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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
November 13, 2018
APPROVED – December 4, 2018

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger, Ms. Heather Forde,
Ms. Amy Spencer (arrived after the meeting commenced), Town Administrator
Brian McCarthy

ABSENT: None.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

October 23, 2018

MOTION: (McDevitt/Forde) To approve the October 23, 2018 meeting minutes as amended.

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

ANNOUNCEMENT(S)

The next Board of Selectmen meeting will be held November 20, 2018 at the Pelham Media Center.

Pelham Public Library will host a presentation about concussions and traumatic brain injuries on Monday, November 26, 2018 beginning at 7pm.

The Annual Festival of Trees begins November 23, 2018 and runs through December 1, 2018 at Sherburne Hall (hours vary).

OPEN FORUM

No one came forward.

APPOINTMENTS

Zack Fentross, Audit Manager, Melanson & Heath – 2017 Audit Review

The Board was provided with the 2017 audit review package. Mr. Fentross of Melanson & Heath came forward to review the report and began with the financial statements. He stated that the Town received a 'clean opinion' (best opinion that can be received from an independent audit firm) meaning there were no exceptions; this is the same opinion the Town has received in past years. He reviewed the Management's Discussion and Analysis (narrative summary of the results of operations) and the Statement of Net Position. Mr. Fentross told the Board there would be a change in the Town's 2018 financial statements due to the implementation of Governmental Accounting Standards Board's

BOARD OF SELECTMEN MEETING/November 13, 2018

44 statement #75, which deals with 'other post-employment benefits'. He said they were just beginning
45 to get information and learn about it. He provided a brief explanation of the changes that would occur.

46
47 Mr. Lynde understood that the Town signed up to join the New Hampshire Retirement System, not the
48 health subsidy. It was Mr. Fentross' understanding that the New Hampshire Retirement System paid a
49 portion of a retiree's health insurance. Mr. Lynde stated the Town signed up for the Retirement System,
50 not healthcare. Mr. Fentross said he would investigate the Town's position. He understood that the
51 New Hampshire Retirement System basically assessed the towns because the towns contributed toward
52 the medical subsidy.

53
54 Mr. Fentross continued to review the report and gave a brief summary of the remaining sheets contained
55 therein. In conclusion he told the Board that the Town was in a good financial position; there were
56 positive results in the General Fund, had a strong unassigned fund balance and positive turn backs on
57 the budget versus actual.

58
59 Ms. Spencer arrived.

60
61 Mr. McDevitt stated that the Town's positive position was no accident; people worked hard to make it
62 that way. Mr. Fentross briefly spoke about the fund balance and the information used by the
63 Department of Revenue. He then reviewed the Management Letter and thanked everyone involved
64 with the audit process and commented that everyone was very easy and kind to work with. Mr. Lynde
65 replied the Town was pleased with the guidance of Melanson & Heath and the results that were
66 achieved.

67
68 **Employee contract signing – Rhonda Martin**

69
70 Mr. McCarthy introduced Ms. Martin and told the Board she had taken a part-time position as the
71 Administrative Assistant at the Transfer Station. He stated that the Highway Road Agent Frank Ferreira
72 spoke very highly of Ms. Martin; she has done a wonderful job to date and they were very happy with
73 her dedication. Ms. Martin's employee contract was passed to the Selectmen for signature. Ms. Martin
74 told the Board she loved working with Mr. Ferreira and all the staff had been very helpful.

75
76 **Planning Director Jeff Gowan – Highway Safety Committee recommendation / CMAQ Update**

77
78 Mr. Gowan told the Board that the Highway Safety Committee ('HSC') met on October 16, 2018 to
79 discuss a request from the Forestry Commission to post a trail crossing sign on Lannan Drive on its
80 approach to Spring Street. The HSC unanimously voted to recommend placement of the sign at the
81 discretion of the Highway Agent. He believed the cost of the sign was being paid by the Forestry
82 Committee. The Selectmen had no objection and accepted the HSC recommendation.

83
84 Mr. Gowan spoke about the Congestion Mitigation Air Quality ('CMAQ') grant the Town received
85 from the Department of Transportation ('DOT') and the status of the project. He informed two of four
86 engineering interviews had been conducted. The next step (Tuesday, November 20th) is for the Town
87 to attend the DOT project scoping meeting. After the scoping meeting the Town will enter into
88 scope/fee negotiations with the successful engineering firm. Ultimately the Selectmen will contract for
89 the work.

90
91 At Mr. McCarthy's suggestion, Mr. Gowan discussed a meeting he attended at the Regional Economic
92 Development Corporation ('REDC') and noted the Town's project (for water sewer study) had been a
93 placeholder for quite some time. During the last meeting there was a representative from the Workforce
94 Housing Coalition that discussed conducting a charrette to brainstorm housing alternatives. He stated

BOARD OF SELECTMEN MEETING/November 13, 2018

95 that the Planning Board was currently committed to discuss workforce housing (housing for all ages)
96 and felt it would be a good opportunity for Pelham to be involved because it fit with the Master Plan.
97 He asked for the Board's permission to submit an application (due by November 30th). He said if the
98 Selectmen were comfortable doing so, he would also request to encumber \$2,500 from his 'specials'
99 line item. Knowing that it was a complicated subject and the Planning Board was having discussions,
100 Mr. Gowan felt it might be appropriate to do the charrette (in late April). He discussed the process and
101 responsibility of the Town to locate an example piece of land to explore how it could be developed with
102 workforce housing; it would only be an example and not guarantee future development of such in that
103 manner.

104
105 Mr. Lynde asked how large the parcel would need to be. Mr. Gowan replied there was no minimum
106 acreage but felt they would need a piece of land between at least 8-10 acres. He didn't envision it being
107 a piece in the Town center and thought they might find land in District 5. He said if they were to
108 proceed, he would speak with the coalition to see what they recommend.

109
110 Mr. McDevitt understood something needed to be done and commented it all came down to 'density'.
111 He was concerned with the Town using a piece of land as an example to study workforce housing
112 because it may sound to some people that it was a 'set up' to be approved. He wanted to know if
113 abutters would know that the Town had chosen a piece of land to study. Mr. Lynde said if a piece of
114 land was studied and it later went through for development abutters would be notified. Mr. McDevitt
115 questioned if at that point everything had been discussed so it would 'sail through' the Zoning
116 Board/Planning Board etc. because it had gone through the charrette process. Mr. McCarthy questioned
117 if it would behoove them to conduct a public information night similar to what was conducted with
118 Liberty Utilities. Mr. Gowan pointed out it would be a 'theoretical' exercise. He said the charrette
119 would hopefully lead to a more informed zoning question on future ballot. The process of the forum
120 would be very public with a lot of outreach. He stated the charrette would allow the Planning Board to
121 be more informed when they consider putting forward workforce housing on the ballot. He described
122 a charrette as a hypothetical thought exercise that harnesses the talents and energies of volunteer
123 professional. The charrette process relies on realistic challenges presented on a real site. He said by
124 nature it was a public forum and felt it would be a way to get 'their arms around' a topic that was very
125 complex and would be controversial.

126
127 The Selectmen had no objection to Mr. Gowan proceeding.

128
129 Mr. Viger noted that the Library was proposing a renovation project on the warrant (for March 2019)
130 and questioned if it had been listed on the Capital Improvements Plan. Mr. Gowan stated he would
131 provide the Board with copy of the CIP that had it listed.

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133 **DISCUSSION**

134
135 **Request to paint the interior of Hobbs Community Center**

136
137 Mr. McCarthy read aloud the request to paint the interior of the Hobbs Community Center. The quote
138 for the whole project is \$4,850. The funds would come from the Town Buildings – Projects budget.

139
140 Ms. Spencer had recent experience with a similar project and felt the quote was a reasonable price. Mr.
141 McCarthy replied the Town was able to save considerable funds by having their own maintenance
142 employee.
143

BOARD OF SELECTMEN MEETING/November 13, 2018

MOTION: (Forde/Spencer) To approve the request to paint the interior of the Hobbs Community Center in an amount not to exceed \$4,850 from the Town Buildings budget.

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

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Request to install a camera system at Hobbs Community Center

The request is for a total of six cameras for a total of \$7,040. Mr. McCarthy noted there was currently no infrastructure; they would have to build a system. Funding for the project will come from the Town Buildings budget.

MOTION: (Spencer/Forde) To approve an expenditure up to \$7,040 to install a camera system in the Hobbs Community Center.

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

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Request to pay for the new Hobbs Community Center sign out of the Projects Budget

Mr. McCarthy told the Board he reviewed the meeting minutes and reviewed the Board's discussion regarding the project but didn't see that they had taken a vote regarding payment for the sign. Mr. Lynde recalled there were other sources to help pay for the sign. Mr. Viger stated the Council on Aging was going to (help) pay if they had an electronic sign. The cost of the sign is \$3,250; to be paid from the Town Buildings budget.

MOTION: (McDevitt/Spencer) To approve the expenditure of \$3,250 for the new Hobbs Community Center sign.

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

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Request to replace the camera system at Library

Mr. McCarthy explained that the current camera system was the original installation when the building was constructed. It was old technology and not good quality. Additionally, they will install a camera in the parking lot. Total project cost of \$15,020 and would come from the Town Buildings budget.

Ms. Forde questioned if it would be affected if the Library was renovated. Mr. McCarthy said they wouldn't be.

MOTION: (McDevitt/Viger) To approve an expenditure up to \$15,020 to install a camera system at the Library.

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

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Discussion regarding Police Department press releases and arrest reports

Mr. Lynde questioned if Police Chief Joseph Roark would be coming in for the discussion. Mr. McCarthy understood there had been correspondence and agreement as to what his opinion was on the matter. Mr. McDevitt recalled hearing that Chief Roark didn't object to the proposed verbiage.

BOARD OF SELECTMEN MEETING/November 13, 2018

178 Ms. Spencer understood that the proposal Chief Roark does not object to was consistent with the
179 Department of Justice ('DOJ') policy of putting verbiage indicating that people who are arrested that
180 have not been tried, convicted or pleaded guilty are innocent until proven guilty. She said that type of
181 language would be a single line on the press releases for individuals who have been arrested. She said
182 if the arrest log is published to the public that same verbiage should be included because the same
183 danger that an accusation could be viewed as more than an accusation. She said the simple statement
184 will make it clear that the Board of Selectmen and Police force appreciate that fact. Mr. McCarthy
185 didn't have language drafted by the Police Chief, but believed he took the DOJ verbiage and would add
186 such to the Arrest Logs and Press Releases.

187
188 Mr. Viger read the verbiage contained in the Selectmen meeting packet. "*The charges and allegations*
189 *contained in this complaint are merely accusations. The defendants are presumed innocent until*
190 *proven guilty.*"

191
192 Mr. McDevitt commented that the Board had provided the directive and they should know the exact
193 wording. Mr. McCarthy replied he would get a copy of the latest press release and forward it to the
194 Board.

195
196 Mr. Viger said he would vote in favor provided the Police Chief had no issue with the verbiage.

197

MOTION: (Spencer/McDevitt) To direct the Police Chief to insert verbiage akin to what Mr.
Viger read aloud. *(for inclusion in Press Releases and Arrest Logs)*

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

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Review / Vote on 2019 Warrant Articles

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The Board was provided with the latest draft of the 2019 warrant articles (in no particular order) that

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had been reviewed (and redlined) by Town Counsel. In summary they were as follows:

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- 1) Old Bridge Street/Abbott Bridge project
- 2) Support Union contract – Mr. McCarthy told the Board that he had asked for the contract months in advance; however, as of last Thursday the union president indicated they wouldn't have anything ready for the meeting. He was disappointed as he couldn't have been clearer that they expected a contract on November 13th to review and vote on. Earlier in the afternoon he received an email that indicated they agree on some points but not others; a detailed letter will be forwarded November 14th. From what he understood the raise numbers were acceptable.
- 3) Forestry Management
- 4) Highway Block Grant
- 5) Highway capital reserve fund (currently contains approximately \$500,000)
- 6) Establish addition to Cutler Spaulding
- 7) Establish Moeckel Road Town Forest
- 8) Establish Moose Pond Town Forest
- 9) Roof replacement (possible creation of capital reserve)/ raise funds– Police Department. Mr. McCarthy received a quote to replace the roof over the Police Department (approximately \$196,000). He asked the Board to encumber (from Town Buildings) the amount so the roof could be replaced in spring 2019. There was no objection by the Board. The article will be removed.
- 10) Library renovation project

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BOARD OF SELECTMEN MEETING/November 13, 2018

224 Mr. Lynde stated he, Mr. McCarthy and Town Counsel met with the Department of Environmental
225 Services ('DES') to talk about the funding to extend water lines along Bridge Street and Marsh Road.
226 There were members of the DES and Attorney General's office. He noted it was the first round of the
227 application for a grant. He said there were two separate funds: 1) MTBE Fund, and 2) revolving loan
228 fund; the Town's application was a combination of both. Mr. Lynde said it was restructured for the
229 Town to receive \$2.5 million and the remaining \$2.5 million would be raised through taxation. He
230 understood the Town may not approve the \$2.5 million to extend the water lines; however, it might be
231 able to be done if a water district is established. Mr. Lynde said the two-step process would be to 1)
232 create a water district, and 2) have a plan to raise the money.

233
234 Mr. Viger recalled in order to move forward with the application the Town had to agree to have a
235 warrant article to raise the money (whether or not it would pass). Mr. Lynde felt they should attempt
236 to establish a water district and at the same time submit a warrant article to appropriate the money. Mr.
237 McDevitt stated he had done a lot of research on water districts and village districts and would be happy
238 to provide that information to the Board. He said the RSAs were very specific.

239 **MOTION:** (McDevitt/Spencer) To approve the submitted warrant articles (with amendments as
attached)

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

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242 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

243

244 Ms. Spencer thanked everyone who came out to vote. She received several compliments on the Hobbs
245 Community Center sign. She also received compliments about the Hobbs Community Center Director
246 Sara Landry and how she facilitates the needs and wishes of the seniors in Town.

247

248 Ms. Forde thanked the VFW for the Veteran's Day ceremonies. She said the cemetery looked
249 wonderful.

250

251 Mr. McDevitt received a complaint from a resident regarding the Postal Service in Town and was asked
252 if the Selectmen could help. He said if people had complaints, they could let the Board know and they
253 could possibly send a letter to Congresswoman Ann Kuster. He suggested to the resident to also contact
254 her directly. Mr. McDevitt thanked the Town Clerk/Tax Collector's staff who had worked meticulously
255 during the recent election. He extended a special thank you to Moderator Phil Currier.

256

257 Mr. McCarthy stated he received a message from Mr. Gowan who indicated the Library had submitted
258 costs and plans to the CIP committee; their project was ranked as desirable and scheduled for 2019. An
259 email with relevant information was forwarded to the Selectmen. Mr. Lynde questioned if the
260 Selectmen could vote to support the Library's warrant article. Mr. McCarthy recalled speaking to Town
261 Counsel and told the Board he would review his email for the response.

262

263 Mr. Lynde noted the question was raised (at their last meeting) if Sherburne Hall could be used by
264 Pelham School Age Child Care as an emergency evacuation location. Mr. McCarthy stated Town
265 Counsel didn't feel that it was a first amendment issue. Mr. McDevitt said regardless of the procedures,
266 in a real emergency it was a neighborly thing to do. There was no objection to allowing them to use
267 Sherburne Hall as an emergency evacuation site

268

MOTION: (McDevitt/Forde) To allow Pelham School Age Child Care to designate Sherburne
Hall as an emergency evacuation center.

BOARD OF SELECTMEN MEETING/November 13, 2018

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

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REQUEST FOR NON-PUBLIC SESSION

MOTION: (Viger/Forde) Request for a non-public session per RSA 91-A:3,II,a & c (Personnel; Matters which, if discussed publicly, would affect adversely the reputation of any person)

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

273 It was noted that when the Board returned, after the non-public session, the Board would not take any
274 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
275 meeting. The Board entered into a non-public session at approximately 8:10pm.
276

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

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

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

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

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The Board returned to public session at approximately 8:45pm.

ADJOURNMENT

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

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

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The meeting was adjourned at approximately 8:45pm.

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Respectfully submitted,
Charity A. Landry
Recording Secretary

2019 BOS APPROVED WARRANT ARTICLES

301

302 **Article – Support Contract**

303 Shall the Town vote to approve cost items included in the five (5) year collective bargaining
304 agreement ratified by the Board of Selectmen and the Pelham Public Works and Municipal
305 Employees, Local 1801 of the American Federation of State, County and Municipal
306 Employees (AFSCME), which calls for the following increases in salary and benefits and to
307 further raise and appropriate the sum of \$86,073 to fund this year of the agreement, such
308 sum representing the additional costs attributable to the increase in salaries and benefits
309 required by the new agreement over those that would be paid at current staffing levels?

310 This is a Special Warrant article.

311

312	<u>Year</u>	<u>Cost</u>	<u>Accumulated Cost</u>
313	2019	\$86,073	\$86,073
314	2020	\$44,759	\$130,832
315	2021	\$43,678	\$174,510
316	2022	\$38,343	\$212,854
317	2023*	\$33,378	\$246,232

318 *includes 3 months of 2024

319 (Recommended/Not Recommended by the Selectmen)

320 (Recommended/Not Recommended by the Budget Committee)

321

322 **Article – Forestry Committee**

323 Shall the Town vote to raise and appropriate the sum of thirty thousand dollars (\$30,000)
324 for the purpose of forest management, stewardship (signage, trail building, maps,
325 parking, etc.) security, public education and other costs associated with the maintenance
326 and care of Town forest land? Said funds to come from the Forest Maintenance Fund,
327 which is funded from revenues produced by timber harvesting in connection with forest
328 management. No amount to be raised through taxation. This is a non-lapsing
329 appropriation per RSA 32:7, VI, and shall not lapse until 12/31/2024 or until this project

BOARD OF SELECTMEN MEETING/November 13, 2018

330 is completed, whichever comes first. (This is a Special Warrant Article)

331 (Recommended/Not Recommended by the Selectmen)

332 (Recommended/Not Recommended by the Budget Committee)

333

334 **Article - Highway Block Grant**

335 Shall the Town vote to raise and appropriate the sum of Three Hundred and Twenty- Eight

336 Thousand, Six Hundred and Eighty-Four Dollars (\$328,684) for repair, maintenance,

337 purchase of equipment and upgrading of Town roads, to be offset by the State Highway

338 Grant? This will be a non-lapsing account per RSA 32:7, IV. No money to be raised by

339 taxation.

340 (Recommended/Not Recommended by the Selectmen)

341 (Recommended/Not Recommended by the Budget Committee)

342

343 **Article - Highway Building**

344 Shall the Town vote to raise and appropriate the sum of three Hundred-Thousand

345 Dollars (\$300,000) to be placed into the Highway Department Maintenance Capital

346 Reserve Fund previously established for the purpose of constructing a highway

347 maintenance facility to house office and equipment (with the Board of Selectmen

348 having been named as agents to expend, authorizing expenditures following one

349 public hearing.) (Majority Vote Required)

350 **(Recommended/Not Recommended by the Selectmen)**

351 **(Recommended/Not Recommended by the Budget Committee)**

352

353 **Article - Forestry**

354 Shall the Town vote to establish as Town Forests pursuant to RSA 31:110-113 – Map 33 Lot

355 1-161 and Map 33 Lot 2-61-1 - totaling approximately 92 acres and add them to the Cutler-

356 Spalding Town Forest? No tax impact. (Majority Vote Required)

357

358 **Article - Forestry**

Commented [NS1]: BOS named agents last year?

BOARD OF SELECTMEN MEETING/November 13, 2018

359 Shall the Town vote to establish the Moeckel Road Town Forest pursuant to RSA 31:110-113
360 - Map 9 Lot 9-2, Map 9 Lot 9-5 and Map 9 Lot 9-9 - totaling approximately 75 acres? No Tax
361 impact. (Majority Vote Required)

362

363 **Article - Forestry**

364 Shall the Town vote to establish the Moose Pond Town Forest pursuant to RSA 31:110-113 -
365 Map 24 Lot 12-41 and Map 31 Lot 11-28-6 - totaling approximately 31 acres? No Tax impact.
366 (Majority Vote Required)

367

368 **Article - Forestry**

369 Shall the Town vote to establish the Woven Park Conservation Area as a town forest
370 pursuant to RSA 31:110-113 – Map 41 Lot 10-264 – totaling approximately 23 acres? No Tax
371 impact. (Majority Vote Required)

372

373 **Article – Library Renovation Project**

374 Shall the Town vote to raise and appropriate the sum of Two-Hundred and Fifty-One
375 Thousand and Sixty Dollars (\$251,060) for the purpose of renovations to the Pelham Library
376 consisting of expanded Young Adult area, ceiling enclosure of the Ernest Law Room,
377 remodel and expansion (including a kitchenette) to the Molly Hobbs Room, sound reduction
378 in the stairwell, employee break room renovation as well as new office space. This is a
379 special warrant article

380 (Recommended/Not Recommended by the Selectmen)

381 (Recommended/Not Recommended by the Budget Committee)

382

383 **ARTICLE - OLD BRIDGE STREET over BEAVER BROOK (ABBOTT BRIDGE)**

384 Shall the town vote to raise and appropriate the sum of **\$1,903,000** for the purpose of
385 engineering, permitting, and constructing a flood relief bridge structure adjacent to the Old
386 Bridge Street (Abbott) Bridge? Of the \$1,903,000 appropriation, up to \$1,522,400 will come
387 from New Hampshire Department of Transportation (NHDOT) State Bridge Aid, \$190,000

Commented [NS2]: Sum specific?

BOARD OF SELECTMEN MEETING/November 13, 2018

388 from the existing 2015 Old Bridge Street Warrant Article and **\$190,600 (requested herein)**
389 **from general taxation.** Any funds required for ongoing cost of construction will be taken
390 from the existing fund balance pending receipt of the final NHDOT reimbursement at project
391 completion. This is a non-lapsing appropriation and will not lapse until 12/31/2025 or until
392 the project is completed. (Majority Vote Required).
393 (Recommended/Not Recommended by the Selectmen)
394 (Recommended/Not Recommended by the Budget Committee)
395