

**BOARD OF SELECTMEN**  
**Minutes of June 20, 2005**

**MEMBERS PRESENT:** Chairman Roger Hohenberger called the meeting to order at 7:15 PM. Selectmen Bruce Breton, Alan Carpenter, and Margaret Crisler were present. Selectman Galen Stearns and David Sullivan, Town Administrator, were excused. Mr. Hohenberger read the agenda into the record.

**ANNOUNCEMENTS:** *Mr. Wayne Morris*, Depot Advisory Committee, announced that the Committee would like the Board's support to apply for a Transportation Enhancement (TE) Grant to rehabilitate the Windham Depot structures. He explained that the TE grants are 80% matching grants, and the deadline for submission is August 1, 2005. Mr. Morris noted that, if the Committee's application is successful, funds would be received in December of next year for the 2008 construction phase, and that Mr. Karl Dubay had offered to complete the site plan for the property.

Mrs. Crisler advised the Board that the Historic District Commission would be meeting with the Depot Advisory Committee on July 6 to review the project.

Mr. Breton noted that the Conservation Commission owns ten (10) acres of land abutting the Depot, and that the rehabilitation of the property could serve to open access to the conservation area.

After brief, further discussion Mr. Carpenter moved and Mrs. Crisler seconded to support the grant application by the Depot Advisory Committee for the Depot revitalization, which is to be reviewed by the Board of Selectmen prior to submission. Passed 4-0.

*Mr. Breton* announced that Mr. Fritz Wetherbee of NHPTV's "NH Crossroads" is developing an episode about Windham, which will air sometime in the fall.

*Mr. Hohenberger* praised the Griffin Park Playground group for all their work, as well as the multitude of volunteers who turned out over the previous weekend to participate in the community build.

*Police Chief Gerald Lewis* approached to request the Board address the renewal of the annual contract between the Town and the NH Fish & Game Department relative to off-road vehicle patrols. He noted the agreement, which provides reimbursement of up to \$4,200, expires on June 30.

Mr. Carpenter moved and Mrs. Crisler seconded that Chief Gerald Lewis is hereby authorized to execute and deliver for in the name and on the behalf of the Town of Windham, New Hampshire all professional service contracts, agreements and reports with the State of New Hampshire Fish and Game Department for Off Highway Recreational Vehicle law enforcement purported to be binding upon the Town shall be conclusive evidence for all purposes that such instrument is authorized by this vote. Passed 4-0.

*Fire Chief Don Messier* advised the Board that the Fire Department will be conducting training at the Clark Farm on Route 111.

*Deputy Fire Chief Tom McPherson* sought the Board's input on applying for a "SAFER" grant, which is similar to the COPS grant utilized by the Police Department. Deputy McPherson explained that this Federal grant, if received, would fund a portion of the salaries and benefits for additional Fire Department staff for a period of five (5) years, after which the Town must retain the employees. He further noted that no department in NH has applied for this grant, as yet, and expressed his willingness to work toward completing the application for four (4) additional firefighters for the Department for submission prior to the June 28<sup>th</sup> deadline.

Mr. Carpenter inquired what the repercussions might be if the Town were awarded the grant and the Board chose not to accept the funds. Deputy McPherson replied the effects would likely be that, subsequently, Town would not be high on the priority list.

Mrs. Crisler sought clarification that, if four (4) individuals were hired as part of the grant, the Town would have to retain each as employees after the five (5) year period. Deputy McPherson replied in the affirmative, and noted he is working to compile the related costs.

Mrs. Crisler then inquired whether there was a projected need for the additional staff. Deputy McPherson noted that, with the increasing growth in Town and major projects on the horizon such as I-93, additional manpower will eventually be needed.

Mr. Hohenberger expressed concerns regarding the timing of notification to the Board, stating he was not prepared to make such a decision right then. Deputy McPherson noted he was not seeking support of the employees at the moment, but that grants are quite time-consuming to compile and research and he would prefer to have the Board's support to apply before writing.

Mrs. Crisler inquired whether a Town meeting vote would be required to expend the funds, Deputy McPherson replied in the affirmative.

After further discussion, it was the consensus of the Board that Deputy McPherson proceed with writing of the application, forwarding greater detail to the Board during the week for discussion at the next Board meeting.

**CABLE AWARD:** Coordinator Jim Daddona approached stating that, periodically, Cable likes to take time to recognize volunteers and/or programs of note. He noted that, in 2003, Ms. Diana Greenleaf and Ms. Nancy Fahey had approached WCTV with the idea of a book discussion program involving a revolving group of 8<sup>th</sup> grade students. Mr. Daddona stated that the program proposed, "Book Beat", has been in production since 2004, and airs monthly throughout school year. Mr. Daddona noted the students involved are always a pleasure to work with, and the show itself is great. Mr. Daddona then presented a WCTV Volunteer Programming Award to the Windham Middle School and "Book Beat", which was accepted by Ms. Greenleaf, Ms. Fahey, and several Middle School students.

*Mrs. Margaret Case*, Chairman of the Windham Cable Advisory Board, approached to update the Board on the status of Adelphia, which is in the midst of a buyout by Comcast/Time Warner. She noted it appears that Windham will be serviced by Comcast, and advised the Board that the WCAB had recently voted to form a consortium with the 15 +/- other towns affected by the change. The consortium will be similar to that formed when Harron was taken over by Adelphia, and will involve one attorney retained to represent all participating communities. Mrs. Case stated a meeting with the other communities was scheduled for the following evening in Londonderry, and advised the Board she will return with more details as they become available.

**PUBLIC HEARING/DONATION:** Mr. Hohenberger read the public hearing notice into the record. Mr. Breton explained that he had been approached by a resident regarding donation of \$2,500 for use toward the drainage at Griffin Park, as well as an additional \$500 to be used to support a future Eagle Scout Project or similar endeavor.

Mr. Carpenter inquired whether the \$2,500 could be used to offset expenses for the recent damage which occurred during the installation of the French drain. Mr. Breton replied it was unnecessary, as those issues had been taken care of at no cost to the Town.

Mr. Carpenter inquired whether the donor's name was available. Mr. Breton indicated he did not have confirmation from the gentleman yet whether or not he wanted to be identified but, if he did so choose, an article of some sort would be written.

Mr. Carpenter moved and Mr. Breton seconded to accept with gratitude the donation of \$3,000: \$2,500 for drainage at Griffin Park and the additional \$500 to be used toward a future Eagle Scout Project. Passed 4-0.

**PUBLIC HEARING/DONATION:** Mr. Hohenberger read the public hearing notice into the record.

Mrs. Case, representing the Friends of Arts and Recreation, presented the Board with a \$1,200 check for use towards improvements to Esty Road.

Mrs. Case explained that the construction of the Windham Wonderland Playground had been spearheaded by FAR, and was a project that had done much to pull the community together. She urged the Board to remember how much effort went into construction of the Wonderland, and asked that FAR be extended an invitation to participate in any future discussions of its fate.

Mr. Breton expressed concerns that quotes for the improvements to Esty Road, as well as the Wonderland and Roger's Field parking lots, had not been properly bid.

Mrs. Crisler moved and Mr. Carpenter seconded to accept the kind donation of \$1,200 from Friends of Arts and Recreation with great gratitude. Passed 4-0.

After a brief discussion regarding Mr. Breton's concerns, it was the consensus of the Board to discuss the project bids with the Town Administrator at the next Board meeting.

**COMPUTER USE POLICY:** Mr. Eric DeLong, IT Director, explained to the Board that the proposed policy was intended to replace three (3) outdated policies currently in place. He noted the proposed policy was more precise, particularly regarding uses and responsibilities.

Mr. Hohenberger inquired about the proposed sections B and C, which established the public nature of Town e-mails and access to them by all. Mr. DeLong explained that was the standard, however, the Town did not have a policy in place which required facilities to electronically backup/store emails. He further advised the Board that such capability would involve a substantial amount of equipment and funds. A brief discussion ensued regarding the use of email for official correspondence, which Mr. DeLong does not support, versus use for notification and acknowledgement purposes.

After a discussion regarding having posted the document for employee notification, Mr. Carpenter suggested the Board forego making a decision to allow the public to review the document and to verify if a public hearing was required. Mr. DeLong agreed, noting that the policy will also effect non-employees of the Town, such as volunteers who may have cause to utilize Town computers. Mr. Carpenter inquired whether the proposed policy would apply to Library staff, and Mr. DeLong replied it would not.

**DEPARTMENT OF TRANSPORTATION:** Mr. Bill Cass and Mr. Larry Kenniston were present to discuss the ongoing 111 By-pass project and, in particular, ownership and maintenance of planned sidewalks along the route.

Mr. Cass indicated a standard municipal agreement had been forwarded to the Town requiring that maintenance of sidewalks and medians would become the responsibility of the Town of Windham upon completion of the project. Mr. Cass indicated he had received Mr. Sullivan's response, expressing concerns regarding the agreement and requesting a meeting with the Board.

Mr. Cass explained that, throughout the project development, sidewalks had been proposed from the intersection of Route 111A to the intersection of Route 28, along both sides of the roadway. He noted that, while previous discussions had been general in nature, the DOT had a long-standing policy not to maintain sidewalks but rather leave that responsibility to the towns via their policies and practices.

Mr. Cass noted that the DOT has been instructed to formalize this practice by way of the agreement forwarded to the Town on May 18. The agreement states that the Town of Windham will provide for, or cause to be provided, maintenance of the sidewalks; including winter maintenance. In addition, Mr. Cass noted the agreement referred to the reconstructed Roulston Road, West Roulston Road, and Industrial Drive and the Town's maintenance of each, and establishes the DOT's responsibility to maintain traffic flow during the construction.

Mr. Cass advised the Board that, if the Town were not willing to enter into the agreement, the grass panel could be widened to allow for future installation of sidewalks by the Town, if necessary. Mrs. Crisler noted that the Town does not currently have sidewalks or the equipment to maintain them. She also pointed out the lack of sidewalks in Windham was intentional.

Mr. Carpenter pointed out that, in effect, the Town could enter into the agreement without obligation to maintain the sidewalks as the Town has no policy or practice to do so. Mr. Cass agreed, as did Mr. Turner, however Mr. Turner noted the Town does need to develop a general policy for winter maintenance.

Mr. Breton inquired whether sidewalks were considered a public way, and Mr. Cass responded in the affirmative. Mr. Hohenberger noted there was a potential for liability in that case.

Mr. Carpenter requested that Mr. Cass clarify the intended width/layout of this particular section of the By-Pass. Mr. Cass replied that, from Range Road to Route 28 the roadway will consist of two lanes in either direction, center turn lanes, 4' shoulders with a grass panel between the curbing and the sidewalk, and landscaped medians.

Mr. Carpenter then inquired what the Board's refusal of sidewalks would do to the overall project, and Mrs. Crisler inquired whether it were possible to return to the originally proposed 8' shoulder marked off as a bike lane.

Mr. Cass noted 8' could work, however the original concerns regarding that proposal had related to the overall pavement width and visual impacts. He stated that, if the sidewalks were not included, the overall project would not change, but rather a wider grass panel would be implemented.

Mr. Carpenter asked how, if 10' of grass were in place rather than sidewalks, the shoulders would be maintained/mowed. Mr. Cass replied that the area would probably be mowed by the State, but not as frequently as the Town would like. He further stated that ideally, in those situations, property owners would mow the area to the curbing.

Mr. Turner posed several questions of Mr. Cass including: did the agreement require winter maintenance only; intended sidewalk material; when ownership reverts to the Town; whether a bond would be required of the contractor; and lifespan of the sidewalk before heavy maintenance would be required.

Mr. Cass stated the agreement required year-round maintenance, and the sidewalks would be constructed of concrete. Upon completion and final inspection of the project, ownership would revert to the Town, and Mr. Cass was unsure whether a bond would be required. As to the lifespan of the

concrete, Mr. Cass was unsure, however he cited personal experience in his neighborhood of no required maintenance over 40 or so years.

Mr. Turner advised the Board that, per State statute, the Town had no obligation to plow the sidewalks if a policy were put in place. He urged the Board, however, to schedule a public meeting prior to making a decision not to have sidewalks, noting that sometime in the future they may become a necessity and would, at that time, be at the Town's expense.

Mr. Hohenberger inquired if Mr. Cass would be willing to return to the Board in the near future to discuss this matter further. Mr. Cass agreed. Mr. Hohenberger noted that it appears the plan is being finalized and now was the time to address any remaining concerns the Board may have.

Mr. Turner suggested that the Board also consider requiring some local oversight of the construction, as they would be accepting the State reconstructed roads at some future time. Mr. Cass indicated the State would welcome such involvement by Town staff, and Mrs. Crisler suggested a written agreement be drafted to that effect.

Mr. Wayne Morris, Windham Rail Trail Alliance, approached to state that, in his opinion, a 30-40 year life expectancy on the sidewalks made them a good deal for the Town. He noted that sidewalks would offer connectivity in that area of Town.

Mr. Carpenter inquired whether sidewalks were intended along Route 28, as well. Mr. Cass replied they were, at a 5' width on both sides from the Route 28 intersection to Jones Road.

Mr. Carpenter then suggested that the Board obtain legal opinion regarding maintenance requirements. Mr. Breton suggested the matter be referred to the Local Government Center, as well. After a brief discussion, it was the consensus of the Board to obtain input from Atty. Campbell and the LGC prior to the next meeting.

Ms. Ellen Davis, 28 Range Road, approached to express several concerns to the Board including: the intended change of name from Range Road to some other designation; pedestrian traffic in the area; and ownership of Range Road. Ms. Davis spoke in favor of sidewalks, not only in the area in question, but in the Town Center, as well. She also cited the burden a name change would place on the residents, and urged the Board to have the State retain ownership of the section in question.

Ms. Davis had with her a petition signed by approximately 100 residents regarding this matter, which Mr. Hohenberger suggested she hold until the next meeting.

Mr. Cass noted that the naming of the roadway would be the Town's prerogative, and Mr. Turner pointed out that one or the other portion of Range Road would need to be renamed for 911 purposes, as the area would then be split by Route 111.

Mr. Hohenberger suggested that input be solicited from the 911 Coordinator and the Highway Safety Committee prior to the next meeting regarding potential naming issues.

Mrs. Crisler pointed out to Mr. Cass that turning the remaining section over to the Town may pose future problems for the State, as the Town could impose limits such as one-way traffic. Mr. Cass replied that, from the State's perspective, once the construction is complete the By-pass will be the official State route.

Mr. Percy Daniels, 15 Range Road, approached to state that he did not believe the naming was an issue, suggesting perhaps "Old Range Road". He also stated sidewalks were only needed on one side of the roadway, and felt the Town should take ownership.

Several other, off topic items were discussed, including:

*Mr. Morris* approached to advise the Board he had spoken with Mr. Cass regarding the possibility of converting the former Roger's Service Station lot, now vacant, to parking for the Rail Trail. Mr. Cass advised the Board that the lot in question was not viable for other uses and that, while he was not willing to spearhead the effort, he was willing to work with the Town to facilitate its use as a parking area.

*Mr. Turner* advised Mr. Cass that the State may need to investigate any possible legal issues with crossing over Industrial Drive, as the Town possesses a deeded right-of-way in the area.

*Mrs. Crisler* noted a recent news article which indicated the State was looking to dispose of surplus property in the area of Exit 3. Mr. Cass advised her that the article was in conjunction with the bonding of the Route 93 project. He noted that, as part of the bonding, the sale of surplus land was considered to offset the amount but, to date, no action had been taken. He assured the Board the State remained committed to expediting the return of surplus property to the tax rolls.

Mr. Hohenberger re-capped those items the Board would like Mr. Cass to be prepared to discuss at the next meeting, including: sidewalks and their life expectancy; ownership of existing roads; inspection of new roads; disposal of surplus property; median/shoulder maintenance; and naming issues. Mr. Cass will also bring along a revised plan showing the area without sidewalks. Mr. Sullivan will be asked to follow-up in scheduling this for further discussion.

Mr. Cass also offered to provide updated details to the Board regarding timing of the project.

On a closing note, Mr. Turner reminded Mr. Cass that Granite State Electric's issues on Industrial Drive had not been resolved regarding their wish to run the replacement electrical above ground rather than underground.

**MINUTES:** Tabled.

**CORRESPONDENCE:** None.

**OLD BUSINESS:** On behalf of Mr. Sullivan, Mr. Breton presented the assessments on the two (2) rights-of-way on Rocky Ridge Road which the Town will be putting out to sealed bid, noting that Mr. Sullivan recommended the minimum bid be set at \$15,000/each.

Mr. Rex Norman, Assessor, noted that he had viewed the properties earlier that day, and adjusted the assessments to \$19,000. Mr. Norman recommended the minimum bid be set at \$25,000, which is 100% of market value.

Mr. Carpenter questioned why the assessment could not be used as the minimum bid and, after a brief discussion, requested this decision be postponed until he had a chance to look at the properties.

*Rail Trail Agreement:* Mr. Hohenberger noted that minor revisions had been made to the document by the DOT, none of which were of concern, and that the document was otherwise acceptable to the State.

Mrs. Crisler move and Mr. Breton seconded to accept and execute the revised Rail Trail Agreement. Passed 4-0.

**NEW BUSINESS:** Mr. Norman presented the Board with five (5) abatement applications as follows:

*66 Londonderry Road:* Mr. Norman noted that, based on sales comparisons and a full inspection, the grade and effective age of the property had been adjusted resulting in a revised assessment of \$261,700.

Mr. Carpenter moved and Mrs. Crisler seconded to approve the abatement as presented by the Assessor for 66 Londonderry Road in the amount of \$1,259.85. Passed 4-0.

*5 Jenny's Hill Road:* Mr. Norman noted that, based on sales comparisons and square footage of the property, which is one of the smallest in the neighborhood, it appeared the property's value had been skewed up because of the larger, surrounding properties.

After a brief discussion regarding grade adjustments and overall neighborhood assessments, Mrs. Crisler moved and Mr. Breton seconded to grant the abatement as requested for 5 Jenny's Hill Road from \$411,000 to \$383,000 and to grant the abatement of \$518. Passed 3-1, with Mr. Carpenter opposed.

*12 Aladdin Road:* Mr. Norman noted that based on an owner submitted appraisal, sales comparisons, and a full inspection of the property, he had downgraded the property based upon the building materials and overall condition.

Mr. Carpenter moved and Mrs. Crisler seconded to approve the abatement of \$222 as requested for 12 Aladdin Road. Passed 4-0.

*6 Beacon Hill Road:* Mr. Norman noted that, based upon several factors including building grade and neighborhood cost trending factor, he had adjusted the property assessment from \$325,000 to \$268,000.

A discussion ensued regarding the magnitude of this particular correction. Mr. Norman stated that the increases in average house size are reflected in the sales prices, making it difficult to utilize a standardized formula. This poses difficulties in assessing properties such as this.

Mrs. Crisler moved and Mr. Breton seconded to grant the abatement of \$1,054.50 for 6 Beacon Hill Road. Passed 4-0.

*Leni Road:* Mr. Norman noted this abatement had been requested based not only on listing errors, but on WWPD impacts, as well. Mr. Norman advised the Board that no adjustment had been made for the WWPD, but he had discovered the entire neighborhood appeared to be over-assessed, and adjustments were made to all the properties.

Mr. Carpenter moved and Mr. Breton seconded to approve the abatement as recommended. Passed 4-0.

*Mr. Breton* reminded the public that abatement documents are available for public review at the Assessor's Office.

**NON-PUBLIC SESSION:** Mr. Breton moved and Mrs. Crisler seconded to enter into non-public session in accordance with RSA 91-A:3,IIb and c. Roll call vote: all members "yes". The subjects of discussion were personnel and reputations.

The Board, Mr. Norman, and Ms. Devlin were in attendance in the first session.

*Mr. Norman* presented the Board an application for elderly exemption which had been received subsequent to the deadline. The Board agreed to review the application despite its lateness.

After some discussion, Mr. Carpenter moved and Mr. Breton seconded to deny the application, as the property owner exceeded the required income limits. Passed 4-0.

*Mr. Norman* advised the Board that Mrs. Zins, previously approved for temporary employment in the Assessing Office, had advised him that she was no longer able to take the position due to personal issues.

Mr. Norman requested the Board's permission to contact Salem High School to inquire about a student to fill the position at the rate of \$10/hour. After a brief discussion, the Board determined Mr. Norman should proceed.

*Mr. Norman* presented the Board with an application for a Veteran's Credit which had been received subsequent to the deadline. After a brief review, it was the consensus of the Board to approve the application and credit.

*The Board*, Chief Messier, and Ms. Devlin were in attendance in the second session.

The Board reviewed and discussed the Chief's recommendation to fill the vacant firefighter position. The Chief advised the Board that the Recruitment Committee had narrowed the field of 28 applicants, of which only one was a paramedic who did not make the cut, to a short-list of three.

After some discussion, Mr. Carpenter moved and Mr. Breton seconded to move Firefighter/Inspector Diana Nault to the position of Firefighter. Passed 4-0.

Mr. Carpenter moved and Mr. Breton seconded to adjourn. Passed unanimously.

The meeting was adjourned at 10:05 PM.

Respectfully submitted,  
Wendi Devlin, Administrative Assistant

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