

**SELECETMEN'S MEETING
NOVEMBER 17, 2003**

MEMBERS PRESENT: Galen Stearns, Alan Carpenter, Roger Hohenberger, Christopher Doyle and Bruce Breton. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:00 pm.

SCHOOL BOARD, SENATE & HOUSE REPRESENTATIVES:
Present were:

State Senator Frank Sapareto
Representative Mary Griffin
Representative Anthony DiFruscia
Representative Kevin Waterhouse
Representative Norm Major (Plaistow)

School Board Members
Marcia Unger
Barbara Coish
John Hollinger
Beth Donovan
Al Letizio

Superintendent Dr. Cutler

Rep. Griffin introduced Rep. Major who is heading the committee to ascertain the education funding level for Towns for 2005. Sen. Sapareto explained the House and Senate's differing opinions on this issue. The outcome is still to be decided.

Other subjects discussed were Education Certification, Cost for Special Education Programs, Katie Beckett Waiver, impact fees, the proposed Windham Pelham Cooperative High School and budget issues.

WATER DISTRICT: Kevin Waterhouse presented the Board copies of the proposed Agreement and Charter of the Pennichuck Regional Water District for their review. He also invited them to attend a hearing on this at Nashua High School on December 12th at 7:00 pm.

Mr. Waterhouse stated that funds are needed from the participating towns to cover costs and will be refunded when the project is bonded. He asked the Board to allocate \$10,000 in the 2004 budget for this item - \$5,000 for 2003 and \$5,000 for 2004. It was noted that 16 towns are presently participating in this project.

Mr. Breton stated that he wanted to hear from Windham's ratepayers before making a decision. Mr. Hohenberger and Mr. Carpenter agreed and felt a hearing should be scheduled.

Mrs. Case, a rate payer, stated that she felt Pennechuck was doing a great job and wanted more information on the proposed water district.

Mr. Waterhouse stated that the district would take no rights away from Windham and felt it would protect the interests of the communities involved.

The Board agreed to schedule a public hearing to gain input from the rate payers before making any decision.

PUBLIC HEARING – BOARD OF ADJUSTMENT FEES: Mr. Stearns read the following notice: “In accordance with RSA 41:9A, the Board of Selectmen will hold a Public Hearing on November 17, 2003 at 8:10 pm at the Planning and Development Department for the purpose of amending the Zoning Board fees as follows:

	Existing	Proposed
Zoning Board Application Fee	\$35	\$60
Abutter Fee	\$ 5/per	\$ 5/per

Mr. Breton stated that he had worked with Mr. Turner on this increase and made comparisons with other towns. No input was received from the public. Mr. Carpenter motioned to approve the fees for the Board of Adjustment as published. Mr. Doyle seconded. Passed unanimously.

PUBLIC HEARING – DONATION: Mr. Stearns read the following notice: “In accordance with RSA 31:95-b, the Board of Selectmen will hold a public hearing on November 17, 2003 at 8:15 pm at the Planning Department for the purpose of considering the donation to the Town of a monetary contribution and services from the Windham Soccer Association to be used towards over-seeing (or cross-seeding) the soccer fields at Griffin Park and sod improvements to the soccer field on Nashua Road”.

There was no public input. Mr. Breton motioned to accept the donation from the Soccer Association for the work described above based on the proposal submitted (approximately \$3,000). Mr. Doyle seconded. Passed unanimously.

BOARD OF HEALTH PUBLIC HEARING: Mr. Carpenter motioned to recess the Board of Selectmen’s meeting and convene the Board of Health public hearing. Mr. Doyle seconded. Passed unanimously.

Mr. Stearns read the following notice: “Notice is hereby given that a hearing will be held on November 17, 2003 at 8:30 pm at the Planning & Development Office concerning a request by Brian Keenan for a Waiver from Section 2.5 of the Windham New Hampshire Board of Health Supply Regulations, requiring wells to be a minimum of 100’ from septic systems. Waiver requested to construct a leach field within the 100’ of the protective well radius at the property located at 21 Fish Rd, Windham NH Tax Map 21-V-234. The proposed septic system will be with 57’ of the well”.

Mr. Turner stated that a waiver for a septic system is needed for the property located at 21 Fish Road which is 57 feet from his well. A permit is also required from the State.

Mr. Seaver of MIS Engineering, who designed the system for the property owner, Brian Keenan, stated that the State permit has already been obtained, however a waiver is also required from the Town. He further explained how the system worked and the maintenance required. Mr. Turner stated that this property is currently classified as seasonal but with the new septic system, they could apply for year round status.

The Board noted that although the new system is an improvement, however, if it is not maintained wells in the area could be contaminated.

The following abutters spoke against approval of the waiver: Ms Rondeau, Kevin Malone, Kevin McCutter, Tim Cluff, and Rick Barry. Christine Firollero was unable to attend but submitted a letter stating her concerns.

Mr. Keenan stated that he felt the neighbors were against this waiver due to the fence he had installed.

Mr. Hohenberger motioned to deny the waiver because 1 – excessive violation of setback requirements of the well to the leach field and 2 – it could result in a detriment of allowed uses on adjacent properties Mr. Carpenter seconded. Mr. Turner noted that the present system is not presently over capacity and that if the request for the waiver was denied, he would issue a notice to vacate as it is seasonal property. Mr. Carpenter noted that the proposed new septic system would be cleaner, however the concern was would the system be properly maintained. Motion approved 4-2 with Mr. Breton and Mr. Turner opposed.

The Board of Health recessed and the Board of Selectmen reconvened.

TOWN REPORT BIDS: Mr. Sullivan stated that the following bids were received for the printing of the annual town report:

Armstrong Graphics, Pelham NH	\$11,750.00
RAM Printing, E Hampstead NH	No Bid
Riendeau Printing, Pelham NH	\$10,936.00
ePrint, Hudson NH	\$ 8,300.00

Mr. Doyle motioned to award the bid to ePrint for the bid price of \$8,300 as recommended by Mr. Sullivan. Mr. Hohenberger seconded. Passed unanimously.

ORIOLE/CARDINAL ROADS BARRIER: Mr. Sullivan explained that last year, in response to a request for a solution to excessive speeding at the intersection of Oriole and Cardinal Roads, the Board approved and the Highway Agent installed a barrier to slow traffic. Since that time, residents have complained that the barrier is not effective

in reducing speeding, is unsightly, lowers property values, causes a site problem for residents in the immediate area, causes problems plowing and that they would like it removed before winter. Mr. Sullivan stated that the Highway Safety Committee has reviewed this site and there is not enough site distance for a “stop” sign without a total re-figuration of the intersection which is not in the budget.

Donna Murray explained her concerns and a letter she had to submit which she received from Rose Mary LeMay stating hers. Both requested the barrier be removed.

Mr. Carpenter suggested that the double yellow line be re-stripped, the barrier removed and drawings and an engineering estimate be done for constructing a proper intersection. Mr. Hohenberger concurs and would support removal and re-striping. Mr. Breton discussed lowering the speed limit to 25 mph.

Mr. Carpenter motioned to instruct the Highway Department to remove the barrier and restore the road to its original configuration, to re-stripe the road as soon as possible and to increase police patrols in the area. Mr. Doyle seconded. Passed 4-1 with Mr. Stearns opposed.

The Board inquired as to the cost to make a T intersection at this location – Mr. Sullivan stated that a preliminary quote, without engineering studies, estimated \$150,000 to \$200,000. The Board also discussed additional signage.

CABLE COMMITTEE – EQUIPMENT REQUEST: Margaret Case, Chairman of the Cable Advisory Board, requested approval to purchase 2 digital cameras and tripods at a total cost of \$15,454.00. Mrs. Case also requested that funding for these items be the remainder of the Cable budget and the balance to come from the special fund (monies received for Adelpia).

Mr. Doyle motioned to approve the purchase of 2 digital cameras and tripods for a cost of \$15,454.00 with \$6,500 to come from the equipment account, the remainder to come from other line items in the Cable Budget if available and not needed for the overall town budget bottom line and the balance, if necessary, to come from the special fund from Adelpia. The purchase order will be signed and held by Mr. Sullivan until it is certain budget funds are available at year’s end. Mr. Carpenter seconded. Passed unanimously.

Mrs. Case told the Board that Mr. Sullivan, Mr. Nelson (General Manager from Adelpia), an attorney for Adelpia and she met and have agreed that there was no breach of contract. Mr. Nelson also assured them that the residents would receive timely notice of any future rate increases.

Mrs. Case also stated that the Franchise Agreement will Adelpia may need to be amended due to Federal regulation change, however, the Cable Board is still reviewing this.

ANNOUNCEMENTS: Mr. Breton announced that Senator Charles Bass will be at the Town Hall on November 18, 2003 at 5:00 pm to meet with any residents who wish to see him.

MINUTES: Mr. Breton motioned and Mr. Hohenberger seconded to approve the minutes of November 3, 2003 as presented. Passed unanimously.

CORRESPONDENCE: Road Bond Releases – Mr. Doyle motioned to authorize the final release of a road bond in the amount of \$1,680.00 for Beacon Hill Rd from Station 2+00 to Station 8+00. Mr. Carpenter seconded. The Board discussed tabling this release until the road is re-stripped. Mr. Case noted that the developer paid the town to have the original striping done and he should not be required to pay again. The Board noted that the paint used by the contractor did not hold up well on this road and others in town and would have to be redone. Mr. Hohenberger stated that he felt the town should make the contractor redo the work. Motion passed 3-2 with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Doyle motioned to authorize the partial release of a road bond for Lancelot Road from Station 00+00 to Station 6+50 in the amount of \$7,430 and retain \$3,250.00 contingent on the Highway Agent's approval. Mr. Carpenter seconded. Passed unanimously.

Letter received from Adelpia stating that their rates will be increasing in their January statements.

Letter received from the Department of Transportation stating that they are planning a signal coordination project in the Town at the intersection of NH Route 111, Lowell Road, Fellows Rd/No. Lowell Rd and Village Green. New signal hardware, software and conduit will be installed between all the intersections.

Letter received from the Board of Adjustment regarding a handout from the Conservation Commission which may be causing residents confusion when they need to meet with the Board of Adjustment. This will be discussed with the Conservation Commission at a later date.

OLD/NEW BUSINESS: I-93 - Mr. Sullivan told the Board that he has been attempting to set up a meeting with the Governor but to date has not been able to speak with the person who does the scheduling. Messages have been left and he is waiting for a call. This meeting is to discuss the I 93 project.

The Board wants to go forward with this project as does the State and the Board has been waiting to hear from the DOT about a possible redesign

of Exit 3. The Board asked Mr. Sullivan to set up the meeting with the Governor as soon as possible and request the information on the design of Exit 3 for that meeting.

Transfer Station – Mr. Sullivan told the Board that Mr. Poulson, Transfer Station Manager, recommended that the commercial rates at the Station be amended. Mr. Carpenter moved and Mr. Hohenberger seconded to schedule a public hearing on amending the commercial rates at the Transfer Station. Passed unanimously.

NON-PUBLIC SESSION: Mr. Doyle motioned and Mr. Carpenter seconded to go into non-public session in accordance with RSA 91-A:3, IId. Roll call vote – all members – yes. The Board and Mr. Sullivan were in attendance. The subject was land acquisition.

Mr. Sullivan updated the Board on ongoing negotiations to purchase land through the Conservation Fund.

Mr. Doyle motion and Mr. Hohenberger seconded to adjourn. Meeting adjourned at approximately 11:30 pm.

Respectfully submitted,

Kathleen Davis
Human Resources

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