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2  
3 **APPROVED**  
4 **TOWN OF PELHAM**  
5 **BOARD OF SELECTMEN MEETING**  
6 **MINUTES**  
7 **April 11, 2017**  
8 **APPROVED – May 2, 2017**  
9

10  
11 **CALL TO ORDER** - approximately 6:30PM  
12

PRESENT: Mr. Doug Viger, Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer (via telephone conference), Mr. Paul Leonard, Town Administrator Brian McCarthy

ABSENT: None.

13  
14 **PLEDGE OF ALLEGIANCE**  
15

16  
17 **MINUTES REVIEW**  
18

19 **March 28, 2017**

**MOTION:** (Leonard/McDevitt) To approve the March 28, 2017 meeting minutes as written.

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

20  
21 **PUBLIC HEARING**  
22

23 **Donation from Brussard General Contractors of \$5,000 for office furniture for the Town Hall**  
24 **Municipal Building**  
25

26 Mr. Viger opened the discussion to public input. No one came forward. Public hearing portion closed.

**MOTION:** (Lynde/McDevitt) To accept the donation of \$5,000 for office furniture for the Town Hall Municipal Building by Brussard General Contractors.

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

27  
28 **ANNOUNCEMENT**  
29

- 30 ➤ Pelham Farmers Market will resume Wednesday, May 3, 2017 from 3pm to 7pm. Please come  
31 and shop from our local vendors and enjoy the live entertainment. New location will be at  
32 Meeting House Park, at the location of the old fire station (adjacent to the round-about at the  
33 Congregational Church);  
34 ➤ Contest - Pelham Parks and Recreation – has entered a “Popularity Contest”. Citizens can go  
35 online to vote, it’s easy and simple. The winner will receive a \$20,000 grant to fund activities.  
36 Visit [www.meetmeatthepark.org](http://www.meetmeatthepark.org) for more information;

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- 37 ➤ Master Plan Survey – a card will be delivered via mail in the next week from the Pelham  
38 Planning Department. This mailer requests that all residents (18 and older) complete an on-  
39 line survey through Monkey Survey and provide input regarding the Town’s Master Plan  
40 update project. Contact the Planning Department for complete information;
- 41 ➤ Pelham Library Presentation – “A Garden for Wildlife” – natural landscaping for a better back  
42 yard will take place on Wednesday, April 12, 2017 at 6:30pm. For more information contact  
43 the Pelham Library;
- 44 ➤ American Legion Post 100 and Auxiliary- Spring semi-formal dance for children with special  
45 needs will be held Saturday, April 29, 2017 from 3pm-6pm. Questions/comments contact  
46 Laurie at 603-234-7839.

47  
48 **OPEN FORUM**

49  
50 No one came forward.

51  
52 **APPOINTMENT(S)**

53  
54 **Highway Safety Recommendations – Planning Director Jeff Gowan**

55  
56 Mr. Gowan stated a citizen request had been received that resulted in a Highway Safety Committee  
57 meeting held March 22, 2017. Request for a ‘Handicap Children’ sign on Heritage Road. He explained  
58 there were three families in close proximity on the road who have children with several different  
59 disabilities. The Highway Safety Committee unanimously agreed to the request for the signs.

60  
**MOTION:** (McDevitt/Lynde) To approve the Highway Safety Committee’s recommendation to  
install ‘Handicap Children’ signs as requested on Heritage Road.

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

61  
62 Mr. Gowan noted there was another item going back to the Highway Safety Committee for a clearer  
63 opinion.

64  
65 Mr. Lynde stated he had looked up the RSA regarding street lights and believed it only gave the Board  
66 of Selectmen the authority to allow street lights. Mr. Gowan wasn’t familiar with the statute. Mr. Viger  
67 commented that all Highway Safety assignments came in front of the Selectmen for final approval. Mr.  
68 Leonard wanted to look into the situation further. He said he lives in the neighborhood and noted a  
69 light had been installed at the first entrance of Sagewood, which provided significant light for a four-  
70 way intersection. The proposed light takes place 200 yards beyond that entrance on the same side of  
71 the road. He felt the light might be ‘overkill’ and give the resemblance of a runway. He believed it  
72 would be worth looking into.

73  
74 Mr. Lynde’s view on street lights was they sometimes defeated the purpose of why they were installed.  
75 He said especially bright lights blind a person on a snowy or rainy nights. He believed the purpose of  
76 lights is a marker, versus illuminating. He wanted to know who would pay for the street light. Mr.  
77 Gowan replied the light would be on private property and paid through a homeowner’s association for  
78 that project. Mr. Lynde felt they should look at regulating the lighting because it could be a danger.

79  
80 Mr. Leonard suggested reviewing the different types of lights being offered for different types of  
81 intersections. He lives in the area and stopped by to speak with Mr. Silva after he raised concern. He  
82 said Mr. Silva was willing to discuss different options and felt the Board should keep options on the  
83 table if they were to pursue the request. Mr. Gowan told the Board he contacted Liberty Utilities and

84 understood they had one style light that they would consider using, although he agreed attempts could  
85 be made to have them look at it differently. He stated the developer could request to come back in front  
86 of the Planning Board to request the light come off the plan. He told the Board he contacted the  
87 Department of Transportation regarding the topic and learned they did not make the recommendation  
88 to install the lights. He said it was mystery how/why it ended up on the plan, but all options could be  
89 exhausted to resolve the situation.

90  
91 Mr. Lynde questioned how the lights ended up on the plan since it had been vetted by the Planning  
92 Board. Mr. Gowan replied street lights are two small symbols on a plan and there hadn't been a big  
93 discussion in the meeting minutes. There hadn't been a recommendation by the Town's engineering  
94 firm (Keach Nordstrom) or the Highway Safety Committee. He understood one light was installed and  
95 he's asked the developer to hold off on the second until they could figure out an alternative.

96  
97 Mr. McDevitt suggested it might be worth a call to seek Counsel's opinion. He said the fundamental  
98 question was what ability the Town had to regulate a situation if a private owner, on private property  
99 elects to put up a street light (at their expense) and pays the bill. Mr. Gowan replied he would be happy  
100 to draft an email to counsel and copy Mr. McCarthy so the information was available to the Board.  
101 There was no objection.

102  
103 **Hazard Mitigation Plan – Fire Chief James Midgley**

104  
105 Chief Midgley came forward seeking the Board's input for the Hazard Mitigation Plan, which is  
106 regenerated every five years. The plan looks at the Town's infrastructure and determines the  
107 community's vulnerabilities on non-manmade disasters. The review committee is made up of the Fire  
108 Chief, Assessing Assistant Sue Snide, Planning Director Jeff Gowan, Police Chief Joseph Roark, Town  
109 Administrator Brian McCarthy, Highway Road Agent Frank Ferreira and a representative from the  
110 Nashua Regional Planning Commission ('NRPC'). It was noted that NRPC did most of the leg work  
111 as it is a grant funded program; funds are assigned by Homeland Security at the State level to complete  
112 the plan assessment.

113  
114 Chief Midgley stated they were seeking notification by the Selectmen that there were no issues with  
115 the plan, after which the plan will be sent to Federal Emergency Management Agency ('FEMA').  
116 FEMA will conduct an overview and analysis, which could take up to two months. Once FEMA  
117 adopts/accepts the plan, no changes can be made to the plan for five years and it will come back to the  
118 Board for acceptance. Having a Hazard Mitigation Plan is required so the Town is eligible for federal  
119 grants.

120  
121 The deadline to review is April 14<sup>th</sup>, so the plan can be sent to FEMA. Mr. Viger asked for a motion  
122 to accept the plan, as listed on the internet (pending changes submitted by Selectmen by April 14<sup>th</sup>).  
123

**MOTION:** (Leonard/Lynde) To accept the Hazard Mitigation Plan as listed (pending any  
changes offered by the Selectmen by April 14, 2017)

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

124  
125 **OTHER BUSINESS**

126  
127 **Board of Selectmen Committee Assignments**

128  
129 Forestry Committee – Mr. Leonard  
130 Planning Board – Mr. Lynde

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131 Budget Committee – Ms. Spencer / alternate Mr. Viger  
132 Capital Improvement Plan – Mr. Lynde  
133 Council on Aging – Mr. McDevitt  
134 Nashua Regional Planning Commission – Mr. Lynde  
135 Hazmat Director – Mr. Viger  
136 Salem Chamber of Commerce – Mr. Leonard  
137 Town Maintenance Services – Mr. Viger  
138 Department Head Budget Liaison – Ms. Spencer / alternate Mr. Viger  
139 Bridge Repair – Mr. Lynde  
140 Liberty Utilities Project – Mr. McDevitt  
141 Pelham Youth Council – Ms. Spencer  
142 Elderly Exemption Committee – Mr. McDevitt  
143 Pelham Community Coalition – Mr. Lynde  
144 Pelham Highway / Transfer Building Committee – Ms. Spencer / alternate Mr. Leonard

145  
146 **Follow up on Nashua Regional Planning Commission project solicitation information ref. the**  
147 **MTP/State 10-year plan request**  
148

149 Mr. McCarthy explained that they were asking the State to add the intersection of Mammoth  
150 Road/Keyes Hill Road / Tallant Road to their 10-year plan. To do so, Nashua Regional Planning  
151 Commission was looking for Selectmen approval. He said if the Board approves, they hoped it would  
152 be added to the list of already agreed upon projects.

153  
154 With regard to the scope of the projects listed in the State’s plan, Mr. McCarthy explained that they  
155 would do computer models (i.e. stop signs, lights, roundabout) with traffic counts to determine the best  
156 alternative for the Town’s review. There was no objection voiced to Mr. McCarthy’s request.

157  
158 **Warrant Article #4**  
159

160 Mr. McDevitt stated he and Mr. Lynde spoke to Town Counsel. He explained Article #4 was to  
161 essentially eliminate 55+ housing projects and passed (Town Meeting vote) with approximately 72%,  
162 which clearly showed the voter’s intent. Regrettably, there had been an error in the Planning  
163 Department and there were a number of people who should have been notified via mail that weren’t. It  
164 was a flawed warrant article which the Selectmen agreed, and the court so ordered that it not be  
165 enforced. Mr. McDevitt noted the Selectmen, Planning Board, developers and a few others know that  
166 the article is null and void; however, everyone else would think it had passed. He guessed people would  
167 bring in 55+ housing projects and people won’t understand and would think the worst about the  
168 Planning Board and the Town. He and Mr. Lynde went to Town Counsel and make inquiries about  
169 doing a Special Town Meeting so the error made in the Planning Department could be rectified. Mr.  
170 McDevitt noted the Selectmen could call a Special Town Meeting. He noted court approval is needed  
171 if an article requires money; however, for Zoning, a court approval is not needed. He stated the  
172 Selectmen don’t have the authority to promulgate the article, it would have to come from the Planning  
173 Board. In this situation, although the article was flawed, it would still need to come from the Planning  
174 Board and the Board would need to follow all requirements and process for a zoning article. He noted  
175 petition articles could only be submitted for the Town Meeting in March, they are not allowed at Special  
176 Town Meetings. Mr. McDevitt recommended that the Selectmen draft a letter to the Planning Board  
177 and ask them to reconsider Article #4 letting them know if they do reconsider doing so, the Selectmen  
178 will call a Special Town Meeting.

179  
180 Mr. Viger understood there was some background for why the Article wasn’t legal and wanted to know  
181 if the Planning Board would need to go through the same process with public hearings, notifications

182 etc. just as though they were preparing for the March Town Meeting. Mr. McDevitt answered in the  
183 affirmative and said it would be brand new.

184  
185 Mr. Lynde understood if there weren't substantial changes made, the Planning Board would only need  
186 one public hearing. He felt the sooner the Board drafted a letter to the Planning Board the better. Mr.  
187 Viger understood that the Selectmen were being asked if they agreed to send a letter to the Planning  
188 Board asking if they would consider having a Special Town Meeting. Mr. McDevitt said the basis for  
189 such was that Article #4 passed on an overwhelming majority, who still believe it passed although it's  
190 null and void. The Special Town meeting would be to revisit the one article that passed overwhelmingly  
191 but can't be enforced.

192  
193 Mr. McDevitt stated he would work with Mr. Lynde to draft a letter to the Planning Board that would  
194 be provided to the Selectmen for review. Mr. Lynde felt timing was of essence to hold a Special  
195 Meeting prior to school releasing for summer vacation. The Board discussed the timeframe. Mr. Viger  
196 wanted to review the letter at their next meeting.

197  
**MOTION:** (Lynde/McDevitt) To submit a letter (to the Planning Board), subject to review by  
the Board (Selectmen).

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

198

199 **Well Ordinance – Possible authorization to consult with Mr. Head of Head Sanborn**

200

201 With all of the stories of wells running dry in the Sherburne Road area, Mr. Lynde stated one of the  
202 issues of concern was effects from neighboring developments. It seemed to him that the Town's well  
203 ordinance should be modified to take into account that possibility and ensure when a well is approved  
204 for use by the Town that it would provide water and not leave an owner in a situation that takes hours  
205 to recharge their water system. He was seeking authorization to contact Head Sanborn to obtain a quote  
206 and discuss how best to approach doing so.

207

208 Mr. McDevitt felt the Planning Board had to consider whether or not to restrict or constrain in some  
209 way development in that area where there appears to be a water problem. He didn't feel compelled to  
210 constrain development, but at the same time he understood it was hard for people who don't have water  
211 to understand why development keeps occurring. He recalled Mr. Head saying that if a lot pumped a  
212 lot of water, the lot next door may, or may not be impacted; it depended on what fracture the water was  
213 coming from. He felt this statement should be further explained and clarified. He noted that the Town  
214 restricted water due to drought, which was an implication that there was an impact.

215

216 Mr. Leonard felt it was worth checking into. He spoke about the area discussed at previous meetings,  
217 where the Board had discussed two wells on the bottom of Sherburne Road (in a future development).  
218 He noted that quadrant of the Town was experiencing sporadic water hardships and in that development  
219 each of the 21 house lots would have a private well. He felt they were trying to conserve in one area,  
220 and at the same time taxing another area with a different project, which seemed inconsistent. Mr. Lynde  
221 stated some of the people who bought in that area had spent thousands of dollars and was unsure if it  
222 had been successful. He said if the wells at the bottom of Sherburne Road were a solution it would still  
223 cost a couple million dollars to get water to the residents, which would be an added cost to them.

224

225 Mr. McDevitt stated Planning Director Jeff Gowan was attempting to obtain a cost estimate from a well  
226 driller to determine the cost of doing a yield test for the two wells (at the bottom of Sherburne Road).  
227 He didn't believe he had been successful and asked Mr. McCarthy to follow up with Mr. Gowan.

228

229 **Drought update**

230

231 Mr. McCarthy reported that Pelham had been upgraded to a status of ‘Abnormally Dry’. In speaking  
232 with the Department of Environmental Services, they were encouraged by the change in rivers and  
233 streams, but were asking communities to continue to be cautious and conserve water because ground  
234 water takes some time to recharge. The State recommends staying on the same course for April and  
235 May; they will continue to monitor.

236

237 It was noted that the Town’s water ban was for lawn watering; however, for those on Pennichuck water,  
238 the ban is more severe. Mr. McCarthy stated he would continue to update the Board.

239

240 **TOWN ADMINISTRATOR’S / SELECTMEN REPORTS**

241

242 Ms. Spencer reported that the Pelham Youth Council met and would be moving forward with the  
243 following initiatives: 1) Joseph Middlemiss Big Heart Foundation dance for all youth with a patriotic  
244 theme being held at the Merrimack Valley Golf Club on April 21, 2017 from 6pm-8pm; 2) Unity  
245 initiative centered at the Pelham Memorial School and Pelham High School.

246

247 Mr. McDevitt stated that the Board received a request from the Forestry Committee seeking permission  
248 to use an OHRV on Town property during the trail clean-up process. The Board had no objection. Mr.  
249 McDevitt told the Board there was a State Committee on Aging who recently chose Shirley Janocha,  
250 who works at the Hobbs Community Center as a volunteer, as the 2017 recipient of the Joseph D.  
251 Vaughan Award, which is given to an individual in each county for outstanding leadership and  
252 achievement. Ms. Janocha has put in over 1,721 volunteer hours.

253

254 Mr. Lynde attended the recent Zoning Board of Adjustment meeting and discussed the cases being  
255 heard.

256

257 Mr. McCarthy updated the Board on the following:

- 258 - Senior Center heat/duct work has been completed;
- 259 - Transfer Station building project will begin in a couple weeks;
- 260 - Municipal Building well pump is failing and needs to be replaced. The replacement cost is  
261 approximately \$3,500. The building is currently in a holding pattern for the transfer over to  
262 Pennichuck Water.
- 263 - Town in holding pattern for Liberty Utilities light replace/upgrade program;
- 264 - Computer software update from began April 1<sup>st</sup>
- 265 - Town Clerk request to change hours on Tuesdays only from 8am-7pm to 11am-7pm until  
266 further notice. This will allow the Town Clerk’s department to use morning hours for training  
267 on new computer software. The Selectmen had no objection. Mr. McCarthy will post a press  
268 release in the normal posting locations.

269

270 Mr. Viger shared an updated regarding The Recovery Well, which is a safe home environment for men  
271 who have suffered, or are suffering from the disease of addiction. For more information visit:  
272 [www.therecoverywell.com](http://www.therecoverywell.com) or contact Dana at 603-369-8550 or email: [dana@therecoverywell.com](mailto:dana@therecoverywell.com)

273

274 **REQUEST FOR NON-PUBLIC SESSION**

275

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

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

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**ROLL** Mr. Leonard-Yes

**CALL:**

276 It was noted that when the Board returned, after the non-public session, the Board would not take any  
277 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
278 meeting. The Board entered into a non-public session at approximately 7:58pm.  
279

**MOTION:** (McDevitt/Lynde) To leave non-public session.

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

280  
281

**MOTION:** (Spencer/Lynde) To indefinitely seal the non-public meeting minutes.

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

282  
283

284 The Board returned to public session at approximately 9:06pm.

285

286 **ADJOURNMENT**

287

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

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

288

289 The meeting was adjourned at approximately 9:06pm.

290

291

Respectfully submitted,

292

Charity A. Landry

293

Recording Secretary