

**BOARD OF SELECTMEN**  
**Minutes of December 13, 2004**

**ROLL CALL:** Chairman Carpenter called the meeting to order at 7:00 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger, and Galen Stearns. Mr. Sullivan was also present. Mr. Carpenter read the agenda into the record.

**ANNOUNCEMENTS:** Mr. Hohenberger noted that the Christmas Tree lighting had gone very well, with a good turn-out. Mr. Dennis Senibaldi, Recreation Chair, extended thanks to Shirley Pivovar and the Windham Seniors Inc., for their efforts toward the Annual Senior Christmas Party at Castleton. He also thanked those town employees who attended for their participation. Regarding the Christmas Tree Lighting, Mr. Senibaldi thanked Sam Maranto, Earl Bartlett, Mr. and Mrs. Goldman, the Recreation Committee, Fire and Police departments, and "Santa" for their efforts.

*Mr. Breton* announced that a Master Plan meeting has been scheduled for January 26, 2005 at 7:00 PM at the Planning and Development Department. This will be the final opportunity for the public to offer their input. Mr. Turner noted that the goals and objectives of the Plan have been drafted and are being finalized, and that the RSAs require an opportunity for public input. He expressed hope that the meeting in January will be well-attended, noting that the more input received from the public, the better the Plan will ultimately be.

Mr. Carpenter inquired whether the final draft will be available on the Town's website for interested residents to review. Mr. Turner noted it should be available soon.

**NEW BUSINESS:** Mr. Breton presented an article which recently appeared in the newspaper regarding the opportunity to request hosting of the World Series Trophy by communities around New England. He stated he had spoken to a representative at the Red Sox front office, who had indicated the Town need only send a letter of request via the Town Administrator to be considered. After a brief discussion, it was the consensus of the Board that Mr. Sullivan should proceed to compose a letter of request to the Red Sox.

**OLD BUSINESS:** Mr. Sullivan explained that the continuation of the Primex and Local Government Center contracts for a period of three years required official adoption of their respective resolutions. He noted that the Primex continuation, which pertains to the Town's Workman's Compensation coverage, offers a 5% savings to the Town, while the LGC's Property-Liability Trust contract ensures a flat rate for the three year period.

Mr. Sullivan read the following LGC/PLT resolution into the record:

"Resolved: To hereby accept the offer of the Local Government Center Property-Liability Trust, LLC (the "Trust") to enter into the Trust's Multi Year Rate Guarantee Program ("PLT2008") as of the date of the adoption of this resolution and to hereby enter or renew and agree to maintain the member and participation of the Town of Windham ("Member") in the Trust for each of the three twelve month periods beginning July 1, 2005, July 1, 2006 and July 1, 2007 for property, crime (including statutory bonds), casualty, medical reimbursement and related risk protection of the Trust. The protection provided by the Trust in each of the fiscal years stated shall be as then set forth in the Member Agreement, or similar protection documentation of the Trust in effect from time to time for Trust members. In return for such agreement for maintenance of membership, the Trust shall provide to the Member:

- (i) a limit to the increase in the standard rates of the Trust of 2% for the year beginning July 1, 2005 from the standard rates that were in effect for the fiscal year beginning July 1, 2004 and ending June 30, 2005; and
- (ii) no increase in the standard rates of the Trust with respect to the two fiscal years beginning July 1, 2006 and ending June 30, 2007 (FY 2007) and from July 1, 2007 and ending June 30, 2008 (FY 2008), except for underwriting exposures added by the Member. Further, if the standard rates for FY 2007 or FY 2008 are reduced, the rates applied to Member will be the lower rates.

This Resolution is subject to appropriations with respect to the years FY 2007 and FY 2008 to allow the contributions to be made to the Trust for property, crime (including statutory bonds), casualty, medical reimbursement and related risk protection provided by the Trust.”

Mr. Breton moved and Mr. Hohenberger seconded to approve the resolution as read. Passed unanimously.

Mr. Breton moved and Mr. Stearns seconded to approve the three-year contract with Primex to provide Worker’s Compensation coverage. Passed unanimously.

*Mr. Carpenter* requested an update on the property tax billing. Mr. Sullivan replied that all bills have been sent and payments are beginning to be received, noting that the staff is working diligently to process the payments.

*Mr. Sullivan* inquired how the Board wished to proceed with alternate appointments to the Zoning Board of Adjustment, noting that a request had been received from the ZBA to act on the appointments as no alternates remained.

A discussion ensued regarding interested parties, length of appointments, and the possible need to discuss the matter in non-public session. Mr. Carpenter did not feel there was any harm in making the three month appointments until March in light of the ZBA’s request, however, Mr. Sullivan will clarify with the ZBA that the appointments would pertain to only four meetings before elections prior to the Selectmen making a decision.

**CORRESPONDENCE:** Request received to release escrow funds held regarding trenching for utilities on West Shore Road. Mr. Turner noted that the area has been inspected and all is satisfactory. Mr. Doyle moved and Mr. Breton seconded to release the funds totaling \$1,500 to Tom Murray. Passed unanimously.

*Bond release – Castle Reach III, Ludlow Road:* Mr. Doyle moved and Mr. Breton seconded to release the amount of \$125,558.40 to Herbert Associates, retaining \$49,557.60. Passed unanimously.

*Bond release – Castle Reach III, Leeds Road:* Mr. Doyle moved and Mr. Stearns seconded to release the amount of \$73,866.00 to Herbert Associates, retaining \$48,072.00. Passed unanimously.

*Bond release – Castle Reach III, Edinburg Road:* Mr. Doyle moved and Mr. Breton seconded to release the amount of \$113,331.60 to Herbert Associates, retaining \$89,226.00. Passed unanimously.

*Bond release – Castle Reach III, Cardiff Road:* Mr. Doyle moved and Mr. Breton seconded to release the amount of \$61,638.00 to Herbert Associates, retaining \$68,592.00. Passed unanimously.

*Bond release – Castle Reach II, Overton Road:* After a brief discussion regarding sufficient funds to repair the cistern in this area, Mr. Doyle moved and Mr. Breton seconded to release the amount of \$62,328.00 to Herbert Associates, retaining \$51,168.00. Passed unanimously.

*Bond release – Castle Reach II, Cardiff Road:* Mr. Doyle moved and Mr. Breton seconded to release the amount of \$5,040.00 to Herbert Associates, retaining \$11,136.00. Passed unanimously.

*Bond release – Castle Reach II, Dunraven Road:* Mr. Doyle moved and Mr. Breton seconded to release the amount of \$4,080.00 to Herbert Associates, retaining \$13,920.00. Passed unanimously.

*Request received* from Mr. Richard Morway, resident, that the Town rename either Barker or Baker road, to resolve potential issues of confusion between the two for emergency purposes. Mr. Sullivan noted that the normal procedure in response to such requests is to have the situation reviewed by the 911 Coordinator, and to forward letters to the property owners in the area requesting their input, both of which have been done. Mr. Sullivan will update the Board at a future meeting.

*Memorandum* received from Finance Director Dana Call noting that an error had been made on the Police Budget workshop minutes: showing the date of the meeting as November 16 when in fact it was November 18. Mrs. Call requested the Board approve for the record the minutes of November 18.

*The Board* reviewed a “Request for Surviving Spouse Coverage Policy” provided by the Local Government Center. Mr. Sullivan explained that there is no cost for this program, which allows surviving spouses of retired employees to continue their insurance coverage at no cost to the Town, if they so choose. Mr. Doyle moved and Mr. Breton seconded to adopt the policy accordingly to allow surviving spouses of retirees to continue insurance coverage at no cost to the Town. Passed unanimously.

**OLD BUSINESS CONTINUED:** Mr. Sullivan advised the Board that Joan Tuck, Town Clerk, had requested that Deputy Sean Boylan be removed from probationary status. Mrs. Tuck stated that Mr. Boylan had proven himself an asset to the department, and Mr. Hohenberger noted he had heard from several residents what a pleasure Mr. Boylan was to deal with.

Mr. Breton moved and Mr. Stearns seconded that Deputy Town Clerk Sean Boylan be removed from probation. Passed unanimously.

**CONSERVATION UPDATE:** Ms. Lisa Linowes, Conservation Commission, updated the Board on Conservation efforts in the Southeast lands district, located in the area of Marblehead/Osgood roads. She noted that the Commission had attained their goal as set in 2002, and that between Conservation’s purchases, the Fletcher open space, and the acreage purchased by the State for mitigation purchases, there were now 541 acres preserved in that area, 453 of which are under Town and/or State control. Ms. Linowes also briefly reviewed two other recent purchases by the Commission; the Wilson and King properties totaling 20 acres.

Mr. Carpenter inquired about a future trail network in the Southeast lands area. Mrs. Linowes responded that with the availability of Dark Entry Schoolhouse Road and several old logging roads in the area, a future goal may indeed be to network the area.

Mrs. Linowes noted that the Conservation Commission will be contacting the Town of Salem to request that they block access on their end of Dark Entry Schoolhouse Road, as people have been coming in through there and

dumping trash and waste. Chief Messier approached to request that the accesses on the Windham and Salem sides not be blocked with boulders but gated to allow access by the Town's forestry truck, if necessary.

**CARDINAL/ORIOLE ROAD:** Ms. Cynthia May and Mr. Joseph Johnson of CLD Engineering were present to update the Board on their progress regarding the intersection of Cardinal and Oriole roads. Ms. May noted that CLD had previously met with Highway Safety Committee, conducted a site evaluation, and presented their proposals to the area residents for discussion and input.

Ms. May advised the Board that, as part of the site evaluation, CLD had discovered that a very wide radius existed at the intersection, as well as a steep grade in both directions, which allowed vehicles to easily pick up speed. Mr. Johnson presented the following possible solutions to the Board to correct the intersection:

- A round-a-bout, which would force vehicles to reduce speed due to a change in direction and yield requirement. The disadvantage to this alternative would be its oversized footprint and the possible acquisition of some private property in the area. The estimated cost for this solution is \$65,000.
- A channelized right turn, which would entail a slip lane for the Cardinal Road traffic and a "stop" for Oriole Road traffic before taking a left-hand turn. Estimated cost: \$35,000.
- A "Tee" intersection with a "stop" at each approach, Oriole Road being reconfigured to a 90° angle, and a landscaped "island".

Mr. Johnson noted that the "tee" alternative would best serve to reduce speeds in the area, as it forced all vehicles to stop. Also, this solution would not require any property impacts and would be a good fit aesthetically for the neighborhood. The estimated cost would be \$30,000, with the largest expense being re-creation of the crown. Mr. Johnson also stated that, in meeting with the area residents, this seemed to be the preferred alternative.

Ms. May stated that CLD has also explored means of reducing vehicle speeds away from the intersection including:

- Reduction of the available pavement width via white line edge striping
- Construction of a full-length median strip
- Periodic, raised elliptical segments
- Landscaping/fences closer to the roadway to close the openness of the roadways

A discussion ensued regarding what would happen to the corner property if the "tee" alternative were selected, which could either revert back to the owner of the corner lot or become Town property; site distance at the intersection; correction of the roadway crown; construction in the right-of-way; and the lack of impact to the property owners of the "tee" alternative.

Mr. Hohenberger sought Highway Agent Jack McCartney's input. Mr. McCartney stated he had met with CLD and the Highway Safety Committee and was in support of the proposed "tee" intersection, noting that all construction would occur within the Town's right-of-way.

Ms. Beth Lippold, 5 Oriole Road, approached to extend her thanks to CLD for their efforts and to encourage the Board to move forward with the process to fix the intersection and improve area safety concerns. Mr. Carpenter inquired whether the previous reduction of the speed limit to 25 MPH had made a positive impact. Ms. Lippold stated she believed it had.

Mr. Jim McHardy, 27 Oriole Road, approached with concerns that if the goal were to reduce the speed in the area fixing the intersection was not a solution. Mr. McHardy's concerns were echoed by Mr. Larry Plutnicki of 24 Oriole Road, who also recommended increased patrols in the area.

Mr. Hohenberger stated he did not feel the speed on Oriole Road was unlike many others in Town and that narrowing the roadway would increase the hazards to area residents. He inquired what the cost would be to explore the matter further.

Mr. Sullivan noted that the project had been bid as a two-phase project, and that the second phase consisting of a final survey and design would cost \$4,300, which was available in the road budget.

After a brief discussion regarding speed studies and increased patrols, Mr. Doyle moved and Mr. Breton seconded to support CLD's recommendation and to authorize Phase II at a cost of \$4,300. Passed unanimously.

A discussion ensued regarding school busses traveling through the neighborhood at excessive speeds, and the Board suggested a letter be sent to Laidlaw voicing the residents' concerns.

Mrs. Sharon Plutnicki approached seeking clarification of the crowning at the intersection and its affects during inclement weather as vehicles need to negotiate the curve and/or come to a stop. Mr. Johnson noted that the vehicles taking a right at the intersection would be at approximately a 3% grade and the roadway would crest to a stop. Mr. Turner stated that the Town requires a 2-4% grade at stops.

The Chairman called for a five minute recess. Mr. Doyle stepped away from the meeting temporarily.

**BUILDING PERMIT/PRIVATE ROAD:** *17 Lakeshore Road:* Mr. Sullivan advised the Board that the request had been reviewed by the Planning Board and Fire and Police departments, and all concurred that the request should be approved subject to the standard requirements that off-street parking be available and the roadway remain clear at all times.

Mr. Hohenberger moved and Mr. Stearns seconded to allow the issuance of a building permit at 17 Lakeshore Road with execution of the standard form and adherence to the Planning Board recommendations. Passed 4-0.

**PUBLIC HEARING/PLANNING FEES:** Mr. Carpenter read the public hearing notice into the record. Mr. Turner explained that the proposed changes included several inspections previously performed at no charge.

The proposed fees as reviewed by the Board were:

Board of Health Facility Inspections

	<u>Existing</u>	<u>Proposed</u>
Child Care Facility (12 or more children)	\$ 0	\$ 100
Family Day Care (3-6 children)	\$ 0	\$ 25
Day Care Nursery ( 5 or more children)	\$ 0	\$ 25
Adoption Home Inspection	\$ 0	\$ 25
Foster Home Inspection	\$ 0	\$ 25
Follow-up Inspection	\$ 0	\$ 25

Code Enforcement Administrator Permit Review  
 Department of Safety/Division of Motor Vehicles

	<u>Existing</u>	<u>Proposed</u>
Automobile Dealer License (New)	\$ 0	\$ 100
Automobile Dealer License (Renewal)	\$ 0	\$ 25
Inspection Station License (New)	\$ 0	\$ 100
Inspection Station License (Renewal)	\$ 0	\$ 25

Building Permit Fee Revisions

	<u>Existing</u>	<u>Proposed</u>
Temporary Service	\$ 15	\$ 25
Well Permit	\$ 50	\$ 75
Septic Permit	\$ 50	\$ 75
Electric Permit - Pool	\$ 15	\$ 25
Electric Permit – Hot Tub	\$ 15	\$ 25
Electric Permit – Inground Pool	\$ 15	\$ 25
Electric Permit - Sign	\$ 12	\$ 25
Electric Permit – New House Construction	\$ 90.....up to 3000 sq ft	\$ 15/add'l 1000 sq ft
Electric Permit – Addition	\$ 35.....up to 800 sq ft	\$ 5/add'l 100 sq ft
Plumbing – New House Construction	\$ 90.....up to 3000 sq ft	\$ 15/add'l 1000 sq ft
Plumbing – Addition	\$ 35.....up to 800 sq ft	\$ 5/add'l 100 sq ft

Mr. Breton suggested that the proposed \$25 fee for adoption inspections be removed. After a brief discussion, it was the consensus of the Board that no fee be charged for this inspection.

Mr. Dennis Senibaldi sought clarification of the increases to electrical permits and why the septic inspection fees needed to be raised. Mr. Turner noted that as septic plans become increasing complicated and newer systems proposed, time spent by staff in reviewing and completing the necessary State paperwork has increased and three inspections of each system are required. Regarding the electrical permits, Mr. Turner clarified that the addition \$15 would be assessed once 3000 sq. ft. is exceeded.

Mr. Stearns moved and Mr. Breton seconded to approve the Board of Health, Code Enforcement Administrator, and Building Permit Fees as posted with the exception of the adoption fees. Passed 4-0.

The revised fees will be effective immediately.

**BID AWARDS/HIGHWAY DEPT:** Mr. Sullivan noted that all of the following invitations to bid had been posted on the Town’s website, in-house, in the Eagle Tribune and Windham Independent, and on the Local Government Center and Primex’ websites.

*Plows:* Mr. McCartney presented the following bids for purchase of two (2) 10’ manual plows with flip edges, and recommended the bid be awarded to Fairfield:

Howard P. Fairfield Inc., Pembroke, NH:	\$ 4,385.00/unit
EW Sleeper Co., Inc., Concord, NH:	5,195.00/unit

Mr. Hohenberger moved and Mr. Stearns seconded that the bid for purchase of two (2) 10’ manual plows be awarded to Howard P. Fairfield, Inc. at a cost not to exceed \$8,770. Passed 4-0.

*Sand:* Mr. McCartney presented the following bids for winter sand to the Board, and recommended the bid be awarded to Manchester Sand & Gravel:

Brox Industries, Inc., Dracut, MA:	\$ 7.50/ton (not delivered) 9.50/ton (delivered)
Manchester Sand & Gravel, Hooksett, NH:	3.95/ton (not delivered) 7.95/ton (delivered)
Plourde Sand & Gravel, Suncook, NH:	5.05/ton (not delivered) 10.25/ton (delivered)

After a brief discussion, Mr. Hohenberger moved and Mr. Stearns seconded to award the purchase of the Town's winter sand to Manchester Sand and Gravel at a cost not to exceed \$7.95/ton delivered. Passed 4-0.

*Small Paving Projects:* Mr. McCartney presented the following bids for several small paving projects as follows:

*Tate Bros. Paving, Hudson, NH:*

Castle Hill Road:	\$ 96,600.00
Barker Road:	18,450.00
Roulston Road:	19,875.00
Brown Road:	19,490.00
Colchester:	

*Brox Industries, Dracut, MA:*

Castle Hill Road:	\$ 90,325.00
Barker Road:	17,240.00
Roulston Road:	20,670.00
Brown Road:	21,640.00
Colchester:	9,645.00

*Continental Paving, Londonderry, NH:*

Castle Hill Road:	\$101,016.00
Barker Road:	20,200.00
Roulston Road:	22,000.00
Brown Road:	20,200.00
Colchester:	12,000.00

*Pike Industries, Inc., Hooksett, NH:*

Castle Hill Road:	\$ 66,790.00
Barker Road:	12,096.00
Roulston Road:	10,528.00
Brown Road:	10,864.00
Colchester:	4,480.00

A discussion ensued regarding the necessity to bond projects over \$25,000.

When asked, Mr. Matt Prue of Pike Industries, clarified that the prices bid by them would be valid for next year.

Mr. Sullivan suggested that the Board could award the bids conditional upon the successful completion of the first roadway and required bonding.

After further brief discussion, Mr. Hohenberger moved and Mr. Stearns seconded to award the bid for repaving/reclamation projects for Castle Hill Road, Barker Road, Roulston Road, Brown Road, and Colchester Road to Pike Industries of Hooksett for an amount not to exceed \$104,758, subject to submittal of a bond as required under the NH RSA's. Pased 4-0.

*Reconstruction Projects:* Mr. McCartney presented the following bids for the reconstruction of portions of Castle Hill and Marblehead roads as follows:

*Tate Bros. Paving, Hudson, NH:*

Castle Hill Road: \$197,892.50 (max cap \$3/ton add'l)  
Marblehead Road: 300,000.00 (max cap \$3/ton add'l)

*American Excavating, Derry, NH:*

Castle Hill Road: \$141,000.00 (max cap \$42/ton add'l)  
Marblehead Road: 187,760.00 (max cap \$42/ton add'l)

Mr. McCartney noted that Tate Brothers bids are complete as specified, however, American's reflect several exclusions/extras such as ledge and blasting expenses.

Mr. Breton suggested funds should be expended to have the projects professionally engineered and re-bid. Mr. McCartney noted that the projects were engineered by Herbert Associates prior to going out to bid.

Mr. Sullivan reminded the Board that if this bid were not awarded, the money would lapse. Mr. Hohenberger expressed concerns that these projects had been estimated several years ago at approximately \$85,000. Mr. McCartney clarified that those estimates had not included the necessary culverts, width, gravel, etc. When asked what he recommended, Mr. McCartney expressed concerns that, with the way their bid was compiled regarding Marblehead Road, American Excavating may actually exceed the \$300,000 bid by Tate.

Mr. Doyle returned to the meeting at 9:20 PM.

A discussion ensued regarding possibly splitting the award between the bidders. Mr. Sullivan suggested that, if the Board opted to award the bid to American Excavating, additional funds be included for contingencies.

After review of the actual bid documents and some further discussion, the consensus of the Board was to have representatives of Tate and American present at the December 20<sup>th</sup> meeting. Mr. McCartney will contact the bidders to request their attendance.

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Hohenberger seconded to enter into a non-public session in accordance with RSA 93-A:3 IIC, d. Roll call vote: all members – yes. The topics of discussion were land acquisition and reputations.

*Land acquisition:* The Board, Mr. Sullivan, and the following members of the Conservation Commission were in attendance: Jim Finn, Lisa Linowes, Dennis Senibaldi, and Bruce Anderson. A discussion was held regarding a potential land purchase. Mr. Doyle moved and Mr. Breton seconded that the minutes of this portion of the non-public session be sealed. Passed unanimously.

*Reputations:* The Board and Mr. Sullivan were in attendance to review the possible release of general assistance lien. After discussion, the Board agreed to accept a negotiated payment of \$1,500 and release the lien in question.

*The Board* and Mr. Sullivan reviewed a request for approval of a disabled tax exemption in the amount of \$80,000. Mr. Doyle moved and Mr. Hohenberger seconded to grant the exemption as requested. Passed unanimously.

Mr. Doyle moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:40 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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