

BOARD OF SELECTMEN
Minutes of September 14, 2009

MEMBERS PRESENT: Chairman Galen Stearns called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectmen Charles McMahan was delayed and arrived at 7:05 PM. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Fire Chief Thomas McPherson thanked all who had attended the Department's September 11th Memorial Ceremony that morning, including: staff, various State Representatives; and residents. He also thanked Dunkin Donuts, The Kitchen, Delahunty's Nursery, and the Windham Police Association for the donations; and Laura Cryts and Charlotte Misuracca for working to coordinate the event.

Chief McPherson noted that National Fire Prevention week was October 4th through the 10th, and the Department would be holding their Annual Open House on the 4th from 10AM to 2PM.

Chief McPherson advised the Board that the new ambulance has arrived, and that staff had gone to Attleboro that afternoon to view it. Delivery is expected to be sometime next week.

Chief McPherson then advised the Board that on September 2nd, on his way into work, Deputy Chief Morgan saw what he believed was a fire in the median of I-93. Upon stopping and investigating, Deputy Morgan discovered a vehicle with a female occupant trapped inside. He called the incident in and, with the help of bystanders, freed the woman and extinguished the fire. Chief McPherson noted that, due in large part to Deputy Morgan's efforts, there were no injuries. The Chief then publicly commended Deputy Morgan for a job well done.

Mr. McLeod noted that the Soccer Association had officially kicked off their fall season, with over 50 teams and several travel teams. He noted that parking at Griffin Park will be tight during peak times of 8:15 to 10:45 AM.

Mr. McLeod then noted he had attended the High School Dedication the previous Saturday, and that enrollment and participation in extracurricular activities was higher than originally anticipated.

LIAISON REPORTS: None.

MINUTES: Mr. Hohenberger moved and Mr. McMahan seconded to approve the minutes of August 17th and 24th as written. Passed unanimously.

CORRESPONDENCE: Letter received from the Cobbetts Pond Improvement Association requesting the Board support reduced salt use by the State on Route 111. Mr. Sullivan advised that there are specific provisions in the Department of Transportation's regulations which require that such a request come in writing from the public safety departments. He also noted there may be liability questions if the Town requests reduced salt.

Mr. Stearns inquired what the percentage of reduction would be, and Mr. Sullivan noted it would be 50/lbs. less per lane mile. He suggested that, if the Board supported the CPIA's request, a letter be sent to the State stating as such. Discussion ensued regarding have the Highway Safety Committee weigh in. Chief McPherson advised the Board that the HSC would be meeting the following day.

Notice received from Comcast of changes to their channel line up.

I-93 UPDATE: Mr. Stammus presented an update to the Board of the status of the I-93 project, highlights of which included:

- There are currently three areas of active construction at Exits 1, 3 and 5. Of the \$138M in active construction, \$55M is focused on Exit 3 in Windham.
- Overall, the corridor completion date is slated for 2017.
- Approximately 3 miles of roadway are included in the Exit 3 scope of work, from the Salem line to the weigh station, and projects within the area include a new SB ramp and two bridge replacements at Route 111 and 111A. All work is scheduled to be completed by late 2011, with completion of a four lane footprint. Only two lanes will be paved and operational, however, until the Supplemental Environmental Impact issue is resolved.
- Blasting commenced in December of 2008, and was halted on June 1, 2009 due to elevated levels of nitrates and nitrites which were detected in monitoring wells.

Over the following 2-3 months an action plan was developed and coordinated with the Department of Environmental Services to include: a blasting plan to minimize potential impacts; a stormwater management plan including protocols to manage any elevated levels detected in on-site detention ponds; and a revised monitoring plan that includes the addition of 15+/- drinking wells to be monitored monthly along with the current sentry wells.

Blasting resumed in mid-August, and all elevated levels appear to be on a downward trend with some now being non-detectable. Mr. Stammus noted the DOT will continue to be vigilant to ensure that the Best Management Practices in place are adhered to minimize any impacts. Discussion ensued regarding peaks in elevated levels versus transient trends. Mr. Hohenberger inquired how nitrates are treated, and Mr. Stammus replied with an ion exchange system. Discussion ensued regarding dissipation versus elimination.

Mr. Hohenberger then inquired whether there are any areas that are not seeing reduced levels, and Mr. Stammus replied there were some in the northern part of the project, areas around which are being monitored bi-weekly on the up and down gradients.

Mr. Jay Levin of the DOT then approached to provide updates on the specific aspects of construction currently underway, highlights of which included:

- Night operations would begin that evening on Range Road, as the beams are installed for the new bridge. Residents should expect delays of up to 20 minutes over the next three evenings.
- Approximately 3 blasts are occurring per week, and some calls regarding them are being received. Mr. Levine noted that blasts are generally geared toward 4K or 8K yards per shot, and that the vibrations are well within Town limits. He noted that blasting liners are now being used, which does make the blasts themselves sound louder. He noted that approximately 3K yards per day is being

trucked to the former Dunkin Donuts site for use as fill. Material will soon be hauled north of Route 111, as well.

Blasting for this portion of the project (“K”) should be completed by January, with the “G” portion picking up thereafter south of Route 111/111A.

- The emergency access on North Lowell Road should be completed by fall.
- Paving of Range Road should be completed by Thanksgiving.
- Pier stems should be installed and footing poured for the Route 111 bridge by next week, with the structural steel in place around Thanksgiving. This particular project will then cease until spring when the bridge itself will begin.
- The retaining wall at the Common Man site should be completed in approximately 3 weeks.

Mr. Stamnus then inquired whether the Board had selected a location for use of selected fill for future utility sleeves. Discussion ensued, and it was noted that the Town is still awaiting completion of the sewer study. Mr. Sullivan indicated he would speak to the engineers for the latter to obtain an update.

Mr. McMahon inquired whether a final location had been determined for the Park and Ride. Mr. Stamnus replied in the negative.

Mr. McMahon requested that Mr. Stamnus clarify the DOT’s position relative to installation of sound barriers at Squire Armor Road. Mr. Stamnus explained that, after several evaluations of the area at the request of residents, sound barriers cannot be made feasible. He noted that the DOT is now looking into fencing or landscaping in the area as a possibility, and that there will be some type of mitigation to soften the impacts to the residents. Discussion ensued regarding establishment by the DOT of baseline noise data and future predictions.

TOWN TREASURER: Mr. Sullivan explained that minor amendments had been made to the Town’s Investment Policy, which must be reviewed and re-adopted annually by the Board, pertaining to investment instruments. This amendment is in keeping with statutory requirements.

Mr. McMahon moved and Mr. Hohenberger seconded to adopt the Investment Policy as amended. Passed unanimously.

Discussion then ensued with the Town Treasurer, Robert Skinner, relative to current interest rates being offered to/received by the Town. Mr. Skinner distributed a spreadsheet to the Board outlining this data, and advised the Board that the FDIC is now insuring funds receiving less than .5% in interest in total and that, in response, banks are lowering their rates. Discussion ensued regarding this change, which is effective through 12/31/2009, and whether it was in response to the economy.

Mr. Breton noted that the Board had previously discussed Mr. Skinner’s exploration of other financing/investment options for the Town, which he has not done to date. Mr. Skinner felt it was not necessary to explore other options in light of the FDIC’s changes. Further, he noted that there was not much Town funding available to invest, and that we will likely be in a TAN position again in December.

Discussion ensued regarding the complexity of the Town's concentration accounts versus the General Fund, and the amount of paperwork that Citizen's Bank handles on behalf of the Town.

Mr. Hohenberger then moved that five quotes be obtained from area banks regarding their interest rates available for 1 month, 6 months, and 1 year accounts. After a brief discussion regarding having the Finance Director obtain the information as opposed to Mr. Skinner, Mr. McLeod seconded the motion.

Discussion then ensued regarding RSA 41.95, which states that the Town Treasurer has control of the monies in question. Mr. Sullivan noted the information could be obtained simply to see if Citizen's rates are competitive, and added that any additional fees would have to be factored in, as well. He noted that the Town does not currently pay any fees to Citizen's.

Motion passed unanimously.

Further brief discussion ensued, and Mr. Sullivan advised that staff will have the information available for the Board's review at the next meeting.

COMMUNITY DEVELOPMENT DIRECTOR: Ms. Laura Scott advised the Board of several items, including:

- The following Thursday the Windham Economic Development Committee would be hosting "Getting Down to Business" at the Windham High School. She noted that the WEDC, along with Mr. McMahon, had worked over several months to coordinate the event, and that over 50 Windham-based businesses would be participating along with several speakers including Alex Ray, owner of the Common Man. She noted the doors would open at 6:30 PM for a meet and greet, speakers would commence at approximately 7:15 PM, and the event should be over by 9:00 PM. Ms. Scott advised that the WEDC also had a survey underway on the Town's website through October 1st, and encouraged residents to take a moment to participate.
- The Planning Board had conducted an open forum the previous week to discuss possible zoning proposals for the March ballot, and will now schedule the input received for further discussion and finalization in October. She noted the Board is endeavoring to focus on items of continued concern over the year, and trying to consolidate items. Ms. Scott noted that Workforce Housing, the Wind program, and a revised WWPDP Ordinance will be included on the ballot. Keach-Nordstrom has been retained to draft the latter.
- Updates to the impact fee schedule are being drafted for year end.
- Public Hearing on the Capital Improvements Plan has been scheduled with the Planning Board on November 18th.
- The second round of Planner interviews are currently being scheduled. Mr. McLeod inquired when the individual was anticipated to be on staff, and Ms. Scott replied on or around November 1, 2009.

OLD/NEW BUSINESS: Mr. Sullivan noted that a donation of \$300 had been received from the Pelham Windham Razorbacks for their usage of Rogers Field. Mr. McLeod moved and Mr. McMahan seconded to accept the donation with thanks. Passed unanimously.

Mr. Sullivan advised that the Tax Assessor had received a late request for an Elderly Exemption. The parties in question had missed the April 15th deadline due to medical issues.

Mr. McMahan moved and Mr. Hohenberger seconded to waive the 4/15 deadline and approve the exemption. Passed unanimously.

Mr. Sullivan noted a request had been received from a hot dog cart vendor to operate at the trailhead at the Depot. He noted that the Town policy does allow such sales at all “recreational” facilities, however the question would be if the depot qualified as such. Discussion ensued, and it was the consensus of the members that the Depot area did not qualify as a Town recreational facility and the request was therefore not under their purview.

Mr. Sullivan asked that the Board consider for discussion at the next meeting a request from the Soccer Association to utilize temporary field lighting.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into a non-public session in accordance with RSA 91-A:3-II a and c. Roll call vote – all members “yes”. The topics of discussion were personnel and reputations and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in all sessions.

Mr. Sullivan and Ms. Devlin advised the Board of an ongoing issue at the Windham Cemetery. No decisions were made.

Mr. Sullivan updated the Board on a union matter relative to compensation. It was the consensus of the Board that Mr. Sullivan proceed as discussed.

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

Mr. McMahan moved and Mr. McLeod seconded to adjourn. Passed unanimously.

Meeting was adjourned at 8:55 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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