

**BOARD OF SELECTMEN**  
**Minutes of June 1, 2009**

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

**ANNOUNCEMENTS:** Mr. Sullivan announced that the Girl Scouts would be utilizing the Town beach for a function on the following day from 3:30 – 6:30 PM, and that lifeguards would be on duty.

*Mr. Sullivan* advised that a request had been received from the Girls' Softball League to utilize the Town's grills on June 13<sup>th</sup> for a function at Tokanel Field. Discussion ensued regarding Festa-ball, which is scheduled for the same day, and that WBSL would need the grills at the same time.

Mr. McMahon indicated his willingness to work out the logistics with the Girls' team so that both entities could use the grills.

Mr. McLeod moved and Mr. Hohenberger seconded to approve the Girls' Softball League request contingent upon a satisfactory resolution with the Windham Baseball Softball League. Passed unanimously.

*Police Chief Lewis* approached to announce that the Department had initiated a program with the School Resource Officer to handout "I Made a Difference" wristbands to children. The Chief noted that, if the program is successful, it may be extended to adults.

*Fire Chief McPherson* approached to extend thanks to all for making the Department's Annual Common Man Breakfast another success.

*Chief McPherson* advised the Board that he had received a press release from the Federal Government urging departments to apply for grant funding from a pool of approximately \$210M aimed at renovation/construction of fire stations. Chief McPherson explained that the application period closes in July and, if awarded, matching funds are not required. He noted he was seeking the Board's opinion regarding his applying for the grant monies and, in particular, regarding a substation. Chief McPherson noted there are some needs at the current station, such as the lack of a sprinkler system, which could be funded instead.

Discussion ensued, and it was the consensus of the Board members to support enhancements to the current facility as opposed to construction of a substation. Further discussion ensued as to whether or not these grant funds could be utilized to bring the fire dispatching services back to Windham from Derry, and the Chief replied in the negative.

*Mr. McLeod* advised that he attended the recent luncheon/tour at the Windham High School for incoming faculty and found it to be a positive event. He felt that Town has a lot to look forward to with the High School.

*Mr. McMahon* noted that WBSL's Annual Festa-Ball was scheduled for June 13<sup>th</sup> from 8A to 6P at Griffin Park. He indicated that, once again, the WBSL would be collecting food for the Shepard's Pantry, and urged all to visit [windhambaseball.org](http://windhambaseball.org) for more information.

**LIAISON REPORTS:** Mr. Hohenberger advised that the Cable Advisory Board had met the previous Thursday and discussed equipping the High School for live broadcasts and/or setting up a studio for the students' use.

*Mr. Breton* noted that the Planning Board will be meeting the following Wednesday, and that he has undertaken the task of facilitating the Capital Improvements Plan schedule for this year. Mr. Breton also noted that CTAP Committee recommendations will be completed within the next week or so. Mr. Stearns then reminded all that there is currently a CTAP survey in place on the Town's website at [windhamnewhampshire.com](http://windhamnewhampshire.com), seeking the public's input on the Community Assessment Report.

**MINUTES:** Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of May 4<sup>th</sup>, 11<sup>th</sup>, and 18<sup>th</sup> as written. Passed unanimously.

**CORRESPONDENCE:** Letter received from the Department of Environmental Services relative to the Board's concerns regarding run-off from the I-93 construction project to Cobbetts Pond; assuring the Board that the DES is actively working with all parties to ensure all environmental laws and permits are strictly enforced.

*Invitation received* to the Windham Middle School Class of 2009 Graduation on June 16<sup>th</sup>.

*Letter received* from the NH DOT advising that the Town's request to utilize \$3000 in discretionary CTAP funding toward an economic assessment of Windham has been approved. Mr. Breton requested that Mr. Sullivan follow-up to obtain the Windham Economic Development Committees' by-laws and roster for the Town's records.

*Notice of retirement* received from Mr. Wayne Holm, Transfer Station Supervisor. Mr. Holm will retire effective June 30, 2009 after 34 years of service to the community. On behalf of the Board, Mr. Stearns extended best wishes to Mr. Holm.

*Petition received* from the members of the Windham Seniors, Inc. to remove the stump located adjacent to the screen house, citing it as a safety hazard. Mr. Sullivan explained that, when the tree had been removed, the Historic District Commission had asked that the stump be left in order to document the size of the tree. He noted he had tried to contact the HDC upon receiving the petition, but had yet to hear back from anyone.

After a brief discussion, Mr. Breton moved and Mr. McLeod seconded that the stump be ground down to dirt level. Passed unanimously.

**BLANCHARD/RAU CONSERVATION EASEMENT:** Mr. Sullivan explained that all parties had had the opportunity to review the final easement draft, and all were satisfied with the language. He further noted that the baseline document report had been updated and that the Conservation Chairman was finishing up the Stewardship Plan. Mr. Sullivan recommended the Board approve the easement agreement contingent upon satisfactory review by the Conservation Commission of the baseline document, citing the June 5<sup>th</sup> deadline for receipt of the pending funds.

After a brief discussion, Mr. McMahan moved and Mr. McLeod seconded to approve the Blanchard/Rau Conservation Easement as recommended by Mr. Sullivan. Passed 4-1, with Mr. Stearns opposed.

**COVANTA GRANT ACCEPTANCE:** Mr. Sullivan explained that Covanta, the vendor that handles the Town's solid waste at their Haverhill facility, offers a quarterly grant program. He noted that, if accepted, these funds would be utilized by Mr. Poulson towards education, etc.

After a brief discussion Mr. Breton moved and Mr. McLeod seconded to accept the amount of \$312.50 from Covanta, as well as any similar funds for the remainder of 2009. Passed unanimously.

**TOM CASE:** Mr. Case explained that, in the past, he had approached the Town regarding maintenance of the Town facilities and, in particular, the light poles at the Fire Department which are in deplorable condition. He indicated he had been told that these items were not a priority, and that he was seeking the Board's permission to have the light poles and flagpole at Town Hall painted, through donations, by Best Choice Painting of Windham. Mr. Case indicated that the vendor is fully insured and will coordinate the project with staff. Mr. Hohenberger extended his thanks to Mr. Case for his offer, and requested that he keep Maintenance Supervisor Al Barlow updated, as well.

Mr. McMahan then moved and Mr. McLeod seconded to approve Mr. Case's request and that he be allowed to move forward immediately. After further, brief discussion regarding prepping the poles for painting, and Chief McPherson approaching to extend his thanks to Mr. Case, the motion passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan advised the Board that concerns had been expressed by residents in the area of Nashua Road field relative to users parking/driving along the railroad bed during games. Mr. Sullivan noted that it may not be an issue currently, as the season is nearly over, but suggested the Board may wish to consider a swing gate or similar for next year. Mr. Sullivan clarified that it is against policy to use the bed for parking.

Discussion ensued regarding possibly amending the policy to allow parking up to a certain point along the railroad bed. No decisions were made.

*Mr. Sullivan* noted that Mr. McMahan had been granted permission by the Board to pursue a wetlands permit to remove the weeds at the Griffin Park irrigation pond and had since been advised that a permit was not required as the pond is man-made. Mr. Sullivan then advised that the cost to complete

the project would be \$900-1100, and that funds are available in the Property Maintenance Trust. Mr. McMahon corrected Mr. Sullivan in that the confirmed price will be \$975, and added that Boyden Landscaping can begin right away.

After a brief discussion as to the method of removal, which Mr. McMahon indicated would be at the root to prevent return, Mr. McMahon moved and Mr. Breton seconded to authorize the expenditure of \$975 from the Property Maintenance Trust to clean out the Griffin Park irrigation pond. Passed unanimously.

*Mr. Sullivan* advised the Board of legislation being proposed by the Senate that would allow for towns to call a Special Town Meeting to reduce appropriations. Mr. Sullivan explained that this could allow a direct effect on the current year taxes. A brief discussion ensued.

Mr. McMahon noted that the school bond aide has been returned to the State budget by the Senate based upon projected revenues from expanded gambling, and Towns will know for sure the outcome of the budget hearings by the end of June.

*Mr. McLeod* sought clarification of the Board's discussion the previous week relative to the CTAP Open Space Committee members; expressing concerns that certain established members of the Committee had been excluded from the final roster. Discussion ensued, and Mr. Sullivan clarified that some may have believed they were on the Committee based upon the template provided by the CTAP of suggested membership, however, no one had actually been appointed prior to last week's discussion of the final Committee make-up.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. McMahon seconded to enter into non-public session in accordance with RSA 91-A:3-II a, b, c and e. Roll call vote; all members "yes". The topics of discussion were personnel, reputations and legal.

*The Board*, Mr. Sullivan, Police Chief Lewis, Sgt. Michael Caron, and Ms. Devlin were in attendance in the first session.

Chief Lewis updated the Board on a personnel matter and, after a lengthy discussion, Mr. McMahon moved and Mr. Hohenberger seconded to release the individual in question from the Town's employment as recommended by the Chief. Passed unanimously.

*Chief Lewis* discussed a security issue with the Board relative to equipment. No decisions were made.

*The Board*, Mr. Sullivan, and Ms. Devlin were in attendance in the second session.

*Mr. Sullivan* updated the Board on a legal matter. No decisions were made and this matter will be re-addressed at the next meeting.

*Mr. Sullivan* presented appointment information to the Board for review. *Mr. Breton* moved and *Mr. McMahon* seconded to appoint the following individuals: Kim Monterio, Museum Trustee, 3 year term; and John Alosso, Housing Authority, 5 year term. Passed 4-0.

*Mr. Sullivan* discussed a personnel matter with the Board relative to shift coverage. No decisions were made.

*Mr. Stearns* excused himself from the meeting, and the remaining Board members, *Mr. Sullivan*, and *Ms. Devlin* were in attendance in the final session.

*The Board* discussed the vacant Director of Community Development position. No decisions were made.

**PUBLIC SESSION:** *Mr. Breton* resumed the public portion of the meeting. *Mr. McLeod* then moved and *Mr. McMahon* seconded to waive the bid process to allow Chief Lewis to single source replacement equipment with R & R Communications at a cost not to exceed \$1490. Passed 3-1, with *Mr. Hohenberger* opposed.

*Mr. Hohenberger* then moved and *Mr. McMahon* seconded to adjourn. Passed 4-0.

Meeting was adjourned at 9:00 PM.

Respectfully submitted, Wendi Devlin, Administrative Assistant

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