

**SELECTMEN'S MEETING
NOVEMBER 15, 2004**

MEMBERS PRESENT: Alan Carpenter, Roger Hohenberger and Bruce Breton. Mr. Stearns was excused and Mr. Doyle would be arriving late due to a family matter. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:30 pm.

ANNOUNCEMENTS: Margaret Case, Chairman of the Cable Advisory Board, introduced James Daddona, Cable Coordinator, to announce that the station won the "Outstanding Achievement in Public Access Award" and volunteer, Richard Pelletier, won First Place for Outstanding Achievement in Arts Programming". The Board congratulated Mr. Daddona and the volunteers for their awards.

WORKSHOP WITH THE DOT AND PLANNING BOARD REGARDING POSSIBLE WATER AND SEWER AS IT RELATES TO THE I-93/RT 111 CONSTRUCTION AREA: Commissioner Carol Murray and Jeff Brillhardt of the Commissioner's Office were present from the DOT and Lee Maloney, Nancy Pendergast and Philip LoChiatto were in attendance from the Planning Board.

Com. Murray led the discussion on the possibility of lines for possible future water and/or sewer in conjunction with the construction of the Route 111 By-Pass and the improvements to I-93. Com. Murray stated that the Route 111 project is already underway with the bridge construction off Route 28. The I-93 project is awaiting a Record of Decision (ROC) from Washington DC which they hope to have by Christmas. She thanked the Town for being engaged throughout both these projects and encouraged us to stay so for the duration of the projects.

The following subjects were addressed by Com. Murray and Mr. Brillhardt: chloride, brine, mitigation properties, management of these properties after the projects are completed, water quality, timelines for construction, bonding of the I-93 project and utility corridors and economic impact due to property acquired by the State.

Com. Murray stated that if the Town wishes to have utility corridors on these projects, this is the time to act. Mr. Brillhardt stated that the DOT and could absorb certain costs, however the DOT does not design systems nor pay for materials. He further stated that the Rte 28 project is going out to bid in January, therefore the Town would have to act now. The I-93 project has about a two year window. Com. Murray and Mr. Brillhardt answered many questions from the Board and Mr. Turner regarding specifics on both projects.

Rep. McMahon questioned if a feasibility study had been done in 1992 regarding sewer connections with Salem. Mr. Brillhardt stated that the study had been done by Hoyle Tanner which considered various alternatives. He noted that Federal funds cannot be spent on this and the towns would have to bear the costs. Rep. McMahon asked for a determination from the DOT if public works can be tied to road projects (federally funded). Rep. McMahon also discussed Garvey bonds, economic impacts specifically the monetary impacts of the proposed I-93 exchange.

Mr. Hohenberger asked if Windham was chosen to be the staging area for the I-93 project. Com. Murray responded that no area has been chosen and the DOT does not make this decision but rather the contractor.

Lisa Linowes stated that she read that public sewer and water lead to density development and she didn't think this was the direction we wanted to go. Mr. Carpenter stated that the Board was simply looking at all possibilities at this time.

The Board thanked Com. Murray and Mr. Brillhardt for their attendance and input.

PUBLIC HEARINGS: Mr. Carpenter read the following notice: "In accordance with RSA 31:95-b, the Board of Selectmen will hold a Public Hearing on November 15, 2004 at 7:30 PM at the Planning Department for the purpose of considering the donation to the Town of a monetary contribution from MJC Development Corporation for the purpose of building a fire sub-station or any other purchase deemed necessary for the emergency safety of units built on Route 28 in Windham. The anticipated donation is \$1,000 per unit for each occupancy permit issued for the proposed 36 unit Villages of Windham Site Plan".

Mr. Caruso of MJC Development stated that he wished to donate \$1,000 per unit of the proposed 36 units at the Villages of Windham to the Town to be used for emergency safety equipment to be used at the discretion of the Board of Selectmen.

Mr. Hohenberger thanked Mr. Caruso and also asked him if anyone had requested that he donate these funds. He stated that no one asked him, he wanted to donate it as he had done with a previous development.

Mr. Case asked if this hearing had been posted. Mr. Sullivan stated it had been in the Lawrence Eagle Tribune on Monday, November 8, 2004 and showed a copy of the notice. Mr. Case also thanked Mr. Caruso for his donation.

Mr. Turner and the Board discussed the timing of the receipt of the donation and if the occupancy permit would be issued before the donation was received. Mr. Turner stated he thought the “scattered – premature” provision would effect this donation when the plan is considered by the Planning Board. Mr. Carpenter disagreed as Mr. Caruso has done this of his own free will and can stop the donations at any time with no penalty. Mr. Breton questioned if he should vote on this matter at the Planning Board Hearing and it was noted he could recuse himself.

Mr. Hohenberger motioned to accept with gratitude, the donation of \$36,000.00 from MJC Development Corporation for emergency safety equipment to be purchased at the discretion of the Selectmen. Mr. Breton seconded. Passed 2-1 with Mr. Breton abstaining.

Mr. Carpenter read the following notice: “In accordance with RSA 31:95-b, the Board of Selectmen will hold a Public Hearing on November 15, 2004 at 7:30 PM at the Planning Department for the purpose of considering the donation to the Town of a monetary contribution from the Windham Soccer Association to be used towards aerating and over-seeding (or cross-seeding) the soccer fields at Griffin Park and top dressing with sand. The anticipated donation is \$7,450”.

The Board noted that these funds were for additional work on the fields not budgeted for by the Town. Mr. Hohenberger motioned to accept from the Windham Soccer Association aerating and over-seeding (or cross-seeding) the soccer fields at Griffin Park and top dressing with sand with an anticipated value of \$7450. Mr. Breton seconded. Passed unanimously.

Mr. Carpenter read the following notice: “In accordance with RSA 31:95-b, the Board of Selectmen will hold a Public Hearing on November 15, 2004 at 7:30 PM at the Planning Department for the purpose of considering the donation to the Town of a monetary contribution from the Windham Baseball Association to provide improvements to the baseball fields at Griffin Park including infield mix and sod replacements. The anticipated donation is \$2,500”.

Mr. Breton motioned to accept a donation from the Windham Baseball Association to provide improvements to the baseball fields at Griffin Park including infield mix and sod replacements (it was noted that the donation could be reduced based on work being completed due to weather conditions), with an anticipated value of \$2,500. Mr. Hohenberger seconded. Passed unanimously.

The Board thanked both the Soccer and Baseball Associations for their generous donations.

CORRESPONDENCE: The following road bonds were released as requested by the Planning Board: Mr. Hohenberger motioned to release \$12,692.00 and retain \$22,000 of the road bond for Candlewood Road. Mr. Breton seconded. Passed unanimously.

Mr. Hohenberger motioned to approve the final release of \$87,500 for Hadleigh and Blackburn Roads (Site Bonds). Mr. Breton seconded. Passed unanimously.

There were new bonds relative to Castle Reach III Development which required no action by the Board.

Memo received from Alfred Turner, Director of Planning, requesting approval of new Board of Health inspection fees and permit review fees for automobile dealers and inspection stations licenses, also proposed increases of existing Building Permit fees. The Board agreed to post these for a public hearing with minor changes.

Letter received from Robin Kozdra Ferris expressing her appreciation and thanks for the RAD classes given by Police officers Wendy Foley, Carl Wagner, Michael Caron and Dispatcher Kathy Lelievre.

Letter received from Kevin Joyce, Construction Supervisor for Adelpia regarding installation of cable services at Griffin Park for the security system. The total cost quoted is \$1,812.58. The Board deferred this item and Mr. Breton will obtain more information from Charles McMahon.

OLD BUSINESS: Mr. Sullivan stated that the Highway Agent requested approval to award a contract for sand for the roads. The following prices were received:

Manchester Sand & Gravel	\$7.65 per ton
Brock Hollow	\$7.75 per ton
Merrill	\$9.00 per ton
Plourde	\$10.25 per ton

The Board asked if these prices were quotes or if it went out to a formal bid process. Mr. Sullivan stated that these were quotes and the Board directed the Highway Agent to go through the formal bid process as the total cost would be over \$5,000.

Mr. Sullivan was asked to remind all department heads and committees to follow the bid process as written.

Fire Department – Mr. Hohenberger requested and the Board agreed, that the charge to the Building Committee for a Fire Sub-Station will be drafted by the Chief and committee and then approved by the Board of Selectmen.

Recreation – Trash barrels at Griffin Park. Dennis Senibaldi, Chairman of the Recreation Committee, told the Board that the Committee has no issue with the present barrels as they seem to work fine and the maintenance crew can easily maneuver them for disposal and cleaning. The Board suggested that four concrete barrels be installed on pads around the multi-purpose building. Mr. Sullivan will check the account balance and report to the Board before any approval is given before the concrete barrels are purchase.

(Mr. Doyle arrived)

Traffic Study – Mr. Sullivan stated that CLD will be present at the Planning Department on Wednesday, November 17th at 7:00 pm to receive input from residents of Cardinal and Oriole Roads regarding improvements to the roads.

Tax Rate – Mr. Sullivan told the Board that the Town has an appointment at the Department of Revenue Administration (DRA) to set the tax rate on Monday, November 22nd. He stated that the appointment was late as the DRA was waiting paperwork from the Cobbetts Pond Village District. Mr. Carpenter stated that he has received calls from residents who are extremely upset that the tax bills are late again this year as they are then unable to claim the taxes on their income tax. He asked Mr. Sullivan to call the DRA Tuesday morning and get an earlier appointment to allow the tax bills to be mailed by the end of November and have the due date in 2004.

Veteran's Day – Mr. Hohenberger stated the American Legion Post 109 rededicated the Persian Gulf Memorial bulletin board at the Town Hall on November 11th in a moving ceremony which included school children. The Legion welcomes all organizations to post their notices in the Board.

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

The Board will receive an update on a citizen matter from Chief Moeckel on Thursday, November 19th, following their budget hearings.

Mr. Hohenberger motioned to adjourn. Mr. Breton seconded.
Meeting adjourned at approximately 10:00 pm.

Respectfully submitted,

Kathleen Davis
Human Resources Coord.

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