

41 **APPOINTMENTS**

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44 **PUBLIC HEARING:** The second of two hearings regarding a proposal to purchase
45 approximately 0.30 acres of a 5.04 acre lot, defined as Map 33 Lot 1-158-24 (26 Scenic View
46 Drive); and to purchase approximately 6.4 acres of an 11.7 acre lot, defined as Map 33 Lot 1-
47 158-21 (22 Scenic View Drive), both to be acquired for use as conservation land.
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49 Conservation Commission representatives Paul Gagnon and Karen MacKay came forward to discuss
50 the proposed land purchases. Ms. MacKay provided a summary of the discussion from the previous
51 meeting, during which she presented the parcel, its location and importance to creating contiguous
52 conservation land. She used a color key map to indicate the parcel's location and surrounding
53 conservation lands.
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55 Mr. Gleason asked for the width at the narrowest portion. Ms. MacKay replied the connection was
56 50ft. wide; the existing trail would be rerouted to the location of the new connection. The parcels
57 were surveyed. An appraisal was not done as it would have been cost prohibitive. She noted that the
58 proposed purpose was considered conservation land, but was more important as a connection
59 between larger conservation land areas to create a contiguous area. Both purchase and sales
60 agreements have been signed; the smaller parcel has an agreed price of \$5,000, and the larger parcel
61 has an agreed price of \$45,000. Both amounts are higher than usually spent; however, the benefit of
62 having the connection outweighed the cost.
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64 Ms. MacKay explained that through discussion with the Planning Board they would do a lot line
65 adjustment to include the larger parcel with the Merriam-Cutter lot and the smaller parcel would
66 become part of the Green Meadow lot. The purchases would not create non-conforming lots. The lot
67 line adjustment approval was contingent upon the sale of the lots to the Town. With the proposed
68 purchase, there will be over 600 contiguous acres in that area. An application for the smaller lot was
69 submitted to the Department of Environmental Services ('DES') and approved because the size fell
70 below five acres.
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72 Mr. Gagnon noted that the purchase would be paid from Conservation Funds. He also noted that the
73 survey work was paid from the Forestry Funds (timber harvest money).
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75 Mr. Gleason opened the hearing to public input. No one came forward to speak.
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MOTION: (McDevitt/Lynde) To approve the purchase of approximately 0.3 of a 5.04 acre lot
defined as Map 33 Lot 1-158-24 (26 Scenic View Drive) and approve the purchase
of approximately 6.4 acres of an 11.7 acre lot defined as Map 33 Lot 1-158-21
(22 Scenic View Drive) to be acquired for use as conservation land.

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

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79 **OTHER BUSINESS**

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81 **HB 547 Discussion - Utility Pole Transition**

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83 Mr. Gleason informed he sent a request to the Chairman of the Ways and Means Committee and the
84 local delegation telling them that he was personally against the amendment. He stated he was against

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any change in the manner utilities were currently taxed. He believed HB 547 was originally intended to give utility companies an exemption from taxation, which met a lot of opposition and was then restructured into a modification. The Town received a communication from Corcoran (Town's Assessing Agent) who indicated that the structure of the current modification was such that it gave them (utilities) preferential treatment making it so the Town would probably lose taxes. Corcoran was against the bill and asked the Town to support sending correspondence to the State Representatives indicating the Town was not in favor of the modification. Mr. Gleason provided the Selectmen with a copy of the letter from Corcoran and asked that they consider sending a formal letter of opposition from the Board to the State Representatives and to the Ways and Means Chairman.

There was a brief discussion regarding the proposal. Mr. Gleason then read aloud the letter from Will Corcoran. He asked the Board if they wanted to send a formal letter of objection to the State.

MOTION: (Lynde/McDevitt) To send a formal letter of objection to the State.

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

Mr. McCarthy will draft a letter for Selectmen review/signature.

