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3 **TOWN OF WINDHAM, NH**  
4 **BOARD OF SELECTMEN MEETING**  
5 **April 17, 2023**  
6 **Community Development Department**  
7 **3 North Lowell Rd.**  
8 **Approved Minutes**  
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10 Attendance:

11 Chairman Ross McLeod- present  
12 Vice Chair Heath Partington- present  
13 Mark Samsel- present  
14 Bruce Breton- present  
15 Roger Hohenberger- present

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17 Staff:

18 Brian McCarthy- Town Administrator

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20 Mr. Samsel stated that there will be a Rabies Clinic on Saturday at the Town Hall. Also, dogs are  
21 not permitted at the town beach as it is a violation of a town ordinance. Mr. Samsel stated that  
22 the Cheap Marathon, was a wonderful success; there were 445 half marathon and 500  
23 marathoners who participated in the event.  
24

25 Vice Chair Partington stated that he attending a meeting that discussed revitalizing the Salem  
26 Town Hall. Vice Chair Partington stated that it was helpful to get a gauge for the prices of  
27 construction to do a building in historic fashion. Vice Chair Partington stated that it was helpful  
28 to watch the meeting; the information about revitalization is about 54 minutes into the  
29 meeting if the public would like to view it.  
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31 Ms. Cheryl Haas addressed the Board to discuss the the Right of Way access on Hayes Hart.  
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33 Ms. Haas is suggesting they change the price of the key from \$15 which has been the price of  
34 for several years. The keys now cost \$17. Ms. Haas' suggestion would be to go up to \$20 per  
35 key. Chairman McLeod invited public comment. There was none.  
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37 **A motion was made by Mr. Hohenberger to increase the cost of the keys as suggested by the**  
38 **Recreation Director to \$20 per key. Seconded by Mr. Samsel. Vote 5-0. Motion passes.**  
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40 **A motion was made by Mr. Hohenberger to go into non-public under 91- A: 3 II (b) Seconded**  
41 **by Samsel. Roll call vote: Mr. Hohenberger, Mr. Samsel, Mr. Breton, Chairman McLeod, Vice**  
42 **Chair Partington- yes. Vote 5-0. Motion passes.**

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The Board approved the hiring of 2 lifeguards for the town beach while in non-public.

Wayne Morris- Moving the Annual Town Meeting Election to April (or May)

Mr. Wayne Morris addressed the Board and stated that it has nothing to do with anything political. Mr. Morris would like to get as many people as he can to vote. Mr. Morris stated that the weather is the biggest challenge for candidates and anyone that might have a citizen's petition. Mr. Morris stated that he though he might bring it up to get the ball rolling so they might be able to have a discussion at this point. The effort would be to bring out as many people as possible for the local election.

Chairman McLeod stated that they are in receipt of a letter from town counsel. The effort to change the voting day can be changed by the Board of Selectmen or from a Citizen's Petition. The next thing to do would be hold a public hearing which requires a 30-day notice. The language is required by statute.

Mr. Morris stated that the goal would be done to have the date change applied in 2025.

Mr. Peter Griffin addressed the Board. Mr. Griffin stated that the turn out for town elections is historically low. Mr. Griffin does not understand why voting is so low. There is also the option of absentee ballots and there is the ability to vote ahead of time. The election was last postponed due to weather in 2017. Mr. Griffin stated that there are some fiscal projections to be made prior to moving the date to project out budgetary items. There would need to be a public hearing to vote on the move of the voting day.

Mr. Griffin asks if there were town contracts that would need to be approved prior to that voting day. Mr. Griffin is just putting this question out there.

Chairman McLeod stated that there are a lot of people to consider.

Ms. Betty Dunn, school district moderator, addressed the Board. Ms. Dunn stated that she hopes they would involve people from the school district because they already have a different fiscal year and they would need to consider the budget and teacher contracts. There would also be the added cost of tax anticipation. Ms. Dunn stated that communities cannot guarantee the weather and it can be a very challenging call to make. Ms. Dunn stated that if anyone is considering passing a petition, the hope would be that the school district would also be involved.

Mr. Hohenberger would be in favor of moving the voting day, yet, they should also look at the fiscal year.

Mr. Samsel would like to see the metrics on both sides and if there are metrics between the weather and the voting that can be measured over the years.

87

88 Chairman McLeod asked if they would like to invite the School Board to a Board of Selectmen  
89 meeting to see if they might be interesting in changing the meeting date.

90

91 Mr. Bob Coole addressed the Board. Mr. Coole stated that there are over 2,300 citizens who  
92 reside somewhere other than Windham for part of the year. Mr. Coole stated that moving the  
93 voting day may be beneficial for them as well.

94

95 NH DOT Sale of State-Owned Land on Old Range Road

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97 Mr. McCarthy addressed the Board and referenced a letter from Attorney Pat Panciocco which  
98 stated that although the property is for sale at this time, the letter is requesting that it not be  
99 put up for sale.

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101 Mr. Steve LeBonte from NH DOT addressed the Board. Mr. LeBonte discussed the  
102 reestablishment of the current Range Road. Mr. LeBonte stated that roads can be laid out over  
103 other roads; you can have 2 roads that are existing on top of each other. Mr. LeBonte stated  
104 that discontinuing the new Range Road does not close the old Range Road. Mr. LeBonte  
105 showed the reestablishment plan that was recorded at the Registry of Deeds. Going back as  
106 long as 2012, the town and the state has been in discussions to reclassify the road according to  
107 Mr. LeBonte. The new Range Road still exists on top of the old Range Road. Currently, both of  
108 them are a town road.

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110 Ms. Wendy Johnson, a project manager for NH DOT, addressed the Board. In April of 2012 and  
111 May of 2021, Ms. Johnson stated there were 2 basic options, they can reclassify Range Road or  
112 they can deal with the small patches in the area.

113

114 Mr. LeBonte stated that it is probably premature to vote if they would like to purchase the  
115 property as the price may change.

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117 Mr. McCarthy asked what he would like from the Board. Mr. LeBonte stated that the price of  
118 the road could change so he would advise that the Board not vote at this time.

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120 Chairman McLeod invited public comment at this time.

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122 Mr. Jaques Lopez, 2 Edgewood Road, addressed the Board. Mr. Lopez sate that the sale of this  
123 land could not find an entry point for the asking of this land. Mr. Lopez stated if they decide to  
124 take this land, it will not be in the hands of town ownership. Should the project move forward,  
125 it can still be used for private citizens. The Town would be limiting its options based on existing  
126 projects. Mr. Lopez is not really sure where this fits in anymore.

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128 Mr. Hohenberger stated that there were 2 separate items, the sale of the property and  
129 redefining of the road.

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131 Mr. Pat Nysten addressed the Board. Mr. Nysten stated that this is a very ecologically sensitive  
132 area. Mr. Nysten asks that before they waive the first right of refusal, he would like to see the  
133 Board carefully weigh their options. Mr. Nysten stated that the property does function as a  
134 wildlife corridor.

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136 Mr. McLeod stated that it seems as if the town is being offered the first right of first refusal. Mr.  
137 LeBonte is explaining that the town is always given the first right of refusal and if they were to  
138 buy it, there is another road over it. They are both state roads laid out at different times; one is  
139 probably a prescriptive road. Mr. Nysten asked what the timeline was for the sliver of land. Mr.  
140 LeBonte always gets the right of first refusal. Mr. Nysten stated that he would ask that the town  
141 consider purchasing the property.

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143 Mr. McCarthy asked Mr. LeBonte if the price could change; he stated that it could. Mr. Breton  
144 stated that the town refused this about 10 years ago.

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146 Mr. Hohenberger stated that the town was going to circulate the potential purchase of the  
147 property to the other boards to see if they might be interested.

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149 Mr. LeBonte stated that in 2007, there was a reestablishment done because the boundaries had  
150 been worn down over time. There is a measurement made and it is then recorded. Mr. LeBonte  
151 stated that he will provide a summary of what was discussed this evening to Mr. McCarthy so  
152 that it can forward this to other Boards.

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154 Mr. Nysten addressed the Board to reiterate that this was in a very environmentally sensitive  
155 area.

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157 Mr. LeBonte stated that when they were approached in 2019, they have been working with a  
158 private citizen to purchase the property.

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160 Mr. Lopez stated that there is no way to indicate if the land is for sale until it comes before a  
161 Board.

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163 **A motion was made by Mr. Hohenberger to enter non-public session under RSA 91-A 3 II (c).**  
164 **Seconded by Mr. Samsel. Roll call vote. Mr. Samsel, Mr. Hohenberger, Mr. Breton, Vice Chair**  
165 **Partington, Chairman McLeod- yes. Vote 5-0. Motion passes.**

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167 **A motion was made by Mr. Hohenberger to come out of non-public session. Seconded by Vice**  
168 **Chair Partington. Roll call vote. Mr. Samsel, Mr. Hohenberger, Mr. Breton, Vice Chair**  
169 **Partington, Chairman McLeod- yes. Vote 5-0. Motion passes.**

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171 No decisions were made in non-public session.

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173 Subcommittees and BOS Liaison Assignments

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175 The following assignments were agreed upon by the Board:  
176  
177 Mr. Samsel- CIP Alternate Member, EDC Regular Member, Town Common Beautification,  
178 Department Head Strategic Planning  
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180 Chairman McLeod- CIP Regular Member, Searles Trustees, Local Energy Committee, Records  
181 Retention  
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183 Mr. Hohenberger- Cable, Depot Advisory Committee, Housing Authority Alternate Member,  
184 Planning Board Regular Member  
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186 Mr. Breton- EDC Alternate Member, Joint Loss Management, Haz Mat District, Housing  
187 Authority Regular Member, Planning Board Alternate Member  
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189 Vice Chair Partington- Historic District Commission, Route 111 Beautification, Information Tech  
190 Advisory Committee  
191  
192 **A motion was made by Mr. Hohenberger to approve the liaison assignment as proposed by**  
193 **the Chairman. Seconded by Mr. Samsel Vote 5-0. Motion passes.**  
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195 **A motion was made by Mr. Hohenberger to approve the March 6<sup>th</sup> public and non-public**  
196 **draft minutes as amended. Seconded by Mr. Breton. Vote 5-0. Motion passes.**  
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198 **A motion was made by Mr. Hohenberger to approve the April 3<sup>rd</sup> public and non-public draft**  
199 **minutes as amended. Seconded by Mr. Samsel. Vote 5-0. Motion passes.**  
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201 **A motion was made by Mr. Hohenberger to enter non-public session under RSA 91-A 3 II (a)**  
202 **(c) and (e). Seconded by Mr. Samsel. Roll call vote. Mr. Samsel, Mr. Hohenberger, Mr. Breton,**  
203 **Vice Chair Partington, Chairman McLeod- yes. Vote 5-0. Motion passes.**  
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205 Respectfully submitted by Anitra Lincicum