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**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
September 27, 2016  
APPROVED – October 11, 2016**

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**CALL TO ORDER** - approximately 6:30PM

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

ABSENT: Ms. Amy Spencer, Mr. Paul Leonard

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**PLEDGE OF ALLEGIANCE**

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**MINUTES REVIEW**

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**September 20, 2016**

**MOTION:** (Lynde/McDevitt) To approve the September 20, 2016 meeting minutes as written.

**VOTE:** (3-0-0) The motion carried.

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**ANNOUNCEMENT**

- Pelham Farmer's Market – Open every Wednesday 3pm-7pm on the Village Green. If it's raining, it will be held inside the Municipal Building, using the center entrance between the Town Offices and the Police Department;
- Public Hearing Notice: Per RSA 36-A, the Pelham Board of Selectmen will hold second of two public hearings on Tuesday, October 11, 2016 and October 11, 2016 at 6:45pm in Sherburne Hall, 6 Village Green, Pelham, NH regarding a proposal to purchase approximately 30 acres defined as Map 2 Lot 5-72, 44 Gibson Road to be acquired for use as conservation land;
- Pelham High School Grand Opening Celebration – Saturday, October 8, 2016 – Festivities begin at 11:30am in the PHS Gym. Bus shuttle available from Town Hall to the School from 10:15am to 2:15pm
- Pelham 2016 Button Up Shop – A free home energy workshop will be held on Thursday, October 6, 2016 at Sherburne Hall. Doors open at 6:30pm. Learn how to save energy in your home. For more information visit: [www.MyEnergyPlan.net](http://www.MyEnergyPlan.net)

**OPEN FORUM**

No one came forward.

**APPOINTMENTS**

**Discussion** – Mr. and Mrs. Carver, Greenwood Terrace – Discuss a lot line adjustment on a section of Town owned land from the Senior Center property (Map 22 Lot 8-143)

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Ms. Carver told the Board they were interested in a small strip of land to make their lot a little larger. She brought a copy of the Warranty Deed detailing the dimensions.

Mr. McDevitt believed the procedure for the Town to transfer property was through Town Meeting. He stated the Board of Selectmen didn't have the legal right to do so. He suggested speaking to Town Counsel to find out if there was some other way to offer an abutter protection (i.e. buffer) that didn't involve a sale or lot line change. Mr. Lynde questioned if an easement could be granted. Mr. McDevitt didn't believe they could without Town Meeting approval.

Mr. Viger told Mr. & Mrs. Carver the Board would review the process and ask Mr. McCarthy to be in contact with them. Ms. Carver explained they were making the request to allow for an alternate location for their septic in the event their existing system failed. The area represented approximately 30ft. Mr. Carver told the Board they had no objection to purchasing the area. Mr. McCarthy replied he would speak with Town Counsel and respond back to the Board and the Carvers.

Ms. Carver questioned if they would be allowed to put their septic on an easement. Mr. McDevitt replied it would depend how the easement was defined; there are many reasons people have easements.

Mr. McCarthy will remain in contact with the Carvers.

**Discussion – Mr. Bob Gleason, 7 Little Island Park – Discuss land value regarding his request to purchase Town-owned land Map 24 Lot 12-67, Honor Roll Road (a non-buildable lot)**

Mr. Viger noted during the Board's previous meeting they had a discussion with Mr. Gleason who was interested in purchasing Town-owned land abutting his parcel to allow him to place either his septic or leach field on the lot. He understood Mr. McCarthy had a conversation with the Assessing office. The Board was provided with a tax card for Mr. Gleason's property and for the abutting lot. There was some question regarding the assessed value listed on the card that may have been the result of the lot numbers being reversed. Mr. McCarthy told the Board he would speak with the Assessor to confirm the number and get an average assessment.

**PUBLIC HEARING - Per RSA 36-A, the first of two public hearings regarding a proposal to purchase approximately 30 acres defined as Map 2 Lot 5-72 (44 Gibson Road) to be acquired for use as conservation land.**

Conservation Commission Chairman Paul Gagnon came forward to discuss the proposal to acquire approximately thirty acres on Gibson Road. The parent parcel contains 33 acres and is located off Keyes Hill Road; the east side abuts Raymond Park and the west side abuts Gibson Road. The existing home will be subdivided off with approximately 1.5 acres. The owners of the parent parcel are selling approximately 2.5 acres to the abutters to the south (Pelham is not involved with this transaction). The remaining 29 acres will be divided into two pieces. The west side (18 acres) will be purchased fee simple and added to Raymond Park. Mr. Gagnon noted the area is beautifully wooded with almost no wetlands. He explained they took a 50-ft strip through to Gibson Road to allow a westerly access into Raymond Park intended (at this time) for emergency vehicles or timber harvest activities. The remaining 11 acres is currently being farmed by Smith Farm and would continue to do so. Mr. Gagnon stated the Town would purchase the development rights; the sellers retain agricultural rights. He told the Board the total offer price is \$200,000 (approximately \$7,000 per acre) for the 18 acre (fee simple) and the 11 acre development rights.

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Mr. Gagnon told the Board the Planning Board granted an approval (conditioned upon Selectmen approval) for the subdivision for the existing house (with 1.5 acres) and the lot line adjustment to attach the 2.5 acres to the abutter's parcel and to expand Raymond Park to include the additional 18 acres. He noted they Planning Board unanimously voted to recommend that the Selectmen acquire the parcel. Mr. Gagnon noted a complete information package had been done for the proposed purchase that included meeting minutes, maps, Planning Board letter, acquisition checklist etc.

Mr. Viger opened the hearing to public input. No one came forward.

Mr. McDevitt noted that there had always been an indication from residents to maintain the rural character of the Town. He said although the property was accessed through Hudson, the acquisition of the land and having it stay agricultural would help maintain the rural character of the area. Mr. Gagnon told the Board that the Planning Board was happy to see the property acquired to keep it from being developed as the access was through another town. He also told the Board he learned about a 1995 warrant article that set aside \$5,000 for a conservation easement that had not been done since that time. He said they would be using that money to pay for the surveying and legal fees.

Mr. Viger announced the second of two public hearings would be held Tuesday, October 11, 2016 at 6:45pm in Sherburne Hall. Mr. Gagnon noted the vote for the acquisition would be Tuesday, October 25, 2016 during the Selectmen's meeting.

**APPOINTMENTS CONTINUED**

**Reappointment – Mr. Paul Zarnowski – Reappointment as Deputy Health Officer**

Mr. Zarnowski came forward to discuss his reappointment. He described the duties of the Deputy Health Officer and activities he was involved with. He outlined how situations were resolved.

**MOTION:** (Mr. McDevitt/Lynde) To reappoint Paul Zarnowski as the Deputy Health Officer for a term of three years 2016-2019.

**VOTE:** (3-0-0) The motion carried.

**MOTION:** (Mr. McDevitt/Lynde) To authorized Town Administrator McCarthy to sign the agreement with Mr. Zarnowski.

**VOTE:** (3-0-0) The motion carried.

Mr. Viger noted that Mr. Zarnowski would be standing in as the Health Officer until one is appointed.

**Driveway Permit – Mr. Steve Paquette with Planning Director Jeff Gowan – Hildreth Street Driveway Permit**

Mr. Gowan commented that the same request had come in front of the Selectmen for the abutting property a couple years ago. He explained there was no evidence of Hildreth Street ever being closed to gates and bars and never maintained by Pelham. He provided the Board with a draft agreement that limited municipal responsibility of the Town. Although the document had not been reviewed by Town Counsel, it was the same document used for the abutting property that had the same set of circumstances.

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139 Mr. Paquette stated he had come in front of the Board approximately two years ago with a similar  
140 application. He stated there were two existing lots of record at the end of Hildreth Street. He noted  
141 he had gone in front of the other Town boards prior to attending the meeting and received a variance  
142 from the Zoning Board to construct a residential home in the industrial zone. The Conservation  
143 Commission approved a wetland crossing of approximately 24ft. wide. He noted he was able to have  
144 the electricity and cable hook up coordinated. Mr. Paquette told the Board he had lived in the area his  
145 entire life and a Pelham resident for 25+ years. He explained that the Hildreth Street property had  
146 special meaning and was the area his family had always been. He noted that the two-family home he  
147 previously constructed was for his daughters and the proposed home would be his final home. He  
148 hoped the Board would sign the driveway permit to complete his application.

149

150 To summarize, Mr. Paquette explained that Hildreth Street ended at the Dracut, MA/Pelham, NH  
151 line. The lot in question contained approximately four acres and was located to the rear of the  
152 existing home he built previously. Mr. Gowan told the Board he couldn't sign a Building Permit to  
153 build any structure on a Class VI road; only the Selectmen had that ability. He confirmed that Mr.  
154 Paquette received a variance to cross the wetland. He said the liability agreement would need to be  
155 signed. He told the Board that Mr. Paquette had followed all the necessary steps. He noted he would  
156 instruct the installation of street signs and directional signs for emergency responders.

157

158 Mr. Lynde asked if there was an existing house on the property. Mr. Paquette answered no. He said  
159 the lot in front of the Board was unbuilt. He intended to construct a duplex, which would be located  
160 in Pelham and accessed through Hildreth Street in Dracut, MA. Mr. McDevitt spoke about the  
161 agreement for release of liability, which removes from the Town the responsibility of maintenance  
162 and names Mr. Paquette and others (including Dracut, MA) as being required to maintain access to  
163 the property and other responsibilities. Mr. Paquette also understood there would be no mail delivery  
164 and would have a post office box in Pelham.

165

**MOTION:** (Lynde/McDevitt) To approve a driveway permit for Steve Paquette of SPL  
Development Group for the property on Hildreth Street (Map 40 Lot 60-160-1)

**VOTE:** (3-0-0) The motion carried.

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167

168 **Discussion** – Attorney Panciocco / Norton Family regarding the purchase of Town owned land  
169 **Map 24 Lots 12-76 and 12-77**

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171 Attorney Panciocco was not present. Mr. McCarthy told the Board he received an email confirming  
172 Attorney Panciocco would be present and bring a sample warrant article. He said he would reach out  
173 to her tomorrow.

174

175 **OTHER BUSINESS**

176

177 **Discussion** – On implementing of water ban (“Town of Pelham Watering Restriction”)/public  
178 **hearing/using Fire Department water for residents.**

179

180 Mr. McCarthy stated in April, when the Board began discussing a potential voluntary water ban, he  
181 asked Attorney John Ratigan to provide information for what the Town could/could not do. He gave  
182 the Board a copy of Attorney Ratigan's response. He also gave the Board a draft Town of Pelham  
183 Watering Restriction Policy that had been vetted by Attorney Ratigan. The State has declared the  
184 area as being in a severe drought. Mr. McCarthy said Salem, NH had enacted a similar policy and

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185 created door knob tags ('door knockers'). In Salem they have a Water Department who enforces the  
186 policy.  
187

188 Mr. McDevitt said the question was raised as to how the School District would be affected if the  
189 Town enacted a water ban. He said the Statute specifies 'residential'; the School District is not  
190 'residential'. He knew the School had agreed to a reduction of water use. Mr. McCarthy said they  
191 adjusted their water schedule. Mr. Viger noted the Town had no purview over the School, they have  
192 their own board. He said the Selectmen could make recommendations for what the Town would be  
193 doing. He said the schools were on Pennichuck Water. Mr. McDevitt replied if the Town enacted a  
194 ban, it would apply to Pennichuck. He said he would rather leave it at the Town not having oversight  
195 over the School District. Mr. Viger replied Pennichuck reserved the right to impose restrictions.  
196

197 Mr. McDevitt felt the Board should act on the water ban given there was a severe drought and both  
198 the Governor's office and the weather service had indicated there was no end in sight. He's heard  
199 more and more about people in Town having dry wells. He believed the Board had to act on behalf of  
200 the community. Mr. Viger noted the first hard frost was most likely within the next two months and  
201 people may not be using their sprinklers as much; grass will go dormant soon. Mr. Viger believed  
202 they could impose the ban and not put a lot of people at risk of losing their lawns.  
203

204 Mr. Lynde believed the Board effectively agreed to have a water ban during their last meeting. Mr.  
205 McCarthy explained if the Board accepted and adopted the policy it would be sent to the press. By  
206 Statute, three days after print the ban would be in effect. Mr. Viger questioned who would issue the  
207 penalty schedule. Mr. McCarthy replied Code Enforcement would be the primary enforcement; if  
208 there was something unusual there was a provision for the Police Department to take action. Mr.  
209 McDevitt felt the penalties echoed what other communities were doing.  
210

211 Mr. McDevitt made a motion to institute a ban on residential lawn watering as authorized by RSA  
212 41:11-D. Mr. Lynde seconded for discussion. He questioned if they should note that the motion  
213 superseded the motion made during their meeting of September 20, 2016, which was less restrictive.  
214

**MOTION:** (McDevitt/Lynde) To supersede the motion made during the September 20, 2016  
Board of Selectmen meeting and institute the Town of Pelham Watering  
Restrictions as authorized by RSA 41:11-D, effective October 4, 2016, which  
restricts residential lawn watering and outlines penalties for such.

**VOTE:** (3-0-0) The motion carried.

215  
216 It was reiterated that three days after an official posting the Town Watering Restriction would be in  
217 effect. There was a brief discussion regarding using door knob tags ('door knockers') as a 'verbal'  
218 warning. Mr. McCarthy will order the tags with appropriate language.  
219

220 Mr. McDevitt stated it was not their intention to fine anyone. He noticed that many people had  
221 cooperated with the voluntary water ban.  
222

**Bid Award – Sherburne Hall automatic door bid award**

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225 Mr. McCarthy told the Board on Monday, September 12, 2016 he met with Marie Maruca in  
226 reference to unsealing request for proposals for automatic doors between the municipal building and  
227 the Police Station. He discussed the bid process and stated they received four bids. He recommended  
228 awarding the bid to the lowest qualified bidder, Brussard General Contractors for the amount of  
229 \$5,715.

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**MOTION:** (Lynde/McDevitt) To award Brussard General Contractors the cost of \$5,715 for the purpose of adding automatic doors to the Town Hall.

**VOTE:** (3-0-0) The motion carried.

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233 **Discussion – Town Property Signage Policy – continued discussion**

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235 Deferred.

236

237 **Energy Audit of Municipal Building – NH Saves Seminar**

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239 Mr. McCarthy told the Board he attended a seminar from NH Saves, which is the group that works  
240 with Liberty Utilities who have grant programs for updating lights and heating systems. He said the  
241 Town had been involved with them to update lights at the Transfer Station and Highway Department.  
242 He said he learned a lot, including the importance of the ‘tightness’ of a building. Mr. McCarthy said  
243 there had been discussions about updating the municipal building heating system with the gas line  
244 coming into the area and felt it would be wise to have an energy audit done to ensure the building  
245 wasn’t compromised.

246

247 Mr. McCarthy recommended having an in depth energy audit conducted as NH Saves has a grant  
248 program that would reimburse the Town for half the cost. Mr. Viger felt the Town could spend a  
249 small amount of money to make great improvements that would save more money with the equipment  
250 upgrade.

251

252 Mr. Lynde asked if a proposal would be drafted for the audit. Mr. McCarthy replied his goal was to  
253 put together an RFP and allow the companies to conduct a site walk and create a bid for the energy  
254 audit. Mr. Viger questioned if there was value in bringing it to Budget Committee during  
255 reconsideration of the 2017 budget. Mr. McCarthy mentioned it to the Budget Committee who was  
256 very happy the Town was looking to possibly doing it. Mr. Lynde asked when he wanted to do the  
257 audit. Mr. McCarthy said he’d like to do it as soon as possible. He said some of his projects had  
258 come in under budget and there was time to possibly have it done. He would like to have an RFP  
259 done. The Board supported putting an RFP out. Mr. McDevitt said if they had money available, they  
260 could encumber money into next year. Doing so will give the Town the opportunity to do some wise  
261 planning.

262

263 Mr. McCarthy had information for companies that commonly conducted audits and will put together  
264 an RFP.

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266 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

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268 Mr. McDevitt reminded the public that on October 3, 2016 Mr. Charles Head would be attending the  
269 Planning Board meeting at 7pm in Sherburne Hall. Mr. Head will address the Selectmen’s  
270 recommendation to conduct hydrogeology studies to understand the impact on existing wells from  
271 proposed new wells and new developments.

272

273 Mr. Lynde stated that Pelham Community Coalition tries to support programs within the schools to  
274 help raise awareness. He said a presenter came with two people in recovery and made presentations  
275 to the High School health class. The presentation was well received and had quite an impact. Mr.

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276 Lynde said he had a brief conversation with the Fire Chief who indicated that the incidents with  
277 overdose in the Town had dropped.

278

279 Mr. McCarthy reported that the Town had concluded budget review with the Budget Committee. The  
280 review went well and the committee seemed happy with the presentation.

281

282 **REQUEST FOR NON-PUBLIC SESSION**

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

**ROLL** Mr. Viger-Yes; Mr. Hal Lynde-Yes, Mr. McDevitt-Yes

**CALL:**

284

285 It was noted that when the Board returned, after the non-public session, the Board would not take any  
286 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
287 meeting. The Board entered into a non-public session at approximately 7:58pm.

288

289 The Board returned to public session at approximately 8:34pm.

290

291 No motion was made to seal the non-public meeting minutes.

292

293 **ADJOURNMENT**

294

**MOTION:** (Lynde/McDevitt) To adjourn the meeting.

**VOTE:** (3-0-0) The motion carried.

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296 The meeting was adjourned at approximately 8:34pm.

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298

Respectfully submitted,

299

Charity A. Landry

300

Recording Secretary

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