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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
September 25, 2018
APPROVED – October 9, 2018

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger, Ms. Amy Spencer
(arrived after the meeting commenced), Ms. Heather Forde, Town Administrator
Brian McCarthy

ABSENT: None.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

The Board reviewed the meeting minutes when the meeting commenced; the vote to approved occurred later in the meeting (approximately 7:57pm - time stamp of recording 1:25:55)

September 4, 2018

MOTION: (McDevitt/Spencer) To approve the September 4, 2018 meeting minutes as amended.

VOTE: (4-0-1) The motion carried. Mr. Viger abstained.

OPEN FORUM

No one came forward.

APPOINTMENTS

Police Budget Reconsideration

Jonathan Szarek: Animal Control Officer position

Mr. Lynde combined the two agenda items. He reminded the public that the Board had a lengthy discussion about the issue. Initially there was a proposal to eliminate the position (Animal Control Officer 'ACO'); however, the Board discussed pros/cons and decided to try a part-time position. He said the reason for the decision was because there was a significant increase to the Police budget with the addition of a School Resource Officer ('SRO'). There was concern and they felt they could back off on the ACO position to help fund the increase. Mr. Lynde stated the Board understood there was a lot of (public) concern and would gladly hear comments.

Mr. McDevitt thanked those people that saw him personally at Old Home Day and contacted him by telephone. He said he didn't pay attention to FaceBook and reiterated his appreciation for those who contacted him directly and were willing to listen to his viewpoint. He spoke about the Board's discussion with the Police Chief regarding the Police Department's budget and ACO position being

reduced to part-time, which he understood was a difficult for the Chief to recommend. After that discussion with the Chief, the Board voted (4-0) to make the ACO position part-time.

MOTION: (McDevitt/Viger) To reconsider the Police Department budget, and in the process reconsider the total Town budget.

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

Mr. McDevitt then made a motion to: 1) increase the Police budget salary line by \$22,354 that effectively puts back the money previously taken out for Animal Control and leaves the requested School Resource Officer; and 2) the Selectmen Chair appoint a small committee (consisting at least of the Police Chief, Town Administrator, Selectmen Chair, one Selectman) to determine whether the ACO position is full-time or part-time, and to report back to the Selectmen before January 2019. Mr. Lynde seconded for discussion.

Mr. Viger appreciated the motion to put money back into the Police budget; he didn't want to tie it to a study. He stated the Board had never asked a Chief or investigated by committee (in any department) to determine whether a position is viable or not. He understood asking for more information, such as when the Fire Chief asked for additional fire fighters (through a grant) last year. He said they trusted the Chief, Deputy and their staff to provide the necessary information. He didn't believe in tying a committee into the budget dollar amount and would vote against the motion. Mr. McDevitt agreed that almost every time the Board went with a department head's recommendation. He said one of the criticisms he received was that the concern came up suddenly and that he had acted precipitously without studying etc. He said during the last six years he had read 120-140 confidential reports from the Police Chief regarding activities of the Police staff and what was occurring in Town; he read them closely and commented frequently. He noted that he had nothing against the ACO and hardly knew her. He said he doesn't call the ACO for any reason but was familiar with the activities. He commented from reading the reports he knew that in the long-term Pelham would need another detective, so when the Chief comes in he won't be shocked. He pointed out the Board didn't know that the Chief was going to request an SRO until the night they reviewed the Police budget. He stated to allay the public's concerns that the Board acted without study, he felt they should give the opportunity to have a group of other people look at the ACO position.

Ms. Spencer arrived.

Mr. Viger replied he's read the same reports and didn't see the Chief recommend the ACO position to be cut in half or eliminated. He stated the Board had previously discussed adding an animal control shelter and didn't recall any conversation about staffing it with a part-time person. He felt it was demonstrated many times about things the ACO position performs that were above and beyond a part-time position. In his twelve years as a Selectman, he said it was the first time they had cut a position from full-time to part-time and potentially have someone lose their salary, benefits, pension and job. He didn't want to be the first Selectman to do so.

Mr. Lynde wanted to know if Ms. Spencer minded the Board taking a vote without her participation (given that she wasn't present when the motion was made) or if she wanted to participate. He summarized the motion – to increase the Police budget by \$22,354 and to set up a study regarding the need for an ACO. He noted Mr. Viger felt those two things should not be considered together. He wanted to dispose of the motion, because in his view he could always appoint a committee to do something without tying it to a dollar figure.

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89 Ms. Spencer stated she was familiar with the motion and apologized for arriving late. Although she
90 felt comfortable participating, because she wasn't present for the discussion she would be
91 comfortable abstaining.
92

MOTION: (McDevitt/Lynde) Motion to: 1) increase the Police budget salary line by \$22,354 that effectively puts back the money previously taken out for Animal Control and leaves the requested School Resource Officer; and 2) the Selectmen Chair appoint a small committee (consisting at least of the Police Chief, Town Administrator, Selectmen Chair, one Selectman) to determine whether the ACO position is full-time or part-time, and to report back to the Selectmen before January 2019.

VOTE: (1-3-1) The motion failed. Mr. McDevitt voted in favor. Mr. Viger, Ms. Forde and Mr. Lynde voted in opposition. Ms. Spencer abstained.

93
94 Ms. Forde understood the want to look at the position from an analytical point of view but based on
95 public opinion it seemed to be a decision that was bigger than could be made by five people. She felt
96 it would behoove the Board to lay the decision out for public opinion if there was a way to do so.
97

98 Ms. Spencer respectfully disagreed with Ms. Forde because she believed it was the Board's
99 responsibility as they were elected by taxpayers to make big decisions. She also felt they should
100 listen to public opinion and then exercise their judgement. She said while the motion to tie the
101 funding with a study committee failed, she believed strongly that there should be a committee and
102 was willing to participate on such. She thanked everyone for participating in the process. She moved
103 to have a committee explore the issue and at the same time volunteered to participate.
104

105 Mr. Lynde asked for a motion to increase the Police Department budget by \$22,354.
106

MOTION: (Viger/McDevitt) To increase the Police Department budget by \$22,354.

VOTE: (4-1-0) The motion carried. Mr. McDevitt voted no.

107
108 Mr. McDevitt explained that he voted against the motion because he felt his previous motion had
109 more value to the community and to the Board. Mr. Lynde stated he would set up a committee to
110 give (the position) full vetting. He said he would join the committee along with Chief Roark, Mr.
111 McCarthy, Ms. Spencer and one or two people from the public.
112

113 With respect to the Board of Selectmen and what they were trying to accomplish, Mr. McCarthy
114 stated they had hired a Police Chief to run the Police Department. He said the Chief tells the Board
115 what the department needs and what it doesn't. He said the Chief is trusted and so is his judgement to
116 run the department efficiently. He said Chief Roark was highly credible. He believed the Chief
117 should be looking into the situation and advising the Board.
118

119 Mr. Lynde stated the Board fully respected the Chief and believed he ran a great department. He said
120 there were times the Board had not given the Chief what he's asked for. Because of the way the
121 issues came up he said the Board would be involved. Mr. Lynde commented that the Chief had
122 provided good information they didn't previously have.
123

124 Mr. Viger noted he wasn't in attendance at the previous meeting, but he had watched a recording of it
125 over and over. In his opinion, Chief Roark wasn't asked for any information before the meeting and
126 was not tasked to find out what the position did before the budget cut was offered. He felt for the
127 Board to have a committee behind-the-scenes afterwards was a level of micromanagement that he

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128 didn't want to get involved in or have the Board get involved in. Mr. Lynde recalled the Board
129 having a previous discussion during which they asked the Chief to bring information forward. Ms.
130 Spencer didn't think anyone was suggesting an overly discrete committee which was why she
131 suggested having at least one member of the public. She had no doubt that the subset would take
132 Chief Roark's input seriously; having a committee was a mechanism to allow the process to move
133 quickly and smoothly.

134 135 PUBLIC INPUT

136
137 Mr. Jonathan Szarek came forward and read aloud a prepared statement. To summarize, he spoke
138 about his ten-year-old daughter being a being a national anthem singer from a young age and having
139 many diverse friends (listing well recognizable names in politics). However, she was first and
140 foremost an animal rescuer. She wants to be famous, so people would listen to her and she can help
141 animals. Mr. Szarek felt the Selectmen had basically terminated Animal Control Officer Allison
142 Caprigno by reducing her hours down to twenty per week (at \$20/hr.) with no benefits. He believed
143 the animal control officer from 1965 (Frank Foisie) would say the Town needed a full-time ACO. He
144 told the Board he was teaching his daughter about respect and honor and felt the Board's meeting two
145 weeks ago lacked honor by blindsiding the Chief with the proposal to cut the ACO's job to make
146 room in the budget for a new SRO. He noted Officer Caprigno wasn't aware it would happen. He
147 spoke about the things Officer Caprigno does for the Town outside of being the ACO. He said during
148 the Board's discussion Chief Roark appeared to be very uncomfortable being put in a position to cut a
149 person in his department and suggested deferring the SRO position for a year. Mr. Szarek believed
150 the new SRO should be a warrant article. He returned to the subject of honor and felt Officer
151 Caprigno should have been notified that her job was on the line. He also felt Mr. McDevitt should
152 have been present in person. He asked that the Selectmen not conduct business remotely. He
153 recognized Ms. Spencer's attempts to save the ACO position by proposing cuts to the new animal
154 shelter. Mr. Szarek spoke about the Town's liability when taking custody of dogs as it was a person's
155 property. He felt the Town would knowingly open itself up to legal liability by cutting the ACO
156 position and having untrained/undertrained staff handle the dogs. He ended by saying there wasn't
157 enough time at the meeting to fully espouse on how important Officer Caprigno was to the Town. He
158 suggested the Board cut money from other areas in the budget.

159
160 Mr. Lynde stated the Board did not remotely discuss items; they hold their business in public. He
161 also stated that Selectman McDevitt had served the Town for over twenty years and had honorably
162 done so. He said he made his position known and had reasons for such. He said Mr. Szarek could
163 disagree, but not call him dishonorable. Mr. Lynde addressed 'liability' and said there are 16 hours in
164 a day when the ACO isn't on duty. He said they did their best to serve the Town and provide a
165 reasonable budget. He said they had every right to talk about things and make suggestions and stated
166 they owned up to mistakes. Mr. Szarek spoke to the comment about 'remotely' and said the meeting
167 was done using the technology that was at hand. He suggested when there are important things to be
168 discussed by the Board members should be present.

169
170 To some extent, Ms. Spencer felt the discussion was getting out of hand. She appreciated Mr.
171 Szarek's appreciation and stated no one was terminated or fired. She stated very important business
172 (globally) was done by phone and video conference every day. She said they did their best they could
173 to be physically present and disagreed that using technology was any less serious or effective. She
174 said it was preferable to use technology than not have someone present. When unable to attend a
175 meeting, she's used technology. She stated every single member of the Board took their role
176 seriously. Ms. Spencer stated there's a level of respect and civility that the late Senator McCain
177 called for and felt that they owed it to each other to engage in politics in a civil manner and respect
178 the effort and commitment each one of them brought to their jobs. She said they heard from residents

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179 about taxes increasing and were sensitive to those concerns. She felt the tenor of the conversation
180 could be brought down especially since a vote had occurred and appreciate the fact that they were all
181 willing to reflect and reconsider when working together and moving forward.

182
183 Mr. McDevitt felt some of the remarks were personal. He stated that he hated phoning in. He
184 pointed out that he had never missed a budget vote in the community. He spoke about being on
185 vacation in the past in Bar Harbor Maine and driving home (5 hours) to attend meetings. He's heard
186 from residents that question when taxes would go down or been told they had to move because taxes
187 were too expensive. He reiterated he'd never missed a budget vote and always returned home to
188 attend the meetings. This year he didn't drive back because the Board working out using the phone,
189 which was legal in the State of New Hampshire. He said he went to a quiet place and phoned in. He
190 noted he had a horrible time using the phone system. He stated he'd made a lot of personal sacrifices
191 to make sure he was present and in all the time he had been on the Board (since 1991) had never been
192 accused of being dishonorable. He said hearing that was personally painful. He stated he meant no
193 dishonor to the person in the job or to the Police Chief. Mr. McDevitt said he didn't like the phone-in
194 process and would never do it again; he would drive back from vacation. He said the process gets
195 personal because everyone was a volunteer. He thought it was fair for someone to considerably
196 disagree with his conclusions but felt people should have a reasoned discussion and not get into the
197 sickness that pervades the country at present. Again, Mr. McDevitt thanked those who contacted him
198 personally.

199
200 Mr. Szarek clarified that he didn't say Mr. McDevitt was dishonorable; he said the process lacked
201 honor. He knew Mr. McDevitt was a fiscal conservative that tried to keep taxes down. He said there
202 was nothing meant personally.

203
204 Mr. John Sullivan, 35 Simpson Road told the Board he had spent over twenty-five years
205 elected/appointed to public office in the Commonwealth of Massachusetts. He discussed the position
206 and stated the Town needed a full-time ACO. He said they couldn't take animals in and put them in
207 the pound on a part-time basis. He understood line officers handled the job when the ACO wasn't on
208 duty. He believed the position needed to be funded and maintained now and in the future. Mr.
209 Sullivan was familiar with the ACO and discussed the interactions over the years he had with her. He
210 had the utmost respect for the ACO. He believed if the Town reduced the hours another municipality
211 would take her from Pelham. He noted the ACO had fourteen years of institutional knowledge and
212 talent that was way beyond her pay grade. He ended by saying the Town shouldn't lose the person or
213 the position.

214
215 Mr. Donovan Billings, 92 Nashua Road & 9 Collins Way stated he was not against the SRO; he was
216 in favor of a full-time ACO. He said Officer Caprigno was there when his family really needed help
217 and it didn't have anything to do with being an ACO. He felt strongly that the community should
218 support those who support the community especially when it came to Police and Fire. He thought
219 that someone being with the Town for fourteen years should mean something. Mr. Billings said it
220 would worry him greatly if the Town started to take full-time jobs (with benefits, pension etc.) and
221 move to part-time work that doesn't have those benefits.

222
223 Ms. Jaimi Kosa, Longview Circle understood that the Board would form a committee to review the
224 ACO position. Mr. Lynde replied that the money was put back into the budget and the position
225 would remain in tact until the next budget cycle in a year. The Board agreed they would look at the
226 position and heard a lot of compelling testimony that it wasn't a good idea to be part-time. He said
227 there were several things they had to study such as staying competitive with salaries. Ms. Kosa said
228 questioned if the Board would also form a committee to decide if there would be a new detective or
229 SRO. She wanted to know if they started down the slope of forming committees to review if

positions were needed, would they need committees for different types of positions. Ms. Kosa supported having a full-time ACO and also supported the idea that the Chief needed to make decisions about where he needed appropriate resources. Ms. Spencer understood every argument had a 'slippery slope' argument. She stated micro-managing the department heads to that level wasn't anything they had done in the past and didn't feel they would look to do so in the future. She said they hire department heads to do good jobs and trust them to do so. Ms. Spencer commented that on a case-by-case basis when there have been issues raised and there's uncertainty it was the Board's responsibility to exercise their discretion and investigate issues that might have more than one perspective. She stated there were many areas they had to review salaries and positions. She pointed out if the Board hadn't voted to restore the budget, the Budget Committee could have when reviewing the Police budget; it could also be changed during Deliberative Session.

Mr. McDevitt stated the Board makes personnel changes and no one shows up to comment. He spoke about the full-time administrative/reception position in the Selectmen's office that was moved to the Highway Department/Transfer Station. It wasn't put before the voters because the Budget Committee didn't find it necessary. That full-time position was replaced with two part-time/no benefits employees. He said they couldn't go to the degree of accepting all recommendations from all department heads; the Board served a role and represented everyone, including the people who tell him they can't afford their taxes any longer. He stated they don't micro-manage the Chief but were elected to oversee him. Mr. McDevitt discussed situations where good people were driven out of Town and bad people had been kept. He hoped a committee would take the edge off the situation with no disrespect to the Chief. Ms. Kosa thanked the Board for their service and asked that they reconsider whether the ACO position really needed to have committee review.

Corporal David DeRoche came forward to speak on behalf of the Pelham Police Department Patrolmen Union. As the Union Chair he stated they strongly disagree with the motion that was made during the last Selectmen's meeting and requested that the motion be reversed. Regarding the motion made during the present meeting, he agreed with Mr. McCarthy and Mr. Viger that Chief Roark was in charge of the Police Department and his decision should be respected. He felt creating a subcommittee would not hold his position as it should be. Corporal DeRoche stated the ACO's duties went far beyond loose and barking dog complaints, such as RAD instructor, senior citizen liaison, car seat inspections, fills in when other officers are tied up on call, etc. The ACO did a tremendous amount of work that would fall on patrolmen and sergeants. He gave an example of an animal cruelty situation handled by the ACO last year; if she was not employed it would have caused a disruption to the workforce and resulted in taking police off the road. Corporal DeRoche stated Officer Caprigno was an asset to the Police Department and so was her position as ACO. Eliminating the position would be a tremendous disservice to the Town. He said he would love to speak as a Town resident but would hold those comments as he had come forward as the Union Chair. He urged the Board to reconsider the motion that was made and allow the budget presented by Chief Roark to stand. The union's position is that the department needs the position; elimination of it was irresponsible. He thanked everyone who had spoken on Officer Caprigno's behalf.

Mr. Michael Wagner, Katie Lane told the Board he was a forty-seven year resident of Pelham. He stated he doesn't usually get involved in Town politics and was surprised to see an article in the Eagle Tribune of the proposal. He informed he was a twenty-year veteran of law enforcement (currently a Captain) in a neighboring community (Salem, NH) and oversaw the animal control division. He knew what ACOs are tasked with and their capabilities. He was concerned with cutting the hours of the ACO because the calls for service would not be reduced and would increase as time went on. Responsibilities would fall on patrolmen. Mr. Wager pointed out that Officer Caprigno was a Town employee for fourteen years and carried a lot of institutional knowledge, connections/ties to community, training, additional ancillary duties etc. He felt by cutting her position it would set the

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Town up to have no ACO. He said if he was a 14-year veteran and had his position cut to part-time he would have to leave and move on. He wondered what the Town would end up with if that occurred and what it would do to morale to cut the position. Mr. Wagner stated the benefits of saving \$30,000 would not outweigh the loss that would occur because of the actions. Regarding the tax impact, he noted the taxes for three houses in his neighborhood would fund the \$30,000 cut from the position. He didn't see the value.

Mr. Lynde stated over the last couple weeks he'd gotten an education on Officer Caprigno and the work she performs. He appreciates the job and felt they may end up with the conclusion that they couldn't do without a full-time officer. At the same time, he said the Board watched the budgets, which resulted in stabilized taxes.

Mr. Wager questioned if there was an option to submit the SRO position as a warrant article. Mr. Lynde replied it was an option, but the Board put it in the budget based on NH law 'no means no'. It was explained if the article failed the Town wouldn't be able to fill the position in any other way. Mr. McDevitt said Mr. Lynde originally proposed it to be a warrant article, but the other Selectmen disagreed. He pointed out that the Board had already voted to restore the position; it was in the budget. He commented that the public had two opportunities to address the budget; one was at the Budget Committee hearing and the second was at Deliberative Session.

Mr. Viger noted that the tax impact of \$30,000 was approximately \$.02 per thousand dollars.

The amended bottom line figure for the total Town's budget, which includes the changes (increase) made to the Police budget is now: \$16,176,182.

MOTION: (McDevitt/Viger) To approve the amended Town budget is: \$16,176,182.

VOTE: (4-1-0) The motion carried.

(It was at this time the Board voted to approve the September 4, 2018 meeting minutes as amended – see action above)

Oliver Leary: Eagle Scout Project

Scout Leader Rodney Thompson explained that they weren't seeking approval of the Eagle project, but rather a location for it. Scout Leary discussed his proposal for a drop box with tools being located at the Fire Station for the trail adopt program that was recently started. The box will have a multitude of tools that the trail-adopters could borrow. Leader Thompson noted that trails would be assigned to specific people. He stated they were looking for a location that had easy access; the box will have a combination pad lock. Mr. Lynde asked how people would get the combination. Scout Leary replied when the box is put in place the combination would be posted specifically to the members that have adopted trails.

Mr. McDevitt commented that Scout Leary would have to speak to the Fire Chief regarding the location. Scout Leary understood. Mr. Lynde asked Mr. McCarthy to coordinate the project. Mr. McCarthy understood the box would be located at the Fire Station. Mr. Lynde asked that the Forestry Committee and Conservation Commission be involved. Leader Thompson replied they had been working with the Forestry Committee to kick off and coordinate the trail adoption program. The goal of the tool cache was to help facilitate trail maintenance within the Town.

Ms. Forde questioned if the box location would be in view of surveillance cameras. Fire Chief Midgley (seated in the audience) noted for someone to access the proposed location they would pass five cameras.

Ms. Forde commented since tools would be in use she suggested including a first aid kit in the box.

The Selectmen wished Scout Leary good luck with his project and thanked him for coming forward.

Planning Director Jeff Gowan – CMAQ Grant

Mr. Lynde noted that the Town received a grant of \$1.2 million from the Federal Government to be matched by \$800,000 from the Town to deal with the intersections of Sherburne Road/Mammoth Road and Mammoth Road/Marsh Road. To get the process going they need to select an engineering firm and consultants as well as form an advisory committee.

In response to the RFQ (advertised and sent out), Mr. Gowan informed they had received responses back from four firms. The next step is to develop ranking criteria, review the information, check references and conduct interviews. Once a firm is selected, they would enter scope and fee negotiations. The advisory committee would have input early on and once a firm is selected could serve other functions if desired. For the committee he suggested having himself, the Road Agent, Steve Keach (Keach Nordstrom engineering firm), member of Selectmen and the Town Administrator. He understood there were two citizens interested in being involved: Mike Sherman (former Planning Board member) and Derek Steele (current Planning Board alternate member).

Mr. McDevitt made a motion to appoint Mr. Sherman and Mr. Steele. Ms. Forde seconded for discussion. Mr. McDevitt commented that they would normally have people in for an interview; however, the public had already had an opportunity to get to know them since they each have served on the Planning Board. Mr. Lynde noted the State would move slowly and the Town was spending money everyday at the intersection. He said the sooner they got it done the better. Mr. McDevitt volunteered to be on the committee.

MOTION: (McDevitt/Forde) To appoint Mike Sherman and Derek Steele to the CMAQ Advisory Committee.

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

The Selectmen established the CMAQ Advisory Committee with the following members: Planning Director Jeff Gowan, Highway Agent Frank Ferreira, Selectman Hal Lynde, Selectman William McDevitt, Citizen Derek Steele, Citizen Mike Sherman and Steve Keach (Keach Nordstrom engineering firm).

Mr. Gowan stated he would reach out to Mr. Sherman and Mr. Steele. Interviews for an engineering firm will proceed. He summarized the steps they would follow to interview the firms. He believed they could get things moving and hold their first meeting mid-October. He will provide the committee members with a copy of the grant requirements, so they can review the process prior to the first meeting.

Fire Chief James Midgley – Board of Selectmen to officially accept the SAFER Grant

Mr. Lynde explained that two weeks ago the Town was apprised that they had not been successful in being awarded the Staffing for Adequate Fire & Emergency Response ('SAFER') Grant. However,

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because of circumstances with another candidate not being able to meet their obligation, Pelham moved up and will receive a grant.

Chief Midgley and Deputy Chief Leischner came forward. Chief Midgley stated the department was notified last Friday that they were successfully awarded a SAFER Grant from the Federal Emergency Management Association ('FEMA') in the amount of \$1,107,552; over the three-year grant period the Town will be responsible for \$424,561 with the Federal portion being \$682,981. On average, this equates to 62% being the Federal share. The actuals per year are 75% Federal/75% Federal/35% Federal grant funding. Chief Midgley stated they had been in touch with FEMA over the last several days and at this point were at the acceptance stage. He said the Selectmen (governing body) had to authorize him to accept the grant on their behalf. He said this was a formality given that the voters had already accepted it during the 2018 Town Meeting.

Mr. McDevitt reiterated that the question was put to vote at Town Meeting and received 67% approval/acceptance of the grant.

MOTION: (McDevitt/Viger) To accept the SAFER Grant.

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

Chief Midgley wanted the Board to know that the 'heavy lifting' of the program and application was done by Deputy Leischner. Mr. Lynde offered congratulations.

DISCUSSION

Marsh Road Sidewalks

Mr. Lynde understood that Liberty Utilities would not be doing sidewalks until next year. Mr. McCarthy stated they had done some preliminary design work and learned they would need to address drainage and other issues. The Marsh Road sidewalks (from Memorial School exit/entrance by Gibson Cemetery all the way to Willow Street) was in their budget for fiscal year 2019.

Ms. Spencer asked Mr. McCarthy to 'hold Liberty Utilities feet to the fire' to complete the sidewalks. Mr. McCarthy stated he would.

Request to purchase land from the Town

Mr. Lynde explained there was a Town resident that had submitted a request to purchase Town land between their property and Beaver Brook off Mammoth Road. Mr. McCarthy added the parcel was Map 5 Lot 131 and abuts the requested purchaser's property (near the industrial park). He understood that the requester had an easement to use the property. He forwarded the request to Sue Snide in the Assessing Department and to the Conservation Commission Chair Paul Gagnon. He believes the parcel was taken for taxes years ago; the Assessor is researching. He noted that Mr. Gagnon had no objection to the parcel being purchased as it would not impact anything being done with the Conservation Commission.

Mr. McDevitt spoke about his recollection of the parcel and concerns from the past about construction next to the Brook and believed the deed should be reviewed. He distinctly remembered someone approaching the Board to purchase the parcel for development and the Board turned it down. He personally didn't feel the parcel served a great purpose. He suggested they include a clause saying the parcel can't be developed or built upon. He had no objection to selling the land.

Mr. Lynde saw that the land was appraised at approximately \$14,000. He saw a memo from Conservation suggested the appraised value should also be the sale price. He questioned if they should sell it to the abutter or allow anyone to purchase the land. Mr. McCarthy replied in the past they had sold properties to abutters. Mr. Viger recalled a warrant article had passed that gave the Selectmen permission to sell property.

Mr. Lynde believed the sentiment was that the Board was willing to sell the property at the appraised value understanding that it cannot be developed. He wanted to understand what their obligation was to enact such; either by vote during a meeting or submit a warrant article. There was a brief discussion how to proceed. There was no objection by the Board to proceeding with the process to sell the land with the understanding it could not be developed. The 2017 warrant article #20 was approved by voters to authorize the Selectmen per RSA 80:80, III & IV to dispose of tax land and tax deeded property as justice may require.

Mr. McCarthy will research if the property is tax deeded. Mr. McDevitt commented that there were two other abutters and placing an article on the warrant would give the Board an opportunity to hear from them.

Trespassing issues at Pelham Veterans Memorial Park ('PVMP')

Mr. McCarthy said this agenda item was regarding information on the Police Chief's bi-weekly report about vandalism that occurs at PVMP. Mr. McDevitt questioned if the gate could larger and moved out toward the road. He said they could then shut the gate in the evening or certain times. Police Chief Joseph Roark came forward and told the Board that it was an ongoing issue. He said PVMP was patrolled during every shift. He noted there was now an emergency access from Clement Road in Dracut, MA that had a manual/padlock gate the he felt could be maintained as such. Chief Roark stated there was now an additional access off Sherburne Road. He envisioned needing a gate for the Sherburne Road access as well as at the main entrance (just after the traffic circle). He envisioned the gates being similar to those at the Pelham Fish and Game Club (with keypad/fob). He said the gates would be left open during the day and closed by dusk, which may help avoid after-dark activities. He felt they should explore having gates and review the ordinance and penalties (graduated scale fines).

Ms. Spencer asked if the 'graduated penalties' would be similar to the noise ordinance procedure. Chief Roark replied the noise ordinance allowed them to not penalize someone under a criminal violation; it was a civil violation. He said much of the trespassing was kids wanting to cool off in the lake late at night, which the Police try to move them along as best they could. However, there were certain parties that went down there and wanted to drink alcohol, play music etc. that they tried to referee. He said the lifeguards do a good job sorting things out and they put up with much more than they need to put up with since the lifeguards are mainly high school and college students. Chief Roark reiterated that the ordinances needed to be reviewed and updated.

Mr. Viger felt more exploration was needed regarding a fence and how it would be managed during the winter and for snow removal. Mr. McCarthy wondered if they should consider incorporating the park into a plow route to keep it clean and clear in the event of an emergency. Chief Roark replied during the winter it was cleared, but not as a priority. At times they had issues with people and pets going on thin ice, and bonfires.

Mr. McCarthy understood the Board would like him to investigate the cost of installing gates and reviewing the ordinances. Mr. Viger wanted to research if a vote was taken for PVMP to be open from 'dawn to dusk'.

2018 National Suicide Prevention Awareness Month

Mr. Lynde stated an email was received asking if towns would adopt a proclamation declaring September as National Suicide Prevention Awareness Month. He put together and spoke about information gathered on a survey of high school students. He read aloud the proposed proclamation. Mr. Viger spoke about Joe Freitas, who had drafted the proclamation and was nationally recognized for his efforts with suicide prevention. Mr. McDevitt spoke about his personal life and family member who suffers from mental illness. He said the difficulty was when people didn't know where to turn to. Mr. Lynde said it was always shocking to see the statistics on national issues such as this. He felt the community should rise-up and help to diminish it.

Mr. Lynde noted there were a couple grammatical corrections that should be made.

MOTION: (McDevitt/Spencer) To adopt the resolution and support such.

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

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McCarthy reported that the boilers were up and running at Town Hall. He said it would take another couple weeks of adjustments/tuning for the heat. He stated they would begin paving the back parking lot and was working with the Highway Road Agent to do so.

Mr. Forde informed that over the past weekend a 'team' of fourth graders had attended the MDA Muscle Walk in Manchester. The children raised approximately \$8,000. She thanked the Police Department for sending the children with a lit escort.

Mr. Lynde stated he was on the board of the New Hampshire Municipal Association and they were in the process of hiring a new executive direction as the present director was retiring. He then discussed the recent Planning Board meeting and the cases that were heard.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (McDevitt/Forde) Request for a non-public session per RSA 91-A:3, II, a (personnel)

ROLL CALL: Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes, Ms. Forde-Yes, Ms. Spencer-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 9:18pm.

MOTION: (Viger/Forde) To leave non-public session.

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

The Board returned to public session at approximately 9:53pm.

BOARD OF SELECTMEN MEETING/September 25, 2018

512

MOTION: (Viger/Forde) To indefinitely seal the non-public meeting minutes.

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

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514 **ADJOURNMENT**

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

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

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517 The meeting was adjourned at approximately 9:53pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary

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