

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
October 9, 2018
APPROVED – October 23, 2018

CALL TO ORDER - approximately 6:30PM

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

ABSENT: Ms. Amy Spencer

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

September 25, 2018

MOTION: (Viger/McDevitt) To approve the September 25, 2018 meeting minutes as amended.

VOTE: (4-0-0) The motion carried.

OPEN FORUM

No one came forward.

APPOINTMENTS

Introduction of new Town employees

The Board invited the new Town employees to come forward.

Kerry Zelonis – Office Manager, Planning Department

Elizabeth Slattery – Part-time Planning Department

Rhonda Martin – Transfer Station / DPW

James Foley – Highway Department

Mr. McCarthy stated they advertised the positions both internally and externally and followed the Town's Policies during the interview/hiring process.

The Board welcomed the new employees.

Christopher Kelly – Eagle Scout Project

Boy Scout Christopher Kelly came forward to discuss his Eagle Scout project with the Board. He described his proposed project to clean out the basement of the Pelham Historical Society, which includes storing antiques, taking trash to the Transfer Station, washing/priming/painting walls, removing rugs, etc. He stated he would be recruiting volunteers from his Troop as well as other Eagle Scouts and friends from Pelham High School.

Mr. Lynde wanted to know the purpose of removing the rugs. Scout Kelly replied the Historical Society would like to expose the floor underneath to determine if it needs replacement rugs. Mr. McCarthy believed it was hardwood flooring.

Mr. Viger inquired if the Historical Society was involved. Scout Kelly stated he had been in contact with the president the entire time. Mr. McDevitt questioned who would supervise what items are thrown out. Scout Kelly replied the president (Diane Chubb) will supervise the project to ensure everything goes smoothly.

Mr. Lynde wanted to know if the items going to the Transfer Station will be sorted for recycling. Scout Kelly replied they would keep that point in mind. Mr. Lynde stated there was a document signed by King George (in 1741) that he'd been looking for over the years and asked Scout Kelly to keep an eye out for it. He told a story of how he had seen the document in 1973 when it was pulled from the Town's safe. He described the size and look of the document that was a rolled scroll in a tube. He believed it should still be around but didn't know where it had gone.

The Selectmen wished Scout Kelly good luck with his Eagle project.

Planning Director Jeff Gowan – KAL Bond

Mr. Gowan came forward to present details regarding an old bond that the Planning Board had voted to release in its entirety, plus any accrued interest. He explained that Joe Gauthier acquired the property subsequent to the Planning Board calling the bond; the developer who undertook the project (in the industrial park) failed to meet the obligations to complete the project. In researching the records, he found that the Planning Board had called the bond and after speaking with Mr. McCarthy determined the best manner to handle the situation was to have the Planning Board take a vote to release the bond. However, because once the bond was called it was given to the Selectmen to deal with, Mr. Gowan felt the matter needed to also be brought in front of the Board for disposition. The full amount of the (current) bond is \$108,757.71 plus accrued interest. He asked the Selectmen to take a motion to release such in its entirety including any interest. He noted Keach Nordstrom (Planning Board's engineering review firm) had reviewed the property and confirmed there was nothing in need of stabilization; everything on site had long been stabilized. He noted if there was another project on Mr. Gauthier's property there would be a new process/bond etc.

Mr. Lynde inquired if a bond went with the land, or the person who posted the bond. Mr. Gowan replied a bond is associated with a project. Often a bond is calculated as part of a purchase and sale agreement when a project is sold for someone else to build.

MOTION: (McDevitt/Viger) To release the bond in its entirety (\$108,757.71) plus any accrued interest to date to Mr. Joe Gauthier – North Pelham Realty Trust under parent company South Fork Properties LLC.

VOTE: (4-0-0) The motion carried.

DISCUSSION

Third Quarter Expense / Revenue Report

Mr. Lynde stated approximately 32% of the budget was remaining, which meant the Town was in good shape. The Board was not provided with a copy of the revenue sheet (MS 4-34). They hoped to set the

91 tax rate by October 17th. Mr. McCarthy commented that the Town's paperwork had been submitted
92 and was approved. The School would submit their information by the end of the week. Mr. Lynde
93 believed they may need to use approximately \$600,000 of the Fund Balance. He noted they used about
94 twice that amount last year.

95
96 **Review of 2019 Draft Warrant Articles**

97
98 Mr. Viger asked the Board if they would consider exploring a Town Manager form of government. He
99 said he was willing to put together a presentation but preferred not to do so if there was no interest from
100 the Board. Mr. Lynde wasn't comfortable with doing so. Mr. McDevitt wanted to give it further
101 thought but saw no harm in getting information. Ms. Forde asked for an explanation of Mr. Viger's
102 suggestion. Mr. Lynde explained that currently the Selectmen oversaw the Town and the Town
103 Administrator provided administration of the tasks. With a Town Manager form of government, the
104 Town Manager would make all the decisions and the Selectmen would oversee the manager. Mr.
105 McDevitt felt having information would be useful to open the subject.

106
107 The Board was provided with the latest draft of the 2019 warrant articles and discussed minor
108 amendments. In summary they were as follows:

- 109 1) Abbott Bridge project
- 110 2) Support Union contract
- 111 3) Forestry Management
- 112 4) Highway Block Grant
- 113 5) Highway capital reserve fund (currently contains approximately \$500,000)
- 114 6) Establish addition to Cutler Spaulding
- 115 7) Establish Moeckel Road Town Forest
- 116 8) Establish Moose Pond Town Forest
- 117 9) Remove old bonds from Town books
- 118 10) Roof replacement creation of capital reserve and raise funds— Police Department
- 119 11) Library renovation project

120
121 Mr. McCarthy stated he had reached out to the department heads to see if they had anything to bring
122 forward; no one had additional items.

123
124 Mr. McDevitt recalled there had been some discussion about moving the Town Meeting to May and
125 questioned if consideration the Board wanted to consider doing so. Mr. McCarthy understood that for
126 the initial year the budget would need to be for an 18-month period. Mr. McDevitt offered to explore
127 information. There was no objection. Mr. Lynde wanted to know if the tax rate would be pro-rated.
128 Mr. Viger believed it would be similar to the School's budget setup.

129
130 Mr. Lynde believed the Town had the authority to postpone the vote. Mr. McCarthy stated it was clear;
131 the moderator had the ability to postpone the election. He said it had been reviewed and if the Town
132 postponed the election they would not be in violation of any State law or Statute. With that information,
133 Mr. McDevitt suggested they didn't need to review moving the Town Meeting. While attending a
134 presentation on election law updates, Mr. Lynde had a discussion with the Secretary of State. The
135 Secretary believed he should be involved because Town Meeting is an election. Mr. Lynde said his
136 counter argument was that Town Meeting is governed by a warrant; RSA 39:2 defines what 'warrant'
137 is and one of the first things is 'election of officers'. He said part of Town Meeting is the election of
138 officers; it was not a separate entity.

139
140 **Discussion in MTBE application**

Mr. Lynde explained that MTBE stood for Methyl Tertiary Butyl Ether which is a substance added to fuel. MTBE was very water soluble and had polluted wells. Companies that added it to their gas were sued and New Hampshire was awarded approximately \$330,000,000 to help compensate for remediation. He stated Mr. McCarthy had put together an application to receive remediation funds to run a water line down Marsh Road and another down Route 38 to the MA State line through areas that were affected by MTBE. Mr. Lynde said there was a roadblock and the application was put into a revolving loan fund, when the Town was actually seeking a grant. He stated the MTBE situation that occurred within Pelham was one of the things that qualified the State to receive the \$330,000,000.

Mr. McCarthy spoke about the difficulties with the application process and informed that the Town had now forwarded an application to the Drinking Water and Ground Water Trust Fund Program for review by the advisory committee. He expected to receive correspondence once the application was reviewed for the fund. He said he would like to try and get Pelham some of the money since it's always been his long-standing argument that Pelham was 'ground zero' for the MTBE remediation that occurred in the late 1980s/early 1990s. He added that the money was awarded to the State because of what happened in Pelham. He felt it was fair and appropriate that Pelham's citizens were given some relief from the contamination. He told the Board he was working diligently.

Mr. Viger spoke about the fuel spills in the 1980s-1990s that adversely affected Pelham. He said Pelham was the forefront on the lawsuit against the fuel companies; the State took it over and made it a class action lawsuit. He said the Town was still fighting thirty years later for money that is owed for the 'ground zero' pollutants. He noted there were still some issues with the wells that had MTBE in them. He felt the Town should continue to show due diligence to its citizens to remediate the issue. Mr. McDevitt noted the affected areas were limited to the extreme southern ends of Town. He said those who had the problem already know it.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McCarthy reported that the boiler program was up and running successfully. The Municipal Building, Fire Department and Library were all running on gas. The Sherburne Hall air conditioning project was completed. They have a state-of-art control system that can be controlled remotely. He showed that the windows in Sherburne Hall had been closed in and finished off. Mr. McCarthy stated the next project was to get the highway building up and running. He said they had received a revised cost putting the project in the \$750,000-\$800,000 to complete the project.

Mr. Viger reported that the Budget Committee had reviewed the Town budgets; everything was straight forward with very few questions. He said the committee provided positive feedback on the presentations and would vote on Thursday.

Mr. McDevitt recalled the Board discussing the Congestion Mitigation Air Quality Advisory Committee ('CMAQ') and appointing members. He said he had initially volunteered; however, upon reflection felt it would be beyond his comfort zone and withdrew from the committee. He saw that Mike Sherman had also requested to withdraw and believed the Board should vote to accept his withdrawal. Mr. Lynde stated Ms. Forde would take Mr. McDevitt's place on the committee.

MOTION: (Viger/McDevitt) To accept the resignation of Mike Sherman from the CMAQ committee.

VOTE: (4-0-0) The motion carried.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL CALL: Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes, Ms. Forde-Yes

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 7:38pm.

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

VOTE: (4-0-0) The motion carried.

The Board returned to public session at approximately 8:29pm.

MOTION: (McDevitt/Forde) To indefinitely seal the non-public meeting minutes.

ROLL CALL: Mr. Lynde-Yes, Mr. McDevitt-Yes, Mr. Viger-Yes, Ms. Forde-Yes

ADJOURNMENT

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

VOTE: (4-0-0) The motion carried.

The meeting was adjourned at approximately 9:53pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary