

## **SELECTMEN'S MEETING NOVEMBER 9, 1998**

**MEMBERS PRESENT:** Charles McMahon, Douglass Barker, Carolyn Webber, Margaret Crisler and Galen Stearns. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:00 pm.

**ANNOUNCEMENTS:** None.

**LIAISON REPORTS:** Mr. Sullivan reported that there had been an accident at the Town Hall last week. An automobile hit the front of the building, however a local contractor repaired the building today. He also noted that the permanent front step has been installed and he is awaiting an additional bid price on the railings and hopes to have them installed by the end of next week.

Margaret Crisler, as liaison with the Recreation Committee, stated that the Community Band will be participating in the Magical Evening of Giving on Sunday November 22nd at the Rockingham Mall. They will perform at 6:00 pm at the Lower Level in front of J C Penney's. Tickets are \$5 and can be purchased from any band member or at the Town Hall, First Essex Bank or the Hilltop Deli.

Mrs. Crisler stated that the Planning Board has approved, with conditions, the extension of Heritage Hill Rd which will connect to Castle Hill Road.

Mrs. Crisler stated that there is some confusion about what documents comprise an official Planning Board file. Mrs. Crisler outlined the Planning Board procedures.

The file for any application which comes before the Planning Board must be submitted at least 15 days before it can be heard. During this time, it is advertised, abutters notified, and Planning Board members as well as members of the public can examine the file. The Planning Board instructed Mr. Turner about a year ago, that the file must be FROZEN at that point. After that time, documents submitted can only be placed in the file by the Planning Board at a posted meeting. It is important to remember that the file is a legal document and must stand up in court. And the Planning Board and its agent, Mr. Turner, are responsible for its contents and integrity.

For expedience, copies of reports and studies requested by the Board are placed in the front of the file for reading at the next meeting. This makes them available to Board members who wish to review them.

HOWEVER no document can be placed into the file after it is accepted, unless it is presented to the Board at a public meeting/public hearing. The Board is very strict about this procedure.

**PRESENTATION OF THE REPORT BY THE PRIVATE ROADS COMMITTEE:** Tom DeWitt, Chairman of the Private Road Study Committee, presented the Board with the committee's report. Mr. DeWitt thanked the committee members - Margaret Case, Robert Hertrich, Louise Lynch, Robert Skinner, E. Laurence Strondak and Denis Tremblay. He stated that the committee has worked over a nine month period and has held thirteen meetings.

The report states the problem as follows:

"With numerous year-round residents now living on the private roads of Windham, it is critical

to maintain minimum standards on these roads in the winter season so that fire trucks, ambulances and police vehicles can reach residents on these roads quickly. At present, snow plowing and sanding is carried out by the residents of each road. However, due to the difficulty of collecting funds from each resident, these functions are not always performed adequately.

This committee believes that a public safety issue exists during the winter season for year-round residents of private roads in Windham. This Committee also believes that the Town has played a role in having this public safety issue come into existence through the granting of numerous variances. Therefore, the Committee believes that the Town bears some responsibility in helping to resolve this safety issue."

The Committee recommended that the Town request petitions from the residents of any private road requesting that the Town plow and sand. Under RSA 231:59-a, the Selectmen could declare the roads an Emergency Lane for plowing and sanding purposes, but does not mean that the Town would assume responsibility for the maintenance on these roads. Any road that is not in plowable condition, must first be improved to proper condition, paid for by the residents of that road, before the Town performs any plowing.

The Board asked many questions and heard from residents who want their road plowed. The following residents spoke: Mr. McCabe, Mrs. Cunningham, Mrs. Bemister, Mr. Bailey, Mrs. Schreiner, Mrs. Broady, Mrs. Parthum, Mrs. Hertrich and Mr. Sweetser.

The Board complimented the committee on the excellent report and asked what direction they wished the Board to take. Mr. Sullivan made the following recommendations: take report under advisement; accept petitions, inspect roads that petitions are received from and finally decide whether to accept or reject.

After much discussion, Mr. Stearns motioned to accept the report and solicit petitions which must have at least 10% of owner's signatures requesting that the Board consider sanding and plowing of their private road under the Emergency Lane statute, provided first that the road is deemed to be in condition to be plowed. Mrs. Crisler seconded. Passed unanimously.

**INTRODUCTIONS** - Patricia Skinner, Library Trustee Chairperson, introduced the new Library Director, Kathleen Hutchins. Mrs. Hutchins began last week. Mrs. Skinner also commended the library and town hall staff for their help during the transition.

Margaret Case, Chairperson of the Cable Advisory Board, introduced Wally Keniston , the new Cable Coordinator. Mr. Keniston also started last week.

The Board welcomed both new employees.

**MINUTES** - Mr. Barker motioned to accept the minutes of October 26th with the following amendments: page three, second paragraph, change October 12 to October 13th and correct website address to [www.town.windham.nh.us](http://www.town.windham.nh.us). Mrs. Crisler seconded. Passed unanimously.

**PUBLIC HEARING - VARIOUS TOWN ORDINANCES**- Mr. Sullivan stated that for the past eight months, ordinances have been reviewed and recommendations for changes, including repeal, have been made and posted in the Windham Independent and in various town offices. The following are the ordinances and policies being considered: Recommended for repeal - Use of Bicycles Within the Limits of Windham, Town Beach Ordinance, Driveway Ordinance and Town Bus Policy; Recommended for amending: Controlled Substance Policy\*, Recognition Policy, Smoking Policy, Rules and Regulations

Governing Use of Windham Town Common, Rules and Regulations Governing Town Hall Use\*, Animal Complaint/Investigation Policy\*, Family and Medical Leave Policy\*, Code of Ethics and Standards of Conduct\*; Purchasing Policy, Vehicle Policy, Disposition of Real Estate, Land Use Application of Bio-solids\*.

\*Changes are to add amending procedures only.

Mr. Sullivan commenced to read the postings, however, the Board agreed to not having them read but rather to accept as posted.

Mr. Barker moved to open the public hearing. Mr. Stearns seconded. Passed unanimously. There was no public input.

Mr. Barker moved to close the public hearing. Ms Webber seconded. Passed unanimously.

Mr. Stearns motioned to accept the ordinance changes and repealing as posted on October 15, 1998. Mr. Barker seconded. Passed unanimously. (See attached postings)

Mr. Sullivan thanked Ms Devlin and Mr. Barker for their work on this project.

**OLD BUSINESS - TRAFFIC STUDY AWARD** - Mr. Sullivan asked the Board members if they wished to award a contract to Vollmer Associates to review the traffic studies done by Wal-mart for the Salem Planning Board in reference to Routes 111/28. Mr. Sullivan stated that this would point out any deficiencies in the studies and be used in any appeals filed by the Board. Mr. Stearns moved to award the study contract to Vollmer Associates for \$4250. Mrs. Crisler seconded. Passed unanimously.

CIP - Board members discussed the CIP and methods that could be used to get all the various scenarios to the public before town meeting. They noted that there are multiple projects being presented and they will have to be prioritized for funding. Mr. Barker suggested that a cable show be done explaining the various choices.

**BRIDGES** - Mrs. Case asked the Board to consider restoring the bridges on Rock Pond Road and Golden Brook Road to their original condition. She also noted that the State had used wooden guardrails in Pelham and how nice she felt they were.

**NON-PUBLIC SESSION** - Mr. Barker motioned to go into non-public session in accordance with RSA 91-A:3, IIa. Mr. Stearns seconded. Roll Call Vote - all members -yes. The Board and Mr. Sullivan were in attendance. The subject was personnel.

Mr. Stearns motioned to approve an appointment, as recommended by the Town Clerk, subject to final clarification of an interpretation of a State Statute concerning same. Mr. Barker seconded. Passed unanimously.

Respectfully submitted,

Kathleen M. Davis  
Secretary

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

