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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
July 2, 2019
APPROVED – July 16, 2019

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger, Ms. Heather Forde, Mr. Kevin Cote, Town Administrator Brian McCarthy

ABSENT: None

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

June 18, 2019:

MOTION: (Forde/Cote) To approve the June 18, 2019 meeting minutes as amended.

VOTE: (5-0-0) The motion carried.

ANNOUNCEMENT

None.

OPEN FORUM

No one came forward.

APPOINTMENT(S)

Planning Director Jeff Gowan – Highway Safety Committee recommendations / Main Street sidewalks

Mr. Gowan informed that the Highway Safety Committee ('HSC') had met on May 10th and reviewed several requests.

Field Drive – citizen concern regarding vehicle speed and trucks turning in their driveway. Mr. Gowan noted trucks weren't allowed on Castle Hill Road (Windham side) and trucks turned around to avoid the area. The citizen requested additional signage warning drivers that the bridge is closed and send an FYI to Windham. He noted there was a five-ton weight limit which may be the reason trucks turn around. The HSC had no recommendation to change the speed limit sign; the area is posted at 30mph.

Mr. McDevitt understood there was no bridge in the area and asked if it was closed. Highway Road Agent Frank Ferreira (seated in the audience) stated the Castle Hill Road Bridge was closed (with Jersey barriers) as it was 'red listed' by the State. Mr. Gowan told the Board he would contact Windham and the resident.

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Spaulding Hill Road – citizen concern regarding the speed of vehicles traveling on Spaulding Hill Road on its approach to the intersection with Sherburne Road. The HSC found no evidence of accidents or the need to post additional signage.

Mr. McDevitt questioned if there was a sign on Spaulding Hill Road (at the approach to Sherburne Road) that indicated ‘stop ahead’. Mr. Ferreira answered no. Mr. Cote read that neither the Police nor Fire Departments found evidence of accidents on Spaulding Hill Road in the vicinity of Sherburne Road. He said this was used in the opinion to determine that they weren’t experiencing faster than usual speeds. He didn’t know how they could use ‘no accidents’ to determine a speed issue. Mr. McDevitt replied it was the same argument the State gave the Town for the intersections of Sherburne Road/Mammoth Road and Keyes Hill Road/Mammoth Road.

Mr. Lynde felt if there was enough sight distance to see the stop sign there was no need for an additional sign warning of the ‘stop ahead’. He felt speeding vehicles was for traffic enforcement. Mr. McCarthy said signs are great if people are paying attention and see them.

There were no additional recommendations/comments from the Board, therefore the HSC recommendation will stand.

Crosswalks on Main Street (in the area of the VFW and St. Patrick’s School – Mr. Gowan displayed an aerial photo showing the two crosswalks in question. He noted Main Street was a State maintained road. The Highway Road Agent received a letter from the Department of Transportation (‘DOT’) who were being pressed by the Federal Highway Commission to have handicap ramps with a dimpled surface on all crosswalks. Mr. Gowan informed that the State was required to maintain a crosswalk while St. Patrick’s was active; however, the State was now looking to remove both crosswalks. The HSC discussed the situation and made a recommendation. Mr. Gowan sent a response letter to DOT informing of the need for the crosswalks; however, it was not good enough for the DOT. He was told when there is an uncontrolled crosswalk, pedestrians were less safe than if they crossed a road with no crosswalk. It was suggested that Pelham provide additional information that is data driven and something other than just Sunday church service.

Mr. McCarthy understood and respected the engineer’s experience, and at the same time was a State law that vehicles had to stop at a crosswalk. He said the crosswalks were very important. He was concerned about the seniors crossing the street on Sunday. Mr. Cote inquired if there was much use of the crosswalk in front of St. Patrick’s when the school was open. Mr. Gowan replied it was a legal requirement to have the crosswalk.

Mr. Viger wanted to know what the town had to do to fight for the crosswalk. Mr. Gowan replied they had to make a compelling argument. He said one option was to argue for one instead of two. Right now, the traffic count on Main Street was over 6,000 vehicles per day. Mr. Gowan informed a new rule would come into play next year that states once there are 7,000 vehicles, flashing beacons will have to be installed warning of the crosswalk.

Mr. Lynde understood the DOT was underfunded and looking for ways to cut money.

Mr. Cote wanted to know if the Town had to install the dimples in the crosswalk if the State didn’t maintain them. Mr. Gowan believed the obligation was for the State to do the installation; however, it was clear that the State wouldn’t maintain them, and it would fall to the Town. He would like to see them stay and felt the Town needed to hone the argument to the State by speaking to the schools, churches, citizens, etc. to see if there is anything else, they can add.

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There was a discussion regarding how to improve the letter to the State. Ms. Forde commented that the VFW utilized the area for various activities near the Congregational Church. She added that the Food Pantry had people dropping things off all the time. She said it wasn't used solely by the church. Mr. Gowan said he would coordinate to get the information from her (Ms. Forde). Mr. Viger stated St. Patrick's Church had Mass every day of the week. Building Inspector Roland Soucy came forward with information regarding activities at the church. He said it was an active and busy area on a regular basis. Mr. Gowan mentioned when the coffee shop and barber shop opened across the street the area would become busier.

Mr. McDevitt spoke about the development of the center and how the Town wanted to have it be more 'walkable'. He said they should try to hold onto at least one of the crosswalks; probably the one by the St. Patrick's property and offer to do the dimples in the pavement.

Mr. Gowan told the Board he would draft the talking points for the Board to review. Mr. McDevitt noted there was money in the Highway Block Grant for the Town to put the dimples in the pavement. Mr. Gowan stated he would first hone the argument regarding the church and evening activities.

Mr. Gowan announced that the next step in the CMAQ process would be a public hearing/presentation/discussion regarding the Mammoth Road intersection project held on July 16, 2019 at Sherburne Hall beginning at 7pm. Mr. McDevitt questioned how the meeting was being publicized. Mr. Gowan replied they have a notice posted on social media, Town website and all the proper physical places. He stated they had also notified a large group of abutters through first class mail.

Mr. Gowan then provided an update on the MS-4 process. He told the Board the Town was covered and all set if the EPA conducts a review. He ended by informing that the Capital Improvement Plan ('CIP') submissions were requested from the various departments. The CIP committee would hold their first meeting July 10th to begin their review. They planned to have the CIP ready for Planning Board review by August 5th. Once it was approved by the Planning Board it will be presented to the Selectmen for the budgeting process.

Highway Road Agent Frank Ferreira – Update on the new highway building project

Highway Road Agent Frank Ferreira and Building Inspector Roland Soucy came forward to provide an update regarding the new highway building. Mr. Soucy stated they had come in front of the Selectmen approximately a year ago and discussed three types of buildings (masonry, pre-engineered steel and Morton-style/wood frame). The decision was made to construct a mason building. He said he had priced the building out last year and ended up back on his desk a month ago. The plan currently being reviewed was put together by Steve Keach of Keach Nordstrom (Town's engineering review firm). Mr. Soucy noted he had received the plan earlier in the day and didn't have time to go over it; it was strictly preliminary. He said they needed to work on obtaining site work prices and re-price the building itself which would be approximately 15,000SF. The area around the building would be paved and tied into the existing driveway. He described the site, proposed building and tanks. Mr. Soucy originally anticipated incorporating the tent building (donated from Raytheon) into the proposed building; however, that has changed because they want to keep the tent building separate.

Mr. Lynde wanted to know how trucks would access the building. Mr. Ferreira replied they would drive-through.

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Mr. Soucy was of the opinion that the proposed building didn't belong in the rear of the lot and it should be brought to the front (a difference of approximately 8ft. in elevation). The salt shed would be behind the building and they would have room in the back to store material.

Mr. Cote questioned if there were existing holding tanks. Mr. Soucy answered no. He explained they would be adding a septic system to tie into the existing tank. Mr. Viger felt having the building close to the road would be a better location than to the rear of the lot. Mr. Ferreira replied it would be better so people accessing the office could easily do so. Mr. Viger suggested they come up with the best plan and lay it out again for the Board. Mr. Soucy noted the lot would function better with the building near the front of the lot; the site work would also cost less. Mr. McDevitt wanted to know if they would come back to the Board with a revised plan. Mr. Soucy answered yes.

Mr. Lynde inquired why they had decided upon having a masonry building. Mr. Soucy replied the steel building was more money because the foundation was more complicated, and the Morton building was wood frame sitting on a concrete foundation; neither of those options made sense.

Based on the proposed changes, Mr. Viger wanted to know the status of the budget. Mr. Soucy didn't have the exact information. Mr. Lynde questioned what would happen if the price came in and they didn't have enough money. Mr. McDevitt replied they would either not build the building or they would seek a less expensive alternative. Mr. McCarthy believed the budget was approximately \$800,000. He said if they get into a situation that it will be more than the budget, they have an option to have another warrant article; however, he wanted to stay in the budgeted range. He said there were other funding options such as Fund Balance money or the Highway Block Grant money to conclude the project. Mr. Viger noted they could have a one-time budget expense for furniture.

Mr. Soucy told the Board he would have Steve Keach (Keach Nordstrom- Town engineering review firm) look at the plan. Once the Board decides to move forward construction drawings will be done so the project can be priced out.

DISCUSSION

Review draft of Town Ordinance for Pelham Veterans Memorial Park: Pelham residents

Mr. McDevitt stated they had received a revised draft of the proposed ordinance that incorporated comments from the Board and Town Counsel. He said there was a question whether the Selectmen could impose ordinances on properties managed as Town Forest by the Forestry Committee. He said Town Counsel informed they couldn't. He said Town Counsel wanted the Town to create an ordinance to cover Town parks so they would have 'teeth' for enforcement. He stated any reference to 'Forestry' should be removed.

Mr. Cote saw that insurance wasn't required for those exercising freedom of speech unless assemblies are selling goods to the public. He questioned why it wasn't required. Mr. McDevitt replied they are guaranteed by the first amendment to do so. The Town can't require a permit or insurance. Mr. McCarthy noted insurance is required if any goods are sold. Mr. Cote questioned Parks and Recreation's authority over parks. Mr. McDevitt replied they only had the authority allowed by the Town. Mr. Cote suggested adding language to clarify what authority Parks and Recreation had. Mr. McCarthy replied will do so.

Mr. McDevitt saw that the use of tobacco products and drugs are prohibited. He suggested they post signs indicating such. The Board discussed prohibiting alcohol products. Mr. Viger reviewed the past warrant articles to see where/what was prohibited. He read aloud a 2015 article that authorized the

Selectmen to grant (from time to time limited) one day approval for serving alcohol in all Town buildings, excluding Fire Department and Police Department. Mr. McDevitt understood from this that the ordinance could prohibit alcohol; there was no objection.

Ornamental Tree Care proposal

Mr. McDevitt informed that Mr. McCarthy received a proposal (from Mr. McCabe certified arborist) for tree services. Mr. McCarthy reviewed the items contained in the maintenance proposal. Mr. Cote felt the price (\$9,500) for tree replacement was high and mentioned the retail costs shouldn't be more than a total of \$5,000-\$6,000 (including labor). Mr. McDevitt suggested carving that cost out of the proposal. Mr. Cote questioned how the monitoring would be done. Mr. McDevitt spoke about the detailed service the Town had received in the past from Mr. McCabe. He recommended going with Mr. McCabe this year and see if they could find more bidders next year. Mr. McCarthy stated he had half the cost. Trees on Village Green could be funded through the Village Green Tree Fund. Mr. McDevitt asked that the Parks and Recreation 80s Fund be reviewed.

Mr. Cote asked if they could see if the tree replacement cost could be reduced. Mr. Viger commented that the tree replacement cost may be marked up to make up for the low price of maintaining trees. He said the margin might be balanced between the two. Mr. McDevitt suggested deferring the tree replacement costs for now and having Mr. Cote research a better estimate. Mr. Viger was concerned about 'cherry picking' the proposal. Mr. McDevitt noted that the proposal broke the costs out. The Board didn't object to separating the service and deferring the tree replacement so Mr. Cote could bring other figures back for review.

Japanese Knotweed issue

Mr. McDevitt stated they would defer having the fainting goats at the location. He suggested the knotweed be cut down and covered by a thick plastic (blocking all light) for at least a year. He believed the Highway Department could cut them down and cover the area. Mr. Cote added that after the plastic was put down it could be covered by a thick layer of wood chips from the Highway Department. The Board agreed to the proposed procedure.

Parking issue at Pelham Veterans Memorial Park ('PVMP')

Mr. McCarthy informed that the newly installed gate had done an excellent job and heard from Parks and Recreation Director that it had deterred some of the vandalism behavior. He heard from some that they didn't want to pay the \$20 fee for the permit. He noted that the fee was used to maintain the park. Mr. McCarthy stated there was a situation (last weekend) that people had parked at the entrance and walked into PVMP. He spoke with the Police Chief and asked the Board if they would consider posting 'No Parking' signs.

Mr. McDevitt recalled Town Meeting approved a \$20 fee for beach access, not for parking or access to the park. From what he understood a resident had to pay \$20 to get a fob to open the gate at PVMP. He said if a resident wanted to use the park, they should be able to open the gate. Mr. Cote questioned if a designated parking area could be created for park access and post other areas with 'No Parking' signs. Mr. McCarthy said he could work out the detail of a parking area with the Highway Agent and coordinate information to citizens on social media.

Review of legal retainer

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Mr. McDevitt stated during the last several years the Town had worked out a retainer/flat fee agreement with Town Counsel to cover things the Town would get involved with during the year. He said having the agreement was extremely helpful for Town boards and departments because it gave them the ability to go directly to counsel for opinion. Mr. McCarthy commented that the Town had been involved with several legal situations that fell outside the agreement but had been handled and not billed. He explained that the new retainer proposal would include land use, labor relations and collective bargaining matters. The proposal cost is \$96,000 for the next three years. Mr. McCarthy felt counsel had provided outstanding legal advice and won four trials in Superior Court.

Mr. Viger recalled the Town had budgeted \$90,000 for legal fees (each year 2008-2010) and overspent each year. Mr. McCarthy said at that time they had reviewed the previous five years to determine what had been spent for legal fees and had gone over-budget with an average of approximately \$115,000 per year. The Town will continue to have access to the New Hampshire Municipal Association.

Mr. McDevitt said there were no objections to including the legal retainer figure in the 2020 budget.

Expense Report

The Board was provided with a copy of the expense report. They will review the revenue report in two weeks. Mr. McCarthy informed the Board that they had 60.74% of the budget remaining. Mr. McDevitt questioned if any departments had brought concerns forward. Mr. McCarthy replied he hadn't heard anything from department heads. He commented it sometimes gets stressful in the November/December timeframe. If he hears concerns, he will bring them to the Board.

Review of 2019-2020 budget meeting schedule

The Board reviewed the proposed meeting schedule, which will begin July 16th and conclude August 27th. Department heads will be asked to bring a list of desired items that fall outside their requested budget and discuss possible warrant articles.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McCarthy reported he received two letters from Primex (Town's insurance carrier). He read the letters aloud, which indicated the Town would receive a premium holiday distribution of \$5,265.52 (effective July 1st) for the property and liability program and a distribution of \$19,553.84 (effective July 1st) relating to workman's compensation. Mr. McCarthy informed that the water commissioners held a meeting. He provided them with RSA 91:A information. He updated the commissioners on the new water application and map route. He will help post their meetings and create a water commissioner's page on the Town website. He will also set up Town email addresses for the members. The commissioners have decided to meet once a month.

Mr. McCarthy reported that a traffic island had been created at Pelham Veteran's Memorial Park so the fob reader could be situated in the center and not block vehicle traffic flow. He said the lifeguards at the beach had indicated that the activity had been fantastic. Mr. McCarthy ended by informing the Board that he received notification from Lisa Martin of Quantum Engineering that the New Hampshire Department of Transportation has approved the Abbott Bridge project to move forward.

MOTION: (Viger/Forde) To authorize Town Administrator Brian McCarthy to sign the New Hampshire Department of Transportation contract for the Abbott Bridge bypass project known as New Hampshire Department of Transportation project #29450.

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VOTE: (5-0-0) The motion carried.

Mr. McCarthy told the Board he would have Town Counsel review the contract.

Ms. Forde reported she attended the Planning Board's housing charrette presentation. She applauded the Planning Board for taking the first steps. She said if citizens have questions/concerns she is at Enterprise Bank every Saturday from 9:30am-10:30am.

Mr. Lynde stated he was also present (as Selectmen's Representative) for the Planning Board's presentation of the housing charrette. He was surprised to hear Pelham was unique in addressing the workforce housing. He believed the key thing was how to provide housing for younger people to buy and live in the town they grew up in.

Mr. Cote met with Paul Gagnon of the Conservation Commission and discussed bringing solar to Pelham. He said Mr. Gagnon mentioned certain Town parcels that were flat/open and not visible when driving by. He will pursue that avenue to see what it could bring to the Town.

Mr. McDevitt spoke about the passing of Ann Hargreaves and her volunteerism throughout the years. He stated he was also in attendance at the Planning Board meeting for the housing presentation. He pointed out it is a State law to have affordable housing. He said if they don't provide for it and turn down a plan the developer can go to the State who will in turn approve the plan.

Mr. McDevitt stated the Selectmen had adopted an Open Forum Policy in 2009. He asked that people acquaint themselves with the policy if they would like to address the Selectmen in Open Forum.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Lynde/Forde) Request for a non-public session per RSA 91-A:3,II, a, c & e (personnel; matters which, if discussed publicly, would affect adversely the reputation of any person; Consideration of acquisition; consideration or negotiation of pending claims or litigation)

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

It was noted that when the Board returned, after the non-public session, they would continue a public meeting. Mr. McDevitt stated the Selectmen would have computer training.

The Board entered a non-public session at approximately 8:28pm.

MOTION: (Viger/Cote) To leave non-public session.

VOTE: (5-0-0) The motion carried.

The Board returned to public session at approximately 10:00pm.

MOTION: (Viger/Cote) To indefinitely seal the minutes of the non-public session.

VOTE: (5-0-0) The motion carried.

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329 **ADJOURNMENT**
330

MOTION: (Viger/Cote) To adjourn the meeting.

VOTE: (5-0-0) The motion carried.

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332 The meeting was adjourned at approximately 10:22pm.
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334 Respectfully submitted,
335 Charity A. Landry
336 Recording Secretary