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**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN - MEETING MINUTES**  
**March 17, 2020**  
APPROVED – March 31 2020

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**CALL TO ORDER** – Ms. Forde called the meeting to order at approximately 6:30PM

**PRESENT:** Ms. Heather Forde, Mr. Hal Lynde, Mr. Robert Haverty, Mr. Jaie Bergeron,  
Mr. Kevin Cote, Town Administrator Brian McCarthy

**ABSENT:** None

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**PLEDGE OF ALLEGIANCE**

**ANNOUNCEMENT(S)**

Ms. Forde welcomed the newly elected Selectmen.

Mr. McCarthy informed the Parks & Recreation and Hobbs Community Center programs were suspended until further notice.

**MINUTES REVIEW:**

**March 3, 2020:**

**MOTION:** (Cote/Lynde) To approve the March 3, 2020 meeting minutes as amended.

**VOTE:** (3-0-2) The motion carried. Mr. Haverty and Mr. Bergeron abstained.

**OPEN FORUM:**

No one came forward.

**APPOINTMENTS**

**Fire Chief James Midgley – Pandemic update – official introduction of Deputy Health Officer Karen McGlynn**

Chief Midgley came forward. He advised the Board the New Hampshire Governor declared a state of emergency on March 13<sup>th</sup> and issued several executive and emergency orders. He summarized the latest orders and provided the latest medical statistics and emergency operations related to COVID-19.

Ms. McGlynn noted with the latest executive order to close bars and restaurants she spent her time going out to businesses within Pelham. She reported 100% compliance. Restaurants are allowed to have take out and delivery.

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Ms. Forde understood people couldn't ride with patients in the ambulances but wanted to know what happened when the patient is a minor. Chief Midgley replied there were provisions for minors and persons with certain disabilities or durable power of attorney or health care proxy. He added the officers had the ability to override the policy.

Mr. Cote questioned if there was a decontamination protocol for the ambulance. Chief Midgley answered yes and described the process. He said they had also instituted a policy for employees to come to work in civilian clothes and change at the station. He explained they didn't want anything at the station (coming in or leaving) that could potentially be brought back to families. There are several policies in place for decontamination and general duties within the station. He described the procedure in the event an employee tested positive. He stated they had the ability to fog/decontaminate within the station.

Mr. Haverty inquired about the procedure for the Police Department in the event someone tested positive. Mr. McCarthy believed they would relocate dispatch to the emergency operations center and deploy the same methods and techniques used by the Fire Department. Chief Midgley stated they had the ability to take over three terminals at the emergency response center.

Mr. McCarthy thanked Ms. McGlynn for visiting the Town's restaurant owners and talking with people. Chief Midgley added she had a great skill set that had definitely shown itself in these instances and was very pleased to have her as a resource.

**Volunteer interviews: Zoning Board, Conservation Commission, Forestry Committee and Cemetery Trustees**

Charles Gale, 15 Valley Hill Road came forward to discuss his application as a member of the Forestry Committee. He said he didn't have formal training in forestry but had worked with a committee and gained knowledge in the area of trail maintenance, planning, mapping and monitoring. He discussed his interest with the Town obtaining areas to stop people from building.

Mr. Lynde asked how many openings on the committee were currently available. Mr. McCarthy replied there were two positions with 3-year terms.

It was announced the Selectmen would conduct interviews and make appointments on March 31, 2020.

Mr. Edmund Gleason, 3 Bush Hill Road met with the Board to discuss his application to fill the term vacated by Mr Kosik. He felt he brought a lot of experience to the trustees. He stated he was currently a Trustee to the Trust Funds for the Town with access to all the trusts. He had the ability to assist the Cemetery Trustees to access monies due under the RSAs. As a former Selectman, Budget Committee member and Zoning Board member, he could assist the trustees with efficient operations and budgeting. In 2008 Mr. Gleason assisted the Cemetery Trustees with a program relating to perpetual care and told the Board how he could continue to assist.

Mr. Haverty recalled there was a certain level of training that went along with becoming a trustee and asked Mr. Gleason if he had availed himself of such. Mr. Gleason replied he had gone several times; every year the Department of Justice holds a training seminar in Concord. He noted even by going as a Trustee of the Trust Funds, he learns about the trustees of both the library and cemetery.

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94 Mr. Richard Jensen, 1 Gladys Avenue came forward to speak regarding his application as a cemetery  
95 trustee. He stated he was previously on the Cemetery Board of Trustees for many years and worked to  
96 straighten their budget, work to develop land and several other things.

97

98 In the application Mr. Cote saw Mr. Jensen had served in one position for two years and questioned  
99 why he had left the trustees. Mr. Jensen replied things had come up and he didn't win an election,  
100 therefore he didn't pursue it further. Also, his job didn't allow him to fully pursue the position;  
101 however, circumstances had now changed.

102

103 Mr. Haverty wanted to know if Mr. Jensen would avail himself to training classes. Mr. Jensen replied  
104 he made sure the trustees attended during his time on the committee. He also had them join the  
105 Cemetery Association of New Hampshire so they could stay informed as laws changed.

106

107 Ms. Diane Chubb, Hancock Lane met with the Selectmen to discuss her application to be reappointed  
108 to the Zoning Board. She stated being a lawyer was a big plus for being on the Zoning Board as it was  
109 a quasi-judicial board. She liked having the ability of sitting on the other side and hearing evidence  
110 versus presenting evidence. She enjoyed weighing the information/evidence and making decisions that  
111 were in the best interest of all.

112

113 Ms. Forde asked Ms. Chubb if she had taken advantage of any trainings. Ms. Chubb answered yes,  
114 adding it was a great program.

115

116 Mr. Cote stated he reviewed meeting minutes and videos from previous Zoning Board meetings. He  
117 referenced February 11<sup>th</sup> and asked Ms. Chubb if it was important to do joint meetings with other  
118 boards. Ms. Chubb answered yes; when it made sense and was possible to do so in the fairness of cost  
119 and efficiency for an applicant and abutters when boards were discussing the same items. Mr. Cote  
120 understood there were a number of issues with regard to Foreman Lane. Ms. Chubb replied she couldn't  
121 discuss specific cases. Mr. Cote stated during a Zoning Board meeting it was suggested to conduct a  
122 joint meeting and a comment was raised that it was more about convenience. He felt it was important  
123 when a development came in, it presented an opportunity to hold a joint meeting. He asked if she felt  
124 it was important to hold a joint meeting with regard to Foreman Lane. Ms. Chubb replied she wouldn't  
125 discuss a specific case at this time. Ms. Forde stated there wasn't a lot they could discuss being the  
126 Zoning Board was quasi-judicial. She heard Ms. Chubb indicated holding a joint meeting is important  
127 when possible and necessary. She didn't feel that point needed to be belabored.

128

129 Mr. David Wing stated he previously met with the Board prior to the recent election. It was thought  
130 at that time to have him return and be interviewed by the new Board members. Mr. Wing told the  
131 Board he was applying to be an alternate member of the Zoning Board. He mentioned he and his wife  
132 sought out opportunities to volunteer when possible. He's served on school related boards and was  
133 seeking to become involved with the Town; the Zoning Board matched his availability and experience  
134 of having an engineering background.

135

136 Ms. Forde asked if he understood the five (variance) criteria and how to apply them. Mr. Wing had  
137 been in attendance of a few meetings as an abutter and was aware of the criteria. He learned there were  
138 opportunities for training and would take advantage of such when it became available. Mr. Haverty  
139 saw Mr. Wing was applying as an alternate and questioned if he would attend every meeting. Mr. Wing  
140 answered yes.

141

142 Mr. Jeff Cairn, Bush Hill Road came forward with an interest in being appointed as an alternate to the  
143 Zoning Board. He was interested in what went on within the Town. Although he had no training, he  
144 was eager to learn and conduct research. He said he would attend all the meetings.

145

146 Mr. McCarthy had Mr. Caira's application marked as a full-time member. Mr. Caira replied he  
147 preferred to 'get his feet wet' as an alternate position at this time.

148

149 Mr. Lynde reviewed the application and asked what Mr. Caira meant by 'stay true to the black letter of  
150 the law'. Mr. Caira replied he would learn the rules and do what's right; he wouldn't favor anybody.  
151 Mr. Lynde stated there were five criteria that had to be met for a variance to be granted. He said one  
152 key criterion indicated the hardship had to be with the land and not the person (applicant). He's  
153 encouraged the Planning Director to schedule (board member) training through the New Hampshire  
154 Municipal Association. Mr. Caira stated he had familiarized himself already with the five criteria.

155

156 Mr. Haverty stated training was essential for members of the Zoning Board because it was quasi-  
157 judicial, and they sat in judgement of cases. Mr. Caira understood the importance of training. Mr.  
158 Haverty noted it was critical for the alternates to attend every meeting because cases often spanned  
159 several meetings and if appointed to vote would need to have all the facts. Mr. Caira understood and  
160 wanted to be helpful.

161

162 Ms. Forde stated the Board would make appointments on March 31, 2020.

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164 **DISCUSSION**

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167 **Vote – Board of Selectmen Chairman and Vice Chair**

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169 Mr. Lynde nominated Ms. Forde as Chair. Ms. Forde respectfully declined and explained her time  
170 during the coming year was currently overextended. Mr. Cote nominated Mr. Haverty as Chair. Mr.  
171 Bergeron seconded.

172

**MOTION:** (Cote/Bergeron) To appoint Bob Haverty as Chairman.

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

173

174 Mr. Cote nominated Ms. Forde as Vice Chair. Mr. Haverty seconded.

175

**MOTION:** (Cote/Haverty) To appoint Heather Forde as Vice Chair.

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

176

177 Mr. Haverty will take over as Chair during the next meeting.

178

179 **Selectmen committee assignments**

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181 Mr. McCarthy provided the Board with last year's committee assignments for reference. He noted the  
182 Agriculture Committee will be added to the list. Appointments to committees will be made at the next  
183 meeting.

184

185 **Creation of Energy Committee**

186

187 Ms. Forde stated in January the Board had a discussion regarding aggregating energy and felt it was  
188 best to create an energy committee. Mr. McCarthy felt they should follow the same pattern as they had

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189 with other committees; four regular members, a Selectmen representative and two alternates. Once the  
190 Board votes to establish a committee he will advertise to seek volunteers.  
191

**MOTION:** (Haverty/Cote) To create an Energy Commission for the Town of Pelham. Members include: one ex-officio Selectman representative, four regular members and two alternate members. To commence members will have staggered terms as follows: one with a 1-year term, one with a 2-year term, one with 3-year terms plus two alternate members: one with a 1-year term and one with a 3-year term.

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

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193

194 **March 10, 2020 Town Meeting results**

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196 Mr. McCarthy provided the Board with the voting results from the Town Warrant. He views the vote  
197 as a report card and felt they received a lot of support. There was a total of 3,108 voting of which 72  
198 were newly registered.

199

200 **Town operation pandemic plan**

201

202 Mr. McCarthy put together a draft plan for the Board to review. The proposal outlines how the Town  
203 would operate as it went through the current epidemic. He read through the document and described  
204 how each department would function. The plan would ensure the community needs are being met while  
205 limiting citizen exposure to employees.

206

207 In the interest of expedience and addressing a volatile situation, Mr. Haverty asked the Board to discuss  
208 giving Mr. McCarthy autonomy under the circumstances outlined so if needed action could be taken  
209 immediately. After action is taken, Mr. McCarthy would then contact Board members as quickly as  
210 possible. He said it was similar to when there is a blizzard and spoke about the past relationship  
211 between the Board and Mr. McCarthy.

212

213 Mr. Cote stated in his short time being on the Board he felt Mr. McCarthy had done an excellent job  
214 communicating his actions to the Board. He supported Mr. Haverty's suggestion.

215

216 Mr. Haverty asked if the Board agreed Mr. McCarthy could take certain actions as they relate to the  
217 items outlined within the policy and update the Board when and why those actions were taken. He felt  
218 Mr. McCarthy would act in the best interest of the Town and not make irresponsible or rash decisions.

219

220 Ms. Forde had no objection as long as Mr. McCarthy acted within the guidelines discussed. She felt  
221 he needed to be allowed to do so. Mr. Bergeron had no objection and mentioned Mr. McCarthy kept  
222 the Board updated with information received.

223

224 There was a general consensus to authorize Mr. McCarthy to act as outlined.

225

226 **Livestock Ordinance of 1971**

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228 At a previous meeting Mr. Cote made the Board aware of the Town's Livestock Ordinance of 1971 that  
229 contained certain fines. He suggested amending the verbiage and fine schedule and read the proposal  
230 aloud.

231

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232 Ms. Forde wanted to know to whom people would complain. Mr. Cote believed complaints should be  
233 submitted to the Code Enforcement Officer for decision regarding penalties. Ms. Forde asked the  
234 process of submitting a complaint. Mr. Cote thought date stamped photographs, videos or other  
235 evidence sufficient in a court of law could be used. He understood two public hearings were necessary  
236 for the language to be changed and would like to move forward with such if there were no objections.  
237 He made the following motion:  
238

**MOTION:** (Cote/Haverty) To put forth the amended wording of the 1971 Livestock Ordinance proposed by Mr. Cote to be heard at two subsequent public hearings.

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

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240 Ms. Forde asked Mr. McCarthy to schedule two public hearings to discuss the proposed amended  
241 livestock ordinance.

242  
243 Mr. Lynde saw the words ‘found guilty’ within the proposed ordinance and questioned who presided  
244 over such. Mr. McCarthy suggested changing the wording to ‘in violation’. There was no objection;  
245 that change would be added to Mr. Cote’s proposal.

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247 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

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249 Mr. Cote welcomed the newly elected Selectmen. He also told Ms. Forde she had done a great job  
250 chairing the meeting.

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252 Mr. Lynde asked if the application was submitted to get the building plans for the highway garage. Mr.  
253 McCarthy replied he hadn’t received them from Roland Soucy who was still working on obtaining the  
254 contract. He will follow up with Mr. Soucy. Mr. Lynde reviewed the meeting minutes from the last  
255 meeting and asked if the Fire Chief had access to storage space for additional supplies. Mr. McCarthy  
256 commented with the reconfiguration of the back room there wasn’t enough room; therefore, he allowed  
257 the Chief to use the Annex.

258  
259 Mr. Haverty stated he looked forward to working with the Board.

260  
261 **REQUEST FOR NON-PUBLIC SESSION**

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

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

263 It was noted that when the Board returned, after the non-public session, the Board would not take any  
264 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
265 meeting. The Board entered into a non-public session at approximately 7:54pm.

266  
**MOTION:** (Haverty/Cote) To leave non-public session.

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

267 The Board returned to public session at approximately 8:27pm.

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**MOTION:** (Haverty/Cote) To indefinitely seal the minutes of the non-public session.

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

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**ADJOURNMENT**

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273 The meeting was adjourned at approximately 8:27pm.

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275

Respectfully submitted,

276

Charity A. Landry

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Recording Secretary

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