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TOWN OF WINDHAM, NH
BOARD OF SELECTMEN MEETING
January 30, 2023
Community Development Department
3 North Lowell Rd.
Approved Minutes

8 Attendance:

9 Chairman Heath Partington- present
10 Vice Chair Jennifer Simmons- present
11 Bruce Breton- present
12 Roger Hohenberger- present
13 Ross McLeod- present

14
15 Staff:

16 Brian McCarthy- Town Administrator

17
18 Abatements

19
20 Mr. Scott Morse addressed the Board to present an abatement at 15 Buckhide Road. Mr. Morse
21 stated that there was a discrepancy in square footage of the living area as assessed. The
22 assessment was \$606,800 and the adjustment to the abatement was \$596,700 . Mr. Morse
23 stated that the cathedral ceiling decreased the living area which in turn adjusted the value. Mr.
24 Morse stated they were suggested an adjustment of \$199.58.

25
26 **A motion was made by Mr. McLeod to grant the abatement for 15 Buckhide Road as detailed.**
27 **Seconded by Ms. Simmons. Vote 5-0. Motion passes.**

28
29 Mr. Morse stated that the next abatement was on a .31-acre parcel, 15 Farmer Road. The
30 original request was denied then was appealed to the Board of Tax and Land Appeals. Mr.
31 Morse stated that the Board ruled to reduce the abatement for the 3 years: \$929.72 for 2020,
32 \$909.21 for 2021, 960.34 for 2022. Mr. Hohenberger asked if there was an appeals process. Mr.
33 Morse stated that it could be appealed to Superior court.

34
35 **A motion was made by Mr. McLeod to grant the abatement as presented for the 3 years.**
36 **Seconded by Mr. Breton. Vote 5-0. Motion passes.**

37
38 16 Lowell Road

39
40 Mr. Wayne Morris the Vice Chair of the Conservation Commission, addressed the Board. Mr.
41 Morris stated that 16 Lowell Road is available to be purchased and the Board of Selectmen has
42 approved this purchase previously. Mr. McCarthy stated that an assessment has been done on

43 the property since there is PFOS levels on the property. Mr. McCarthy stated that they are
44 trying to get the purchase back on the schedule for the Board of Selectmen's final approval.
45 This is an 18 acres property which the town will purchase for \$170,000. Mr. McCarthy asked of
46 the Board could also authorize that he be able to sign for the property.

47

48 **A motion was made by Mr. Hohenberger to approve the purchase of 16 Lowell Road for the**
49 **Conservation Commission and the town administrator, Mr. McCarthy be authorized to sign**
50 **for the Board of Selectmen. Seconded by Vice Chair Simmons. Vote 5-0. Motion passes.**

51

52 Wildlife Inventory Study

53

54 Mr. Dave Curto, Chairman of the Conservation Commission addressed the Board. The cost of
55 the study is \$36,380; Mr. Curto stated that they are trying to move this forward quickly and
56 then they will continue the study for a full year, Mr. Curto explained that this is a very focused
57 and specific study that was hard to find a comparable study for. The funds would be coming
58 from the general trust fund. Mr. Hohenberger stated that he does have an issues with waiving
59 the bidding process.

60

61 Mr. Curto stated that they are not proposing the study of any land that is not owned by
62 conservation. Mr. Hohenberger asked about the use of cameras. Mr. Curto stated that they will
63 be looking to set up cameras on wildlife corridors. Mr. Hohenberger asked about the report.
64 Mr. Curto stated that the report can be used in the master plan. Mr. Curto stated that they
65 were looking to use a grading system on the wetlands to assist the Board in town.

66

67 **A motion was made by Vice Chair Simmons to waive the bid process for the wildlife inventory**
68 **study. Seconded by Mr. McLeod. Vote. 4-1. Mr. Hohenberger opposed. Motion passes.**

69

70 **A motion was made by Mr. Hohenberger to expend up to \$38,360 out of the land use trust**
71 **fund. Seconded by Mr. Breton. Vote 5-0. Motion passes.**

72

73 Hazard Mitigation

74

75 Chief McPherson addressed the Board and is filing a grant with the State of New Hampshire for
76 the necessary hazard mitigation plan. Chief McPherson reviewed the term and monies in the
77 grant. Chief McPherson stated that the money would be taken in kind.

78

79 **A motion was made by Mr. Hohenberger to have the Select Board accept the terms of the**
80 **Building Resilient Infrastructure and Communities as presented in the amount of \$9,999.75**
81 **for updating the local hazard mitigation plan. Furthermore, the Board acknowledges that the**
82 **total cost of this project will be \$13,333.00, in which the town will be responsible for a 25%**
83 **match (\$3,333.25) and to authorize Mr. McCarthy, the town administrator, to sign all**
84 **necessary documents. Seconded by Mr. McLeod. Vote 5-0. Motion passes.**

85

86 Engine 1

87
88 Chief McPherson stated that the Engine 1 approved by the voters is in Massachusetts from
89 Wisconsin and is being outfitted to be used; they will hopefully accept delivery this week. Chief
90 McPherson stated that it would be his recommendation that they put the current truck out to
91 bid and that the minimum bid be no less than \$100,000.

92
93 **A motion was made by Mr. Hohenberger to move forward with the bid process for Engine 1.**
94 **McLeod. Seconded by Mr. McLeod. Vote 5-0. Motion passes.**

95
96 ARPA Funds

97
98 Ventilation equipment

99
100 Assistant Chief Brady addressed the Board. Assistant Chief Brady stated that they are looking to
101 rescind the purchase from Greenwood for \$10,671.

102
103 **A motion was made by Mr. Hohenberger to reconsider the previous vote which was a vote to**
104 **expend \$7,427 to Greenwood for the purchase of ambulance equipment. Seconded Mr.**
105 **McLeod. Vote 5-0. Motion passes.**

106
107 **A motion was made by Mr. Hohenberger to allow the purchase of the ventilation equipment**
108 **from a separate vendor in an amount not to exceed \$3400. Seconded by Mr. McLeod. Vote 5-**
109 **0. Motion passes.**

110
111 Assistant Brady stated that \$300,000 was allotted for self-contained breathing apparatus. There
112 has been a large price escalation. Assistant Brady stated that the new grant amount would be
113 \$380,540. The Board discussed changing this amount at the deliberative session.

114
115 Chief McPherson stated he was not sure if it was better to do this in deliberative session, Chief
116 McPherson stated he is not opposed to changing the amount in deliberative session; it has
117 already been allocated and they are just waiting for the allocation. Assistant Brady stated that
118 the cost has crept up as the standard for the equipment has changed.

119
120 Housing opportunity planning grant

121
122 Mr. Alexander Mello, Community Development Director, addressed the Board. The state has
123 \$100 million towards housing initiatives available; the governor set aside these funds in the
124 hopes that communities might secure funding for housing. Mr. Mello stated that he does not
125 see a very comprehensive plan for housing in Windham moving forward. Mr. Mello stated that
126 they are starting to see different proposals where the proposals do not always match up with
127 what is in the neighborhood in terms of density; this would be a chapter n the master plan. The
128 outcome of this could be presented to the Board. Mr. Mello stated that there appears to be
129 imbalance between what the housing needs are and what is available, Mr. Mello stated that he
130 wants to be careful about what they are looking for and for what they might be able to move

131 forward. Mr. Hohenberger asked if they might be trying to “shoe horn” their needs or desires
132 into the grant. Mr. Mello stated that it is up to the Board to decide what type of development
133 the community might be looking for.

134

135 Mr. Breton discussed balancing the needs of the community. Mr. McLeod stated that he does
136 see the value of this grant.

137

138 **A motion was made by Mr. McLeod to authorize Mr. Alexander Mello, Community**
139 **Development Director, to apply for the Housing Opportunities Planning Grant and to allow**
140 **Mr. Brian McCarthy, town administrator, to sign all necessary paperwork for the Board.**
141 **Seconded by Mr. Hohenberger. Vote 5-0. Motion passes.**

142

143 Citizen’s petition, Wastewater Management

144

145 Mr. Charles Marsden, 20 Viau Road, addressed the Board to discuss Petition Article 21. Mr.
146 Marsden stated that the language is the exact same as what they had submitted in September.
147 The wording in the proposed warrant article is the same that they had in the original. The
148 wording is a little vague according to Mr. Marsden but it does allow the town to issue a
149 consequence as they see fit. Mr. Marsden stated he saw the role of the proposed petition was
150 to educate over time. The Board and Mr. Marsden discussed the wording that had been
151 reviewed by town counsel.

152

153 Mr. Marsden stated that there would be a data base of the septic systems and then there
154 would be regulations around the timely pumping of these systems. Mr. Marsden stated that the
155 goal was to educate homeowners over time. Mr. McLeod stated that the Board might be in a
156 place where they might agree to a concept but not actually recommend the article to the voters
157 or the changes to that article. Mr. McLeod stated that to be on board with a citizen’s petition at
158 the conceptual level is different than recommend it to the voters.

159

160 Mr. David Blundell, 25 A Cobbetts Pond Road addressed the Board. Mr. Blundell stated that the
161 language for the petition was built from the regulation.

