

BOARD OF SELECTMEN MEETING

Minutes of March 1, 2004

ROLL CALL: Chairman Galen Stearns called the meeting to order at the Searles Building at 7:05 PM. Those present included Selectmen Alan Carpenter, Roger Hohenberger, Chris Doyle, and Bruce Breton. Mr. Sullivan was also present.

ANNOUNCEMENTS: Mr. Sullivan extended congratulations to Detective Wendy Foley, who has been selected to teach a course at the Police Cadet Academy at Hesser College.

LIAISON REPORTS: None.

FINANCIAL REPORT: Finance Director Dana Call presented the first of what she hopes to be quarterly financial reports to the Board. Highlights of her presentation were: a review and explanation of data included in the 2003 Annual Report, including the 2003 Balance Sheet, end of year cash balance, Tax Anticipation Notes (TANs), Current Use funds, and the Health Trust activity.

Mr. Hohenberger inquired as to the unexpended budget funds left at year-end and where they ultimately went. Mrs. Call responded that approximately \$340,000 remained and that, with the exception of necessary carry-overs, the funds were returned to the General Fund as an undesignated fund balance for use when setting the tax rate.

Mr. Carpenter inquired as to how much interest the Town had paid on the TAN funds borrowed. Mrs. Call stated that the interest on both notes, which have been paid off, was approximately \$6,000.

The Board thanked Mrs. Call for her efforts, and looks forward to receiving her planned quarterly updates.

CEMETERY SUPERINTENDENT BIDS: After brief discussion, award of this bid was postponed to March 22, as the Cemetery Trustees are still reviewing the submissions.

TRANSFER STATION GUTTER BIDS: Mr. Sullivan explained that the gutters at the Station are in serious disrepair and in need of replacement. The successful bidder would be responsible to replace all gutters and install ice-shields, which are not currently in place. Two bids were received for this project:

| | |
|---------------------------------------|------------|
| Quality Insulation, Inc. of Nashua: | \$2,415.00 |
| J-n-R Gutters, Inc. of Haverhill, MA: | 3,740.75 |

Mr. Hohenberger asked if, given the disparity of the bids, the bidders had received the same specifications for the project. Mr. Sullivan indicated that the project specs were identical, and that Quality Insulation's low bid reflected their extreme desire to complete this project. He also noted that Pro-Con, the company which built the facility, had recommended that the bid be awarded to Quality Insulation.

Mr. Hohenberger moved and Mr. Breton seconded to award the bid for replacement of the Transfer Station gutters to Quality Insulation, Inc., of Nashua for an amount not to exceed their bid of \$2,415. Passed unanimously.

I-93 PROJECT: Bill Cass, of the NH Department of Transportation (DOT), announced that the Department plans on moving ahead with the preferred alternative plan for the Route 93 expansion project. He advised the Board that a special committee meeting has been scheduled for March 24 in Concord, at which the DOT will seek to obtain approval of the plan allowing them to move forward. He indicated that, although the DOT realizes the plan in question has greater right-of-way impacts, they would like to move forward with moving the “barrels” closer.

Mr. Hohenberger reminded Mr. Cass that, at the last meeting in May/June 2003 during which Attorney Sokol presented an alternative layout, the Board had requested that the DOT review the proposal and respond with its potential effects. To date, the Board has received no information. Mr. Cass explained that a major difference between the two plans is the overall property impact. Approximately \$3M in property impact will result with the “tight-shift” exchange versus the alternate layout. That estimate does not include the acquisition cost of the median parcel and others, appraisals of which are ongoing.

Mr. Cass noted the Town’s previous request that 111A be relocated to intersect at the access road to the planned Park & Ride. The preferred alternative plan includes this relocation, allowing better access to the median property for future development, as well to existing businesses via 111A. This move also works in favor of the intent of the Town’s Gateway Commercial District.

Mr. Hohenberger asked about the difference in usable, developable acreage between the two plans. Mr. Cass indicated that the State’s preferred alternative plan offers 40+/- acres within the median, which will amount to approximately 20 acres after the Park & Ride and any wetlands are subtracted. He also noted that this plan provides a strong commitment to the preservation of the Armstrong property associated with the Common Man Restaurant.

Mr. Karl Dubay, MHS Design, presented a letter to Board on behalf of Attorney Sokol regarding the alternative alignment presented to the DOT which, per Attorney Sokol’s request, was read into the record by Mr. Stearns (copy attached to minutes). Mr. Stearns then inquired of Mr. Dubay whether any progress had been made with the DOT on the alternative alignment since the meeting in May. Mr. Dubay indicated that there had been communication between Attorney Sokol and the DOT, but could not speak to the exact nature of those conversations.

Mr. Cass explained that the DOT had considered the pros and cons of both layouts, and discovered that the alignment suggested by the developer posed water quality problems, whereas the State’s plan provides for bigger buffers and restoration of wetland areas. Also, the DOT and Federal Traffic Commission had concerns about the overall traffic burden on the interchange with a large amount of development in the median. Because of these issues the DOT has chosen to proceed with its preferred alternative plan. Mr. Cass also explained that to consider a whole new plan at this point would have been detrimental, given the need for the design and review

process and the time frame involved. He noted how long area residents have been waiting for a decision on this project.

Mr. Russ Wilder, resident, inquired whether bond funding had been approved and, if so what is the projected schedule of the construction. Mr. Cass indicated that no bonding had been approved to date, but if it were to be approved, the entire 20 mile corridor could be completed within a 5-6 year time frame as opposed to the earlier estimated 10 years. The estimated start of construction within the median area is 2005-06.

Mr. Hohenberger requested further information on the mitigation in the southeast lands area. Mr. Cass indicated that 250 +/- acres had previously been targeted for mitigation in this area. Subsequent to the meeting in May, four (4) contiguous properties totaling approximately 290 acres and valued at \$3.25M were considered. The DOT has been working with the Conservation Commission, who has since purchased two of the originally targeted parcels: the Stolarz and Lord properties. The DOT is now focusing on three (3) properties in the SW portion of this same area, which are contiguous to the Stolarz and Lord properties.

Mr. Stearns inquired as to whether the independent appraisals of these properties had been completed, and Mr. Cass indicated they had not but, to the best of his knowledge would be finished in 2 to 3 weeks. Mr. Carpenter asked how soon after the appraisals were completed the State could make an offer on these properties. Mr. Cass stated as soon as the appraisals were finished the State could proceed.

Representative Charles McMahon expressed concerns to the Board regarding the loss of tax revenue resulting from the State's preferred alternative plan, and the Town's need for economic development in light of high school issues facing the taxpayers. Rep. McMahon felt more time was needed to evaluate the potential impact of losing the 50-60 acre median parcel. Mr. McMahon then requested that, if the plan is approved on March 24, the existing Park and Ride and golf course be transferred immediately to the Town for economic development purposes and inclusion in the Town's Master Plan.

Mr. Cass explained that any surplus land not utilized for relocation must go through the State's surplus procedure.

Mr. Carpenter and Mr. Stearns requested that a detailed document of lands available for economic development in the two proposed plans be provided to the Town. Mr. Cass will provide same by the end of the week.

Representative Anthony DiFruscia, praised the DOT for their efforts in preserving the environment. He expressed his belief that the project should not be delayed, and that environmental protection should come first.

Lisa Linowes, resident, advised the Board the Environmental Protection Agency had, for approximately 1½ years, been monitoring water quality throughout the area, and would like the opportunity to discuss their findings and impacts of I-93 with the Board. Ms. Linowes indicated the Agency would be forwarding a letter regarding this opportunity to the Board.

Mark Cafua, owner of Dunkin' Donuts, expressed concerns that he had yet to be contacted by anyone regarding the I-93 project. He also questioned the cost difference between the two plans, and re-location of his business due to the zoning regulation prohibiting drive-thru windows.

Mr. Cass explained that the cost difference between the “tight-shift” and moving only the northbound ramp was approximately \$10M, with an impact to businesses of approximately \$3M. He also stated that those businesses in the area of Mr. Cafua’s would be contacted shortly.

Bill Deluca, President of the Cobbetts Pond Improvement Association and Village District member, indicated that both the CPIA and District support the State’s preferred alternative plan. Mr. Deluca indicated that 12-15% of the Town’s tax base is garnered from the Village District, and that damage to Cobbetts Pond will result in lost revenue.

Mr. Hohenberger inquired of Mr. Cass as to the format of the March 24 meeting, and whether testimony or comments could be offered should the Board attend. Mr. Cass indicated that input would be accepted at the discretion of Councilor Griffin, but reminded all that it not a continuation of the Public Hearing process.

Mr. Cass concluded by advising all that, subsequent to the upcoming meeting, a lot of public outreach would occur along the corridor, and he hopes to engage the Town further as the project proceeds.

Derry Representative Bob Letourneau addressed the Board briefly to offer his support.

Mr. Stearns called for a five minute recess.

Upon reconvening of the public session, Mr. Breton moved that a request be made of Representative McMahan to communicate with the DOT and Councilor Griffin to expedite the turn over of surplus lands to the Town. Mr. Doyle seconded the motion.

After a brief discussion to clarify its intent, the motion passed unanimously. Rep. McMahan was asked to speak with Councilor Griffin, prior to March 24, on the Town’s behalf regarding return of any surplus lands not used for relocation to the Town, as they are key economic development parcels. In part, the parcels in question include Delahunty’s, the existing Park & Ride, the driving range/golf course, and the parcel in front of the proposed Park & Ride. Mr. Sullivan will draft correspondence for Rep. McMahan to deliver to Councilor Griffin.

DONATION: Fire Chief Don Messier explained that, as part of the NH Homeland Security Program, the Fire Department had been offered the donation of a series of APCO-25 radios. These radios were purchased by the State of NH with funds from an \$8M Homeland Security Grant, and are being distributed free to NH fire departments. Implementation of these radios is part of a three stage process aimed at radio coverage of the entire state from the Massachusetts line to the Canadian border. These radios will work in concert with repeaters already in place, and will lessen the occurrence of “dead spots” in Town.

Mr. Hohenberger inquired about the radios this donation would replace. Chief Messier indicated that they are in good working order, and could possibly be sold as the process stages are completed.

Mr. Doyle praised Chief Messier on securing a large number of grants such as this just within the last year, and moved to accept the donation of the APCO-25 radios. Mr. Carpenter seconded. Passed unanimously.

In closing, Chief Messier reminded the Board and the public that the Annual Firefighters Ball will take place on March 27, 2004 at Castleton, and that tickets may be obtained at the Fire Station for \$35/person.

MINUTES: Mr. Doyle moved and Mr. Hohenberger seconded to approve the minutes of February 9, 2004. Passed unanimously.

CORRESPONDENCE:

Bond Release – Seavey Road: Request received to partially release the bond amount of \$41,400.40 to Dunlap Woods. Mr. Breton noted that, due to previous issues with this project, he would prefer that the Board not discuss its release until Mr. Turner could be present.

Bond Release – 546 Partridge Road: Request received to fully release the bond amount of \$1,000 to Mr. James McManus. Mr. Doyle moved and Mr. Carpenter seconded to release the bond in full. Passed unanimously.

Letter received from the State of NH Department of Transportation regarding removal of the “Passing Zone” in the area of Range/Candlewood roads. The DOT indicates that, after a recent site review, they have determined that this zone will be removed in September as part of their re-striping. In addition, it has been deemed necessary to remove a second “Passing Zone” on Range Road at the same time, just north of the South Lowell Road intersection.

Letter received from Adelphia updating their progress since filing for Chapter 11 bankruptcy, and expressing confidence that it will emerge from the process later this year with its core assets intact, a strong balance sheet, and the scale needed to continue as a successful company. The company thanked the Town for its patience and understanding throughout this process.

Letter received from Golden Brook School Principal, Beth McGuire, inviting the Board to attend the school’s Third Annual Curriculum Fair on Thursday, March 4, from 6:00 to 7:30PM.

Letter received from Transfer Station Manager David Poulson. In it, Mr. Poulson explained that he had met with Mr. and Mrs. Jerry Bowes, owners of the landscape materials center proposed to be built adjacent to the Transfer Station. Mr. Poulson indicated that, after discussion of several issues, he did not feel that the center’s proximity or the proposed entrance/exit on Lexington Road would negatively effect operations at the Transfer Station.

On a related note, Mr. Stearns inquired of Mr. Sullivan if, in recommending the placement of “No Parking” signs on Ledge/Lexington roads, which will be discussed on March 22, the Highway Safety Committee had considered the parking needs of the Scouts during sub sales and similar occurrences. Mr. Sullivan indicated that the HSC had discussed various means of addressing these random needs, such as “hooding” the signs for the time period in question.

Letter received from a Mr. Chowdhry of Pine Ridge Road, requesting permission to cut down or trim a tree located on Conservation land at the intersection of W. Shore and Pine Ridge roads, which interferes with the use of Canobie Lake by area residents. Mr. Sullivan advised that, as

the tree is on Conservation land, this matter would have to be referred to the Conservation Commission. The Board requested that Mr. Sullivan refer this request accordingly.

OLD BUSINESS: Mr. Doyle expressed concerns that the new Assistant Planner, Rebecca Way, had not been formally introduced to the public as yet, and requested that arrangements be made. Mr. Sullivan explained that, due to scheduling conflicts, a common time had not been available. However, it was hoped that she would be able to attend on March 8 or 22.

NEW BUSINESS: Mr. Sullivan announced that the Town Clerk, Tax Collector, and Assessing Office will be closed on Monday, March 8 from noon until 4:00PM, as the staff will be undergoing training in portable defibrillator operations. The Clerk and Collector will re-open from 4:00 to 7:00 PM.

Mr. Doyle noted that the Town Clerk's office would also be closed on March 9, due to the election, and requested that Mr. Sullivan look into postponing the training. Mr. Sullivan indicated he would speak to the departments in question.

Mr. Sullivan advised the Board that an error had been discovered in the Amended Town Warrant, as mailed to the residents, and noted that the correction had been posted on the website. The corrected page will also be available in the Planning Department, Administrative Offices, and at the polls, as well.

Mr. Sullivan announced that he has been invited to participate in a five-week Junior Achievement program, in which he will be teaching Windham fourth graders. He indicated he is looking forward to it, and will update the Board at a later time.

Mr. Breton advised the Board and Mr. Sullivan that he had been approached by residents expressing concern with staff scheduling at the Planning and Development Department. Specifically, residents were recently unable to find the specific assistance they required, as Mr. Turner was on vacation and the remainder of the staff was absent from the office with exception of the Department Secretary. He inquired as to whether departments reviewed the scheduling of vacations, training, etc., with the Town Administrator.

Mr. Sullivan indicated that such scheduling is generally handled by the individual Department Head. Mr. Breton went on to say that he was concerned more with the absence of the remaining staff as they knew Mr. Turner would be on vacation. He agreed that Department Heads should oversee their own scheduling, but asked that Mr. Sullivan be involved at some level in the future to ensure that adequate coverage is always available in Town departments.

NON-PUBLIC SESSION: Mr. Doyle moved and Mr. Carpenter seconded to enter into non-public session in accordance with RSA 91-A:3,IIa. Roll call vote: all members "yes". Mr. Stearns thanked the cable volunteers and the Historic Committee, and reminded the public to vote on March 9.

The subject of discussion was personnel. The Board and Mr. Sullivan were in attendance, and the following decisions were made:

Mr. Doyle moved and Mr. Breton seconded to hire temporary contract help for the Assessing Department to aid the Assessor as he recovers from surgery.

Mr. Doyle moved and Mr. Breton seconded to hire the candidate recommended by the Town Clerk and Town Administrator for the Assistant Town Clerk position, pending background and medical checks.

A third personnel matter was discussed, however, no decisions were made.

Next regular meeting of the Board will be held on March 8, 2004 at the Planning and Development Department.

Motion by Mr. Doyle and second by Mr. Hohenberger to adjourn. Passed unanimously.

Meeting was adjourned at 10:30 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant