

BOARD OF SELECTMEN
Minutes of July 25, 2005

MEMBERS PRESENT: Chairman Roger Hohenberger called the meeting to order at 6:30 PM. Selectmen Bruce Breton, Galen Stearns, Margaret Crisler and Alan Carpenter were present. David Sullivan, Town Administrator, was also in attendance, as was Finance Director Dana Call.

PRE-BUDGET WORKSHOP: Mr. Sullivan, Mrs. Call and the Board members discussed the impending budget season and the Board's expectations. The Board indicated they agree to using the team approach concept while reviewing all budgets, including reviewing a zero percent above any statutory costs budget, along with normal demands. Mr. Hohenberger presented a graph which he developed depicting the actual budget increases of the Town compared against a formula utilizing a combination of the Consumer Price Index increases, as well as the Town population increase, noting that graphically these two numbers are very similar. Mr. Hohenberger felt that staff should continue to calculate this number for future budgetary increases.

Mr. Sullivan and Mrs. Call will endeavor to schedule a Saturday morning workshop between the Board and all Department Heads to discuss the upcoming budget year, including parameters and methods of presentation utilizing a new "team" budgeting concept.

ANNOUNCEMENTS: Mr. Hohenberger extended thanks and congratulations to Town staff for hosting another successful Senior Picnic. Mr. Sullivan echoed Mr. Hohenberger's sentiments, and extended his thanks to those Board members who were in attendance and assisted in grilling.

Mr. Breton presented Mr. Sullivan with the "game" ball from the previous week's Little League game between Atkinson, Mr. Sullivan's team, and Windham at Griffin Park.

Mr. Sullivan advised the Board that he had received several compliments on the Griffin Park facility from residents of his community attending the game.

LIAISON REPORTS: *Mr. Breton* deferred to Representative Charles McMahon to update the Board on the recent meeting with the DOT. Mr. McMahon advised the Board that the timetable for the 93 project as it pertains to Windham has not changed, with completion being expected in 2011. Mr. McMahon also noted that the State is willing to work with Windham on disposition of the surplus lands.

Mrs. Crisler noted she had attended the meeting as well, and that the Committee had also discussed issues regarding historic impacts such as the Common Man Restaurant relocation. Mrs. Crisler also noted that the State wishes to meet with the Planning Board regarding the proposed Gateway District. As to the surplus lands, Mrs. Crisler said the State had indicated first offers would be extended to displaced businesses somewhere around 2007, second offers to the Town, and third to public bid, with the process of disposition being completed by 2011.

Mrs. Crisler reported that the Planning Board had completed the Master Plan, which had been approved and was now available, and the members of the CIP Committee established.

She also noted that Cingular Wireless had requested use of the Andrews Forest for a tower. Mr. Sullivan indicated that he had received a copy of the inquiry, and permission could not be granted as the area was designated Conservation land. Mr. Sullivan also stated that he has advised representatives of Cingular as such.

Mrs. Crisler advised the Board that the Planning Board had received an emergency request from Pennichuck to install a holding tank on West Shore Road. Mrs. Crisler noted the Planning Board had granted Pennichuck ten (10) weeks to reach a permanent solution to their ongoing issues on West Shore Road.

HOPKINS ROAD: Mr. Sullivan explained that a petition had been received to reclassify a portion of Hopkins Road and, according to procedure, the Board must hear testimony that evening to determine whether or not to move the matter to a public hearing. Mr. Sullivan also noted that all costs for this reclassification would be borne by the petitioner if approved.

Mr. Hohenberger read correspondence from Planning Director Al Turner, noting that the Planning Board had voiced its support of this upgrade.

Mr. Brian Harvey approached, noting that he had previously petitioned to reclassify Hopkins Road approximately two years ago, and had also explored accessing his development through the Town of Derry. He advised the Board that the intersection at Kilrea Road in Derry has failed, and Derry had proposed that he gate their end to allow for emergency access only. Mr. Harvey noted that Windham preferred a connection be established, and that the Highway Safety Committee, Planning Board, Fire and Police departments, and the Town's Master Plan all support a connection via Hopkins Road.

Mr. Joe Maynard, Benchmark Engineering, explained the reclassification would extend from Mitchell Pond to just across the railroad tracks, after which the roadway would be on Mr. Harvey's property.

Mr. Breton noted that the project has been deemed to have a regional impact, and that a meeting was being scheduled with the Rockingham and Central Planning Commissions and others. Mr. Breton felt it was premature to make any decision on the matter, and that the process should proceed and Mr. Harvey return to Board at a later date. Mr. Stearns disagreed, noting that the Board has supported such connections/re-openings before and that, as the proposed was completely located in Windham, it was this Board's purview and the matter should move forward.

Mrs. Crisler noted that this matter has been discussed at length by the Planning Board, and that Derry appears to want the Depot Road "stub" to be gated by the developer.

Mr. Carpenter inquired of Mr. Maynard what had changed or what new information was available since the last petition. Mr. Maynard noted that, since the previous request, Mr. Harvey had acquired additional land in the area and that Phase II would now be bigger than planned two years ago.

Mr. Maynard also noted that when he had obtained permission from the Department of Resource and Economic Development to cross the railroad corridor, he had approached Derry who now cited traffic issues in not supporting the connection. A discussion ensued regarding a joint meeting with the Town of Derry to discuss the impacts of the development. Mrs. Crisler noted, however, that attempts to contact Derry by the Windham Planning Board had, as yet, been unsuccessful, however a letter had been sent requesting such a meeting.

Mrs. Crisler then moved, and Mr. Stearns seconded, to move this issue to a Public Hearing.

A discussion ensued regarding how much, if any input was needed from the Town of Derry prior to or as part of the public hearing. Mrs. Crisler reiterated that a letter had been sent to Derry, and that the Windham Planning Board was endeavoring to discuss this matter with them.

Mrs. Crisler then amended her motion, and Mr. Stearns his second, that the Windham Board of Selectmen join the Planning Board in urging Derry to confer with Windham regarding the regional impacts of this project, and perhaps schedule a joint meeting. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Dennis Senibaldi, resident, approached to express concerns regarding the Board's decision. He reminded the Board that, previously, there had been public resistance to reclassifying Hopkins Road and that the Conservation Commission had been opposed, as well. He was concerned that, by moving the matter to public hearing, the Board was displaying a disregard of the public's wishes. A discussion ensued regarding the petitioning process and rights to re-petition, as well as public perception of the Board's decision. Mr. Carpenter also reminded Mr. Senibaldi that the previous vote of the Board had been 3-2, not unanimous, and there was now a new person on the Board. Mr. Carpenter also did not feel that to re-petition two years later was excessive, and that some variables of the project had changed.

A brief discussion ensued regarding the applicable statute, and whether a need must be demonstrated.

Mr. Sullivan indicated he would clarify Town Counsel's previous opinion on the matter, and reminded the Board that a site walk will be required prior to the public hearing.

TAX ASSESSOR: Mr. Norman was present to review three (3) abatement applications as follows:

4 Beacon Hill Road/Dube: Mr. Norman explained that an interior inspection had revealed a lower grade than previously estimated. Mr. Norman indicated he had also examined comparable sales, and adjusted the property accordingly, resulting in a revised assessment of \$270,000 and an abatement of \$1,110. Mrs. Crisler moved and Mr. Stearns seconded to grant the abatement as presented. Passed 4-1, with Mr. Carpenter opposed.

190 Rockingham Road/Triple R RT: Mr. Norman explained that his interior inspection had revealed a number of listing errors, and that correcting these errors lowered the assessment to \$185,000, resulting in an abatement of \$592. After a brief discussion regarding the value of the land, a total of 3 acres in the NBD zone, Mrs. Crisler moved and Mr. Stearns seconded to grant the abatement as presented. Passed unanimously.

186 Rockingham Road/Rubera RT: Again, Mr. Norman indicated that several listing errors were discovered, and that the structure itself was inhabitable. Also, although the primary value of this property is in its commercial zoning, its utility is limited by its size and location. After a brief discussion regarding the value in sale or rental of the property, Mrs. Crisler moved and Mr. Carpenter seconded to grant the abatement as requested by the Assessor. Passed unanimously.

Mr. Norman then presented the Board with the first samples of the GIS fly-over photographs taken this past March.

BOARD OF HEALTH/18-L-303: Mr. Breton moved and Mr. Stearns seconded to enter into the Board of Health. Roll call vote – all “yes”. Mr. Hohenberger read the public hearing notice into the record.

Mr. Turner explained that the property in question was located between the Windham Restaurant and the driving range. The proposal was to tear down the existing building and rebuild, including a new septic system. Further, Mr. Turner explained that all the surrounding properties were serviced by

Pennichuck Waterworks and that the only affected well, on the owner's property, will be 94' from the proposed septic system to be located in the rear.

Mrs. Crisler inquired as to the depth of the well. Mr. Jim Tierney, representing the property owner, explained that he was unsure of the exact depth, but the well was drilled and recent tests indicated good quality/quantity of water.

Mr. Carpenter inquired whether the leach field will be new, as well, or whether the existing would continue to be used. Mr. Tierney responded that the leach field is currently located under the practice range, and will remain there. The septic system will replace the current holding tanks.

After a brief discussion whether the area in question was regulated under the Watershed Protection District, Mr. Carpenter moved and Mr. Stearns seconded to approve the waiver as presented. Passed unanimously.

Mr. Breton inquired of Mr. Turner as to the status of Seavey Pond. Mr. Turner explained that recent testing as part of the Town's monitoring program had revealed extremely high bacteria and coliform counts. Mr. Turner stated that the residents had been notified in writing the previous week, and again that day. The Pond will be tested again in the near future.

Mr. Turner noted that mediation may be necessary, as well as voluntary dye tabs to explore for leaks, none of which have been discovered as yet. Mr. Breton inquired about any precautions the residents should be taking. Mr. Turner replied that swimming was not recommended and would be at the individual's own risk, and that a detailed fact sheet was planned for distribution to the residents in the area later this week.

Mr. Breton moved and Mr. Carpenter seconded to exit the Board of Health portion of the meeting. Passed unanimously.

63 GOODHUE ROAD/SMITH: Mr. Sullivan explained that the owner, Mr. Dean Smith, was requesting a permit to construct a dwelling on a Class VI roadway, being a common driveway, and that the Fire and Police departments and Planning Board had expressed no concerns with the request. Mr. Sullivan also advised the Board that the standard waiver had also been completed by Mr. Smith.

Mr. Breton moved and Mrs. Crisler seconded to approve the issuance of a building permit to Mr. Dean Smith per RSA 674:41 for 63 Goodhue Road. Passed unanimously.

WINDHAM BASEBALL: Mr. McMahon approached to request authorization from the Board to install two (2) 8'x12' storage sheds at Griffin Park. Mr. McMahon explained that the sheds would be located by the backstops at the A/B and Babe Ruth fields, and were necessary for easy access by the volunteers to maintenance supplies and equipment. Mr. McMahon also noted that neither would interfere with the pathways, and explained that each shed would be double sided with one area used for landscape equipment and the other for umpire equipment, etc.

Mr. McMahon presented pictures of the intended sheds, and noted they would be sided to compliment the multi-purpose building. Steel, locking doors are also planned, and the sheds will be raised on concrete blocks to avoid water damage.

A discussion ensued regarding waiver of any permit fees and whether the sheds would be donated to the Town at some point. Mr. McMahon indicated they would be available for the Town's use in perpetuity, but not officially donated.

Mr. Carpenter moved and Mrs. Crisler seconded to allow the Windham Baseball Softball League to install two (2) sheds at Griffin Park as proposed, and that the WBSL shall work with staff to ensure all permitting requirements are met with all related fees being waived. Passed unanimously.

OLD BUSINESS: Mrs. Crisler requested an updated on the drainage repairs at Griffin Park. Mr. McMahon explained that the French drain has been completed and is functioning as planned. He noted, however, that one additional drain is needed to maintain the integrity of the basketball courts and skateboard area. Mr. McMahon extended his thanks and congratulations to the Board for their support of the French drain installation, which solved a tremendous problem with flooding.

Mr. McMahon noted that the drainage area now needs to be seeded, however Hillside Landscaping needs to put the disturbed irrigation lines back in place prior to doing so.

