

**BOARD OF SELECTMEN**  
**Minutes of April 18, 2011**

**MEMBERS PRESENT:** Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Phil Lochiatto, Kathleen DiFruscia and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. McLeod opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. McLeod noted that there are Alternate positions available on both the Planning Board and Zoning Board of Adjustment; and that the deadline for submission of letters of interest are April 27<sup>th</sup> and 29<sup>th</sup>, respectively. Letters should be submitted to Community Development Director Laura Scott.

Mr. McLeod also noted that a presentation would be held at 7PM the following evening at the Senior Center to discuss the right to bear arms.

**LIAISON REPORTS:** Mr. Lochiatto noted that United Party Rental Center's Grand Opening the previous weekend had been very successful. United is a new business located at 5 Rockingham Road.

**MINUTES:** Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the minutes of March 14<sup>th</sup> and 21<sup>st</sup> as amended to reflect Mr. Breton's opposition to specific non-public matters on those evenings. Passed 4-1, with Mr. McLeod opposed.

**CORRESPONDENCE:** None.

**PROPERTY LIABILITY INSURANCE BID:** Mr. Sullivan advised that, per the Board's request, a price quote had been solicited from Primex for the Town's property liability insurance needs. He noted that, historically, Primex had always been higher than the Local Government Center's Property Liability Trust, however, this year the former had implemented a new rating model and was offering sizeable discounts. Mr. Sullivan noted that those discounts were related to entering into an extended contract and because the Town currently maintains its Worker's Compensation coverage with them. He noted that with Primex, in the first year of coverage, the Town would realize a savings of approximately \$23K plus an additional \$7,800 in savings in Worker's Compensation coverage; with a potential, total 3 year savings in excess of \$80K. Mr. Sullivan noted that staff had nothing negative to say about the LGC, however, with the economy as it is it would be advantageous to switch coverage to Primex, and recommended the Board enter into a three year contract.

Mr. Lochiatto noted that Mr. Sullivan had indicated in his written recommendation that there were minor exceptions to the Primex policy, and sought clarification. Mr. Sullivan noted that there are some negligible differences in sub-coverages with Primex for events such as earthquakes. He added that several other NH communities, including Londonderry, are also switching to Primex. Discussion ensued.

Mr. Hohenberger then moved and Mr. Breton seconded to approve execution of a three year contract with Primex for the Town's Property Liability insurance coverage. Passed unanimously.

**OLD BUSINESS:** Mr. Sullivan advised that, as it pertained to the State's offer to purchase surplus property located at 13-A-100, all but the Planning Board had responded and indicated their support for the State placing the parcel on the open market for sale. He noted that this is the same property the Board addressed approximately five months ago, and inquired whether the Board wished to make a motion contingent upon the Planning Board's response.

Mr. Hohenberger moved and Mr. Breton seconded that a letter be forwarded to the State respectfully declining their offer to purchase parcel 13-A-100. After a brief discussion, Mr. Hohenberger amended his motion and Mr. Breton his second that this be contingent upon no objection from the Planning Board. Passed unanimously.

**NEW BUSINESS:** Mr. Sullivan distributed a draft "Winter Operations Policy" to the members and asked that they review it in preparation for discussion/approval at a future meeting. Discussion ensued regarding the number of calls for damaged mailboxes over the winter, which the Town will not reimburse residents for barring gross negligence on the part of the driver.

Mr. Lochiatto inquired whether this policy would address the issue of private/unaccepted roads and winter maintenance, and Mr. Sullivan clarified that those issues will be addressed in a separate policy which is currently under development.

**NON-PUBLIC SESSION:** Mr. Lochiatto moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 91-A:3 II c. Roll call vote all “yes”. The topic of discussion was reputations, and the Board, Mr. Sullivan, and Ms. Devlin were in attendance.

Mr. Sullivan reviewed a proposed forbearance agreement with the Board. Mr. Lochiatto moved and Mr. Breton seconded to enter into the agreement as described for a period of 90 days. Discussion ensued, and Mr. Lochiatto amended his motion and Mr. Breton seconded to 120 days. Passed 4-1, with Mr. McLeod opposed.

**PUBLIC SESSION:** The public session resumed at 7:40 PM, and Mr. McLeod advised that the Board had voted to enter into a forbearance agreement with a property owner.

