

**SELECTMEN'S MEETING  
MARCH 31, 2003**

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

**ANNOUNCEMENTS:** Permits for the Transfer Station are available for all residents, at no cost, at the Transfer Station and Town Clerk's Office.

Mr. Hohenberger stated that the DOT is holding an informational meeting regarding the NH Regional Bike Path Feasibility Study on Tuesday, April 1, 2003 at the Town Hall at 7:00 pm.

**2003 COMMITTEE APPOINTMENTS - SELECTMEN REPRESENTATIVES:** The Board discussed the following appointments for the members for 2003:

<b>COMMITTEE / BOARD</b>	<b>2003 Request</b>
Cable TV	Doyle, Carpenter (Alternate)
CIP	Hohenberger
CIP Alternate	Stearns
Forest Management	Inactive for past three years
Forest Management (Alternate)	Inactive for past three years
Haz Mat District	Doyle
Health Advisory	Doyle
Historic District Commission	Stearns, Hohenberger (Alternate)
Historic Committee	Carpenter
Nashua Reg. Solid Waste- Alt	Breton
Planning Board	Hohenberger
Planning Board - Alternate	Doyle
Joint Loss Safety Committee	Stearns
Welfare Overseer	Stearns
Cemetery Liaison	Eliminated
Fire Union	Breton, Hohenberger (Alternate)
Police Union	Stearns, Breton (Alternate)
Municipal Union	Stearns, Breton (Alternate)
Housing Authority	Carpenter
Housing Authority (Alternate)	Stearns
Tech Advisory Committee (Alt)	Carpenter, Stearns (Alternate)
Recreation	Breton, Carpenter (Alternate)
Fire Safety Committee	Stearns, Breton (Alternate)
Route 93 Task Force	Doyle, Stearns (Alternate)

The Board discussed having members alternate positions on the Planning Board every three to four months. Some concerns were whether this would be allowed by the Planning Board and having members serve who are also on the Board of Adjustment. The Board will research these issues and readdress these appointments before July 1, 2003.

Mr. Carpenter moved to approve the slate of appointments as referenced above. Mr. Doyle seconded. Passed unanimously.

**BUILDING PERMITS ON PRIVATE ROADS:** Mr. Stearns read a letter from the Planning Board stating their comments on the requests to be considered this evening for building permits on a private road. The properties under consideration are:

21 Turtle Rock Road Philip & Mary Ann Delaney  
66 Turtle Rock Road Glenn Williams  
68 Turtle Rock Road Erin & Charles Upton

Planning Board Comments: 21 Turtle Rock Road - recommended that a written plan for construction vehicle parking be provided and recording of an Agreement and Release Document declaring that the Town has no liability or responsibility for maintenance for this portion of the road.

66 and 68 Turtle Rock Road - Same as above and requested not to approve this permit until the property is in compliance with the Shoreline Protection Ordinance and a certified plot plan has been reviewed for compliance.

The Board considered 21 Turtle Rock Road - Mr. Sullivan noted that the Delaneys have signed the Agreement & Release providing that the owners agree to meet all building and health codes, and to provide for off street parking during all phases of construction. Mr. Hohenberger moved to approve the building permit for 21 Turtle Rock Road based on recording of the Release and Agreement as described above. Mr. Doyle seconded. Passed unanimously.

66 and 68 Turtle Rock Road - It was noted by the Planning Board and Selectmen, that construction was started without a permit - excavation and foundations. A stop work order has been issued on the properties. The owner of lot 66 has been ordered to remove the fill on top of the silt fence and restore the erosion control and the CEA has requested that a certified plot plan be done and delivered to his office for review to assure compliance with town codes and the recently granted variances.

Mrs. Upton told the Board that the builder started work under the assumption that the permit was issued and he just needed to pick it up. She further stated that the silt fences are now restored and that a representative from DES approved the work. Mrs. Upton also presented plans for off road parking of construction vehicles with permission from a neighbor for additional parking.

Mr. Hohenberger moved and Mr. Doyle seconded to approve the building permit providing the owners sign the Agreement & Release Agreement stating that all building and health codes are met, to provide for off street parking of vehicles during all phases of construction, and compliance with Shoreline Protection Act and installation of proper erosion control. Passed 4-1 with Mr. Breton opposed.

Mrs. Upton stated that she had already recorded the required agreement. The Board and Mr. Sullivan noted that the agreement had not been signed by the Selectmen and in order for it to be an agreement with the Town, all parties need to sign. Wording of the agreement written by the Town was discussed.

Dennis Tremblay, who had a building permit on Turtle Rock Road previously approved by the Board but who has not signed the agreement, stated he felt the conditions in the agreement stating that all building and health codes and providing off street parking of vehicles during construction, should not be in the agreement but a condition of the permit. Sam Nassar noted his agreement with Mr. Tremblay noting that any extra verbage in recorded documents can cause problems in the future.

Gail Williams, Mrs. Upton's mother, spoke on behalf of her daughter's request for approval of the building permit. Mrs. Upton stated that she agreed with Mr. Tremblay's comments and also did not want to have the Town released from providing emergency services. Mr. Sullivan noted that the Town

will do what was necessary to provide services but the time of their delivery could not be guaranteed based on the condition of the private roadway.

Mr. Hohenberger amended his motion to remove #2. from the release which states that all building and health codes will be met and the provision of off site parking of vehicles during construction, but to have it remain as part of the conditions for granting the building permit for 66 and 68 Turtle Rock Road. Mr. Doyle seconded. Passed 5-0.

Mr. Tremblay told the Board that his agreement has not yet been recorded and he requested that his agreement be changed as to also eliminate #2 and also have those requirements be conditions of granting the building permit. Mr. Carpenter so moved. Mr. Doyle seconded. Passed unanimously.

Mrs. Upton again stated that she wanted the release she already recorded to be sufficient. The Board again explained that they had not signed it and if they were to sign it, they would have Town Counsel review it first and if any changes were recommended, it would have to be redone. This would add more delay. Also, if no changes were made, it would still have to be rerecorded with the Board's signatures.

It was agreed that the Town would have the Agreement & Releases ready for pickup, signature and recording Wednesday at 9:00 am.

**LOWELL ROAD BIKE PATH ADVISORY COMMITTEE:** Mr. Sullivan asked the Board to consider the composition of the Lowell Road Bike Path Advisory Committee as authorized by Town Meeting for their meeting next Monday. The Board agreed to email Mr. Sullivan their recommendations.

**CORRESPONDENCE:** Letter of resignation was received from Jack Gattinella from the Board of Adjustment effective immediately. Mr. Carpenter moved to accept Mr. Gattinella's resignation with great regret. Mr. Hohenberger asked the Board to put this on hold for a week and to have Mr. Stearns speak with Mr. Gattinella about reconsidering his resignation. Mr. Carpenter withdrew his motion.

**MINUTES:** Mr. Doyle moved and Mr. Hohenberger seconded to approve the minutes of March 10, 17 and 24 as presented. Passed unanimously.

**OLD BUSINESS:** Mr. Stearns stated that the purchase of the Ingersoll Property (Tax Map 14-A-200) is now final. This purchase represents the matching parcel being used in a LCHIP grant along with the Towns of Londonderry and Hudson. The total purchase is 400 acres + or -.

Mr. Doyle asked for an update on the renovations to the Bartley House. Mr. Sullivan stated that this week plastering will be done followed by ceilings and painting. A new front door has been purchased and new front steps will be necessary. The type of steps is still to be determined, based on funding.

Mr. Doyle asked Mr. Sullivan if the use of the space being vacated at the Town Hall hds been decided. Mr. Sullivan stated that the Board agreed that the Cemetery Trustees and the Supervisors of the Checklist would use the space presently used by himself and Mrs. Call, our Finance Director.

Mr. Doyle asked Mr. Sullivan when he moved his office to the Bartley House who would be in charge of Town Hall. Mr. Sullivan stated he had not really thought about this, however he felt it should be Mr. Norman, Town Assessor, who is the only fulltime appointed department head in the building.

Mr. Doyle noted that the Transfer Station is going on summer hours this week and asked if the Board could have a workshop with Mr. Poulson, the Transfer Station Manager. Mr. Sullivan stated that the Board will be meeting with all department heads in the next few months.

Mr. Stearns stated that the 1993 New Holland Skid-Steer Loader from the Transfer Station is not worth the money the repairs would cost to fix it. There is an offer from a party to purchase this loader for \$850 for its parts. Mr. Poulson's recommending selling this equipment for the offer of \$850. Mr. Carpenter so moved. Mr. Doyle seconded. Passed unanimously.

Mr. Nassar asked the Board if they would be discussing the correspondence he sent them. Mr. Stearns stated that this would be done later in non-public session under reputations.

Charles McMahon, President of Windham Baseball/Softball Association, requested that Baseball's Opening Day ceremonies be held at Griffin Park on May 3rd. Mr. McMahon invited the Board to attend the ceremonies. The Board had no objection but asked Mr. McMahon to coordinate this with Recreation. Mr. McMahon also asked if the fields would be in good condition for play. Mr. Sullivan will work with Hillside to prepare the fields, weather permitting.

The Board and Mr. McMahon discussed the proposed advertising signs for the fields at Griffin Park. Plans have not yet been finalized but the signs will be removable and vinyl approximately 10' x 6'.

**NEW BUSINESS:** Alfred Souma, member of the Board of Adjustment, started to bring up an event which happened at the last Board of Adjustment meeting regarding a town employee who he felt illegally requested members to rescue themselves from a case concerning Mr. Nassar due to a possible conflict of interest. Mr. Stearns explained that this allegation could not be discussed at this time as the employee had not been warned.

Mr. Souma continued to speak of the incident and Mr. Stearns, Mr. Carpenter and Mr. Hohenberger again stated that this could not be discussed now but the Selectmen would review the matter.

Mr. Nassar stated he also objected to the Board's members being asked to be rescued. The Board again would not discuss the matter at this time.

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

Mr. Doyle motioned and Mr. Hohenberger seconded to appoint Robert Taylor as a fulltime Fire Fighter/EMT effective April 14, 2003. Passed unanimously.

Mr. Doyle motioned and Mr. Hohenberger seconded to remove Eric Hildebrandt from his one year probation. Passed unanimously.

Mr. Carpenter motioned and Mr. Doyle seconded to deny a hardship tax abatement. Passed (4-1) with Mr. Hohenberger opposed.

Mr. Doyle motioned and Mr. Hohenberger seconded to appoint Donald Messier as Fire Chief. Passed unanimously.

Mr. Doyle motioned and Mr. Carpenter seconded to advertise in house for two weeks for candidates for Deputy Fire Chief. Passed unanimously.

A personnel matter was discussed and Mr. Sullivan will follow-up.

Mr. Doyle motioned and Mr. Carpenter seconded to adjourn. Meeting adjourned at approximately 10:50

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.

