

BOARD OF SELECTMEN
Minutes of December 27, 2010

MEMBERS PRESENT: Chairman Charles McMahon called the meeting to order at 4:00 PM. Selectmen Bruce Breton and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Galen Stearns was delayed and arrived at 4:05 PM; and Selectman Ross McLeod was excused. Mr. McMahon opened with the Pledge of Allegiance.

ANNOUNCEMENTS: The Board welcomed back Mr. Breton.

MINUTES: None.

LIAISON REPORTS: None.

CORRESPONDENCE: Letter received from the NH DOT relative to the reclassification/maintenance of various roads as part of the By-pass agreement. Mr. Sullivan noted that, effective January 1, the Town will begin maintaining Roulston Road, Chapel Road, Industrial Drive, and Delahunty Road.

Letter received from the School District requesting disbursement of \$234,785.47 and \$15,214.53 from the traditional and Windham High School impact fee accounts, respectively. Mr. Hohenberger moved and Mr. Breton seconded to send these funds to the School District as requested. Passed 3-0.

PAVING BIDS: Mr. Sullivan advised that the following bids had been received for Londonderry Road:

Brox Industries, Dracut MA	*\$94,890
Tate Brothers Paving, Hudson NH	\$115,656
Hudson Paving & Excavation, Hudson NH	*\$95,906
J.G.E. Enterprises, Bedford NH	\$109,883

**with pavement cost escalation clauses*

Mr. Hohenberger moved and Mr. Stearns seconded to award this project to Brox Paving in the amount of \$94,890, subject to the pavement escalation clause. Passed 4-0.

Mr. Sullivan noted that the following bids had been received for Pine Ridge Road:

Brox Industries, Dracut MA	\$71,265
Tate Brothers Paving, Hudson NH	\$45,860
Hudson Paving & Excavation, Hudson NH	\$45,550

Mr. Stearns moved and Mr. Hohenberger seconded to award this project to Tate Brothers Paving in the amount of \$45,860. Passed 4-0.

Mr. Sullivan noted that the following bids had been received for Meadow Road:

Brox Industries, Dracut MA	\$67,300
Tate Brothers Paving, Hudson NH	\$49,550
Hudson Paving & Excavation, Hudson NH	\$44,600

Mr. Hohenberger moved and Mr. Stearns seconded to award this project to Hudson Paving in the amount of \$44,600; contingent upon funds being available. Passed 4-0.

END OF YEAR ITEMS: Mr. Sullivan advised that eleven bids had been received relative to conducting an energy audit of the Town Hall, Community Development Department, Bartley House, Senior Center and Armstrong Building. He noted that ARRA funding requires that the bid be awarded to the low bidder, unless their bid is not responsive to the bid specifications; which in this case the low bidder had not and thus was not considered. Mr. Sullivan noted that there were approximately \$14K in grant funds available, and that the recommendation was to award the bid to Arbogast Energy Auditing, out of Westbrook, ME in the amount of \$5,950. Mr. Sullivan explained further that, although the bid from McCormick Facilities Management was lower it had not included thermal imaging which would be an additional \$1,500; thereby putting their bid over Arbogast's. Discussion ensued regarding the disparity of the bids received and why this project was being undertaken.

Mr. Stearns moved and Mr. McMahon seconded to award the energy audit to Arbogast for an amount not to exceed \$5,950.

Mr. Hohenberger expressed concerns with contracting an outside agency to do what the Town's maintenance department could do and the costs continuing to grow. Lengthy discussion ensued. Mr. Sullivan noted that this grant had been previously approved and accepted by the Board, and that the goal is to identify energy deficiencies.

After further, brief discussion, the motion passed 3-1, with Mr. Hohenberger opposed.

Mr. Sullivan advised that, after review and disqualification of the lowest bidder under ARRA requirements, the recommendation relative to the parking lot lighting retro-fit bids for the Library, Fire Department, and Police Station was to award the project to Phillips Brothers of Pembroke, NH for their agreed bid amount of \$20,800. Brief discussion ensued, and it was clarified that only the bulbs/fixtures would require changing and the poles would remain.

