

**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN MEETING**  
**MINUTES**  
**July 9, 2013**  
**APPROVED – July 23, 2013**

CALL TO ORDER – approximately 6:30pm

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger,  
Town Administrator Tom Gaydos

ABSENT: Mr. Robert Haverty

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW:**

**June 25, 2013**

**MOTION:** (Lynde/Viger) To approve the June 25, 2013 public meeting minutes as amended.

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

**June 25, 2013 (non-public minutes) – No action taken**

**ANNOUNCEMENT(S):**

- Accepting Sealed Bids on Two (2) Separate Lots of Town-Owned Land – Bids are due by July 12, 2013, 4pm EST. Details on the RFP Webpage on Pelhamweb.com as well as in the June 22, 2013 editions of the Lowell Sun and the Eagle Tribune Newspapers.
- First Board of Selectmen 2014 Budget Meeting next Tuesday, July 16, 2013.
- State Funding Shortfall

Mr. Gleason said the Selectmen had been advised that the New Hampshire Department of Transportation ('DOT') was facing a \$50 million dollar deficit, which would create some hardship for the State. According to what the Town has been told, the State's ability to maintain the roads will be seriously hampered. It was stated that the DOT would continue to give priority to roads that were in relatively good shape as it was more cost effective. This will mean that worse roads would continue to deteriorate. There are approximately 700 red listed (or near red listed) bridges in the State and at the current funding levels it would take 94 years, assuming they don't continue to age. As the State roads continue to deteriorate, there will be less money for municipal bridge repairs. The DOT will need to find ways to cut expenses. Mr. Gleason said Representative Lynne Ober has been invited to meet with the Selectmen (July 23<sup>rd</sup>). He felt it would be a good forum to express the Town's concerns of this type of issue and further pass-downs of State responsibility to towns.

Mr. Lynde said the Legislature tried to deal with the issue this year by passing an incremental increase in the gas tax, which would have brought them up to approximately where they should be. This passed the House, but failed the Senate. He said there was recently a presentation in Concord

on the issues; the DOT was quite concerned. Mr. Lynde said in the details, it's shown that they couldn't maintain what they currently had. He noted that the funding source (road toll/gas tax) had been constant since perhaps the early 1990's. He also noted that cars were becoming more efficient. He said the Town had already seen reduced funding in the highway funding.

Mr. Gleason advised that there were State roads in the Town that were not the Town's responsibility. He said the point was that the Town had to be diligent and put the pressure on the State Representatives to try to avoid any further pass-downs of costs to the Town.

**OPEN FORUM:**

Mr. Mike Sherman, Old Bridge Street came forward to confirm that Senator Shaheen's people would be at Town Hall on Thursday (July 11<sup>th</sup>). Mr. Gaydos answered yes; the Senator's representatives would be in Town. Mr. Sherman asked if any of the Selectmen would meet with the representatives. He said it was recently noted that the USGS would start closing some of the stream gauges down due to lack of funding. He noted there was a stream gauge on Beaver Brook at the edge of Windham and Pelham that measures the level of the brook and the velocity etc. He planned to meet with the Senator's representative and hoped one of the Selectmen could get behind the issue as well.

Mr. Lynde said the person most interested in the issue is the Fire Chief because he deals with flooding issues. Mr. Sherman hadn't yet shared the information with the Fire Chief. Mr. McDevitt said it might be useful for the Board to contact Senator Shaheen via letter expressing their concern. Mr. Gleason suggested also sending letters to Senator Ayotte, and Representative in Congress Ann Kuster.

Planning Director Jeff Gowan, who was seated in the public, came forward and told the Selectmen he would be happy to arrange attendance to the meeting with Mr. Sherman. He felt having a separate letter also made sense. Mr. Gleason also wanted to know if Selectmen participation would be beneficial.

Mr. Gaydos commented that the Senator set up the program (of meeting with residents in the Town Hall) to keep residents from having to send formal letters. The representatives report everything up through the chain of command. He said if they didn't receive a response a letter would probably be appropriate. He felt the way to proceed would be if the Town didn't receive a response through meeting with the representative, then a letter could be sent.

Mr. Gleason questioned how the current flood study would be affected if the spring gauge was shut down. Mr. Gaydos said they had historical data that wouldn't affect the study. His concern was the State had a block of money and would decide which got shut down. Mr. Lynde asked who maintained the gauge. Mr. Gaydos said the State maintained the gauge.

Mr. Gleason confirmed that the recommendation was to have the Fire Chief, Mr. Gowan, Mr. Sherman and a Selectmen Representative meet with Senator Shaheen's representative and find out if further assistance is necessary.

Mr. Lynde felt there were two separate things; first, Federal money was being paid for the gauges, and second, who determined what got controlled. He said the concern voiced to the Senator should be if cutting the funds for the stream gauges would create problems especially given the variability of water and the need to understand what was happening in a reasonable period of time. He said

another aspect would be to understand the mechanics of who controls the money and how it is divided out.

Mr. Gleason asked Mr. Gaydos to find out from the State who had the responsibility for the operation and who provided funding or how it was allocated.

Mr. Paul MacDonough, 29 Mammoth Road came forward to commend the people hired at the Transfer Station. He was impressed with what was going on at the facility. He said he appreciated the PTV program Mr. McDevitt did (about Town departments/activities) and found it to be very informative. Mr. Gleason said the Selectmen appreciated and supported Transfer Station Director Stan Walczak's work at the facility.

**PUBLIC HEARING(S):**

- 1) Regarding a Proposal to Purchase Property of Approximately 36 acres of a 39.5 acre lot defined as Tax Map 33 Lot 1-161, 16-18 Greenmeadow Drive. This lot is being acquired for use as conservation land.**

Mr. Gleason opened the public hearing for comment.

Mr. Paul Gagnon, representing the Conservation Commission, came forward to present the proposal to acquire the parcel on Greenmeadow Drive. He reviewed a tax map of the surrounding area that showed the land already acquired for conservation land and the importance of the proposed lot that would get them closer to connecting approximately 500 acres of Town owned land. The 36 acre lot being discussed was primarily high and dry land. The Town will have a 50-foot right-of-way coming off Greenmeadow Drive into the parcel and will also have an access from a development off Spaulding Hill Road (called Skyview Estates). These access points will enable the parcel to be maintained. The agreed upon purchase price is \$264,000; the parcel appraised at \$280,000. The Town has it appraised at \$527,000. There was a decrease in the purchase price due to a timber harvest by the prior owner; a good thing was the harvest had been overseen by the Town Forester, Dan Cyr and done properly.

Mr. Gagnon noted since the Town started the effort and passed the bond (in 2003), they had acquired 741 acres. Their goal is to get to 1000 acres. Of the parcels purchased, the average purchase price is \$6,800/acre. He said if the donated parcels were included in the calculation, the average price per acre would be \$6,200.

Mr. Gagnon said they didn't have an engineering layout of the parcel, but with his personal estimate he felt there could be a dozen house lots. He commented they had a conservation open space plan developed (in 2009) with the Nashua Regional Planning Commission ('NRPC') which identified three priority area in the Town. The area being discussed was priority one in that plan. The criteria checklist (provided to Selectmen) showed the proposed parcel as passing with 'flying colors'. The Conservation Commission held their public hearing on the parcel in September, 2012 and voted in favor (5-0) to acquire the parcel. He pointed out that Mr. Bob Lamoureux was the initial contact person for the parcel. Mr. Gagnon commended the people behind the scenes.

The Selectmen spoke of their appreciation for the work done to acquire conservation parcels. Mr. Gagnon said the support was appreciated.

Mr. Gleason announced that the second public hearing would be held, Tuesday, July 23, 2013 at 6:45pm at Sherburne Hall.

2) **Regarding a Proposal to Purchase Property of Approximately .28+/- acres located at Tax Map 31 Lot 11-27. This parcel is being acquired for use as conservation land.**

Mr. Gleason opened the public hearing for comment.

Mr. Paul Gagnon, representing the Conservation Commission, came forward to present the proposal to acquire the parcel at Tax Map 31 Lot 11-27. Using a Town tax map, he showed the location of the parcel and commented they were doing their best to obtain connectivity in the area. The Snow Mobile Club has a trail going through several parcels in the area. Mr. Gagnon said the .28 acres being discussed was a tiny wedge of land that crossed the ideal access point for forest management and possible trail head parking area for the Spring Street (conservation) parcel. Even though the parcel was tiny, the Conservation Commission felt it would be advantageous to obtain the parcel for access.

