

**BOARD OF SELECTMEN**  
**Minutes of September 17, 2012**

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

**ANNOUNCEMENTS:** Mrs. DiFruscia noted there has been some confusion among residents regarding the door to door canvassing in Town on behalf of candidates. She indicated she had spoken to the Chief of Police, and these individuals do not need a permit for these activities.

*Mrs. DiFruscia* reminded all that the Annual Harvest Fest is scheduled for October 13 at Griffin Park. She also noted that she had attended a meeting that morning with the Recreation Committee and the Chief to discuss concerns regarding the skate park. Mrs. DiFruscia indicated that there was much discussion regarding failure of the protocols put in place in 2006, and current concerns. She advised that the Recreation Committee is recommending that the skate park be permanently closed at the end of this season due to the ongoing issues of enforcement, trash, and behavior. Mrs. DiFruscia noted that the Recreation Coordinator and Committee have done all that they can to rectify the issues, such as changing of the lock and implementing a no tolerance policy, however, the users simply climb over the fence. Discussion ensued regarding scheduling this as a future agenda item.

Mr. LoChiatto noted that this is an ongoing issue and is a detriment to other users of Griffin Park; adding that it is not due to a lack of effort by staff. He suggested that the skate park be closed for now, and public input sought. Discussion ensued regarding the no tolerance policy and related 24-48 hour closures and their ineffectiveness.

Mrs. DiFruscia indicated that the Recreation Committee feels the skate park should be dismantled and the equipment sold off. Mr. Hohenberger felt that such a measure deserved public notice/input; adding that he hadn't seen any improvement in the area, which was a drain on resources and an eyesore.

Mr. Breton inquired whether the equipment was covered in the off-season, and Recreation Chair Dennis Senibaldi approached replying in the negative. Mr. Senibaldi explained that the equipment had been upgraded to all-weather materials. Discussion ensued regarding posting a notice for public discussion regarding the closure. Mr. Senibaldi noted that the skate park is a continuous drain on resources, and users show little if any respect for authority; citing helmet issues, smoking, graffiti, and language.

Mrs. DiFruscia then noted that the Committee also discussed her concerns regarding the stagnant pool at Griffin Park as it pertained to mosquitos. Mr. Senibaldi noted that the pool does not appear to be draining and that he had spoken to the Highway Agent who indicated it may be due to clay underneath the pool. Mr. Sullivan advised that the pool was built to specifications and is working as designed. Discussion ensued.

Mrs. DiFruscia then inquired what the status was on the speed bumps/markings in the Griffin Park lot. Mr. Sullivan replied that staff had met onsite with the contractor and that the as-builts are in-hand. He noted the speed bumps will be smaller so as to not impact the drainage. Discussion ensued regarding timing of the project, which Mr. Sullivan indicated would hopefully be completed by the end of September.

Discussion regarding closing of the skate park resumed, and Mr. Tim Kelleher of the Recreation Committee approached requesting that the public meeting be scheduled so as to allow the Chief of Police to be in attendance. After further discussion, it was the consensus of the Board that the skate park be closed immediately and a public discussion be scheduled for the next agenda.

*Mr. Matt Leahy*, Senator Shaheen's Office, introduced himself to the Board as a point of contact for the Senator's office. Mr. Breton suggested that Mr. Leahy contact Community Development Director Laura Scott to set up town hall hours for constituents, and Mr. Leahy concurred. Mr. Tom Case approached, noting that he had twice tried to contact the Senator's office regarding concerns he had, and received no reply; adding that Kelly Ayotte had replied directly to those same concerns. Discussion ensued.

**PUBLIC HEARING – DISPOSITION OF REAL ESTATE POLICY:** Mr. Sullivan read the public hearing notice into the record; noting that a few, minor comments had been received after posting which he felt were appropriate to include.

*Mrs. DiFruscia* called for a point of order in order to express concerns regarding the impending update from Mr. Stamnas of the DOT; specifically that the Chair intended to allow Representative McMahon to make a presentation regarding the golf course property and Mr. Stamnas had not been notified to be prepared as such. Lengthy discussion ensued, and it was determined that Representative McMahon would make a brief presentation prior to the NH DOT, and then a future discussion would be scheduled regarding surplus lands.

The public hearing then resumed, and Mr. Sullivan noted that he did not believe any of the suggested changes were substantive, but it was the Board's purview whether they believed them significant enough to require re-posting of the Policy. Discussion ensued, and several other amendments were suggested, as follows:

- Mr. Breton requested that IT Department be replaced with "Selectmen or designee"
- Mrs. DiFruscia noted that in Section F, it should just read "also"
- Mr. LoChiatto noted that Section I should also be changed to reflect "designee"

Discussion ensued, and it was the consensus of the Board that Mr. Sullivan re-post the proposed changes for a period of 14 days. Mr. Sullivan will do so, and advised that the discussion regarding potential sale of town property will now be postponed accordingly.

**REPRESENTATIVE MCMAHON:** Representative McMahon expressed concerns that the Town had been promised multiple times that when the by-pass project was completed surplus lands would be return to the tax rolls by the State. He noted that the Applewood golf course property had been held hostage for years because the State thought, at one point, it was worth \$16M after purchasing for just \$3.7M. Rep. McMahon indicated that the property is now valued at \$3.4M, and offers have been made, however, the sale is being held up because the National Guard has expressed an interest in obtaining the parcel. He noted that there has been no tax base growth in Windham, and that the cost to live here has risen dramatically while revenues have not.

Rep. McMahon advised that the property would be donated to the National Guard by the State, and urged the Board to request of the State that it be released for sale for economic development for the Town. Mrs. DiFruscia concurred, adding it could be a very valuable property to the Town. Discussion ensued regarding sending a letter from the Board to that effect, and Mr. Hohenberger suggested it would take more than a letter; noting the Board and Economic Development Committee should attend any State meetings they can regarding this parcel. Mrs. DiFruscia indicated that she would like to have the State Representatives and Senator Rausch join in submission of a letter.

Discussion ensued as to where the National Guard was in their process, and whether they were looking at any other sites, and Mr. Breton indicated that Senator Rausch will be meeting with the Guard and others and will be presenting what information he can to the Board. Further discussion ensued regarding drafting of a letter, and Mr. Breton asked that this matter be scheduled as an agenda for the following week.

**DEPARTMENT OF TRANSPORTATION:** Mr. Stamnas opened by advising the Board that any concerns regarding the Applewood property should be directed to the Commissioner. He then went on to give a brief update of the progress on the I-93/Route 111 project since it began, including:

- Seventeen of the 19 red listed bridges have been taken out of service.
- Approximately \$320M has been expended in active/completed construction, with approximately 50% completed.
- \$250M has yet to be funded for the northern half of the project.
- Citizens can visit the Re-building I93 website for latest news and to sign up for email alerts
- The steel for the Route 111 and Route 111A bridges will be going in shortly
- Overall, the cost for the Exit 3 work will be \$36M.
- The Southbound widening should begin in approximately one month
- The project should be completed by 2016

Mr. Stamnas then deferred to Mr. Dan Primo for more details, including:

- The mainline area from just north of Brookdale Road northward to where Project D ended will include ITS infrastructure, cameras at Brookdale, and variable speed limit signs.
- Work from the Village Green intersection to the existing NB/SB lanes will include:
  - Two through lanes with a 20' median
  - Reconstruction of the Wall Street intersection
  - Coordination of all signals
  - Paved emergency access from the new Route 111 to the Castleton cul-de-sac
  - Work will involve 225,000 tons of excavation, and the State has stipulated there will be no blasting within 400' of Early Years Kindergarten on weekdays. Excavation will begin in the fall of next year
  - By 2014 the mainline should be complete and work will begin on Route 111
  - Signals will be in place at the NB and SB ramps on the relocated Route 111, and the old signal converted to a HAWK, pedestrian only signal.

Discussion then moved to the sidewalk maintenance agreement. Mr. Hohenberger expressed concerns that this agreement, and the HAWK one, required the Town to perform maintenance, yet we do not maintain the medians now. Mr. Sullivan clarified that the Board had approved a contract for one clearing of the median, however, it will be done again. Mr. Sullivan then reminded the Board that the Federal government now requires that sidewalks be maintained, and that the Board had supported the construction of these additional sidewalks. Discussion ensued.

Mr. Hohenberger inquired what the State's expectation from the Town was, and Mr. Stamnas replied that the State expected maintenance in accordance with the Statute cited in the agreement. Mr. Sullivan noted that the Highway Agent had advised that he did not have the equipment necessary to maintain sidewalks. Lengthy discussion ensued regarding the statutory requirements, maintenance/equipment costs, the importance of sidewalks for interconnectivity, and the ADA requirement that they be kept clear and free of ice.

Mr. Stamnas noted that the sidewalks will be constructed according to code, however, the State will not maintain them. He indicated that if the Board determined it did not want the sidewalks, then the State would not construct them.

After further discussion, Mr. LoChiatto moved and Mrs. DiFruscia seconded that the Chairman execute the Sidewalk Agreement. Passed 3-1, with Mr. Hohenberger opposed.

Discussion then moved to the HAWK agreement, and Mr. Stamnas explained that this is a pedestrian activated crosswalk beacon which will allow pedestrians to stop traffic in both directions on demand. He added that the DOT will install the system infrastructure, and the Town will maintain the signal via supplies provided by the State. Mr. Stamnas again indicated that if the Town does not want this item, the State will not install it. Mrs. DiFruscia inquired as to what the maintenance costs might be, and Mr. Stamnas replied he did not know, as this is the first of such installations. Discussion ensued regarding upkeep of the signal, and it was clarified again that the State will provide the materials to repair/upkeep the signal but not the labor.

Chief McPherson approached noting that the Highway Safety Committee had researched the HAWK system, and explained that it is not active until the button is pushed by a pedestrian. He noted that such signals are used in Michigan, costs thereof are minimal, and that the HSC believes it makes sense at this intersection. Discussion ensued regarding the Opticon, and the Chief clarified that a tie-in would not be necessary.

Mr. Stamnas then indicated that the HAWK agreement would be modified and resubmitted to the Town in light of some amendments/concerns that had been raised by Mr. Sullivan. Discussion ensued. Mr. Hohenberger indicated that he would like to go on record why he was opposed to the installation of the HAWK system, stating it was related to Mr. Stamnas' indication that there were not many requests for pedestrian crossings in that area.

Discussion then moved to the current park and ride, which has moved in the interim to the north of the CVS parking lot where it will remain until the Exit 3 work is complete. Discussion ensued as to where the park and ride will ultimately be located, which Mr. Stamnas indicated was preferred to be in the NB loop area. He indicated that Phase I will consist of 150 spaces and, at full build out, the area will have 500 spaces and a bus terminal. Discussion ensued as to the location and its proximity to Cobbetts Pond, and that the time frame to begin this project is not until 2015 or 16.

Mr. Hohenberger inquired what portion of the I-93 project is currently not funded, and Mr. Stamnas replied that was the portion past Exit 5 to the 293 split. Discussion ensued regarding issuance of a bond to the State.

Mr. Hohenberger then extended his thanks to Mr. Stamnas and the DOT for correcting the signal issue at the Fellows Road intersection.

Mr. Stamnas then reminded the Board that the naming of surplus roads still needs to be addressed by the Board, and a discussion ensued regarding 911 issues with maintaining the old names, the Chiefs' recommendations, and the need for a future workshop session with the DOT and staff regarding same.

Mr. Tom Case approached and inquired why Range Road needs to be relocated as part of the project, and Mr. Stamnas replied that was being done at the recommendation of the Town in efforts to improve economic development. Mr. Stamnas noted that the remaining portion will become a Town road, the signal will be removed, and access will become a right in/right out only for both sides. Discussion ensued, and Mr. Breton inquired as to the miles of State maintained road in Town. Jack McCartney, Highway Agent, noted it was approximately 18 miles.

Discussion moved to the construction of a State maintenance shed in Town, and Mr. Stamnas indicated that the State was looking into purchasing a piece of property at the end of Wall Street and will know shortly if it is feasible for their use.

Discussion moved to installation of the structural steel for the 111A bridge, and it was clarified that it will be done the following Tuesday and Wednesday evenings, and that Range Road will be closed in that area in both directions between the hours of 6 PM and 2 AM.

The Board extended thanks to the DOT for attending.

**OLD/NEW BUSINESS:** Furnace bid award – Mr. Sullivan advised that two bids had been received for installation of the Bartley House furnace as attached. Mr. Sullivan explained that both vendors had bid a 100K BTU unit rather than a 40K, and a discussion ensued regarding the option as bid for A/C and that there are currently two separate furnaces in the Bartley house; one in the attic and one in the basement.

Mr. Sullivan noted that \$12,000 had been budgeted for both this unit and some work at the Town hall, and that he believed it was prudent to do both units as there will be funds remaining to do the latter. Discussion ensued as to the existing duct work, which would be more efficient between the 40K and 100K BTU units, and the energy audit recommendations.

Mr. LoChiatto moved and Mr. Hohenberger seconded to award the bid to Mechanical Construction in the amount of \$7,838 inclusive of the purchase and installation of a 40K BTU propane furnace and removal and replacement of the existing A/C unit. Passed 4-0.

*Energy Contract:* Mr. Sullivan informed the Board that he been contacted by Freedom Logistics that evening, and advised that they are unable to hold their price as bid. He explained that their costs change daily, are not valid past 5:00 PM on any given day, and without a signature before that time they cannot be locked in. Mr. Sullivan inquired whether the Board wished to completely re-bid this contract or if they would prefer to authorize staff to obtain pricing the following day and if it does not exceed the Integrus bid, to execute the contract. After a brief discussion, Mrs. DiFruscia moved and Mr. Hohenberger seconded to authorize the staff to re-bid with Freedom and execute a contract therewith provided the contract price does not exceed \$0.0796/kw. Passed 4-0. Further brief discussion ensued.

Mr. Hohenberger requested that the Board consider development of a policy to address political visits using the School District policy as a basis. Mrs. DiFruscia agreed, but suggested that this be deferred until the political season is over in order to ensure the application of same is equitable. The Board concurred.

*Mrs. Barbara Coish* approached noting that the Senior Center is working with CVS relative to hosting a flu clinic at the Center on 9/28 from 10AM to 1PM. Registration forms are required, and Mrs. Coish advised they are available at the Administrative Office.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. LoChiatto seconded to enter into nonpublic session in accordance with RSA 91-A:3 II d and e. Roll call vote all "yes". The topics of discussion were land acquisition and legal.

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

Mr. Norman updated the Board on a legal matter relative to a tax appeal. No decisions were made.

Mr. Norman updated the Board on BTLA case. Mr. Hohenberger moved Mrs. DiFruscia seconded approve the settlement in the amount of \$436.21. Passed 4-0.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the remaining session.

Mr. Sullivan updated the Board on a legal matter. No decisions were made.

Mr. Sullivan updated the Board on a land matter. No decisions were made.

Mr. Sullivan updated the Board on a personnel matter relative to a legal issue. No decisions were made.

Mr. LoChiatto moved and Mrs. DiFruscia seconded to adjourn. Passed 4-0.

Meeting was adjourned at 10:15 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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

## BID OPENING RESULTS – Bartley House Furnace

*August 30, 2012 – Administrative Offices:* The following bids for the installation of a propane furnace at the Bartley House were publicly opened at 2:00 PM on this date by Assistant Town Administrator, Dana Call.

<b>Vendor</b>	<b>Labor/Material Cost of New Unit</b>	<b>Cost to Remove Existing Unit</b>	<b>Total</b>
Mechanical Construction Services, Inc, Windham NH	\$3,275.00	\$378.00	\$3,653.00
New England Mechanical Assoc, Inc, Londonderry NH	\$3,929.00	\$1,425.00	\$5,354.00

*Optional Quote for Replacing AC Condensing Unit:*

<b>Vendor</b>	<b>Total</b>
Mechanical Construction Services, Inc, Windham NH	\$4,185.00
New England Mechanical Assoc, Inc, Londonderry NH	\$3,997.00