162

163 Mr. Derek Monson addressed the Board. Mr. Monson stated that he was under the impression
164 that the citizen’s petition was something the Board would review and offer input on before
165 now. Mr. Monson stated that he was really hoping that the Board of Selectmen would support
166 the petition. Mr. McLeod stated that he was surprised no one was here to discuss the warrant
167 article several weeks ago. Mr. McLeod understand now since the agenda was vague and
168 citizens might not have known they could come to discuss the petition they were bringing
169 forward. Mr. McLeod stated that the time to make amendments to the language is at the
170 Deliberative session. Mr. Monson stated that Board members could have also changed the
171 language prior to the petition being added as a citizen’s petition. The Board discussed that the
172 time has now passed and the only recourse of any individual would be at the Deliberative
173 session. Mr. Breton stated that he does think the Board could put their recommendation on it
174 since they are proposing an individual to support this work in the proposed budget.

175
176 Mr. Bernard Campbell as town counsel addressed the Board. Attorney Campbell first saw this as
177 a proposed health regulation. Attorney Campbell stated that when the language was drafted
178 from the RSA, he was not sure if would come forward as a citizen's petition or from this Board.
179 Attorney Campbell did change the statutory reference because it was no longer related to
180 public health

181
182 Mr. Monson asked if the citizen's petition would be supported by the Board if the language was
183 changed to the Board's liking. The Board reiterated that they could not change the language
184 this evening.

185
186 Mr. Hohenberger does not believe they can make changes before deliberative as they have
187 done this in the past.

188
189 Mr. Peter Griffin addressed the Board. Mr. Griffin stated that the Board is having a meeting just
190 after the deliberative session. Mr. Griffin stated that he would like to see the two sides sit down
191 before the session and see an amendment come in and to create a revised version. Mr. Griffin
192 is looking to protect the value of the time of others.

193
194 The Board would like to do make any potential edits to the citizen's petitions in deliberative.
195 Mr. McLeod stated he would like to work with Mr. Monson and they could work together to
196 make changes to the petition.

197
198 Article 23

199
200 Mr. Bernie Campbell addressed the Board regarding Article 23. There was a prior article on this
201 subject but the timeline did lapse. The roadway is not passable once it is discontinued. Attorney
202 Campbell stated that Libbey Road would still have access; there would need to be another
203 article to discontinue the road but until then, there would be access.

204
205 ARPA List Review

206
207 The Chairman summarize where the Board was in terms of the list of items on this ARPA list.

208
209 Mr. Hohenberger would like to see the computers since they were pulled out of the budget;
210 this would be money to replace 19 of the 29 computers in a phased approach. \$28,500 was
211 supposed to be for the next 3 years. This would allow the town to remove all of the older
212 devices.

213
214 **A motion was made by Mr. Hohenberger to allocate \$28, 500 for the purchase of 19**
215 **computers and software. Seconded by Vice Chair Simmons. Vote 5-0. Motion passes.**

216
217 The Board discussed impact fees in relation to public safety. The Board and Mr. Breton
218 discussed the concept of impact fees for the roads.

219
220 Mr. Wayne Morris addressed the Board. Mr. Morris asked if there will be a plan for the project
221 that did not make the cut because of the cost. Mr. Morris stated that it is up to this Board to
222 come up with their plan .
223
224 Rankings of the other ARPA fund items
225
226 Vice Chair Simmons explained that these items were taken out of the budget and put on the
227 ARPA funds wish list with the intent they they would be funded in this manner.
228
229 **A motion was made by Vice Chair Simmons to approve \$15,000 of the ARPA funds to be**
230 **expended for the canopy/ garage. Seconded by Mr. McLeod. Vote 5-0.**
231
232 The Board discussed that the purpose of this shed, the general timeline and material costs for
233 the project.
234
235 Mr. Dennis Senibaldi addressed the Board and stated that this will be done by next winter; the
236 materials will be arriving through out the spring.
237
238 **Vote 5-0. Motion passes.**
239
240 The Board will continue to discuss the ARPA fund action items.
241
242 **A motion was made by Mr. Hohenberger to approve the December 28th draft minutes as**
243 **amended. Seconded by Mr. Breton. Vote 4-0-1. Mr. McCleod abstained. Motion passes.**
244
245 **A motion was made by Mr. Hohenberger to approve the January 9th draft minutes as**
246 **amended. Seconded by Vice Chair Simmons. Vote 5-0. Motion passes.**
247
248 **A motion was made by Mr. Hohenberger to enter non-public session under RSA 91-A: 3II (b)**
249 **(c) and (e). Seconded by Mr. McLeod. Roll call vote: Chairman Partington, Vice Chair**
250 **Simmons, Mr. McLeod, Mr. Hohenberger and Mr. Breton- yes. Vote 5-0. Motion passes.**
251
252 Respectfully submitted by Anitra Lincicum