

BOARD OF SELECTMEN
Minutes of November 1, 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 with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McMahon reminded all that voting would take place the following day at the High School, and that polls would be open from 7AM to 8PM. He also asked that voters consider filling out the Strategic Planning Questionnaire being made available.

LIAISON: None.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of August 9, 16, 23, and 30; September 13, 20, and 27; and October 4 and 18. Mr. McLeod requested that several sets be amended to clarify his recusal from the Board, and subsequent resumption of his seat, in matters of discussion that conflicted with his position as President of the Windham Soccer Association. Ms. Devlin will follow-up. Motion passed 4-0, as amended.

CORRESPONDENCE: Letter received from Community Development Director Laura Scott advising that Tracey Mulder, Planning Board Administrative Assistant, has resigned her position effective 11/5. Mr. McLeod moved and Mr. Breton seconded to accept the resignation with regrets.

Mr. Sullivan clarified that Mrs. Mulder will remain on staff in a limited capacity, to continue taking the Planning Board minutes through November.

Mr. McLeod amended his motion and Mr. Breton second to note as such. Passed 4-0.

ANNOUNCEMENTS CONTINUED: Cable Advisory Board Chairman, Margaret Case, approached to introduce the newly hired Cable Coordinator, Ms. Kelly McLaughlin. Mrs. Case noted that Ms. McLaughlin's hours of availability would, for the time being, be 10AM to 6PM. Ms. McLaughlin thanked the Board for the opportunity.

Chief McPherson approached to remind all that the Annual Common Man Breakfast to benefit Helping Hands will be held the following Saturday.

He then advised the Board that the Department had recently responded to a structure fire at 117 Indian Rock Road, and extended thanks to staff and mutual aid communities that had responded. Chief McPherson noted that the fire is currently under investigation.

CORRESPONDENCE CONTINUED: Ms. Scott reviewed with the Board a request for waiver of Zoning Board fees as submitted by 12-year resident Peter Caron. Ms. Scott advised that Peter is seeking a variance from the ZBA to allow him to keep a number of pet chickens currently housed at his Alpine Road residence.

Mr. Hohenberger sought clarification as to how a 12-year old could be seeking a variance. Ms. Scott noted that Peter's mother, as the property owner, has authorized him to do so and would like him to go through the process himself. Brief discussion ensued.

Mr. Hohenberger moved and Mr. Breton seconded to approve the waiver as requested. Mr. McLeod commented that, while he thought the goal of Peter's parents an admirable one they should still be responsible to pay the fees on behalf of their son.

Motion passed 3-1, with Mr. McLeod opposed.

BOARD OF HEALTH: Mr. McMahon read the hearing notice into the record as follows: *"Notice is hereby given that a request for rehearing has been submitted by Donald and Paula Jones, 20 Ash Street (16-F-2) for a waiver from NH RSA 485-A:30b, Release Form from Protective Well Radii and the Town Water Supply Regulations, Section 2.5 requiring wells to be a minimum of 75' from septic systems. If the Board of Health grants the request for rehearing, the rehearing will immediately commence."* Mr. Breton then moved and Mr. Hohenberger seconded to enter into the Board of Health. Passed 4-0.

Health Officer David Poulson explained that, after reviewing Mr. Jones' latest information as submitted, the primary reason for this request is desirability as it pertains to the property; and that there was little prudent evidence of a change or new information included with the request for rehearing. Mr. Poulson did note that, since being denied by the Board, Mr. Jones had spoken to the Department of Environmental services and a local contractor regarding the possibility of re-casing the existing well, and that neither had deemed it a viable option.

Mr. Poulson then reiterated that there is no evidence of any issue with the existing well, which is tested annually. After a brief discussion, Mr. Breton moved and Mr. McMahon seconded to approve the rehearing request of Mr. David Jones, 20 Ash Street. Passed 4-1, with Mr. McLeod opposed.

