

BOARD OF SELECTMEN
Minutes of November 5, 2007

MEMBERS PRESENT: Chairman Alan Carpenter called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Dennis Senibaldi, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Margaret Crisler was excused. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Fire Chief Tom McPherson announced that the Town now has two certified Child Passenger Safety Seat Technicians available: Community Resource Officer Jessica Flynn and Fire Inspector Ken Whicker. Chief McPherson and Chief Lewis will now work to coordinate a day for residents to have their child seats inspected, and an email address will be established where requests/inquiries can be sent. The latter will be posted in the Windham Independent when available.

Chief McPherson then advised that Engine 3 is slated to return to service within the next few weeks, and that repairs to the ladder truck are progressing well. The Chief noted, however, that the ladder truck's radiator may need to be re-cored, and that he is obtaining prices to do so.

Mr. Carpenter noted that, according to a press release from the NH Department of Transportation, a 2.75 mile section of the new By-Pass had opened that morning. The portion in question runs from Searles Road in Windham to Zachary's Crossing in Salem.

Mr. Senibaldi made the following announcements: the fencing at Tokanel Field should be completed the following day; the Annual Christmas Tree Lighting has been scheduled for December 1st from 3-5 PM at the Town Common; and the Annual Senior Christmas Party has been scheduled December 12 at Castleton.

Mr. Sullivan advised that the Assessing Department would be closed on Wednesday and Thursday, 11/7 and 8, while staff attends the Annual Local Government Center Conference.

Mr. Sullivan requested that all observe a moment of silence in memory of Charlie Butterfield, who had passed. Mr. Butterfield, our Deputy Animal Control Officer, was a well-respected, lifelong member of the community who will be sadly missed by many.

Mr. Carpenter read an announcement from the Cemetery Trustees regarding their annual fall cleanup. All impermanent items such as fencing, statues, wind chimes, etc., must be removed from lots by November 10th. Any items remaining after that date are subject to disposal by Cemetery staff. In addition, neglected/overgrown plantings may be trimmed and/or removed as necessary.

Recreation Coordinator Cheryl Haas approached to advise the Board that the price for wine for the Senior Christmas party has increased \$3/bottle over last year's cost. It was the consensus of the Board to allow the additional expense of approximately \$120.

BARBARA COISH: Mrs. Coish introduced the following delegation of guests from Windham's Sister City, Suzdal Russia: students Albina Gordeyeva (17), Ksenia Novik (16), Eugeny Ulanov (16), Svetlana Bachugina (15), Irina Lomakina (15), Elizaveta Efimova (15), Maxim Grigoriev (14), Igor Gerasimov (14), Anastasia Krivonosova (14), Yana Makarova (13), Alona Sakara (13), and Ivan Rodionov (12); School Administrator Ivan Reshetov; and Teacher Lyudmila Shamba. Each of the guests briefly addressed the Board, in Russian and English, and gifts were exchanged between representatives.

MINUTES: Tabled.

EAGLE SCOUT PROJECT: Mr. Mark Samsel of the Windham Rail Trail Alliance invited Jake Northcutt and John Tomer, both of Boy Scout Troop 266, to approach to present their Eagle Scout proposals.

Mr. Northcutt presented a proposal to construct a rest area consisting of landscaping, three benches, and a bike rack at the halfway point of the rail trail. After a brief discussion regarding the location, it was the consensus of the Board to support the project as proposed.

Mr. Tomer then presented a proposal to construct a 24" guardrail/fence at the cattle crossing bridge on the rail trail, where there is a steep drop-off. Mr. Tomer will begin by cleaning out the area and contacting DigSafe. After a brief discussion, it was the consensus of the Board to support the project as presented.

Mr. Carpenter inquired of Mr. Samsel whether there were any updates on the opening of the remaining end the rail trail now that the By-pass construction is completed in that area. Mr. Samsel replied in the negative, noting some work/tree removal remains to be done.

LAMSON/ROULSTON ROAD RENAMING: Mr. Sullivan reviewed several road name changes approved by the Board two weeks prior. He then advised that he had been contacted by the Macomers and Moores regarding the renaming of the upper portion of Roulston Road to Lamson Road, which impacts them directly. A discussion ensued regarding the number of properties affected by the change.

Mr. Sullivan suggested the Board consider reverting to the original suggestion for Roulston/Lamson, which was to maintain "Roulston" from its intersection with Searles Road, down to the new intersection, then left up to its intersection with Route 28.

Chief McPherson indicated that neither he nor Chief Lewis saw any issues with that, provided adequate signage was installed to clearly delineate that that Roulston Road continued to the left. He further noted that, although the Highway Safety Committee had not reviewed the proposal, he did not foresee them having any concerns. A brief discussion ensued.

Dr. Carol Macomber, Granite State Animal Hospital, approached in support of Mr. Sullivan's suggestion, expressing concerns regarding the impacts of a name change to her business located on Roulston Road.

Mr. Tom Case approached to suggest that the intersections be re-aligned to allow the new Lamson Road and Industrial Drive to “T” intersect with Roulston Road, thus leaving Roulston Road as it was.

Mr. Sean Foster, 44 Range Road, approached to inquire about his and his neighbors’ homes located on the stub road running behind the Searles wall. Mr. Sullivan noted that notices had been sent out, however, the Board of Selectmen had no purview to name the stub, as it was a private road. It would be up to the residents to agree upon a new name or, if they prefer, they can keep their Range Road addresses.

Mrs. Foster inquired as to who they could speak to regarding concerns with speed and safety along the new by-pass. Mr. Sullivan indicated he could provide names of NH DOT representatives.

Mr. Mike Brook, 3 Searles Road, approached to clarify whether or not he could maintain his current address, as well. The Board replied in the affirmative.

Discussion of Roulston Road resumed. Mr. Senibaldi moved and Mr. Breton seconded to reconsider the previous vote of the Board regarding the naming of “Roulston Road” from Route 111 to Route 28. Passed 4-0.

Mr. Senibaldi then moved and Mr. Breton seconded to name that portion of the road from the intersection of Lamson/Industrial/Roulston out to Route 28 “Roulston Road”. Passed 4-0.

A brief discussion ensued regarding the three residential properties impacted, and their available options to either maintain their Roulston Road addresses or to select a name for the stub.

A brief discussion ensued regarding a request to reconsider the name “Delahunty Road”. No action was taken.

DRUG FREE WORKPLACE POLICY: Mr. Sullivan reviewed the proposed policy, noting that additional changes had been required due to concerns raised by the Fire Union. He clarified that the Union supports the concept of the policy, but it would have to be negotiated as part of their contract. In addition, Mr. Sullivan also indicated that the labor lawyer had advised that random testing cannot be implemented for any municipal employees except CDL operators; the remainder would need to voluntarily agree to participate. The policy, as presented, does include provisions for reasonable suspicion testing with the following disciplinary actions: first offense, automatic suspension to allow for rehabilitation, and; second offense, termination.

Mr. Sullivan noted that the policy codifies drug panel testing for applicants, and effects approximately 72 full and part-time, non-union employees. He then reviewed several minor changes since the Board’s last review.

Discussion ensued regarding providing rehabilitation opportunities, statutory exemption from random testing for municipal employees; implications of refusal to submit to testing; and possible misuse of procedures by supervisors. Mr. Sullivan indicated that, currently, there is no policy in place and that he had received no comments/concerns from employees after having the policy posted for several weeks.

Further discussion ensued regarding the ability to conduct random testing, "Zero" tolerance as a position statement versus offering zero chance for rehabilitation, the possible addition of language to allow for termination at the Town's discretion on a first offense, union disciplinary procedures, and the Town's duty to act.

Mr. Hohenberger then moved and Mr. Senibaldi seconded to accept the Drug Free Workplace Policy as presented with the red-line changes incorporated. Passed 4-0.

Brief discussion ensued regarding random testing. Staff will obtain further statutory information regarding this process for the Board's review.

OLD/NEW BUSINESS: Mr. Senibaldi moved and Mr. Breton seconded to appoint Mr. John Alosso to fill the vacant Housing Authority position. Passed 4-0.

Mr. Breton presented guidelines for the Board's review on non-public session procedures, noting he had received many comments from residents regarding motions/votes taken in non-public session.

Mr. Hohenberger inquired as to the status of the gas bids. Mr. Sullivan noted that Chief McPherson had approved the use of his tank for diesel by all departments, and that staff was researching obtaining corporate cards for Exxon or other providers.

Mr. Hohenberger inquired as to the status of the Board's request for confirmation from Attorney Maslin of the ability to expend current use funds on the rail trail. Mr. Breton and Mr. Senibaldi will follow-up.

Chief Lewis approached seeking confirmation that the Board supported his exploration of utilizing a municipal lease program for Police Department vehicles. Mr. Breton felt that the program should be implemented for Fire Department command vehicles instead. Mr. Sullivan noted that the budget has been prepared both ways, and that the matter would undergo lengthy discussion during the budget hearings.

Discussion ensued regarding the status of a decision on whether or not to implement single stream service at the Transfer Station and Mr. Poulson's upcoming meeting with the Capital Improvements Committee. It was the consensus of the Board to schedule a discussion on this matter on the November 19th agenda.

Mr. Sullivan presented a budget workshop schedule to the Board and advised that their budget books will be available next week.

Mr. Sullivan inquired whether the Board wished to waive any fees related to electrical work at the Depot garage. Mr. Senibaldi moved and Mr. Breton seconded to waive the fees. Passed 4-0.

Mrs. Haas approached advising that Scout Troop 263 had requested permission to conduct an overnight vigil at Griffin Park including approximately ten tents and a campfire. In addition, the Troop had requested a porta-potty on site for the night. Mr. Hohenberger moved and Mr. Breton seconded to approve as requested. Passed 4-0.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91A:3 IIC and e. Roll call vote – all members “yes”. The topics of discussion were legal and reputations.

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

Mr. Sullivan and Chief Lewis updated the Board on a Police union grievance regarding a shift change request. Mr. Hohenberger moved and Mr. Breton seconded to uphold the denial of the grievance. Passed 4-0.

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

Mr. Sullivan discussed a personnel matter with the Board. No decisions were made, and Mr. Sullivan will follow-up with the employee.

Mr. Sullivan discussed a possible legal issue with the Board. No decisions were made.

Mr. Hohenberger moved and Mr. Senibaldi seconded to adjourn. Passed 4-0.

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.