

BOARD OF SELECTMEN
Minutes of March 7, 2011

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. McLeod made several announcements, as follows:

- The Annual Firefighters' Ball is scheduled for March 26th at Castleton. Residents should contact the Fire Department for tickets.
- Windham High School is hosting the musical "The Drowsy Chaperone" next Friday and Saturday evenings at 7:30.
- Windham High placed 3rd in the State Division III wrestling competition. Freshman Tyler Silverhaus, 125 lbs, is the Division III State Champion in his weight class and runner-up in the NH All Division "Meet of Champions". Also, Gage Fenton, 145 lbs, won Division III State Championship; Jeff Armstrong, 103 lbs, placed 2nd; Dylan Swiderski, 130 lbs, placed 2nd; Chris Ferri, 170 lbs, placed 3rd; and Ben Gazzara placed 4th in the heavyweight division.
- In Windham High Track, at the State meet Melissa Higgins successfully defended her 2010 State Championship in the 300m dash and also placed 3rd in the 55m hurdles and long jump; Mike Sheahan placed 6th in the 600m run; Kate Farrell placed 5th in the 3000m run; and the WHS boys placed 5th in the 4x200 relay.
- In the Swimming State Championships, Julia Bushell placed 2nd in the 200 IM and 100 back, and 3rd in the 200 medley relay; Emily Matsco placed 3rd in the 200 free; and the team placed 5th in Division II.
- Windham Recreation will be offering a Babysitter's Training Course for ages 11-13 in April.

Mr. McLeod then reminded all of the election the following day, noting polls will be open from 7 AM to 8 PM at the High School. He then expressed his disappointment at the theft of Mrs. DiFruscia's election signs from his property; noting that such an act was morally lacking and criminal in nature. Mr. McMahon concurred, noting that other candidates have experienced similar thefts around Town.

Mr. Hohenberger extended his sincere thanks to Mr. Stearns for his many years of service to the Board.

LIAISON REPORTS: None.

MINUTES: Mr. Hohenberger moved and Mr. McLeod seconded to accept the minutes of January 10, 2011 as written. Passed 4-0.

ANNOUNCEMENTS CONTINUED: Chief McPherson approached to update the Board on the current rain storm and any related flooding; noting that the Department has been monitoring water levels for the last 8-12 hours with no major flooding issues occurring. He indicated there were some areas with high water, however, that has receded. The Chief also noted that another storm is expected, with an additional 1-3 inches of rain expected.

Discussion ensued regarding the Dunkin Donuts site, which the Chief indicated had not overflowed and was being continuously monitored by the DOT. He added that flocculent is in place, and the water has been tested with no bacteria found.

The Chief then urged residents to call the Department if they're experiencing water issues, and Mr. McLeod added that drivers should exercise caution in the evenings as the flooded areas freeze over.

Mr. Sullivan noted that the Town Report has arrived and copies are available at the Town Hall, Planning Department, Library, and will also be at the polls.

CORRESPONDENCE: None.

FERTILIZER BIDS: Mr. Sullivan advised that five bids were received:

Vendor	Year 1 (2011 season)	Year 2 (2012 season)
Simply Safer Premium Lawn Care, Wrentham MA	Total Bid: \$45,862.16 Town Only: \$20,160.92 Rec. Only: \$25,701.24	Total Bid: \$45,862.16 Town Only: \$20,160.92 Rec. Only: \$25,701.24
Mainly Grass, Amherst NH	Total Bid: \$42,254 Town Only: \$33,452 Recreation Only: \$8,802	Total Bid: \$42,254 Town Only: \$33,452 Recreation Only: \$8,802
Boyden's Landscaping, Pelham NH	Total Bid: \$26,000 Town Only: \$5,500 Rec. Only: \$20,500	Total Bid: \$27,050 Town Only: \$6,000 Rec. Only: \$21,050
Sweetser Farms dba Green Grass Lawn care, North Hampton NH	Total Bid: \$29,981.27 Town Only: \$5,648.96 Rec. Only: \$24,332.31	Total Bid: \$30,880.70 Town Only: \$5,818.42 Rec. Only: \$25,062.28
Trugreen, Londonderry NH	Total Bid: \$43,951 Town Only: \$15,177 Rec. Only: \$28,774	Total Bid: \$43,951 Town Only: \$15,177 Rec. Only: \$28,774

Mr. Sullivan noted that the three higher bids had not been considered, and that the two low bidders had been contacted to clarify their compliance with certification requirements for pesticide application. He noted that Boyden's Landscaping would be subcontracting out this portion of the bid to Lawn Master, and deferred to Mr. Boyden for clarification.

Mr. Boyden indicated that Lawn Master is licensed in the State of NH to apply pesticides, however, he has been unable to reach the owner to obtain a copy of his certification. Mr. Sullivan then clarified that the other low bidder's certification had been verified.

Mr. Sullivan advised that staff recommends the bid be awarded to Boyden Landscaping, conditional upon receipt of Lawn Master's certification, and further that the bid be awarded for a two-year term to maintain consistency with the current groundskeeping bid.

Discussion ensued, and Mr. Hohenberger moved and Mr. McLeod seconded to award the bid as recommended to Boyden Landscaping, contingent upon receipt of certification from Lawn Master, for a period of two years. Mr. McLeod requested that Mr. Boyden endeavor to ensure the Board receives the certification in a timely manner so that, if it cannot be provided, the Board can move to the next lowest bidder. Mr. Boyden concurred.

Motion passed 4-0. Mr. Breton then requested that copies of the bids received and the specifications be left at the Administrative Office for him, and Mr. Sullivan replied in the affirmative.

DONATION: Chief Lewis approached and advised that the Department currently had in its possession a total of six guns from a resident of Windham and the family has advised that they do not wish to receive them back; but, rather, would like to donate them to the Town. The guns in question include a Colt .380, Colt .45, Iverson .22, Colt .22, Winchester 30/30, and a generic handgun. The Chief indicated his recommendation was that the Board accept these guns as a donation for future use to off-set costs of ammunition.

After a brief discussion, Mr. Hohenberger moved and Mr. McLeod seconded to accept the donation as recommended from the Cyr family. Passed 4-0.

OLD/NEW BUSINESS: Mr. Sullivan advised that he had been contacted by Primex, with whom the Board had recently extended the Town's contract for a period of 5 years, and been informed that in light of the extension and the Town's experience they were now guaranteeing a cap of 8% over the term of the agreement.

After a brief discussion, Mr. McLeod moved and Mr. Hohenberger seconded to authorize the Chair to execute the related paperwork on behalf of the Board. Discussion ensued regarding other available rates, and Mr. Sullivan noted that the Board has already committed with Primex for the Town's Worker's Compensation coverage, however, staff is exploring other options regarding the Town's liability coverage.

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

Mr. McLeod noted that he had recently had occasion to attend a seminar related to staffing of Drug Recognition Experts within Police Departments to respond to traffic stops where the subject is suspected to be operating under the influence of controlled substances. He inquired whether Chief Lewis was exploring such training for Windham.

Chief Lewis replied in the affirmative, noting that it had been discussed during the budget process as it is the Department's intent and desire to have a DRE on staff. He added that Windham currently utilizes the DRE on staff in Salem, and reminded the Board the Department no longer utilizes breathalyzer testing. Instead, the Town requires blood work in all cases to detect both alcohol and drugs; a change which has proven very successful.

Mr. McLeod noted that one advantage of having a DRE on staff is that said individual can appear at trial as an expert in conjunction with toxicologists. Brief discussion ensued.

Mr. Sullivan noted that correspondence, as approved by the Board, had been drafted in opposition to the legislature's proposed elimination of the pole tax, and inquired whether it met the Board's approval.

Mr. McLeod moved and Mr. Hohenberger seconded that the Chair execute and staff send the letter with minor wording edits. Passed 4-0.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. McLeod seconded to enter into non-public session in accordance with RSA 91-A:3 II c and e. Roll call vote all "yes". The topics of discussion were reputations and legal.

The Board, Mr. Sullivan, Chief Lewis, and Ms. Devlin were in attendance in the first session.

The Chief and Mr. Sullivan advised the Board of a union matter relative to unfair labor practices. No decisions were made.

Mr. McLeod recused himself from the meeting due to a potential conflict with the subsequent session; leaving the remainder of the Board, Mr. Sullivan and Ms. Devlin were in attendance.

The Board reviewed a request for a hardship abatement, and Mr. Sullivan suggested the Board consider entering into a forbearance agreement with the taxpayer in question for a period of 1 year.

Mr. Hohenberger moved and Mr. Breton seconded to enter into said forbearance agreement under the terms as detailed by Mr. Sullivan. Passed 3-0.

Mr. Hohenberger moved and Mr. Breton seconded to adjourn. Passed 3-0.

The meeting was adjourned at 7:55 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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