

**BOARD OF SELECTMEN**  
**Minutes of August 8, 2005**

**MEMBERS PRESENT:** Chairman Roger Hohenberger called the meeting to order at 7:05 PM. Selectmen Galen Stearns and Margaret Crisler were present. Selectman Alan Carpenter and Town Administrator David Sullivan were excused. Mr. Hohenberger announced that Selectman Breton had been taken to the hospital that afternoon after suffering an apparent heart attack, and requested that those present pause to say a prayer for his well-being. Following the Pledge of Allegiance, Mr. Hohenberger read the agenda into the record.

**LIAISON REPORTS:** Mrs. Crisler advised the Board that the Planning Board had concluded the Clarke Farm subdivision, and that the Sheffield Road subdivision had been approved, as well.

**ANNOUNCEMENTS:** Mrs. Cheryl Haas, Recreation Coordinator, introduced herself to the Board, and announced that the Beach will be closing for the season on August 21<sup>st</sup>.

Mrs. Haas also advised the Board that the Skateboard Park had been closed indefinitely due to vandalism of the half pipe. Mr. Allan Barlow, Maintenance Supervisor, explained that the perpetrators had expended some effort to remove five (5) sections out of the half pipe, and that it was necessary to close the entire Park, as that single piece of equipment could not be closed off effectively. Mr. Barlow also noted that vandals appear to be attempting to remove the rails, and several signs have been removed. Mr. Hohenberger felt that, in addition to the vandalism, there appear to be maintenance issues arising, as well.

Mr. Stearns inquired as to the estimated cost to repair the half pipe. Mr. Barlow was unsure, stating perhaps a couple hundred dollars. Mr. Hohenberger suggested Mr. Barlow contact the original contractor to inspect the damage.

Mrs. Crisler suggested the Police Chief be contacted regarding security measures before the Skate Park is reopened, and after a brief discussion it was the consensus of the Board that the Skate Park remain closed until further notice.

*Mrs. Crisler* inquired of Mr. Barlow whether the bathrooms were functioning. Mr. Barlow replied that no water had been available that morning, and that someone had, unbeknownst to him, opened the facilities over the weekend. Mr. Hohenberger reminded the Board that an official solution had never been reached regarding opening/closing of the facilities, and expressed his desire for a punch-list for Griffin Park.

*Mrs. Haas* informed the Board she had received a call the previous Friday from the lifeguards at the Town Beach, advising her that dog feces had again been discovered on the beach and in the swimming area. She reported she had viewed the area, then contacted Granite State Analytical to obtain their opinion on a course of action. Subsequently, Mrs. Haas had advised the lifeguards to keep the beach open, and posted swimming as being at the individuals' discretion, given that the amount of feces was not excessive and Granite State had indicated any bacteria should dissipate within 24 hours. Mr. Hohenberger inquired whether it seemed to be an intentional act, and Mrs. Haas replied it did not appear so to her.

**CORRESPONDENCE:** Letter received (carbon copy) from Conservation Commission (to Department of Environmental Services) relative to the Commission's meeting of July 14, 2005 whereat permission was requested to allow an existing well to remain on conservation land.

Mr. Turner suggested the Board refer this matter to Town Counsel for the purposes of drafting an agreement with the owner of the well specifically reserving the right of the Town to order removal of the well at any time.

After a brief discussion, the Board requested staff refer the matter to Attorney Campbell to draft an agreement accordingly.

*Bond Release/Ryan Farm Road:* Mr. Turner explained that the majority of developer funds as previously negotiated relating to this project have been received by the Town. Mrs. Call clarified that, to date, approximately \$42,000 of the \$50,000 is in hand and the remaining \$8,000 relates to the off-site improvements. She suggested the Board consider releasing the bond as requested, and schedule the release for the off-site improvements at a future date.

After a brief discussion, Mr. Stearns moved and Mrs. Crisler seconded to approve the partial release of \$20,335 to Everett Ryan, retaining \$115,255.80. Passed 3-0.

*Letter received* from the Department of Transportation regarding authorization for them to enter onto Town property for the purpose of relocating utilities. After some discussion regarding the purpose of the DOT request, it was the consensus of the Board to postpone this matter until the meeting of the 22<sup>nd</sup>, when the State will be in attendance. Mr. Hohenberger requested that staff draft a letter to the DOT seeking clarification of their intent.

**TARBELL ROAD:** Mr. Hohenberger read the public hearing notice into the record. Mr. Turner informed the members that the Planning Board had approved the bond release and recommended scheduling of this hearing for formal acceptance. Also, Mr. McCartney has conducted his final inspection and found all his concerns resolved, and the Fire Department has deemed the cistern acceptable. Mr. Turner noted the deed had been forwarded to Town Counsel for review, and consisted of the standard language.

After a brief discussion, Mrs. Crisler moved and Mr. Stearns seconded to accept Tarbell as a Town road subject to satisfactory review of the deed by Town Counsel and to fully release the bond in the amount of \$6,000. Passed 3-0.

**COMPUTER USE POLICY:** Mr. Eric Delong, Information Technology Director, explained this approval had been postponed due to concerns regarding the original posting.

After a brief discussion, Mrs. Crisler moved and Mr. Stearns seconded to accept the Computer Use Policy as written. Passed 3-0.

**GRIFFIN PARK BENCHES:** Mrs. Jennifer Colvin, Griffin Park Playground Committee, advised the Board that she had obtained confirmation in writing from the manufacturer that the warranty for the playground surfacing would not be voided by placement of the benches as previously discussed. She stated that, in addition to the two purchased specifically for placement near the recognition wall, the Committee would like to place an additional twelve, Town-owned benches within the playground area.

Mrs. Call noted that the Board's original intent was that the Town-owned benches be placed at the basketball and tennis courts, and she inquired whether Board approval would be needed to relocate them.

After a brief discussion regarding the number and placement of benches, it was the consensus of the Board that Mrs. Colvin work with Mr. Barlow, Ms. Way, and Mrs. Haas to coordinate placement of eight (8) of the Town-owned benches within the Playground Area.

*Mrs. Colvin* then raised concerns regarding vandalism at the playground, citing several incidents of broken glass and, most recently, a 6"x12" section of the surfacing had been cut out and removed. She also advised the Board that, given the broken glass, bare feet in the area is of great concern and stated she had been working with Mrs. Haas on finalizing rules for the playground.

Mrs. Colvin then indicated that the Committee believed they had completed what they intended, with the exception of the rules, hydroseeding, security measures, and the final as-built of the irrigation/electrical systems. She indicated there are funds remaining, which will be placed into a trust account for future maintenance needs, or possibly toward security for the area.

Mr. Hohenberger inquired whether there were manuals/warranties related to the playground that needed to be in the Town's files, and Mrs. Colvin noted she is currently compiling a packet to give to Mrs. Haas.

**VERIZON TRENCHING PERMIT:** Mr. Turner advised the Board that the intended representative from Verizon would not be attending that evening, and suggested the Board allow him to coordinate their attendance at the meeting on the 22<sup>nd</sup>. The Board concurred.

**COMMITTEE APPOINTMENT INTERVIEWS:** Mr. Hohenberger advised the Board that Mr. Morris had advised him he was unable to attend. Mr. Breton, who was scheduled to be interviewed, was absent, as well.

**MINUTES:** Tabled.

**OLD BUSINESS:** After a brief discussion, Mr. Stearns moved and Mrs. Crisler seconded to approve the Rail/Trail Agreement as modified by the Attorney General, and to allow the Chairman to execute same. Passed 3-0.

*Chief Lewis* was present to review amendments to the Police Prosecutor job description including: the prosecutor shall monitor police personnel performance within the court setting; shall remain current on all laws, decisions, etc.; and shall serve as a training conduit for police staff regarding law changes, court requirements, decisions, etc. Chief Lewis indicated he had reviewed these changes with the potential prosecutor, who approved of the amendments.

After a brief discussion, Mr. Stearns moved and Mrs. Crisler seconded to accept the amended Police Prosecutor job description. Passed 3-0.

*Mrs. Call* advised the Board that both FEMA grants applied for had been received, and extended thanks to Mr. McCartney for his efforts to secure these reimbursements. She noted that approximately \$21,000 and \$17,000 had been approved, representing 75% of the Town's expense for two storms.

*Mrs. Call* inquired whether the Board wished to postpone their scheduled meeting with Pennichuck Waterworks on the 15<sup>th</sup>, as the Salem Board of Selectmen had advised they would be unable to attend. After a brief discussion, the Board requested that Ms. Devlin contact the Town of Salem to discuss possible dates that would be convenient for their Board, and announced that the meeting with Pennichuck scheduled for August 15 would be postponed. Mrs. Crisler requested that Windham's State Representatives also be added to list of individuals invited to attend. The Board then asked that Mrs. Call schedule a Department Head workshop for the 15<sup>th</sup> meeting.

*Mrs. Gail Webster*, Cemetery Trustee Chair, approached to advise the Board she had met with the State regarding concerns with the wall and gate at the Cemetery on the Hill as a result of the Langdon Road project. Mrs. Webster indicated that the State had been very responsive to her concerns and the gates and fence should ultimately be all right at project end.

**NEW BUSINESS:** None.

Mr. Hohenberger called for a five minute recess, noting that the Board would resume the meeting in non-public session.

**NON-PUBLIC SESSION:** Mrs. Crisler moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 93-A:3 IIb, c and d. Roll call vote, all members “yes”. The topics of discussion were personnel, reputations, and land acquisition.

*The Board,* Mrs. Call, Ms. Devlin, and Mr. McMahon were in attendance in the first session. Mr. McMahon updated the Board on ongoing negotiations relative to additional parking at Griffin Park, and a lengthy discussion ensued. No decisions were made, and Mr. McMahon will follow-up to develop a plan for future discussion in public session.

*The Board,* Mrs. Call, Ms. Devlin, and Chief Lewis were in attendance in the second session. The Board and Chief Lewis discussed at length the Police Prosecutor candidate, after which Mrs. Crisler moved and Mr. Stearns seconded to approve entering into a contract for prosecutor services as recommended by Chief Lewis. Passed 2-1, with Mr. Hohenberger opposed.

*The Board,* Mrs. Call, Ms. Devlin, and Mr. James Finn, Conservation Chairman, were in attendance in the third session. The Board and Mr. Finn discussed a possible conservation land purchase. Mr. Stearns moved and Mrs. Crisler seconded to seal this portion of the minutes indefinitely. Passed 3-0.

*The Board,* Mrs. Call, and Ms. Devlin were in attendance in the final session. The Board made the following committee appointments:

Mr. Stearns moved and Mrs. Crisler seconded to re-appoint Dennis Root as Museum Trustee. Passed 3-0.

Mr. Stearns moved and Mrs. Crisler seconded to re-appoint Patrick Schena and Carol Pynn to the Historic District Commission. Passed 3-0.

Mr. Stearns moved and Mrs. Crisler seconded to re-appoint Leo Hart and Mary Griffin to the Windham Cable Advisory Board. Passed 3-0.

The Board members discussed alternate appointments to the Zoning Board of Adjustment, as well, and determined they would prefer interviews to be scheduled with the interested parties prior to making any appointments. Staff will follow up with the applicants and arrange for interviews at the first meeting in September.

Mrs. Crisler moved and Mr. Stearns seconded to resume the public portion of the meeting. Passed 3-0.

**ESTY ROAD:** One bid was received for the Esty Road project as follows:

*Tate Paving Company, Hudson, NH \$6,000*

Mr. Stearns moved and Mrs. Crisler seconded to award the bid to Tate Paving Company for their bid amount of \$6,000. Passed 3-0.

*Mr. McCartney* requested that the Board waive the bid process for the culvert repair on Old Mill Road. After some discussion, it was the consensus of the Board that the project be put out to bid with detailed specifications.

Mrs. Crisler moved and Mr. Stearns seconded to adjourn. Passed 3-0.

The meeting was adjourned at 10:10 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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