

1  
2  
3  
4  
5  
6  
7

**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN - MEETING MINUTES  
October 27, 2020**

8  
9  
10  
11  
12  
13

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

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

**ABSENT:** None

14  
15  
16

**PLEDGE OF ALLEGIANCE**

17  
18  
19  
20  
21  
22  
23  
24

**MINUTES REVIEW:**

25  
26  
27

**October 13, 2020:**

**MOTION:** (Lynde/Cote) To approve the October 13, 2020 meeting minutes as amended.

**VOTE:** (4-0-1) The motion carried. Ms. Forde abstained.

28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41

**ANNOUNCEMENT(S)**

Mr. McCarthy informed:

- 1) The mandatory ban on outdoor lawn watering of commercial and residential properties with limited exceptions remains in effect until further notice. New Hampshire of Department of Environmental Services indicated the southern part of the State to an ‘Severe Drought’.
- 2) Volunteer applications are being accepted for the Agricultural Commission until Friday, October 30, 2020 at 4pm: one 2-year full-time member position, one 3-year alternate position and one 2-year alternate position.

Based on the season, Mr. Haverty inquired if the Board would like to put an expiration date on the watering ban. Ms. Forde offed the date of December 1<sup>st</sup>.

**MOTION:** (Forde/Cote) To end the restrictions on watering December 1, 2020.

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

**OPEN FORUM**

No one came forward.

**APPOINTMENT(S)**

**Fire Chief James Midgley and Health Officer Karen McGlynn – Pandemic Update**

Ms. McGlynn informed the number of Covid cases in New Hampshire had been going up. The number of people who have had Covid in New Hampshire is 10,531. Current cases are over 1,000. The State database shows 9 cases in Pelham, although she counted between 10-12 with a couple coming off quarantine. The State has asked that it be reiterated to communities the definition of ‘close contact’.

42 She spoke about trick-or-treating and the recommendations for the event. Ms. McGlynn informed  
43 Covid was changing and spoke about recent cases. The State Department of Health asked that a  
44 message be put out regarding potential community exposure relating to multiple establishments  
45 throughout the State. She listed the locations.

46

47 Mr. Cote asked if there was a difference between a ‘Covid’ mask and ‘face coverings’. Ms. McGlynn  
48 said the State was trying to distinguish between the two; typically, a Halloween mask has holes to  
49 breath through which allows spray to come out. Mr. Cote understood certain fabrics breath better than  
50 others and wondered if the State requires a specific face covering. Ms. McGlynn replied they do not.  
51 She said they recommend any kind of face covering that will prevent the spray. She said there was a  
52 study done; there was nothing a human does on a daily basis that’s fine enough to warrant an N95 mask,  
53 unless during a medical procedure or a person has asthma.

54

55 Ms. Forde stated she received phone calls regarding the adaptive Halloween event held last year  
56 (Blueberry Circle); however, due to Covid it would not be running this year.

57

58 Fire Chief James Midgley discussed the changing infection rates across the United States and showed  
59 a colored map of heavily infected areas. He informed he participated in a conference call between the  
60 Department of Safety and the Department of Health and Human Services. Within the next couple  
61 weeks, they will be rolling out a public safety antibody Covid testing done ‘in department’. The  
62 likelihood of a false-positive is high; however, the likelihood of a false-negative was extremely low.  
63 He said testing will be randomized on a 30-day cycle. If there is a positive the person will be sent for  
64 a viral load test.

65

66 Ms. McGlynn informed every positive test she’s done a trace back on in the last three weeks found they  
67 weren’t wearing a mask. She asked people to please wear a mask.

68

69 Mr. McCarthy asked how the department was doing with personal protection equipment. Chief  
70 Midgley replied they were doing okay and discussed their inventory.

71

72 **Deputy Fire Chief Paul Leischner – Contract signing**

73

74 Fire Chief James Midgley spoke about the proposed contract for Deputy Fire Chief Paul Leischner,  
75 which addressed issues from both sides. He provided the Board with Deputy Leischner’s background  
76 and the many things he has worked on and become a ‘force’ within the department. He was happy to  
77 have him in the department.

78

79 The Board and Deputy Chief Leischner fully executed the contract.

80

81 Deputy Leischner appreciated the Board’s and Town Administrator’s support. He has appreciated his  
82 time (last five years) in Pelham.

83

84 **ReVision Energy Contract review**

85

86 Mr. Haverty informed the Board had planned to possibly vote tonight; however, the red-lined copy of  
87 the contract was currently with Town Counsel waiting for feedback from ReVision Energy. No action  
88 will be taken at this time and scheduled for the Board’s next meeting.

