

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
October 29, 2013
APPROVED – November 12, 2013

CALL TO ORDER - approximately 6:00PM

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

ABSENT: None

REQUEST FOR NON-PUBLIC SESSION

MOTION: (McDevitt/Lynde) Request for a non-public session per RSA 91-A:3,II, a & c (Personnel; Matters which, if discussed publicly, would affect adversely the reputation of any person)

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

It was noted that when the Board returned, after the non-public session, the Board would then take up the items on the agenda and conduct their public meeting. The Board entered into a non-public session at approximately 6:00pm.

The Board returned to public session at approximately 6:30pm.

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

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

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

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

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

October 15, 2013 (public session)

MOTION: (Viger/Lynde) To approve the October 15, 2013 public meeting minutes as amended.

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

Mr. Lynde said during the October 15th meeting an issue had been brought up about the Town webpage not being up to date. He asked the Board to consider, for a later discussion, telling those

linked to the page that they would be removed if they didn't update their pages within a specified time.

October 15, 2013 (non-public session minutes)

Mr. Gleason noted that the non-public minutes had been approved by the Selectmen with minor modifications.

ANNOUNCEMENT(S):

- Trick or Treat will be held in Pelham on Thursday, October 31, 2013 from 5pm to 8pm.
- The Office of Congresswoman Ann Kuster will hold Office Hours at the Town Hall Conference Room on Thursday, October 31, 2013 from 2pm to 4pm.

OPEN FORUM

Mike Sherman, Old Bridge Street came forward and thanked the Selectmen for agreeing to pay for the flood study (to be presented later in the meeting) from FEMA funds so there was no direct impact to the Town. He also thanked Mr. McDevitt, Mr. Gowan and Mr. Gaydos for in the past putting together the ad hoc flood committee, which allowed residents and others (such as the Department of Transportation, Army Corps of Engineers, FEMA) to come forward with concerns. Mr. Sherman was grateful for the help in getting something started. He implored the Selectmen to have the flood study be the beginning of the process, not the end. He said the process had to be done the right way, or people along the brook would be hurt.

Mr. Gleason appreciated Mr. Sherman's participation and comments.

APPOINTMENT(S):

Jeff Brem, Engineer with Meisner Brem Associates– Seeking Town Approval for Town right-of-way work to be performed along Jericho Road.

Mr. Jeff Brem of Meisner Brem Associates came forward to discuss a project off Jericho Road. The Board was provided with a color rendition of the subdivision. He explained they had been in front of the Planning Board for several months discussing a 7-lot subdivision on Jericho Road, close to the Currier Road intersection. The Planning Board approved the plan (Case #PL2013-00003) with conditions at their October 21, 2013 meeting. Mr. Brem oriented the Selectmen regarding the plan and indicated on the plan where the proposed development access roadway would be located, and the existing (Tennessee) gas line. The sight distance was subpar leaving the proposed roadway going onto Jericho Road to the left and required a waiver. A survey of the surrounding area had been done. An elevation/profile plan was displayed for the Board. Mr. Brem explained they needed to get to 445ft of sight distance (turning left when exiting the development) to accommodate the 30mph design speed, plus 10mph per the Town's Regulations. They achieved a 35mph design speed, which would provide a sight distance of 390ft; however, there was a little impediment just past the gas line. There was an area in the shoulder, off the pavement, of approximately 1ft (maximum) area of cut for a distance of 50ft. that needed to be done. Mr. Brem said they met with the gas company on site who indicated they had no issue with the proposed work because it wouldn't be over the gas main; their lines have been flagged. He told the Selectmen that a favorable review letter regarding the plan had been received from Keach Nordstrom (Town's engineering review firm). He believed the Highway Safety Committee was 'on board' with the plan. He reiterated that the Planning Board had approved the plan. Mr. Brem commented that the proposed shoulder work (for sight distance) would be done in the Town's right-of-way, just past the gas line crossing. He said the work could easily be done by a back hoe and would be essentially two shovels of dirt. The developer (Dave Mendes) has seen the

work and had no issues with it. Mr. Brem explained because the proposed work required Selectmen approval, they were asked to come forward and make a presentation for what they were seeking.

Mr. Haverty, the Selectmen Representative to the Planning Board discussed the review process for the proposed development. He said the first presentation could not achieve sight distance and the Planning Board continued the plan. The second time the applicant came in they had made some improvement with work to be done in the right-of-way and achieved a sight distance the Planning Board could live with. Because the Selectmen would need to approve the work, he wanted to make sure the Board was familiar with what that work would be.

Mr. Haverty referred to the Highway Safety Committee ('HSC') memorandum that recommended the Selectmen approve the minor grading within the right-of-way of Jericho Road required to facilitate Planning Board approved sight distance of American Association of State Highway and Transportation Officials ("AASHTO") plus 5mph between the proposed road, Jericho Road and Currier Road. He recalled work was proposed for the other side of Jericho, not the Currier Road side, and asked for clarification of such. Planning Director Jeff Gowan came forward and commented that the HSC was in favor of the proposed improvements and would generate a new letter clarifying the location of the work to be done. Mr. Haverty asked if additional traffic controls would be done at the Jericho Road/Currier Road intersection. Mr. Gowan said since the Selectmen previously decided not to have the addition of stop signs, it was not part of the Planning Board's approval or requirement.

Mr. McDevitt discussed a situation that occurred in a development at the beginning of Jericho Road (just off Route 38) where a developer carved into a hillside, which generated concern of the area collapsing. He wanted to be sure the proposed work was for a gentle slope. Mr. Brem said the work wouldn't be noticeable. The slope would be less than one foot in height along a stretch of approximately 50ft. Cross section 8A on the plan showed the slight rise of land that would be cut out to create a gentle slope.

Mr. Lynde understood that the work would be done in the right-of-way, not in the paved surface. Mr. Brem said that was correct; the right-of-way is excessively large in that area. Mr. Gowan noted the work wouldn't have any impact on snow plowing or storage, and in actuality created for area for such.

Mr. McDevitt wanted to confirm that the proposed work wouldn't have a negative impact on the person who owned the property upon which the right-of-way existed. Mr. Brem said it would not; the work would be done in the right-of-way, which was also in the gas line easement. Using the colored map, he showed the Board where cross section 8A was situated.

Mr. Gleason questioned who would do the proposed work. Mr. Brem replied the work would be done by the private developer building the subdivision. Mr. Gleason wanted to know if the Highway Road Agent Don Foss had been involved in the discussions as to whether or not it would affect his department. Mr. Gowan said he had been involved as being part of the Highway Safety Committee. He wasn't aware of any concerns by Mr. Foss.

MOTION: (Haverty/Lynde) To authorize work to proceed – to improve the minor grading in the Town's right-of-way on Jericho Road as proposed.

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

Jeff Gowan, Planning Director – Flood Study Presentation by Matt Kennedy of Vanasse, Hangen, Brustlin, Inc. ('VHB')

Mr. Gleason understood the intent was to summarize the flood study for the Selectmen. He questioned if it was expected to have an opinion from the Board. Planning Director Jeff Gowan felt the purpose was to provide the Selectmen with the high points of the findings within the flood study. Mr. McDevitt believed the Selectmen would require discussion beyond the meeting and felt specific action at this point might be unwise. Mr. Gleason shared the opinion offered by Mike Sherman during open forum that the study results shouldn't go into hiatus; he'd like to see a plan for moving forward.

Mr. Matt Kennedy of VHB, Inc. came forward to provide a summary of the Flood Study they had compiled. He began by showing the location of the study area, which was Beaver Brook and lower section of Golden Brook, flowing approximately 10 miles in length through the Town, with an overall 80 square mile watershed before leaving Pelham. There are approximately 50 square miles above Pelham, starting in the Londonderry area. In the first phase of the study they held a stakeholder meeting with affected residents, Town officials and members of the Department of Transportation ('DOT'); they collected information and reviewed data. As the study began, they examined information and created a baseline analysis of hydrologic and hydraulic conditions and understand those results. An existing conditions map was created by using topographic data. Mr. Kennedy said they compared the existing conditions to what the flow would be in a 'natural channel' condition if the bridges weren't in place, which showed quite a bit of separation. They found there was a bridge in Dracut, MA that would require additional investigation. He said without the restriction of that bridge, it made a big difference in flow.

To answer what could be done, Mr. Kennedy said the ways to view flood improvements was: 1) conveyance improvement (enlarge bridges) , 2) flood storage/watershed management, 3) move infrastructure, and 4) regulatory & policy. Charts were done to show how the flow restriction would be affected by removing each of the existing bridges. Mr. Kennedy provided the following recommendations 1) refine the hydraulic study, 2) letter of map revision, 3) master plan conveyance improvements, and 4) comprehensive flood plan and policy.

Mr. Gleason noticed in the tape recording that the State was present for the discussions and wanted to know if they had any recommendations/comments, or took any actions items as a result. Mr. Kennedy believed they had a few questions rather than action items or advice. He said the DOT had been the most helpful in trying to understand the situation and showing interest in being part of the solution. Mr. Gleason wanted to know what remained to be done under the current study and what additional action VHB had. Mr. Kennedy believed VHB's involvement was done; they submitted their report, which was a good first step for the Town. Mr. Gleason asked if the Nashua Regional Planning Commission ('NRPC') had been provided a copy of the study. Mr. Gowan said they would be provided with a copy.

Mr. Lynde asked if the bridge in Dracut were removed, if the water would revert to the natural flow line (a 4ft-6ft. drop in level). Mr. Kennedy believed it would; additional survey data should be done to focus in that area. Mr. Lynde understood removing the bridge would have some 'ripple' effect up stream, but not much. Mr. Kennedy said it wouldn't have a great affect upstream because the Willow Street Bridge was so restrictive. But doing so would magnify any improvements done at Willow Street in the future. He discussed how the watershed areas may not have the ability to store enough water to make a material affect downstream with or without the Dracut Bridge being removed; this would require additional evaluation. Mr. Lynde noted the State was looking at replacing the bridge on Main Street. He said this had been done in the past and he was of the opinion that replacement changed the area to which the water flowed. He asked if the flood plain data was collected by using GIS. Mr. Kennedy answered yes. Mr. Lynde said the information could be incorporated fairly

178 quickly into the Town's Subdivision Regulations. Mr. Kennedy believed it could be. Mr. McDevitt
179 said by doing so it may require people to carry flood insurance in areas of the Town that don't need to
180 today. He felt it was something they should keep in mind when making recommendations.

181
182 Mr. Haverty commented there were instances when the Town went through the E911 process and
183 renamed streets. He said banks re-looked at properties and in a number of instances (on his street
184 located at the South end of Beaver Brook) FEMA came through and indicated residents were now
185 considered to be within a flood plain and required insurance. He said it was expensive to fight the
186 battle and prove a house isn't in a flood plain. He said they should be prepared what it might do to
187 some residents.

188
189 Mr. Lynde questioned if a Town could define an area as a protective area for flooding, without calling
190 it a flood plain. Mr. Gowan said they could create certain buffers to buffers, such as the Wetland
191 Conservation District. But in terms of actually changing the 100-year flood elevations on maps
192 would have to be done by working with the State and possibly the Army Corps of Engineers. He felt
193 it was something that should be 'gingerly' approached, if they were to do so.

194
195 Mr. Lynde was concerned that regulations relative to flooding were not adequate. He said if a map
196 indicated an area would be flooded, a house should not be built in that location. He felt they should
197 be concerned with making sure they were not putting development in places they would have
198 problems in the future. Mr. Gowan noted that a grant was received to have the land use regulations
199 evaluated/redrafted, which was close to being finished. He said this was a piece to the process to re-
200 evaluate where the flood plain was located because some of it was in the Zoning, and some was in the
201 Regulations. The last piece of this process would require funding and assistance.

202
203 Mr. McDevitt said a few people had visited the Dracut bridge site, which was located on private
204 property and believed to be constructed by a private individual. He said he took a photograph and
205 would provide a copy to the Board. He didn't know if the Town could ever do anything about that
206 bridge and noted that the people residing downstream had less flooding than they would if the bridge
207 were not there. Mr. McDevitt said the issue of beaver dams (at the South end of Town) were
208 discussed at the flood meetings and felt it was important to discuss them at this time as well. Mr.
209 Kennedy said he was aware of beaver dams being in certain locations, but didn't feel they had as
210 much impact on the situation as the bridges. Beaver dams sat lower in the water and at a certain point
211 were overtopped by water. He said one issue with beaver dams was having them fail during storm
212 events and their debris washing downstream. Mr. McDevitt said another thing that has come up is a
213 dam in Windham that releases from time to time and questioned how it impacted flooding. Mr.
214 Kennedy didn't feel it had a great ability to impact flows downstream, given the amount of storage
215 behind that dam relative to the watershed size.

216
217 Mr. Gleason wrapped up the discussion. He said the four recommendations were all money related.
218 The Selectmen would need to further consider the study. He asked Mr. Gowan if the expectation was
219 for the Selectmen or Planning Board to proceed. Mr. Gowan felt the Planning Board could play a
220 role, but had no authority to cause taxpayer money to be expended. He said there would have to be a
221 warrant article. He believed having a master plan for bridges made sense. Mr. Gowan hoped the
222 DOT would consider the information provided in the study when reviewing the bridge design on
223 Main Street. He offered to make some recommendations to the Selectmen once he was able to
224 discuss the information with the Planning Board and NRPC to see how they might be able to move
225 forward.

226
227 Mr. Gleason asked to have the topic added to the agenda for the next Selectmen meeting to review
228 options. He felt the Town might be limited and didn't believe it would be feasible to do anything

with the Dracut Bridge. He said it made sense to have a plan and recommendations to provide the State. Mr. Gleason said upgrading the flood plain to a more representative model also made sense. Mr. McDevitt felt the Selectmen needed a couple more discussions before coming to conclusions. He said the DOT's presence during the meeting raised their awareness so they may also be able to contribute. Mr. Gleason said the Selectmen should begin to discuss the available alternatives and consequences.

Mr. Lynde said ideally, they would have an understanding of the optimum situation of all the bridges in Pelham and downstream. He said the State was designing a bridge and he didn't feel they understood what would happen to Pelham as a result of such.

Mr. Gaydos questioned if there was anything that the Town could do now, to set up for correction that wouldn't cost a lot. Mr. Kennedy said it would be beneficial to create a master plan for what they wanted to do, which could be shared with the DOT. He said this could include future studies and prioritizing the objectives. Mr. Gaydos said planning and identifying items as they move forward will be beneficial. He said they should keep momentum moving forward.

Mr. Gleason thanked Mr. Kennedy for presenting the study and would take the information under advisement and proceed.

Jeff Gowan, Planning Director –

- **Route 38 / Old Gage Hill Road DOT Study – Update**
- **Sherburne / Mammoth Roads DOT Study / Corrective Action – Update**
- **Highway Safety Committee Recommendation – Acorn Avenue**
- **Roundabout Update (now through 2014)**

Planning Director Jeff Gowan discussed the Department of Transportation ('DOT') report regarding the Route 38 / Old Gage Hill Road intersection. He said they followed the RSA (road safety assessment) process last year and nothing followed for quite a period of time. With the assistance of Nashua Regional Planning Commission ('NRPC') he was pressing the DOT for a report. He said they finally presented a report, which indicated the sight distance could be improved by clearing. He didn't feel the report made sense because the difficulty was the crest of the hill, not vegetation. He set up a meeting with DOT to review the site to ensure the information is straight. After which a presentation will be made to the Selectmen. Mr. Gowan said when they come in to meet with the Selectmen the Sherburne / Mammoth intersection could also be discussed. He will work with Mr. Gaydos to ensure information is presented.

Mr. McDevitt believed everyone recognized that the problem with the Sherburne / Mammoth intersection is not the lack of a report, but rather was the lack of action on behalf of the DOT for what they said they were going to do. He recalled there was a three-tiered recommendation. Mr. Gowan said he wasn't able to glean from the DOT anything but excuses. He said it would be nice to see them embrace the basic piece, but would love to see the midterm relief; the creation of a separate turning lane (coming off Sherburne onto Mammoth).

Mr. Gleason felt bringing the DOT in for a discussion may motivate them to act. Mr. Gowan said they review the number of accidents when reviewing the cost benefits analysis. He said although the Sherburne/Mammoth intersection is long known to be a problem, it didn't have a history of having accidents. He said the intersection of Route 38 and Old Gage Hill Road was entirely different; there had been many accidents at that location. His preference was to focus on this intersection first. Mr. Gleason felt the Town should be pushing to have an extensive report done at Old Gage Hill Road as

279 was done at Sherburne Road. Mr. Gowan recommended that they have the DOT meet with the
280 Selectmen. Mr. Gleason asked Mr. Gowan to try to have a report done on the Gage Hill Road
281 intersection for the Selectmen's November 26th meeting.

282
283 The Board discussed the status of Acorn Avenue. Mr. Gowan said he met with Russ Lemiere of the
284 DOT at Acorn Avenue to go through the Pelham Highway Safety Committee's recommendations.
285 One item not on the list was to move the weight limit sign from the end of Acorn Lane at Old Bridge
286 Street to be located at the beginning of Acorn Lane (at the roundabout). Doing so will give trucks
287 warning of the restriction before travelling on Acorn. Mr. Gowan said they would like to have the
288 sand area at the end of Acorn and Old Bridge Street removed and made more firm for travel. At the
289 same time they would like to relocate the road closed sign to point of access to keep traffic from
290 coming onto the road in the wrong direction.

291
292 Mr. Gowan said the most important item on the recommendation list was to have a better cover for a
293 catch basin that currently has a metal cover that is not attached and is sitting with water. He said the
294 DOT believed that catch basin had a special cover that had not come in yet. Mr. Gowan told the DOT
295 that the cover needed to be secured; the DOT agreed.

296
297 The last item on the list is to make it clear throughout the winter to vehicles on the Old Bridge Street
298 side of the point that there are no longer any cross roads. Mr. Gowan said the recommendation was to
299 put up orange hurricane fencing between three telephone poles. He said Mr. Lemiere was working to
300 have Continental Paving come back and to install the hurricane fencing and to level out some of the
301 paving in front of the old fire station location. Continental hasn't committed to a specific date, but
302 had agreed to come back and do the work; however, the work would be done by a different team than
303 was previously on site. Mr. Gowan felt every effort should be made to have them return and noted
304 this was the busiest time of year for Continental so it may be difficult to pin them down on a
305 commitment date. He said it might be easier to have the Town Highway Department do the work and
306 bill Continental. He offered to contact them directly to determine a date for the work to be
307 completed. Mr. Gaydos said Continental may prefer to have the Highway Department do the work
308 because it would be less expensive than mobilizing the equipment. He said this might be the reason
309 they're waiting until the very end, so they could get all the remaining items done at one time.

310
311 Mr. Gaydos said the open storm drain was a safety issue. He said they had to have resolution. Mr.
312 Viger felt the situation was similar to a recent discussion regarding brush cutting on Mt. Vernon. He
313 said it was State issue that was now identified as being a safety issue. He was concerned about the
314 liability to the Town if it wasn't addressed immediately. Mr. Gaydos said he would work with Mr.
315 Gowan to create a definitive list of what had to be done. He felt Continental would be more inclined
316 to do the work. Mr. Gowan appreciated the assistance. Mr. Gleason wanted them to be aware if they
317 weren't going to take appropriate action, the Town would take action. Mr. Gowan said he always
318 works with Mr. Lemiere and felt working with Continental directly would assist them.

319
320 Mr. Gowan told the Selectmen that the work on the roundabout was done for the year, except for the
321 work contained on the list. He explained to Mr. Lemiere that he needed to provide a specific list of
322 the remaining utility work to be done and who was responsible for those items. He said he wanted to
323 be sure that the work got done over the winter. He noted that Continental wouldn't come back until
324 all the utility items were completed. Once Mr. Gowan receives the list from Mr. Lemiere, he will
325 share it with Mr. Gaydos.

326
327 **OTHER BUSINESS**

328
329 Mr. Haverty left the meeting.

Elderly Exemption continued discussion with Assessing Assistant Susan Snide

Mr. Gleason said the Selectmen had discussion at a previous meeting and thanked Ms. Snide for putting together a recommended approach as a result of that meeting. Ms. Snide said she recapped what she thought the Town's potential liability was in terms of tax deferral if they continued with a 100% exemption. She extrapolated from the 2010 Census information and determined there were approximately 279 households in Town where the head of the household was at least 65 year of age or older and were under the \$35,000 income cap currently used by the Town. She found that 94 of those units were potentially rentals. Calculating out the remaining 185, she found the tax distribution (deferral) could be as high as \$1,117,158. In looking at the data and other communities in the State, Ms. Snide suggested having a three-tiered system rather than using the existing two-tiered system and put a specific amount in assessed value that would be taken off the property values as opposed to the current 100%.

The First tier: age 65-74 would have \$33,000 off the assessed value; Second tier: ages 75-79 would have an exemption of \$85,000 off the assessed value; and the Third tier: from age 80 and above the Town would exempt \$100,000 off the assessed value. Ms. Snide said the value of homes ranged from \$360,000 down to \$160,000. She tried to use the Census data to extrapolate how many people were in each category, but was unable to do so because of the privacy of that data. She reviewed the Department of Revenue Administration ('DRA') spreadsheets and levels of exemptions offered throughout the State and learned Pelham was the most generous town. She shared with the Selectmen the median average levels of exemptions for the three tiers being proposed.

Mr. Gleason said the Town had implemented a new stringent vetting process. He said proposed would be the second element of the puzzle to limit the Town's exposure by setting limits that were age and assessed value related. He understood, under the current data, there was potential exposure of approximately one million dollars. He further understood that the proposed tiered system wouldn't preclude the Selectmen from offering hardship exemptions, based upon need. Ms. Snide said the Selectmen were never precluded from offering hardship exemptions to anyone, regardless of age.

Mr. Lynde questioned if the Statutes allowed a percentage up to a maximum amount. Ms. Snide said it doesn't spell it out, but felt the Town had already done so with the 100%. Mr. Lynde questioned if they could offer 50% of value up to a maximum of \$200,000. Ms. Snide was unsure if that could be done. Mr. Lynde felt if the Town moved forward with the proposed, it was important to inform people currently getting full exemptions if they demonstrated need they could be covered.

Mr. McDevitt believed the Selectmen could abate taxes for any reason. He said the Statute 72:38,A which authorizes any resident to apply for a tax deferral if they are age 65 or older. He said it doesn't exempt that person from paying the tax, it puts a lien on the property to recover if that person sells, passes away, etc. He said this could be used for those people who fell into the 'crack' of the rules being changed. Mr. McDevitt felt the Selectmen should commit to examining those folks who fell through the 'cracks' if a new tier is approved by voters. Mr. Lynde recalled going through that process in past years.

Mr. Gleason commented that the proposed approach would ensure taxpayers had some level of control and mitigation of the burden. Mr. McDevitt said the idea was not to figure out how to exclude people, but rather to figure out a way for those who are legitimately impoverished can keep their homes. He pointed out this wasn't a way to raise more tax revenue; the Selectmen were trying to figure out a way to determine how people could get an exemption who deserved it.

Mr. Gleason questioned how many people were currently receiving 100% exemptions. Ms. Snide replied in 2013 there were 38 people. Mr. Gleason asked how many would fall in the \$200,000 range. Ms. Snide believed approximately 10 would fall in that range. It was noted that those people would have the option to come to the Selectmen to request an exemption.

Given that people could request an exemption from the Selectmen, Mr. Viger questioned why they needed to lay out an overall exemption since either way the person would need to fill out an application. Mr. Lynde believed it was a matter of volume and having the Board take each case individually. Mr. McDevitt added that Boards of Selectmen change and a warrant article would provide a level of shelter without having to worry about the vagaries of the Board.

In principal, there was an agreement of the Board with the proposal. He asked Mr. Gaydos to draft a warrant article. He asked if legal would need to review the wording. Mr. McDevitt said the wording was prescribed by Statute. Ms. Snide was asked to draft a warrant article for this year.

Preliminary Review of 2014 Town Warrant Articles – Continued

Mr. Gaydos provided a list of proposed warrant articles for 2014. The Selectmen reviewed the list: Assessing (exemption), Highway Block Grant, PVMP improvements with Draco Homes (unknown how this would affect Pennichuck Water contract), mixed Zoning District (in Pelham center), discontinuation of Lawrence Corner Road.

Mr. McDevitt recalled when the Draco homes development came in the developers indicated they understood about Pennichuck water having the exclusive right to distribute water in Pelham. He was unsure it was up to the Town to protect them from whatever may occur if they violate that agreement or if they've already worked something out. He didn't know what business it was of the Selectmen.

Mr. Gleason asked who had the responsibility for the PVMP warrant article. Mr. McDevitt and Mr. Lynde believed it was the Selectmen.

With regard to the discontinuation of Lawrence Corner Road, it was unclear to Mr. Gaydos who wanted it done because the attorney for the subdivision didn't want it done. Mr. McDevitt said he didn't know what the problem was as it had not been formally brought to the Selectmen's attention. He said Planning Director Jeff Gowan gave it to the Selectmen as a heads up. He didn't feel they had the money or time to invest in the matter. The Selectmen agreed that the item should be removed.

Mr. Gaydos said there was the matter of the gas pumps. He said they had already solicited three private bids.

Mr. Gleason reviewed additional items for consideration: 1) Fire union contract; 2) Police union contract; 3) possible Forestry Committee request; 4) Ambulance Fund request; and 5) discontinuance of a portion of Valley Hill Road with new Dunkin Donuts.

Mr. Gaydos was unsure if the Forestry Committee would make a request as they had past approved warrant article balances that had not been expended. He will find out if a request will be coming forward.

Mr. Gleason recommended writing a warrant article for the Ambulance Fund for discussion. The Selectmen deferred discussion of the Valley Hill Road discontinuance to provide Mr. Haverty (the Planning Board representative) the opportunity to comment. Mr. Gaydos said the situation was that the road had to be maintained (plowed) by the Town unless/until it was discontinued. It was his

understanding the plan was to rip up the pavement for that portion of road, which would cause a severe drop/elevation difference going onto Valley Hill Road. Essentially he believed the plan was to discontinue that portion of road.

New Fire Station Update:

- Pending Expenses
- Amounts at Risk
- Landscaping/Irrigation RFP
- Final Cost

Mr. Gaydos said they were winding down the improvements on the fire station and had approximately \$87,800 remaining. The last items to address are drainage, irrigation and some landscaping work. He said the Fire Chief would like to put up an electronic sign to relay information during emergency situations. There are two components that need to be purchased for the Johnson system that controls the HVAC. Those remaining items total approximately \$47,000.

Mr. Gaydos said there was one area at risk (of approximately \$9,000) because of a 'finger pointing' situation. He said they have negotiated with Eckman Construction and the contractor to try and resolve the situation. Even with this, he believed there would be an excess of approximately \$31,000 available to turn back to taxpayers at the end of the project.

Mr. Gleason said he asked Mr. Gaydos to not get into the details of the remaining items because he didn't want to go out to the public with how much they expected the amounts to be, in terms of not compromising possible bid amounts.

Mr. Gaydos asked how the Selectmen wanted to handle the irrigation and landscaping bids (in front and behind the fire station). He asked if they wanted to split the bids and if they wanted to qualify people prior to or after bidding. Mr. Gleason understood currently, Boyden was responsible for landscaping and the irrigation was Young Bros. Mr. Gaydos noted that the company that designed the irrigation indicated that the irrigation could work with the present well capacity and water containing unit. He said whoever bids on the irrigation will have to know how to do it because it operates the Village Green and roundabout. He said the water system was off of a well, not off Pennichuck Water. Mr. Gleason said through a prior conversation, the feeling was Boyden should do the landscaping to remain consistent with the other landscaping, and Young should do the irrigation because they had done the installation, maintenance and upkeep. Also, they were familiar with the system. Mr. Gaydos reiterated that the Village Green, roundabouts and Lyons Park were all interconnected with the irrigation for the fire station.

Mr. McDevitt asked for a rough dollar figure. Mr. Gaydos said it was approximately \$8,000 for irrigation and landscaping, but it didn't have to be a package deal. He wanted to know how to go forward.

Mr. Lynde asked if Lyons Park was essentially separate. Mr. Gaydos answered yes, but it would far more expensive to have two companies blow the lines out at Lyons Park and another to blow the lines out at Village Green and the fire station. He said currently one company handled all the existing lines. Mr. Lynde asked about the irrigation for the roundabout. Mr. Gaydos said there was a pipe leading out to the existing roundabout; they were unsure where the water would come from for the second roundabout. Mr. Lynde felt they would be better off having one company (handle the water). Mr. McDevitt agreed.

Mr. Gleason said Mr. Haverty had voiced concern with the process. He felt awkward making a decision at the moment. He asked Mr. Gaydos what he was seeking from the Selectmen at this time. Mr. Gaydos replied he was seeking the Selectmen's opinion. Mr. Gleason said he had a lengthy discussion with the Fire Chief, Boyden and Young Bros. He felt introducing anyone else would introduce a potential conflict given that Young had been handling the distribution box, distribution of the water and was familiar with the sequencing. Mr. Viger added that Young was involved with putting a well at the fire station before the station was at the site and had anticipated the size of the line. He said they had also provided reduced costs at Muldoon Field and had been respectable in the work done and what was charged. The Board agreed that Young should handle irrigation.

Willow Street Bridge RFP

Mr. Gaydos told the Board that the Town was immediately eligible for 80% reimbursement for the preliminary and final design. He said part of that preliminary and final design was going to include a design for how big the span would be. He said ten companies submitted letters of interest; of which he felt six were strong candidates. Two of the companies took some time to understand what the Town was doing with the bridge; one partnered with VHB who did the flood study, the other partnered with John Levine who was involved with the flood study meetings. He said some of the other companies had great experience with bridges and had done good work for the Town in the past.

Mr. Gaydos asked the Selectmen how they wanted to proceed with the interview process. Mr. McDevitt wanted to know how anyone could engineer a bridge and increase the span size when the implications of increasing downstream flow were unknown. Mr. Gaydos said that's why he was impressed with the two companies who sought information from flood experts to help in the decision making. There was further discussion regarding how to proceed. The Selectmen agreed to assign Selectmen Lynde and Gleason to do initial interviews of the three companies. Mr. Gaydos said a copy of the flood study would be sent to each of the companies and inform of the Town's primary concerns.

Municipal Building Roof Replacement Discussion

Mr. Gaydos provided the Selectmen with roof designs from Rondo Roofing. He said there was a record of all repairs done to the roof. He said the Selectmen had to decide at what repair level they wanted to occur given the different pricing range and possible relocation of Town offices. He'd like to have a submission for the Capital Improvement Plan ('CIP').

Mr. McDevitt commented for the public that at the time the Town offices moved into the municipal building the budget number didn't include the roof. When forwarding the information to the CIP, Mr. Gaydos would forward the report and how the Selectmen believe they would like to approach it. There was discussion regarding the unknowns regarding the roofing components and how the roof repair/replacement would proceed. Mr. Gaydos will provide additional information and how the project could occur.

2013 Tax Rate Setting Finalization – Update

Mr. Gaydos told the Selectmen that 62 towns had been accepted into the cue, Pelham is not yet one of them. He said he would pick up the MS27 and MS24 from the School, as there was difficulty having it sent electronically. This will be available to the Selectmen for review.

2012 Audit Findings Management Letter Review & Response

Mr. Gaydos stated the findings were very good this year, but found the Town woefully short on policies. He discussed some of the policies the auditors believed should be put in place. Mr. Gleason believed the Board would receive a copy of the auditor's response, which would need to be put into the Town Report. Mr. Gaydos said the items were summarized in the management letter. The Selectmen asked for a copy of the findings letter received. Mr. Gaydos concurred with what the auditors were saying.

Town Policies & Procedures Discussion

As a result from the auditor's findings and in doing research, Mr. Gleason found that current Town policies were not kept in one area and felt there should be a concentrated effort to do so. He also found there were policies the Town should have, but didn't. He said a determination needed to be made regarding the policies that were in place as to whether they are appropriate and current. Also he said they should determine which policies were missing so they could be generated. Mr. Gleason said the Selectmen should be challenged in the coming months to assign one or two Selectmen to work with Mr. Gaydos and pull the policies together and make recommendations; Mr. McDevitt and Mr. Viger will assist.

2013 Budget Review - Revenue & Expenses – Period ending September 30, 2013

Mr. Gaydos reviewed the budget status of the departments. Mr. Gleason saw if all the department stayed on the current track, there was a potential of returning \$633,000 to the fund balance. The Selectmen felt the departments had done a good job meeting the Selectmen's challenge. Mr. Gaydos said at this point revenues were being exceeded and could possibly end with a figure of \$300,000.

Summary of Warrant Article Balances Discussion

Mr. Gleason said the purpose of reviewing old warrant articles was to possibly draft an article for Town Meeting to eliminate them. He noted this process was done a couple years ago to purge old inventory.

Mr. Gaydos asked the Selectmen's thoughts regarding the Muldoon egress; there was approximately \$7,300 to be returned to taxpayers. Mr. Gleason said the Skate Park also had money remaining. Mr. Gaydos said he had been asked how to convert the remaining Skate Park money into an account for repairs. It was noted that a warrant article would be needed to create a trust fund for maintenance and upkeep, naming the Selectmen as agents to expend. With regard to the Muldoon second egress, Mr. Viger questioned if a light for the road should be installed. Mr. Gaydos said the Town could erect a pole and put a light on it. Mr. Viger noted that the electric bill for the park was paid by the groups using the field. Mr. Lynde suggested obtaining the Highway Safety Committee's input. The Selectmen asked Mr. Gaydos to ask the Highway Safety Committee for input.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt said he went to the Transfer Station and took note of the new walls on the building. He thought the walls made the building look new. He then noted that he read a newspaper article that Pennichuck was going to make a distribution back to towns that contributed toward legal fees. He said the Town had made some contributions and would receive some of that money back. Mr. Gaydos said the PUC ordered Pennichuck to pay \$250,000. He said the Merrimack Valley Water System still owed \$125,000 in legal fees. A portion of the remaining \$125,000 will be retained for on-going legal expenses. Mr. McDevitt recalled the Town had contributed \$5,000 for a few years.

Mr. Lynde said a grant was being submitted through the Medical Reserve Corps. to help with furthering the efforts to inform people about the harms of substance abuse.

Mr. Viger reported that the Budget Committee was continuing their review process. He noted they would review the Town warrant articles November 14th. Also, he said he had put together a preliminary list of parade rules for the Board to review.

Mr. Gaydos said he was contacted by Pennichuck regarding a second interview with their board of directors to fill the vacant seat for the Merrimack Valley Water System. He also noted that one of the Police Department's policies is no facial hair. In light of the Boston Red Sox having facial hair as they play toward the World Series, some members of the Police Department committed to pitch in \$50 if they were allowed to have facial hair during this same time. The money raised will be contributed to the Good Neighbor Fund; to date they've raised over \$400.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:40pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary