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**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN – MEETING MINUTES
April 27, 2021**

CALL TO ORDER – Mr. Haverty called the meeting to order at approximately 6:30 pm

PRESENT: Robert Haverty, Douglas Viger, Hal Lynde, Jaie Bergeron, Kevin Cote, Town Administrator Brian McCarthy

ABSENT: None

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

April 13, 2021

MOTION: (Viger/Lynde) To approve the April 13, 2021 meeting minutes as amended.

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

OPEN FORUM

No one came forward for open forum.

APPOINTMENTS

Chief Midgley: COVID update/Mask mandate.

Chief Midgley came forward to address the Board. Mr. Haverty noted that Ms. McGlynn could not attend the meeting but submitted a letter to be read into the record.

Chief Midgley informed that the numbers in New Hampshire are on a decrease, with the State moving from red to yellow. He noted that the numbers are still high, but decreasing. He informed that the total numbers have been 93,935 people who have been infected, 89,932 have recovered; and 1,286 deaths have been attributed to COVID. He stated that about 1% of the population had been infected in the State. He noted that 86 people were currently hospitalized and stated that that number has remained mostly consistent.

Chief Midgley informed that the infections per 100,000 is down to 22.6 with an infection rate of 0.88, which is a good indicator that the numbers are dropping, as that number used to be well over one. He noted that the about 61% of the ICU headroom was currently being used. He stated that the numbers across the State were pretty consistent except for two counties, Belknap and Strafford, that are still in the red. He noted that most of the State is between 18-23%. He noted that about 59.5% of NH residents had received their first vaccine and 19.5% had received full vaccination.

Mr. Haverty stated that the Governor did not renew the mask mandate and had left it open to municipalities and private businesses to decide upon. He then read aloud the letter from Ms. McGlynn into the record. She

52 stated in the letter that she was originally against lifting any sort of mask mandate and that more people
53 needed to be vaccinated before it could happen. After her call with the State epidemiologist and seeing the
54 latest data on mitigations, she changed her mind. She noted that the latest study showed that there was little
55 difference in the number of COVID cases among vaccinated individuals with or without masks. She
56 believed that since over 50% of the State was vaccinated, that they should be able to lighten the reigns of
57 enforcement. She highlighted that masks and social distancing still need to be a normal practice for people
58 as the variants could cause another surge. She noted that the UK variant is over 70x more contagious than
59 the original strain and is now the dominant strain across the US. She believed that masks no longer needed
60 to be mandatory since number are down and most of the community is vaccinated. She informed that the
61 vaccine has been shown to be over 95% effective, vs the 50-60% effectiveness of the flu vaccine. She
62 believed that people would continue to make the right choice to wear masks, but they should not be
63 enforced. She noted that all businesses had the right to require masks in their establishments regardless of
64 whether the State or Town mandate it.

65
66 Chief Midgley stated that he was in lock step with Ms. McGlynn. He believed that masks should not be
67 mandates and that people would do what is right for them. He noted that it is cumbersome for public safety
68 workers to have to wear them around their buildings, especially as most of them have been vaccinated. He
69 believed that it should be a personal decision if someone wants to wear a mask. He informed that the CDC
70 had released a new recommendation stating that if people are outside, regardless of if they had been
71 vaccinated, that they did not have to wear masks. He noted that common sense was starting to catch up to
72 people, and that the virus does not exist outdoors where people are not right on top of each other. He noted
73 that if people were at a concert or in close contact with others, it would make sense to wear a mask. He
74 believed they were at the point where they should be seriously looking at dropping the mask mandate. He
75 noted that there would be a few exceptions to that rule. He informed that for his department, any patient
76 care interactions would still require full PPE, as it is mandated by the State for all public safety personnel.

77
78 Mr. Viger asked for clarification that the Chief's staff would still need to wear full PPE when dealing with
79 patients no matter what. The Chief replied that was correct, and that there were no exceptions to that at this
80 time.

81
82 Mr. Haverty stated that at the beginning of the Pandemic, the Board decided to impose the mask mandate
83 in public buildings and various parks and properties. He stated that when the Governor decided not to renew
84 the mask mandate, they decided to wait a few weeks to see what questions might come up as other towns
85 began to remove their mask mandates.

86
87 Mr. Lynde stated that he thought Ms. McGlynn put it well – that the Town buildings are relatively secure
88 and that the personnel have mostly received their vaccines. He stated that if he was in a setting similar to
89 the Board meeting, he might feel comfortable with removing his mask, but if there was a large amount of
90 people, then he would not. He stated that it should be people's decision, but he will continue to wear a mask
91 as he goes out, as most businesses still require it.

92
93 Mr. Haverty reiterated that businesses can still impose a mask mandate in their own buildings. Mr. Haverty
94 asked if the mask policy would extend to the Senior Center. Mr. Bergeron replied that they would still
95 encourage it, but they cannot go the extra step to enforce it. Mr. Lynde responded that the Senior Center
96 would use their best judgement on it.

97
98 Mr. McCarthy stated that there should be a Town standard where if someone would like to wear a mask,
99 they can, if they don't want to wear one, then they don't have to. Mr. Haverty replied that he had a discussion
100 with Attorney Rattigan that the Town either imposes an all-encompassing mask mandate, or they do not
101 have one at all.

Mr. Viger stated that he thought they should lift the mandate, but still encourage people to do the right thing; if people cannot socially distance, then try to wear masks. He asked for people to show common courtesy and if someone else is uncomfortable, then please wear a mask. Mr. Haverty agreed with that, and emphasized that compassion and courtesy go a long way with this. He stated that if people are feeling uncomfortable, then give them their space. He noted that they could treat this as they did with the water ban, where they have the right to impose a new mandate if the numbers start to increase, but for now people can try to exercise their best judgement.

Mr. Cote stated that the Town did not have a Town-wide mask mandate. Mr. Haverty replied that they did have a mask mandate within Town buildings and they had the authority to set a Town-wide mask mandate. He noted that they had only imposed a mask mandate in the Town buildings. Mr. Cote stated they had been following the State guidelines and that they never had a Town mask mandate, only in the Town buildings, and that they are still following State guidelines. Mr. Haverty stated that following the State guidelines was still a little loose, as the Governor left it up to individual towns to decide what was best for their community.

Chief Midgley stated that there is a 0.00007% chance that someone will contract COVID after receiving the vaccine. He noted that should put it into perspective that the vaccine really worked.

MOTION: (Viger/Cote) To lift the mask mandate in all Town buildings effective immediately, individual business owners still have purview of how they run their businesses, and add common sense for all. If someone is in a situation where someone else is uncomfortable, please wear a mask.

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

Mr. Cote asked what the longevity of the vaccine would be and if they might need boosters in the future. Chief Midgley stated that both companies have already looked at that. He stated that regarding antibody counts, after the first shot someone's titer should be in the 20s, after the second shot it should be somewhere in the 200s. He noted that if someone already had COVID, after the first shot their titer would be in the 200s. He stated that they are still new at all of this and looking to see how long the titers should last. He informed that both companies are looking at booster shots and how to potentially cover the variants with those boosters.

Mr. McCarthy asked if they wanted to add to the motion that the Board as the right to remove it, if the need arises. Mr. Haverty replied that was a given.

Chief Midgley update on the Brush Fire on April 24.

Chief Midgley informed that on Saturday afternoon around 1:00 pm they received a call for a brush fire on the end of Spaulding Hill Road. He stated that entry was extremely difficult and as a result, they significantly damaged one of the forestry units. He noted that they made contact with the two individuals who started the fire. They stated they were out shooting and tried to put the fire out, doing everything they should have done to mitigate the situation. Chief Midgley noted that they ran out of water because they could not gain access to certain areas and can only carry a limited amount due to the size of their trucks. He stated that the fire quickly grew out of control, especially due to the windy conditions.

Chief Midgley informed that 37 units responded from as far north as Concord and that chiefs from all surrounding towns came to help. He gave a large kudos to Mr. J.R. Gauthier who brought his excavator to open up the areas to get smaller vehicles in. He stated that they fought the fire into the evening, but had to pull units out around 8:30 because of the danger of fighting brush fires at night. He noted that when they

BOARD OF SELECTMEN MEETING/April 27, 2021

154 pulled out, they had knocked out most of the perimeter, but still had a lot of trees and crown fires that were
155 full glow. Chief Midgley informed that Londonderry launched their drone several times to try to isolate
156 which areas they needed to get to and where the fire was being pushed. Thanks to the drone, they were able
157 to locate no peripheral fires and saw that it was all centered in that area of trees.

158
159 Chief Midgley stated that they went back in the next day to regroup. He noted that MR. Gauthier went in
160 about an hour before them to try to clear as much of the area as he could. He moved boulders, covered
161 potholes, and removed other debris to clear the way for fire apparatuses. Chief Midgley added that he also
162 did a significant amount of work while they were working on the fire to push through the fire route to allow
163 forestry unites in and to create a full loop around road to enable them to fight the fire from all sides.

164
165 Chief Midgley informed that they fought the fire all day on Sunday until around 4:00, when they felt
166 comfortable with the fact that they had covered most things. He noted that they went back in on Monday
167 and today to hit a few hot spots. He noted that the situation was completely under control. He stated that it
168 was a total of 31 acres that was determined by the Department of Forest and Lands. He noted that this was
169 a significant brush fire, with the last one being in 2005 that was 40 acres in size.

170
171 Mr. McCarthy asked if they typically allow shooting in conservation land. Chief Midgley replied that he
172 was not sure. He stated that he was having the Fire Inspector conduct a full investigation report and he
173 would be completing an additional after-action report, which he would forward to the Board. Chief Midgley
174 expressed that their biggest concern was that the Town was buying all of this land to give people walking
175 trails, but that land has the potential for fires, so they need to be ready for that. He noted that the fire roads
176 had not been maintained in quite some time.

177
178 Mr. Viger asked if it could have been worse if it had been spring, fall, or during the height of a drought.
179 Chief Midgley replied that was part of the report he was working on and was looking into that further. He
180 stated that the biggest problem they encountered while to there was that most of the trails had never been
181 maintained, which Chief Roarke had also expressed having similar problems with. He asserted that if the
182 Town has these lands, they need to maintain them and ensure there is access for fire and security for police.

183
184 Mr. Cote asked if the Forestry Committee should be the ones making decisions as far as what they can do
185 with building access roads. Mr. McCarthy replied that it is either the Forestry Committee or the
186 Conservation Commission, but believed that the Conservation Commission typically takes the lead. Mr.
187 Cote replied that he believed the Forestry Committee has to be the one to make the decisions.

188
189 Mr. Viger asked if they could incorporate a committee similar to the Highway Safety Committee to look
190 int this. Chief Midgley replied that there is a significant vested interest in fire and police. He stated that
191 there are some things that they should have been involved with, but never were. He stated that there were
192 numerous physical barriers that were put up that they did not know about.

193
194 Mr. Lynde stated that one of the big problems that the Forestry Committee faces is that bikers often ravage
195 the walking trails, which is why they put the barriers up. Mr. Viger stated that rocks and boulders work
196 great for ATVs, but create a problem for the fire engines. Mr. Lynde stated that if they put a good fire trail
197 in, there is a good potential for people to ravage that trail as well. Chief Midgley replied that a balance
198 needed to be struck, and that this would be a long process that would not be solved overnight.

199
200 Mr. Viger stated that he wanted to create a subcommittee to bring in police and fire to review with the
201 Forestry Committee and Conservation Commission all of the trails and access over the next year or so.

202
203 **MOTION:** (Cote/Lynde) To allow Mr. Viger to head up a subcommittee to work on access to Town
204 forests.

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

Cemetery Trustee applicant interviews.

Mr. Haverty apologized to Mr. Richard Jensen for the late appointment. Mr. Haverty stated that Mr. David Provencial had a conflict of a funeral and could not make it this evening. HE stated that he would like to interview Mr. Jensen tonight and interview Mr. Provencial at the following meeting and then take action at that meeting.

Mr. Jensen came forward to be interviewed by the Board. Mr. Jensen informed that he was a previous Cemetery Trustee and previous Chairman.

Mr. Haverty asked why he wanted to go back. Mr. Jensen informed that he had originally left because of his job and that he did not have the full time to commit to it. He stated that he now has the time to volunteer and wants to put that time back to the Town of Pelham.

Mr. Haverty asked if he wanted to see done different. Mr. Jensen replied that when he was previous a member, they were trying to acquire more property for growth. He wanted to help get that new land ready for use, as grass takes a long time to grow and people don't like to walk on mud. He noted that it also takes a long time to get the new land situated, as lots of plans are needed for how many graves would be going in, access roads, what kind of equipment they could use, and all different things.

Mr. Lynde asked if there was an estimate on how much available space there was for people who wanted to use the cemetery. Mr. Jensen replied that they had just about developed everything that is available to them now. He stated that that last time he was there, there was still some open space for burials, but other than that everything was developed and ready to go through the next steps to put it all together piece by piece.

Mr. Haverty asked when Mr. Jensen last served as a member. Mr. Jensen replied that he did not remember off the top of his head.

Mr. Viger asked if Mr. Jensen had been an employee of the Town's cemetery. Mr. Jensen replied that he had worked for another Town's cemetery, but not Pelham's.

Mr. Haverty stated that the Board would follow this same process for Mr. Provencial at the following meeting and then make the decision then. He asked Mr. Jensen to please attend the next meeting as well.

DISCUSSION

Planning Board Recommendation for NRPC.

Mr. Cote stated that the Planning Board voted 6-1 to vote to recommend Mr. Paul Grant to the NRPC Commissioner positions and that there were no interviews or discussion on the matter.

Mr. Viger asked for clarification that the Planning Board appointed someone without conducting interview. Mr. Cote replied that was correct. Mr. Viger asked how many applicants there were. Mr. Cote replied that there were two. Mr. Cote informed that he inquired and that the Board does not have to conduct interviews.

Mr. Haverty stated that in the past with openings, they typically have interviews and a full transparent airing of the applicants' qualifications and what makes them the correct fit for that positions, and only then is a recommendation made. He asserted that none of that was done at the Planning Board meeting. He stated that Mr. Gowan introduced the process and explained what an NRPC Commissioner was and it moved swiftly without consideration for qualification right into making a motion. He stated that absent his understanding of the criteria used to make that nomination he could not take their nomination. He stated that the Board is not compelled to accept the nomination and appoint someone. He asserted that he would not vote to appoint someone as the NRPC Commissioner unless there was a full and open process to vet the applicants. Mr. Cote stated that he was just the messenger.

Mr. Viger asked if they were required to hold an elected body to the same standards, they they've been holding for years. He asked if they had the purview to not appoint someone based on the Planning Board's recommendation.

Mr. Cote stated that a couple of meetings ago an alternate was reappointed to his position of an alternate to the Planning Board, but that there was no posting of it being open and no vetting of that process either. Mr. Haverty asked who the alternate was. Mr. cote replied it was Mr. Mike Sherman, and that Mr. Sherman is a great alternate. Mr. McCarthy stated that the Planning Board did not have the authority to appoint someone. Mr. Haverty added that only the Board of Selectmen could appoint that position. Mr. Cote stated that he believed that the Planning Board appoints their own alternates. Mr. Viger stated that the Planning Board can make a recommendation to the Board of Selectmen on who to appoint. Mr. Haverty stated that was an overstep of their authority and asked Mr. McCarthy to look into that and send a message to the Chair of the Planning Board.

Mr. Haverty replied to Mr. Viger's earlier question stated that they are not under any authority to take the Planning Board's recommendation. He stated that after talking to Attorney Rattigan, he learned that they were also able to appoint someone that the Planning Board did not nominate. He stated that absent a transparent process, he asked Mr. Cote and Mr. Lynde to tell the Planning Board that they want to see a more transparent airing of the applicants' qualifications. He asserted that the Planning Board needed to tell the Board of Selectmen who the candidate they are nominating is and the reasons why.

Mr. Viger stated that he watched the previous Planning Board meeting and got a sense that there was some kind of animosity between the Planning Board and the Board of Selectmen. He asked Mr. Cote if he felt the tension an if there was something they could do to resolve this. Mr. Cote replied that he thought there might be a little bit of tension between the boards. Mr. Viger stated that he did not want there to be any animosity between the two boards, as that would only have negative results for the Town.

Mr. Bergeron asked for clarification on the process that took place. Mr. Cote replied that two applicants filled out applications and then a decision was made on those applications without any discussion or interviews.

Mr. Viger asked if they were not accepting the nomination, where do they go from there. Mr. Haverty stated that he asked Mr. Cote and Mr. Lynde to inform the Planning Board that the nomination process was incomplete and not appropriate; and if they are not going to conduct interviews, there should be a conversation from the Board about their qualifications. He stated that there needs to be more transparency in the process. Mr. Haverty stated that instead of this Board taking the action to vote someone in on their own he wanted to give the Planning Board the opportunity to at least have a transparent process and come back with a nomination that has been vetted.

Mr. Cote stated that this argument should hold true for the Planning Director position as well. Mr. Haverty replied that the Planning Director is a Town employee and will be interviewed and hired as does every other

BOARD OF SELECTMEN MEETING/April 27, 2021

Town employee. He stated that this position is not an appointed position to a board or a subcommittee. He asserted that the process that they file and follow to hire Town employees is consistent and straight across the board. He stated that the Planning Director does not work for the Planning Board, but works for the Town.

MOTION: (Cote/Haverty) To appoint Mr. Paul Grant to the NRPC Commissioner position.

Mr. Viger stated that Mr. Cote does not report to the Planning Board and he is not responsible for carrying their water for any particular meeting. He stated that if Mr. Cote wants to carry their weight, he can do so, but he will vote no.

VOTE: (1-2-2) The motion failed. Mr. Cote voted yes, Mr. Viger and Mr. Haverty voted no, and Mr. Bergeron and Mr. Lynde abstained.

Mr. Cote stated he would go back to the Planning Board to relay that information.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Bergeron had nothing to report.

Mr. Lynde stated that there were some issues of the minutes of a joint meeting between the Planning Board and the Zoning Board of Adjustment. Mr. Haverty stated that was a topic that has implications for an ongoing litigation and asked that MR. Lynde hold those comments for the nonpublic session.

Mr. McCarthy had nothing to report.

Mr. Cote had nothing to report.

Mr. Viger thanked the Fire Department for the recent brush fire as well as the 10+ departments that helped respond.

Mr. Haverty thanked the Fire Department and Mr. Gauthier as well. He stated that there was a Budget Committee organizational meeting last Thursday where they reviewed the schedule. He informed that Ms. Amber Capone was elected the Chairwoman and Ms. Meg Bressette was elected Vice-Chairwoman. Mr. Haverty also wished Mr. McCarthy a happy birthday.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Cote/Lynde) Request for a non-public session per RSA 91-A:3, II, a, e (personnel, pending litigations).

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

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 a non-public session at approximately 7:32 pm.

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

BOARD OF SELECTMEN MEETING/April 27, 2021

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

The Board returned to public session at approximately 8:20 pm.

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

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:20 pm.

Respectfully submitted,
Jordyn M. Isabelle
Recording Secretary