Mr. Jones approached and opened the discussion by explaining that a key issue overlooked in the previous hearing was that his original plan contains a DES condition of approval requiring the existing well to be capped and a new well drilled further down the property towards the lake. Mr. Jones reiterated that he has been unable to find a driller who is able to do so in the cited location. He then confirmed that he had explored re-casing the existing well with the DES and the driller with whom he has been working, and neither felt it a viable option.

Mr. Poulson inquired what had prompted Mr. Jones to contact the DES initially regarding his well, and Mr. Jones replied that last year they had considered selling the property and had been advised to move the well or its location would substantially detract from the property value. He then reiterated that it had, however, also been a condition of his approval. Mr. Poulson sought clarification that the integrity of the existing well was satisfactory, and it was not being compromised. Mr. Jones replied that it was not being compromised, but it does have to be capped. Discussion ensued regarding the topography of the property, the DES recommendation, and the proximity of the proposed/current wells to the septic system.

Mr. Poulson indicated that he felt if the State, as experts, believed moving the well was prudent then the Board should go with their recommendation, which would result in a better well at a further distance from the septic. Discussion ensued regarding correspondence from Mr. Schofield of the DES to Mr. Jones, in which the former did not support re-casing the well, and whether or not the full plan had been supplied to him. Mr. Jones confirmed that Mr. Schofield did have the plans. Mr. Hohenberger then raised concerns that the DES may not have approved the septic system had they been aware of potential issues in moving the well. Further discussion ensued regarding the Septic and Well boards at the State level and their respective responsibilities.

Mr. Breton then moved to grant the waiver request to drill the well as shown on the plan dated August 18, 2010. Discussion ensued, and Mr. McLeod indicated he would like the approval to be subject to favorable input from the DES on the plan in question relative to overlap of state and town regulations, and drawbacks/advantages of the proposed location.

Mr. Breton amended his motion accordingly, and Mr. McLeod then seconded. Motion passed 4-1, with Mr. Hohenberger opposed. Staff will draft a letter for Mr. Jones to present to both the Well and Septic bureaus along with the plan in question.

Mr. McLeod moved and Mr. Hohenberger seconded to exit the Board of Health. Passed 4-0.

FIRE GRANT ACCEPTANCE: Chief McPherson advised that the Town had applied for funds as part of the Worker's Compensation Safety Improvement Program, and had been awarded monies in the amount of \$6,000 toward the purchase of safety equipment. Chief McPherson noted that some of these funds will used toward the purchase of a new stretcher, which will aid in reducing worker's comp related injuries. He noted that the balance of approximately \$1,800 will be available to the Town for other areas of improvement.

Mr. Breton moved and Mr. Hohenberger seconded to accept these funds with thanks. Passed 4-0.

Brief discussion ensued regarding possible options for the remaining funds. No decisions were made.

LITTER/STORM WATER POLICIES: Mr. Poulson reviewed with the Board a draft Storm Water Policy, which he indicated had been developed as part of the Town's Phase II Storm Water requirements and the Federal Clean Water Act. Discussion ensued regarding the policy as drafted, and concerns were raised by various members that more input would be required from the Planning Board and others. Mr. Poulson noted that the document was comprised of standard language, and further discussion ensued regarding the impacts of the document and the lack of a map detailing the "urbanized" area of Town.

It was the consensus of the Board that the draft be submitted to the Planning Board, Community Development Department, and Conservation Commission for review and input. Mr. Sullivan advised that the aforementioned had all been heavily involved in the development of the MS-4 Plan as it related to storm water, and further lengthy discussion ensued. The Board maintained its consensus, and staff will ensure the parties are provided the draft for review.

Littering Policy: The Board reviewed a proposed draft Ordinance, and a lengthy discussion ensued regarding surrounding Towns' procedures, whether the intent was to supplement the State ordinance, and whether the ordinance would pertain to littering on Town property only or be Town wide. Mr. Sullivan noted that the Ordinance should be geared toward Town property only in order to supplement NH RSA 163.

Several amendments were discussed, including the addition of the Transfer/Recycling Station to authorized disposal sites. Mr. Poulson will re-draft the document for further review by the Board.

PROPOSED REORGANIZATION OF THE COMMUNITY DEVELOPMENT DEPARTMENT: Tabled.

OLD/NEW BUSINESS: Tax Assessor Rex Norman approached to seek the Board's input into undertaking an updated appraisal of all utility-owned properties in Windham; noting that all previously exempt Fairpoint property must be assessed as of April 2011. Mr. Norman noted that, currently, utility property in Town is assessed at \$15,315,000, a figure based upon appraisals completed in 1995 by George E. Sansoucy, which are updated in-house each year via self-reported data. Mr. Norman indicated that, relative to a possible reappraisal, he had spoken to Mr. Sansoucy and it was estimated that the Town could expect to double its value on all utility property through a new appraisal; resulting in approximately \$300K in increased revenue overall, or \$60K on the town side in the first year. He added that Mr. Sansoucy estimated his cost to complete the appraisal would be \$40K, including the Fairpoint property.

Lengthy discussion ensued regarding the requirements relative to Fairpoint, the global budgeting process to which the \$40K had been submitted and initially rejected, the possibility of bottom line funds being available at year-end to complete this project, and whether such a project should be placed out to bid. Mr. Sullivan indicated that, as to the latter, he would normally agree, however Mr. Sansoucy is the only commercial appraiser available in the area.

After further discussion, Mr. Hohenberger moved and Mr. Breton seconded to place the project out to bid for cost estimates to be submitted to the Board for review. Passed 4-0.

Squire Armour Paving: Mr. Sullivan advised that Town Counsel had completed his review of the paperwork relative to the paving of Squire Armour Extension, and asked that the Board support a motion to proceed to complete the project. Mr. Sullivan noted that three (3) bids had been received as follows:

Hudson Paving:	\$23,360
Tate Brothers Paving:	28,100
Continental Paving:	36,500

After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to award the paving of Squire Armor Extension to Hudson Paving for an amount not to exceed \$23,360; project to be completed upon receipt of an executed deed.

Mr. Breton clarified that the Board did not wish to expend these funds, but had to as the developer bond had been revoked. Mr. Sullivan clarified that the Town was only expending approximately \$6,000 out of the Highway budget toward the project, as the revoked bond funds had been inadequate to cover the total costs.

Motion passed 4-0.

Property Liability Insurance Extension: Mr. Sullivan asked that the Board consider approving a three year extension with the Local Government Center relative to the Town's property liability insurance. Mr. Sullivan noted that the LGC was guaranteeing the first year increase would not exceed 6%, nor 9% for the second and third years.

Discussion ensued regarding bidding this coverage on the open market versus continuing in a pooled coverage program such as the LGC offers. Mr. Sullivan clarified that the only other pooled option would be Primex, the Town's current Workers' Compensation provider.

Mr. Hohenberger moved and Mr. McLeod seconded to extend the contract with LGC for a one year period only. After a brief discussion regarding the correct language and the response date, the motion was withdrawn. Mr. Sullivan will follow-up to clarify with LGC the response requirements.

Worker's Compensation Insurance Extension: After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to approve a five year contract with Primex.

Mr. Sullivan clarified that the motion should be per the resolution submitted by Primex.

Mr. Hohenberger amended his motion and Mr. McLeod his second, accordingly. Passed 4-0.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 91-A:3 II a, c and d. Roll call vote all “yes”. The topics of discussion were personnel, reputations and land acquisition and the Board and Mr. Sullivan were in attendance in all sessions.

Mr. Sullivan discussed a matter relative to land acquisition by donation (*Kent Street*). Mr. Hohenberger moved and Mr. Breton seconded that staff proceed as discussed. Passed 3-1, with Mr. McLeod opposed.

Mr. Sullivan discussed a matter relative to land acquisition by donation (*Mammoth Road*). Mr. Hohenberger moved and Mr. Breton seconded that staff proceed, however, after further discussion the motion was withdrawn. Staff will follow-up to obtain further information.

Mr. Sullivan discussed a matter with the Board relative to work completed on Town property. It was the consensus of the Board that the committee members in question be asked to attend the next meeting to discuss this matter further.

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

Passed 4-0.

The meeting was adjourned at 10:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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