

## **BOARD OF SELECTMEN MEETING**

### **Minutes of March 8, 2004**

**ROLL CALL:** Chairman Galen Stearns called the meeting to order at 7:05 PM at the Planning and Development Department. Those present included Selectmen Bruce Breton, Christopher Doyle, Alan Carpenter, and Roger Hohenberger. Mr. Sullivan was also present.

**ANNOUNCEMENTS:** Planning and Development Director Al Turner introduced the Town's new Assistant Planner, Rebecca Way. The Board welcomed Ms. Way aboard, and looks forward to working with her.

**LIAISON REPORTS:** None.

Mr. Doyle moved and Mr. Breton seconded to adjourn to the Board of Health. Passed unanimously.

**BOARD OF HEALTH PUBLIC HEARING:** Mr. Stearns announced that the Board had received a request for re-hearing from Attorney Mary Notaris on behalf of Brian Keenan. This request pertains to a previous decision by the Board of Health, wherein Mr. Keenan's request for a waiver of septic system setback requirements was denied. Atty. Notaris' correspondence indicated that new information was now available, and therefore a re-hearing was requested.

Mr. Turner explained that a rehearing was generally only approved if: 1) substantial new evidence was presented that may have impacted the Board's initial decision had it been available, or; 2) a procedural error was made. Mr. Turner also indicated that the owners' request had been received within the required time frame, and that the owners felt that the results of their research into similar Board of Health hearings constituted new evidence.

After general discussion of the previous hearing and the area in question, Mr. Turner advised the Board members that, if a re-hearing is granted, the applicant would be required to proceed as if this were a new case; submitting new applications, evidence, testimony, etc.

Mr. Doyle moved to grant the request for a rehearing. Mr. Carpenter seconded the motion for discussion.

After further discussion regarding procedural issues and the type of septic system proposed, Mr. Carpenter questioned whether the applicant could approach the Board of Health again if a rehearing was denied. Mr. Turner stated they could not; rather they would have to approach the court for relief.

Motion did not carry. Vote was 3 to 3, with Mr. Carpenter, Mr. Stearns, and Mr. Hohenberger opposed.

Further discussion ensued about this request, wherein Mr. Breton and Mr. Turner explained that, should the waiver request ultimately end up in court the more complete the Town's records the better the chance for a fair hearing. Mr. Hohenberger questioned if the rehearing itself could be done that evening. Mr. Sullivan indicated that, because it would essentially be a new plan and hearing, it would need to be posted, etc.

Mr. Carpenter moved and Mr. Hohenberger second to reconsider the Board of Health's vote. Motion passed 4 to 2, with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Doyle moved and Mr. Breton seconded to grant the request for rehearing. Motion passed 4 to 2 with Mr. Stearns and Mr. Hohenberger opposed.

Mr. Breton moved and Mr. Doyle seconded to adjourn the Board of Health portion of the meeting.

#### **CORRESPONDENCE:**

*Letter* received from the NH Department of Transportation (NHDOT), advising the Town that they are prepared to award the contract for the Langdon Road project to RJ Olszak Construction, Inc., for their bid amount of \$373,372. Award of this bid will result in an excess in project costs of \$27,707.17, however, no further funds will be requested from the Town.

*Letter* received from Mr. Cass of the NHDOT detailing the acreage information pertaining to the Route 93 project, as previously requested by the Board. Mr. Cass' letter explained that the proposed layout presented by the developer would result in a net area of 29 contiguous acres. The State's preferred "tight-shift" option would result in 22 acres of developable land.

Mr. Stearns reminded all of the Executive Council Committee meeting schedule for March 24 in Concord. Mr. Hohenberger requested that, if possible, Mr. Stearns attend this meeting as the Chairman of the Board of Selectmen, to offer input on behalf of the Town.

*Request* received from Mr. Sam Nassar to reclassify a portion of Governor Dinsmore from Class VI to Class V. All costs for this project will be borne by Mr. Nassar. Mr. Sullivan advised the Board that if they agree to move the request to the Public Hearing stage, a site walk would be required, title searches on the rights-of-way must be completed, and posting requirements met.

Mr. Breton moved and Mr. Doyle seconded to move the reclassification of a portion of Governor Dinsmore Road from Class to VI to Class V to a Public Hearing. Passed unanimously.

*Bond Release* Seavey Road: This release was postponed at the last regular meeting, to allow Mr. Turner to comment. Mr. Turner advised the Board that the bond covers that portion of Seavey Road to the "hammerhead", and that the developer had met or exceeded the requirements. Motion by Mr. Carpenter and seconded by Mr. Breton to release the amount of \$51,500.40 to Silvestri Corporation. Passed unanimously.

*Letter* received from the State of NH advising the Board that a scoping meeting regarding Route 111 has been scheduled for March 10, 2004, to which a representative of the Town has been invited to attend.

**MINUTES:** Mr. Doyle moved and Mr. Breton seconded to accept the minutes of March 1 as submitted. Passed unanimously.

**OLD BUSINESS:** Mr. Sullivan advised the Board that the Historic Committee has requested permission to expend an additional \$2,000 for architectural services for the Searles Building, as these costs had exceeded the previous \$8,000 authorized by the Board. Mr. Sullivan reminded all that

these funds are available within the Searles Revenue Fund. Mr. Doyle moved and Mr. Carpenter seconded to allow the expenditure by the Historic Committee of not more than an additional \$2,000 for architectural services. Passed unanimously.

Mr. Sullivan advised that Board that a request had been received from the Friends of the Library of Windham (FLOW), to allow pony rides in the dirt area at the end of Fellow's Road at the 2004 Strawberry Festival. There being no concerns from the Fire, Police or other departments, the request was granted.

Chief Messier requested permission to waive the bid process regarding the installation of grant equipment previously accepted by the Board. This is a no town fund project, with equipment and installation being 100% covered by grant money. The vendor to whom the installation bid would have been awarded is currently working on a similar installation in Derry. Chief Messier, Mr. Sullivan, and the grantor of the equipment, all recommend that the same vendor be utilized as the equipment in Derry and Windham are linked together.

Motion by Mr. Doyle and second by Mr. Carpenter to waive the bid process and award the bid for installation of the equipment to Cen-Com of Londonderry for an amount not to exceed the grant funds. Passed unanimously.

**SUZDAL:** Mrs. Barbara Coish, President of the Sister City Committee, presented an overview of her and John Breda's recent trip to Suzdal to the members. Highlights included: a visit to orphanages 3 and 5 to bring a donation from the Presbyterian Church and Mr. Breda's teaching of English while there. Mrs. Coish showed two books which the City donated to our Library in memory of Olga, one of our previous guests who was killed in a recent accident. Finally, Mrs. Coish announced that the housing project has stalled, and that the Committee is looking into selling the unfinished house and purchasing a small Russian house instead. She assured the Board that the Committee is not giving up on the project, but shifting gears instead.

**NEW BUSINESS:** None.

**NON-PUBLIC SESSION:** Mr. Doyle moved and Mr. Carpenter seconded to enter into non-public session in accordance with RSA 91-A:3,IIa. Roll call vote: all members "yes". The subject of discussion was personnel. The Board and Mr. Sullivan were in attendance, and the following decision was made:

Mr. Doyle moved and Mr. Breton seconded to approve the hiring of the fire department's recommended candidate for the position of fire fighter/inspector subject to background and physical checks. Passed unanimously.

**OLD BUSINESS, CONTINUED:** Chief Moeckel presented a purchase order for the purchase of three cruisers, as included on the Official Town Ballot. Mr. Sullivan indicated that the vehicles would not be purchased until after the upcoming Town election. Mr. Doyle moved and Mr. Hohenberger seconded to authorize the purchase of three cruisers subject to the approval of Town meeting. Passed unanimously.

**WORKSHOP – HIGHWAY SAFETY COMMITTEE:** Mr. Sullivan, Chairman of the HSC, presented the Board with an extensive booklet detailing the proposed road improvement listing. Mr. Sullivan explained that the Committee had discussed at length, over three separate meetings, the best way to prioritize and the best criteria to utilize in forming the recommendations. The criteria decided upon the HSC include:

1. Pavement Condition Index (PCI)
2. Weighted PCI: wherein the individual sections of each roadway are scored and then averaged to obtain the weighted PCI
3. Accident index: incidents involving damage of \$1000 more over the past four (4) years
4. Traffic volume: classified as minimal, low, medium, moderate, or heavy
5. Other issues: drainage, pavement age, site distance issues, etc.

Mr. Sullivan also presented detailed maps, prepared with the help of Rebecca Way, showing the coding of roadways. After application of the established criteria, Kendall Pond Road was determined to be the highest ranked problem road.

A lengthy discussion ensued regarding possible additional criteria for inclusion, such as flooding issues, road width, bridge conditions, or cul-de-sac radiuses.

Motion by Mr. Doyle to allow the HSC to gather in depth information about the top 20 roadways as shown on the listing to present to the Board at a later date. Mr. Stearns requested that the top 3 roadways with reportable accidents also be included in the detailed information, regardless of their overall ranking. Seconded by Mr. Breton. Passed unanimously. Mr. Sullivan indicated that the Committee should have the information available sometime in June.

The Board praised the efforts of the Committee, Pat Yatsevich, and Rebecca Way, and extended its thanks.

Mr. Sullivan thanked the Board for their continuing support of the HSC efforts, and extended his personal thanks to the Committee members.

**NON-PUBLIC SESSION:** Motion by Mr. Breton and second by Mr. Carpenter to enter into non-public session in accordance with RSA 91-A:3,IIb. Roll call vote: all members “yes”. The subject of discussion was reputations. The Board and Mr. Sullivan were in attendance. No decisions were made.

Motion by Mr. Doyle and second by Mr. Breton to adjourn. Passed unanimously.

Meeting was adjourned at 9:45 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant

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