

BOARD OF SELECTMEN
Minutes of March 28, 2005

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

ANNOUNCEMENTS: None.

SENATOR SUNUNU: Mr. Alan Leach, representing Senator Sununu was present to answer any questions the Board may have regarding the Senator's and/or the State's ongoing activities.

Mr. Hohenberger inquired as to the status of the funding for the Route 93 project. Mr. Leach responded he did not have that information readily available, but would get back to the Town.

Mr. Breton extended the Town's thanks to Senator Sununu for his assistance in obtaining the truck grant.

There being no further questions from the Board or the public, Mr. Leach thanked the Board for the opportunity to attend. The Board thanked Mr. Leach for coming down to Windham.

GRIFFIN PARK PLAYGROUND GROUP: Ms. Jennifer Colvin was in attendance to explain the efforts of the Group. She hosted a slideshow presentation, highlights of which included:

- Membership status of the non-profit, volunteer group.
- Results of a needs assessment conducted by the Group, showing a need for activities for children under the age of 7 at the Park.
- Concerns surrounding the existing Windham Wonderland Playground including: the presence of pressure treated wood, the need for repairs, remoteness of the location and poor access.
- Goal to complete fundraising by April to allow for ordering of the equipment. The playground is expected to be completed by June, with an official opening in July.
- Explanation of the Group's goal to ensure safety of playground users through inclusion of age appropriate areas, protective surfacing, proper maintenance, and adequate supervision. Also, 100% of the ground level components will be handicap accessible.
- Research into their final selection of Burke Playground Group (Childscapes) as their contractor, citing they: met all of the Group's objectives; offered excellent warranties; have been in business the longest; promote circuit play; offer the Nature's Play Tree house; and their planned representative has the most experience in playground installation.
- Anticipated costs are: \$68,000 for equipment (including a 20% discount for showcasing the Nature's Play Tree house if ordered by April 30); and \$48,000 for surfacing and fencing.
- The Group's planned sponsorship campaigns: brass plaque on the Wall of Thanks at the multi-purpose building (\$5,000+); placement on the recognition wall at the entry way to the playground (\$500-4,999);

“Buy a Brick” program for the pathway to the playground (\$100-499); “Friends of Griffin Park” with a certificate of recognition (up to \$100); and ongoing support of civic organizations.

- The Group’s preference to conduct a “community build” overseen by a certified playground installer, as opposed to a professional installation. Such an installation would take two (2) days, with surfacing completed a week after.
- The Group’s planned public relations activities, such as a contest to name the playground.

Ms. Colvin noted that the Group was seeking the Board’s approval to proceed to raise funds to construct the playground as proposed and possible sponsorship from the Town.

A lengthy discussion ensued, with Ms. Colvin and Steve Dibble of Burke Playground Group fielding numerous questions from the Board. Topics of discussion included: height of the recognition wall (2.5’); grading of the pathway; proximity to leach field/septic (adjacent to); potential parking issues; maximum capacity (120 children); potential bonding (none planned); submission of plan to Planning Department staff (Ms. Colvin will do so); and status of the existing Wonderland playground.

Mr. Breton suggested that the funding allocated for repair of the Windham Wonderland playground could be allocated to the Playground Group and the Wonderland land be returned to the cemeteries.

Mr. Carpenter suggested it might be better for the plan to be put off for one year, allowing the Group to raise more funds and provide more equipment. He then inquired whether the proposed playground could be added on to in the future. Mr. Dibble replied that it could, but it was important to design it all at once. Ms. Colvin stated the Group felt it important to proceed now given the safety issues at the Wonderland playground and the amount of current interest.

A discussion ensued about safety fencing. The Group plans to install a three-foot (3’) rubber-coated chain link fence around the perimeter. Ms. Annie Murphy of the Playground Group also noted that only one entry way was proposed for the playground, offering greater security to the children.

Mr. Allan Barlow, Maintenance Supervisor, felt that if the fencing were black or green it would be virtually invisible. He also concurred with Mr. Carpenter that fencing the pond as well might be a good idea.

Mr. Dennis Senibaldi, Recreation Committee Chairman, advised the Board that the Committee had seen the same presentation from the Group and had voted unanimously to support their efforts. He felt the Group had compiled enough information for the Selectmen to endorse their plan.

Ms. Cecelia Hall, resident, approached to voice her support of the new playground, citing that the secluded location of the Wonderland playground was a concern for her.

Mrs. Crisler moved to endorse the plan of the Playground Group, provided that a site plan is submitted to the Board for approval including fence height, height of recognition wall and recognition plaque size. Also, any financial documents are to be submitted to the Board for review and the playground is to be inspected by Town staff. Mr. Carpenter seconded, and asked the motion be amended to include a waiver of Town fees. Mrs. Crisler agreed.

A brief discussion occurred regarding liability issues of a community build. Mr. Sullivan noted that there were no issues and that waivers could be signed by all parties participating.

Mrs. Colvin requested that the Board consider revising the Town's Smoking Policy to extend to the Playground.

The motion passed unanimously. Mr. Hohenberger extended his congratulations to the Group for their efforts.

Mr. Breton asked that the old playground be evaluated for removal or repair. Mr. Senibaldi offered his services to remove the equipment if this was to occur.

BOARD OF HEALTH: Mr. Breton moved and Mrs. Crisler seconded to convene as the Board of Health. Passed unanimously. Mr. Hohenberger read the public hearing notice into the record.

Mr. Turner explained that the property in question, owned by Dale Smith, currently consisted of four cottages served by individual septic systems. The owner was requesting a waiver to install a centralized system within 48' of the existing well. Mr. Turner noted that the owner had received the necessary waivers from the State, and that the only abutting property owner affected had signed off on the project.

Mr. Smith approached and explained that one of the cottages will remain on its current system, but may be tied-in at a future date, if necessary. Such a future tie-in has been planned for in the design.

Mrs. Crisler inquired as to the depth of the well. Mr. Smith replied it was a drilled well at 92'. Mr. Turner noted that the well has been tested and the results were fine.

A discussion ensued regarding the existing systems. Mr. Smith noted that they currently have approximately 300 gal. metal tanks, and that he is attempting to improve the situation. Mr. Carpenter inquired why the tanks couldn't simply be replaced with new ones. Mr. Phil Beland, engineer, replied that holding tanks serve only as a last resort and that the Department of Environmental Services (DES) will only allow them if no other options are available. He noted that the leeching field and the proposed tank are as far away from everything as possible on the lot.

Mr. Hohenberger inquired as to the distance to the pond and any failures of the existing systems. Mr. Smith replied that the distance was approximately 50', and that of four systems one had been previously replaced.

Mr. Hohenberger inquired if Mr. Smith intended to keep the property as seasonal. Mr. Smith replied he did not intend to convert them to year-round, possibly making them available as summer rentals. A brief discussion occurred regarding requirements to convert to year-round use.

Mrs. Crisler inquired whether State approval had been obtained. Mr. Beland stated the DES was awaiting approval by the Town before making a decision.

Mr. Carpenter inquired of Mr. Turner's thoughts on the project. Mr. Turner felt that the system provided an excellent safeguard for the pond and was a great improvement over what was currently in place.

Mrs. Crisler moved and Mr. Breton seconded to approve the application for waiver provided that all dwellings on the property remain seasonal. Motion failed 3-3, with Mr. Hohenberger, Mr. Stearns, and Mr. Carpenter opposed.

Mr. Carpenter explained his vote by stating that the Board has always tried to be consistent in the past in applying the Town regulations. He felt that 48' feet was very close and would open the door for future applications. He noted that, as the properties were seasonal, the tanks were sufficient with regular pumping. Mr. Stearns concurred.

Mr. Breton noted that the improvement does not affect any other property owners, and also noted that the DES has a provision for Mr. Smith to waive the impingement of his own well.

Mr. Hohenberger noted that such a waiver as Mr. Breton mentioned stays with the property not the owner, and concurred with Mr. Carpenter's opinion. He also cited density issues and proximity to the pond as reasons for his vote to deny the request.

Mrs. Crisler felt that the pond should be a concern and that the plan offered a much superior system to what is currently in place.

Mr. Carpenter inquired whether the owner could return to the Selectmen if the plan were, in fact, approved by the DES. After a brief discussion it was the consensus of the Board to let the vote stand and have the owner proceed with seeking DES approval, if he so chose, and if the plan is approved by the DES, the owner may then return to the Board of Selectmen.

Mr. Stearns moved and Mr. Carpenter seconded to adjourn the Board of Health portion of the meeting.

MULTI-PURPOSE BUILDING REGULATIONS: The Board reviewed the proposed regulations regarding the Griffin Park multi-purpose building.

Mr. Carpenter suggested that the words "Recreation Committee" be changed to "Recreation Coordinator/ Committee" throughout the document.

After discussion regarding means of calculating the 10% of overall profit in Section IV, Mr. Breton suggested that all fees be waived and that only non-profit Town organizations be authorized to use the building subject to a user agreement with a provision to pay for any additional Town expenses as a result of the use.

Mrs. Crisler felt that Town organizations would have to be carefully defined and one person established for each to take responsibility for the rental. Mr. Carpenter expressed concern that if no costs were incurred by organizations to use the building then they may begin to sign-up frivolously to use it.

Mr. Stearns was in support of Mr. Breton's idea, provided an agreement was in place for each use that also included a time limit.

Mr. Senibaldi approached, expressing concerns that the purpose of the concession stand was to generate revenue and that such restrictions amounted to discrimination between groups. Mr. Sullivan concurred with the former, reminding the Board that a special revenue fund had been established for that reason.

Mr. Charles McMahon stated that the building was there for the convenience of all and should be used by local organizations at no charge, however the concession stand was a different matter. He stated the stand was intended to

help the various sports organizations be self-sufficient and that 10% is an acceptable fee for use of the stand.

Mr. Carpenter stated he was not clear how a single use of the stand could occur in the midst of a seasonal use. Mr. McMahon stated that during baseball season, for example, there would be no single uses.

Mrs. Crisler inquired about certification to use the fryer. Mr. McMahon explained that the fryer is totally enclosed and, as far as safety, it is the best system available. He noted that training would take approximately 15 minutes.

Mr. Carpenter suggested the Board approve the regulations as written with the change to add references to the Recreation Coordinator. He stated he respected Mr. Breton's position, but felt the Board should move forward, noting that the regulations can be changed at any time.

Mr. Sullivan provided clarification that the seasonal uses would include the 10% fee and no other charges would be involved. The Board concurred.

Mr. McMahon expressed concerns that the original language in the first draft had been removed, providing for a 50/50 profit split for seasonal uses until the building bond was paid in full.

Mr. Sullivan stated that the Board had determined at a previous meeting that they did not want the bond tied to the regulations and thus the language was removed. He noted that the 10% fee was going to be waived until the bond was paid. A brief discussion ensued.

Mr. Senibaldi questioned the liability to persons training others in the fryer use. Mr. Sullivan responded there would be no liability as the trainee would be required to sign a waiver.

Mr. Ralph Valentine of the Soccer Association approached to advise the Board that the Association is not interested in running the concession stand during their season. He advised the Board that Mr. LaRochelle, also of the Association, had made the suggestion that the operation of the concession stand be contracted out. Mr. Hohenberger stated that was far beyond his vision of the building's operation.

Mr. Carpenter moved to approve the multi-purpose building regulations with the following changes: replace Recreation Committee with Recreation Coordinator/Committee; remove shaded, editorial comments; addition of a new section "e" under Section V regarding a user agreement for renters to outline conditions. Passed unanimously.

GROUNDSKEEPING CONTRACTS: Mr. Sullivan explained that each of the three groundskeeping contracts awarded last year included options to extend, and recommended the following:

- Cemeteries: extend the contract with Rock of Ages for the same cost of \$27,200.
- Griffin Park: extend the contract with Hillside for the same cost of \$45,806.
- All other: extend the contract with Brandin for the same cost of \$45,000.

Mr. Stearns moved and Mrs. Crisler seconded to extend all contracts as recommended.

Mr. Senibaldi approached to request that all contracts with the exception of the cemeteries be put back out to bid. He noted that he was not impressed with the maintenance to date, citing issues with crabgrass, etc. He felt that if the Board put the work back out to bid, they may get a better company or a better product from the current vendor.

Mr. Breton sought input from Mr. Barlow. Mr. Barlow noted there had been issues at Griffin Park last year, but all had been addressed by Hillside.

Mr. Sullivan noted that time is of the essence and that the work could be monitored closer this year and any issues documented.

Mr. McMahon stated that the intent with Griffin Park had been to try to sustain a three-year cycle with one vendor as a learning curve. He stated Hillside was the right choice when first awarded the contract, given their expertise in irrigation. He also expressed the opinion that it was unfair to complain about the work now, and felt that Mr. Barlow should be the only contact person with the contractor.

Mrs. Crisler asked that Mr. Senibaldi document any future issues he has and forward them to Mr. Barlow.

Motion passed unanimously.

FIRE DEPARTMENT DONATION: Mr. Hohenberger read the notice into the record.

Chief Messier explained that the department had been offered a donation in the amount of \$5,000 from Windham Meadows, LLC (Eric Nickerson) for use toward ambulance equipment.

Mr. Hohenberger inquired what would be purchased with the donated funds. Chief Messier stated that had not been established yet and that the Committee is looking into equipment needs.

Chief Messier then extended his thanks to Mr. Nickerson for his generosity, noting the funds will be put to good use.

Mr. Breton moved and Mr. Stearns seconded to accept with thanks the donation of \$5,000 from Windham Meadows LLC for use towards ambulance equipment. Passed unanimously.

Chief Messier advised the Board that he and members of the Truck Committee would be headed to Pennsylvania the following day to work on the truck purchases.

Mr. Sullivan requested that the Board authorize either he or Chief Messier to execute any paperwork related to the trucks. After a brief discussion regarding the extent of potential changes and level of authorization, Mrs. Crisler moved and Mr. Stearns seconded to authorize Mr. Sullivan to sign for any minor changes. Passed unanimously.

RECREATION COMMITTEE: Mr. Senibaldi presented several issues to the Board for consideration; including a request that the Board make a decision on the alarm system proposal he presented several weeks ago to install a wireless at \$25/month for monitoring and no equipment charges.

Mr. Senibaldi then noted that the soda machines at the beach could be generating revenues for the Town during winter months, as do the ones at Griffin Park. Mr. Hohenberger suggested Mr. Senibaldi have the Recreation Committee draft an agreement for proposal to the Board.

Mr. Senibaldi sought clarification of the Board's restriction on field rentals, noting an upcoming Lacrosse camp. Mr. Breton noted if the camp were for Windham residents only it should be allowed at no charge.

Mr. Hohenberger stated that a policy for rentals needed development, and stated that Recreation should work with Mr. Sullivan to do so.

Mr. Senibaldi reported that a sub-committee for the proposed Town Day had been formed. He stated that he had spoken to Mr. DeLuca of the CPIA regarding fireworks, and that the CPIA had no issue with it, provided they were on a different day than the CPIA display. Mr. Senibaldi also noted that the Fire Chief had expressed no concerns with fireworks at the Park, either.

Mr. Carpenter suggested that a workshop with the Recreation Committee might be in order. Mr. Sullivan noted that the following week, April 4, was open and he will schedule a workshop accordingly.

Mr. Senibaldi requested the Board consider trying to put some funding toward the Town Day event.

Mr. Senibaldi then reported that the Recreation Committee had been approached by several young men regarding their Eagle Scout projects. One, in particular, has only three (3) months left in which to complete his project, and Recreation would like him to construct some signage for park areas and fields.

After some discussion regarding materials and dimension, Mr. Breton moved and Mrs. Crisler seconded to approve the Eagle Scout project of construction of signs with the following modifications: Town of Windham is to be in the bottom portion of the sign, with field name in top; dimensions to be 2x10 top, 2x6 bottom, and 4x4 posts. Passed unanimously.

GRIFFIN PARK UPDATE: Mr. McMahon reported that the bench program was an enormous success and that all benches were assembled and at the Park. He noted that the benches will be re-arranged once the weather improves.

Mr. McMahon presented a plan as developed by Delahunty Nurseries for the landscaping/planting program, to be funded by donations as outlined. He noted that the program will not be started until fully funded, and then all will be planted at once with a two-year maintenance program to follow.

After some discussion, it was the consensus of the Board that they would like to review the plan more closely prior to making any decision. Mr. Carpenter also noted he would like Asst. Planner Rebecca Way to review the plan, and that it be designed to include low maintenance plants and shrubs. Mr. McMahon agreed to provide the final plan both to the Administrative Offices and Ms. Way.

Discussion moved to fencing of the Skateboard Park. Mr. McMahon presented specifications and two proposals to the Board for their review, and noted that the fencing is definitely needed for security and delineation.

Mr. McMahon stated that two bids had been received for the fencing, and recommended that 8' galvanized fencing be installed with one 10' gate and one cattle gate which will prohibit bikes from being brought into the area.

Mr. Breton reminded the Board that the remaining funds were not coming from Town funds, but from other contributions as discussed at previous meetings amounting to \$26,700.

Mr. Senibaldi noted that 6' black vinyl fencing would be less visible than galvanized. After some discussion, it was the consensus of the Board that 8' vinyl was the preferred fencing.

Mr. Breton moved that Administration proceed to go out to bid for 8' vinyl fencing at the Skateboard Park. After discussion regarding Mr. McMahon's received proposals and timing, Mr. Breton withdrew his motion.

Mr. Breton moved and Mr. Stearns seconded to waive the bid process based upon Mr. McMahon's securing of \$5,000 in donations and two proposals. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Tom Case approached to inquire where the \$5,000 donation had originated from. Mr. Breton noted it was from an anonymous donor. Mr. Case inquired where the \$5,000 from Friends of Arts and Recreation had gone. Mr. Sullivan responded it had already been utilized toward the tennis fences at the Park.

Mr. Breton moved and Mr. Stearns seconded to award the fencing of the Skateboard Park to Fences Unlimited for an amount not to exceed \$13,567: \$5,000 to come from a previous donation and the balance to come from the Recreation Improvement Fund. Passed 4-1 with Mr. Hohenberger opposed.

Mr. McMahon announced that the "Festi-ball" had been scheduled for May 21st in place of Baseball's Opening Day. He noted that the League felt that conditions at the Park would be better then, a larger crowd would attend, and the weather would be better. The event is planned to be a five or six hour function with exhibitions at the Skate Park and perhaps a Town vs. Fire softball game.

On a final note, Mr. McMahon advised the Board that he continues to work to address parking issues at Griffin Park. The Board extended their thanks to Mr. McMahon for his efforts and updates.

RECREATION CONTINUED: Mr. Senibaldi sought clarification on the Board's position on the alarm contract. Mr. Carpenter felt that it would be worth \$25/month with free equipment, provided it were for a one-year term, and included a burglar alarm tie-in and ownership of the equipment at the end of the term.

After brief discussion, Mr. Carpenter moved and Mrs. Crisler seconded to approve the contract for \$25/month monitoring fee contingent upon a one-year term, a burglar alarm tie-in, and ownership of the equipment by the Town at the end of the term. Passed unanimously.

DAVID POULSON: Mr. Poulson advised the Board that, with the Board's approval, the Town of Windham had been selected to serve as a pilot community in the States "Salted" program. He noted that the Stormwater Committee recommends participation in that, in return for information from Windham, the State will assist us in furthering aspects of our Stormwater Management Plan.

Mr. Hohenberger clarified whether participation entailed any commitment, financial or otherwise, from the Town, which it does not.

Mr. Carpenter moved and Mrs. Crisler seconded to endorse the Stormwater Committee's participation in the "Salted" program as a pilot town. Passed unanimously.

Mr. Poulson then moved to the proposed yard waste agreement with Bowes Landscaping, which included minor changes discussed previously.

Mr. Carpenter inquired how much compost currently existed at the old landfill site. Mr. Poulson replied the exact amount was not known but it was intended to serve a jump start for Bowes. He also assured the Board that the loam at the site would not be going to Bowes.

After some discussion, Mr. Breton moved and Mr. Stearns seconded to allow Mr. Sullivan to execute the contract subject to minor language changes. Passed unanimously.

CRUISER BIDS: Mr. Carpenter moved and Mrs. Crisler seconded to award the bid for the police cruisers to The Irwin Zone for their bid amount of \$20,988 each. Passed unanimously.

MINUTES: Tabled.

CORRESPONDENCE: Tabled.

OLD BUSINESS:

Liaison requests: Mr. Breton requested that he be allowed to keep his appointment to the Planning Board to correspond with his term as Selectman. Mrs. Crisler was opposed, stating she would like the Planning Board appointment.

Mr. Breton expressed his displeasure with what he viewed as a lack of respect for his efforts. Mrs. Crisler noted there was no reason under state law that she could not be appointed as liaison. Mr. Breton did not dispute that fact, but felt that out of respect for him he should be allowed to remain as liaison, noting that Mrs. Crisler has two years remaining on her Selectman term. Mr. Hohenberger felt that Mrs. Crisler should rise to regular liaison from the position of alternate.

Mr. Carpenter moved and Mrs. Crisler seconded to appoint Mrs. Crisler as Planning Board liaison for a term of 4 months. Motion failed 2-3, with Mr. Breton, Mr. Hohenberger, and Mr. Stearns opposed.

Mr. Stearns moved and Mr. Breton seconded to appoint Mr. Breton as Planning Board liaison and Mrs. Crisler as alternate, and to rotate the positions out after four months. Passed 4-1, with Mr. Carpenter opposed.

As there were no further conflicts in the members' requests, Mr. Hohenberger read the following liaison appointments into the record:

Cable, Mr. Carpenter; CIP, Mr. Hohenberger; CIP Alternate, Mr. Stearns; Haz-Mat District, Mrs. Crisler; HDC, Mrs. Crisler; Historic Committee, Mrs. Crisler; JLMC, Mr. Breton; Welfare Overseer, Mr. Stearns; Fire Union, Mr. Carpenter; Police Union, Mr. Hohenberger; Municipal Union, Mr. Stearns; Alternate to all Union Appointments, Mr. Breton; Housing Authority, Mr. Carpenter; Technical Advisory Committee, Mr. Carpenter; Recreation, Mr. Breton; Fire Safety Committee, Mrs. Crisler; Route 93 Task Force, Mr. Stearns; Strategic Planning, Mr. Hohenberger; and, Depot Advisory Committee, Mr. Breton.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 93-A:3 IIb, c and e. Roll call vote, all members “yes”. The topics of discussion were personnel, reputations and legal.

Personnel: The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the first session. The Board discussed the Police Chief recruitment to date. Mr. Stearns moved and Mr. Carpenter seconded to seal this portion of the minutes. Passed unanimously.

Reputations/Legal: The Board, Mr. Sullivan, Chief Moeckel, and Ms. Devlin were in attendance in the second session. Chief Moeckel updated the Board the following:

Ongoing personnel issue: Complaint was found to be unsubstantiated and case has been closed.

Ongoing legal issue: Attorney General has advised him that the case has been found to be unsubstantiated and will not be pursued. Mr. Sullivan advised the Board of the potential for a civil suit related to this issue.

Ongoing resident complaint: This issue has also been reviewed by the Attorney General and found to be unsubstantiated.

Mr. Sullivan also informed the Board that one other notice had been received of potential suit against the Town.

Mr. Breton moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

The meeting was adjourned at 12:15 AM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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