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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
January 8, 2013
APPROVED – January 22, 2013

CALL TO ORDER – approximately 6:30pm

PRESENT: Mr. William McDevitt, Mr. Edmund Gleason, Mr. Robert Haverty,
Town Administrator Tom Gaydos.

ABSENT: Mr. Doug Viger, Mr. Hal Lynde

The Selectmen observed a moment of silence for the passing of Mr. Dennis Viger.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

December 11, 2012

MOTION: (Gleason/Haverty) To approve the December 11, 2012 meeting minutes as amended.

VOTE: (3-0-0) The motion carried.

December 18, 2012

MOTION: (Gleason/Haverty) To approve the December 18, 2012 meeting minutes as amended.

VOTE: (3-0-0) The motion carried.

OPEN FORUM

No one came forward to speak.

Announcement(s):

Andrew Cardwell has completed all necessary requirements to be licensed in the State of New Hampshire to work as a Paramedic as of December 27, 2012.

APPOINTMENT(S)

Zoning Board of Adjustment Alternate Interview: Pauline Guay –for the period of January 8, 2013 to March 31, 2016

Ms. Pauline Guay came forward to discuss her volunteer application for an alternate position on the Board of Adjustment. She discussed her background and qualifications.

The Selectmen complimented and thanked Ms. Guay for volunteering. Ms. Guay stated that she didn't have matters that would be coming in front of the Board of Adjustment and wasn't aware of any situations that would be of conflict. She noted that she would be leaving Town until March, and would attend her first meeting in April. Mr. McDevitt said there would be no problem starting later, alternates were welcome anytime.

Mr. Gaydos welcomed Ms. Guay and informed her that the Local Government Center had a wealth of information to assist with her new position.

MOTION: (Gleason/Haverty) To appoint Ms. Pauline Guay to the Zoning Board of Adjustment as an alternate member effective January 8, 2013.

VOTE: (3-0-0) The motion carried.

The Selectmen asked that Ms. Guay go to the Town Clerk's office to be sworn in.

OTHER BUSINESS

Discussion – Conservation Commission Response to Possible Sale of three Town-owned properties

Mr. McDevitt said the Selectmen had been approached by two individuals interested in purchasing Town owned properties. The properties were located on 8 Little Island Park (coffee lot) (Tax Map 24 Lot 11-380) , 50 Jericho Road(approx.. ½ acre)(Tax Map 42 Lot 10-211), and off Mammoth Road (approx.. 3.3acres)(Tax Map 1 Lot 5-131). He commented that the Selectmen didn't have the authority to sell Town land, it had to be approved by Town Meeting. The Selectmen have not taken a position and have asked the Conservation Commission and Planning Board for comments. Mr. McDevitt read aloud the comments of the Conservation Commission – 1) Little Island Park – recommended the lot be sold with the restriction that it not be built upon; 2) Jericho Road – recommended the lot be sold with the restriction that it never be built upon (sold without building rights); and 3) off Mammoth Road – recommended having the parcel remain as Town land (not sold). He said the Planning Board had a meeting January 7th and essentially came to the same conclusions as the Conservation Commission. He said they had gone back and forth with discussion about the wisdom of imposing conditions to not build on the lots. He believed the consensus of the Planning Board was that anyone might be able to go to the Board of Adjustment and ask for relief, so imposing conditions might not be worth it.

Mr. Gleason concurred in principle with the comments of the boards, but didn't feel they could limit or restrict building. He said if an abutter went through the proper procedure through the boards, it was their right as a citizen to do so. He didn't see the value in restricting the lot. He noted typically when land is being conserved it has conservation value, but in this case, the (Jericho Road) lot doesn't have conservation value and ultimately could yield tax base to the Town. He wasn't in favor of restricting it. Mr. Gleason discussed the Little Island Park lot. He said he agreed that he didn't want to see anyone build on it because it was undersized. He noted if someone wanted to do something with the lot they would need the Zoning Board's permission because it was undersized. He felt people should be afforded remedy though the normal procedure process. He feared if a restriction were placed on the lot the Town would open itself up to an appeal. Mr. Gleason felt the Selectmen should put those two parcels on the warrant for sale and to sealed bids. He didn't want to do anything with the third parcel.

Mr. Haverty concurred with Mr. Gleason.

Mr. McDevitt said the Selectmen needed to take action regarding the warrant. He read the proposed article aloud.

