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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
June 23, 2015
APPROVED – July 7, 2015

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CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger, Mr. Paul Leonard,
Town Administrator Brian McCarthy

ABSENT: None.

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PLEDGE OF ALLEGIANCE

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MINUTES REVIEW

June 9, 2015 – Deferred to next meeting.

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ANNOUNCEMENTS

- Pelham Parks & Recreation honored with a “Playful City USA” designation for the 3rd consecutive year
- Pelham Fire Department/CERT/MRC Preparedness Expo, June 27, 2015 from 10am until 3pm
- Council on Aging / Senior Center – Summer BBQ on Thursday, July 16, 2015 - \$2.00 per person – Please RSVP as soon as possible, as space is limited
- Board of Selectmen Position – Taking Volunteer Applications until June 26, 2015 at 4PM EST
- Committee member volunteer openings: CIP Committee and for the Zoning Review Committee
- Concert on the Village Green–Windham Community Band–June 24th beginning at 6PM

OPEN FORUM

No one came forward.

APPOINTMENTS

**Police Chief Joseph Roark – New Employee Introduction and Employment Contract Signing:
Town Prosecutor, Michael McCall, Esq.**

Police Chief Joseph Roark came forward to introduce the new Town Prosecutor Michael McCall, Esq. He provided the Board with Attorney McCall’s credentials, adding that he had been the police department prosecutor in Milford for ten years and was a former Selectman in Chelmsford and is the current Town Moderator in Chelmsford. He explained the benefits to having a civilian prosecutor

48 both in office and in field during investigations to ensure proper and thorough procedures are
49 followed. He noted Attorney McCall was also a part-time sworn officer.

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51 The Board welcomed Attorney McCall. Attorney McCall thanked the Board and the Chief for the
52 opportunity to work with the Town. All parties signed Attorney McCall's employment agreement.

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55 **Code Enforcement Officer John Lozowski – Employment Contract Signing**

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57 All parties signed the employment contract for Code Enforcement Officer John Lozowski. The Board
58 welcomed and congratulated Mr. Lozowski.

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61 **Planning Director Jeff Gowan along with Code Enforcement Officer John Lozowski – Proposed**
62 **Fine Schedule Update**

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64 Mr. Gowan explained a revised proposed schedule was provided to the Board to review. He noted
65 Town Counsel advised the revision should be placed on Town ballot and also felt having an interim
66 schedule would be okay. It was Mr. Gowan's opinion to proceed conservatively and place the
67 amendment on the ballot, if the Board felt that was direction they wanted to go. He offered to work
68 with Mr. McCarthy on the warrant article wording.

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70 Mr. Lozowski spoke of the current procedures, which he felt he could make work with the current
71 fine schedule, although it was challenging because of being split between Planning and Zoning.

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73 Mr. Leonard confirmed that Mr. Gowan's recommendation was to have the proposed fine schedule
74 placed on the ballot. Mr. Gowan replied the fine schedule would be addressed and worded
75 appropriately for the ballot. He wasn't seeking the Board's commitment to having a ballot item at
76 this time; however if they felt it was worth pursuing, he would work with Mr. McCarthy to prepare a
77 warrant article for consideration.

78

79 Mr. Lynde understood there was an existing fine schedule and questioned what would be done in the
80 interim. Mr. Gowan replied the Town could take a violator to court. He described how enforcement
81 was pursued. Mr. Lozowski told the Board he could handle situations 'status quo' as he had been
82 during the past year. It was noted out of approximately 189 cases during the past year there were only
83 3-5 cases he would have considered issuing a summons.

84

85 There was no objection to a warrant article. Mr. Gowan will work to draft appropriate language.

86

87 Mr. Gowan provided the Board with the following updates:

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- 89 ○ Valley Hill Road at Mammoth Road (at new Dunkin Donuts) top coat was completed;
- 90 ○ Emergency egress access road to Pelham Veteran's Memorial Park from Hawkrigde
development is functional;
- 91 ○ R & B Superette project will be holding a pre-construction meeting on June 26th – bond is in
92 place and work will begin shortly.

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96 **Joyce & Bill McDevitt – Proposal for a Memorial Park Bench on Village Green**

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98 Mr. McDevitt stepped down as a Selectman to speak as a resident. He stated since he and his wife
99 lost their youngest son they had thought of what to do to memorialize him. It occurred to them that
100 they would like to place a granite bench on the Village Green. He wanted to know if doing so was
101 okay with the Selectmen; if so, they would start the process. He asked the Board (without his
102 involvement) to consider appropriate locations. He recommended that the Board have final approval
103 regarding the type/style of bench to be placed. Mr. Lynde agreed the Board should have oversight.

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105 There was no objection to the request. Mr. McCarthy will be the point person to work with Mr.
106 McDevitt.

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108 Mr. McDevitt returned to the Board.

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111 **Conservation Commission Chairman Paul Gagnon – Scope of work/agreement with Ecosystem**
112 **Management Consultants, LLC for Environmental Impact Assessment on proposed gas**
113 **pipeline (Kinder Morgan Pipeline)**

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115 Mr. Gagnon informed the Board that Ecosystem Management Consultants met with members of the
116 Conservation Commission to conduct a scoping meeting. During the meeting information about the
117 Town's natural resources inventory, open space plan, maps, prime wetland studies etc. were shared.
118 A site walk of the power line area was conducted and species samples were reviewed and taken. Mr.
119 Gagnon stated if the gas pipeline came through they wanted to understand what was in area by
120 evaluating the site and writing an impact statement that could be presented to the Federal Energy
121 Regulatory Commission ('FERC'), Kinder Morgan and the Site Evaluation Committee. The
122 consultant charges \$85/hour. The proposal is broken into three parts: 1) Review of literature; 2) Field
123 work; and 3) Assessment report. The entire cost of which is \$7,880 (which includes the scoping
124 meeting at \$680). Mr. Gagnon noted the Conservation Commission voted unanimously to proceed;
125 and asked for the Selectmen's permission to move forward with the proposal. He felt it appropriate to
126 make payment by using the Current Use Fund (non-tax money).

127

128 Mr. McDevitt felt it appropriate to proceed. He learned from a resident who follows the information
129 there may be some credibility that Kinder Morgan doesn't yet know where they will put the gas line,
130 other than in the general area of the right-of-way. He questioned if they should wait to have the
131 report done until the location is better defined. Mr. Gagnon replied there were maps showing the
132 exact location of where the pipeline is being proposed that had been used by the Nashua Regional
133 Planning Commission to locate things, such as water wells within 300ft. of the proposed site and to
134 create an entire report. He was unsure if things would come to their attention to cause them to move.

135

136 Conservation Commission member Kaela Law came forward and informed there was a 400ft. study
137 corridor Kinder Morgan was working within. When they file with FERC they will have a specific
138 pipeline location. Mr. McDevitt confirmed that the consultant would be conducting review within the
139 400ft. corridor area. Ms. Law answered yes. Mr. McCarthy added that the map utilized by NRPC
140 was based on the best map available at the time. He stated there wasn't a lot of certainty where the
141 pipeline would be located until they actually submit with FERC (possibly in November). He felt
142 having the report conducted would be helpful, but felt the Town should proceed with caution. Ms.
143 Law noted having a specialist review Town lands would help update the Town's records.

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MOTION: (McDevitt/Viger) To authorize the withdrawal of \$7,880 in total from the Current Use Fund for the purpose of contracting Ecosystem Management Consultants, LLC to conduct an environmental impact assessment of the

proposed pipeline route for Pelham.

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

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Pelham Community Spirit member John Russell – Pelham Farmer’s Market

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Community Spirit members Mr. John Russell and Mr. Mark Jedraszek came forward to discuss holding a Pelham Farmer’s Market at the Village Green. Mr. Russell explained they had previously come in front of the Board to discuss the possibility of the Salem Farmer’s Market hosting a market on the Village Green on Sundays. Since then, the Salem Farmer’s Market had found a new home and would be staying in Salem. With guidance from Jane Lang of the Salem Farmer’s Market, the Pelham Community Spirit Group would like to host a Pelham Farmer’s Market on Wednesdays between 3pm-7pm on the Village Green. They would adhere to all policies and procedures as discussed previously when the Salem Farmer’s Market was considering relocation to Pelham.

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Mr. Leonard explained that Ms. Lang had offered as much assistance, guidance and referrals necessary to help get a Pelham market off the ground. A small group of people met with Ms. Lang to come up with a strategy to move forward in the late summer and fall. They would test the market before conducting one year round.

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There was a brief discussion regarding the activities on Wednesday evenings at the Village Green and Lyons Park. There was concern about vehicle and pedestrian traffic as well as limited parking for multiple activities. Coordination and discussions should include Parks & Recreation and the Police Department. Mr. Leonard stated the group would conduct the suggested discussions and return in front of the Board with a full plan addressing logistics and coordination.

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The Selectmen had no objection to a Pelham Farmer’s Market proceeding and following the procedures for use of Village Green. Mr. McCarthy will assist coordination with the Police Department.

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OTHER BUSINESS

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NH Municipal Pipeline Coalition recent press release

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Mr. Lynde stated that the press release essentially states that certain affected communities are not in support of the proposed pipeline and have concerns. Mr. McCarthy added that the press release also informs that an attorney was hired to represent the twelve towns making up the New Hampshire Municipal Pipeline Coalition. The coalition hired the same attorney that stopped the pipeline from going through Massachusetts; they are hopeful he will be able to do the same for New Hampshire based on his knowledge and experience with large corporations.

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Mr. Lynde spoke of the recommendation by the Energy Facility Advisory Committee, which was based on current data, that they could not find a basis for the line being in New Hampshire and therefore could not support it at this time. Yesterday the coalition towns had a meeting with Senator Shaheen who listened intently to the concerns of the towns and asked some very pointed questions. He noted Senator Shaheen had already met with representatives from another pipeline proposal called Spectra, which addressed the issue of electricity generating stations. It was believed that their line would run up southern Massachusetts and end in Beverly, MA. Mr. Lynde stated Senator Shaheen indicated she would help in any way possible.

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Citizen request to maintain island in the area of Hobbs Road / Heath Road / Route 38 intersection

Mr. McDevitt told the Board he received a request from a resident to have the overgrown vegetation/brush in the traffic island at the intersection of Hobbs Road/Heath Road at Route 38 cut/removed. It occurred to him this might be a good opportunity for a business owner to maintain the island in exchange for placing a sign in the location. Mr. Leonard suggested involving the Economic Development Committee to inform of the opportunity and set maintenance guidelines for appropriate plantings etc.

Until other options become available, it was suggested to have the Highway Department trim the area. Mr. McCarthy will task the Highway Department to clear the shrubs. He told the Board that the traffic islands in front of Citizen Bank and Rite Aid would be cleaned and mulched by A Handy Company within the next week. The appropriate company sign will be installed.

Well water testing advisory

Mr. Lynde included this agenda item because there were areas in Town with a history of arsenic as well as radon gas. The advisory is that residents should have their water tested occasionally. The advisory will be included on the Selectmen's website.

Budget Committee Schedule for 2016 Town & School budgets

The Selectmen were provided with a copy of the Budget Committee review schedule.

Mr. McDevitt questioned if the Budget Committee chose where site walks are conducted. Mr. Viger replied at the time the Budget Committee conducted their site walk the Selectmen had already done their budget review and knew what areas would have budget requests. If departments had particular areas of concerns they also put in a request. Mr. Viger noted the site walk is typically coordinated with everyone.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Viger discussed the New Hampshire Saves Rebate Program for the Town's lighting. He explained as people paid into the plan funds become available for financing. Because of this Pelham was notified there was \$11,790 available for financing. The eligible buildings were reviewed. It was then determined that A) all lighting in the Senior Center could be updated, or B) Transfer Station and Highway Department could be updated. With further review it was learned that the Transfer Station doesn't turn their existing lights on in certain areas because they were either burned out or highly inefficient lighting. Mr. Viger provided a cost breakdown and financing schedule. Moving forward with update/replace at the Transfer Station and Highway Department, he pointed out that the Town would be responsible for \$2,733.50 for the Highway Department and \$8,894.50 for the Transfer Station, which amounts would be financed over 48 months in the electric bill. The outlay would be approximately \$23,000. Mr. Viger stated that the rebate funds were always available; the 50% financing wasn't available previously, but was now because of others paying into the plan.

Mr. McDevitt reminded the public even though there was an initial cost to the Town, it would be recouped through decreased electric bills. Mr. Viger stated the Transfer Station would show an initial increase to their electric bill because they currently don't turn their lights on.

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244 Mr. Viger told the Selectmen that an answer was needed by 9am June 24th, or the funds would be
245 given to another community. To address the concern about the bidding process, he felt if they were
246 able to move forward with the two small portions of the project, it would then allow time to create a
247 bid process going forward. Mr. Leonard, who originally spoke of his concern about the bidding
248 process, was comfortable proceeding as discussed. He based this on the presented information being
249 prioritized with replacing lighting that currently didn't work.

MOTION: (McDevitt/Viger) To authorize Town Administrator McCarthy, on behalf of the Board of Selectmen to enter into an agreement to take advantage of Liberty Utilities financing of the replacement of lights at both the Highway garage and the Transfer Station.

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

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251 Mr. Lynde gave a report regarding Property Liability Trust ('PLT'), the Town's insurance carrier who
252 was not planning to write any new insurance because of a lack of authority to proceed from the
253 Bureau of Security Regulations ('BSR') under the Secretary of State. He said there had been a lot of
254 activity from the many effected towns. He explained that the cost to PLT to refile would put them at
255 risk of not having enough to meet their commitment to the existing insurance policies with no
256 certainty they would be given authority to go forward. The expert hired by the BSR expressed the
257 opinion that PLT should be allowed to continue writing. The BSR answered "no" to their own hired
258 expert. The expert's testimony essentially stated that the set up an adversarial relationship between
259 the insurer and the regulator. Mr. Lynde said there was pressure to get the BSR to reverse their
260 stance. He will continue to follow the situation and provide updates to the Board.

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262 **REQUEST FOR NON-PUBLIC SESSION**

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MOTION: (McDevitt/Viger) Request for a non-public session per RSA 91-A:3,II, a&e (Personnel; Consideration or negotiation of pending claims or litigation)

ROLL CALL: Mr. Lynde-Yes; Mr. McDevitt-Yes, Mr. Viger-Yes; Mr. Leonard-Yes

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265 It was noted that when the Board returned, after the non-public session, the Board would not take any
266 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
267 meeting. The Board entered into a non-public session at approximately 7:55pm.

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269 The Board returned to public session at approximately 8:25pm.

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

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

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273 **ADJOURNMENT**

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

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

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BOARD OF SELECTMEN MEETING/June 23, 2015

276 The meeting was adjourned at approximately 8:25pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary

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