

**SELECTMEN'S MEETING**  
**APRIL 7, 2003**

**MEMBERS PRESENT:** Galen Stearns, Alan Carpenter, Christopher Doyle, Roger Hohenberger and Bruce Breton. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:30 pm.

**NON-PUBLIC SESSIONS:** Mr. Doyle moved and Mr. Carpenter seconded to go into non-public sessions in accordance with RSA 91-A:3, IIa, c and d. Roll call vote - all members - yes. The Board and Mr. Sullivan were in attendance. Subjects were reputations, land acquisition and personnel.

Mr. Hohenberger moved to grant a hardship abatement. Mr. Carpenter seconded. Passed unanimously.

Mr. Hohenberger moved to send a letter to the Tax Collector refusing certain tax deeds due to unknown liabilities or hazards. Mr. Doyle seconded. Passed unanimously.

Mr. Carpenter moved and Mr. Hohenberger seconded to appoint Richard Adams as a regular member to the Conservation Commission to fill the unexpired term of Cherie Howell. Passed unanimously.

Mr. Doyle moved to authorize the Conservation Commission to enter into a Purchase & Sales Agreement on a parcel of land. Mr. Hohenberger seconded. Passed unanimously.

The Board discussed a personnel issue. No decisions.

**ANNOUNCEMENTS:** The Annual Easter Egg Hunt, sponsored by the Recreation Committee, will be held Saturday, April 12th at 10:00 am at the Town Hall.

**LIAISON REPORTS:** Mr. Hohenberger reported that the Planning Board is working on Windham Meadows. Mr. Doyle questioned the format of the site walk on Sunday. Mr. Carpenter noted that although this is a Planning Board issue, the site walks are set in that format for a definite reason. He suggested Mr. Doyle speak with the Planning Board members for further clarification.

**POLICE - PISTOL REPLACEMENT:** Chief Moeckel explained that after the budget was completed and approved, replacement (trade in of present weapons and additional cost of \$100 per weapon) of all .9 mm pistols with new 40 cal. pistols was discussed among the Chief and his staff, but was not brought forth to the Board due to the cost of \$1,900.

The Chief told the Selectmen that last week the Police Association agreed to share 50% of the cost (\$950). Chief Moeckel explained that he budgeted \$427 for a new Glock which could be used to replace these pistols and also there are funds available in the SOU budget line which could also be used. The Chief recommended the Board approve this upgrade of weapons.

The Board discussed the range, accuracy, muzzle, velocity and night sites on the 40 cal. pistols. Mr. Doyle motioned and Mr. Carpenter seconded to approve the trade in of the 9mm and purchase of the 40 cal. pistols. Passed unanimously.

**MARK SAMSEL DEPOT ROAD:** Mr. Samsel updated the Board on various bills before the legislature in Concord regarding ORHV use.

HB 420 - Passed from Committee to House. In House was amended to gain support. This bill prohibits operation of an OHRV on the Rockingham recreational trail west of Route 28 when it is not snow

covered and parking at the Windham Depot during the period ½ hour after sunset to ½ hour before sunrise. Senate hearings will be scheduled at a date to be determined.

Other bills include:

- HB 385 Retained in Committee
- HB 335 Inexpedient to Legislate
- HB 152 Retained in Committee
- HB 748 New Trail Screening Process - Amended

Mr. Samsel also requested that the Board consider a comprehensive set of rules for the Depot area such as:

- Parking only on pavement
- No littering or dumping
- No open alcohol
- No loitering
- No defacing of building or vegetation
- Speed limit
- Noise restrictions
- Vehicle size restrictions

He further suggested increasing fines for violations of these rules. He told the Board that DRED is now not inclined to pave any of the parking lot due to pending legislation. He asked if the Town would pave and line the parking area.

The Board referred these suggestions to the Highway Safety Committee for review and the Committee will report back to the Selectmen with their recommendations.

The Board also asked Mr. Sullivan to obtain quotes for paving and stripping the Town's portion of the parking area as well as the State's portion.

Mr. Hohenberger thanked Mr. Samsel and the other residents for their efforts in this matter.

**LOWELL ROAD BIKE PATH FEASIBILITY STUDY COMMITTEE:** Mr. Sullivan recommended that the composition of the Committee be seven members as outlined below:

- Wayne Morris - who has worked on this since its inception
- 1 Selectman
- 3 Abutters
- 2 Residents at Large (Could also be abutters)

The Board agreed with Mr. Sullivan's recommendation.

