1 2 3 4 5 6 7 8	APPROVED TOWN OF PELHAM BOARD OF SELECTMEN MEETING MINUTES March 28, 2017 APPROVED – April 11, 2017				
9 10	CALL TO ORDER - approximately 6:30PM				
11	PRESENT:	Mr. Doug Viger, Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer, Mr. Paul Leonard, Town Administrator Brian McCarthy			
	ABSENT:	None.			
12 13 14	PLEDGE OF ALLEGIANCE				
15 16 17	MINUTES REVIEW				
18	<u>February 28, 2017</u>				
	MOTION:	(Spencer/McDevitt) To approve the February 28, 2017 meeting minutes as amended.			
19	VOTE:	(5-0-0) The motion carried.			
20	March 4, 2017				
	MOTION:	(Spencer/Lynde) To approve the March 4, 2017 meeting minutes as amended.			
	VOTE:	(5-0-0) The motion carried.			
21 22 23 24 25 26 27 28	 ANNOUNCEMENT ▶ Parks and Recreation is taking registrations for a number of programs. For more information, please go to our website at: http://www.pelhamweb.com/pelham-parks-and-recreation ▶ Easter Egg Hunt on Village Green, Saturday April 8, 2017 from 11am-1pm. Please contact Parks and Recreation for more information; 				
29 30 31	Pelham Farmers Market will resume Wednesday, May 3, 2017 from 3pm to 7pm. Please co and shop from our local vendors and enjoy the live entertainment.				
32 33 34	OPEN FORUM No one came forward.				
35 36 37	ELECTION OF OFFICERS				

- Mr. Viger suggested the Board hold off appointing representatives to the various boards and committees until the next meeting so they could compose a complete list of positions. Mr. McDevitt agreed, except if there was an upcoming board meeting prior to the Selectmen's next meeting. It was noted that the
- Planning Board had a scheduled meeting within the week. Mr. McDevitt commented that the Planning
- Board appointment ran co-terminus with a Selectman's term. He was previously the representative,

but was now beginning his new term as Selectman.

MOTION: (Lynde/Spencer) To appoint Doug Viger as Board of Selectmen Chairman.

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

MOTION: (McDevitt/Spencer) To appoint Harold Lynde as Board of Selectmen Vice Chairman.

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

Mr. Viger asked the Board if they wanted to consider an appointment to the Planning Board. Mr. Leonard replied although he would like to volunteer for the Planning Board, his schedules didn't permit him to do so. He made a recommendation for Mr. Viger to serve as the representative. Mr. Viger appreciated the recommendation, but declined. He believed Mr. Lynde was looking forward to representing the Selectmen. Ms. Spencer made a motion to appoint Mr. Lynde as the Board's representative to the Planning Board.

Mr. Viger appointed Mr. Lynde as the Board of Selectmen Representative to the Planning Board.

APPOINTMENTS

<u>Volunteer Application</u> – Diane Chubb – Zoning Board Alternate

Ms. Chubb introduced herself to the Board. Mr. Viger stated the Board appreciated her stepping forward to volunteer

Mr. Lynde stated the Board of Adjustment could be difficult at times. He said the law states a 'hardship' has to be with the land, not a person's situation. He asked if she had reviewed the five variance requirements. Ms. Chubb replied she was looking forward to learning. Mr. Lynde explained there are times when a person wants to subdivide a lot, but they can't meet the required 200ft. of frontage. He wanted to know if she felt having a 50ft. frontage, where 200ft. is required, was keeping with the spirit and intent. Ms. Chubb answered no. Mr. Lynde spoke about the Zoning Board's function.

Mr. McDevitt told Ms. Chubb that the State (New Hampshire Municipal Association) offered webinars and seminars and asked that she look into attending. Ms. Chubb replied she would be looking to Zoning Board Chair David Hennessey to point her in the right direction.

