

## **SELECTMEN'S MEETING SEPTEMBER 23, 2002**

**MEMBERS PRESENT:** Margaret Crisler, Roger Hohenberger, Galen Stearns, Christopher Doyle and Alan Carpenter. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:00 pm.

**ANNOUNCEMENTS:** Margaret Crisler announced that the Apple Festival was a great success. Donations for the Shepherd's Pantry totaled \$168.

Margaret Crisler reminded everyone that the Griffin Park Dedication will be held this Sunday, September 29th. The actual dedication will be at 1:00 pm, however there will be activities throughout the day.

**LIAISON REPORTS:** Mr. Doyle reported that the Cable Advisory Board met last week. The Cable Board's technical sub-committee has been meeting to decide what products they will recommend for next year's budget.

Tom Case, member of the Technical Committee for the Cable Board, told the Board that they are looking at DVD equipment as it has a shelf life of 100 years. The committee will meet again this week, then make their recommendations to the Cable Board who will present them to the Selectmen at their budget workshops.

Mrs. Crisler asked the status of Adelpia's upgrade. Mr. Case stated that the completion date is November 12th, but some sections of town may be done earlier. Mr. Doyle noted that construction did stop last Thursday. Mr. Case stated that due to the bankruptcy, Adelpia is back in court seeking more funds. The funds the court approved earlier this year have been spent.

Mr. Hohenberger reported that the Board, Mr. Sullivan, other Town officials and Depot residents met last week in Concord with Rep. Alger's committee (House Bill 717) and with DRED officials regarding ATV use.

Mr. Hohenberger stated that the Baseball Association withdrew its request from the Planning Board to build a multipurpose building at Griffin Park.

Mrs. Crisler noted that the Board of Adjustment will rehear the Abdinoor case tomorrow evening at the Selectmen's request.

**ATV DISCUSSION:** Mr. Sullivan noted that a meeting was held last week in Concord with Rep Alger, Commissioner Bald of DRED, Paul Gray, Head of Parks and Recreation and Bob Spoerl of the Bureau of Trails along with the Town Officials and residents to discuss the ATV situation in Windham. Mr. Sullivan stated that the State (DRED) will pay for the improvements to the parking area.

Mr. Sullivan displayed the parking plan for the Depot as recommended by the Highway Safety Committee. He told the Board that the Fire Department requested that the gate to the access remain open for emergencies and that the Conservation Commission and Heritage Committee were opposed to any new pavement. The plan shows 18 parking spaces plus two handicapped slots. Mr. Sullivan told the Board that he checked the parking on Sunday and there were over 40 vehicles parked there.

Mr. Spoerl of the Bureau of Trails told the Board that he adjusted the plan by 3 feet to make the

handicap slots the correct size for vans but the number of slots remained the same.

The Board, Mr. Spoerl and the following residents: Bill Duggan, John Mangan, Sandra Mangan, Tom Joyce, Anthony DiFruscia, Carol Higgins, Wayne Morris and Carl Lamontagne discussed the proposed parking area. Concerns were additional landscaping, leaving the trees as a buffer, residents want pavement to control the dust, fencing, visibility for police patrols, signed survey of area, maintaining access for emergency vehicles and highway department, snowmobile use, signage, speed and placement of a bulletin board.

It was agreed that the Selectmen and the State would be joint applicants to the Planning Board for the improvements to the area.

The Board suggested that Mr. Spoerl meet with Mr. Turner to get the parking plan finalized for their review. The Board recommended paving the parking spaces, to retain present vegetation, to fill the dirt roadway in with vegetation (with the Highway Agent's approval), to maintain access for the Highway Agent, address signage, type of fencing and placement of a bulletin board.

Mr. Stearns noted that the Police budget for 2003 should include funds for equipment and training in order to patrol the trails.

Mrs. Crisler stated that she still felt the property should be surveyed and pinned by a licensed surveyor. Other members of the Board disagreed. Mr. Doyle motioned to send the plan "as is" to Mr. Sullivan, Mr. Turner and Mr. Spoerl with the Board's recommendations for finalization and submittal to the Planning Board for approval. Mr. Stearns seconded. Passed unanimously.

**OLD BUSINESS:** Mr. Carpenter stated that the volume of ATV traffic is growing at a rapid rate and that articles in the Wall Street Journal predict this growth will continue. He suggested that the problems in the Depot area will be repeated in other areas of Town if the Board does not act now. He noted that the Town has not restricted the use of ATVs on any of the Town's properties.

Mr. Carpenter motioned for the Board to ban ATVs and dirt bikes from all Town owned lands; including the portion of the railroad bed West of I-93, unless specifically allowed by Town Ordinance. In addition, this action is to become effective September 1, 2003. This delay will allow the following to occur:

1. Current ATV/dirt bike owners to make other arrangements.
2. To allow the Town to develop and adopt a fine schedule.
3. To allow law enforcement time to implement patrol and response programs.
4. To allow for the Trails Committee to seek "Rails to Trails" funds.
5. To allow the Town time to identify specific parcels of Town owned land to remain open to ATVs and dirt bikes.

Mr. Doyle seconded. Discussion held as to whether a public hearing on certain aspects of the above motion would be required. . Mr. Sullivan noted that some items would require a public hearing. Mr. Carpenter withdrew his motion to allow for proper procedures and legal review. Mr. Doyle withdrew his second. Mr. Sullivan stated he could have the contents of Mr. Carpenter's motion drafted into the Town's ordinance format in about 4 weeks for the Board's and Town Counsel's review.

**TRAIL FUNDING:** Wayne Morris asked for the Board's approval for him to pursue any trail funding that may be available. He stated that one grant's application period was opening in November. These trails would be for pedestrians and he would also look into making them handicap accessible. The

Board gave Mr. Morris permission to proceed.

**MINUTES:** Mr. Doyle motioned to approve the minutes of September 17, 2002 as written. Mr. Hohenberger asked to have this postponed until he could check them. Mr. Doyle withdrew his motion.

**CORRESPONDENCE:** Mrs. Crisler read the letter of resignation from Fire Chief Fruchtman. He has accepted another position in Virginia and his last day here will be October 15th. Mr. Stearns motioned to accept Chief Fruchtman's resignation with many thanks and deep regret. Mr. Doyle seconded. Passed unanimously.

Copy received of a letter sent by Representative Anthony DeFruscia to George Bald, Commissioner of the Department of Resources & Economic Development, requesting a Public Hearing to consider barring ATVs and trail bikes from the recreational trail in Windham.

**OTHER BUSINESS:** Mr. Sullivan asked the Board for a motion to approve the 10 year historic preservation easement in conjunction with the renovations to the Bartley House. Mr. Doyle motioned to approve the 10 year historic preservation easement. Mr. Stearns seconded. Passed unanimously.

Mr. Sullivan asked the Board to sign the note for \$54,000 for the purchase of the ambulance. The interest rate for the one year note is 2.19%.

Mr. Doyle stated that he had a resident question the function at the Town Beach last Saturday. The Town had approved it and had a certificate of insurance for the event.

**NON-PUBLIC SESSION:** Mr. Doyle motioned and Mr. Hohenberger seconded to go into non-public session in accordance with RSA 91-A:3, IIb. Roll call vote - all members - yes. The Board and Mr. Sullivan were in attendance. Subject was hiring.

The Board and Mr. Sullivan discussed the recruiting process for hiring a new fire chief. The Board concurred to appoint Deputy Messier as acting chief while at the same time advertising to fill the vacant position.

Mr. Hohenberger motioned to adjourn. Mr. Doyle seconded. Meeting adjourned at approximately 10:00 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.

