

**BOARD OF SELECTMEN**  
**Minutes of January 29, 2007**

**MEMBERS PRESENT:** Chairman Stearns called the meeting to order at 7:00 PM. Selectmen Roger Hohenberger, Margaret Crisler, Alan Carpenter and Dennis Senibaldi were present, as was Town Administrator David Sullivan. Mr. Stearns read the agenda into the record, followed by the Pledge of Allegiance and a moment of silence in memory of Mrs. Lillian Murphy.

**LIAISON REPORTS:** None.

**MINUTES:** Mr. Hohenberger moved and Mr. Carpenter seconded to approve the minutes of January 8 and 15, 2007 as written. Passed unanimously.

**ANNOUNCEMENTS:** Recreation Coordinator Cheryl Haas requested approval to apply for a 50/50 matching grant toward the rehabilitation of the Windham Wonderland Playground. After a brief discussion, Mr. Hohenberger moved and Mrs. Crisler seconded to authorize Mrs. Haas to apply for the grant as requested. Passed unanimously.

Mrs. Haas then requested that the Board endorse a set of rules for the Griffin Park playground, as developed by herself and the Playground Committee. Mrs. Crisler moved and Mr. Hohenberger seconded to adopt the rules as presented. Passed unanimously.

Mrs. Haas then updated the Board on several upcoming programs:

- ✦ The first "Beat Goes On" program was held that afternoon, and all upcoming sessions are fully booked.
- ✦ The Mom/Son pizza party has been scheduled for February 24<sup>th</sup>, and currently 20 or so have signed up to attend.
- ✦ A Babysitting Course has been scheduled for school vacation week.
- ✦ The 2<sup>nd</sup> Annual Daddy/Daughter Dance will take place on March 10<sup>th</sup>.
- ✦ A "Dare to Write" program will be available in March.
- ✦ Trips to Foxwoods start in March.

**CORRESPONDENCE:** CTAP Funding request. Mr. Sullivan explained that this pertained to the \$7,000 necessary to fund a portion of the Fire/Police/Recreation Impact Fee study. \$4,000 has been budgeted, and the balance will come from the Rockingham Planning Commission. The request required execution by Mr. Stearns and Mrs. Crisler as the Town's CTAP representatives. Both signed the request accordingly.

*Letter received* from Tax Collector Ruth Robertson, noting that a \$0.36 center error had been discovered in the Tax Warrant. Notice of such needed to be forwarded to the State, with the Board's signature. The Chairman executed the document accordingly.

*Highway Safety Committee/Road Names:* The Board discussed a developer's request to utilize "Southgate Drive". Highway Safety does not support, given safety concerns pertaining to the similar sounding names. Historic District/Heritage Commission prefers Buttrick or Burnham Road. Mr. Carpenter then moved and Mr. Hohenberger seconded to deny the request and refer the developer back to the approved list of road names.

The Board discussed a developer's request to utilize "Jamestown Road". HSC does not support this choice, as it lacks any historic significance and includes "town". The HSC suggested "Burnham Road" as an alternative, and the HDC suggested "Mt. Ephraim." Mr. Carpenter moved and Mrs. Crisler seconded to deny the request and suggest to the developer that Burnham Road is acceptable. Passed unanimously.

The Board discussed a developer's request to utilize "Overlook Road". HSC is opposed given safety concerns with similar sounding names. HDC suggests Alexander Road as an alternative, which the HSC does support.

A lengthy discussion ensued regarding the established list of approved road names and its purpose. Mr. Carpenter then moved and Mrs. Crisler seconded to deny the developer's request and suggest Alexander Road as an alternative. Passed unanimously.

*Request for refund* received relative to School Impact Fees paid on a seasonal to year-round conversion. Mr. Sullivan explained that the property owner had been charged the impact fee in error, as the ordinance does not apply to conversions. A discussion ensued, after which Mr. Carpenter moved and Mr. Senibaldi seconded to refund the impact fee and related interest as requested. Passed unanimously.

*Request for emergency trenching permit* received from Pennichuck Water Works. Mr. Turner explained that this related to a broken water line on Gertrude Road. The emergency repairs were complete. Mr. Carpenter moved and Mr. Senibaldi seconded to approve the permit as requested. Passed unanimously.

*Bond release/Lamplighter Site #8:* Mrs. Crisler moved and Mr. Senibaldi seconded to fully release the bond in the amount of \$20,000 to Dunlap Woods Development Corp. Passed unanimously.

*Letter received* from Wheelabrator Concord Co., LP, advising the Town that no electronic equipment containing a video screen will be accepted beginning July 1, 2007. Should any such waste be discovered, the load will be refused and a possible fine levied.

*Letter received* from the Town of Dover relative to their resolution regarding employer representation to the NH Retirement System, and inquiring whether other communities wished to submit the same to the State. It was the consensus of the Board that the resolution be presented to the board for review and discussion.

**PUBLIC HEARING/FLAT ROCK ROAD:** Mr. Stearns read several pieces of correspondence into the record regarding this public hearing. Mr. Turner explained that the majority of Flat Rock Road is currently Class V, with a small portion remaining Class VI. He further explained that all properties affected within the proposed improvement are the applicant's, and the related costs will be borne by the developer.

Mr. Hohenberger called for a point of order, and noted that the Town is currently in litigation with another developer in the area. He expressed concerns whether or not the Board should discuss this matter at this time. After a brief discussion, it was determined that there was no potential detriment to the ongoing litigation in hearing this matter.

Mr. Carpenter sought clarification as to why this hearing had been previously postponed, and it was noted that it was due to further information being requested regarding the remaining 230' of roadway.

A discussion ensued regarding the remaining footage, future development in the area, and possibly laying out the area. Mr. Sullivan noted that the hearing had been posted for 600' only, and the four (4) required abutters notified. He advised the Board that if they wished to lay out the additional 230', the public hearing would have to be reposted.

Mr. Hohenberger again expressed concerns about the Board hearing this request, and further discussion ensued.

Mr. Carpenter then moved and Mr. Senibaldi seconded to approve the upgrade from Class VI to Class V from station -0 +50 to 5+78.79, in accordance with the plan submitted dated 04/04/2006; and subject to

compliance with Planning Board recommendations, review by Town Counsel, and no issues being raised relative to ongoing legal issues with abutting properties. After a brief discussion, Mr. Carpenter amended his motion and Mr. Senibaldi his second that it be subject compliance with all Planning Board recommendations with the exception of #3 relative to paving the full road (520+feet) to Town's standard.

The motion passed unanimously.

Mr. Stearns then closed the public hearing.

**PUBLIC HEARING/DONATION:** Mr. Stearns read the public hearing notice into the record.

Mr. Mark Samsel, Windham Rail Trail Alliance, approached and gave a lengthy presentation in explanation of the history and details of this proposed donation. The WRTA would like to place the donation, an original Boston and Maine caboose, in the area of the historic Windham Depot, and restore and utilize it as part of the Depot restoration project. The cost of the caboose restoration is estimated to be \$10,000, and is included in the CIP plan as ancillary costs to the Town's matching portion of the Transportation Enhancement Grant awarded in 2006.

A discussion ensued regarding the appropriateness of discussing this matter at this time, as the 2007 CIP recommendations will not be confirmed until March at Town Meeting, placement of the caboose in relation to the State's right-of-way, and the additional funding that may be required for asbestos testing on the caboose. Mr. Samsel noted that funds were available to do the testing as required.

After further, brief discussion, with support of the donation being voiced by Ms. Carolyn Webber, Mr. John Mangan, and Mr. John Normington, Mrs. Crisler moved and Mr. Carpenter seconded to accept the generous donation of the caboose. Passed 4-0-1, with Mr. Hohenberger abstaining as he felt the Board was preempting the Town Meeting vote on the CIP.

*Mr. Samsel* then presented to the Board a proclamation from Governor Lynch regarding the declaration of September 6, 2006 as "Windham Trail Day". He then gave a brief update of the Alliance's planned projects for 2007, including: installation of benches/rest areas along the trail, an informational kiosk, and mile markers; bridge resurfacing; access to the stone arch bridge; reconstruct/fencing at "sheep fold"; and, gate work. Mr. Samsel noted the Alliance also aims to develop/implement a maintenance plan, as well as coordinate a run/walk fundraiser.

*Mr. Wayne Morris* then approached requesting the Board consider expending monies from the Recreation Improvement Fund towards upgrading of the trail gates to pressure swing gates, as recommended by the Police and Fire chiefs. He noted he had received one price from a local vendor to refabricate the existing gates accordingly.

A discussion ensued regarding the purchasing policy and, after a poll of the Board by the Chairman, it was the general consensus of all, with the exception of Mr. Senibaldi, to conceptually support the use of the funds as requested, but that Mr. Morris will need to acquire three (3) quotes and return to the Board for review.

**MESITI/WELLS:** Mr. Sullivan reviewed with the members the draft agreement proposed between the Town and Mr. Mesiti relative to the drilling of test wells on Town property, as revised by Attorney Mason on Mr. Mesiti's behalf. Mr. Sullivan noted that the two (2) well limit had been removed. Mr. Sullivan noted that the this document is not a water agreement, but allows the drilling of test wells only, and that it had been reviewed by Town Counsel prior to Attorney Mason's revision.

Attorney Mason briefly reviewed a radius plan, showing the location of the proposed test wells, and noted that the intent is solely to drill wells to establish the water quality/quantity to ascertain if a water system makes sense in the area. Mr. Turner advised that staff has concerns regarding the any future expansion of the Police Department, and suggested that drilling take place only in the area of first two (2) proposed wells. A discussion ensued regarding the desired capacity and Town requirements.

Mr. Carpenter then inquired whether a road would need to be cut to allow access to the area by the drilling rigs. Mr. Turner noted that the area is mostly brush, and only a few small trees would be impacted. Mr. Carpenter then suggested that Mr. Mesiti work with Town staff to establish the placement of the test wells.

Mr. Carpenter then requested the following amendments to the agreement: 1) under bullet #1, add "up to 5"; 2) remove reference to a pump house; 3) remove item #6 in its entirety, and; 4) under item #7, remove "until further agreement," and add "upon request of the Town". A discussion ensued regarding removal of item #6, after which Mr. Sullivan suggested the following language be added, "Nothing in this agreement shall bind either party should it be deemed not to be in its best interest to execute any such agreement." The Board concurred, and Mr. Sullivan will correct the document and forward it to all parties.

Mr. Senibaldi then moved and Mr. Carpenter seconded to approve the agreement as amended. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan advised the Board that a request had been received to retroactively approve the non-profit rate for a couple who had utilized the Searles Building as part of a film project, and to forgive the hours of use beyond their booked time. After discussion, Mr. Carpenter moved and Mr. Senibaldi seconded to forgive the over-time and, if proof were presented, to authorize the non-profit rate. Passed unanimously.

*Mr. Sullivan* reviewed the upcoming meeting schedule with the members. After a brief discussion, it was determined that the Board will not meet on February 19<sup>th</sup> or 26<sup>th</sup>.

After a brief discussion, the Board requested that Mr. Sullivan post a meeting immediately following the Deliberative Session on Saturday the 10<sup>th</sup>, at which the Board will review their warrant article recommendations.

**NON-PUBLIC SESSION:** Mr. Hohenberger moved and Mr. Senibaldi seconded to enter into a non-public session in accordance with RSA 91-A:3IIa and c. Roll call vote, all members "yes".

*The Board*, Mr. Sullivan, and Ms. Devlin were in attendance in the first session. Mr. Sullivan reviewed an ongoing personnel matter with the Board. No decisions were made.

*The Board* and Mr. Sullivan were in attendance in the second session. Mr. Sullivan discussed with the members the possible candidates for Employee of The Year and Volunteer of The Year. It was the consensus of the Board that Mr. Sullivan proceed as recommended. No further decisions were made.

Mrs. Crisler moved and Mr. Hohenberger seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:10 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.*