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**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN - MEETING MINUTES**  
**February 19, 2019**  
APPROVED – March 5, 2019

**CALL TO ORDER** - approximately 6:30PM

**PRESENT:** Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger, Ms. Heather Forde (arrived after the meeting commenced), Town Administrator Brian McCarthy

**ABSENT:** Ms. Amy Spencer

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**January 15, 2019**

**MOTION:** (McDevitt/Viger) To approve the January 15, 2019 meeting minutes as amended.

**VOTE:** (3-0-0) The motion carried.

**OPEN FORUM**

No one came forward.

**APPOINTMENTS**

**Planning Director Jeff Gowan – Board of Selectmen Congestion Mitigation Air Quality ('CMAQ') application signature**

Mr. Lynde explained to the public that the Town was making progress and had selected an engineering firm. A contract was drafted and agreed to between the parties and sent to New Hampshire Department of Transportation ('NHDOT') (Bob Hudson) who would like to make minor changes.

Planning Director Jeff Gowan came forward with Mr. Steve Keach of Keach Nordstrom (Town's engineering review firm) and Mr. Greg Bakos of VHB Engineering to discuss the intersections of Mammoth Road/Sherburne Road and Mammoth Road/Marsh Road. Mr. Gowan stated they had gone through the scope/fee negotiations; VHB rose to the top of the six firms that were interviewed. VHB has put together a scope of work and fee structure. An independent government estimate was prepared by Mr. Keach; when compared to the scope of work the CMAQ committee decided to meet in the middle of the two estimates. The process now rests with the NHDOT. When they give the 'green light' the Town will be able to enter into the contract with VHB so the preliminary project design can begin. Mr. Gowan learned that prior to receiving the approval to move forward (to enter into a contract) the scope/fee will need to go to the Federal Highway department. He said they were pressing to keep things moving. Once they receive the 'green light' the contract will be forwarded to the Selectmen for

BOARD OF SELECTMEN MEETING/February 19, 2019

review/signature. Mr. Gowan stated they hoped to make it through the whole process so they could advertise in 2020 for the 2021 construction season.

Mr. Gowan explained the review process of the NHDOT, which would encumber funding from the Federal Government.

Mr. Lynde said he would accept a motion to approve the contract between the Town and VHB, subject to approval by NHDOT and the Federal Government, recognizing there might be some minor changes and anything beyond that would have to come back to the Board. Mr. McDevitt made the motion. Mr. Viger seconded for discussion.

Mr. McDevitt believed when Nashua Regional Planning Commission ('NRPC') gave a presentation computer model of a roundabout(s) versus traffic signal(s) and variations of such there was demonstration that roundabouts were a better solution. He noticed in reading the material if traffic signals were done the Town may have to charge more because there were additional things that needed to be done for that solution.

Ms. Forde arrived.

Mr. Bakos discussed the VHB proposal. He said based on the video they watched of the Selectmen meeting it appeared that a roundabout was the 'preferred' alternative; therefore, they based their scope and fee on such. He stated they would still evaluate both options during the study phase. He said the NHDOT agreed to rely on the work done by the NRPC rather than doing all the work over again. They will still go through a public process to determine whether the public supports the determination of a roundabout; if they prefer a traffic signal alternative, VHB will need to re-calculate their scope and fee a little bit because they didn't include traffic signal design in their final preliminary design. Mr. Lynde read aloud task #8 of the engineering study which confirmed VHB was obligated to conduct the study to determine the best alternative.

Mr. Keach discussed the steps that had been taken to date and recalled a meeting with the NHDOT during which they basically indicated they would allow the firm to rely on the work that the NRPC had done in 2016-17 to move forward with the study phase. Mr. Lynde noted a question had come up as to why the Town wasn't including the pavement (1,000ft of State highway) between the roundabout at Marsh and the roundabout at Sherburne Road. He explained it wouldn't be necessary with roundabouts, but if they were to install traffic lights, it would be a necessity to include that section of pavement.

Mr. Viger clarified that the value of the contract was \$226,235.00 and asked Mr. Gowan to address where the money would come from. Mr. Gowan explained as the pieces of the process got done the Town pays for it and are then reimbursed 60%. He noted that the contract and the scope would be amended because it currently didn't include right-of-way acquisition or construction monitoring. He added that they couldn't estimate on those items until the preferred solution was determined.

Mr. McCarthy wanted to know who would incur the cost of the 1000ft. of pavement and extension of the culvert if the traffic lights ended up being the preferred solution. Mr. Gowan replied it wouldn't be money funded by the CMAQ, it would be an additional fee for the Town. Mr. Keach felt as VHB advances the study phase the question about the 1,000ft will find itself on the sideline because the process goes back to determine an outcome and doesn't allow a predisposed solution/outcome. He believed there were environmental and right-of-way factors that weighed heavily toward a roundabout decision. Mr. Bakos agreed. He also expressed that a roundabout would be safer.

## BOARD OF SELECTMEN MEETING/February 19, 2019

Mr. Viger suggested authorizing Mr. McCarthy to sign the agreement after it went to Town Counsel for review. There was no objection.

Mr. McDevitt and Mr. Viger withdrew their first motion. Mr. Lynde rephrased the motion. Mr. McDevitt made the new motion and Mr. Viger seconded. Mr. McCarthy questioned if the cost (\$226,235) should be included. Mr. Gowan noted that figure may increase slightly because VHB needs to conduct another phase of the survey. The Board agreed to include that the cost shall not exceed \$250,000.

**MOTION:** (McDevitt/Viger) To approve the contract between the Town and VHB, subject to State and Federal Government approvals and being mindful that there may be minor changes made by NHDOT and also subject to Town Counsel's approval. The cost shall not exceed \$250,000. Town Administrator McCarthy is authorized to sign the contract on behalf of the Board of Selectmen (after Town Counsel's approval).

**VOTE:** (4-0-0) The motion carried.

### **Nathaniel Stewart – Applicant for an alternate member on the Conservation Commission**

Mr. Stewart came forward to introduce himself and speak to his application to be an alternate on the Conservation Commission. He told the Board about his present involvement with the committee and his employment experience. He hoped to contribute to Pelham expanding its open space and improving the community.

Mr. McDevitt asked Mr. Stewart if he had any matter that was likely to come in front of the Conservation Commission. Mr. Stewart answered no.

**MOTION:** (McDevitt/Viger) To appoint Nathaniel Stewart to an alternate position on the Conservation Commission with a term expiring March 31, 2022.

**VOTE:** (4-0-0) The motion carried.

### **PUBLIC HEARING: For the acceptance of Brunswick Circle as a public way**

Mr. Lynde opened the public hearing for the acceptance of Brunswick Circle (off Jericho Road). He explained process they followed to accept a road, such as inspections and over-wintering. He assumed the road went through the winter season last year and was found to be acceptable.

Planning Director Jeff Gowan came forward and told the Board that the road had been through intensive inspections during construction and afterward by Keach Nordstrom (Town's engineering review firm) and the Highway Road Agent. He said the road had turned out well and held up well. He informed that the Planning Board had forwarded a recommendation to accept the road as a Class V public highway.

The hearing was opened to public input. No one came forward.

**MOTION:** (McDevitt/Viger) To accept Brunswick Circle as a Class V road.

**VOTE:** (4-0-0) The motion carried.

Mr. Gowan indicated he had Town Counsel review the deed and it will be recorded this week.

**IT Administrator Brian Demers – Introduction of the official Town of Pelham Facebook and Twitter**

Mr. Demers came forward to introduce the official Town of Pelham Facebook and Twitter pages he created. He explained that the pages would be utilized to provide real time information to Pelham's citizens through push notifications utilizing the Facebook and Twitter platforms. Sign up is voluntary and can be removed by individuals simply by unfollowing the pages. He spoke about the type of information that would be posted on the pages and how the pages could be utilized.

Mr. McCarthy noted that the pages were 'fluid' and would be rolled out for feedback. Going forward things can change.

Mr. Lynde asked that meeting agendas be added to the Town website. Mr. Demers replied they could also include a link for agendas and/or meeting minutes from the Town website to the social media pages.

Mr. McCarthy told the Board about the positive responses he received relative to Mr. Demers' involvement and interaction with Town departments. Mr. McDevitt questioned who was authorized to post information. Mr. McCarthy replied information would typically come from him; however, he will inform the Board if there is something, they should review prior to posting. He said the pages were geared to getting information out to the public. If people have questions, they can contact the Town by telephone or email.

Mr. Demers spoke briefly about the format of the current Town website and made suggested changes. There was a brief discussion about how the frontpage could be set up with a notification/alert banner capable of having multiple items and a section for news and announcements. Mr. McCarthy and Mr. Demers will work with the website vendor for a better format.

**DISCUSSION / ACTION ITEMS**

**Bridge projects**

Planning Director Jeff Gowan came forward.

Mr. McCarthy explained that Quantum Engineering was unable to attend the Board's meeting to provide an update about the Willow Street Bridge project. He said they would be conducting a pre-construction meeting on March 6<sup>th</sup> at the Police Department to discuss when the project would begin and how the Police and Fire Departments would handle traffic and emergency response.

Mr. Gowan discussed the status of the Abbott Bridge and noted that there wasn't yet a final design. He said the two abutments that would be most impacted would be contacted when Quantum was ready to discuss the project in detail.

Mr. McDevitt questioned what would happen to the project schedule if the voters didn't approve the warrant article for the Abbott Bridge. Mr. Lynde commented that Pelham had a cooperative relationship with the New Hampshire Department of Transportation ('NHDOT') regarding the bridges. They had an understanding and agreement that the projects should begin downstream at Willow Street

and move upstream to Abbott Bridge then to the Gionet Bridge. Mr. Lynde said the Gionet Bridge opening would match that of the Abbott Bridge so they wouldn't add more water than could be handled downstream. Mr. McDevitt said if the article (for Abbott Bridge) wasn't approved, the strategy would be to have an article put back in front of the voters next year. Mr. Gowan reiterated that the process would be to begin downstream and work backward toward the Gionet Bridge to have the same opening as the Abbott Bridge.

#### **Hawkers & Peddlers Policy review**

The Board was provided with an updated draft that incorporated remarks that came from the Board. The Board reviewed the latest version of the policy. Mr. McDevitt offered minor amendments. He questioned if 'services' were covered in the policy and suggested requesting Town Counsel's opinion regarding such. Mr. McCarthy stated he would make the suggested changes and send the document to Town Counsel for review. The final draft will come back to the Board.

#### **2020 Presidential Primary discussion**

Mr. McDevitt discussed the logistical difficulties of the last presidential primary and suggested contacting the school now to suggest having no school on the day of the 2020 primary. Mr. McCarthy will send the School Board a letter with the request.

Ms. Forde questioned if they had considered offering a shuttle service running between Town Hall and the school during peak hours. Mr. McCarthy believed they had offered that service in a previous year. Mr. McDevitt discussed the difficulties of parking and logistics and thanked the Board for agreeing to contact the school.

#### **Review of the 2019 Voter's Guide**

The Board was provided with a final draft of the 2019 Voter's Guide. Mr. Viger was in favor of the suggestion to include the Selectmen's support for the Library renovation project article. The Board agreed to include the words (in the description of #10 – Library renovation) 'The Board of Selectmen unanimously supported this project.'

#### **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. McCarthy mentioned that on Monday, February 25<sup>th</sup> at 1pm he would be at the Hobbs Community Center with Mr. McDevitt to meet with the seniors and review warrant articles and go through the Voter's Guide for explanation. He said if candidates were interested in answering questions, they are welcome to attend. They should contact Director Sara Landry at 635-3800.

Ms. Forde thanked the Highway Department for keeping the roads clear (after weather events) during the last couple weeks.

Mr. McDevitt spoke about a publication by the Department of Environmental Services pertaining to threatened or impaired waters. He noticed the list included Little Island Pond and Long Pond. Mr. McCarthy recalled the Town made an announcement about the list last year because the algae was due to lawn fertilizer. Mr. McDevitt suggested sending a letter to the Conservation Commission so they can review the report and see if they have a recommendation for action. The Board agreed. Mr. McDevitt said he would 'keep and eye' on the situation.

BOARD OF SELECTMEN MEETING/February 19, 2019

Mr. Viger received a flyer (in his mailbox) from the Department of Environmental Services advertising that they are testing well water for people. Anyone interested can go to: DES.NH.GOV and search private well testing for information. He suggested posting the information on the Town's website.

Mr. Lynde suggested postponing next week's meeting to March 5<sup>th</sup>. There was no objection.

**REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (Forde/McDevitt) Request for a non-public session per RSA 91-A:3,II,a & e (Personnel; Consideration or negotiation of pending claims or litigation)

**ROLL CALL:** Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Forde-Yes

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 7:53pm.

**MOTION:** (Forde/McDevitt) To leave non-public session.

**VOTE:** (4-0-0) The motion carried.

The Board returned to public session at approximately 8:50pm.

**MOTION:** (Forde/McDevitt) To indefinitely seal the non-public meeting minutes.

**VOTE:** (4-0-0) The motion carried.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:50pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary