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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
May 22, 2018
APPROVED – June 5, 2018

CALL TO ORDER - approximately 6:30PM

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

ABSENT: None

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

May 8, 2018

MOTION: (Forde/McDevitt) To approve the meeting minutes of May 8, 2018 as written.

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

ANNOUNCEMENTS

- Dennis Lyons Golf Tournament, Monday June 4, 2018 beginning at 7am at the Four Oaks Country Club, Dracut, MA;
- Pelham High School Class of 1978 – 40th Reunion, Friday June 1, 2018 from 6pm-10pm at Harris' Inn;
- Relay For Life – Saturday June 23, 2018 at Salem High School, 44 Geremonty Drive;
- Pelham Memorial Day Celebration held Monday May 28, 2018:
 - 9am- short ceremony and rifle salute at Pelham Veteran's Memorial Park
 - 9:45am – short ceremony at Danial Gionet Bridge;
 - 10:15am – wreath laying at memorial bench at Town Hall
 - 10:30am – parade from Village Green to Gibson Cemetery for ceremonyAt the commencement of ceremonies, everyone is invited to the American Legion

Ms. Spencer arrived.

OPEN FORUM

APPOINTMENT(S)

Sara Landry – New sign for the Hobbs Community Center

Ms. Landry provided the Board with information for a new sign for the Hobbs Community Center ('HCC'). The name had changed in 2016 from Pelham Senior Center to Hobbs Community Center. She said they had compared a traditional sign (approximately \$8,000) and a sign with a message board

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(approximately \$20,000) and received quotes from two companies. She felt a message board sign would be ideal because they could convey information to residents. In speaking to the Council on Aging about the cost, they offered to donate \$6,000 toward a message board sign because they felt it would be valuable for their members. Ms. Landry discussed the difficulties with existing sign.

Mr. McDevitt inquired about the cost and how it would be budgeted. Mr. McCarthy replied the cost could go into the HCC budget for next year or they could reallocate some of the 'project' money from the boiler project. Mr. McDevitt questioned if the sign would meet the Town's sign code. Planning Director Jeff Gowan came forward to respond. He informed that electronic signs were not allowed within the Mixed Use Zoning District ('MUZD'); however, the Town is exempt from its own Zoning. He noted that the Fire Station and schools had electronic signs. He recommended if the Board allowed an electronic sign that it follow the rules specified for such signs in the commercial district.

Mr. Viger asked if the proposed sign and its placement be vetted through the Highway Safety Committee ('HSC'). Mr. McCarthy answered yes and discussed the proposed locations. The sign dimensions were approximately 75 inches long by 96 inches in height; this would accommodate the message board underneath the actual sign. Ms. Landry noted if they were to do a message board, she felt an amber light board would be sufficient to get messages out to the public.

Ms. Spencer wanted to know if the proposed cost was the best price, or if they reviewed other companies. Ms. Landry replied she got two estimates (Sign Now and Sign Center).

Mr. McDevitt felt the need for a sign was clear. He said the reason for the MUZD was to create a look/feel for the area and was unsure if the Town was setting a good example if they broke their own rules. He was concerned about the conflict with the rules being set for everyone and the Town breaking them. There was a brief discussion about the type of sign and its illumination. Ms. Spencer wondered if there was an electronic sign with projected lettering that could be controlled by an iPad.

Mr. McCarthy discussed the limitations of the existing sign and felt there was existing technology that would make it easier for the HCC to advertise their programs. Ms. Forde understood there was a lot of information that needed to be sent out to residents. Mr. McDevitt reiterated his concern about installing a moving sign and creating an inconsistency in the 'look and feel' of the Town center. Ms. Landry spoke about the importance of getting information to the public about the HCC programs. Mr. Viger believed there was a need for a sign and a way to get messages to the public. Mr. McDevitt reiterated his concern about sending an inconsistent message to others in the neighborhood if they allowed an electronic sign; however, he said he could support the requested sign. Ms. Spencer stated she supported having a message board sign. During the discussion she did a quick search and found there were alternatives that could meet the needs of the HCC.

Mr. McCarthy told the Board he would work with Ms. Landry to do more research on sign alternatives. The Board will discuss the topic at a later meeting.

PUBLIC HEARING (2nd of two hearings) – Waterford Estates (R.J. McCarthy) – Off Sherburne Road, Map 39 Lot 1-55, proposed gift of a 16.980-acre Open Space parcel. Planning Director Jeff Gowan presenting

Mr. Gowan informed that he had a letter from the Planning Board that provided their vote to recommend acceptance of the gift of land acceptance for both Waterford Estates and Wildwood Estates.

Mr. Lynde opened the discussion to public input. No one came forward.

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Mr. McDevitt felt it was imperative that the Selectmen accept the gift of open space land. He spoke about the water wells contained on the land. He said as time goes by they may be useful in solving some water issues further up the road (Sherburne Road). The last time the wells were tested (2007), one tested at 130 gallons per minute and the other tested at 65 gallons per minute. Although they were old numbers, he felt they were significantly useful wells.

MOTION: (Viger/Spencer) To accept the gift of 16.980 acres of open space on Map 39 Lot 1-55 (known as Waterford Estates off Simpson Road).

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

PUBLIC HEARING (2nd of two hearings)– Wildwood Estates (David Mendes) – off Simpson Road, Map 7 Lot 9-135-11, proposed gift of a 11.062-acre Open Space parcel. Planning Director Jeff Gowan presenting

As referenced in the previous Public Hearing discussion (above), Mr. Gowan informed that he had a letter from the Planning Board that provided their vote to recommend acceptance of the gift of land acceptance for both Waterford Estates and Wildwood Estates. However, he understood the Board had concerns about the internal ‘keyhole’ shaped section. He said the concern was conveyed to the developer, who remained to their word and offered the larger portion of open space (as advertised). Mr. Gowan displayed a tax map of the area with the proposed land gift outlined. He pointed out an adjacent parcel owned by the developer that he anticipated being another open space subdivision that would potentially add to the Town’s open space in the future. He discussed the land in the area and the hope of the Conservation Commission to connect Town land in the future.

Mr. Viger questioned what would happen to the development if the Selectmen didn’t accept the proposed parcel. Mr. Gowan explained because of the way the Planning Board approved the development, the developer would have to create homeowner association documents and would be bound to create trail easements through the property for the Town. He said if trail easements were done now it would be done without knowing how trails would ultimately be connected in the future.

Mr. McDevitt was glad that the ‘keyhole’ piece was removed. He said the more he looked at the proposal he became less enthusiastic about accepting the parcel. He understood the Conservation Commission wanted connectivity; however, he understood almost half of the proposed land was located under the power lines. He was concerned about not knowing where future connections would be made, and he was afraid they would end up with an isolated parcel. He said it would be a good idea to have trail easements. He would prefer not accepting the land because it would remain in as ‘open space’ anyway. He didn’t see a disadvantage in having a homeowner’s association taking care of the land.

Mr. Lynde believed the balance of the land to the east was owned by the same person and the Town may be presented with additional land for acceptance.

Mr. Viger questioned if the proposed parcel could be put into current use since it was over ten acres. Mr. Gowan didn’t believe it could because the purpose of open space was conserving land while allowing for smaller house lots. Mr. Viger confirmed that the association would be responsible for paying taxes on the property. Mr. Gowan answered yes.

Mr. Lynde opened the hearing to public input. No one came forward.

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MOTION: (McDevitt/Spencer) To not accept the parcel (known as Wildwood Estates – off Sherburne Road - Map 7 Lot 9-135-11 – gift of 11.062 acres)

VOTE: (4-1-0) The motion carried. Mr. Lynde voted in opposition.

The Board did not accept the proposed open space parcel. Mr. Gowan will inform the developer.

Planning Director Jeff Gowan – Discussion on gift of open space - The Pines (Atwood Road)

Mr. Gowan commented that there was a development on Atwood Road (The Pines) that was proposing to donate open space to the Town that was adjacent to the golf course and Peabody Town Forest. He said if the Board was interested he would work with Mr. McCarthy to schedule the two required Public Hearings. There was no objection.

APPOINTMENTS CONTINUED

Edmund Gleason – Volunteer application for Trustee of Trust Funds vacancy

Mr. Lynde explained during the March, 2018 Town Meeting there was an open slot for the Trustee of Trust Funds and not sufficient write-ins for the position. He said the Selectmen put out a notice of the opening and Mr. Gleason applied.

Mr. Gleason told the Board that he would have run for the position, but at that time he had contemplated moving out of Town. He had since changed his planning and decided to be involved with the Town operations again. He is fully aware of the operations for the Trustees of the Trust Funds. He asked that the Board reappoint him for the balance of the term.

The Board believed they had the ability to appoint Mr. Gleason until the next Town Meeting. Mr. McCarthy will ask for Town Counsel's opinion.

Mr. Viger stepped away.

Mr. McDevitt stated he was happy to see Mr. Gleason apply, because in the past he had done an exemplary job in a thankless job. Mr. Gleason stated he loved the Town and found being part of it was fulfilling. He looked forward to giving back to the Town after everything it had given him. Ms. Spencer thanked Mr. Gleason for coming forward to serve the Town; they were lucky to have him.

A motion was made to appoint Mr. Gleason until the next Town Meeting; however, it was noted if they found out the Selectmen could appoint him for the balance of the term, they were in favor of 'fixing' the motion to reflect such.

MOTION: (McDevitt/Spencer) To appoint Mr. Edmund Gleason to a position of Trustee of the Trust Funds until the next Town Meeting.

VOTE: (4-0-0) The motion carried. (Mr. Viger had previously stepped away)

Julia Steed-Mawson – Federal Energy Regulatory Commission ('FERC') – review and comment information

Ms. Mawson told the Board she was a volunteer with the New Hampshire Pipeline Awareness Network and the Pelham Pipeline Awareness Network. She spoke about FERC and explained they were

184 currently in a comment period that will end June 25, 2018. She wanted to make sure that the Selectmen
185 and Pelham residents knew that public comment was now being accepted. She discussed how she
186 became familiar with FERC.

187
188 Mr. Viger returned to the Board.

189
190 Ms. Mawson explained that FERC had put forward a review process and was in the middle of gathering
191 public comments regarding their review and process. She gave the Board information to provide to
192 people that explained the need for public comment. She spoke about what people could do during the
193 comment period, which was to watch a short video, sign a petition (outlining issues for FERC to
194 address), write a public comment (via email or regular post), and share the information with others.
195 She provided a synopsis of the various topics covered in the petition. She thanked the Board for
196 allowing her to speak.

197
198 Mr. McDevitt asked what incentive FERC had to change and who would decide what would happen.
199 Ms. Mawson believed the incentive was the public concern that had been expressed.

200
201 **Deputy Fire Chief Paul Leischner – Progress report on the dispatch change to Londonderry**

202
203 Deputy Chief Leischner provided the Board with information pertaining to the dispatch service
204 provided by the Londonderry Fire Department. He reported that moving the EMS/Fire dispatch had
205 gone over very well. He reviewed the incident statistics to date and the department's operation
206 efficiency. Deputy Chief Leischner said during the transition they lost the Jeremy Hill tower; however,
207 that situation was resolved when they were able to add a new Fire Department radio site on an existing
208 cell tower on Rocky Hill Road. They were currently working on a program to visit every business in
209 Town and update their emergency contact information. When completed the information will be
210 available on their mobile devices as well as in the dispatch center. Deputy Chief Leischner discussed
211 call times and reported they were arriving on scene within four minutes 40% of the time, which was
212 one minute forty seconds faster than the previous thirty days. He informed that the Londonderry voters
213 recently approved a new central fire station, state of the art dispatch center and a town-wide radio
214 system upgrade. The fire station construction and radio upgrades will start July 2018 with a target
215 completion date of October 2019. He added that one of the Londonderry dispatchers would be retiring
216 and Pelham would have a 'seat at the table' during the hiring process for the next dispatcher.

217
218 Mr. McCarthy wanted to know if Londonderry's new fire station and communications upgrade would
219 impact Pelham's fee. Deputy Chief Leischner didn't see that it would because Pelham had a good
220 contract. It was Londonderry's long-term master plan to have a new fire station. He didn't see that
221 there would be a drastic change, although he believed costs may be discussed during the next review
222 of the contract. He said it was good for Londonderry to have a regional dispatch center, just as it was
223 good for Pelham to have one.

224
225 Mr. McDevitt said it seemed that things were running very smoothly and professionally. In listening
226 to the Police scanning he didn't hear any glitches and problems. He appreciated the fact that the
227 department was able to track and report response times. Deputy Chief Leischner felt the process was
228 going well and Londonderry shared their mission.

229
230 Mr. Lynde thanked Deputy Chief Leischner for the update.

231
232 **Police Chief Joseph Roark – Discussion on the Animal Control Shelter – Capital Improvement**
233 **Project**

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The Board was provided with an information packet. Police Chief Roark noted the last time they spoke about the animal shelter was November 15, 2016. One of the hurdles to overcome was to determine where an animal control shelter should be located. The choices discussed were: 1) beside the Police Department (between the Library and Police Department), 2) current location (at Pelham Fish and Game, Simpson Mill Road), 3) Transfer Station (area of potential new Highway Department building), and 4) Raymond Park. He noted the animal shelter was included on the Capital Improvement Plan for 2018 with a fairly high priority.

Mr. Viger questioned if the shelter would fall under the scope of the EEI contract. Mr. McCarthy believed they could design the heating and air conditioning. He will ask if they could also design/construct the building.

Mr. McDevitt liked the idea of having the shelter close to the Police Department because it would be more convenient for the public and the officers. Chief Roark concurred, and noted that the area near Newcomb Field was a strong second. He felt having the shelter near the Police Department was good because it was centrally located, not only for lost dogs, but also for the educational components and rabies clinics. It would also make it easier for the Police to keep an eye on it. He liked the idea of having the ability to connect with people during sporting events, concerts on the Village Green and pet adoption events. Ms. Spencer stated her support for locating the shelter at the Police Department

Ms. Forde recalled having an Eagle Scout candidate bring a request forward to build a shed at the shelter. She asked if that had occurred. Chief Roark replied he didn't know the disposition of the building on Simpson Mill Road. He believed the Animal Rescue Network of New England ('ARNNE') would like to have the building.

Mr. Lynde wanted to know the proposed cost. Chief Roark replied the latest figure was \$274,709, which was a placeholder and not yet reviewed by an architect. He said they weren't looking for something elaborate. Mr. Lynde believed the Board needed to make a decision regarding the location and then put something together for next year's Town Meeting. Chief Roark recalled the Board discussing the possibility of authorizing an expenditure of the department's surplus, if there were funds remaining at the end of the year. He wanted to know if the Board would approve doing so. Mr. McCarthy suggested finding funding to get started with drawings and architectural designs. He offered to work with the Chief to do so.

Mr. Viger stated he would support having the shelter near the Police Department. Mr. McDevitt said he was strongly in favor of having it there and asked that the Chief mark out the specific area.

MOTION: (Spencer/Viger) To allow a new dog pound to be located on the property adjacent to the Town Hall/Police Station; specific site location to be determined. Also, to create a warrant article for the 2019 Town Meeting.

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

Mr. Lynde understood that Mr. McCarthy would come up with a plan for architectural funding. He also understood that a warrant article would be drafted, with the possibility of using department surplus to offset some of the costs. Mr. McDevitt understood that the covenants applied to the Mills property and not to the old Sherburne School property. Mr. McCarthy stated they would conduct a thorough research. Mr. Lynde noted the proposed building should be compatible with existing buildings in the area.

OTHER BUSINESS

Review – Golf Links Property Inspection Report

Mr. Lynde stated that Bill Scanzani and Paul Gagnon visited the Pine Valley Golf Course (Town property) to review the status and condition of the buildings and golf course. They came back with a report of things that should be improved and discussed such with the Lessee of the property. The Lessee has responded favorably. Mr. McCarthy said the next step would be for the Board to designate someone to follow up on the information and to ensure work has been completed. He felt there was a 'gray' line as to the role of Mr. Scanzani and Mr. Gagnon in the Town's government since the Board had not appointed them to be the inspectors on behalf of the Town. Mr. McCarthy told the Board he would take on the task. He would speak to Mr. Scanzani and Mr. Gagnon and then reach out to the property owner to ensure that the requested work had been done.

Mr. McDevitt pointed out that there was nothing for the public to become concerned about; the items were small issues. Mr. McCarthy agreed and stated that the golf course was found to be in really good shape.

Discussion – Methyl Tertiary Butyl Ether ('MTBE') Fund

Mr. McCarthy spoke about gasoline spills that had occurred in Pelham during the late 1980s which contaminated some wells. As a result of that there was litigation filed by the State. In conducting research, the Town had considered taking legal action against Getty (now known as Exxon Mobil); however, the State intervened and conducted a class action lawsuit. In the end New Hampshire was awarded approximately \$330,000,000 for remediation within the communities. Since that time the State has monitored well water and took steps to help people get filtration systems, etc. Mr. McCarthy felt Pelham should have some of the funds to extend some of the water lines within the Town and give people an option to connect. He explained how the fund was currently set up and noted the current water system had enough capacity to allow for the expansion. The project cost associated with expanding the water line from Main Street/Bridge Street down to the Dracut, MA line was approximately \$5.1 million as estimated by Pennichuck Water. The fund was set up for the Town to come up with half the cost, which he hoped would be paid by the MTBE Fund. Mr. McCarthy noted that the closing date to apply for the funds was June 15, 2018. He had an application and asked if the Board wanted him to pursue the fund. He was waiting to hear when the Town would have to come up with the funds. He said the process would work much like the Fire Department's SAFER Grant; they would only move forward if the Town was approved for the grant.

Although he thought the proposal was a lot of money, Mr. Viger spoke about the number of people asking for water along Route 38 and thought there would be business opportunities if water was brought to those areas. He felt the question should be brought to the voters. Mr. McCarthy talked about the options to consider: 1) extend the line down Main Street, 2) extend down Old Bridge Street (around Abbott Bridge), and 3) bring a backup line from Hudson, NH to Williamsburg neighborhood. Mr. Lynde understood that Pennichuck was about to put a line in the area of Mammoth Road near the industrial park. Mr. McCarthy felt they should pursue option one. Mr. McDevitt agreed with having water extended down Route 38. He said there may be ways of financing the extension, such as creating a water district.

Mr. McCarthy asked that the Selectmen choose a route for the water extension and also to give him permission to continue to vet the process and bring additional information back to the Board. He hoped that the committee would consider awarding money to the communities that were truly impacted by MTBE, since the lion share of the money awarded the State was because of the litigation from the Getty issue in Pelham.

Mr. Lynde felt the approach of creating a water district for the area down Route 38 may get support. Mr. McDevitt thought they would be enthusiastic. It was noted that voting would be limited to the residents of the district. Ms. Spencer pointed out if water was extended and new businesses came in, the Town would receive increased tax revenues. She thought that might be an incentive for residents to vote in support of the proposal. To qualify for the MTBE funds, Mr. McCarthy believed they may need to include the Marsh Road to Mammoth Road area.

Mr. Viger offered to help Mr. McCarthy move forward with the process. Mr. McDevitt asked if the June deadline was the beginning or the end of the process. Mr. McCarthy replied if the Town wasn't accepted in June, they wouldn't be able to seek funds. There was no objection by the Board to have Mr. McCarthy continue with the process. He will update the Board on the status.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt reported that he attended a Drinking Water Source Protection conference on May 17th. He summarized the information presented.

Mr. Viger reported that the Budget Committee sent out their meeting schedule; all meetings (except for two) will be held in Sherburne Hall. Schedule is on Pelhamweb.com

Mr. McCarthy updated the Board on the boiler replacement project.

Mr. Lynde requested the Board's support to have Mr. McCarthy email the State Representatives to oppose Senate Bill 438. The Bill would give the Secretary of State the authority as to when Town Meeting gets postponed. The Board supported Mr. Lynde's request.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL CALL: Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes; Ms. Spencer-Yes, Ms. Forde-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 8:45pm.

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

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

The Board returned to public session at approximately 9:31pm.

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

ROLL

CALL: Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes, Ms. Spencer-Yes, Ms. Forde-Yes

368

369 **ADJOURNMENT**

370

371 The meeting was adjourned at approximately 9:32pm.

372

373 Respectfully submitted,

374 Charity A. Landry

375 Recording Secretary

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377

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