

Mr. Sherman asked if the Police could provide more surveillance on tractor trailer traffic crossing the Abbott Bridge. He had seen as many as 6-7 per day.

Mr. Roark asked if there was a particular time of day that the truck traffic was seen. Mr. Sherman couldn't say. He believed it may be case of confusion because of the (Town center) construction. Mr. Lynde wondered if warning signs were not in place. Mr. Gleason said a sign had just been moved back to the roundabout. Mr. Roark agreed that part of the problem was the construction. He was curious which direction the trucks were travelling. Mr. Sherman said most of the traffic was coming from the Town center toward the bridge. Mr. Roark understood that a truck driver may be reluctant to get themselves in a worse position by trying to turn off the road (Acorn Lane) and instead would take the calculated risk of crossing the bridge. He said their GPS may not be updated to show the new routes. Mr. Sherman noted that the left turn (off Acorn) was also a tight turn that may hang up a truck. He told the Board that he had additional conversation with Quantum and had provided them with photographs of the 2006 flooding. Mr. Gleason thanked him for his support and help.

APPOINTMENT(S)

Zoning Board of Adjustment Appointment:

Kevin O'Sullivan – Alternate Member – Reappointment for 3-year term April 1, 2014-March 31, 2017. Mr. O'Sullivan came forward to discuss his application.

Mr. Lynde understood Mr. O'Sullivan hadn't attended many meetings during the past year. He wanted some assurance that Mr. O'Sullivan would be able to attend meetings if he was reappointed. Mr. O'Sullivan replied during the past year his family status had changed and he became a single parent. With that a lot of his time for extracurricular activity had gone away. He said at that time he submitted his resignation, but after having a conversation with the Zoning Board Chairman and the Planning Director they came away with seeing what he could do to make things work. He told the Board that he didn't intend to apply this time around given his availability during the past year, but after another conversation felt he had the responsibility as a citizen to do what he could. He would very much like the opportunity to contribute in the manner he previously.. In reality, he said ongoing consistent attendance was probably not likely. However, he would make his best efforts to fill in where needed, especially if there is a potential that a meeting would need to be foregone because they lacked a quorum. He said when the day came that there was a pool of candidates available for the position, that may be the best time for him to not be involved.

If appointed, Mr. Lynde asked Mr. O'Sullivan to give up his seat if he was unable to attend the meetings. Mr. O'Sullivan agreed.

Mr. Gleason understood the situation. He felt Mr. O'Sullivan brought experience to the Board. He said the scarcity of volunteers limited the boards. Mr. O'Sullivan responded he would like to contribute where he could. Mr. Gleason appreciated Mr. O'Sullivan's willingness to participate to the extent he could.

MOTION: (McDevitt/Lynde) To appoint Mr. Kevin O'Sullivan as an alternate member of the Zoning Board of Adjustment (term: April 1, 2014 – March 31, 2017).

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

Jeff Gowan, Planning Director

- **Willow Street Bridge Update**
- **Abbot Bridge**
- **Surrey Lane Update**
- **Roundabout Landscaping**
- **VHB Contract**

Mr. Gowan provided an update on the Willow Street Bridge and Abbott Bridge. He stated Quantum Consultants were hired to do the preliminary study for Willow Street Bridge, which will be followed by an engineering study. He said a contract for the preliminary study was provided to the Selectmen for signature. He summarized the discussion points during the meeting held April 30th with New Hampshire Department of Transportation ('DOT') and Quantum. He learned that the Abbott Bridge had been red listed with the State. Quantum believes they can deal with an overflow culvert of some kind because of its red list status and reviewed the bridge so a letter could be provided to DOT. Mr. Gowan said the Main Street Bridge was scheduled for replacement in 2017, the Willow Street Bridge was scheduled for 2020 and it was expected that the Abbott Bridge may be scheduled for 2022. It was possible that the studies being conducted may alter the order the bridge schedule. Mr. Gowan confirmed that the State reimburses 80% of engineering costs at the completion of final design. He said this would be important for the Selectmen in terms of timing warrants and anticipating reimbursements. Approval for the Quantum study has been received from DOT. He said once both contracts for Quantum and VHB are signed, and Quantum prepares their letter on the Abbott Bridge, he will organize a meeting of all consultants to ensure a coordinated effort that eliminates overlap and promotes information sharing.

Mr. McDevitt understood that the State was not speaking about replacing the historic Abbott Bridge. He said it shouldn't be a surprise that the bridge is on the State's red list since it was constructed during the Jackson administration with surplus federal funds, but he questioned what got it onto the list. Through his discussion with Quantum, Mr. Gowan said the State understood there were things with the bridge that wouldn't change. He said there were concerns about scour with the impact of water on the structure. He believed they would put a diver in the water to carefully review the bridge for damage. He explained the Abbott Bridge will look like it does today, except there may be an appendage (not physically connected) in the same reach of the brook.

Mr. McDevitt asked if the actions Mr. Gowan discussed were pending completion of VHB's study that was authorized a few weeks ago since they were looking at everything systematically as opposed to individually. He noted the VHB study would be completed within a few months. Mr. Gowan replied once the contract was signed with VHB their work would be finished in advance of Quantum's work.

Mr. Lynde understood the scouring was due to the support pillars eroding from the stream bed. He said part of the problem was the volume and specifically velocity of water. He believed Abbott Bridge would become another Town project and a by-pass would need to be put in to prevent the possible erosion and loss of bridge because of the scouring. He felt the VHB study would be key in the solution to tie things together by indicating different scenarios.

Mr. Gleason said Quantum requested that the Town approach DOT for a waiver to use them directly for the study of the Abbott Bridge since they were familiar with the Town and the flood study. He commented that after the joint meeting with DOT there seemed to be a total awareness for the broad magnitude of the problems. He was impressed that DOT recognized this fact. Mr. Gleason said if the Abbott Bridge was red listed because of its width and lack of proper guardrails, a by-pass would solve the scouring problem but he questioned if the State would be looking for remedies to the red list

conditions listed. Mr. Gowan replied the State would be very respectful to the historic nature of the Abbott Bridge. He said the remedy wouldn't simply be a by-pass; there would still be review of the scour and cracks which he believed was the reason for it being red listed.

Mr. Gleason felt it was important to set a time line. He said Quantum indicated they would come back to the Selectmen later in the year with completion of their design study and cost for the replacement of the Willow Street Bridge. This would be in concurrence with the DOT recommendation that the Town have a warrant article in 2015 for the full cost of that bridge along with a caveat that 80% of that cost would be recoverable at the completion of the bridge. He said they would be challenged with the cash flow to fund the bridge. Mr. Gleason said if the Abbott Bridge study gets rolled in now, the Town would possibly be faced with proposing one or two warrant articles. Mr. Gowan said at the completion of final engineering the Town would receive 80% back on the cost and would also receive 80% back after construction. Mr. Gleason said he spoke with the Treasurer regarding how the Town would handle the cash flow. He learned if there was adequate money in the fund balance they could float the cost temporarily. He anticipated the Selectmen being ready to put forth a warrant article in 2015 for the Willow Street Bridge. If the warrant passes, the State has asked that the Town go out to bid in the fall of 2015. He said the State indicated with the influx of money from the gasoline tax increase, they are looking to move bridge projects up. He believed the Willow Street Bridge would move up and if other towns weren't engineering ready, it could move even faster into 2015. Mr. Gleason noted that Quantum would provide the Town with a cash flow model and would help the Town negotiating etc. through completion.

Mr. Lynde questioned if the Willow Street Bridge could be one prior to Abbott Bridge. He would like to know the answer and felt the studies may help determine the best approach. Mr. Gleason agreed that the Town needed to know the engineering/design timeframe for Abbott Bridge. He believed the Selectmen needed to meet with the State on a regular basis to ensure everything continued in a forward motion. He summarized the timeframes.

Mr. Gowan said it would make sense to work on the downstream bridges first; however, the Main Street Bridge was scheduled first. He believed they were looking to construct that bridge so its flow didn't increase and the embankments could be pulled back once the other bridges were up to par.

Mr. Gleason felt Mr. Sherman had a good point about the cranberry bog (for water storage). He said during the upcoming meetings, the Selectmen would remind the State of that fact.

(See below for Selectmen's action to sign contract with Quantum)

The discussion then turned to the VHB contract. Mr. Gowan stated the contract had been sent out for legal review. He said Attorney John Rattigan (Town Counsel) had issue with a couple of areas in the boiler plate language and recommended changes to such. He said VHB accommodated the changes, but pushed back on two points: 1) Section 16 – VHB's liability, and 2) Section 19 - binding arbitration language but felt the liability provision was unacceptable. As to liability, VHB suggested they couldn't take the language out, but could increase the number. Counsel wasn't as concerned with the arbitration language. Mr. Gowan pointed out to the Board that they didn't have a problem with the language on the first phase of VHB's work for the Town.

Mr. Lynde asked if the language being questioned by Attorney Rattigan the same as contained within the prior contract. Mr. Gowan believed so, because it is VHB's boiler plate language. Mr. Lynde questioned if the previous contract was reviewed by Attorney Rattigan. Mr. Gowan was unsure as he wasn't involved with the first contract.

187 Mr. Gowan read aloud the memo provided by Attorney Rattigan with regard to liability. Mr. Gleason
188 was not in favor of allowing VHB to limit their liability for a potential accident. He believed their
189 maximum limit was \$2 million dollars and was against the amount being lowered to \$100,000. Mr.
190 Roark believed it would cover a negligent-type of accident. He didn't feel \$100,000 would be
191 adequate for any type of incident where a person is injured. The Selectmen discussed the options.
192 Mr. Roark said another option was to ask VHB to lower their price and the Town will seek their own
193 insurance. He agreed with Mr. Gleason that the Town needed more protection than \$100,000. Mr.
194 McDevitt believed the Municipal Association would be able to provide guidance. Mr. Gowan said he
195 would work with Mr. Roark to resolve the situation. He will contact VHB and inform that the
196 contract language wasn't sitting well with the Selectmen. Mr. Roark said if the Town had to delay
197 they would; there are other options and other engineering firms. He said the Town won't be left
198 exposed.

199
200 Mr. Gowan then provided the Selectmen with an update regarding Surrey Lane. He worked with the
201 Finance Director to better understand the situation and assess the remaining work, since he was not
202 involved in the original project. He summarized the memo submitted by Keach Nordstrom (Town's
203 engineering review firm) and the work that had been done by Mr. Gauthier. The remaining work will
204 cost approximately \$8,700; at present they are approximately \$100 over the \$16,000 off site exaction
205 collected. Mr. Gowan felt it was important to complete the project. The remaining items detailed in
206 the Keach memo; and in summary: 1) pulling out the cul-de-sac wings; 2) loaming/seeding abutter's
207 front yard; 3) matching the driveways in; and 4) completion of minor work. He said if the project
208 was going to be completed, it would either have to be done soon, or put off to next year. He noted
209 putting the project off wouldn't sit well with the abutters and may end with legal expenses for the
210 Town.

211
212 Mr. McDevitt said he went to the site and looked at the area. He didn't feel the Town had a choice
213 except to finish the project using money from the Highway Department's budget.

214
215 Mr. Roark asked if the Town was still tied to Mr. Gauthier by contract for the remaining work. He
216 also questioned if the Highway Department was capable of completing the work. Mr. Gleason replied
217 the Highway budget was strained because of the past winter and the FEMA funds were getting low.
218 He said the Board would be having a discussion later in the meeting about work in the area of Bowley
219 Drive that may cost approximately \$100,000.

220
221 Mr. Gowan told the Selectmen that Mr. Gauthier's work was good; the cost overages were due to
222 unknown circumstances and had been approved. Mr. Roark believed if Mr. Gauthier was signed to
223 finish the work, he would be entitled to finish at his cost. Mr. Gowan noted that the off-site exaction
224 paid for all the materials, it was the soft costs that ran over. Mr. Gleason said the problem was where
225 the additional money would come from. Mr. Lynde asked if the Town had a contract with Mr.
226 Gauthier that contained the specified the work still to be done. Mr. Gowan answered yes; the
227 Selectmen awarded him the bid. He said all the work was contained in the contract except for the top
228 coat. He noted the overages that were discovered in the field were approved. Mr. Lynde noted if
229 there was a contract in place that contract would be broken by having the Highway Department do the
230 work. He asked by how much the work would run over the \$60,000 exaction. Mr. Gowan replied the
231 total expenditures to date were \$94.92 over the \$60,000. There was an additional \$8,700 of work to
232 be done.

233
234 Mr. McDevitt said if Mr. Gauthier was under contract then he needed to finish the work and the Town
235 needed to pay him for it. As for funding, he said there was no simple answer. The work had to get
236 done and he felt for accounting purposes the money had to get charged to the department doing the
237 work. Mr. Gleason wanted the Selectmen to be cognizant that the Highway budget was already in

jeopardy. Mr. Lynde agreed that the cost should be assigned to the Highway budget, with the understanding that the budget was being impacted and the Selectmen wouldn't hold the department responsible for that impact.

Mr. Gowan said there was a sense of urgency because loaming and seeding couldn't be done in July.

Mr. Lynde made a motion to proceed with the work and charge the Highway Department budget. Mr. McDevitt seconded. He suggested the cost not exceed \$9,000. Mr. Gleason felt if the specified cost was \$8,700 that should be the number. Mr. Lynde didn't modify his motion.

MOTION: (Lynde/McDevitt) To proceed with the specified work and charge the cost to the Highway Department budget. The cost is not to exceed \$9,000.

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

Mr. Gowan will contact Mr. Gauthier to proceed.

Mr. Gowan said a subcommittee of the Garden Club was working with Boyden Landscaping to pull together the cost for landscaping the roundabouts. He proposed they attend the Selectmen's second meeting in June to provide an overview of the proposal.

Mr. Roark asked if the proposal would include bringing water over from Pennichuck Water. Mr. Gowan replied the numbers would be part of what he prepares. He felt water and electricity would happen regardless of whether or not they proceed with a landscaping plan.

Mr. Lynde questioned if landscaping was part of the project that would be reimbursed. Mr. Gowan said the Department of Transportation had a small credit for hydro seeding and some day lilies. He said they were looking at something more long term that would be low maintenance. Mr. Gleason asked who would be responsible for the upkeep and maintenance of the roundabout plantings. Mr. Gowan suggested that the Town landscaper maintain what was planted. He said they were working to come up with a planting scheme that was extremely low maintenance with hard scape. Mr. Gleason felt it appropriate to have the Town landscaper participate in the discussions. Mr. Gowan told the Board they were already working with them. An agenda item will be scheduled for June.

Mr. Gleason said the Quantum contract was ready for signature and asked the Selectmen if they wanted Mr. Roark to sign.

MOTION: (Lynde/McDevitt) To delegate the execution of the contract with Quantum to acting Town Administrator Joe Roark.

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

Brian Johnson, Parks & Recreation Director

- Pelham Veteran's Memorial Park ('PVMP') Playground Update
- Raymond Park Building Update
- Signage at Parks

Mr. Johnson told the Selectmen they were informed earlier in the day that the Parks & Recreation Department was once again awarded Playful City Status. Pelham is one of 212 towns selected nationwide and the only town in New Hampshire selected.

Construction will begin on the playground at PVMP. The first phase will be to build a mound where the slide will be located. The equipment manufacturer will be helping with the installation. The goal is to have the playground completed by June 1st. The first annual Town Beach Day is scheduled for June 1st, which will help promote the Town beach and the new playground. Mr. Johnson told the Selectmen that they had a new beach permit. Rather than vehicle stickers, residents will be issued beach cards that will be shown to the lifeguards. They believed the card system would allow for better monitoring of the people using the beach. Mr. Johnson told the Selectmen that playground equipment purchased from Steepletop Kindergarten would be installed at Raymond Park and ready for use during Tot Camp beginning July 7th.

Mr. Johnson told Selectmen that the Raymond Park building was on hold for now. When bids were returned he was discouraged by the proposed costs. In meeting with representatives of the programs who used the field, they felt the major need was storage. They were designing something that would be built into the hill at field level and could be added onto at a later date. The plan was to down scope the project to fit the budget. He would revisit the project after summer camp commenced.

Mr. Johnson showed a photograph of the Park Rules sign that was located at the entrance of each park. He then showed a photograph of the park name and address sign that was at the entrance of the Raymond Athletic Fields. He said a bar would be added to that sign indicating the park hours as being dawn to dusk. He would like to replace the existing entrance signs at Raymond Scout Lodge and PVMP with a sign similar to the Raymond Field sign.

Mr. Gleason asked if it would be cost prohibitive to consider having a basic consistent sign at every park that identified the park, address, hours and rules. There was a brief discussion about how the park signs should be designed for consistency at the entrance of each. Mr. Roark suggested upon entrance to the parks a strategic location should be chosen to have a sign delineating specific park rules.

There was further discussion regarding the development of prominent signs for each park. Mr. Gleason said prohibition signs will also be developed for posting near the entrance of each park that will give people adequate time to review and be aware of the rules. These signs can also be used by the Police Department as criteria for policing the parks. He asked for a time line. Mr. Johnson said they would move forward with new entrance signs (similar to 1201 Mammoth) for Raymond Park and PVMP. The main thing was to have consistency at each of the parks.

The Selectmen discussed the residency requirement for PVMP. Mr. Gleason understood that non-residents were allowed to attend summer camp. Mr. Johnson answered yes. Mr. Gleason asked how Mr. Johnson felt about a residency requirement for PVMP. Mr. Johnson felt it would be a good thing.

OTHER BUSINESS

PVMP Restricted Access – Town Residents Only

Mr. McDevitt said the question was raised at a previous meeting whether there was still a Recreation Commission. He said commission was done away based on the RSA's at the time the Town switched to a Town Manager form of government. He said there was a further question under whose authority are park rules made.

330 *RSA 41:11- A & B specifically authorizes Selectmen to have the authority to manage all real*
331 *property owned by the Town and regulate its use.*
332

333 Mr. McDevitt felt the Selectmen needed to exercise their statutory authority to make rules regarding
334 the parks; in particular with Pelham Veteran's Memorial Park('PVMP') and restate and go on record
335 that it is the intent for PVMP to be in use for Pelham residents only, unless otherwise approved, and it
336 is to be so posted.
337

MOTION: (McDevitt/Lynde) Pelham Veteran's Memorial Park is for use of residents only,
with those exceptions approved in advance by the Parks & Recreation Department.

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

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339 **Highway Department Road Pavement & Crack Sealing Bid Award**
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341 Mr. Roark reviewed the recommendation of the Highway Road Agent for pavement and crack
342 sealing.
343

MOTION: (Lynde/McDevitt) To award the crack sealing bid to Crack Sealing Inc., the low
bidder at \$7.60 per gallon.

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

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MOTION: (Lynde/McDevitt) To award the paving bid to P.J. Keating, the low bidder at
\$381,880

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

345
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347 **Waiver of New Hampshire Retirement**
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349 Mr. Gleason stated in doing research they found the Town was eligible to request a waiver through
350 the New Hampshire Retirement System ('NHRS') for the position of Town Administrator. He
351 recommended requesting a waiver at this time. He told the Board he received written correspondence
352 from Brandon Adams, Employer Compliance Auditor of NHRS that indicated if the Town of Pelham
353 wished to exempt the next Town Administrator from membership in the NHRS, the Town would
354 need to provide a letter signed by the Selectmen prior to that individual starting work for the Town.
355 Alternatively, the Town may provide approved minutes from the Selectmen meeting in which the
356 position was made exempt.
357

358 The ability to exempt the Town Administrator position from NHRS enrollment is found under RSA
359 100-A:22.
360

361 Although the Selectmen had not made a selection, in anticipation of doing so Mr. Gleason asked that
362 the Selectmen request a waiver so it would open their opportunity for negotiations.
363

364 Mr. Lynde made a motion to request a waiver from the NHRS for the Town Administrator position in
365 accordance with the RSA. Mr. McDevitt seconded the motion. Mr. Gleason noted they had two
366 alternatives: 1) provide a copy of the meeting minutes; or 2) provide a letter signed by the Selectmen.
367 He preferred to provide a letter to Mr. Adams. The Selectmen had no objection. Mr. Gleason said he
368 would provide both a letter and a copy of the meeting minutes.

MOTION: (Lynde/McDevitt) To seek a waiver from the New Hampshire Retirement System in accordance with RSA 100-A:22 for the Town Administrator position for the Town of Pelham.

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

The Selectmen have waived the position of Town Administrator from the requirements of New Hampshire Retirement System in accordance with RSA 100-A:22.

Bowley Drive Discussion

Mr. Roark said Bowley Drive had a fairly large galvanized culvert that ran beneath it and started to show signs of sink holes over the past couple weeks. The Highway Road Agent brought in the Town engineer who declared the culvert was prone to catastrophic failure. Steel plates were put across the roadway for reinforcement; however, the culvert needs to be replaced with a box concrete culvert. He said it was critical for the replacement to be in a controlled manner rather than through a failure. Mr. Roark said the Highway Agent would like permission to begin an accelerated bid process, which is estimated at \$100,000. He said the next discussion would be from what account it will be paid for. When the bid is put out for Bowley Drive the Highway Agent would like to include a previously scheduled culvert replacement on Hinds Lane that was presented in last year's budget.

Mr. Gleason said the Highway Agent would like to get the bids and then make a presentation to the Selectmen. In discussion the Highway Agent made an initial recommendation that he could take the money out of the highway grant and defer some paving and possibly splitting funds under FEMA. Mr. Gleason said he told him to be prepared to discuss which paving would be deferred. He noted the FEMA Fund had approximately \$205,000 remaining, of which \$58,000 is committed to VHB. He said there was a question of approximately \$59,000 that had been 'earmarked' under the previous Town Administrator. He's asked the Finance Director to review the fund.

Mr. McDevitt said he would like to hear the reasons why they shouldn't use FEMA money to pay for the culvert, rather than postponing road paving.

The Board was in concurrence to allow the Highway Road Agent to get the bids out. Mr. Roark said the Highway Agent will ensure the bids are separate for the two jobs to clearly define the costs.

Department Head Review Form

Mr. Gleason said Mr. Roark had conducted a review on a couple of Town employees. He thought the form used was excellent and asked the Board to review it for adequacy so it could be used for all Town employees. Mr. Roark said the Executive Secretary Marie Maruca created the form, which could be electronically back filled. He felt it covered the key aspects of the department head jobs and included sections for goals and objectives.

Mr. McDevitt said he had a higher expectation for department heads to have creativity and problem solving and didn't see where that was outlined. Mr. Roark said there was a check off box for attempts to find solutions encountered. He said that area may need to be expanded to more than one check off box. Mr. McDevitt said he would get together with Mr. Roark to suggest an expanded sentence and come back to the Board with the language.

Mr. Gleason said the form could be fine-tuned, but he liked the approach. The Selectmen agreed.

2015 Budget Strategy

Mr. Gleason said the Finance Director has told the department heads that the direction is to have zero growth. Mr. Roark said the spirit was to not increase the budget beyond what the obligation was, similar to what they've done in the past couple years. Then list items of critical need and other items for consideration that could not be met under the budget guidelines. The Selectmen believed that was a reasonable approach.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

None.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Lynde/McDevitt) Request for a non-public session per RSA 91-A:3,II, a & b
(Personnel; Hiring of any person as an employee)

ROLL

CALL: Mr. Gleason-Yes; Mr. McDevitt-Yes; Mr. Lynde-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 8:40pm.

The Board returned to public session at approximately pm.

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

VOTE: () The motion carried.

ADJOURNMENT

MOTION: () To adjourn the meeting.

VOTE: () The motion carried.

The meeting was adjourned at approximately pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary