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**TOWN OF WINDHAM, NH**  
**BOARD OF SELECTMEN MEETING**  
**May 1<sup>st</sup>, 2023**  
**Community Development Department**  
**3 North Lowell Rd.**  
**Approved Minutes**

8 Attendance:

9 Chairman Ross McLeod- present  
10 Vice Chair Heath Partington- present  
11 Mark Samsel- present  
12 Bruce Breton- present  
13 Roger Hohenberger- present  
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15 Staff:

16 Brian McCarthy- Town Administrator  
17 Alexander Mello- Community Development Director  
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19 Ms. Cheryl Haas addressed the Board to discuss Recycled Percussion, a television show. Ms.  
20 Haas said when she finds out more information she will inform the town.

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22 Ms. Shannon Ulery, 9 Magnolia Road and on the School Board, addressed the Board. Ms. Ulery  
23 stated that she was given several dates to clear in the school buildings for the Recycled  
24 Percussion visit and those dates are coming up fairly soon.

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26 Cable TV Committee  
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28 Ms. Margaret Case addressed the Board. Ms. Case stated that they delayed the increase in pay  
29 for several years because of Covid 19. Also, these raises came out of the special fund and the  
30 Board would need to vote to continue for it to come out of that fund.

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32 **A motion was made by Mr. Hohenberger to approve the increase as advised by the Cable**  
33 **TV Committee and continue to have the funds taken out of the special fund. Seconded by**  
34 **Mr. Samsel. Vote 5-0. Motion passes.**  
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36 Ms. Case also stated that they are trying to make the Community Development room and the  
37 room at the school equipped to handle HDTV. Ms. Case stated that they have been in touch with  
38 the town's attorney as part of these coordination efforts.

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40 Community Development- Mr. Alexander Mello  
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42 Mr. Alexander Mello addressed the Board to discuss the Invest NH (HOP) Grant and the  
43 purchasing of a large format printer. Windham received the maximum amount of the grant,  
44 \$25,000, next they will be hiring a consultant.  
45

46 Mr. Mello stated that Horsley Witten has a good track record working with New Hampshire and  
47 New England. Horsley Witten is currently working in Exeter, NH. Mr. Mello stated that he is  
48 hopeful they can offer a fresh perspective on working with the town, waive the bid process and  
49 work with Horsley Witten.

50  
51 Mr. Mello stated that Horsley Witten has been vetted through the state process. Part of the grant  
52 requires the town to participate in the Housing Academy which is composed of 5 hybrid  
53 sessions. Mr. Mello stated that they can have up to three folks attend and he would like to ask 2  
54 other people to attend, maybe one from this Board and one from the Planning Board or someone  
55 that is looking to do what is best for the town.

56  
57 When asked by the Board, Mr. Mello stated that it can be up to a 3 phase project as stated in the  
58 application process but Windham has only applied for Phase 1. Mr. Mello stated that a lot of the  
59 grant money will be spent trying to figure out the continued development of the Master Plan. Mr.  
60 Hohenberger stated that he is going to follow the “flow of work” as presented but he still does  
61 have questions. Mr. Samsel stated that it read to him like they were rewriting that Master Plan  
62 chapter. The Board discussed that there is a good chance that this chapter will be rewritten and  
63 they will act on the Master Plan on May 10 of this year. Vice Chair Partington asked how many  
64 approved vendors there are in the state. Mr. Mello stated that he thinks there are 25 or so. Mr.  
65 Mello stated that he crossed out the less viable options on that list and this group was who he  
66 targeted his plan around.

67  
68 Chairman McLeod asked if anyone from the public was here to discuss this topic.

69  
70 **A motion was made by Mr. Breton to waive the bid process and use the list compiled by the**  
71 **state and authorize Mr. Mello to enter into a contract with Horsley Witten. No second.**  
72 **Motion fails.**

73  
74 Mr. Hohenberger would like the Planning Board to weigh in on the solution. Mr. Hohenberger  
75 did look on the Exeter website and he does think they did a good job but he is not comfortable  
76 waiving the bid process. Mr. Mello stated that he did inform the Planning Board by a memo but  
77 he has not met with the Planning Board since the memo was sent. Vice Chair Partington stated  
78 that there are enough vendors on the list to take a look at. Chairman McLeod state that they  
79 would be looking for Mr. Mello to go through the bid process and also get the input of the  
80 Planning Board. Mr. Mello would need to submit the names of the people attending the Housing  
81 Academy by May 5<sup>th</sup>.

82  
83 The Board discussed if members of the public were interested in this topic.

84  
85 Ms. Shannon Ulery addressed the Board. Ms. Ulery asked if it was possible to take in the advice  
86 on the Master Plan from the consultants as part of the process but it does not bind them to take  
87 the advice. Mr. Mello stated that that is correct.

88  
89 Mr. Breton thinks Mr. Mello should extend the invitation to Ms. St. Laurent since she has been  
90 working on this housing aspect for the town.

91

92 **A motion was made by Mr. Hohenberger to allow Mr. Mello be one of the 3 seats invited to**  
93 **the Housing Academy in compliance with the Invest NH Housing Opportunity Grant**  
94 **(HOP), Ms. St. Laurent to be part of this Committee and offer one or two seats to the**  
95 **Planning Board members. Seconded by Vice Chair Partington. Vote 5-0. Motion passes.**

96  
97 Community Development Printer

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99 Mr. Mello stated that there is no reliable source for the printer. It is over 19 years old and they  
100 are going to need to replace it.

101  
102 Mr. Mello reviewed the 3 options contained in the memo regarding a new printer. Several copies  
103 or scans are made by the office several times a day. The request is to pursue the machine that has  
104 the high-quality scanner. Mr. Hohenberger is in favor of getting a high-quality scanner. The  
105 Board discussed the 3 Cannon printers by the same distributor. Vice Chair Partington would like  
106 to see the second option be bid out. Mr. Samsel asked if they had a functioning printer currently  
107 or if they were down. Mr. Mello stated they they have been down for 1.5 to 2 months. Mr. Mello  
108 stated that this vendor would give the credit of the \$900 since this is machine that could not be  
109 serviced. Mr. Mello stated that he is not aware of other vendors. Chairman McLeod stated that he  
110 would like this specked out to other vendors. Mr. Mello will pursue other bids.

111  
112 **A motion was made by Mr. Breton to recess as the Board of Selectmen and reconvene as**  
113 **the Board of Health. Seconded by Mr. Samsel. Vote 5-0. Motion passes.**

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115 Chairman McLeod discussed the RSA that has the Board of Health as a six-member Board with  
116 the Health officer as a voting member. Chairman McLeod stated that the health officer is indeed  
117 a voting member.

118  
119 **A motion was made by Mr. Samsel to reconsider the motions for 43 First St. (Map 16-R**  
120 **Lot 174D and 20 First St. (Map 16-Q Lot 179). Seconded by Vice Chair Partington. Vote 6-**  
121 **0. Motion passes.**

122  
123 43 First St.

124  
125 Both properties are looking for the same relief according to Mr. Maguire. (Mr. Maguire is the 6<sup>th</sup>  
126 voting member on the Board of Health along with the 5 Board of Selectmen members.)

127  
128 Mr. Joseph Maynard of Benchmark LLC addressed the Board and is representing the applicants.  
129 43 First St. is owned by the Sullivan family. There is an existing septic system and an existing  
130 well. The septic system is a very old system and it is not functioning in the manner in which it  
131 should according to Mr. Maynard. Property owners are looking to improve the system. Mr.  
132 Maynard stated that the well on the property was dug in 1996 and it is 180 feet. The casing is 11  
133 feet driven into bedrock and the casing is sealed with benzonite and there is a pliable seal. Mr.  
134 Maynard stated that the septic system is probably not functioning well. Mr. Maynard stated that  
135 he does meet the setback to the pond. Chairman McLeod asked if he could explain what a denial  
136 might look like for the applicant. Mr. Maynard stated that the current septic system is probably  
137 full of water for about half the year. Mr. Maynard stated that the proposed system allows for the

138 bacteria breakdown across a smaller area because of the pre-treatment and it allows for a large  
139 improvement in what is allowed today. Mr. Maynard that the current system is only functioning  
140 properly for a portion of the year. Mr. Maynard stated that the current system will not allow for  
141 the biological breakdown. Chairman McLeod asked Mr. Maynard about the seasonal habitation  
142 of a dwelling versus a year dwelling and what that might do for a property and for the pond.  
143 Chairman McLeod and Mr. Maynard discussed making this dwelling a year-round dwelling and  
144 what that might mean for the health of the pond. Section 102.2 stated that no drain field will be  
145 located within 75 feet of a septic system. Mr. Maguire stated that a greater separation is  
146 happening if they replace this system by 8 feet.

147

148 **A motion was made by Mr. Breton made to grant relief from Section 102.2.2 from the**  
149 **town’s waste water management regulations for 43 First St. (Map 16 R lot 174 D) with a**  
150 **plan date of August 16, 2022.**

151

152 Vice Chair Partington stated that they are now required to submit a maintenance schedule for the  
153 property. Chairman McLeod also mentioned the inspection schedule that is every 2 years on  
154 these newer systems.

155

156 **Vote 5-1.**

157 **Motion passes.**

158 **Mr. Hohenberger opposed.**

159

160 20 First St.

161

162 Mr. Joseph Maynard is also representing this applicant as well. Mr. Maynard stated that they are  
163 looking to build a new structure on the property. Mr. Maynard stated that they will also be  
164 building a new well on the property. Mr. Maynard stated that this a proposed Clean Solutions  
165 system on the property. Mr. Maynard stated that no one had used the property in a number of  
166 years and the structure needed to be razed. Mr. Maynard stated that this is approvable at the state  
167 level and there is an inspection done every 2 years. Mr. Maynard stated that the pumping records  
168 is a good indication. Mr. Hohenberger stated that this is in very close proximity to a community  
169 beach that is used by the public. Mr. Maynard stated that a well radius over a property line is  
170 considered a taking. Mr. Maynard stated that a certified letter goes to the abutter to let them  
171 know about the radius and they can also look into this through DES. Mr. Maynard stated that  
172 there is a stone foundation and a septic system currently. Mr. Samsel stated that he is in support  
173 of the waiver as all of the state waivers and conditions have been met. Chairman McLeod stated  
174 that he is struggling with this as it then becomes a non-operational lot. Mr. Hohenberger stated  
175 that he does not consider this to be a modest house. Mr. Samsel asked if this is considered to be a  
176 buildable lot. Vice Chair Partington asked if anything from the current plan could be used to  
177 make this a buildable lot. Mr. Maynard stated that it could not.

178

179 Chairman McLeod invited public comment.

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181 Mr. Matthew Leoneldi addressed the Board. Mr. Leoneldi asked about the location of both the  
182 well and the septic in relation to the pond. Mr. Leoneldi stated that the geographic location is  
183 very critical.

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**A motion was made by Mr. Breton made to grant a waiver from Section 2.5 of the town’s water supply regulations and Section 102.2 of the town’s sewage waste water disposal regulations for 20 First St. (Map 16-Q Lot 179 ). Seconded by Mr. Samsel.**

Chairman McLeod stated this lot has not bee actively utilized since 2007-2008.

**Vote 3-3. Motion fails.**

**Chairman McLeod, Vice Chair Partington and Mr. Hohenberger opposed.**

Chairman McLeod and Mr. Maguire stated that they did adopt the state regulations several years ago and all the operational approvals. Mr. Hohenberger might have had the better argument because of the proximity to the well not proximity to the pond.

Mr. Hohenberger stated that his reasons for denial were because the proposed plan was only 40 feet from the abutter and the close proximity of the plan to the pond. Also, the abutter was not notified and did not give their approval for the plan as presented.

Vice Chair Partington stated that he agrees with both of the statements made by Mr. Hohenberger and that there is no current use on the property.

**A motion was made by Mr. Breton to adjourn as the Board of Health and reconvene as the Board of Selectmen. Seconded by Mr. Samsel. Vote 6-0. Motion passes.**

Police Chief Caron- Budget

Chief Caron addressed the Board to discuss the 2023 budget for the purchase of 3 new cruisers. Chief Caron was asking for a waiver to the bidding process, both vendors have been vetted by both NH and Massachusetts.

**A motion was made by Mr. Samsel to waive Windham’s bid process for the purchase of 3 new police cruisers. Seconded by Mr. Breton. Vote 5-0. Motion passes.**

Chief Caron stated they did look at the vehicle from McFarland Ford and they would like to order from Colonial. Chief Caron stated that there were 7 plus months before the cruisers came in, in addition to the fleet. Car 10 and an SRO vehicle are the two vehicles scheduled to be replaced. These vehicles will be leased, not purchased. Car 10 is the supervisor’s cruiser and they are hoping to lessen some of the miles this year. The swapping out of electronics is a separate expense. Chief Carron stated that they are looking at 2 companies to do this after purchasing the vehicles.

**A motion was made by Mr. Breton to approve CMG as the vendor for all 3 police cruisers in the 2023 budget that are currently available on the lot. Seconded by Mr. Samsel.**

**Vote 5-0. Motion passes.**

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Administration/TA McCarthy

Mr. McCarthy stated that a committee had met to discuss this playground: Mr. Banks, Ms. Haas and Mr. Senibaldi met to discuss the location of the inclusive playground. The goal is to have it done by mid July. A construction fence will be around the play area; there will be construction materials on site as well. The public will be able to monitor the progress via social media.

The Chairman invited public comment at this time.

Mr. Bob Coole addressed the Board and asked about lights. The lights will be on but the park will be closed. Mr. McCarthy stated for insurance purposes they will need to keep the lights on; they do not want anyone to be walking around in the dark.

Mr. Matthew Leoneldi addressed the Board and asked about both grants and solar power. Mr. Breton stated that Mr. Leoneldi is attending the meeting in person because the audio is not great if you are watching from home.

Ms. Shannon Ulery addressed the Board. Ms. Ulery asked if the current playground is operational. Ms. Haas stated that it is. Mr. McCarthy stated that there will be a ribbon cutting. Mr. Hohenberger asked about the playground manager.

Chief McPherson addressed the Board for the ambulance bid. Chief McPherson stated that they solicited 8 total vendors and they inly receiver 1 bid from Horton. The delivery dates have gone to up to 750 days. Chief McPherson asked if the Board would consider granting the bid price not to exceed \$397,896.

**A motion was made by Mr. Breton to award the fire engine bid to Horton with a price not to exceed \$397,896. Seconded by Mr. Samsel. Vote 5-0. Motion passes.**

**A motion was made by Mr. Samsel to approve the April 17<sup>th</sup> public minutes as amended. Seconded by Mr. Hohenberger. Vote 5-0. Motion passes**

**A motion was made by Mr. Hohenberger to enter non-public session under NH RSA 91-A: 3 II (c) and (e). Seconded by Mr. Samsel. Roll call: Chairman McCleod, Vice Chair Partington, Mr. Breton, Mr. Hohenberger, and Mr. Samsel- yes. Vote 5-0. Motion passes.**

Respectfully submitted by Anitra Lincicum