Mr. Stearns moved and Mr. Hohenberger seconded to award the bid to Phillips for an amount not to exceed \$20,800. Passed 4-0.

Mr. Sullivan advised that, as the project was now being done in-house, the Board must procedurally reject all bids received for the Depot freight decking. Mr. Hohenberger moved to reject all bids, and Mr. Stearns seconded. Passed 3-1, with Mr. Breton opposed.

Utility Appraisal Bids: Mr. Norman approached and advised he had reviewed extensively both bids received relative to this project and, although they have never worked in NH before, he is comfortable with awarding the bid to Thos. Pickett and Company, Inc. of Dallas. TX.

Discussion ensued regarding the potential litigation costs that may result if the new assessments are challenged by the utilities, the requirement to assess the previously exempt Fairpoint properties, and the availability of funds. Mr. Hohenberger then moved to award the bid to Thos. Pickett in the amount of \$36,500 as bid.

Discussion ensued regarding the potential need for Pickett's staff to travel to NH to meet with the utilities and their requested travel expenses, and the projected additional revenue from this project.

Mr. Stearns seconded the motion, which passed 4-0.

Ms. Scott approached advising that, per the previous week's discussion, she had obtained three quotations for design review/technical assistance to the Planning Board from: Fitz Design, Hawk Planning, and Fische. Ms. Scott noted that each of the quotes was in the amount of \$5,000, and that, upon review, Fitz offered the most comprehensive proposal geared toward the Gateway and Professional Business Technology Districts. Planning Board Chairman Phil LoChiatto then approached, adding that Fitz offered a better methodology which he believed would offer a better end result. He explained that the Planning Board supported such a design review as the public is not comfortable with zoning changes without design guidelines in place.

Mr. Hohenberger noted that the Planning Board, several years ago, had discussed the design of the Gateway District, and inquired why this project cannot be done in house. Mr. LoChiatto noted that the Planning Board had discussed the design in general terms as it pertained to the ordinance, but did not address the look/context of designs. Lengthy discussion ensued relative to varying design tastes, that the Planning Board does not have to accept the recommendations, and the Planning staff's workload.

Mr. Hohenberger moved and Mr. Stearns seconded to approve the request for \$5,000 to Fitz Design as bid. Passed 4-0.

Mr. Senibaldi approached to advise that the Spruce Pond project continues to progress, and to request that the Board authorize an additional \$1,800 for fuel costs or, alternatively, \$900 and allow the Highway Agent to provide a loader to assist in spreading the material. He added he had spoken to Mr. McCartney who indicated he could provide the loader if it was not needed for Town work. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded authorize an additional \$1,800 for fuel costs for Harvey Brothers. Passed 4-0.

Mr. Breton excused himself from the meeting.

Ms. Devlin, as Cemetery Trustee Chair, requested that the Board waive the bid process and authorize the expense of \$6,999 for iron work at the cemeteries. Ms. Devlin explained that repairs had been needed at the Hill since the 2008 ice storm, and that vandals had damaged one of the gates at the Plains Cemetery. In addition, Ms. Devlin had requested a price to upgrade the Veteran section with wrought iron posts/chains as opposed to the stainless piping and plastic chain.

Discussion ensued regarding the bid process, and Ms. Devlin advised that she was requesting the process be waived as Figlioli was the primary vendor utilized by the Town for such work and had originally installed the fencing on the Hill which was in need of repair.

Mr. Stearns moved and Mr. McMahon seconded to waive the bid process. Passed 2-1, with Mr. Hohenberger opposed.

Mr. Hohenberger then moved and Mr. Stearns seconded to award the Veterans project with shop finish in the amount of \$3,771.59, repairs to the Hill fencing for \$1,947.60, and repairs to the Plains gate for \$1,280 to Figlioli Welding. Passed 3-0.

Mr. Sullivan advised that the Public Hearing for the Budget will be posted for January 10, 2011 and updated to include a possible land purchase.

Mr. McMahon requested that staff contact the Cobbetts Pond Improvement Association to clarify what the \$100K grant awarded to them from the DES, as reported in the paper, will be utilized for. Mr. Sullivan indicated he would contact Mr. Monson.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed 3-0. The meeting was adjourned at 5:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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