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**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN - MEETING MINUTES**  
**January 21, 2020**  
APPROVED – February 18, 2020

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**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.

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**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW:**

**January 7, 2020:**

**MOTION:** (Forde/Cote) To approve the January 7, 2020 meeting minutes as amended.

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

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**ANNOUNCEMENT**

None.

**OPEN FORUM:**

No one came forward.

**APPOINTMENTS**

**Tim Zelonis and Nate Boutwell – Dedication request**

Representing the Cemetery Trustee Board was Mr. Zelonis and Mr. Boutwell. Mr. Zelonis stated they recently lost one of their long-term members (over 30 years) had passed away. They would like to memorialize their maintenance building with a dedication to Walter J. Kosik, Sr.

There were no questions or objections to the proposed dedication. Mr. Boutwell stated on behalf of the Cemetery Committee he offered condolences to the Kosik family. He said Walter with his cheerful smile will be sadly missed. They propose having the dedication following the Memorial Day Celebration. Mr. Boutwell stated he loved working with Mr. Kosik and had always looked for his knowledge and wisdom who had served many years on the Zoning Board and the longest member of the Cemetery Committee.

There was no objection. Mr. Zelonis and Mr. Boutwell were told to proceed with the dedication.

**Matthew Hopkinson – Zoning Board of Adjustment applicant**

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Mr. Hopkinson introduced himself and explained he had been an alternate for approximately 6 months and understood there was currently an opening to become a full-time member. He would like to be appointed to fill the remainder of that term.

Mr. Lynde wanted to make sure Mr. Hopkinson understood every variance had to meet all five criteria. He added 'hardship' related to the land, not the person making the variance request. Mr. Hopkinson understood. Mr. Lynde spoke to the Planning Director to contact the New Hampshire Municipal Association ('NHMA') to provide a zoning seminar.

Mr. McDevitt inquired if Mr. Hopkinson had an opportunity to take advantage of educational opportunities offered by the NHMA. Mr. Hopkinson said he hadn't at this point. Mr. McDevitt encouraged him to do so. He said the more knowledge a person had made them a better board member.

There was a brief discussion regarding the length of the term. It was noted the appointment would fill the remainder of the term previously held by Svetlana Paliy, who recently resigned. It was believed the term had two years remaining; this will be confirmed. The Selectmen voted on the following:

**MOTION:** (Viger/Lynde) To appoint Matthew Hopkinson for the remainder of the term previously held by Svetlana Paliy as a volunteer on the Zoning Board of Adjustment.

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

Mr. Hopkinson was informed he would need to be sworn in by the Town Clerk. The Board appreciated his volunteerism.

**Discussion with District 37 State Representatives**

Coming forward was Russell Ober, Lynne Ober, Jordan Ulery, Alicia Lekas, Tony Lekas, Hershel Nunez, Bob Greene

Ms. Ober provided the Board with information regarding the New Hampshire Retirement System and presented a brief slide show with data (specific to the subject) as a companion explanation. She discussed the State contributions from when the pension system started in comparison to the current amounts.

Mr. Lynde reviewed information from the New Hampshire Municipal Association ('NHMA') and saw House Bill 1205 that addressed the estimated costs to towns at \$37 million. He also saw House Bill 1341 that spoke to an impact to towns being \$142 million. Ms. Ober replied there was no fiscal note on HB1341 and didn't know where they got their information. She said those bills were currently sitting in Policy Committee and would cross over to second committee sometime in February. If there is a fiscal note it would come to Finance Committee. She noted there were twenty-six committees and well over 1,000 bills; they couldn't get to every bill hearing on every specific day.

Ms. Forde inquired about the Mtbe funding awarded to the State years ago that pertained to spills that occurred in Pelham. She said the funding for water projects seemed to be a perpetually moving target and wondered if there was an avenue the Town hadn't tried yet as the benefits for waterlines for residents and the business community would be beyond measure. Mr. McDevitt believed Pelham was one of the initiators due to pollution that occurred in the south part of Town. Pelham had applied for funds from the multi-million dollar settlement and received nothing, which was of concern to the Town.

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92 Ms. Ober recalled since the time of the settlement it came to the Finance Committee for acceptance.  
93 She explained there were very stringent requirements as to how the money is spent which is controlled  
94 by the court not by the Legislature. She recommended the Town contact the Attorney General's office.  
95 She recalled money had come to Pelham given directly to the owners of some of the affected wells.  
96 Those 'settlements' were available under Right to Know.

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98 Mr. Nunez stated he sat in on a Resources Committee where Representative Andrew Renzullo was in  
99 attendance. The committee spoke specifically about Pelham and how there had been approximately  
100 270 redresses taken care of directly with homeowners and not with the Town. He understood the Town  
101 could apply with the Department of Environmental Service ('DES') to begin an application. Mr.  
102 McCarthy informed he had submitted two applications that had been deemed 'not qualified' for funding  
103 and recently submitted a third application that was referred to special committee for 'special project'.  
104 He believed the frustration was the Mtbe fund came on the backs of Pelham citizens. He described  
105 how the gas discharged into the ground and pointed out there was still Mtbe in the water. Pelham has  
106 been told they don't have a problem anymore; however, Mr. McCarthy stated the Town's position was  
107 standards could change at any time. He added there was no Mtbe in the Town's water before the spill.  
108 He said the frustration was the fact that the lawsuit was put together because of what happened in  
109 Pelham. In the beginning Judge Lynch was ready to take the case on and represent the Town and was  
110 told by the State to stand down as they were going to do a class action lawsuit. He said Judge Lynch  
111 backed off and now there was \$330 million, and Pelham was being told they didn't have a problem  
112 anymore and didn't qualify for funding. Mr. McCarthy understood there was a lot of money and a lot  
113 of communities that have water problems and had asked the State to give consideration to the towns  
114 that were negatively impacted before giving funds to other communities. He said the only relief had  
115 been water filtration and bottled water; however, there remained in-ground contamination. He's been  
116 informed by Pennichuck Water they could handle an expansion from the existing water tower (tank)  
117 all the way to the Dracut, MA line to provide fresh water for people who chose to sign on. In addition,  
118 there were a number of businesses and residents that would be interested and who sent letters indicating  
119 such. He added having a freshwater line along that route could change the economic picture of Pelham.

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121 Mr. McDevitt said the intention was to raise awareness because there was some frustration in hearing  
122 some towns receiving money that didn't have an Mtbe problem. Mr. Ulery stated some of the money  
123 may not have come from the Mtbe fund. He said it was good to be made aware of the situation and  
124 asked to copy the Representatives when letters were sent out. He also offered to put a letter together  
125 and/or meet with DES. Ms. Ober asked for a copy of the recent grant submission as there were a  
126 number of different funds, not just Mtbe.

127  
128 Mr. Nunez recalled during the last Town Meeting there was an article that pertained to forming a water  
129 commission to address connecting the water distribution center to other parts of Town. Mr. McDevitt  
130 answered yes; it had a great deal to do with it. He said the water commission was in existence. He  
131 informed Pennichuck had the franchise for Pelham; they won't do the expansion unless the Town pays  
132 for it and after the Town pays for the expansion, Pennichuck keeps it. To extend the water line from  
133 the Town center area down to Dracut, MA would cost huge sums of money with no reimbursement. If  
134 Pelham would get money from the Mtbe fund it would be helpful for the water commission. Mr. Nunez  
135 stated if anyone from Town went to State committees all they had to do was let the Representatives  
136 know so they could figure out the issues and work together. Mr. McCarthy noted the creation of the  
137 water commission was at the recommendation of DES in response to comments on the Town's first  
138 application that was turned down. He said the Town took the recommendation and formed a committee.

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140 Mr. Nunez questioned if there were any stipulations or discussions about awards, or matching money.  
141 Mr. Ulery replied it depended on the settlement requirements established by the court. He said those  
142 guidelines were beyond their jurisdiction.

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Mr. Cote hoped meeting with representatives could be a continual thing. He envisioned they would bring issues coming down from the State to the Town's attention and in turn the Town would discuss their issues to be brought to the State. He discussed an issue regarding school lunches and learned from social media (Facebook) children were being denied lunches because they couldn't afford it. He found it odd that adults who were in jail were given three meals a day; however, a child in school with no control over their financial situation were denied a meal. Ms. Lekas asked if that situation was currently happening in Pelham. Mr. Cote replied it was mentioned on Facebook but saw the issue around the country. Ms. Lekas stated a lot of the schools they spoke with didn't let children go hungry. She said if there were specific instances, she would like to know the facts. She spoke about a recent bill that was discussed earlier in the day but not yet discussed at committee.

Mr. Viger stated he reached out to School Board members when he saw the discussion on Facebook and learned there was no way a child would not get a free lunch. He suggested gathering facts and qualifying the situation. Ms. Lekas asked for people to share information so they would know what was going on.

Mr. McDevitt didn't have a specific bill to refer to but had read a few things during the past couple months about some interest for the State to get involved in local planning and zoning issues and putting mandates on towns specifically to further 'affordable housing'. In his personal opinion, he had great concerns about moving in the direction of having the State dictate to towns/communities how they do their planning and zoning. He said if they came across those things it was important to ensure the town maintained local control. Mr. Lekas replied they (Municipal County and Government) heard several bills earlier in the day addressing various aspects of the subject. They had only heard testimony and not had discussions. He understood there were a lot of issues involved and most who testified were in favor of the issue because the vacancy rate was under one percent. He said younger people couldn't come to the State and get jobs because there was nowhere to live, and prices were high. Mr. Lekas stated he heard the concerns and wasn't sure where it would go. Mr. McDevitt had great concerns about the State intervening in the laws of economics.

Ms. Forde spoke about the 2020 redistricting. She pointed out Pelham had grown and felt it was time to look at having more representation and separate on its own. Ms. Lekas stated she had reviewed the estimated populations of Hudson, Litchfield and Pelham. She said it appeared Pelham would have the numbers for four representatives on its own; however, the census information would make the determination. If she were to guess, Hudson and Litchfield would be paired with a flatorial and Pelham would be on its own. Mr. Nunez was in agreement with Pelham having more representation and felt the census numbers would confirm that fact. Mr. Lynde pointed out the citizens of the State approved a modification to the New Hampshire constitution (Article 11A) in 2006. That article stated if a town qualified to have a district, they shall have that district. He said the Federal Government didn't affect this and offered to provide a copy of information he put together based on the 2010 census showing Pelham would have four seats, Hudson would have six seats (and flatorial with Litchfield) and Manchester would have all their seats back. He will provide the representatives with a copy of this information.

In preparing for the meeting, Mr. Cote reviewed some of the bills being proposed; SB43 caught his eye which would establish an on-line notary. In his opinion the establishment of an on-line notary went against identity protection. Ms. Lekas stated she had the same concerns. Ms. Ober noted bills that started with an 'S' had a prime sponsor of the senate; the House may or may not see it until the senate sent it over. She suggested Senator Chuck Morse may be able to help.

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193 Mr. McDevitt expressed the Town's concern regarding Sherburne Road being one of the last roads  
194 plowed by the Department of Transportation ('DOT'). He said thanks to a Federal Grant (named  
195 Congestion, Mitigation, Air Quality) Pelham will be fixing two intersections (Mammoth  
196 Road/Sherburne Road and Mammoth Road/Marsh Road). He pointed out there were multiple accidents  
197 at the Mammoth/Sherburne intersection. He explained Mr. McCarthy had a conversation with the DOT  
198 who told the Town Sherburne Road was the last on the route. He offered for the Selectmen to find a  
199 location to construct a shed so the DOT could keep a truck in the area. Mr. McCarthy said the DOT  
200 thought it would be great; however, when Pelham informed, they found a piece of land (for a shed) the  
201 DOT responded they didn't have funding. Mr. McDevitt wanted to raise awareness that Pelham,  
202 working with the State and Federal Government, may have found a solution to the traffic situation but  
203 plowing Sherburne Road in a timely fashion would continue to be a problem regardless of how the  
204 intersection is fixed. He asked the representatives to assist Pelham in working with the DOT. Mr.  
205 Ulery questioned if the Board would be willing to put together a letter that could be co-signed. Mr.  
206 McDevitt answered yes and reiterated the Board would work with the State. Mr. Nunez spoke about  
207 the fast speed in which vehicles travel on Sherburne Road. The Town had speeding issues and recently  
208 installed a traffic monitor. He said some people don't pay attention and agreed with the concerns. He  
209 thought it was a great idea for representatives to sign onto a letter with the Town to bring DOT's  
210 attention to the situation.

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212 Mr. Viger pointed out Pelham's taxpayers had been proactive in moving the Willow Street Bridge  
213 project up on the State's 10-year plan by paying for elements. He said the Planning Department had  
214 sought grant money for the intersection projects (at Marsh and Mammoth Roads). The taxpayers had  
215 been very willing to help with that type of issue as they were brought forward. He said they should  
216 express to the State that the Town would be willing to help out if the State was also willing.

217

218 In defense of DOT, Mr. Lynde acknowledged the large number of roads they took care of with a  
219 diminishing income stream (less money being collected through the gas tax). He understood there was  
220 proposed legislation for a fee (at registration) based on gas mileage that might offset the cost of revenue  
221 from the gas tax. Mr. Ulery stated the bill was heard earlier in the day; they had long discussions  
222 (bipartisan) last year to address the issue. He then spoke about traffic and explained the DOT had done  
223 a study to understand from which communities the vehicles were traveling from and found the vast  
224 majority of traffic on Wasson Road, Lowell Road and Dracut Road to Sherburne Road were from  
225 Salem, Windham and Londonderry. He said unless and until there was a way to get traffic off main  
226 bridges and out toward Rt. 111 the back roads would be heavily travelled.

227

228 With regard to the check presented to the Town in a previous meeting, Mr. McDevitt inquired where  
229 the money was. Ms. Ober replied the budget was biennium; the Town would receive half of the money  
230 this year and the other half next year. When the check was presented it was revenue for two years. She  
231 noted she provided the Town with the name and phone number for a contact at the Department of  
232 Revenue Administration.

233

234 Mr. Lekas commented if the Town or a constituent had concerns regarding a bill, they were welcome  
235 to contact the representatives. Also, if people have an interest/concern regarding a Senate bill they can  
236 attend the committee hearing to hear testimony from both sides or submit an email (noting 'please read  
237 this into the record').

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239 On behalf of the Board Mr. McDevitt thanked each of the representatives for meeting with the Board  
240 to answer questions and hear their opinions. Ms. Ober stated they would be happy to come back any  
241 time.

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243 **Fire Chief James Midgley – Introduction and Swearing In of two new Firefighters**

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245 Chief Midgley brought forward and introduced the department's new Firefighters, Patrick Grinley and  
246 Nicholas Pelletier. He spoke about their education and training.

247

248 Town Clerk Dorothy Marsden swore in the new Firefighters. Families came forward for the pinning  
249 of the badges.

250

251 The Selectmen congratulated the new Firefighters and welcomed them to Pelham.

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253 **Assessing Assistant Susan Snide - Senate Bill 425**

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255 Ms. Snide informed in August 2019 the County Registrar had contacted a number of assessing offices  
256 within the State to inform they were migrating to a new search system. She stated the system would  
257 cost a lot more money. She said while the registrars were required by current statute to provide the  
258 towns/communities with all transfers that occur within a given year free of charge, it doesn't preclude  
259 them from charging the Town for other deeds or copies of plans from outside the occurring transfers  
260 within the year. She spoke about the types of information she didn't have to pay for in the past and  
261 what she would now need to pay for going forward when providing information about parcels. Ms.  
262 Snide provided the Board with a draft letter tailored for Pelham that began as a boiler plate provided  
263 by the New Hampshire Assessor's Association in objection to the new rule. She said the association  
264 was upset with the timing of the increased costs being in the middle of the budget season as it didn't  
265 give departments time to increase their budgets in the current year.

266

267 Mr. Viger questioned if it applied to physical printouts and electronic information. Ms. Snide replied  
268 both; often times she creates a secure .pdf file as an attachment to parcels within the CAMA (software)  
269 system (assessing database). She spoke about the research she did for various Town departments, who  
270 would now be affected by the new charges. Mr. Viger asked if there was an estimate of what had been  
271 produced in the past versus the projected costs. Ms. Snide answered no.

272

273 The Selectmen had no objection to the proposed letter. There was a consensus to approve Ms. Snide  
274 to send the letter and copy the New Hampshire delegation and Senator Morse to make them aware of  
275 the Town's objection.

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277 **DISCUSSION**

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279 **Citizen request to purchase Town property**

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281 Mr. McCarthy stated they received a citizen request (Guy Steucek) to purchase a parcel of land currently  
282 owned by the Town Lot 42-10-232. The citizen noted the proposed parcel abutted a parcel they  
283 currently owned (60 Jericho Road) which contained 85 acres, all of which was in current use. Mr.  
284 Steucek indicated Dunlap Farm 430 Marsh Hill Road, Dracut MA was half in Pelham, and they have  
285 encouraged passive recreation use on the property. Mr. McCarthy noted the parcel being considered  
286 contained 13.9 acres with an estimated appraisal of \$31,000.

287

288 Mr. Lynde suggested obtaining an opinion from the Conservation Commission. Mr. McDevitt agreed.  
289 He said they usually don't have requests for parcels of this size. Mr. Viger pointed out the Selectmen  
290 weren't allowed to sell the parcel it would need to go in front of the voters. Mr. McDevitt believed the  
291 Selectmen received approval to sell land but agreed they would need to proceed very cautiously.

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293 Mr. Cote understood the citizen was asking to purchase Town land. Mr. McDevitt answered yes.  
294 However, the correspondence didn't contain a 'reason' to purchase the land.

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The Board referred the request to the Conservation Commission for their recommendation.

**Review of new Town of Pelham Bad Check Policy**

Mr. McCarthy asked for final comments/input from the Board. If there were no questions, he would like a vote for adoption. Mr. McDevitt offered minor editorial amendments. There was no objection.

**MOTION:** (Viger/Cote) To approve the Town of Pelham Bad Check Policy as amended.

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

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**Review of draft 2020 Town Warrant**

Mr. McCarthy provided the Board with the final version of the 2020 Town Warrant which had already been reviewed by Town Counsel.

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Mr. McDevitt spoke about Article 17 (solar power arrays). He thought the Board had agreed to form a committee who would in turn make recommendations as far as what to do. He didn't feel the proposed article had enough specific information.

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Mr. Lynde recalled the Board questioning if they could move forward with solar arrays on the roof of the municipal building without Town Meeting approval. He understood the option of solar on the roof would be the 'biggest bang for the buck' because waiting until next year would decrease the return on investment (tax benefit).

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Mr. Viger clarified the Board discussed (during their last meeting) whether they would appoint a committee to review options and agreed they didn't need a warrant article to do so. He said they questioned how to enter into the long-term lease without having an agreement, much like the golf course. He understood the opinion was they needed Town Meeting approval for a long-term lease. Mr. Viger believed they needed a warrant article to negotiate a long-term lease for either land or building roofs.

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Mr. McDevitt stated he was in favor of having a solar array but didn't feel the proposed article told the voters what parcel of land the Town would lease. He believed if people were going to vote for the article, they should be told what piece of land was being requested. Mr. Cote stated if they were going to have a ground array it needed to be near a three-phase outlet, which was the reason they addressed the Sherburne Road/Mammoth Road parcel. He believed the idea was to get the best savings through a roof array and then build it from there. Mr. McDevitt believed the article had to be very specific. As the article currently read, he wouldn't give that power to any Board of Selectmen. Mr. Viger felt the same.

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Mr. Cote questioned if they should be specific and start with a roof system. The Board discussed verbiage to amend the article to be specifically on Town roofs.

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Through the discussion the Board drafted the following, which was read aloud by Mr. McCarthy:  
*"Shall the Town vote to authorize the Board of Selectmen to lease space on Town owned structures for the purpose of installing solar panel arrays for a term not to exceed thirty (30) years."*

**MOTION:** (Cote/Lynde) To approve the article as read (by Mr. McCarthy).

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

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Mr. McDevitt noted once the warrant is posted in accordance to State law it can't be changed.

Mr. Cote clarified the open positions for the Planning Board. There are two open member positions with a three-year term and one open member position for a one-year term.

**Review of the 2020-2025 Fire Contract**

Mr. McCarthy provided the Board with the final document that will go in front of the voters on the warrant.

**Vote on new operating and default budget number**

Mr. McCarthy stated the Budget Committee conducted budget reconsideration on January 16, 2020. There were changes considered for the Town budget: IT budget, Fire Department and the Highway Department.

The Budget Committee approved the reconsidered Town Operating budget for 2020: \$17,713,461.

The new default budget is \$17,340,391.

**MOTION:** (Lynde/Forde) To accept the 2020 reconsideration budget approval by Budget Committee of \$17,713,461 and new default budget number of \$17,340,391.

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

**Budget Committee reconsideration meeting review**

Mr. McCarthy discussed the Budget Committee's meeting and the decisions they took regarding the proposed budgets.

**Election of officers for the March 10, 2020 election**

Filing period for open position is January 22, 2020 through January 31, 2020 at 5pm. Candidates should apply in person at Pelham Town Hall. Questions are directed to the Town Clerk Dorothy Marsden 603-508-3076 during regular business hours.

- Selectmen – two for 3 years
- Town Moderator – one for 2 years
- Budget Committee – three for 3 years
- Cemetery Trustee – one for 1 year, two for 3 years
- Library Trustee – two for 3 years
- Trustee of Trust Funds – one for 3 years
- Planning Board – two for 3 years, one for 1 year



387 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

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390 Mr. McDevitt recalled from their last meeting the Board would discuss forming a committee to review  
391 electricity and solar prices and alternatives. He was of two minds; the sooner people became interested  
392 would be good however, based on past practice as they get closer to March it's better to wait to appoint  
393 a committee (with the newly elected board). He suggested the current Board create a 'charge' for the  
394 committee and have interviews for the committee after the March election. There was no objection.  
395 Mr. McDevitt will work with Mr. McCarthy to come up with a draft charge for a committee by the next  
396 meeting.

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398 Ms. Forde announced she would at Enterprise Bank in Pelham every Saturday between 9:30am-  
399 10:30am to hear questions, comments or complaints. She brought attention to an event at Pelham  
400 Memorial School called Tiles and Tours that will be held Wednesday, February 12 from 5pm-8pm and  
401 Saturday, February 15<sup>th</sup> from 12pm-3pm. This is an opportunity to tour and discuss Memorial School  
402 and the renovation proposal on the ballot.

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404 Mr. Cote stated one item he spoke about doing was a cost analysis for Town trash pickup. He said over  
405 the weekend there was an article in the Union Leader regarding recycling that may be a huge problem  
406 for the Town. He said they may have a couple years to address the situation. Mr. Lynde thought about  
407 the situation and suggested speaking with the Road Agent to understand what items were worth  
408 something to recycle based on markets. Mr. Cote noted the article referenced going back to separation  
409 and not single-stream. Mr. McDevitt suggested the Selectmen begin forming a plan to determine what  
410 could be done prior to the current contracts ending.

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412 Mr. McCarthy reminded the public the Town Deliberative Session would be held Tuesday, February 4,  
413 2020 beginning at 7pm in Sherburne Hall. Town Meeting will be held Tuesday, March 10, 2020  
414 between 7am-8pm.

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416 The next regularly scheduled Board of Selectmen meeting will be Tuesday, February 18, 2020  
417 beginning at 6:30pm; however, an earlier meeting is at the call of the Chair.

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420 **ADJOURNMENT**

421 **MOTION:** (Forde/Cote) To adjourn the meeting.

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

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423 The meeting was adjourned at approximately 8:44pm.

424  
425 Respectfully submitted,  
426 Charity A. Landry  
427 Recording Secretary