

**BOARD OF SELECTMEN**  
**Minutes of March 17, 2008**

**MEMBERS PRESENT:** Chairman Alan Carpenter called the meeting to order at 7:05 PM. Selectmen Bruce Breton, Dennis Senibaldi, and Roger Hohenberger were present, as was Town Administrator David Sullivan. Selectman Margaret Crisler was excused.

Mr. Carpenter explained that a recount had been requested by Mr. McLeod, which was scheduled for Wednesday and, as such, the existing Board would sit until complete. Following the Pledge of Allegiance, Mr. Carpenter read the agenda into the record.

**ANNOUNCEMENTS:** Mr. Carpenter extended a "Happy St. Patrick's Day" to all, and praised the voter turnout on Tuesday the 11<sup>th</sup>.

*Mr. Senibaldi* announced that the Easter Egg Hunt had gone well the previous Saturday, with great weather and a great turnout. He extended thanks on behalf of Recreation Coordinator Cheryl Haas to all involved.

*Mr. Senibaldi* addressed a recent Eagle Tribune article that had stated an additional 300 ballots had been distributed in excess of those cast. He clarified that this was not the case, but rather the number cast had been in keeping with the number distributed. Supervisor of the Checklist Robert Skinner approached in concurrence, noting that he and fellow Supervisor Jill Moe had reviewed the numbers on the checklist versus the State report, and the ballot machine totals. A difference of 3 ballots had been noted, which was within an acceptable error margin.

A brief discussion ensued regarding the reasons behind the differences noted on election night.

*Mrs. Haas* approached to remind all of the free Court Jesters game on Friday at Windham Middle School at 7 PM. The game will feature Town/School employees versus the Jesters, and tickets are still available from the Recreation Department.

**CORRESPONDENCE:** Letter received from Mr. Russ Williams, 52 Mammoth Road, expressing concerns with the requirement to display Transfer Station decals on vehicles and the hours of operation.

*Letter received* from Nault's Windham Honda requesting a key to the Town's boat launch to allow for testing of watercraft undergoing repairs. A discussion ensued regarding the permitted uses of the launch, hours of availability, and impacts to pond residents.

It was the consensus of the Board that Mrs. Haas contact Nault's for further information regarding this request.

**ANNOUNCEMENTS CONTINUED:** Town Clerk Joan Tuck approached to inquire how many of the Board members would be available for the recount on Wednesday. All members indicated their availability, and Mrs. Tuck estimated that the process would take approximately four hours to complete.

**MADD AWARD:** Representatives of Mothers Against Drunk Driving were in attendance to present commendations to Sergeant Wendy Foley and Officer Bryan Smith for their efforts to eliminate drunk driving. Sgt. Foley and Officer Smith, combined, made a total of 25 DWI arrests in 2007. The Department total for the year was 56.

**RIGHT TURN LANE/SHAWS:** Tabled.

**DES UPDATE:** New Hampshire Department of Environmental Services representatives Ralph Wickson, Pam Morrow, Dennis Pinski, and Brandon Kernan were in attendance to update the Board and residents on the Ledge Road blasting issue. Highlights of the discussion included:

- The DES ordered scope of work for site investigation has been received from Meadowcroft and is currently being reviewed.
- Of the 30 wells tested around the site, five wells were found to have nitrates in excess of acceptable levels.
- Dust at the site continues to be monitored in keeping with EPA visual standards of 25% opacity. The developer did not obtain a crushing permit and was not effectively controlling the dust as of the end of February. This led to a lengthy discussion regarding the effects and potential health hazards of silica dust.

Mr. Pinski indicated that it is difficult to have a health-based standard for dust/particulates. Ms. Morrow indicated, however, that the DES' regulations require that the dust does not leave the site.

As discussion moved to the health risks, Mr. Pinski explained that silica particles can cause silicosis, a scarring of the lungs, if enough particles are inhaled over an extended period of time. Silicosis is generally an occupational hazard of stonemasons, etc., and is not likely an issue in the case. Ms. Morrow indicated that spray bars are required onsite to suppress dust.

The possible hazards of ingesting silica, which Mr. Pinski indicated was essentially dirt, via groundwater were then discussed. Mr. Kernan indicated that the crushed pile onsite had been tested and a low level of nitrates found which will result in further evaluation. He then noted that he was not aware of water contamination ever occurring as a result of dust. Discussion ensued regarding groundwater flow patterns versus the site investigation requirements, which have yet to be determined.

- It will take approximately four months for the site investigation to be completed, and no further blasting will be conducted until a DES approved remedy is in place. In addition, it is required that secondary/anecdotal effects, such as turbidity, be addressed. Mr. Kernan indicated that, if the Town wished to work in tandem within their authority to control the site, DES representatives would be willing to assist.

Discussion ensued regarding the Health Officer's authority under State statute and site plan/subdivision regulations, and the lack of funds remaining in the developer's bond to fund the independent consultants. It was the consensus of the Board that Mr. Turner begin to work jointly with the DES immediately regarding local authority.

- Ms. Morrow indicated that the developer has applied to the State for a crushing permit and is permitted to do so during the permitting review process provided they comply with State regulations. Ms. Morrow reviewed the permitting process, and indicated that a public hearing will be held locally prior to DES decision.

Mr. Turner pointed out that the Town's regulations prohibit crushing without a State permit.

- Mr. Carpenter summarized the update as follows: no crushing will occur on the site until after the DES public hearing and permit approval which will require compliance with all State and local regulations; and no blasting will occur until all testing/monitoring is completed, an action plan developed, and remedies put in place. It is estimated that there will be no blasting/crushing activity for at least the next 180-190 days. Mr. Wickson indicated the DES has made all public documents related to this matter available on their website at [des.nh.gov](http://des.nh.gov).
- Area residents Julia Wissel and Greg Kindrat approached with additional concerns regarding silica. Mrs. Wissel noted that the rules the DES are referring to are occupational in nature, and that the last time a study was done in NH regarding silicosis was in 1986. She indicated there was nothing in place to protect residents from this hazard and there was no baseline regarding silica in NH. A discussion ensued as to why no standards existed. Mr. Pinski indicated there are no regulations related to home air quality, which is ultimately the homeowner's responsibility. He noted that he did have Mrs. Wissel's air quality report, which will be reviewed. Further discussion ensued regarding the differences in the Ledge road site duration from other projects, such as road construction.

Mr. Kindrat questioned what the shortest exposure duration was in the development of silicosis. Mr. Pinski replied he did not have that information, but could locate it. Mr. Kindrat then noted that the project duration was originally estimated at 7-8 years, which was a significant exposure time. He felt that the project seems to have been a mistake from the start, and there have been too many negative impacts associated with water, structural damage, etc.

Mr. Jack Hamburger then approached stating the residents had been told all results would be in by March 1<sup>st</sup>. He felt that if the developer had missed the deadline to submit the scope of work then the project should be shut down, and questioned how the residents would be compensated for actual and punitive damages.

Discussion ensued regarding the latest round of test results in relation to the cessation of blasting five months ago, slight decreases in the levels in the last round, and that two more rounds of testing are pending.

- Mr. Breton raised the issue of a recent report made to the Town regarding past illegal dumping near the Ledge Road site. Mr. Turner noted that a report had been received of illegal disposal of turgids in the area of the site, and that the DES had been advised and would be investigating the allegation.
- Suspension of the project was discussed due to lack of compliance with the site plan and lack of bonding.
- The testing of 6 Meetinghouse Road was discussed, as was testing of the High School site and funds remaining from the Developer's escrow for Stonehill Environmental's fees. It was the consensus of the Board that Mr. Turner determine the cost for further review by Stonehill.

**OLD/NEW BUSINESS:** Chief McPherson sought the Board's support to begin the recruitment procedure for the four (4) firefighters approved on March 11. The Board okayed Chief McPherson's advertising of the positions.

*Chief McPherson* then advised the Board that he will begin the process of leasing the new command vehicles as approved. The Board concurred.

*Chief Lewis* advised the Board that he had just received three (3) employment applications from NH certified officers, and requested the Board's approval to add these candidates to the current recruitment. After a brief discussion, it was the consensus of the Board that the Chief proceed as requested.

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

The meeting was adjourned at 9:00 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant

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