

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
September 3, 2019
APPROVED – September 10, 2019

CALL TO ORDER - approximately 6:30PM

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

ABSENT: None

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

August 27, 2019:

MOTION: (Cote/Forde) To approve the August 27, 2019 meeting minutes as amended.

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

OPEN FORUM:

No one came forward.

APPOINTMENT(S):

Staci DiRocco – regarding an accessible neighborhood for kids with mobility or sensory challenges for trick-or-treat during Halloween

Ms. Forde invited Ms. DiRocco to the meeting because they were going to re-approach the community at large to see if there was anyone that would volunteer their neighborhood to have a modified Halloween evening. Ms. DiRocco discussed her experience last Halloween. She explained her son has Muscular Dystrophy and was unable to walk up and down stairs; some of the people handing out candy didn't want to walk down their stairs to him. She said she came up with the idea of having one neighborhood sit at the end of their driveways to make Halloween accessible for those children unable to climb stairs.

Ms. Forde stated shortly after discussing the topic (during a Selectmen's meeting last fall) a woman contacted her to inform her neighborhood (Blueberry Circle) would be ideal. She brought the idea forward during the Pelham Economic Development Council meeting and stated they were 'on board' and willing to donate candy, host a table etc. She wanted to put a request out to the community at large for donated candy, resources, time or anything else. She noted the need may be greater than the supply; so, it may be a good idea to find additional neighborhoods in Town. She will be reaching out to the person who runs the support group for parents with children that have special needs. Ms. Forde told the Board that she and Ms. DiRocco were working on getting information out to the public.

Mr. Viger asked if they had reached out to Pelham Terrace or other senior community living facilities. Ms. Forde replied she would do so. Mr. Cote commented that the Crossroads Church held an annual event called Trunk or Treat and suggested coordinating with the senior development next to Rite Aid. Ms. Forde stated they wanted to stress that the children deserved to have a Halloween that participated with their peers.

Interested citizens should contact Ms. Forde at: hforde@pelhamweb.com

Ms. Forde informed the Muscular Dystrophy Muscle Walk is coming up on September 22, 2019. She would love to see more participation from the community.

Road Agent Frank Ferreira – plowing private roads

Mr. Ferreira came forward to follow up with a previously discussion regarding plowing private roads. There are 20 roads within developments (not yet accepted by the Town) and 15 private roads near ponds. He said plowing these roads ties the departments up which results in people complaining that the department is lagging. He said they had increased the price (to \$6,000) for sand/salt/plowing; however, that price covered the work performed during a storm and didn't include the multiple times they returned to the neighborhood for such things as sanding, salting, removing snow drifts etc. He commented it was difficult to charge for the extra work they were doing. He said the Town was paying for the extra work to be done out of the Highway Department's budget even though the money they received for the initial plowing etc. went back into the General Fund. He stated there were a few neighborhoods that they returned to multiple times (sometimes three times per day) because of snow drifts. Mr. Ferreira recommended the Town stop plowing both the pond and development roads.

Mr. Lynde felt the roads within a development should be taken care of by the developer. He commented that the other roads (pond roads) should meet a certain standard before the Town takes care of them. He said the Town shouldn't jeopardize their trucks if the roads couldn't meet the standard.

Mr. Viger believed at the very least a budget line item should be created for the cost of the roads that included a note indicating it was offset by revenues. This way people would understand the roads had an associated cost within the department's budget.

Mr. McDevitt recalled years ago the Town stopped plowing the pond roads, but they had started again. At that time, they received feedback informing it was too late in the season to tell people the Town wasn't going to plow the roads because a lot of residents left the area for the winter. He heard what was being said about the impact to the community but felt the timing was wrong. He questioned if the Planning Board would submit roads to be considered as Town roads. Planning Director Jeff Gowan came forward. He informed there would be a couple roads submitted for consideration. Mr. McDevitt pointed out that an additional employee had been added to the highway staff. He added if a developer was responsible for plowing, they would pay someone to return multiple times to maintain the road. He questioned if the Town was charging the right amount of money. Mr. Ferreira stated the amount was previously \$4,300 per mile and within the last 2-3 years that amount was increased to \$6,000 per mile. He told the Board he could review numbers from the whole winter (this year) and see if the per mile costs had changed during the last few years.

Mr. Viger proposed the budget include a line items for sanding and snow removal of private roads for \$30,000 to be offset by revenues. He said they could also include a revenue line item that directly corresponded with what was spent. He pointed out the revenues were currently put directly into the general fund.

96
97 Mr. Lynde stated the Town should be charging what it cost. He pointed out there was also an
98 inconvenience because resources were being diverted to the roads. In the event of a bad winter, he
99 inquired how they would collect overspent money. Mr. Viger said they don't. Mr. Lynde felt the road
100 within a development should be taken care of by the developer. Mr. Viger agreed that they should, but
101 felt September was late to tell people they would be responsible for securing winter plowing and
102 sanding needs. Mr. Ferreira replied he could come back to the Board for a discussion in April.

103
104 Mr. Cote questioned how the Town started plowing private roads. Mr. McDevitt stated there were two
105 different groups of private roads. The Town charges residents on the pond roads; if they don't pay the
106 roads won't be done. Mr. Cote didn't think they were paying what they should be. Mr. Ferreira recently
107 updated the cost by reviewing the Town as a whole and breaking the numbers down to an average cost
108 per mile. Mr. Cote questioned how a private bid would be compared to what the Town was charging.
109 Mr. Ferreira replied the outside bid would probably be three times the Town's cost.

110
111 Mr. McCarthy recalled Mr. Ferreira informing he had a hard time finding plow drivers, which
112 encouraged the Town to increase the wages to be competitive. Mr. Ferreira noted the State was also
113 having a hard time finding trucks. Mr. McCarthy asked if the department would need less plows if they
114 weren't plowing the additional roads. Mr. Ferreira believed he could do away with two of the hired
115 trucks. Based off the price provided to the Board, Mr. Viger stated it cost \$30,000 to plow the roads.

116
117 Mr. McDevitt said he could support not plowing the 'development' roads but felt the Town should
118 continue plowing the pond roads until perhaps next spring, at which time they could reconsider doing
119 so. He said at that time they could send letters to residents letting them know the Town wouldn't be
120 plowing. He stated it was incumbent on the Town to inform the developer and residents that the Town
121 wouldn't be plowing.

122
123 Mr. McCarthy pointed out that Mr. Ferreira and Planning Director Jeff Gowan had been working with
124 developers to review roads and take measures to eliminate situations with snowdrifts, icing etc. before
125 the Town accepts them. Mr. McDevitt felt it would be good to review the possibility of adding criteria
126 to site plans with stipulations for road acceptance.

127
128 Mr. McDevitt asked if the Board wanted to make a motion to stop plowing private roads (as
129 recommended by the Highway Agent).

130
131 Mr. Cote made a motion to stop plowing all private roads in Town effective this year. He felt plowing
132 them set a bad precedent. Mr. Lynde seconded for discussion. He was unsure about including the
133 pond roads. Mr. Cote replied the pond roads were the worst roads because they caused the most damage
134 to the Town's equipment. He didn't think it was right for the Town to plow roads at a discounted price;
135 if it was put out to bid there would be a big increase for plowing those roads.

136
137 Ms. Forde understood the liability but worried about stopping this year because of the short notice. She
138 suggested looking at an assessment closer to a fair market rate this year and cancel plowing next year.
139 Mr. Cote didn't think giving a three-month notice was unreasonable to find plow vehicles.

140
MOTION: (Cote/Lynde) To stop plowing all private roads in Town effective this year.

VOTE: (1-4-0) The motion failed. Mr. Cote voted in favor.

BOARD OF SELECTMEN MEETING/September 3, 2019

Mr. Lynde made a motion to stop plowing roads in active developments and to keep plowing pond roads. The Board will look at informing residents on private pond roads that plowing would discontinue next year (action considered by subsequent Select Board).

With no second to the motion, Mr. Viger commented that the Town had created a level of expectation for the roads being plowed during the past 20-25 years. He felt abandoning them with three months' notice was premature. He believed they should come up with a plan including an accurate expenditure or provide a year's notice of discontinuation for sanding/plowing.

Mr. McCarthy asked if the Board would consider providing a year's notice at this time. Mr. Cote asked how long the roads had been plowed by the Town. Mr. McDevitt replied they were plowed for a long time. Mr. Cote asked if discontinuing would cause a legal issue. Mr. McCarthy answered no. Mr. McDevitt stated he represented the residents and believed they expected him to speak for them. He was concerned that the residents needed longer notice because some of them leave the area for the fall/winter months, which would create a problem for the pond associations to collect for winter maintenance. In the event some don't pay the remaining residents would have to pay double or triple to cover their neighbor's expense. Mr. McDevitt said it made sense to stop, but not suddenly with little notice for the people living on pond roads. He had less concern for the development roads because developers had trucks/plows etc. and should be able to maintain their roads.

Mr. Cote asked if the residents on the pond roads paid a lower tax rate than the rest of the Town. Mr. McDevitt stated the rate was the same for everyone; however, waterfront property had greater market value.

Mr. Lynde's motion was still on the floor. No second was offered. Mr. Lynde felt reviewing the private roads prior to agreeing to maintain should be part of the process. Mr. McDevitt believed the Road Agent, or their designee, reviewed roads to ensure they are plowable. He said the Town wasn't going to accept the responsibility of maintaining equipment because a private road isn't properly maintained. Mr. Ferreira stated he wasn't trying to 'ambush' anyone; he had no issue with however the Board decided to vote.

With no motion passing, Mr. McDevitt stated the Board didn't make a decision regarding the request in connection with plowing private roads. Mr. Ferreira asked if he should come back to the Board in the spring. Mr. McDevitt answered yes. He pointed out there were Board members who expressed concerns that the Town was charging what should be charged. Mr. McCarthy was asked to work with Mr. Ferreira to ensure the Town was charging the right amount of money.

Mr. Ferreira asked to discuss granite mailbox posts within the new developments. He said posts were being placed on Town property and not the right-of-way. Mr. McCarthy questioned if owners could be compelled to move the mailbox posts prior to the Town accepting the roads so they weren't a hazard to plowing. Mr. Gowan understood that mailboxes couldn't be placed on private lots or the Post Office wouldn't deliver the mail. He said they would review posts that were particularly close to the road. Mr. Ferreira stated the rules were contained within the Mailbox Policy. Mr. McCarthy believed the Highway Safety Committee should review. Mr. Ferreira told the Board he would also like to discuss the problem with residents pushing snow in and across the road; there is a policy not being enforced. Mr. McCarthy stated the Town could do some public service announcements on the website, social media, etc. to remind people they can't push snow into the roadway. He said if there's an issue the Town could take action.

Parks & Recreation Director Brian Johnson – repairs to Lyons Park basketball courts

BOARD OF SELECTMEN MEETING/September 3, 2019

Mr. Johnson explained over the years the basketball courts were developing cracks. They've tried using sealant but each year the cracks get bigger. He said with the Board's permission he sent out an RFP for basketball repairs and received two bids. He vetted both vendors and found that the processes and warranties were essentially the same; therefore, he recommended the lowest bid of \$19,500 from East Coast Seal Coating. The funding will be paid out of the revolving fund (from program fees).

MOTION: (Viger/Cote) To award a contract to East Coast Seal Coating as represented in their quote not to exceed the amount of \$19,500 to be paid out of the 80's Fund.

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

Mr. Lynde reviewed the information from the bidders which looks similar. He confirmed they would both cover the same area. Mr. Johnson said their label name for the work was different, but the work itself was the same process. With the information package a photograph depicting the courts was included.

2020 BUDGET VOTE

Mr. McDevitt asked how the Board wanted to proceed with their vote. Mr. Viger made a motion that the figure proposed in each budget would be the number on the floor unless the Board made a separate motion to amend such.

MOTION: (Viger/Forde) The budget figure presented (during the current meeting) will be the budget considered unless it is amended.

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

Assessor –
2020 Request: \$205,848 approved by the Selectmen.

Budget Committee –
2020 Request: \$1 approved by the Selectmen

Cable –
2020 Request: \$141,337

Cable Coordinator Jim Greenwood came forward to inform the Board it came to his attention that the production assistant falls under the Support Staff agreement. He said it was written in the contract that their salary was included on the salary chart. They were notified that the salary must be increased forthwith to \$20.47/hour. Next year's budget will have that figure as the salary for the first thirteen weeks of the year; after which the salary will increase to \$21.14 for the remaining thirty-nine weeks.

Mr. McDevitt considered the information a friendly amendment to the budget. The new figure of \$144,480 was considered the number on the floor.

Mr. Viger confirmed that the position would now be considered union. Mr. Greenwood replied it always has been a support staff position; the employee has recommitted themselves.

The new 2020 request: \$144,480 approved by the Selectmen

BOARD OF SELECTMEN MEETING/September 3, 2019

Cemetery – (Independently elected body; the Selectmen don't vote regarding their budget)

2020 Request: \$152,943

Conservation Commission –

2020 Request: \$5,989 approved by the Selectmen

Debt Service Interest –

2020 Request: \$96,999 approved by the Selectmen

Debt Service Principle –

2020 Request: \$649,037 approved by the Selectmen

Elections –

2020 Request: \$30,779 approved by the Selectmen

Emergency Management –

2020 Request: \$8,644 approved by the Selectmen

Fire Department –

2020 Request: \$2,401,014

Priority supplemental requests: 1) Replace Engine 1 - \$630,000, and 2) hydraulic rescue tools on pumper truck \$45,000.

Mr. McCarthy informed the 10-year lease figure (rate of 2.89%) is \$73,440 (each year) to replace Engine 1.

Mr. Viger proposed in a motion they include Engine 1 as a warrant article with the lease terms. He also proposed to add \$45,000 into this year's budget (2019) for the hydraulic tools. Mr. Cote asked if it had to be a warrant article. Mr. Viger said with police vehicles, the Town had established the level of service and the voters had approved to lease them year after year. However, he didn't feel that they had created the same level of service and vehicle replacement through the Fire Department, therefore, they couldn't commit 'future dollars' beyond one Town Meeting. He believed unless they were going to place \$630,000 into one year's budget, it had to be a warrant article. Mr. McDevitt understood there was a rule that they couldn't encumber money in a lease without voter approval. In the past he believed they could lease as long as there was a non-appropriations clause, but he's learned that Town Counsel advises they can't do it.

Mr. McCarthy wanted to know if the \$45,000 for hydraulic tools could be entered into the budget during Deliberative Session if the department didn't have the surplus at the end of the year. Mr. Viger said they could do so. He noted they needed to also be mindful of the portable radio request at that time as well.

MOTION: (Viger/Lynde) To place Engine 1 with lease terms (as defined by Mr. McCarthy) in a warrant article for the (total) amount of \$630,000.

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

Mr. McDevitt noted the article wording would be discussed at a later meeting.

2020 Request: \$2,401,014 approved by the Selectmen.

BOARD OF SELECTMEN MEETING/September 3, 2019

283
284 *Health Officer –*
285 2020 Request: \$45,766 approved by the Selectmen.

286
287 Mr. Lynde stepped away.

288
289 *Health Services –*
290 2020 Request: \$73,500 approved by the Selectmen.

291
292 *Highway –*
293 2020 Request: \$1,619,328

294
295 Mr. Viger proposed adding (under 690 Specials) snow/plowing/sanding of private roads in the amount
296 of \$30,000 with an asterisk that reads ** to be offset by revenues (with the list of private roads provided*
297 *to Selectmen)*. He was trying to establish an expenditure versus revenue for the private roads which
298 had been coming out of the budget. He wanted to see the expenditures offset by revenues so they could
299 see what is really spent compared to what was taken in. He felt they would be able to track it over the
300 next year.

301
MOTION: (Viger/Cote) To add under line 690 Specials – snow/plowing/sanding of private
roads in the amount of \$30,000 with an asterisk that reads ** to be offset by revenues*
from private roads (per list provided to Selectmen). This will bring the 2020 Request
to \$1,696,756.

VOTE: (4-0-0) The motion carried. (Mr. Lynde had stepped away)

302
303 *Human Services –*
304 2020 Request: \$93,040 approved by the Selectmen.

305
306 Mr. Lynde returned.

307
308 *Insurance –*
309 2020 Request: \$2,579,929 (placeholder) approved by the Selectmen.

310
311 *Legal –*
312 2020 Request: \$95,000 approved by the Selectmen.

313
314 *Library – (Independently elected body; the Selectmen don't vote regarding their budget)*
315 2020 Request: \$521,696

316
317 *Parks & Recreation –*
318 2020 Request: \$259,971 approved by the Selectmen.

319
320 Priority supplemental request: 1) increase of \$1/hour for lifeguard salary, 2) \$600 for two porta-toilets
321 at the back of Muldoon Park (\$60/month for ten months) already included in the proposed budget figure.

322
323 *Planning Department –*
324 2020 Request: \$445,108

325
326 Mr. McDevitt recalled they had discussed adding an employee for the MS4 stormwater program and
327 asked if there was a strategy for it. Mr. McCarthy stated they could leave the budget as presented or

BOARD OF SELECTMEN MEETING/September 3, 2019

include a placeholder salary figure. He said they were going to need the position. Mr. Viger suggested adding the position as a placeholder and then create a job description and add the salary when the budget went to the Budget Committee. The specifics of the position have not yet been determined. Mr. Cote asked if there was a salary range. Planning Director Jeff Gowan told the Board the Board he created a draft job description and came up with a title for the position. He was grateful the Board was considering adding a staff person. The Board discussed the position.

Mr. McDevitt felt the Board would be better off voting the number on the floor until further details could be determined. Mr. Gowan noted the Budget Committee would be reviewing the Planning Department budget on September 19, 2019.

Mr. McCarthy believed the position would need to be full-time. Currently Mr. Gowan is doing the lion share of work and would increasingly have impacts on his current job duties. He pointed out that the position would work with both the Planning and Highway departments; it would be a very involved/in-depth position. He said if the salary exceeded the Budget Committee specifications (he believed was \$87,000) the position would need to be a warrant article. If the salary was less, they could include the position in the operating budget. Mr. McDevitt said they didn't need a person to 'hit the ground' with all the knowledge. He said the Board understood it was a work in progress and they would resolve a number and position soon.

2020 Request: \$445,108 approved by the Selectmen.

Police Department –

2020 Request: \$3,195,795

Priority supplemental request: Implementation of body-worn camera program. 20 body cameras and 9 panoramic dash cameras (\$97,820), cloud-based server hosting (\$16,000), video clerk (20 hours per week) (\$22,500). Mr. Viger proposed adding the items into the budget under the appropriate category and made a motion for such.

Mr. Cote questioned if the body cameras would be a warrant article. Mr. Viger said part of the request was to upgrade existing dash cameras, so he didn't suggest a warrant article.

Ms. Forde was concerned about the bottom-line figure and questioned if the requests were all top-grade priorities. Chief Joseph Roark came forward. He stated it was his only supplemental budget request. He said it wasn't a mandatory piece of equipment but felt there was a societal/contemporary expectation. He understood there were priorities but was advocating for his department.

MOTION: (Viger/Cote) To include \$136,320 to the bottom-line number in the categories of new equipment for \$97,820 (20 body cameras & 9 panoramic dash cameras), annual software upgrades (or appropriate line) (cloud-based server for hosting) for \$16,000 and video clerk under salaries for \$22,500. The updated Police Department budget is \$3,332,115.

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

Mr. Viger explained what helped him make a decision was the fact that nine of the existing dash cameras were going to be upgraded that would have otherwise reached their 'end of life' for a cost of approximately \$45,000.

Retirement –

BOARD OF SELECTMEN MEETING/September 3, 2019

2020 Request: \$1,870,081 approved by the Selectmen.

Selectmen –

2020 Request: \$518,920 approved by the Selectmen

Hobbs Community Center (Senior Center) –

2020 Request: \$144,630 approved by the Selectmen

There was no discussion regarding the priority supplemental request items.

Technology –

2020 Request: \$151,912 approved by the Selectmen

Town Buildings –

2020 Request: \$649,758 approved by the Selectmen

Town Celebrations –

2020 Request: \$9,260 approved by the Selectmen

Town Clerk / Tax Collector –

2020 Request: \$262,961 approved by the Selectmen

Transfer Station –

2020 Request: \$856,591 approved by the Selectmen by (4-1-0) vote; Mr. McDevitt voted in opposition.

Mr. Viger asked if the priority supplemental request of increasing the Administrative Assistant's hours from 32-hours to 40-hours was included in the budget. He asked if the operator position was also added. It was clarified that one additional full-time operator position was included in the Highway Department's budget. Mr. McDevitt stated he wouldn't support the additional hours because the number of people that would go to the Highway/Transfer building would be few and far between.

Treasurer –

2020 Request: \$15,249 approved by the Selectmen.

Trust Funds –

2020 Request: \$150 approved by the Selectmen.

The new 2020 Town Operational Budget is \$17,319,163, which represents an increase of \$973,295 (5.95%). The default figure will be reviewed once the Budget Committee votes the final figure.

Japanese Knotweed

Mr. McDevitt included the agenda item because the Board had previous discussions but had not given approval to the Highway Department to mow it down, cover it with black plastic and further cover it with mulch. There was no objection.

Discussion – reimbursement by New Hampshire Department of Transportation

Mr. McDevitt stated the Board received a request from Planning Director Jeff Gowan to advise the proper way to handle checks received from the New Hampshire Department of Transportation ('DOT'). He explained the DOT will reimburse 60% of what the Town paid VHB Engineering firm for their

BOARD OF SELECTMEN MEETING/September 3, 2019

engineering services relative to the Sherburne Road/Mammoth Road/Marsh Road roundabout project. Mr. Lynde stated it would go into the general fund. He believed Town Counsel agrees. Mr. McCarthy noted the Treasurer submitted comments that have been forwarded to Town Counsel for opinion.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Lynde reviewed the budget report and felt it looked healthy and in good shape from a budget point of view.

Mr. Cote informed that the Pelham Youth Council would begin and meet once per month. The council will consist of seven students. He said it would be a way for youth to be active in the government. Applications will be available within the next two weeks.

ADJOURNMENT

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

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

The meeting was adjourned at approximately 8:14pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary