1 2 **APPROVED** 3 TOWN OF PELHAM **BOARD OF SELECTMEN - MEETING MINUTES** 4 5 **April 21, 2020** 6 APPROVED – April 28, 2020 7 ONLINE VIRTUAL MEETING ONLY - NO PHYSICAL/IN-PERSON MEETING 8 9 10 The Board and those with scheduled appointments joined the meeting via Zoom (video conference platform). The meeting was/is viewable (livestream and playback) on Town Facebook page, PTV 11 (local cable television) and Town YouTube page. 12 13 14 **CALL TO ORDER** – Mr. Haverty called the meeting to order at approximately 6:30PM 15 PRESENT: Mr. Robert Haverty, Ms. Heather Forde, Mr. Jaie Bergeron, Mr. Kevin Cote, Town Administrator Brian McCarthy ABSENT: Mr. Hal Lynde 16 17 18 **PLEDGE OF ALLEGIANCE** 19 20 21 MINUTES REVIEW: 22 23 March 31, 2020: **MOTION:** (Cote/Forde) To approve the March 31, 2020 meeting minutes as amended. **VOTE:** (4-0-0) The motion carried. 24 25 ANNOUNCEMENT(S) 26 Mr. McCarthy reviewed the April 13, 2020 press release regarding (updated) Town of Pelham 27 vacancies for volunteer positions. 28 29 30 Zoning Board of Adjustment (unpaid positions): one (1) position for three (3) years and one (1) alternate position for three (3) years. Citizens interested in volunteering should fill out an application and 31 32 forward it to the Selectmen's office no later than Friday, April 24, 2020 @ 4 PM. 33 34 Deputy Health Officer (paid/stipend position): one (1) position for four (4) years 35 Town Treasurer (paid/stipend position): one (1) position for three (3) years 36 37 Citizens interested in either the Deputy Health Officer or Town Treasurer positions should submit a 38 cover letter, resume, and volunteer application to the Selectmen's Office no later than Friday, April 24, 39 40 2020 @ 4 PM. 41 42 Volunteer applications and job descriptions are available at the Selectmen's office or on our website at 43 pelhamweb.com.

45 Contact: Town Administrator Brian McCarthy @ 603-508-3074 with any questions.

OPEN FORUM:

Based on the challenges that remote meetings present, open forum has been temporarily suspended.

APPOINTMENTS

Fire Chief James Midgley and Health Officer Karen McGlynn: COVID-19 Pandemic update

Ms. McGlynn reviewed the current State and local numbers of COVID cases and deaths (not including presumptive cases). She said a lot of people were asking about antibody kits which were beginning to roll out so they will have the ability to get a better understanding of what they're dealing with.

Mr. Haverty understood a person could test positive for an antibody, but it may not necessarily be a COVID-19 antibody. He questioned if having a COVID antibody inferred any immunity. Ms. McGlynn replied they didn't know. That was one of the studies being done. She said they also didn't know what 'testing positive for antibodies' meant (in relation to a timeframe).

Ms. McGlynn spoke about citizens protesting (on the news) to try and have people open up. At present, the New Hampshire Governor had no plans to open the State and indicated the State was weeks out from doing so. At the time the State opens it will be done with a step approach including possible restrictions. The hardest hit states will remain closed longer. There is concern of a possible rebound in positive cases and deaths if the State opens too fast. Ms. McGlynn told the Board she had received a lot of questions regarding cloth masks, specifically where and when to wear them. She described the activities people were encouraged to wear masks and what times they didn't need to wear them. She asked that masks not be placed on children under the age of two which could make it difficult for them to breath. She said the CDC and State Department of Health had information (www.nh.gov/COVID19) She ended by saying the State is asking everyone to remain patient with self-quarantine and social distancing.

 Mr. McCarthy understood for the foreseeable future gatherings of people weren't allowed. He said that poses a significant issue for the Town because they were in need of some public meetings to conduct business. He wanted to know if there was another avenue that would give them leeway without placing the public at risk. Ms. McGlynn replied everyone was using technology (as the Selectmen were doing). It was the only thing she could see happening because the New Hampshire Governor has stated there are to be no large gatherings. Mr. Haverty asked if there was a delineation between an activity such as a sporting event and a Board of Selectmen meeting in terms of a large gathering. He wanted to know if they could get to a point where government could continue through controlling the size of a meeting by having social distancing and queuing people into specific areas without crossing the line of a 'large gathering'. Ms. McGlynn replied the current guidance is five or less people unless the Governor opens it up. She asked if he was referring to opening to the public. Mr. Haverty said they needed to conduct interviews and get people into positions to allow the Town's business to continue. He understood right now the guidance was five or less people. Ms. McGlynn believed they needed to 'hold tight' and wait to see what the next guidance would be. Mr. Haverty asked when she thought that would be. Ms. McGlynn replied the Governor said today they were weeks out. Mr. Haverty told Ms. McGlynn the Selectmen would wait for her guidance.

Chief Midgley informed the Board over the last couple days they've received a lot of information from the IFC and their medical director. He said one of the problems with the blood antibody tests was that there were 130 companies vying for FDA approval; unfortunately they are not used to specifically test

for COVID-19, it tested for any covid a person may have had over the last several years (cold or flu). The reliability of the tests is in significant question. Chief Midgley then discussed the fire department and told the Board the State was having a difficult time obtaining supplies. He said they had masks and gloves but didn't have gowns for which they saw no immediate change in the near future. He said they are seeing in Pelham and across the country a 30%-40% drop in call volume. This will come at a significant cost because patients are actively and passively being pushed away from the medical system by themselves and in many cases by their providers. He added there were some elderly people not getting their medications or follow up appointments; also there are people having legitimate medical issues that are too afraid to go to the hospital because they don't want to come in contact with someone potentially having COVID-19. Chief Midgley stated they were trying to get word out to the public to use the Fire Department as a resource if someone doesn't know what to do. They will help assess a course of action for a person's health care needs. Chief Midgley described the changes in testing for healthcare providers and EMS personnel. He discussed how they had started to incorporate pulse oximetry.

Chief Midgley told the Board the Town was coming up on its fire season which would pose a significant issue nationally and change the way they respond. He said they were in the middle of the current situation and didn't know what would happen once the State releases restrictions. They may have an upsurge again He stated it was imperative they remain cautious with how they start to integrate society, business and entertainment.

Ms. McGlynn noted the numbers in the State had plateaued. However, they had to see a steady decline for two weeks straight before the State would consider reopening.

 Mr. Haverty said he hears in the news about humanitarian flights flying in supplies from different places (and countries). He wanted to know how many gowns were needed, if it was a localized shortage and where they would get them. Chief Midgley replied they would normally go through their regular supply vendor. He shared how they had placed an order for 1500 surgical masks and learned the order was cancelled two weeks later; the masks were coming out of China and the distributor severed their relationship with the company who was going to ship them. He said it was a common problem because supplies were coming from overseas. He added the shortage was specific to things such as gowns throughout New Hampshire and the country. Typically, the medical industry doesn't use a tremendous number of gowns; the demand has ramped up and there wasn't enough inventory to begin with. He reiterated they were currently doing okay with masks. They are on a rationing disbursement. He noted they knew obtaining gowns was going to be a problem so they looked at alternatives and bought 500 rain ponchos, which in a pinch would work until they could get medical supplies. Chief Midgley said the planes coming in weren't fulfilling the total need of the State or those around New Hampshire.

Mr. Haverty understood the Chief indicated the Town was coming into brush fire season. He's received inquires from people about the reduction in services from the Transfer Station and heard comments why the brush pile should be open because people were home cleaning up their yards. He wanted to know if the Town was putting itself more at risk by having it closed and people trying to burn at home. Chief Midgley stated people in New Hampshire loved to burn and were really good at it. He said they had very few major issues and have given out approximately 500 brush permits. He mentioned the Transfer Station had been an issue, which is why he shut it down. They were burning in an area that was far too close to the above-ground fuel tanks. He added it was difficult for the Highway Agent to move and dispose of the debris.

Planning Director Jeff Gowan - Congestion Mitigation Air Quality Project (CMAQ)

Mr. Gowan told the Board Mr. Greg Bakos of VHB Engineers would provide the Board with a Power Point presentation designed to bring them up to speed with the project status as well as showing plans for the roundabouts (at Mammoth Road/Sherburne Road and Mammoth Road/Marsh Road).

Mr. Bakos began by summarizing the project development process and the current status. He noted it was a locally administered project through the New Hampshire Department of Transportation ('NHDOT'); however, because it included Federal funding it had to follow a strict process. He outlined the recent developments such as: 1) NHDOT reviewed engineering study (responses received in March); 2) New Hampshire Department of Historical Resources ('NHDHR') required archaeological study to determine if there is sensitivity in the area. They've received a proposal from a well-renowned consultant and after discussion with Mr. Gowan would like to execute that proposal within the existing contract (with VHB). There is money remaining from engineering study to cover the costs. It was not expected that anything would be found to stop the project; 3) NHDHR request for surveys of historic properties along the corridor. They have agreed to have VHB send a memorandum to try to eliminate some of the properties from additional study; 4) Resubmit engineering study; 5) Complete new cultural resource documentation; 6) Complete categorical exclusion and 7) Complete preliminary design.

Mr. Bakos then showed an updated Project Schedule and reviewed the roundabout design images for both intersections.

Mr. Haverty questioned if consideration was given to moving the driveway for the house at the Mammoth Road/Marsh Road intersection. Mr. Bakos replied there was enough room for that resident to take a left (heading North on Marsh Road) although it might be more difficult with a larger vehicle. He said access management at intersections was important and showed the measures added to the plan; those details are reviewed during preliminary and final design phases, especially during discussions with the property owner. Mr. Cote asked if the house (at Mammoth Road and Marsh Road) was the same one with an impacted septic system. Mr. Bakos answered yes; from what he understood that house had a septic system in their front yard. Mr. Cote asked if both roundabouts would have lighting. Mr. Bakos replied they would have lighting at both. He said it would be primarily at the approach. They like to illuminate the splitter islands so people can see the island and other vehicles within the roundabouts. Mr. Cote inquired about light pollution and how the lights would be mounted. Mr. Bakos explained there would be poles that were typical highway-type lighting that would be Dark Sky compliant.

Ms. Forde inquired about the NHDOT response time and staffing level given the current situation. Mr. Bakos stated it was hard to predict. They try to rely on some of their relationships with individuals. During the past review he and Mr. Gowan didn't want to go over the head of the project manager. He said they kept getting promises that things would be done but the responses weren't realistic. He noted the individual felt bad about the way it had previously gone and thought they would make amends as they go forward; however, there are no guarantees. He said all they could do is monitor the situation and 'push buttons' as best as possible.

Mr. Gowan pointed out the financial portion with VHB was in good shape with regard to the additional archeological study although it wasn't mentioned in the original scope approved by the Board. He wanted to be clear they wouldn't exceed scope without coming back to the Board for guidance and approval. He didn't want to hire a subcontractor without the Board's 'blessing'. Mr. Bakos said there would 'technically' be an amendment but they wouldn't need to increase their fee. Mr. Gowan noted they could submit the amendment to Town Counsel for review and provide counsel's opinion to the Board.

Mr. Gowan anticipated the Board would want to provide input on items such as landscaping and other components of the final design and confirmed there would be an opportunity to do so as the project moved forward. Mr. Bakos answered yes. He commented they would need to consider maintenance of landscaping on a NHDOT facility. In some cases, the NHDOT may require the Town to pay 100% as it would be considered an amenity.

Mr. Haverty understood the Board would wait for the amended contract language to allow for a new subcontract consultant. After receipt they will take further action.

Ned Raynolds: ReVision Energy Solar Presentation

Mr. Raynolds began by providing the Board with a brief background history of ReVision Energy and how they had expanded since being founded in 2003. Currently they have five offices (New Hampshire, Maine and Massachusetts) and a total of 270 employee owners. The are a Certified B Corporation. They do complementary technology through solar rooftops, ground mounts and carports, air source heat pumps, electric vehicle charging and battery systems (residential and some commercial). ReVision is ranked the #1 rooftop solar contractor in New England for three years (2017, 2018 & 2019). He presented a Power Point presentation similar to what he reviewed during the Board's January 7, 2020 meeting (prior to Town Meeting vote). Subsequent to that meeting the voter's approved Warrant Article #17 authorizing the Board of Selectmen to lease space on Town owned structures for the purpose of installing solar panel arrays.

Path and milestones:

- 1) Letter of Intent
- 2) ReVision begin project design
- 3) Negotiate Power Purchase Agreement ('PPA')
 - 4) Revision secure project financing
- 5) Sign PPAs
 - 6) Revision builds solar arrays

Mr. Raynolds explained the PPA, which allows towns/schools/non-profits to get solar built with no capital outlay. There are large tax advantages available to solar projects. A PPA has three parties: 1) Host/site owner: Town of Pelham, 2) ReVision Energy: Design/build/manage solar array and 3) 3rd party investor: provides capital, owns array, sells electricity to Host at 10% below delivered utility rates. The Host has an option to purchase the solar array after five years at (approximately) 60% of its original capital cost or remain on the PPA to term (20-30 years). Mr. Raynolds told the Board ReVision had done over one hundred projects using that same vehicle. He provided a partial list of projects/communities. Earlier in the year he met with a Town group to review the Town's utility data of usage and costs. He noted the best return on solar is when the arrays are put at the point of use (behind the meter), so a large majority of energy can be consumed in real time.

Mr. Haverty wanted to know if an array was installed on an open tract of land if the energy was then connected to the grid and sold back into it. Mr. Raynolds answered yes; when that happens, the energy was only worth the 'supply' rate which made a big difference in financial viability. It was best to use energy in a building right away to save the cost of delivery, kilowatt hour and transmission. He then showed the savings projections for a six-year buyout versus term with a 980kW rooftop array. He showed photos of example projects (rooftop and ground mount) they had done and were in the process of completing.

Mr. Raynolds showed photo renderings of potential rooftop systems for the Town Hall/Police Station complex (260kW array with annual production ~297,200kWh; nearly 100% of annual load). The fire

station was shown with a potential 85.5kW array (annual production ~97,250kWh; over 76% of annual load). The Town Library showed a potential 27kW array with an annual production of ~32,660kWh, greater than twice the annual load. The Senior Center could have a potential 19.5kW array may have an annual production of 23,000kWh. He understood the Town had plans to build a new facility at the Transfer Station, so he showed a representative building and indicated when the plans got to the detail stage, they would be able to figure out potential usage.

Mr. Raynolds hoped after the present meeting the Board would feel comfortable authorizing the Town Administrator at a subsequent meeting to execute the letter of intent to move forward. He ended by showing recent media photographs. He looked forward to working with the Town and in the future with the Schools.

Mr. Cote mentioned the presentation was done more for Mr. Haverty and Mr. Bergeron being new Board members. He commented he initially worked with Mr. Lynde and Mr. Raynolds; Ms. Forde was present for the previous presentation. It was his intention to move hopefully move forward with ReVision and asked the Board to consider signing a letter of intent at a subsequent meeting.

Mr. Bergeron inquired how often people purchased the arrays. Mr. Raynolds replied almost always the arrays were purchased because it was a better financial opportunity for the host to own their array rather than continue on the PPA. Mr. Bergeron stated they would have to put it out to vote for a decision. He wanted to know what happened at the end of the agreement (20-30 years later) if the voters didn't want to purchase the array. Mr. Raynolds replied at this time they haven't gone to term with the existing project. He stated the contract indicates the owner is responsible for removing the array at the end of the contract/life. He added whoever owned the array was responsible for maintaining, insuring etc. All the information is laid out within the PPA that would be reviewed by Town Counsel prior to signing. Mr. Bergeron wanted to know the status of ReVision Energy during the current COVID-19 time; if employees were being sent home, or if they were continuing to work. Mr. Raynolds replied the company had furloughed a couple people but continued to do installations of larger projects. They've continued to do sales where appropriate but had suspended all residential installations.

 Mr. Haverty wanted to know who the Town could expect to find as a typical third-party investor and what their obligation would be to the Town. He questioned if there was danger of an investor no longer being in business after entering an agreement. Mr. Raynolds replied there wasn't much danger in that. He said ReVision has a stable of existing relationships with investor groups; several were mission driven to see solar done for municipalities and non-profits. Within the last several years ReVision created their own fund "ReVision Social Impact Partners"; the capital comes in from high net worth individuals within the region. He said there wasn't much chance of an unscrupulous investor pulling the plug.

Mr. Haverty stated the presentation was valuable and allowed him and Mr. Bergeron to become level set with the rest of the Board. He thanked Mr. Raynolds for giving the presentation. Mr. Raynolds stated he supplied Mr. McCarthy with a template of the letter of intent to review which included detailed steps. He said he was available to answer any additional questions.

David Scott - NHDOT Bridge Design / Main Street Gionet Bridge Project

Mr. McCarthy explained the Gionet Bridge (on Main Street by St. Patrick's Church) was under review to be replaced in the coming years. He said there was some discussion about whether or not a sidewalk should be installed on the bridge. In the past years, changes had been made to better handle the vehicle load. He understood Abbott Bridge was next in the line-up and posed problems for pedestrian traffic because of the natural state of the bridge. He commented they had a sidewalk put onto the Willow

discussions back to the forefront.

Street Bridge and felt they should also consider including one on the Gionet Bridge. He told the Board Mr. Scott had done research with the Town's Master Plan and received information from 2002 and 2008/09, which at that time wasn't much interest in having a sidewalk. However, the Town has grown since that time and there was significantly more pedestrian traffic on Main Street than on Willow Street.

Mr. Scott told the Board he had been looking at the Gionet Bridge and thought it was a strong contender for replacement bud didn't want to make that presumption. He believed he had discussed this with the Town since 2011 when attending flood study meetings. At one of the hydrology meetings (in 2015) he recalled learning from Planning Director Jeff Gowan the Town's Master Plan required sidewalks on the bridge. These discussions were tabled knowing the Willow Street Bridge and Abbott Bridge were both going to be done ahead of the Main Street structures. He said it was now time to bring those

Mr. Scott shared his computer screen to show aerial photos of the area. He understood there were sidewalks through the roundabouts (in the Town center). He understood from the 2002 Master Plan there was a statement saying at present there were no new sidewalks, crosswalks or bike routes planned in Pelham. New Hampshire Department of Transportation ('NHDOT') encouraged well thought out transportation, bicyclists and pedestrians. Assuming the Gionet Bridge was a 100ft. span, the addition of a 6ft. sidewalk would increase the cost of the project \$350,000. The NHDOT wanted to have a conversation with the Town to be convinced a sidewalk would be a good investment. Mr. Scott showed additional aerial photo slides and asked for the Board's thoughts regarding sidewalks and why they would be a good investment of an additional \$350,000.

Mr. Cote stated a sidewalk provided an escape alternative for a pedestrian crossing the bridge. He didn't understand why they wouldn't include at least one sidewalk to give safe access to pedestrians. Mr. Scot said they wanted to try to make connectiveness. He said there wasn't a plan in 2002 and questioned if there was now or if there would be. Mr. Cote spoke about Willow Street and explained there were no sidewalks along that street because people could walk off the side of the road. With regard to Main Street, people couldn't cross the waterway safely. He said they didn't need sidewalks anywhere else because there was a safe way to get off the road; however, there was no safe way once a pedestrian was crossing the (Gionet) bridge.

Mr. Haverty stated he was born and raised in Pelham. His grandparents owned the first house on the left (when traveling down Main Street toward Route 38); the second house is currently for sale. He also attended St. Patrick's School and had a lot of experience walking the Gionet Bridge, which was a 'hair raising' experience even when he was young. Mr. Haverty stated during the summer there was a lot of pedestrian traffic on the bridge and a lot of children who fish off the bridge. He agreed there was ample space for pedestrians to walk (off the side of the road) in front of the church and the school. He pointed out one of the houses for sale (at the end of Main Street) was commercially zoned. He would like the ability to have the sidewalk if the area were to become businesses in the future. He thought it would be short sighted to not have a sidewalk given the amount of pedestrian traffic and the potential for business growth in the future.

Mr. Cote recalled last year the Board discussed cross walks in the area and the rapid increase of traffic along the road. He asked the Planning Director to add comments. Mr. Gowan stated he had long been an advocate for sidewalks in the Town center. He said sidewalks had been included in the Liberty Utilities project and the roundabout project emanating from the Town center down to the high school. He felt the natural next step would be to have a sidewalk as was being discussed. Knowing how the State works, Mr. Gowan believed they would want a commitment from Pelham to do connecting sidewalks on the bridge, either up to or possibly crossing Route 38. He said there were a number of ways to approach doing so, such as request estimates/designs from Keach Nordstrom (Town's

engineering review firm). He agreed there was a lot of activity on the bridge and would be short sided from a planning perspective if it were replaced without a sidewalk. He encouraged the Town to take whatever steps needed to propose a plan the NHDOT could grab onto. He felt the investment made sense.

Mr. Cote heard reference to the 2002 Master Plan containing traffic counts during discussions to remove crosswalks and questioned if there had been a significant change in those counts. Mr. Gowan recalled the traffic counts being robust with regard to crosswalks. He said the NHDOT agreed to preserve the crosswalk in the area of 9 Main Street; the crosswalk in the area of the Congregational Church will be removed. Mr. Gowan believed they could obtain fresh traffic counts from the Nashua Regional Planning Commission ('NRPC') along Main Street that would tie in to having sidewalk connectivity. He didn't think the bridge construction was scheduled for another couple years, so there was time to do some engineering, evaluations and exploring right-of-way acquisitions. He offered to pursue any part of the project the Selectman requested. Mr. Gowan agreed the current Master Plan was old and somewhat soft on sidewalks, he hoped the Planning Board continued to work on the Master Plan. He hoped they could pull together costs for the proposed project so they could be included in the next round of the Capital Improvements Plan ('CIP') which was a place to identify costs. Mr. Scott said having a plan was the type of thing the NHDOT liked to see to 'feel good' about saying yes to a sidewalk so they understood the Town wanted access across Main Street over to Route 38. He said they wanted to encourage that type of transportation aspect. They wanted to see what Pelham could show them so they could answer questions from other communities as to why the Town got a sidewalk.

 Mr. McCarthy inquired how soon Mr. Gowan could engage NRPC to get the traffic counts so the data could go the Planning Board to discuss including it into the Master Plan. He believed everyone could agree Pelham became a cut-though town with the I93 expansion. Mr. Gowan wasn't sure about NRPC's staffing level but could make the phone call in the morning. He pointed out they shouldn't conduct a traffic study until things were back to normal. He said it might be difficult to get the Planning Board's focus given their limited schedule and the large number of cases before them. He said the Planning Board also had work to do in subcommittee with the subdivision and land development regulations. He said the Master Plan was near and dear to his hear and he would like to see it updated before he retires. He added if they could identify costs within the CIP, it would be useful for the Selectmen and Budget Committee in planning. Mr. McCarthy questioned if he and the Chairman should attend a Planning Board meeting or invited the Planning Board Chairman to the Selectmen's meeting to discuss the project. He recalled the bridge project had movement to be done in 2022 or 2023. Mr. Gowan thought it made sense to speak to the Planning Board, although their next meeting won't be until May 18th. Mr. Gowan felt they should push to plug a number into the CIP and do an update to the Master Plan (transportation section).

Mr. Bergeron felt it would be bad planning to not include a sidewalk because it would be less expensive now than waiting ten years. He believed the need for a sidewalk was common sense given the current pedestrian access and usage at the bridge.

Ms. Forde stated it might be helpful to provide the NHDOT with a catalog of the annual events that go on in that area ranging from parades, ceremonies and Old Home Day. Mr. McCarthy added there was also potential for a business to open up at the Sutton Home. Mr. Gowan informed the business was currently under construction. He noted there was also a significant parcel on the south side of Main Street at the corner of Route 38.

Mr. Scott told the Board if the NHDOT put a sidewalk on the bridge they would need to have a sidewalk agreement with the Town. The agreement will indicate the Town is responsible for winter maintenance.

Mr. Cote stated there was another bridge on Windham Road the State might be looking to do work on. He said if work was done in a certain way it may affect the water downstream at the Main Street Gionet Bridge and the Abbott Bridge. He asked Mr. Scott if they were aware of anything in that nature. Mr. Scott was very aware of the Town's Main Street bridge with the down stream activities; however, he wasn't aware of anything upstream. Mr. Cote heard rumors the bridge on Windham Road would be done and believed if it was done in a certain way it could alter the flow rates downstream. He asked Mr. Scott if he had any information on it or if he was aware of it. Mr. Scott answered no; that bridge wasn't on his 'radar'. Mr. Cote said the area was sensitive wetland area and the only way to build the bridge was to span it; however, a span bridge would allow a larger flow to go downstream. Mr. Gowan didn't believe the Windham Road bridge was on the State's 'red list' or a candidate for replacement at this time. He said when VHB did the flood study they weren't concerned with that bridge. Mr. Haverty noted the Town's bridge system was a delicate balancing act. If bridges weren't done in tandem people could inadvertently be flooded in certain areas.

Mr. Haverty understood the Willow Street Bridge was done first, next would be the Abbott Bridge. He wanted to make sure all calculations were taken into consideration. He also wanted to ensure if they increased the capacity of water that could run under the Gionet Bridge that it didn't get held up by capacities at the Abbott Bridge. Mr. Scott replied that would be done first and foremost. Mr. Gowan pointed out Quantum Consultants did the Willow Street Bridge design and were in the process of doing the additional structure near the Abbott Bridge have focused very much on that point. Mr. Cote said a bridge that wasn't currently red listed could be ten years from now. He asked if it could be reviewed in the study for possible future construction and flow rate alterations. He felt it was worth looking into now since they were in the design phase. Mr. Scott said they would take a glance at it to see if its going to be an issue.

 Mr. McCarthy stated he would work with the Board and the Chair to draft a letter outlining the discussion and what their intention was regarding a sidewalk on the Gionet Bridge. Mr. Haverty said the majority of the Board articulated their desire to have a sidewalk for many reasons. He said they've heard the Planning Director talk about the necessary documents that planned to be modified to support that argument. He told Mr. Scott that Mr. McCarthy would get back to him in a short period of time. He thanked Mr. Scott for speaking with the Board.

DISCUSSON(S)

Plowing Private Roads

Joining the Board was Highway Agent Frank Ferreira (via telephone).

Mr. McCarthy explained on September 3, 2019 the Board met with Mr. Ferreira regarding plowing private roads. There had been an on and off discussion during the last couple years as to whether the Town should continue with the practice of plowing private roads. He said although they were paid for the service (through agreements), the trouble was the number of Town roads was growing and equipment being damaged from the old pond roads and (new) development roads (not at Town standard). There was a problem during the last season with a piece of equipment being damaged and taken out of service. Mr. McCarthy stated the previous Board discussed the subject (and had a failed motion to stop plowing private roads). He believed the thought process at that time was it was too close to the season to stop the practice and they didn't want to leave people without the ability to find a vendor to plow their street. The matter was continued for the new Board to address the issue and decide whether or not to continue plowing the roads. He provided the Board with past meeting minutes for review.

Mr. Ferreira told the Board discontinuing the plowing would free up a lot of their trucks. He noted they plowed 1.14 miles of the private pond roads; most were like driveways that required smaller trucks. He said they had a problem getting the vendors to plow those areas. He explained those roads are corrected and patched (a lot of them are dirt) but halfway through the season the repairs are gone. He told the Board plows were being torn up and the vendors were getting stuck needing to be towed out. Mr. Ferreira then spoke about development roads (not yet accepted by the Town). This last season one road had a catch basin not properly repaired that bent a (brand new) plow wing. Because of the damage they won't be able to get another wing on. He explained catch basins were left high until final paving is done, which causes problems and bends cutting edges.

Mr. Haverty wanted to know the replacement cost to replace a cutting edge, or a plow wing. Mr. Ferreira replied a wing was approximately \$7,500 without a cutting edge. The cutting edge could cost approximately \$800. Mr. Haverty understood there had been discussions last fall and wanted to know if the Town had heard anything from residents or developers in anticipation of the Board having further discussion in the spring. Mr. McCarthy said he hadn't heard from anyone. Mr. Ferreira said there were a few people concerned last fall that knew about the meeting coming up in the spring. He said they would probably need a public meeting for residents to voice their opinion. Regarding plowing, Mr. Ferreira told the Board a lot of the problems were from call backs to roads due to snow drifts and ice problems. Mr. McCarthy explained there was a development up on a hill that the Town returned to plow multiple times to make it safe and passable. He said the Town doesn't charge each time they have to go back which is an expense and time away from taking care of a regular Town road. He said there were a lot of aspects to the discussion and felt they needed to look at the big picture and do what was in the best interest of the Town and citizens.

Mr. Haverty stated at this time it was anyone's guess when a public hearing could be held and suspected it would be very crowded. He asked the Board if they thought it was a necessity or if they were more inclined to make a decision on their own.

 Mr. Cote hated to make the decision but understood there were legal pieces of advice they've received that should be precedent for what they do. He knew it wasn't a popular decision. One piece of information indicated the Town wasn't technically allowed to use public funds to plow private roads. He understood people were paying the Town to plow but believed those payments were well below what they should be, that meant the Town was actually using public funds to do the roads which would hold them in contempt of court per the court ruling.

 Mr. Haverty replied he didn't disagree. He asked Mr. Ferreira what he thought about putting it out to bid and had someone do the work under contract. Mr. Ferreira wasn't sure what private contractors would charge. The price was increased to \$6,000 per mile a couple years ago, which was just an average. He noted they didn't plow very much during the past year, so the Town covered all the costs with no problems. He said there were some really bad past winters and knew the cost was much more than what they charged, especially when they do call backs. Mr. Haverty was hearing Mr. Ferreira wasn't in favor of doing private roads and developments; they should be handled by private contractors borne by the people who live around the pond or done by developers themselves who were building neighborhoods. Mr. Ferreira replied that was correct. Mr. Haverty felt it made sense not to plow because they currently weren't keeping with the court ruling. He said if the Town isn't charging what they should be it put them in a legal predicament. Further, he felt the damage to the Town's equipment and taking up resources during a storm was a problem. It was his position the Town shouldn't be plowing those areas. He said they should make the decision to stop which would provide ample time for developers and people who live around the pond time to find replacement services well before the winter.

Ms. Forde knew if the Board made the decision without a public forum would 'incite the wrath of the Town'. She asked if the Board wanted to offer notification to the abutters, similar to notification given for Planning Board meetings, to give them an opportunity to state their case. Mr. Haverty didn't disagree with doing so. He said it would be challenging to hold a public meeting given the current crisis. He believed they would be okay making a decision by June. Waiting would give the Board an indication what the sentiment is.

Mr. McCarthy noted Mr. Ferreira had all the contracts and knew who was involved. Mr. Cote, who had past experience with plowing, told the Board most entities requested their bids from August 1st-15th. He felt making a decision early-mid June would give people time. He believed sending correspondence would be easy. Mr. Haverty wanted to know if they send out correspondence or hold a public hearing and have several people respond in opposition, if the Board was prepared to continue with the Town plowing the roads. He asked if they are more likely to say it is a legal liability regardless of what they hear in public forum. He wanted to know if the Board was prepared to not take any action or if they were resolute in the fact that it was the wrong thing.

Ms. Forde didn't feel doing nothing was an option. She said if they move forward and continue, they need to start charging significantly closer to the market rate, so they are not using taxpayer funds to plow private roads. As a middle ground, Mr. McCarthy said the Board might consider not doing the developments and let the contractors handle it. Mr. Haverty commented the pond roads sound like they present their own challenges as they were more narrow, present more like driveways and not well maintained. He agreed the two groups of people could be addressed differently but they had their own sets of challenges. He wanted to the know if the Board was prepared to continue, even with an additional cost, staying the course. He asked Mr. Ferreira if an increased cost would help the situation and allow for more resources, better repair and equip the vehicles. Mr. Ferreira said it would help; however, it would be hard to figure out how much because it depended on the winter. He stated notification of a change would only need to go to the residents of the pond roads and the project developers. He pointed out school buses didn't travel into a development unless the road is accepted by the Town. With pond roads, the plow trucks have to turn around in resident's driveways. Mr. McCarthy knew the Fire Department ran a plow truck in bad weather with their ambulance. He thought it might be good to hold a public forum for people to offer their opinion.

Mr. Bergeron understood the 'cons' were outweighing the 'pros' to continue plowing the private roads. He agreed the pond roads had a little more 'right' to have the Town help them out as opposed to the other roads (in developments), which he saw as businesses. He said a decision was tough. He saw Ms. Forde's point to contact the Board. Either way, he believed the Town should get the numbers right and charge more than what the average person was charging as it was difficult for the Town to get employees in general. At this point he reiterated the 'cons' were outweighing the 'pros'. Mr. McCarthy was a little nervous about the correspondence because there will always be someone who indicates they never received a letter or didn't hear about the meeting.

Mr. Cote spoke about a situation in the past where the Town took two houses. They had tried to be quiet about doing so and were reminded at the time they were required to do so, even though they didn't want to. In relation to that, he reiterated State Law indicates the Town cannot plow the roads.

Ms. Forde asked when the Town decided they could plow if they charged to do so. Mr. McCarthy believed it went back approximately 25-30 years. Mr. Cote replied the court date was 1988 for 'not using public funds'. He wanted to know what indicated they could use private funds for public equipment to plow the roads. He said the question wasn't whether they wanted to plow the roads, it was about whether they were allowed to do so.

Mr. Haverty inquired if the Town informed, they were no longer going to plow developments it would hasten developers to get roads accepted by the Town. Mr. Ferreira didn't believe so because there was a process the roads had to go through (before acceptance). He explained the binder coat had to 'overwinter' for one year and then when the topcoat is put on it had to 'over-winter' for one year. Mr. Cote understood a contractor would have to plow their own roadway for at least two years. Mr. Ferreira replied depending on the size of the development they would have to plow for approximately 2-5 years or until the Town owned the road.

Mr. Cote believed the Board should get an exact legal opinion on whether or not they were allowed to accept private money to plow private roads with publicly owned equipment. He recalled learning during last year's discussion there were issues with paying pond roads because of possible runoff into the ponds. Ms. Forde read through the court decision from 1953 relating to if sufficient fees are collected so no tax money is being expended, the Town may perform any/all services in question. Mr. Cote replied the obstacle would be if a resident challenged that ruling and the ability for the collected fee to cover the storm. Mr. Haverty said if the collected fee doesn't cover the storm the Town runs the risk of 'de facto' owning the road. The more he thought about the topic the more he was uncomfortable plowing roads the Town didn't own. He didn't think it was the right thing to do and his position would be to stop doing it and provide ample notice to developers and residents around the pond. He understood it wouldn't be popular but thought some people were probably expecting that decision. He didn't know that a communication or public hearing would change the Town's course, nor did he want to get in the business of trying to establish what the 'right' amount of money was to collect. Mr. Haverty felt the cleanest way to proceed was not to do it. Mr. Cote said he tended to agree with Mr. Haverty although he wanted to discuss creating a procedure to plow in the event of an emergency situation (i.e. medical situation, house fire). Mr. McCarthy stated he could reach out to Fire Chief Midgley and Police Chief Roark for input.

Mr. Ferreira told the Board they didn't plow all the private roads; there were quite a few that took care of doing so themselves. With regard to the Fire Department, he said they had always helped them when needed.

Mr. Haverty asked the Board how they wanted to proceed. Mr. Cote said the Board would have one or two meetings to gather information and opinions before making a motion. Mr. Bergeron has seen firsthand when the Highway Department was dispatched (through the Police Department) to clear a road when needed. Mr. McCarthy felt it would be prudent to have a conversation with both chiefs and memorializing such in a memo to the Board. Mr. Haverty was sure the Board would hear feedback. He said they would set an agenda item for an upcoming meeting to either seek more information or take a vote.

Draft Livestock Ordinance

Mr. Cote explained there were some issues last year and through those issues discovered the Town already had a local ordinance. He said they weren't drafting a new ordinance; they were revising it to try to fit today's standards. Basically, the existing ordinance was a 'leash law' for livestock with associated fines and wasn't a zoning ordinance that restricted what a person could do on their property. He submitted revised language to the Board for discussion. He was looking to finalize that wording so it could be put out to a public hearing. Mr. Cote read the proposed amendments and suggested increasing the existing fines from \$25 per head to \$250 per individual violation. He added the money collected would go for the use of the Town directly toward the Agriculture Commission.

Mr. Haverty wanted to know in what sense the money (collected by violations) would be used. Mr. Cote replied the Agricultural Commission could receive funds and proposed he fines/fees be used at

their discretion and pursuit. He said the proposal would be used as a deterrent for violations and noted there were some situations in Town that were safety concerns. He added the enforcement language had also been altered to be through the Code Enforcement Officer under the guise of the Board of Selectmen.

Ms. Forde asked for clarification of the proposed violation fee. She wanted to know if two cows got out (of their enclosure) that it would be considered one violation at \$250 and not \$250 per head. Mr. Cote said that was correct.

Mr. Haverty spoke about the enforcement and suggested the language read 'under the authority of the Board of Selectmen' rather than using the word 'guise'. Mr. Cote replied the Selectmen had the ability to 'enforce'. Mr. Haverty like the idea of having the fees create revenue for the Agriculture Commission. He didn't believe they would make a lot of money through violations and though the best use would be for educational materials.

Mr. Cote read through the definition of 'livestock' and noted it had been amended to be 'greater than thirty pounds'. He said there was a concern in a particular part of Pelham that needed to be addressed and the amended ordinance may help that neighborhood. Mr. Haverty felt they needed to rule out 'any other animal' that didn't fall under the 'greater than thirty pounds' category. There was a brief discussion regarding how pets (greater than thirty pounds) would be excluded. Mr. McCarthy suggested contacting UNH or another municipality to review their livestock ordinance to be amended to fit Pelham. He cautioned listing animals (in the language) because they may forget one.

Ms. Forde understood the Town had a leash law and questioned if it covered all dogs. Mr. McCarthy answered yes; there was a Statute that talked about dogs staying under the owner's control. The Board continued to discuss the terminology defining livestock. Mr. Cote suggested leaving the item for discussion at their next meeting.

The Board moved to the next item on the agenda.

Clear Cutting Initiative

Mr. Cote stated there were some issues in Town and they received advice/wording from Town Counsel. He said he would start working on the initiative. There was no further discussion at this time.

Open Town Employment Positions

 Mr. McCarthy said there had been some loose discussions about how the crisis would impact the Town's budget and wanted to know if the current open positions should be filled. There are two open positions in the Highway Department and one open position in the Fire Department. Also the Planning Department has the new MS4 position. Mr. Haverty felt the Fire position was priority number one because it was for 'life safety'.

Mr. Cote inquired if the fire position was currently empty or an addition to staff. Mr. McCarthy replied it was empty. With that, Mr. Cote felt it should be filled. Mr. McCarthy was nervous how the crisis would impact the budgets; at present they were good, but he didn't know what the future held.

 Ms. Forde thought the position should be filled. Mr. Bergeron questioned if the Fire Chief was pushing to fill the position. Mr. McCarthy answered yes. He believed the position had been posted. Mr. Bergeron thought it made sense to fill the position in the event other fire employees became infected with the virus.

Mr. Haverty's general thinking was business and services had to go on. He said if the Town went through a situation that affected revenues, they may need to look at furloughs; however, currently they weren't looking at that type of situation. He didn't know if it made sense to not hire the positions because the still had to run the Town; taxpayers were still paying for services to be provided.

Mr. Bergeron asked what positions the Highway Department was seeking to be filled. Mr. McCarthy replied there were two positions. He said there were projects that had to be done (i.e. paving, road work) and currently the department was behind. Mr. Bergeron stated if there is work to be done the positions should be filled. Mr. McCarthy replied there was work; the department was already behind and not hiring would cause things to get pushed back further. Mr. Haverty said until they were in a situation of the revenue being impacted, they should hire the positions. Mr. Cote was in favor of hiring the positions.

Trust Fund Expenditure Requests

Mr. McCarthy told the Board there were two; one of which for Highway Agent Frank Ferreira and one for the services of Roland Soucy. He noted they hadn't received any bills from Mr. Soucy since the beginning of the project. The requested amount was \$3,750 from the Highway Building Capital Reserve Fund.

Ms. Forde asked if there were any plans for the highway building. Mr. McCarthy said that was the next agenda item.

Mr. Cote asked if anyone had looked at the invoice. Mr. McCarthy answered yes; it was attached to the meeting packet. Mr. Cote wanted to know if anyone had a problem with it. Mr. Bergeron noted the invoice was vague. Mr. Cote was furious when he saw there were fifty hours billed at \$75 per hour. He asked if the \$75 per hour was a contracted rate. Mr. McCarthy replied that was Mr. Soucy's rate. Mr. Cote wanted to know where the fifty hours came from. He then read the invoice aloud. He said he was not happy with the invoice and found it completely unacceptable. He would like Mr. Soucy to meet with the Board and describe (in detail) each item listed.

Mr. Haverty agreed with Mr. Cote and though fifty hours for the four line items was excessive. Mr. Cote added there was no mention of timeframes or dates and reiterated he was not happy with the invoice and felt it was a disservice.

Mr. Bergeron questioned if they had received a schedule of values for the project. Mr. McCarthy answered yes. He noted the site plan had been done twice because initially there was some discussion about the building going from Windham Road toward Newcomb Field but when they looked at the whole area it was decided to move the building in the direction of north/south and not east/west. He added it was a better design and set up.

Mr. Haverty asked the Board what they wanted to do about Mr. Soucy's request. Mr. Cote wanted answers. Mr. McCarthy offered to put Mr. Soucy on the schedule to meet with the Board. Mr. Cote said yes. He understood the request was comprised of two years of invoices. Mr. McCarthy said that was correct. Mr. Cote found the request highly inappropriate and unprofessional.

Mr. McCarthy told the Board they received a request from the Hobbs Community Center (Senior Center) Director Sara Landry to expend money from the Senior Impact Fee collected from (building permits of) new houses. He explained \$239 from each house built went into the fund for improvements at the center. He stated My Reliable Plumber came in to update the water temperature for the faucets;

the system that manages heating the water was inefficient. The Health Officer Karen McGlynn reviewed the situation and was concerned the water wasn't hot enough to property/thoroughly clean hands and was a health issue. The situation has been resolved. The invoice total was \$1,817.50.

Mr. Haverty asked what was done. Mr. McCarthy said there was a breakdown sheet that didn't upload with the meeting file. He read the information aloud. Mr. Cote wanted to know the cost of the material versus the cost for labor. Mr. McCarthy replied stock was \$877.50 and labor was \$940.

MOTION: (Cote/Forde) To authorize the spending of \$1,817.50 for My Reliable Plumber.

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

Highway Building Project

Ms. Forde inquired if they received a plan for the highway building. Mr. McCarthy answered no. He said other than the site plan they haven't received any correspondence for a contract. He met with Roland Soucy personally and told him they needed a copy of a building contract but had not seen anything. Mr. Haverty stated when Mr. Soucy comes in to discuss his invoice, the expectation of the Board is for him to also have a plan for the highway building. Mr. McCarthy said he would do so.

DISCUSSION

Mr. Cote asked for clarification of the Board's schedule. There was a brief discussion. Mr. McCarthy indicated the Board needed to make an appointment for the Treasurer and Deputy Health Officer positions next week. He said if the Board met next week, they would be back on their set schedule.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McCarthy asked the Board if they wanted to consider creating a Deputy Treasurer position. He said it would be done for redundancy in the event the current Treasurer retired, or the person appointed into the position leaves. Having a deputy will allow Town government to continue in the event something unforeseen happens. Mr. Haverty felt it would be a worthwhile conversation for the Board to have. Mr. McCarthy will add an agenda item for the next meeting.

Mr. McCarthy reported the Town staff has divided into teams and was operating remotely from home. He said the Hobbs Center Director was continuing to work with the seniors, help them with shopping and food delivery. They were also doing exercise classes via Zoom. He said she trying to keep everyone healthy and address their needs. Mr. McCarthy said the Police and Fire Departments continue to do a great job during this crisis. Over the last weekend the two departments had vehicles (along with school buses) conduct a Town-wide parade to show encouragement to residents (and children) which was a large success.

Mr. Cote proposed posting a request of applications for the Agricultural Commission and Energy Committee with a deadline of May 15th. There was no objection.

Ms. Forde spoke about the graduating seniors and thought it would be nice for the Selectmen to write a letter to attach to each of the diplomas. She thought it would be nice to also have letters for students moving up from 5th grade and 8th grade to give them encouragement. Mr. Haverty suggested issuing a proclamation. He felt very badly for all the children and thought doing something would be a great idea. Ms. Forde will speak to the school principals.

754 755	Mr. Bergeron mentioned his family enjoyed the Fire and Police parade. He thought the event was really great for the Town. Mr. Haverty said he had some reservations about conducting the 'first ever' Selectmen meeting via Zoom but felt it had gone really well. He believed it was something they would have to adapt to in the near term. He gave proper credit to Mr. McCarthy, Jim Greenwood (PTV Coordinator) and Brian Demers (IT Coordinator) for getting the meeting done. Mr. McCarthy stated he couldn't take credit Mr. Greenwood and Mr. Demers had done a fantastic job.		
756 757 758 759 760 761 762 763 764			
	REQUEST FOR NON-PUBLIC SESSION		
	MOTION:	(Cote/Forde) Request for a non-public session per RSA 91-A:3,II, a (personnel)	
	VOTE:	(4-0-0) The motion carried.	
765 766 767 768	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 9:51pm.		
	MOTION:	(Cote/Forde) To leave non-public session.	
	VOTE:	(4-0-0) The motion carried.	
769 770	The Board ret	urned to public session at approximately 9:51pm.	
	MOTION:	(Cote/Bergeron)To indefinitely seal the minutes of the non-public session.	
771 772	VOTE:	(4-0-0) The motion carried.	
773 774	ADJOURNM	<u>IENT</u>	
775 776	The meeting was adjourned at approximately 9:57pm.		
777 778 779 780		Respectfully submitted, Charity A. Landry Recording Secretary	