Mr. Hohenberger extended congratulations to the Girls' Majors softball team, who are off to New York to compete. He also noted that the Jimmy Fund team is undefeated.

BUILDING INSPECTOR JOB DESCRIPTION: The Board, Mr. Sullivan, and Mr. Turner reviewed revisions to the document. Mr. Sullivan noted that an attempt had been made to incorporate more Code Enforcement duties, as well as including the duties of Health Officer and representative to the Board of Health and Zoning Board. Mr. Sullivan also pointed out that the position title had been changed to Building and Code Inspector/Health Officer.

A lengthy discussion ensued regarding the intent of the Board, current and past operations, and the particulars of "Code Inspector".

Mr. Sullivan noted that, as written, the Building/Code Inspector can resolve 90% of issues arising, and leaves the public an opportunity to appeal his or her decision, whether it be to the Assistant Planner or Mr. Turner, prior to taking unresolved issues to court. Mr. Sullivan also pointed out that the Planning Director and Assistant Planner job descriptions can be revised at a future date, if necessary.

After further, brief discussion, Mrs. Crisler moved and Mr. Stearns seconded to accept the job description as amended and direct staff to post the position as soon as possible. Passed unanimously.

PUBLIC HEARING/CONSERVATION LAND: Mr. Hohenberger read the public hearing notice into the record. Mr. Sullivan explained that, as part of the recent grant project to construct walkways/bridges on the Town's conservation area, Universal Golf had discovered additional work that needed to be completed. The company has offered to provide labor and materials to complete this additional work, at no cost to the Town.

Mr. Wayne Morris, Trails Committee, approached to explain that the original bid had included 520 +/- linear feet of work. During construction, Universal had found run-off issues at Foster's Pond. Mr. Morris also noted Universal's work had been top-notch.

Mr. Breton moved and Mr. Carpenter seconded to accept the additional structures with many thanks. Passed unanimously.

HISTORIC COMMITTEE: Mrs. Marion Dinsmore, Chair of the Windham Historic Committee, approached to explain that the roof of the Searles School and Chapel is leaking and in need of repairs. She explained that the job is a highly specialized one, given the slate roof, and that the Committee had been working to solicit proposals from three vendors skilled in such repairs.

Mr. Sullivan pointed out he had suggested the Committee approach the Board to seek their waiver of the formal bid requirements and permission to solicit three specific proposals.

After a discussion regarding posting for requests for proposal as opposed to formal bid specifications, it was the consensus of the Board that Mr. Sullivan follow-up by posting an RFP for two weeks for the roof and tower repairs.

ESTY ROAD REPAIRS: Mr. Sullivan advised the Board that no bids had been received, and the project would be re-advertised. Also, the original two bidders would be contacted personally to ensure they know of the new bid request.

MINUTES: Mrs. Crisler moved and Mr. Breton seconded to approve the minutes of June 27, 2005 as written. Passed unanimously.

CORRESPONDENCE: Letter received from the Depot Advisory Committee recommending that the Board begin the process of developing a plan to relocate the Highway Department from the Windham Depot. Mr. Sullivan noted that the land needs have not been established, as yet.

Bond Release/Cardiff Road: Mr. Carpenter moved and Mrs. Crisler seconded to approve the partial release of \$27,000 to Castle Reach Development, LLC. Passed unanimously

Bond Release/Ludlow Road: Mr. Stearns moved and Mr. Breton seconded to approve the partial release of \$26,877.60 to Castle Reach Development, LLC. Passed unanimously.

Bond Release/Leeds Road: Mr. Stearns moved and Mr. Carpenter seconded to approve the partial release of \$26,280 to Castle Reach Development, LLC. Passed unanimously.

Bond Release/Edinburgh Road: Mr. Breton moved and Mr. Carpenter seconded to approve the partial release of \$52,710 to Castle Reach Development, LLC. Passed unanimously.

Letter received from Christopher Waszczuk of the NH Department of Transportation relative to the public informational meeting held May 27 about the proposed Lowell Road bike path. In it, Mr. Waszczuk indicated his desire to move the project to a formal Public Hearing and requested the Board submit their written position on and/or support of the project to him prior to his proceeding.

Mr. Carpenter voiced his support of the project, feeling that, as a \$1.5M reconstruction project, it represented more than just bike paths.

Mr. Carpenter moved and Mrs. Crisler seconded that a reply be sent to Mr. Waszczuk from the Board of Selectmen demonstrating their support for the public hearing and the project overall. Passed 4-1, with Mr. Stearns opposed.

OLD BUSINESS, CONTINUED: Mr. Stearns inquired whether any further information had been gathered regarding sifting of the Town Beach sand. Mr. Sullivan replied that Mr. Barlow had located a company at the Cape who could rake and sift the existing sand at a cost of \$500 per 50' x 100' area. The town would be responsible for disposing of the collected debris.

After a brief discussion, Mr. Stearns moved and Mr. Carpenter seconded to authorize Mr. Sullivan to contract having the existing beach sand sifted. Passed unanimously.

Mr. Carpenter inquired whether the Recreation Coordinator had officially begun her duties. Mr. Sullivan replied in the affirmative, noting that Mrs. Haas first day had been Friday and that her hours of operation are currently 9:00 AM to 3:00 PM, Monday through Friday.

Mr. Carpenter voiced concerns regarding the regulations pertaining to dogs on Town property passed the previous fall. He noted that, at the time of approval, the Board's intent had been to review them for effectiveness within a six month period. He requested that staff inquire of the Recreation Committee, Maintenance staff, etc., regarding the success/failure of the regulations for discussion this fall. Mr. Sullivan will follow-up, and noted that a Policy Committee, consisting of department heads, has been established which will be reviewing all the Town's policies for recommendation to the Board.

Mrs. Crisler inquired as to the status of the annual board/committee appointments. Mr. Sullivan noted that few letters of inquiry had been received from new potentials, as well as some existing volunteers seeking reappointment to their current position or other committee. Regarding the latter request, Mr. Sullivan indicated interviews can be scheduled for the meeting of the 8th, with appointments on the 22nd.

Mr. Sullivan advised the Board that the transportation enhancement grant application regarding the Depot has been completed for submission to the State, however, a letter from the Board expressing their support and indicating where the matching funds will be expended from was needed for enclosure.

Mr. Morris approached to advise the Board that the Committee would be attending the upcoming Conservation Commission meeting to discuss possible use of Conservation funds, as the project will also improve access to the abutting conservation land.

A discussion ensued regarding funding of the Town's portion, and Mr. Sullivan suggested the Board might consider appropriating \$10,000 annually to the Property Maintenance Trust until the project start in 2008.

Mr. Carpenter moved and Mrs. Crisler seconded to draft a letter of support as requested. Passed unanimously.

Mr. Sullivan requested authorization for Chief Messier to execute the renewals of the Medical Resource Hospital Advance Life Support Affiliation Agreement and the Business Associate Agreement with Parkland Medical Center. Mr. Sullivan noted that there have been no substantial changes to either document.

Mr. Carpenter moved and Mr. Stearns seconded to allow staff to execute these documents as requested. Passed unanimously.

Mr. Sullivan publicly acknowledged and extended thanks to the Administrative Intern, Kevin Forgett, for his efforts over the summer. Mr. Forgett's last day will be Friday, and Mr. Sullivan noted he was a great help and excellent intern. Mr. Sullivan also extended his thanks to the Board for supporting the position.

NEW BUSINESS: None.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Stearns seconded to enter into non-public session in accordance with RSA 93-A:3 IIa and b. Roll call vote, all members "yes". The topic of discussion was personnel, and the Board, Mr. Sullivan, and Ms. Devlin were in attendance in all sessions.

The Board discussed the Police Prosecutor position, and reviewed a recommendation by Chief Lewis prior to determining whether to re-advertise the position.

After some discussion, Mr. Stearns moved and Mrs. Crisler seconded to extend an offer of employment for 30 hours/week as recommended by Chief Lewis and subject to an interview with the candidate by Mr. Sullivan. Passed unanimously.

Mr. Carpenter moved and Mr. Breton seconded to remove Tim Healey from probationary status per Mr. Sullivan's and Mr. Poulson's recommendation. Passed unanimously.

Mr. Sullivan updated the Board on an ongoing personnel matter. No decisions were made.

Mr. Carpenter moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:50 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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