

SELECTMEN'S MEETING JULY 29, 2002

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

ANNOUNCEMENTS: Senator Arthur Klemm, NH Senate President, presented Community Stars Awards to the following Windham students for their exemplary community service work: Talyia Iott, 2nd grade, visits to Children's Hospital and Old Folks homes; Corrina DaCruz, 5th grade, New York Relief Fund fundraiser and organizing evening activities at school; Joani Livingston, 12th grade, Teen Counseling and NH Teen Advocacy Council. Sen. Klemm noted that he initiated this award program and had signed the proclamations. He said that students were nominated by school principals in each of the towns he serves and awards will be presented accordingly

Fire Chief Fruchtman introduced Dr. Joseph Sabato, who explained that he is working with the Windham Fire Department to submit an application for grant funding for safety issues in town. Dr. Sabato said that the NH Highway Safety Committee specified that these grants are only for motor vehicle accidents.

PUBLIC HEARING - HIGHWAY LAYOUT: Mr. Hohenberger read the hearing notice concerning a petition by Samuel Nassar et al to reclassify approximately 550 feet of Class VI road to Class V road on Gov. Dinsmore Road.

Mr. Sullivan indicated that a letter from Mr. Nassar's attorney had been received requesting that the petition be withdrawn without prejudice. Mr. Nassar said that his request has been delayed since last November and was advised that he should approach the Planning Board prior to the Board of Selectmen.

Mr. Hohenberger recommended that the petition be denied without prejudice, but Mr. Sullivan said that the Board should make the motion at the next meeting after a site review.

Mr. Hohenberger moved and Mr. Carpenter seconded to continue the public hearing for two weeks (August 12th) to allow the Board members to individually walk the site prior to the meeting.

Mr. Sullivan indicated that the Board should close the public portion of the hearing prior to making a motion. Above motion withdrawn by Mr. Hohenberger and Mr. Carpenter.

Mr. Hohenberger moved and Mr. Carpenter seconded to close the public portion of the hearing and continue the hearing for two weeks to allow the Board members to individually walk the site prior to the August 12th meeting. Passed unanimously.

AMBULANCE NOTE: Dana Call, Finance Director, explained that quotes from three local banks had been received on a one-year note in the amount of \$54,854 for the purchase of an ambulance. She recommended that the Town enter into an agreement with Banknorth who quoted an interest rate of 2.19%.

Mr. Carpenter moved and Mr. Hohenberger seconded to approve financing of a new ambulance as outlined by the Finance Director. Passed unanimously.

Mrs. Call also requested the Board to authorize the withdrawal of \$18,800 from the Fire Apparatus Capital Reserve Fund to complete the ambulance purchase in August. Mr. Doyle moved and Mr. Hohenberger seconded to approve request. Passed unanimously.

PUBLIC HEARING - ROULSTON ROAD SIGNS: Mr. Hohenberger read the Public Hearing Notice concerning placement of "No Parking" and "Tow Away Zone" signs on both sides of Roulston Road. Police Chief Moeckel explained that posting of said signs in the hill area at the recreational trail site might discourage the excessive parking along Roulston Road which is creating a safety hazard.

Chief Moeckel said that fines have not been an effective deterrent to the parking, but "towing" may be more successful. He said that the Town cannot enforce "no parking" at the trail gates, and they cannot be blocked for emergency reasons. He said the Town could also not post the railroad bed.

State Rep. Anthony DiFruscia informed the Board that a new state law, RSA 233, would allow the Town to post signs on the railroad bed. He also pointed out other provisions of the law. He presented the Board with copies of the law.

Mr. Hohenberger moved and Mr. Stearns seconded to approve posting "No Parking" and "Tow Away Zone" signs on both sides of Roulston Road, as per Chief Moeckel's diagram, and the trail entrance area. Passed unanimously.

MINUTES: Mr. Doyle moved and Mr. Stearns seconded to approve the minutes of July 15, 2002. Passed unanimously.

CORRESPONDENCE: A letter of resignation from Robert O'Loughlin, Board of Adjustment member, was received. Mr. Stearns moved and Mr. Carpenter seconded to accept Mr. O'Loughlin's resignation with regrets. Mr. Doyle asked that acceptance be postponed until he could follow-up on the letter. Motion withdrawn.

Beth Talbott, Dispatcher, submitted her letter of resignation, effective August 14, 2002. Mr. Stearns moved and Mr. Hohenberger seconded to accept Ms Talbott's resignation with regrets. Passed unanimously.

Letter received from Adelphia announcing that Cable rates would be increased beginning with September billings.

HISTORIC DISTRICT COMMISSION: Patrick Schena, HDC Chairman, discussed the Commission's concerns with the I-93 expansion and how it will affect the historic sites in the area. He referred particularly to The Common Man, Robert Armstrong property, George Dinsmore property and Indian Rock. He presented the Board with a historic resources report on these properties, including results of meeting with the State. Mrs. Crisler said she had already delivered a copy of the report to the State DOT.

Mrs. Crisler said the Board has corresponded with the State regarding preserving or relocating these properties, but indicated further contact was warranted. Mr. Schena stressed the importance of site mitigation locations, if properties were to be relocated.

Mr. Carpenter recommended that the HDC contact the property owners to gain their input on the state's proposal prior to communicating with the State again. Mr. Hohenberger recommended that the Selectmen schedule a meeting with Carol Murray before September. The Board authorized the HDC to meet with Mr. Ray, owner of The Common Man.

ATV TRAIL & PARKING UPDATE: Mr. Sullivan announced that the signs for Depot Road had been received, but the posts had not been delivered.

Mr. Sullivan said that after a meeting at the trail site with the State officials and residents, it was decided to request the State to design a parking system for the Depot Road trail. The state prepared two proposals which were as follows: blocking off town property and relocating the town's sand pile, which would provide about 35 to 40 spaces; grading and paving state property and adding barriers to town property, which would provide about 20 to 30 spaces. Bob Spoerl, State Bureau of Trails, was present and said the proposals were not engineered due to time constraints.

The Board commended Mr. Sullivan and Mr. Spoerl for their efforts, noting that both plans would reduce the amount of parking area. Mr. Spoerl also indicated that parking on the trails was prohibited, but there have been exceptions to the rule. It was noted that the state's property is much larger in size than that owned by the town.

Mr. Mangan cited an incident over the weekend, and said that problems with the ATVs had not improved. He also voiced objection to the state parking area proposal for several reasons, and said the parking should be reduced. Mr. Ramsden asked the Board to move forward with posting the signs on Depot Road as soon as possible.

Mr. DiFruscia asked the Board to delay any action for three weeks to allow him to continue investigation of exactly what the State owns, and to study the new State law on trails. In response to Mr. Dubois' question, Mr. Spoerl said that the Bureau of Trails owns the corridor in question, while others are on loan from the State.

The residents will be given time to study the proposals, and any comments should be made to Mr. Sullivan. Mr. Carpenter recommended that the State prepare an engineering plan and submit it to the Board within the next three weeks. Mr. Spoerl noted that the Windham gates should be changed in the near future. He also said that anyone with complaints or questions could contact the Bureau of Trails 24/7 at 271-3254.

Mrs. Crisler reported on her visits to the trail sites on the weekend and said her experience confirmed what the residents have been complaining about. Mr. Kimball asked for more police visibility as the area is undisciplined and is being used by the public for loitering, etc., and not just ATVs.

Chris Olivero, NH ATV Association, told the Board that they should pursue getting grant monies for policing trails and soliciting local vendors for equipment. Mr. Spoerl said that the additional ATV fees will provide grants to towns for policing trails.

The Board indicated that the next update will be within the next four weeks.

OLD BUSINESS: Mr. Hohenberger questioned who was responsible for filing the paperwork on the rehearing of the Abdinor case, which was granted by the Board of Adjustment, and was informed it was the applicant who filed for the rehearing.

Mr. Hohenberger also questioned when the meeting would be held with the School Board concerning a proposed joint maintenance agreement and use of the Gage land for a new school. No decision.

Mrs. Crisler reported that she, Mr. Sullivan, Mr. Doyle and Mr. Maranto had met relative to a date for the dedication of Griffin Park and it was decided that it would be at the end of September.

ADELPHIA BUILD OUT: Margaret Case, WCAB chairman, urged the Board to consider approving

the performance bond from White Mountain in the amount of \$20,000 to allow Adelphia to continue Windham's build out. She said she had visited Adelphia and found the new equipment and technology to be exceptional. She said this continuation would be of benefit to the residents, and that Adelphia intended to have the appropriate bond in the amount of \$150,000 within thirty days.

The Board informed Mrs. Case that a letter to Adelphia advising them that they are in breach of contract is ready for signature. In response to Mr. Stearn's question, Mrs. Case said that the contract requires a \$150,000 performance bond for upgrade of the system. She said that this amount is reduced to \$75,000 when build out is complete, but the Town can take the full amount if the work is stopped before completion.

Mr. Carpenter moved to instruct the staff to complete the letter to Adelphia acknowledging that they are in breach of contract, and advising them that the Town will accept the White Mountain performance bond in the amount of \$20,000 on an interim basis. Seconded by Mr. Doyle. Passed by a majority vote of 4 to 1, with Mr. Stearns opposed.

NEW BUSINESS: Mr. Sullivan reported that a fax had been received from Mrs. Doucette requesting the Board to reduce the Searles Building rental fee to \$25/hr for a scholarship fundraiser on August 11th. Mr. Doyle moved and Mr. Hohenberger seconded to require the applicant to pay the \$50/hr rental fee, minimum of 3 hours, with the town refunding the amount of \$25/hr, or \$75, as a donation to the fund. Passed unanimously.

Mr. Sullivan asked the Board if they were interested in filing intervener status in the Pennichuck Water Works buy-out by Philadelphia Suburban Corporation. Mr. Carpenter moved and Mr. Doyle seconded to file intervener status as noted. Passed by majority vote 3 to 2, with Mr. Hohenberger and Mr. Stearns opposed.

Mr. Sullivan discussed a proposal to improve the Town's telephone system by using one provider for all systems, including T-lines. He said it would reduce monthly fees, but the company requires a three-year contract. The Board questioned the contract length and felt it should only be for one year to allow for the town to determine its benefits. Mr. Sullivan will continue to negotiate with the vendor.

Mr. Sullivan announced that a workshop with the Fire Department will be held on Monday, August 5th, 7 pm, at the Fire Station.

THANK YOU: Mr. Sullivan extended a warm thank you to all persons who participated in the Senior Picnic on July 24th, noting that he felt it was the best picnic to date.

NON-PUBLIC SESSION: Mr. Carpenter moved and Mr. Doyle seconded to go into Non-public Session in accordance with RSA 91-A:3 IIC and e. Roll call vote - all members - Yes. The subjects were reputations and legal. The Board and Mr. Sullivan were present.

The Board reviewed several abatement requests submitted by Mr. Norman, Assessor. Mr. Hohenberger moved and Mr. Stearns seconded to grant or deny the abatements as recommended by Mr. Norman. Passed unanimously.

Mr. Sullivan updated the Board on a legal matter. No decision.

Respectfully submitted,

Kathleen Davis
Administrative Assistant

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

