

**BOARD OF SELECTMEN**  
**Minutes of January 24, 2011**

**MEMBERS PRESENT:** Chairman Charles McMahon called the meeting to order at 7:00 PM. Selectmen Bruce Breton, Ross McLeod, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Galen Stearns was delayed and arrived at 10:40 PM. Mr. McMahon opened with the Pledge of Allegiance.

**ANNOUNCEMENTS:** Mr. McMahon reminded all that the 2011 Business Expo was scheduled for January 27<sup>th</sup> from 5PM to 8PM at the High School.

**LIAISON:** None.

**MINUTES:** Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of October 27; November 8, 22, 29, and 30; December 6, 22 and 27; and January 3 as written. Passed 4-0.

**CORRESPONDENCE:** Bond release/Christy Road Extension. After a brief discussion, Mr. Breton moved and Mr. Hohenberger seconded to release the bond in the amount of \$28,740.81 to MHB Development Corporation, retaining \$23,592. Passed 4-0.

*Mr. McMahon* noted that an additional zoning petition had been received, however, it was after the deadline had passed and no action would be taken.

*Recommendation* received from the Planning Board that Mr. Mark Samsel be appointed as Alternate member to the Rockingham Planning Commission. Mr. McLeod moved and Mr. Breton seconded to accept the Planning Board recommendation and appoint Mr. Samsel. Passed 4-0.

**PENNICHUCK UPDATE/CITY OF NASHUA:** Nashua Mayor Donnalee Lozeau made presentation to the Board clarifying the City's acquisition of Pennichuck Water and its impacts to Windham customers. Highlights of the presentation included:

- Windham's customers are serviced by Pennichuck East Utility, which has approximately 690 customers overall. The three Pennichuck regulated companies, combined, have approximately 33,700 customers.
- The City of Nashua is acquiring Pennichuck in order to secure and protect water supplies and watershed lands for customers serviced by Pennichuck. In addition, the City wishes to continue to provide the highest quality water and water services and stabilize water rates at reasonable levels.
- The City will be acquiring five (5) of Pennichuck Corporation's subsidiaries: Pennichuck Water Works, Inc.; Pennichuck East Utility, Inc.; Pittsfield Aqueduct Co., Inc.; Pennichuck Water Service Corp.; and, The Southwood Corporation.
- After the acquisition, Pennichuck Corporation and its subsidiaries will continue to exist as separate legal entities. In addition, the three water utilities will continue to be regulated by the NH Public Utilities Commission, all operating employees will remain with the company, and all contractual obligations of Pennichuck and its subsidiaries will be honored.
- Changes will include Pennichuck no longer being a publicly held company, reduction in corporate management, and elimination of costs related to being a publicly owned company.

- Future rates under City ownership will depend on a number of factors including: the rates in effect when the transaction closes; long-term inflation rates; capital investment plans; and, debt interest costs, etc.
- Once acquired, the company will be run by a Board of Directors comprised of between 7 and 13 members, at least 5 of which will be residents of Nashua. Elected officials and key public employees, or their families, may not serve (exception would be the Mayor who will serve for the first two years of ownership to ensure continuity of purposes).
- Total purchase price will be \$198M, and the current plan is for the City to issue a 30-year, taxable, general obligation debt. Pennichuck revenues will cover all debt service costs, and on January 11, 2011 the Nashua Board of Aldermen approved bonding for up to \$220M.
- The transaction must now be approved by the NH PUC, 2/3 of Pennichuck shareholders must vote in favor of the transaction, and the City must obtain financing at reasonable rates.

Mr. Hohenberger inquired whether the purchase would impact the current level of service as it pertained to maintenance/repairs or the availability of insurance to customers against failures. Mayor Lozeau replied that she saw no reason why either would change.

Community Development Director Laura Scott inquired whether future expansion of the system had been modeled into the transaction costs. Mayor Lozeau replied in the negative as it pertained to communities that currently do not have service. Mr. Don Ware, Pennichuck, clarified that as the company will remain a regulated utility the expansion process will stay the same in that infrastructure would be put in place by developers and Pennichuck would then invest as the PUC allows.

Mr. McMahon sought clarification that a resident of Windham could be a member of the Board of Directors, and Mayor Lozeau replied in the affirmative. She added that by-laws are currently being developed for the Board and that, as each will be a paid position, there will be a level of expectation as far as skill sets of the members. Discussion ensued regarding what those skill sets might be and the additional availability of advisory committee positions. The Mayor confirmed that once the by-laws are developed the Town will be notified regarding position openings.

Mr. Karl Dubay, resident, approached and commended the Mayor for planning to retain Mr. Ware and the rest of the Pennichuck team; noting that he has had the pleasure of working with them in the past. The Board then thanked the Mayor for attending.

The Chairman called for a 10 minute recess.

**WALL STREET COMMITTEE:** Mr. Cliff Sinnott of the RPC opened the discussion by giving a brief background of the Committee's work to date and the RPC's involvement therein. He then deferred to Mr. Gene McCarthy of McFarlane Johnson to present the Committee's findings. Highlights of the presentation included:

- The Committee problem statement centers on the impacts of high traffic volume on the creation of a town center.
- The Vision statement looks toward the historic Town center becoming a vibrant village center with an improved 111 corridor.

- Alternatives considered by the Committee included: no build; the Wall Street Extension; a 111 by-pass; and in-corridor improvements.
- Extending Wall Street to the north (total estimated cost \$6-6.5M) would serve to shift a large amount of traffic, but did not indicate a substantial benefit. The Committee recommends keeping this possibility in the Master Plan, but it is not recommended as part of this study.
- By-passing 111 behind the Fellows Road complex would shift traffic, but fell out of favor with the Committee as a possibility very quickly.
- In corridor improvements considered two alternatives, one signalized and one with roundabouts. The former would require four lanes, and was rejected by the Committee for aesthetic reasons.

Several roundabout configurations were considered, and the Committee ultimately recommends the following:

- Four lanes on Route 111, with two lane roundabouts at North Lowell Road, the Village Green, and Wall Street, as well as an upgraded signal at South Lowell Road. In addition, the Committee recommends median areas, sidewalks/bike lanes, and no left turn actions. It was noted that this alternative will need to be looked at closer, as 111 is a state highway and roundabouts are required to be constructed to accommodate the largest road legal vehicles. Discussion ensued regarding the differences between a roundabout and a rotary, which are speed related, and a video from a similar area in NY depicting roundabout functionality was shown to the Board.

Mr. Hohenberger inquired about the correlation of traffic volume between that particular area of NY and Windham, as well as the level of contributory traffic from secondary roads. Mr. McCarthy indicated he was endeavoring to confirm those numbers, but he believed the NY volume was higher and that the recommended 111 design could handle the traffic flow. Mr. Hohenberger requested that Mr. McCarthy also obtain the numbers from NY relative to the number of traffic accidents before and after the installation of the roundabouts. Mr. McCarthy agreed, noting that the Federal reports on roundabouts indicate, among other things, a 90% reduction in fatalities.

Discussion ensued regarding the dismissal of the Wall Street Extension as a viable option and the amount of land taking required for the recommended solution. Mr. McCarthy indicated that strip takes would be required at multiple areas, with substantial impacts between North and South Lowell roads. Mr. Tom Case suggested that the State be asked to construct a roundabout at Wall Street, and the project then progress towards South Lowell Road. Discussion ensued regarding traffic volume projects, which were calculated through 2035.

Mr. Phil Lochiatto approached expressing his disappointment that the by-pass option had been taken off the table so early, noting that without further analysis it would be hard to say what the exact impacts would be. He then noted that, if roundabouts are to be constructed, one should be placed at South Lowell Road, as well.

Mr. Bob Winmill, Winmill Equipment, noted that while he agreed with the aesthetic value of roundabouts, from a commercial perspective he believed they posed an issue. Discussion ensued.

Ms. Carol Pynn, HDC, approached to indicate she also believed the by-pass alternative should be studied further. She then expressed concerns that there are a number of historic homes along this portion of the corridor that nobody is talking about. Discussion ensued, and Mr. McCarthy noted that as the project moved forward all environmental and cultural impact processes would have to be followed.

Mr. Winmill then approached again to suggest that interconnectivity of parking lots also be looked into as a solution to traffic volume.

Mrs. Kristi St. Laurent, Planning Board, approached indicating she hoped the center line would be shifted as part of the project to preserve the historic homes in the area. She then added that she believed sidewalks would be utilized much more in this area, and that she agreed construction of the Wall Street extension would draw even more traffic to the area.

Mr. McMahon noted that collaboration would be needed with the State, as the Town cannot sustain the funding to build this project. He agreed that the first roundabout at Wall Street would be a good test of their effectiveness.

After further, brief discussion, Mr. McLeod moved and Mr. Breton seconded to support the conceptual plan as presented for recommendation to the DOT. Passed 3-1, with Mr. Hohenberger opposed.

Discussion ensued regarding the Board's motion and the need for a public meeting. Mr. McLeod moved and Mr. Breton seconded to reconsider their vote. Passed 4-0.

Mr. McLeod moved and Mr. Breton seconded to support the concept as presented and move this matter to a public meeting. Passed 3-1, with Mr. Hohenberger opposed.

**CONTRACTED PLOW RATES:** Mr. McCartney reviewed proposed increases to plow rates with the Board, as follows:

6-wheel dump truck (min. 10' plow) w/wing:	\$65.50 → \$67.50
6-wheel dump truck (min. 10' plow) no wing:	\$57.50 → \$60.00
6-wheel dump truck (1 ton dually, min. 9' plow):	\$52.00 → \$54.00
4WD ¾ ton pickup (min 8' plow):	\$46.00 → \$48.00
Large loader (min 2.5 cu. yd.) for snow removal:	\$90.00 → \$90.00

In addition, \$7.50/hour will be added for vehicles equipped with a minimum 5 cubic yard capacity sander. Discussion ensued regarding area rates, reasons for proposed annual increases, and timing of the change.

Mr. Hohenberger moved and Mr. McLeod seconded to increase the rates as proposed to ensure contractor retention. Lengthy discussion ensued.

Motion passed 3-1, with Mr. McLeod opposed.

**OLD/NEW BUSINESS:** Mr. McCartney discussed bidding of the new truck and the Salt Reduction Plan grant funds, noting that the Plan needs to be reviewed and executed for submission to the state. This matter was tabled due to incomplete information.

*Town Report Bids:* Mr. Sullivan advised that three bids had been received, as follows:

Vendor	Warrants and Reports – Black ink only	Warrants and Reports w/one 4-color insert	Warrants and Reports w/two 4-color inserts
Armstrong Graphics, Windham NH*	\$8,328.18	\$8,528.18	\$8,652.18
Proforma Infinite Printing Solutions, Melrose MA	\$6,323.10	\$7,073.10	\$7,073.10
Select Print Solutions, N. Brookfield MA	\$2,562.00	\$2,974.00	\$3,386.00

Mr. Hohenberger moved and Mr. McLeod seconded to award the bid to Select Print Solutions for their bid amount of \$3,386. Passed 4-0.

*Mr. Sullivan* advised that Town Counsel had suggested some minor language changes to the Warrant Articles, and reviewed same with the Board. Mr. McLeod moved and Mr. Hohenberger seconded to adopt Town Counsel’s language relative articles 6, 14, 15, 16, 17, and 18. Passed 4-0.

It was the consensus of the Board to leave the language for Article 13 as written. Discussion then ensued regarding the addition of “no tax impact” to Article language where appropriate. Mr. Sullivan indicated that, in the opinion of the Attorney General, such language is not legal. The Board took no action.

Discussion ensued regarding the Department of Revenue forms as posted with the Town Budget, and that they did not match the budget itself. Mr. Sullivan explained that this can occur when an appropriation article is “not” recommended by the Board.

*Mr. McLeod* asked that staff advertise for Alternates to the Recreation Committee. Staff will follow-up to do so.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Hohenberger seconded to enter into non-public session in accordance with RSA 91-A:3 II a. Roll call vote all “yes”. The topic of discussion was personnel and the Board, Mr. Sullivan, Ms. Scott, and Ms. Devlin were in attendance. Mr. Breton moved and Mr. Hohenberger seconded to approve removing Elizabeth Wood from probationary status. Passed 4-0.

**PUBLIC SESSION:** The Chairman resumed the public portion of the meeting at 10:40 PM. The Board discussed amending their recommendation of the \$65K Sewer Study article.

Mr. Breton moved and Mr. Stearns seconded to “recommend” this article. Passed 3-2, with Mr. McLeod and Mr. Hohenberger opposed.

Mr. McLeod moved and Mr. Breton seconded to adjourn. Passed unanimously. The meeting was adjourned at 10:45 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant

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