

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
February 13, 2018
APPROVED – March 20, 2018

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Doug Viger, Mr. William McDevitt, Mr. Paul Leonard, Town Administrator
Brian McCarthy

ABSENT: Ms. Amy Spencer, Mr. Hal Lynde

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

January 30, 2018

MOTION: (McDevitt/Leonard) To approve the meeting minutes of January 30, 2018 as amended.

VOTE: (2-0-1) The motion carried. Mr. Leonard abstained.

ANNOUNCEMENT(S)

- Town Offices will be closed in observance of President's Day, Monday, February 19, 2018
- Town Meeting – Tuesday March 13, 2018 at Pelham High School – polling hours 7am-8pm

APPOINTMENT(S)

Attorney Bernard Campbell – Szczechura Building Permit

Attorney Campbell came forward with Mr. Szczechura, who was in the process of purchasing a piece of property known as Lot 6-159 containing approximately 10 acres. The property is located in South Pelham near the Dracut, MA line off Hildreth Street (the only access is through Dracut, MA). Attorney Campbell stated there were two previous structures permitted and constructed serviced by the private road; the proposed house would be the last. He told the Board that the Zoning Board of Adjustment specifically requested that a covenant be executed by the buyer indicating that there be no further subdivision or road. As a practical matter, he noted that the property was bounded on two sides by conservation land. Attorney Campbell explained they had already obtained a variance from the Zoning Board of Adjustment; however, under the provision of 674:41, the Board of Selectmen must give approval for the issuance of a building permit. In connection with such, he submitted several documents including the Waiver of Liability contemplated under Statute. Town Counsel has reviewed the waiver and approved a revised version of such. The lot will be served by an easement document (provided to the Board). Attorney Campbell stated the owners of the parcels over which his client would need to pass are prepared to sign the necessary easement document. He expected to close on the property later in the week and would record the deed. He would then record the Access Easement document, Waiver of Liability and the covenant 'not' to subdivide. Attorney Campbell told the Board he would provide

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evidence of such to the Planning Department. He said with the Selectmen's 'blessing' his client would be able to obtain a building permit.

Mr. McDevitt verified with Mr. McCarthy that Town Counsel (Attorney John Ratigan) had reviewed the documents. Mr. McCarthy answered yes; Town Counsel had made a couple small changes but was satisfied and had endorsed the document.

Mr. Viger explained to the public that there was a piece of property in Pelham that was not accessible through Pelham, and could only be accessed through Dracut, MA. The documents being discussed would release the Town of any school bus pick-ups and normal services from the Town to the proposed property. He said they had gone through the process with other similar properties. Attorney Campbell understood that Pelham would ultimately respond in the event of an emergency. He said the document included language that says the owner of the property understands and waives liability for any delays related to emergency response.

MOTION: (McDevitt/Leonard) The Board of Selectmen approve signature of the Agreement of Release per RSA 674:41,1 (C) and Restrictive Covenant Development Limitation as presented.

VOTE: (3-0-0) The motion carried.

Attorney Campbell thanked the Board and stated he would be in contact with Planning Director Jeff Gowan and Town Administrator Brian McCarthy to get the documents to the Board for signature.

OPEN FORUM

No one came forward.

APPOINTMENT(S) - CONTINUED

Frank Ferreira – Highway Bid Recommendations

The Board was provided with the list of bid recommendations. Mr. Ferreira described the Highway Department's process and examples of items they put out to bid each year. Mr. Viger stated the open bids were available for review through the Selectmen's office. Mr. Ferreira noted the list was also posted on the Town's website.

MOTION: (Leonard/McDevitt) To accept Frank Ferreira's recommendations for accepting bids as provided to the Board.

VOTE: (3-0-0) The motion carried.

PUBLIC HEARING

NOTICE OF PUBLIC HEARING – Pursuant to RSA 284:51

Notice is hereby given that the Selectmen of the Town of Pelham, NH will hold a public hearing on the proposal to allow the operation of keno games within the Town of Pelham. Said Public Hearing will be held at 6:45pm, on Tuesday, February 13, 2018 at the Pelham Municipal Center, 6 Village Green, Pelham, NH

Mr. Viger opened the Public Hearing.

Mr. Leonard clarified his statement/comments on the article during the Deliberative Session that the Town would benefit from revenue sharing. It was pointed out to him that it wasn't revenue sharing from the actual Keno proceeds. Mr. McDevitt noted the Town could still have funding for full-day kindergarten, even if the Town didn't vote in favor of the Keno warrant article. He read aloud a portion of an article that appeared in the Keene Sentinel that summarized the Keno article and how Keno revenues would be handled.

Mr. Viger opened discussion to public input. No one came forward.

Mr. Viger closed the Public Hearing.

OTHER BUSINESS

Final Review of the 2018 Voter's Guide

The Board was provided with the latest/final draft of the 2018 Voter's Guide. They reviewed the proposed explanations. Clarifications were made to Article 16.

Mr. Leonard spoke to Article 12 – Safer Grant and questioned if wording should be added to indicate it was non-lapsing, or if the vote was only 'good' for the 2018 election. Mr. Viger replied typically articles were only good for the year they were presented. Mr. Leonard questioned what would happen if the voter's approved the article, but the Safer Grant was delayed until 2019. Mr. McDevitt didn't know the answer but noted the article didn't require the expenditure of money, it permitted it. Mr. Viger believed because there was money involved, he didn't feel just passing intent would be good enough for the 2019 budget.

There was no objection to having the Voter's Guide go to print.

Review (Vote) – draft Sign Policy

The Board was provided with a draft of the proposed Sign Policy that had been vetted by Town Counsel. Mr. McDevitt offered an amendment under sign requirements to eliminate the words 'prevents safe ingress/egress' and replace with the words 'which interferes with vehicular or pedestrian traffic'. He felt it would give the Town more latitude. There was no objection. Mr. McDevitt stated although he supported the policy, he didn't like that people were required to fill out an application form. It was his position to see how it works without that requirement and if it doesn't, then they could require a permit. Mr. Viger replied there was no 'teeth' if a person didn't fill out an application. Mr. McCarthy commented that they wouldn't know who to contact if there was a problem with a sign or it had to be moved. Mr. Viger believed the application would be a good faith attempt to know who is putting signs out. Mr. McCarthy discussed instances that occurred in the past when signs had been collected. He said the Code Officer collected the signs, but the Town had no way of knowing who to contact. After the signs were disposed of, an individual came in and was upset to not have them back because they were expensive. If an application is filed with the Town, they will know who to contact to return sign to or communicate a problem.

Mr. Viger asked for a motion to accept the sign policy as written. Mr. McDevitt made the motion; Mr. Leonard seconded. Mr. McDevitt recalled previous discussion about putting a light on a sign and asked if it was allowed. Mr. McCarthy replied they allowed it in the past. Examples were Relay for Life, Festival of Trees, and others. Mr. McDevitt understood that the motion was to approve the policy as written, which included the application form. Mr. Viger answered yes.

MOTION: (McDevitt/Leonard) To accept the sign policy as written.

VOTE: (2-1-0) The motion carried. Mr. McDevitt voted in opposition.

Update – Willow Street Bridge Project

Mr. McCarthy informed they had received notification from the New Hampshire Department of Transportation ('DOT') that the Willow Street Bridge final plan submission has been made. He read a portion aloud of a letter from Robert Hudson, Project Manager for the Bureau of Planning and Community Assistance that indicated Pelham had the 'green light' to put the project out to bid. He told the Board that Quantum Engineering was moving forward. The project was anticipated to begin in the Spring, with the goal of having it completed by the first week in September.

Mr. McDevitt felt it would be useful for the Board to hear the traffic plans for the time that Willow Street would be closed. Mr. McCarthy stated that the Police Chief would handle notification and traffic routes during construction.

Mr. Viger and the Board recognized Mr. McCarthy for all his diligence and hard work during the project.

Review & Signature – Nashua Regional Planning Commission Storm Water Agreement

Planning Director Jeff Gowan came forward to discuss the MS4 Program and the proposed agreement with the Nashua Regional Planning Commission ('NRPC'). He said the process was about leveraging the Town's resources collaboratively with other communities. He explained by working with the Southern New Hampshire Planning Commission ('SNHPC') and NRPC would assist the Town with outreach to the residents and businesses within the Town. He said if the agreement is signed, the biggest thing to tackle is getting the word out about the plan. He felt without question, the Town should take part in the collaboration.

Mr. Viger believed the Board (and the missing members) had supported the proposal and asked if there were any questions from the Selectmen. Mr. McCarthy noted if the Board votes in the affirmative to sign the agreement, he asked that they authorize him to sign.

Mr. McDevitt explained to the public that the agreement was the result of a Federal Government program that imposed requirements on the community. An unfunded mandate from the Federal Government. Mr. Viger felt it was important to identify and GPS locate all the Town's storm water collection areas. It was noted if the Town didn't comply the fines would be astronomical later.

MOTION: (McDevitt/Leonard) To enter into the NMSC storm water cooperative agreement and allow Mr. McCarthy to sign on the Board's behalf.

VOTE: (3-0-0) The motion carried.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McCarthy informed that the ornamental tree program had begun. He discussed what actions had been taken. He stated they were still waiting for bids on the Fire Department. Mr. Leonard questioned if there was any money remaining in NH Saves. Mr. Viger replied there wasn't any money available for 'upkeep'; any repairs weren't necessarily energy saving repairs. He noted there was money

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available with the replacement of the new system. Mr. McCarthy said all the quotes were independent from Liberty Utilities. He spoke with their representative and was assured that there would be rebates for the equipment, but at this time didn't know how much.

Mr. Viger commented that the Town had a good Deliberative Session and would move forward now to Town Vote, March 13, 2018 from 7am-8pm at Pelham High School.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Leonard/McDevitt) Request for a non-public session per RSA 91-A:3,II,e (legal)

ROLL Mr. Viger-Yes; Mr. Leonard-Yes, Mr. McDevitt-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 7:17pm.

MOTION: () To leave non-public session.

VOTE: () The motion .

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

VOTE: () The motion .

The Board returned to public session at approximately pm.

ADJOURNMENT

MOTION: () To adjourn the meeting.

VOTE: () The motion .

The meeting was adjourned at approximately pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary