

1
2
3
4
5
6
7
8
9
10

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
November 19, 2019
APPROVED – December 10, 2019

11
12
13
14
15
16
17

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. William McDevitt, Mr. Doug Viger, Mr. Hal Lynde, Ms. Heather Forde,
Mr. Kevin Cote, Town Administrator Brian McCarthy

ABSENT: None

18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

November 5, 2019:

MOTION: (Cote/Forde) To approve the November 5, 2019 meeting minutes as amended.

VOTE: (4-0-1) The motion carried. Mr. McDevitt abstained.

ANNOUNCEMENT

None

OPEN FORUM:

No one came forward.

APPOINTMENTS

NRPC Applicant Interview

Mr. McDevitt explained the Nashua Regional Planning Commission ('NRPC') was a body consisting of approximately fourteen towns that has a significant role in assisting Pelham in many ways. Pelham is entitled to three representatives; there were two applicants.

Mr. Dave Hennessey came forward to seek re-appointment as one of Pelham's NRPC Commissioners. He explained previously he had been the Chair of the commission for approximately two years and had since stepped back from the executive committee; however, he wanted to retain his membership. He told the Board he was interested in being appointed to be able to take up the next opening on the executive committee to further focus on economic development. The Board had no questions.

Mr. Hal Lynde stepped away from the Board to come forward as an applicant for reappointment as an NRPC Commissioner. He believed being commissioner helped to tie in his position as Selectmen's Representative to the Planning Board. He said NRPC did a lot of great things and found his time with them informative. He would like to continue to work with them.

45
46
47
48
49

50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91

Mr. McDevitt stated the Board set a deadline for applicants to smooth the administrative process. It was noted there were two applicants for three positions. The Town will continue to accept applications as long as there is a vacancy.

MOTION: (Viger/Forde) To appoint Mr. Dave Hennessey and Mr. Hal Lynde for a four (4) year position with the Nashua Regional Planning Commission.

VOTE: (4-0-1) The motion carried. Mr. Lynde abstained.

Mr. McDevitt noted the commissioner position has no associated compensation.

PUBLIC HEARING – Marsh Road Sidewalk Project (extension of sidewalk from Gibson Cemetery on Marsh Road to Willow Street) The sidewalk extension is intended to provide safer pedestrian access between the Town Center/Village Green and the Town’s public schools (terminating just past Pelham High School at Willow Street). The sidewalk extension is being paid for by Liberty Utilities.

Mr. McDevitt opened the public hearing and explained the how it would be conducted.

Planning Director Jeff Gowan came forward with Mark Chamberlin of Keach Nordstrom (engineering firm) along with Ryan Legasse and Robert Mastone of Liberty Utilities. He then displayed plans for review by the Board and the public.

Mr. Chamberlin described the project and explained the intent was not to install curbing; there would be a grass strip and sidewalk so drainage would be maintained, and they could facilitate students being away from the road. He believed the project should be fairly benign as it would run in the right-of-way and not impact a lot. He felt the project would benefit the Town and understood the School Board was in favor of the project.

Using the displayed plans, Mr. Chamberlin described the project and proposed sidewalk placement. Mr. Lynde confirmed all work would be done within the Town’s right-of-way. Mr. Chamberlin stated that was correct, except in front of the schools.

PUBLIC INPUT – Mr. McDevitt opened the hearing for public input.

Ms. Patty Lamontagne, 22 Fletcher Drive brought forward students that would soon be going to the high school.

Mr. Thomas Harvey made the following points in favor of the sidewalk: 1) safe access for students walking from the schools to the Library and Village Green, 2) safety for students and pedestrians who walk in the morning for exercise and 3) school teams (i.e. cross country) who run for exercise.

Ms. Delany Stevens made the following points in favor of the sidewalk: 1) safety for students and drivers when students walk back and forth from Library to schools for sporting events, 2) safety for student and adults and 3) safety for students who walk to and from school from home.

