

Winter Sand:

Mr. McCartney indicated that our current winter sand supplier agreed to hold their 2009 price through 2011. Consensus was to accept the price for the upcoming season.

Surplus Highway Vehicles:

Mr. McCartney indicated that he would like to dispose of the F-800 dump truck and some surplus plows through a sealed bid process and the Board agreed.

Other: Mr. Hohenberger asked if the Board had followed up on a resident's previous concern regarding the lights at Griffin Park. Ms. Call indicated that Ms. Haas had provided additional information to the resident and the Board felt that this would address the concerns noted.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a, c and d. Roll call vote all "yes". The topic of discussion was personnel, reputations and land acquisition and the Board and Ms. Call were in attendance.

Ms. Scott joined the Board for a discussion regarding extending the probation of an employee and consensus was to approve the request.

The Board discussed a potential land acquisition with no decisions made.

The Board discussed a request from the Assessor to approve a waiver provision regarding the timeliness of filing for an elderly abatement due to extenuating circumstances. The Board granted the waiver and approved the abatement.

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

The meeting was adjourned at 10:20 PM.

Respectfully submitted,

Dana Call, Assistant Town Administrator-Finance

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