	APPROVED TOWN OF PELHAM BOARD OF SELECTMEN MEETING MINUTES May 24, 2016 APPROVED – June 7, 2016
CALL TO (	ORDER - approximately 6:30PM
PRESENT:	Mr. Doug Viger, Mr. Harold Lynde (arrived after the meeting commenced), Mr. William McDevitt, Ms. Amy Spencer, Town Administrator Brian McCarthy
ABSENT:	Mr. Paul Leonard
<u>PLEDGE O</u>	F ALLEGIANCE
MINUTES 1	<u>REVIEW</u>
May 10, 201	<u>6</u>
MOTION:	(McDevitt/Spencer) To approve the May 10, 2016 meeting minutes as amended.
VOTE:	(3-0-0) The motion carried.
Police Chief	Joseph Roark – Swearing in of Sergeant Brian Barbato
	rbato was sworn in by Town Clerk Dorothy Marsden. His wife and children pinned his Everyone offered congratulations to Sergeant Barbato on his promotion.
Sele can  > All ' Day  > Men	EMENTS rd / Committee Openings. All interested parties are to submit applications to the ctmen's office or via email to volunteers@pelhamweb.com. Volunteer applications be found at: www.pelhamweb.com/employment  Trustees of the Trust Funds: 2 alternate positions for 1 year Town Offices will be Closed on Monday, May 30th in Observance of the Memorial Holiday; norial Day Observances and Festivity –  9:00AM- Memorial Ceremony & Firing Squad Salute at Veteran's Memorial Park on Mammoth Road  9:45AM-Wreath Laying Ceremony & Firing Squad Salute at Sgt. Daniel Gionet Memorial Bridge on Main Street  10:30AM-Parade begins procession at Village Green to Gibson Cemetery 11:04AM-Wreath Laying Ceremony & Firing Squad Salute at Gibson Cemetery 11:45AM-Wreath Laying Ceremony at Butler Monument/Old Village Square Monument on Main Street

> Supervisors of the Checklist will be available May 31, 2016 from 7pm-7:30pm in the lobby of Town Hall for the purpose of changing voting party affiliation; additions/corrections may be made at that time.

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#### **APPOINTMENTS**

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#### **Volunteer Interviews**

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Zoning Board of Adjustment – 1 Alternate position for 2-year term.

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52 Thomas Kenney – Ms. Kenney came forward seeking reappointment as an Alternate to the Zoning 53 Board with a 2 year term.

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Ms. Spencer wanted to know why Mr. Kenney was interested in the position. Mr. Kenney replied he retired a few years ago and had time to volunteer with the Town. He had worked in construction and felt that knowledge would be beneficial. He wanted to be involved.

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- 59 Mr. McDevitt stated the Board of Adjustment was a difficult and important job. He said members had to acquaint themselves with a lot of laws and asked if he would be willing to participate in 60 61 training opportunities. He believed it would be difficult to be on the Board without some background. Mr. Kenney stated he was interested in learning. Mr. McDevitt asked Mr. Kenney if there was any 62
- matter that would come in front of the Zoning Board that he had any interest in. Mr. Kenney 63
- 64 answered no.

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- **MOTION:** (Spencer/McDevitt) To appoint Thomas Kenney to an Alternate position on the Zoning Board with a two-year term.
- VOTE: (3-0-0) The motion carried.

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#### **PUBLIC HEARING**

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In accordance with RSA 36-A the second of two public hearings regarding a proposal to purchase approximately 71 acres, on Main Street defined as Map 23 Lot 8-18, also known as the Pine Valley Golf Links property to be acquired for use as open space land.

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Mr. Viger opened discussion to public input. No one came forward.

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Mr. Lynde arrived.

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Conservation Commission Chairman Paul Gagnon came forward to speak to the proposal. He noted the proposal had gone in front of the Conservation Commission, Planning Board and one previous hearing with the Selectmen; this was the second public hearing with the Selectmen. He summarized the presentation given at the first public hearing.

- Mr. Gagnon discussed the importance of the purchase relative to the adjoining parcels. Mr. Lynde 83 84 noted by the Town purchasing as conservation land, it would not be subject to development. Mr.
- Gagnon replied they would only be leasing the land back to the owner to run it as a golf course; no 85
- other rights were being leased back. The Town maintained building rights. He said after the ten year 86 lease period it was likely the Town could rent the land for more than they were getting in taxes.
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- 88 There are no agreements for how the land would be used after the ten year lease period. Mr. Lynde

89	understood there was a provision in the lease that the land was to be maintained as a golf course, so
90	after the ten year period it would still be a valid golf course through best management practice.

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92 Mr. Viger asked if anyone in the public wanted to come forward with comment. No one came 93 forward.

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**MOTION:** (Lynde/Spencer) To accept the recommendations of both the Planning Board and Conservation Commission to purchase the 71 acres known as the Pine Valley Golf Course property (Map 23 Lot 8-18 Main Street).

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

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#### APPOINTMENTS CONTINUED

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#### **Conservation Committee – 1 Alternate position for a 3 year term.**

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Vasilios Lironfonis – Mr. Lironfonis came forward seeking appointment as an alternate member to
 the Conservation Committee. He told the Board he appreciated the importance of open spaces,
 parks, trails etc. and wanted to be involved with something he enjoyed.

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The Selectmen appreciated his willingness to volunteer.

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**MOTION:** (Spencer/McDevitt) To appoint Vasilios Lironfonis to an alternate position on the Conservation Committee with a three-year term.

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

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Elderly Exemption Review Committee – 7 Members – 1 Assessing Official, 1 member Council on Aging, 5 Citizen members.

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<u>Donna Dube</u> - Ms. Dube came forward and told the Board she was interested in joining the committee. She wanted to be part of a team effort on the committee to implement an elderly tax reduction policy for those seniors in the community who were in need of relief. She believed the policy should be competitive with surrounding towns in what they were offering their seniors. As part of the committee, she also felt they should work on policies to identify and correct any abuses so people in true need weren't penalized. Ms. Dube felt it was important to have a 'team' working on the committee.

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Mr. Lynde stated the Town had a policy to assist those in possibility of losing their homes. He discussed some of the abuses the Town saw and how the previous policy was revised. He believed it should be reviewed and the facts would lead them through the process.

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**MOTION:** (Spencer/McDevitt) To appoint Donna Dube as a full-time member of the Elderly Exemption Review Committee with a term effective April 1, 2016 through March 31, 2017.

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

Mr. McDevitt noted Selectmen Leonard volunteered to be the Selectmen Representative. The Elderly Exemption Review Committee members would be hearing from him in terms of organization/meeting. Mr. McCarthy will provide Mr. Leonard with the list of committee members.

# Pelham High School Advanced Placement Biology and Advanced Placement Environmental Science Students in conjunction with Dartmouth College to Present: Arsenic Water Testing Program

Presentation by Angela Getty, Rachael Lister, Kyle Hooper, Madison McKeon and Abby Harris. They explained that the AP Biology and AP Environmental are taking part in the 'All About Arsenic Project' through Dartmouth College and the Mount Desert Island Biological Laboratory in Maine (funded by the Environmental Protection Agency's Toxic Metals Superfund Grant. This is a non-profit biomedical research institution that's doing well-water testing. As part of the research Pelham High School was asked to collect local well-water and test it for a variety of metals with the results being provided back to the homeowners. After analyzing the data, students created a map representing the absence or presence of arsenic and uranium at each test site. In addition, the students have been investigating the geological causes of these naturally-occurring substances and the related health concerns. The students outlined their goals and strategies going forward, such as having information available at Old Home Day, Farmer's Market, Concerts on the Village Green and possibly voting day.

Mr. McCarthy asked for a copy of the map so it could be used for information on line.

The Selectmen thanked the students for meeting with the Board.

### **Update – Lisa Martin of Quantum Construction regarding Abbot and Willow Street Bridges**

Resident Mike Sherman (Old Bridge Street) came forward for the discussion. He has been involved with the flood study and bridge discussions.

 Lisa Martin of Quantum Construction, Jim Bouchard and Lee Eddins of Quantum Construction and Timothy Millette of NH Department of Transportation came forward for the discussion. Ms. Martin told the Board they were collaborating to make sure they got the hydrologic correct for the three focus areas: Daniel Gionet Memorial Bridge (Main Street), Abbott Bridge and Willow Street Bridge. She discussed the status of each area, currently Willow Street is programmed with the State for 2020 and the Abbott Bridge is programmed for 2022. She spoke of the components involved with the Engineering Study being conducted and bridge type alternatives being reviewed, such as: 1) Scoping Session, 2) Design Criteria, 3) Existing Conditions, 4) Hydrologic & Hydraulic Analysis / Bridge Geometry, 5) Soil Borings, 6) Bridge Type Study, 7) Traffic Control / Road Closed / Detour Plan, 8) Roadway Alignment, 9) Environmental & Cultural Resources Considerations, 10) Right-of-way / Easements. Construction cost estimate for Abbott Bridge is \$920,000 (80/20 State/Town) with the recommendation for a 45ft. precast concrete slab, which provides the most flood relief waterway per construction dollar. It also provides the most hydraulic clearance thereby protecting investment in new structure. Ms. Martin said they hoped to have the complete design in 2017 to advance the DOT. Photographs of a similar project in Lee, NH were displayed.

Mr. McDevitt understood that the amount of water that could flow through (at the Abbott Bridge) was less than the recommendation by VHB. He said unless they could work with the State to constrict the Gionet Bridge (Main Street) they would not meet the VHB criteria. He stated it seemed they were getting the 'bridge' problem solved, but feared they weren't getting the flooding problem solved. Mr. Millette noted the VHB study wasn't done at an engineering bridge design level, which is often the

case. He said the strategy is often refined afterwards. He agreed that the goal should be to lower the waterway surfaces along the stream and would review such within the department. Mr. McDevitt said it seemed that the area upstream from the Gionet Bridge was less prone to damaging floods. He didn't feel any restriction on the proposal for the Gionet Bridge would adversely affect a property owner because the closest home was way up stream. Mr. Millette replied the Dam Bureau had reviewed the system. He said the existing Gionet Bridge didn't have the qualifications to be a dam. He said as a practical matter they would have to start with what they would like and then review alternatives. Ms. Martin discussed the existing structures and the proposed alternatives during various storm events.

Ms. Spencer was interested in learning the impact the project would have on the existing stone bridge. Ms. Martin replied they could protect the new bridge, and the opening of the bridge could reduce the velocity passing through the existing bridge. Mr. Bouchard recalled a previous study that addressed the scouring potential on the existing structures, specifically the Abbott Bridge having the potential to be undermined because of the high velocity of the water. He explained by opening it up with the relief structure the velocities would be reduced, thereby reducing the scouring potential and protecting the bridge.

Mr. Lynde discussed the water flow volume and wanted to know if the downstream flow would decrease once the Gionet Bridge was done. Mr. Millette replied there was some storage between Gionet Bridge and Abbott Bridge and time for it to fill up. He said they would need to look at the time span in terms of attenuation. Ms. Martin noted they would be forcing the water under low flow so it would remain in the existing river channel area.

Mr. Sherman stated the wetland storage located between the Gionet and Abbott Bridges was used up in less than a 25-year event. He said if the flow was doubled at both of those bridges, it wouldn't help the flooding problem. He felt the flow should be cut at the Gionet Bridge. He questioned what FEMA map was used for flood levels and elevations. Ms. Martin said the proposal would drop the 50-year storm at Abbott Bridge to 127.3 and the 100-year storm 128.1. She commented they were recommending that further hydraulic review be conducted. She said they would be giving more flow relief area at Abbott. Mr. Sherman told the team when the conducted the next hydraulic study they were welcome onto his property to show where the stream channel had changed during the last ten years and shifted because of the flooding.

Mr. McDevitt questioned if the proposed span would be wider or cause a pinch point on Abbott. Ms. Martin answered no it would be narrow through the whole segment.

The Board thanked the team for speaking with them.

### Request – Jon Terry of Airosmith Development, Inc for a cell tower on Town land at Newcomb Field Parkway

Attorney Ricardo Sousa of Prince, Lobel, Tye LLP outside counsel to EcoSite and T-Mobile came forward with Jon Terry of Airosmith Development, Inc. to discuss the proposed telecommunications tower on Town land at Newcomb Field Parkway. Attorney Sousa explained the site was needed to fill a significant gap in T-Mobile's coverage. Other wireless companies would be able to use the tower to fill gaps in coverage. He displayed and reviewed preliminary tower plans (140ft. monopole with a 50ftx50ft concrete base), photo simulations and radio frequency plots showing before and after coverage. Attorney Sousa stated Mr. Terry submitted a proposal for a lease agreement. They understood Town approval would be needed.

Mr. McCarthy questioned if Pelham's emergency response would be accommodated if they wanted to locate on the tower. Mr. Terry replied they spoke with EcoSite (tower owner) who would be agreeable to the Town locating emergency equipment on the tower.

Mr. Lynde said a concern would be the tower's visibility to residents. Attorney Ricardo replied they had a very short period of time to make their plan and do photo simulations. He said they could expand the simulations if there were areas of concern. They understood as part of the zoning process they would need to do a comprehensive photo simulation. Mr. Lynde asked if a building structure would be required. Attorney Sousa reviewed the plan outlining the fence compound and four 'sheds' that would contain the equipment. He noted carriers were migrating to outdoor cabinets rather than utilizing structures. Mr. Lynde questioned if they would be obligated to take the tower down at the end of the lease. Attorney Sousa answered yes. He explained most municipalities require them to post a construction bond to cover the cost of removing the tower (and equipment). Mr. Lynde wanted to know if the Town had the opportunity to tax the tower as property. Attorney Sousa said because it was Town land there probably wouldn't be an increase in the assessment; however he's seen many towns tax the equipment and sheds and impose an excise tax.

Mr. McDevitt was concerned with the proposed location because it was possibly in the middle of an area the Town might need for future use. Attorney Sousa replied they weren't wedded to the exact location and would work with other locations amenable to the Board. Their initial observation was a wetland area to the east that they tried to stay away from. Mr. McDevitt questioned if they had spoken with any property owners. Attorney Sousa explained the process used when researching possible locations. Mr. Terry told the Board he sent certified mail to a few private landlords in the general area and had alternatives. Mr. McDevitt stated there was some income, but it wouldn't materially change tax bills. He was concerned that there may be homeowners amenable to locating a tower and he didn't want the Town competing with private landowners. He pointed out if they went to a private land owner it wouldn't require Town Meeting approval.

Ms. Spencer wanted to view a plan to scale. Attorney Sousa displayed a survey plan that showed the 50ftx50ft compound. Ms. Spencer saw that the proposed area was close to the Town's Highway Department and Transfer Station and questioned if they had spoken to the Department Heads regarding such. She wanted to hear their thoughts before making a decision. Mr. Viger pointed out that the Selectmen at this time were exploring the request. Ms. Spencer understood a wetland analysis had been done and questioned if they had done any other reviews. Attorney Sousa replied they had done a preliminary visual environmental review. He stated they had flexibility where they could move the compound, provided they could comply with the Town's requirements. He listed some of the required analysis they would have to conduct and file with any application prior to construction.

Mr. Viger asked what they were looking for from the Board. Attorney Sousa replied they would like a general indication of interest so they could move to the next step, which would allow them to gather and present additional information. He understood they would be required to go through the zoning process that would 'flush out' some of the questions raised. Mr. Viger felt it was worth exploring to have some of the questions answered. Ms. Spencer believed it was worth getting more information. She wanted the opportunity to speak with the department heads and see images from residential locations nearby and conduct public hearings. She was interested in learning more, but not prepared to say whether or not she was interested in proceeding. Mr. Lynde also wanted to understand the potential impact on the Highway Department since they were in the process of studying a new garage. Attorney Sousa replied they were happy to speak with the various departments. Mr. McDevitt thinks he would be against the proposal and reiterated his concern of the Town competing with a residential owner.

Mr. Viger noted three of four Selectmen (present) were interested in more information. He asked Attorney Sousa and Mr. Terry to work with Mr. McCarthy for such. Attorney Sousa said they would do so.

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#### **Recommendation – Highway Safety Committee for:**

- "Curve Ahead" warning sign at the intersection of Jeremy Hill Road and Bowman Lane
- o "Blind Driveway" sign for 84 Currier Road

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Mr. Viger read aloud the Highway Safety Committee recommendation. The Board took the following action:

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**MOTION:** (McDevitt/Spencer) To approve the placement of a 'Curve Ahead' warning sign

at the intersection of Jeremy Hill Road and Bowman Lane.

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

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MOTION: (Spencer/Lynde ) To approve the placement of a 'Blind Driveway' sign for 84

Currier Road.

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

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#### Town Administrator Brian McCarthy – RFP recommendation for Library Flood Repairs

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- Mr. McCarthy explained the Library experienced extensive flood damage several months ago. The
- Town's insurer, Property Liability Trust evaluated the damage to the building. As a result of the evaluation an RFP was done to bid out the repairs. Mr. McCarthy stated there were three bidders. He
- 297 recommended awarding the bid to the lowest qualified bidder, Steve Brussard General Contractors
- 298 Inc.

**MOTION:** 

(Lynde/Spencer) To award the 2016 Library Flood Repair bid to Steve Brussard

General Contractors Inc. with the lowest qualified bid of \$4,850.

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

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### Transfer Station Director Stan Walczak – RFP recommendation for stationary compactor, steel trailer and metal recycling building

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Transfer Station Director Stan Walczak came forward to discuss the bids on the warrant article items approved at Town Meeting (Stationary Compactor, Steel Ejection Trailer and Metal Recycling Building). He reviewed the bids and recommended the following: 1) award the bid for the Stationary Compactor to Atlantic Recycling Equipment, LLC - \$43,749 (to include freight and installation); 2) award the bid for the Steel Ejection Trailer to Spector Manufacturing, Inc - \$61,023; and 3) to rebid the Metal Recycling Building because the bids exceeded the budgeted amount. Mr. Walczak recommended rejecting the bids. He wanted to break the site work into different categories to change the scope and post a new RFP. The Selectmen had no objection to changing the scope of the RFP.

The Selectmen took the recommendation of Mr. Walczak to award bids to the lowest qualified bidders for the compactor and ejection trailer as follows:

**MOTION:** (McDevitt/Lynde) To award Atlantic Recycling Equipment, LLC the bid for the

Stationary Compactor including freight and installation for \$43,749.

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

MOTION: (Spencer/McDevitt) To award Spector Manufacturing, Inc. the bid for the Steel

Ejection Trailer for \$61.023.

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

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#### **OTHER BUSINESS**

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#### Continued Discussion - Sherburne Road Water - Action Items / Next Steps

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Mr. Viger acknowledged that Mr. McDevitt and Mr. Lynde had been involved and Mr. Leonard was organizing people. He questioned if the Board wanted to defer the agenda item until Mr. Leonard was present. At this time Mr. McDevitt wanted to share information. He stated when they met with Sanborn Head they learned a great deal and found it informative. He suggested finding out what Mr. Head would charge to meet with the Planning Board to discuss geologic studies and possibly be part of development approvals in that area. The Board was amenable to finding out the cost to hold a meeting with Mr. Head and the Planning Board. Mr. McDevitt said he would work with Mr. McCarthy and provide information at the next Board meeting. He noted if three or more Selectmen were going to meet with the Planning Board they could post it as a meeting. The Board felt it would be a good idea.

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Mr. Lynde commented they attended several meetings with residents. Surveys were sent to residents in the area; however, they only received a limited response. He said there didn't seem to be a critical mass for anything to be done right now, other than to try and prevent future problems. Mr. McDevitt thought they may need to schedule another meeting with people in the area.

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Mr. Viger suggested finding out the cost of having a meeting with Mr. Sanborn. Mr. McDevitt will work with Mr. McCarthy.

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## Discussion – Town Administrator Brian McCarthy regarding Kinder Morgan invoice for expenses related to NED Pipeline Project

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Mr. McCarthy reported effective May 23<sup>rd</sup>, Kinder Morgan withdrew their request for the NED Pipeline. He said the groups and people involved did an outstanding job conducting research and being involved. He sent a bill on May 12<sup>th</sup> to Kinder Morgan for legal fees totaling \$42,000 (\$18,000 in 2015, \$24,000 in 2016). He told the Board he would be meeting with the Coalition to seek a refund.

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#### **Review – Draft policy for Placement of Sigs on Town property**

- 352 The Selectmen did a preliminary review of the draft policy and will forward their comments to Mr.
- 353 McCarthy. An agenda item will be scheduled in the near future.

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355	Discussion - S	Senior Center patio project and determine use for excess concrete		
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357	Mr. Viger stated there would be a significant amount of concrete remaining after the patio is poured			
358		Center because of the minimum requirement of the supplier. The contractor indicated it		
359		to create a walkway from the front of Village Green into the side door behind Sherburne		
360		asked to submit a proposal to do so. The Selectmen were provided with cost information		
361	for a 6ft. wide by 60ft in length walkway to match the existing walkway. The labor cost to clear the			
362	grass, do the sub work and pour the concrete was \$4,000.			
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364	Mr. Viger noted they contacted Pelham Community Spirit, who had discussed having a walkway in			
365		very supportive of the project. The Selectmen had no objection. Mr. McCarthy told the		
366	Board that he	had some projects come in under budget; those savings would be used to offset the cost.		
	<b>MOTION:</b>	(Spencer/McDevitt) To authorize Town Administrator McCarthy to enter into an		
		agreement with Brussard General Contracting in the amount of \$4,000 for the		
		purpose of creating a walkway as specified.		
	VOTE:	(4-0-0) The motion carried.		
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368	TOWN ADM	IINISTRATOR / SELECTMEN REPORTS		
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370	Mr. Lynde re	ported retirement rates were increasing approximately 4% next year. He stated there		
371	was a bill to do a pilot program to do electronic check in at the voting polls to help speed up the			
372	process. He s	aid the bill was 'killed' in the House.		
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374	Mr. McCarthy updated the Board on the following:			
375	- L	iberty Utilities gas program is still slated to roll out in Pelham in 2017		
376	- S	enior Center project is nearing completion		
377		ibrary project is complete		
378	- E	mployee Policy training on Policy Procedure Manual will conclude May 25 <sup>th</sup>		
379		rimex training for July rollout is being conducted		
380	- W	Vill meet with Comcast regarding moving Cable TV into the Municipal Building		
381	- In	nterviews will be conducted for Bookkeeper position		
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383	•	ecognized Mr. Lynde as the VFW Volunteer of the Year. The Board offered		
384	congratulation	18.		
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386	REQUEST F	OR NON-PUBLIC SESSION		
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(Lynde/Spencer) Request for a non-public session per RSA 91-A:3,II, a **MOTION:** 

(Personnel)

ROLL Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Spencer-Yes; **CALL:** 

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It was noted that when the Board returned, after the non-public session, the Board would not take any 389 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the 390 meeting. The Board entered into a non-public session at approximately 9:20pm. 391

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The Board returned to public session at approximately 9:40pm.

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**MOTION:** (Viger/Lynde) To seal the minutes of the non-public session indefinitely. **VOTE:** (4-0-0) The motion carried. 395 396 **ADJOURNMENT** 397 398 **MOTION:** (Viger/Lynde) To adjourn the meeting. **VOTE:** (4-0-0) The motion carried. 399 400 The meeting was adjourned at approximately 9:42pm. 401

402 Respectfully submitted, Charity A. Landry 403 Recording Secretary 404 405