

BOARD OF SELECTMEN
Minutes of August 21, 2006

MEMBERS PRESENT: Chairman Mr. Stearns called the meeting to order at 7:00 PM. Selectmen Margaret Crisler, Alan Carpenter and Dennis Senibaldi were present, as was Town Administrator David Sullivan. Selectman Roger Hohenberger was delayed. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance.

ANNOUNCEMENTS: Mrs. Crisler noted that the Board may wish to attend the August 23rd meeting of the Planning Board, at which Mr. Bill Cass of the NH DOT will be present for a workshop on roundabouts. This meeting will be televised, and will begin at 7:30 PM.

Mrs. Margaret Case, Chairman of the Cable Advisory Board, approached to advise the Board that the WCAB had been notified that, as of July 31, Comcast has officially taken over Adelphia. For the next few months, the use of "Adelphia" on bills and correspondence will be phased out. She noted that residents should be receiving a notice from Comcast in the near future.

Mr. Jim Daddona, Cable Studio Coordinator, presented a WCTV Volunteer Appreciation Award to Brian Benson. Mr. Daddona thanked Mr. Benson for his efforts on behalf of the studio since joining as a volunteer in 2005.

Fire Chief McPherson, introduced newly hired Deputy Chief, Robert Leuci, Jr., who began his duties on August 13th. Deputy Leuci comes to the Windham Department from Nashua, with 22 years of experience in the fire service. Deputy Town Clerk Nicole Merrill conducted the swearing in, and Deputy Leuci's wife, Gina, the pinning ceremony.

Chief McPherson then requested that the Board waive the bid process for the purchase of two (2) Panasonic Toughbook laptops needed for the ambulances. The Chief explained that the Imagetrend software utilized by the Department for their EMS data required new systems. One system had been budgeted for, and the other will be purchased with remaining Ambulance bond funds.

Mr. Stearns inquired whether the Toughbooks were the same systems utilized as part of the "Car-54" program. The Chief replied in the affirmative, noting the only difference was the lack of a touch screen. He further stated that the Toughbook meets the industry standard for an ambulance setting.

Mr. Carpenter inquired how the figure quoted had been arrived at. Chief McPherson explained that he had spoken to area towns, which had all been outfitted by the vendor in question. After a brief discussion, Mr. Carpenter requested that Chief McPherson send him the model/pricing information so that he could look into possibly obtaining a better price. Chief McPherson will follow-up accordingly.

Mrs. Crisler expressed concerns regarding the security of patient data if the systems are utilized wirelessly, and IT Director Eric DeLong stated he believed the software was encrypted. Lieutenant Jay Moltenbrey concurred with Mr. DeLong, noting that the software has the HIPA documentation built in to it.

Mr. Carpenter moved and Mrs. Crisler seconded to waive the bid process for the purchase of two laptops for the ambulances as requested by the Chief. Passed 4-0.

Mr. Carpenter then moved and Mrs. Crisler seconded to approve the purchase of two (2) Panasonic Toughbooks for an amount not to exceed \$4,800 each. Passed 4-0.

Mrs. Crisler then asked the Chief to comment on the approved installation of a large propane tank on Lowell Road, in light of the recent accident in Salem. The Chief noted that it would be very difficult for a similar occurrence to happen in Windham, as the accident in Salem was unique in that a vehicle sheared off the top of gas valve close to a main road. At the Lowell Road tank, numerous safety features will be in place and all NFPA requirements will be met.

MINUTES: *Mrs. Crisler* requested that the words “carbon copy” be removed from the correspondence section of the July 31st minutes, and that the word “bids” be changed to “estimates” in the August 7th discussion relative to the Highway Agent’s opinion on the High School access road. She then moved, and *Mr. Senibaldi* seconded, to approve the minutes of July 31st as amended. Passed 3-0-1, with *Mr. Stearns* abstaining.

Mrs. Crisler then moved and *Mr. Senibaldi* seconded to approve the minutes of August 7th as amended. Passed 3-0-1, with *Mr. Carpenter* abstaining.

CORRESPONDENCE: *Copy of email* to Recreation Coordinator Cheryl Haas, advising that the Town has been awarded a matching TBG grant in the amount of \$3,000 for the preparation of a recreation master plan chapter.

Letter received from the NH Department of Transportation relative to approval of a matching Transportation Enhancement grant for rehabilitation of the Windham Depot. Total cost of the project will be \$210,000, with the Town’s portion being \$42,000.

