

**SELECTMEN'S MEETING**  
**JULY 17, 2006**

**MEMBERS PRESENT:** Galen Stearns, Roger Hohenberger, Margaret Crisler and Dennis Senibaldi. Alan Carpenter was excused. Dana Call, Assistant Town Administrator, was also present. Meeting commenced at 7:00 pm.

**ANNOUNCEMENTS: Senior Picnic** - Mr. Hohenberger thanked the town employees for doing a great job hosting the annual Senior Picnic last Friday. Mrs. Crisler also attended the picnic and agreed that it was a great success. She especially thanked all those who did the grilling in the intense heat.

**Additional Funding Request** – Mr. Poulson, Transfer Station Manager, read his letter to the Board requesting additional funding for the soil remediation project at the abandoned police firing range. He stated that he had miscalculated the amount of soil tonnage for disposal by 14.41 tons which resulted in increased costs – labor, materials and transport – for the project. The additional funds owed to CleanHarbors Environmental Services is \$4,410.00. Mr. Poulson accepted responsibility for the miscalculation but stated that the good news was that DES now deemed the project complete.

The Board discussed with Dana Call areas in the budget that could absorb this additional funding. The Board agreed to have the Town Administrator, Finance Director and Mr. Poulson decide on where the overage would be charged. Mrs. Crisler motioned to authorize the requested additional funding of \$4,410.00 to CleanHarbors Environmental Services for the lead contaminated soil remediation project. Mr. Senibaldi seconded. Passed unanimously.

**Liaison Reports** – Mrs. Crisler reported that the Planning Board approved a business project on Ledge Road and an animal hospital on Roulston Road.

Mrs. Crisler noted that a citizen had told her that some condo water systems have been sold to Pennichuck Water and now the residents pay for their water. Mr. Turner confirmed this and stated that some associations prefer that Pennichuck manage the systems. After much discussion on water rights, the Board requested that Mr. Turner contact the Local Government Center and ask what agency controls water rights and if the Town of Windham should have guidelines and if so, do they have such model guidelines.

Mrs. Crisler also stated that the Planning Board has asked the DOT to come to their meeting on August 23<sup>rd</sup> to discuss round a bouts. This date is still to be confirmed.

**WINDHAM RAIL TRAIL ALLIANCE:** Mark Samsel, President of the Windham Rail Trail Alliance, told the Board that the first layer of asphalt is down and they have received tremendous feedback from all users. The decision as to when the final coat will be applied will be made in about a month.

Mr. Samsel read the Alliance's concerns as noted in their letter to the Board dated June 30, 2006. The items of concern are as follows:

1. Painting of crosswalks on Depot and Frost Roads. Also recommend "road crossing" painted signage on the 20 or so feet on the trail prior to the road.
2. Placement of Pedestrian Crossing signs and road cones.

3. The consideration of a reduction of the speed limit on this section of Depot Road – may include reconfiguration of the Depot and North Lowell Roads intersection.
4. Temporary barriers along one side of the trail that runs through the parking lot.
5. Temporary barriers at the entrance to the parking lot to designate entrance and exit points for vehicles.

Mr. Samsel stated that he spoke with Town Administrator, David Sullivan, and the Highway Safety Committee will review their concerns and report to the Selectmen.

Brochures depicting the trail and parking will be available at the Town Hall. The Alliance will meet with representatives from the Bureau of Trails at the Depot on Friday, July 21<sup>st</sup> at 9 am. Their regular meeting will be Friday, July 21<sup>st</sup> at 3 pm at the Administrative Office. They will also meet in Concord at the DRED office on July 28<sup>th</sup> regarding the status of the long term lease of the building. Mr. Samsel told the Board that they have received an offer to donate a caboose. They are planning an opening ceremony for the trail in August.

**OLD/NEW BUSINESS:** Mrs. Call told the Board that their regular semi-annual workshop with the School Board will probably not be until September due to vacation schedules.

**Board of Selectmen Recommendations of Warrant Articles For the Special Town Meeting -**

Mrs. Call explained that the draft Warrant stated after each of the three articles that they were recommended by the Board of Selectmen and asked if that was what the Board wanted. Board members noted that they had to, by law, make recommendations on money articles and have in the past also made recommendations on non-money items. The Board decided, by consensus, that they would vote on each Article and include the vote count on the Warrant.

Mrs. Crisler motioned that the Board of Selectmen recommend Article One. Mr. Hohenberger seconded. Motion passed 4-0. Mr. Hohenberger requested that the School Board be placed on the Selectmen's agenda immediately following this vote to finalize the terms and conditions.

Mrs. Crisler motioned that the Board of Selectmen recommend Article Two. Mr. Senibaldi seconded. Mr. Hohenberger noted that at the hearing interesting questions were raised as to whether this could be used to increase density. It was noted that the Selectmen would be holding public hearings prior to any agreements. Passed 4-0.

Mrs. Crisler motioned that the Board of Selectmen recommend Article Three. Mr. Senibaldi seconded. It was noted that the proposed discontinuation of Bissell Camp Road was only a very small section. Passed 4-0.

**PUBLIC HEARING CONTINUED – GRIFFIN PARK MULTIUSE BUILDING:** Mrs. Call told the Board that Town Counsel feels that there are no circumstances which would make the Town liable for the debt on the multiuse building, incurred by Windham Baseball Softball League (WBSL), if the Town accepted the building unless the Town agreed to accept the debt.

Mr. McMahon and Mr. Samsel were present from the WBSL. Mr. McMahon stated that the WBSL wishes to donate the multiuse building to the Town of Windham when the building is totally complete and debt free. He also stated the WBSL controls the concessions and presently they do not open it for soccer events (no demand). He also stated that the building was inspected by Ronald Preble, Building Inspector, and issued a Certificate of Occupancy.

The Board and Mr. McMahon discussed control of the building and equipment. Mr. Stearns and Mr. Hohenberger stated that they spoke with Cheryl Haas, Recreation Coordinator, and feel every thing is running well and no one has been denied use. They were both very impressed with the operations. Mr. Senibaldi suggested that Mrs. Haas be trained on all equipment.

Mrs. Crisler stated she was very concerned that the Town was spending money on property (multiuse building) that we don't own. Mr. McMahon assured the Board that WBSL will do nothing at the building or fields, without notifying the Town and working with Mr. Barlow and Mrs. Haas. Mr. Stearns noted that the Town does plow subdivision roads (which are bonded) but not owned by the Town as they know they will eventually own them, as is the case with the multiuse building.

Mr. Senibaldi noted that the Town needs to officially accept the building at Roger's Field.

Mr. Hohenberger asked Mr. McMahon to provide the Administrative Offices with a list of the components in the building. Mr. McMahon noted that certain equipment in the building, such as the fryolator will remain with WBSL and will not be donated to the Town. The consensus was that the Board will address accepting the building again next year.

The Board discussed paving the pathways at Griffin Park. Mr. Barlow stated he is waiting to schedule a site walk with the successful bidder. Mrs. Call will check with the Highway Agent as to his last communication with the bidder and follow up.

Mr. McMahon told the Board that the roofs will be installed over the dugouts hopefully by the end of the year (construction trucks will be small so as not affect the newly paved pathways). Also Fenway mix will be delivered but Mr. Barlow saw no issue with that delivery.

Mr. Hohenberger motioned to recess the Selectmen's Meeting and open the Board of Health Public Hearing. Mrs. Crisler seconded. Passed unanimously.

**PUBLIC HEARING – BOARD OF HEALTH CONTINUED:** Mr. Stearns read the following notice:

*“Notice is hereby given that a hearing will be held on June 19, 2006 at 9:00 pm at the PLANNING & DEVELOPMENT OFFICE concerning a request by Benchmark Engineering for Spatharos Family Trust for a waiver concerning section 103.1 of the Town of Windham Waste Disposal Regulations. Fill required to raise the bottom of the leaching area over the seasonal highwater table shall be 4’. Where 3’ is requested. State regulation Env-Ws 1010.01 (a & b) requires a 1250 gallon tank for a 3 bedroom dwelling 1000 gallon is requested. On property located at 28 Ash St, Windham Tax Map 16-F-6.”*

Mr. Turner, Health Officer, explained to the Board that this is a request to reduce the 4' fill requirement to 3' fill and noted that the State does allow 3'. Mr. Turner showed the Board the map depicting the site. The owners are requesting two septic systems on one lot – one for present house and one for a proposed house (presently there is a bunkhouse on site). Mr. Turner explained that a variance was granted in 1980 with the condition that the lots be merged and that about 10 years ago a staff person wrote a letter stating that no merger was required. The Board asked Mr. Turner to research this matter with Town Counsel.

Mr. Maynard of Benchmark Engineering explained the plan and addressed all questions from the Board.

Mr. Turner motioned to deny the request for the following reasons: 1) The lot is too small and overcrowded with buildings and septic systems; 2) septic systems this close to the lake should have four (4) feet of material under the septic field to allow maximum recharge and treatment and 3) there is a need to protect the water quality of the lake with strict adherence to the ordinance. Mrs. Crisler seconded. Mr. Stearns noted that the present system is not in failure and is only being requested in order to place two septic systems on one lot. Passed unanimously.

Mr. Hohenberger motioned and Mrs. Crisler seconded to adjourn the Board of Health meeting and reconvene the Selectmen's meeting. Passed unanimously.

**PUBLIC HEARING - REGULATIONS GOVERNING SEWAGE OR WASTE DISPOSAL SYSTEMS:** Mr. Stearns read the following notice -

*"The Board of Selectmen will hold a public hearing on July 17, 2006 at 9:00 pm at the Planning and Development Department for the purpose of considering the following proposed amendments to the Town's REGULATIONS GOVERNING SEWAGE OR WASTE DISPOSAL SYSTEMS. These amendments have been proposed in accordance with the provisions of RSA 147:1.*

*AMEND Section 103.0 by ADDING a new Section 103.7 to read:*

*103.7 Repair and replacement of existing non-commercial septic systems may be repaired or replaced "in kind" without submission of plans subject to the NHDES restrictions listed in Env-Ws 1003.10. "In kind" means that the size, location, depth and type of design that existed before repair and/or replacement and that of the proposed use will not change the flow increase.*

*The NHDES restrictions include but are not limited to, the existing system has to be at least 75 feet away from surface waters, water supply wells and be no closer than 24 inches to the seasonal high water table, other wise plans have to be submitted and approved as per Env-Ws 1003.10 (c). A written report by the septic installer is required detailing the existing septic information and the reason for the system failure.*

*Intent: Our current regulations do not address "in kind" replacement systems, however the NHDES regulations do. The intent of this amendment is to provide a mechanism to address "in-kind" replacements by following the regulations used by the NHDES.*

*AMEND Section 103.1 by ADDING the following sentence to the first paragraph where indicated:*

*103.1 "...can be used in place of bank run sand. Four feet of suitable fill may be reduced to three feet when it can be demonstrated to the Health Officer that soils, slopes, and septic system design can function efficiently with the reduced fill. In no case should the reduction from four feet to three feet be allowed if it does not meet NHDES standards.*

*Intent: To return to the language used prior to amendments adopted in April of 2006 which may allow 3' of fill in certain circumstances. Currently the regulations require 4' in all circumstances unless a waiver is attained through the Board of Health."*

Mr. Turner explained that the current regulations do not address "in kind" replacement systems on non-commercial properties and the first amendment (103.7) proposes to allow them, if they meet the original requirements. The second amendment (103.1) is to allow Planning staff to approve the reduction from 4 feet to 3 feet if the system meets all the requirements (soils, slopes and design).

Mr. Maynard of Benchmark Engineering, spoke in favor of the amendments as State requirements must be met and it would save delays and expenses for residents.

Mrs. Crisler motioned to approve the proposed amendments to the Town's REGULATIONS GOVERNING SEWAGE OR WASTE DISPOSAL SYSTEMS as posted. Mr. Senibaldi seconded. Motion passed 3-1 with Mr. Hohenberger opposed.

**OTHER BUSINESS:** The Board discussed liaisons to the CIP – Mr. Stearns represents the School and Mr. Senibaldi is the Selectman alternate.

Mr. Hohenberger motioned to adjourn. Mr. Senibaldi seconded. Passed unanimously. Meeting adjourned at 9:25 pm.

Respectfully submitted,

Kathleen Davis  
Human Resources Coordinator

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