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**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
June 23, 2020**

APPROVED – July 7, 2020

CALL TO ORDER – Mr. Haverty called the meeting to order at approximately 6:30PM

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

ABSENT: None

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PLEDGE OF ALLEGIANCE

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12

MINUTES REVIEW:

13

June 9, 2020:

MOTION: (Cote/Lynde) To approve the June 9, 2020 meeting minutes as amended.

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

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16

ANNOUNCEMENT(S)

17 Mr. Lynde announced the Concerts on the Village Green season would commence Wednesday, June
18 24, 2020 beginning at 6pm. In the event of rain, the concert will be postponed to Thursday, June 25,
19 2020.

20
21
22

OPEN FORUM

23 Ms. Charlene Takesian came forward to represent Pelham Community Spirit. She noticed the Board
24 listed an agenda item under ‘Discussion’ regarding Town fireworks. She stated the correct date was
25 Saturday, August 29, 2020.

26
27
28

APPOINTMENT(S)

29
30

Health Officer Karen McGlynn and Fire Chief James Midgley – COVID-19 Pandemic update

31 Ms. McGlynn provided information regarding the latest statistics in Pelham and the State. The State
32 currently has 929 documented positive cases with 54 hospitalizations. The State’s positive percentages
33 continue to decline with a little jump at the end of last week. The Town has held at approximately 7
34 cases for about a week. Although the Governor lifted the social gathering restriction people are still
35 encouraged to social distance and wear masks. Those that fall into the high-risk categories are
36 encouraged to stay home and only leave for essentials. Ms. McGlynn informed Hillsborough County
37 accounted for 65% of all cases in New Hampshire; both Rockingham County and Hillsborough County
38 combined accounted for 80% of all hospitalizations since COVID started. She noted there had been
39 huge surges in other states that had completely opened; even though numbers were coming down in
40 New Hampshire it remained at risk for having the same thing happen. She informed 16,868 New
41 Hampshire residents have been tested for COVID antibodies with only 598 positive results (3.5%).
42 This indicates low prevalence of past COVID infection which leaves potential for a large outbreak.
43 Ms. McGlynn reviewed the hand sanitizer warning issued by the FDA.
44

45 Chief Midgley spoke about the national numbers of positive COVID cases that had ‘sky-rocked’ within
46 the last two weeks. He understood people were growing tired of wearing masks and social distancing;
47 however, there was an end goal and they wanted to be cautious.

48

49 **Junkyard License applications review/approval**

50

51 Mr. Bergeron recused himself.

52

53 Coombs Used Parts (Mammoth Road) - Mr. McCarthy informed they had met the criteria and
54 passed all the proper inspections by the Fire Inspector and Code Enforcement. There was no
55 representative present for Coombs Used Parts. Mr. Haverty asked the Board if they had any questions
56 for the applicant. Mr. Lynde assumed all signoffs had been received from the Town’s inspectors. Mr.
57 McCarthy replied everything had been done.

58

MOTION: (Forde/Cote) To approve the junkyard license for Coombs Used Parts.

VOTE: (4-0-1) The motion carried. Mr. Bergeron had recused himself.

59

60

61 Jack Mansur Auto (76 Dutton Road) - Mr. McCarthy informed they had passed all necessary
62 inspections from the Fire Department/Fire Inspector and Code Enforcement. He said there were no
63 issues with the application. There was no representative present for Jack Mansur Auto. Mr. Haverty
64 asked if there were any questions for Mr. McCarthy or the applicant. There were none.

65

MOTION: (Cote/Forde) To approve the junkyard license for Jack Mansur Auto.

VOTE: (4-0-1) The motion carried. Mr. Bergeron had recused himself.

66

67

68 Jean Guys Used Cars and Parts (180 Marsh Road) Mr. McCarthy informed they had passed
69 all the required inspections with the Fire Inspector and Code Enforcement. There were no issues with
70 the application; all paperwork and signatures were in order. There was no representative present for
71 Jean Guys Used Cars and Parts. Mr. Haverty asked if there were any questions for Mr. McCarthy or
72 the applicant. There were none.

73

MOTION: (Forde/Cote) To approve the junkyard license for Jean Guys Used Cars and Parts.

VOTE: (4-0-1) The motion carried. Mr. Bergeron had recused himself.

74

75 Mr. Bergeron returned to the Board.

76

77 **DISCUSSION(S)**

78

79 **Town Hall reopened/return to normal business operations**

80

81 Mr. McCarthy informed they had reopened Monday and were back to full staff and full operations. He
82 stated the process was a seamless transition. He commended all the offices for their ability to continue
83 serving customers either by appointment or in a controlled environment. The Town’s on-line abilities
84 and drop box (in front of the Municipal Building) helped the operation. The drop box had worked well,
85 and citizens were happy having it in place. He said it will remain in place. Mr. McCarthy took a
86 moment to commend Town Clerk/Tax Collector Dorothy Marsden, Deputy Town Clerk/Tax Collector

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87 Linda Newcomb, Clerk Regina Molloy, and Clerk Kelly Salois for a job well done during the past
88 months. He also commended Assessing Assistant Sue Snide, the employees in the Planning
89 Department and everyone who ensured the service to the community was not interrupted. He stated
90 they had opened up to normal operations. He noted the Transfer Station was back open 100%.

91

92 Mr. Cote inquired about waste recycling at the Transfer Station. Mr. McCarthy will seek information
93 from the Road Agent.

94

95 **Liberty Utilities sidewalk project update**

96

97 Mr. McCarthy announced the Liberty Utilities sidewalk project would begin Wednesday, June 24th.
98 The sidewalk will start at Pelham Memorial School and travel south along Marsh Road to Willow
99 Street. This was an arrangement made with Liberty Utilities when they brought natural gas down Marsh
100 Road; the Town made an agreement to have a sidewalk put in as most of the pedestrian traffic was
101 school children. Work on the sidewalk may occur on some Saturdays in an effort to speed the project
102 up. The project was expected to wrap up in mid-August.

103

104 **Potential drought conditions in our future**

105

106 Mr. McCarthy pointed out there hadn't been a lot of snow during winter or a lot of rain in the spring.
107 As a result, the ground water supply was low, and the State has deemed New Hampshire 'abnormally
108 dry' which is the lowest threshold for drought. Out of an abundance of caution he said he was getting
109 word out early for people to start some type of a water conservation plan. He will keep everyone up to
110 date with information.

111

112 **Vote to accept GOFERR Funds from the State/Replenish budget salary line items**

113

114 Mr. McCarthy informed the Governor's Office for Emergency Relief and Recovery ('GOFERR')
115 (essentially the CARES Act) was money the Governor put together for towns to offset COVID-19
116 pandemic costs. He stated anything the Town spent toward COVID-19 had been categorized separately
117 in the accounting software. There was a little under \$5,000 of expense. Mr. McCarthy was seeking:
118 1) the authority to sign the application and 2) to accept the money when it comes in to be disbursed into
119 the necessary category within the budget to replenish funds. He noted typically when funds are
120 received, they're put into the General Fund; however, the GOFERR allows a provision for the Board
121 to vote to put the money back where it was spent. An application was submitted May 28, 2020. He
122 noted the State requires meeting minutes to show the Selectmen's authorizations.

123

MOTION: (Forde/Cote) To authorize Town Administrator McCarthy to sign the application for
the GOFERR Fund/CARES Act reimbursement.

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

124

125

MOTION: (Forde/Lynde) To disburse GOFERR/CARES Act funds to the appropriate Town
budget lines.

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

126

127 **PUBLIC HEARING: The Town ceasing the plowing of private roads**

128

129 Mr. Haverty provided guidance for how the hearing would be conducted.

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130

131 Mr. Ray Gladu, 9 Campbell Road, President of the Campbell Grove Association came forward and
132 read from a prepared letter. He told the Board the association was established in the 1940 and consisted
133 of Campbell Road, Methuen Road, Andover Street and Gaston Street; a total of .45 miles of road. He
134 said the 28 taxpayers had paid the Town to plow/salt the roads since 1950s. Last year they paid \$2,800
135 to have the roads cleared of ice and snow; the fee does not include general maintenance. The
136 association signs a waiver each year acknowledging the Town is not responsible for any damages to
137 private property caused by the plows. Mr. Gladu stated the association was willing to work with Town
138 Counsel if there needed to be changes made to the waiver. They understood allocating Town resources
139 was an issue, but the association didn't feel they should be penalized because the Town was growing.
140 He reiterated they had paid fees for the Town to plow since the 1950s. He stated a portion of property
141 taxes went toward snow removal and wanted to know if they would be given a refund on their taxes if
142 the services were no longer offered. Mr. Gladu told the Board safety was a major concern as there were
143 elderly and handicapped citizens living within the association. They wanted to know what would
144 happen if emergency services were needed during the winter. He said it wouldn't be acceptable to send
145 a sander/plow on an as-needed basis; the Town could be held liable if the worst were to happen. Mr.
146 Gladu would like to hear if the Police and Fire Departments approve of the changes. Campbell Grove
147 Association felt they should be grandfathered into the plowing and sanding as had been done for the
148 past seventy years. He stated they would pay as they had in the past.

149

150 Mr. Gladu then offered his own comments/opinion, separate from those of the association. 1) when a
151 change as significant as this is being considered the Town should notify each homeowner. As president
152 of the association he was notified through hearsay and 2) the Town should not have chosen to make
153 this type of a change during a time of a national (pandemic) crisis.

154

155 Mr. Lynde indicated the Town was forbidden by State Statute and a Supreme Court decision to spend
156 any money coming from property taxes to do any work on private roads. He said they were faced with
157 a further dilemma if they continue maintaining the roads, they may be forced to accept them as Town
158 roads and be responsible for bringing them up to grade. He noted there were several organizations that
159 hire their own contractors who do a good job. He understood the resident's concerns and supported
160 them for several years; however, they were faced with the Town being affected.

161

162 With the anticipation of this coming, Mr. Gladu told the Board he had tried three different contractors
163 that plow in Town. The contractor who currently plows Campbell Grove Association is Boyden. He
164 received a response from Mr. Boyden. He said when Mr. Boyden heard they currently paid \$2,800, he
165 informed he didn't think he could do it (clear the roads) for that amount. Mr. Gladu stated the situation
166 put the citizens in a bind and he may have to ask the Town for help to make it happen. Mr. Haverty
167 said Mr. Gladu's conversation with Mr. Boyden spoke in and of itself to the nature of the court order
168 that prevents the Town from spending tax dollars to plow a private road. He said if a private contractor
169 has indicated they couldn't clear the roads for that amount (\$2,800), the amount is well-below a fair
170 market price and in conflict with the court's order. Mr. Gladu understood the problem but also
171 understood part of his tax dollars went toward removing snow from his house. Mr. Haverty replied Mr.
172 Gladu's tax dollars do not go toward removing snow in front of his house; the tax dollars go toward
173 removing snow from Town roads. He said the money paid to the contractor is for removing snow from
174 in front of his house (on a private street). As stated by the court (1989 Clapp v. Jaffrey), tax dollars
175 should not be used to plow a private road. Mr. Gladu asked if the roads within building projects that
176 had not been accepted by the Town were paid by the contractors. Mr. Haverty answered yes.

177

178 Mr. George LaBonte, 5 Gaston Street thanked the Board for conducting the hearing and wanted them
179 to know how important it was for the Town to continue plowing. He wanted the Board and other Town
180 citizens to understand the private roads being discussed had been around since the 1930s and were built

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181 prior to the road standards currently in place. He noted there were 28 taxpayers (Campbell Grove
182 Association) that were unfortunately in a situation they didn't create. He understood there was a Statute
183 that states no tax dollars are to be spent on plowing the roads which was the reason they had been
184 paying the Town to do so. He added they maintained the property and met with the Road Agent to
185 ensure the roads were satisfactory. He reiterated the homeowners didn't create the situation and
186 believed the Town didn't charge for plowing the roads until approximately 15-20 years ago. He
187 believed a major problem people would have is refinancing or selling their homes. He also believed
188 insurance would be a problem for residents if the Town would not help them and continue plowing the
189 roads. Mr. LaBonte mentioned every year the residents (and representatives) sign a waiver to relieve
190 the Town of any liability. He wasn't aware of a situation that a town was sued for damages; being an
191 attorney and a resident he watches for such things.
192

193 Mr. Haverty asked Mr. LaBonte how he would advise one of his clients if a judge informed them not
194 to do something or they would be held in contempt of court. Mr. LaBonte questioned if there was a
195 pending order in front of the Town. Mr. Haverty replied there was a 1989 order from a judge that
196 instructed the Town to stop or they would be held in contempt of court. Mr. LaBonte commented they
197 didn't have a judge actively telling the Town not to plow the (private) roads given the fact that the
198 taxpayers living on the roads were paying the Town to plow/sand the roads. Mr. Haverty asked Mr.
199 McCarthy if the Town had a judge who told the Town of Pelham to stop or the Town would be held in
200 contempt. Mr. McCarthy answered yes; it was a 1989 court decision where the Town was sued by
201 citizens. Mr. Haverty believed Mr. LaBonte (as an attorney) could understand the position the Town
202 was in. Mr. LaBonte replied the Town didn't have a court order stating they were in contempt; he felt
203 the question wasn't a direct comparison 'apples to apples'. Mr. Haverty stated the Town had a court
204 order that told them to stop or the Town would be held in contempt. He informed (residents on private
205 roads) don't pay taxes to have the Town plow the road in front of their house. He said taxes are paid
206 to plow the Town roads; a contractor is (hired or) paid to plow private roads or people clear their own
207 road. By virtue of the court order the Town is not allowed to use tax dollars to plow the private roads.
208 He added when a person bought a house on a private road, they accepted the responsibility. Mr. Haverty
209 heard Mr. Gladu inform he couldn't get Mr. Boyden to plow for \$2,800 which indicated to him the
210 Town was subsidizing the cost by using tax dollars. They would place the Town in jeopardy by
211 continuing to do so. Mr. LaBonte reiterated his point that the comparison wasn't 'apples to apples'
212 because the Town was not spending tax dollars to plow the roads. He stated the citizens who lived on
213 the roads were paying the Town to do so. He added there was no live court order that states the Town
214 cannot conduct the activities it was currently conducting.
215

216 Mr. Kevin Crooker, 2 Andover Street didn't feel \$2,800 was such a great deal. He said businesses were
217 able to receive a 'break' when they bought things as a group (such as insurance). He understood through
218 past discussions that the Town determined the per mile cost (based on its cost) and charged the
219 association accordingly. He stated the Town didn't spend any taxpayer money on their roads; the
220 association was charged the Town's cost to plow the roads. Mr. Crooker told the Board he was worried
221 and a little upset. He received papers from the Road Agent each year of what needed to be fixed before
222 the Town would plow. No one informed him the Town wouldn't be plowing the roads anymore. He
223 was also concerned about his neighbors that looked to others to help them out because they couldn't do
224 it themselves. Mr. Crooker informed he had been in the neighborhood since the early 1960s and the
225 Town had always plowed the road. He heard a lot of arguments but felt the Board did not have all the
226 information when they made their decision. He believed he should have been notified and the Board
227 should have had a discussion before making their decision. He stated there was no taxpayer money
228 paying for the plowing.
229

230 Ms. Karen Provencal, 36 Wood Road told the Board for the last ten years she handled the plowing
231 packets received from the Town for plowing Wood Road. She noted the Town's attorney drafted all

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232 the liability waivers and turn around waivers. She wanted to know why the Town was canceling the
233 program after it had been running smoothly for the better part of ten years. Mr. McCarthy replied
234 during his employment of six years (as Town Administrator) the discussion had come to the Board of
235 whether it was a viable program for the Town. One reason was because the fees being charged were
236 well below what fair market fees would be and another reason was based on Town Counsel's research
237 and discussions with the New Hampshire Municipal Association ('NHMA'). He stated a lot had
238 changed regarding liability. Ms. Provencal questioned if the waiver language could be changed. He
239 pointed out the fees were set by the Town and paid without complaints by the residents. Mr. Haverty
240 replied the issue was less about waivers and more about the expenditure of tax dollars to plow private
241 roads. Ms. Provencal reiterated the expense of plowing the road was set by the Town. It was Mr.
242 Haverty's opinion they were canceling it due to the court order saying they couldn't do it. Ms.
243 Provencal pointed out the court order was in 1989 and the program had been running smoothly for the
244 last ten years. Mr. McCarthy noted although a liability waiver is signed it doesn't relieve the Town
245 completely from liability. He said if the Town continued to plow the roads it may be liable to absorb
246 them as Town roads. He explained the Board didn't take the situation lightly because they understood
247 there could be a hardship. They looked at the waivers, reviewed the system and did an analysis in
248 conjunction with consultation from Town Counsel and the NHMA. Ms. Provencal asked if there was
249 any truth to the fact that the Town ceasing was because there were large developments being plowed
250 that affected the pond neighborhoods. Mr. Haverty stated there was no fact in that whatsoever.

251

252 Ms. Provencal failed to see why they couldn't adjust the waiver so they could continue a program that
253 had been in existence for the past ten years. She reiterated the Town sets the rate and the residents pay.
254 Mr. Haverty asked Ms. Provencal if she was an attorney. Ms. Provencal answered no. She said for the
255 last ten years they had a waiver that covered the Town in order to help its citizens with the plowing
256 situation. She said the Town could not say they were subsidizing the program because they were not
257 doing so; the Town sets the rate. She added the Town could not say there was a liability because the
258 Town's attorney designed/wrote the waivers. She did not understand why the Town would end the
259 program after it had been running smoothly for the better part of a decade and helping its citizens.

260

261 Mr. Lynde appreciated what Ms. Provencal was saying. He said he was in his 32nd year as a Selectmen.
262 He said they thought it was a good idea and tried to support it but had been warned based on a New
263 Hampshire Supreme Court decision indicating the Town cannot spend a single cent of Town money.
264 Ms. Provencal stated the Town was not spending any money. The Town set a price and the residents
265 were paying it. Mr. Lynde replied they were spending Town money because it turned out the residents
266 weren't being charged enough and the cost had to be adjusted. They had faced the dilemma during the
267 last several years. He said they reviewed costs each year and explained they couldn't figure the right
268 dollar amount because it was unpredictable. Ms. Provencal replied the Town sets a budget for its
269 contractors to plow the roads. She said they know the depreciation levels and costs of their equipment.
270 The Town has been figuring out the cost for the last ten years. Mr. Lynde stated exact costs could be
271 predicted if they knew exactly what they would be plowing and how long it would take; however, no
272 one can do that with snowplowing. Ms. Provencal stated if that is the case it would include every
273 private and every public road. Mr. Lynde replied after-the-fact they can figure it out but not before-
274 the-fact. He said winter snow plowing is based on an estimate of what they think it will cost. He said
275 the Selectmen have been put on notice that they are putting the Town at risk. In addition, he learned
276 plowing private roads shouldn't be done as part of a normal route. Ms. Provencal stated Wood Road
277 was on a normal route. She didn't know how the Town would be able to plow Webster Road without
278 plowing Wood Road. She wanted to know how the Town would stop plowing in that area and if huge
279 snowbanks were going to be left. Mr. Lynde didn't have all the answers. He has been learning what
280 all the restrictions were and said the Board felt the Town was at risk. Ms. Provencal told the Board she
281 still didn't have an answer as to why the Town was all of a sudden done with the program. Mr. Lynde
282 replied they had been talking about it for several years. Mr. Haverty read aloud the rule from November

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283 21, 1988. He said Town Counsel and another New Hampshire legal entity were telling the Town to
284 discontinue the practice.

285

286 Mr. McCarthy noted a lot of the roads weren't up to Town standards and during storms plows and
287 equipment get damaged/broken. Repair costs come from money in the Highway budget.

288

289 Mr. Tim Doherty, 29 Wood Road felt the Selectmen were being disingenuous with the Town. He didn't
290 think the Board had knowledge of how things went out to bid; individuals pay more than a group would.
291 He believed it was disingenuous for the Selectmen to say Town money was being spent to plow the
292 private roads. He said the Town works for its citizens; the Selectmen are public servants voted into
293 office. He said when the Town receives a price for something, they get it at a broad scale; residents
294 would receive a price as an individual homeowner which would be higher than the Town's price. Mr.
295 Doherty didn't feel the Board's statements would hold up in court. He felt the attorney's opinion 'blew
296 with the wind' and noted every time two lawyers go to court one loses. He stated the Selectmen worked
297 for the Town and had to make their own decisions. Mr. Doherty said homeowner associations had the
298 ability to get insurance, a mortgage etc. and questioned what would happen to the roads that don't have
299 associations. Currently those residents could tell a bank/insurance company the Town will plow. Now,
300 the Board made a decision before speaking with the residents. He believed they should think about
301 what they wanted to do for the Town (its citizens), the Selectmen work for the people. He asked the
302 Selectmen not to go by what they decided prior to the meeting and instead go by what their 'gut' was
303 telling them. He said the Selectmen were voted in to help the citizens. Mr. Doherty felt another
304 disingenuous thing was for the Selectmen to say a court order prevented them from plowing the road.
305 It says they can't use Town money to plow the roads. He said they can plow the roads because they
306 had been doing it; if they can't, then the Town is admitting they've been violating the court order for
307 years. He said a lot of what the Selectmen were saying did not have truth behind it and they were trying
308 to cover what they had already decided.

309

310 Mr. Joost Verhofstad, 96 Webster Avenue believed he understood the Board's predicament of having
311 a court order indicating they can't spend taxpayer money along with the liability of doing so, and they
312 can't find a way to help the residents without spending taxpayer money. He proposed the Selectmen
313 sum up all their concerns and allow the residents to come up with a proposal that meets all the
314 requirements. He asked if they would consider going so. Mr. Lynde replied he would be interested but
315 didn't know how they could get there. He said there were two aspects; 1) if they could predict or tally
316 what was spent on the roads and 2) the Town would have to change the way they plowed the roads. If
317 they could agree to those things and get 'blessings' from attorneys, he felt it may be worthwhile. Mr.
318 Verhofstad asked the Board to make a list of the things they wanted the residents/roads to comply with
319 to see if the residents could come up with a proposal that respects the Board's concerns and laws they
320 want to abide by.

321

322 Mr. Cote asked how much they pay each season for winter plowing. Mr. Verhofstad didn't know the
323 exact amount. Mr. Cote asked if it was a flat rate no matter how much it snowed. Mr. Verhofstad
324 believed they paid a flat rate. He asked the Board to tell the residents what their problems were, so
325 they had an opportunity to address them. Mr. Cote wanted to know what would happen if the plowing
326 was put out to bid to three companies and the cost came back higher than the current cost. Mr.
327 Verhofstad asked the Board to allow the residents to propose a solution to the Selectmen's concerns.
328 Mr. Cote replied the concern was the residents were paying a flat rate to plow. Mr. Verhofstad said if
329 that doesn't work, they could let them know what the financial considerations needed to be. Mr. Cote
330 stated the Town couldn't use taxpayer money to maintain the road for plowing. He said when a flat
331 rate is paid it doesn't account for the possible snowfall in that year; there would have to be another
332 solution. Mr. Verhofstad understood the concern and asked if the Board was willing to consider
333 allowing the residents to address them. Mr. Cote said there were other things to satisfy. Mr. Verhofstad

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334 asked if Mr. Cote felt there was no way the residents could come up with a solution. Mr. Cote responded
335 by saying probably not. He felt part of the solution would be to fix the roads. Mr. Verhofstad reiterated
336 his request for the Board to list their concerns.

337

338 Mr. Haverty believed Mr. Cote's concern was how the Town could avoid getting into a situation of
339 expending taxpayer dollars to plow the (private) roads. He said the solution to not expending taxpayer
340 dollars was to find a private contractor to plow the road and have the residents of the street pay the
341 contractor directly. From what was being said, Mr. Verhofstad asked if the Selectmen saw no way of
342 working with the citizens. Mr. Haverty said he wouldn't say there was 'no way' although he didn't
343 know what way would get them to a situation where they could properly budget/forecast how much
344 money they were going to need from all the residents of all the private roads to adequately fund a
345 contract with a private provider to plow the roads. He felt it put the Town in an awkward position of
346 trying to take private funds to pay private employees to plow private roads. Mr. Verhofstad wanted to
347 know if the Board was open minded or willing to allow the residents to come up with a satisfactory
348 solution for consideration. He felt he was hearing negative vibes. Mr. Haverty said the Selectmen
349 didn't want to spend any taxpayer money on plowing private roads. He welcomed feedback on how to
350 address that particular problem and added it might start a conversation. He informed his email address
351 and phone number were listed on the Board of Selectmen's webpage. He was happy to have a
352 conversation.

353

354 Mr. Frank Soars (sp.), 83 Webster Avenue believed residents should have been notified about the
355 meeting by mail. He agreed with the other people speaking and felt it would cost more money. He
356 said it didn't make sense for the Selectmen to use a decision made in 1989 to justify what they were
357 doing now. He said he's lived in his house for twenty-two years and the Town had used the program
358 since he moved in.

359

360 Mr. John Patterson, 7 Gaston Street told the Board he believed the Town adjusted what they paid for
361 plowing based on the previous year. He inquired if there was any Town liability for ambulance, fire,
362 elderly etc. He also wanted to know if there was any liability for him paying toward a plow fund that
363 didn't go in front of his home. Mr. Haverty replied the Town was not liable for emergencies that occur
364 on a private road if the Town is not maintaining them. Mr. Patterson believed the answer as to how the
365 Town charges per season was already in place because it's based on what it cost the Town the prior
366 year.

367

368 Mr. McCarthy said there was discussion regarding fees and adjusting numbers. He said he understood
369 the fees but pointed out there was a legal predicament for the Town. He said no matter what rate the
370 Town charged (for plowing) they were receiving advice to discontinue from Town Counsel. Although
371 the program started ten years ago, it was a quite a different world. He said it was at that time the Board
372 learned from counsel (through legal research) that the Town should not be doing it. The topic had
373 been discussed at many Selectmen meetings and it got to a point that counsel advised they had to stop
374 because it was putting the Town at risk. He knew people didn't want to hear it, but it was the advice
375 they were receiving. Mr. McCarthy believed the fees could be worked out, but he didn't know how
376 they could get around the legal issue they would face based on the attorney's advice. He said in
377 September 2019 Town Counsel told the Board to stop immediately; however, the Selectmen felt it was
378 too close to winter and might put people in a predicament with such short notice and tabled it to the
379 spring. The topic came back on the table, the Board solidified the information from the attorney and
380 took action accordingly. Additionally, when people had contact with the Highway Department
381 Administrator last fall (for snow plowing) she explained to people that there was a high probability the
382 program wouldn't continue. Mr. McCarthy said the Town Attorney's job was to protect the Town from
383 liability, lawsuits etc. they were bound to follow their advice. He said there was no one on the Board
384 who was not sensitive to what was going on. He pointed out Mr. Haverty asked to have the hearing so

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385 everyone could have a conversation. He said they tried to do as much research as possible to find out
386 if they could continue or not. Mr. McCarthy stated they had been spending taxpayer money because it
387 was causing a maintenance problem for Town vehicles. It was a fact that Town vehicles had been
388 damaged and the cost was not part of whatever rate was being paid; the cost came out of the budget.
389 This point goes back to the lawsuit, the Town can't spend any money out of the maintenance budget to
390 repair the vehicles that are being broken on private roads. He said the fee is the fee; the issue is the
391 legality of it. He said if they continue the practice, they could be subject to more litigation.

392
393 Mr. Patterson asked if the Town was opening itself up for more liability. His house is located near the
394 end of the association and questioned what he could do if no one else above him wanted to plow. He
395 appreciated the Board hearing their concerns. Mr. Haverty didn't know how to solve the problem. Mr.
396 Patterson said the situation put everyone in the room in a hardship.

397
398 Mr. Andy Kuzmich, 25 Wood Road didn't see any will to help them out. He said the Selectmen had to
399 remind themselves they were here for the citizens and worked for the citizens. He felt the Board had a
400 myopic view on what they wanted to do. He asked that they tell the people what could be done. He
401 asked if the Town had quantified the expense it would be to take on some of the roads. He noted
402 residents on Wood Road each had individual mailboxes. He spoke about the court order from the 1980s
403 and suggested the Town get a different lawyer and a different opinion. He said if the opinion came
404 from a Town lawyer, they were also the people's lawyer. Mr. Haverty replied it was not the Town
405 lawyer's opinion, it's a judge's opinion. There is case law Clapp v. Jaffrey that says the Town can't do
406 it. Mr. Kuzmich stated the Town had been doing it and had not given a reason why it was being
407 changed. He felt the Selectmen tried to 'pull a fast one' and added they should have been notified. Mr.
408 Haverty took exception to the statement because as the Chairman he did not try to 'pull a fast one'. He
409 said Mr. Gladu will tell Mr. Kuzmich that they had multiple conversations on the phone and committed
410 to hold a meeting to allow residents to meet with the Board during the first public meeting they could
411 be all together in a room and not via telecommunication. He reiterated he did not try to 'pull a fast one'
412 or try to run and hide from the situation. He said by evidence of residents being at the meeting the
413 Selectmen were not hiding from anything. Mr. Kuzmich replied the residents have associations who
414 talk and work together; they weren't notified. Mr. Haverty stated the residents were at the meeting
415 because the Selectmen put the topic on the agenda for a public hearing. He said they had already taken
416 action on the matter and under no obligation to hold a public hearing. He said out of a spirit of wanting
417 to hear from residents and give them a chance to air concerns, he offered to hold a public hearing in
418 person.

419
420 Mr. Cote noted the Board took a vote in August 2019; this isn't the first time they've discussed the
421 topic. He said they probably would have 'pulled the trigger' at that time if it wasn't so late in the
422 season. He noted during those meetings the Board had discussed the history of the roads, cottages,
423 etc. and how they morphed. They also spoke about asking the voters to redo the roads and the possible
424 environmental impacts of paving them as well as concerns regarding the location of septic systems. He
425 said the Board put a lot of consideration into the matter and if the Town would vote to improve them
426 to Town standard. Mr. Cote ended by saying there was a lot of discussion and research regarding the
427 issue. He agreed the Board worked for the approximate 14,000 taxpayers in Town. Their decision
428 wasn't made easily.

429
430 Mr. Kuzmich didn't hear anyone (on the Board) opposing it. He said there were guidelines that the
431 Town may have to take on the roads as they were patrolled by the Police. He added Marine Patrol used
432 Sandy Beach to launch their boat. He questioned who was getting paid for the easements and utility
433 poles and wanted to know if the Town had collected money for them and taken it from the private road.
434 Mr. Kuzmich said it sounded as if the Board blanketed everything as a private road (secondary road)
435 without looking at each one individually. He believed there Town may be things the Town has to put

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436 in place or take on some of the roads. He felt there was more to be considered and was surprised the
437 Board didn't know any of the numbers for each street or how they were being billed. He hoped to be
438 able to have more discussion and felt they deserved better.

439

440 Mr. Lynde told the public the basis for the decision was State Statute (RSA 231:59) that states the
441 money the Town collects for the maintenance of roads can only be spent on Class IV and V roads; this
442 was also upheld by the NH Supreme Court. He said the Selectmen were told, based on RSA 231:59
443 and the NH Supreme Court decision (Clapp v. Jaffrey) that they should not be plowing the roads. He
444 said if they could find a way, they would like to fix the situation.

445

446 Mr. Jay Bibeau, 6 Andover Street stated time doesn't travel fast when a person is waiting for an
447 ambulance. He was concerned about having to wait for both a plow truck and an ambulance. He stated
448 the Town had always plowed the road since he bought his house approximately 30 years ago. Mr.
449 Bibeau mentioned he and his wife were disabled and didn't know where he would get money to pay
450 toward plowing.

451

452 Mr. Chris Davich (sp.), 9 Andover Street stated he was a new resident of Pelham. He understood the
453 Town collected taxes from each property owner for the property value which were then subdivided into
454 the Highway Department's budget. He also understood those taxes were spent on the maintenance of
455 Town roads outside of the association. With that he believed the rest of the Town was benefitting from
456 the taxes in a different way than those residing on a private road. Mr. Haverty replied those on private
457 roads don't benefit from the Town's service of snow plowing on a private road. He said when he
458 purchased his home the road was being maintained by the developer; he paid a fee for the maintenance
459 of the road in addition to paying his property taxes. He asked Mr. Davich if he knew his house was on
460 a private road when he purchased it. Mr. Davich answered yes. He understood it was in the best interest
461 of the Town to not pay the cost to bring the private roads up to standard. However, he felt at the same
462 time the Town was benefitting from the taxes paid by those on private roads. He believed the most
463 efficient way to plow the roads was to include them within the existing route. He wanted to know if
464 there was a way to receive a rebate toward taxes, they (residents on private roads) paid for road
465 maintenance that could then be used to subsidize the cost of plowing the roads themselves.

466

467 Mr. Haverty explained each year the Road Agent prepares a budget to account for a specific length of
468 roads for plowing, sanding, salting, fill potholes, sealing etc. None of the private roads are figured into
469 that equation. Taxes are paid to maintain the Town road system at large. Mr. Davich believed taxes
470 paid by those on private roads was subsidizing residents on public roads. He asked if the Board would
471 potentially look at whether or not the rate paid by those on private roads for plowing is subsidizing
472 other roads to be plowed and if that amount could be rebated back to those on private roads. Mr.
473 Haverty rejected the notion that taxes paid by those on private roads was subsidizing other people's
474 property values. He said taxes pay for a road system within the Town. By virtue of a person choosing
475 to live on a private road they cannot then say they are being unfairly taxed for Town services.

476

477 Mr. Lynde pointed out everyone was assessed based on their property and believed when the assessor
478 reviewed a property, they take a lot of things into consideration.

479

480 Mr. Gladu told the Board they should send out a notification when they take action that affects a large
481 number of people. Mr. Haverty accepted the criticism and said they could have done better. Mr. Gladu
482 spoke about the cost of plowing and said if the Town legally did not want to spend taxpayer money,
483 they should increase the cost charged to private roads.

484

485 Mr. Doherty believed the public was trying to have the Board understand there was a difference in
486 value per linear foot and per square foot for property in the pond areas compared to other areas in Town.

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487 He spoke about how things had changed since he first moved to Town and his experiences residing on
488 a private road. He said some people didn't know they were buying property on private roads. He hoped
489 the Board could figure out the highest rate the private roads ever paid and make that figure the rate. He
490 said if the Town came down and opened the roads, the residents would take care of doing the additional
491 clearing/widening. He mentioned there were many times he's taken a chainsaw out to clear Webster
492 Avenue so vehicles could access the road and travel down Wood Road. He said they weren't asking
493 for a lot; they were just asking for something. He reiterated his request for the Town to figure out the
494 highest amount ever charged, and the residents would accept it. He just wanted the Town to help the
495 residents out.

496
497 Mr. Mark Pultar, Little Island Park believed he heard a comment that the Board didn't care about private
498 roads or the elderly. Mr. Haverty replied there was no such comment. He stated the Town wasn't
499 liable. Mr. Pultar was concerned about an ambulance not being able to access a road that isn't plowed.
500 Mr. Haverty informed every time an ambulance was run in the winter a plow truck went with it. Mr.
501 Pultar asked for confirmation that emergency services would still run on private roads with a plow
502 truck. Mr. Haverty answered yes. Mr. Pultar believed if the private roads around Little Island Park
503 were put into a contractor's hands the lake would become polluted by salt and chemicals. Without
504 knowing how a contractor would treat the roads, Mr. Haverty couldn't answer. Mr. Pultar stated he
505 was a third-generation owner and had seen many seasonal structures turn into year-round homes. He
506 reiterated his concern about emergency service access and wanted to know if the Town would be able
507 to help in a situation when there is a large snowfall. Mr. Haverty replied during a storm when an
508 ambulance or fire truck heads out to respond a plow truck goes with them. Mr. McCarthy informed the
509 Fire Department had two pickup trucks with plows that run with an ambulance and/or a fire truck to
510 make sure they can get into areas as needed. The Police Department also has all-wheel drive and four-
511 wheel drive vehicles so they can get to where they need to be during inclement weather. He believed
512 the Police, Fire and Highway Departments had done a great job during the past years to get the right
513 equipment. Mr. Pultar reiterated his concern regarding the pollution of the lake due to the building that
514 had occurred. Mr. Haverty stated if there was a private contractor maintaining the roads that was found
515 to be doing something in direct violation of any ordinance or wetland protection the Town would deal
516 with them most expeditiously. Mr. Pultar asked if the Board had already made a decision to stop
517 plowing. Mr. Haverty replied the Board had voted to cease the plowing of private roads. Based on
518 feedback from others in the room, he said the Board decided to hold a public hearing to get feedback
519 and give people a chance to provide them with information.

520
521 Mr. Soars (83 Webster Avenue) inquired if the attorney told the Town it is completely absolved of any
522 liability when someone gets hurt or dies because the Town did not plow the road. Mr. McCarthy replied
523 yes. Mr. Soars replied the Town needed another attorney.

524
525 Ms. Wendy Landry, Sycamore Street stated she was a social worker within the community and worried
526 about the resident's safety. She said it sounded like the Board had already made a decision She asked
527 that someone work with the associations to find a contractor who would be willing to work with them.
528 Mr. Haverty replied he had worked with individuals in the room to put them in touch with private
529 contractors. He said while the Board had voted to cease the plowing of private roads using taxpayer
530 dollars, he didn't know that the conversation ended there to help find a solution in some other fashion.
531 By holding the meeting, he was hoping to understand other considerations/issues. He was open to
532 hearing other solutions. Ms. Landry thanked the Board for listening to the residents.

533
534 Mr. Brian Green, 35 Wood Road believed if cost were a problem everyone in the room would be willing
535 to pay. He didn't understand why it wouldn't be possible to add an escrow account to cover an overage
536 in a year. He questioned where an underrun went and suggested that amount could be deposited into
537 an escrow account to cover an overage. He felt there were solutions they could work on. Mr. Green

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538 told the Board he looked into the cited case from the 1980s which said the Town couldn't expend public
539 resources and didn't say the Town could not plow roads. He said the act of plowing the road was not
540 against the law if the residents were paying their fair share. He believed if it were managed correctly
541 and the residents paid their fair share the Town wouldn't open itself up to a problem. Mr. Green heard
542 comments about tax rates and felt plowing in front of someone's home had a disproportionate value.
543 He said there was a value to plowing the private roads and didn't think it was unreasonable for the
544 Board to consider the zoning in the area and how the properties were taxed.

545

546 Mr. Davich (9 Andover St) believed the Town saved money at the end of the day by not having to
547 maintain the roads contained within each of the associations despite having property within the
548 boundaries of the Town. He asked if there was a way to quantify how much the Town was saving by
549 not having to maintain the roads; that amount could be used in an escrow or some form of deductible
550 they pay the Town to maintain the roads. Mr. Haverty suspected the other side of the argument was
551 the Town would no longer be charging the associations for plowing; this would save money. He
552 believed there was a gap in the amount the Town collected versus what it was costing. Mr. Davich
553 stated road maintenance fees go into to more than just plowing roads. He said the Town collects (tax)
554 revenues from residents on private roads and uses that money to maintain the Town's road. Mr. Haverty
555 agreed that the Town does not maintain private roads. He said they had been plowing for a fee. He
556 said the Town will stop collecting the fee when they stop plowing. He said the plowing fee did not pay
557 for fixing the roads. Mr. Davich inquired what annual fee would be charged if the association's roads
558 were brought into the Town's road system. Mr. McCarthy believed it would be an exorbitant amount
559 to get the roads up to Town specifications.

560

561 Road Agent Frank Ferreira came forward and stated they had done Spring Street Extension years ago.
562 He said the Town had the engineering done and then obtained a price for the project. Each property
563 owner on the road had ten years to pay for the road to be rebuilt to Town standards. As a current
564 example for cost, he informed Hinds Lane was a dirt road in the process of being rebuilt to Town
565 specifications; the cost is approximately \$70,000-\$80,000 for 500 feet. Mr. McCarthy added they
566 hadn't addressed bringing any of the road up to Town standards because the associated cost was an
567 exorbitant amount of money.

568

569 Mr. Doherty calculated the math for his road (Wood Road) and based on a 10-year projection (using
570 the numbers discussed) the cost would be approximately \$1,000 per house over a 10-year period of
571 time to have a Town maintained road. Mr. Ferreira noted some people on Spring Street Extension lost
572 property when the road was brought up to Town standards. He added it would also have to go in front
573 of the voters during Town Meeting.

574

575 Mr. Dan Webster, 3 Gaston Street understood a decision had been made and the Town wouldn't be able
576 to plow the roads but was uplifted by the fact that the Board was willing to work with the residents to
577 maybe find common ground. He hoped they could all work together and come up with something that
578 made everyone feel better.

579

580 Mr. Kuzmich (25 Wood Road) said it was a shame to have the discussion after-the-fact. He asked the
581 Board to tell the residents what they could do. He heard the dollar figure of \$1,000 for ten years and
582 felt it seemed fair to bring the roads up to standard. Mr. Haverty replied he had taken notes and learned
583 some things. He took responsibility for the communication aspect but didn't know if having the current
584 meeting prior to the Board voting would have changed the outcome given they were compelled legally
585 to take the action they took. Mr. Kuzmich commented Little Island Pond was an asset to the Town.
586 he didn't know why the Town wouldn't look at long-term plans to bring the roads up to par. He
587 mentioned the Town's vehicles sand and salt Webster Avenue and asked the Board to consider that fact
588 as they move forward with discussions.

589

590 Ms. Linda Costa, 20 Campbell Road informed the Selectmen a portion of Campbell Road was private,
591 and a portion was public. She wanted to know how the Town would plow and where the snow would
592 be pushed to. Mr. Ferreira replied the plow would stop at Grace Road. The snow would be ‘tucked’
593 into the area of the old/original Campbell Road. Mr. Haverty said it wasn’t the Town’s intent to block
594 residents. Mr. Crooker noted the Town road went further than Grace Road and extended to the stone
595 wall in front of Mr. Gladu’s property. He offered to share documentation regarding such with the
596 Board. Mr. Ferreira knew the area and said the plow could back up into Grace Road and drive out of
597 the neighborhood. Mr. Crooker discussed the history of the roads and the plowing, which the Town
598 had done since the 1950s.

599

600 Mr. Haverty brought the public hearing to an end and thanked everyone for attending. He reiterated he
601 had taken notes and would follow up on a couple items. He said the Board wanted to work with the
602 residents, they just couldn’t continue in the same fashion. He felt residents would be best served to
603 make plans for the coming season in the event they couldn’t come up with a solution or implement
604 something.

605

606 A member in the public asked if there would be another meeting. Mr. Haverty replied there would not
607 be another ‘public hearing’ but the Selectmen may talk about it at future meetings. He committed to
608 try to do better with communication.

609

610 **Highway Building / Pelham Veterans Memorial Park Pavilion update**

611

612 Mr. McCarthy reported the highway building contract has been signed and the building has been
613 ordered. The building is expected to arrive in late September to early October and should take
614 approximately 4-6 weeks to put up. He then informed the pavilion had also been ordered. Site work
615 in the proposed area has begun.

616

617 **Town Beach discussion**

618

619 Mr. Haverty stated the topic of the Town Beach had been discussed on social media. Currently the
620 Town has issued two hundred passes. The Board planned to observe the usage of the passes in relation
621 to social distancing. Mr. McCarthy explained they had reviewed the number of permits issued in the
622 previous year, which was approximately 400. He said the plan was to issue half the number (200) and
623 see what the beach population looked like for a couple weeks. He reviewed the beach population for
624 Friday, Saturday and Sunday and stated they were all sparse and didn’t see concerns. Mr. McCarthy
625 recommended looking at the numbers during the week and speak with the Parks and Recreation
626 Director (Brian Johnson) to see if they felt they could issue more permits. He advised a wait list had
627 been started.

628

629 Mr. Haverty asked for the Board’s input. Mr. Lynde felt if additional passes could be issued without
630 crowding the beach they should do so. Mr. Haverty noted Mr. McCarthy would review the situation in
631 another week and asked the Board if he would be able to get a general consensus (via telephone) for
632 releasing additional passes. Mr. McCarthy added he was also working with the Health Officer (Karen
633 McGlynn). He said she was aware of his proposal and in full acceptance of such.

634

635 Mr. Haverty summarized, for general beach passes Mr. McCarthy will evaluate data and ask for a
636 general consensus of the Selectmen to possibly release some number of passes that will come from a
637 recommendation between Mr. McCarthy, Mr. Johnson, and Ms. McGlynn. The Board agreed.

638

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639 Mr. Haverty stated another topic came up from a citizen, given the Town beach was within Pelham
640 Veterans Memorial Park, about issuing veterans free of charge they could maintain every year.

641

642 Mr. Lynde informed he had served a year and a half in the Marine Corps Reserves and three years
643 active duty in the Army and he was not looking for handouts. He said he served his country and didn't
644 feel he should be treated any differently.

645

646 Ms. Forde didn't know the number of people that would take the offer, but she felt it would be a nice
647 gesture. Mr. Haverty agreed. Mr. Cote stated he was in the Army and felt most veterans may appreciate
648 the gesture but not take the offer; however, there may be some veterans that don't have the ability to
649 get a pass and it would be a nice gesture for them. Mr. Bergeron agreed it would be a nice gesture.
650 Mr. Haverty also felt it would be a nice gesture.

651

652 Mr. Lynde spoke about the Veteran's tax exemption. He felt when it was opened to anyone serving it
653 demeaned the veterans receiving it because they were in service during 'war time'. He noted a person
654 only had to be in the service for 90 days: barely out of boot camp.

655

656 Mr. Haverty asked what criteria the Board wanted to put around the beach pass. Mr. McCarthy felt if
657 someone was honorably discharged and had a DD214 that states it they should receive a pass. Mr.
658 Haverty questioned if veterans who have already purchased a pass should be issued a refund. He
659 suggested making it effective June 24th, with a person's proper credentialing. After a brief discussion
660 it was also decided veterans would be issued a pass and not have to be on the wait list.

661

MOTION: (Forde/Cote) The Town of Pelham issue beach passes free of charge annually to any
veteran who can present a form DD214 saying they were Honorably Discharged.

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

662

663 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

664

665 Mr. McCarthy informed the Board he had two trust fund expenditure requests:

666

667 1) Morton Buildings – down payment for the Highway Building \$43,995 to be expended out of
668 the Highway Building Capital Reserve Fund.

669

670 2) From Town Accountant Jean Olsen – to expend \$20,084.91 out of the Compensated Absence
671 Trust Fund. This is to pay six former employee compensated absence for the period of June
672 21, 2019 through December 31, 2019.

673

MOTION: (Lynde/Cote) To approve a withdrawal from the Highway Building Capital Reserve
Fund in the amount of \$43,995.

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

674

675

MOTION: (Lynde/Cote) To approve a withdrawal of \$20,084.91 from the Compensated
Absence Trust Fund.

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

676

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677 Mr. McCarthy asked the Board if anyone had proposed changes to the Dedication Policy. Mr. Cote
678 and Mr. Lynde read aloud proposed amendments. Mr. McCarthy will make the changes.

679

680 Mr. Cote inquired when the interviews for the Agricultural Commission would occur. Mr. McCarthy
681 replied they could be scheduled for the next meeting. Mr. Cote informed only one person submitted an
682 application for the energy committee. Mr. Haverty suggested having a discussion at their next meeting.
683 Mr. Cote understood they had a bid submission for trees; however, in reviewing the Town Tree Policy
684 he saw some of the trees were dedicated trees and the Town isn't responsible for replacing trees after
685 one year. He felt they should replace the trees. He also mentioned there were trees needing to be
686 replaced at Muldoon Park that had been covered over by grass. He left it up to the Board whether to
687 replace those trees or plant grass in that location. There was a general agreement to replace the trees.
688 Mr. Cote said he would redo the quote.

689

690 Regarding the Planning Board, Mr. Cote informed the Board there were issues going on with a
691 particular developer in Town and whether they were breaking specific State laws. He would like to
692 pursue Town Counsel's advice on how to go forward. Mr. Lynde asked if the Planning Director was
693 dealing with the situation. Mr. Cote replied it was also the Town's responsibility and felt there was a
694 conflict. There was no objection to Mr. Cote's request.

695

696 Mr. Lynde informed the New Hampshire Municipal Association recently had a presentation from the
697 New Hampshire Retirement System. They are projecting the rates will increase for fiscal year 2022
698 between 10%-25%. In addition, the Legislature added a cost of living which will add an additional \$30
699 million.

700

701 Ms. Forde attended a Storm Water and Illicit Discharge meeting through the Planning Department. She
702 said Planning Director Jeff Gowan, Zoning Administrator Jenn Beauregard, Fire Chief James Midgley,
703 and several Police Officers were in attendance for training. She said they were keeping up with their
704 required duties per the Environmental Protection Agency.

705

706 **REQUEST FOR NON-PUBLIC SESSION**

707

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

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

708 It was noted that when the Board returned, after the non-public session, the Board would not take any
709 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
710 meeting. The Board entered into a non-public session at approximately 9:33pm.

711

MOTION: (Forde/Cote) To leave non-public session.

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

712 The Board returned to public session at approximately 9:52pm.

713

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

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

714

715

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716 **ADJOURNMENT**

717

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

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

718

719 The meeting was adjourned at approximately 9:52pm.

720

721

Respectfully submitted,

722

Charity A. Landry

723

Recording Secretary

724