

BOARD OF SELECTMEN MEETING
Minutes of March 8, 2021

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 pm; opening with the Pledge of Allegiance. Selectmen Bruce Breton and Roger Hohenberger were present in the meeting room, with Selectmen Jennifer Simmons and Heath Partington, as well as Town Administrator David Sullivan, in attendance via Zoom. Mr. McLeod then conducted a roll call of all who were conferencing in, each of whom advised they were doing so alone; followed by his reading a statement relative to the Governor's Executive Order 2020-04 #12, which authorizes the Board of Selectmen to meet electronically provided public access is available via telephone or electronic means, followed by the phone and text message numbers and email address available for use by the public during the meeting.

ANNOUNCEMENTS/LIAISON REPORTS: Mr. McLeod advised that the latter is not intended for public input, and that Mr. Partington and Mrs. Simmons as members of the Committee established last week would be providing an update. He indicated, prior to that, Representative Bob Lynn would provide an update on the legislative side.

Representative Bob Lynn advised he had spoken with Barbara Griffin, Chair of the Election Law Committee, who had asked that he provide a brief update to the Board as to where SB43 stands in the House; reminding all that the Bill proposes an audit of the Windham State Representative election from November. He noted that the Board of Selectmen, with the endorsement of the four State Representatives, had proposed amendments to the Bill, and that a hearing had been held on Friday. Rep. Lynn indicated that, as he understands it, there was an alternative amendment proposed, which was the result of an agreement reached by Ken Eyring and Secretary of State Bill Gardner; adding he was not sure how meaningfully different it was, but that it was different from the amendments proposed by the Selectmen and was presented to the Committee.

Rep. Lynn indicated that Ms. Griffin had wanted to pass on to the Board that the Committee intends to give careful consideration to all proposals presented; adding she had also indicated, that based on her discussions with some members of Committee, it seemed there were a number with their own idea of the most appropriate way to proceed which differed from either the Selectmen's or Mr. Eyring/Mr. Gardner's. Rep. Lynn went on to note that, while he did not have all the details, one subject of discussion had been the identification of specific individuals who would be the experts retained to do the forensic audit. He indicated there was a fair amount of push back on that from the State Elections Committee, and some talk regarding an alternative proposal as to the process/groups naming the experts; adding there are also concerns regarding the security of the persons making this decision, as there have been threats made that if the process is not done to the satisfaction of the individual making the threats, there would be terrible consequences. He indicated that, because of that, the Election Committee is very concerned that the audit be conducted somewhere that can be secured, such as the Police Standards and Training facility.

Rep. Lynn noted those had been the items he had discussed with Ms. Griffin; reiterating that she had wanted to convey that they will give careful consideration to all the proposals, but that it will be the Election Committee that will make the decision as to what they think is appropriate.

Mr. Partington noted that seven members of the Election Integrity Committee (Mrs. Simmons, Rep. McMahan, Moderator Griffin, Ms. St. Laurent, Mr. Eyring, Mr. Murray and himself) had met on March 3 for 3.5 hours to come up with a proposal to amend SB43, with specific goals for the audit of both the Town's voting machines and the ballots. He noted the Selectmen had then met, immediately after, for 1.5 hours, the end result of which was eleven items that were pushed on to the Committee. Mr. Partington advised that, approximately 10 minutes prior to the hearing on Friday, he learned of the second proposal that Mr. Eyring and Mr. Gardner had worked on together, which Mr. Eyring also proposed at the hearing.

Mrs. Simmons then read into the record the eleven recommendations made by the Committee as referenced by Mr. Partington and attached.

Mr. Breton advised he had watched the hearing on Zoom, and spoken to the Secretary of State who was very amenable to all items proposed, including a forensic audit. He indicated that Rep. Lynn was correct regarding the selection of the representatives and, as to the counting of the ballots, he would assume that would be done by someone other than the Secretary of State; adding that bridge can be crossed after the forensic audit. Mr. Breton noted that it looked as if all parties are on the right page, and there seemed to be no push back on finding an alternate location; adding the Police Standards building had come up, which was a neutral site and probably better for public viewing purposes. He noted it seemed we will get all eleven items, and concurred that the Secretary of State had met with Mr. Eyring prior to the hearing and, as it pertained to the forensic audit, the former was on board with it; adding completion of all this will entrust people throughout the state with the integrity of our elections.

Mr. Hohenberger inquired whether, at this stage of the Senate bill, public input has been stopped. Rep. Lynn replied he believed the time for public input was over; adding that Ms. Griffin understands time is of the essence and her plan is to “exec” SB43 before the Committee sometime this week. He indicated this will result in a recommendation from the Elections Committee to the full House, and it then going up for a vote by the latter; adding that the next meeting has not been determined, but he believed it would likely be in early April. Rep. Lynn noted this did not preclude sending a letter to the State Representatives, the Speaker, or the Senate to advocate for something different.

Mr. McLeod advised he had spoken to Barbara Griffin and concurred with Rep. Lynn. He then indicated he disagreed with Mr. Breton that we will get everything we asked for; citing differences between the items read by Mrs. Simmons and Mr. Eyring’s proposal as it pertained to the forensic audit. He explained that the latter completely removed the Selectmen from the process by having the Secretary of State pick from a choice of three individuals, those being Harry Hursti, Ron Rivest, or Andrew Appel; Mr. Eyring picking either Phil Waldron or Dr. Shiva Ayyadurai; and the third member of the team being Jovan Hutton Pulitzer. Mr. McLeod indicated he had expressed his disapproval of the Board being cut out of the process to Ms. Griffin, and that she had assured him they are digesting all proposed amendments to the Bill. He noted he had advised her that Windham’s position was that outlined in the eleven points brought to the Committee by Rep. McMahan, and the process worked out between Mr. Eyring and the Secretary of State was outside of that.

Mr. McLeod concurred that, as to the location, it seemed smart to move it to the Police Standards facility in order to optimize security and observational capabilities. He went on to note that it does not appear there will be an audit of race #7; adding he had spoken to Ms. Griffin about it and, while he did not necessarily agree with her, he respected her decision. Mr. McLeod then noted that Ms. Griffin had indicated the Attorney General does do routine process audits, and when there are races where there is an anomaly they do get involved to do those.

Mr. McLeod then extended thanks to Rep. Lynn, and Mrs. Simmons and Mr. Partington, for the update.

Mrs. Simmons announced the following on behalf of Recreation: all Town fields are closed; the tennis nets will be installed later this month; and the Easter Egg Hunt will be held on April 3 at Griffin Park.

BID AWARD: Mr. McLeod noted that the bids for wood work at the Searles had been sent out and advertised, and only one received which did not meet the specifications.

Betty Dunn, Chair of the Searles Trustees, confirmed this, and added that the Trustees were also concerned that some vendors who had indicated they may bid on the project had not done so; advising the Trustees want to look into whether the bid spec itself is the issue, or whether there is something else going on. She indicated they would like to get the work done as soon as possible before they open back up.

After brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to reject the bid. Roll call vote – all “yes”.

TOWN COMMON BEAUTIFICATION PROJECT UPDATE: Mr. Sullivan, on behalf of the Beautification Committee, advised that quotes had been solicited to install a new, black aluminum fence to complement the new bridge on the Common; reminding the Board that this was part of a three phase project and noting that approximately \$51,000 is available.

Mr. Sullivan indicated that six quotes had been obtained, with the Committee choosing to go with Fences Unlimited at a price of \$6,675. He clarified that this amount is within his authority to award, however, Fences Unlimited has also offered to donate \$2,500 towards the cost of the fence; explaining he felt it appropriate to bring it to the Board to award the fence to Fences Unlimited in the amount of \$6,675 and to accept their donation of \$2,500.

Mr. McLeod inquired whether the fencing was going on both sides of Collins Brook, and Mr. Sullivan replied in the affirmative. Brief discussion ensued.

Mr. Hohenberger then moved and Mr. Breton seconded to award the fence to Fences Unlimited for the price of \$6,675, and to accept from them the generous donation of \$2,500 towards the cost of same. Roll call vote – all “yes”.

GREENWAY TRAIL GRANT: Mr. Sullivan noted that the Board had previously approved applying for a TAP grant for the Greenway Trail construction; adding we have applied for this same grant unsuccessfully in the past and explaining the level of competition for a limited amount of funds. He asked that the Board approve a letter of support to be signed by the Chair or Vice-Chair for inclusion with the grant application.

After brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to support the grant application. Roll call vote – all “yes”.

OLD/NEW BUSINESS: Mr. Sullivan explained that on January 25 the Board had approved a partial bond release for 14 Bank Road, however, upon further review the amount remaining had not reflected a previous, partial release. He asked that, for clarification purposes, the Board reconsider their previous vote, and then approve the release of \$23,895, retaining the same \$5,000.

Mr. Breton moved and Mr. Hohenberger seconded to reconsider the vote of 1/25. Roll call vote – all “yes”.

Mr. Breton then moved and Mr. Hohenberger seconded to approve the release of \$23,895, retaining \$5,000, to Windham Realty LLC of Londonderry for the property at 14 Bank Road. Roll call vote – all “yes”.

CORRESPONDENCE: *Land Use Change Tax – 7 MacIntosh Hollow, \$30,000.* Mr. Hohenberger moved and Mr. Breton seconded to approve issuance of a land use change tax in the amount of \$30,000 as recommended. Roll call vote – all “yes”.

Mr. Sullivan explained that parcel 8-B-1860 was thought to have been owned by the Town, but is not; adding Town Counsel thus recommends it be assessed to the last known owner, which is Village of Windham Associates. He indicated the tax bill would be \$927 based on an assessment of \$48,500.

Mr. Hohenberger moved and Mrs. Simmons seconded to issue a supplemental bill in the amount of \$927 for parcel 8B-1860. Roll call vote – all “yes”.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II b and e. Roll call vote – all “yes”. The Board, Mr. Sullivan, were present in the first session on Legal. The Board, Mr. Sullivan, and Ruth Robertson, Tax Collector were present in the second session on Personnel.

Legal – Mr. Sullivan presented the Board with an update on a pending legal matter. No decisions were made.

Personnel – Ruth Robertson, presented her department’s recommendation to hire a candidate for the 25hr Part Time Assistant Tax Collector position. Mrs. Simmons moved and Mr. Partington seconded to hire the candidate as recommended at Step One of the position’s pay grade. Roll call vote – all members voting Yes.

Mr. Hohenberger moved and Mr. Breton seconded to come out of non-public session. Roll call vote – all members voting Yes.

Mr. Partington moved and Mrs. Simmons seconded to adjourn the meeting. Roll call vote – all members voting Yes.

Meeting adjourned at 8:30 pm.

Respectfully submitted,

David Sullivan, Town Administrator
Wendi Devlin, Administrative Assistant