Letter received from the NH Department of Environmental Services relative to the upcoming, first meeting of the Salt Reduction Workgroup (“Salt’ed), scheduled for September 26th at the Londonderry Municipal building. *Mr. Sullivan* indicated that representatives of Windham’s Stormwater Management Committee will be attending.

Letter received from the Rock Pond Improvement Association, advising the Town that the RPIA has voted that in matters of policy or action affecting Rock Pond, the RPIA, Inc. through its designees, shall speak for the majority of Rock Pond property owners.

Mr. Senibaldi advised the Board that he been approached several times by residents relative to problems with bittersweet encompassing and choking off various trees at Griffin Park. A discussion ensued regarding cutting back the bittersweet at the base and treating the remainder with Round-up. *Mr. Sullivan* will follow-up with the maintenance staff to do so.

RECREATION COMMITTEE: *Mr. Ralph Valentine*, Chairman, approached to advise the Board that the Committee had voted unanimously to support improvements to Tokanel Field, and to request that the Board support utilizing \$15,000 from the special warrant article, a donation of \$5,000 from the Soccer Association, and \$4,700 in in-kind services from Carr Landscaping to do the field work. The Committee would then propose an Article in March to complete the backstop.

Mr. Sullivan indicated he had spoken to *Mr. Senibaldi* regarding the \$4,700, which is a portion of a legal settlement with the Town. He had advised *Mr. Senibaldi* that the project was bid, rejected, and re-bid, and that he did not support now involving a third vendor without benefit of another bid process. *Mr. Sullivan* stated that, should the Board wish to proceed however, he would suggest utilizing the Property Maintenance Trust rather than the \$4,700.

Mr. Senibaldi explained that he would like to have one contractor do the entire project. He noted that an additional \$5,000 donation is expected from baseball and confirmed that he had spoken to *Mr. Sullivan*. *Mr. Senibaldi* noted that if the \$2,000 from the Recreation budget for Tokanel Field

maintenance was used, along with monies from the Recreational Improvement fund, then the field could be completed this year.

Mr. Stearns sought clarification of the total project cost, and Mr. Senibaldi indicated it was to be \$34,300 total.

A brief discussion ensued regarding the proposed scope of work, and drainage/irrigation issues. Mr. Valentine noted that some Committee members had suggesting that an engineer be hired, and that a plan is available however the Committee does not have it. Mrs. Crisler pointed out that the University of NH will do free engineering for sportsfields, and suggested the Committee contact Dr. Roberts.

Mr. Valentine recommended that the Board authorize the bid award to Fisette Excavation of Pelham for their bid amount of \$24,500, as the money is available. A discussion ensued regarding other issues at Tokanel Field including wash-outs, and where the plan was for the Board to review.

Mr. Carpenter felt that the expenditure of \$15,000 from the special warrant article was acceptable, but noted he would hesitate to take additional funds from anywhere else given the vote results in March. Mr. Senibaldi felt the petition article had been defeated because the Board had not supported it as funds were in the budget. Mr. Stearns disagreed, pointing out that no hard monies were available for Tokanel in the budget.

Mr. Michael Hatem, Windham Baseball/Softball League, approached to state his recollection of the discussions prior to Town meeting was the same and Mr. Senibaldi's. He then noted that soccer and baseball could look into covering the additional \$4,300 in necessary funds. A brief discussion ensued.

Mrs. Cheryl Haas, Recreation Coordinator, approached to clarify that at their latest meeting the Committee had recommended that the bid be awarded to Fisette to rebuild the field minus the backstop, and to accept the donations from baseball and soccer with their stipulations. She noted that the Recreation Committee did not vote to take money from any other budgets for this project.

Mr. Valentine then suggested the following method to fund the project in full: \$15,000 from the special warrant article, \$5,000 donation from Baseball, \$5,000 donation from Soccer, \$5,000 from the Property Maintenance Fund, and the remaining \$4,300 from the Recreational Improvements Fund. Further discussion ensued regarding an engineering study and the intention to "flip" the field.

Mrs. Crisler inquired of Mr. Sullivan whether taking funds from the Property Maintenance trust was feasible, and Mr. Sullivan replied in the affirmative. Mrs. Crisler then questioned who would monitor and inspect the project, and Mr. Sullivan indicated Town staff would do so.

Mr. Valentine requested that the bid be awarded to Fisette for the creation of the new field and for removal of the old field, and that the backstop be awarded to B-Line Fence, funding to come from the following: \$15,000/special warrant article, \$5,000/Baseball donation, \$5,000/Soccer donation, \$5,000/Property Maintenance Trust, and \$4,500/Recreation Improvement Fund.

Mr. Sullivan read the bid results for construction of the new field/removal of the old field into the record as follows:

Fisette Excavation, Pelham, NH	\$24,500
Earthtones Landscape, Pelham, NH	37,520

Mr. Sullivan indicated the fences were bid separately. He recommended the fields only be awarded to Fisette for their bid price of \$24,500, and felt that the backstop should wait until the donations have been officially accepted as is required.

After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to award the bid for the creation of a new field at Tokanel Field to Fisette Excavation of Pelham for their bid amount of \$24,500: \$15,000 to come from the Special Warrant Article, \$5,000 from the Property Maintenance Trust, and \$4,500 from the Recreation Improvement Fund.

Mr. Carpenter reiterated that he is not comfortable taking money from other funds, as he felt the citizens had said “no” to Tokanel Field through their vote. He felt the field could wait until Fall and be done then with \$15,000 from the Special article and the two donations. A discussion ensued that there was no guarantee of funding for the fencing next year. The motion failed 2-2, with Mr. Stearns and Mr. Carpenter opposed.

Mr. Hatem approached to point out that the two donations were contingent upon completion of the backstop, as well. He questioned whether the Town would refund the donations if the backstop couldn't be completed. A discussion ensued.

Mr. Senibaldi then moved that \$14,000 of the \$15,000 be expended to Fisette to construct a new field. There was no second, and the discussion was tabled until Mr. Hohenberger's arrival.

The Chairman called for a five minute recess.

VILLAGE CENTER DISTRICT: Mr. Peter Zohdi, Herbert and Associates, presented a revised conceptual plan of the Village Center District project to the Board, noting that it has yet to be presented to the Planning Board. Mr. Zohdi explained that he had been working with the Historic District/Heritage Commission regarding access over Town-owned land to his client's property in the district. He noted access was being sought to the right of the current Planning and Development Department, through the Town Pound, which would lead to interconnecting roadways in the rear with an exit by the Fellows property and a connection through to Edgewood Road. Mr. Zohdi pointed out that this option would allow the Fellows house to stay with a slight relocation of the barn.

Mr. Carpenter sought clarification that Mr. Zohdi was looking for a consensus from the Board on the plan. Mr. Zohdi replied in the affirmative, noting that one of the abutters, however, had not been notified about this discussion. Mrs. Crisler explained that the HDC had reviewed this matter twice, wished to have the Fellows house preserved, and was willing to approve the relocation of the Town Pound. Mrs. Crisler then advised the Board that representatives of the Windham Presbyterian Church had been in attendance at the last meeting of the HDC, as they had been in negotiations with Mr. Mesiti regarding an easement over the Church's property. The HDC had agreed to notify the Church when the District would be before the Selectmen, however, they had failed to do so.

A discussion ensued regarding relocation of the Pound versus demolition of the Fellows house, the planned landscaping, and improved parking conditions. Mr. Carpenter inquired whether the development was to be primarily residential and, if so, why so much parking was shown on the plan. Mr. Zohdi replied it was to be mostly residential, and that a certain amount of parking was required per the Town's regulations, which was what was shown on the plan.

A brief discussion ensued regarding the existing houses in the area of the Fellows property. Mrs. Gail Webster then approached to inquire whether the Town Pound was a registered historic landmark. Mrs. Crisler was unsure if it was registered, but stated the HDC will continue to protect it.

Planning Director Al Turner noted that the applicant was, at the time, seeking input from the Board on the proposed access and roundabout to allow him to proceed. Mr. Stearns spoke in support of the roundabout, but noted that the access seemed to eliminate the current fleet/maintenance vehicle parking area. He noted that sufficient room would need to be included for Mr. Barlow and his staff to maneuver. Mr. Stearns then inquired whether sidewalks to the buildings were planned for installation, to which Mr. Zohdi replied they were.

Mr. Carpenter also supported the roundabout, but stated that site and grade issues should be addressed by Planning Board. He also suggested that Mr. Zohdi work with Assistant Planner Rebecca Hebert regarding landscaping of the areas. Mr. Carpenter felt that exhibiting a fair exchange through improvements to the existing Town property was important, as the use of town land for access to a private development was not often granted.

Mr. Sullivan approached to point out that possible future expansion of the Town vault and Cable Studio should be considered, and a proposed cut-through in the rear eliminated.