Mr. Walter Sikut, 73 Marsh Road stated he did not want a sidewalk. He’s resided in the area for fifty years and only saw one accident involving a drunk driver. He explained without sidewalks it allowed vehicles to safety pull off the road so drivers could talk on the phone or be stopped by a Police Officer. He said without a sidewalk Police cruisers would still be within the roadway and passing vehicles would

BOARD OF SELECTMEN MEETING/November 19, 2019

92 have to go onto the other side of the road. To his knowledge no one had been hurt in the fifty years he
93 resided in the area. He was concerned a sidewalk (with curb stone) would force vehicles toward the
94 center of the road line (to pass vehicle on the roadside) which would cause problems. He reiterated his
95 opinion not to have sidewalks.

96

97 Mr. Chamberlin stated there wouldn't be curbing except at the corner of Willow Street; there will be a
98 five-foot panel between the sidewalk and edge of pavement. Vehicles will be allowed to pull over if
99 they need to.

100

101 Ms. Jean Long, 77 Marsh Road questioned where mailboxes would be located. Mr. Chamberlin replied
102 they would be located between the sidewalk and edge of pavement. Ms. Long stated she had a gravel
103 area at the end of her driveway and wanted to know how it would be affected. Mr. Chamberlin stated
104 they intended to pave the driveway within the opening of the Town's right-of-way to the road; there
105 will be a paved apron.

106

107 Mr. Sikut questioned if the Town would be taking anyone's frontage.. Mr. McDevitt replied the project
108 would be done within the Town's right-of-way. Mr. Sikut stated he was thinking of constructing a 'U'
109 driveway and wanted to know if he would need a permit to take a curbstone/sidewalk out to allow him
110 access to do so. Mr. Gowan informed a driveway permit would be needed for the additional curb cut;
111 permits are issued by the Road Agent. Mr. Sikut asked if there would be a charge to have the sidewalk
112 plowed. He heard there would be a charge of \$7 per foot. Mr. McDevitt replied the Town didn't charge
113 to plow the sidewalk. Mr. Sikut believed he heard the Board discuss charging \$7 per foot to plow the
114 sidewalk. Mr. Cote believed he might be referring to plowing private roads. Mr. Lynde noted the
115 sidewalks would be on Town property.

116

117 Mr. Cote recalled the Board discussing extending sidewalks down Willow Street and having a
118 consensus not to do so, except the area on the Bridge for pedestrian/bicycle safety. He questioned if
119 there was a true need to extend the sidewalk beyond the high school to connect to Willow Street. Mr.
120 McDevitt felt there was a need to have the sidewalk connect to and continue down Willow Street
121 (toward Bridge Street). He said the Board should have a conversation regarding such at some point.
122 He noted Liberty Utilities was paying for the current proposal along Marsh Road. He said is the
123 question currently before the Board was regarding the extension of the sidewalk as advertised for public
124 hearing.

125

MOTION: (Cote/Lynde) To accept the proposal relative to the installation of sidewalks (along
Marsh Road) as proposed.

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

126

127 Mr. Gowan spoke about the timing of the project. Liberty Utilities has finalized the design and would
128 now go through the bid process during December 2019. A contractor will then be selected; the project
129 will commence based on the weather and contractor availability to perform the work. Liberty Utilities
130 hoped to do the project by May/June 2020.

131

132 **State Representative Hershel Nunez: Presenting a check to the Town of Pelham**

133

134 Coming forward for the discussion were:

135 Representative Hershel Nunez

136 Representative Lynne Ober

137 Representative Russ Ober

138 Representative Tony Lekas

BOARD OF SELECTMEN MEETING/November 19, 2019

139 Representative Andrew Renzullo
140 Representative Jordan Ulery
141 Representative Bob Greene
142 Representative Jim Whittemore
143

144 Representative L. Ober explained three years ago the State cut the business taxes and received more
145 revenue (approximately \$11 million). She said every member of the Finance Committee was dedicated
146 to getting some of that money back to every municipality and school district. The group presented a
147 check for \$255,020 to the Town and School District; the check had 'no strings attached'. She advised
148 it to be spent on a one-time item because she didn't know if the State would have surplus.
149

150 Mr. Lynde inquired if the check represented the amount for only this year or if it was a total of this year
151 and next year. Representative Ober replied the check represented this year's amount. She explained
152 next year's amount was budgeted; however, the entire State budget spent about \$500 million more than
153 expected revenue. Next year's allotment would depend on this year's revenue; it was still early to tell.
154 Mr. Lynde stated Pelham recently received approximately \$118,000 based on the number of children
155 enrolled in school. Representative Ober replied that was the school portion based on the average daily
156 attendance number (submitted in October each year). The Department of Revenue would be releasing
157 the money but had not yet put out an actual schedule. Mr. Lynde had additional questions.
158 Representative Ober explained they meet on a regular basis (quarterly) with the Hudson Selectmen who
159 set time aside to answer questions. She said they would be happy to do the same for Pelham.
160

161 Mr. Lynde asked if the money was part of HB4. Representative Ober replied the budget bill was HB3
162 and HB4. Mr. Lynde saw that Representative Nunez voted against HB4. Representative Nunez stated
163 he voted against it because there was too much policy put into it. Mr. Lynde commented if the
164 Representatives wanted to help the Town, they had an opportunity to do so by helping to fund the
165 retirement system. He said Towns were currently covering the gap left when the 35% match and school
166 building aide was done away with. Representative Ober replied every bill is voted by the entire
167 legislature. Mr. Lynde said this year HB497 would have made a step toward giving the Town money
168 and the Town's delegation voted against it.
169

170 Mr. McDevitt said the Board would accept the offer of the Representatives coming back so they could
171 have a reasonable debate. Representative Ober responded to Mr. Lynde. She stated they do a two-
172 year budget; every odd year was a budget year. Every budget year a money bill either gets into the
173 budget or gets voted down. She said House Finance voted unanimously to not put money into the
174 pension system and instead to give money back to towns; therefore, when the bill came to the floor it
175 was killed because the money was already spent in the budget. She commented more money went into
176 bridge/roads, education etc. The check being presented was for infrastructure improvements.
177 Representative Ober added they did the best they could with the money they had and were happy to
178 present the check. She said they would be happy to come back and speak with the Board.
179

180 The check was presented to the Town.
181

182 **PUBLIC HEARING – Acceptance of three roads within the Garland Woods subdivision: Grouse**
183 **Run, Caribou Crossing, Bramble Path as Class V public highways in accordance with RSA**
184 **674:40,A**
185

186 Mr. McDevitt explained roads within subdivisions were the property of the builder until such time they
187 meet certain criteria and accepted by the Board of Selectmen.
188

BOARD OF SELECTMEN MEETING/November 19, 2019

189 Planning Director Jeff Gowan came forward with Michael Greene of Green and Company
190 (owner/builder of Garland Woods). Mr. Gowan told the Board the project was the ‘poster child’ for a
191 conservation subdivision done correctly. He said the roads held up extremely well. He displayed a
192 map showing the three roads being considered. The Board was provided with letters from the Highway
193 Safety Committee and Planning Board supporting acceptance of the roads. Mr. Gowan told the Board
194 he was on site with the Road Agent and Jeff Quirk of Keach Nordstrom (Town’s engineer/inspector).
195 He stated the roads were ready for acceptance by the Town. The deed has been reviewed by Town
196 Counsel and was ready for signature and recording at the Registry.

197

198 Mr. Gowan pointed out there were some off-site improvements to Pasture Lane (road extends from
199 Currier Road into the project). Those improvements were well-executed; the associated road bond and
200 off-site improvement bond will be released upon Selectmen acceptance of the roads.

201

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

203

MOTION: (Forde/Cote) To accept Grouse Run, Caribou Crossing and Bramble Path as Class V
public highways in accordance with RSA 674:40, A.

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

204

205 **DISCUSSION**

206

207 **Draft warrant article for creating an Agricultural Committee**

208

209 Mr. Cote forwarded information to the Board. He explained during the past 5-6 months he had been
210 working to establish interest in establishing an agricultural commission. He was inspired to do so by
211 his daughter who wanted to be a farmer. With the decline in the trades he felt interest in agriculture
212 was important. He said the State recognized it as an important entity and has joined other states by
213 allowing communities to establish agricultural commissions. Mr. Cote stated an agriculture
214 commission was not a regulatory commission and would be ‘advisory’, made up of members of the
215 community who would advise the Planning Board. He asked for support of the Board.

216

217 Mr. McDevitt questioned if there was statutory wording (prescribed in the law) that had to be included
218 in a warrant article. Mr. Cote replied he used the language from the water commission article (last
219 year). Mr. McDevitt asked if they would specify the number of members. Mr. Cote believed he had
220 five regular members and five alternates with the initial terms being staggered and 3-year terms
221 thereafter.

222

223 Ms. Forde confirmed the positions would be appointed and not elected. Mr. Cote replied they would
224 be appointed.

225

226 Mr. McDevitt suggested Mr. Cote bring back the specific warrant article language to be voted on. He
227 suggested having Mr. McCarthy speak with Town Counsel to see how the article should be worded for
228 five full-time and five alternate members. There was no objection by the Board.

229

230 **Notice of Intent to cut Declaration/Application**

231

232 Mr. Cote explained he worked in conjunction with the Planning Director and Planning Board member
233 Jim Bergeron regarding the declaration/application for intent to cut. He said they wanted to bring
234 information to the forefront per RSA 485-A:32 regarding clearing, filling, altering land. He stated

235 along with the Notice of Intent to Cut they would like to create a declaration of intent. He said he was
236 bringing the information to the Board as a discussion.

237

238 Mr. McDevitt believed the problem Mr. Cote was proposing to solve was hard to get everyone's arms
239 around. He understood some folks have clear cut land with the appearance of an intent to develop; after
240 time goes by, they come in with a presentation to the Planning Board. He noted the Planning Board
241 didn't have the statutory rules behind them to be able to stop someone from clear cutting in anticipation
242 of development. Mr. Cote noted the proposal wasn't to 'harp on' someone wanting to harvest their
243 land (timber harvest). He said the proposed declaration would declare if someone was going to submit
244 plans for development, or they would submit a plan for harvest. Mr. Cote noted if someone is going to
245 harvest their land, they will need to submit a harvest plan.

246

247 Mr. McDevitt questioned if they had the statutory authority to impose the declaration. Mr. Cote replied
248 they contacted Town Counsel and received a 'blessing' and 'caution' at the same time as this is new
249 territory. He said his intent was to have an initial conversation with the Board and continue to examine
250 and work on it.

251

252 Mr. Lynde commented there have been instances where land has been destructively cleared. He said
253 the frustrating thing is the Town seemed powerless to take action to prevent/penalize people from doing
254 so. He found it interesting they would need to work with the Department of Revenue Administration
255 because they collect yield taxes. His concern was people signing a document but not following it. Mr.
256 Cote pointed out there was an RSA that prevented someone from doing it (clearing land) but there was
257 no punishment involved.

258

259 Ms. Forde wanted to know the action/legal recourse that could be pursued if someone violated the
260 declaration. Mr. Cote said the question was 'if' they could punish someone and if so, 'what' could be
261 done as a consequence. Mr. McCarthy questioned if they could create a Town ordinance that included
262 something like a fine. Mr. Cote explained the proposal came about through discussions regarding
263 stormwater and the MS4. He said Mr. Gowan was working to put the RSA language into Zoning
264 (regarding stormwater). Therefore, when builders come in with a plan, they have to outline how
265 stormwater will be managed. Mr. McCarthy noted if that article didn't pass, at least an ordinance could
266 be put in place with one public hearing and be on the books.

267

268 Mr. McDevitt was in favor of having something in place; however, in reading the RSA it seemed clearly
269 within the purview of the Planning Board to 'police' it. He inquired if they've tried to 'police' it with
270 anyone. He didn't know if they needed an ordinance if it was already written in the statute. Mr. Lynde
271 suggested contacting the New Hampshire Municipal Association legal team to ask questions as they
272 may have some insight. Mr. McDevitt thought it would be a good idea to get something in writing
273 (roadmap) from counsel or NHMA on their thoughts. He felt the Planning Board needed to enforce the
274 State Law that applied to clear cutting.

275

276 More research will be done.

277

278 **2019 tax rate set.**

279

280 Mr. McCarthy stated a press release was sent out November 8, 2019 informing the new tax rate had
281 been set at \$19.40; a decrease of \$2.06 from the last tax rate. He noted to achieve the new tax rate they
282 used \$1,850,364 from the unassigned fund balance.

283

284 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

285

BOARD OF SELECTMEN MEETING/November 19, 2019

286 Mr. McCarthy stated the Board will hold their final two meeting of 2019 on December 10th and
287 December 17th. He reported the State would re-stripe Willow Street when weather allows. He informed
288 the Town's meetings were now being live streamed on Facebook and You Tube. Mr. McCarthy told
289 the Board he received correspondence from the State relating to his latest application for drinking water.
290 Essentially the Town's plan is qualified as a proposed recommendation to be considered for the special
291 assistance program. This meant the Town was 'still in the game' for funding.

292

293 Mr. Lynde asked if there was any movement as to residents within the proposed water district that were
294 willing to participate. Mr. McCarthy said when they applied for the grant there were approximately 30
295 letters from citizens and businesses that wanted to participate. Those letters were attached to the State's
296 application process.

297

298 Mr. Cote reported he was waiting to meet with Revision Energy and other members of the Conservation
299 Commission and School Board to continue discussions regarding the solar project.

300

301 Mr. Lynde attended the New Hampshire Municipal Association conference and learned there was a
302 Federal organization that performed labor negotiation mediation for no cost. He then spoke about
303 electric usage. He said Pelham was in a program that aggregates its usage with other towns. He said
304 the Town could now aggregate it with the whole Town. He said there were a couple companies (Good
305 Energy and FMCS) interested in doing it and would like them to come in and speak with the Selectmen.
306 Mr. Lynde recently learned if a person is over age 65, they can attend the University of New Hampshire
307 for no cost.

308

309 Ms. Forde stated there was a group of 5th graders that participated in a First Lego League competition
310 and won the Core Values Award because of their project and teamwork. Their project was connecting
311 people within the community who don't have enough food to farms/gardens who might have extra to
312 share. She said they would like to present their project to the Selectmen. Mr. McDevitt told Ms. Forde
313 to work with Mr. McCarthy to schedule the group to come in.

314

315 Mr. McDevitt announced the Pelham Good Neighbor Fund had celebrated their 50th anniversary. He
316 congratulated them for their assistance to residents of the Town.

317

318 Mr. McDevitt acknowledged the passing of J. Albert Lynch. He stated Mr. Lynch was not only the
319 Pelham District Court Judge in the past but had touched the lives of many citizens.

320

321

322 **REQUEST FOR NON-PUBLIC SESSION**

323

MOTION: (Lynde/Cote) Request for a non-public session per RSA 91-A:3,II, a & e
(personnel; consideration or negotiation of pending claims or litigation)

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

324 It was noted that when the Board returned, after the non-public session, the Board would not take any
325 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
326 meeting. The Board entered into a non-public session at approximately 8:15pm.

327

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

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

BOARD OF SELECTMEN MEETING/November 19, 2019

328 The Board returned to public session at approximately 8:39pm.

329

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

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

330

331

332 **ADJOURNMENT**

333

334 The meeting was adjourned at approximately 8:39pm.

335

336

Respectfully submitted,

337

Charity A. Landry

338

Recording Secretary