Mr. Gleason called attention to the Legislative Bulletin that listed HB 192 relative to valuation of utility property. He read aloud and summarized the discussion points. New Hampshire Municipal Association explains that the House Bill will prohibit utilities from relying on the Department of Revenue Administration's ('DRA') extremely low appraisal numbers when they appeal the local property tax bills (for utilities). DRA's appraisals are by statute designed to be used solely for purposes of utility company tax under RSA 83,F; they were never intended to be used for local property tax assessment. Because they value a business on a statewide basis, they do not accurately reflect the value of properties within the individual municipalities. The Selectmen discussed the proposed bill and made the following motion.

MOTION: (Lynde/McDevitt) To send a letter to the State Representatives asking that they support House Bill 192.

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

Review Current Conflict of Interest and Citizen Complaint Policies

The Selectmen were provided with copies of the policies for review. The Board began by discussing the Conflict of Interest policy, which was believed to be written in 1982 and still in effect. Mr. McDevitt noted the policy was passed by Town Meeting and had never been modified or revoked by Town Meeting. Mr. Gleason stated the Board was provided with a proposed Conflict of Interest Policy for inclusion with new policies and procedures. He asked what procedure should be followed if the Board wanted to adopt the new policy. It was Mr. McDevitt's understanding that a broad conflict of interest policy that covered boards and committees (elected and appointed) had to be adopted by Town Meeting; however, an employee conflict of interest policy could be implemented by the Selectmen without going to Town Meeting. He believed the wording within the proposed policy could be adjusted for employees to avoid conflicts of interest. He suggested seeking the opinion of the New Hampshire Municipal Association ('NHMA') for the wording to properly cover employees.

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Mr. Gleason noted the net effect was the Town would have two documents in place; one policy would applied generally and enacted by Town Meeting, the second would be included with the Town's Policies and Procedures specific to Town employees and those appointed.

Mr. McCarthy will seek NHMA's opinion. This item will be placed on the Selectmen's 'radar' list for discussion prior to the next Town Meeting (2016). Mr. Lynde noted that the current Conflict of Interest Policy would remain in effect until such time Town Meeting modifies it.

The Board then discussed the Citizen's Complaint Policy that was written in 2006. Mr. McCarthy explained that the proposed policy was drafted using a lot of information and taking the various Town departments into account so as to remain consistent.

Mr. Lynde believed the existing policy required a written complaint and saw that the proposed policy allows for anonymous complaints. He recalled concerns about allowing anonymous complaints. He said names could be confidential, but felt they should be aware who was making complaints. Mr. McCarthy referenced CALEA (accreditation process the Police Department was pursuing) and spoke of the debate whether or not to take anonymous complaints. He felt it was important to accept anonymous complaints and give them the appropriate weight; sometimes people didn't want to give their name, but were reporting something significant. He said complaints could be verified through a thorough investigation.

Mr. McDevitt had given thought to the topic of accepting anonymous complaints. He said it was pretty well known that people may set aside their moral and ethical standards when given the opportunity to launch anonymously. He was concerned that the person against whom the anonymous complaint was made had no way to restore/repair a reputation. It was difficult to obtain additional information from anonymous complaints. He understood there were instances people may be afraid to submit a signed complaint. Mr. McDevitt stated he would like the policy better if they didn't take anonymous complaints. He noted if someone was genuinely fearful, they always had the option to file a complaint with the County Attorney. He commented he may be persuaded otherwise, but didn't like the anonymity. He felt the remainder of the policy looked fine. He also questioned why they would switch from accepting a written complaint to a verbal complaint; because there would be room for misunderstanding.

Mr. Gleason felt the Selectmen should be aware of serious situations and legitimate complaints even if a person didn't want to sign their name to it. Mr. McCarthy stated during his Police career, he had been on both sides; the State Police accept anonymous complaints and reviewed to see if it could be sustained. He worked for an agency where an anonymous complaint revealed a significant issue. He explained people sometimes feared officials and/or authority. He stated any anonymous complaint would have to be reviewed and vetted. If it couldn't be verified, then it wouldn't be.

Mr. Lynde questioned if there was a distinction between an anonymous crime tip and a verbal accusation of misdoing. Mr. McCarthy replied the complaint would be reviewed to determine to what level it could be vetted and would be labeled as such. He discussed how he envisioned verbal complaints. He said a person would meet with him (or a designee) discuss the facts and circumstances of their complaint, which he would write down. The person would then be asked to review the documentation for accuracy and asked to sign their name. Mr. McDevitt saw that the policy allows citizens to report to any Town official. Mr. McCarthy believed all complaints were directed to him. Mr. McDevitt wanted to ensure the policy language indicated such. Under the procedure the policy indicated citizen complaints are to be referred to the Selectmen's office.

It was noted that any reference to 'Chairman' would be amended to read 'Board of Selectmen'.

Mr. Gleason understood that the policy was created and instituted by the Board in 2006. Mr. McDevitt replied it wasn't a Town Meeting matter. Mr. Gleason questioned what differentiated the complaint policy from the conflict of interest. Mr. McDevitt explained there was a specific RSA that says there has to be a conflict of interest policy approved by the Legislative body.

There was a consensus of the Board that the proposed Citizen Complaint Policy should replace the existing policy.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt asked if the Town received a response from the New Hampshire Municipal Association on the letter received by the Town from Kinder Morgan relative to access to survey Town property. Mr. McCarthy answered yes; the opinion was they could access the property (per RSA 371:2). The opinion was forwarded to the Board. Mr. McDevitt called attention to a citizen letter complaining about electric rates. Mr. Gleason stated the bills were out of the Selectmen's control, although he sympathized with the citizen.

Mr. Lynde reported that he testified regarding House Bill 646, which would allow towns to charge a nominal fee in their efforts to respond to a Right to Know request. At the hearing it was pointed out that all other New England towns had typical fee of approximately \$15/hour and the proposed bill contained the rate of the State's minimum wage. During his testimony he pointed out it could be disruptive to the office functions and was hopeful the committee heard his message. Mr. Lynde stated the Energy Facilities Advisory Committee would be meeting Wednesday and will report back to the Board. He ended by reporting that the Pelham High School Robotics Team will be competing on Friday in Springfield, MA and hoped they do well.

Mr. McCarthy provided an update on the New Hampshire Pipeline Coalition which met February 18th. He reported the meeting began with a discussion with the attorney (Stephen Judge) they were considering to hire. The attorney is putting a draft agreement together that will explain the expectations of the relationship between him and the coalition. Once the agreement is drafted, he will provide a copy to the Selectmen. The attorney indicated in his experience the legal costs could run up to half a million dollars. Mr. McCarthy noted some of the towns had concerns with their budgets once they saw the estimate. Many of the towns indicated they couldn't commit to hiring an attorney until after their town meetings; therefore the coalition agreed to table the issue of hiring counsel. Mr. McCarthy outlined the role that would be taken by the Nashua Regional Planning Commission. Information and website links have been added to the Pelham website for citizen awareness. The coalition will meet again on March 18th.

Mr. Gleason indicated State officials issued a request to Kinder Morgan to have more open houses and discussions with effected towns. He felt Pelham had to push harder for information. He discussed open house forums, which were not really a forum for citizens to express concern or to get answers. In the event Pelham has a meeting with Kinder Morgan, it was suggested to conduct the meeting by allowing citizens to ask questions. The beneficial effect would be in receiving answers to questions for public consumption. He asked that the Board to consider allowing public input when conducting a meeting with Kinder Morgan.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL Mr. Gleason-Yes; Mr. McDevitt-Yes, Mr. Viger-Yes; Mr. Lynde-Yes;

CALL: Mr. Haverty-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 7:52pm.

The Board returned to public session at approximately 8:55pm.

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

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

ADJOURNMENT

MOTION: (Haverty/McDevitt) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:55pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary