

## SELECTMEN'S MEETING

OCTOBER 20, 2008

**MEMBERS PRESENT:** Dennis Senibaldi, Bruce Breton, Roger Hohenberger, Charles McMahon and Galen Stearns. David Sullivan, Town Administrator, was also present.

**NON-PUBLIC SESSION:** Mr. Breton motioned to go into non-public session in accordance with RSA 91-A:3, IId. Mr. Stearns seconded. Roll call vote – all members – yes. The Board, Mr. Sullivan, School Board Members Barbara Coish, Beverly Donovan, Bruce Anderson, Mark Branhoeff, Michael Hatem, Superintendent of Schools, Frank Bass, Fire Chief McPherson, Deputy Fire Chief Leuci, Police Chief Lewis, Highway Agent Jack McCartney, Assessor Rex Norman and Peter Zohdi were present. The subject was possible land acquisition and negotiations. No decisions were made.

**PUBLIC AGENDA:** Mr. Senibaldi led the Pledge of Allegiance. Mr. Senibaldi explained that the Selectmen opened today's meeting at 7:30 am on Ironwood Road in front of Lot 7-A-697 for the purpose of conducting a site walk to "view" a 50' ROW parcel being considered for release and then recessed this item until 7:00 pm during the regular Selectmen's Meeting.

**PUBLIC HEARING CONTINUED:** Mr. Sullivan read the following public notice:

*"Notice is hereby given that the Windham Board of Selectmen will hold a public hearing on October 20, 2008 to consider a petitioned request under the provisions of RSA 231:52 to release from public dedication, the following tract of land:*

*That area shown as a "50 ft. ROW" running Easterly from Ironwood Road (formerly Jenny's Hill Road Extension) between Lots 7-A-697 and 7-A-698, and continuing to a point at the Westerly edge of the State Recreational Trail (formerly Boston and Maine Railroad Right of Way). Reference is made to Plan D-31827 recorded in the Rockingham County Registry of Deeds.*

*The Board will begin the hearing at 7:30 am that morning in front of Lot 7-A-697 for the purpose of "viewing" the parcel being considered for release, and then will recess the meeting and reconvene at the Windham Planning and Development Department that same evening at 7:00 pm to hear public input on said petition. Persons interested in commenting on the request are invited to attend."*

Attorney Mason explained that the ROW was first established at the request of Sam Nassar to allow access to his property for future development. Mr. Nassar subsequently sold the land to Mr. Mesiti. Recently Mr. Mesiti sold this land to the Conservation Commission (for \$75,000 less than he paid) and that land will not be developed in the future. Therefore Mr. Mesiti was now requesting that the ROW be released from public servitude and the land transferred to the abutters.

Mr. Senibaldi read letters from Planning Director, Alfred Turner and Planning Board Chairman, Phil LoChiatto, stating that the Planning Board voted to support the removal of the 50' right-of-way stub off

Ironwood Road. It was also noted that the Trail Committee has walked this area and there is access to the trail from Searles Road.

Mr. Ehrlich of 24 Edinburgh Road asked several questions of the Board regarding the wording of the notice and the assessed value of the land that is under consideration for release. Atty Mason answered his questions regarding the language in the documents. Mr. Norman stated that the land presently is not assessed and any assessment for abutters would have to be researched and determined.

Mr. Ehrlich also asked if the Conservation Commission had given their opinion on this proposed release. Mr. Sullivan stated that they have not given anything in writing, however they supported it at the time of the purchase of the land from Mr. Mesiti. Mr. Breton stated that he was on the Conservation Commission at the time of the purchase and he agreed with Mr. Sullivan's statement. He further stated that Mr. Mesiti had sold the parcel to Conservation for \$75,000 less than his purchase price and had also made a donation of \$75,000 to the Rail Trail.

Mr. Hohenberger motioned to approve the release of ROW from public dedication as described in the public notice. Mr. McMahon seconded. Passed unanimously.

**OLD BUSINESS:** Planning Director, Alfred Turner, spoke to the Board regarding blasting at the Meadowcroft Parcel on Ledge Road. He requested funding in the amount of \$500 to hire Stonehill Environmental, Inc. to review the proposed Blasting Pilot Test Plan by Nobis Engineering. Mr. Turner further stated that Nobis Engineering, Inc. has requested permission to conduct test blasting at the Ledge Road site. The purpose of the test blasting is to demonstrate a remedy will be in place to address existing contaminations and procedures are implemented to ensure future blasting activities will not cause violation of the ground water rules. He also said if any blasting occurs in the future, he will ask the Board to have Stonehill monitor it.

Mr. McMahon motioned and Mr. Hohenberger seconded to approve the expenditure of \$500 from the planning department's consultant services line item to hire Stonehill Environment to review the proposed Blasting Pilot Test Plan by Nobis Engineering. Mr. Stearns was assured by Mr. Turner that if any blasting occurred everything would be documented as prescribed and all regulations followed. Passed unanimously.

**ANNOUNCEMENTS, LIAISONS REPORTS, MINUTES & CORRESPONDENCE:** Mr. Senibaldi stated that the agenda item Donation of Lot 17-L-15 (Range Road – Griffin Park) re: Parking Lot Drainage has been tabled for 2 to 3 weeks.

Mr. Sullivan told the Board that notice was received from the Cobbett's Pond Improvement Association that they have received a grant from the NH DES to develop a Cobbett's Pond Watershed Restoration Plan. They have invited the Board to attend a public meeting to discuss the goals of this project at the Nesmith Library on Saturday, November 8<sup>th</sup> from 9 to 10:30 am.

Mr. Hohenberger reported that the CIP met last Thursday and is meeting this week to hopefully finish with the department requests.

Mr. McMahon reported that the Windham Housing Authority chose an architect to design the complex using input from their surveys.

Mr. Breton and Mr. Senibaldi reported that the annual Harvest Day last Saturday was a huge success with a record attendance. Great job by all involved. Mr. Breton thanked Senator Letureau and congressional candidate Jennifer Horne for attending.

Mr. Breton reported that NH Commissioner of Transportation Campbell and Senator Leturneau met with Town officials earlier today to review work to be done at Exit 3. Mr. Breton extended his thanks to Senator Leturneau for his help in facilitating the meeting. He also thanked Chief McPherson, Deputy Leuci and Charlotte Misuraca for hosting the meeting and to Chief Lewis for providing transportation.

Barbara Coish asked Mr. McMahon if the results for the housing surveys were available. He said that they will be put together.

Jack McCartney, Highway Agent, requested that the Board waive the bid process for work on Searles Road and allow the road to be done on a time and materials basis as was done on Beacon Hill Road. The funding for this work to come from the forfeited road bond and the regular road budget. Mr. McCartney explained that when they went out to bid for Searles Road, the bids far exceed the bond. The bond is approximately \$44,000 and the bids were in the \$87,000 range. He hopes the work can be done somewhere in the range of \$60,000.

Mr. Hohenberger motioned to waive the bid process for road work on Searles Road and to proceed with said work using a time and materials basis and allowing Mr. McCartney to hire a contractor to work with town staff as was done on Beacon Hill Road. Mr. Stearns seconded. Passed unanimously.

Mr. Sullivan announced that the 2008 tax rate was set by the Dept of Revenue Administration at \$18.00 per \$1,000 evaluation. The breakdown is: Town - \$3.51, School - \$11.41, State School - \$2.20 and County - \$.88. This is an increase of 12% which represents about an \$800 increase on a home valued at \$400,000.

**SEARLES BUILDING USAGE:** Richard Fox met with the Board requesting on his daughter's behalf, who could not attend as she is at school, free use of the Searles Building for a blood drive and health fair in May. He told the Board that the American Red Cross needs to schedule this with at least 6 months notice. He also told the Board that many other health agencies would be attending. Mr. Stearns motioned and Mr. Breton seconded to allow Ms Fox to use Searles Building on May 21, 2009 and waive the fee to hold a blood drive and health fair. Passed unanimously.

**SCOPE OF SERVICES FOR CTAP GRANT FOR SEWAGE STUDY:** Karl Dubay, who has been working with Mr. McMahon and Mr. Sullivan, asked the Board to approve Underwood Engineering to do a study on possible future sewer connections to protect CanobieLake and Cobbetts Pond. He noted that CTAP endorses studies in this area in order to plan for future growth and to protect our resources. The cost of this study is \$5,000. The proposed contract is a NHDES standard. Mr. Sullivan asked that if the Board were to approve this study, would they fund and pay for it from the Consultant Services budget or do they wish to wait to see if CTAP funds are granted. The Board agreed to fund this and if the grant is received, deposit funds to the Town's general fund if the grant funds were not able to be paid directly to the vendor for payment.

Mr. Dubay was asked if the State would help with this project while in the design process for I-93. He replied that he has requested this and was told that while the State supports this project they cannot assist

with the work or finances. Mr. Stearns motioned to waive the bid process and allow the study to be sole sourced to Underwood Engineering and authorize Mr. Sullivan to sign the contract. Mr. McMahon seconded. Passed unanimously.

**OLD/NEW BUSINESS:** Mr. Sullivan stated that on October 22<sup>nd</sup> the Town's 30 day period for notifying the State if they are interested in purchasing a state owned parcel (Lot 13-A-196) at the southeasterly corner of Industrial Drive and relocated Roulston Road ends. He explained that the land consists of 1.99 acres with a listing price of \$260,000. Mr. Sullivan further told the Board that town boards, committees and departments had no interest in this parcel and had recommended this property be returned to the tax rolls. Mr. Hohenberger moved to notify the State that the Town was not interested and Mr. McMahon seconded. Passed unanimously.

**NON-PUBLIC SESSIONS:** Mr. Stearns motioned to go into non-public session in accordance with RSA 91-A:3, IIb, c and e. Mr. Hohenberger seconded. Roll call vote – all members – yes. The Board, David Sullivan, Police Chief Lewis and Ms Davis were in attendance for the first session – Chief Lewis left after the first session and Mr. Senibaldi was not present for the last session.

Hiring – Mr. Breton motioned and Mr. Hohenberger seconded to accept the recommendation of Chief Lewis to hire a police officer subject to normal standards and town pre-employment conditions. Passed unanimously.

Legal – Mr. Sullivan updated the Board on several legal cases.

Reputations- Mr. Sullivan briefed the Board on a property the Town acquired for non- payment of taxes. Mr. Hohenberger motioned and Mr. McMahon seconded to approve a forbearance/rental agreement with the former owner for a 3 years period. Passed unanimously.

Mr. Sullivan updated the Board on several personnel matters. No decisions.

Mr. Hohenberger motioned and Mr. Breton seconded to adjourn. Passed unanimously. Meeting adjourned at approximately 9:00 pm.

Respectfully submitted,

Kathleen Davis, Human Resources Coor.