1 2		APPROVED TOWN OF PELHAM		
3 4	BOARD OF SELECTMEN-MEETING MINUTES November 1, 2022			
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6		RDER – Chairwoman Corbett called the meeting to order at approximately		
7	6:30pm			
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10	PRESENT:	Jaie Bergeron, Heather Corbett, Kevin Cote, Jason Croteau, Charlene Takesian,		
11		Town Administrator Joseph Roark		
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13	A DOENIT.	NT		
14	ABSENT:	None		
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16 17	DI EDCE OI	FALLEGIANCE		
18	I LEDGE OI	ALLEGIANCE		
19				
20	OPEN FORU	TM		
21	OI LIVI OIK	5111		
22	No one came	forward in open forum.		
23	1,0 0110 041110	201 W 42 4 1		
24				
25	APPOINTM	ENTS		
26				
27	Linda Newco	omb, Town Clerk: Swearing-in of new PD Sergeant		
28				
29	Chief Perriell	o stated that Bruce Vieira is being promoted to Sergeant. Officer Vieira grew up in		
30	Pelham and jo	pined the Pelham Police Department in 2014 as a part-time officer. Within the year,		
31	he became a f	full-time officer. Prior to his promotion, he has been a drug treatment and		
32	prevention of	ficer. He was awarded the Union Leader Hero Award in 2017.		
33				
34		mb swore in Officer Vieira as Sergeant. Sergeant Vieira was pinned by his father,		
35	Bruce Vieira.			
36				
37				
38		ectmen Vote: Acceptance of land donation on plan entitled "Stonegate Estates"		
39	lot consolida			
40	-	stance of donation of a 39.6-acre parcel, Map 10-351-63, as Conservation Land.		
41	-	tance of a trail easement that will allow the Town to maintain the existing trail		
42	~	n through this new development.		
43	- Accep	stance of a Conservation Easement on a 19.2-acre parcel abutting Tower Hill		
44	Road.			
45				

MOTION: (Cote/Bergeron) To accept the 39.6-acre parcel, Map 10-3351-63, as

47 Conservation Land.

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

MOTION: (Cote/Croteau) To accept the trail easement that will allow the Town to maintain

the existing trail system through this new development.

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

MOTION: (Cote/Croteau) To accept Conservation Easement on a 19.2-acre parcel abutting

Tower Hill Road.

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

Paul Gagnon, Conservation Commission: Proposed Warrant Article banning target practice on Town owned land

Mr. Gagnon showed a photograph of the rules for Town owned land. Currently, under permitted uses, hunting is allowed. However, under prohibited uses is the discharge of firearms. This means that people may hunt but are not allowed to participate in target practice with firearms.

Mr. Gagnon then showed a photograph taken in 2021 of a pallet someone brought into the woods and shot at, which ended up starting a fire. Mr. Gagnon explained that even though these rules are posted, there are no Town ordinances backing up the rules. If someone calls the police to report someone is target practicing on Town land, there is nothing the police can do.

The State of New Hampshire has hundreds of thousands of acres of land. Under New Hampshire Code of Administrative Rules, it states that no person shall discharge a firearm for the purpose of target shooting within 300 feet of developed recreation areas and trails within 100 feet of a stream, river, pond, lake, or body of water. There are also other specific areas where target practice is not allowed, and specific dates. Target shooting is not permitted Memorial Day weekend through Columbus Day Weekend within 1/4th of a mile of recreation areas. There are also rules about picking up shells.

Mr. Gagnon also showed the Towns of Exeter, Merrimack, Hollis, and Londonderry's rules regarding target shooting. They only allow target shooting at certain areas in the Towns, using certain bullets, and during certain times during the year. Some also state that if someone violates the rules, they receive a fine. He thinks that Pelham should come up with their own Town ordinance regarding target practice.

Mr. Gagnon stated that if the Board thinks it is a good idea, he will take the liberty of developing
 a Town ordinance regarding target shooting and check it over with the Conservation

Commission, Forestry Committee, Cemetery Trustees and the Parks and Rec Department.

92 93

- Mr. Bergeron stated he is not opposed to an ordinance but believes talking to the Police
- Department about the ordinance should be done first. He also mentioned that if they are going to
- 96 designate specific areas to allow target shooting, it should not be an area that is not used to
- 97 hearing gun fire. Mr. Bergeron asked if there was any Town property next to the gun range. Mr.
- 98 Gagnon stated that there isn't, and that since the Town does have a gun range, it does not make
- 99 sense to allow free outdoor target shooting. Mr. Gagnon stated that he will also go to the Police
- and Fire Departments for their input as well.

101

- Mr. Croteau asked which towns restrict target shooting to hunting season only. Mr. Gagnon
- stated that Londonderry has these restrictions. The State does not allow targeting shooting from
- Memorial Day Weekend through Columbus Day Weekend. Mr. Cote added that he does not
- believe it is a good idea to allow target shooting during hunting season since there are people
- hiding out in the woods to hunt.

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- 108 Ms. Takesian asked if Fish and Game allows anyone to practice target shooting at their location.
- 109 Mr. Bergeron stated that anyone can join the club, but there is a membership fee. Town
- Administrator Roark added that if you are a property owner and have the proper range and safety
- in your land, you are allowed to shoot any type of gun on your own land.

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- 113 Mr. Croteau stated he thinks it may be a good idea for Mr. Gagnon to go to the proper
- department heads and get their feedback regarding the proposed ordinance.

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- Mr. Gagnon stated that he will draft a proposal, present it to the Town attorney, then to the
- Police Department, then to the proper department heads.

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- Mr. Cote asked if Mr. Gagnon was looking for the Board of Selectmen to create and pass the
- ordinance, or if he thought it should be put on the ballot for Town voting. Mr. Gagnon stated that
- other Towns, like Hollis, did not put it on the ballot for voting and had their Board of Selectmen
- pass it instead.

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Mr. Cote stated that there is already a book of ordinances, and he will check it to see if there is an existing ordinance they can modify as well.

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- 127 Chairwoman Corbett let Mr. Gagnon know that he could go ahead and start getting opinions
- from other departments in Town as well and draft a proposal for them to read. Mr. Gagnon
- agreed and stated that he will be back in early December with any updates for the Board.

130

Board of Health: 37 Woekel Circle well radius waiver request 132 133 134 **MOTION:** (Cote/Croteau) To convene a meeting of the Pelham Board of Health for the 135 purpose of considering a waiver for the 75-foot radius requirement for a septic 136 system design at 37 Woekel Circle. 137 138 **VOTE:** 139 (5-0-0) The motion carried. 140 Mr. Colburn, from Gifford Colburn Septic Design and representing the Town of Pelham's Board 141 of Health, was present to help give the Board advice on the matter. 142 143 144 Mr. Carideo, from Keach and Nordstrom, the homeowner's septic system designer, stated that his client is trying to upgrade the existing dwelling and system on the lot to adhere to Town and 145 146 State requirements. The proposed design is 65-feet away from the well heads. There are 3 wells that will require the waiver. He added that it meets all the other requirements of the ordinance. 147 Mr. Carideo stated that the lot behind theirs recently put in the same septic system, filed a well 148 149 release with the State of New Hampshire. 150 151 Mr. Caredio provided the Board with a map of all the State approved septic systems within the 152 area of their lot. He pointed out that the lot sizes are small and make it almost impossible to have 153 fit a 75 foot well on the property. He added that some of the lots in the area had waivers granted 154 as well. He also stated that the depth of the well casing is important because with the drilled well, well heads are above the ground, and this reduces the risk of contamination of the well because 155 contaminants are not going to go into the steel well casing that is a foot above the ground. 156 157 158 Ms. Takesian asked if there is currently a house on the land that someone is living in. Mr. Carideo stated that there is a house, but no one is currently living in it. Ms. Takesian asked why 159 160 they were doing the septic design. Mr. Carideo stated that they want to live in the house, but before they can the existing system needs to be upgraded because it is in bad shape. Ms. 161 Takesian asked where the well is on the property. Mr. Carideo stated that it is in the front middle 162 of the house. 163 164 Ms. Takesian asked if they would be moving the house 12 feet or taking the house down and 165 relocating it 12 feet from where it is now. Mr. Carideo stated the house will be lifted and moved 166 12 feet. He added that there is a proposed addition to the house at well, to the roadside of the 167 house. 168 169 Mr. Croteau asked if it is currently a 3-season or 4-season house. Mr. Carideo stated it is listed as 170

a camp currently, but they are looking to make it a year-round house.

- Mr. Bergeron asked if there were any wetlands on the property. Mr. Carideo stated that the 173
- 174 owner of the property hired a certified specialist to survey the land and they did not find any
- 175 wetlands on the property. He provided a copy of the report to the Board.

177 Chairwoman Corbett asked when the wetlands assessment was done. Mr. Carideo stated it was 178 done in July of 2019.

179

180 Ms. Takesian asked if they knew what kind of homes were on the abutting lots. Mr. Carideo stated that they are all single-family, year-round homes. 181

182

- Mr. Cote asked about the specifics of the septic system, and if the homeowners had to do any 183
- maintenance to the system. Mr. Carideo stated that the State requires the homeowner to have an 184
- 185 agreement with the proprietor of the system that states they will provide the necessary
- maintenance. Mr. Cote asked what the maintenance entails. Mr. Carideo stated that there is a 186
- bunch of media that collects the bacteria, and air that produces the pretreatment system, once that 187
- media cannot function anymore it needs to be cleaned or removed depending on the condition, 188
- the septic tank also needs be pumped and the settling area cleaned out. Mr. Cote asked what 189
- happens with the maintenance contract if the home gets sold. Mr. Carideo said he was unsure. 190
- Mr. Cote asked who enforces the agreement for the maintenance. Mr. Carideo stated that it is a 191
- 192 legal document submitted to the State and Town before approval, so if someone felt like it was
- not being maintained properly, they could order a cease and desist on the property. 193

194

- Mr. Colburn stated that this proposal is very common. This septic tank design makes the water 195 coming out of the tanks very clean and bacteria free. The field lasts considerably longer than 196 without it. He added that the systems are commonly used in the Lakes Region, as the design 197
- keeps the body of water clean. He stated that he has no problem approving the plan and wants to 198 ensure the Board approves the waiver as well. 199

200

- 201 Ms. Takesian asked if the Board of Selectmen has approved any other waivers like this one. Mr.
- Colburn stated that the Board of Health has not convened in 12 years, so they probably have not 202
- approved one before. He added that the Health Officer has the ability to accept or deny any well 203
- radius waivers for the Town. He added that the current septic system in the house is unusable. 204

205 206

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- Mr. Bergeron asked what year test pits were completed. Mr. Carideo stated that the testing was done on June 29, 2016. Mr. Bergeron asked if the recent building in the area would affect the test
- 208 at all. Mr. Carideo stated that the buildings were already there, so he does not believe any data will be affected.

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210

- 211 Mr. Cote asked if the septic system is installed, then fails, if there is enough room to get in and
- fix the septic system. Mr. Carideo stated that the equipment they use today is very small, and 212
- 213 they are able to get in small spaces to fix them.

- 215 Chairwoman Corbett asked Mr. Carideo what would happen next if he was granted the waiver.
- He stated that his next step would be submitting the septic plan to the DES, because the only
- 217 thing they are waiting on is the waiver from the Town, they have all other necessary permits they
- 218 need. She then asked what his next step would be if they did not approve the waiver. Mr. Carideo
- stated that he would have to talk to his client, but he would basically have to tell them they
- 220 cannot live in their home.

221

- Mr. Croteau asked if the homeowner is allowed to stay in the house currently, even with the
- current septic system that is failing. Mr. Colburn stated that when people started complaining,
- 224 they would have to redesign the system and the same process that is happening now would have
- to occur.

226

- Mr. Cote asked if they were not planning to move the house 12 feet, if they could put in a normal
- septic system as is. Mr. Carideo stated that there would still not be enough room. The design
- system they have is the most compact the State allows for the house size.

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- 231 Mr. Croteau stated that because they are also adding an addition to the house, he wants to see
- plans with the addition added. He added that he would like to do a site walk of the lot as well.

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- Mr. Croteau asked if by updating the septic to a clean solution system, if the home goes from a
- 3-season camp to a 4-season camp. Mr. Colburn stated that it takes more than just the septic
- system. They need insulation, electrical power, heat, service by potable water, indoor plumbing,
- and a water disposal system.

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- 239 Mr. Cote asked if seasonal property owners pay the same tax rates as full-time property owners.
- 240 The response was that taxes are based on the property assessment.

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242 Chairwoman Corbett asked if anyone from the audience would like to put their input in.

243

- Mr. Bruce Bilapka stated that he just built a new house on the same road using the existing
- footprint. On the other side of him is a vernal pool. He was ordered by the State to put a culvert
- in when installing his septic system due to water running from the vernal pool into lot 37. He
- added that the lot 37 property does not sit on foundation, and the water comes up extremely high.
- He explained that if a septic system is installed in this lot, every Spring, when the water from the
- vernal pool flows, the septic system will be destroyed and contaminate other wells in the area
- and the Lake. He added that if they fail to maintain the septic system, there is nothing anyone can
- do about it, and it will cause many issues.

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253 Chairwoman Corbett asked the Board how they would like to proceed.

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- Mr. Croteau stated that he thinks a site visit is the best course of action. He also added that he
- 256 thinks it is a good idea to put in a new septic system to avoid any issues.

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VOTE:

(5-0-0) The motion carried.

(Cote/Takesian) To hold a site-walk at 37 Woekel Circle. 258 **MOTION:** 259 260 **VOTE:** (5-0-0) The motion carried 261 262 Chairwoman Corbett informed Mr. Carideo that they will be in contact soon with the best date 263 and time for the site-walk. 264 265 266 **MOTION:** (Cote/Croteau) To adjourn the Pelham Board of Health Meeting. 267 268 **VOTE:** (5-0-0) The motion carried 269 270 Tammy Penny, Finance Director: Public Hearing: Acceptance of unanticipated funds as 271 part of Locality Equipment Purchase Program through the Governor's Office for 272 Emergency Relief and Recovery (GOFERR) in the amount of \$45,374.00. 273 274 Ms. Penny stated that these funds are more grant money the Fire Department is receiving. Since 275 2003, the Fire Department has received over \$1,500,000.00. This money can be used for 276 277 equipment, and the Fire Department would like to use this money to purchase 3 automated CPR devices. She explained this is a grant program that requires a matching, but there is ample 278 funding available in a 2017 non-lapsing article that will more than cover the necessary amount 279 needed to match. 280 281 282 Ms. Takesian asked if these devices were already in their budget, or if this is going to be an extra purchase since they got a grant for them. Lt. Robert Horne, from the Pelham Fire Department, 283 stated that these would replace the ones they already have, plus add an additional device. 284 285 286 **MOTION:** 287 (Cote/Bergeron) To go into a public hearing regarding the acceptance of unanticipated funds as part of the Locality Equipment Purchase Program through 288 the Governor's Office for Emergency Relief and Recovery (GOFERR) in the 289 amount of \$45,376.00. 290 291 **VOTE:** 292 (5-0-0) The motion carried. 293 294 Chairwoman Corbett asked if there was anyone who would like to speak publicly on the matter. No one approached the Board. 295 296 297 **MOTION:** (Cote/Bergeron) To close out the public hearing. 298

MOTION: (Cote/Bergeron) To accept the unanticipated funds as part of the Locality

Equipment Purchase Program through the Governor's Office for Emergency

Relief and Recovery (GOFERR) in the amount of \$45,376.00.

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

Tammy Penny, Finance Director: Fund Balance and estimated Tax Rate update

Ms. Penny stated that this is the time when the Board of Selectmen can opt to use additional fund balance to offset property taxes before the rate is officially set. She added that she does not currently have final numbers from the DRA, but she has estimates that should not change by more than a few cents. The municipal portion of the tax rate will be \$5.63. She noted that this is higher than the 2021 rate of \$4.74. This \$0.89 increase will translate to a \$445 increase on a \$500,000.00 home. Ms. Penny stated that is the average assessed valuation for residential property in this community. She added that this is without using any fund balance. She stated that the increase in revenue helped keep rates lower than \$6.00.

Ms. Penny explained that the Government Finance Officer Association recommends retaining between 8-17% in unassigned fund balance. This is so communities can meet their obligations. She added that past Boards of Selectmen have used fund balance to reduce tax rates. In 2021,

\$1,000,000 in fund balance was used, and \$2,000,000 was used in 2020.

Town Administrator Roark noted that the 5-year average for the Town tax rate is \$5.67. The total 5-year average tax rate \$19.69.

Ms. Penny stated that normally she would not recommend using a large amount of additional fund balance when they have not reached the 17% target for unassigned fund balance, however, with an increase of this magnitude there may be issues for voters. If they use no additional fund balance, the estimated 2022 tax rate is \$5.63. If they use \$250,000 in additional fund balance, the tax rate will go down to \$5.54. If they use \$500,000 in additional fund balance the tax rate will go down to \$5.44. If they use \$750,000 in additional fund balance the tax rate will go down to \$5.35. Finally, if they use \$1,000,000 in additional fund balance the tax rate will go down to \$5.26.

Ms. Takesian noted that if you add all the numbers, it is not just a \$445 increase, it is a \$895 increase across the board for a house in Pelham. Ms. Takesian suggested that they use \$2,000,000 in additional fund balance to make the increase only around \$485-500 for the average house. This would take them just below the 8% the DRA recommends. She noted that there are Towns who do not have a fund balance, but she thinks Pelham should have a fund balance. She noted that they have a big bond payment for the school this year, so a large increase in their taxes will cause issues.

- Mr. Croteau asked if the Town has ever used \$2,000,000 in additional fund balance before. Ms.
- Penny stated that they did in 2022.

- Mr. Cote asked if they do not use any fund balance if there would be an average tax increase of
- around \$900.00. Ms. Penny stated that it would be an \$895 increase across the board for the
- average house. Mr. Cote noted that this increase is an additional \$75 a month for the taxpayer. Mr.
- Bergeron added that they also will have increased electrical bills as well.

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Ms. Penny explained that if they use \$2,000,000.00 this year, they will not have anything to use next year.

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Ms. Takesian asked if they know what their fund balance protentional is for 2022. Ms. Penny stated that it was too soon to tell.

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Mr. Cote asked what the overall tax rate increase would be if they used \$1,000,000.00 in additional fund balance. Ms. Penny stated that this will bring the municipal rate down to \$5.26 and result in a total increase of \$670.00 on a \$500,000.00 value home. Mr. Cote noted that this would only be an extra \$30 a month. Mr. Cote stated that, as a taxpayer, he would rather not use in additional fund balance and grow the balance for another year.

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Mr. Bergeron noted that some taxpayers may disagree, as the additional fund balance is holding taxpayer's money that can help reduce the tax rates. He added that since the cost of everything else is rising as well, it may be a good idea to use some additional fund balance in order to lower the tax rate a little. Ms. Takesian agreed. Mr. Cote asked how \$300 would help. Mr. Bergeron stated that an extra \$300.00 to a senior on a fixed income could be a big difference. Ms. Takesian added that next year they will not have to worry about the large school payment, so it makes more sense to use the funds this year.

370371

Mr. Croteau asked what happens if they use \$2,000,000.00 of the \$5,900,000.00 fund balance and then the Town cannot afford their liabilities. Ms. Penny stated that if this happened, they would have to get a tax anticipation note and it would cost the taxpayers money to borrow, and borrowing rates are increasing. Ms. Takesian stated that they would only have to borrow the money for a few months, and the rates are not as high as they are for an individual borrowing money.

375 376

Ms. Takesian stated that they currently have \$5,000,000.00 in additional fund balance, so if they took \$1,000,000.00, they would still have \$4,000,000.00 in additional fund balance. Ms. Takesian noted that if they do not use any funds, there is a total increase of \$900.00. If they used \$1,000,000.00 there would be a \$670.00 increase.

- Town Administrator Roark explained that it would be a good idea to stay within the recommended 8-17% threshold. Ms. Penny stated that if they used \$1,400,000.00 in additional fund balance that would bring them to 7.45%, which is only anticipating \$350,000.00 in unspent appropriations and
- she is unsure if that is where they are going to land.

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Chairwomen Corbett asked what the rates would be if they used \$1,400,000.00 in additional fund balance. Ms. Penny stated that it would bring the municipal rate to \$5.11, and the total rate to \$17.15. This would be a \$595.00 increase on a \$500,000.00 home. Chairwomen Corbett asked what the rates would be if they used \$1,250,000.00 in additional fund balance. Ms. Penny stated that this would bring the municipal rate to \$5.17, the total rate to \$17.21 and would be a \$625.00 total increase on a \$500,000.00 home. Chairwoman Corbett added that this will be an additional \$52.00 a month for taxpayers.

Mr. Croteau stated that he is inclined to take some money out of the additional fund balance but thinks \$500,000.00 would be the best amount to retain their fund balance and help taxpayers.

MOTION: (Croteau/Cote) To use \$500,000.00 in additional fund balance to offset property

400 taxes.

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

DISCUSSION

Designate BOS Representative to the Water Commission

Mr. Cote asked if it was mandatory. Town Administrator Roark stated it was not mandatory. Ms.
Takesian requested this so that the Board can stay up to date on what is going on, and she would like to volunteer for the position

MOTION:

(Croteau/Cote) To designate Charlene Takesian as the Board of Selectmen

representative to the Water Commission.

VOTE:

(5-0-0) The motion carried.

Technology budget decrease, updated information

Town Administrator Roark stated that they realized there was a miscommunication with the Technology portion of the budget, that added unnecessary funds to the line item.

MOTION:

(Croteau/Cote) To decrease line item 123 of the Technology budget section 560 by \$50,000.00, resulting in a total of \$69,067.00 to purchase the licensing and necessary hardware for a new Town wide telephone system for a period of 5 years.

429 430 431	VOTE:	(5-0-0) The motion carried.			
432 433 434	MOTION:	(Croteau/Cote) To decrease line item 150 of the Technology budget section 561 by \$55,000.00.			
435 436	VOTE:	(5-0-0) The motion carried.			
437 438 439	MOTION:	(Croteau/Cote) To approve the fixed rate 3-year contract with our cyber security vendor.			
440 441	VOTE:	(5-0-0) The motion carried.			
442 443 444 445	Chairwoman	Corbett noted this would bring line item 150 to a total of \$149,297.00.			
446 447 448	MOTION:	(Croteau/Cote) To decrease line item 150 of the Technology budget section 561 by \$55,000.			
449 450	VOTE:	(5-0-0) The motion carried.			
451 452 453	MOTION:	(Croteau/Cote) To approve the 2023 Technology budget for \$21,239,475.00 to be sent to the Budget Committee for further review.			
454 455 456	VOTE:	(5-0-0) The motion carried.			
457 458	SELECTME	EN AND TOWN ADMINISTRATOR REPORTS			
459 460 461	Mr. Croteau stated that budget season is almost over.				
462 463 464 465	Ms. Takesian reminded everyone that voting takes place on November 8, 2022. Also, Pelham Community Spirit is preparing for the Festival of Trees, which starts on November 25 2022. They are looking for tree donations for the event.				
466 467	_	Mr. Bergeron wanted to thank the Police and Fire Department for their hard work with the Horribles parade and trick or treating.			
468 469 470	Mr. Cote had	Mr. Cote had nothing to report.			
471	Town Admir	nistrator Roark had nothing to report			

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473	Chairwoman Corbett had nothing to report.			
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476	MOTION:	(Cote/Croteau) To adjourn the Board of Selectmen meeting		
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478	VOTE:	(5-0-0) The motion carried.		
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480	The Board of Selectmen meeting ended at approximately 9:02 PM.			
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483	<u>ADJOURNMENT</u>			
484				
485	Respectfully submitted,			
486	N. 1 1 C1			
487	Makayla Clougherty			
488	Recording Secretary			