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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
August 13, 2019
APPROVED – August 27, 2019

CALL TO ORDER - approximately 6:30PM

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

ABSENT: Mr. Kevin Cote

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

August 6, 2019:

MOTION: (Lynde/Forde) To approve the August 6, 2019 meeting minutes as amended.

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

ANNOUNCEMENT(S):

The Town of Pelham received notification from the State of New Hampshire regarding a confirmed case of Eastern Equine Encephalitis ('EEE') in a mosquito test batch. There have been no confirmed human cases of EEE in Pelham. Out of an abundance of caution the Town will implement spraying in the Town fields, parks and schools immediately to reduce the risk of EEE exposure to the community. For complete press release see pelhamweb.com or contact the Selectmen's office.

NOTICE OF PUBLIC HEARING: The Pelham Board of Selectmen will hold the second of two public hearings on Tuesday, August 27th, 2019 at 6:45 PM in Sherburne Hall, 6 Village Green, Pelham, NH regarding a proposal to purchase approximately 0.48 acres of the 10-acre parcel defined as Map 40 lot 6-159. This 0.48 acres will provide trail connectivity between two Town owned parcels. The purchase price is \$15,300 and the funds will come from the Conservation Commission's Land Use Change Tax fund. The parcel is to be acquired as conservation land. For further information, contact: Pelham Planning Dept. (603) 635-7811 to leave a message for the Conservation Commission Chair.

OPEN FORUM:

No one came forward.

DISCUSSION

The Upper Room in Derry, NH

Mr. McDevitt informed that the Selectmen received a copy of material from The Upper Room who had requested a \$2,000 donation to help support programs that serve Pelham residents. He summarized the programs/services provided.

After a brief discussion, the Selectmen held off on making a motion and decided they would change the Human Services budget at the time they vote.

Willow Street Bridge Update

Mr. McCarthy reported he visited the site and took photographs of the progress. All five beams have been installed. It's anticipated by next week (or the following week) the decking should be completed. The tentative opening date for Willow Street is October 4, 2019; however, they are cautiously optimistic to open the road sooner.

Mr. Lynde understood the area would be cleaned up after the construction. Mr. McCarthy replied they would clean to some degree; the road would be open during that time.

APPOINTMENTS:

PUBLIC HEARING: The Pelham Board of Selectmen will hold the first of two public hearings on Tuesday, August 13th, 2019 at 6:45 PM in Sherburne Hall, 6 Village Green, Pelham, NH regarding a proposal to purchase approximately 0.48 acres of the 10-acre parcel defined as Map 40 lot 6-159. This 0.48 acres will provide trail connectivity between two Town owned parcels. The purchase price is \$15,300 and the funds will come from the Conservation Commission's Land Use Change Tax fund. The parcel is to be acquired as conservation land.

Conservation Chairman Paul Gagnon came forward to discuss the proposed conservation land purchase. The proposal is to purchase approximately a half acre of land with the sole purpose of continuing trail connectivity. He referred to a Town map and pointed out the location of the land. He explained that a land owner was granted approval from the Zoning Board and Planning Board to build a duplex on their lot; as part of the development the land owner had the perimeter of their lot surveyed and found that the Town trail cut across the northern edge of their 10-acre property.

Mr. Gagnon displayed a map of the southern portion of Town and the location of the existing trail leading from Pulpit Rock Road, across the private landowner's parcel and back into Town land. He said they would re-locate a short section of the trail. He noted they would have re-located the entire section of trail off the property owner's parcel; however, there was a wetland (and small bridge) that came close to the corner of the property that made it impossible to do so.

The agreement is to pay the landowner the same amount they will pay the Town for taking their parcel out of current use (to build the approved duplex). The parcel was appraised at \$153,000 of which 10% (\$15,300) would be owed to the Town for current use. The Conservation Commission has offered to pay the \$15,300. Mr. Gagnon showed a closeup plan of the lot with the proposed adjusted lot and area of the trail location. He explained that the Conservation Commission has already voted to approve the acquisition. The plan was also presented to the Planning Board and approved a lot line adjustment contingent upon the Selectmen approving the purchase. The Planning Board sent a letter to the Selectmen recommending the acquisition of land.

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

The second of two public hearings will be held August 27, 2019 beginning at 6:45pm in Sherburne Hall, 6 Village Green, Pelham, NH 03076

DISCUSSION

Plowing private roads

Mr. McDevitt provided a brief history. Many years ago, the Town plowed/maintained private roads in the winter. A lawsuit was brought against the Town indicating they couldn't continue to do so, and the residents maintained the roads in the winter. He recalled the Selectmen were again approached by residents who indicated they would pay the Town to plow/maintain the roads. He noted if the Town maintained a private road and didn't charge anything for doing so, the Town may become responsible for that road and it would no longer be private. In speaking to Mr. McCarthy, he understood some of the issues brought up by the Road Agent regarding getting drivers for plowing was made worse by having additional mileage to plow. He said if they were to shrink some of that mileage the problem wouldn't be as bad as it currently was. Mr. McDevitt said the Board would need to speak to the Road Agent to find out if public roads had a delay of plowing/maintenance because of the plowing/maintenance being done on private roads. He said the situation raised a question that hadn't been visited in a long time as to whether the Town should continue to plow private roads and charge for it or if they should stop plowing. He suggested if a decision was to be made, they should do so soon because residents of private roads may not be in the area during the winter. Mr. McDevitt understood it wasn't the Town's problem, but they needed to be sensitive to the residents.

Mr. McDevitt pointed out if there were less plow drivers and more roads, clearing the roads would be slower. This passed some of the inconvenience and cost of maintaining private roads onto the public. He felt the Board needed to examine the situation further and wanted the Selectmen to know it was an issue. He suggested having the Road Agent come in to speak to the Board. Mr. McCarthy replied the Road Agent was scheduled to be present but had an emergency come up.

Mr. McCarthy provided the Board with a list of private roads the Town clears and a list of 'development' roads that are not presently Town roads, but at some point, in time (after meeting standards and over-wintering) would become Town roads. The list included road length and associated amount charged by the Town. The Road Agent will meet with the Board for further discussion.

**there was further discussion. See below*

PUBLIC HEARING: The Pelham Board of Selectmen will hold the second of two public hearings on Tuesday, August 13th, 2019 At 7:00 PM in Sherburne Hall, 6 Village Green, Pelham, NH regarding a proposal to purchase two lots of approximately 4.62 acres and 12 acres, defined as Map 32 Lot 2-69 and Map 32 Lot 2-69-3 respectively. Lots located off Spaulding Hill Road. Parcels to be acquired for use as conservation land.

Conservation Commission member Al Steward came forward and reviewed the information pertaining to the two lots proposed for purchase. Using a map of Pelham, he showed the location of the two parcels totaling approximately sixteen acres. He explained that the parcels connected Town-owned lands; they have natural resources such as water, trails, trees, stone walls and wildlife. The owner is interested in conservation. The commission felt the price was reasonable and there would be no cost to rehabilitate the land. He showed photos of the parcels and surrounding areas. The total value (for both parcels) is \$42,700, minus use tax of \$4,270; the offer price is \$38,430 (\$2,312.27 per acre). The funding source will be through the Current Use Fund and have no taxpayer impact.

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Mr. Steward reviewed the commission's checklist for determining how desirable a parcel is for purchase. He stated the parcel met the criteria for purchase.

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

It was announced that the Selectmen would consider voting at their next meeting.

DISCUSSION

Plowing private roads (*continued from earlier in meeting*)

Mr. McDevitt stated there was a concern and the Board had to make sure the interest of those not living on private roads was protected.

Mr. Lynde questioned if it was possible to hire someone to exclusively do the private roads. Mr. McCarthy replied they already did. He explained the problem was having the plow trucks on the private roads made it, so they weren't on the Town roads. He said they could reallocate the plow trucks to public roads and the developments would be responsible for clearing their own roads. He noted the Town received complaints about how long it takes for roads to be cleared. He believed there were a lot of issues that the Road Agent would be able to address with the Board.

Mr. McDevitt stated there were two different types of roads to discuss: 1) private road (i.e. roads near the ponds) and 2) roads within a development that haven't yet been accepted by the Town. He said the development roads were becoming a large list. Mr. McCarthy stated the Town was basically breaking even just on what they were charging, which didn't account for damage done to equipment as a result of some of the old Town roads. He said they were reviewing the best alternatives.

Mr. Lynde felt developers should maintain their own roads. For private roads he felt the Town should conduct a review and if issues were found, they should be fixed before the Town plows.

Mr. McCarthy spoke about a road up on a hill that had a significant snow drift issue that requires additional passes by the plow because the snow keeps blowing across the road and people can't get through. He met with the Road Agent and Planning Director who will in turn have discussions with the developer to put in some type of vegetation to hopefully reduce the snow issues. He noted eventually the road would be a Town road. He said the Road Agent is reviewing other roads that have similar problems so they can be fixed before becoming a Town road. Mr. McCarthy pointed out when the plow has to keep going to that location (to clear the snow drift) a Town road isn't plowed. They are trying to balance the situation. Ms. Forde noted snow nets may make a difference as a 'patch solution' until the developer is in a position to make the right decision regarding appropriate vegetation. Mr. McCarthy replied he discussed that type of solution with the Planning Director and both agreed the residents in that particular development wouldn't want a snow net on their property. He stated they would be having further conversations.

Mr. Viger pointed out between the two lists (private roads and development roads) there were twenty-eight roads with an associated cost of approximately \$30,000. Mr. McCarthy added the total road length was approximately five miles. Mr. Viger noted the proximity of the roads may not be close, so the mileage in between also weighed on the problem.

The Board will have the Road Agent meet with them to have a discussion at their next meeting. Mr. McDevitt said he had mixed feelings about the development roads. He understood it wasn't the Town's responsibility; however, the residents who moved there didn't know it. Mr. Viger said the Town forces

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the roads to weather over a season. Mr. McCarthy said perhaps there could be a document that explains to buyers that the roads are going to be under the care of the developer until they become a public road. Mr. McDevitt recalled the Road Agent posted signs on the development roads that informs the road isn't maintained by the Town. Mr. McCarthy replied signs were posted, but they went missing. He said there were other aspects of the situation that made it difficult, such as finding plow drivers. The Board wanted the Road Agent's feedback.

Mr. McDevitt stated he received feedback from residents regarding the condition of some of the Town roads and suggested the Board discuss the paving schedule. Mr. McCarthy suggested the Board may want to consider additional Highway Department employees.

The Board will have further discussion with the Road Agent.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt stated the Board would discuss the knotweed situation near Lyons Park at their next meeting. He then told the Board that he received feedback relative to his comment (during the last meeting) about the Memorial School renovation project not having a dollar figure in the Capital Improvement Plan ('CIP'). He learned the School Board wasn't yet at a point with the Memorial School renovation that they felt comfortable putting a number in the plan. He noted the CIP was supposed to be a guide for the Town boards and Budget Committee to help level taxes.

Ms. Forde reported she met with the new High School Principal to discuss creating a community service award for an underclassman. She said they have a path forward and will report back to the Board.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Lynde/Forde) Request for a non-public session per RSA 91-A:3,II,a (Personnel)

ROLL Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Forde-Yes

CALL:

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 7:34pm.

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

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

The Board returned to public session at approximately 7:45pm.

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

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

ADJOURNMENT

The meeting was adjourned at approximately 7:45pm.

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Respectfully submitted,
Charity A. Landry
Recording Secretary