

# TOWN OF WINDHAM NEW HAMPSHIRE



## Warrant and Budget 2008

*This is the final Town Warrant for consideration at the Official Ballot Vote scheduled for March 11, 2008;  
inclusive of any and all amendments made at the February 9, 2008 Deliberative Session.*

# TOWN WARRANT

## THE STATE OF NEW HAMPSHIRE

To the Inhabitants of the Town of Windham in the County of Rockingham in said State, qualified to vote in Town Affairs:

You are hereby notified of the following annual Town Meeting schedule.

### **First Session of Annual Meeting (Deliberative)**

You are hereby notified to meet at the Golden Brook School in said Windham on Saturday, the Ninth day of February, 2008 at 9:00 am. This session shall consist of explanation, discussion, and debate of warrant articles numbered 4 through 32. Warrant articles may be amended subject to the following limitations: (a) warrant articles whose wording is prescribed by law shall not be amended and (b) warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

### **Second Session of Annual Meeting (Official Ballot Voting)**

You are hereby notified to meet again at the Golden Brook School in Windham, on Tuesday, March 11, 2008 between the hours of 7:00 a.m. and 8:00 pm to vote by official ballot on warrant articles numbered 1 through 32.

**ARTICLE 1.** To choose all necessary Town Officers for the year ensuing.

**ARTICLE 2.** To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as submitted by Petition under RSA 675:4.

**Petition #1** by Sandra Hebsch and others to see if the Town will vote “to change one (1) lot from the Rural District to Business Commercial A. The parcel is located in Windham, known as or described as lot 21-U-30 at 3 Cobbetts Pond Road, at the corner of Cobbett’s Pond Road and Lowell Road, consisting of approximately 1.43 acres.” This lot is directly across the street from the Windham Plaza and the Cobbett’s Pond Professional Park and was the former home of Wallace Real Estate and the Butterfield Insurance Agency.

**Recommended by the Planning Board (7-0)**

**Petition #2** by Douglas Yennaco and others to see if the Town will vote to rezone land off Rockingham Road (lots 8-B-6100 and 8-B-6150) from Rural to Residence B. This will enable the parcel to be zoned in a manner consistent with abutting properties.

**Not Recommended by the Planning Board (4-3)**

**Petition #3** by Ronald Cyr and others to see if the Town will vote to rezone 140 Rockingham Road (lot 8-B-3002) from Rural to Residential B. This will enable the parcel to be zoned in a manner consistent with abutting properties.

**Not Recommended by the Planning Board (4-3)**

**Petition #4** by Shayne Gendron and others to see if the Town will vote to rezone 1 Indian Rock Road, 4 Hardwood Road, and 6 Hardwood Road (lots 11-A-450, 11-A-451, and 11-A-452) from Rural to Village Center District. This will enable the land located by North Lowell Road and Hardwood Road to be developed as Village Center District in accordance with the Master Plan.

**Recommended by the Planning Board (7-0)**

**Petition #5** by Mary Griffin and others to see if the Town will rezone a portion of 150 Haverhill Road (lot 9-A-500) from Rural to Neighborhood Business District. The area to be rezoned would extend from the centerline of Route 111 in a Northerly direction 700 feet or to the Northerly boundary of lot 9-A-500, whichever occurs first. The remaining area of lot 9-A-500, not included in the area to be rezoned, would remain Rural. The purpose of the petition is to extend a Neighborhood Business District fronting on Rt 111 in the Westerly area of the Town of Windham.

**Not Recommended by the Planning Board (7-0)**

**Petition #6** by Richard P. McCoy and others to request that the zoning map be amended by rezoning lots off Industrial Drive and Lampson Road (lots 13-A-120, 13-A-150, 13-A-155, 13-A-160, 13-A-161 and portions of lots 13-A-191, 13-A-196, 13-A-197, 13-A-198, and 13-A-290) from Residential A to Limited Industrial.

**Recommended by the Planning Board (5-2)**

**Petition #7** by Robert Cookson and others to request the rezoning of 157 Rockingham Road, 159 Rockingham Road, and 151 Rockingham Road (lots 3-B-603, 3-B-605, and 3-B-401) from Rural to Neighborhood Business.

**Not Recommended by the Planning Board (5-2)**

**ARTICLE 3.** To vote by ballot on the following amendments to the Windham Zoning Ordinance and Zoning District Map as proposed by the Planning Board.

**Amendment #1: Amend Zoning District Map:** by rezoning portions of all lots not zoned Industrial on the former Lamson Road and former Limited Industrial Road from Residential A District to Limited Industrial District, including Lots 13-A-120, 150, 155, 160, 161, and portions of 191, 196, 197, 198 and 290. The rezoning supports the Windham Master Plan 2005 by promoting office, industrial and retail development south of Flat Rock Brook and the southerly portion of Route 28.

**Recommended by the Planning Board (4-3)**

**Amendment #2: Amend Zoning District Map:** by rezoning portion of Lot 8-B-500 (86 Rockingham Road) from Rural District to Residential B District (multi-family). The lot is located in the northeastern portion of Town and is bordered to the east by the Town of Salem.

**Recommended by the Planning Board (7-0)**

**Amendment #3: Amend Zoning District Map:** by rezoning approximately 1.5 acres of land at the intersection of Frost and Depot Road from Rural District to Historic District. Herein the 1.5 acres is listed on the Town of Windham Assessor' map as, Tax Map 2-A-1325 and listed by Windham's Historic District Commission as an archeological/historical site. The Subject Property is owned by the Town and located directly behind the Caboose, directly north of the Boston and Maine rail trail.

**Recommended by the Planning Board (7-0)**

**Amendment #4: Amend Section 200: Definitions:**

Amend Section 200: Definitions: by adding the following definition:

**Change in Use of Structure** - An extension, enlargement, and/or alteration of pattern of utilization of the structure or change in purpose for which the structure is used and which increases the total intensity use of the structure which results in one (1) of the following (i) a change in the nature and purpose of the prior use, (ii) constitutes a use different in character, nature or kind, (iii) results in a substantially different effect on the surrounding neighborhood.

**Recommended by the Planning Board (5-2)**

**Amendment #5: Amend Section 301: Establishment of Districts**

Amend Section 301 Establishment of Districts by adding a new subsection “301.15 Route 28 Access Management Overlay District”

**Recommended by the Planning Board (7-0)**

**Amendment #6: Amend Section 302: Location of Districts by the following:**

Amend Section 302 by deleting the current language and replacing it with the following:

“**302. Location of Districts:** Said Districts are hereby established as shown, located, defined and bounded on the latest approved map entitled, "Zoning District Map of the Town of Windham, New Hampshire" signed by the Planning Board and filed with the office of the Town Clerk; with the exception of the Wetland and Watershed Protection District, the Flood Plain District, the Aquifer Protection District, the Housing for Older Persons District, the Open Space Residential Overlay District and the Route 28 Access Management Overlay District, which are not defined by boundary lines on said map, but are districts determined by criteria set up under *Sections 601,607,609, 610, 611 and 615* respectively; which map, together with all explanatory matter thereon, is hereby incorporated in and made part of this Ordinance.”

**Recommended by the Planning Board (6-0)**

**Amendment #7: Amend Section 303: Location of Boundaries of Districts**

Amend Section 303 by adding the following section:

“303.7 For lots located in more than one district, uses and structures shall conform to the requirements of the district in which they are located. If the use or structure spans the boundary between districts, the provision which imposes the greater restriction or higher standard shall apply.”

**Recommended by the Planning Board (6-0)**

**Amendment #8: Amend Section 400: Continuance of Existing Uses**

Amend Section 406.4 by deleting the words “District...of lot” and replacing the words “Max Bldg.” with “Maximum % building covered for the relevant zoning district.”

**Recommended by the Planning Board (6-0)**

**Amendment #9: Amend Section 601: Wetland and Watershed Protection District**

Amend Section 601.2: Definitions by insertion at the end thereof, the following new definition:

“Hydric Soils: Soils that are saturated or flooded during a sufficient portion of the growing season to develop anaerobic conditions in the upper soil layers.”

Amend Section 601.2: Definitions by insertion at the end thereof, the following new definition:

“Watershed: A geographical area in which all water drains to a given stream, lake, wetland, estuary or pond. Within every watershed, water runs to the lowest point on that landscape – a stream, lake, wetland, estuary or pond.” (NH DES).

Amend Section 601.3.8 by deleting the current language thereof, and replacing it with the following:

“601.3.8 Driveway, streets and roads (hereinafter access ways) subject to the following:

The only buildable uplands available on the lot have no reasonable alternative means of access from any road, whether publicly or privately owned; and

The access way crossing is designed to minimize to the greatest extent possible any disruption of the W.W.P.D.; and

The length and design of the access way is the minimum length and width necessary to provide access to the proposed use through the W.W.P.D.”

Amend Section 601.3.9 by deleting the existing language and replacing it with the following:

“**601.3.9** Utility systems, including water, gas, sewer, electricity, telephone, cable and communication lines.”

Amend Section 601.4.8 by inserting the following language after the words "...documented accordingly."

**601.4.8.1.** The following statement must be entered on the plan.

NOTE: No structure may be erected nor shall any alteration of the surface configuration of the land be permitted in the Wetland and Watershed Protection District, except as authorized by this approval.

**601.4.8.2.** Where any activity requiring Planning Board approval is proposed within the WWPD, the plan shall also indicate: the location and limits of the proposed activity; the construction techniques and sequence to be used in constructing the proposed improvements; and the protective measures to be employed to minimize the disturbance and/or degradation of the WWPD.

**601.4.8.3.** Where any activity requiring Planning Board approval is proposed within the WWPD, the applicant shall also submit evidence that: the WWPD disturbance is the minimum necessary to affect the proposed improvements; the proposed activity will not contribute to the degradation of surface or groundwater quality; the proposed activity is appropriate and safe to locate in the WWPD; and, the proposal is consistent with the intent and purpose of Section 601 of the Windham Zoning Ordinance. At a minimum, the Applicant shall submit:

- a) Plans showing profiles, cross-sections, and elevations at 50-foot maximum intervals, for any proposed street, drives, access ways, or other disturbance of the WWPD;
- b) Two (2) sets of color photographs (of minimum 4" x 6" size) taken in both directions along the centerline of any proposed street or access way at intervals corresponding with the intervals delineated on the plans submitted in accordance with 601.4.8.3.a.

**Recommended by the Planning Board (7-0)**

***Amendment #10: Amend Section 602.2: Uses Permitted Upon Site Plan Review as Provided in the Windham Site Plan Regulations***

Amend Section 602.2 by adding the following words "Application and" after the words "Uses Permitted Upon Site Plan"

**Recommended by the Planning Board (6-0)**

***Amendment #11: Amend Section 606.2: Conditions of Approval***

Amend Section 606.2 by adding a new subsection "606.2.8 Neighborhood Impacts: Any potential neighborhood impacts from traffic, noise from construction, and hours of operation shall be identified by the Applicant and a mitigation plan submitted to the Planning Board for review and approval."

**Recommended by the Planning Board (6-0)**

***Amendment #12: Amend Section 607: Flood Plain District***

Amend Section 607 by amending various subsections of Section 607 per the request of the National Flood Insurance Program (NFIP) and the Federal Emergency Management Agency (FEMA) as follows: *(Amendments are required in order for Windham property owners to be eligible for FEMA's flood insurance policy).*

Amend Section 607 by deleting the second paragraph, "Prior to May 17, 2005, the following regulations in this ordinance shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the Town of Windham, NH." Together with the Floodway Maps of the town dated March 11, 1980 which are declared to be part of this ordinance and are hereby incorporated by reference."

Amend Section 607 by deleting the words “As of May 17, 2005,” at the beginning of the third paragraph.

Amend Section 607.1 by deleting definition “Area of Shallow Flooding”.

Amend Section 607.1, *Area of Special Flood Hazard* by deleting the second sentence “The area is designated as zone A on the FHBM and is designated on the FIRM as zones A, A1-30.” Replace by adding following sentence “The area is designated on the FIRM as Zones A and AE.”

Amend Section 607.1 by deleting definition “Breakaway Wall”.

Amend Section 607.1 by adding the following words “or storage of equipment or materials.” in the definition of Development after the words “drilling operations.”

Amend Section 607.1 by deleting definition “Flood Boundary and Floodway Map”.

Amend Section 607.1 by inserting “This includes manufactured homes located in a manufactured home park or subdivision.” after last sentence in the definition of Manufactured Home.

Amend Section 607.1: Definitions by insertion of the following new definition to be inserted in alphabetic order in Section 607.1: *Manufactured home park or subdivision* by adding the following definition “means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.”

Amend Section 607.1: Definitions by insertion of the following new definition to be inserted in alphabetic order in Section 607.1: *New construction* by adding the following definition “means, for the purposes of determining insurance rates, structures for which the start of construction” commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, *new construction* means structures for which the *start of construction* commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.”

Amend Section 607.1: Definitions: *Regulatory Floodway* by deleting the existing definition and replacing with the following definition “means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height.”

Amend Section 607.1: Definitions: by deleting the existing definition of “Special Flood hazard Area” and replacing it with the following: “Special flood Hazard Area – See Area of Special Flood Hazard.”

Amend Section 607.1: Definitions by inserting the following new definition to be inserted in alphabetic order in Section 607.1: *Violation* by adding the following definition “means the failure of a structure or other development to be fully compliant with the community’s flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44CFR § 60.3(b)(5), (c)(4), (c)(10), (d)(3), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.”

Amend Section 607.4 by deleting the words “Zones A, A1-30, AE, AO, or AH” and replacing with words “Zones A or AE.”

Amend Section 607.6 by replacing the words “Wetlands Board” with the words Wetlands Bureau” and replacing the words “New Hampshire Environmental Services Department” with the words “New Hampshire Department of Environmental Services.”

Amend Section 607.6.3 by deleting “Along watercourses with a designated Regulatory Floodway no encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge. In zone A the Code Enforcement Administrator and/or Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that development meet the floodway requirements of this section.” and replacing with the following “Along watercourses with a designated Regulatory Floodway no encroachments, including fill new construction, substantial improvements, and other development are allowed within the floodway unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practices that the proposed encroachment would not result in any increase in flood levels within the community during the base flood discharge.”

Amend Section 607.6.4 by deleting “Along watercourses that have not had a Regulatory Floodway designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within zones A1-30 and AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.” And replacing with the following “Until a Regulatory Floodway is designated along watercourses, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zone AE on the FIRM, unless it is demonstrated by the applicant that the cumulative effect of the proposed development, when combined with all existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.”

Amend Section 607.6 by inserting the following subsection “607.6.5 The Code Enforcement Administrator and/or Building Inspector shall obtain, review, and reasonably utilize any floodway data available from Federal, State, or other sources as criteria for requiring that all development located in Zone A meet the following floodway requirement:

“607.6.5.1 No encroachments, including fill, new construction, substantial improvements, and other development are allowed within the floodway that would result in any increase in flood levels within the community during the base flood discharge.”

Amend Section 607.7.1.1 by deleting the words “A1-30, AH,” and “V1-30 and VE”.

Amend Section 607.7.1.2 by deleting the words “unnumbered A zones” and replacing with words “Zone A”.

Amend Section 607.7.1.3 by deleting the following “In zone A0 the flood elevation is determined by adding the elevation of the highest adjacent grade to the depth number specified on the FIRM or if no depth number is specified on the FIRM at least two feet.” since it is not applicable to the Town of Windham.

Amend Section 607.7.2 by deleting the words “zones A, A1-30, AE, AH, AO and A” and replacing wit words “Zones A and AE”.

Amend Section 607.7.2.4.4 by deleting the following “Proposed structures to be located on slopes in special flood hazard areas, zones AH and AO shall include adequate drainage paths to guide flood waters around and away from the proposed structures.” since it is not applicable to the Town of Windham.

Amend Section 607.7.2.4.5 by deleting the words “Zones A1-30, AH and AE” and replacing with words “Zones A and AE”.

**Recommended by the Planning Board (7-0)**

***Amendment #13: Amend Section 610: Elderly Housing by the following:***

Amend the name of the Ordinance to “Housing for Older Persons” and all internal references.

Amend Section 610.6.1.1 by deleting “1) A spouse under the age of fifty-five (55) married to a resident aged fifty-five (55) or older;” Renumber the remaining sub-sections.

Amend Table of Contents by deleting the words “Elderly Housing” and replacing them with the words “Housing for Older Persons”.

**Recommended by the Planning Board (6-0)**

***Amendment #14: Amend Section 700: Development of Sites and Location of Buildings***

Amend Section 702 by adding a new subsection “702.7 Energy or Communications Systems. Wind, solar, hydro and communication structures shall meet the required setbacks for the zoning district at their location.”

**Recommended by the Planning Board (6-0)**

***Amendment #15: Amend Section 702: Area, Frontage, Yard and Floor Area Requirements***

Amend Section 702.1 by deleting the word “the specified yards and provided that” and replacing it with the words “the required yards provided in the ordinance.”

**Recommended by the Planning Board (6-0)**

***Amendment #16: Amend Section 704.4: Limitations on Parking***

Amend Section 704.4.1 by inserting the following sentence “There shall be no parking of unregistered or uninspected vehicles in the required side yard, front or rear setbacks.” Amend by inserting the word “Outdoor” before the word “parking”.

**Recommended by the Planning Board (7-0)**

***Amendment #17: Amend Section 706.5.14: General Sign Regulations for Multi-Tenant Commercial Buildings***

Amend Section 706.5.14 by deleting the current language thereof, and replacing it with the following:

**706.5.14** In Business Commercial A and B, Gateway Commercial, Limited Industrial, Neighborhood Business, Professional Business and Technology, and Village Center District; one unlighted on-premise temporary sign shall be displayed at a time, provided:

1. The temporary sign shall comply with the area, height, and setback requirements for a freestanding sign for the district in which it is located;
2. The temporary sign shall be securely anchored at a stationary location; non-motorized and non-moving; and shall not be lit or illuminated in any way;
3. Such sign shall not be displayed for more than 30 days in any calendar year;
4. Each temporary sign shall require a temporary sign permit, issued by the Code Enforcement Administrator;
5. The nature of allowed temporary signs shall be event related; and
6. One (1) sign per tenant per year.

No temporary signs shall be installed on any type of complex, except where defined elsewhere in this document, with two (2) or more tenant spaces or divisions. In case of a Unit, the temporary sign shall not be allowed if there exists a sign as described in Section 706.4.5 where changeable copy or print has been employed.

**Recommended by the Planning Board (7-0)**

***Amendment #18: Historic Demolition Delay Ordinance***

Add Section 719 Historic Demolition Delay Ordinance. This amendment may delay the demolition for up to 30 days for any structure over 400 square feet that was built prior to 1940 or appears on the Historic Resource list.

**HISTORIC DEMOLITION DELAY ORDINANCE**

- 1) This ordinance is adopted as an Innovative Land Use Control under the provisions of RSA 674:21 and shall be annexed to and become a part of the Windham Zoning Ordinance.
- 2) The general purpose of this ordinance is to provide the Town and the Commission the opportunity to consult with any owner who wishes to raze or perform substantial construction work on any qualified structure within the Town in an effort to preserve and/or document the historic character and cultural resources of the Town of Windham.
- 3) Except as otherwise provided herein, the following definitions apply:
  - i) Qualified Structure – A building which is (or was) a habitable residential or commercial structure, or a detached outbuilding, barn, garage, or ancillary structure in excess of 400 square feet and which
    - (a) was constructed prior to 1940, or
    - (b) appears on the Historic Resource Lists (if any).
  - ii) Commission – The duly established Heritage Commission of the Town of Windham.
  - iii) Historic Resource Lists – A list prepared by the Commission pursuant to RSA 674:44-b (I) (a) of the cultural resources of the Town of Windham.
  - iv) Raze – To demolish or remove a structure.
  - v) Substantial construction work – Work performed to substantially renovate, rehabilitate or modify the exterior appearance or architectural features of a structure. The need for a building permit to lawfully perform the work shall be a minimum threshold requirement for triggering the application of “substantial construction work.”
  - vi) Architectural Features – Those items on the exterior of a structure which give character to its appearance, including, but not limited to, doors, windows, shutters, exterior light fixtures, trim and moldings, exterior siding material, roofing material, chimneys, chimney caps, cupolas, weathervanes, etc.
  - vii) Town – Town of Windham, New Hampshire.

- viii) Display Sign – A sign or poster prepared by and at the expense of the Commission, which:
    - a) Shall be no greater than 36 inches x 36 inches in size
    - b) Printed on durable material suitable for exterior display
    - c) Shall state thereon, that the owner of the property has applied for a permit to raze or substantially renovate a qualified structure located at the property, and that a copy of the application has been forwarded to the Commission for comment
  - ix) Building Official – The designated authority in the Town of Windham charged with the administration and enforcement of the Building Code.
- 4) Except as otherwise provided herein, no permit to raze or to perform substantial construction work on a qualified structure may be issued for at least thirty (30) days following the submittal of an application for same to the Windham Planning and Development Department.
  - 5) Upon the filing of an application to raze or to perform substantial construction work on a qualified structure:
    - (i) The applicant for said permit shall be given a Display Sign which must be posted on the property within seventy-two (72) hours and shall remain posted until the permit is issued. The sign shall be posted on the property within ten (10) feet of the front property line of the frontage giving access to the property and in a fashion such that it is visible from the adjoining roadway.
    - (ii) Prior to receiving a permit under this ordinance, the applicant will file an affidavit, on a form prepared by the Town, affirming that the Display Sign was continuously posted as required in Section 5 (1).
    - (iii) The Building Official shall, within seventy-two (72) hours of receipt of such application, forward a copy to the Commission by first class mail, interoffice delivery or other means intended to reach the Commission. The Building Official shall also notify the Commission Chairman by telephone or electronic mail (as indicated by the preference of the then-serving Chair) of the filing of the application.
  - 6) Upon receipt of a copy of an application to raze or to perform substantial construction work on a qualified structure, the Commission shall determine if it wishes to meet with the applicant concerning the request. The Commission may:
    - (i) Request an opportunity to meet with the applicant;
    - (ii) Notify the Building Official and applicant that it has no interest in the application, in which case, the permit may be issued once other required waiting periods have expired; or
    - (iii) Schedule a public meeting to discuss the request with the applicant and any other interested persons, with such meeting to take place within 30 days of the date of the application unless the applicant requires an extension to 45 days under Section 7 (iv) below.

- 7) If the Commission elects to schedule a public meeting on the pending request:
  - (i) It shall schedule the same no later than the 28<sup>th</sup> day after the permit application has been filed.
  - (ii) It shall send notice by certified first class mail to the owner, indicating to the owner notifying them of the said meeting and requesting them to attend in person or by a legal representative. Such notice shall be sent at least five (5) days before the meeting date.
  - (iii) It shall post required notice of said meeting indicating the intention to discuss the pending application.
  - (iv) The public meeting may be rescheduled or continued only at the request of the owner, but must occur within forty-five (45) days of the application filing.
- 8) The purpose of the public meeting is to discuss with the applicant the alternatives to demolition or possibilities to preserve certain architectural features of the qualified structure. If the applicant does not wish to retain any particular architectural feature, the applicant will be encouraged to consider donating such item or offering it for sale to the general public.
- 9) No permit to raze or to perform substantial construction work on a qualified structure shall be issued until the applicant has complied with the affidavit requirement of Section 5 (ii) and:
  - (i) The Building Official has received notice from the Commission that it has no interest in the application (See, 6 (i) above); or
  - (ii) The Commission has conducted the said public meeting within the 30-day period prescribed under Section 6 (iii) or within the extension of time obtained by the applicant pursuant to Section 7 (iv).
- 10) Nothing contained in this ordinance shall be construed as giving the Commission or the Town any authority to prevent the issuance of the requested permits or require any action by an applicant other than to appear before and discuss the application with the Commission.
- 11) The provisions of this ordinance may be waived when either the Building Official (or his designee) or the Fire Chief (or his designee) shall have determined that the demolition of any structure is immediately required to protect public safety or to remove a hazardous condition.

**Recommended by the Planning Board (5-1)**

***Amendment #19: Impact Fee Ordinance***

*Amend Sections 715 and 718 of the Zoning Ordinance by the repeal and deletion of said articles, and to insert new Section “715 Impact Fee Ordinance”. Under the authority of the ordinance, impact fee schedules and supporting documentation could be adopted or amended by the Board after a public hearing. The ordinance would enable the full range of impact fees authorized under RSA 674:21, V, and would serve to updated existing ordinance provisions to reflect amendments made to that statute in 2004.*

## Section 715 IMPACT FEE ORDINANCE

### **Objective:**

Provide general authority for the Planning Board to adopt methods for the calculation of impact fee assessments and related impact fee schedules for application to new development, consolidating and replacing existing sections 715 and 718 of the Windham Zoning Ordinance. Under the authority of the ordinance, impact fee schedules and supporting documentation could be adopted or amended by the Board after a public hearing. The ordinance would enable the full range of impact fees authorized under RSA 674:21, V, and would serve to update existing ordinance provisions to reflect amendments made to that statute in 2004.

### **715. Impact Fees:**

**715.1 Authority:** These regulations are authorized by New Hampshire RSA 674:21, V, and other pertinent state law, as an innovative land use control. Under this authority, new development in the Town of Windham may be assessed impact fees in proportion to its demand on the public capital facilities of the Town and the School District.

**715.2 Purpose:** The following regulations shall govern the assessment of impact fees for public capital facilities to accommodate the demands of new development on these facilities. These provisions are intended to:

**715.2.1** Assist in the implementation of the Master Plan and Capital Improvements Program;

**715.2.2** Ensure that adequate public capital facilities are available to serve the needs of new development;

**715.2.3** Assess an equitable share of the cost of public capital facilities to new development in proportion to its demand on those facilities.

### **715.3 Definitions:**

**715.3.1 Assessed property** means any land or buildings comprising new development that is subject to an impact fee under this Article.

**715.3.2 Assessment** with respect to an impact fee means a notification issued to an assessed property by the Town of Windham by its Planning Board, or its Code Enforcement Administrator, stating the amount of an impact fee due and the conditions or schedule for its collection.

**715.3.3 Collection** with respect to an impact fee means the actual delivery of payment of the fee to the Town of Windham on behalf of an assessed property.

**715.3.4 Impact fee** means a fee or assessment imposed upon development, including subdivision, building construction or other land use change, in order to help meet the needs occasioned by the development for the construction or improvement of capital facilities owned or operated by the municipality, including and limited to water treatment and distribution facilities; wastewater treatment and disposal facilities; sanitary sewers; storm water, drainage and flood control facilities; public road systems and rights-of-way; municipal office facilities; public school facilities; the municipality's proportional share of capital facilities of a cooperative or regional school district of which the municipality is a member; public safety facilities; solid waste collection, transfer,

recycling, processing and disposal facilities; public libraries; and public recreation facilities, not including public open space.

**715.3.5 New development** means an activity that results in:

**715.3.5.1** The creation of a new dwelling unit or units or in the habitable portion of a residential building; or

**715.3.5.2** The conversion of an existing use, or additions thereto, which would result in a net increase in the number of dwelling units; or

**715.3.5.3** Construction resulting in a new non-residential building or a net increase in the floor area of any non-residential building; or

**715.3.5.4** The conversion of an existing use to another use if such change would result in a net increase in the demand on public capital facilities that are the subject of impact fee assessment; however,

**715.3.5.5** New development shall not include the replacement of an existing manufactured housing unit or the reconstruction of a structure that has been destroyed by fire or natural disaster where there is no change in size, density, or type of use that would increase the demand on capital facilities for which impact fees are assessed.

**715.3.6 Off-site improvements** means those improvements that are necessitated by a development but which are located outside the boundaries of the property that is subject to a subdivision plat or site plan approval by the Planning Board. Such off-site improvements shall be limited to any necessary highway, drainage, and sewer and water upgrades pertinent to that development.

**715.3.7 Public open space** means a parcel of land essentially unimproved and available to the public only for passive recreational use or natural resource conservation. Town parks which do not include “public recreation facilities” constitute public open space within the meaning of this Article.

**715.3.8 Public recreation facilities** means the land and facilities owned or operated by the Town of Windham, other than public open space, which are designed for the conduct of recreational sports, or other active leisure uses that include use of equipment, structures, or other improvements to the land to provide active indoor or outdoor public recreation programs or activities. Public recreation facilities may include improvements that occur within public open space parcels to provide active recreation components such as walking, hiking, or skiing trails.

**715.3.9 School District** means the Windham School District.

**715.4 Authority to Assess Impact Fees:** The Planning Board is hereby authorized to assess impact fees to new development in a manner consistent with the standards herein set forth. The Planning Board shall have the authority to adopt and amend regulations to implement the provisions of this ordinance and to delegate the administrative functions of impact fee assessment, collection and disbursement.

## **715.5 Standards and Basis of Assessment:**

**715.5.1** The amount of any impact fee shall be a proportional share of public facility improvement costs which are reasonably related to the capital needs created by the development, and to the benefits accruing to the development from the capital improvements financed by the fee.

**715.5.2** The Planning Board may prepare, adopt, or amend studies, reports, or cost allocation procedures that are consistent with the above standards, and which define a basis for impact fee assessment for public capital facilities, and the impact fee assessment schedules therefore. Updates to the fee may be based on factors including, but not limited to revisions in the Windham Capital Improvement Program, capital facility cost estimates, data from the U.S. Census, local school enrollment data, estimates of the number of housing units and non-residential building area in Windham, property tax assessment data, interest and discount rates, construction cost adjustment factors and other information pertaining to proportional demand for public services and related capital facilities.

**715.5.3** No methodology, cost allocation procedure, or other basis of assessment, nor related impact fee schedules, or changes in the basis of assessment or the fee schedules, shall become effective until it shall have been the subject of a public hearing before the Planning Board.

**715.5.4** In the case of new development to be created by conversion or modification of an existing use, the impact fee shall be based upon the net positive increase in the impact fee assessed for the new use as compared to the highest impact fee that was or would have been assessed to the existing use.

**715.5.5** Upgrading of existing facilities and infrastructures, the need for which is not created by new development, shall not be paid for by impact fees.

**715.6 Change in Assessment Schedules:** The impact fee assessment schedules shall be reviewed annually by the Board of Selectmen and the Planning Board, along with the foundation documents that provide the basis for the assessment schedules. Such review may result in recommended adjustments in one or more of the fees based on the most recent data as they affect the variables in the fee calculations. Changes in the impact fee assessment schedules shall be effective only where the change in the basis of assessment or the fee schedule is adopted following a public hearing on the proposed change.

## **715.7 Assessment and Collection of Impact Fees:**

**715.7.1** Where subdivision or site plan approval is required for new development, impact fee assessment shall take place at the time of Planning Board approval of a subdivision plat or site plan.

**715.7.2** When no Planning Board approval is required, or has been made prior to the adoption or amendment of the impact fee ordinance, impact fees shall be assessed prior to, or as a condition for, the issuance of a building permit.

**715.7.3** No building permit for new development requiring payment of an impact fee shall be issued until the amount of the impact fee assessment has been determined by the Code Enforcement Administrator.

**715.7.4** Collection of the Impact fee shall be required on or before the time a certificate of occupancy is issued. If no certificate of occupancy is required, impact fees shall be collected at the time when the development is ready for its intended use.

**715.7.5** The Planning Board and the Town of Windham may establish an alternate, mutually acceptable schedule of payment of impact fees applicable to an assessed property. If an alternate schedule of payment is established, the Planning Board may require the applicant to post security, in the form of a cash bond, letter of credit, or performance bond so as to guaranty future payment of assessed impact fees.

**715.8. Waivers:** The Planning Board may grant full or partial waivers of impact fees to an assessed property, subject to its finding that the proposed development meets one or more of the applicable conditions set forth below:

**715.8.1** A full or partial waiver of public school impact fees may be granted for those residential units that are lawfully restricted to exclusive occupancy by persons age 55 or older within a development that is maintained in compliance with the provisions of RSA 354-A: 15, Housing For Older Persons. The Planning Board may waive school impact fee assessments on such age-restricted units where it finds that the property will be bound by lawful deeded restrictions on occupancy for a period of at least 20 years. The Planning Board may grant such a waiver upon receipt of satisfactory evidence that the proposed development will not generate public school enrollment while encumbered by appropriate age restrictive covenants.

**715.8.2** The Planning Board may agree to waive all or part of an impact fee assessment and accept in lieu of a cash payment, a proposed contribution of real property or facility improvements of equivalent value and utility to the public. Prior to acting on a request for a waiver of impact fees under this provision that involves a contribution of real property or the construction of capital facilities, the Planning Board shall submit a copy of the waiver request to the Board of Selectmen for its review and consent prior to its acceptance of the proposed contribution. The value of contributions or improvements shall be credited only toward facilities of like kind, and may not be credited to other categories of impact fee assessment. Full or partial waivers may not be based on the value of exactions for on-site or off-site improvements required by the Planning Board as a result of subdivision or site plan review, and which would be required of the developer regardless of the impact fee assessments authorized by this Ordinance.

**715.9. Appeals Under This Article:**

**715.9.1** A party aggrieved by a decision made by the Code Enforcement Administrator relating to administrative decisions in the assessment or collection of impact fees authorized by this Section may appeal such decision to the Planning Board.

**715.9.2** A party aggrieved by a decision of the Planning Board under this Article may appeal such decision to the Rockingham County Superior Court as provided by RSA 677:15, as amended.

**715.10. Administration of Impact Fees:**

**715.10.1** All funds collected shall be properly identified by purpose and promptly transferred for deposit in a Capital Facilities Impact Fee Account. This account shall be considered as a special revenue fund account. Under no circumstances will impact fee revenues or interest accrue to the General Fund.

**715.10.2** The Town Treasurer shall have custody of all fee accounts, and shall pay out the same only upon written orders of the Board of Selectmen. Funds withdrawn from the Capital Impact Fee Account, shall be used solely for the purposes for which they were collected.

**715.10.3** Funds withdrawn from each Capital Facilities Impact Fee Account shall be used solely for the purpose of funding, planning, designing, constructing, expanding, or equipping the public capital facilities in the facility category for which the impact fee was assessed under this ordinance.

**715.10.4** Impact fees may be used to pay debt service on bonds or similar debt instruments where such expenditures were related to developing capacity for education of Windham public school students or for Town public capital facilities that are the subject of an impact fee assessment.

**715.10.5** The Board of Selectmen shall order the release of school impact fee funds to the School District, upon its request, upon demonstration by the district of encumbered expenditures eligible for reimbursement by impacts fee. School impact fees may be used to reimburse the School District for the value of public school capacity already constructed in anticipation of growth, or school capacity to be developed in the future

**715.10.6** The Town Treasurer shall record all fees paid by date of payment and the person making payment, the tax map and lot reference number of each assessed property under this Article for a period of at least six (6) years. At the end of each fiscal year, the Town Treasurer shall make a report to the Board of Selectmen, the Planning Board, and the School District giving a detailed account of all capital facilities impact fee transactions during the year.

**715.11. Refund of Fees Paid:**

**715.11.1** The owner of property for which an impact fee has been paid may apply to the Board of Selectmen for a refund of that fee, plus accrued interest, six (6) years from the date of the collection of that fee.

**715.11.2** A refund to the property owner will be due only if the Windham School District or the Town of Windham has failed to encumber the governmental share of the capital improvement costs required to provide related facility capacity improvements to be funded in part by impact fees.

**715.11.3** The Board of Selectmen shall annually provide each assessed property that is due a refund of an impact fee a written notice of the amount due, including any accrued interest.

**715.12. Other Authority Retained:** This ordinance shall not be deemed to affect other authority of the Windham Planning Board over subdivisions or site plans, or rules and regulations pertaining to the Town's water and sewer systems including, but not limited to:

**715.12.1** The authority of the Planning Board to declare a development to be premature or scattered in accordance with the regulations of the Board and in accordance with RSA 674:36, II(a); or

**715.12.2** The authority of the Planning Board to require the payment of exactions for off-site improvements for highway, drainage, sewer and water upgrades necessitated by the development, in accordance with the provisions of RSA 674:21, V (j); or

**715.12.3** Other authority of the Town of Windham to assess other capital investment fees or system development charges under the authority of other statutes, Town ordinances, or through the Site Plan Review and Subdivision Regulations of the Windham Planning Board.

**Recommended by the Planning Board (5-2)**

**ARTICLE 4.** To see if the Town will vote to raise and appropriate the sum of \$30,000 to be added to the Property Maintenance Expendable Trust Fund.

**Recommended by Board of Selectmen**

**ARTICLE 5.** To see if the Town will vote to raise and appropriate the sum of \$30,000 to be added to the Earned Time Expendable Trust Fund.

**Recommended by Board of Selectmen**

**ARTICLE 6.** To see if the Town will vote to raise and appropriate the sum of \$275,425 representing the cost of the increased economic benefits for members of Local Union 3657 AFSCME (Police Union) to which they are entitled for the fiscal years 2006-2008 under the terms of the latest tentative collective bargaining agreement entered into by the Selectmen and AFSCME. The cost to be paid retroactively for 2006 is \$39,880, for 2007 \$113,650 and the 2008 cost is \$145,080. Said contract to expire on March 31, 2010, with the additional cost for 2009 to be \$53,890, and 2010 to be \$14,580. Note that an additional \$23,190 will be paid out of the Town's Contracted Services Revolving Fund for retroactive contracted services pay adjustments for 2006 thru 2007 to bring the total contract cost to \$298,615.

**Recommended by Board of Selectmen**

**ARTICLE 7.** To see if the Town will vote to raise and appropriate the sum of \$29,630 representing the cost of the increased economic benefits for members of Local Union No. 2915 IAFF (Fire Union) to which they are entitled for the fiscal year 2008 under the terms of the latest tentative collective bargaining agreement entered into by the Selectmen and IAFF. Said contract to expire on March 31, 2011 with the additional cost for 2009 to be \$27,720, \$29,470 for 2010, and \$6,830 for 2011.

**Recommended by Board of Selectmen**

**ARTICLE 8.** To see if the Town will vote to raise and appropriate the sum of \$26,510 representing the cost of the increased economic benefits for members of Local Union No. 1801 AFSCME (Municipal Union) to which they are entitled for the fiscal year 2008 under the terms of the latest tentative collective bargaining agreement entered into by the Selectmen and AFSCME. Said contract to expire on March 31, 2010 with the additional cost for 2009 to be \$31,810, and \$9,200 for 2010.

**Recommended by Board of Selectmen**

**ARTICLE 9.** Shall the Town of Windham, if Articles #6, 7 or 8, are defeated, authorize the governing body to call one special meeting, at its option, to address Article(s) #6, 7 or 8, cost items only?

**Recommended by Board of Selectmen**

**ARTICLE 10.** To see if the Town will vote to raise and appropriate the sum of \$12,000, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for payment of both marketing related and maintenance related costs. Approval of this article will have no additional impact on the tax rate.

**Recommended by Board of Selectmen**

**ARTICLE 11.** To see if the Town will vote to raise and appropriate the sum of \$12,560, said amount to be withdrawn from the balance in the previously established Searles Special Revenue Fund for the purposes of paying the principal and interest on the outstanding loan taken to fund renovations and repairs to the West wing of the building in 2003. Should this article pass, the debt service account in the approved operating budget from Article 32 will be reduced by a sum \$12,560. Approval of this article will have no additional impact to the tax rate.

**Recommended by Board of Selectmen**

**ARTICLE 12.** To see if the Town will vote to raise and appropriate the sum of \$54,080 for the purpose of purchasing a Transfer/Disposal Trailer for the Transfer and Recycling Department. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of two (2) years, whichever is less. This article is part of the Capital Improvement Program.

**Recommended by Board of Selectmen**

**ARTICLE 13.** To see if the Town will vote to raise and appropriate the sum of \$501,585 representing the costs associated with replacing the Castlehill Road Bridge #072/145 including final engineering, bid documentation, right of way, and construction expenses and to authorize the Board of Selectmen to accept a State of New Hampshire Bridge Aid Grant in the amount of 80% or \$401,268 to be applied against said appropriation and to accept and expend off site mitigation funds from a private developer in the amount of \$89,000 to be applied as part of the Town's 20% share of the cost with the balance of \$11,317 to come from general taxation. This bridge is jointly owned by Windham and Pelham with Pelham authorizing the Town of Windham to work within the legal boundaries of Pelham to complete the construction. Should this article be approved, but either the State reimbursement, the off site mitigation funds from the developer, or authorization from Pelham not occur, this article will be considered null and void. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of five (5) years, whichever is less. This article is part of the Capital Improvement Program.

**Recommended by Board of Selectmen**

**ARTICLE 14.** To see if the Town will vote to raise and appropriate the sum of \$73,200 for the purpose of funding a portion of the town's 20% share of the costs, including engineering, easement acquisitions, right of way, and construction expenses associated with the establishment of bike paths along Lowell Road from Route 111 to the Golden Brook School or portions thereof based on final funding available. The Town has been approved to receive a State grant to pay for 80% of the project pending the town approving its 20% share. As part of this project, the State is committing additional funds to cover the cost of rehabilitating much of the pavement and drainage in the project area which would not occur for many years without completion of the bike path project. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of five (5) years, whichever is less. This article is part of the Capital Improvement Program. A total of \$160,000 of the Town's estimated 20% share of \$233,200 has been raised by previous Town Meetings.

**Recommended by Board of Selectmen**

**ARTICLE 15.** To see if the Town will to vote raise and appropriate the sum of \$33,000 representing the costs to develop Engineering and Design Plans associated with the improvements and renovations to the Windham Depot Area as well as other expenses associated with the overall project, and further to authorize the acceptance of up to \$20,000 of this appropriation from the State of New Hampshire as part of an approved grant to fund 80% of the engineering. If approved at a future Town Meeting, the total project cost including engineering, design plans, easements, and construction is estimated to be \$210,000, 80% of which will be reimbursed by the State of New Hampshire as expenses are paid resulting in the Town's overall costs being up to approximately \$52,000. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of five (5) years, whichever is less. This article is part of the Capital Improvement Program.

**Recommended by Board of Selectmen**

**ARTICLE 16.** To see if the Town will vote to raise and appropriate the sum of \$90,000 to be added to the existing Salt Shed/Highway Facility Capital Reserve Fund. This article is part of the Capital Improvement Program.

**Recommended by Board of Selectmen**

**ARTICLE 17.** To see if the Town will vote to raise and appropriate the sum of \$70,000 for the purpose of renovating the Nesmith Library, including but not limited to, exterior painting and interior lighting repairs and replacements. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of three (3) years, whichever is less. This article is part of the Capital Improvement Program.

**Recommended by Board of Selectmen**

**ARTICLE 18.** To see if the Town will vote to raise and appropriate the sum of \$3,985 representing the additional costs needed to implement a staff reorganization plan within the Town's Maintenance Department wherein two current part time positions will be replaced with one fulltime position. The costs to be raised in 2008 represent the net funds required to implement the staffing change beginning June 2008. The current full year costs to implement this staffing change are estimated to be \$8,000.

**Recommended by Board of Selectmen (4-1)**

**ARTICLE 19.** To see if the Town will vote to raise and appropriate the sum of \$15,000 for the purpose of a Salt Shed / Highway Garage Engineering/Feasibility Study, and to authorize the withdrawal of such sum from the Salt Shed / Highway Facility Capital Reserve Fund established for this purpose. Said Study will evaluate multiple parcels of land as a possible location of a Salt Shed. This will be a non-lapsing account per RSA 32:7, VI and will not lapse until the project is complete or for a period of two (2) years, whichever is less.

**Recommended by Board of Selectmen**

**ARTICLE 20.** To see if the Town will vote to raise and appropriate the sum of \$182,230 for the purpose of hiring four (4) additional Firefighter/EMT's for the Windham Fire Department and to authorize the Board of Selectmen to contract for, accept and expend Federal Homeland Security Staffing for Adequate Fire and Emergency Response (S.A.F.E.R.) funding in the amount of \$101,200 to be applied against said appropriation. This will be a non-lapsing account per RSA 32:7, VI and will not lapse for a period of two (2) years. The SAFER Grant period of performance in which the Town will receive partial reimbursement will be for the years 2008-2012 with the level of reimbursement declining each year. Should the Town receive the grant funding the additional amounts necessary to fund the cost items for the remaining years of the performance period are estimated to be:

2009 Town share of \$167,305 and Federal share of \$140,545;  
2010 Town share of \$233,895 and Federal share of \$101,185;  
2011 Town share of \$302,505 and Federal share of \$61,880;  
2012 Town share of \$370,190 and Federal share of \$16,890.

This article shall be deemed null and void if the 2008 Federal funding is not approved or received.

**Recommended by Board of Selectmen (4-1)**

**ARTICLE 21.** To see if the Town will vote to raise and appropriate the sum of \$2,350 for the Conservation Commission, and authorize the Selectmen to transfer all unexpended Conservation Commission funds as of December 31, 2008 to the Conservation Fund in accordance with RSA 36-A:5.

**Recommended by Board of Selectmen**

**ARTICLE 22.** To see if the Town will vote to approve conveying portions of Town-owned land known as Tax Map 20-D, Lot 1800, and Tax Map 20-D, Lot 1600 (known as a portion of the Gage Property) totaling 16 acres in size to the Windham School District to be used for a football stadium, athletic fields, and ancillary support facilities in accordance with the Windham High School recreational master plan and to authorize the Board of Selectmen to accept a portion of the School District land that is at least twice the acreage of land being conveyed to the School District as compensation for the transfer of a portion of the “Gage Property” mentioned herein and further authorize the Board of Selectmen to take any other actions necessary to carry out the intent of this article. Said authorization to complete this transaction shall expire on December 31, 2014.

**Recommended by Board of Selectmen (3-2)**

**ARTICLE 23.** – To see if the Town will vote to adopt a comprehensive amendment to the Windham Blasting Ordinance #2:04:19:99 as follows: To Delete the present ordinance in its entirety and adopt in place thereof the following:

**ORDINANCE:**

**GOVERNING BLASTING AND/OR EXPLOSIVE DEMOLITION:**

**SECTION I: PURPOSE:**

It is declared to be in the best interest of the health, safety and general welfare of the Town of Windham and its residents to enact the following regulations governing blasting, explosive demolition or other use of explosives within the Town of Windham.

**SECTION II: AUTHORITY:**

This Ordinance has been enacted pursuant to the statutory authority granted to the Town of Windham by RSA 31:39.

**SECTION III: DEFINITIONS:**

For the purpose of this Ordinance, the following words and phrases, when used herein, shall be construed as follows:

- A) Town – Town of Windham, New Hampshire.
- B) Board – Board of Selectmen of the Town of Windham.
- C) Explosives – Those materials that are either chemically or otherwise energetically unstable, or produce a sudden expansion of the material usually accompanied by the production of heat and large changes in pressure (and typically also a flash and/or loud noise) upon initiation including but not limited to: dynamite, any explosive compound of which nitroglycerin forms a part, fulminate in bulk or dry condition, blasting caps, detonating fuses, black powder, and ammonium nitrate/fuel oil (ANFO).
- D) Peak Particle Velocity (PPV) - A measurement of maximum ground vibration, in any of the three mutually perpendicular components of particle velocity.
- E) Seismic Measuring Equipment – Shall be that equipment utilized to measure ground effects of blasting and or explosive detonation which may include but is not limited to: creepmeters, seismographs, seismometers, strainmeters, or magnetometers.

- F) Blasting Log – A detailed written record of the type, amount, depth of explosives and other blasting details submitted to the Town of Windham. The NHDOT Section 203 Blasting Log or equivalent should be submitted in metric or English.
- G) Blasting Administrator – Person(s) appointed by the Selectmen to administer and enforce the Blasting Ordinance.
- H) Structure/Habitable Structure – A “structure” as used herein shall be anything which is built or constructed on a property (i.e. property improvements) including activity for which a building permit or site permit is required such as foundations, driveways, roadbeds, parking lots, swimming pools, wells, waste disposal systems and utility installations. A “habitable structure” is a structure which persons are occupying or may occupy, including residential dwellings, commercial and industrial buildings, garages, sheds, barns, and storage buildings.

**SECTION IV: BLASTING PERMITS APPLICABILITY:**

- A) No person shall engage in blasting or detonation of explosive materials within the Town of Windham without first obtaining a permit to conduct such operations from the Blasting Administrator of the Town.
- B) Blasting permits may be issued for blasting operations with the following maximum vibration limits as measured outside the nearest habitable structure from the blasting site: PPV of 13mm/s or 0.50 in/s at frequencies below 40 Hz. and 25 mm/s or 1.0 in/s at frequencies up to 100 Hz or greater.
- C) Applicants for blasting permits must submit a completed application form containing all the information specified and required within this Ordinance.

**SECTION V: APPLICATION FORM:**

- A) A properly executed application form shall be submitted to and approved by the Blasting Administrator for all blasting permits, prior to commencement of any blasting or detonation. The application form shall be developed and approved by the Board of Selectmen.
- B) Approval of the blasting permit will not relieve the Applicant of full and complete responsibility for the results of the blasting operations. The Applicant also has full responsibility for the accuracy and adequacy of the blasting plan when implemented in the field.
- C) The application form shall require the following information:
  1. Name, address, and daytime phone number of the Applicant.
  2. A copy of license issued by the State Police to the Applicant along with proof of identification, under RSA 158:9-b.
  3. Name, address, experience, qualifications, and daytime phone number of blasting supervisor.
  4. A copy of blasting supervisor’s Certificate of Competency issued by the State Police pursuant to RSA158:9-h.
  5. The tax map number and physical location where blasting is to be conducted, as well as the date of detonation.

6. A map or plan at a scale not greater than 1" = 200' depicting the approximate location of the proposed blasting/detonation, and all properties within 500 feet for a 30 day blasting permit, 750 feet for a 60 day blasting permit, and 1000 feet for a 90 day blasting permit.
7. A list of the owners of all such properties identified, together with a notation as to whether such properties are improved by a structure, and the type of occupancy (i.e., residential, commercial, industrial).
8. A letter of permission from the property owner of the blasting site.
9. Evidence of general liability and property damage insurance issued by a carrier authorized by the State of New Hampshire Insurance Commissioner to do business in New Hampshire in amounts not less than the following: 1) two million dollars (\$2,000,000) combined single limit per occurrence for a 30 day duration permit; 2) four million dollars (\$4,000,000.) for a 60 day duration permit, and; 3) six million dollars (\$6,000,000.) for all permits for greater than 60 days duration. All liability insurance companies supplying policies per this Ordinance shall have at least a double A (AA) Moody Bond rating.
10. The Applicant shall submit the following information to the Blasting Administrator or his/her authorized representative, at least two weeks prior to commencing drilling and/or blasting operations:
  - a. Sequence and schedule of production blast rounds, including the general method of developing the excavation, lift heights, starting locations, estimated starting dates, estimated rates of progress, etc.
  - b. Written evidence of the licensing, experience, and qualifications of the blaster who shall be directly responsible for the loading and firing of each shot.
  - c. Name, experience, and qualifications of the person responsible for designing and directing the Applicant's blasting operation.
  - d. Name, experience, and qualifications of the person to be used to conduct pre-blast condition surveys.
  - e. Name, experience, and qualifications of the person to be used in monitoring blast vibration.

#### **SECTION VI: FEE:**

All permit applications shall be accompanied by the proper application fee as established by the Board of Selectmen in accordance with RSA 41:9 a.

#### **SECTION VII: PERMIT DURATION:**

- A) There are three categories of blasting permits based on the cubic yards of materials to be blasted and length of time to complete the blasting operations as follows:
  1. A 30-day permit is required for smaller blasting operations, such as swimming pools and house foundations, where a total aggregate of zero (0) to four thousand (4,000) cubic yards of blasted material are removed from the ground. Blasting activities such as drilling and blasting are expected to be finished within 30 days. Such permit shall expire at the end of 30 days from issuance, unless otherwise revoked hereunder.

2. A 60-day permit is required for larger blasting operations where a total aggregate of four thousand (4,000) to fifteen thousand (15,000) cubic yards of blasted material are removed from the ground. Blasting activities such as drilling and blasting are expected to be finished within 60 days. . Such permit shall expire at the end of 60 days from issuance, unless otherwise revoked hereunder.
  3. A 90-day permit is required to for the largest of blasting operations, such as road construction, where a total aggregate of more than fifteen thousand (15,000) cubic yards of blasted material is removed from the ground. These large blasting operations are expected to take over 60 days to complete the drilling and blasting activities. Such permit shall expire at the end of 90 days from issuance, unless otherwise revoked hereunder.
- B) Successive or renewed permits are permitted, provided application information is updated and a new application fee is paid.
- C) After a second renewal, submission of a written impact evaluation of the site and potentially affected properties may be required by the Blasting Administrator, dependent upon the type of the original permit that was issued.
- D) A permanent record of all permits issued under this Ordinance will be kept in the Planning and Development Department.

#### **SECTION VIII: MINIMUM STANDARDS OF CONDUCT:**

Unless more stringent provisions are contained herein, the conduct of all blasting or explosive detonations shall be governed by the standards in New Hampshire Code of Administrative Rules, Saf-C Section 1600, et seq.

#### **SECTION IX: LOCAL REQUIREMENTS:**

In addition to any other requirements of State law, the following additional requirements shall apply to blasting activity within the Town of Windham:

- A) General: All blasting operations, including the storage and handling of explosives and blasting agents, shall be performed in accordance with the applicable provisions of this Ordinance and all other pertinent Federal, State, and local regulations. Whenever explosives are used, they shall be of such character and in such amounts as are permitted by the State and local laws and ordinances, and all respective agencies having jurisdiction over them.
- B) Pre-blast Condition Survey: Prior to conducting any blasting, the Applicant or their agent shall conduct a pre-blast condition survey of all existing structures and conditions on the site, adjacent to the site, and within the following radius: 1) 500 feet for smaller blasting operations requesting a 30 day permit, or; 2) 750 feet for larger blasting operations requesting a 60 day permit, or; 3) 1000 feet for 90 day permits for the largest blasting projects.

This survey shall extend to such structures or conditions as may be affected by the Applicant's construction operations. At a minimum, pre-blast condition surveys shall be performed on all structures, including homes, foundations, driveways, roadbeds, swimming pools, wells, and mobile homes, within the areas described above. The Applicant, as well as the owner of the property being surveyed, shall sign all such surveys once completed. If a property owner, for whatever reason, refuses to allow for the conducting of a pre-blast survey or to sign a pre-blast survey form, then the Applicant shall note this on the form. The Applicant shall make at least three in-person attempts and at least one certified mail notice over a 14 day time period to contact an owner to explain the need for such surveys.

1. The pre-blast structural inspection condition survey shall consist of a written description of the interior and exterior condition of each of the structures examined. Descriptions shall locate any existing cracks, damage, or other defects, and shall include such information so as to make it possible to determine the effect, if any, of the construction operations on the defect. Where significant cracks or damage exist, or for defects too complicated to describe in words, photographs shall be taken. A good quality videotape survey with appropriate audio description of locations, conditions, and defects can be used in lieu of a written form. This survey shall be kept for a minimum of seven (7) years and be made available to the Blasting Administrator upon request. In addition, copies of the completed survey and videos shall be delivered to each property owner free of charge within 14 days.
  2. The individual person conducting the survey shall give written notice to the owner of the property concerned, as well as to any tenants of the property. The notice shall state the dates on which surveys are to be made. Copies of all notices shall be provided to the Blasting Administrator.
  3. Upon completion of all earth/rock excavation and blasting work, the Applicant shall conduct a post-blast survey of any properties, structures, and conditions for which complaints of damage have been received or damage claims have been filed. Notice shall be given to all interested parties so that they may be present during the final examination. Records of the final examination shall be distributed the same as the original pre-blast condition survey.
  4. All costs associated with condition surveys shall be borne by the Applicant.
- C) Seismic Measuring Devices: Prior to conducting any blasting, the Applicant or their agent shall identify the two closest structures to the blasting site not owned by the owner of the blast site and request written permission from the Owner(s) thereof to install and monitor seismic measuring equipment. The Applicant shall make four (4) attempts to obtain such permission. The fourth and final attempt shall be made in writing via certified mail and, if unsuccessful, the seismic measuring equipment shall be installed between the structure and the blast location as close as reasonable to the structure. An explanation of the reason for such location shall be made on the vibration monitoring report for such structure and the PPV shall be extrapolated to the structure using standard relations. Prior to conducting any blasting, seismic measuring equipment shall be installed as described above. The Blasting Administrator may require additional measuring devices when necessary to protect property. If an owner refuses to allow for or waives the placement of seismic measuring equipment, the Applicant shall note this on the vibration monitoring report.
1. All costs associated with analysis and monitoring shall be borne by the Applicant.
- D) Map of Operations: The Applicant shall provide a vicinity map and plan, locating the blast site, blast area, and the locations of all measuring devices required hereunder.
- E) Additional Surveys / Seismic Devices: The Town, through its Blasting Administrator or Board of Selectmen, reserves the right to require additional condition surveys and/or placement of seismic measuring equipment on properties farther than specified should the need arise due to complaints or other causes. Further, the Town reserves the right to require geological surveys of the area around the blasting location should conditions warrant such analysis. Such additional requirements may be prerequisites to obtaining any permit renewals.
- F) Timing of Blasting Operations: Blasting and/or detonation shall be conducted only between the hours of 10:00 am and 3:00 pm, and shall not be permitted on Saturdays, Sundays or town observed holidays.

G) Blast Vibration Control and Monitoring: The Applicant shall be required to comply with the blasting vibration limits established by the applicable State of New Hampshire rules and regulations. The Town reserves the right to impose lower maximum vibration limits. See, Section IV (B).

H) Vibration Monitoring Instrumentation: All vibration monitoring instrumentation proposed for use on the project by the Applicant shall comply with the following requirements:

1. Measure, display, record, analyze, and print three-component ground motion and measure, display, record and print air pressure with specification equal to or better than the following:

<u>Range:</u>	0.01-10 in/s
<u>Resolution:</u>	seismic, 0.005 in/s acoustic, 1 db
<u>Sample Rate:</u>	1024 Samples/s
<u>Frequency Response:</u>	0-250 Hz, flat within 3 db
<u>Trigger Source:</u>	seismic and/or acoustic
<u>Trigger Level:</u>	seismic, programmable, 0.02-2.00 in/s acoustic, programmable, 100-129 db, Linear weighting scale
<u>Record Time:</u>	1-10 s plus 0.5 s pre-trigger
<u>Storage Capacity:</u>	100 1-sec events at 1024 samples/s

2. Measure the three (3) mutually perpendicular components of particle velocity in directions vertical, radial, and perpendicular to the vibration source. Full wave forms must be recorded.

3. All seismographs used on the project shall display the date of the most recent calibration. Said calibration must have occurred within the last twelve (12) months and been performed to a standard traceable to the National Institute of Standards and Technology.

I) Report of Monitoring Results: Within forty-eight (48) hours of each blast, the Applicant, or their authorized representative, shall submit to the Blasting Administrator in writing the following items:

1. Details of the round as shot to include the information shown on the sample blasting log (see, Section III (F)).
2. Results of the blast monitoring at each instrument location, including the following:
  - a. Date and time of blast
  - b. Location of blast
  - c. Operator name and signature
  - d. Distance of seismograph from blast in feet
  - e. Listing of the maximum values of the three components of peak particle velocity, PPV (in/s), acceleration, PPA (g), displacement, PPD (in), time on the record at which the PPV occurs (ms), peak vector sum, PVS (in/s) and time on record at which the PVS occurs, peak sound pressure level, PSPL (psi) and time on record at which the PSPL occurs (ms), and the PSPL frequency (Hz)
  - f. Seismograph manufacturer, model, serial number, calibration date

- g. Trigger settings
  - h. Software manufacturer, name, version used for download and/or analysis
  - i. Full waveform plots of three seismic components and acoustic component
  - j. Plot displaying OSM and USBM RI8507 analysis
  - k. If the seismic ground vibration or air overpressure, or both ground vibration and air overpressure caused by the Applicant's blasting operation equals or exceeds either the limits established by the State of New Hampshire or the maximum limits imposed by the Town, which ever being more restrictive, the operations shall cease and the permit may be revoked by the Blasting Administrator.
- J) Notice and Warning Signals: Adequate warnings shall be given to all personnel in proximity to the blast site at least three minutes in advance of each blast. The Applicant shall use sirens or horns or both sirens and horns with sufficient intensity such that they can be heard for a minimum distance of 1,000 feet.
1. The Applicant shall notify the Windham Police dispatchers not less than one (1) hour before the scheduled time of blast or explosion with the address of the blasting site, the total pounds of explosives and the number of charged holes.
  2. The Applicant shall publish a notice in a local paper no later than one week prior to blasting operations noting the place, date of blasting operations, and estimated number of days of blasting.
  3. The Applicant shall notify all property owners within the required areas by certified US Mail, one week prior to blast, of the following information: the place, date and duration of the blasting operation. Blasting operations and activities lasting longer than 90 days requiring a permit renewal shall re-notify the properties owners by mail and local paper publication.
- K) Flyrock Control: Before the firing of any blast in areas where flying rock or debris may result in personal injury or damage to property, the rock to be blasted shall be covered with approved blasting mats, soil, or other equally serviceable material to prevent flyrock.
- L) Responsibility for Blasting Operations: Review of the Applicant's blasting submittals by the Town of Windham, the Blasting Administrator or their authorized representative will not relieve the Applicant of his/her responsibility for the accuracy, adequacy, and safety of the blasting; for exercising proper supervision and field judgment; for preventing damage to structures; and for producing results in accordance with the State of New Hampshire regulations and NHDOT Specifications. The Applicant shall be solely and completely responsible for the safety of all persons and properties during the performance of his/her work. The Applicant shall take whatever measures it deems necessary, in addition to the requirements herein, to protect the safety of persons and property, both at the construction site and away from the site. The Applicant shall have full and complete responsibility for the handling, discharging, or settling of any and all damage or annoyance claims resulting from the blasting activities on the project. Any monitoring and/or review of the Applicant's procedures and performance conducted by the Town of Windham, the Blasting Administrator's Office or their authorized representative shall not relieve the Applicant of his/her responsibility for safety at and away from the site, or for preventing damage to adjacent structures or property.

- M) Blasting Monitoring: The Blasting Administrator reserves the right to visit any blasting sites to monitor the operation. The Blasting Administrator may also confer with other town departments or private blasting consultants for advice or assistance in the review or monitoring of a blasting site. The Blasting Administrator may require a Fire Department work detail to standby a site for safety or monitoring duties. The cost of a Fire Department work detail or any other private consultants necessary for enforcement of these regulations will be at the Applicant's expense.
- N) Dust Control: During and after the firing of any blast, dust control shall be in place to control the dust from the blast and the removal of the blasted rock and dirt. Dust migration from blasting operations, including rock removal and rock processing, to adjacent properties shall be controlled and kept to a minimum. Dust control plans and procedures shall be submitted with all blasting permit applications and approved by the Blasting Administrator.
- O) Site and Environmental Monitoring: Prior to undertaking any blasting, the Applicant of a 60 or 90 day blasting permit shall set up an escrow account to pay for geological and ground water monitoring consultants hired by the Town to oversee the blasting operations. The Applicant, Town consultants and the Blasting Administrator shall review the Applicant's blasting plan to determine what type of monitoring will be required to test the ground water quality and blasting procedures during blasting operations. The cost of this monitoring shall be paid for by the Applicant and/or the owner of the property.

#### **SECTION X: NO STORAGE OF EXPLOSIVES OR BLASTING AGENTS:**

The overnight storage of explosives or blasting agents, whether supervised or not, is not allowed in the Town. Loaded explosives shall have twenty-four hour supervision and be guarded overnight when conditions or circumstances delayed the blast and the Blasting Administrator has approved the overnight delay in blasting.

#### **SECTION XI: REVOCATION OF PERMIT:**

A permit issued hereunder may be revoked by the Blasting Administrator for just cause including but not limited to: failure to conduct operations in accordance with the standards herein resulting in property damage that does or has the potential to exceed the amount of liability insurance held by the Applicant; lapse or revocation of the State license, or the institution of proceedings (civil, criminal, or administrative) by the State for violation of applicable State law or regulations. Revocation of permission to perform blasting operations in Windham may result in the loss of all blasting permits for one year. An Applicant who has had a permit revoked may apply for a re-issuance to the Board of Selectmen who shall hold a public hearing on said request and, following same, determine whether or not a permit shall be reissued. The Applicant requesting the permit shall provide a detailed report to the Blasting Administrator outlining why they believe said permit should be issued along with any other information requested by the Blasting Administrator.

#### **SECTION XII: APPEAL:**

Any person who is denied a permit, or has such permit revoked, may request a hearing before the Board. Appeals shall be made in writing within ten (10) days to the Board of Selectmen, who shall hold a hearing within thirty (30) days to render a decision. The decision of the Board shall be final.

**SECTION X: WAIVERS:**

The Board of Selectmen may waive the application of these regulations with respect to any particular case when, in its opinion the enforcement thereof would do **manifest injustice**, and the Applicant has proven that the same degree of public health, safety and environmental protection required under these regulations can be achieved without strict application of a particular provision(s).

**SECTION XII: EFFECTIVE DATE:**

This Ordinance shall be effective upon passage at Town Meeting.

**Recommended by Board of Selectmen**

**ARTICLE 24.** To see if the Town will vote to amend the Town of Windham Solid Waste Ordinance #2:05:01:03 as follows:

1. Delete Section IV C (Commercial Demolition Waste). Presently this section reads:

“C. Commercial Demolition Waste: May be accepted at the Transfer Station for fees to be determined by the Board of Selectmen”.

2. Amend Section IV D (Residential Demolition Waste) by Deleting the words “*or rented*” in the first sentence and further Deleting the words “*be assumed to be commercial demolition waste and charged accordingly*” in the second sentence and Replace with the words “*not be allowed*”. The revised Section IV D would then read as follows:

“D. Residential Demolition Waste: Is accepted if generated for the benefit or by an individual resident and if the material is transported by the resident, in their own vehicle, to the transfer station. Any demolition waste generated from a residential property which is transported to the Transfer Station by a commercial hauler will not be allowed”

3. And further to Add the following new paragraph G in Section V Prohibited Disposal to read:  
“G. All commercial construction / demolition waste shall not be accepted”.

**Recommended by Board of Selectmen (3-2)**

**ARTICLE 25.** – To see if the Town will vote in accordance with RSA 32:5(V-a) to require all votes of the Board of Selectmen relative to budget items or warrant articles be recorded and the numerical tally of any such vote be printed in the town warrant next to the affected warrant article.

**Recommended by Board of Selectmen**

**ARTICLE 26.** Shall the Town vote to discontinue a 5,313 sq. ft. portion of the Westerly line of Londonderry Road adjacent to Tax Map 5-A-200 shown as parcel A on a plan of land prepared for the George H. Graff Revocable Trust dated December 2007 prepared by Edward N. Herbert Associates, Inc. Said discontinuance to be conditional on the subdivision approval of Map 5-A-200 and the subsequent conveyance to the Town of Windham of 9.7 acres +/- of said parcel in accordance with the terms of the said Trust.

**Recommended by Board of Selectmen**

**ARTICLE 27.** By Petition of Joseph Lannan and others “to see if the Town will vote to discontinue absolutely and completely, pursuant to New Hampshire Revised Statutes Annotated Chapter 231, Sections 43, that portion of an old woods road historically known as “The Old County Road” (see *Windham v Jubinville*, 92 NH 102 (1942) commencing at the Pelham Town Line at Pelham Tax Map 4, Lot 9-137 and following a meandering course in a general northerly direction through Windham Tax Map Parcel 24-F-1120 to Windham Tax Map Parcel 24-F-1100, which portion of the old woods “road” has not been maintained by the Town as a Town road for a period of time in excess of fifty (50) years. Provided that any development of tax map 24-F Lot 1120, at the developers expense, build a new road, said road to be built to the specifications of the Planning Board, and further such new road shall be submitted to the Selectmen for acceptance as a public road.

**Recommended by Board of Selectmen (4-0-1)**

**ARTICLE 28.** By Petition of Allan Putnam and others “To see if the Town of Windham will vote to discontinue a Town owned walking path easement located across 26 Bear Hill Road, parcel 20-E-129 and further to authorize the conveyance of the underlying town’s fee interest to the easement, if any, to the abutting property owners. Said easement is approximately 4,415 sq ft in area and is part of an easement running from Lowell Road to Bear Hill Road. This was approved in 1998 as part of Bear Hill Woods subdivision plans and recorded as plan D26476”.

**Not Recommended by Board of Selectmen (3-2)**

**ARTICLE 29.** By Petition of Michael Allan and Lisa Marie Piessens and others “To see if the Town of Windham will vote to discontinue a Town-owned pedestrian easement located across 19 Squire Armour Road, running from Squire Armour Road to Griffin Park, known as parcel 22-R-822, and further to authorize the conveyance of the underlying town’s fee interest to the easement, if any, to the abutting property owners. Said easement is approximately 10’ in width and 342.47 feet in length and is part of Stonewall Estates subdivision plans approved in 1999 and recorded as plan D27413”.

**Not Recommended by Board of Selectmen (3-2)**

**ARTICLE 30.** By Petition of Daphne Kenyon and others, “To see if the Town will vote to adopt the following Noise Ordinance to read:

**ORDINANCE:**  
**REGULATING NOISE**

**Section I: Purpose**

The purpose of this Ordinance is to regulate the making, creation, or maintenance of excessive, unnecessary or unusually loud noises that, in their time, place and manner adversely affect and are a detriment to public health, comfort, safety and welfare of the residents of the Town of Windham.

**Section II: Authority**

This Ordinance has been enacted pursuant to the statutory authority granted to the Town of Windham by RSA 31:19, I (n)

**Section III: Definitions**

For the purpose of this Ordinance, the following words and phrases when used herein shall be construed as follows:

- A) *Town* - The Town of Windham, New Hampshire.
- B) *Board* - Board of Selectmen of the Town of Windham.
- C) *Construction* - Any site preparation, assembly, erection, substantial repair, alteration or similar action, but excluding demolition.

- D) *Continuous Sound* - Any sound that exists, essentially without interruption, for a period of 10 minutes or more.
- E) *Demolition* - Dismantling or intentional removal of structures, utilities, public or private right of way surfaces or similar property.
- F) *Impulse Noise* - Any noise of short duration, usually less than one second, and of high intensity, with an abrupt onset and rapid decay.
- G) *Noise Disturbance* - Any sound, whether a continuous sound or an impulse noise which is loud or unreasonable and which disturbs a reasonable person with normal sensitivities.
- H) *Person* - Any individual, partnership, company, corporation, association, firm, organization, governmental agency, administration or department, or any other group of individuals, or any officer or employee thereof.
- I) *Power Tool* - Any device powered mechanically, by electricity, by compressed air, by gasoline, by diesel fuel or by any other fuel, which is intended to be used or is actually used for but shall not be limited to, the performance of such functions as cutting, blowing, nailing, stapling, sawing, vacuuming or drilling.
- J) *Residential Property* - Any real property developed and used for human habitation and which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, unless such premises are actually occupied and used primarily for purposes other than human habitation.
- K) *Undue hardship* - A situation or circumstance in which it is unreasonable to require the applicant to conduct the regulated activity during the hours permitted under the ordinance.

#### **Section IV: Regulation Applicability**

- A) It shall be unlawful for any person to carry on the following activities if such activities create a noise disturbance that generates a complaint:
  - 1) Between 10:00 p.m. and 7:00 a.m. (Monday through Saturday) and 10:00 p.m. and 9:00 a.m. (Sunday) the loading, unloading, opening, closing, or other handling of boxes, crates, containers, building materials, trashcans, dumpsters, or similar objects.
  - 2) Between 10:00 p.m. and 7:00 a.m. (Monday through Saturday) and 10:00 p.m. and 9:00 a.m. (Sunday) the operation or use of heavy construction vehicles and equipment involved in construction, demolition, property maintenance or similar activity, including, but not limited to, bulldozers, graders, dump trucks, backhoes, earthmoving equipment, front end loaders and log skidders.
  - 3) Between 10:00 p.m. and 7:00 a.m. (Monday through Saturday) and 10:00 p.m. and 9:00 a.m. (Sunday) the operation or use of tools, power tools, or construction equipment to include, but not limited to: cement mixers, rock crushers, hammers, staple or nail guns, power tools whether involved in construction, demolition, repair, maintenance or similar activity.

#### **Section V: Exemptions**

- A) The following uses and activities shall be exempt from the foregoing noise/time restrictions:
  - 1) Noise of safety signals, warning devices, and emergency pressure relief valves.
  - 2) Noise resulting from any public safety vehicle when responding to an emergency call or acting in time of emergency, or any public safety personnel when otherwise performing their duties.
  - 3) Noise resulting from emergency maintenance work or work that cannot be performed during the day due to mitigating factors such as traffic volume or facility use, as performed by the Town, the School District, the State, public utility companies, or a private property owner in the event of a legitimate emergency.
  - 4) Noise resulting from snow removal operations performed by the Town, the State, and other types of private or commercial snow removal operations.
  - 5) Any other noise resulting from activities of a temporary duration permitted by the law and for which a license or permit therefore has been granted by the Town.

**Section VI: Waiver**

A) An application for a waiver the provisions of this ordinance on the basis of undue hardship may be made to the Board of Selectmen. Any such waiver granted by the Board of Selectmen shall set forth all conditions pertaining to the specified noise, and a reasonable time limit for its abatement.

**Section VII:**

A) These requirements shall not apply where such matters are governed by State Law.

**Section VIII: Penalties**

A) Any person who violates the provisions of this ordinance or any landowner who permits violation of the provisions of this ordinance shall be guilty of a violation under RSA 625:9 (V)(a) and may be penalized by a fine of not more than \$300 for the first offense, \$500 for the second offense, and \$1000 for the third and any subsequent violations thereafter.

**Section IX: Validity**

A) If any section, clause, provision or phrase of this ordinance shall be held to be invalid or unconstitutional, such holding shall not affect, impair, or invalidate any other section, clause, or provision, portion or phrase of this ordinance.

**Section X: Enforcement**

A) These regulations are enforceable by the Windham Police Department.

**Section XI: Effective date/amendments**

A) This ordinance shall become effective March 30, 2008 and may from time to time be amended by the Board of Selectmen at a regularly scheduled meeting subsequent to a public hearing duly posted fourteen (14) days prior.

**Recommended by Board of Selectmen (4-1)**

**ARTICLE 31.** To see if the Town will vote to encourage the School Board to negotiate an appropriate transition of our students from Salem High School to the new Windham High School.

**ARTICLE 32.** Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$11,645,020. Should this article be defeated, the operating budget shall be \$11,322,955 which is the same as last year, with certain adjustments required by previous action of the town, or by law, or the governing body may hold one special meeting in accordance with RSA 40:13 X and XVI to take up the issue of a revised operating budget only. \* If Article 11 of this warrant passes, this article will be reduced by \$12,560 (Long Term Debt line).

Town Officers' Salaries	\$ 9,790
Administration	501,810
Town Clerk Expenses	192,000
Tax Collector Expenses	151,945
Election and Registration	23,090
Cemeteries	48,200
General Gov't Buildings	449,555
Appraisal of Properties	190,805
Information Technologies	176,810
Town Museum	5
Searles Building	15,320
Legal Expenses	52,400
Retirement	2,500
Insurance	257,460
Contracted Services	5

Police Department	2,228,250
Dispatching	391,590
Fire Department	2,317,215
Emergency Management	10,800
Planning and Development	481,425
Town Highway Maintenance	1,099,600
Street Lighting	12,480
Solid Waste Disposal	1,108,865
Health and Human Services	81,145
Animal Control	20,105
General Assistance	57,040
Library	941,590
Recreation	180,665
Senior Center	5,360
Cable TV Expenses	73,105
Historic Commission	5,055
Interest Expenses (TANs)	500
Long Term Debt	258,535
<i>(Principal \$235,000 and Interest \$23,535.00)</i>	
Capital Outlay – Roads (Part of CIP)	300,000

**Recommended by Board of Selectmen**

**\*Note:** Warrant Article 32 (operating budget does not include appropriations proposed under any other warrant articles).

Given under our hands and seal, this 9<sup>th</sup> day of February, in the year of our Lord two thousand and eight.

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*Alan E. Carpenter*

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*Dennis J. Senibaldi*

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*Roger T. Hohenberger*

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*Margaret M. Crisler*

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*Bruce R. Breton*

Board of Selectmen, Town of Windham

# BUDGET OF THE TOWN OF WINDHAM, NH

## APPROPRIATIONS AND ESTIMATES OF REVENUE JANUARY 1, 2008 TO DECEMBER 31, 2008

PURPOSES OF APPROPRIATION	Actual Appropriations Year 2007	Actual Expenditures For 2007	Appropriations Ensuing Fiscal Year 2008
<b><u>GENERAL GOVERNMENT</u></b>			
Town Officers' Salaries	\$ 9,790.00	\$ 9,527.00	\$ 9,790.00
Administration	451,525.00	461,658.00	501,810.00
Town Clerk's Expenses	179,455.00	176,350.00	192,000.00
Tax Collector's Expenses	140,690.00	135,132.00	151,945.00
Election & Registration	14,370.00	11,755.00	23,090.00
Cemeteries	47,300.00	42,100.00	48,200.00
General Gov't Bldgs	429,715.00	411,101.00	449,555.00
Appraisal of Property	178,475.00	176,050.00	190,805.00
Information Technology	149,550.00	162,137.00	176,810.00
Town Museum	5.00	0.00	5.00
Searles Building	16,590.00	14,888.00	15,320.00
Legal Expenses	52,400.00	83,833.00	52,400.00
Retirement & Pension	2,500.00	0.00	2,500.00
Insurance	263,300.00	262,621.00	257,460.00
<b><u>PUBLIC SAFETY</u></b>			
Contracted Police Services	5.00	0.00	5.00
Police Department	2,102,260.00	2,116,146.00	2,228,250.00
Dispatching	371,600.00	371,673.00	391,590.00
Fire Department	2,194,430.00	2,195,077.00	2,317,215.00
Emergency Management	15,210.00	16,629.00	10,800.00
Planning & Development	445,710.00	432,831.00	481,425.00
Town Maintenance	963,030.00	1,051,832.00	1,099,600.00
Street Lighting	11,970.00	12,881.00	12,480.00
<b><u>SANITATION</u></b>			
Solid Waste Disposal	1,078,050.00	1,013,780.00	1,108,865.00
<b><u>HEALTH</u></b>			
Health & Human Services	73,120.00	73,875.00	81,145.00
Animal Control	20,105.00	19,345.00	20,105.00
<b><u>WELFARE</u></b>			
General Assistance	57,040.00	60,871.00	57,040.00
<b><u>CULTURE AND RECREATION</u></b>			
Library	879,315.00	864,863.00	941,590.00
Recreation	161,735.00	146,253.00	180,665.00
Conservation Commission	2,350.00	2,350.00	2,350.00
Senior Center	4,310.00	5,608.00	5,360.00
Cable TV Expenses	84,285.00	77,627.00	73,105.00
Historic Commission	0.00	0.00	5,055.00
<b><u>DEBT SERVICE</u></b>			
Long Term Notes - P & I	387,075.00	387,075.00	258,535.00
Tax Anticipation Note - Interest	500.00	5,106.00	500.00

# BUDGET OF THE TOWN OF WINDHAM, NH

PURPOSES OF APPROPRIATION	Actual Appropriations Year 2007	Actual Expenditures For 2007	Appropriations Ensuing Fiscal Year 2008
<b><u>CAPITAL OUTLAY</u></b>			
Road Improvements	300,000.00	278,769.00	300,000.00
Transfer Tractor	75,000.00	68,419.00	0.00
Transfer Trailer	54,080.00	0.00	54,080.00
Fire Engine 3 Repair	65,000.00	64,432.00	0.00
Bartley House Renovations	50,000.00	0.00	0.00
Castle Hill Bridge Construction (net costs)	104,800.00	37,109.00	501,585.00
Lowell Rd Bike Path	85,000.00	0.00	73,200.00
Depot Improvements	13,000.00	12,000.00	33,000.00
Salt Shed Engineering Study	15,000.00	0.00	0.00
Ambulance	0.00	0.00	0.00
Library Architectural Plans	0.00	12,000.00	0.00
Library Renovations	0.00	0.00	70,000.00
<b><u>OPERATING TRANSFERS OUT</u></b>			
Salt Shed Capital Reserve	120,000.00	120,000.00	90,000.00
Fire Apparatus Capital Reserve	57,975.00	57,975.00	0.00
<b><u>TRUST ACCOUNTS</u></b>			
Trust - Health	0.00	0.00	0.00
Trust - Property	30,000.00	30,000.00	30,000.00
Trust - Earntime	30,000.00	30,000.00	30,000.00
Trust - Museum	0.00	0.00	0.00
<b><u>SPECIAL ARTICLES</u></b>			
Searles Revenue Fund*	24,544	24,544.00	12,000
Fund Balance-Searles	-	12,875.00	-
Police Contract	-	0.00	275,425
Fire Contract	-	0.00	29,630
Municipal Contract	-	0.00	26,510
Reorganize Maintenance Staffing	-	0.00	3,985
Salt Shed Engineering Study	-	0.00	15,000
SAFER (4) firefighter grant	-	0.00	182,230
<b>TOTAL APPROPRIATION</b>	<b>\$ 11,812,164.00</b>	<b>\$ 11,549,097.00</b>	<b>\$ 13,074,015.00</b>
<b><u>Petitioned Articles</u></b>			
<i>Totals with these articles added:</i>	<b>\$ 11,812,164.00</b>	<b>\$ 11,549,097.00</b>	<b>\$ 13,074,015.00</b>
	<b>\$ 11,667,820.00 (1)</b>		<b>(2) \$ 12,422,987.00</b>

\* \$12,560 for use of Searles Fund to pay bond payment not included in 2008 as this same figure is included in the debt services line item. Assuming approval of this article, \$12,560 will be deducted from the debt service line.

(1) Indicates 2007 proposed appropriations less \$12,544 withdrawn from the Searles Revenue Fund to pay for the Searles bond, \$12,000 from Searles for marketing and maintenance costs, \$15,000 withdrawn from Salt Shed Capital Reserve Fund, \$83,840 in State Bridge Aid, and \$20,960 in donations for bridge repair.

(2) Indicates 2008 proposed appropriations less \$15,000 from Salt Shed Capital Reserve Fund, \$12,560 withdrawn from the Searles Revenue Fund to pay for the Searles bond, \$12,000 from Searles for marketing and maintenance costs, \$101,200 from SAFER Firefighter Grant, \$20,000 from State Depot Grant, \$89,000 in offsite mitigation towards the Castlehill Rd Bridge project and \$401,268 in State Bridge Aid for same.

# BUDGET OF THE TOWN OF WINDHAM, NH

SOURCES OF REVENUE	Estimated Revenue 2007	Actual Revenue 2007	Estimated Revenue 2008
<b><u>TAXES</u></b>			
Yield Tax	\$ 7,600.00	\$ 7,546.92	\$ 1,200.00
Interest & Penalties on Taxes	112,000.00	121,113.18	80,100.00
Land Use Change Tax	0.00	0.00	0.00
Boat Taxes	11,400.00	11,976.34	11,400.00
<b><u>INTERGOVERNMENTAL REVENUES</u></b>			
Shared Revenue - Block Grant	41,174.00	41,174.00	41,174.00
Highway Block Grant	220,240.00	220,240.07	239,587.00
Others/Roads/EM (State)	15,953.00	22,467.31	16,000.00
Others/Grants (Federal)	0.00	0.00	0.00
Rooms and Meals	531,440.00	531,440.15	531,440.00
<b><u>LICENSES AND PERMITS</u></b>			
M V Permit Fees	2,730,000.00	2,711,875.00	2,720,000.00
Building Permits	200,000.00	194,814.90	200,000.00
Business Licenses	0.00	0.00	0.00
Other Licenses and Permits	67,600.00	72,243.07	68,000.00
<b><u>CHARGES FOR SERVICES</u></b>			
Income from Departments	425,304.00	445,922.61	381,500.00
Cable TV Fees	172,088.00	172,088.66	185,000.00
<b><u>MISCELLANEOUS REVENUES</u></b>			
Interest on Deposits	175,000.00	166,077.28	140,000.00
Other Miscellaneous Revenues	40,675.00	41,759.81	25,900.00
Sale of Town Property	16,100.00	16,100.00	0.00
<b><u>OTHER FINANCING SOURCES</u></b>			
Capital Reserve Funds	15,000.00	0.00	15,000.00
Income from Trust Funds	841.00	841.38	765.00
Income from Revenue Funds	24,544.00	24,544.00	24,560.00
Income from Other Sources	104,840.00	21,000.00	611,468.00
Proceeds from Bond Interest	0.00	0.00	0.00
Proceeds from Bonds	0.00	0.00	0.00
Fund Balance	0.00	0.00	0.00
<b>TOTAL REVENUES &amp; CREDITS</b>	<b>\$ 4,911,799.00</b>	<b>\$ 4,823,224.68</b>	<b>\$ 5,293,094.00</b>

## BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>TOWN OFFICERS' SALARIES</u></b> (ARTICLE 32)				
Selectmen	\$ 6,100	\$ 6,000	\$ 6,100	0
Treasurer	2,500	2,500	2,500	0
Deputy Treasurer	150	0	150	0
Trustee, Trust Funds	350	350	350	0
Social Security	560	549	560	0
Medicare	130	128	130	0
<b>TOTALS</b>	9,790	9,527	9,790	0
<b><u>ADMINISTRATION</u></b> (ARTICLE 32)				
Regular Salaries	\$ 260,980	\$ 259,491	\$ 291,030	30,050
Overtime Salaries	4,420	4,354	4,540	120
State Retirement Municipal	20,670	20,760	25,045	4,375
Supplemental Retirement	12,080	10,451	13,095	1,015
Social Security	0	236	0	0
Group Insurance-Health	54,560	54,556	62,140	7,580
Group Insurance-Life & Disability	4,870	4,848	5,260	390
Group Insurance-Dental	4,230	4,227	4,340	110
Medicare	3,090	2,909	3,300	210
Audit	9,875	9,725	10,950	1,075
Town Report	9,000	8,701	9,000	0
Office Supplies	3,240	1,941	3,240	0
Computer Supplies	3,740	4,370	2,100	(1,640)
Mileage	600	630	600	0
Postage	15,810	15,602	15,810	0
Postage Machine	2,300	2,148	2,300	0
Legal Ads	4,000	5,438	4,000	0
Equipment	750	557	750	0
Equipment Maintenance	1,050	1,103	1,050	0
Dues and Meetings	14,050	13,413	14,420	370
Miscellaneous	4,500	21,709	4,500	0
Stormwater Compliance	3,500	1,359	2,500	(1,000)
Committee Expenses	0	0	8,500	8,500
Employee Health	800	220	500	(300)
Telephone	8,270	8,050	8,270	0
Electricity	2,740	2,159	2,270	(470)
Heat	2,400	2,701	2,300	(100)
<b>TOTALS</b>	451,525	461,658	501,810	50,285
<b><u>TOWN CLERK'S EXPENSES</u></b> (ARTICLE 32)				
Regular Salaries	\$ 67,400	\$ 60,862	\$ 69,930	2,530
State Retirement Municipal	5,245	4,788	5,900	655
Supplemental Retirement	3,390	3,081	3,500	110
Social Security	4,290	4,371	5,000	710
Group Insurance-Health	6,900	6,745	13,660	6,760
Group Insurance-Life & Disability	1,250	1,115	1,360	110
Group Insurance-Dental	1,160	1,036	830	(330)
Medicare	2,200	1,903	2,300	100
Elected Official Fees	75,210	75,220	76,510	1,300
Office Supplies	3,040 (1)	4,669	1,840	(1,200)
Computer Supplies	650	464	980	330
Office Equipment	0	0	0	0

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - Final	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>TOWN CLERK'S EXPENSES CONT</u></b>				
Dog License Fees	6,910	7,728	7,180	270
Dues and Meetings	1,010	801	1,010	0
Preservation of Records	2,000	3,567	2,000	0
<b>TOTALS</b>	180,655	176,350	192,000	11,345
	179,455			
(1) includes 2006 carryover of \$1,200				
<b><u>TAX COLLECTOR'S EXPENSES (ARTICLE 32)</u></b>				
Regular Salaries	\$ 85,120	\$ 83,133	\$ 91,010	5,890
Overtime Salaries	3,280	3,092	3,280	0
State Retirement Municipal	3,890	3,958	4,930	1,040
Supplemental Retirement	3,985	4,213	4,565	580
Social Security	1,965	2,020	2,220	255
Group Insurance-Health	23,980	23,981	27,310	3,330
Group Insurance-Life & Disability	1,520	1,530	1,630	110
Group Insurance-Dental	1,510	1,512	1,550	40
Medicare	1,320	1,172	1,330	10
Title Searches	3,000	1,694	3,000	0
Office Supplies	700	653	700	0
Computer Supplies	7,320	7,003	7,320	0
Registry of Deeds	1,500	1,023	1,500	0
Petty Cash	100	0	100	0
Dues and Meetings	1,500	148	1,500	0
<b>TOTALS</b>	140,690	135,132	151,945	11,255
<b><u>ELECTION AND REGISTRATION (ARTICLE 32)</u></b>				
Regular Salaries	0	0	0	0
Elected Official Fees	3,800	1,279	6,130	2,330
Ballot Clerk Fees	1,000	420	2,900	1,900
Social Security	220	79	370	150
Medicare	50	19	90	40
Voter Checklists	500	359	500	0
Ballots	7,000	9,024	11,000	4,000
Equipment	0	0	800	800
Equipment Maintenance	1,500	525	1,000	(500)
Miscellaneous Expenses	300	50	300	0
<b>TOTALS</b>	14,370	11,755	23,090	8,720
<b><u>CEMETERIES (ARTICLE 32)</u></b>				
Groundskeeping	\$ 29,000	\$ 28,576	\$ 29,200	200
Office Supplies	400	152	400	0
Property Maintenance	16,000	11,474	17,000	1,000
Patriotic Purposes	1,300	1,600	1,000	(300)
Miscellaneous Expenses	200	0	200	0
Electricity	400	298	400	0
<b>TOTAL</b>	47,300	42,100	48,200	900
<b><u>GENERAL GOVT BLDGS (ARTICLE 32)</u></b>				
Regular Salaries	\$ 208,510	\$ 203,984	\$ 220,370	11,860
Overtime Salaries	1,640	2,275	2,460	820
State Retirement Municipal	13,095	13,638	15,520	2,425
Supplemental Retirement	10,505	10,611	11,140	635
Social Security	2,255	2,232	2,225	(30)



## BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>TOWN MUSEUM</u></b> (ARTICLE 32)				
Equipment	5	0	5	0
<b>TOTALS</b>	<b>5</b>	<b>0</b>	<b>5</b>	<b>0</b>
<b><u>SEARLES BUILDING</u></b> (ARTICLE 32)				
Social Security	\$ 0	\$ 0	\$ 0	0
Medicare	0	0	0	0
Property Maintenance	3,500	2,172	2,500	(1,000)
Telephone	1,680	1,511	1,620	(60)
Electricity	3,730	3,485	3,840	110
Heat	7,680	7,720	7,360	(320)
<b>TOTALS</b>	<b>16,590</b>	<b>14,888</b>	<b>15,320</b>	<b>(1,270)</b>
<b><u>LEGAL EXPENSES</u></b> (ARTICLE 32)				
Other Lawfirms	\$ 44,400	\$ 64,676	\$ 44,400	0
Union Legal Fees	8,000	19,157	8,000	0
<b>TOTALS</b>	<b>52,400</b>	<b>83,833</b>	<b>52,400</b>	<b>0</b>
<b><u>CONTRACTED POLICE SERVICES</u></b> (ARTICLE 32)				
Regular Contracted	\$ 5	\$ 0	\$ 5	0
<b><u>POLICE DEPARTMENT</u></b> (ARTICLE 32)				
Regular Salaries	\$ 1,156,940	\$ 1,084,613	\$ 1,200,960	44,020
Overtime	110,020	205,080	111,500	1,480
Holiday Pay	64,130	56,004	60,420	(3,710)
State Retirement Municipal	5,565	5,905	9,290	3,725
State Retirement Police	142,065	141,776	154,080	12,015
Supplemental Retirement	4,700	4,631	6,830	2,130
Social Security	1,350	2,863	1,680	330
Group Insurance-Health	275,210	262,230	335,280	60,070
Group Insurance-Life & Disability	20,000	18,915	21,620	1,620
Group Insurance-Dental	21,050	18,995	22,000	950
Medicare	17,630	17,571	19,000	1,370
Office Supplies	3,000	3,877	3,000	0
Computer Supplies	1,500	313	1,500	0
Property Maintenance	2,500	2,443	2,500	0
Investigations	2,500	1,243	2,410	(90)
Training	38,690	40,326	41,100	2,410
Firearm Training/Ammunition	20,620	22,964	28,460	7,840
Clothing Allowance	17,510	12,989	16,130	(1,380)
Vehicle Equipment	60,640 (1)	53,094	51,330	(9,310)
Equipment	19,248 (1)	19,185	8,610	(10,638)
Vehicle Fuel	40,290	40,754	43,050	2,760
Vehicle Maintenance	17,330	26,754	11,330	(6,000)
Equipment Maintenance	10,740	9,671	10,740	0
Radio Commun/Maint.	18,470 (1)	14,481	16,340	(2,130)
Safety Division	2,000	1,583	2,000	0
Recruitment Expenses	0	0	2,720	2,720
Miscellaneous	3,500	11,020	3,500	0
Employee Health	550	0	550	0

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>POLICE DEPARTMENT CONT</u></b>				
Telephone	9,270	9,228	9,270	0
Electricity	22,910	20,118	21,780	(1,130)
Heat	9,900	7,520	9,270	(630)
<b>TOTALS</b>	2,119,828	2,116,146	2,228,250	108,422
	2,102,260			

(1) includes 2006 carryover of \$6,500-9,768-1,300

<b><u>DISPATCHING</u></b>	<b>(ARTICLE 32)</b>			
Regular Salaries	\$ 181,910	\$ 179,298	\$ 185,390	3,480
Overtime	25,690	42,146	26,440	750
Holiday	13,930	13,237	13,930	0
Extra Shift	15,900	3,015	16,330	430
State Retirement Municipal	17,750	18,571	19,820	2,070
Supplemental Retirement	11,130	11,833	11,250	120
Social Security	1,090	169	1,250	160
Group Insurance-Health	46,170	46,163	52,580	6,410
Group Insurance-Life & Disability	3,370	3,345	3,450	80
Group Insurance-Dental	2,730	3,246	3,330	600
Medicare	3,420	3,401	3,460	40
Contracted Services	38,910	38,912	46,450	7,540
Training	4,500	2,964	3,000	(1,500)
Clothing Allowance	2,500	2,139	2,500	0
Equipment	2,490 (1)	2,423	1,510	(980)
Telephone	900	811	900	0
<b>TOTALS</b>	372,390	371,673	391,590	19,200
	371,600			

(1) includes 2006 carryover of \$790

<b><u>FIRE DEPARTMENT</u></b>	<b>(ARTICLE 32)</b>			
Regular Salaries	\$ 1,072,660	\$ 1,067,994	\$ 1,114,690	42,030
Overtime	218,110	250,728	226,060	7,950
Holidays	45,060	44,743	44,050	(1,010)
Callmen	45,000	38,749	45,000	0
State Retirement Municipal	2,600	2,706	3,220	620
State Retirement Fire	207,655	208,989	222,110	14,455
Supplemental Retirement	1,910	1,745	1,840	(70)
Social Security	3,340	3,422	3,940	600
Group Insurance-Health	279,710	288,320	330,040	50,330
Group Insurance-Life & Disability	19,360	19,263	20,010	650
Group Insurance-Dental	21,430	21,891	22,520	1,090
Medicare	17,740	17,396	18,260	520
Accident Insurance for Call Firefighters	1,125	1,064	1,125	0
Contracted Services	0	0	0	0
Property Maintenance	6,630	8,457	6,630	0
Training	72,210	38,553	52,760	(19,450)
Clothing Allowance	11,800	10,347	11,500	(300)
Prevention/Investigation	5,000	3,895	5,000	0
Ambulance Operation	17,420	16,342	17,550	130
Vehicle Equipment	0	0	25,560	25,560
Office Equipment	3,250	3,273	3,400	150
Fire Equipment	13,060	16,463	11,960	(1,100)
Equip. - Radios/Pagers	1,790	286	1,000	(790)

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>FIRE DEPARTMENT CONT</u></b>				
Ambulance Equipment	3,050	2,643	4,250	1,200
Vehicle Fuel	19,650	26,021	21,630	1,980
Vehicle Maintenance	42,725 (1)	44,903	37,670	(5,055)
Hydrant / Water Supply	2,000	313	4,000	2,000
Communication Maintenance	6,060	3,694	6,060	0
Dues and Meetings	1,200	350	1,200	0
Miscellaneous	500	1,560	500	0
Employee Health	2,360	1,780	3,340	980
Hazardous Materials District	5,000	5,999	6,000	1,000
Telephone	6,200	6,351	5,570	(630)
Electricity	27,680	23,322	24,790	(2,890)
Heat	18,980	13,515	13,980	(5,000)
<b>TOTALS</b>	2,202,265	2,195,077	2,317,215	114,950
(1) includes 2006 carryover of \$7,835	2,194,430			
<b><u>EMERGENCY MANAGEMENT (ARTICLE 32)</u></b>				
Social Security	\$ 130	\$ 114	\$ 130	0
Medicare	30	27	30	0
Emergency Operations Center Exp	3,480	3,240	4,840	1,360
Field Expenses	1,000	0	1,000	0
Shelter Expenses	750	18	750	0
Administrative Expenses	15,820 (1)	13,230	4,050	(11,770)
<b>TOTALS</b>	21,210	16,629	10,800	(10,410)
(1) includes 2006 carryover of \$6,000	15,210			
<b><u>PLANNING AND DEVELOPMENT (ARTICLE 32)</u></b>				
Regular Salaries	\$ 293,630	\$ 288,185	\$ 306,720	13,090
Overtime Salaries	6,670	5,125	6,900	230
State Retirement Municipal	18,265	18,105	21,560	3,295
Supplemental Retirement	16,485	11,700	15,850	(635)
Social Security	3,420	3,901	3,645	225
Group Insurance-Health	50,370	50,759	57,360	6,990
Group Insurance-Life & Disability	4,390	4,355	4,440	50
Group Insurance-Dental	3,710	3,743	3,810	100
Medicare	4,440	4,109	4,560	120
Regional Planning	9,590	9,590	10,170	580
Contracted Services	4,000 (1)	1,400	0	(4,000)
Office Supplies	3,000	2,232	3,000	0
Property Maintenance	1,000	0	1,000	0
Training	3,000	3,200	3,500	500
Clothing Allowance	700	400	700	0
Legal Ads	3,500	3,610	3,500	0
Vehicle Equipment	0	0	0	0
Office Equipment	3,000	2,654	15,510	12,510
Vehicle Fuel	2,050	2,496	2,180	130
Miscellaneous	320	427	320	0
Employee Health	0	0	260	260
Telephone	4,140	3,520	3,790	(350)
Electricity	5,780	5,164	5,310	(470)
Heat	8,250	8,156	7,340	(910)
<b>TOTALS</b>	449,710	432,831	481,425	31,715
(1) includes 2006 carryover of \$4,000	445,710			

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>HIGHWAYS, STREETS &amp; BRIDGES</u></b> (ARTICLE 32)				
Regular Salaries	\$ 137,180	\$ 132,353	\$ 159,310	22,130
Overtime	4,770	9,336	4,770	0
State Retirement Municipal	11,100	11,404	14,390	3,290
Supplemental Retirement	7,100	7,201	8,200	1,100
Social Security	220	531	220	0
Group Insurance-Health	37,620	33,173	45,750	8,130
Group Insurance-Life & Disability	2,600	2,554	3,010	410
Group Insurance-Dental	2,770	2,345	2,860	90
Medicare	2,260	2,150	2,480	220
Contracted Services - Summer	522,170 (1)	498,239	508,850	(13,320)
Contracted Services - Winter	168,000	165,553	168,000	0
Materials	90,700	95,002	97,660	6,960
Clothing Allowance	800	800	1,200	400
Vehicle Equipment	45,000	45,341	45,000	0
Equipment	3,000	4,140	6,000	3,000
Vehicle Fuel	13,020	15,026	13,640	620
Vehicle Maintenance	12,000	22,671	15,000	3,000
Miscellaneous	1,000	2,242	1,000	0
Telephone	1,560	995	1,560	0
Electricity	580	776	700	120
<b>TOTALS</b>	1,063,450	1,051,832	1,099,600	36,150
	963,030			

(1) includes 2006 carryover of \$100,420

<b><u>STREET LIGHTS</u></b> (ARTICLE 32)				
Granite State Electric	\$ 3,050	\$ 3,277	\$ 3,500	450
Public Service Company	8,620	9,092	8,680	60
Installations	300	512	300	0
<b>TOTALS</b>	11,970	12,881	12,480	510

<b><u>SOLID WASTE DISPOSAL</u></b> (ARTICLE 32)				
Regular Salaries	\$ 371,110	\$ 359,194	\$ 367,460	(3,650)
Overtime	6,270	5,841	3,250	(3,020)
Holiday	8,060	6,305	5,050	(3,010)
State Retirement Municipal	30,070	27,684	30,775	705
Supplemental Retirement	19,160	13,966	18,360	(800)
Social Security	0	98	1,400	1,400
Group Insurance-Health	95,640	84,125	95,130	(510)
Group Insurance-Life & Disability	7,000	6,140	6,490	(510)
Group Insurance-Dental	7,770	7,626	7,730	(40)
Medicare	4,870	4,177	4,670	(200)
Employee Health	500	0	500	0
Contracted Services	3,500	357	3,500	0
Site Monitoring	4,600	3,954	5,150	550
Tire Removal	6,900	8,976	8,000	1,100
Scrap Metal	4,770	5,174	2,380	(2,390)
Waste Removal	337,650	308,037	337,650	0
Demolition Removal	94,960	89,210	86,400	(8,560)
Expendable Supplies	7,200	6,865	7,200	0
Property Maintenance	4,000	5,599	2,500	(1,500)
Training	250	0	250	0
Clothing Allowance	3,200	2,800	2,800	(400)

## BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - Final	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>SOLID WASTE DISPOSAL CONT</u></b>				
Mileage	300	242	300	0
Equipment	0	0	50,000	50,000
Vehicle Fuel	17,210	20,031	17,550	340
Vehicle Maintenance	11,810	19,279	14,700	2,890
Equipment Maintenance	5,770	4,959	5,270	(500)
Dues and Meetings	9,170	8,701	9,130	(40)
Site Improvements	1,000	949	1,000	0
Miscellaneous Expenses	1,250	596	1,250	0
Telephone	2,440	2,254	2,440	0
Electricity	9,640	8,025	8,600	(1,040)
Heat	1,980	2,616	1,980	0
<b>TOTALS</b>	1,078,050	1,013,780	1,108,865	30,815
<b><u>HEALTH AND HUMAN SERVICES (ARTICLE 32)</u></b>				
Visting Nurse/Hospice	\$ 20,640	\$ 20,640	\$ 20,640	0
Center for Life Management	4,400	4,400	4,400	0
Community Caregivers	500	500	500	0
AIDS Response/Seacoast	525	525	525	0
A Safe Place	1,500	1,500	1,500	0
Rape & Assault Services	1,000	1,000	1,000	0
Community Health Services	3,500	3,500	3,500	0
Big Brothers/Sisters of Gr. Nashua	500	500	500	0
Greater Derry Transportation	2,000	2,000	0	(2,000)
Regional Transit Initiative	4,275	4,275	12,300	8,025
Suzdel Sister City Support	500	500	500	0
Meals on Wheels	2,130	2,130	2,515	385
Windham's Helping Hands	3,500	3,500	3,500	0
Water Testing	2,500	1,945	2,500	0
Mosquito Control Program	25,000	26,840	27,000	2,000
Dues and Meetings	150	120	150	0
Miscellaneous	500	0	115	(385)
<b>TOTALS</b>	73,120	73,875	81,145	8,025
<b><u>ANIMAL CONTROL (ARTICLE 32)</u></b>				
Regular Salaries	\$ 15,285	\$ 14,363	\$ 14,645	(640)
Social Security	950	891	950	0
Medicare	220	208	220	0
Kennel Fees	400	59	400	0
Office Supplies	300	0	300	0
Mileage	2,800	3,021	2,800	0
Miscellaneous Expense	150	803	150	0
Telephone	0	0	640	640
<b>TOTALS</b>	20,105	19,345	20,105	0
<b><u>GENERAL ASSISTANCE (ARTICLE 32)</u></b>				
Community Action Program	\$ 6,540	\$ 6,540	\$ 6,540	0
Welfare Assistance	42,500	52,601	42,500	0
Hardship Abatements	7,500	1,608	7,500	0
Miscellaneous Expenses	500	122	500	0
<b>TOTALS</b>	57,040	60,871	57,040	0

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - <i>Final</i>	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>LIBRARY</u></b> (ARTICLE 32)				
Regular Salaries	\$ 533,560	\$ 517,820	\$ 566,670	33,110
State Retirement Municipal	27,460	31,213	37,210	9,750
Supplemental Retirement	22,145	21,103	24,040	1,895
Social Security	7,090	7,356	7,640	550
Group Insurance-Health	71,950	68,445	81,940	9,990
Group Insurance-Life & Disability	6,760	7,525	7,150	390
Group Insurance-Dental	5,000	4,793	5,130	130
Medicare	7,250	7,325	7,930	680
Office Supplies	5,500	4,021	5,500	0
Computer Supplies	4,500	5,868	5,200	700
Property Maintenance	10,000	10,586	10,000	0
Mileage	1,000	763	1,000	0
Office Equipment	4,500	1,101	4,500	0
Equipment Maintenance	3,500	3,469	3,500	0
Books and Magazines	76,000	76,000	76,000	0
Other Library Materials	20,000	20,830	20,000	0
Library Computer Services	13,000	9,986	15,000	2,000
Electronic Cataloging	10,100	10,516	10,100	0
Programs and Films	6,500	6,585	6,500	0
Petty Cash	1,000	983	1,000	0
Dues and Meetings	2,000	2,001	2,000	0
Professional Development	1,500	189	1,500	0
Telephone	7,800	9,632	8,880	1,080
Electricity	18,000	20,725	20,000	2,000
Heat	13,200	16,028	13,200	0
<b>TOTALS</b>	879,315	864,863	941,590	62,275
<b><u>RECREATION</u></b> (ARTICLE 32)				
Regular Salaries	\$ 71,380	\$ 68,964	\$ 85,230	13,850
State Retirement Municipal	2,545	2,309	4,200	1,655
Supplemental Retirement	2,130	1,983	2,350	220
Social Security	2,680	2,591	2,345	(335)
Group Insurance-Health	10,790	1,649	6,830	(3,960)
Group Insurance-Life & Disability	600	536	890	290
Group Insurance-Dental	850	102	420	(430)
Medicare	1,160	995	1,250	90
Chemical Toilets	7,990	6,733	7,190	(800)
Office Supplies	500	493	500	0
Rec. Sportsfields	23,150	23,194	31,500	8,350
Recreational Activities	12,200	10,342	12,200	0
Senior Rec. Activities	12,000	11,800	12,000	0
Equipment Maintenance	4,300	4,191	4,300	0
Petty Cash	200	0	200	0
Committee Expenses	200	854	200	0
Employee Health	200	0	200	0
Telephone	660	669	660	0
Electricity	8,200	8,848	8,200	0
<b>TOTALS</b>	161,735	146,253	180,665	18,930
<b><u>CONSERVATION COMMISSION</u></b> (ARTICLE 21)				
Dues and Meetings	850	503	850	0
Miscellaneous Expenses	1,500	1,847	1,500	0
<b>TOTALS</b>	2,350	2,350	2,350	0

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - Final	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>SENIOR CENTER</u></b> (ARTICLE 32)				
Senior Volunteer Program	\$ 0	\$ 0	\$ 0	0
Property Maintenance	500	529	500	0
Telephone	480	349	420	(60)
Electricity	1,410	2,593	2,600	1,190
Heat	1,920	2,137	1,840	(80)
<b>TOTALS</b>	4,310	5,608	5,360	1,050
<b><u>CABLE TELEVISION</u></b> (ARTICLE 32)				
Regular Salaries	\$ 49,530	\$ 46,035	\$ 42,950	(6,580)
Overtime Salaries	1,430	655	1,210	(220)
State Retirement Municipal	3,970	3,619	3,860	(110)
Supplemental Retirement	2,550	2,335	2,195	(355)
Group Insurance-Health	11,990	10,991	6,830	(5,160)
Group Insurance-Life & Disability	940	820	810	(130)
Group Insurance-Dental	760	698	420	(340)
Medicare	740	652	630	(110)
Contracted Support	300	0	300	0
Office Supplies	300	493	400	100
Property Maintenance	500	199	500	0
Equipment	9,000	8,942	10,500	1,500
Dues and Meetings	875	575	900	25
Miscellaneous Expenses	800	909	1,000	200
Telephone	600	704	600	0
<b>TOTALS</b>	84,285	77,627	73,105	(11,180)
<b><u>HISTORIC COMMISSION</u></b> (ARTICLE 32)				
Regular Salaries	\$ 0	\$ 0	\$ 4,320	4,320
Social Security	0	0	270	270
Medicare	0	0	65	65
Contracted Services	0	0	400	400
Miscellaneous Expense	0	0	0	0
<b>TOTALS</b>	0	0	5,055	5,055
<b><u>DEBT SERVICE</u></b> (ARTICLE 32)				
Long Term Notes P & I	\$ 387,075	\$ 387,075	\$ 258,535	(128,540)
TANS - Interest	500	5,106	500	0
<b>TOTALS</b>	387,575	392,181	259,035	(128,540)
	375,031		246,475	
<b><u>CAPITAL OUTLAY</u></b> (ARTICLE 32, 12, 13, 14, 15, 17)				
Road Improvements	\$ 369,493 (1)	\$ 278,769	\$ 300,000	(69,493)
Transfer Tractor	75,000	68,419	0	(75,000)
Transfer Trailer	54,080	0	54,080	0
Fire Engine 3 Repair	65,000	64,432	0	(65,000)
Bartley House Renovations	50,000	0	0	(50,000)
Castle Hill Bridge Improvements	104,800	37,109	501,585	396,785
Lowell Road Bike Path	160,000 (1)	0	73,200	(86,800)
Depot Improvements	13,000	12,000	33,000	20,000
Engineering Study-Salt Shed/Highway	15,000	0	0	(15,000)
Ambulance 2 Replacement	300 (1)	0	0	(300)

# BUDGET DETAIL - 2008

BUDGET ITEM	Appropriations Fiscal Year 2007	Actual Expenditures to Date - Final	Appropriations Ensuing for Fiscal Year 2008	Increase/ (Decrease)
<b><u>CAPITAL OUTLAY CONT</u></b>				
Library Architectural Plan	12,000 (1)	12,000	0	(12,000)
Library Renovations	0	0	70,000	70,000
<b>TOTALS</b>	<b>918,673</b>	<b>472,729</b>	<b>1,031,865</b>	<b>113,192</b>
Less Carryovers from 2006	761,880			269,985
Less Use of other Revenue Sources	642,080 *		521,597	
(1) includes carryovers from 2006 (\$69,493-75,000-300-12,000)				
 <b><u>OPERATING TRANSFERS OUT</u></b>				
	<b>(ARTICLE 16)</b>			
Salt Shed	\$ 120,000	\$ 120,000	\$ 90,000	(30,000)
Fire Apparatus	\$ 57,975	\$ 57,975	\$ 0	(57,975)
<b>TOTALS</b>	<b>177,975</b>	<b>177,975</b>	<b>90,000</b>	<b>(87,975)</b>
 <b><u>RETIREMENT</u></b>				
	<b>(ARTICLE 32)</b>			
MONY Service Charge	\$ 2,500	\$ 0	\$ 2,500	0
<b>TOTALS</b>	<b>2,500</b>	<b>0</b>	<b>2,500</b>	<b>0</b>
 <b><u>INSURANCE</u></b>				
	<b>(ARTICLE 32)</b>			
Workers Compensation	\$ 165,880	\$ 149,309	\$ 157,090	(8,790)
Health Insurance	2,500	20,434	5,000	2,500
Unemployment Comp.	860	1,097	1,090	230
Miscellaneous	2,000	2,000	2,000	0
N.H. Liability Trust	92,060	89,781	92,280	220
<b>TOTALS</b>	<b>263,300</b>	<b>262,621</b>	<b>257,460</b>	<b>(5,840)</b>
 <b><u>TRUST ACCOUNTS</u></b>				
	<b>(ARTICLE 4,5)</b>			
Health Trust	\$ 0	\$ 0	\$ 0	0
Property Trust	30,000	30,000	30,000	0
Earn time Trust	30,000	30,000	30,000	0
Museum Trust	0	0	0	0
<b>TOTALS</b>	<b>60,000</b>	<b>60,000</b>	<b>60,000</b>	<b>0</b>
 <b><u>SPECIAL ARTICLES</u></b>				
	<b>(ARTICLE 10, 6, 7, 8, 18, 19, 20)</b>			
Use of Searles Revenue Fund	24,544	24,544	12,000	(12,544)
Use of Fund Balance-Searles	20,600 (1)	12,875	0	(20,600)
Police union contract	-	0	275,425	275,425
Fire union contract	-	0	29,630	29,630
Municipal union contract	-	0	26,510	26,510
Reorganization of Maintenance	-	0	3,985	3,985
Salt Shed Engineering Study	-	0	15,000	15,000
Accept SAFER Grant - 4 FF's	-	0	182,230	182,230
<b>TOTALS</b>	<b>45,144</b>	<b>37,419</b>	<b>544,780</b>	<b>499,636</b>
Less Carryovers from 2006	24,544			520,236
Less Use of other Revenue Sources	12,544		416,580	
(1) includes carryovers from 2006 (\$20,600)				
 <b>GRAND TOTAL</b>	 <b>\$ 12,152,824</b>	 <b>\$ 11,549,097</b>	 <b>\$ 13,074,015</b>	
	11,812,164 (b)	(a)	13,074,015	
	<b>11,667,820 (c)</b>	<b>(e)</b>	<b>12,422,987</b>	<b>755,167</b>
	12,152,824 (d)	(f)	12,867,172	<b>6.47%</b>

## BUDGET DETAIL - 2008

(a) total proposed appropriations including petitioned articles below:

*No Petitioned Articles Seeking Appropriation*

\* the article for Use of the Revenue Fund for Searles Bond request \$12,560. If this is approved, Article 32 (the operating budget) will be reduced by #12,560. For purposes of the budget detail, only one occurrence of the \$12,560 is reflected in (a), (e).

(b) 2007 appropriation less carryovers of \$340,660 from 2006

(c) 2007 appropriation less carryovers of \$340,660, \$15,000 from Salt Shed, \$24,544 from the Searles Revenue Fund; and grants of \$83,840 and donations of \$20,960 (for CastleHill Bridge).

(d) 2007 appropriations including bonds, use of other funds, CRF's, grants and carryovers to show total available for 2007

(e) 2008 proposed appropriations less any CRF withdrawals (\$15,000-Salt Shed), use of fund balance (\$0), bond issues (\$0) and use of other funds (\$24,560-Searles, \$101,200 from SAFER FF Grant, \$20,000 from State Depot Grant, \$89,000 in offsite mitigation towards Castlehill Bridge project and \$401,268 in State Bridge Aid for Castlehill Rd Bridge). This figure is used for 2008 to compare with 2007 to determine the increase or decrease in actual appropriations.

(f) 2008 proposed appropriations, less any funds reduced as noted above, plus any carryovers from 2007 to show total monies to be available. (\$444,185 carried over from 2007)

# WINDHAM PROPOSED BUDGET REPORT

## Fiscal Year 2008-2009

Description	Budget 06-07	Expended 06-07	Budget 07-08	Board 08-09	Difference
FED FUNDS - COMPUTERS	\$0	\$0	\$0	\$1	\$1
FED FUNDS - TITLE IV	\$0	\$0	\$0	\$1,643	\$1,643
FED FUNDS - TITLE II	\$0	\$0	\$0	\$1	\$1
FED FUNDS - TITLE II	\$0	\$0	\$0	\$49,656	\$49,656
FED FUNDS - TITLE VI	\$0	\$0	\$0	\$4,328	\$4,328
FED FUNDS - BEST SCHOOLS	\$0	\$0	\$0	\$1	\$1
Func: REGULAR EDUCATION - 1100	\$15,000	\$15,000	\$5,000	\$85,805	\$80,805
Func: SPECIAL EDUCATION - 1200					
FED FUNDS - IDEA	\$135,000	\$135,000	\$145,000	\$321,042	\$176,042
Func: SPECIAL EDUCATION - 1200	\$135,000	\$135,000	\$145,000	\$321,042	\$176,042
Loc: DISTRICT WIDE - 299	<u>\$19,457,381</u>	<u>\$19,457,381</u>	<u>\$20,960,930</u>	<u>\$21,979,501</u>	<u>\$1,018,571</u>
<b>Grand Total:</b>	<b>\$29,156,982</b>	<b>\$29,156,982</b>	<b>\$31,218,307</b>	<b>\$34,453,396</b>	<b>\$3,235,089</b>

**Town of Windham  
Office of Selectmen  
Post Office Box 120  
Windham, NH 03087-0120**

**STANDARD MAIL  
U.S. POSTAGE**

**PAID**

**Windham, NH**  
*Permit No. 5*

**RFD BOX HOLDER  
STAR ROUTE OR  
PO BOX HOLDER  
LOCAL**

**OFFICIAL BALLOT VOTE  
MARCH 11, 2008**

The Annual SSB2 Election was called to order at 7:00 AM by Town Moderator Peter Griffin. Those in attendance were Town Clerk, Joan C. Tuck, Selectmen Roger Hohenberger and Dennis Senibaldi, Ballot Clerks, and Supervisors of the Checklist.

There were 9205 names on the checklist. Total cast votes were 2588.

The following were duly elected:

**SELECTMAN** for Three Years:

Ross McLeod	1176	Votes (recount requested)
CHARLES MCMAHON	1241	
Bruce Richardson	540	
GALEN STEARNS	1256	

**MODERATOR** for Two Years:

PETER GRIFFIN	1906	Votes
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**TRUSTEE OF CEMETERY** for Three Years:

Mark Brockmeier	657	Votes
GAIL WEBSTER	1360	

**TRUSTEE OF THE LIBRARY** for One Year:

Anne-Marie O'Neil	558	Votes
CAROLYN B. WEBBER	824	
Joyce Wilt	568	

**TRUSTEE OF THE LIBRARY** for Three Years:

MARK BRANOFF	1687	Votes
ANNE MARIE O'NEIL	138	(write-in)

**TRUSTEE-TRUST FUNDS** for Three Years:

ALPHONSE MARCIL, JR	1668	Votes
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**SUPERVISOR OF THE CHECKLIST** for Six Years:

ROBERT SKINNER	1748	Votes
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**PLANNING BOARD** for Three Years:

PHILIP LOCHIATTO	1430	Votes
RICK OKERMAN	1420	

**BOARD OF ADJUSTMENT for Three Years:**

MARK SAMSEL 1706 Votes

**BOARD OF ADJUSTMENT for One Year:**

THOMAS MURRAY 1647 Votes

**ZONING ARTICLES:**

Article #2		Amendment #12	YES 1409 No 502
Petition #1	YES 1490 No 761	Amendment #13	YES 1519 No 553
Petition #2	Yes 653 NO 1574	Amendment #14	YES 1506 No 483
Petition #3	Yes 569 NO 1670	Amendment #15	YES 1443 No 502
Petition #4	YES 1398 No 826	Amendment #16	YES 1271 No 760
Petition #5	Yes 575 NO 1663	Amendment #17	YES 1338 No 615
Petition #6	*YES 1166 No 1015	Amendment #18	YES 1367 No 688
Petition #7	Yes 532 NO 1658	Amendment #19	YES 1275 No 705
Article #3			
Amendment #1	*YES 1116 No 985		
Amendment #2	YES 1042 No 939		
Amendment #3	YES 1474 No 553		
Amendment #4	YES 1328 No 582		
Amendment #5	YES 1252 No 590		
Amendment #6	YES 1262 No 575		
Amendment #7	YES 1222 No 636		
Amendment #8	YES 1192 No 667		
Amendment #9	YES 1221 No 702		
Amendment #10	YES 1354 No 563		
Amendment #11	YES 1434 No 521		
		<b>REMAINING ARTICLES:</b>	
		Article #4	YES 1398 No 877
		Article #5	YES 1254 No 984
		Article #6	YES 1509 No 785
		Article #7	YES 1572 No 719
		Article #8	YES 1440 No 826
		Article #9	YES 1402 No 848
		Article #10	YES 1746 No 537
		Article #11	YES 1803 No 472

*\* Protest petition filed requiring 2/3 majority to pass. If petition is validated, article will be deemed defeated.*

## Annual Senate Bill 2 Sessions

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Article #12	YES 1573 No 698	Article #22	YES 1524 No 927
Article #13	YES 1569 No 731	Article #23	YES 1735 No 432
Article #14	YES 1472 No 847	Article #24	YES 1521 No 685
Article #15	YES 1471 No 910	Article #25	YES 1938 No 240
Article #16	YES 1535 No 822	Article #26	YES 1575 No 516
Article #17	YES 1457 No 948	Article #27	YES 1550 No 568
Article #18	YES 1486 No 859	Article #28	Yes 483 NO 1682
Article #19	YES 1446 No 883	Article #29	Yes 394 NO 1789
Article #20	YES 1308 No 1089	Article #30	YES 1403 No 803
Article #21	YES 1595 No 728	Article #31	YES 1617 No 565
		Article #32	YES 1850 No 544

### MARCH 19, 2008 RECOUNT

Ross McLeod of 4 Nottingham Rd, Windham NH and candidate for Selectman filed a recount for the March 11, 2008 Election. On Wednesday March 19<sup>th</sup>, 2008 Joan C. Tuck Town Clerk, Nicole Merrill Deputy Town Clerk, Peter Griffin Moderator, Selectmen, ballot counters, and various witnesses met upstairs at the Town Hall at 10:00am.

It was determined that the original count was very close to accurate, and that Galen Stearns and Charlie McMahon were still the elected Selectmen. After a full day of counting every ballot by hand, it was reported that a total of 2566 ballots were cast, with Stearns receiving 1264 votes, McMahon receiving 1242 votes, McLeod receiving 1184 votes, and Richardson receiving 544 votes.

Respectfully submitted,



Nicole Merrill/Deputy Town Clerk

## *Annual Senate Bill 2 Sessions*

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### **SPECIAL TOWN MEETING DELIBERATIVE SESSION August 12, 2008**

The Deliberative Session of the 2008 Special Town Meeting was called to order by Town Moderator Peter Griffin at 7:00 pm. Those present included Board of Selectmen, Assistant Town Administrator Dana Call, Town Attorney Bernard Campbell, Deputy Town Clerk Nicole Merrill and Town Clerk Joan C. Tuck.

Salute to the flag was offered by Fire Chief Thomas McPherson.

It was stated by the Moderator that any amendments were to be written and handed to the Town Clerk.

Residents wishing to speak must give their name and address.

Motion was made and seconded to allow non-residents to stay and to participate as required. Voted in the affirmative.

The Moderator read warrant article 1 as follows:

**ARTICLE 1.** To see if the Town will vote to raise and appropriate the sum of One Million Two Hundred and Fifty Thousand and no 100ths (\$1,250,000.00) Dollars for the purpose of engineering and constructing a new Town road which will transverse over the general area of the former Londonbridge Road beginning at its intersection with the Windham High School entrance and ending at its intersection with Castlehill Rd and payment of costs associated with the financing of said project; any federal, state or private funds made available therefore shall be applied toward the cost of the project; and to raise the same by issuance of not more than \$1,250,000.00 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note; and to take any other action as may be necessary to carry out and complete financing of this project.

Motion made by Mr. Breton and seconded by Mr. Hohenberger to accept article as read.

Question raised by Tom Case regarding the wording of the article concerning the layout of the proposed Londonbridge Road. Mr. Case wanted an explanation of what the \$1,250,000 would be spent on.

Mr. Hohenberger explained the specific attributes of the proposed road construction agreed upon by the Board of Selectmen as part of the layout process previously undertaken. In addition, Mr. Hohenberger noted that the proposed road would serve as a second egress for the new Windham High School, which if constructed, would allow the school to open by August 2009.

The Board of Selectmen requested Peter Zohdi, who serves as the Town's engineer for this project, present the detailed plans. Mr. Zohdi explained the layout of the proposed road and the land that would be required to be obtained by the Town from the abutting property owners. Mr. Zohdi further explained the construction cost estimates he prepared for the Town in regards to the options of constructing a paved Class V road or a gravel road.

## *Annual Senate Bill 2 Sessions*

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A question was raised as to the official closure of the former Londonbridge Road. The Board of Selectmen asked Attorney Campbell to present his findings in this regard. Attorney Campbell explained the results of his research in reviewing various historic records in both the state archives and Morrison's history book of Windham and concluded that the road was officially discontinued in 1935.

Fire Chief McPherson was asked to give his opinion regarding the option of the road being paved or gravel based. He indicated that his opinion would be that a paved road would be preferred due to lesser ongoing maintenance that would be required. He also indicated that the road is a necessity for various safety reasons, including the second access to the high school as well as providing more direct access to the western part of Windham.

Discussion continued regarding the type of road to be built, and it was indicated that if a Class V road was not built, the required land would not be donated, but would have to be obtained by other means. It was also noted that in 2005, the Board of Selectmen indicated that Londonbridge Road would be continued from the School site out to Castle Hill Road. A question was raised as to whether a gated road would present a problem. Chief McPherson indicated that it could delay response time, but depending on how the gate operated, it may not be a problem.

Mr. Senibaldi presented the financial estimates for the \$1,250,000 bond that were discussed at the previous bond hearing. The bond is proposed as a ten-year bond, with an estimated interest rate of 4%, with total interest over the bond period anticipated to be \$275,000.

**Motion made and seconded to close debate and place ARTICLE 1 on ballot as printed. Voted in the AFFIRMATIVE.**

The Moderator read warrant article 2 as follows:

**ARTICLE 2.** To see if the Town will vote to authorize the Selectmen to convey to the Southeast Land Trust of New Hampshire, a third party conservation easement over all or portions of parcels previously acquired in the name of the Town on behalf of the Conservation Commission designated as Lots 8-B-4200 and 8-B-3001, for the purpose of restricting the uses of said lands to conservation forestland, wetlands and wildlife habitat. Said easements shall qualify the Town for possible receipt of certain grant funds to reimburse the Town Conservation Fund for a portion of the acquisition costs of said parcels, and shall be on terms and conditions acceptable to the Selectmen.

Motion made by Mr. Hohenberger and seconded by Mr. Nickles to accept article as read and turn the explanation over to James Finn, Conservation Commission Chairperson.

The article relates to an approximate 56 acre parcel that was the former Blanchard property, purchased by the Conservation Commission for \$900,000, and an approximate 27 acre parcel that was the former Rau property, purchased by the Conservation Commission for \$49,000.

A question was asked about any existing Town conservation land currently under third party conservation easements and whether there have been any issues. It was indicated that there are not many properties under third party easement, but the issues have been minor.

A question was asked about one of the properties that, since acquisition, had been merged into a larger town-owned conservation parcel and whether the easement would be on the entire parcel or just the former Blanchard piece. Attorney Campbell indicated that the third-party easement could

## Annual Senate Bill 2 Sessions

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be placed on just that piece, not the entire merged parcel. There was additional discussion on the need for the easement and the reason for keeping conservation land as an open concept and not allowing building to take place.

**Motion made and Seconded to close debate and place ARTICLE 2 on ballot as printed.**

**Motion made and seconded to ADJOURN the meeting.**

**VOTED IN THE AFFIRMATIVE** at 9:35 pm.

### SPECIAL TOWN MEETING OFFICIAL BALLOT VOTE September 9, 2008

The Special Town Meeting was called to order by Town Moderator Peter Griffin at 7:00 AM at Golden Brook School. Those present included Town Clerk Joan C. Tuck, Deputy Town Clerk Nicole L. Merrill, Selectmen Roger Hohenberger and Galen Stearns, Board of Supervisors and Ballot Clerks.

There were 9225 names on the checklist. Total votes cast were 1793.

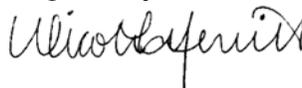
**ARTICLE 1.** To see if the Town will vote to raise and appropriate the sum of One Million Two Hundred and Fifty Thousand and no 100ths (\$1,250,000.00) Dollars for the purpose of engineering and constructing a new Town road which will transverse over the general area of the former Londonbridge Road beginning at its intersection with the Windham High School entrance and ending at its intersection with Castlehill Rd and payment of costs associated with the financing of said project; any federal, state or private funds made available therefore shall be applied toward the cost of the project; and to raise the same by issuance of not more than \$1,250,000.00 in bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33) and to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon, and to apply toward the cost any interest earned from the temporary investment of any bond or note; and to take any other action as may be necessary to carry out and complete financing of this project.

Yes	794	NO	986
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**ARTICLE 2.** To see if the Town will vote to authorize the Selectmen to convey to the Southeast Land Trust of New Hampshire, a third party conservation easement over all or portions of parcels previously acquired in the name of the Town on behalf of the Conservation Commission designated as Lots 8-B-4200 and 8-B-3001, for the purpose of restricting the uses of said lands to conservation forestland, wetlands and wildlife habitat. Said easements shall qualify the Town for possible receipt of certain grant funds to reimburse the Town Conservation Fund for a portion of the acquisition

YES	1170	No	571
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Respectfully submitted,



Nicole Merrill/Deputy Town Clerk