

**BOARD OF SELECTMEN**  
**Minutes of November 29, 2004**

**ROLL CALL:** The meeting was called to order by Chairman Carpenter at 7:00 PM. Those present included Selectmen Bruce Breton, Christopher Doyle, Roger Hohenberger and Galen Stearns. Mr. Sullivan was also present. Mr. Carpenter read the agenda into the record.

**ANNOUNCEMENTS:** The following members of the School Board were present: John Hollinger, Bev Donovan, Bruce Anderson, Barbara Coish, and Al Letizio. Mr. Hollinger, on behalf of the Board, announced that a purchase and sales agreement has been signed for land for the Windham High School. He explained that the parcel, owned by Champigny and Novak, consists of 146 total acres and is located off of London Bridge Road. The purchase price will be \$3.3 million.

Mr. Hollinger noted that two warrant articles will be coming before the voters in the future, the first for \$3.3 million plus site work for the land, and the second for the high school itself. He stated that the School Board will be meeting on December 7 at 7:00 PM at the Town Hall, and encouraged the public to attend with any questions they may have.

Mr. Hollinger extended thanks to Bev Donovan, Barbara Coish, and Assessor Rex Norman for their efforts in locating the parcel, and to Mr. Turner and Mr. Boucher for their time, as well.

Mr. Carpenter extended the Board's thanks to the School Board and Town Officials for their efforts.

*Mr. Sullivan* reminded all that the Annual Senior Christmas Party will be held at Castleton on December 8, beginning at noon.

**HANCOCK ROAD:** Mr. Tom Joyce, 9 Hancock Road approached the Board to express concerns regarding the removal of the temporary cul-de-sac on Hancock Road, noting several issues arising from the removal including: residual ledge on his property; the inadequacy of the loam and seeding; and settling of his driveway.

Upon query by Mr. Carpenter, Mr. Turner noted that the area is still under bond with the developer, and landscaping of the old cul-de-sac area remains to be done. He noted it is too late this year to do anything, and work will recommence in the spring. Mr. Joyce noted he is primarily concerned about the driveway at this point, and would like that to be addressed first. Mr. Turner stated that one of the builders in the Hancock Road area has offered to temporary fill the area at the end of Mr. Joyce's driveway.

After further discussion regarding the ledge, landscaping, recoating of the entire driveway, status of Hancock Road and the Board's jurisdiction, it was the consensus of the Board that Mr. Joyce meet to discuss this matter with the developer and Planning Staff within the next 30 days and a written agreement be drafted to resolve these concerns. The Board further determined that, if nothing satisfactory results from the meeting, Mr. Joyce should consult with the Planning Board.

**MINUTES:** Mr. Doyle moved and Mr. Breton seconded to approve the minutes of November 16, 2004 as written. Passed unanimously.

**CORRESPONDENCE:** Letter received from Mr. Scott Weymouth of Arista Development, extending praise to the Planning Department staff and Mr. McMahon for their assistance and efforts on his behalf during the development of the plan for the upcoming supermarket construction.

**VILLAGE CENTER DISTRICT:** Mr. Mark Gross of MHF Design was present, representing Mesiti Development, to present to the Board a proposal for development within the Village Center District. Mr. Gross described the area in question, the Wilton property, which fronts on North Lowell Road, surrounds the Town Hall and Planning Department, extends back toward Eastwood Road, and abuts the Yennaco and Presbyterian manse properties.

Mr. Gross explained that Mr. Mesiti is proposing a 30-40 residential single family/detached condominium development in the District, with the proposed access being a 20' roadway to be built between the Town Hall and Planning Department which would then loop back to North Lowell Road. Mr. Gross indicated that, as part of the development the following benefits to the Town were being proposed: improved parking for the municipal buildings; sidewalks/crosswalks with accent plantings; conversion of the Wilton house to a commercial building; and the possibility of a shared septic between the residential area and the municipal buildings.

Mr. Stearns noted that the parking, as proposed, would eliminate handicapped spaces for the town facilities. Mr. Hohenberger inquired why the access was not proposed to the right of the Planning and Development Department. Mr. Gross responded that the historic Town Pound was located in that area. A discussion ensued regarding the balance of residential and commercial development in the Village Center District, and whether the intent of creating the District was more commercially-focused. Mr. Stearns recalled that the area was supposed to serve to reduce commercial activity on Route 111 with the existing residences remaining.

Mr. Carpenter inquired how large the Wilton lot was. Mr. Gross noted the area was 11 acres +/-, and that the property would not be subdivided into lots, per se, as part of the development. Mr. Carpenter did not feel the intent of the District was to provide ¼ acre lots and development of such density. Mr. Carpenter then questioned why Mr. Mesiti was not considering accessing the area from Eastwood Road. Mr. Gross noted that given the residential nature of Eastwood, the future, increased commercial traffic would be more disruptive. He then noted that the access in question was more of a defined driveway than a roadway. The Board disagreed.

Mr. Carpenter inquired of Mr. Sullivan what permissions would need to be obtained to allow such access. Mr. Sullivan noted that the Board would have to approve it, and the Historic District Commission be consulted. He was unsure whether it would require a Town Meeting vote, and indicated he would explore the matter further and report back to the Board.

After a brief discussion regarding the official involvement of the Historic District Commission, Mr. Gross indicated that they had attempted to reach the Chairman several times, but had yet to be successful.

Mr. Doug Yennaco, abutter, approached noting the original plan for the Village Center District showed removal of the residential houses. He noted he had advised the Planning Board to remove the intersection and signal at North Lowell and Route 111 and divert all traffic up Church Street to a new signal there. He concluded by noting he also intended a 20-lot subdivision of his property abutting the Wilton land. The Board clarified that the signal at Route 111 and North Lowell could not be removed for public safety reasons.

Mr. Breton and Mr. Doyle felt that the plan was clearly still conceptual, and felt that Mr. Mesiti's intent was good. Mr. Stearns and Mr. Hohenberger, while supportive of the District, voiced serious concerns regarding the placement of the roadway, the resultant traffic in the municipal complex, and

the density of the development and its inconsistency with the intent of the District.

Mr. Carpenter felt that the necessity for Town Meeting involvement clearly needed to be clarified. He also felt that this proposal was not in keeping with the District language, a portion of which he read into the record. Mr. Gross countered that the Planning Board had since discovered the original language needed to be changed. Mr. Carpenter reiterated he did not feel this development was in the spirit of the ordinance.

**OLD BUSINESS:** *Cistern Bids:* Mr. McCartney advised the Board that three (3) bids had been received for the installation of a 10,000 gal cistern on Osgood Road:

American Excavating:	\$ 31,500
Busby Construction:	\$ 37,675
MB Maintenance:	\$ 52,650

After discussion by the Board regarding necessity for the cistern in light of a possible grant for a tanker truck, the expectation of area residents as the cistern was shown on the original plan, public safety water access in the area, and the funds budgeted for the project, Mr. Hohenberger moved and Mr. Breton seconded to table the bid award until a decision is received regarding the tanker grant.

Chief Messier expressed concerns that the \$10,000 in funds would be lost if the Board delayed. The Board noted that, as long as a contract to install the cistern is in place prior to the end of the year, the funds could be carried over.

Mr. Carpenter requested that the motion be amended to instruct staff to consult with Town Counsel regarding the possible ramifications of not installing the cistern as approved in the original plan. Mr. Hohenberger was not amenable to the amendment.

Motion passed 4-1, with Mr. Carpenter opposed.

*Crack Sealing Bids:* Mr. McCartney advised the Board that the crack-sealing bid previously awarded had included a 3-year option which the Board had not addressed at the time. He inquired whether the Board would like to consider availing themselves of the option at this time.

After a brief discussion, Mr. Stearns moved to exercise the proposed option for two (2) additional years with Dow for cracksealing. Mr. Hohenberger seconded the motion for discussion.

Mr. Sullivan noted that the project had not been bid for a three year contract, but rather Dow had included the option as part of his proposal. He also noted that the bid amount is not level from year to year, but capped at a \$120 increase/pallet. After further brief discussion, the motion was defeated 1-4, with all but Mr. Stearns opposed.

*The Board and Mr. McCartney* reviewed the rates of surrounding community in relation to Windham for snow removal/sanding operations. Mr. McCartney noted that Derry and Pelham are at or above our rates of pay for these contracted services. Mr. McCartney requested the Board consider increasing the Town's rates accordingly.

After review and discussion, Mr. Doyle moved to maintain the 2004 rates for plowing and sanding operations. Mr. Hohenberger seconded. Motion passed 3-2, with Mr. Stearns and Mr. Carpenter opposed.

*Mr. Sullivan* advised the Board that three (3) bids had been received for the printing of the 2004 Annual Town Report, however, notice had not appeared in the Windham Independent as usually intended. He noted that the Invitation to Bid had been posted on the Town's website, Local Government Center website, Primex' website, and mailed to 18 area vendors, and requested that the Board waive the necessity to re-bid the project due to time constraints. After a brief discussion, it was the consensus of the Board that the bid be extended for approximately one week, with a due date of Thursday, December 9, 2004.

*Mr. Sullivan* advised the Board that the tax bills had been mailed, and were due on December 30. He noted that several property owners had contacted the offices regarding changes to their assessments. He also reported that one issue had arisen during the bill processing involving the veterans' credits, which were not deducted from the bills. Property owners who receive this credit will be receiving a corrected bill shortly.

**NEW BUSINESS:** *Mr. Sullivan* requested the Board consider retaining one of the two old police cruisers slated to go to auction for use as additional administrative and senior citizen transportation. He explained that there are several residents who are unable to easily enter/exit the van, and that often use of the Assessor's vehicle is necessary. After a brief discussion, the consensus of the Board was one vehicle should be retained.

*The Board* discussed briefly with Chief Messier a bill for heavy equipment included in the Town manifest. Chief Messier explained that, under ordinary circumstances the homeowner's insurance would cover the equipment expense involved in nearly all structure fires however, there was no insurance on the property in question. The Board instructed staff to look into this matter further as far as billing.

The Board called for a five minute recess and the Chair extended thanks to Cable for their attendance. The cablecast ended at 9:00 PM.

**BUDGET WORKSHOP - HIGHWAY:** The Board of Selectmen went into a budget workshop at 9:10 pm to discuss the 2005 budget for the Highway Department. Discussion ensued regarding the department's request to add a new full-time Highway Laborer to conduct work currently performed by the Planning Department intern as well as other tasks for the department throughout the year. It was moved to deny the position (5-0). Discussion then turned to the overtime budget and it was decided to reduce the hours to level funding (increase in budget only due to rate increase).

The Board then discussed the Summer Maintenance line item. The Board requested further information regarding the 2004 expenses, thus it was decided to revisit this item in a future budget session. The Board then discussed the Winter Maintenance line item and it was decided to reduce it by \$6,000 to level funding. The Board then discussed the Vehicle Equipment line and it was decided to increase this budget by \$5,400 to \$15,000 as a result of CIP discussions regarding the Highway Department truck request. The Board then discussed the Equipment line item and reduced it by \$6,000 to eliminate some of the planned plow purchases. The Board also reduced the Vehicle Fuel budget by \$1,300 due to actual expenditures in 2004. Other budget line items were then discussed with no changes made.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mr. Doyle seconded to enter into a non-public session in accordance with RSA 93-A:3 IIa, b, c. The Board Mr. Sullivan, and Chief Moeckel were in attendance.

*Personnel:* Mr. Breton requested an update from Chief Moeckel on an ongoing personnel matter.

On a second personnel issue, Mr. Stearns moved and Mr. Breton seconded to increase Chief Moeckel's earned time cap by 120 hours due to pressing operational needs within the Police Department requiring the presence of this critical, management position. Passed 5-0.

*Reputations:* The Board discussed appointments to the Zoning Board of Adjustment. No decisions were made.

Mr. Doyle moved and Mr. Breton seconded to adjourn. Passed 5-0.

The meeting was adjourned at 10:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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