

BOARD OF SELECTMEN
Minutes of April 22, 2013

MEMBERS PRESENT: Chairman Phil LoChiatto called the meeting to order at 7:00 PM. Selectmen Kathleen DiFruscia, Roger Hohenberger and Al Letizio were present; as was Town Administrator David Sullivan. Selectman Ross McLeod was excused. Mr. LoChiatto opened with the Pledge of Allegiance, then requested a moment of silence in acknowledgement of the Boston Marathon tragedy.

ANNOUNCEMENTS: Mrs. DiFruscia extended congratulations and thanks to Windham residents Craig Dempsey and Bernie Rouillard, who had assisted in saving a woman whose car had flipped into Beaver Brook.

LIAISON REPORTS: None.

CORRESPONDENCE: Deferred.

MINUTES: Mr. Hohenberger moved and Mrs. DiFruscia seconded to approve the minutes of 11/5 as written. Passed 3-0-1, with Mr. Letizio abstaining.

PINNING CEREMONY: Chief Lewis noted that the department had recently had the opportunity to promote Sgt. Ed Fedele to the position of Captain; adding what a tremendous asset he was to the Department. The Chief gave a brief history of Captain Fedele's activities with the Department and his progress through the ranks, before inviting his wife and daughter, Debbie and Meghan Fedele, up to complete the pinning.

Captain Fedele extended thanks to the Board and the Chief for the opportunity, as well as to his co-workers and family for their tremendous support.

IT PROJECT UPDATE: Mr. Eric Delong, IT Director, approached and reviewed the attached with the Board followed by a discussion; highlights of which included:

- The email management software will allow for both archiving and better management of email lists/groups
- LogMeIn will be utilized for remote access and the Town will stay with Symantic for its antivirus protection
- Full quotes are available for the Board's review, however, he does not yet have pricing from other vendors as required
- Windows 2012 will serve as the operating system on the server only, not the desktops, as it provides better tools for management and software integration
- New workstations will likely be equipped with Windows 7 Professional
- Although Mr. Delong would prefer to purchase the equipment direct from Dell, he has solicited prices from HP, GovConnection, and others and will return to the Board with same once received

HISTORICAL COMMITTEE: Mr. Peter Griffin approached noting the failure of the \$100K bond article to repair the Searles Facility, and advising that the Commission had been approached by Mrs. Margaret Case with a proposal to conduct a fundraiser for same. Mr. Griffin indicated that the Commission had had a preliminary discussion with Mr. Sullivan regarding this proposal, and that tonight the Board's approval of the concept was being sought.

Mrs. DiFruscia inquired how the funds would be accepted/expended, and Mr. Sullivan noted that any expenditures would be governed by the Board of Selectmen as the funds would be accepted via public hearing, deposited into the General Fund, and earmarked for the Searles facility. He went on to explain that given the defeat of the warrant article, Town funds cannot be expended towards the projects. After a brief discussion regarding the Town's status as tax exempt and related write-off ability, as well as the nature of the Searles facility itself, Mrs. DiFruscia moved and Mr. Hohenberger seconded to appoint Mrs. Case to organize a fundraising campaign for donations to repair the Searles facility. Passed 4-0.

Mrs. Case then approached to explain the reasons for her wanting to undertake this effort; citing the amount of free time she has as well as her disappointment with the defeat of the bond article. Mrs. Case went on to note the dedication and hard work of the Commission, as well as the importance of the facility to the Town and the extensive work it needs, such as replacement of the septic system. She advised that she plans to reach out to all residents, businesses, and area organizations in efforts to raise funds.

Mr. Sullivan then advised that a donation towards the Searles facility had been received, and deferred to Mrs. Case; who presented a check in the amount of \$4,999.99 from her and her husband, Tom. After a brief discussion, and a round of applause for the Case's generosity, Mr. Letizio moved and Mrs. DiFruscia seconded to accept the donation of \$4,999.99 towards repairs to the Searles facility from Tom and Margaret Case with gratitude. Passed 4-0.

Brief discussion ensued regarding the Town History/Rural Oasis, and it was noted that copies are available for sale at the Library, with proceeds from same split 50/50 to benefit the Searles and the Library.

CABLE ADVISORY BOARD: Mrs. Case advised that the WCAB was seeking the Board's authorization to purchase remote cameras for installation in the Town Hall meeting room; adding that the current, floor-mounted equipment is not adequate (ie: not stable). Mrs. Case noted they would initially like to purchase two (2) cameras with related controllers and cabling; adding that the latter would represent the largest issue/expense. She noted that quotes have been solicited for the equipment, however, they have not been received and the requested amount of \$12,000 is based upon the list prices of the equipment.

Mrs. Case requested that the Board waive the full process due to the unique nature of public access television and in light of there being only three (3) vendors in the area who can complete this installation. She went on to note that, if this were just an equipment purchase, it would not even meet the bid requirements. Discussion ensued as to the differing means to address the installation, and that solicitation of three quotes versus a full bid specification is an option within the Purchasing policy. Mr. Hohenberger noted for the record that he generally does not favor waiving of the bid process except in extreme cases. He indicated that he would not support the request to waive the process, however, he is in full support of the project as proposed.

Discussion ensued regarding the costs to run a bid advertisement, the purchasing policy, and the equipment versus installation costs. Mr. LoChiatto noted that support of the waiver would afford the Committee the flexibility to look at alternative installation contractors.

Mr. Letizio then moved and Mrs. DiFruscia seconded to approve the expenditure of \$12K from the Cable Equipment fund to purchase remote cameras for Town Hall meeting set up and, further, to waive the bid requirements and authorize solicitation of three (3) quotes. Passed 3-1, with Mr. Hohenberger opposed.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to authorize expense of these funds from the Cable Equipment Fund. Passed 4-0.

Mrs. Case then advised the Board that she had received a response from Comcast relative to the Committee's request for resolution of complaints regarding the recently implemented box charges; advising that the Committee's concerns had not been favorably received. Discussion ensued, and Mrs. Case clarified that all complaints should be forwarded to her at MCaseNH@comcast.net, and that she will forward same to Comcast. She also noted that the response in question from Comcast will be posted on the WCTV21.com website.

OLD/NEW BUSINESS: Mr. LoChiatto noted the need to appoint a Board of Selectmen contact person relative to the traffic signal at 111A/111; warrant analysis and possible retention of which has been sent back to the DOT for review. Mrs. DiFruscia indicated that she believed the entire discussion regarding the signal should be facilitated via a workshop session with all parties; either with the Planning Board or Selectmen. Mr. Letizio noted the lengthy discussion which had taken place at the last meeting, and concurred that a public meeting was needed for all concerned. He expressed concerns, however, with the flow of information from

discussions at the State level; adding that the final direction will come from the Board to the DOT. He indicated he believed that having the DOT deal directly with the engineer who had completed the warrant analysis leaves the Town out of the negotiating process.

Mr. LoChiatto noted that the intent was not to have a negotiation at the State level, but rather to have the DOT vet out the warrant analysis. Mr. Letizio indicated that he felt a liaison to that would help and was warranted given the magnitude of the request; adding that he would be willing to serve as such.

Discussion ensued regarding the need for a workshop, as well as the Community Development Department's intention to notify the businesses regarding this matter. Mr. LoChiatto suggested that Mr. Sullivan be directed to arrange a workshop for all, and further discussion ensued regarding the Board's meeting schedule. Mr. Sullivan will contact Mr. Stamnas of the DOT to inquire of his availability; noting that May 13th would be the earliest opportunity to discuss this.

Mr. Rob Woodland, Woodland Design, approached as the engineer who completed the warrant analysis. He noted that the DOT has received and disseminated same for review; adding that such matters generally are a give and take process. He noted that he has been unable to get direct feedback from the DOT, and expressed concerns that a single meeting may not offer the opportunity for same. Further discussion ensued regarding the need for input from others who may not support retention of the signal, and that there is nothing to preclude the Board from continuing any discussion to another meeting. No further decisions were made, and Mr. Sullivan will follow up as discussed.

Discussion moved to establishment of a date for the Board to conduct their goal setting meeting. Mr. Sullivan advised that it was the sentiment of the Department Heads that if the Board wished to conduct their meeting amongst themselves first they were okay with that; however, they would like to meet with the Board at some point. Mr. Letizio noted that he believed both meetings were important, and that the order did not matter. He added, however, that he believed the Board needs to meet themselves in order to try and best interpret concerns and develop a vision to best serve the residents.

Mr. Hohenberger noted that he believed the Board should meet with the Department Heads first, as it is important to know what they believe is most critical to best serve the residents. Mrs. DiFruscia and Mr. LoChiatto concurred, and a discussion ensued regarding the timing of the meeting. It was the consensus of the Board that same be scheduled on an off-night, within the next two weeks, with a 4:00 PM start time.

Mr. Senibaldi approached to update the Board on what he had learned regarding a possible location for the Skate park, as well as costs to move the equipment. He noted that areas behind the Police station and between the Library and Fire Station had been looked at and either could work; however, the cost to construct a pad for the relocated park would range from \$15K-\$30K. Mr. Senibaldi also noted he had obtained an estimate from a rigging company to move the equipment to a storage location; adding that the only two locations available outside of private property would be behind the Police Station or at the old landfill.

Mr. Sullivan sought clarification as to whether, if not dismantled, the equipment would fit behind the Station, and Mr. Senibaldi replied in the negative. He noted there were nine (9) pieces of equipment, some of which were quite long and will warp if they are not stored flat. Discussion ensued as to whether it even made sense to move the equipment if there were not adequate space to store it without dismantling it. Mr. Senibaldi noted that the equipment in question is eleven (11) years old, and once dismantled it may as well be thrown away. He noted it is in decent shape as it sits now, but would be ruined once it was moved.

Mr. Sullivan then advised the Board that the previous week he had received a sizeable offer to purchase and move the materials; adding that he would not release the figure because, if the Board so determined, any sale would be put out to bid. He then noted that the Recreation Coordinator has also been contacted with an offer to purchase the wood only. Discussion ensued regarding the cost estimates to move the equipment versus putting it out for sale. Mr. Senibaldi noted that, before the Board made such a decision, there was a proposal that the members may wish to hear for future discussion.

Mr. LoChiatto noted that he did not believe the Board had left retention of the park, as it is now, open for discussion; noting that the vote had been to close the park and move it immediately. Discussion ensued as to the intent to relocate the park, and the establishment that the costs to do so would be exorbitant.

Mr. Senibaldi requested that the Board hear the proposal, as this information was not available at the previous discussion. Mr. LoChiatto indicated he would leave it to the Board to decide, but reminded all that the interested parties had had six (6) months to develop a proposal and he found it very frustrating that they were now here with one at the eleventh hour.

Mr. Letizio felt the first line of contact regarding any proposal should be the Recreation Committee and, if they supported it, then that was different; however he was not hearing that this was the case. Mrs. DiFruscia noted that there had been no decision by the Recreation Committee to reconsider the park's closure, and a discussion ensued regarding the time available before any sale would take place for the group to go to Recreation with their proposal.

Mrs. DiFruscia felt that, in order for Recreation to hear the proposal, the Selectmen would need to reconsider their vote to close the skate park, and a lengthy discussion ensued regarding the Board's vote, the intent behind it, and whether Mrs. DiFruscia was correct.

Mr. Tim Kelleher, Recreation Committee, approached and reminded the Board that the Recreation Committee had unanimously supported closure of the Park; adding that if in the long-term it does go back to the Board for reconsideration significant funds will be involved to sustain the park. Further discussion ensued regarding the time available to Recreation to hear the proposal while the equipment was out for sealed bid.

Mr. Hohenberger then moved and Mr. Letizio seconded to place the skate park equipment out for sale. Discussion ensued, and Mr. Hohenberger amended his motion to clarify that the equipment is not to be moved due to the related cost. Mr. Letizio amended his second accordingly.

Mr. Senibaldi called for a point of order, noting that before moving forward with this motion, the Board would need to reconsider their previous motion regarding storage of the equipment. Mr. Sullivan concurred.

Mr. Hohenberger withdrew his motion, and Mr. Letizio his second.

Mr. Hohenberger moved and Mr. Letizio seconded to reconsider the Board's motion to remove and store the equipment. Passed 4-0.

Mr. Hohenberger moved and Mr. Letizio seconded to reconsider the Board's motion that the equipment not be sold until the end of summer. Brief discussion ensued regarding enforcement issues related to not moving the equipment. Motion passed 4-0.

Mr. Hohenberger then moved and Mrs. DiFruscia seconded to not move the equipment due to the costs for same; but rather to place it out for sale for a period of thirty (30) days. Passed 4-0.

Brief discussion ensued, and it was determined that the interested parties should present their proposal to the Recreation Committee.

CORRESPONDENCE: Mr. Sullivan advised that a recommendation had been received from the Planning Board to appoint Mrs. Eileen Mashimo and Mrs. Ruth-Ellen Post as Alternate representatives to the Southern NH Planning Commission.

Mr. Hohenberger moved to appoint same to 2 and 3 year terms, to be determined. Mrs. DiFruscia requested that the motions be taken up separately. There was no second.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to appoint Ruth-Ellen Post as Alternate representative to the SNHPC for a term of three years. Passed 4-0.

Mr. Hohenberger moved and Mr. Letizio seconded to appoint Eileen Mashimo as Alternate representative to the SNHPC for a term of two years. Passed 3-1, with Mrs. DiFruscia opposed.

OLD/NEW BUSINESS CONTINUED: Mr. Sullivan noted that it was National Volunteer Appreciation week and, on behalf of the Board and staff, extended thanks to all for their efforts and service to the Community. He then noted there are several positions available, and urged anyone interested in serving to contact him by next Monday. Mr. LoChiato noted that the level of volunteerism in Windham is amazing; adding it makes the community what it is.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mrs. DiFruscia seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and c. Roll call vote all “yes”. The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, Ms. Scott, and Ms. Devlin were in attendance in the first session.

Ms. Scott discussed the available intern position within her budget. Mrs. DiFruscia moved and Mr. Letizio seconded to waive the advertising requirements for same. Passed 4-0.

Mrs. DiFruscia then moved and Mr. Hohenberger seconded to approve hiring of the recommended candidate for same; subject to successful background and physical checks. Passed 4-0.

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

Mr. Sullivan updated the Board on a personnel matter relative to a disability claim. No decisions were made.

Mr. Sullivan discussed a reputations matter with the Board relative to a forbearance agreement. Mr. Letizio moved and Mr. Hohenberger seconded to support the recommendation of the Town Administrator to enter into an agreement in the amount of \$250/month. Passed 4-0.

Mr. Sullivan discussed a reputations matter with the Board relative to a forbearance agreement. Mr. Hohenberger moved and Mr. Letizio seconded to support the recommendation of the Town Administrator to enter into an agreement with an initial payment of \$3,800; followed by \$250/month thereafter. Passed 4-0.

Mr. Sullivan updated the Board on the impending tax deeding process. Mr. Hohenberger moved and Mrs. DiFruscia seconded to instruct the Tax Collector to not record the executed deeds on the properties in question at this time. Passed 4-0.

Mr. Letizio moved and Mrs. DiFruscia seconded to adjourn. Passed unanimously.

Meeting adjourned at 9:20 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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



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To: Board of Selectman
From: Elizabeth Wood, Community Planner, AICP
Date: 4/19/13

**Re: Southern NH Planning Commission
Planning Board Recommendations for Alternate Members**

At the **4/17/13** Planning Board meeting, the Board **voted 5-0** to recommend to the Board of Selectmen that they appoint **Ruth-Ellen Post** to serve as an **Alternate Representative** to the Southern New Hampshire Regional Planning Commission (SNHPC).

The Board also **voted 5-0** to recommend to the Board of Selectmen that they appoint **Eileen Mashimo** to serve as an Alternate Representative to the Southern New Hampshire Regional Planning Commission.

If the Board of Selectmen does appoint Ms. Post and/or Ms. Mashimo to serve as Alternative Representatives, the Board must designate a term limit for each. Traditionally terms of members serving as representatives to the regional planning commission serve staggered term limits, serving for a time running between 1-3 years.

Please consider adding the above-mentioned appointment consideration to the **4/22/13** Board of Selectmen's Agenda (or earliest available agenda). I will be inviting Ms. Post and Ms. Mashimo to attend the scheduled meeting to answer any questions the Board of Selectmen might have.

Feel free to contact me if you have any questions.

cc: David Sullivan, Town Administrator
Kristi St. Laurent, Chair Planning Board
Ruth-Ellen Post
Eileen Mashimo

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TOWN OF WINDHAM
4 LOWELL ROAD
WINDHAM, NH 03087

DATE: APRIL 22, 2013
RE: SKATE PARK

ATT: MR. DENNIS SENIBALDI

QUOTE#: 18409

Dear Mr. Senibaldi,

As per our discussion, the following is our estimate to supply materials, labor and equipment to complete the following projects:

Relocating of ten skate board ramps from Griffin Park to behind the Police Department consisting of:

1. Supplying a crane.
2. Rigging and loading the ten units onto our truck at Griffin Park.
3. Transport to the Police Department.
4. Supply permits.
5. Offload behind the Police Department.

BID PRICE \$11,580.00 (ELEVEN THOUSAND FIVE HUNDRED EIGHTY DOLLARS)

Relocating of ten skate board ramps from Griffin Park to behind the Police Department consisting of:

1. Disassemble the ten units.
2. Rigging and loading the ten units onto our truck at Griffin Park.
3. Transport to the Police Department.
4. Supply permits.
5. Offload behind the Police Department.

BID PRICE \$9,860.00 (NINE THOUSAND EIGHT HUNDRED SIXTY DOLLARS)

This bid is based upon completion during normal work hours (unless noted) and in accordance with our conversations regarding this project.

A signed copy of this proposal and/or purchase order is needed for work authorization.

The opportunity to submit our bid is appreciated and I hope you will contact us concerning it.

Sincerely,


Roger J. Toupin

Toupin Rigging Company, Inc.

Proposal accepted by: _____ Dated: _____

TERMS OF PAYMENT: In full within 30 days of invoicing.