

BOARD OF SELECTMEN MEETING

Minutes of March 22, 2004

ROLL CALL: Chairman Galen Stearns called the meeting to order at 7:40 PM at the Planning and Development Department. Those present included Selectmen Bruce Breton, Christopher Doyle, Alan Carpenter, and Roger Hohenberger. Mr. Sullivan was also present.

Mr. Stearns explained that the meeting was delayed due to the fire truck recount, which had begun at 6:30 PM at the Town Hall. He then announced the results as: “Yes” 715 and “No” 545 (total of 1260 votes cast). As the proposed truck was a bond issue, a total of 756 votes were required for it to have passed.

ANNOUNCEMENTS: None.

LIAISON REPORTS: None.

REORGANIZATION: Mr. Stearns inquired if the members wished to conduct the annual re-organization of the Board. Mr. Breton moved and Mr. Hohenberger seconded that the process be completed later in the evening as part of new business. Passed unanimously.

“NO PARKING” SIGNS LEDGE/LEXINGTON ROADS: Mr. Sullivan explained that the placement of these signs had been requested of the Highway Safety Committee by Transfer Station Manager Dave Poulson as a result of parking issues at the Station, particularly on Saturdays. After reviewing the request, the HSC recommended placement of “No Parking, Standing or Stopping” signs on both sides of the entire public section of Lexington Road and the placement of same on both sides of Ledge Road from Route 111 to 350’ past the intersection of Lexington Road. Mr. Sullivan clarified that the latter pertains to the first “leg” of Ledge Road, where the Station is located. In the event of civic functions, such as sub sales, these signs could be hooded to allow for parking by organizations.

The Board discussed who would make the decision to “hood” the signs, and the possible development of guidelines pertaining to long-standing annual events, with other requests being handled on a case by case basis. Mr. Poulson advised the Board that, with advance notice, room could be made within the Transfer Station parking lot, as well, to accommodate such activities.

Police Chief Moeckel approached the Board to express his opposition to any exceptions to these regulations if they are implemented.

After expressing concerns regarding sign pollution, violations and the existing town ordinance prohibiting parking on roadways, resident Tom Case suggested that the signs be posted to parking on Saturdays only.

After further discussion, Mr. Carpenter moved and Mr. Hohenberger seconded to approve the placement of “No Parking, Standing or Stopping” signs on Lexington Road, and to have Administrative staff compile a listing of Town organizations exempted from the requirements. Passed 3 – 2 with Mr. Breton and Mr. Doyle opposed. No action will be taken on Ledge Road at this time.

HIGHWAY SAFETY COMMITTEE: Mr. Sullivan presented the following Committee recommendations to the Board for consideration:

Jenny's Hill Road: Request received to install speed limit signs and/or "Slow Children" signs. After review, the HSC recommends placement of two (2) 30 MPH speed limit signs.

Mr. Doyle moved and Mr. Hohenberger seconded to accept the recommendation of the Highway Safety Committee. Passed unanimously.

West Shore Road: Request received to install a street light in the area of #73. After review, the HSC recommends denial of this request due to the closeness of the homes and relatively low traffic volume.

Mr. Doyle moved and Mr. Breton seconded to accept the recommendation of the Highway Safety Committee. Passed unanimously.

EXECUTIVE COUNCILOR RUTH GRIFFIN: Councilor Griffin announced that she had met with Representatives Mary Griffin and Charles McMahon regarding the Route 93 project after release of the Commissioner's Report, and learned of the continuing concerns of the Town. She stated she was in attendance to hear those concerns, and bring information on them back to Concord.

Mr. Stearns thanked Councilor Griffin for attending the meeting, and advised her of several concerns including: lack of resolution from the State regarding wetland mitigation; lack of purchase of mitigation land by the State to date; lack of resolution in relocation of existing businesses, some of which have since left the area, and; lack of information specifically requested regarding economic mitigation for the Town. The Board indicated to Councilor Griffin that several correspondences had been sent regarding these issues, and that with the plan near approval there were many questions remaining for the Town, thus her assistance was being requested.

Councilor Griffin asked if the Town had discussed a link to the Salem sewer lines with the DOT. Mr. Stearns advised her that it had been discussed, and that the DOT will not fund the line, but would allow the Town to install the piping as part of the 93 project.

Councilor Griffin asked whether representatives of the Board would be in attendance at the March 24 meeting to gather more information. Mr. Stearns inquired as to the depth of the meeting, and whether or not questions could be posed by attendees. Councilor Griffin replied that, though the meeting was open to the public, it was not a public hearing. She went on to say that allowance of any questions would, however, be at her discretion and if she felt it necessary input would be requested.

After further discussion regarding the acreage in question and the future impacts on tax revenue, Mr. Stearns inquired of Councilor Griffin what would be the result should the Board change its stance on the project in support of the recently submitted plan. Councilor Griffin replied that it would slow the process tremendously if the State agreed to consider the Town's request, as it would require another environmental impact study. Mr. Doyle questioned whether the entire study would have to be re-done, or just the 1 mile +/- section involved. Councilor Griffin stated that, as one area affects the rest, it would have to be carefully reviewed and the final determination made by the federal government.

Mr. Stearns indicated that the State views the 111 and 93 projects as separate, however the Town must consider them together. He explained that the Town had previously asked for a connector road from Route 111 to North Lowell Road, which the DOT had said it was outside the scope of the project, and requested Councilor Griffin's assistance in including it.

Councilor Griffin then inquired if the Board had requested that Governor Benson postpone the By-pass project from Salem. The Board indicated it had not. Councilor Griffin explained that, to the best of her knowledge, the Governor had pulled the project, and she thought that the Town may have requested that he do so.

Mr. Hohenberger moved and Mr. Carpenter seconded that the Board maintain its current position and support moving of the barrels together. Passed 3-2, with Mr. Doyle and Mr. Breton opposed.

Representative Kevin Waterhouse approached to advise the Board that the NH Senate had recently passed a bill to allow Garvey Bonds, which could expedite the project. The bill is going to the house on March 24 and, if passed would greatly improve the progress of the project. He also indicated that he had spoken to the DOT which felt that, although the preferred alternate plan involves less surplus land it is overall better land as far as its development potential. He also indicated that Representative Mary Griffin and he had been assured by the DOT that the Town's concerns are understood and that the surplus land would be returned to the Town quickly.

Rep. Waterhouse then advised the Town that several other towns had unsuccessfully approached the State to appeal for economic mitigation. Mr. Stearns indicated that, despite that, there were other ways the State could assist Windham, such as the connector road. Mr. Stearns then stated that, per the State's 10-year plan, Windham appears to be the staging area for the project, and inquired of Rep. Waterhouse how that could be changed. Rep. Waterhouse will speak to the DOT on behalf of the Town.

COMPOSTING: Transfer Station Manager Dave Poulson advised the Board that he had been working with the proposed landscaping company on Lexington Road regarding the Town's composting operation. He stated that an agreement for a pilot program was being proposed to the Board wherein the public would transport their yard waste to the landfill on Marblehead Road free of charge, and the composting operations would be overseen by the landscaping company. The company, although not built, could begin operations this season and would want nothing in return for their efforts (equipment, manpower, screening equipment) except the compost. Residents interested in receiving compost would still be able to obtain it at no charge, and the program would result in savings for the Town and extended hours for the residents. As an added benefit, once the landscaping company is constructed and operational on Ledge Road, residents would then be able to bring their yard waste there.

Mr. Hohenberger inquired whether the landscape company would be able to take more types of yard waste than the Town. Mr. Poulson replied that, currently, only clippings, leaves, etc., would be accepted however, in the future brush and similar may be able to be deposited as well if the landscape company has the proper equipment available.

Mr. Stearns thanked Mr. Poulson for all his work, and indicated that it was a great plan. He expressed concern, however, that compost be available to Town organizations, etc. Mr. Breton expressed concern that the landscape

site had not yet been approved by the Planning Board, and did not feel the Town should do anything at this point.

Mr. Poulson explained that the proposed agreement was for a pilot program only, and that a 30-day escape clause had been included. After further discussion, the Board requested that Town Counsel be consulted regarding the agreement. Mr. Sullivan indicated he would do so, which would mean that the program would begin on April 5 under the auspices of the Town, moving to proposed agreement at a later date with the Board's approval.

TRANSFER STATION HOURS: Mr. Poulson discussed his previous proposal to change the Station hours to 7AM to 5PM, Tuesday through Saturday with the hiring of the new staff member. He explained that he is trying to standardize the operations, and thought that the extended hours year-round could remove the need for Tuesday evening hours. He advised the Board that the lines on Saturday occur mostly at the end of the day and that traffic between the hours of 4 and 7 on Tuesdays is limited. He feels he must work to accommodate the majority of residents utilizing the Station, and wants to avoid the added cost of Tuesday evenings.

Mr. Hohenberger proposed 8AM to 6PM as a better option. Mr. Poulson explained that 7AM to 5PM avoided the safety problems in winter, including lack of lighting. Mr. Stearns stated that, while standardizing is important, he does not believe the evening hours should be eliminated. He feels that the evening hours should be made part of the standardization, and that the installation of lighting should be explored, if necessary.

Mr. Poulson indicated that no residents had approached him about concerns with the Station hours, but that 8AM to 6PM would be preferable to Tuesday evening hours.

Mr. Stearns requested that Mr. Poulson implement the Tuesday evening hours as scheduled, and that a traffic study be conducted before any final decisions are made. Mr. Poulson agreed, and inquired if the hours 7AM to 5PM were also satisfactory to the Board, which they were.

Mr. Tom Case, resident, stated that he did not believe extended hours were necessary during the week, and that if the hours were to change, residents would probably prefer Sundays be added.

Mr. Poulson stated that Tuesday evening hours would begin in April, and that the new hours of 7AM to 5PM, Tuesday through Saturday would begin in June after the new person is hired.

MINUTES: Mr. Hohenberger moved and Mr. Breton seconded to approve the minutes of March 8, 2004 as written. Passed unanimously.

CORRESPONDENCE: *Letter* received from Assistant Planner Rebecca Way on behalf of a developer requesting the Board's official approval of the name "Outlook Road" in a new subdivision located off of Flat Rock Road in the Route 28 area. Mr. Doyle inquired as to whether the Town's 911 Coordinator had reviewed the request for possible conflict. Mr. Stearns inquired as to whether the request needed review by the Historic District Commission, as well. Mr. Doyle moved and Mr. Breton seconded to forward the request to the 911 Coordinator and the Historic District Commission for recommendation. Passed unanimously.

OLD BUSINESS:

Charles McMahon presented an update on the Griffin Park building. To date, the building is finished up the electrical work, and the plumbing will be completely shortly thereafter. The building is secure, with the exception of the lavatories, and all the materials have been moved under the pavilion. Mr. McMahon thanked Allan Barlow for all his assistance, and Mr. Senibaldi for donation of the dumpster. He indicated that about 40 days remain to completion.

Mr. McMahon went on to say that a review of the area around the building needed to be done, as it needs to be sodded, and requested that when the weather breaks, Hillside Landscaping be allowed to laser grade the area near and around the building and culvert and install sod. Mr. Doyle moved and Mr. Breton seconded to allow Hillside Landscaping, Charles McMahon, and David Sullivan to coordinate the project for an amount not to exceed \$15,000.

Mr. Hohenberger questioned whether this work had been put out to bid. Mr. Sullivan indicated it had not, but could be if the Board so desired. However, given previous bids on similar projects, the proposals would likely come in very expensive. Plus, it is better to keep it as a sole-source project.

Mr. Doyle tabled his previous motion and moved to waive the bid process. Mr. Breton seconded. Passed 3 - 2, with Mr. Carpenter and Mr. Hohenberger opposed.

Mr. Stearns and Mr. Carpenter indicated that they would like a representative of Hillside to attend the next meeting to review the project with the Board. Mr. Doyle amended his earlier motion to approve the project to include that, prior to the start of the project, a representative of Hillside will meet with the Board and that the funds are to be withdrawn from the Property Maintenance Trust. Passed 4-1, with Mr. Carpenter opposed.

Mr. McMahon continued his update by advising the Board that very little grading remained left to be done at the baseball/tennis/skateboard areas of the Park. He explained that he and Mr. Nickerson would like to schedule a meeting in the near future to invite input from our local skateboarders and skaters on the final design of the platforms, ramps, and rails in the skate park. The designer of the area would also be in attendance, with a starting design, to gather input from the kids for implementation. Mr. McMahon requested the support of the Board for such a meeting, which was voiced by all. Mr. McMahon will work with Mr. Sullivan to arrange this meeting.

Mr. Stearns inquired whether the colors for the tennis courts had been chosen. Mr. McMahon indicated he has photographs of several color schemes available, which he will deliver to the Administrative Offices for interested parties to review and comment on.

Mr. McMahon explained that, due to a 40% increase in steel prices, the protective coating on the courts may not be done.

Mr. Sullivan announced that the Board of Selectmen and the department heads had met the previous Saturday to undergo training in Strategic Planning. The workshop went very well, and the group would be meeting on March 29 to layout the next steps in the process. Mr. Sullivan indicated an invitation to attend will also be extended to the Schools, and thanked all for their participation.

Mr. Sullivan advised the Board that a meeting is being set up with the Historic District Commission and the engineers handling the Castle Hill Road Project to gather input from the HDC.

Mr. Sullivan indicated that a meeting has been scheduled for March 31 at the Bartley House between the Historic Committee and the NH Right of Way Bureau regarding the Searles School/Chapel.

NEW BUSINESS:

Mr. Sullivan advised the Board that a request had been received from the Cobbetts Pond Improvement Association to allow the trapping of beavers on Town property. The official request stems from complaints voiced by an abutting resident to the property in question.

Mr. Carl Meinelt, CPIA dam keeper, explained that Golden Brook is the only outlet to Cobbetts Pond, and that the problem with beavers has been a lengthy one. Without clearing/re-arranging of the beaver dam, the water backs-up and causes erosion on the Cobbetts Pond dam. He went onto explain that the trapper retained by the CPIA was licensed only through April 10th, and requested the Board's support in allowing him to proceed.

After discussion regarding proper procedure and disposal of the beavers, Mr. Hohenberger inquired whether Mr. Sullivan had been aware a trapper was on the property. Mr. Sullivan indicated that, until approached by the abutting resident, he had not been aware the CPIA was having the beavers trapped only that they had cleared up the area in the past.

Mr. Michael Specian, the complainant, approached the Board to advise them he had spoken to Fish and Game regarding this issue. He stated he had been advised that it was illegal to tear down the dam without Board of Selectmen approval and that it was illegal to kill the beavers involved. He also stated he did not believe there was an imminent danger to the dam, and requested that the Board deny permission for any further trapping to occur.

After further discussion, it determined that Mr. Sullivan would verify the proper procedure with Fish and Game, and a decision would be made at a future meeting.

Chief Messier approached the Board to request permission to assign a second paramedic to the local area SWAT team. Previously, the board had approved one medic to this roster. Mr. Doyle inquired whether the assignment would impact the Town's budget. Chief Messier explained that it would entail a minimal impact, however the State would be paying for one year of FETN which would offset the added costs. The expenses to the Town would be for clothing and equipment.

Motion by Mr. Doyle and second by Mr. Breton to allow Chief Messier to extend our participation in the SWAT to two medics. Passed unanimously.

The Board reviewed the received bids for the custodial/maintenance and interment preparation services at the cemeteries. The following bids were received:

Custodial & Maintenance:	
Methuen Memorials:	\$27,200
Down to Earth:	24,900
James Thornton	25,600

Interment:
James Thornton
Down to Earth

The Cemetery Trustees have recommended that the bids be awarded to Methuen Memorials for \$27,200 and to James Thornton for interment preparations ranging from \$150 to \$600.

Mr. Sullivan explained that, although Methuen Memorials appeared to be the high bidder, they were in fact the only company who had bid the entire scope of work. Motion by Mr. Doyle and second by Mr. Carpenter to accept the recommendation of the Trustees and to award the bid for custodial maintenance services to Methuen Memorials and for interment preparation to James Thornton. Passed unanimously.

RE-ORGANIZATION: Mr. Hohenberger nominated Mr. Carpenter as Chairman. Seconded by Mr. Stearns.

Mr. Doyle nominated Mr. Stearns for Chairman. Seconded by Mr. Breton. Mr. Stearns respectfully declined the nomination. Mr. Carpenter was elected chair by a vote of 3 to 2, with Mr. Breton and Mr. Doyle opposed.

Mr. Stearns nominated Mr. Doyle as Vice-Chairman. Seconded by Mr. Breton. Passed unanimously.

ANNOUNCEMENT: Mr. Sullivan advised the Board that he had, per their request, contacted Pennichuck Waterworks to invite a representative to the April 19 meeting. Although the CEO is unable to attend, the Senior Vice President will be available. Mr. Sullivan will inform Representative Waterhouse, so that he may attend if he wishes.

NON-PUBLIC SESSION: Motion by Mr. Breton and second by Mr. Hohenberger to enter into non-public session in accordance with RSA 91-A:3,IIb. Roll call vote: all members "yes". The subject of discussion was Personnel and Land Acquisition. The Board and Mr. Sullivan were in attendance.

No decisions were made in the non-public sessions and Mr. Sullivan will follow-up on both issues.

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

Meeting was adjourned at 11:45 PM.

Respectfully submitted,
Wendi Devlin, Administrative Assistant

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