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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
November 18, 2014
APPROVED – December 9, 2014

CALL TO ORDER - approximately 6:15PM

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger, Mr. Robert Haverty, Town Administrator Brian McCarthy

ABSENT:
None

REQUEST FOR NON-PUBLIC SESSION(S)

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

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

It was noted that when the Board returned, after the non-public session, the Board would then take up the items on the agenda and conduct their public meeting. The Board entered into a non-public session at approximately 6:15pm. Mr. Gleason recused himself from the last portion of the non-public discussion.

The Board returned to public session at approximately 6:30PM.

MOTION: (McDevitt/Viger) To seal the minutes of the non-public session of November 18, 2014 indefinitely.

VOTE: (4-0-1) The motion carried. Mr. Gleason abstained as he was not present for the entire session.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

October 28, 2014

MOTION: (Lynde/McDevitt) To approve the October 28, 2014 meeting minutes as amended.

VOTE: (4-0-1) The motion carried. Mr. Haverty abstained as he was not present for the meeting.

ANNOUNCEMENTS

- **2014 Southern New Hampshire Festival of Trees, Sherburne Hall, 6 Village Green – Friday, November 28, 2014 through Saturday, December 6, 2014. Please see the website for complete schedule at: <http://snhfestivaloftrees.pelhamcommunityspirit.org>**
- **2015 Town Deliberative Session – Tuesday, February 3, 2015 –7:00PM, Sherburne Hall**
- **2015 Town Meeting – Tuesday, March 10, 2015 –7:00AM-8:00PM, Pelham High School**

OPEN FORUM

No one came forward to address the Board.

APPOINTMENT(S):

Paul Gagnon, Conservation Commission Chairman:

- **Purchase and Sale Agreement**
- **Warrant Article ‘N’ – 2015 Town Warrant Discussion**

Conservation Commission Chairman Paul Gagnon came forward to address the Board. He reviewed a map of the Town that highlighted conservation properties that have been acquired by the Town. In the past a long-term open space plan was created in an

52 effort to connect Town owned properties. Mr. Gagnon pointed out two parcels (off Scenic View Drive) that were under consideration
53 to purchase. One purchase and sale has been duly signed, the other purchase and sale he hoped to sign later in the week. Once the
54 two parcels were obtained they would connect the Merriam Conservation area to the Gumpas Pond Conservation area. Mr. Gagnon
55 discussed the protocol that went along with the guidelines for conservation land purchases. Two public hearings will be held to accept
56 the properties.

57
MOTION: (McDevitt/Viger) To authorize Mr. Lynde to sign the purchase and sale
58 agreement for the second parcel of land discussed by Mr. Gagnon.

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

59
60 Warrant Article N dealt with the sale of Town owned land known as Map 4 Lot 9-145 (located off William Drive) . Mr. Gagnon
61 proposed an amendment to the wording which would specify the purchaser's name and sale amount. Proceeds would be placed in the
62 Conservation Fund. The condition of sale would remain that both parcels were to remain undeveloped.

63
64 Mr. McDevitt agreed with the proposed amendments. Previously he was concerned with the appearance of having a lack of
65 transparency and people wondering who the Selectmen were selling the land to. He understood that there was no conservation value
66 to having the Town continue to own the parcel.

67
68 Mr. Gleason also agreed with the proposed amendments. He believed the important stipulation was for the parcel to remain
69 undeveloped with the money from the sale going toward conservation.

70
71 Mr. Lynde spoke of having the warrant name a specific person and specific price. He believed another way to accomplish the same
72 was to have a public auction listing a specific starting price. Mr. McDevitt understood that the individual approached the Town
73 through Mr. Gagnon. He noted the voters would have the final say; if someone felt strongly, they could attend Deliberative Session
and insert the words 'by public auction'.

Mr. Viger was unsure of the best scenario; if the person's name should be included, or if the Selectmen should request authorization
from the voters to auction off the property to the highest bidder. Mr. McDevitt felt stating public auction would have been
appropriate if the Selectmen had initiated the sale. However in this case an individual came forward to request purchasing the land.
Mr. Lynde believed the Selectmen had been approached in the past, but couldn't recall if a specific name was listed. He wasn't
comfortable including a specific person. He preferred having a set price for a public auction including the noted restrictions. Mr.

74 Viger believed there was a past warrant that listed a specific person. He reviewed past Town Reports for wording, specifically the
75 warrant in the case of Torissi. He told the Board the name Torissi wasn't noted in the article. The article listed the lot and dollar
76 value. Mr. McDevitt recalled people approaching the Town (during old Town Meeting). He didn't see a problem with the article
77 being specific, since the person approached the Town and the Selectmen didn't object to the sale given Conservation's
78 recommendation. The question was if a specific name should be included.

79
80 On a map displayed, Mr. Gagnon showed that the lot's location was along the Windham NH border. He explained that the lot had a
81 small amount of frontage onto William Drive and had a stream running through it. He spoke with the Planning Director to determine
82 how the lot was created and determine if there were any restrictions. He learned the lot was donated by the Gordon Heights
83 developer. Because of the surrounding developments, there's no opportunity to connect the lot to other Town owned parcels. The
84 Planning Director had no knowledge of restrictions, but at the same time didn't feel it was developable because of being largely wet.
85 Mr. Gagnon was in favor of selling the lot with a 'no build' deed restriction. He said the money from the sale could be used to
86 purchase land contiguous to other Town owned land. He pointed out that the person interested in the purchase was looking to protect
87 the land and was working well with the Town. He felt it was a good opportunity for everyone.

88
89 Mr. McDevitt suggested adding verbiage to indicate an 'approximately' 16 acre parcel and 'approximately' .31 acre parcel. Mr.
90 Gleason read the proposed article aloud as modified by the Conservation Commission.

91
MOTION: (McDevitt/Haverty) To approve Article N as read aloud and modified
through the Conservation Commission's proposal to include the name of
Mr. Mertz (as the buyer).

VOTE: (3-2-0) The motion carried. Mr. Viger and Mr. Lynde voted no.

92
93 Mr. Lynde commented his opposition was to including a name on the warrant.

94
95 **OTHER BUSINESS**

96
97 **Request to donate land to Town of Pelham – parcel located off 40 Hillcrest Lane – Map 42 Lot 10-135**

Mr. Gleason stated the Selectmen received a letter from a resident indicating they had a parcel of land (Map 42 Lot 10-135) they were unable to build on because it was considered wetland. Because of this, they would like to donate the land to the Town. He asked if the Conservation Commission had any interest in the parcel.

Conservation Chairman Paul Gagnon told the Selectmen from what he reviewed on the tax map the lot didn't appear to be connected to Town owned land. From briefly reviewing the map, he wouldn't suggest offering any money for the lot.

Mr. Haverty was familiar with the area. In looking at the Town map, told the Board the lot was 200ft.x200ft. In his opinion there was nothing remarkable about the property. The requestor noted the lot was wetland; however there has been no designation to qualify the lot as such on Town Zoning maps. The lot had no remarkable qualities and provided no connection to other Town properties and was located in the middle of a very developed block of houses. Mr. Haverty believed the owner was seeking to donate the land so they could stop paying taxes on it. He felt accepting the donation would set a precedent and burden the taxpayers by taking away from the Town's tax base.

Mr. Viger suggested having the Conservation Commission review the area to see if it would fit a future plan. He didn't feel the Board would be interested in a standalone lot.

Mr. Gleason stated further discussion would be deferred to the next meeting, which would give Mr. Gagnon an opportunity to confirm if there was a lack of interest. Mr. Haverty suggested reviewing the lot to determine if in fact it was wetland; it may not be as 'useless' as the owner believed.

Mr. Gleason asked Mr. McCarthy to meet with the Assessor and the Planning Department to review the lot and see if it was wetlands. He wanted the Selectmen to have a complete picture.

Lieutenant Anne Perriello contract signing

Mr. Gleason stated Officer Anne Perriello had been promoted to the position of Lieutenant. The Selectmen had Lt. Perriello's contract in front of them for signature. He reviewed the contract and told the Selectmen it was consistent with other contracts.

The Selectmen signed Lt. Perriello's contract.

Supreme Court Decision in Lynch v. Town of Pelham lawsuit

Mr. Gleason spoke of the fact there had been press coverage regarding the lawsuit of Lynch v. Town of Pelham. He indicated there were statements made that demanded rebuttal and read aloud a public statement from the Board of Selectmen for immediate release to the press dated November 18, 2014.

Mr. McDevitt understood there were multiple restrictions on the property. There had been an allegation that the Town had not planted a row of Evergreen trees. He commented it was very obvious trees had been located on the lot (behind the homes on Sawmill Road). He said there were quite a few people in Town, including him, who planted two rows of trees; one didn't make it, so they replanted one of the rows. Mr. McDevitt said another comment was in regard to restoring stone walls. He felt the Town had done every reasonable action possible to maintain and restore stone walls. He noted no one had ever commented about the very large stone wall outside the Municipal Building, which was removed to properly design the building. Mr. Gleason added a stone wall was restored in front of the Fire Station. The Town was told by Mr. Lynch's attorney that the wall didn't reflect historic significance. Mr. Lynde understood the driveways were the only areas with no stone walls.

Mr. Viger spoke about the stone wall and stated the contractor hand built/replaced the stone wall. He also spoke about the tree plantings and informed he was involved with the effort as a Boy Scout in the 1980's-1990's.

Mr. Gleason stated after many discussions and opportunities to voice an opinion, the voters, through majority vote, approved the Fire Station. He further stated there were adequate opportunities to come forward during the process to express concern. He didn't recall Mr. Lynch attending meetings to voice opinion.

Mr. McDevitt commented the Town was going back to Superior Court and have the matter heard on its merits. He explained the Supreme Court decision was on a legal point and not on the merits of the case. Mr. McCarthy will send the press release out. (A copy of which is added as an attachment)

Tennessee Gas Pipeline Northeast Energy Direct Project: NH power line alternative route

Mr. Gleason stated in January, 2014 the Town was approached by Kinder Morgan about a gas line coming through Town. At the time he asked them to meet with the Board and explain what was going on, however Kinder Morgan did nothing. During the past week, he received two telephone calls from the press questioning if he was aware of the gas line and/or electric expansion. Mr. Gleason told the Board he attended a meeting with Mr. Lynde, Mr. McCarthy and the Dupont Group relative to the fact they were planning to bring

163 additional electricity into the area for the purpose of supplying the Boston area's increased demands and reduced capacity. The
164 Dupont Group indicated there may be a possibility of discussions with electric companies cutting through Town with power lines.
165

166 Mr. Gleason told the Board the purpose of the discussion was to bring awareness and develop a course of action going forward. The
167 Selectmen were in receipt of an email from a resident of Mason, NH who indicated their town was affected by the recently proposed
168 gas pipeline. That resident would like to connect with Pelham residents to work together to stop the action. The Board also received
169 correspondence from Kinder Morgan who requested a meeting with Selectmen after Thanksgiving. Mr. McCarthy said they were in
170 the process of scheduling meetings with all parties. He noted at this point the projects were being proposed and in the infancy stage of
171 planning and development. He put together an information packet for the Board of both proposed plans (Tennessee Gas and Sea Link-
172 electricity transmission). He felt it was important for the public to know there were two proposed plans for electricity transmission.
173

174 Mr. Gleason proposed he and Mr. Lynde initially meet with National Grid and Tennessee Gas since they attended the meeting with
175 Dumont. He felt the issues were significant and warranted a public hearing. Mr. McDevitt agreed that presentations should be made
176 in front of the Board during a meeting. Mr. Gleason said the intention was to invite the groups to make public presentations and allow
177 public participation. He noted if the Town was going to consider bringing gas through Pelham, they should consider getting resources
178 to allow the Town to have gas. He also noted the Planning Department should be involved.
179

180 Mr. Lynde briefly discussed the proposals and pointed out one of which wouldn't affect the Town. He felt it was important to take a
181 hard look at what was being proposed. Mr. McCarthy noted he posted information about the proposed projects on the Town website.
182 Mr. Gleason ended by saying they would address the Mason resident letter once the Board determined how they wanted to proceed.
183

184 **Discussion - Recent resident correspondence regarding trespass laws**
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186 Mr. Gleason stated the Selectmen received a resident complaint indicating the Town had light trespass laws that weren't being
187 enforced. He believed the matter to be civil and found no light trespass laws that could be enforced. He noted the Chief of Police
188 agreed. Mr. McCarthy also believed the situation to be a civil matter. He understood Lt. Perriello had been in contact with the parties
189 and conducting mediation to assist in resolving the situation. Mr. Gleason believed the point was the Town didn't have an ordinance
190 relative to light trespass that the Police could enforce. It was Mr. McDevitt's understanding there was a site plan regulation meant to
191 regulate commercial lighting.
192

193 Mr. Gleason asked Mr. McCarthy to draft a response to the resident acknowledging receipt of their correspondence and advise
194 accordingly.

2014 October Revenue and Expense Review

The Selectmen were provided with the October 2014 Revenue and Expense Report for review.

Update - Security System RFP

Mr. McCarthy told the Board three vendors replied to the RFP; bids were due by Friday, November 21st. He recalled from the previous meeting, the Board asked for additional time to consider a walk-up window for the Selectmen's office. He said in order for security to be effective, a window was necessary either on the counter or installed in the wall. Between the two, the cost effective solution was installing the window in the wall. The bids include an estimate for a window.

Mr. McDevitt understood the idea of having a window, but was not in favor of it. He felt the key card system was a good idea. It was Mr. McCarthy's opinion that the Selectmen's office was the nucleus of the Town's government. He explained he was addressing security one section at a time and noted the other offices were on his radar.

Mr. Gleason commented he didn't like windows and if there was going to be one it should be at the Town Clerk's office. He said an issue was why the Selectmen were more important and didn't want to create the public image that they were being held above the public. He felt the real risk was in the Town Clerk's (and Assessor's) office given they had witnessed voter/resident angst. He added that the Planning Department also needed security. Mr. Gleason wanted a plan that encompassed all the departments in the building.

Mr. Haverty stated he didn't like windows and the concept of approaching one would be foreign to people approaching Town government. He didn't feel it would be received well. Specific to having a window from the lobby into the Selectmen's office, he pointed out there may be people trying to conduct sensitive business. He understood what they were trying to protect, but was not in favor of using a barrier.

Mr. Lynde suggested creating a complete design, rather than trying to piecemeal solutions. He felt the building had to remain welcoming, but struggled with how to accomplish what Mr. McCarthy was proposing. Mr. Haverty wanted to better understand what they were trying to protect people from.

Mr. Gleason believed it was the consensus of the Board to put the window off until another time. Mr. McCarthy felt without some sort of structure, a key card system would be obsolete. He told the Board it might be prudent to shelve the whole project and go back

to the drawing board and develop a plan for the whole Town Hall. Mr. Gleason disagreed. He stated the key system had been considered for a long time and would be appropriate to implement. Mr. Viger asked Mr. McCarthy to create a progression/sequence list for the building. He said if the window fit into it, the Selectmen may then consider it. Mr. McDevitt felt the bids should be reviewed. He felt the current key control wasn't a good situation. He believed it was a good idea to know (if needed) who was in the building and where they were accessing. Mr. Lynde asked for information of how a key card system would function. Mr. McCarthy discussed the system and noted during the day doors would remain accessible; at night if someone wanted to enter the building they could use their key fob. If needed individual cards could be deactivated.

There was a consensus to review the bids and have Mr. McCarthy review an overall plan and budget on how security measures might be augmented for the various offices.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Haverty reported that the proposal for an active shooting range had been withdrawn from the Planning Board. He told the Board he would bring information at a later time for a proposed conservation subdivision and snowmobile trail (off Currier Road). Details were still being discussed between the parties and the Planning Department.

Mr. Lynde reported that the Republican caucus nominee for speaker was Bill O'Brien. He stated Pelham Community Coalition would hold a strategy planning session Saturday, December 13th with the intent to discuss where they would focus next.

Mr. Gleason reported the Budget Committee passed all the Town warrants. The union contracts and conservation warrant will be discussed during their reconsideration. He asked Mr. McCarthy to work with Mr. Viger to provide the Budget Committee with updated information as soon as possible. He noted the School Board was coming forward with only four warrants. Mr. Gleason commended the School Superintendent for her letter to the Pelham Windham News in which she complimented the Town and Recreation Department for their cooperation and accommodating the school during the high school construction time.

ADJOURNMENT

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

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

BOARD OF SELECTMEN MEETING/November 18, 2014

256 The meeting was adjourned at approximately 8:20pm.

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Respectfully submitted,
Charity A. Landry
Recording Secretary