



BOARD OF SELECTMEN MEETING/November 7, 2017

and abuts Beaver Brook). Mr. Gagnon noted the proposed 46.5 acre parcel would connect two pieces of Town land and was one of the larger parcels left in Town. There is approximately \$700,000 in the current use fund, which would be used to pay for the parcel. The purchase would have no tax impact.

Ms. Spencer arrived.

Mr. Gagnon stated he went in front of the Planning Board and presented the parcel. They submitted a letter of support to the Selectmen for the acquisition.

Mr. Lynde questioned if there was any financial arrangement between the Merriam and Nietupski families. Mr. Gagnon answered no; the Nietupski had a verbal agreement to farm the land; in exchange they mow the hay to keep the parcel largely open. Mr. McDevitt said there seemed to be some advantage to having the land farmed and they should encourage some type of arrangement to keep the open field. Mr. Gagnon agreed and said one of the next steps would be to speak with the Nietupski family.

The Board discussed how to proceed.

Mr. Viger opened the hearing to public input. No one came forward. The next public hearing is scheduled for November 21, 2017. It was noted a public hearing was scheduled the same night for the donation of the 6 acre parcel.

Mr. McDevitt questioned where the Conservation Commission was with their goal of purchasing 1,000 acres. Mr. Gagnon replied the proposed purchase would make exactly 1,000 acres. He said they proposed a warrant article for March so they could keep going.

**Public Hearing: Accepting a donation of \$13,500 for a roof replacement at PVMP.**

Mr. Viger read aloud the proposed donation.

Ms. Spencer was in favor of accepting the donation and expressed her gratitude to Brussard General Contracting for the kind and generous donation.

Mr. Viger opened the hearing to public input. No one came forward.

**MOTION:** (Spencer/Lynde) To accept a \$13,500 donation for the PVMP roof as described.

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

**Public Hearing: To accept Empire Road as a Class V road.**

Mr. Viger stated the Selectmen had received a letter from the Planning Board that the road was in compliance after weathering and inspection of the Town engineer. Mr. McCarthy added they had also received a letter from Keach Nordstrom (Town's engineering review firm) addressed to Mr. Gowan indicating that based on successful completion of corrective restoration/improvements they had no objection to the Town moving forward with public acceptance of Empire Road.

**MOTION:** (Lynde/Spencer) To accept Empire Road as a Class V road.

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

**Police Captain Toom: Contract signing**

Captain Toom came forward and thanked the Board for the opportunity to continue his employment as he has enjoyed his time in Pelham.

Ms. Spencer thanked Captain Toom for his service and looked forward to continuing the relationship.

Mr. Viger stated his appreciation for everything Captain Toom did for the community and his visibility and service to the Town.

The Selectmen and Captain Toom fully executed the employment contract.

**Tim Doherty: Tuscan Village Project**

Mr. Tim Doherty, 29 Wood Road came forward and thanked the Board for showing respect to Mr. Gagnon, who was involved with many Town committees and instrumental when the Conservation Subdivision Ordinance was being drafted.

Mr. Doherty stated he was meeting with the Board as a citizen and not in representation of the Planning Board for which he was a member. He provided the Board with information regarding the Tuscan Village Project. He spoke about the intersection (#13) where Route 38 ends at Rockingham Park Boulevard, which was in his opinion the beginning of the problems the Town could incur with traffic backing up. He discussed the proposed traffic flow and the problems that could occur. He suggested alterations to the proposal that would alleviate potential problems from traffic being directed toward Pelham.

Mr. Doherty said he was presenting what he was observing and suggesting that the information could be presented to Salem's Planning Board. He believed that Pelham's Town Counsel has informed that the decisions are to be made by the Selectmen, not the Planning Board. Mr. Lynde replied the Selectmen represent the Town, and the Town would be impacted. He understood that the Selectmen designated the Planning Director as their representative at the Salem Planning Board. He said they've spoken about the need to hire some expertise. Mr. Lynde felt Mr. Doherty was doing a great job looking at the project in more detail. He didn't see the Town doing anything beyond that because they need to get information together and review the impact and ensure they are being treated fairly. He was concerned because Salem's traffic consultant did a report that showed the potential impact on Route 38 as minimal. He had a hard time accepting that, especially when they speak about increasing the traffic flow by 50,000 vehicles per day.

Mr. Doherty commented that Pelham's Planning Board had not voted to appoint anybody to come in front of the Selectmen or to go to Salem. In reviewing the Selectmen's meeting and minutes, he saw the Selectmen create a spokesperson for the Town. He said the Planning Board was then told that any decisions made would have to go through the Selectmen. He suggested that Town Counsel may have created the situation. Mr. Viger didn't think it was a 'Town Counsel' thing. He said a paid employee involved with Planning Department issues was asked to bring information back to the Selectmen. Mr. Lynde noted they had Julie Chizmas from Nashua Regional Planning Commission ('NRPC') get involved; however, she was no longer with NRPC. He was unsure what type of decisions they could make, other than to make sure they have adequate representation at Salem's Planning Board meetings and can comprehend the project and the impact to Pelham. Mr. Viger commented that the role of the Selectmen to appoint Mr. Gowan was to be their liaison. He said it wasn't the intent of the Board to have him only take direction from the Selectmen and not the Planning Board. Mr. Doherty didn't know

141 that. In looking at the Selectmen's meeting reading the minutes, he understood there was talk from  
142 Town Counsel recommending that there be one voice from the Town. Salem was then told that Pelham  
143 was represented by one voice. He didn't think it was a good idea to have one person speaking to Salem  
144 because it left no backup in the event they were unable to attend the meetings. He commented that the  
145 Planning Board usually did things in groups/subcommittees. Mr. Viger found it interesting because he  
146 didn't recall the Selectmen telling the Planning Director to take anything on, other than to collect  
147 information and be part of the conversation. He questioned how to proceed.

148  
149 With regard to having one voice, Mr. McDevitt said they didn't want two parties attending the meeting  
150 with conflicting opinions. He said it was logical to have them bring information back to the Selectmen  
151 and the Planning Board. He felt there should be one spokesperson. Mr. Viger felt that person should  
152 hear feedback from the Planning Board as much as from the Selectmen. Mr. McDevitt agreed.

153  
154 Ms. Spencer understood the 'one voice' would be for information going out, not necessarily coming in.  
155 She said the input that person receives would be from Salem and the various interested entities in  
156 Pelham and then collectively through that one voice the Town speaks back to Salem. She didn't see  
157 any harm from receiving input from multiple entities; any disagreement should be taken care of within  
158 Pelham to be unified and expressed. Mr. Viger expected whatever decision the Planning Board came  
159 to as a whole, would be presented to the Planning Director and Selectmen. After which they could  
160 bring information to Salem.

161  
162 Mr. Doherty stated Planning Board members could discuss the project outside of board meetings, given  
163 that the Town didn't have jurisdiction. He said they had spoken about the information he reviewed  
164 with the Selectmen. He didn't think having one voice was a good idea in the event there were points  
165 that should have been discussed and weren't. Mr. Doherty noted during one of Salem's meetings  
166 intersection #17 was brought up by Pelham's representative, although the Pelham Planning Board  
167 didn't really have discussions about that intersection. Because the Pelham Board members weren't  
168 given authority to speak, other intersections weren't discussed. Mr. Viger replied he didn't want a  
169 group of board members acting on their own behalf. He felt the information should have been  
170 presented to the Pelham Planning Board, so when Mr. Gowan attends the meeting everyone could be  
171 there, and he could call upon individuals to come forward during the presentation.

172  
173 Mr. McDevitt believed the problem was solved during their last meeting, when the Board decided to  
174 hire a traffic engineer. In his opinion, the traffic engineer could hear from the Selectmen, Planning  
175 Board, etc. and go to Salem with authority to speak with their traffic engineer about their conclusions.

176  
177 Mr. Lynde thought it was important for Mr. Doherty to bring information either to Mr. Gowan or the  
178 Selectmen so they could find a way to address it. He said they didn't want things to slip by them. He  
179 said their role was to protect the Town as much as possible. With the project being of regional impact,  
180 he hoped they could have some impact. Mr. Lynde recalled a process the Town had gone through  
181 called Context Sensitive Solution which showed traffic flow modules and hoped Salem was doing a  
182 similar process. Mr. Doherty replied Salem had conducted their extensive traffic study last spring and  
183 since then, several changes had been made and there were other potential changes that could come  
184 forward.

185  
186 Mr. Viger encouraged the Planning Board to come together with a plan. Mr. Doherty asked if they  
187 were allowed to do so. There was no objection by the Selectmen. Mr. McDevitt suggested when the  
188 traffic engineer was hired, that the Planning Board coordinate their efforts with the traffic engineer.  
189 Mr. Viger envisioned the process as the Planning Board discussing/approving a plan; that plan is then  
190 brought to the Selectmen to be 'blessed' and then it is presented to Salem. Mr. Doherty asked to confirm

191 that the Planning Board could make decisions on the project as a Planning Board, without having to get  
192 the Selectmen's 'blessing' on what they decide before going to the traffic engineer.

193  
194 Mr. McCarthy questioned if the Board should ask Mr. Gowan to take Mr. Doherty's information to the  
195 Salem meeting, since it was already presented to the Pelham Planning Board. Mr. Lynde replied he  
196 wouldn't bring anything to Salem until Pelham has a traffic consultant reviewing the information.

197  
198 Mr. Doherty told the Board that the project was in full development. Mr. Viger stated there wasn't any  
199 reason or any direction from the Board as to why he couldn't offer input to the Planning Director on  
200 the project. Mr. Doherty thanked the Board for their time.

201  
202 **OTHER BUSINESS**

203  
204 **Discussion on the rules for renting Sherburne Hall**

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206 Mr. McCarthy stated that they should have an understanding about who would be allowed to rent  
207 Sherburne Hall; they can't just rent it to certain groups, it's either to all or none. Mr. Lynde understood  
208 the Town had a policy that states they will rent the hall. Mr. McCarthy read aloud the beginning of the  
209 policy, which he said was basically an open door policy to rent to anyone.

210  
211 Ms. Spencer felt it might be useful to have an understanding of what Town organizations have paid  
212 versus what non-Town organizations have paid, and what groups have used the hall in the last year or  
213 two. She agreed with the assessment of Mr. McCarthy and Town Counsel of being an 'all or nothing'  
214 proposition. She stated if they continue with the policy of having it available for public rental, they  
215 constitutionally cannot discriminate on the basis of viewpoint. She felt the Board should revisit the  
216 policy and vote to confirm it or amend it. She also wanted to know if groups using the hall were covered  
217 under the Town's insurance umbrella.

218  
219 Mr. McDevitt didn't know if a list of who had used the hall in the past would worry him. The thing  
220 that concerned him was personal use. Mr. Viger replied the question before the Board was where to  
221 draw the line. Mr. McDevitt believed they either rent it to everybody, or rent it to no body. He  
222 questioned if they could legally add language to state 'no private parties' and 'no personal use'. It was  
223 Mr. McCarthy's opinion to leave the policy as it was and if someone challenged those particular things  
224 they could deal with it. Ms. Spencer said she hadn't done legal research, but felt they would be on  
225 firmer ground to say no to a personal birthday party, than saying no to a political rally of any sort. Mr.  
226 Viger said they can review on a case by case basis.

227  
228 There was a consensus to keep the policy as written.

229  
230 Mr. McDevitt understood a request had come in from an individual who wanted to use Town space for  
231 commercial purpose (to run their business). He questioned if that request would be included or  
232 excluded from the policy. Mr. McCarthy replied the request was a 'for profit' business. He noted the  
233 Town's insurance company had a problem with the request.

234  
235 There was further discussion, and the Selectmen reiterated their desire to leave the policy as written. If  
236 something is brought to their attention, they will go back and review further.

237  
238 **Review of the "Use of Town Property" policy.**

Mr. McCarthy said both Mr. Lynde and Ms. Spencer had forwarded proposed changes. He wanted to know if there were any additional changes being suggested, if not, he would like the Board to vote and adopt the policy.

Mr. McDevitt asked if his suggested amendments had been received. Mr. McCarthy answered yes. He said now that all the proposed changes had been forwarded, he would incorporate into a draft document and submit for Selectmen review at their next meeting.

**Registration Fees for the Mammoth/Sherburne Road improvements.**

Mr. McDevitt said it seems that the Town is confronted with two things involving the intersection. He said there was a Congestion Mitigation Air Quality ('CMAQ') grant, which could be used in conjunction with the exaction fees to cover the cost of what needed to be done. If the Town doesn't get the CMAQ grant, they have to wait until 2027 for the State to be ready to build the intersection. He didn't feel they could wait until 2027. Mr. McDevitt said one way to help would be to take advantage of RSA 261:153, which enables the voters to tax themselves an additional \$5 on their automobile registration to be set aside specifically for transportation projects. Given the number of registrations, the Town has 18,000+ vehicles a year, which would be approximately \$90,000/year. He understood the tax could be designated to 'transportation', but was unsure if it could be designated to a specific 'intersection'. If they could, he felt they should do so.

Ms. Spencer felt Mr. McDevitt's suggestion was a good idea, even if the grant passes. She noted they currently pay for Police detail. She said if they were able to solve the dangerous problem with the fee (even without the grant) in five years, it would behoove them to do so.

Mr. Viger said the problem he had with collecting a tax, was they didn't have a specific plan or cost for the project. He said if they go with signalization, they may only have to raise \$2-\$3, rather than \$5-\$6 if they go with a roundabout. He felt they may be putting the cart before the horse.

Mr. Lynde was concerned with the current number of items on the ballot. He believed the State should be contributing to the project and felt they had incentive to do it. They should also be part of the total process from conceptual through completion.

Mr. McCarthy suggested inviting Bill Lambert and a representative from Nashua Regional Planning Commission to meet with the Selectmen and discuss what steps were needed to get the project done prior to 2027. He hoped they would provide a path. The Board didn't object to Mr. Lynde reaching out to his colleagues.

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. Lynde reported that the Planning Board had met and spent a lot of time discussing the Tuscan Village Project. Mr. Viger wanted Mr. Lynde to relay to the Planning Board that the Selectmen designated one specific person to bring information to Salem; however, he hoped all the information from the Planning Board was welcomed and also brought to the meeting (provided it was accepted by the Planning Board).

Mr. McDevitt asked when the Budget Committee was going to have reconsideration. Mr. McCarthy believed it was January. Mr. McDevitt said he wanted to discuss Town trees for reconsideration.

Mr. Lynde understood that a Board of Adjustment cased involving land the Town sold to an abutter had been appealed. Mr. McDevitt replied the person had no standing. For the Board, he explained in

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January the Town sold a small piece of land on Jericho Road, which was full of junk. He said the Voter's Guide said the land would be combined with a parcel already owned by one of the interested buyers. Prior to putting the warrant article together, the Selectmen (at the time) had a discussion whether or not to prohibit the property from being built on. He didn't recall the exact vote, but the Board voted not to do so. He explained that the abutter (who purchased the land) went to the Board of Adjustment and got approval to make it a stand-alone house lot. Apparently, they went to the Board of Adjustment because it was an undersized lot, but the discussion was that it was an already approved lot. The question was raised as to whether the Board of Selectmen would appeal the decision.

Mr. Viger didn't feel the Selectmen had any standing because they drafted the Voter's Guide and didn't put anything (restrictions) in the deed. He noted they also didn't have jurisdiction over the Zoning Board.

Mr. McDevitt noted the lot could have always been turned into a house lot, even if it was absorbed into the abutting lot. He saw no purpose in appealing the Zoning Board's decision.

Ms. Spencer asked if there was anything in the warrant article that said the lot would be combined with another lot. Mr. McDevitt answered no. Mr. Viger said there was an explanation in the Voter's Guide. Ms. Spencer wanted to know the basis for the information in the Voter's Guide that the lot would be combined. Mr. Viger stated the intent was to sell the property to an abutter so they could expand their property, which was expressed in the voter's guide. The deed didn't include that concession. Ms. Spencer asked if the Board was told what would happen to the lot. Mr. McDevitt replied he never spoke to the person who purchased the land and believed a third party gave him that information. He was reluctant to go further than that with the discussion.

Mr. Lynde noted he was reviewing the paperwork for the CMAQ grant, and in it was a statement by Steven Keach of Keach Nordstrom (Town's engineering review firm) that identified \$300,000 from exaction fees to cover the cost of the project.

Mr. McCarthy stated that the Willow Street Bridge project had gone out to bid; all easements have been acquired and Quantum has filed appropriate paperwork with the Department of Transportation. He noted they are still on track with time lines and anticipated starting the project in the Spring and having it completed prior to the start of the 2018 school year.

Mr. McCarthy announced Town Hall would be closed Friday, November 10, 2017 in observance of Veteran's Day. The next Board of Selectmen meeting on Tuesday, November 21, 2017 will be held at Pelham Elementary School Media Center. He then announced that the Town now had the ability to take credit cards at Town offices.

Mr. Viger announced that the Fire Department had received a Pod on behalf of the Toys for Tots Organization. Everyone is encouraged to bring toys to the Fire Station at any time so they can be donated to those in need. Any questions should be directed to Anthony Bullock 603-582-0097. Pelham Police will host a free weapons defense course for Women on December 4 and 7<sup>th</sup> at 6pm-10pm. Contact Dave Deroche at 603-635-2411 x4005. Pelham Police will host an AARP Safe Driver Course November 27<sup>th</sup>-28<sup>th</sup> from 9am-noon at Pelham Police Department. Contact Steve Toom 603-35-2411. Pelham Fire Department is holding a blood drive on Friday, November 10<sup>th</sup> 2pm-7pm.

Mr. Lynde announced that the Festival of Trees begins the day after Thanksgiving and will run for a week.

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Mr. Viger told the Board that the Budget Committee received the Town and School Warrant Articles for review. He said he's received messages indicating that the number of articles brought forward by the Town may be excessive this year and force people to vote against them.

Mr. Lynde announced that the Pelham Actors Guild would be putting on the play Death by Chocolate in Sherburne Hall, Friday 7pm, Saturday 7pm and Sunday 2pm.

**OPEN FORUM**

No one came forward.

**ADJOURNMENT**

The meeting was adjourned at approximately 8:59pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary