

1
2
3
4
5
6
7
8
9

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
December 8, 2015
APPROVED – January 5, 2016

10
11
12
13
14
15
16
17

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Harold Lynde, Mr. William McDevitt, Mr. Doug Viger, Ms. Amy Spencer,
Town Administrator Brian McCarthy

ABSENT: Mr. Paul Leonard

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

Mr. Viger stepped away.

November 10, 2015

MOTION: (McDevitt/Spencer) To approve the November 10, 2015 meeting minutes as amended.

VOTE: (2-0-1) The motion carried. Ms. Spencer abstained.

Mr. Viger returned.

November 12, 2015

MOTION: (Spencer/McDevitt) To approve the November 12, 2015 minutes as amended.

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

PUBLIC HEARING

The Pelham Board of Selectmen will hold the 1st of 2 Public Hearings regarding the Town of Pelham's proposed Damage to Private Property Policy. The Pelham Board of Selectmen will review draft and take public comments.

Acting Highway Road Agent Frank Ferreira came forward for the discussion.

Mr. Lynde read aloud the final draft of the proposed Policy. The Board had reviewed initial draft versions during previous meetings. Attached for reference were: 1) U.S. Postal Service mailbox installation guideline, and 2) RSA 231:92 (outlining the liability of municipalities and standard of care).

The Board discussed the language.

Mr. McDevitt referred to Item A, 2nd sentence – "...the right-of-way is often 50ft wide and often thought by property owners to be part of their property." He said frequently it was part of their property. Through a discussion with the Planning Director, he understood the right-of-way was

40 dependent upon how and when a road was laid out. After brief discussion, the 2nd sentence in Item A
 41 was amended to read: "...the right of way is often 50ft wide, 25ft on either side from the center of the
 42 road." The remainder of the sentence, and the following sentence were deleted.

43

44 Mr. Lynde opened the discussion to public input. No one came forward. The Public Hearing was
 45 adjourned to the 2nd of 2 scheduled hearings, January 5, 2016, during which time the Board will take
 46 action.

47

48 **ANNOUNCEMENTS**

- 49 ➤ **Pelham/Windham Pipeline Awareness** – meeting December 15th beginning at 7pm at the
 50 **Pelham VFW to discuss a proposed warrant article to fund legal;**
- 51 ➤ **Board of Selectmen Schedule** – next meeting will be January 5, 2016;
- 52 ➤ **Public Hearing** – January 5, 2016 at 6:35pm the Board of Selectmen will hold the 2nd of
 53 **2 Public Hearings regarding the Town of Pelham's proposed Damage to Private**
 54 **Property Policy. The Pelham Board of Selectmen will review the final draft and take**
 55 **public comments and vote on the Policy as presented;**
- 56 ➤ **Pelham Farmer's Market** – Ceased until Spring, 2016;
- 57 ➤ **Pelham Board of Selectmen** - seeking citizen volunteers for a Highway
 58 **Department/Transfer Station Facility Evaluation Committee. If interested, please fill**
 59 **out a volunteer application to the Selectmen's Office for consideration and interview,**
 60 **Attention Brian McCarthy;**
- 61 ➤ **Trustee of the Trust Funds, Need to fill one vacancy** – Complete Volunteer Application
 62 **and submit to Board of Selectmen;**
- 63 ➤ **Holiday Hours of Operation** –
 - 64 ○ **Christmas Eve, December 24, 2015:**
 - 65 ▪ **Town Offices and Transfer Station/Recycling Center will close at 2pm;**
 - 66 ▪ **Town Clerks Office will closed at 1pm;**
 - 67 ▪ **Pelham Public Library will be closed all day;**
 - 68 ○ **Christmas Day, December 25, 2015 – all Town Offices closed;**
 - 69 ○ **Thursday, December 31, 2015 – Pelham Public Library will be closed all day;**
 - 70 ○ **New Year's Day, January 1, 2016 – all Town Offices closed.**

71

72 **OPEN FORUM**

73

74 No one came forward.

75

76 **APPOINTMENTS**

77

78 **Marie Maruca – Employment Contract Signing**

79

80 Ms. Maruca came forward. Mr. McCarthy provided the Selectmen and Ms. Maruca with the
 81 employment contract for signature. Once it was fully executed, Mr. McCarthy provided Ms. Maruca
 82 with a copy.

83

84 **Interview – Trustee of the Trust Funds appointment for term ending March 31, 2016 – Demetra** 85 **Bergeron**

86

87 Ms. Bergeron came forward to discuss her volunteer application. The position interested her because
 88 she is an attorney in Massachusetts. She's lived in Pelham for over twenty years, owns a home and
 89 would like the opportunity to put her skills and knowledge to use for the Town.

90

91 Mr. McDevitt thanked Ms. Bergeron for coming forward and offering to volunteer. Ms. Spencer
92 questioned how Ms. Bergeron saw her role as a Trustee and what her background/qualifications and
93 area she practiced law. Ms. Bergeron discussed her qualifications and highlighted that she worked for
94 a law office in Hudson specifically in the area of wills and trusts.
95

MOTION: (Spencer/McDevitt) To appoint Demetra Bergeron to the position of Trustee of the
Trust Funds effective December 8, 2015 with the term ending March 31, 2016.

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

96

97 **Acting Highway Agent, Frank Ferreira**

98 ▪ **New Employee Introduction, Matthew Waldron**

99 ▪ **New Street Light Program**

100

101 Mr. Ferreira introduced the new Highway Department employee, Matthew Waldron. He discussed
102 his qualifications and felt he would be a good addition to the existing crew. Mr. McCarthy outlined
103 the interview process and felt Mr. Ferreira had done a great job and agreed that Mr. Waldron would
104 be a good addition to the Town's Highway Department staff. The Selectmen welcomed Mr.
105 Waldron.

106

107 With regard to a new Public Utility Commission ('PUC') LED street light program test, Mr. Ferreira
108 told the Board he's been speaking with Jill Fitzpatrick of Liberty Utilities. He explained that Liberty
109 Utilities had been testing the program and found that it was working well. Liberty Utilities will be
110 applying next year with the PUC to see if they can get it approved. He said the cost of the program
111 would not be known until after 2016, but understood there would be a one-time fee per light to
112 change over to LED.

113

114 Mr. Lynde questioned if they should budget for the program. Mr. Ferreira hoped to find out prior to
115 the next budget cycle. Mr. Lynde believed they might be able to take the cost from the street light
116 budget, since the program would save the Town money. Mr. Ferreira noted the Town had 180 lights.

117

118 Mr. Viger questioned who would be responsible for changing out the physical lights. Mr. Ferreira
119 replied they (Liberty Utilities) would do it, not the Town.

120

121 Mr. Lynde understood that a test program was currently running that would help determine the
122 associated costs. Liberty Utilities will need to go to the PUC to have the final program approved and
123 set the rate. Once they go through that process, if approved, the lights will start being changed.

124

125 Mr. McCarthy questioned if the Town would have a say in which lights were changed out first. Mr.
126 Ferreira understood all the lights in Town would be done if the program was approved. He believed
127 they would have a say for which areas were done first.

128

129 Mr. McCarthy asked that the information be forwarded to Mr. Leonard for review.

130

131 **Attorney Patricia Panciocco of Baroff Professional Association** – to discuss seeking access to her
132 **client's land-locked parcel using a Town-owned lot (former right-of-way Tax Map 16 Lot 13-**
133 **88-4) either as an access easement or by conveyance of the lot for that purpose.**

134

135 Planning Director Jeff Gowan came forward for the discussion.

136

137 Attorney Panciocco came forward on behalf of J & S. Investments, to discuss access to land-lock
138 parcels by using a Town-owned lot off St. Margaret's Drive. She discussed the history of the area,
139 beginning with the initial subdivision (in 1969), and showed the Board subsequent subdivision plans
140 and tax maps to clarify how the present configuration had come to be. Attorney Panciocco's client
141 would like to access a back lot through the Town's 50-ft right-of-way. Her client had spoken to the
142 owner of the back lot (also land-locked) on the opposite side of the Town's right-of-way on how they
143 could work together should the Town be willing to sell the right-of-way to them for access to their
144 lots. She previously made a presentation to the land use boards. She understood that relief from the
145 Zoning Board would be required if the Town was willing to either sell the right-of-way or grant an
146 easement over it. She also understood if the Town's lot was sold in fee to the two abutting lot owners
147 there would need to be a lot line adjustment to place that lot back into private ownership and have it
148 go back onto the tax roll.

149

150 Mr. Lynde asked if the right-of-way was well defined by deed. Attorney Panciocco didn't believe it
151 was, other than as shown on the plan. She noted the Town acquired the lot through tax deed after a
152 prior development, which was a very limited document.

153

154 Ms. Spencer saw there were four parcels that might be affected. Ms. Panciocco replied that lots 13-
155 86 (has frontage on St. Margaret's Drive) & 13-87 (back lot- no frontage) were owned by the same
156 owner (her client) and lots 13-89 (back lot- no frontage) & 13-90 (has frontage on St. Margaret's
157 Drive) were owned by one family; however, each lot was a separate lot of record. She commented if
158 the Selectmen were willing to convey the right-of-way by fee, it would most likely be split up the
159 middle, with half being conveyed to lot 13-89 and half to lot 13-87. Ms. Spencer asked if the right-
160 of-way was physically well defined and currently being used as a driveway/right-of-way. Ms.
161 Panciocco showed photographs of the existing condition, noting that the Town used a portion of the
162 right-of-way as a turn-around for plow trucks etc. Ms. Spencer questioned if either party had any
163 present intention to sell or convey the lots that would have access through the right-of-way. Attorney
164 Panciocco knew of no present intention, but believed the back lots would be conveyed to separate
165 parties at some point in the future. Ms. Spencer questioned if it might make more sense to grant an
166 easement, rather than convey the property, since it was presently being used as a turn-around. She
167 didn't want to impede the Town's ability to clear the street of snow. Attorney Panciocco replied they
168 presumed if the Town conveyed the right-of-way, it would be subject to the Town's turnaround
169 rights, which would be specified in the deed. She said they didn't have any intention of disturbing the
170 Town's turnaround. Ms. Spencer asked if there had been any discussion regarding costs associated
171 with conveyance. Attorney Panciocco replied they hadn't gotten that far in the process. At this point
172 she said it was the decision of the Town whether they had interest in a fee or an easement.

173

174 Mr. McDevitt didn't feel the Town had any compelling interest in the lot or why they would want to
175 keep it. He noted the Conservation Commission agreed the lot had no value. He wanted to ensure
176 they followed the proper procedure that they were required to do. He stated by action of Town
177 Meeting (in the 1950's) the Selectmen had the ability to sell a parcel of land, with the requirement it
178 be done by auction. Another option would be to have a warrant article (in March, 2016) to sell the lot
179 to stipulated individuals for a stipulated amount of money. Either way he wanted to make sure that
180 everyone's interests were protected. Attorney Panciocco reiterated that her client had met with the
181 property owner of the other land-locked lot and had been collaborating to work through the process
182 together. She said they were 'on the same page' and the intent was to allow both lots to access St.
183 Margaret's over the lot, if it was sold.

184

185 Mr. Lynde inquired if the lots were 'buildable'. Mr. Gowan replied if the land was conveyed equally
186 to the two back lots, they would have to seek variance relief for 25ft. of frontage on a Town road. If
187 that variance was given, the owners could then proceed to the Planning Board for lot line adjustment,

188 after which they would be 'buildable' lots. Mr. Gowan felt maintaining an easement would be
189 problematic, as he had never seen the Zoning Board grant a variance for zero frontage. Mr. Lynde
190 wanted to know if the lots were considered valid, buildable lots at the time they were subdivided. Mr.
191 Gowan replied he had to assume they were because they are the appropriate size. Mr. Lynde asked if
192 they met the current requirements for a 'buildable' lot, other than frontage. Mr. Gowan didn't know
193 definitively. He explained that type of determination would need to be made prior to them going in
194 front of the Zoning Board. Mr. Lynde wanted to know the approximate lot areas. Attorney
195 Panciocco believed they were approximately one acre and met Zoning, except for frontage. She
196 understood that preliminary engineering work had been done for lots 13-86 & 13-87. Mr. Lynde
197 didn't believe they wanted to create a Town road because of maintenance etc. He felt the best
198 solution would be to divide the lot for conveyance.
199

200 Ms. Spencer questioned if the intent was to convey the entirety of the right-of-way to one of the two
201 back lots and have the owners work together, or if it was to convey it in equal parts to the owners of
202 lot 13-87 and 13-89. Mr. Lynde felt the Selectmen should require an equal conveyance and stipulate
203 all associated costs are to be borne by the people who would benefit from such. Attorney Panciocco
204 replied they understood. She spoke about a settlement agreement signed by the Superior Court
205 (through a case involving the previous owner) that required the Town to allow lot 13-87 access over
206 the right-of-way. She believed that requirement would be satisfied by conveying the whole right-of-
207 way (in fee) and splitting it equally between the two rear lot owners. She noted that information
208 needed to be disclosed during the process (either by auction or on the warrant) because it was
209 technically an encumbrance on the right-of-way.
210

211 Ms. Spencer questioned if the stipulation was a court order that ran with the owner or the land (into
212 perpetuity). Attorney Panciocco had a copy of the order. She said the 'petitioner' in the case
213 (individual owner of lot 13-86 & 13-87) shall have the right of access that would run with the land.
214 She said it would do so because under the recording standards for real estate titles as well as statutes,
215 court orders relating to title to real estate are supposed to be recorded. Ms. Spencer questioned if the
216 right of access was specified in the order as the 'petitioner/owner of the land' for as long as they
217 owned the property, or if it was the 'owner' of the land in the abstract. Attorney Panciocco replied it
218 related to the real estate title.
219

220 Mr. Lynde suggested if the Selectmen agreed to proceed, they could direct the interested parties to put
221 together the information. Attorney Panciocco assumed that would be the procedure. Mr. McDevitt
222 felt Attorney Panciocco should prepare the warrant article for sale (leaving the dollar figure out at this
223 time) with wording to ensure all owners are protected. Attorney Panciocco said she would do so.
224 She will have the article to the Selectmen by Christmas, which would also provide time for Town
225 Counsel review.
226

227 Mr. Viger questioned if a public hearing would need to be held. Mr. McDevitt believed the warrant
228 article was the 'public hearing'.
229

230 Ms. Spencer felt the conveyance would have to be to both of the back lot owners. She also asked that
231 an easement be reserved for the Town to use as access.
232

233 Procedurally, Mr. McDevitt wanted to know how the lots would meet the requirements of Zoning, if
234 the Town lot was conveyed to the two back lots, and they had no frontage on a Town road. Assuming
235 the warrant article was successful, Mr. Gowan said there would be a lot line adjustment recorded.
236

237 Mr. Lynde stated that the Board supported conveying the property in such a way that both property
238 owners have 25ft of frontage on St. Margaret's Drive. Everyone understood that Attorney Panciocco

239 would work out the details of the warrant article so the language is clear about assigning property to
240 each lot. Mr. Lynde noted that the Board's next meeting would be January 5, 2016, during which
241 they will vote regarding the submission of the article. He said there should be a dollar figure
242 associated with the conveyance with the understanding that there will be no cost to the Town during
243 the process. Attorney Panciocco understood. She thanked the Selectmen for their time.

244

245 **Liberty Utilities – Presentation regarding the expansion of the gas program in Pelham.**

246

247 Mr. Lynde explained that Liberty Utilities approached the Selectmen a while back to indicate they
248 were looking at providing natural gas service to a portion of the Town by tapping into the existing
249 pipelines and establishing a takeout station in the area of Dimetrious Restaurant on Route 38. The
250 lines would run along Route 38, to Willow Street along the length of the road and turn at Marsh Road
251 running in front of the schools to the municipal building.

252

253 Liberty Utility Representatives, Michael Licata, Director of Government and Community Relations,
254 William Clark, Business Development Professional and Richard McDonald, Director Gas Operations,
255 came forward to discuss the proposed expansion program in Pelham. Mr. Licata gave a power point
256 presentation with information on the following:

257

- Overview of Liberty Utilities

258

- Natural Gas Comparison

259

- Costs

260

- System Buildout

261

- Outreach

262

- Safety

263

- Engineering & Operations

264

- Next Steps

265

266 It was noted that the initial system buildout would allow connections to municipal and school
267 buildings. Future system buildout would be based upon potential customer interest and growth
268 opportunities.

269

270 Ms. Spencer commented there was a contingency in Town with some people wanting the North East
271 Direct ('NED') Pipeline and others that didn't want it. She said she attended an information session
272 held in Dracut, MA in early November. During that meeting she asked if Liberty Utilities and the
273 NED had the intention or any contracts with Kinder Morgan for any of the additional capacity coming
274 off of the proposed pipeline. She was told there was a contract in place between Liberty Utilities and
275 Kinder Morgan to access the gas coming off of the proposed pipeline for a number of things, but
276 including the proposed project. Mr. Licata stated that Liberty Utilities had a capacity contract with
277 Tennessee Gas (operator of the NED pipeline, should it be built). That capacity contract is for
278 115,000 dekatherms of gas per day, which was reviewed by the State Public Utilities Commission
279 ('PUC'). He said the reason they entered into the contract was essentially because the Concord
280 Lateral was approaching capacity and their projections show that in the winter of 2016/2017 they
281 would have a deficiency of resources to serve new customers without additional capacity. As part of
282 the review process at the PUC they had to show they evaluated all additional available alternatives
283 and selected the lowest cost, best alternative on behalf of their customers. It was their intention to do
284 the initial buildout regardless of what happened with the NED line.

285

286 Mr. Viger questioned if there would be incentives to change boilers, such as that used in the
287 municipal building, over to natural gas. Mr. Clark answered yes and summarized some of the
288 incentives. He said the Town would have a customer representative providing assistance similar to
289 the representative for electric.

290

291 If everything went as Liberty Utilities hoped, Mr. Lynde questioned when the line would be installed
292 along Marsh Road. Mr. Clark replied they anticipated having a hearing during the first quarter of
293 2016 with the PUC; if they receive approval construction would begin during the summer with the
294 hope of having natural gas available for the municipal building by winter, 2016. Mr. Clark outlined
295 the programs and incentives for consumers.

296

297 Mr. McDonald spoke about gas operations and safety maintained by the Liberty Utilities operation.
298 He summarized their compliance qualifications, public safety and emergency response. With regard
299 to engineering and operations their objective it to build good relationships with State and local
300 municipalities and provide gas operation support.

301

302 Mr. Lynde understood there would be an interaction with the Town as the plan was being put
303 together. He pointed out that the Town had a bridge project 'in the works' with the construction
304 being done after the gas line was installed. He said the drawings for the bridge project were complete
305 and the Town would make the drawings available to Liberty Utilities so they would be aware of any
306 issues, such as that with the Willow Street Bridge being replaced. Mr. McDonald replied they had a
307 public works engineer that would be involved with coordinating.

308

309 Mr. Lynde understood that Liberty Utilities had already filed with the PUC and they would continue
310 with their outreach and work with the Town. Mr. Licata said that was correct. They were available
311 to meet with Town boards and answer any questions. Ideally, they would like an indication of
312 support from the Town. He said the town of Windham provided a letter of endorsement and would
313 welcome the same from Pelham. In terms of the filing Mr. Licata said it was helpful to demonstrate
314 customer interest from the owners of a building whether it be the Town or school. Mr. Lynde replied
315 the Town had been granted intervenor status at the PUC. He said they intended to protect the Town
316 and at the same time work with Liberty Utilities.

317

318 Mr. McDevitt stated the Town had a couple meetings with Pennichuck Water Company regarding the
319 expansion into a couple areas in Pelham where there are needs for water. He said they will expand
320 into Town, but made it clear the Town would have to pay for everything, but at the end Pennichuck
321 would keep the pipes. Mr. McDevitt questioned who would pay for the pipe being proposed in the
322 Liberty Utilities project. Mr. Clark replied the initial buildout would be paid for by entirely by
323 Liberty Utilities. He spoke about being governed by a line extension tariff they had to follow. He
324 explained through the tariff they were allowed to make some assumptions with customers. He
325 discussed the things they reviewed such as a construction analysis for running mains and comparing
326 the offset using distribution charges; typically it's justified to put the services in. Mr. McDevitt asked
327 if it was correct that Liberty Utilities wouldn't have the ability for additional customers if the NED
328 project doesn't go through. Mr. Licata reiterated they would do the initial buildout, but absent the
329 additional capacity they wouldn't be able to continue to grow the system. Mr. McDevitt wanted to
330 know if the PUC would let Liberty Utilities keep the franchise but not do anything with it beyond the
331 initial project. Mr. Clark stated that was correct. Mr. McDevitt questioned what the role would be
332 for the Conservation Commission. Mr. Clark replied they would work with them on sensitive areas in
333 the Town.

334

335 Ms. Spencer questioned if the proposed expansion was being used as justification for the NED
336 pipeline to go through Pelham, or New Hampshire. In response, Mr. Licata said he couldn't speak to
337 what Kinder Morgan says. He stated the proposed project (for Windham and Pelham) was in no way
338 linked to a demonstration of need for the NED. He reiterated that the PUC had approved 115,000
339 dekatherm of gas per day. Mr. Clark added when the formulation was completed to show the need
340 for the 115,000 dekatherms, Windham and Pelham and their other filings weren't used in the analysis.

341
342 Mr. Lynde summarized the discussion. There is a project filed by Liberty Utilities to the PUC, which
343 was proposed to go forward that would bring natural gas into Pelham using the existing pipelines with
344 an initial start regardless of what happens with the NED. He said Pelham looked forward to working
345 with them to benefit the Town with the project. He didn't see that the Town would oppose them at
346 the PUC, but would attend the meetings and would continue the line of communication. Pelham
347 maintains its concerns and opposition to the NED project.

348
349 **OTHER BUSINESS**

350
351 **Review – Response of Pennichuck East Water Supply Interest Letter to Residents in the**
352 **Sherburne Road area.**

353
354 Mr. Lynde stated there were concerns in the Southwest portion of Town with limited water supply,
355 poor water quality etc. A meeting was arranged with Pennichuck Water to see if it was feasible for
356 them to supply water into Pelham. After the meeting they said they could bring it in either from
357 Hudson or from North Pelham, but they couldn't make the investment because it would add a burden
358 to current rate payers. Mr. Lynde said the Public Utility Commission ('PUC') had no problem with
359 the Town doing the project. He said RSA 38 allowed for betterments, therefore letters were sent to
360 residents in the Southwest portion of Town to see if people were interested in supporting a project.
361 There would need to be significant support to make it fiscally workable.

362
363 Mr. McDevitt stated they sent out 250 letters and received 46 positive responses. He was concerned
364 if the project were to go forward, the people who didn't respond would also bear the cost of such. He
365 believed it was critical to schedule a meeting discuss the process and potential cost. He said the
366 Selectmen could only do what was allowed under State law. He said the hard part of the discussion
367 was that there was no obligation on the part of the Board of Selectmen to provide water to individual
368 homes, but what spurred them was the concern for residents. He felt they would need to engage the
369 residents as partners and encourage their involvement.

370
371 Mr. Lynde commented in some of the areas there was more than one issue with the water. One being
372 the availability of sufficient water, another was the concern of arsenic. He said people would have to
373 demonstrate what they would like. The Selectmen will do everything in their power to provide
374 information, layout the process and the costs.

375
376 The Board discussed conducting a meeting with residents and Pennichuck and when it could be
377 scheduled. Mr. Lynde suggested January 12, 2016. He then invited members of the public to speak.

378
379 Mr. Sam Thomas, Litchfield Circle told the Board his house was built in 2008; everything was fine
380 until a development started being built behind them. He said he had expressed concerns on a number
381 of occasions to the Planning Board about the development and was concerned about the future of the
382 water. Mr. Thomas explained to the Board that he worked in the water pipeline industry and wrote
383 standards for coding, pipes etc. therefore he had knowledge about designing and building pipeline
384 systems. He reiterated his concern about the availability of water.

385
386 Ms. Stephanie Laurin, resident in the Sherburne Road area, told the Board she originally moved to
387 Pelham in 1991 to a home on Mammoth Road. They sold that house (2001) so they could live in a
388 development as opposed to living on a main road. When they moved into their new home the water
389 was tested (Policy Well) and everything was fine. Three days after, they had no water and found out
390 that the previous owner had been filling their well with water. Over the next six years they spent over
391 \$10,000 and had three wells on their land but none of them worked properly; they get less than one

392 gallon per minute and ran out about once a month. She spoke of the difficulties they've endured
393 because of such. There are area neighbors who have the same problems. Ms. Laurin didn't know
394 what could be done to fix the problem but would like it addressed.

395

396 Mr. Lynde replied the Selectmen wanted to help, but had to have the numbers to do so. He said there
397 was a pathway to getting Pennichuck into the areas, but the issue was cost and the sharing of the cost.
398 He was disturbed that the situation was allowed to happen and felt it should be rectified so it didn't
399 happen anymore. The Selectmen will work with residents, but there would need to be support from
400 the residents.

401

402 Ms. Laurin agreed there needed to be support. She pointed out that the Town kept allowing houses to
403 be built in the area, which meant more water was being taken and the existing residents had less and
404 less water. She said there was not enough water in the area to support the expansion of development.
405 She felt the Town should support the existing houses and not continue to build new ones.

406

407 Mr. McDevitt respected the fact that the discussion was an emotional issue, which was the reason the
408 Board sent the letter to residents. He spoke of the laws, most of which were heavily tilted toward
409 people being able to build. In general, if a developer can demonstrate that they meet the Department
410 of Environmental Services standards for wells in a development they're building, the Town cannot
411 stop them because of something that has, or may happen a distance away unless demonstration could
412 be made that building a development had caused other people's wells to dry up. Mr. McDevitt spoke
413 to one of the developments off Sherburne Road. He said they had put two wells in that Pennichuck
414 Water was acquiring. He spoke of situation and felt it would be better to discuss ways to get water to
415 residents, rather than spend money trying to prove why they didn't have water. Ms. Laurin
416 questioned why Pennichuck could help the new development, and not existing residents in the area.
417 Mr. Lynde replied the new development handed them a water system. Mr. McDevitt said the
418 dilemma was if Pennichuck provided water to the area, not everyone would be required to tie-in, but
419 they may be required to pay for it. He noted the list of people who received the interest letter was a
420 public record and suggested the affected residents reach out to those who haven't yet responded.

421

422 Mr. Lynde advised that the Selectmen could establish a betterment district, but it would need to go to
423 Town Meeting for approval of a bond.

424

425 Mr. Thomas questioned if they could have a copy of the list so the people could be contacted. Mr.
426 Lynde replied it was a public document. Mr. McCarthy stated he would create a redacted list for any
427 citizen that would like a copy. After brief discussion it was noted that he would mail Mr. Thomas a
428 copy of the redacted list.

429

430 Mr. Lynde said time line would be to bring something to the 2017 Town Meeting. An initial meeting
431 with residents and possibly Pennichuck Water was tentatively scheduled for January 12, 2016;
432 however, it was noted that residents (in the area) would receive a letter of the exact date. Mr. Lynde
433 noted that Town Counsel would draft a 'road map' of the process for the Town. He asked if there
434 was any objection to spending money to have it drafted. There was no objection. Mr. McCarthy will
435 take the lead on this.

436

437 **Request – Canning (fundraising) at the Transfer Station/Recycling Center**

438

439 Mr. Lynde stated there was a group who requested permission to ask for donations at the Transfer
440 Station location. There was a brief discussion about the request. Mr. McDevitt felt it would be a bad
441 idea to allow canning at the Transfer Station because of safety concerns with the traffic flow. Mr.
442 Viger and Ms. Spencer agreed with Mr. McDevitt. The Selectmen denied the request.

443

444 **Request – for Warrant Article for 2016 Town Meeting**

445

446 Mr. Lynde stated that the New Hampshire Community Rights Network asked that the Town consider
447 placing an article on the ballot for ‘local control’. No one was present to speak to the request.

448

449 Mr. McDevitt read aloud the request. He was not in favor of the proposal and spoke of how it could
450 create chaos by having inconsistent local standards.

451

452 Mr. Lynde noted people were free to submit a petition article, but in this instance it was a request for
453 the Selectmen to include an article.

454

455 The Selectmen were not in favor of the proposed article.

MOTION: (Viger/McDevitt) To NOT support the article.

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

456

457

458 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

459

460 The Selectmen deferred discussion regarding the Memorandum of Understanding relative to legal
461 expenses for Planning Board and Zoning Board of Adjustment. Mr. McCarthy told the Board he sent
462 a response to interested parties requesting additional information, but had not heard back from them.

463

464 Mr. McDevitt congratulated Pelham Community Spirit for a very successful Festival of Trees event.

465

466 Mr. Lynde asked Mr. McCarthy to review the issues brought up about certain roads during the
467 November 10th meeting and discussion with Planning Director Jeff Gowan in relation to Highway
468 Safety Committee recommendations. Mr. Lynde reported that he and Mr. McCarthy met with Police
469 Chief Joseph Roark and Fire Chief James Midgley relative to protocols when a person over doses and
470 is taken to the emergency room. Both departments would like an outreach to follow up with
471 individuals for advice and possible treatment. He will keep the Board informed of the on-going
472 discussions and status.

473

474 Mr. McCarthy summarized the meeting action item(s) as follows:

475

476

477

478

479

480

481

482

483

484

485

486

487

Ms. Spencer questioned if an agenda item should be scheduled to discuss the land off St. Margaret’s
Drive (as reviewed earlier in the meeting with Attorney Panciocco). Mr. McCarthy believed Attorney
Panciocco indicated she would submit information prior to the end of the year. He will task Planning
Director Jeff Gowan to follow up.

488 Mr. McDevitt suggested that the initial meeting with residents regarding water be informal (1 or 2
489 Selectmen, not an official meeting, not televised) to provide some assurance of privacy for the
490 residents.

491 With the suggestion in mind, Mr. Lynde asked Mr. McCarthy to follow through with scheduling a
492 meeting.

493

494 **REQUEST FOR NON-PUBLIC SESSION**

495

MOTION: (Viger/Spencer) Request for a non-public session per RSA 91-A:3,II, a & c
(Personnel; Matters which, if discussed publicly, would affect adversely the
reputation of any person)

ROLL Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Spencer-Yes

CALL:

496

497 It was noted that when the Board returned, after the non-public session, the Board would not take any
498 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
499 meeting. The Board entered into a non-public session at approximately 9:15pm.

500

501 The Board returned to public session at approximately 10:51pm.

502

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

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

503

504

505 **ADJOURNMENT**

506

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

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

507

508 The meeting was adjourned at approximately 10:51pm.

509

510

511

512

Respectfully submitted,
Charity A. Landry
Recording Secretary