

**SELECTMEN'S MEETING
DECEMBER 29, 2003**

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

ANNOUNCEMENTS: Fire Chief Messier warned that the ice on the lakes and ponds in the area is **not** safe. If you have questions, please call the Fire Station.

Bruce Breton stated that he forgot to thank the Cable personnel for their part at the Christmas Tree lighting. He noted their assistance was truly appreciated.

LIAISON REPORTS: None.

MINUTES: Mr. Breton moved and Mr. Hohenberger seconded to approve the minutes of December 15, 2003 as written. Passed unanimously.

OLD BUSINESS: Depot Road Parking Area - Mark Samsel and John Mangan of Depot Road stated their concerns with the night activity of the snowmobiles on the trail. After discussion, Mr. Hohenberger motioned to post the Town's parking area at the Depot to allow parking from a half hour before dawn to a half hour after dusk – year round. Mr. Breton seconded. Passed unanimously.

PUBLIC HEARING: Mr. Stearns read the following notice: "The Board of Selectmen will hold a public hearing at 7:15 pm on December 29, 2003 at the Planning Department to consider the acceptance of the following roads as public roads: Yorkshire Road from station 0+00 to 17+19.68".

Mr. Turner, Planning Director, recommended that the Board not accept the road until the cistern is stabilized. Mr. Hohenberger motioned to deny acceptance of Yorkshire Road from station 0+00 to 17 + 19.68 without prejudice until cistern issue is resolved. Mr. Breton seconded. Passed unanimously.

OLD BUSINESS CONTINUED: Recreation Committee - Mr. Sullivan told the Board that the Recreation Committee is requesting that they be allowed to carryover \$7,750 for tennis court repairs at Nashua and Tokanel complexes. The Committee is also requesting approval to carryover \$15,000 for beach improvements and award a bid for the work for \$15,000 is to second lowest bidder.

Mr. Breton stated that the Recreation Committee is meeting with the Conservation Commission on January 9th to discuss beach issues. Mr. Hohenberger stated that he had questions on the bids and would not be voted to award the bid tonight. Mr. Breton motioned to approve the carry over the requested funds \$7,750 (tennis) and \$15,000 (beach) but not to award the bid. Mr. Hohenberger seconded. Passed unanimously.

Senior Center - Mr. Sullivan, Town Administrator, and Barbara Coish, President of Senior Citizen, Inc, asked the Board to approve the encumbering of \$71,533 for the addition to the Senior Center as approved by Town Meeting and noted that this should not be a problem as the bid has already been awarded. Mrs. Coish stated that the Town was given a check in the amount of \$57,444.88 by the Senior Citizens Inc. to be used towards the project. She noted that these funds included many donations. Mr. Hohenberger motioned and Mr. Breton seconded to encumber \$71,533 for the Senior Center building project. Passed unanimously.

Budget Hearing – Mr. Sullivan stated that the notice for the Public Hearing on the budget needs to be posted tomorrow and suggested that the Board, in order not to conflict with the School public hearing, schedule the Town’s for January 12, 2004 with a second meeting on January 15’ 2004 if needed. Mr. Sullivan noted that January 12th is the Board’s regular meeting date but the agenda would be very limited. The Board agreed with Mr. Sullivan’s recommendation.

PUBLIC HEARING – TRANSFER STATION FEES: Mr. Stearns read the following notice: “In accordance with RSA 41:9A, the Board of Selectmen will hold a Public Hearing on December 29, 2003 at 7:30 PM at the Planning and Development Department for the purpose of amending the Transfer Station Commercial Disposal Rates as follows:

	<u>Existing</u>	<u>Proposed</u>
Demolition/Construction Debris	\$ 88/ton	\$ 95/ton
Municipal Solid Waste (MSW)	\$ 75/ton	\$100/ton
Tires	\$121/ton	\$135/ton
Metal Waste	\$ 70/ton	\$ 90/ton

New fees to become effective as of January 1, 2004 if adopted.

Mr. Poulson, Transfer Station Manger, stated that the fees have not been adjusted for ten years and handling and processing costs have increased. There was no public input.

Mr. Breton motioned to approve the increase in fees as posted. Mr. Hohenberger seconded. Passed unanimously.

JOINT LOSS MANAGEMENT COMMITTEE (JLMC): Mr. Poulson, Transfer Station Manager and Chairman of the JLMC, told the Board that the JLMC is being reorganized and reenergized. He asked for a liaison from the Board to attend their meeting on January 7th. Mr. Stearns stated that he will attend. Mr. Hohenberger stated we do already have a good safety program and Mr. Poulson noted the JLMC will build upon and enhance the present program.

BOARD OF HEALTH: Mr. Hohenberger motioned to recess the Selectmen’s Meeting and convene the Board of Health meeting. Mr. Breton seconded. Passed unanimously.

Mr. Stearns read the following notice: “Notice is hereby given that a hearing will be held on December 29, 2003 at 7:40 at the Planning & Development Office concerning a request by Ethel Murphy for a waiver from Section 2.5 of the Windham New Hampshire Board of Health Water Supply Regulations, requiring wells to be a minimum of 100’ from septic systems. Waiver requested to permit a well to be installed 10’ from the northerly line, 10’ from the right of way for Fourth St and 75’ from a proposed leach area on the same lot at the property located at Ministerial Rd, Tax Map 16-P-470”.

Mr. Turner, Acting Health Officer, explained the request and showed the Board a map of the area. He noted that the owners of 59 Ministerial have signed an agreement in favor of the request.

Mr. Murphy, (son the Ethel Murphy) spoke representing Mrs. Murphy, told the Board that the lot is under sized but grandfathered, the proposed house would have two bedrooms and the septic system would be state of the art. Wes Aspenall, Septic Designer, explained the proposed system and answered many questions by the Board.

Discussion held included alternative systems, proximately to other lots, town owned lots in the area, testing, flow of water, zoning requirements, soils and topo of area. Mr. Turner motioned to approve the waiver as requested. Failed due to lack of a second. Mr. Turner motioned to continue the hearing to January 26, 2004 when a full Board will be present and to give the requestor time to present more information. Mr. Breton seconded. Passed unanimously.

Mr. Orchard, abutter, stated his and his wife’s concern was not to have the proposed septic too close to their well.

The Selectmen's Meeting reconvened.

NEW BUSINESS: Rep. Charles McMahon spoke with the Board concerning proposed legislation which will be coming up for a vote in the near future. He stated that he wanted to make the Board and public aware of the bills and asked them to contact him with their input.

- Bill of Rights – Not to allow the State budget to increase more than the percentage of the US Census population growth or the rate of inflation.
- Education Funding – to remove the courts from any education funding decisions – have all decisions made by the Legislature.
- 10 Year Review for Judges
- CACR5 – pending constitutional amendment
- Restrict Plan that would have Windham/Salem lose one representative.
- SB 95 Work Force Housing – compel towns to construct low income housing. Mr. Stearns and Mr. Hohenberger stated they were against this as presently written. Mr. Turner noted that they may be a major amendment to this bill.

Mr. McMahon stated that anyone can give him their input via his email at cmcmahon@earthlink.net.

NON-PUBLIC SESSIONS: Mr. Hohenberger motioned and Mr. Breton seconded to go into non-public session in accordance with RSA 91-A:3, IIa and b. Roll call vote – all members – yes. The Board and Mr. Sullivan were in attendance. Subject was personnel concerning hiring and collective bargaining.

Mr. Turner was present for the session on hiring. The Board agreed to meet in workshop session next Monday evening to discuss the positions in the department prior to making any hiring decisions for vacant positions.

Mr. Sullivan presented tentative agreements between the Town and the Police Union and the Town and the Fire Union. Mr. Hohenberger moved to approve the tentative agreements and submit them to Town Meeting for approval. Mr. Breton seconded. Passed unanimously.

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

Respectfully submitted,

Kathleen Davis
Human Resources Coord.

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