89

90 Mr. Lynde recalled ReVision had a timeline to meet in order for the project to begin before the end of  
91 the year. Mr. McCarthy replied ReVision has received Town Counsel’s input and sent the comments

BOARD OF SELECTMEN MEETING/October 27, 2020

92 to their own legal department. He's heard no mention of a due date but will follow up tomorrow. He  
93 said the Board could have a meeting at the voting polls just for a contract signing.

94

95 **Highway Building expenditure request.**

96

97 Mr. McCarthy informed a request was received to expend money out of the Highway Building Capital  
98 Reserve of \$79,185.60. The request consists of a number of materials for the building and its  
99 construction thus far. Also included was a bill for the contract manager's services. The Board was  
100 provided with all backup information.

101

**MOTION:** (Lynde/Forde) To approve \$79,185.60 to be distributed from the Highway Building  
Capital Reserve Fund. *(See motion below for amended dollar figure)*

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

102

103 *\*the following discussion occurred after the Public Hearing to accept the Class V roads. Verbiage*  
104 *inserted here for consistency with discussion topic.*

105

106 Mr. Cote spoke about the invoices and questioned why one (page 112) was to Roland J. Soucy LLC  
107 and not to the Town of Pelham. Mr. Haverty discussed his understanding. He said Roland Soucy was  
108 the appointed as the project manager and had covered some of the costs up front and was back billing  
109 them to the Town. Mr. Cote also saw an invoice (page 113) where Mr. Soucy prepared multiple  
110 conceptual design drawings for the renovation of the existing Planning office and proposed meeting  
111 room and wanted to know if this was different from the Highway Building. Mr. McCarthy said the  
112 Planning invoice did not belong with the Highway building invoices. He clarified that invoice #75 dated  
113 October 2, 2020 should not have been included as it was a separate project. He explained he asked Mr.  
114 Soucy to provide conceptual drawings of the Planning Department which will be a capital project at  
115 some point in time. He suggested the Board revisit the dollar amount.

116

117 On page 115, Mr. Cote saw an invoice for \$11,076 with a 10% handling charge for \$1,107.60. Mr.  
118 Haverty explained the concrete company did not have an account with the Town, but they had an  
119 account with Mr. Soucy. Therefore, Mr. Soucy bought the concrete and back charged the Town. Mr.  
120 Cote had a problem with the invoice as it appeared Mr. Soucy was making money off the Town. Mr.  
121 Haverty said he did not and explained Mr. Soucy's company (Roland J. Soucy LLC) was hired to be  
122 the project manager for the project. He said Mr. Soucy was not acting as a Town employee, he was  
123 acting as a project manager employed by his own company. He felt it was appropriate for the company  
124 to make and 'administrative' or 'handling' fee for the purposes of doing so. He reiterated Mr. Soucy  
125 was not functioning as an employee of the Town of Pelham in this capacity. Mr. Cote inquired who  
126 was conducting inspections on the building. Mr. McCarthy replied Mr. Soucy was this has been cleared  
127 by Town Counsel. Mr. Cote commented Mr. Soucy could make money off the Town for doing the job  
128 (of project manager) and also do the inspections on the building. Mr. Haverty reiterated it was cleared  
129 by legal for Mr. Soucy to act as the project manager and in a different capacity act as the Building  
130 Inspector. He added the Selectmen voted to approve Mr. Soucy as the project manager. In this capacity  
131 Mr. Soucy is not a Town employee, he is a vendor (project manager) and being paid to do so. Mr. Cote  
132 questioned if there was an outside source to inspect the building. Mr. McCarthy replied they could get  
133 an outside source to inspect the building; however, he spoke with Town Counsel about this topic and  
134 was told it was acceptable for Mr. Soucy to perform the inspections. Mr. Haverty stated if Mr. Cote  
135 felt his question had not been investigated to his liking, they could investigate further and invited him  
136 to have a discussion with Mr. McCarthy and speak to Town Counsel.

137

138 Mr. Lynde asked if there were any invoices in this category that would have problems going through a  
139 bank. Mr. Haverty explained it was not through a bank, it was with Quickcrete. He said Mr. Soucy  
140 was directed to place the order on the Town account; however, the Town did not have an account and  
141 was therefore placed through his own account. There was correspondence relating to the situation. Mr.  
142 Lynde asked if there would be any more situations like this one. Mr. McCarthy did not know if there  
143 would be. Mr. Haverty suggested it was up to the Board whether or not they wanted to allow it. There  
144 was no further discussion.

145

146 *\*the following discussion occurred after the Public Hearing regarding the Illicit Discharge Fine*  
147 *Schedule. Verbiage inserted here for consistency with discussion topic.*

148

149 Mr. Haverty noted the previous motion to approve \$79,185.60 to be distributed from the Highway  
150 Building Capital Reserve Fund included \$750 for plans for conceptual drawing of the Planning  
151 Department. The new number for consideration is \$78,435.60

152

**MOTION:** (Lynde/Cote) To revise the Selectmen's initial (dollar figure) vote from \$79,185.60  
down to \$78,435.60.

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

153

154

155 **PUBLIC HEARING: consider acceptance of Five (5) subdivision roads as Class V public**  
156 **highways In accordance with RSA 674:40a.**

157

158 Planning Director Jeff Gowan came forward and explained the process for road acceptance. He stated  
159 there were five project roads that had weathered the complexity of development and wintered over with  
160 topcoats as required. He displayed aerial maps of the relevant roads with the appropriate section  
161 highlighted.

162

**MOTION:** (Forde/Lynde) Pending final approval from Town Counsel and Planning Director  
recording deeds, the Board accepts Chestnut Lane, Rolling Ridge Lane, Aspen Drive  
(entire length), Powderhorn Circle (short section with cul-de-sac) and specific length  
of Majestic Avenue (from Spaulding Hill Road to its intersection with Aspen Drive  
and Powderhorn Circle as public roads.

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

163

164 *\*At this point in the meeting Mr. Cote requested further discussion regarding the Highway Building*  
165 *expenditure request – verbiage inserted above for consistency with discussion topic.*

166

167

168 **PUBLIC HEARING: Illicit Discharge Detection and Elimination (IDDE) fine schedule.**

169

170 Planning Director Jeff Gowan discussed the proposed fine schedule within the Illicit Discharge  
171 Ordinance. He noted they currently had no complaints but felt the Town should be ready if and when  
172 something came forward or was discovered.

173

174 Mr. Lynde questioned who would collect money. Mr. Gowan replied they would send the fine and the  
175 money would go into the general fund. Mr. Lynde wanted to know what would happen if someone  
176 didn't pay the fine. Mr. Gowan replied they would send escalating fines. If they aren't paid, they  
177 would seek injunctive relief through the court. He said the idea was to have attention brought to the

BOARD OF SELECTMEN MEETING/October 27, 2020

178 situation and have it resolved; a modest fine may help move it along. Mr. Lynde felt after sixty days  
179 the fine should increase to \$500 and if that isn't paid, they go to court.

180

181 Mr. Forde wasn't sure it was the right move to increase fines for something that hasn't happened. She  
182 feared moving things up in those increments would make the Town look combative. She said they  
183 were trying to have everyone do the right thing because it was the right thing to do, not because they  
184 have large fines. Mr. Lynde felt waiting two months was more than reasonable for anyone.

185

186 Mr. Gowan reviewed the compliance schedule and pointed out after forty days the Town could start  
187 escalating the fines and the pain that goes along with them. He predicted they wouldn't have people  
188 ignore the Town; he simply wanted them to have tools to use. Mr. Lynde believed most people who  
189 did things by mistake would fix things fairly quickly. Mr. Haverty told Mr. Lynde he could offer a  
190 motion to change the schedule.

191

192 Mr. Lynde made a motion to change the schedule as follows: the first thirty days there was no fine; at  
193 forty days the fine will be \$100 and at fifty days the fine will be \$500. Mr. Cote seconded the motion.  
194 Mr. Haverty clarified that all subsequent letters (after fifty days) will carry a \$500 fine. Mr. Lynde  
195 answered yes. Mr. Cote agreed as it was an environmental issue.

196

**MOTION:** (Lynde/Cote) To amend the fine schedule: first thirty days no fine. At forty days  
the fine will be \$100. At fifty days the fine will be \$500. Each subsequent letter  
will also carry a \$500 fine.

**VOTE:** (4-1-0) The motion carried. Mr. Bergeron voted in opposition.

197

198 Mr. Haverty asked for a motion to approve the Illicit Discharge Fine Schedule as amended.

199

**MOTION:** (Cote/Lynde) To approve the Illicit Discharge Fine Schedule as amended.

**VOTE:** (4-1-0) The motion carried. Mr. Bergeron voted in opposition.

200

201 *\*At this point in the meeting Mr. Haverty asked the Selectmen to address the motion made regarding*  
202 *the expenditure amount from the Highway Building Capital Reserve – verbiage inserted above for*  
203 *consistency with discussion topic.*

204

205 **Zack Fentross/Melanson & Heath: 2019 Audit Report.**

206

207 Mr. Fentross came forward and summarized the Town's 2019 Audit Report.

208

209 Mr. Lynde spoke about impact fees. He said there were times the Town started collecting impact fees  
210 and had a six-year requirement to spend those funds. He said the money they spend is not targeted to  
211 any specific portion of a total project. He viewed the Town's obligation to carefully track the money  
212 and believed Mr. Fentross implied the Town had additional obligation. Mr. Fentross said some of the  
213 expenses weren't being tracked. He referenced page 4 and read aloud the RSA requirements. He said  
214 the impact fees were not currently being tracked back to the general ledger. He didn't think there was  
215 anything egregious going on but felt small improvements could be made. He spoke about the 'side  
216 letter' which contained things to be brought to the Town's management; the items aren't serious enough  
217 to be brought to the governing body. There was a brief discussion regarding cash reconciliation. Mr.  
218 Fentross said cash is maintained/tracked in the general ledger and maintained/tracked by the Treasurer.  
219 It is important for the two to match.

220

221

222 **Brenda Eaves & Charlene Takesian/Pelham Community Spirit: Festival of Lights at Town Hall.**

223

224 Ms. Eaves and Ms. Takesian came forward to discuss the Pelham Community Spirit ('PCS') proposal.

225 Ms. Eaves spoke about the Southern New Hampshire Festival of Trees which was their biggest

226 fundraising event. She summarized the events it funded throughout the year and mentioned the

227 activities that were not able to be done this year due to Covid restrictions. Ms. Eaves told the Board

228 several people had reached out asking what they could do to keep the community spirit alive. She then

229 discussed the Festival of Lights proposal which would be held on the Village Green. The company We

230 Hang Christmas Lights who provided an estimate of \$20,000. People will be able to enjoy the lights

231 and remain in their vehicles. The Village Green would remain decorated for the month of December.

232 PCS has some funding, and the remaining will be raised from businesses, families, and past tree donors.

233 They will send out advertisements and were hopeful people would submit donations. Ms. Eaves

234 displayed a rendering of the large tree (22ft) that would be in the center of the Village Green. Ms.

235 Takesian described the other decorations that would be displayed. She said the Town would own the

236 tree and other decorations. She said the first-year cost would be higher than subsequent years. PCS

237 believed it would enhance the Festival of Trees event (in the future) and the Town center.

238

239 Mr. McCarthy didn't believe the Town spend any money from Town Celebrations this year; the budget

240 contained \$9,260 available. He understood PCS would contribute \$5,000. There was a remaining

241 \$5,740 to be raised. He noted he could over expend the Town Celebrations budget line. Mr. Haverty

242 thought they should do so. He said the Town won't be able to have a celebration inside and they had

243 missed out on having concerts, fire works and everything else. He thought it would be a great thing for

244 the Town.

245

246 Mr. Lynde thought it was great to use the money they already had. He would like to allow room for

247 people to donate and not over expend the budget at this time. He said they could come back to the

248 Board if they needed money. Mr. Haverty made the suggestion to authorize giving PCS the money

249 they need and trust them only use what they couldn't raise in donations. Ms. Takesian said if they had

250 the additional money, they could add things to the event.

251

252 Mr. McCarthy stated the Town Celebration budget line contained \$9,260 and the Selectmen were

253 considering allowing a \$5,740 over expenditure of the budget line. The total request for consideration

254 was \$14,260. Mr. Haverty felt if the PCS raised money over that figure, they should keep it and make

255 the event better. There was no objection to his suggestion. To clarify, PCS would take the balance of

256 the Town Celebrations budget line (\$9,260). PCS will contribute \$5,000. The requested amount is

257 \$5,740. It was understood if PCS raises money above and beyond this amount, they can use it however

258 they want.

259

260 Mr. Lynde said the nice thing about this event was it (the investment) would last from year to year.

261

**MOTION:** (Forde/Lynde) To over expend the Town Celebrations budget in the amount of \$5,740 to be released to Pelham Community Spirit for the Festival event.

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

262

263 Mr. McCarthy noted the 2021 Town Celebrations budget will need to be adjusted.

264

265 **Discussion: Curbside Trash RFP**

266

267 Mr. McCarthy asked the Board if they had any additional amendments before he posted the RFP.

268  
269  
270  
271  
272  
273  
274  
275  
276  
277  
278  
279  
280  
281  
282  
283  
284  
285  
286  
287  
288  
289  
290  
291  
292  
293  
294  
295  
296  
297  
298  
299  
300  
301  
302  
303  
304  
305  
306  
307  
308  
309  
310  
311  
312  
313  
314  
315

Mr. Haverty understood there had been some discussions on social media and some phantom signs that have shown up around Town. He explained the only thing they were doing was to understand the options. He stated the Board of Selectmen has made no decision whether or not a question would appear on the ballot; it was an information gathering exercise that will enable the Board to get figures and options to better make a decision. He said if they decide to materially change something about the way they handle garbage, it will be on the ballot in March.

There were no further comments. The RFP will be posted Friday and good for thirty days.

**Deputy Treasurer Position**

Mr. McCarthy said in the past the Board had discussed a possible deputy treasurer position to create redundancy in the position. He said they are striving to have redundancy in all their operations and commented the position was a very important financial position for the Town. He said having a backup assist work with the current Treasurer would be good. The Treasurer has endorsed the idea. Mr. Haverty said during the pandemic they've learned there is a need for redundancy to maintain Town operations. The Treasurer is an appointed position by the Board of Selectmen. Regarding the deputy position, the Selectmen could receive the application, the Treasurer submits candidates, and the Selectmen appoint the deputy.

Mr. Cote questioned if there was a stipend. Mr. McCarthy answered yes; it would be added to the 2021 budget during budget reconsideration. The amount will be half the amount of the current stipend. He said they may want to revisit those numbers next year.

Ms. Forde suggested reaching out to candidates who previously submitted applications.

Mr. McCarthy will advertise the position beginning on Friday.

**Review/vote draft 2021 Town Warrant Articles**

Mr. McCarthy provided the Board with a draft of the Town Warrant Articles which was due for submission to the Budget Committee by November 5<sup>th</sup>. *(the following is a summary, full verbiage can be obtained through the Selectmen's office)*

- 1) Election of Town Officers
- 2) Zoning
- 3) Zoning
- 4) Operating Budget
- 5) Add two parcels (total 16.2 acres) to conservation lands
- 6) Purchase and equip an ambulance and withdraw from the Ambulance Capital Reserve
- 7) Highway Block Grant
- 8) Compensated Absence Fund

Mr. McCarthy said there were a few more but those listed were what he had at present.

Mr. Lynde suggested placing article 5 behind all money articles. He didn't see an article from the Forestry Committee. Mr. McCarthy replied they did not submit one.

**MOTION:** (Lynde/Bergeron) To approve the proposed warrant articles put forth by Town Administrator Brian McCarthy this evening.

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

316

317

318

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

319

320

Mr. McCarthy stated the Town's fourth and last Covid application will be submitted on Friday. The Town recently received \$267,000 from the Covid Fund, which will be the subject at a future meeting. In speaking with the financial staff, they will request budgeting the Health Officer until (at least) June 2021 and possibly September 2021.

322

323

324

325

Mr. Cote spoke about the conservation subdivision ordinance that was repealed. He said the Planning Board's Subcommittee had been reviewing a replacement which will be discussed during the Planning Board's next meeting. He discussed some of the changes that were made, one of which was to remove any reference to 'work force housing'. Mr. Lynde felt they should substitute the term 'affordable housing' for 'work force housing'. Mr. Haverty replied the two terms were not synonymous. He said work force housing was designed to help recent college graduates, young professionals etc. and the conservation subdivision was the only mechanism the Town had to address those needs until it was eliminated. He questioned what the Town was doing for work force housing. Mr. Cote said the subcommittee discussed the topic. He said there were two issues; the Town (pretty much) meets the State's guidelines for the number of properties that fall under work force housing; however, the problem is the availability of those houses. He said the question is how to make developments that are affordable. He added that work force housing did not belong in the conservation ordinance. Mr. Haverty commented the conservation ordinance provided the tool for work force housing to be built. Mr. Cote replied builders weren't building them. He believed there had to be a separate mechanism to incentivize builders to build those houses. Mr. Lynde said the answer was to only provide 'bonus' lots for work force housing and have them be not more than 10% of the total number of lots. There was further discussion. Mr. Cote stated the tool or conservation development 'open space development' was to give land to the Town or keep land undeveloped for certain purposes. He said the Planning Board recognizes the need to have a mechanism to address work force housing. There was further talk about what would incentivize builders to do so.

327

328

329

330

331

332

333

334

335

336

337

338

339

340

341

342

343

344

345

Ms. Forde noted the adaptive Halloween would not be happening this year for safety reasons.

346

347

348

**REQUEST FOR NON-PUBLIC SESSION**

349

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

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

350

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 8:32pm.

351

352

353

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

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

354

The Board returned to public session at approximately 8:54pm.

355

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

BOARD OF SELECTMEN MEETING/October 27, 2020

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

356

357

358 **ADJOURNMENT**

359

360 The meeting was adjourned at approximately 8:54pm.

361

362

363

364

Respectfully submitted,  
Charity A. Landry  
Recording Secretary