

SELECTMEN'S MEETING

July 6, 1998

MEMBERS PRESENT: Chairman Charles McMahon, Douglass Barker, Carolyn Webber, Margaret Crisler and Galen Stearns. David Sullivan, Town Administrator, was also present. Meeting commenced at 7:00 pm.

Chairman McMahon, on behalf of the Board, extended condolences to the family of Jean Delaney, who passed away on July 2. Mrs. Delaney was the Police Department secretary for 23 years, and mother of Fire Lt. Scott Delaney. Mr. McMahon said that Mrs. Delaney was treasured by the Police Chiefs for whom she worked, and she will be sorely missed by all.

ANNOUNCEMENTS - Mr. McMahon reminded the public that the 39th Army Band concert, sponsored by the Police Association, will be held on Wednesday, July 8, 7:15 pm, at Golden Brook School. The concert is free.

Mr. McMahon asked anyone who has one of the Town's Have-A-Heart traps to please return it to the Town Hall. He said that the Animal Control Officers constantly have calls requiring the use of these traps.

Mr. Barker announced that the Conservation Commission will hold a formal dedication of land located on Mammoth Road which was donated to the town by Dolly Andrew on Saturday at 10 am.

LIAISON REPORTS - Mr. Barker announced that the Town has been approved to receive federal disaster monies for the recent flood damages, but stressed that the awards are for road and public buildings damage and not private claims.

Mrs. Crisler reported that the Recreation Committee's Fourth of July Field Day was a huge success. She expressed thanks to the Lions Club for providing refreshments, and complimented Louise Peltz on her Statute of Liberty headdress.

Mrs. Crisler also reported that the Technical Advisory Committee and Cable Committee both discussed an institutional loop (I-loop) for all municipal buildings.

Mrs. Crisler reported that the Planning Board will conduct a site walk on Tuesday, July 7, at the Mini-Mart on Route 28.

Mrs. Crisler announced that the new officers of the Planning Board are: David Dubay, chairman; Bernie Rouillard, Vice-chairman; Jack Gattinella, secretary. She also gave a brief synopsis of the Master Plan survey results, noting particularly that the participants strongly supported open space and growth control.

Mrs. Crisler also announced that State Rep Mary Griffin had been appointed by the Governor to serve on a Cable TV study committee.

MARGARET CASE, Cable Advisory Board Chairman - Mrs. Case explained that the Cable TV study committee on which Mrs. Griffin will serve is a joint Senate and House committee. She also read part of the charge to the committee and areas to be studied. She urged the public to contact the State representatives and ask them not to support any involvement by the PUC. Mrs. Case said Mrs. Griffin will welcome input from the public.

Mrs. Case asked the Board to support the request of the CAB to extend the present contract with Harron for 30 to 45 days, as the new contract is not quite finalized.

Mr. Stearns made a motion to approve and sign the limited extension agreement of the current Cable contract dated June 28, 1998. Seconded by Mr. Barker. Passed unanimously. The extension has an expiration date of August 31, 1998.

Mrs. Case also asked the Board to approve the new Cable Studio Coordinator job description. She said that Lisa Evarts has been serving as interim coordinator, but there has been little response to previous ads for a permanent coordinator. She said the Board intends to readvertise for the position and would like the new job description in effect if there is response to their ads. Depending on the cost, she said they plan to advertise in the Boston Globe.

Mr. Stearns made a motion to approve the Cable Studio Coordinator job description. Seconded by Mrs. Crisler. Passed unanimously.

Mr. Barker excused himself from the remainder of the meeting due to illness.

TOM CASE, Rockingham Planning Commission Representative - Mr. Case gave the Board the following update on construction projects: Route 111 By-pass has been moved up from the year 2004 to 2002; Route 28/Rte 111 intersection - moved out beyond By-pass improvements as it was felt that project would eliminate problems. He said that Salem anticipates making safety improvements to the Route 28/Rte 111 intersection with some of the town's impact fees.

Mr. Case also said that recent improvements to the Park and Ride have been done in anticipation of providing bus service from Windham to Boston. He said that this service would be contingent, however, on whether or not Salem provides a pickup facility as the business is not lucrative unless several trips a day are warranted.

Mr. Case informed the Board that the RPC is proposing to publish a transit guide in local newspapers for area services and routes. Mr. Case also listed several personnel changes at the RPC.

TOM CASE, Planning Board Member - Mr. Case apologized to the Board for his criticism of the Board at a previous meeting for failing to follow the Town's Appointment Policy. He said that he was not aware, at the time, this policy had not yet been adopted by the Town.

Mr. Case questioned why the policy had not been adopted and urged the Board to move forward on final adoption so that volunteers would have a document to follow.

Mr. McMahon and Mrs. Crisler said that, due to time constraints, the Board has been unable to complete the policy. Mrs. Crisler said she has been working with the Municipal Association for their input on the policy, and stressed that this would only be a guideline and the Board would not have to abide by it.

Mr. Case was granted permission to yield his position on the agenda, at this time, to Alan Kachanian, and to return to the podium afterwards.

ALAN KACHANIAN, Planning Board Member - Mr. Kachanian tendered his resignation from the Planning Board and read a statement concerning his reasons for this action. (Statement on file in Selectmen's Office)

TOM CASE - Mr. Case presented a petition to the Board, which is duly signed with signatures verified by the Town Clerk, to be included in the 1999 Town Warrant. The petition reads as follows:

In accordance with RSA 39:3, We, the undersigned registered voters of the Town of Windham New Hampshire, request that the following article be inserted in the Warrant. "Are you in favor of an elected Planning Board", under RSA 673:2, II (b) (1). This states: The selectmen shall choose one selectman or administrative official of the town as ex-officio member and the remaining planning board positions shall be filled at the next regular town election pursuant to RSA 669:17. Thereafter, a planning board member shall be elected for the term provided under RSA 673:5, II.

TOM CASE - Mr. Case tendered his resignation as a member of the Planning Board and alternate to the Salem/Plaistow/Windham Technical Advisory Committee. He also read a statement citing his reasons for this action. (Statement on file in Selectmen's Office)

Mr. Case proudly read a letter from Town Counsel Bernard Campbell thanking him for his assistance in a recent court case which was decided in the town's favor. Atty. Campbell closed his letter with "You clearly demonstrate the true meaning of 'public service'."

Mr. Case also questioned the Board on whether or not they received a copy of the resolution on volunteerism which was approved at the March Town Meeting, and suggested they review it. The Board acknowledged that their copies were part of the Town Meeting minutes, and asked Mr. Sullivan to give them separate copies.

Mr. Stearns made a motion to accept, with regrets, the resignations of Mr. Kachanian and Mr. Case as members of the Planning Board. Seconded by Mrs. Crisler. Passed unanimously.

STATE RAILROAD BED - Peter Zohdi, of Herbert Associates, said that his client, Robert Devlin, was interested in gaining access to his Lot 2550 off Londonderry Road. Mr. Zohdi displayed a map of the area which outlined the state railroad bed and its proximity to the Devlin and town properties. At the present time, the Town leases this lot from Mr. Devlin for use as a ballfield.

According to Mr. Zohdi, the State was not receptive to giving Mr. Devlin a permit to gain access to his property over the railroad bed. He said, however, that the State would be receptive to the Town assuming ownership of the railroad bed from Route 93 to Route 111. If the Town agreed, a right-of-way could be given to Mr. Devlin as legal access to Lot 2550, while the Town parcels would be connected and also have legal accesses. He said the State is not interested in this section of bed as it lost its continuity with other sections due to various developments in the area.

Mr. Zohdi said the Recreation Committee was receptive to the town owning the railroad bed, but has not as yet met with the Conservation Commission. The Board expressed interest in the proposal, but agreed that more information was needed before any final action is taken. The Selectmen will readdress the issue on July 20. Mr. Zohdi offered to work with the town in preparing the paperwork, etc.

TOWN VAN POLICY - Mr. Sullivan informed the Board that the Town Van would be ready for pick-up on Tuesday or Wednesday, and he felt the Town Van Policy should be in effect at that time. He said that Mr. Case would be trained on use of the equipment, and only a regular driver's license was required to be a driver.

Several changes to the policy were recommended by the Board and Mr. Sullivan said he would amend the document accordingly. A discussion was held on who would be allowed to use the van and whether or not the van was primarily for use of the senior citizens.

Ms. Webber was adamant that seniors have priority use as that was the intent of the Town Meeting vote. It was suggested that Town Meeting tapes be reviewed.

Ms. Webber made a motion to accept the policy as amended, with the stipulation that the Town Meeting tapes be reviewed and the policy revisited in four weeks. Seconded by Mrs. Crisler. Passed unanimously.

CONSENT AGENDA - Mrs. Crisler noted that the Minutes should have a meeting date of June 22 instead of June 23. Mr. Stearns made a motion to approve the minutes as amended, and the manifest of July 6. Seconded by Ms. Webber. Passed unanimously.

CORRESPONDENCE - Memorandum received from Highway Safety Committee asking Board approval of the following recommendations: Stop sign at Johnson and Rolling Ridge; Stop sign at Johnson and Wildwood; Stop sign at Johnson and Birchwood. Mr. Stearns made a motion to approve the recommendations of the Highway Safety Committee. Seconded by Mrs. Crisler. Passed unanimously.

A public notice appealing for committee volunteers, which was published in local newspapers, will also be posted on the town's website.

Copy of letter from Tom Furlong to Windham Independent concerning hazardous driving conditions on Marblehead Road. He cited incidents and areas of concern and expressed frustration that the monies to correct some of the hazardous conditions had been removed from the road maintenance budget. The Board indicated the funds had been removed due to pending development in the area which could affect some of the problems.

OLD BUSINESS - The Board reviewed the Stonywyke Road Bond agreement which was forfeited by the original developer. The new developer would like the road bond reinstated, according to Mr. Sullivan, and a new agreement must be approved the Selectmen. Mr. Stearns made a motion to approve the intent of the Stonywyke agreement pending final verbiage from Town Counsel, and to authorize Mr. Sullivan to sign the agreement for the Town. Seconded by Mrs. Crisler. Passed unanimously.

Mr. Stearns approached the Board with the suggestion that a new sign be installed at the Town Complex (Fellows Rd and Rte 111). He noted that the present sign is not visible to motorists traveling eastbound on Route 111. He felt an adequate sign, with visibility, lighting, list of facilities, and add-on capabilities should be considered.

After a brief discussion, the Board decided to have a sign design contest, as was held for the Transfer Station sign, which will be advertised in the local paper.

A report was given to the Board by Mr. McMahon and Mr. Sullivan on their joint meeting with several Salem officials concerning various traffic concerns affecting both towns. Al Turner, Planning Director, also attended. The meeting specifically addressed intersection at Routes 111/28, Harris Road and Routes 111/I93.

A discussion was also held with Salem on the Wal-Mart expansion plan, with Windham stressing that it would have an impact on this town. The towns will work with the State on several traffic issues, and another joint meeting will be held in the future.

The Board discussed the Wal-Mart expansion and agreed that Salem, the State DOT, and Wal-Mart should be made aware of Windham's concerns on traffic impacts. It was also agreed that attempts should be made to hold Wal-Mart liable for some or all of the costs involved in correcting potential

safety problems.

NON-PUBLIC SESSION - Mr. Stearns made a motion to go into Non-public Session in accordance with RSA 91-A:3, IIb, c and e. The subjects were personnel and legal. The Board, Mr. Sullivan and Michael Fedele, Assessor, were present for the first session. The Board and Mr. Sullivan were present for remaining sessions.

Session One - The Board approved the recommendations of Mr. Fedele in settlement of a tax case. Mr. Fedele will follow-up.

Session Two - Ms. Webber made a motion to approve the hiring of a part-time, on-call laborer for the Transfer Station. Seconded by Mr. Stearns. Passed unanimously.

Session Three - A personnel issue was discussed with no decisions being made.

Meeting adjourned at 10:30 pm.

Respectfully submitted,

Elaine M Keefe
Secretary

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

