

BOARD OF SELECTMEN

Minutes of June 28, 2004

ROLL CALL: Chairman Alan Carpenter called the meeting to order at 6:45 pm. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger, and Galen Stearns. Mr. Sullivan was also present.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 93-A:3c. Roll call vote – all members “yes”. The Board, Mr. Sullivan, and Assessor Rex Norman were present, along with Mr. Charles Samardelis. The Board reviewed an abatement/elderly exemption application.

Mr. Hohenberger moved and Mr. Breton seconded to deny the applicant’s request based on the information provided. Passed 4-1, with Mr. Stearns opposed.

Mr. Carpenter called the regular session to order at 7:15, and read the agenda into the record.

ANNOUNCEMENTS: Mr. Breton reminded all that the Annual 4th of July Field Day is scheduled for Saturday, July 3rd beginning at 10 AM at Roger’s Field.

Mr. Stearns reminded all that the Searles Open House is scheduled for Thursday, July 1 beginning at 7:00 PM.

LIAISON REPORTS: None.

BOARD OF HEALTH: Mr. Breton moved and Mr. Doyle seconded to recess to the Board of Health portion of the meeting. Passed unanimously.

Mr. Turner outlined the details of the request submitted by Mr. and Mrs. Roy for a waiver to install a septic system at 18 Fish Road. He noted that the parcel consisted of two, year-round buildings, one of which was destroyed by fire that the Roys have obtained the necessary permits and variances to rebuild. The proposed septic system, which will serve both buildings, will be within 75’ of two (2) wells, the Roy’s and 15 Fish Road. Mr. Turner noted that no objections had been received from abutters regarding the Roy’s request, and that the 75’ distance does meet State requirements.

Mr. Roy explained that the houses were purchased approximately 1 year ago as year-round dwellings. As part of the replacement of the burned building, he would replace the septic system to move the leach field further from Cobbetts Pond and to adhere to State requirements. The new system will be better suited to service both buildings than the existing, which was installed in the 1990’s.

Ms. Susan Freshman, 16 Fish Road, approached the Board to offer her support of the proposal, feeling it will be beneficial to the area.

Mr. Doyle moved and Mr. Breton seconded to approve the installation of a septic system at 18 Fish Road (21-V-25), 75’ from an existing well. Mr. Hohenberger requested that the motion be amended to note that there were two pre-existing year-round dwellings on the property at 18 Fish Road. Mr. Doyle agreed. Passed 6-0.

Mr. Doyle moved and Mr. Breton seconded to adjourn the Board of Health. Passed unanimously.

Mr. Sullivan requested that the Board move onto the Flat Rock Road discussion, as the Board was ahead of schedule and Mr. Nassar had yet to arrive.

FLAT ROCK ROAD REQUEST: This was a continuation of a previous discussion, wherein the Board had requested Mr. Jack McCartney, Highway Agent, attend to offer his input.

Mr. McCartney explained that three (3) test pits had been dug along Flat Rock Road, two (2) of which showed no sign of unsatisfactory material. The third exhibited unsuitable material only at a depth of 15". Mr. McCartney noted that Mr. Jamison, the developer, had previously agreed to remove any unsuitable material and replace it with 2' of suitable material as part of the project. The area would then be paved to match the existing pavement and the entire length overlaid.

Mr. Hohenberger expressed concerns that the use of two different materials would cause the roadway to heave at different rates. Mr. McCartney noted that even if the road was completely reconstructed heaving problems would still exist.

Mr. Turner noted that one test pit had exhibited well over 2' of gravel, and the other was suitable to 22", at which point root/black materials were encountered.

A discussion ensued regarding details of the construction. Mr. Turner noted that Mr. Jamison had agreed to follow the recommendations of the Highway Agent.

Matt Hamor, Engineer representing Mr. Jamison, noted that the plan notes include Mr. McCartney's recommendations, and that Town standards will be followed. He indicated that if more material was needed or a greater depth obtained, that was possible to do.

Mr. Carpenter questioned whether a cross-sectional drawing of the area detailing the project could be compiled for the Board to review. Mr. Hamor indicated that such a drawing could be prepared for the Board.

Mr. Turner advised the Board that the project would also improve drainage issues in the area. Currently, water is being trapped by a large rock in the area, which will be removed and swale added to allow water to drain into the adjacent wetlands. As part of the removal, the radius of the roadway will be also improved. Mr. Turner noted that brush and trees (3) will need to be removed, as well, to allow the water to flow freely to the wetlands.

Mr. Mike Salvo, abutter, noted that the developer had essentially met all of his requests as part of the project. He did note that the first 200' feet of the roadway, which was paved some years ago, was adequate, and suggested that coring tests be done along the center of the roadway to be sure of the material used.

After a brief discussion regarding coring, Mr. Hamor noted that if the coring produced unfavorable results, the dynamics of the project would change. He explained that this is a small subdivision, with little room for large lateral expenses.

Mr. Jamison approached the Board to express his concerns regarding the discussion. He felt it unfair that, after working with the Town for over a year on the project, core samples would now be requested. He was concerned he

was being pushed into building something he did not foresee, and that the Board was requesting too much.

Mr. McCartney noted that the expense to conduct the core samples and any exigent costs related to the existing portion of the roadway would be the Town's. Mr. Hohenberger disagreed.

A discussion ensued regarding the course of action after completion of the core samples. Mr. Turner noted that Mr. Jamison's existing project approval could be void if the Board delays too long and that Mr. Jamison cannot proceed without Selectmen approval.

Mr. Hamor agreed to 2-3 core tests to confirm the base material under the existing roadway; to submit drawings prior to commencement; to remove the rock in question and install a swale; and to provide 1½" of overlay.

Mr. Hohenberger moved and Mr. Doyle seconded that the Town will obtain 2-3 core samples of Flat Rock Road at 50' intervals to determine the suitability of the road for construction vehicles. The contractor will provide the Town a detail plan and narrative of the proposed improvements; remove the ledge at Route 28/Flat Rock Rd; and install a swale to direct water into the wetlands. If the information received is found to be acceptable by the Code Enforcement Officer and Highway Agent, Mr. Sullivan is authorized to sign the permit request, otherwise the applicant must return to the Board of Selectmen. Passed unanimously.

GOVERNOR DINSMORE ROAD REQUEST: Mr. Turner explained that this request was part of Mr. Nasser's subdivision request and subsequent court order. He explained that this portion would be built to Town subgrade standards at a width of 22' per the court order. He also noted that he and Mr. McCartney had met with Mr. Nasser to review the details of the reconstruction, which has been shifted further away from the abutting properties and toward Mr. Nassar's.

Mr. Hohenberger moved and Mr. Doyle seconded to approve the permit as per the plan and the court ordered agreement. Passed unanimously.

BOWES LANDSCAPING REQUEST: Mr. Turner explained that the Planning Board, as part of their approval, had requested that a portion of Ledge Road be re-striped to properly direct traffic in the area. As the work will occur within the Town's right-of-way, a permit must be obtained to proceed. Mr. Doyle moved and Mr. Hohenberger seconded to approve the permit to allow re-striping within the Town's right-of-way. Passed unanimously.

CANTERBURY ROAD REQUEST: Mr. Turner explained that an existing transformer on Canterbury Road will be used to power a new subdivision in the area, entailing the crossing of two driveways within the right-of-way as well as Bramley Hill Rd. The applicant had requested that trenching be approved to run the necessary conduits, as opposed to boring.

A discussion ensued regarding the condition of Bramley Hill Road; the disruptiveness of boring versus trenching; and means of trenching to provide a more level result.

Mr. Carpenter inquired of the developer if he would be willing to offer to the affected property owners a complete re-sealing of their driveway at his cost, to minimize the after-effects of the trenching. The developer indicated he would be happy to extend such an offer. Mr. Turner suggested that, if that

were the case, it be handled in writing between the developer and the owner to avoid any misunderstandings.

Mr. Breton moved and Mr. Doyle seconded to approve the permit to trench as requested to include pavement three times the width of the trench and overlay. The developer is to extend an offer to the affected homeowners to seal their driveways at his expense upon receipt of their written request.

Mrs. Barbara Coish approached the Board to seek clarification why trenching was being requested rather than boring. After a brief discussion, the motion passed 4-1, with Mr. Hohenberger opposed stating concerns about the developer being asked to work on private property as part of the motion.

PRIVATE ROAD PERMIT REQUEST: The Board reviewed a request for a building permit on 6 Moulton Road, owned by Donald and Sharon St. Onge. Moulton Road is a private road, which necessitates Selectmen approval of the permit application.

Mr. Sullivan advised the Board that Deputy Fire Chief Tom McPherson had reviewed the area, with no objection to the approval. Also, the Planning Board had submitted their standard response, noting only that off-street parking must be provided for vehicles and loading/unloading operations. Mr. Carpenter noted that the parties had executed the standard waiver, which was on file with the Town.

Mr. Doyle moved to allow the issuance of a building permit to construct a home at 6 Moulton Road to include Planning Board conditions.

Mr. Carpenter read the memorandum received from the Planning Board into the record.

Mr. Hohenberger seconded the motion, which passed unanimously.

OLD BUSINESS: As Mr. McCartney was still present, the Board reviewed bids received for paving/reconstruction projects on various Town roads.

Mr. McCartney noted that two bids had been received as follows:

Tate Brothers, Hudson, NH

Karen Road:	\$ 41,100	
Linda Street:	24,300	
Cynthia Street:	30,050	
Marblehead Road:	265,230	
	136,000	add'l for ledge work
Castle Hill Road:	258,450	+\$40/cubic yd add'l for ledge
Londonderry Road: East:	49,400	
Londonderry Road: West:	41,400	

Brox Industries, Dracut, MA

Karen Road:	\$ 61,358
Linda Street:	21,795
Cynthia Street:	22,158
Marblehead Road:	No Bid
Castle Hill Road:	No Bid
Londonderry Road: East:	58,634
Londonderry Road: West:	34,900

Mr. McCartney recommended that the Board decline the bids received for Marblehead and Castle Hill Roads until further information can be obtained from the vendors.

After a brief discussion regarding available funds and variances in the bid amounts, Mr. Doyle moved and Mr. Breton seconded to allow the Highway Agent to work with Brox Industries to complete Cynthia Street and Linda Road, and with Tate Brothers to complete Londonderry and Karen roads for their respective bid amounts. Passed unanimously.

TAX ASSESSOR: Mr. Rex Norman, Assessor, presented for review several abatement applications, which the Board stated it would review and sign at a later point in the meeting.

Mr. Norman then advised the Board that, during the software conversions, inconsistencies had been discovered in the property assessment histories. Mr. Norman noted, however, that the current assessments are accurate, as are the taxes collected. He explained that he had arranged a meeting for June 29 with a company who analyzes such data transition issues between databases, and generates error reporting accordingly. He noted that, at this time, issues have arisen in both the assessing and collecting systems, and that retaining an unbiased third party might be a good idea. For \$6-8,000 the company will complete its analysis and reporting, and correct the systems, as well.

Mr. Hohenberger expressed concerns regarding the amount of monies spent to date on these systems. Mr. Norman will report back to the Board with the results of his meeting.

The Chairman called for a five minute recess.

CORRESPONDENCE: Letter received from Mr. Bradley Shaw requesting permission to conduct a fund-raising walk in memory of his brother, Jeffrey, who passed away in 2003. The requested route is: North Lowell Road to Route 11 to Lowell Road to Cobbetts Pond Road, and then the reverse back to North Lowell.

Mr. Stearns noted that each of the roads in question was a State road, and not under the purview of the Town. Mr. Sullivan will refer the matter, with the Board's support of the fundraiser, to Division 5 for consideration.

Letter received from the Department of Transportation requesting that the Town post notice of the DOT's upcoming scoping meeting scheduled for Thursday, July 15, 2004 at the Planning Department at 7:00 PM. Mr. Sullivan noted that said meeting had been posted accordingly.

Letter received from the Superintendent of Schools extending an invitation to the Selectmen to attend the initial Windham High School curriculum meeting on July 12, 2004 at 7:00 PM at the Town Hall. As July 12 is a Monday, Mr. Stearns suggested that the Board post their meeting to begin at 7:30 PM to allow them to attend. Mr. Sullivan reminded the Board that a public hearing is scheduled for 7:10 PM that evening. The Board felt that a delay of 20 minutes would be appropriate, given the circumstances.

Letter received from Adelphia announcing the implementation of CableCARD, which will enable digital cable-ready TV owners to accept analog, digital, HDTV, and premium channels without the use of a digital set-top box. The monthly fee will be \$1.75, with a one time installation charge of \$25.00.

Request received for a refund of a \$25.00 fine paid to the Town Clerk for failure to license a dog prior to the expiration date. Mr. Sullivan explained that the requestor did not want to be publicly named during the discussion. After a brief discussion, Mr. Doyle moved and Mr. Breton seconded to deny the request for refund. Passed unanimously.

MINUTES: Mr. Doyle moved and Mr. Stearns seconded to approve the minutes of June 14, 2004 as written. Passed unanimously.

Mr. Hohenberger requested that the minutes of June 21, 2004 be tabled and amended to clarify the associated costs referenced during the discussion of the demolition agreement. Mr. Sullivan will amend the minutes accordingly.

Mr. Doyle stepped out of the meeting.

OLD BUSINESS, CONTINUED: Mr. Sullivan announced that one bid had been received for the exterior painting of the Town Hall, Planning Department, and Bartley House as follows:

EL Doyle, Windham, NH: Total cost, all facilities: \$15,050.00 (\$8,400 for the Town Hall, \$4,950 for the Planning Department, and \$1,700 for the Bartley House).

Mr. Sullivan noted that these funds would cover low pressure power washing, scraping, priming of all bare areas, overall priming and painting of the facilities. Mr. Hohenberger inquired about a warranty for the services. Mr. Sullivan stated that none had been requested within the specifications, but it could be requested of the bidder should be Board so choose.

Mr. Stearns inquired whether the bid amounts included repair or replacement of any damaged/rotten wood. Mr. Sullivan stated it did, as that requirement had been included in the scope of work.

After a brief discussion regarding potential conflict of interest and the amount of funds available within the Property Maintenance Trust, Mr. Hohenberger moved and Mr. Stearns seconded to award the bid to EL Doyle for an amount not to exceed \$15,050 to repair/replace damaged wood, power wash, scrape, prime and paint, said funds to be withdrawn from the Property Maintenance Trust. Passed 3-1-0, with Mr. Carpenter opposed.

Mr. Sullivan advised the Board that he had received notification from the Town of Pelham that their Budget Committee would not support funding the repair of the Castle Hill Road bridge, for which Windham already has funds in place. He advised the Board that Windham and Pelham essentially had three options: 1) leave the bridge as it is, 2) request that Pelham support the project at their next Town meeting, or 3) approach the State to amend the border between the Town placing the bridge solely within Windham.

Mr. Sullivan went on to note that without the matching funds from Pelham the project cannot continue, and inquired whether the Board wished him to contact Pelham asking them to reconsider. Mr. Hohenberger and Mr. Stearns stated their continued belief that the bridge was fine as it was, and did not require repair.

Mr. Sullivan advised the Board that, if Phase I could not be completed given Pelham's decision, the Town could not be reimbursed the 80% of the \$15,000 already expended for engineering costs, amounting to \$12,000.

The Board felt it was not their fault the project could not be completed, and that Windham had put forth a good faith effort to proceed. Mr. Sullivan was

asked to forward a letter to the State of New Hampshire, with a carbon copy to Senator Sapareto, explaining the situation and requesting reimbursement in the amount of \$12,000. Mr. Sullivan will proceed accordingly.

Transfer Station Manager, Dave Poulson, approached the Board to formalize the specifics of the Station's operational hours. He presented an overview of usage counts, including Tuesday evenings, and requested that the Board allow him to change the hours to 7:30 AM to 5:30 PM, Tuesday through Saturday, beginning in August. Mr. Poulson noted that the staff would be split into two shifts to cover the 10 hour span.

After a lengthy discussion regarding staffing, potential resident complaints, the effectiveness of the traffic counter, and the importance of uniform hours, Mr. Stearns moved and Mr. Doyle seconded to allow the Transfer Station Manager to establish new hours effective in August being Tuesday through Saturday 8 AM to 6 PM, year-round. Passed unanimously.

Mr. Poulson then raised the issue of policing commercial entities during demolition disposal, which had also been discussed with the Board at a previous meeting. Mr. Poulson advised the Board that he was, as yet, unable to establish a solution to this issue.

Several suggestions were made, including returning to the issuance of demolition card, tipping each vehicle as they enter the Station, or limiting the size of vehicles allowed in the demolition area. No decisions were made.

NEW BUSINESS: None.

NON-PUBLIC SESSION: Mr. Breton moved and Mr. Doyle seconded to enter into a non-public session in accordance with RSA 93-A:3a and c. Roll call vote – all members “yes”. The subjects were personnel and reputations.

Personnel:

The Board, Mr. Sullivan, and Transfer Station Manager Dave Poulson were in attendance in the first session. Mr. Doyle moved and Mr. Hohenberger seconded to approve the hiring of a truck driver for the Station as recommended by Mr. Poulson, subject to successful completion of a background check and physical. Passed unanimously.

The Board, Mr. Sullivan, and Chief Moeckel were in attendance in the second session. Mr. Doyle moved and Mr. Breton seconded to approve the hiring of a police officer as recommended by the Police Chief, subject to successful completion of a background check and physical. Passed unanimously.

Reputations:

The Board and Mr. Sullivan were in attendance. Mr. Stearns moved and Mr. Doyle seconded to approve the abatement applications as submitted by the Tax Assessor. Passed unanimously.

The Board discussed appointments to various boards and committees. The following decisions were made:

Mr. Stearns moved and Mr. Hohenberger seconded to appoint J Gross as a regular member of the Cable Advisory Board. Passed 3-2, with Mr. Doyle and Mr. Breton opposed.

Mr. Doyle moved and Mr. Hohenberger seconded to appoint Rick Adams an alternate member of the Conservation Commission. Passed unanimously.

Mr. Hohenberger moved and Mr. Stearns seconded to appoint James Finn as a regular member of the Conservation Commission. Passed 3-2, with Mr. Doyle and Mr. Breton opposed.

Mr. Hohenberger moved and Mr. Doyle seconded to appoint Thomas Furlong as a member of the Historic District Commission. Passed unanimously.

Mr. Hohenberger moved and Mr. Stearns seconded to appoint Dennis Senibaldi as a regular member of the Conservation Commission. Passed unanimously.

Mr. Stearns moved and Mr. Hohenberger seconded to amend the charge of the Windham Depot Advisory Committee to allow the appointment of three citizens, and to appoint the following: Mark Samsel, John Mangan, and Jonanthan Normington. Passed unanimously.

Mr. Stearns moved and Mr. Doyle seconded to adjourn. Passed unanimously.

The meeting was adjourned at 11:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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