

**BOARD OF SELECTMEN**  
**Minutes of July 12, 2010**

**MEMBERS PRESENT:** Chairman Charles McMahon called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Galen Stearns, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Ross McLeod was excused. Mr. McMahon opened the meeting with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. Breton extended birthday wishes to reporter Barbara O'Brien. Ms. O'Brien writes for the Pelham Windham News, among other publications, and attends every Selectmen's meeting.

**LIAISON:** None.

**MINUTES:** None.

**CORRESPONDENCE:** The Board reviewed an abatement request submitted by Tax Assessor Rex Norman. Mr. Stearns moved and Mr. Hohenberger seconded to approve the request for an abatement in the amount of \$425.70 for 78 Heritage Hill Road. Passed 4-0.

*Letter received* from the Windham Planning Board advising that the Board had voted to recommend that the Town not consider purchasing State-owned surplus property located at 16 Roulston Road. Mr. McMahon noted that the Economic Development Committee had also reviewed the property and echoed the Planning Board's recommendation. Mr. Breton then moved and Mr. Hohenberger seconded to respectfully decline to purchase the property at 16 Roulston Road. Passed 4-0.

*Letter received* from the Rockingham Visiting Nurses advising that the organization will not be seeking funding for the year 2011. Mr. Sullivan clarified that the Town currently contributes approximately \$20K to the VNA annually.

*Notice received* from Community Development Director Laura Scott of a public Capital Improvement kick-off workshop scheduled for July 28 at the Town Hall.

**DONATIONS/CHERYL HAAS:** Recreation Coordinator Cheryl Haas advised all that Town Offices, including the Transfer Station, will be closed between the hours of 11AM and 1PM on Wednesday the 14<sup>th</sup> to allow staff to attend the Annual Employee Appreciation Day.

*Ms. Haas* then requested that the Board accept the following donations received for Town Day, the 7/3 fireworks, and the Town Beach: Jim Nagle/Chunky's (ice); Mad Science of Southern NH (\$350 value); Coca-Cola (portion of water/soda); Centrix Bank (\$500); Casella (15 trash totes); and Signs for Minds (new Town Beach sign valued at \$452).

Mr. Hohenberger moved and Mr. Stearns seconded to accept these donations with gratitude. Passed 4-0.

Recreation Chairman Dennis Senibaldi then approached to note that the Fireworks display, the first at the High School, had gone off without a hitch with approximately 1000 in attendance. He indicated that both the main access and the field access had been utilized at the close of the event, and the area had been cleared within 15 minutes or so. Mr. Senibaldi then extended thanks to several individuals, including Mr. Bill DeLuca and the CPIA, School District Facility Manager Warren Billings, and Chiefs McPherson and Lewis. Brief discussion ensued regarding the parking lot lights being off during next year's event.

Mrs. Barbara Coish approached noting that as part of the CPIA's most recent meeting, a lengthy discussion had occurred relative to the organization's future contributions, if any, to the annual fireworks display. She advised that the CPIA will be forming a sub-committee to develop and present a recommendation to the Selectmen.

**SATORI ENERGY BID:** Mr. Sullivan advised that, similar to several years ago, staff had recently bid a consortium process with Satori Energy relative to the Town's expenses for energy demand. He noted that, compared to PSNH's rate of \$0.878, Satori was offering \$0.08467, which could potentially save the Town approximately \$2,500 over a 12 month period. After a brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to execute a 12 month contract with Satori Energy for the Town's energy demand. Passed 3-0-1, with Mr. McMahon abstaining.

**COMMUNITY DEVELOPMENT DIRECTOR:** Director Laura Scott reviewed with the Board proposed changes to the Department fee structure. She advised that several new escrow account fees have been proposed in response to the passage of new ordinances at the March Town meeting.

Lengthy discussion then ensued regarding Ms. Scott's proposed removal of Trenching/Reconstruction fees from the Community Development Department, which she felt was prudent as her department does not actually handle issuing/reviewing of these permits. It was the consensus of the Board that collection of these fees be left within the Community Development Department purview. The proposed changes will now be posted for public hearing at a future meeting.

*Ms. Scott* then informed the Board that the Department had been advised by the State of NH that the Town is not authorized to issue temporary sign permits relative to State-owned rights of way, where such signs are prohibited, and will therefore discontinue doing so effective July 16. Ms. Scott noted, however, that the Town could continue to do code enforcement relative to such signs placed within the State right of way illegally, and inquired how the Board wished staff to proceed.

After a brief discussion, it was the consensus of the Board that staff discontinue enforcement of temporary signs within State rights of way.

**SALT SHED/HIGHWAY GARAGE:** Mr. Sullivan opened the discussion by requesting the Board formally waive all related building permit/planning fees for the project.

