

BOARD OF SELECTMEN
Minutes of October 4, 2004

ROLL CALL: Chairman Carpenter called the meeting to order at 7:00 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger and Galen Stearns. Mr. Sullivan was also present. Mr. Carpenter read the agenda into the record.

ANNOUNCEMENTS: Mr. Wally Ramsden, American Legion Post 109, updated the Board on the status of the Persian Gulf Memorial kiosk restoration, noting that it is expected to be finished within the next week. He extended thanks to Gary Demone, Cyr Lumber, Mort Pearlman, and Chris Doyle for their participation in the restoration. The Legion hopes to conduct a re-dedication ceremony on Veteran's Day.

Mr. Ramsden also reported that members of Scout Pack 266 would be working toward one of their badges by cleaning up Graphelia Park, located near the Cemetery on the Plain. He advised the Board that he had spoken to Highway Agent Jack McCartney to request use of one of the Town's trucks to place the brush and similar debris in. The Board saw no issue with the requested use.

Mr. Stearns reported he had attended the Fire Department's Open House on Saturday, which was well attended despite the weather.

Chief Don Messier stated that this had been the largest Open House he had participated in, and that of the hundreds of attendees most had stayed for the entire day. He extended his thanks to the Board members who had attended, as well as the residents.

Mr. Breton also extended thanks to attendees Selectman Everett McBride and Selectman/State Representative Ronald Belanger of Salem.

Mr. Sullivan reminded all the Board of Selectmen would be meeting with the School Board on the following evening, then with the Planning Board immediately after to discuss impact fees/donations. The latter will begin at approximately 7:45 at the Planning and Development Department.

Mr. Sullivan also noted that the proposed Dog Regulations had been re-posted with revisions from the previous hearing, and would be discussed again on October 18 at 8:00 PM.

Mr. Sullivan advised the Board that he had been asked by the Greater Salem Chamber of Commerce to become a member of their Economic Development Committee. He will update the Board once he has obtained further information.

Chief Messier announced that Wal-Mart had contacted him that day to advise him that the Department had been awarded a \$1000 grant toward purchase of a fire extinguisher pan, which he would be requesting the Board accept within the next few weeks. He extended his thanks to Fire Inspector Diana Nault for her efforts in obtaining the grant.

LIAISON REPORTS: Mr. Breton reported that the public hearing on the proposed supermarket was upcoming, and that the traffic study was complete and under review.

Mr. Carpenter noted that the Rockingham Planning Commissions request for proposal regarding the feasibility study of the Wall Street Extension had been received by the Board. Mr. Sullivan stated that, if the Board had no comments or concerns regarding the RFP, he would send it out. The Board had none, and Mr. Sullivan will proceed.

Mr. Doyle stepped out of the meeting momentarily.

PUBLIC HEARING/CISTERN FEES: Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan reminded all that this issue had been reposted based on the public hearing requirements, and that the proposed fee for this new inspection was \$250.

Mr. Breton reiterated his comments from the previous hearing, believing the fee of \$250 was reasonable based upon the time, equipment, and overall importance of cistern testing. Chief Messier echoed Mr. Breton's opinion.

Mr. Stearns moved and Mr. Breton seconded to approve the cistern fee as posted. Passed 4-0.

PUBLIC HEARING/DOG DISPOSAL SYSTEMS: Mr. Carpenter read the public hearing notice into the record. Mr. Sullivan noted that the donors had presented two different types of systems for consideration, the Pet Station or Easy Reacher Pick-up System, and will place them at Griffin Park or other area per the Board's choice. A total of four systems will be installed, two from each donor.

After a brief discussion, the consensus of the Board was that all four units should be placed at Griffin Park. Mr. Carpenter inquired who would be maintaining/stocking the systems. Mr. Sullivan replied that the Town's maintenance crew would be responsible for the systems once installed.

After further discussions regarding preference for and adequacy of the receptacles, Mr. Stearns moved and Mr. Breton seconded to accept the generous donations from Howie Glynn and Ralph Sinclair of dog waste disposal systems for use at Town facilities. Passed unanimously.

YARD WASTE AGREEMENT: After a very brief discussion, the consensus of the Board was that the proposed agreement was acceptable and Mr. Sullivan should proceed. Mr. Sullivan will forward the document to Bowes Landscaping for their review, and return it to the Board at a future meeting for execution.

NEW BUSINESS: Mr. Doyle inquired how many Town employees are authorized to bring Town vehicles home overnight. Mr. Sullivan noted there are five: the Police and Fire chiefs, Police Captain, Deputy Fire Chief, and Highway Agent, all whom reside either in Windham or a nearby community.

Mr. Breton raised the question of poker tournaments in Town facilities, similar to what's occurring in Atkinson, and whether or not a fee is charged. After a brief discussion regarding Town building regulations and prohibitions, Mr. Sullivan noted he would review them and report back to the Board.

Mr. Hohenberger inquired about police cruisers being used for out-of-town details. Mr. Sullivan responded that the cruisers are allowed to leave the Town during details as part of our contracted services.

OLD BUSINESS: Mr. Sullivan advised the Board that legal opinion had been received from Attorney Campbell regarding the stairway within the Town's right-of-way on Rocky Ridge Road. This item will be on the October 18th agenda for further discussion.

Mr. Sullivan advised the Board that four bids had been received regarding the Oriole/Cardinal road traffic study as follows:

CLD Consulting Engineering:	\$ 3,900
Keach Nordstrom Associates:	5,000

Vollmer Associates:	4,900
URS Corporation:	6,250

Mr. Sullivan explained that the bids had been reviewed by himself, Mr. Turner, and Mr. McCartney, and the recommendation was that the bid be awarded to CLD Engineering, with the funds to be expended from the Highway Department.

Mr. Doyle expressed concerns regarding conflict of interest, as CLD and Keach-Nordstrom oversee some Planning Department inspections. After a brief discussion, Mr. Stearns moved and Mr. Hohenberger seconded to award the bid for the traffic feasibility study to CLD Engineering for their bid amount of \$3,900. Passed 4-1, with Mr. Doyle opposed.

Mr. Dennis Senibaldi, Recreation Committee Chair, updated the Board on the donation of replacement shrubs by Carr Landscaping for those damaged/stolen at the Town beach. A brief discussion took place regarding consultation with Town counsel about accepting the donations from Carr in light of ongoing issues between the Company and the Town.

Mr. Hohenberger moved and Mr. Doyle seconded to accept the donation of three arborvitaes and two rhododendrons and related planting with thanks, pending confirmation by Town Counsel of no problems. Passed unanimously.

Mr. Carpenter inquired as to the status of the bathrooms in the multi-purpose building at Griffin Park. Mr. Breton responded that the stall doors have been installed and all that remains is to install the last sink. A discussion ensued regarding Griffin Park including the time frame for opening and assuming ownership of the building; security; and, water testing which will be completed this week. Mr. Senibaldi inquired about continued police details, noting that some skaters are still not wearing helmets. Mr. Breton suggested sending a packet of information to the schools for distribution which includes the rules. The Board supported Mr. Breton's idea.

RECREATION/BASKETBALL: Mr. Senibaldi expressed concerns that the Board and the Windham Basketball Committee had discussed the proposed agreement at the previous meeting, without Recreation's presence.

Mr. Sullivan noted that the WBC's check had been cut and that he had two agreements ready for signature, depending on the Board's decision of who should sign on behalf of the Town. A lengthy discussion ensued regarding whether it was more appropriate for the Selectmen to sign the agreement or the Recreation Committee, and the possibility of establishing a separate bank account for WBC funds.

Mr. Breton moved and Mr. Doyle seconded to reconsider the previous motion to have the Board of Selectmen sign the agreement with the Windham Basketball Committee. Passed 4-1, with Mr. Stearns opposed.

Mr. Breton moved and Mr. Stearns seconded that any agreements entered into by the Recreation Committee be first approved by the Board of Selectmen. Passed unanimously.

Mr. Breton moved and Mr. Stearns seconded to allow the Recreation Committee to enter into the agreement with the Windham Basketball Committee and to execute same as presented to the Board. Passed unanimously. The agreement was then signed by Mr. Matthews of the WBC and Mr. Senibaldi as Chairman of the Recreation Committee.

Mr. Senibaldi requested a copy of the Recreation Committee charge, if one exists. Mr. Sullivan will follow-up.

CATCH BASIN: Highway Agent Jack McCartney gave further details on this request from the previous meeting to install an additional catch basin in the area of Karen Road and Linda Street. He explained that there is a low spot in this area that causes water to collect, and presented photographs of the location showing the effects of a recent, heavy rain. After a brief discussion, Mr. Stearns moved and Mr. Hohenberger seconded to allow the Highway Department to expend \$2,600 for the installation of a catch basin at Linda Street and Karen Road as per Mr. McCartney's request. Passed unanimously.

YORKSHIRE ROAD PUBLIC HEARING: Mr. Sullivan noted that this was a continuation of the previous week's public hearing regarding the acceptance of Yorkshire Road. Mr. Sullivan advised the Board that the cistern in question had been re-tested by the Fire Department per the Board's request, and no issues had been evident. He recommended that the Board approve the acceptance.

Fire Inspector Diana Nault confirmed that the cistern had been tested the previous Thursday, and the level of water was sufficient and no other problems were found.

Mr. Stearns moved and Mr. Breton seconded to accept Yorkshire Road and release the full bond amount as requested. Passed unanimously.

OLD BUSINESS CONTINUED: Mr. Senibaldi inquired as the status of the Fire Department's request to utilize Conservation funds toward purchase of new forestry vehicle. Mr. Sullivan will follow-up on this issue.

CORRESPONDENCE: *Bond release, Moeckel Pond Road:* Mr. Hohenberger moved and Mr. Stearns seconded to release the full bond amount of \$3,475.80 to D&S Custom Builders. Passed unanimously

Bond release, 11 Netherwood Road: Mr. Hohenberger moved and Mr. Doyle seconded to release the full bond amount of \$500 for 11 Netherwood Road to Sean and Stephanie Mahoney. Passed unanimously.

Bond release, Pennichuck: Mr. Sullivan explained that this pertained to the second pump house on West Shore Road. Mr. Hohenberger moved and Mr. Doyle seconded to release the full bond amount of \$10,000 to Pennichuck Waterworks. Passed unanimously.

Bond release, Rocky Ridge Realty Site Plan: Mr. Breton moved and Mr. Doyle seconded to release the full bond amount of \$4,000 to Rocky Ridge Realty Trust. Passed unanimously.

Bond release, Windham Presbyterian Church: Mr. Hohenberger moved and Mr. Stearns seconded to release the full bond amount of \$4,980 to the Windham Presbyterian Church. Passed unanimously.

Bond release, Jenny's Hill Road Ext.: Mr. Doyle moved and Mr. Breton seconded to approve the partial release of \$228,540, retaining \$77,376. Passed unanimously.

Bond release, Fletcher/Corliss Road: Mr. Doyle moved to approve the partial release of \$509,833 retaining \$59,424. A brief discussion ensued regarding the 2" base coat and the cistern requirements. Mr. Breton seconded the motion for further discussion. The gallon size of the cistern was discussed further, being less than current requirements due to the age of the project. Motion passed 4-1, with Mr. Stearns opposed.

Bond release, Marblehead Road: This release was tabled as the Board was unable to clarify the area of this particular project.

MINUTES: Mr. Doyle moved and Mr. Hohenberger seconded to approve the minutes of September 27, 2004 as written. Passed unanimously.

CORRESPONDENCE CONTINUED: *Bond release, Marblehead Road:* Mr. Sullivan advised the Board he had reached Mr. McCartney via phone, and clarified that the bond was in reference to the intersection at Marblehead and Fletcher road. Mr. McCartney had also indicated to Mr. Sullivan that he felt the retained amount was adequate.

Mr. Hohenberger moved and Mr. Breton seconded to approve the partial release of \$94,748 to Eric Nickerson retaining \$34,200. Passed unanimously.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Doyle seconded to enter into a non-public session in accordance with RSA 93-A:3-II. Roll call vote – all members “yes”. The Board and Mr. Sullivan were present.

Reputations: The Board discussed a resident’s request to meet with the members in non-public session. The consensus of the Board was to have Mr. Sullivan schedule a non-public session as part of the October 18th meeting to discuss this matter further with the requestor.

Personnel: The Board discussed an ongoing personnel matter, however no decisions were made.

Motion by Mr. Doyle and second by Mr. Hohenberger to adjourn. Passed unanimously.

The meeting was adjourned at 8:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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