

BOARD OF SELECTMEN
Minutes of April 30, 2012

MEMBERS PRESENT: Chairman Bruce Breton called the meeting to order at 7:00 PM. Selectmen Ross McLeod, Phil LoChiatto, Kathleen DiFruscia and Roger Hohenberger were present; as was Town Administrator David Sullivan. Mr. Breton opened with the Pledge of Allegiance.

Mrs. DiFruscia then requested a moment in silence to recognize the recent passing of long-time resident and former State Representative Carol Yennaco.

ANNOUNCEMENTS: Mr. McLeod made the following announcements on behalf of Recreation:

- Registration for Summer programs, with the exception of swim lessons, will begin on May 1.
- Three lifeguards are still needed for summer, as the Recreation Coordinator is having difficulty filling these positions.
- The Griffin Park parking lot is paved and striped, and the new signs have been installed. Also, the crosshatching has been completed as per the Board's request and the lot is open for use. Mr. Sullivan followed up this announcement by advising the Board that the donation of the pipe extension at the bio-detention pond has been withdrawn due to the contractor's concerns with the new conflict of interest ordinance. He noted that the Town has until May 15th to finish the extension, and that he was currently getting quotes for its completion. Mr. Sullivan noted that the cost will be less than \$5K, which puts it within his purview to award, and that he will do so to the lowest submitter. He then requested that the Board authorize the expense of these funds from the Property Maintenance Trust.

After a brief discussion, Mrs. DiFruscia moved and Mr. LoChiatto seconded to authorize the expense of up to \$5K from the Property Maintenance Trust. After further, brief discussion, the motion passed unanimously.

CORRESPONDENCE: Mr. Sullivan noted there are two pieces of correspondence from the Planning Board relative to the DOT discussion.

MINUTES: Mr. Hohenberger moved and Mr. McLeod seconded to approve the minutes of April 9th as written. Passed unanimously.

DEPARTMENT OF TRANSPORTATION: Mr. Sullivan noted that, approximately one month prior, the DOT had contacted the Town advising that they intended to re-classify two portions of road to Class V: Indian Rock Road, approximately 3200 linear feet, from Wall Street to the planned cul-de-sac in the area of Letizio's; and Range Road, approximately 2500 linear feet, from Klemm's to the area of West Shore Road. He advised that the Board needs to determine acceptance of these roads, their conditions, etc., and that Mr. Peter Stamnas was here from the DOT to answer any questions the Board might have.

Mr. Hohenberger inquired what the procedure would be if the Board did not wish to accept these portions, and Mr. Stamnas indicated they would need to submit that in writing and he would bring it to the Department. Mr. Hohenberger then indicated he would be in favor of leaving these portions as State roads, as the Town will have to pay to maintain them if accepted.

Mr. McLeod inquired whether the properties along Range Road portion will all maintain access as part of the reclassification, and Mr. Stamnas replied in the affirmative; adding that as part of the Board's earlier request to relocate Range Road accesses were requested.

Mr. Stamnas then explained that the intent to reclassify is because these roads will only be carrying local traffic and acceptance will offer the Town full control of them. Mr. Breton inquired how the traffic to Range Road commercial properties will be affected, and Mr. Stamnas indicated that as part of the earlier discussion concerns were raised regarding the number of traffic signals. He noted that, because of this, the DOT will be moving the signal at Klemm's to the intersection of the newly shifted end of Range Road; leaving the "old" intersection configured as a right in/right out with no lefts being allowed onto Route 111. Mr. Stamnas noted that lefts will be allowed only from the by-pass to the old portion of Range Road.

Mrs. DiFruscia expressed concern regarding impacts to businesses and future development in this area, and inquired how people will easily access those businesses if Range Road is no longer a thoroughfare. Mr. Stamnas noted that additional accesses are planned to these properties as part of the construction, and that the shift was being made at the Town's request. He indicated that if the Board no longer wished to re-locate 111A, that could be discussed. Discussion ensued regarding the addition of access to the rear of these commercial properties, and the way the current businesses are already addressing the shift.

Mr. LoChiato then sought clarification that vehicles will still be able to take a left when heading westbound, and Mr. Stamnas replied in the affirmative. Mr. LoChiato then requested that the State make sure that there is a significant enough island to prevent vehicles from trying to make a left from Range Road onto Route 111; and Mr. Stamnas indicated the east side will be tightened up to channelize people. Discussion ensued regarding the existing left turn from Route 111 to Range, the current ongoing development at the intersection, and the State's coordination with that developer.

Mrs. DiFruscia inquired what the disadvantage was, if any, of not accepting the re-located road. Mr. Stamnas indicated that the intended advantage was to provide/improve access to those commercial properties in the area. Mr. Hohenberger noted that, originally, the new Park and Ride was to be constructed in the relocation area, and the shift would provide access to both sides of the commercial properties. He added that a walkable area was envisioned as part of the Gateway District plan. Mr. McLeod concurred that the intent was to maximize the use of the Gateway District via the roadway. Discussion ensued regarding local access to West Shore and other area roads, the continued use of the other old portion of Range Road to get to Salem, and the ultimate location of the new Park and Ride. Mr. Sullivan then noted for the record the comments of the Planning Board as attached.

Mr. LoChiato suggested that the DOT consider additional signage to read "Local Traffic Only" in the northerly direction to the old Range Road.

Community Development Director Laura Scott approached and noted that commercial developers in both areas are planning based upon the second access being constructed; adding that there may be some implications to those businesses if the Board does not move forward.

Mrs. DiFruscia inquired what the time frame for completion of the shift was, and Mr. Stamnas indicated the DOT is looking to finish all Exit 3 work by 2015, and that this shift will be the last piece of the project.

Mrs. Lois Bates approached and suggested that the Board/DOT consider posting signage depicting the house numbers at the respective old portions of Range Road (ie: #'s 1-30). Mr. Stamnas indicated he could present that suggestion to the DOT if the Board desired.

After further discussion, Mr. Hohenberger moved to support the road network as presented by Mr. Stamnas, to include the additional road as depicted, but to not accept the former portion of Range Road as a Town road. There was no second.

Mr. LoChiato then moved and Mr. McLeod seconded to accept the proposed road configuration, conditional upon added "Local Traffic Only" signage, and to accept the reclassified portion subject to all maintenance issues having been addressed beforehand and satisfactorily reviewed by the Town's Highway Agent.

Mr. Sullivan suggested that Mr. LoChiato amend his motion to state "including but not limited to fresh pavement." Discussion ensued as to whether that would be warranted as it may not be needed and possibly establishing what standards the Town desires with the DOT at a later date. Mr. Stamnas indicated the DOT would simply like a commitment, and that he will work with the Town regarding the desired standards.

Mr. McLeod suggested an amendment to state "any repairs, repavement, or road work to be coordinated with the Highway Agent up to, but not limited to, new pavement." Mr. LoChiato concurred and amended his motion according, as did Mr. McLeod his second. Motion passed 4-1, with Mr. Hohenberger opposed.

Discussion then moved to that portion of Indian Rock Road in question, and Mr. Stamnas indicated this will truly represent local traffic only into the cul-de-sac. Mr. LoChiatto inquired what the width of the existing 111 was and Mr. Stamnas estimated 40'. Discussion ensued as to reducing the amount of pavement in the area, and Mr. Stamnas indicated the State has not engineered such a reduction and pointed out that the side roads and driveways would have to be considered.

Mrs. DiFruscia concurred with Mr. LoChiatto noting that the less pavement around the Pond the better, and a discussion ensued regarding installation of a median along this area and the timeframe for completion, as well as considerations being made by the State for the Kindergarten.

Mr. Sullivan noted the Planning Board's comments for the record as attached.

Mr. LoChiatto moved and Mr. McLeod seconded to accept the proposed road configuration and to accept the reclassified portion subject to any repairs, repavement, or road work to be coordinated with the Highway Agent up to, but not limited to, new pavement.

Mr. McLeod requested that Mr. LoChiatto amend his motion to add reduction of the pavement width, if able, and a discussion ensued regarding the costs to maintain these re-classified roads. Highway Agent Jack McCartney estimated it would be \$11K per year for both.

Mr. LoChiatto amended his motion as per Mr. McLeod's suggestion, and the motion passed 4-1, with Mr. Hohenberger opposed.

Discussion then moved to the construction of sidewalks. Mr. Stamnas indicated that sidewalks are being proposed on both sides of Route 111, however, they cannot be constructed without the Town's entrance into an agreement to provide maintenance. Mr. Breton noted that a total of approximately 6400 linear feet are being proposed.

Mrs. DiFruscia inquired as to the costs to maintain sidewalks, and Mr. McCartney replied he did not know as the Town does not currently maintain any nor do we own the equipment to do so. Discussion ensued regarding the existing sidewalks along the by-pass, and Mr. Sullivan noted that the Federal government is now requiring municipalities to maintain sidewalks where it has not before so the Town will be maintaining those regardless. Further discussion ensued regarding the lack of use of the existing.

Mr. LoChiatto indicated he believed sidewalks were a good idea despite the cost, however he noted that it did not make sense to extend them to the old portion of Indian Rock Road as it will be a local road; rather they should be extended onto Route 111 as it makes more sense in order to connect to the Village District. Mr. McLeod concurred that sidewalks made sense, noting that both the Planning Board and Economic Development Committee support them and it will only serve to help increase traffic to local businesses. Discussion ensued.

Mr. Sullivan read the Planning Board and Economic Development Committee's comments into the record. Mrs. Kristie St. Laurent approached noting that nobody utilizes the current sidewalks out on the by-pass because there are no curb cuts in that area, however, the other end is being utilized towards McDonald's.

Mr. Pat Nysten approached and inquired whether any thought had been given to constructing sidewalks along the old Range Road; noting it is very densely populated there and would provide walkability to residents and those working in the area.

Mr. Hohenberger pointed out that the new roadway will be limited access and will not have a large number of curb cuts either, and indicated he felt sidewalks detract from a small town atmosphere. Mrs. DiFruscia indicated she understood Mr. Hohenberger's position, but noted that a commercial build-out is going to happen in Windham and if the Town wants good, substantial businesses sidewalks will help. She then inquired whether the Board could explore cost saving measures, such as agreements with local businesses to maintain the sidewalks. Discussion ensued.

Mr. McLeod then moved and Mrs. DiFruscia seconded to enter into an agreement to provide maintenance of sidewalks. Passed 4-1, with Mr. Hohenberger opposed.

Mr. Stamnas then advised the Board that a study group will be formed to determine the location of crosswalks on Route 111, and that the existing one in the area of Klemm's will be eliminated and moved to the new signal; indicating there was a possibility of replacing it with a pedestrian activated system. Discussion ensued and the Board requested that Mr. Stamnas provide information on the system in question for the Board's review.

Mr. Sullivan then noted that the Board had been invited to attend the May 21st Salem Board of Selectmen meeting, and inquired of Mr. Stamnas whether the same updates/issues will be discussed there. Mr. Stamnas indicated the Salem discussion will be a status update only focused primarily on issues at Exit 2.

LACROSSE FUNDRAISING REQUEST: Mr. Sullivan explained that a request had been received from Windham Lacrosse to undertake a fundraising event, noting that it requires the Board's approval as they fall under the Town's auspices. He advised that the funds raised selling candy bars would be utilized toward the program, and cautioned that should the Board approve the request they would be setting a precedent for other Town functions/committees to similarly fundraise. After a brief discussion, Mr. McLeod moved and Mrs. DiFruscia seconded to approve the request from Lacrosse. Passed unanimously.

COMMUNITY DEVELOPMENT DIRECTOR: Ms. Scott advised that she had received a request to refund a \$140 variance application fee to install a fence; noting that the request from the applicant cited the impacts of the I-93 expansion project and increased sound levels to their home on Squire Armor Road as reason for same.

Lengthy discussion ensued regarding the staff time to review/handle the application and send out abutter notices versus the I-93 project and inability of the residents to successfully have a sound barrier constructed.

Mrs. DiFruscia then moved and Mr. McLeod seconded to refund the variance application fee in the amount of \$140 as requested. After further discussion, the motion passed 3-2, with Mr. LoChiatto and Mr. Hohenberger opposed.

Mrs. Scott then inquired whether the Board would then be waiving the applicant's fence permit fee, as well as the rest of the fees for applicants that will now be coming in from the same area. Mr. Breton indicated any other requests would be handled on a case by case basis; adding that he did not believe the Board needed to waive the permit fee as it had been gracious enough to waive the application fee. The Board concurred.

Ms. Scott then reviewed her proposed changes to the Department Fee schedule, and a brief discussion ensued regarding the inconsistency in copy fees charged by the various departments.

Mrs. DiFruscia then moved and Mr. LoChiatto seconded to move the proposed fee changes to a public hearing. Passed unanimously.

WORKSHOP – SALE OF TOWN LANDS: Mr. Breton opened the discussion by noting that he believed the Board should first schedule a review of the "Disposition of Town Property" ordinance, which he noted the Town doesn't adhere to by conducting an annual review such as this. Mr. Sullivan replied that the Town does not review the properties annually, but rather addresses the parcels piecemeal. He noted he would simply like to review with the Board the information and a lengthy discussion ensued regarding the disposition policy.

Mr. Sullivan then reviewed with the Board a detailed map depicting 64 town owned parcels, classified as "other municipal lands", totaling approximately 95 acres; indicating that, of those, 43 parcels were obtained by tax deed and can be sold by the Board at any time. He noted that the Board could look at these parcels over June/July and have a group auction in late summer.

Discussion ensued regarding changes to the coloring of the map to better depict the parcels and Mr. Hohenberger requested that the current assessments be added to the spreadsheet provided. Mrs. DiFruscia also requested which parcels would have to go to Town meeting for sale also be better depicted. Mr. Sullivan indicated he will follow up on each request.

Mr. Breton then advised the members that there is currently a binder in the Administrative Office that includes each of these parcels. Further discussion ensued, and Mr. Sullivan advised this will be posted for a future, follow-up discussion.

OLD/NEW BUSINESS: Mr. Sullivan advised that the State has offered the Town the right of first refusal to purchase parcel 18-L-480, the Delahunty property, and that input had been solicited from the Planning Board, Economic Development Committee, Conservation Commission, and Tax Assessor. He noted that all had recommended that the Board should not acquire this property, but rather it be placed on the open market and returned to the tax rolls.

Mr. Hohenberger moved and Mrs. DiFruscia seconded to extend the Board's thanks to the State for the offer to purchase, but to decline same. Passed unanimously.

Mr. Breton noted that Mr. Yennaco is hoping to purchase the property and keep Delahunty's Nursery in Windham.

NON-PUBLIC SESSION: Mr. Hohenberger moved and Mr. McLeod seconded to enter into nonpublic session in accordance with RSA 91-A:3 II a and c. Roll call vote all "yes". The topics of discussion were personnel reputations.

The Board, Chief Lewis, Mr. Sullivan and Ms. Devlin were in attendance in the first session.

The Chief updated the Board on several personnel matters. No decisions were made.

The Board, Mr. Sullivan, and Ms. Devlin were in attendance in the remaining session.

The Board discussed the returning park rangers. Mr. LoChiatto moved and Mr. McLeod seconded to hire the park rangers as recommended. Passed unanimously.

Mr. McLeod recused himself from the next session given his familiarity with one of the individuals under consideration for a lifeguard position.

The Board discussed the returning lifeguards. Mr. Hohenberger moved and Mrs. DiFruscia seconded to hire the lifeguards as recommended. Passed 4-0.

Mr. McLeod returned to the meeting.

Mr. Sullivan updated the Board on several tax deeding issues. No decision were made.

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

Meeting was adjourned at 9:30 PM.

Respectfully submitted,

Wendi Devlin, Administrative Assistant.

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