

BOARD OF SELECTMEN
Minutes of February 12, 2007

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

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91-A:3-IIc. The topic of discussion was reputations, and the Board, a resident, Tax Assessor Rex Norman, and Ms. Devlin were in attendance in the first session.

The Board discussed a request for a hardship abatement. Mrs. Crisler moved and Mr. Senibaldi seconded to grant the request for a hardship abatement in the amount of \$2,320.93. Passed 4-0.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the second session. Mr. Sullivan updated the Board on a legal issue. No decisions were made.

ANNOUNCEMENTS: Mr. George Fredette, Ms. Donna Morris, and Ms. Beverly Donovan were present on behalf of the Greater Salem Chamber of Commerce. Mr. Fredette gave a brief overview of the Chamber's mission and activities, and stated they were seeking greater involvement from the Town as a member. After further discussion, Mrs. Crisler expressed a willingness to serve as Board liaison to the Chamber.

LIAISON REPORTS: Mrs. Crisler announced that the Planning Board had had a light meeting the previous Wednesday, as the one hearing scheduled had been withdrawn by the applicant.

Mr. Senibaldi urged the residents to use caution on Wednesday in light of the heavy snow forecasted.

Mr. Carpenter thanked those that had attended the Deliberative Sessions for their participation.

MINUTES: Mrs. Crisler moved and Mr. Senibaldi seconded to approve the minutes of February 5th as written. Passed 4-0.

CORRESPONDENCE: *Memo received* from Atty. Campbell advising the Board of a Chamber of Commerce program which will provide updates on issues in Washington.

Letter received from Comcast, advising that a \$4 convenience charge will now be assessed to residents paying their bills by phone. A brief discussion ensued regarding the lack of competitive providers in Windham.

Memo received from Mr. Norman clarifying the recent changes to assessments on Town-owned parcels on Blueberry Road.

Mr. Sullivan then announced that the Administrative Office had received several calls regarding Comcast and what appeared to be a dramatic increase in the franchise fee. Mr. Sullivan stated he had spoken to Comcast and been advised that the fee had not increased, but had been erroneously left off the previous two months' billing. Comcast will not be back-billing for the months not charged.

ANNOUNCEMENTS CONTINUED: Fire Chief McPherson advised the Board that the School Board had approved the purchase of three portable defibrillators for installation at the Windham Schools. Placement will be coordinated with School District Business Administrator Brian Gallagher. Chief McPherson will continue to work with the School Board regarding the

acquisition of two (2) additional units for placement at the future High School.

FINANCIAL UPDATE: Mrs. Call reviewed several year-end reports with the Board, including the Comparative Statement of Appropriations and Expenditures. A brief discussion ensued regarding the significant savings in 2006 in salaries, town revenues, and interest on impact fee accounts.

Mrs. Call then reviewed a portion of the Treasurer's report pertaining to various Town fund accounts, and a discussion ensued regarding the Expendable Health Trust Fund. Mrs. Call explained that employee co-pays are deposited into this fund, to cover claims throughout the year. It is hoped that this fund will remain self-sustaining, however, claims submitted in 2006 were substantial, due to several employees with extended illnesses.

Discussion then took place regarding the forfeiture fund. Police Chief Lewis explained that these monies typically represent Federal reimbursement of funds related to seized assets. Use of this money is limited to law enforcement related items, and it cannot be used to supplement the general budget.

Thanks were extended to Mrs. Call for her update.

POLICE CHIEF LEWIS: After providing a brief update on Captain Yatsevich, who is doing well, the Chief noted that an indictment on five (5) felony charged has been obtained in the case of the infant injured last year.

The Chief then requested the Board's support of his working to obtain a donation of 28 Remington 870 rifles from a facility in Connecticut. He noted that these would be used to replace the nine rifles currently in use, with the remainder being sold to generate income towards additional firearms for the department. A discussion ensued regarding the trend by departments toward utilizing patrol rifles, and any necessary training. It was the consensus of the Board to post this donation for a public hearing.

Discussion then moved to ATV use at the Town beach. The Chief noted that several complaints had been received regarding ATV's on the ice, and that the current Town ordinance prohibits ATV use on Town property. After a brief discussion, it was the consensus that the current regulations be enforced, and this matter be posted for further discussion at the February 26th meeting.

Chief Lewis then presented a departmental policy manual to the Board for review, which he would like to implement. He noted that the manual will be available to all department staff, and will encompass 100-110 department policies overall over the next two years. The first to be drafted and included would be a Standards of Conduct Policy.

The Chief then noted that, by ordinance, all policies should be approved by the Board of Selectmen, however, given the sensitive nature of some planned procedures, he would request that some not be publicly discussed. Mr. Sullivan noted that operating procedures need not be posted and publicly discussed, they just need to be deemed consistent with Town policy by the Board members.

A discussion ensued regarding the Board's endorsement of the policies and possible ramifications if not adhered to by staff, and that each officer will be required to acknowledge receipt of the individual documents.

SEAVEY ROAD: Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan noted that this acceptance would be of the portion from Route 28 to station 4+50, which has been reviewed by the Highway Agent, Planning Staff, and Town Counsel. He noted that the roadway is in good standing for acceptance by the Town.

A brief discussion ensued regarding the area, after which Mr. Hohenberger moved and Mr. Senibaldi seconded to accept Seavey Road from station 0+00 to 4+50 and to release the bond in the amount of \$4,000 to Dunlap Engineering. Passed 4-0.

TAX ASSESSOR: Mr. Norman presented a listing of 32 abatements to the Board for consideration. He noted that each had been inspected, verified, and corrected, and a settlement agreement reached with each owner.

After a brief discussion regarding the Nassar, Spengler, and Magnolia Road abatements, Mr. Senibaldi moved Mrs. Crisler seconded grant all 32 property abatements as follows, totaling \$27,633.77:

Lot 18L-26	\$112.06
8B-622	205.69
9A-954	457.43
22R-1600	339.24
6A-822	428.27
7A-775	4,621.89
17L-71	736.80
3A-595	1,665.48
1B-514	451.29
20D-323	399.10
7A-444	724.52
1B-504	765.97
20D-324	795.13
14B-508	614.00
8B-5711	756.76
9A-1900	3,651.77
11C-1603	543.39
6C-401	248.67
13C-9	12.28
13C-11	3,240.39
13C-12	1,586.66
13C-14	24.56
13C-15	24.56
13C-16	23.03
13C-17	72.15
5A-427	187.27
11A-234	1,977.08
1C-2009	217.97
7A-665	815.09
1A-301	778.25
17J-121	838.11
3A-506	349.98

Mr. Norman then reviewed two administrative abatements with the Board. After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to abatement \$1,054.93 for lot 8B-3000, as the property is conservation land, and \$2,190.70 on lot 8B-4700, which is also conservation land. Passed 4-0.

Mr. Norman then reviewed a final abatement for town land on Seavey Road, which was erroneously billed to the previous owner. Mrs. Crisler moved and Mr. Hohenberger seconded to abate the amount of 874.95 on lot 8B-6301, as the property has been deeded to the Town of Windham. Passed 4-0.

BUILDING PERMIT/CLASS VI ROAD: Mr. Carpenter recused himself from the Board, and Mr. Hohenberger assumed the Chair. Mr. Hohenberger read the Planning Board memorandum into the record, noting no particular concerns with project beyond their standard requests that the roadway remain clear during construction and proof be shown of an available staging area. Mr. Hohenberger also noted that no concerns were expressed by the Police or Fire Chief.

Mr. Peter Zohdi, representing Mr. Carpenter, explained that the building permit was for a proposed 2 bedroom house with a garage. A variance has been granted by the Zoning Board of Adjustment, all Department of Environmental Service permits have been obtained, and that the required RSA 674 waiver has been completed by Mr. Carpenter. The construction staging area will be on the lot in question.

After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to approve the issuance of a building permit as requested, subject to compliance with all Planning Board recommendations and proper execution of the waiver. Passed 3-0.

OLD/NEW BUSINESS: On behalf of Mr. Turner, Mr. Sullivan noted that a public hearing had been requested to discuss increases to the Planning Department fees. After a brief discussion, Mrs. Crisler moved and Mr. Senibaldi seconded to schedule a public hearing to discuss increasing permit fees charged by the Planning Department. Passed 4-0.

Mr. Carpenter resumed the Chair.

Mr. Sullivan updated the Board on the Beach repair. The plan will include a sump, swale, and a berm in front of the fence. He noted, however, that the DES is requiring an engineered plan. He inquired whether the Board wished to waive the bid process regarding this project. After a brief discussion, Mr. Senibaldi moved and Mrs. Crisler seconded to waive the bid process for engineering to fix sand erosion at the Town beach. Passed 3-1, with Mr. Hohenberger opposed.

Mr. Sullivan noted that he had expected Mr. Harvey to be in attendance to discuss concerns with the Board's recommendation appearing on the Warrant Article relative to Hopkins Road. Mr. Harvey had expressed that, as the Board had approved the roadway, perhaps their recommendation should be removed.

After a brief discussion, Mr. Hohenberger moved to reconsider the Board's recommendation on Warrant Articles 33 and 34. There was no second.

It was the consensus of the remaining Board members that their recommendations stand without change.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91-A:3-IId. Roll call vote – all members "yes". The topic of discussion was land acquisition, and the Board, Mr. Sullivan, Mr. Peter Zohdi, and the following members of the Conservation Commission were in attendance: Mr. Bruce Breton and Mr. Jim Finn.

Mrs. Crisler moved and Mr. Hohenberger seconded to seal this portion of the minutes. Passed 4-0.

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

The meeting was adjourned at 10:30 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.