Mr. Senibaldi also expressed concerns regarding Mr. Barlow's accessibility. Mr. Turner felt that this should not be a concern, as the vehicles shouldn't be in the old fire bays. A brief discussion ensued.

Mr. Robert Coole approached to inquire why, if the hill were going to be shaved down anyway, a slip road access couldn't be constructed over the Town Hall lawn instead. Mr. Carpenter pointed out that exiting from that area would be too dangerous.

A discussion ensued regarding the topography of the site, and Mr. Zohdi will provide copies of the topo maps to the Town for review. The Board then discussed procedural matters, the class of the proposed roadways, and whether a public hearing should be held prior to the Planning Board's review of the project.

Mr. Zohdi stated he sensed the Board's response to the plan was positive, and that he would like to continue to work with staff on the landscaping and other issues while the Public Hearing notice process is begun. Mr. Sullivan indicated that the road layout process is in two parts, the Board must determine a public need and then a title search/abutter notices must be completed and the public hearing scheduled for 45 days afterwards. He also indicated that a detailed, not conceptual, plan would be required from the applicant.

A discussion ensued regarding scheduling of a public hearing to determine the need and whether or not to wait for a full Board. Mr. Sullivan suggested the Board table the discussion until the September 11th meeting, and a public hearing to consider moving the request to a conditional layout posted. He stated the title search could be begun now, which is paid for by the applicant. The consensus of the Board was that Mr. Sullivan proceed accordingly.

Mr. Senibaldi stepped out of the meeting momentarily.

CLARK FARM: Mr. Zohdi presented a plan for construction of a roundabout on Faith Road as requested by the Planning Board as a traffic calming measure. Selectmen approval is required as Faith Road is a town road.

Mr. Carpenter inquired why Mr. Zohdi was proposing a roundabout, as “Stop” signs would be easier and less expensive. Mr. Zohdi replied that the roundabout was a condition of the Planning Board’s approval, and was shown on the final approved plan. Mrs. Crisler explained that the Planning Board had heard lots of testimony at their hearing regarding the need for calming measures and safety issues. Mr. Turner pointed out that the Highway Safety Committee had also received three requests from residents for traffic studies in the area.

Mr. Senibaldi returned to the meeting at 9:35 PM.

Mr. Carpenter inquired who would be maintaining the center of the roundabout, and Mr. Turner stated it would be the Town’s responsibility. He did state that, often, residents “adopt” these islands and undertake their maintenance.

Mr. Stearns read into the record a letter, signed by 56+ area residents, in opposition to the roundabout. Mrs. Crisler stated that the roundabout would address all complaints and concerns expressed in the letter. A discussion ensued regarding the Board’s options and the number of houses in the area.

Mr. Carpenter noted that the Board has, in the past, heard concerns regarding the speed and volume of traffic on Faith Road. He felt that the roundabout would address those concerns, however, if the residents were opposed it shouldn’t be forced upon them.

Mrs. Sue Malinowsky, 10 Faith Road, presented pictures of the roundabout on Heritage Hill Road for the Board’s consideration, and urged the Board to hear the residents’ concerns. She stated the roundabout was not wanted by the residents, and hoped that the members would support their desire for a four-way stop. Mrs. Malinowsky expressed specific concerns regarding the maintenance of the area, which she believed would fall to the residents. A discussion ensued regarding what was the norm for roundabout and cul-de-sac maintenance.

Mr. Michael Malinowsky, 10 Faith Road, stated that speeding was an issue in the area, however a four-way stop would work to correct that.

Mr. Robert Gustafson, 12 Ridgemont Road, agreed that roundabouts are good for calming traffic. He was concerned, however, regarding the tightness of the area as it pertained to snow removal, emergency vehicle access, and the like. Mr. Gustafson stated he had suggested to the Planning Board that the developer be bonded to first install a four-way stop, then move to a roundabout only if necessary, however the Planning Board had not supported this possibility.

Mr. Brendan Gaughran, 8 Faith Road, felt that the Planning Board had had good intentions in requiring the roundabout, but he didn’t see why a four-way stop wouldn’t offer the same result. He then inquired what the procedure would be if the Board denied the request to work in the right-of-way to construct the roundabout. Mr. Carpenter indicated that plan would go back to the Planning Board, the public hearing re-opened, and the modified plan approved or denied. Mr. Stearns noted that, if the Board of Selectmen disallows the roundabout, then the Planning Board cannot require that one be installed.

Ms. Daphne Kenyon, 11 Faith Road, pointed out that the houses in this area were much closer to the roadway than on Heritage Hill Road, and virtually all residents in the area were opposed. She felt that it was possible to do a four-way stop with a bond, as had been suggested. Mr. Zohdi noted that such a bond would be in place until one year after the construction is evaluated and deemed complete by the Town, and that the houses are not scheduled to be built for another two years.

A discussion again ensued regarding the Board's options, as well as grading at the intersection for a stop sign. Mr. Zohdi noted that he does have the required site distance for a stop sign, and supported a two-year bond and beginning with a four-way stop.

After further discussion, Mr. Senibaldi moved and Mr. Carpenter seconded to grant permission to the applicant to work in the Town's right-of-way on Faith Road from station 0.00 to 2.00 for the purpose of constructing Crowell Road. Passed 4-0.

RECREATION, CONTINUED: Discussion of the Tokanel Field bids resumed. Mr. Valentine proposed that \$19,000 be utilized from the \$25,000 special warrant article, and the remainder be taken from the Recreational Improvement Fund to complete the fields, and that the backstops be funded from the donations. A discussion ensued.

Mr. Senibaldi then moved to expend \$19,794 from the Special Recreation Warrant article, and \$4,706 from the Recreational Improvement Fund, contingent upon Recreation Committee approval. There was no second.

After further discussion, Mr. Carpenter moved and Mr. Senibaldi seconded to award the bid for the reconstruction of Tokanel Field to Fisette Excavation of Pelham for their bid amount of \$24,500: \$23,794 to come from the 2006 Special Warrant Article, and the remainder to come from the Recreation Committee budget; subject to Recreation Committee approval. Passed 3-1, with Mr. Stearns opposed.

OLD BUSINESS: Mr. Carpenter inquired whether, when the Town Beach tests high for e.coli, the Town reaches out and offers to test Seavey or other smaller ponds. A discussion ensued, and it was the consensus of the Board that when high levels are found to be at the Beach, a letter will be sent to the pond Associations advising them accordingly.

Mr. Stearns noted that the incidences of mosquito issues are getting closer to Windham. He inquired whether funding to assist in control measures was available to towns bordering affected communities. After a brief discussion, it was determined that Mr. Sullivan and Mr. Turner will follow-up with the State to clarify this matter.

NEW BUSINESS: Mr. Sullivan advised the Board that the School Board had requested release of a specific piece of correspondence from Town Counsel relative to the High School land. Mr. Carpenter moved and Mr. Senibaldi seconded to release the correspondence as requested. Passed 4-0.

Mr. Sullivan requested that the Board authorize him to expend not more than \$2,225 from the Property Maintenance Trust for carpeting for the Town Hall. Three proposals had been obtained, ranging from \$2,225 to \$3,600. Mrs. Crisler moved and Mr. Carpenter seconded to authorize Mr. Sullivan to withdraw \$2,225 from the Property Maintenance Trust as requested. Passed 4-0.

Mr. Stearns requested that the Board work to develop an ordinance for Griffin Park, thereby giving the Town more authority to enforce and cite violations, to set hours, and to assert other controls. Mr. Sullivan asked that the Board email their individual suggestions to him for review by the Policy Committee.

Mr. Carpenter inquired where the plans were for the proposed parking area across from Griffin Park, and suggested that resolution of parking issues at the Park be scheduled for Board discussion only on a future agenda. After a brief discussion, it was the consensus of the Board that they meet at the Park on an off-night to discuss this matter. Mr. Sullivan will work to schedule this meeting.

Mr. Senibaldi noted that Mary Griffin's memorial bench had not been placed in the front of the Park, where he felt it should be. It was the consensus of the Board that Mr. Barlow move the bench accordingly. Mr. Sullivan will follow-up.

Mr. Senibaldi inquired whether the Board should schedule a non-public session with the School Board to discuss legal matters relating to the High School. After a brief discussion, it was determined it would be inappropriate to do so. A public meeting between the two boards is scheduled for September 19th.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Senibaldi seconded to enter into non-public session in accordance with RSA 93-A:3 IIa. Roll call vote, all members "yes". The topic of discussion was personnel. The Board, Mr. Sullivan, and Ms. Devlin were in attendance

Mr. Sullivan presented a request on behalf of Chief Lewis. After a brief discussion, Mr. Carpenter moved and Mr. Senibaldi seconded to approve the revised contract with the Police Prosecutor, to include two weeks vacation. Passed 4-0.

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

Mr. Carpenter moved and Mrs. Crisler seconded to adjourn. Passed 4-0.

The meeting was adjourned at 11:00 P.M.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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