Mr. Gaydos noted if they didn't obtain the proposed parcel, the access to the Spring Street parcel would be over a stream and located on a blind curve in the road. He supported the purchase of the parcel because it was located in an ideal area for access (for the safety of residents on the road) and long term maintenance/forestry of the land.

Mr. Lynde questioned if the parcel was being purchased for the appraised cost. Given the size of the parcel, Mr. Gagnon said they didn't spend money on an appraisal. The cost was \$9,100. Mr. Lynde then asked if this was equal to the Town's assessed value and Mr. Gagnon answered yes. It was reiterated that the benefit to the parcel was avoiding a wetland intrusion and providing access to a Town-owned parcel.

Mr. Paul MacDonough, Mammoth Road came forward to speak of the benefits for acquiring land for conservation.

Mr. Gagnon directed the public to the [pelhamrecreationlands.com](http://pelhamrecreationlands.com) website to view the map of the Town, conservation lands and printable trail maps.

Mr. Gleason announced that the second public hearing would be held, Tuesday, July 23, 2013 at 7pm at Sherburne Hall.

**APPOINTMENT(S):**

**Jeff Gowan, Planning Director:**

- Highway Safety Committee ('HSC') Plan on Lawrence Property Walkway
- HSC Recommendation on Intersection at Willow Street and Daniel Drive
- Access road at former fire station location
- Flood Study Update

Mr. Gowan started his discussion by reviewing a displayed map of the municipal building rear parking area/Lyons Park and surrounding Lawrence property (owned by the Town) and the proposed green space at the former fire station site. He showed the sidewalks that would be installed as part of the Shared Roundabout. During a recent meeting, the HSC discussed creating a sidewalk that would link pedestrian traffic from the Town Center sidewalks to the Lyons Field area (behind the Municipal Building and Police Station). He showed the location of the Lawrence property behind the green space and commented that the Congregational Church parcel was located

195 behind the Lawrence property. Mr. Gowan explained that there was currently a fence and row of  
196 bushes (Japanese Knotweed) on the Town parcel (containing the parking area for Lyons Park) that  
197 ran along the property boundary of the Lawrence property and Congregational Church property.  
198 When the fence and bushes are removed (by Continental) there would be ample space (on the Town  
199 parcel) to run a pedestrian sidewalk (that would be ADA compliant) from the shared roundabout  
200 area to Lyons Park. The sidewalk had the ability to avoid crossing onto both the Lawrence and  
201 Congregational Church properties. By keeping the location of the fence along the edge of the  
202 parking lot, it would not interrupt any future use the Town may have of the Lawrence property.

203  
204 Mr. Gaydos showed how the proposed sidewalk was easily accessible to the cars parked in the  
205 parking lot as well as for pedestrians coming from the roundabout area. He showed that pedestrians  
206 would be encouraged to use the sidewalk for easy access to the park by avoiding crossing the road  
207 used by Police vehicles.

208  
209 Mr. Lynde said the proposed sidewalk seemed to be a long way around. He questioned why they  
210 wouldn't go through the Lawrence property since that's what he believed people would end up  
211 doing. Mr. Gaydos said going through the Lawrence property would require an encroachment. Mr.  
212 Lynde asked if the sidewalk from the roundabout would be in line with the pathway in front of the  
213 Town Hall. Mr. Gowan answered yes; the sidewalk would be per the plan displayed inside Town  
214 Hall. He said they were attempting to keep people out of the path used by the Police for  
215 ingress/egress, to the extent they would follow it. Mr. Lynde asked who would design the  
216 sidewalk. Mr. Gaydos said it was currently being negotiated by Mr. Gowan and Continental. They  
217 have already agreed to take the fence and Japanese Knotweed. Mr. Lynde confirmed that the DOT  
218 had a set of plans for the current sidewalk that wouldn't be interrupted, but would be added to. Mr.  
219 Gowan said that was correct; they weren't looking to alter the existing plan, but rather create some  
220 connectivity to it.

221  
222 Mr. Gleason felt the Selectmen should defer further discussion because there was already an issue  
223 regarding sidewalks and the Town not having the equipment or manpower allocated to maintain  
224 them. Mr. Gaydos didn't believe the proposed sidewalk would need to be maintained during the  
225 winter. He believed the problem was the pedestrian traffic during the spring, summer and fall  
226 because of the use of the park. The winter months didn't see the same traffic. Mr. Gowan noted  
227 that the Selectmen had signed a contract that obligated the Town to maintain (including winter  
228 maintenance) the sidewalks that are part of the roundabout. He said if DOT was willing to pay for  
229 the sidewalk being described, it was unclear whether it would fall within the existing contract. Mr.  
230 Gleason said the Selectmen haven't yet discussed the options for how they would maintain the  
231 sidewalks. Mr. Gaydos believed the proposed sidewalk could easily be considered a donation from  
232 Continental.

233  
234 Mr. McDevitt believed people would cut through the Lawrence property. He didn't know how that  
235 type of problem could be solved. There was further discussion how to proceed. Mr. Gaydos noted  
236 Continental already had the heavy equipment, loam and fill in the area. The question was the  
237 concrete and he believed there was money in the budget to handle it. Mr. Gleason questioned if the  
238 walkway would go all the way beyond the parking lot. Mr. Gaydos replied it would be his  
239 objective to do so. He wanted to know the Selectmen's opinion prior to approaching Continental.  
240 Mr. Lynde understood the State had certain specifications for sidewalks. Mr. Gowan said all the  
241 sidewalks would be porous concrete and assumed the proposed sidewalk would be of the same  
242 material.

243  
244 Mr. Gleason believed there was nothing more that could be done until it was ascertained whether  
245 Continental would be receptive.

Mr. Gowan then discussed the HSC recommendation for the Willow Street /Daniel Drive intersection. He said a resident came forward at the last meeting during Open Forum and had an issue with vehicles travelling too fast and not being able to take the corner and knocking down their shrubs. Although they've been compensated from insurance, the residents were concerned and hopeful that the Town would put up a guardrail or boulders. They also noted their concern about having to back out of their driveway from Willow Street. The HSC reviewed the site, met with the resident. After this review, the HSC reached a unanimous consensus that a guardrail or boulders were a bad idea. Instead they recommended to increase signage (chevron signs and curve warning) and suggested the resident (who had frontage on Daniel Drive) possibly pull a driveway permit and create a driveway (that could be gravel) onto Daniel Drive. Mr. Gowan asked for the Selectmen's opinion.

Mr. McDevitt thanked the committee for meeting with the resident and believed the Selectmen should go with their recommendation. The Selectmen were in unanimous agreement to proceed with the HSC's recommendation to increase signage. Mr. Gowan said he would relay the decision to Highway Agent Don Foss and the resident.

Mr. Gowan told the Selectmen that the HSC recommendation regarding the access road at the former fire station location was straight forward. If the Selectmen agree, Continental will be asked at the end of their current work each day to place cones/barrels at the access road entrances. Fire and Police will have the ability to continue to access the road. By having the barrier, regular vehicular traffic will be discouraged from using that road.

It was recommended by the Selectmen to authorize Continental place the cones/barrels as an interim measure (to deter vehicular traffic at the former fire station site).

Mr. Gowan then discussed the flood study status. He was told the field work had been completed, and the hydraulic model of the river was in the process of being completed. He said once the model was done, the information would be brought to an open meeting for discussion prior to the complete detailed study being done. He believed the open meeting would be held mid-August.

Mr. McDevitt asked if they had visited the beaver dam on the South end of Beaver Brook that was much discussed. Mr. Gowan said he would find out if they had.

Mr. Gaydos asked to discuss the septic and water well regulations. He said in reading and discussing them with Attorney Rattigan (Town's attorney) there are essentially two methods that could be used for the adoption of the regulations. He said one was sort of a 'catch all' ordinance (RSA 147.1) that gave the Selectmen, as the Board of Health, the ability to pass immediate ordinances and regulations; however, it was so loosely worded it would be susceptible to challenge. He read a portion of the RSA aloud. He said RSA 41.14-B applied to towns with over 10,000 inhabitants and requires Town Meeting to confer that authority upon the Board. He felt it would be appropriate to take a firm approval of the ordinance and bring it to Town Meeting. Mr. Gowan, who also had conversation with Attorney Rattigan agreed that it made sense to ask the voters to confer the authority upon the Board of Health, in a similar way as they had with the ability for the Board to accept roads. He and Deputy Health Officer Paul Zarnowski, shared the opinion that it was important to make progress, but the timing for what Mr. Gaydos recommended worked for them.

Mr. Gleason didn't feel that the Selectmen were authorized to move forward under RSA 41.14-B. He read aloud a portion of Attorney Rattigan's opinion. Mr. Gaydos said there was a separate

statute written at a time when Selectmen had to act quickly as the Board of Health to issues that may be of concern. Subsequent to that time, they talk about the Selectmen empowered by the Town to make those decisions. They were RSA's from two different eras that address two different things. Mr. Gaydos didn't feel there was any harm holding the public hearings; since they were already advertised. But in terms of getting to more current standards, it would be appropriate to ask the people for that authority. Mr. Gleason read a portion of Attorney Rattigan's letter aloud. Mr. Gaydos believed RSA 147.1 was a widenet that gave the Selectmen a lot of leeway and didn't provide guidance how to properly adopt it. He agreed that 41.14-B was the statute to follow.

Mr. McDevitt said his inclination was to take some time, review the attorney's letter and familiarize himself with the RSA.

Mr. Gleason noted that a public hearing was scheduled for July 23<sup>rd</sup>. Mr. Gaydos suggested moving forward with the public hearing and listen to what the public may say, but still go ahead with the Town Meeting vote as a 'belt and suspenders' approach. Mr. Gaydos will ensure that the Selectmen each have a copy of Attorney Rattigan's letter.

Mr. Gleason said the Selectmen will proceed with the public hearing and have a discussion at a later date regarding approval. Mr. Gowan said Attorney Rattigan recommended having two public hearings; he suggested following the recommendation.

**Brian Johnson, Parks & Recreation Director:**

- Signage at Town Parks
- Update of Raymond Park Facilities

*Discussion deferred.*

**OTHER BUSINESS**

**2012 Audit Update**

Mr. Gaydos told the Selectmen the Town was already scheduled to receive the 2012 update; unfortunately, there was a resignation of a town clerk in another town and State law requires that the auditors be brought in to do a complete audit of the town clerk records. He said the situation was unforeseen and put Pelham on hold. He was told that the Town's audit was essentially complete and a signed copy will be received in approximately 2.5 weeks.

Mr. Gleason wanted to know if an estimate of the fund balance would be received at the same time as the audit. Mr. Gaydos said they would have an estimate before then and have a firm number in approximately 2.5 weeks.

**Vending Machine Proceeds – Update**

Mr. Gaydos told the Selectmen he contacted Mr. Chris Mader (of the Ice Garden) and asked for a meeting to be set up between himself, Mr. Mader, Mr. Lance Ouellette and the Parks & Recreation Director Brian Johnson. Separately he will meet with Mr. Johnson to document his expenditures. He said there seems to be a lot of discussion, but not substance. He was hopeful to come to an agreement on a recommendation that would be presented to the Board. Mr. Gleason felt the situation should be resolved at Mr. Gaydos' level and not brought back to the Board.

Mr. Lynde felt the fundamental principle was for Mr. Johnson to cover his costs.

**Discussion of RFP/Bidding/Procurement Process – Update**

A recommendation was provided by Mr. McDevitt. Mr. Gleason asked the Board members to review the document and have a discussion during the July 23<sup>rd</sup> meeting.

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. Lynde reported that the second concert on the Village Green was scheduled for July 10, 2013. He then provided the Selectmen with meeting minutes from the Substance Abuse Group meeting he attended. He said they discussed the Children in Need of Services ('CHINS') program. CHINS is a program funded by the State that allows Police to obtain a court order for children in need of services to get help. He said there may be some issues with legislation that the group would discuss. He will keep the Selectmen updated. Mr. Lynde said the idea was to raise awareness about substance abuse in Pelham. The group is talking about having a series of presentations for students within the three schools, followed by presentations for parents to become more aware. They will also try to administer a survey to high school students asking a variety of questions that deals with a variety of subjects.

Mr. Gaydos reported that the Nelson Rockefeller School had a group of students that interviewed school resource officers. Pelham's School Resource Officer Brian Kelly participated in the process. The report came back very positive for Officer Kelly because he had attended a nationally recognized program. The students indicated when Officer Kelly was interviewed they saw things in him that they didn't see in other officers/programs. Mr. Gaydos will provide the Selectmen with a copy of the report and also make it available for the Town website because it shows that Pelham has a very highly trained officer and effective program.

Mr. Gaydos stated that the Health Trust would be returning money to the Town, as they are to many other communities that are still participating in the insurance program. The money will amount to approximately \$147,000. He said they were due to receive \$8,000-\$9,000 for dental (as part of the surplus being returned). He noted employees pay half of the dental cost and they would like to share part of the refund with the employees for the amount that they participate in. The percentage for health insurance will depend on the group. Because they are running at 10%, there will be approximately \$14,700 will be returned to the employees, the remainder belonged to the Town. Mr. Gaydos said rather than receiving a check from the Health Trust, he would like to receive a credit on the next bill. He explained if the Town received a check it would have to go directly into revenue and prohibit them from taking any revenue and sharing it with the employees for their contributions. He said if the amount was applied as a credit, it would still go back to the taxpayers, but could be available to use in an emergency and would provide more options. He wanted to know if the Selectmen would authorize receiving a credit and also authorize the Chairman to sign a letter to that effect.

Mr. Gleason understood if a Town received a credit they would under-expend the insurance account by the amount received. He said that would further support the default budget in terms of a cushion. He wanted to know how they could ensure the money wouldn't get spent elsewhere. Mr. Gaydos said it would be a savings found in that account; there would be a new number established as a target goal.

There was a brief discussion regarding how the situation came about. Mr. Viger asked that a footnote be added to the budget binder to track costs.



**MOTION:** (Lynde/McDevitt) To authorize Chairman Gleason to send a letter to the Local Government Center indicating instead of receiving a direct check the Town would like to receive a credit and to credit them on the next payment.

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

Mr. Gaydos said he would have a letter prepared for Mr. Gleason's signature.

Mr. Gaydos stated there was \$45,000 in the budget as part of the Technology Plan. He said many of the computers in the Police Department were 4-5 years old and not compatible with the upgrades made to the server. The two back up computers have already been used. He had a discussion with Victor Danevich (technical/computer advisor) about the situation. The Town pays \$1,000 per computer when ordering twenty five or more. If purchasing less than twenty five, the Town pays approximately \$1,300 per computer. Given the number of computers that needed replacement, Mr. Gaydos proposed, using \$25,000 out of the budget to purchase new ones, and defer the remaining \$20,000 to later in the year to see how they were doing with the budget. The cost includes Rockport support and software.

Mr. Viger confirmed that the Police Department was due for computer replacement this year, but the money was set aside because of the default budget. Mr. Gaydos said that was correct. The old computers will be either redeployed to the Library for use by the public, or other departments that have computers of lesser needs. Those computers that aren't used have the hard drives taken out and are brought to the recycling complex.

Mr. Gaydos told the Selectmen that the Willow Street letters of interest were ready to go out. The idea was to advertise a letter of interest to those engineering companies that were certified with the State. He wanted a one-page letter of interest. All letters will be reviewed, narrowed down and interviews set.

Mr. Gaydos said the fire station was virtually done; they were looking at approximately \$130,000 under budget. They were now focusing on the punch list items. He said he would like to bring the Board closer to the process and asked that two Selectmen be directly involved by sitting in on meetings with Trident. Mr. Gleason noted that the Selectmen would be advisory only and not authorized to made decision. Mr. Gaydos recommended Mr. Gleason and Mr. Viger be involved. There was no objection to having two Selectmen sit in on meetings.

#### **ADJOURNMENT**

**MOTION:** (McDevitt/Lynde) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:40 pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary