

**BOARD OF SELECTMEN**  
**Minutes of October 16, 2006**

**MEMBERS PRESENT:** Chairman Galen Stearns called the meeting to order at 7:05 PM. Selectmen Roger Hohenberger, Margaret Crisler, Alan Carpenter, and Dennis Senibaldi were present, as was Town Administrator David Sullivan. Mr. Stearns announced that the meeting had commenced at 6:30 PM at Flat Rock Road, where the full Board had conducted the required site walk. He then read the public hearing notice and the remainder of the agenda into the record, which was followed by the Pledge of Allegiance.

**ANNOUNCEMENTS:** Police Chief Lewis requested that all present and watching keep Manchester Officer Briggs in their prayers, as he remained in grave condition.

*Chief Lewis* then requested that the Board sign off on the previously approved car radios, valued at \$3,100, so that they can be incorporated into the Homeland Security Grant for the Department. After a brief discussion, the Chairman executed the paperwork as requested.

*Chief Lewis* advised the Board that 46 police agencies throughout the State were participating in or requesting to participate in a data sharing grant. He noted that the cost for all agencies to participate would be \$505,000 of which Windham's cost would be \$15-18,000 to implement. Chief Lewis noted that the proposal is currently in the application stage, and if implemented yearly costs would be approximately \$600 for maintenance. He requested that the Board endorse the Department's application to participate.

A discussion ensued regarding the type of information that would be shared, built-in securities, and other state and federal agency participation. Mr. Hohenberger requested that the IT Director be consulted, as well, and Chief Lewis agreed.

Chief Lewis explained that this would provide another layer of information to the Department, beyond that contained in the NCIC system. It would offer more current and specific local and personal data.

Mr. Hohenberger moved and Mr. Senibaldi seconded to support the completion of the grant application as discussed by the Police Chief. Passed unanimously.

*Chief Lewis* then invited Detective Wendy Foley to the podium, where he officially recognized and announced her promotion to the rank of Sergeant. Sergeant Foley's husband, Kevin, conducted her pinning, after which she extended thanks to all for their support.

*Chief Lewis* then presented Acting Captain Carl Wagner, noting that Captain Yatsevich remains out on disability. The Chief noted that Carl had been doing a tremendous job, and was a great asset to the Department. Acting Captain Wagner noted that his appointment was bittersweet given Captain Yatsevich's situation, and thanked the Board for their support.

**LIAISON REPORTS:** Mrs. Crisler announced that the Planning Board had again discussed the Village Center District, and the primary focus had been the access road. She noted that the applicant would be returning before the Board in the near future. A brief discussion ensued regarding the lack of an official public hearing, to date.

**ANNOUNCEMENTS, CONTINUED:** Mr. Senibaldi advised all that the Skateboard Park would be closed for an additional two (2) days, as somebody had figured out the combination to the lock and entered the area despite it being closed.

*Mr. Senibaldi* then inquired whether the Board wished to post signs at the Rail Trail urging users to wear bright colors in the area as hunting season has begun. After a brief discussion, it was the consensus of the Board that

such signs be posted by staff. A brief discussion ensued regarding the appropriateness of allowing hunting on Town land given the population growth in Windham, in which it was pointed out that the Rail Trail area is not owned by the Town but by the State.

*Mr. Senibaldi* noted that the 2<sup>nd</sup> Annual Harvest Festival was held the previous Saturday, and had been very successful. On behalf of Mrs. Haas, he thanked the following individuals: Al Barlow, members of Recreation Committee, Lions Club, Rosie at Windham Barber Shoppe, Delanhunty's, Apple Acres, Women's Club, Girl Scouts, and himself.

*Mr. Sullivan* took a moment to officially acknowledge retiring Officer Steve Moltenbrey for his many years of service to the community, wishing him the best of luck in his future endeavors.

**PUBLIC HEARING CONTINUED/FLAT ROCK RD:** Mr. Matt Hammer of Polaris Engineering was present on behalf of the property owner, Mr. Jamison. The owner is seeking to re-classify approximately 600' of Flat Rock Road to a Class V roadway consisting of the following: a width of 22'; shoulder swales on the eastern side and a gutter on the westerly side; a tie-in to the existing pavement; installation of a culvert; and termination at a rip-rap outlet. Mr. Hammer explained that they were endeavoring to locate the roadway in the center of the existing stonewalls where possible. In those areas where the walls are infringed, they will be pushed back and re-piled to preserve them.

Mr. Hohenberger inquired about the slope as shown on the plan where the proposed roadway meets at the hammerhead, noting that a 3-1 slope is required. Mr. Hammer explained that the ledge in that area will be taken out and stepped up to serve as a retaining wall. He felt they could meet the 3-1 requirement, and stated they will continue to work with Mr. Turner and Mr. McCartney to do so. Mrs. Crisler inquired who had reviewed the plans as presented, and Mr. Hammer stated Mr. Turner had reviewed them twice to date.

Mr. Carpenter noted that he had several questions, however, most applied to Planning Board matters. He noted that the Board of Selectmen issue was the reclassification only. He then expressed concerns with how the pavement would be terminated, and noted that approximately 325' of gravel would still exist between this continuation and the other roadway. He indicated he would like the Highway Agent's opinion on this particular issue.

Mr. Senibaldi inquired whether the Board could make paving of the remaining footage a condition of approval. Mr. Sullivan noted that the Town has an easement there, and the Board has a right to build a road there if they so choose. A discussion ensued.

Mr. Sullivan then pointed out that the public hearing had been posted for the 600' only, and that the process would have to be re-started for the remaining 325'.

Mrs. Crisler noted she would like to see input from the Conservation Commission, Highway Agent, and Police and Fire Departments, as well as more detailed plans.

Mr. Hammer stated that the planned roadway width of 22' was related to the adjacent open space areas, stone walls, and wetlands. He also stated that Mr. Jamison would likely withdraw his request if paving of the remaining 325' were made a condition of approval, due to the costs involved.

Mr. Senibaldi stated that, if the applicant had to return to the Board, he would like to see the plan revised to have the incoming corner trimmed to the same 22' width as the roadway.

Ms. Nancy Picarelli, 4 Flat Rock Road, approached to inquire whether the Board could assess fees to her for a roadway that she doesn't want, and the Chair replied it could for the 325' continuation. Ms. Picarelli then expressed concerns regarding the proposed roadway drainage and the possibility of her property being washed away. Mr. Carpenter replied that it appeared it would flow along the same area it does now, which is primarily into the wetlands.

A discussion ensued regarding the need for an engineering plan, greater detail on the plans, and the proposed culvert.

Mrs. Crisler noted she would like to see the public hearing continued to allow for further input as previously noted, and to allow for clearer plans. Mr. Senibaldi requested the continuation of the roadway also be depicted, as well as the reduced corner width. Mrs. Crisler then stated she would also like to see the wetlands, WWPD, and property lines delineated.

Mr. Carpenter then moved to continue the public hearing to November 27<sup>th</sup> at 7:30 P.M., at which time the Board will review comments from the Conservation Commission, Highway Agent, Highway Safety Committee, and Planning Department, along with detailed plans to include engineering, slopes, wetlands/WWPD, property lines, and a cross section of the roadway construction.

A discussion ensued regarding the revised plans, and it was the consensus of the Board that they be submitted prior to the meeting to allow for comments.

Mr. Sullivan expressed concerns regarding the November 27<sup>th</sup> date, and suggested December 11<sup>th</sup> instead. Mr. Carpenter amended his motion accordingly, and Mr. Senibaldi seconded. Passed unanimously.

**ANNOUNCEMENTS CONTINUED:** Chief McPherson reminded all that the Department's Annual Pancake Breakfast was scheduled for October 22<sup>nd</sup> from 9 AM to 12 PM at the Common Man.

*Chief McPherson* then advised the Board that staff would be conducting training at the abandoned house across Route 111 from Church Street.

*Chief McPherson* then noted that he had spoken to staff regarding Mr. Carpenter's concerns about the gate at Griffin Park, and that he had been advised that the gate was open and an off-duty firefighter was present at the incident who had radioed there was no need to enter the park.

**CORRESPONDENCE:** Notice received of a bond reduction for Johnson Street Extension from \$94,044 to \$33,000.

*Memo received* from the Highway Agent regarding drainage work at 26 Blossom Road, noting that no issues existed and recommending that the \$500 bond be released accordingly. Mr. Carpenter moved and Mr. Senibaldi seconded to release the bond in the amount of \$500 as recommended. Passed unanimously.

*Mr. Sullivan* advised the Board that three (3) bids had been received for legal services, and a fourth had arrived after the posted time. He inquired whether the Board wished to allow the bid to be considered, and it was the consensus of the Board to do so. Mr. Sullivan then noted that these were the technical proposals only, and stated that up to two (2) members of the Board are welcome to participate in the evaluation. After a brief discussion, Mrs. Crisler confirmed that she would attend.

*Mr. Carpenter* advised the Board that he had received a letter at his home regarding visual pollution around the Town in the form of signs. A discussion ensued regarding the current regulations and a possible joint meeting with the Planning Board. Mr. Sullivan noted that a draft regulation exists from several years ago, which is available for the Board's review.

**FOURTH STREET:** Mr. Joe Maynard, Benchmark Engineering, was present representing Jean Dean. He noted that this is currently an undeveloped lot, which is being sold to Paul Tokenal. Mr. Tokenal owns two abutting lots, one of which will be used as a staging area during construction.

After a brief discussion, Mrs. Crisler moved and Mr. Hohenberger seconded to approve the issuance of a building permit as requested conditional upon execution of the standard release and adherence to Planning Board requirements. Passed unanimously.

Mr. Maynard then requested that the Board consider a similar, pending request for Granite Hills. After a brief discussion, it was the consensus of the Board to place this item on the agenda for the next regularly scheduled meeting, if necessary. Mr. Sullivan will follow-up to determine whether the need exists to hear this request.

**CORRESPONDENCE CONTINUED:** Memo received from CART stating that the program is ready to be implemented. Mr. Sullivan noted that staff had made their first referral that day. Mrs. Barbara Coish approached to suggest the Board invite Windham's representative, Mr. Tom Case, in to update the Board on the program.

**OLD/NEW BUSINESS:** Mr. Sullivan advised the Board that the year end meeting had been tentatively scheduled for December 28<sup>th</sup> at 4:30 or 5:00 P.M., and that at least three members would need to attend.

*Mrs. Crisler* inquired as to the status of the Griffin Park overflow parking, and Mr. Sullivan noted that a workshop was planned for the following week to discuss this and other recreational items.

*Mr. Hohenberger* inquired as to the status of the abatements for the elderly as previously discussed. Mr. Sullivan replied that Mr. Norman was developing a list for presentation to the Board for a case by case review.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Carpenter seconded to enter into non-public session in accordance with RSA 93-A:3 IIa, b and e. Roll call vote, all members "yes". The topics of discussion were personnel and legal.

The Board, Mr. Sullivan, Chief Lewis and Ms. Devlin were in attendance in the first session.

*Chief Lewis* updated the Board on the dispatcher recruitment. After a brief discussion, Mr. Senibaldi moved and Mr. Carpenter seconded to extend an offer of employment to the selected candidate, pending successful completion of a physical and background check. Passed unanimously.

*Mr. Sullivan* discussed an active grievance with the Board. After some discussion, Mr. Carpenter moved and Mr. Hohenberger seconded to support the Police Chief's denial of the grievance and that further, upon review, it finds the testing procedure to be valid and the grievance unsubstantiated. Passed unanimously.

*Mr. Sullivan* discussed an active grievance with the Board. No decisions were made.

*Mr. Sullivan* discussed a possible grievance with the Board. No decisions were made.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the second session.

*Mr. Sullivan* discussed an ongoing legal matter with the Board. After a brief discussion, it was the consensus of the Board to not pursue this matter any further.

*Mr. Sullivan* discussed the hiring of an Assistant Planner with the Board. Mr. Carpenter then moved and Mr. Senibaldi seconded to allow Mr. Sullivan to act at his discretion as discussed, and to offer the position to one of the final candidates as he deemed appropriate. Passed unanimously.

*Mr. Sullivan* advised the Board that the ZBA had denied the Board's appeal of their recent decision. After some discussion, Mr. Hohenberger moved and Mr. Senibaldi seconded that Mr. Sullivan proceed accordingly. Passed unanimously.

Mr. Hohenberger moved and Mr. Senibaldi seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:00 P.M.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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