Mr. Stearns moved and Mr. Hohenberger seconded to waive all related fees for the Salt Shed/ Highway Garage project.

Ms. Scott approached and advised the Board that the most recent fee structure for the Community Development Department, adopted in May, eliminated the need for the Board to formally waive such fees for Town projects. After a brief discussion, Mr. Stearns withdrew his motion, and Mr. Hohenberger his second.

Mr. Sullivan then advised that the standard AIA contract language as proposed by Wrenn Construction had been reviewed and found to require re-drafting due to issues related to subrogation. Mr. Sullivan indicated the document had been corrected and that Mr. Wrenn was now requesting, due to the bonding requirements of the contract, authorization to partner with CMGC on the project. Discussion ensued, and Mr. Sullivan clarified that the contract had been reviewed by Town Counsel. Mr. Wrenn approached to clarify his request, noting that CMGC's bonding capacity is much greater than his; which is limited.

After further brief discussion, Mr. Hohenberger moved and Mr. Breton seconded to reconsider the award of the Salt Shed/Highway Garage project to Wrenn Construction. Passed 3-0-1, with Mr. Stearns abstaining.

Mr. Stearns then moved and Mr. Hohenberger seconded to award the Salt Shed/Highway Garage contract to Wrenn Construction in partnership with CMGC in the amount of \$822,627; this to ensure that the Town's bonding requirements are met.

Mr. Breton then inquired about the generator planned for the Highway Garage, noting that the possibility of upgrading to a larger unit to power both the Garage and the Transfer Station had never been discussed by the Board. Mr. Breton indicated he felt back-up power for the Transfer Station should be of higher priority.

Discussion ensued regarding the need for a transfer switch to power both sites, the size requirements, and the cost differences between upgrading the proposed unit versus purchasing a separate unit for the Transfer Station. Mr. Sullivan clarified that these funds cannot be utilized to purchase a generator for the Transfer Station, as that would be contrary to the intent of warrant article.

Mr. Sullivan inquired of Mr. Wrenn what the estimated costs would be, and Mr. Wrenn noted that while upsizing the Highway generator would be the cheaper alternative as it pertained to the unit itself, issues would arise relating to running the conduit through the site ledge/wetlands. He felt it would ultimately be more expensive to run a feed from the Highway generator to the Transfer Station. Further discussion ensued regarding the Warrant article and authorized expenditures.

Mr. Breton indicated that, if the Department of Revenue Administration confirmed it would be a valid expenditure, he would prefer to spend the \$15K allocated for the Highway generator toward the purchase of a generator for the Transfer Station.

Further discussion ensued, and while Mr. Stearns and Mr. McMahon indicated their agreement with the need for a generator at the Transfer Station, neither supported the elimination of the Highway generator. Mr. Senibaldi approached and advised that staff is currently exploring cost/size requirements to place a generator at the Transfer Station.

Motion passed 4-0.

*Mr. Breton* advised the Board that he had received confirmation from the State that they are working to expedite their right-of-way permit so that the project may begin.

*Mr. Sullivan* then requested authorization to expend up to \$1,500 to hire Miller Engineering for compaction testing, and up to \$4,000 to hire Keach Associates for material testing at the site. He clarified that these funds are part of the \$10K contingency funding included within the approved budget. Discussion ensued, and Mr. Breton then moved and Mr. Stearns seconded to approve the expenses as requested. Passed 4-0.

**OLD/NEW BUSINESS:** Mr. Breton noted that he had reviewed the State's landscaping contract relative to the By-pass project and, contrary to its requirements, no mulching had been done to date within the medians. Mr. Sullivan indicated he would follow-up with the contractor to clarify when the mulching will be done.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 91-A:3 II a, b and c. Roll call vote all "yes". The topics of discussion were personnel and reputations.

The Board, Mr. Sullivan, and Ms. Scott were in attendance in the first session. Ms. Scott discussed the CEO/ZBA Administrator candidates with the Board. Mr. Breton then moved and Mr. Hohenberger seconded to extend a conditional offer of employment to the recommended candidate in accordance with the employee policy. Passed 3-1, with Mr. Stearns opposed.

Ms. Scott then updated the Board on a personnel matter relative to disciplinary action. No decisions were made.

*The Board*, Mr. Sullivan and Ms. Devlin were in attendance in the remaining session. Mr. Hohenberger moved and Mr. Breton seconded to remove Transfer Station Supervisor Dennis Senibaldi from probationary status. Passed 4-0.

Mr. Hohenberger moved and Mr. Stearns seconded to adjourn. Passed 4-0. The meeting was adjourned at 9:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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