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Present: Laila J. Michaud, Joseph E. Flanagan, and Wayne R. Walker

CALL TO ORDER

Ms. Michaud called the meeting to order at 6:00 p.m. in the Selectmen’s Office at Town Hall. She announced that the meeting was being broadcast live and recorded by Ashburnham Westminster Community Access TV; she also confirmed that Mr. William Goodwin was taking a video recording of the meeting.

APPROVAL OF MINUTES/WARRANTS

Mr. Flanagan moved that the Board approve the regular session minutes of June 20, 2011 as printed. Mr. Walker seconded the motion. Motion passed unanimously.

Board members reviewed and approved the following warrants:

June 21, 2011	Deduction #77D	\$ 152,250.65
June 27, 2011	Accounts Payable #79	\$ 137,890.41
July 1, 2011	Accounts Payable #1 (FY12)	\$1,329,583.70

FINANCIAL SOFTWARE MAINTENANCE CONTRACT

Mr. Flanagan moved that the Board authorize Ms. Michaud to sign the annual maintenance agreement with WTI Systems, Ltd for the Accountant’s software in the amount of \$35,598. Mr. Walker seconded the motion. The motion passed unanimously.

PRESENTATION TO JIM WALKER

State Representative Kim Ferguson was on hand to present Jim Walker with citations from the State recognizing his contributions to the Town for the many years he served on the Hager Park Commission.

On behalf of the Board of Selectmen, Ms. Michaud presented Mr. Walker a certificate of appreciation for his tireless efforts over the past fifteen years in creating and maintaining a hiking trail system at Hager Park.

On behalf of the Hager Park Commissioners, Chris Mossman read the following;

“The Hager Park Commissioners would like to take this opportunity to recognize your hard work and remarkable dedication to Hager Park during your many years as a Commissioner. In reviewing the history of the Commission, it seems that prior to your tenure, a commissioner’s job was a simpler one of caretaking a quiet piece of woods. You were the first Commissioner to take a very active role in making Hager Park a viable recreation area for Westminster residents. You built hiking trails and drew maps, led 4th graders on nature walks, solved the flooding problems caused by the Water Treatment Plant and oversaw the purchase of our John Deere gator. After the ice storm in December

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of 2008, you performed the vast majority of the work clearing and re-establishing the trail network. This is just a brief list of your accomplishments.

You leave us with a fully equipped gator and the inspiration of a great example to carry on your good work. Thank you for making Hager Park a much better place than you found it.”

PRESENTATION TO ALAN BEDARD

State Representative Kim Ferguson was on hand to present Alan Bedard with citations from the State recognizing for his 21 years of service as a Public Works Commissioner.

Laila Michaud presented Mr. Bedard with a certificate of appreciation for outstanding service and dedication as a member of the Public Works Commission.

DPW Commissioner Lorraine Emerson thanked Mr. Bedard and said she appreciated him mentoring her.

CROCKER POND BIKE TRAILS

The Board of Selectmen was in receipt of a letter dated June 22, 2011 from the Crocker Pond Recreation Area Committee requesting that the Board approve Rule 20 of the CPRA Rules & Regulations for 2011, which would allow biking on designated trails at Crocker Pond, excluding the area currently under appeal with DEP. Rule 20 reads: “Trails designed [sic] as biking or mixed use trails may be used for pedal biking at your own risk. Bikers need to be aware of the presents [sic] of pedestrians in the area and should proceed with caution.”

CPRAC Chairman Joseph Macchia addressed the Board. He referred to a colored map of Crocker Pond (map attached and incorporated as part of these minutes) depicting the approved hiking trails in solid yellow, the proposed biking trails in solid green, and the proposed mixed used (hiking/biking) trails in yellow and green dashed lines. (Note: Colors of trails depicted on map differ from description in June 22 letter.) He asked that the Board approve the designation of the segments of the biking and mixed use trails that are not included in the appeal area (trails designated in white on map). Mr. Macchia noted that the CPRAC has been working on designating the biking trails for the past two years and is asking that the Board approve the use of these segments of the trails now, considering the fact that the pending DEP appeal is not likely to be resolved before Crocker Pond closes this fall.

Ms. Michaud inquired as to how many people are currently using the bike trails. Mr. Macchia responded that he thought about half dozen people were currently using them, but that he is more concerned with the use of dirt bikes and ATVs on all of the trails.

Donna Brownell pointed out that the Selectmen have not yet approved the designation of the bike trails, yet the trails have already been rough cut. She expressed her

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dissatisfaction with the refusal of the Conservation Commission to issue a cease and desist order on the cutting of the trails and with the Commission's negative Determination of Applicability in allowing the placement of bridges along the trails. She insisted that the bike trails pose a threat to the ecosystem at Crocker Pond and stated that she believes DEP will order the Town to remediate the damage that has and/or will occur as a result of allowing mountain biking. Ms. Brownell raised a question as to the presence of great laurel on the property, noting that mountain laurel is not protected, but great laurel is protected and is listed as a threatened species. She also asked how the bikers will know the difference between the area of the property that is under appeal and that which is approved.

Mr. Macchia stated that there will be clear signage to show which trails are for hiking, biking, or mixed use, and that access to the bike trail will be blocked in the area currently under appeal. He also stated that a previous Board of Selectmen authorized the CPRAC to work with the Conservation Commission to lay out the bike trails. He noted that very little cutting has taken place, as was recently witnessed by the members of the Board of Selectmen when they walked the area.

Bud Taylor requested that the Board of Selectmen seek legal guidance to define passive recreation and identify which uses are in compliance with the deed restrictions on the property. Board members noted that this subject has already been explored and that it has been established to the Board's satisfaction that mountain biking is considered passive recreation and is an allowable use at Crocker Pond. Lorraine Emerson stated that she was a member of the Board of Selectmen when Crocker Pond was purchased and assured the Board that the intended uses for the property were publicly stated at the time and included all types of recreation, not limited to walking and swimming only.

Bill Goodwin questioned when the Board of Selectmen authorized the CPRAC to cut the bike trails. He noted that the trails depicted in white and green on the map did not exist a year ago.

Keith Harding spoke in favor of the designation of the bike trails, noting that he supported the purchase of the property with the understanding that it would be a recreation area, and not conservation land.

Tom Rutherford stated that the Town acquired the property at great expense for the use of town residents only. He pointed out that the cutting of additional trails opens the area up and makes it more difficult to control access to the property by non-residents.

Don Barry stated that he recalled talk of using the sand and gravel on the property for town purposes. He stated that the Town paid for the property and should be allowed to use it.

In response to questions raised as to the authority of the CPRAC to create the trails, Don Seifert quoted from the minutes of the Board of Selectmen meeting of September 13, 2010 at which the Board voted to "approve mountain biking at Crocker Pond on Town

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owned land and authorize the Crocker Pond Committee to designate the trails on Town owned land.”

CPRAC member Wally Richards stated that the trails are intended for all types of bicycles, and not just mountain bikes. He stated that the primary concern of the CPRAC was with the safety of the trails. He pointed out that the CPRAC submits its Rules and Regulations to the Board of Selectmen for approval each year, and that the Board has the opportunity to monitor the condition of the trails and revise or rescind Rule 20 as it sees fit.

Jen Shenk stated that she was very active in promoting the purchase of Crocker Pond and that she believes the majority of the public feels that it would be unreasonable to continue to oppose the use of the bike trails.

Planning Board member Mike Fortin encouraged everyone to review the Town’s planning documents, several of which emphasize the promotion of tourism and recreation, particularly hiking and biking.

Dennis Powers encouraged the Board of Selectmen to approve the trails and invited them to inspect them from time to time.

Donna Brownell asked whether the bikers would be responsible for fixing any erosion created by the mountain bikes. Mr. Flanagan noted that the biking association has indicated a willingness to support maintenance of the trails and that CPRAC has some money in its budget that could also be used for this purpose. He stated that many people have been coming onto the property for decades and all the Town can do is control it to the best of its ability. He indicated that he felt the original proposal, which would have used a segment of the rail bed, was the best option. He suggested that Town officials work with MART and PanAm to create a controlled bike corridor.

Ms. Michaud noted that erosion can also be caused by weather conditions and other factors.

Mr. Walker stated that based on what he has heard and the documents he has reviewed, he did not have a problem approving the trails currently under consideration for the rest of this year, and reconsidering if need be when the Rules and Regulations are reviewed next year. Mr. Flanagan moved that the Board approve Rule 20 to authorize mountain biking on the trails designated by the Crocker Pond Recreation Area Committee as mixed use or biking trails, as long as those trails are not within the appeal area. Mr. Walker seconded the motion. The motion passed unanimously. Ms. Michaud reiterated that if there are any problems, the Board will take another look at Rule 20 next year.

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DPW WATER MAIN IMPROVEMENT PROGRAM

DPW Director Joshua Hall was on hand to review the Water Main Improvement Program & Capital Improvement Plan Report which was prepared for the DPW by the engineering firm of Wright-Pierce. He discussed possible funding options for a 20 year improvement program at \$240K per year. Thirty percent (30%) of water lines are in need of improvement which will require a rate increase, but the DPW will also need funding assistance from the Town.

ORDER OF TAKING – South Street

Mr. Hall explained that the order of taking of the South Street project would have to be postponed because there are some alterations being made, which will change the title of the plan referred to in the order.

7:28 P.M. - EXECUTIVE SESSION

Ms. Michaud moved that the Board enter into executive session to consider the purchase, exchange, lease or value of real property and that the Chair declare that an open meeting may have a detrimental effect on the negotiation position of the Town, and to conduct a strategy session in preparation for contract negotiations with nonunion personnel, and that the Board adjourn directly from executive session. Mr. Flanagan seconded the motion. The motion passed unanimously on a roll call vote.

ADJOURNMENT

The Board adjourned from executive session at 8:20 p.m.

Respectfully submitted,

Wayne R. Walker, Clerk
(Prepared by B. Kazan)

