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**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN - MEETING MINUTES  
July 31, 2018**

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

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**July 24, 2018**

**MOTION:** (McDevitt/Forde) To approve the meeting minutes of July 24, 2018 as written.

**VOTE:** (3-0-1) The motion carried. Mr. Viger abstained.

**ANNOUNCEMENTS**

There were no announcements.

**OPEN FORUM**

No one came forward.

**APPOINTMENTS**

**Employee Contract Signing – Police Captain Toom and Lieutenant Perriello**

The contract language was acceptable to all parties. Captain Toom and Lieutenant Perriello along with the Board of Selectmen fully executed the employee contracts.

Mr. McCarthy spoke highly of both Captain Toom and Lieutenant Perriello and stated Pelham was very fortunate to have them with the Police Department. He appreciated the Selectmen working with them to negotiate the contracts. He discussed the Police Department and commented it had positively changed over the last few years and grown with the community. He said everyone in Town loved the Police; they are approachable and professional.

The Board thanked the Police Department and appreciated their hard work and everything they do for Pelham.

**Planning Director Jeff Gowan – Tuscan (Salem, NH) project update**

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Mr. Gowan provided the Board with various documents regarding the project. He explained that Greenman Pederson Inc. ('GPI') were the traffic design engineers of the Tuscan project and the Town hired Mr. Kim Hazarvartian of TEPP to review their engineering plan. He commented that Mr. Hazarvartian found very little fault with either the traffic numbers, design and Salem's peer review analysis. He saw there was one intersection with insufficient traffic stacking capability and turning lane. He forwarded these findings to Salem's Planning Director and consultant. GPI responded that the traffic wasn't a result of the project, but rather an existing Salem, NH situation that was not contemplated as part of the project. Mr. Gowan said the insufficient lane stacking has the potential to cause back-ups that would affect the nearest intersection to Pelham. He wanted GPI to keep Pelham in mind as they went forward with the project. He told the Board that he would keep involved with the project as it moved forward given it remained a project of regional impact.

In review of GPI's response, Mr. Lynde saw they agreed with TEPP's comments but saw they didn't offer a solution. Mr. Gowan said they indicate there's an ability to manipulate the traffic light for timing; our consultant understands that. He commented that the low level of service (from the traffic light) wouldn't change that much because of the project being built out. He said that intersection may have problems in the future and he wanted Salem to keep it on their 'radar'.

Mr. McDevitt questioned if it was time for Pelham to be done reviewing the traffic given that the Town's consultant only identified an intersection that is a distance (few miles) from Pelham. He personally didn't see the need for any more involvement because beyond traffic he didn't know what the impact would be. He felt the Town should thank TEPP for the work they've done and thank Salem for listening. Mr. Viger said he tended to agree.

Mr. Gowan personally agreed as well. He noted that TEPP offered to continue to review the new movie theater (in the Sears parking lot) to see if there were any issues, which would fall within the estimate given to the Town. He noted that was a project separate from the Tuscan project. He found no fault with Mr. McDevitt's recommendation and would still like Pelham to have the opportunity to provide input with the project as needed.

Ms. Spencer arrived.

Mr. McDevitt recalled there was a member of the Planning Board that came in front of the Selectmen to raise concerns and questioned where the Planning Board stood regarding the project. Mr. Gowan replied he included the Planning Board on all information sent to the Selectmen; there was only one member that had a strong opinion. He said he invited them on three occasions to meet directly with Pelham's consultant; however, they declined to do so and not offered additional comment. He offered to reach out to the Planning Board via email and ask for comment.

Mr. Lynde questioned if Salem would do a traffic analysis for the movie theater. Mr. Gowan felt they should but hadn't seen numbers on it. He said he could reach out to Salem's Planning Director.

Mr. McCarthy felt it would be a good idea to reach out to the Planning Board. The Selectmen agreed. Mr. Gowan replied he would send an email.

Mr. Gowan informed the Board that the RFQ for the CMAQ Grant was published in two papers and posted in various locations. He then told the Board that the MS4 mapping would conclude on Friday. He said they would have copies of the map both electronically and in printed form. He said the process was coming together very well.

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Ms. Spencer asked for information about the Town's affected water bodies and specifically what they are affected with. Mr. Gowan said he would provide information. Ms. Spencer suggested posting the information on the Town's website. There was a brief discussion about the status of the Town Beach currently being closed due to Cyano Bacteria. It was noted that the bacteria was an ongoing issue due to the use of lawn fertilizer. Ms. Forde suggested speaking to local landscapers to come up with hardscape proposals to suggest to homeowner's as an alternative to lawns. Mr. Gowan agreed with the suggestion. He added that salt applications and winter maintenance should also be discussed. Mr. McCarthy noted that there were other (green) alternatives to fertilizer and winter maintenance; however, they may be costly. The Board thanked Mr. Gowan for the update.

### **OTHER BUSINESS**

#### **Hobbs Community Center sign & Notifying abutters**

Mr. McCarthy asked Planning Director Jeff Gowan to be present for the discussion since he was present for a demonstration of a proposed, with the Direction of the Community Center (Sara Landry).

Mr. Viger, who wasn't present for the Board's last meeting, didn't see that they had taken an official position as to whether to move forward with a sign or not. He understood there were a lot of questions and issues pertaining to Zoning. He wanted to know where the Board was with their opinion. Mr. Lynde replied the Board didn't make a stand and believed there was a sentiment to consider an electronic sign but had some concerns and asked for additional information. He also believed the Board was notifying abutters to hear any concerns.

Mr. McDevitt said it was suggested to treat the request similar to a zoning application and notify abutters of a Selectmen's meeting to hear their comments. Mr. Viger wanted to know if the Selectmen were at the point of making a formal decision or if they were still fact-finding.

Mr. Gowan spoke about the sign demonstration they had and told the Board that Ms. Landry was obtaining new prices. Mr. Lynde summarized the previous discussions by the Board.

Fundamentally, Ms. Spencer had a problem with the Town not following its own (Zoning) rules. Although she was interested in seeing the video/information about the sign and understood the need to update the existing sign. Mr. Viger also didn't want to make exceptions to the rules; however, that wasn't his main concern. He said the cost of the sign was a lot of money and the sign location would be in the new parking lot. He noted every time he drove by the parking lot was full. Ms. Forde shared the concern regarding the cost and at the same time understood the need for a sign. Mr. Gowan agreed that the center needed a sign and at the same time was not an advocate for cutting the parking lot. Mr. McCarthy stated the placement of the sign was problematic.

Mr. Viger discussed the cost of the sign (approx. \$20K-\$25K) and commented that the center had volunteers and part-time employees that needed pay increases. He would rather pay the employees who would give services every day to the seniors and not spend the money on the sign that would potentially grow a program where the parking lot was already full. He preferred to take care of the infrastructure.

Mr. McDevitt suggested marking out the proposed location of the sign so the everyone could see where it would be. Mr. McCarthy thought the Board might consider if they wanted a sign before additional research was done. Mr. Lynde asked if there was support for a decision not to have a sign. Mr. McDevitt pointed out that the department head was not present and didn't know that the Board may take a vote. In fairness he felt they should be present. Mr. Viger suggested taking a non-binding straw poll. At the present, he was not in favor of the sign. Mr. McDevitt stated he would not cast a vote. In

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a non-binding straw poll, Ms. Spencer stated she was not in favor of the sign. While Ms. Forde acknowledged the need for a sign, she was not in favor of an electronic sign.

In fairness, Mr. Lynde thought they should see if there was an appropriate location for a sign. He felt they needed a new sign, but thought good points were raised about spending money on a sign versus other places in the budget.

Mr. McCarthy told the Board he would determine a location for a sign and report back to the Board, so they could make a decision. He agreed the Director should be present during the Board's discussion. Mr. McDevitt spoke about the problems with the current sign during winter months and for sight distance.

Mr. Viger questioned if the sign had to be on the community center property or if it could be located elsewhere for general information. Mr. McCarthy recently heard a suggestion that the Town should have an electronic sign. Mr. Gowan spoke about how the sign could be lit and noted that the electronic portion would still be in violation. Mr. McCarthy reiterated he would have Ms. Landry attend the next meeting and also show the Board a proposed location for a sign.

### **Discussion - Departments applying for grants.**

Mr. Lynde said a concern was raised about departments applying for grants that would bind the Town. Mr. McDevitt said he would like department heads to inform the Selectmen and/or Town Administrator before they applied for a grant. He recalled some years ago department heads had applied for grants that the Selectmen thought were bad ideas. He explained that the Town wasn't allowed to accept a grant that bound the Town to spend additional funds without Town Meeting. He wasn't suggesting that the Board had to vote, but he wanted to know about grants before reading it in bi-weekly reports.

Mr. Viger added if a department was going to apply for a grant it should be at the least an agenda item for the Board to review. Mr. McCarthy replied he could address it with the department heads and would send them an email informing that grant applications should be discussed by the Selectmen prior to submission. Mr. McDevitt commented that a bi-weekly report didn't constitute notification to the Board.

### **Update - Ploof/Brookwood Realty**

Mr. McCarthy stated that they had the hearing in June and felt Town Counsel argued successfully. He was waiting for the court's decision.

### **Update - Helgemoe Barn**

Mr. McCarthy informed the Board that Mr. Helgemoe had been served on May 24<sup>th</sup> by the Sheriff's Department with information per RSA 155,B,2. On June 12<sup>th</sup> Mr. Helgemoe met with Mr. McCarthy and informed he was in the process of getting quotes from three vendors to restore the barn. Mr. McCarthy told him there needed to be a timeline but has not heard back from him. He asked the Code Officer to find out where in the process he was; however, after two visits the Code Officer hasn't been able to make contact. Mr. McCarthy told the Board he would give Mr. Helgemoe another couple weeks, and if there's no response he'll contact Town Counsel.

Mr. McDevitt stated he was sympathetic to the whole issue but questioned what they gained by giving more time since he had already violated the order. Mr. McCarthy felt the gain would be to work with Mr. Helgemoe, so the cost would be his and not the Town's expense. He noted Mr. Helgemoe

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understood if the Town must do the work the barn will be removed and not restored. He added that he had a good conversation with him.

### **Update – Drought status**

Mr. McCarthy reported as of July 26<sup>th</sup> the Town had been upgraded from ‘Moderate Drought’ to ‘Abnormally Dry’. He discussed the fact that the Town had reduced its watering and advertised the drought statuses. He will continue to provide updates.

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

Mr. McCarthy provided the Board with the status of the boiler project. He then discussed the air conditioning and windows in Sherburne Hall. He said they’ll have a control system that he’ll be able to access remotely with his phone. He said there was a maintenance contract that was more expensive than expected. Mr. Viger stated he would review the contract and believed there were some opportunities to make changes. Mr. McCarthy briefly spoke about the Town Building’s budget and noted there would only be five buildings remaining on oil; Senior Center, Highway building, Transfer Station, Historical Society building and Scout Lodge. He said the Cemetery building was on propane and the remainder of Town buildings would be on natural gas. He added that he would be shutting down the Annex building, so it would have no electricity or heat.

Mr. Viger stated his employment had changed but he would be speaking to Mr. McCarthy every day to stay on top of situations.

Mr. Lynde reported that there were two Bills vetoed by the Governor and there was a move to have those vetoes overturned. 1) Debt Metering Bill and 2) Biomass (woodchips). He discussed each and asked the Board if they would support sending a letter to the State Representatives to ask for an override. There was a brief discussion; the Board was not in favor of sending letters on behalf of the Town.

### **REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (McDevitt/Viger) Request for a non-public session per RSA 91-A:3, II, c (Matters which, if discussed publicly, would affect adversely the reputation of any person)

**ROLL** Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes, Ms. Forde-Yes,

**CALL:** Ms. Spencer-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 8:00pm.

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

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

The Board returned to public session at approximately 8:19pm. Non-public meeting minutes were not sealed.

### **ADJOURNMENT**

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238 The meeting was adjourned at approximately 8:19pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary

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