

BOARD OF SELECTMEN
Minutes of July 11, 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. Assistant Town Administrator Dana Call was delayed and arrived at 7:35. Town Administrator David Sullivan was delayed and arrived at 9:25 PM. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. McLeod extended thanks to Recreation Coordinator Cheryl Haas for another successful Town Day.

Mrs. DiFruscia reported that there had been two recent incidents of near drowning at the Town Beach, and extended thanks to the Lifeguards for their successful response and doing their overall job so well. She asked that parents please be vigilant while at the Beach, even if the lifeguards are on duty.

Mrs. DiFruscia then advised that the Historic District Commission and Fire Department had successfully worked together to resolve concerns regarding training at the Fellows Home; and that several items of historical significance had been removed by the HDC for preservation.

LIASON REPORTS: Mr. Lochiatto advised that the Economic Development Committee had recently adopted a strategic plan. Further, that the CIP had held their first meeting two weeks ago and that, hopefully, Chairman Rob Gustafson would be in attendance at the next Board meeting to discuss the Plan for the upcoming year.

MINUTES: None.

CORRESPONDENCE: Request received to encroach on Town property as part of the Walker's Wood development. Community Development Director Laura Scott explained that the new road will eventually be a Town road, and then deferred to Mr. Peter Zohdi. Mr. Zohdi explained that in 2006 a portion of Pine Hill Road had been re-opened by the Board and that now, during the new construction, an area of Town owned land would need to be temporarily encroached upon for grading purposes. Mrs. DiFruscia inquired what the state of the Town owned land would be subsequent the work, and Mr. Zohdi replied it would be a reloaded/seeded, 3-1 slope.

Mr. Hohenberger then moved and Mr. Breton seconded to allow the work as requested on Town-owned land. Mr. McLeod clarified that he was not recusing himself because, though he is the ex-officio Planning Board member, this request pertained to an administrative matter.

Discussion ensued as to whether the motion should be worded as granting an easement. There were no amendments made, and the motion passed unanimously.

ANNOUNCEMENTS, CONTINUED: Chief McPherson approached to advise the Board that the planned training at the Fellow's property would be moving forward and was scheduled for 7/12, 19, 21, and 30th. Activities will include SCBA, RIT and thermal imaging training, and will involve inert smoke only.

SEARLES PROPOSAL: Mrs. Marion Dinsmore approached noting that, as part of the upcoming Greater Salem Chamber of Commerce Business After Hours event, it was being proposed to offer a \$50 discount certificate to the first five (5) Chamber members who rent the Searles facility. Mrs. DiFruscia inquired whether this would be a one-time offer, and Mrs. Dinsmore replied in the affirmative.

Discussion ensued relative to the current rental rates, that the facility is primarily rented by individuals from Windham, and peak/off-peak activity. Mr. Lochiatto moved to accept the proposed discount for Chamber of Commerce members.

Ms. Sally D'Angelo, Historic Commission, approached to point out that invitations had been extended by Ms. Scott to others who are not currently members of the Chamber; and inquired whether the Board wished the discounts to be limited to members only. Discussion ensued, and Mr. Lochiatto amended his motion to include all of the attendees of the Chamber Business After Hours event. Mrs. DiFruscia seconded and the motion passed unanimously.

DAVID POULSON/TRANSFER STATION: Mr. Poulson expressed concerns to the Board regarding scavenging at the Transfer Station, citing several issues:

- The taking of questionable, non-usable metal items which impacts the Town's revenue stream.
- Safety concerns and liability risks resulting from people climbing into areas to retrieve items. When asked, Mr. Poulson indicated he did not believe signage would solve these issues.
- Interference with staff operations and/or requests from the public to have staff retrieve items.

Mr. Poulson noted that several residents have in the past requested that a designated "swap" area be established, however, he did not support one as they are very difficult to police and would require a full-time staff member for oversight. He added that he was seeking the Board to issue a position statement regarding scavenging; perhaps related to increased signage or issuance of press releases in efforts to curb scavenging.

Mrs. DiFruscia expressed concerns that there cannot be just some scavenging allowed at the Station and, if it is a liability issue then it should be prohibited. Mr. Poulson inquired what would be the recourse if scavenging were prohibited and individuals were caught, and a lengthy discussion ensued.

Mr. Lochiatto indicated he agreed with Mrs. DiFruscia relative to liability issues and in that the issue cannot be addressed only half way. He then inquired whether the metal area could be cordoned off and a sign installed prohibiting anyone from entering into the demo trailer. Mr. Poulson noted that a barrier would not work in the metal as it would interfere with disposal of large metal items such as refrigerators. He added that he wished a swap area could work, however, he did not believe it would.

Mr. Breton suggested that a designated area be established for, at a minimum, bikes and/or scooters and arrangements be made with a local organization to retrieve them for re-use. Mr. Hohenberger noted that he had never heard of any injuries or issues related to scavenging, however, he agreed the Town needed to be protected from liability. He suggested that no scavenging signs be posted. Discussion ensued.

Mr. McLeod agreed that entering into the trailers, etc. to retrieve items should be prohibited, and that barricades would be an issue. He noted that he believed the general policy should be no scavenging at the Transfer Station, but agreed that the Town should not expend a lot of resources in policing the issue. Discussion ensued.

Mr. Bob Coole approached to suggest that a bike rack be installed under the stair area and that in the scrap metal area a sign/bell be installed instructing residents to ring for assistance; agreeing that the area is dangerous. He also concurred with the suggestion to place signage prohibiting entering into the trailers. Mrs. Barbara Coish noted that staff at the Transfer Station often retrieves medical related items such as crutches and walkers which she in turn keeps at the Senior Center for lending out to residents.

Lengthy discussion ensued regarding liability/exposure concerns, ownership of the material once deposited at the Station, and the safety of the residents. Mr. Poulson indicated he would purchase additional signs regarding scavenging and advise his staff to assist residents if they can. Mrs. DiFruscia noted that the Town must somehow be clear that nothing is warranted which comes from the Station. She agreed that good items could be set aside but felt, however, that general scavenging should be prohibited. Discussion ensued regarding residents possibly contacting the Station in advance regarding items they are seeking or good condition items they will be depositing.

Mr. Lochiatto then moved and Mrs. DiFruscia seconded to prohibit scavenging at the Transfer Station and direct Mr. Poulson to use his discretion in directing staff to retrieve items that may be re-used for the public good and/or charity purposes.

Discussion ensued regarding the establishment of Town Policy, amendment of the Solid Waste Ordinance, or implementation of a Standard Operating Procedure regarding scavenging. Ms. Call suggested the change may need to be undertaken, initially, as an SOP. Further discussion ensued, and the motion passed 4-1, with Mr. Hohenberger opposed.

Storm Water: Mr. Poulson advised the Board that it was time for the Town to renew their Storm Water Permit, and that the Environmental Protection Agency was endeavoring to delay implementation of the new process to 2012 for budget reasons. Mr. Poulson noted that the new permitting requirements will be much more involved and will require increased funding, as the first 5-year permit did not have enough teeth and the Town will have to start over from square one for the new, much stricter permit.

Mr. Poulson noted that the estimated cost for the 2012 budget was \$15K, which pertained to engineering services to develop a new five-year Best Management Practices plan. In addition, first year costs for monitoring/testing of the Town's water bodies and outfalls will be approximately \$4,100 and an additional \$2K+/- in miscellaneous funding will be required. Mr. Poulson reiterated that the Town must comply with these requirements, and a lengthy discussion ensued regarding possibly undertaking a regional approach to storm water management, best management practices, storm water requirements versus economic development, the possibility of grant funding, and reasons for the stricter requirements.

PETER ZOHDI: Mr. Zohdi, on behalf of Kerry Logan, reviewed with the Board a request to complete three (3) trench cuts on Londonbridge Road to allow for the installation of utility conduits. Mr. Zohdi noted that the roadway which these conduits will serve is not yet approved, however, it will eventually connect to Londonbridge Road and the utilities would like to loop the conduits for future connection. He explained that the trenches will be 3.5', and the work will take approximately 3-4 days after which the trenched areas will be repaired and repaved. Mr. Zohdi noted he had spoken to Highway Agent Jack McCartney, who was in agreement with the proposed plan.

Mr. Hohenberger inquired whether Ms. Logan would be willing to put in place a financial guarantee for one year, after a frost, to address any dips and/or elevations in the trenched areas. Mr. Zohdi indicated his client had no objection to providing a bond, if necessary. Discussion ensued, and the Board inquired what Mr. McCartney would suggest relative to an adequate bond. Mr. McCartney noted his suggestion would be \$3K/trench for two winters. Further discussion ensued regarding the original construction of Londonbridge Road and the incorrect placement of the conduits at the time, and a one year versus two year bond of \$3,000 per trench.

Mr. Lochiatto then moved and Mr. Breton seconded to grant the request for three trench cuts for installation of conduits; with bonding as discussed for a period of one year. Passed 4-1, with Mr. McLeod opposed.

HIGHWAY MUTUAL AIDE PRESENTATION: Community Development Director Laura Scott approached to explain that the Highway Mutual Aide program is a voluntary program which offers, at a cost of \$25/year, mutual aide between participating communities during disaster events for services such as highway operations, clean-up, and building inspection services; similar to Police and Fire mutual aide operations. She noted that participating communities are not obligated to respond for requests for assistance, and that FEMA recognizes this program for reimbursement purposes. Mr. McLeod inquired who would be authorized to request mutual aide services, and Ms. Scott noted that the Town would have a single contact person in Mr. McCartney. Discussion ensued.

Mrs. DiFruscia inquired how many communities currently participate in the program, and Ms. Scott replied there are 130 participating communities, as well 27 water/sewer providers including Pennichuck. Discussion ensued.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded that the Town participate in the NH Public Works Mutual Aide Program. Passed unanimously.

Ms. Scott will provide the documentation to the Board for execution at the next meeting.

OLD BUSINESS: In follow up to earlier email correspondence to the Board, Mrs. Call publicly advised that Norma Ryan, the Police Department records clerk, had been temporarily assisting in the Assessing and Tax Collector offices due to staff shortages. She added that it was hoped the Assessing staff would return to full status in August, and that it was unsure when the Tax office would return to full staffing. Thanks were extended to the Tax office for their efforts during tax season while short-staffed.

Mrs. Call inquired whether there were any items the Board wished to submit for inclusion in upcoming Capital Improvements Plan. Discussion ensued, and it was the consensus of the Board to wait until after input is received from the Joint Loss Management Committee relative to their planned audit of the Town facilities.

Mr. Hohenberger inquired whether an update was planned relative to the Griffin Park project, and *Mrs. Call* replied in the affirmative.

Mrs. Call inquired whether the Board intended to meet the following week; it was the consensus of the Board to not meet on the 18th.

NEW BUSINESS: *Mrs. Call* discussed the issue of the Town's current surplus vehicles, noting that in 2010 *Mr. Bill DeLuca* had consigned those surplus vehicles with no related fees. She inquired whether the Town wished to put the current vehicles out to sealed bid or whether they wished staff to contact *Mr. DeLuca*. Discussion ensued, and *Mrs. Call* clarified that the vehicles in question are in poor condition with high mileage. *Mr. Lochiatto* then moved and *Mrs. DiFruscia* seconded to send the vehicles to *Mr. DeLuca* for auction if he agrees to accommodate the Town. Passed unanimously.

Mrs. Call advised the Board that, as it had for the last two years, Satori had brokered utility bids and inquired whether the Board wished to continue with Constellation Energy as recommended. She noted that Constellation's bid offered pricing of \$0.07790/kw versus \$0.08460 with PSNH. Discussion ensued, and the Board requested that *Mrs. Call* compile and analysis for the Board of total savings to date with Constellation. *Mr. Hohenberger* then moved and *Mrs. DiFruscia* seconded that the Town continue with Constellation Energy for a period of one (1) year. Passed unanimously.

Mr. Lochiatto advised that he had received a request from *Mr. Ken Eyring* of the local 9.12 group to be added to the list of non-profit organizations allowed to utilize the Town Hall at no charge. Discussion ensued, and *Mr. Hohenberger* then moved and *Mr. Breton* seconded that this organization be added to the list as requested. Passed 4-1, with *Mrs. DiFruscia* opposed.

Mr. McLeod requested that staff look into arranging an update from the DOT in August; and *Mrs. Call* indicated staff would do so.

NON-PUBLIC SESSION: *Mr. Hohenberger* moved and *Mr. Breton* seconded to enter into non-public session in accordance with RSA 91-A:3 II d. Roll call vote all "yes". The topic of discussion was land acquisition, and the Board, *Mr. Sullivan*, *Mrs. Call*, and *Ms. Devlin* were in attendance in all sessions.

Mr. Sullivan discussed with the Board a request to purchase Town-owned land. *Mr. Breton* moved and *Mrs. DiFruscia* seconded to send the property in question through the process to place it out to sealed bid; with a minimum bid of \$15K. Passed unanimously.

Mr. Sullivan updated the Board on a tax deeding issue. No decisions were made. *Mr. Sullivan* discussed with the Board the potential sale of Town-owned property. No decisions were made.

Mr. Breton moved and *Mr. Lochiatto* seconded to adjourn. Passed unanimously. The meeting was adjourned at 9:45 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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