Ms. Spencer saw that Ms. Chubb was an attorney and questioned how her experience would bear on the position. Ms. Chubb stated more than being an attorney, she had 12year old twins and moderates the Pelham Facebook page. She has eighteen years of experience as an attorney and understood situations were always a balancing act and coming as close to getting people what they want while at the same time serving the law.

MOTION: (Spencer/Lynde) To appoint Diane Chubb as an alternate to the Zoning Board of Adjustment per RSA 673:6, with a three year term expiring March 31, 2020.

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

 <u>PUBLIC HEARING</u> – In accordance with RSA 675:7 the Pelham Board of Selectmen will hold a Public Hearing on March 28, 2017 at 6:45pm in Sherburne Hall, 6 Village Green, Pelham, NH to consider accepting the following roads as Class V Public Highways in accordance with RSA 674:40-a.

- 1) All of Frontier Drive, approximately 900ft. portion of Brandy Lane (between its former cul-de-sac at Lot 36-10-11 and its intersection with Frontier Drive);
- 2) Mulberry Lane (from its former cul-de-sac at Lot 24-12-44-22 to its new cul-de-sac termination point at Lot 31-24-43;
- 3) Cobblestone Lane (from its intersection with Mulberry Lane to its cul-de-sac termination point of Lot 24-12-43-22);
- 4) All of Harmony Lane.

Planning Director Jeff Gowan explained the voters approved a process several years ago that gives the Selectmen the authority to accept roads. He stated the named roads were within several projects where the roads were finished and had 'wintered' over. The Highway Road Agent and Keach Nordstrom's Inspector Jeff Quirk (Planning Board's engineering review firm) have walked the roads and reviewed for any issues. The three projects met the criteria. He noted the Highway Safety Committee has also recommended the roads be accepted. The Selectmen were provided with letters of recommendation from the Planning Board, Highway Safety Committee and Keach Nordstrom. Mr. Gowan displayed maps showing the locations of the roads. He recommended if the Board was inclined to accept the roads, it be done subject to the deeds being presented to the satisfaction of the Planning Department and Town Counsel. Once the deeds have been submitted, they will be recorded and the remaining bond released.

Mr. Lynde questioned why Mulberry Lane couldn't connect with Lannan rather than being a cul-desac. Mr. Gowan replied it had been reviewed and was the topography was incredibly steep and far in excess of a 10% grade. He noted Lannan itself was a 12% grade.

Mr. Viger open discussion to public input. No one came forward.

MOTION: (Spencer/Leonard) To accept the roads as listed, with Mr. Gowan's amendement – subject to deeds coming in and being approved by Town Counsel.

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

Volunteer Application – Brenden Decelles – Forestry Committee

Mr. Decelles introduced himself to the Board.

- Mr. McDevitt commented that Mr. Decelles was a neighbor and they had a number of conversations over the years about community involvement. He and Mr. Decelles attended the last Forestry Committee meeting. There was a mutual admiration between the committee members and Mr. Decelles
- because of his interests. The committee was enthusiastic about the possibility of him becoming a
- member.

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125	Mr. Decelles spoke about his reasons for wanting to join the committee. He's always thought that the
126	Town's open spaces were the greatest assets. He said he would help the committee any way he could

Mr. Leonard saw in the application that Mr. Decelles would like to find a way for groups like New England Mountain Bike to integrate and questioned if he would do the same to other Town groups. Mr. Decelles answered yes. He would like to reach out to other groups that wanted to use the open spaces. He discussed the NE Mountain Bike group and explained that they like to put trails in (where allowed) and thought they would be great for the Town.

Ms. Spencer liked the information in his application about reaching out through social media and apps. She said there were a lot of people in Town who didn't know about the tremendous resources or how to access them. She questioned how he would go about doing so. Mr. Decelles replied the NE Mountain Bike Association had a lot of their maps listed on their website. He noted there were inexpensive ways to build computer applications and he was familiar with the process.

Mr. Lynde asked if there were any concerns about mountain bikes degrading the walking trails and if there was a criteria used for the trails. Mr. Decelles believed most of the time walking and mountain bike trails coexisted very well. Mr. McDevitt pointed out that mountain bikes were peddle bikes and had no motors on them.

- **MOTION:** (McDevitt/Lynde) To appoint Brendan Decelles to the Forestry Committee for a three year term expiring March 30, 2020.
- **VOTE:** (5-0-0) The motion carried.

OTHER BUSINESS

Update – Bridge Projects / Quantum Engineering

Mr. McCarthy told the Board he spoke with Lisa Martin and Jim Bouchard of Quantum and understood the next stage of the process was to obtain easements from abutters in the area of the Willow Street bridge. They are also waiting for spring conditions for the metal guardrail study. He stated that the New Hampshire Department of Environmental Services Wetland Permit has been preliminarily approved; however, the Army Corps of Engineers is reviewing the Beaver Brook Study done by VHB.

Mr. McCarthy noted that Liberty Utilities had contacted Quantum and notified they would be taking a horizontal directional drilling of the new gas main on the upstream side of the Willow Street bridge. Quantum has provided final drawings to Liberty Utilities.

With respect to the Abbott Bridge, the Town is awaiting review comments from NH Department of Transportation.

Mr. Lynde understood there was a proposal to add extra money to the Highway Fund for bridges. The criteria was to use the funds with the projects that were ready. He felt if the Town was ready by the end of June, they could push the project date up. Mr. McCarthy heard there were some towns that were not ready and there were rumors the State might go out of order; although Pelham was scheduled for 2020, the project might be pushed up sooner.

170 Mr. McCarthy told the Board he was working with Attorney John Ratigan regarding the easements. 171

After which he will meet with abutters.

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Discussion - Request to hold Farmer's Market and request to hold a Yard Sale at Meeting House Park

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176 Mr. Viger stated there was an application submitted to Parks and Recreation to hold the Farmer's Market on Meeting House Park. There was also an application to hold a yard sale at Meeting House 177 178

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Mr. Leonard questioned if the move to Meeting House Park would be permanent for the Farmer's 180 181 Market. Mr. McCarthy replied it would be permanent. He said the Village Green location had parking 182 and pedestrian issues due to other activities happening at the same time.

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Ms. Spencer recalled there was an issue about the request for wine tastings as part of the State Statute regarding samplings. She questioned if there was a Town Ordinance that needed to be prepared and if the Selectmen had the authority to authorize such samplings. She felt the Board should resolve the issue prior to voting on the current request. Mr. Lynde believed the Statute allowed towns the ability to allow sampling. Mr. McDevitt replied the Town passed the ordinance that allowed the Board to grant one day licenses, but felt sampling was a gray area because the Town was concerned with 'consumption'.

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194 195 Mr. Lynde noted RSA 179:44 was modified last year. He said a paragraph had been inserted concerning farmer's markets and went on to read a portion of which aloud. He believed they had the statute and authorization to give permission for sampling. In speaking with Town Counsel, Mr. McCarthy told the Board counsel's interpretation of the Statute was the decision was on the towns to sort out. Ms. Spencer agreed. She also interpreted that the Statute allowed the Town to make the decision.

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Mr. McCarthy stated he would craft a letter with the sanctioning from Town Counsel that they will forward to the Farmer's Market authorizing them to have sampling of alcohol under the stipulations Attorney Ratigan deems necessary. He will bring the draft to the Board for review. Mr. Leonard suggested including the specifications within the Statute. Mr. McCarthy replied he would copy/paste that section in the draft letter to the Farmer's Market.

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Mr. Viger spoke about the location of the Farmer's Market which would be in the rear area of Meeting House Park. He questioned if the Congregational Church should also sign off on the request, since they own a portion of the park area. After a brief discussion, Mr. McDevitt suggested that any wine (alcohol) sampling take place solely on the Town-owned portion of the property.

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Mr. Viger then asked for the Board's input regarding the request to hold a yard sale. Mr. McDevitt didn't object to allowing a not-for-profit organization sponsoring a yard sale at Meeting House Park. He noted some years ago, the Town's previous insurance company warned about a non-profit organization using the area unless they had a certain amount of liability coverage. He believed Pelham Community Spirit has the appropriate coverage, but a lot of other groups may not. Ms. Spencer suggested asking permission of the Congregational Church's to use their portion of land if the Farmer's Market anticipated the need to use it.

- 217 Mr. McCarthy told the Board he would request an opinion from Primex (Town's insurance company).
- Mr. Viger said he had no objection to approving the application as it stood, or pending the decision of 218
- 219 Primex. Mr. McDevitt assumed that the yard sale events were under the umbrella of Pelham
- 220 Community Spirit.

Mr. Lynde was unsure if the Town should take a role on the use of the Congregational Church property. He said the people requesting the use of the park should be responsible for approaching the church. Mr. McDevitt and Mr. Viger agreed. It was understood that yard sales would be allowed providing they have the appropriate insurance. Mr. McCarthy will inform Parks and Recreation. He will also draft a use policy for Meeting House Park.

<u>APPOINTMENT:</u> Police Chief Joseph Roark – Police Department attaining CALEA National Accreditation Award

Police Chief Joseph Roark, Captain Steven Toom and Lieutenant Anne Perriello came forward. Chief Roark explained that they had attended the national Commission on Accreditation for Law Enforcement Agencies ('CALEA') conference to receive the award for the Pelham Police Department. Pelham is the twelfth agency in New Hampshire to receive accreditation. There are only four agencies in Massachusetts that are nationally accredited. He spoke about the benefits of being CALEA accredited and was very happy and pleased to have completed the process. He thanked Captain Toom, Lieutenant Perriello, Mr. McCarthy, the Selectmen and the Budget Committee for their support through the entire process.

Mr. Leonard asked if the cruiser lettering would be updated. Chief Roark replied they were in the process of doing so. Ms. Spencer offered congratulations and wanted to make sure social media outlets were also updated.

Chief Roark discussed the importance of CALEA and the strict standards the department would be adhering to. The Selectmen offered their congratulations to the Pelham Police Department.

<u>Contract Addendum Signing</u> – Selectmen and Police Chief Joseph Roark to publically sign addendum to Chief's contract

Mr. Viger discussed the fact that Police Chief Roark provided the Selectmen with forewarning that he would be applying for Police Chief in Dracut, MA. The Board decided to negotiate and keep Chief Roark employed with the Town. They opened the Chief's contract and negotiated changes. Chief Roark thanked the Board and was pleased to be able to renegotiate the contract and remain in Pelham. He noted he considered the Dracut job, but had not officially participated in their selection process because he preferred to stay with Pelham. Mr. Viger stated the Board was not forced to do something, they wanted to keep Chief Roark; there was a give and take negotiation. He noted the contract was a public document and available to view upon request.

The Selectmen and Chief Roark executed the contract. The Board thanked and congratulated the Chief.

<u>Discussion</u> – Yield Tests for wells located on the new McCarthy subdivision development

263 (The McCarthy development had no affiliation with Town Administrator Brian McCarthy)

Mr. McDevitt provided the Board with a copy of the McCarthy subdivision plan known as Waterford Estates located in the area of the Sherburne Road/Mammoth Road intersection. At the time the development came to the Planning Board it was indicated there were two wells on the property which had fairly high yields. As part of the give and take with the Planning Board the applicant was interested in giving that portion of land (containing the wells) to the Town. Mr. McDevitt noted there had been numerous conversations about water needs in the area along Sherburne Road toward Spaulding Hill Road and the biggest issue was where water would come from and at what price. He said the wells

may begin to answer the problem, although the water would still need to travel a long way. Two reports done in January, 2007 indicated well #1 had a yield of 65gallons per minute and well #2 had a yield of 130 gallons per minute. He said the situation was piece meal; however, the big hurdle was that the residents who would benefit would effectively have to pay for it. He noted there were other alternatives, but didn't feel they would survive. Mr. McDevitt believed the Town needed to test the two wells to see the actual yields since the previous tests were ten years old. He didn't know the cost of doing so.

Planning Director Jeff Gowan came forward. He told the Board he could make some phone calls and obtain an estimate. He noted the Town hadn't made a decision whether to accept the land containing the wells. To permit the wells to produce water as described would be a costly endeavor and took a lot of time. Mr. McDevitt felt if the Board knew the yield, they could then decide whether they wanted to take further steps.

Mr. Leonard felt the additional 'leg work' might be warranted on the terms of public wells. In looking at the NH Department of Environmental Services site and what qualifies a public water source research was warranted.

Mr. Lynde questioned if the properties within the subdivision would have individual wells. Mr. Gowan answered yes.

Mr. Leonard confirmed that the Town had not taken action regarding the land (containing the wells). Mr. Gowan answered no; that would be under a separate public hearing. Mr. McDevitt stated the purpose of the discussion was to have the topic on the Board's radar.

Contract – Fire Department Dispatch to move to Londonderry

Mr. Viger stated the Selectmen had a contract in front of them to move the Fire dispatch from Pelham's dispatch center to the Londonderry Fire Department. Pelham's Police dispatch would remain in Pelham.

Ms. Spencer called attention to the fact that the effective date needed to be at least two weeks from the current date and not on or around a holiday; however the date specified was July 5, 2017. Mr. McCarthy understood timeliness was necessary and told the Board he would speak with the Fire Chief in the morning.

Mr. Leonard wanted the public to understand that the proposed change was not hasty. The contract signing and change was the result of a lengthy research by both the Fire and Police Chiefs based on the Town's capacity. Previous warrant articles had been brought forward to increase dispatch capabilities within the command center and the proposed solution was the most cost effective and would essentially have no disruption to service. Mr. McCarthy added that the proposal was the best efficiency and cost effective solution. Ms. Spencer noted that the Fire Chief gave a thorough presentation and vetted the entire transition process.

The Board discussed the effective date listed in the contract. Mr. McCarthy will speak with the Fire Chief to clarify the date and report back to the Board.

Review – Town Meeting Vote / Selectmen Priorities for 2017

Mr. Viger didn't feel the Board needed to review the warrant article vote, given that everything passed.

Mr. McDevitt wanted to make sure that the Selectmen kept the Elderly Exemption on their list of priorities for the coming year.

 Mr. McCarthy commented that he had told the department heads to draft their 2018 budgets as close to zero as possible. He's warned that there may not be a 'wish' list unless items positively needed to happen. Mr. Viger replied that was a good placeholder for now. The Board would decide where they wanted to go with the budgets in a few weeks.

Review – Article 4, the inability to implement and possible further action

Mr. Viger's concern was that the article was overwhelmingly passed with 1001 voting in favor and 386 voting no. Mr. McDevitt guessed that no one watching the Selectmen meeting knew that the article was effectively null and void. He felt the public should know that through an error in the Planning Department, certain legally required notifications (by State Law) were not made. He said regardless of the fact that article 4 (which eliminates over 55+ housing) received 70%-72% of the vote, it was null and void. Mr. McDevitt was concerned that most of the public believed they had eliminated over fifty-five developments. He felt the Planning Board's credibility and maybe the Town's credibility would be lost if developments started to build. He said it would be very difficult to get the word out to residents that the 55+ ordinance was null and void. He pointed out it was with the Selectmen's purview to call a Special Town Meeting. Mr. McDevitt believed the difficulty was with the Selectmen taking the same article and placing it back on a ballot and felt that the deficiencies in the article needed to be corrected. He was unsure if the Planning Board had to approve or if the Selectmen could validate the article. He said there were questions he didn't have answers to. He reiterated his concern about the credibility of the Planning Board and the Selectmen because the average voter may not understand and who overwhelmingly said they didn't want over 55 housing.

Mr. McDevitt felt the Board should speak with Attorney Ratigan and receive counsel. He stated there were people in Town who made their living through building and felt they should know now early on if the Board decides to go this route. He wanted the Board's permission for him and Mr. Lynde to ask Attorney Ratigan questions and bring information back to the Board. Mr. Viger had no objection to exploring the options. Ms. Spencer agreed and felt they owed to themselves and the citizens.

 Mr. Lynde noted that the provision which was violated was new to the Statutes. Mr. McDevitt explained that the law referred to, requires that people living in impacted zones be notified by letter if a change is being made in the zone that would affect them. He said it had to be fewer than 100 people. He reiterated that he would like to get answers and come back to the Board with information. There was no objection.

Update - Drought

Mr. McCarthy received information from NH Department of Environmental Services and stated that the water ban was still in effect and the Town was considered to have a 'Moderate' drought. He stated he would continue to provide updates to the Board.

Mr. Lynde pointed out that the Town stopped watering Village Green sooner than they told people to stop watering. He said the Village Green was still good and was convinced they could decrease watering going forward, which would keep water in the ground and save costs.

Ms. Spencer believed people may be considering their lawn services and lawn service providers were considering what their volume may look like going forward. She didn't think it was advantageous for those people to wait until the weather was warm to make decisions. She felt the Board should give

373374375		sted parties an indication of what direction they were heading before the weather got nice so could plan. Mr. McCarthy reiterated he would provide the Board with updates every other week.				
376 377	TOWN ADMINISTRATOR'S / SELECTMEN REPORTS					
378 379 380		. McDevitt thanked voters for their statement of confidence through his re-election. He spoke of the lden passing of Charlie Boyden's wife and extended sympathy to their family.				
381 382 383 384	of June, 2017)	Mr. Lynde noted that the Pelham Superintendent of Schools resigned her position (effective at the end of June, 2017) was moving south with her family. He stated she was a superintendent that put students first and one of the founding members of Pelham Community Coalition.				
385 386 387 388 389 390	twin babies. The babies w	Mr. Leonard stated there had been a lot of chatter on the Pelham Facebook page about Pelham gaining twin babies. The mother battled cancer, didn't take therapy treatment and passed away after the birth. The babies will be raised by their aunt who is a resident of Pelham. He stated there had been an outpouring of support and creation of a Go Fund Me Page.				
391 392 393 394 395 396 397	Ms. Spencer reported that the Highway Building Committee met last week and made progress. She thanked the voters for passing the warrant article, which will help the committee so some of the initial work and assessments that need to be done prior to foundation work. She thanked Highway Agen Frank Ferreira, Highway Administrative Assistant Marie Maruca and Committee member Pat Grow for their contribution on the committee. Ms. Spencer stated that the Pelham Youth Committee had met She said an initiative they will be running is 'Dine Together'. Students will welcome other students who don't appear to have anyone to have lunch with.					
398 399	Mr. Viger ech	oed Mr. McDevitt's sympathy to the Boyden family during this time of loss.				
400 401	REQUEST F	OR NON-PUBLIC SESSION				
402	MOTION:	(Leonard/Lynde) Request for a non-public session per RSA 91-A:3,II,a (Personnel)				
	ROLL CALL:	Mr. Viger-Yes; Mr. Lynde-Yes, Mr. McDevitt-Yes; Ms. Spencer-Yes; Mr. Leonard-Yes				
403 404 405 406	It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 8:18pm.					
400	MOTION:	(Leonard/Lynde) To leave non-public session.				
407	VOTE:	(5-0-0) The motion carried.				
408	MOTION:	(Leonard/Lynde) To indefinitely seal the non-public meeting minutes.				
409	VOTE:	(5-0-0) The motion carried.				
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412 413	ADJOURNMENT				
414	MOTION:	N: (Leonard/Lynde) To adjourn the meeting.			
	VOTE:	(5-0-0) The motion carried.			
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416	The meeting was adjourned at approximately 9:29 pm.				
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418			Respectfully submitted,		
419			Charity A. Landry		
420			Recording Secretary		