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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
June 5, 2018
APPROVED – June 19, 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 22, 2018

MOTION: (Viger/McDevitt) To approve the meeting minutes of May 22, 2018 as amended.

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

ANNOUNCEMENTS

- Pelham Police Department is holding a 3-day self-defense class for women June 5th, 7th & 11th 6pm to 10pm – free of charge
- Relay For Life – Saturday June 23, 2018 at Salem High School, 44 Geremonty Drive;
- Public Hearings to be held for land donation – The Pines (off Atwood Road) – 1st hearing June 5th second to be held June 19th 6:45pm

OPEN FORUM

No one came forward.

APPOINTMENT(S)

Planning Director Jeff Gowan – Release of Municipal Liability for a newly subdivided lot on Hidden Hollow Drive

Mr. Gowan discussed the draft Release of Municipal Liability agreement that had been based off a template put together by Town Counsel. The final version was reviewed and found to be acceptable by Town Counsel and Mr. Richard Hanlon's (land owner) counsel (as of 4:45pm earlier in the day). He explained that the owner (Richard Hanlon) had a sizable piece of property on Hidden Hollow Drive and had been approved a variance from the Zoning Board for frontage on a private road. Subsequently Mr. Hanlon went to the Planning Board and was approved for a subdivision of his property. Mr. Gowan noted that the Planning Department cannot issue a building permit on a private road or Class VI road without the permission of the Selectmen and the execution of a municipal liability agreement.

The Selectmen reviewed the agreement. Mr. Gowan noted that the owner didn't have a buyer, but the agreement would be recorded in advance, so a future buyer wouldn't have to go through the same process. The lots will exist with the proper documents associated with them for the time when they are sold. A map of the specific area was displayed for the public.

MOTION: (Forde/Viger) To sign the indemnity agreement between the Town of Pelham and Mr. Richard Hanlon, with the changes stipulated by Attorney Ratigan.

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

The Selectmen signed the agreement.

PUBLIC HEARING: The Pines Conservation Subdivision (formerly the property of the Law family) Map 22 Lot 7-1, proposed gift of a 16.205-acre Open Space parcel

Mr. Lynde read aloud a letter submitted by the Conservation Commission describing the proposal and indicating their unanimous vote (5-0-0) to recommend that the Selectmen accept the parcel. He said the Selectmen had also received a letter from the Planning Board recommending acceptance.

Planning Director Jeff Gowan and Property Owner Steve Doherty came forward. Mr. Gowan displayed a plan of the parcel and provided an explanation of the development. He noted that Mr. Doherty would be preserving the existing house and may also preserve the existing barn. Mr. Gowan outlined the area that would be preserved and how it connected to existing Town owned land. He noted there were no physical wells on the property, but there were protective well radiuses on the property which he didn't see as a problem.

Being the Selectmen's Representative to the Planning Board, Mr. Lynde spoke about the development and pointed out that the developer had done an incredible job working with the Planning Board, the abutters and the Town to satisfy concerns. He said they could have gotten two additional lots from the development but had chosen not to. He felt they had done a good job with the development and would build attractive homes.

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

The public hearing was closed. The second public hearing will be held June 19, 2018.

Ms. Spencer arrived.

OTHER BUSINESS

Discussion – MTBE remediation fund and financing of water infrastructure on Bridge Street

Mr. Lynde understood that the State had \$330 million based upon a settlement with Exxon Mobil (formerly Getty) because of water contamination from MTBE (additive in gasoline). He said Pelham hoped to get some of the money (to possibly extend water lines) since the Town had been heavily impacted.

Mr. McDevitt said the last time the Board discussed the topic he understood from Mr. McCarthy that the Town would receive a considerable amount from the fund, but the Town would be expected to pay approximately \$2 million. Mr. McCarthy explained that the project to extend water lines down Bridge

BOARD OF SELECTMEN MEETING/June 5, 2018

91 Street (from Main Street to Bridge and from Bridge Street to Dracut, MA) and a second line from the
92 High School to the end of Marsh Road (at Mammoth Road). In working with Pennichuck, the
93 (combined) proposed cost would be approximately \$5.1 million. The Town would be eligible to receive
94 approximately \$2.5 million toward the cost from the MTBE Fund. He said the question was how the
95 Town would raise its portion. Mr. McDevitt didn't feel taxpayers would support a bond of that amount
96 to supply water down the two roads. He noted they received a memo dated January 12, 2016 from
97 Town Counsel which outlined two ways that the Town could extend water lines (but owned and run by
98 Pennichuck). 1) creation of water utility district - Selectmen take request (by Warrant Article) to Town
99 Meeting for voter approval – citizens would be chosen to manage the operation of the district. The
100 burden of paying would fall on the people in the district (though special assessment), and 2) initiated
101 by petition from those living in the (special assessment) district. Mr. McDevitt felt if they were going
102 to consider extending water on Route 38 they should first find out the level of interest.

103
104 Mr. Lynde said they could put an application in for the grant with the understanding they would explore
105 setting up a special assessment district, or water utility district. Mr. McCarthy felt they should move
106 forward to get the application in. He said he was working with Windham, NH who was also in the
107 process of submitting an application. He said there was time for the Board to determine how they
108 wanted to handle the process. He questioned if there could be an exaction fee or betterment fee
109 collected into a fund to help offset the cost. Mr. McDevitt understood that a betterment fee was only
110 for roads and an exaction fee was only for new construction. He also didn't know the level of interest.

111
112 Mr. McCarthy said they could follow the same process as was done in the Sherburne Road area, by
113 putting together a mass-mailing to people in the specified areas. He noted that the Planning Director
114 may already have information they could use. Mr. Lynde wanted to know the starting point of the
115 water lines. Mr. McCarthy replied the water line started at the Nashua Road roundabout and Main
116 Street and ran down the road to the High School. He described the direction that the line could be
117 extended. Mr. Lynde asked if the Pennichuck estimate was only for straight water lines down the main
118 roads (only Bridge Street and Marsh Road) or if it included any off-shoots from those roads. Mr.
119 McCarthy didn't believe that the estimate included 'hook-ups' to people's houses. From what he
120 understood the cost to connect would be borne by the individual homeowner.

121
122 Mr. Viger agreed that the Board had to do their due diligence to bring the matter to the voters and
123 receive feedback.

124
125 Ms. Forde suggested sending residents a letter with a couple questions, so if they aren't able to
126 physically come in and speak to the Board they can provide their input. Mr. McCarthy said if the Board
127 receives no response from people who live along the proposed water route, they would be able to see
128 the interest. Mr. Viger commented how the Board didn't receive the response (regarding water) they
129 thought they were going to get in the Spaulding Hill Road area. Mr. McCarthy thought it was a good
130 idea to send residents in the area a letter.

131
132 Mr. Lynde questioned how the cost would be determined. Mr. McCarthy replied Pennichuck would
133 determine the cost. He said he could request an estimate from Pennichuck to learn the cost of 'hooking
134 up' to a water line. Mr. McDevitt suggested Pennichuck send a representative to attend the meeting
135 with residents. Mr. McCarthy said he would send letters to the residents in the area and if there is a
136 favorable response, he will invite Pennichuck to have further discussion. The Selectmen agreed with
137 the proposed approach. Mr. McDevitt said he would work with Mr. McCarthy. Ms. Forde suggested
138 providing residents with a digital survey rather than asking for a mailed response.

There was a consensus of the Board to have Mr. McCarthy proceed with submitting a grant application. The application will be shown to the Selectmen with the understanding that it has to be submitted within two weeks.

Discussion – Michael Yopp regarding Gate City Bike Co-Op

Mr. Yopp came forward and asked permission to pick up bicycles from the Transfer Station. He explained that a group of volunteer veterans had started the Gate City Bike Co-op which repaired bicycles and gave them to low-income individuals.

Mr. McDevitt supported the request and thought it was a great idea. Mr. Lynde understood that the bicycles would not be sold. Mr. Yopp confirmed that the bicycles would not be sold. Mr. Lynde thought the program was worthwhile and had the support of the Board. Mr. Yopp noted they had given 2,500 bicycles away this year.

Ms. Forde stated she would post the flier on-line to coordinate donations. Mr. Yopp stated people could drop bikes at his home: 6 Stephanie Drive, Pelham, NH. He left information to be posted at Town Hall and on social media.

Mr. McCarthy asked if the bicycles could be dropped off at Town Hall. The Selectmen instead made the following motion:

MOTION: (McDevitt/Spencer) To authorize the Transfer Station to release bicycles (that would become Town property – once they were dropped off) to Gate City Bike Co-op.

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

Mr. Lynde stated Gate City Bike Co-op had permission to pick up bicycles from the Transfer Station; the Superintendent will be notified of such. The Board didn't object to bicycles being dropped off at Town Hall. Mr. Yopp reiterated people could drop bikes off at his home – 6 Stephanie Drive. He stated that all the veterans that worked with the program thanked the Board for their support.

Discussion – Named Raymond Park additions

Mr. McDevitt explained that over the years the Town had purchased pieces of land that had become part of Elmer G. Raymond Park. He summarized the parcels and the names associated with such. He said it was suggested to the Board (by William Hayes) to add name plates to the existing Raymond Park sign that acknowledges the individual names. He stated he would like to gather additional information for the Board and schedule a vote for the next meeting.

Discussion – having a May Town Meeting

Mr. Lynde believed that the Town would have to budget for eighteen months if they moved Town Meeting to May. Mr. McDevitt said the topic came up because of the (inclement) weather during the last Town Meeting and because of the discussions occurring in Concord. He felt it was worthy of consideration and the Board should get the details for how to make the transition. He noted if they decided to move forward, the voters would make the decision at the next Town Meeting.

Mr. Viger wanted to know if the Town's fiscal year would remain January 1st – December 31st. Mr. McCarthy said he would contact Town Counsel to provide a pathway for changing Town Meeting to May, so they could understand the financial impacts.

Discussion – Mr. Lynde appointing Fire Chief James Midgley to vote as his proxy at the 2018 South Eastern New Hampshire Hazardous Material Mutual Aid District Board of Directors meeting

Mr. McCarthy noted typically the Chairman signs a document appointing the Fire Chief. There was no objection.

MOTION: (McDevitt/Spencer) To appoint Fire Chief James Midgley to vote as Chairman Lynde's proxy at the 2018 South Eastern New Hampshire Hazardous Material Mutual Aid District Board of Director's meeting.

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

TOWN ADMINISTRATOR / SELECTMEN REPORTS

At a previous meeting Mr. McDevitt told the Board he would research Town Meeting minutes to find out when the Town discontinued a group of roads. He found that had occurred during a special Town Meeting on December 6, 1972 and provided a copy of the minutes for the Board's information. Mr. Lynde saw that Jeremy Hill Road wasn't included on the list because it may have been done during another meeting. He believed the list of roads was put together to deal with roads that hadn't been dealt with in the past.

Ms. Forde reported that she had attended an emergency management conference in Manchester and would provide the Board with a written report for a later meeting.

Mr. McCarthy discussed the boiler project and stated it was on schedule. During the past week both boilers and the oil tanks were removed. The gas line to the back of the building is charged and the meter will be installed. He spoke about the progression of the project and the timeline for the Library and Fire Station. Mr. McCarthy pointed out that the fire sprinklers had been installed in Sherburne Hall, the remainder of the building should be complete in the next week. The Police Station would then have sprinklers installed. Mr. McCarthy told the Board that the Highway Agent Frank Ferreira submitted an application for a payment from a trust to pay for engineering pursuant to an approved Warrant Article (2016 Article 11). The request is for a portion of the amount authorized by the article. The Selectmen are agents to expend.

MOTION: (Viger/Forde) To authorize the Highway Agent to expend \$292.00 from the Highway Maintenance Capital Reserve Fund

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

Mr. Lynde reported that the Bill regarding Town Meeting postponement was 'killed' in the House of Representatives thanks to a lot of work by the New Hampshire Municipal Association and people from the various towns that came forward. When the voting record comes out he would like the Town to send a thank you notes.

Mr. McCarthy noted that the Police Chief submitted a letter of resignation from Dispatcher Kim Cunio effective May 22, 2018.

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MOTION: (Viger/McDevitt) To accept Kim Cunio's resignation as listed with the effective date.

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

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Forde/Viger) 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 7:46pm.

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

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

The Board returned to public session at approximately 8:43pm.

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

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

ADJOURNMENT

The meeting was adjourned at approximately 8:43pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary