

BOARD OF SELECTMEN
Minutes of June 23, 2008

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

EAGLE SCOUT: Mr. Mark Samsel, Depot Advisory Committee, introduced Cliff Rienendeau who was present to request the Board's endorsement of his Eagle Scout Project. Mr. Rienendeau, age 15, proposed to the Board stripping, sanding, and refinishing of the interior floors of the Town's caboose located at the Depot. In response to several questions by the Board, Mr. Rienendeau advised that the floors are southern yellow pine, were once carpeted, and he expects they'll need three (3) coats of clear, satin polyurethane lacquer. Mr. Rienendeau will begin his fund raising efforts shortly, and expects the project to be completed over a period of four (4) weekends.

After a brief discussion regarding dust control measures, which Mr. Rienendeau indicated will include covers, a bag-equipped sander, and fans to draw out the particles, Mr. Stearns moved and Mr. Breton seconded to endorse Mr. Rienendeau's proposed Eagle Scout Project to refinish the floor of the Town's caboose. Passed unanimously.

Mr. Senibaldi offered the Board's support and assistance should Mr. Rienendeau need it with fundraising, and Mr. Samsel indicated that the Depot Advisory Committee will monitor the project.

LEASE FINANCING PACKAGE AWARD: Finance Director Dana Call reviewed a spreadsheet detail (*see attached*) of bids received relative to lease financing of new vehicles for the Fire, Police, and Highway departments. Ms. Call noted that ultimately, after analysis of the bids submitted, the low bidder is *Municipal Leasing Consultants* of Grand Isle, Vermont, who bid in conjunction with Citizens Bank.

Mrs. Call explained that Municipal Leasing bid an interest rate of 3.83% for the three year term of the leases, which will result in an overall interest payment of \$10,443 for all ten (10) vehicles.

After a brief discussion, Mr. McMahon moved and Mr. Breton seconded to approve the financing of \$274,680 through Municipal Leasing Consultants, for a three (3) year lease term at an interest rate of 3.83%.; and to authorize the Town Administrator to execute all lease agreements accordingly. Passed unanimously.

Mrs. Call advised the Board that Highway Agent Jack McCartney had spoken to Hillsboro Ford to clarify their submission and, per the Board's award motion, the bid had been awarded to them as the low bidder and the trucks ordered.

ANNOUNCEMENTS: Mr. McMahon advised the Board that he attended the recent meeting of the Long Range Capital Utilization Committee, at which the disposition of the State surplus Delahunty and driving range properties was discussed. He indicated that the Committee had agreed that these properties will be placed on the market, through Harvey Shea and Prudential Verani realtors respectively, after negotiations related to the

companies commission amount is completed. Mr. McMahon further indicated that, while the State's decision to place the properties on the market was a positive thing, he was disappointed that they would be reserving the right to reject any and all bids for any cause. The target date for the State to meet with interested bidders on the properties is September, 2008.

Brief discussion ensued regarding the interview process utilized by the State in selecting the realtor representatives, and the process by which any bids received would be rejected. Mr. McMahon indicated that, as to the latter, the LRCUC would make recommendation to the Executive Council and the Governor as to whether to accept or reject a bid.

Mr. Senibaldi announced that Festa-ball, held the previous Saturday, had been a great success, and extended thanks to the WBSL and the Police Department.

Mr. Senibaldi reminded all that the Annual Knight Ride was upcoming on Saturday, June 28th. Riders will depart for the seacoast from Park Place Lanes at 8:30 AM, and will return for cookout to follow at the Derry/Salem Elks. Mr. Senibaldi advised the Board that the Police would be providing an SUV in addition to the Department's motorcycle, and indicated there would be room for any Board member who wished to ride along.

CORRESPONDENCE: Site Bond Release/Windham Meadows I. Mr. McMahon moved and Mr. Breton seconded to fully release the site bond in the amount of \$5,000 to Eighty Mammoth Road, LLC. Passed unanimously.

Road Bond Release/Ryan Farm Road 2: After a brief discussion regarding items remaining for completion, Mr. Hohenberger moved and Mr. Stearns seconded to release the bond in the amount of \$96,910.60, retaining \$121,909.20, to Anthony Mesiti for Ryan Farm Road 2 station 15+64. Passed unanimously.

COMMITTEE INTERVIEWS: The Board interviewed Mr. Brian Dellorfano as a potential candidate for appointment to the Conservation Commission.

PUBLIC HEARING/PERSONNEL POLICY: Mr. Senibaldi read the public hearing notice into the record. Mr. Sullivan explained that the current \$75 stipend for employees opting out of the Town's health insurance coverage had been implemented approximately ten (10) years ago when insurance rates had been much different. Mr. Sullivan indicated that the proposed amended rates were \$2,500 annually for opting out of single plan coverage and \$5,000 annual for two-person or family plan coverage. He further stated that Town would still realize a savings in excess of \$13K for each employee opting out of a family plan.

Discussion ensued regarding the number of employees eligible to obtain the stipend. Mr. Sullivan noted that there is only one non-union and one union employee at this time, however, there are more employees who could be eligible to do so in the future. Mr. Sullivan noted that, regardless of the number of employees who opt out, the Town will recognize a savings and that currently the proposed amendment would affect only non-union employees.

Mr. Hohenberger moved and Mr. Stearns seconded approve the amended personnel policy as posted. Passed unanimously.

PUBLIC HEARING/DOG ORDINANCE: Mr. Senibaldi read the public hearing notice into the record. Ms. Devlin, Cemetery Trustee, explained that the cemeteries are currently posted as prohibiting dogs, however, walking of pets within and failure to clean up after them continues to be an issue. Ms. Devlin further noted that, although posted, the Trustees have no means to penalize anyone for violations. She then noted that, if approved, the Trustees would look into purchasing new and larger signs for the three cemeteries, clearly detailing the rules and providing contact numbers to report violations. Brief discussion ensued regarding enforcement.

Mr. Hohenberger moved and Mr. Breton seconded to amend Section V of the Regulations governing dogs on town property to add a new sub-section C as follows: “Dogs, both restrained and unrestrained, are strictly prohibited from Cemetery grounds and their interior roadways/walkways.” After a brief discussion regarding the fines and waiver provisions contained in the current ordinance, the motion passed unanimously.

OLD/NEW BUSINESS: Mr. Senibaldi advised the Board that water issues had occurred the previous weekend at Festa-ball, and that he had spoken to Mr. Barlow and representatives from Policy Well & Pump, who had again recommended that a secondary 600 gallon tank be purchased. Mr. Senibaldi indicated that the all inclusive cost would be \$900, and requested the Board stay with the current vendor and implement the improvement.

Discussion ensued regarding available funding in the “White” Fund and Property Maintenance Trust, and the approaching Town Day. Mr. McMahon then moved and Mr. Breton seconded to approve the request to expend \$900 as presented.

Further discussion ensued regarding maintaining the chemical toilets at the park and the ongoing issues with the multi-purpose doors.

Motion passed unanimously.

Mr. Senibaldi indicated that Derry Well had not yet replaced the pump at Griffin Park as approved the previous week, that the pond is draining, and that he had asked Mr. Barlow to advise Derry Well they had until the following Wednesday to complete the replacement. Mr. Senibaldi then requested the Board authorize Mr. Barlow to move to the next lowest bidder, Young Brothers, to complete the project. Brief discussion ensued regarding the recent rainy conditions.

Mr. McMahon moved and Mr. Breton seconded to authorize Mr. Barlow to move forward with Young Brothers if Derry Well cannot complete the pump replacement by Wednesday, weather permitting.

Further discussion ensued, and Mr. Stearns and Mr. Hohenberger expressed concerns regarding the rationale of the motion and why Mr. Senibaldi was anticipating that Derry Well would fail to complete the project.

Mr. McMahon amended his motion, and Mr. Breton his second, to a completion date of Friday.

Mr. Stearns then inquired whether a specific timeline for completion had been included in the bid, to which Mr. Sullivan replied in the negative.

Motion passed 3-2, with Mr. Stearns and Mr. Hohenberger opposed.

The Chairman called for a five minute recess.

PUBLIC HEARING/NHDOT: Project Manager Peter Stammus was on-hand to update the Board on the I-93 project. Items discussed included:

- *2008 Season Projects:* Mr. Stammus reviewed the Exit 3 interchange plans, highlighting the following: the NB barrel will be relocated closer to the SB; the loop ramps will be eliminated and replaced with a diamond interchange; the existing Route 111 will dead-end at the Castleton drive; the existing 111 will relocate to the current NB ramp; new signals will be installed at the NB and SB ramps, and the Range Road/111 signal will be replaced; 111 will consist of two lanes up to the Village Green; and the Wall street intersection will be reconfigured. Mr. Stammus indicated the completion date is scheduled for 2015. Mr. McMahon inquired as to the expected completion date for the entire Salem to Manchester route, to which Mr. Stammus replied 2017, indicating that additional revenue is needed for phases outside of that evening's presentation.

Mr. McMahon then inquired when the relocation of Route 111 would be completed, and Mr. Stammus indicated somewhere between 2012 and 2014, towards the end of the project and just before the Range Road relocation.

Mr. McMahon then inquired when the surplus properties would become available along the corridor. Mr. Stammus opined that the properties would be held until it was certain that there would be no further impact to them, and indicated that the project design is still advancing.

Mr. Stearns then inquired whether, once relocated by the State, Route 111A would remain state-owned. Mr. Stammus replied in the negative, noting a future discussion will need to take place regarding that and the old Route 111.

Mr. Senibaldi then reiterated the Board's previous concerns regarding the limited access nature of the new Route 111, citing economic development concerns in Town. He inquired whether the State had undertaken any discussions regarding allowing a second access. Mr. Stammus replied in the negative, noting that one access is planned on the north side only and none on the South. He indicated selection of the access location would be a cooperative effort between the Town and State.

Mr. Hohenberger then expressed concerns about the resulting bottleneck of traffic in Windham as the number of lanes on 93 transitions from four to two, and inquired whether the State had any plans to address increased traffic in Windham as commuters attempt to avoid the transition. Mr. Stammus indicated that that detail is not yet available, and is planned for approximately 2010.

- *Conceptual Rendering:* Mr. Stammus reviewed with the Board an aerial photograph of the current interchange, along with a conceptual rendering of the proposed project. He noted that the future NB barrel will be relocated 20' further from the existing, is scheduled to be the first project this summer, and when completed will be 50' above the existing grade.

- *Project Bid Advertising:* Mr. Stamnus indicated that two projects will be bid for this summer, one in July and the other in August, covering a total of 3.5 miles of roadwork. The first will be repair of the red list bridges on Route 111 and 111A, after which the existing SB traffic on I-93 will be moved to the new bridge. The second will be the new SB off ramp, consisting of 4500' linear feet from the weigh station to a new signal on Route 111. Mr. Stamnus indicated the projects will require some ledge removal and work on Route 111A near the bridge.
- *Traffic Flow:* Mr. Stamnus advised that the following is intended during the projects: on Route 93 two lanes will be maintained in both directions during the day, with some limitation at night; on Route 111, two-way traffic will be maintained from 6A to 7P, with short-term closures at night, and; on Route 111A alternating one-way traffic is planned. He further noted that significant coordination will take place with the Chiefs to ensure that emergency access is maintained at all times.
- *Water Quality Initiatives:* Mr. Stamnus indicated that a number of initiatives are planned as part of the projects, including significant stormwater treatment. He further indicated that 80% of runoff will be collected and treated, and no net increase in pollutants will result once completed.

Mr. Stamnus indicated that a proactive plan has also been developed to protect drinking water, and that approximately 45 wells had been tested to date. Blasting operations will entail Best Management Practices including well monitoring, retention of a hydrologist, and retention of a blasting supervisor.

Other items indicated for inclusion by Mr. Stamnus include: development of hazardous spill containment procedures/action plan including emergency shut-offs, etc., and; incident management plans such as the current I-93 service patrols, emergency route signage, mile marker improvements, and use of "smart" work zones.

- *Agreements in Need of Execution:* Mr. Stamnus indicated that agreements need to be put in place regarding incident management, including for the emergency access on North Lowell Road which the Town is responsible to maintain.
- *Other Items:* Discussion moved to the installation of a conduit for future utility use under Route 93, which the Board feels is critical to future economical development needs. Mr. Stamnus indicated that the State had no plans to pay for the installation, and disagreement was raised by Mr. Hohenberger who recalled former Executive Councilor Ruth Griffin indicating the opposite. It was the consensus of the Board to arrange a follow-up meeting with Mr. Stamnus as soon as possible to discuss this matter further.

Mr. McMahon then inquired when the new Park & Ride will be completed and functional. Mr. Stamnus indicated it was one of the last pieces of the project, and would not be done until approximately 2015.

Mr. McMahon then raised concerns regarding work needed on the access road to Woof Woof on Range Road, which is currently owned by the State. Mr. Stammus indicated he had been advised it was in need of some attention, but did not believe it would happen in the immediate future. After further discussion regarding ownership of the road, and its function as a driveway Mr. Stammus indicated he would visit the area to evaluate it further.

Mr. Stearns inquired whether the State had established a maximum queue length for the traffic flow on Route 111A. Mr. Stammus replied in the negative, noting it will be assessed as the project proceeds.

Brief discussion ensued regarding the brine program. Mr. Stammus indicated the State has reviewed the program and was looking into salt limits and other items. He further noted that this issue does need to be resolved before three lanes can be utilized.

Mr. Stearns inquired whether foundations would also be surveyed. Mr. Stammus replied in the affirmative, noting that pre-blast surveys are being completed and post-blast surveys are planned.

Mr. Stearns then inquired where and how the resultant material will be processed. Mr. Stammus replied he expected the processing will occur within the project footprint. Mr. Stearns noted there have been significant issues in town related to crushing, and indicated the Board would want to know where, when, and what control measures would be in place. Mr. Stammus indicated that existing laws would be referenced to establish where and when the processing occurs.

Inclusion of the wells at Griffin Park within the pre-blast surveys was discussed, and the Board requested Mr. Stammus develop a detailed map showing only those wells tested versus all that had been contacted but may not have responded.

Discussion resumed regarding the emergency access on North Lowell Road, and Mr. Hohenberger inquired what maintenance of it entailed. Mr. Stammus indicated that it consists of a gated, permanent access of over 1000', which the State does not wish to be responsible to maintain as it cannot guarantee it will receive priority winter attention.

- *Route 111 By-Pass:* Mr. Stammus indicated that the final stages of the utility relocation are being expedited. Mr. Stearns inquired when additional signage would be installed at the Lamson Road intersection that indicated Route 28 to be straight ahead, noting that traffic has not decreased on the old Range Road. Mr. Stammus will follow-up with his department to clarify.

Mr. McMahon inquired whether the State planned in the future to relocate Lake Street to behind the Hess Station, thereby making the five corners a 4-way intersection. Mr. Stammus indicated it was not in the State's ten year plan. A brief discussion ensued regarding the amount of east/west traffic versus north/south.

Discussion then moved to the proposed landscaping along the roadside and in the medians of the By-Pass from Route 28 to the Northbound off-ramp, which Mr. Stammus indicated was planned to be bid this fall for planting in the Spring of 2009. Mr. Senibaldi sought clarification that the State would oversee the plantings, guarantee them for one year, and then the responsibility would move to the Town. Mr. Stammus replied in the affirmative.

Lengthy discussion ensued regarding the unknown costs to maintain 300-400 plantings as proposed, possible reduction of the scope of landscaping, the \$225K cost of the project to the State, the timing and breadth of the project, and the nature of the By-pass as a gateway to the community. It was the consensus of the Board that Mr. Sullivan and Mr. Stammus work to coordinate a separate workshop on the first convenient evening for all to discuss this item and the conduit under Route 93.

Mr. Stammus ended his presentation by advising all that updates on these projects can be reviewed anytime at www.RebuildingI93.com. The Board thanked Mr. Stammus for attending.

PUBLIC HEARING/CHAPEL ROAD: Mr. Senibaldi read the public hearing notice into the record. Mr. Sullivan explained that this is a new roadway, and impacts the Searles Chapel and the Coakley residence. Mr. Sullivan advised that the State and the Historic District Commission have agreed on the name "Chapel Road", and that the Coakleys had been contacted but offered no response. Mr. Robert Coole, resident, approached to inquire as to the width of the new roadway and to suggest it be made into additional parking for the Chapel. Discussion ensued.

Mr. Sullivan indicated that the Chiefs had no issues with the proposed name, and Mr. Senibaldi read the HDC's letter into the record. Mr. Sullivan noted that, should the Coakleys wish to, they could request a reconsideration at a future date. Further discussion ensued regarding Mr. Senibaldi visiting the Coakley's home and widening of the roadway to allow for parking on at least one side.

Mr. Hohenberger then moved and Mr. McMahon seconded to continue this public hearing until the next agenda at a time TBD. Passed unanimously.

PUBLIC HEARING/ROW ORDINANCE: Mr. Sullivan explained that revisions to the Right-of-Way ordinance had been ongoing for several years, and that the draft as posted codified all changes proposed by the previous Boards of Selectmen, and Town Counsel recommendations. He suggested the Board adopt the changes in total, as a new ordinance. Discussion ensued regarding the appointment of the Right-of-Way agent and who was best suited.

Mr. Hohenberger then moved and Mr. Stearns seconded to delete the current Right-of-Way ordinance in its entirety and replace it with the new ordinance as posted. Passed unanimously.

Mr. Breton then moved and Mr. Hohenberger seconded to appoint Highway Agent Jack McCartney as the Right-of-Way agent, with paperwork assistance to be provided by the Planning Department. Passed unanimously.

DISCUSSION WITH MR. TURNER: Mr. Senibaldi explained that the Board had met with Mr. Turner in a non-public session the previous week and, at that time had advised him that the Board would not move forward to contact the Attorney General to investigate claims of extortion. In addition, the Board had advised Mr. Turner the Town would not provide counsel in the event he wished to proceed. Mr. Senibaldi then clarified that the Board had not been suggesting that any individuals in the Planning Department were pocketing money, but that they had concerns with the perception of the processes in place. Mr. Senibaldi then inquired whether Mr. Turner wished offer any input. Mr. Turner declined.

Mr. Senibaldi then requested that Mr. Turner and the Board members be prepared for a non-public session on July 21st to discuss the Planning Department.

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

Mr. Hohenberger moved and Mr. McMahon seconded to appoint Brian Dellorfano as a regular member of the Conservation Commission. Passed unanimously.

Mr. Hohenberger moved and Mr. McMahon seconded to appoint the senior Alternate member of the Recreation Committee to fill the vacancy caused by Mr. Brian Carne’s resignation. Passed unanimously.

Mr. McMahon moved and Mr. Breton seconded to appoint Brian Carne as an Alternate member of the Recreation committee. Passed unanimously.

Mr. Sullivan updated the Board on a legal suit relative to the re-classification of Hopkins Road as a trail. It was the consensus of the Board that the Attorneys stipulate to continue the case until next spring.

The Board discussed the possible leasing of private property. Mr. Hohenberger moved and Mr. Stearns seconded that staff forward a letter to the party extending thanks but respectfully declining the offer at this time. Passed unanimously.

Mr. Sullivan updated the Board the status of a current property lease. No decisions were made.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:45 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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