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3 **APPROVED**
4 **TOWN OF PELHAM - BOARD OF SELECTMEN**
5 **MEETING MINUTES**
6 **May 9, 2017**
7 **APPROVED – June 6, 2017**
8

9 **CALL TO ORDER** - approximately 6:30PM
10

PRESENT: Mr. Doug Viger (arrived after the meeting commenced), Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer, Mr. Paul Leonard

ABSENT: Town Administrator Brian McCarthy

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12 Vice Chairman Lynde conducted the meeting.
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14 **PLEDGE OF ALLEGIANCE**

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16 **ANNOUNCEMENT(S)**

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18 **RAD Class** – Pelham Police Department will host a free 3-night Rape Aggression Defense course
19 for women – June 6th, June 8th and June 12th at the Pelham Police Department beginning at 6pm
20 to 10pm. Those interested should contact Master Patrol Officer David DeRoche 603-635-
21 2411x4005 or email: dderoche@pelhampolice.com
22

23 **Willow Street Closure** – Temporary closure of Willow Street to through traffic from May 10-12,
24 2017 between 8:30am-4:30pm. This closure is in preparation of the Willow Street Bridge
25 Replacement Project. Local traffic will be allowed.
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28 **MINUTES REVIEW**

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30 **May 2, 2017**

MOTION: (Lynde/McDevitt) To approve the May 2, 2017 meeting minutes as amended.

VOTE: (3-0-1) The motion carried. Mr. Leonard abstained.

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32 **OPEN FORUM**
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34 No one came forward.
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36 **PUBLIC HEARING – Ratification of the March 16, 2017 Town Meeting Vote Per House Bill 329**
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38 Mr. Lynde explained that the Public Hearing was in reference to the March 16, 2017 Town Meeting
39 that had been postponed for a couple days due to snow. He said the Legislature passed legislation they
40 felt was necessary to make sure towns (with bond issues) were covered. He outlined the rules of notice
41 and publication for the Public Hearing.
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Mr. Lynde asked if anyone on the Board had questions or concerns. No one spoke up. He then opened discussion to public input. No one came forward.

Mr. Lynde accepted a motion to legalize, ratify and confirm the Articles taken at the postponed session of Town Meeting on March 16, 2017.

MOTION: (Leonard/Spencer) To legalize, ratify and confirm the Articles taken at the postponed session of Town Meeting on March 16, 2017.

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

Mr. Lynde believed the Selectmen would be provided with a document to sign, which would be posted.

APPOINTMENT(S)

Volunteer Interview – Deb Ryan, Volunteer application for Zoning Board Alternate Member

Ms. Ryan came forward and discussed her application as an alternate on the Zoning Board of Adjustment. She explained she had a love for the Town and was interested in planning and zoning. She felt volunteering would be a good way to learn and help out.

Mr. McDevitt stated the New Hampshire Municipal Association periodically offered courses for zoning board members and asked if she would be willing to attend those courses as necessary and as appropriate. Mr. Ryan replied she was a strong proponent for board members educating themselves. She attended courses when she began her role on the School Board.

Ms. Spencer was curious what peaked Ms. Ryan's interest about the Zoning Board. Ms. Ryan replied she had no agenda and there was nothing in particular about the Zoning Board. She explained she was a member of the Master Plan Committee, which made her look more closely at the issues involving the Town. She saw the alternate position as a way to begin to learn.

Mr. Lynde pointed out that sometimes being on a board put members in a position of having to make difficult decisions. The Zoning Board bases decisions on five criteria; one deals with the hardship of the land. He explained variances stayed with the land and not the people making the request, which at times may be difficult when making a decision. Given her time on the School Board, Ms. Ryan understood that sometimes hard decisions had to be made. She also understood the importance of the ordinance and felt it would be negligent to stray from what the voters established.

There was a brief discussion regarding how many positions were available on the Zoning Board. Mr. McCarthy noted he had received several applications. Mr. Lynde felt the Board was obligated to hear from everyone who had applied. Mr. McCarthy believed the advertisement indicated the cut-off for applications was May 15th. The Board told Ms. Ryan they would contact her once they had an opportunity to interview all candidates.

Reappointment Interview – Gayle Plouffe, application for reappointment to Forestry Committee

Ms. Plouffe came forward and discussed her application for reappointment to the Forestry Committee. She was referred to as the 'historian' on the committee since she had been involved since the 1970's and wrote the first Prime Wetland for Pelham. She said the younger members had been good at adding to preserved lands and ensuring responsible use.

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Ms. Spencer thanked Ms. Plouffe for all of her service and continued interest in serving the Town.

Mr. Lynde told Ms. Plouffe that she had been a great asset to the Town, the committee and to conservation.

MOTION: (McDevitt/Leonard) To reappoint Gayle Plouffe to the Forestry Committee with a term ending March 31, 2020

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

Discussion - Planning Director Jeff Gowan – RJ McCarthy well yield project

Mr. Gowan came forward to provide an update regarding the two wells within the RJ McCarthy subdivision project (off Sherburne Road near Mammoth Road). He said they were due to receive an estimate from Young Brothers to confirm the well yield, and predicted the cost of doing so would be between \$8,000-\$12,000. Having that test done would require notifying property owners within a 1,000 foot radius so they have an opportunity to be monitored during the sustained yield test. He said a generator would need to be on site to run the pumps, although he was unclear if they would do two pumps simultaneously, or separately. He confirmed with RJ McCarthy that Young Brothers would have access. Mr. Gowan noted he had spoken at length with Bruce Lewis, who designs water systems, including the community well system in the Sky View development, now owned by Pennichuck Water in an effort to confirm information contained in the water reports done in January, 2007. Mr. Lewis confirmed to Mr. Gowan that it was highly unlikely that the well yields would vary very much from what they were in 2007.

Mr. Viger arrived.

Mr. Gowan displayed a tax map showing the well locations and a 200ft. well radiuses, which is required for a small community system. He understood there was a question whether or not the well radiuses were adequate to address the number of homes they may need to address in the future, should the Selectmen decide to take action. He confirmed that the wells generate approximately 57,600 gallons per day; the Department of Environmental Services ('DES') will allow them to work with half that amount and cut the number to 28,800 gallons per day. This figure equates to 144 three-bedroom houses and up to 200 if no lawn irrigation systems were allowed. Mr. Gowan then displayed an aerial map highlighting the area of land that would be developed in the RJ McCarthy project and where the houses and wells were located. There is a distance of approximately 6,500ft (1.24 miles) from the wells to the cul-de-sac in Scenic View Drive. To go further up to Spaulding Hill Road to the intersection of Marie Avenue 8,670ft (1.642 miles). He described an alternate route traveling through Town-owned property. Mr. Gowan suggested having Pennichuck providing an estimate, in terms of pipe and infrastructure.

Mr. Leonard understood that the wells could possibly support 140 homes, based on half capacity. Mr. Gowan replied he was told they could support 144 three-bedroom homes, and if there is no allowance for piped irrigation systems, the number could increase to 200. Mr. Leonard recalled they had done a mailing in the vicinity to 250 homes. He said they could go back to the survey and tabulate how many people expressed water issues. He noted he lived in that section of the Town, but didn't experience water issues; however, two streets from him had a dire situation. He didn't think there was an abundance of 150 homes that had serious water issues.

Mr. McDevitt said for the past two years the Board had discussed the lack of water in certain areas in the Spaulding Hill Road vicinity. He believed they sent out 250 surveys, but the people to the South of Sherburne Road were generally not affected. He felt the real problem would be the cost. Given that

they had heard from authoritative people that the yield probably hadn't changed a lot, he suggested passing on spending money on the well yield. He said the next hurdle would be to figure the estimated cost to pump water up to the neighborhood, which could happen by the next meeting. Once that happens, they could go back to the people in the neighborhood and let them know the per house cost.

Mr. Leonard wanted to research the capacity of a small water withdrawal versus a large water withdrawal, which would put the wells at a different level of compliance with the State. Mr. Lynde understood that the proposal was not for a large withdrawal. Mr. Gowan stated it would be problematic to increase the well radius given the proximity of Pelham Veteran's Memorial Park.

Mr. Lynde stated they needed to have a 'buy in' from the residents. He said all they could do was give them the information and felt the Board should proceed to provide data. Mr. McDevitt envisioned putting together an information packet and sending it to the residents. He said at some point it would be an issue to be decided by the people who live there.

Mr. Viger pointed out that the Selectmen had put forth a lot of effort to try and get people together. He said they keep pushing, but if they don't have the support of the neighborhood it's all for naught. Mr. McDevitt replied by State law either the people in the neighborhood pay for it, or the whole Town pays for it. He noted the option of Pennichuck was six million dollars. He felt some of the residents had given up because it has been a couple years to get to this point.

Mr. Lynde wanted residents to know that the Selectmen had not forgotten and when the possibility of the two wells came up, they took the opportunity to explore them.

The Board asked Mr. Gowan to ask Pennichuck for an estimate to bring water up to the area. Mr. McCarthy asked if the well yield may be of interest to Pennichuck. He questioned if they might want to take it over. Mr. Gowan believed if it ever turned into a water system, the Town would want them to take it over. He felt it would be reasonable to assume when the project was priced out. The Board agreed not to do the yield test.

Mr. McDevitt noted that Pennichuck Water owned the franchise for Pelham. He said the Town may own the wells, but the distribution of water would be through Pennichuck. Also, according to the Public Utilities Commission, although Pelham may pay for the pipes, Pennichuck would own them. Mr. Gowan said he would speak with Don Weare to get his opinion regarding the wells producing the same yield. He will also still provide the Board with the estimate from Young Brothers when it's received.

Presentation – by Fire Chief James Midgley to Lieutenant Patrick Weaver on behalf of the National Fire Academy

Fire Chief James Midgely came forward with Deputy Chief Paul Leischner and Lieutenant Patrick Weaver. Chief Midgley read aloud a presentation to Lt. Weaver in recognition of his completion of the new programs through the National Fire Academy. He noted a lot of what Lt. Weaver learned had been brought back and turned into standard operating guidelines and policies within the department. Chief Midgley thanked Lt. Weaver's family for their support during the process. He then presented Lt. Weaver with his Certificate of Completion for the Manager Officer Program. The Board congratulated Lt. Weaver.

Adoption of Pelham's Hazardous Mitigation Plan – by Fire Chief James Midgley

Chief Midgley explained that FEMA changed the procedure and discussed the new review process. He said several Town departments had worked on the mitigation plan with the Nashua Regional Planning

Commission, which was submitted to FEMA for review. FEMA has tentatively indicated they don't have any issues with the plan. Chief Midgley stated he needed a majority of the Board to sign the plan for adoption, which would then be forwarded to FEMA. He believed FEMA would return plan within the next three weeks and the Town would be set for the next five years.

Mr. Lynde believed the Board had already approved the plan. Chief Midgley stated the Board approved the plan and held open a discussion period of 3-4 days. He didn't receive comments back, so the plan was released to FEMA and they adopted it.

The new Hazardous Mitigation Plan was passed around for the Selectmen to sign.

Presentation – by Pelham High School Students – Pelham Toxic Metal results of Well Water

Presenting was: Samuel Blanchard, Lauren Brown, Holly Feola, Grace Harvey, Laurie Schelling

The students were enrolled in the Pelham High School College Preparatory Biology course. They presented information and shared local well water testing results they had done in partnership with Dartmouth College through the "All About Arsenic Project", funded by a grant through the Environmental Protection Agency. The students would like to post signs in the Town Hall and at local businesses recommending well-water testing.

Ms. Spencer wanted to know if there was a cost associated with well water testing. The students believed Environmental Services in Concord would cover the cost. Mr. Leonard encouraged the students to post information on the Pelham High School site and the 'unofficial' Town Facebook page to reach more people.

Mr. McDevitt pointed out if people had their water tested and it was found to have high levels, it could be fixed by installing a system.

Mr. Lynde suggested that the students work with Mr. McCarthy to coordinate postings. Mr. McCarthy said he would be happy to work with the students to get information to residents. The student's next goal was to increase awareness regarding the importance of having well water tested.

The Selectmen thanked the students for their presentation and encouraged them to keep up the good work.

OTHER BUSINESS

Appointment – Alternate Board of Selectmen member to Planning Board

Being the Selectmen Representative to the Planning Board, Mr. Lynde said he may miss a couple meetings and wanted to ensure the Selectmen remained represented. He asked Chairman Viger to make the appointment. Mr. McDevitt was interested; the Board supported his appointment. Mr. Viger appointed Mr. McDevitt as alternate Selectmen Representative to the Planning Board. A letter will be sent to the Planning Board informing them of the appointment.

TOWN ADMINISTRATOR'S / SELECTMEN REPORTS

Mr. McCarthy informed that the Water Ban had been officially rescinded and a press release had been sent out. The State is still encouraging water conservation. Mr. Lynde questioned if the Town had a

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discussion with Boyden Landscaping relative to the frequency of watering. Mr. McCarthy replied Mr. Boyden was copied on the water ban and he would have a conversation with him.

Mr. McCarthy told the Board he was in the process of running an RFP to convert the municipal building over to Pennichuck Water. The existing water well would then be used for irrigation and be a secondary back up well if needed.

Mr. McDevitt reminded residents that those on the Pennichuck Water system had to follow a different set of rules. He said customers received a letter indicating that all outside use of water was banned.

He asked for a brief explanation of the work being done on the Willow Street Bridge. Mr. McCarthy stated they were doing ground borings and surveying. He noted the roadway design would be significantly changed because the bridge was going to be a 100ft. span. The work was similar to the recent work at the Abbott Bridge.

Mr. McDevitt reminded the Board of the need to set a date for the Special Town Meeting. He believed they may need the New Hampshire Municipal Association's assistance with the process. The Planning Board is holding a public hearing May 22nd; after which there are several requirements that need to be set on a calendar.

Mr. Lynde informed that representatives of Quantum held a meeting with NH Department of Transportation and VHB (company who did the flood study) regarding the Willow Street Bridge project, although they also discussed the Main Street and Abbott Bridge. He said the cause for the meeting was Quantum couldn't receive an 'okay' from the Department of Environmental Services regarding wetland disturbance because the Army Corps of Engineers has a problem with the report submitted by VHB because it shows under certain conditions, the downstream flood level from Willow Street Bridge rises by approximately .04ft. and the guideline is 'no rise'. He noted that the VHB report uses a surge situation versus a steady flow. It has been agreed that VHB will do an additional study to address the question; the State has agreed to pay 80% of the cost. A proposal will be drafted for Selectmen review. Mr. Lynde told the Board if the State adds extra money into the Bridge Budget this year, Pelham will be approved to move forward next year. He said they could go out to bid during the fall 2017.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL Mr. Viger-Yes; Mr. Lynde-Yes, Mr. McDevitt-Yes; Ms. Spencer-Yes;

CALL: Mr. Leonard-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 8:00pm.

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

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

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

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

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281 The Board returned to public session at approximately 8:05pm.

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283 **ADJOURNMENT**

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

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

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286 The meeting was adjourned at approximately 8:05pm.

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Respectfully submitted,
Charity A. Landry
Recording Secretary