

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
January 22, 2013
APPROVED – February 19, 2013

CALL TO ORDER – approximately 6:00pm

PRESENT: Mr. William McDevitt, Mr. Edmund Gleason, Mr. Robert Haverty, Mr. Doug Viger, Mr. Hal Lynde

ABSENT: Town Administrator Tom Gaydos.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Gleason/Haverty) Request for a non-public session per RSA 91-A:3,II, e
(Consideration or negotiation of pending claims or litigation)

ROLL Mr. McDevitt-Yes; Mr. Gleason-Yes; Mr. Haverty-Yes; Mr. Viger-Yes (Mr.
CALL: Lynde arrived during non-public session)

The Board entered into a non-public session at approximately 6:03 pm.

The Board returned to public session at approximately 6:37 pm.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

January 8, 2013

MOTION: (Gleason/Haverty) To approve the January 8, 2013 meeting minutes as amended.

VOTE: (3-0-2) The motion carried. Mr. Viger and Mr. Lynde abstained.

OPEN FORUM

No one came forward to speak.

Announcement(s):

- Town Deliberative Session, Tuesday, February 5, 2013 at 7pm in Sherburne Hall
- School Deliberative Session, Wednesday, February 6, 2013 at 7pm in Sherburne Hall
- As of January 2, 2013, Town Clerk now accepting “One Check” for any motor vehicle transaction
- Open Filings for March 2013 Election from January 23, 2013 - February 1, 2013

39 **APPOINTMENT(S)**

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41 **Applicant for Forestry Committee: Christine McCarron**

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43 Ms. Christine McCarron came forward to discuss her volunteer application. She's been active
44 with the Forestry Committee (though not an official member) and a member of the Conservation
45 Commission for the past few years. Due to time constraints she decided to let go of her position
46 on the Conservation Commission. Ms. McCarron wanted to continue her work with the Forestry
47 Committee and make her position official. She discussed the various things she was involved in
48 with the trail systems within the Town and what activities she would continue to do.

MOTION: (Lynde/Haverty) To appoint Ms. Christine McCarron as a member of the
Forestry Committee with the term to expire March 31, 2015.

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

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50 The Selectmen asked that Ms. McCarron go to the Town Clerk's office to be sworn in.

51
52 **Jeff Gowan, Planning Director Discussions:**

- 53 • **Flood Study Recommendations**
54 • **Code Enforcement Update**
55 • **Nashua Regional Planning Commission Update**
56 • **D.O.T. Road Safety Audit on Two Key Problem Intersections**

57
58 Mr. McDevitt commented that last year's Town Meeting approved a warrant article to provide
59 funds to hire a firm to do a flood study to help the Town identify and resolve some of the flooding
60 problems occurring along Beaver Brook. A request for quotes was put together and resulted in
61 quite a few applications, which after review had been reduced to three companies.

62
63 Planning Director Jeff Gowan came forward and told the Selectmen that based on the written
64 proposals Vanasse, Hangen, Brustlin, Inc. ('VHB') had ended up at the top of the list, although
65 all of the firms were capable of completing the task. He said the quality of the proposal and
66 compelling nature of the descriptions and the mapping put VHB at the top of the list.

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68 Mr. Gleason agreed with the recommendation and was in favor of the process including the
69 public participation. He confirmed it would be an integral part of the study proceeding forward.
70 Mr. Gowan answered yes; he believed the public portion may be the most important part of the
71 study. He noted that VHB was an outstanding firm and was impressed in all his experiences with
72 them.

MOTION: (Gleason/Lynde) To award the contract for the flood study to Vanasse, Hangen,
Brustlin, Inc.

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

73
74 Mr. Gowan will inform VHB of the Selectmen's decision. He noted that all the firms anticipated
75 completion of the study within the April/May timeframe and to begin the public outreach
76 component at that time. Mr. McDevitt commented that both Mr. Gowan and Mr. Gaydos had the
77 opportunity to meet with each of the firms to discuss the proposals, the decision wasn't being

made solely on the submitted information. Mr. Lynde noted the Selectmen had the opportunity review the proposals and provide comment. He concurred that VHB presented a better proposal.

Mr. Gowan discussed code enforcement and the hiring of Mr. Jerry Rapucci as the new Code Enforcement Officer for the Town. He discussed Mr. Rapucci's qualifications and how he had approached the position. He said a bi-weekly code enforcement report will be submitted to the Selectmen attached to the Planning Department's report. Mr. Gowan discussed the position and the varied hours that would be covered (including some Saturdays and Sundays).

Mr. McDevitt asked if enforcement had slid backwards during the time without an officer. Mr. Gowan said during the time in between officers the Town somewhat slid backwards; the focus was on safety related, acute issues. With Mr. Rapucci in the position, the department was able to expand to a broader enforcement approach. Mr. Gowan was very pleased with the process.

Mr. Gleason asked what the public reaction had been. Mr. Gowan said he had heard very positive comments. Mr. Gleason wanted to know the primary nature of infractions. Mr. Gowan said infractions were of the same nature as they had been since he started in the department. He noted that (illegal used) car sales had crept back up. He said signs weren't as much of a problem as they had been. He said home businesses (not in compliance) and apartments were on the uptick. He said they were handled carefully because those things had the potential (during this economy) to put people on the street. For these items safety is the primary motivator.

Mr. Gowan provided an update with the Nashua Regional Planning Commission ('NRPC'). Information was given to the Selectmen for review. He discussed the various areas for which NRPC assisted the Town, including mapping services.

Mr. McDevitt asked for a status summary regarding the State's involvement with the intersections in the areas of Mammoth Road/Sherburne Road and Route 38/Ledge Road. Mr. Gowan said the report on the Mammoth Road/Sherburne Road intersection was presented and pointed out the short, medium and long-term possibilities for improvements. He said it was a challenge to execute the short-term items and had voiced his frustrations regarding such. He believed funding was a piece of it and commented that the person heading the project had left the Department of Transportation ('DOT'). He was surprised the smaller actions couldn't have been executed at the Mammoth/Sherburne intersection, such as signage, adjusting the configuration etc. However, nothing has been done. Mr. Gowan said the report for the other intersection (Route 38) had just been produced and finalized. When he asked the DOT when a meeting could be set to discuss the report he was told it would take between three and six months. Mr. McDevitt questioned if there was anything the Selectmen could do to help move the process along. Mr. Gowan said it previously helped for DOT to receive a letter from the Selectmen encouraging action. He said the situation was not unique to Pelham, NRPC was working with others without seeing impressive results. He offered to draft a letter for the Selectmen that would be sent to the DOT.

Mr. Gleason was in favor of sending a letter to the DOT and suggested asking them to expedite their actions. He said part of the previous discussion was the situation with the State not plowing/sanding the area until last. He said that would be a recurring theme through every winter until such time that a secondary road was opened. He would like them to move toward some kind of resolution and exert some influence on the Town's behalf.

Mr. Gowan will draft a letter to the State for the Selectmen to review.

Mr. Lynde questioned if any progress had been made to revise the 100-year flood plain. His concern was the Town having an outdated map of the flood plain given the extreme weather occurring. Mr. Gowan said an update would be an enormously complex process and couldn't imagine the cost of trying to do it for the entire Beaver Brook. He said the consultant would bring them information on how to deal with certain aspects along the flood study issues. He suggested possibly focusing on areas where the flood plain was most inaccurate. The flood plain is based on elevation and the line on paper can be deceiving. Mr. Gowan couldn't offer any immediate advice on how to change the flood plain but commented related information would come from the flood study the Town is undertaking. Mr. Lynde asked if the Planning Board could address things in more detail or protection as they proceeded with developments in sensitive areas. Mr. Gowan believed that was already happening and discussed actions that occurred during the development of the new bank.

OTHER BUSINESS

Report on Budget Committee Reconsideration Meeting

Mr. Gleason stated the Selectmen brought forward three items for the Budget Committee to reconsider: 1) Increase Insurance account to cover the latest projected fees; 2) Increase Legal budget to cover the continuation of litigation; and 3) Increase Town Building's budget to accommodate some increases for gas services. He reported those items were accepted by the Budget Committee. He said the more significant item was the \$895,000 warrant article for the conversion of the six classrooms for the School Administrative Unit, which passed with a 9-1 vote.

The Town's new 2013 Operating Budget is \$13,093,475 representing a 4.3% increase over last year.

Mr. McDevitt reminded the public that the Deliberative Session (February 5, 2013 at 7pm) was a good time for citizens to ask questions about the budget.

Review of Warrant in Final Form

The Selectmen were driven by statute to post the warrant. Any changes to be made to the Warrant Articles could be done at Deliberative Session. Mr. Gleason noted that Article 6 would need to follow the wording recommendation of the DRA; he would offer an amendment to reflect the recommendation during Deliberative Session. Mr. McDevitt said there may be additional discussion regarding the Petition Warrant Article dealing with tax exemptions.

Review of Cleaning Services

This item was deferred.

Fire Station Update

This item was deferred.

Mr. McDevitt noted he would be working with the Fire Chief and PTV to do a video walk-through of the fire station that would air on local cable.

December 2012 Revenue & Expenses

This item was deferred.

SELECTMEN'S / TOWN ADMINISTRATOR REPORTS

Mr. Haverty stated he would be attending a special meeting of the Regional Haz Mat Board of Directors. The purpose of the meeting is to discuss a proposal to lease a facility to provide storage to the District's vehicles and equipment. The cost increase to the Town would be approximately \$600 per year. He said understanding the Town had already gone through the budget process for the year, the board had identified left over funds from this year that would get them through next year's budgeting process. He recommended supporting the proposal.

Mr. Viger extended personal gratitude to everyone for the public outreach and support of his family in the passing of his father.

Mr. Lynde stated that he, Mr. McDevitt and Mr. Gleason testified before the Elections Committee on a Bill sponsored by Representative Charlene Takesian to try to have Pelham have its own representative district of four representatives. He believed the testimony was compelling and very well structured.

Mr. Gleason had no report. He complimented Representative Takesian for being vocal on behalf of the Town.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL CALL: Mr. McDevitt-Yes; Mr. Gleason-Yes; Mr. Haverty-Yes; Mr. Viger-Yes; Mr. Lynde-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 7:47 pm.

The Board returned to public session at approximately 8:35 pm.

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

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

ADJOURNMENT

MOTION: (Haverty/Lynde) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:35 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary

BOARD OF SELECTMEN ACTION ITEMS

March 29, 2011

- Mr. Gaydos to put timeline together for Castle Hill Road (6/7/11 easement being completed that would allow the Crawfords to access their property)(7/5/11 – Mr. Gaydos stated the project was moving forward, there were other issues to get out of the way prior

to addressing this)(8/2/11 Mr. Gaydos is working with Attorney Solomon and will have a timeline quickly)(8/9/11 – Mr. Gaydos continuing to work with Attorney Solomon-associated correspondence will be provided to the Selectmen)(8/30/11 – still in progress); 1/17/12 – still in court. As of 7/10/12 on-going legal issues – October 16, 2012 remains in court.

May 10, 2011

- Mr. McDevitt researching appropriate signage for Raymond Park (where parcels are located and what names were allowed per deeds) (6/7/11 Mr. McDevitt said research was completed and would like to discuss with the Board after the meeting of 6/28/11)(7/5/11 – Mr. McDevitt said a discussion should be scheduled regarding the names at Raymond Park. Information is available to educate the Selectmen. A discussion will be scheduled for July 19, 2011)(8/2/11 Mr. McDevitt said the Board had received a draft of the naming requirements of the park, which raised additional questions. The Selectmen will schedule a discussion at a later time)(8/9/11 – there is a question whether there could be signs that stay up at Raymond Park – this is in the process of being addressed)(8/30/11 – agenda item scheduled) / 10/25/11 – research still being conducted and signs to be designed; 1/17/12 – ongoing project – an Eagle Scout project will possibly be brought forward to put up kiosk. July 10, 2012 – Park & Recreation Director waiting for a Boy Scout to come forward with a project. / October 16, 2012 Mr. McDevitt will speak to Park & Recreation.

May 24, 2011

- Mr. Gaydos to review the legal ramifications of changing the road classification in the Gumpas Pond area; 7/10/12 Mr. Gaydos to check status with Ms. Waters. / October 16, 2012 pending.

July 5, 2011

- Mr. Gaydos to request from Comcast something in writing indicating there will be no additional charge for moving cable to new fire station location (8/2/11 Mr. Gaydos said there were several issues he would deal with all at once when Comcast returned the signed contract)(8/30/11 – contracts returned – Town will approach Comcast with two required follow up letters of agreement) / 10/25/11- Mr. Gaydos to ask Mr. Greenwood to follow up; 1/17/12 follow up needed for written agreement. / October 16, 2012 pending

August 2, 2011

- Obtain status regarding Young's Crossing and the flashing sign on Route 38/Gage Hill Road/Ledge Road intersection and from Police Chief. (8/9/11 Mr. Gaydos had a discussion with Police Chief Roark regarding the flashing light and there may be less expensive alternatives. The Chief has requested a meeting with the DOT district for Pelham)(8/30/11 – correspondence received from State – Mr. Gaydos to work with Police Chief Roark to compile accident statistics) / 10/25/11 – Mr. Gaydos said Chief Roark was heading this up – the same type of study is being done at the Sherburne Road intersection.; 1/17/12 – still working with intersection (with state) in conjunction with Sherburne Road. / October 16, 2012 Planning Director Gowan to address and provide status update.

August 16, 2011

- Mr. Gaydos to research if there is legislation pertaining to dam water releases for a future agenda item (8/30/11 –Mr. Gaydos working on response regarding dam water releases

and hoped it would also address the flood ordinance Mr. Gowan was working on)/
10/25/11 – Mr. Gaydos said there was wording, but it didn't have sufficient 'teeth' – an
agenda item will be scheduled for Selectmen discussion; 1/17/12 – at a standstill between
what the state is willing to do and what the Town would like them to do. Mr. Gaydos felt
the flood study would aid in an outcome. /October 16, 2012 proposals to be reviewed and
narrowed down and presented.

April 10, 2012

- Mr. Gaydos to contact people in Londonderry regarding the flood study and work with Mr. Gowan to coordinate. / October 16, 2012 pending.

April 24, 2012

- Planning Director to review water supply regulation and well ordinance documents and return comments to the Selectmen; October 16, 2012 in progress.

July 17, 2012

- Selectmen to revisit the PUC order/Pennichuck Water to see what the repayment obligation (for legal fees) was to the Town.

November 13, 2012

- Fireworks education – Mr. Viger
- SAU Office Space
- Well Ordinance and Waste Disposal Systems Regulation information/draft