**WALL STREET COMMITTEE:** Mr. Cliff Sinnott of the Rockingham Planning Commission opened the discussion. He noted that, subsequent to the Committee’s last presentation to the Board to discuss options and recommendations, a public input meeting had been conducted on February 23<sup>rd</sup>, after which the Committee had finalized their recommendation.

After then re-capping the previous project presentations for Mr. Lochiatto and Mrs. DiFruscia, including a history of the project, Mr. Sinnott advised that the public input meeting had indicated there was an interest in a follow-up workshop to discuss the visioning of a Village Center, after which the Committee would meet with the NH DOT to discuss the conceptual plans for the corridor. Mr. Sinnott expected that the final draft of the Committee’s report would be completed by mid-June.

Mr. Sinnott then explained further why the Wall Street Extension itself had not been considered by the Committee; citing increased traffic impacts to Route 111 and extensive environmental impacts. He noted the former would impede the vision for an aesthetically pleasing Village Center with mixed uses and pedestrian/bike traffic.

Mr. Gene McCarthy of McFarland-Johnson then approached, and reviewed with the Board those options considered by the Committee over the course of their meetings. He noted that, in summary, the final recommendation was to construct:

- 4-lanes along Route 111
- 30-35 mph speed limit
- 3-4, two lane roundabouts constructed at Wall Street, the Post Office, North Lowell Road and, possibly, South Lowell Road.
- No left turns, with U-turns required to reverse direction
- Estimated cost would be \$11-12M inclusive of engineering, mitigation, design, construction, etc.

Mr. McCarthy noted that it had been suggested at a previous meeting that the State be approached about constructing the roundabout at Wall Street as a test, however, the DOT has concerns regarding doing so due to the current configuration of Route 111. Mr. McCarthy noted that, currently, traffic can back up from the Post Office to the Wall Street signal, and it was the consensus of the Committee to no longer recommend asking the DOT to construct this roundabout until the overall project is implemented. Discussion ensued regarding the signalization of this intersection.

Mr. McCarthy then reviewed with the Board examples of possible designs for the Village Center itself, including an Urban Village type and Rural Oasis type. He noted that these concepts will be discussed further at the aforementioned workshop with the “Project for Public Spaces” which has been tentatively scheduled for May 11<sup>th</sup>. Mr. McCarthy indicated that this design would be incorporated into the Committee’s final report, but would not be part of the official recommendation.

Lengthy discussion ensued regarding dividing the corridor, two lanes versus four lanes as it pertained to walkability and traffic capacity, and the DOT plans.

Mr. Wayne Morris approached to inquire whether it was a concern that the South Lowell intersection would back up into the North Lowell roundabout. Mr. McCarthy noted that the plan provides for increased queue storage, so even out to 2035 projected traffic counts no backup is anticipated.

Ms. Carol Pynn, HDC, approached to express concerns that four lanes would result in the Historic Center District being under asphalt. She noted that even though, with two lanes, the historic homes would probably still be eliminated, at least some of the District's ambiance would be preserved. She also expressed concerns that the area was being built for people who did not even reside in Windham. Mr. McLeod disagreed, noting it was also being built for people who did reside in Windham. Discussion ensued.

Ms. Pynn then questioned the environmental impacts to the Fellows wetlands. Mr. McCarthy noted that all environmental and cultural impacts would have to be taken into the consideration as part of the project, however, they were not part of this particular study. He added that improving the existing corridor would result in lesser impacts and would be easier to obtain permitting for. Mrs. DiFruscia added that an additional benefit to these improvements would be reduced traffic on secondary roads.

Lengthy discussion ensued regarding the project timeline and funding, Village Center concepts, and the upcoming workshop with "Project for Public Spaces". It was the consensus of the Board that no decisions be made until after the May 11<sup>th</sup> workshop. Mr. Breton reminded the Board that this is ultimately a State project, and suggested that the Planning Board's endorsement be sought as well. He then requested that a draft report be made available prior to the workshop.

Mr. Ralph Valentine approached urging the Board to be cautious regarding the conceptual Village Center plans, noting that the Village Center District is very difficult to develop due to issues such as access, septic loading, and multiple owners.

**COMMUNITY DEVELOPMENT DIRECTOR LAURA SCOTT:** Ms. Scott advised the Board that the Community Development website funded through CTAP was being officially launched, and that budgeting for its maintenance has been underestimated; both as it pertained to funding and time. She indicated that she was present to propose a means of funding the site's technical support by way of the sale of advertising space on the site. Ms. Scott explained that one, Windham-based business per month would be selected on a first come/first served basis to place an ad on the site for a fee of \$150. Discussion ensued.

Mr. Scott Batez of AdminInternet approached and reviewed some of the key features of the site with the Board, including an interactive calendar and business directory. It was noted that a prominent link to the Town's Official Website should be included. Lengthy discussion then ensued regarding the name of the site, which is currently shown as "Community Development" although it is not the Department's official page, and the target audience.

Mr. Lochiatto then moved and Mr. Breton seconded to approve the funding proposal as presented. Mr. Sullivan noted that, procedurally, the motion should be to allow Ms. Scott to overexpend the Department's budget by the proposed amount. Discussion ensued, and Mr. Breton questioned whether the advertising fees could be paid directly to Mr. Batez, to which Mr. Sullivan replied in the negative.

Mr. Lochiatto amended his motion and Mr. Breton his second to authorize Ms. Scott to overexpend the Department budget in the amount of \$1200. Discussion ensued as to whether the IT Director had been consulted regarding Ms. Scott's proposal, to which Ms. Scott replied in the negative. It was the consensus of the Board that she do so. Motion passed 3-2, with Mr. McLeod and Mr. Hohenberger opposed.

**OLD BUSINESS CONTINUED:** Mr. Sullivan advised that, after speaking with staff in their Administrative office, the Town of Salem did not appear to have any issues with the proposed Use Agreement for the former Roger's Service Station site as it pertained to parking for the Rail Trail. Mr. Hohenberger sought clarification of any related liability issues, and Mr. Sullivan replied the Town is afforded the same liability protections as other Town facilities and the lot will be posted for use at "own risk" with no improvements made.

Mr. Mark Samsel, Rail Trail Alliance, approached and reiterated that the impetus for this proposed use was the Chief of Police's concerns regarding parking on Roulston Road. He added that the Alliance does not have any plans to improve the site. Mr. Breton expressed concerns that the Board needs to hear from the Town of Salem, one way or another; and felt that this should be a joint agreement. Lengthy discussion ensued regarding Salem, including their lack of input in this matter over the years.

Mr. Hohenberger moved and Mr. Breton seconded that staff draft a letter for the Town of Salem to officially sign off on indicating their lack of opposition to the agreement. After a brief discussion, motion was withdrawn.

Mr. Hohenberger then moved and Mrs. DiFruscia seconded to approve execution of the Use Agreement with the State of New Hampshire, contingent upon receiving no objection from the Town of Salem by May 1, 2011. Passed 4-0-1, with Mrs. DiFruscia abstaining.

After a brief discussion, Mr. Lochiatto moved and Mr. Breton seconded to reconsider. Passed 4-0-1, with Mrs. DiFruscia abstaining.

Mr. Breton inquired what the rush was to execute the agreement, and a discussion ensued regarding the background of the site and interactions with Salem to date.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve execution of the Use Agreement with the State of New Hampshire, contingent upon receiving no objection from the Town of Salem by May 1, 2011; and that no Town funds be expended on the site without approval of the Board of Selectmen. Passed unanimously.

*Mr. Sullivan* reviewed the proposed Catch Basin Cleaning bid specifications with the Board. Discussion ensued regarding included language relative to optional pricing to retain the material collected via clamshell; as well as testing costs/requirements.

Mr. Breton noted that he had raised the issue of this service based upon the Town's utilization of 30-year old technology. Mr. McLeod inquired whether the same result as vacuum removal can be achieved via clamshell. Highway Agent Jack McCartney approached and replied in the affirmative.

Mr. Sullivan noted that the intent of the bid specifications as drafted was to address the Board's concerns from the previous discussion. Discussion ensued, and it was the consensus of the Board to publish the specifications as written for a one year award with options to extend.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Breton seconded to enter into non-public session in accordance with RSA 91-A:3 II c. Roll call vote all "yes". The topic of discussion was reputations and the Board and Mr. Sullivan were in attendance

Mr. Sullivan discussed tax deeding issues with the Board. Mr. Hohenberger moved and Mr. McLeod seconded to not take possession of those properties subject to deeding for which a forbearance agreement is in place; as well as lot 17M-37A. Passed unanimously.

Mr. Lochiatto then moved and Mr. Breton seconded to not take by deeding a property located on Indian Rock Road. Motion failed 2-3, with Mrs. DiFruscia, Mr. Hohenberger, and Mr. McLeod opposed.

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

The meeting was adjourned at 11:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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