

BOARD OF SELECTMEN MEETING
Minutes of March 9, 2020

CALL TO ORDER: Chairman Ross McLeod called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Heath Partington, Joel Desilets, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Mr. McLeod opened with the Pledge of Allegiance.

ANNOUNCEMENTS: Mr. Desilets noted that the election was the following day, and this evening would be his last meeting; adding it had been an honor to serve with all members of the Board, past and present. He extended thanks to all members of the Windham staff, noting he was impressed with and grateful for their service.

Mr. McLeod noted it had been an interesting and enjoyable six years, and thanked Mr. Desilets for his service. The remaining members extended their thanks, as well. Brief discussion ensued.

Mr. McLeod encouraged all to get out and vote, and to be informed; indicating he had seen an article by the Cobbetts Pond Improvement Association which said that the water line would result in big box stores and clarifying the latter was a function of the Town's zoning. Mr. Hohenberger called for a point of order; noting that the Board does not usually politic as such. Discussion ensued.

AMERICAN LEGION: Legion member Frank Farmer advised that the Post was requesting an amendment to their lease with the Town, as it currently does not allow for a sign at the building; adding the existing posts from the former sign are approximately 4' apart. Discussion ensued regarding the height, and it was noted it was approximately 8' from grade to the top of the posts, as well as the former SAU sign and flagpole.

Mr. Sullivan advised he had obtained a legal opinion regarding the request, and the Board would first have to grant the Legion the ability to have a sign; adding that as the sign is proposed to be larger than the ordinance allows, the Legion would then have to obtain a variance for same. He went on to further clarify that, if the Police Department were to have equal billing on the sign, a variance would not be required, rather notice would have to be provided to the Planning Board and ZBA in order that they might have a hearing regarding same if they wished.

Discussion ensued and Mr. Farmer clarified that the Police Department did not wish to have a sign of that size. Mr. Sullivan indicated that in that case a variance would be required. Further discussion ensued regarding the size of the lettering, governmental use of the building versus the Legion's use alone, and that if the Police were to utilize the Legion sign and they were of similar size no variance would be needed.

Mr. McLeod inquired as to what the Police Department wanted, and Chief Lewis indicated they simply wanted something that had the address so people were aware of where to go; adding that the Legion is the primary use whereas the Department is occupying just a piece of it. Chief Lewis indicated that, should the Board choose to do something proximate, he would be okay with that. Mr. McLeod expressed his agreement with keeping the Police separate; adding he is not a fan of violating our own ordinances.

Discussion ensued regarding amending the lease to allow the sign, which the consensus was to support, as well as the sign itself. Captain Caron clarified that, as to the latter, the Police do wish to utilize the same posts, but be placed lower down.

Mr. Desilets inquired as to what the Police portion would say, and Captain Caron noted "Windham Animal Control Facility" and the address. Further discussion ensued, with Mr. Farmer clarifying the address will be at the top of the sign.

Mr. McLeod indicated he would be in support of the lease amendment, but would like to look at the site before deciding on a joint sign.

Mr. Hohenberger moved and Mr. Breton seconded to allow for an amendment to the lease with the Legion to accommodate a larger sign than the Planning Board regulations allow, up to 16 square feet, and that it be presented to the ZBA. Passed 4-0-1, with Mr. Breton abstaining due to his membership on the ZBA.

After further discussion regarding the co-locating of the signs, Mr. Hohenberger moved and Mr. Partington seconded to allow the Legion and Police signs to be co-located on the posts. Passed 3-0-2, with Mr. Breton and Mr. McLeod abstaining.

BID AWARD: Captain Caron noted that three bids had been received for the ACO facility; clarifying that RFPs had been sent out along with an architectural rendering. He indicated that one of the three is significantly lower, as that vendor had proposed a separate building to house the kennels rather than constructing them. Captain Caron noted he had spoken with Mr. Sullivan as to whether this proposal was within the scope of work; adding the requirement to do so can also be waived per paragraph E. He indicated he believed funds were available to do the middle bid, or the Board could reject all bids received and re-bid the project.

Mr. Hohenberger expressed his support for the low bid, and Mr. Desilets concurred; seeking clarification of the work. Captain Caron noted three outdoor kennels would be brought in and wired/plumbed, plus all indoor work completed. Discussion ensued as to the nature of the outdoor run, and that the dogs would not be outdoors all of the time. Captain Caron provided the Board with a rendering, and further discussion ensued regarding average quarantine times. Captain Caron indicated that fourteen days is the maximum period after a dog bite.

Mr. Desilets expressed concerns regarding noise related to the dogs being outside, and Captain Caron noted they house 1-2 dogs every 2-3 weeks, which are rarely kept longer than 24 hours. Discussion ensued in that this would be a self-contained, detached kennel that is not visible from the road, as well as possibly rebidding the project. Mr. Sullivan clarified that the bids received are public and posted, and Mr. Partington expressed he was pleased with the low bid.

Post Commander Ron Stoner approached expressing support for the outside kennel as it would dissipate both the noise and odor from the dogs, as well as potential odor and mold issues inside the building. Discussion ensued.

Mr. Hohenberger then moved and Mr. Desilets seconded to reject the bids and go back out to bid to all vendors with a revised proposal for outdoor kennels.

Lengthy discussion ensued regarding the benefits of external kennels, the Legion's use of the upstairs, and whether it was appropriate to essentially punish the low bidder for their effort to save the Town money.

Motion failed 2-3, with Mr. Breton, Mr. Desilets, and Mr. Partington opposed.

Mr. Breton moved and Mr. Desilets seconded to accept the low bidder's proposal as an exception to the bid requirements. Motion passed 4-1, with Mr. McLeod opposed.

BID EXTENSIONS: *Catch basins* – Mr. Sullivan advised this was last bid in 2019, and that our current vendor, Bellemore, had been the only bidder. He indicated that there are two options to extend remaining, at \$35 and \$37/catch basin, respectively, and that staff would recommend doing so.

Mr. Desilets noted that he had thought that the last time this was bid a quote had been received for vacuum cleaning versus clamshell, which had been close in price. Mr. Sullivan noted that one had been received in 2016, which had been for \$52/basin if the Town handled the resulting material; adding the service had been rebid at that time and that particular vendor had not bid again. Brief discussion ensued.

Mr. Hohenberger then moved and Mr. Breton seconded to approve both extensions for \$35/basin and \$37/basin. Mr. Partington inquired as to the total expended per year, and Mr. Sullivan replied that the Town has approximately 2,500 basins, half of which are done per year.

After further discussion, motion passed 4-1, with Mr. Partington opposed as he would prefer to put it out to bid again.

Roadway sweeping/Trash removal – Mr. Sullivan advised neither has any extensions left and were to have been put out to bid, however, both vendors had offered an additional three years with no increase in price. He indicated that both have been performing these services for years, and the Town was very satisfied; thus staff recommended continuing with both for three years at a level price.

Mr. Desilets moved and Mr. Hohenberger seconded to extend the contract with Amric for roadway sweeping through 2022 at a cost of \$16,500 per year. Passed unanimously.

Mr. Desilets then moved and Mr. Hohenberger seconded to extend the contract with Stateline for trash removal at a cost of \$628.33/ month through 2023. Passed unanimously.

DONATION ACCEPTANCE: Mr. Sullivan explained that the School District has offered to donate a 2002 utility trailer to the Town. General Services Director Dennis Senibaldi noted that staff has been using the trailer for years to haul equipment, and that it is a dual wheel trailer in great shape; adding that the Town utility trailer has been taken off the road.

Mr. Desilets moved and Mr. Breton seconded to accept the donation from the School District of a utility trailer as described with gratitude. Passed unanimously.

OLD/NEW BUSINESS: Chief McPherson advised that Homeland Security has notified the Department that additional funds are available in the amount of \$6,000 to outfit all first line personnel who respond in active shooter situations; adding that the Town has been awarded such funds and all six members of the duty crew will now be outfitted.

Mr. Desilets extended thanks to all who had worked on this grant; moving to accept same. Mr. Hohenberger seconded and the motion passed unanimously.

Chief McPherson then advised that the Town is actively participating in corona virus issues and, from and Emergency Management standpoint, is well prepared to deal with any event. He indicated that all EMS personnel have received training and staff gets daily updates; adding he wished to let all know that he has been in touch with Town and election officials regarding the following day, and a press release would be issued with links to information. Chief McPherson also noted he will be participating in a national conference call soon; reiterating he is confident we are well prepared.

MINUTES: Tabled.

CORRESPONDENCE: Mr. Sullivan advised that a protest petition had been received relative to Zoning Citizen Petition 1.

Mr. Hohenberger moved and Mr. Breton seconded to accept the petition. Motion passed 3-0, with Mr. Desilets and Mr. Partington recusing themselves prior to the vote due to their liaison positions on the Planning Board.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Breton seconded to enter into nonpublic session in accordance with RSA 91-A:3 II e. Roll call vote – all “yes”.

The Board and Mr. Sullivan were present.

Legal – The non-public was cancelled as the Board planned to meet with legal counsel which would be a non-meeting.

Motion to come out of non-public session and adjourn the meeting by Mr. Hohenberger, seconded by Mr. Breton. Motion passed 5-0. Meeting adjourned at 8:10 pm.

Respectfully submitted,

Wendi Devlin, Administrative Assistant
David Sullivan, Town Administrator