Mr. Hohenberger motioned and Mr. Doyle seconded to appoint Mr. Carpenter as the Selectman member of the Lowell Road Bike Path Feasibility Study Committee. Passed unanimously.

Mr. Sullivan will advertise for volunteers for this committee.

**CORRESPONDENCE:** Letter from Richard Drummond stating he will not be seeking reappointment to the Board of Adjustment in June due to personal reasons.

Memo received from the Planning Board inviting the Selectmen to a workshop on April 9th at 7:00 pm at the Planning Department. The workshop will be regarding the new requirements of the EPA's National Pollutant Discharge Elimination System (NPDES), and the Best Management Practices (BMPs) and emerging engineering solutions useful in NPDES compliance.

Mr. Stearns told the Board members that he had spoken with Mr. Gattinella and he remains adamant about resigning from the Board of Adjustment. Mr. Doyle motioned and Mr. Carpenter seconded to accept Mr. Gattinella resignation with regret. Passed unanimously.

**MINUTES:** Mr. Carpenter motioned and Mr. Doyle seconded to approve the minutes of March 31, 2003 as presented. Passed unanimously.

**OLD BUSINESS:** Mr. Carpenter, following up on the Business and Economic Development Workshop, made a list of action items noting time frames, categories and owners. The Board will discuss these items at their workshop on April 14th. List of action items will be distributed to participants.

**NEW BUSINESS:** Flexible Benefit Plan - Mr. Sullivan asked the Board to authorize him to sign the amended and restated Plan Documents and Summary Plan Description from Benefit Strategies (third party administrator of the Town's Flexible Benefit Plan) reflecting the recent updated IRS regulations. Mr. Sullivan told the Board that he had reviewed the documents and the changes are to protect the employees -i.e. portability and release of health information..

The following Resolution was read by Mr. Sullivan as required by new regulations.

"WHEREAS, Town of Windham desires to offer its employees a flexible benefit program providing for payment of employee's insurance premiums, and the reimbursement of medical expenses and dependent day care expenses, the Plans entitled the Town of Windham Flexible Benefit Plan, the Town of Windham Health Care Reimbursement Plan and the Town of Windham Dependent Care Reimbursement Plan have been prepared and submitted to this Board with a recommendation of adoption;

NOW, THEREFORE, BE IT RESOLVED that this Board of Selectmen amends its current Plans entitled the Town of Windham Flexible Benefit Plan, the Town of Windham Health Care Reimbursement Plan and the Town of Windham Dependent Care Reimbursement Plan which were originally effective as of January 1, 1993, replacing, and adopting in whole the enclosed Plans bearing an effective date of January 1, 2003, and directs the management to implement the Plans in accordance with its terms."

Mr. Doyle motioned and Mr. Carpenter seconded to authorize Mr. Sullivan to sign the above described documents and adopt the Resolution as read above. Passed unanimously.

Nashua Pride - Mr. Sullivan reminded everyone that Sunday, May 11th is Town Day at the Nashua Pride's game at Holloman Stadium in Nashua. Tickets for the game are offered at half price, \$4.00, for Windham residents.

Board & Committee Volunteers - Mr. Breton noted that there was a notice for volunteers for the Planning Board, Board of Adjustment and the Conservation Commission in the local paper asking them

to submit their names to Mr. Turner, Planning Director. Mr. Sullivan stated that only those interested in serving on the Planning Board should submit their names to Mr. Turner. All other volunteers should contact Mr. Sullivan's office. Another ad will be placed this week seeking volunteers.

Mr. Breton gave the Board a newspaper article regarding non-public sessions.

**FIRE DEPARTMENT PROMOTIONS:** Mr. Sullivan announced that Deputy Fire Chief Don Messier has been promoted to Fire Chief. Chief Messier's wife, Cheryl, following tradition, pinned his new badge. The Board congratulated the new Chief and thanked him for his hard work filling in as Chief since last October. Chief Messier thanked the Board for appointing him Chief and stated that he is proud to serve and looking forward to the challenges.

Chief Messier announced the promotion of Thomas McPherson as FF/Fire Inspector. FF/Inspector McPherson's wife, Dotty, pinned his new badge. FF/Inspector McPherson stated he is looking forward to working with the Chief, Department and Community in his new position.

Meeting adjourned at approximately 9:00 pm.

Respectfully submitted,

Kathleen Davis  
Administrative Assistant

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