MOTION: (Gleason/Haverty) To approve the warrant article: *Shall the Town vote to authorize the Board of Selectmen to sell, by sealed bid, two separate lots of land located at 50 Jericho Road (Map 42 Lot 10-211), +/- .5 acres) and 8 Little Island Park (Map 24 Lot 11-380, +/- .11 acres)?*

VOTE: (3-0-0) The motion carried.

PUBLIC HEARING: **Per RSA 33:8-a Pelham Board of Selectmen to hold a public hearing to consider the incurring of indebtedness for the following purpose:** *To renovate approximately 5,000SF of classroom space into office space suitable for use by the Pelham School Administrative Unit ('SAU'). The purpose of this hearing is to receive comment on the proposal to issue bond or notes in an amount of \$1,000,000 to fund this indebtedness.*

Mr. McDevitt said there was a statutory requirement that if the Town intends to borrow or bond \$100,000 or more a public hearing is to be done by specific dates. He said it was believed that the amount of \$1,000,000 was included in the warrant although the actual amount may be less. The thought was if the number was too low they would create a problem for themselves if the estimate came in higher. He said the \$1,000,000 was not the amount they intended to borrow, but rather was the amount they were having the hearing on. Mr. Gaydos noted at the time they had to post the public hearing they didn't have some of the final numbers that have since been received. It was better to put out a number that could be reduced. He said there were still tests to be done, but they knew within reason what the cost would be. He believed they had a not-to-exceed number; the same process they used for the fire station with a guaranteed maximum price. Mr. McDevitt noted that the hearing was on the borrowing of the money, not specifically on the details of the building. The hearing was to put the public on notice that the Selectmen were considering the warrant.

Mr. Gleason discussed the requirement for the Board to come to a decision based on date requirements for submission to the Budget Committee who would be meeting in two days for budget reconsideration. He said even with the number they had, the unknown was the possible asbestos in the building. He believed it was logical to go with the million dollar number for the warrant, which could be later clarified. Mr. Gleason noted that a five-year bond at 4% would be approximately \$.15 on the tax rate.

Mr. Gaydos commented that the \$895,000 number accommodated the tests that had not yet been done. He felt it was fair to say that would be the number. They would need to present a warrant article to the Budget Committee to bond the amount. He said they were using 4% to be conservative. He outlined the calculations done to determine the cost over the term.

Mr. Gaydos discussed the need for the SAU office space to be at least 5000SF, which was in the plan the school had put forward. He discussed the reasons for renovating the space in the Municipal Building versus leasing space elsewhere. If the school was to lease space, at the end of the lease after making payments for years they would have nothing to show for it. In this case the SAU has agreed to negotiate a long term lease with the Town; the school would pay as rent/lease the cost for the bond, which would go away at the end of the term. The school would still stay in the same place until the end of the lease term paying only for the common area charges such as cleaning, electricity and fuel. Mr. Gaydos said outfitting the unfinished classroom space (in the

Municipal Building) would be the best option. It would not take any land from the school system.

The public hearing was opened for public comment. No one came forward.

Mr. McDevitt he spoke to a local relator who told him there weren't any 5000SF space in Town comparable to what the school was looking for and that had handicap accessibility.

Mr. McDevitt said one of the local newspapers incorrectly indicated that the proposed cost would pay for a new roof for the entire Municipal Center, which was untrue. He said there was a problem with the roof over the proposed six classrooms. The renovation cost would include repair/replacement of that portion of the roof. Mr. Gaydos believed there was also a misunderstanding about the windows. He said the cost would include the replacement of the windows for the classrooms consistent with those already installed in the Municipal Building. There was a brief discussion regarding current commercial construction costs.

There was a brief discussion regarding the wording of the proposed warrant article. Mr. Gaydos said it was specified by statute. Mr. Gaydos stepped out of the room to retrieve the wording for the article.

Mr. McDevitt recessed the public hearing. (see below for conclusion of the public hearing).

PUBLIC HEARING: To accept \$1000 Anonymous Cash Donation to be used for the Removal and Relocation of Trees in the Area of the New Roundabouts.

Mr. McDevitt said the person making the donation wished to remain anonymous and without publicity. The Selectmen know who it is. The person doesn't conduct any businesses in the Town.

The public hearing was opened for public comment. No one came forward.

The Selectmen commended the donor for coming forward to preserve the trees and assisting the Town in those endeavors.

MOTION: (Haverty/Gleason) To accept the \$1000 anonymous cash donation to be used for the removal and relocation of trees in the area of the new roundabouts.

VOTE: (3-0-0) The motion carried.

APPOINTMENT(S) Con't...

New Employee Introduction: Transfer Station Director Stanley Walczak

The Selectmen welcomed the new Transfer Station Director Stanley Walczak. Mr. Walczak came forward and discussed the facility, his background and thirty-five years of experience in the solid waste industry.

MOTION: (Gleason/Haverty) To appoint Stanley Walczak as the Transfer Station Director

and to ratify the contract as provided.

VOTE: (3-0-0) The motion carried.

CONTINUED –PUBLIC HEARING: Per RSA 33:8-a Pelham Board of Selectmen to hold a public hearing to consider the incurring of indebtedness for the following purpose: To renovate approximately 5,000SF of classroom space into office space suitable for use by the Pelham School Administrative Unit ('SAU'). The purpose of this hearing is to receive comment on the proposal to issue bond or notes in an amount of \$1,000,000 to fund this indebtedness.

Mr. Gaydos told the Selectmen he received a text message from Larry Hall, Budget Committee Chairman. It indicated that the School Board announced last night that they had a deal for a 5500SF space; the cost of the base lease (not including cost for improvements or utilities) was \$88,000 per year. Mr. Gaydos stood by his original statement that being able to pay for something and own it in five years was better than paying a lease and having nothing to show for it. The text representing a base reference for leasing; it was not believed the school was seeking a different approach.

The wording for the proposed warrant article was as follows: *Shall the Town of Pelham raise and appropriate the sum of \$895,000 gross budget for the renovation of six classrooms into office space suitable for use by the Pelham School Administrative Unit. And to authorize the issuance of not more than \$895,000 in bonds or notes in accordance with the provisions of the Municipal Finance Act, RSA 33. And to authorize Municipal Officials to issue and negotiate the terms of such bonds or notes and determine the rates thereon. (3/5 majority required)*

Mr. Gleason felt it was important for people to realize that after July, 2013 the SAU had no facility. He believed on the surface the proposal offered the most cost effective solution for the tax payers.

MOTION: (Gleason/Haverty) To move the article as presented.

VOTE: (3-0-0) The motion carried.

OTHER BUSINESS

Discussion: Updated Senior Center Hall Usage/Rental Forms and Policy – deferred to next meeting.

Discussion: Flood Study RFP Review – deferred to next meeting

2013 Budget Reconsideration

Mr. McDevitt said the Budget Committee would be holding a public hearing for budget reconsideration which was a forum for the Selectmen or member of public to reconsider actions already taken. Mr. Gaydos said there were no items from the departments for reconsideration. He said there were a few items that were being brought forward: 1) propane heat cost \$1680 increase due to unknown increase of fuel cost; 2) increase in legal budget of \$25,000 due to on-going issues and law suits; and 3) increase of insurance \$271,166 because of dental, workman's comp., fire station improvements, and health insurance increases.

Mr. Gleason asked what the Town spent the past year for the Legal budget. Mr. Gaydos believed they would be approximately \$40,000 over budget due to unexpected expenses. He based the proposed increase based on the currently open cases.

MOTION: (Gleason/Haverty) To approve the request for reconsideration in the amount of \$297,846.

VOTE: (3-0-0) The motion carried.

2013 Petition Warrant Article

Mr. McDevitt stated that the Selectmen received one petition warrant article. He explained to the public when the Selectmen are presented with a petition warrant article, as long as it bears the proper number of signatures, they must put it on the ballot, unless it is patently illegal. He then read aloud the petition article, which in summary allowed a reduction of property taxes to disabled individuals who fell within specific income guidelines. The wording may be clarified/amended during Deliberative Session to allow the reduction of the assessed value.

There was a brief discussion regarding the wording and how it complied with the statutes.

2013 Highway Bids Recommendations

Mr. Gleason said he had the opportunity to review the list submitted by Highway Road Agent Don Foss. He believed there was a list of twenty-nine bids being recommended for acceptance. He believed Mr. Foss did an in depth analysis in his recommendations submitted. Mr. Gleason recommended that the Selectmen approved Mr. Foss' recommendations as submitted.

If members of the public were interested in reviewing the bids, they were welcome to contact the Selectmen's office.

MOTION: (Gleason/Haverty) The Board of Selectmen approve the 2013 Highway Department bids as provided by Highway Road Agent Don Foss, memo dated January 4, 2013 comprised of twenty-seven different awards.

VOTE: (3-0-0) The motion carried.

New Fire Station Update

Mr. Gaydos reported that things were moving rapidly; the number of issues were very small. They had looked at having a base price and were lucky to have some savings in areas that the costs came in lower. The project is on time and under budget.

SELECTMEN'S / TOWN ADMINISTRATOR REPORTS

Mr. Gaydos commented that they were working on the Library roof (slightly pitched area in the back). There had been a tear in the rubber seam. The Building Inspector met with Rondo Roofing who indicated that there was a quick solution and the roof looked fine. He said the Building Inspector helped him locate a vendor to replace some of the siding on the building at the Transfer Station. He believed the work could be done for under \$5000; as soon as bids are received he wanted to have the work done. Mr. Gleason noted there was a trust fund containing money

(approximately \$50,925) for the recycling facility. He recommended any work done for the specified nature should come out of that trust fund.

There were no other reports.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Gleason/Haverty) Request for a non-public session per RSA 91-A:3,II, c & e (Matters, which if discussed publicly, would affect adversely the reputation of any person; Consideration or negotiation of pending claims or litigation)

ROLL CALL: Mr. McDevitt-Yes; Mr. Gleason-Yes; Mr. Haverty-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 7:55 pm.

The Board returned to public session at approximately 8:12 pm.

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

VOTE: (3-0-0) The motion carried.

ADJOURNMENT

MOTION: (Haverty/Gleason) To adjourn the meeting.

VOTE: (3-0-0) The motion carried.

The meeting was adjourned at approximately 8:12 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary

BOARD OF SELECTMEN ACTION ITEMS

March 29, 2011

- Mr. Gaydos to put timeline together for Castle Hill Road (6/7/11 easement being completed that would allow the Crawfords to access their property)(7/5/11 – Mr. Gaydos

stated the project was moving forward, there were other issues to get out of the way prior to addressing this)(8/2/11 Mr. Gaydos is working with Attorney Solomon and will have a timeline quickly)(8/9/11 – Mr. Gaydos continuing to work with Attorney Solomon-associated correspondence will be provided to the Selectmen)(8/30/11 – still in progress); 1/17/12 – still in court. As of 7/10/12 on-going legal issues – October 16, 2012 remains in court.

May 10, 2011

- Mr. McDevitt researching appropriate signage for Raymond Park (where parcels are located and what names were allowed per deeds) (6/7/11 Mr. McDevitt said research was completed and would like to discuss with the Board after the meeting of 6/28/11)(7/5/11 – Mr. McDevitt said a discussion should be scheduled regarding the names at Raymond Park. Information is available to educate the Selectmen. A discussion will be scheduled for July 19, 2011)(8/2/11 Mr. McDevitt said the Board had received a draft of the naming requirements of the park, which raised additional questions. The Selectmen will schedule a discussion at a later time)(8/9/11 – there is a question whether there could be signs that stay up at Raymond Park – this is in the process of being addressed)(8/30/11 – agenda item scheduled) / 10/25/11 – research still being conducted and signs to be designed; 1/17/12 – ongoing project – an Eagle Scout project will possibly be brought forward to put up kiosk. July 10, 2012 – Park & Recreation Director waiting for a Boy Scout to come forward with a project. / October 16, 2012 Mr. McDevitt will speak to Park & Recreation.

May 24, 2011

- Mr. Gaydos to review the legal ramifications of changing the road classification in the Gumpas Pond area; 7/10/12 Mr. Gaydos to check status with Ms. Waters. / October 16, 2012 pending.

July 5, 2011

- Mr. Gaydos to request from Comcast something in writing indicating there will be no additional charge for moving cable to new fire station location (8/2/11 Mr. Gaydos said there were several issues he would deal with all at once when Comcast returned the signed contract)(8/30/11 – contracts returned – Town will approach Comcast with two required follow up letters of agreement) / 10/25/11- Mr. Gaydos to ask Mr. Greenwood to follow up; 1/17/12 follow up needed for written agreement. / October 16, 2012 pending

August 2, 2011

- Obtain status regarding Young's Crossing and the flashing sign on Route 38/Gage Hill Road/Ledge Road intersection and from Police Chief. (8/9/11 Mr. Gaydos had a discussion with Police Chief Roark regarding the flashing light and there may be less expensive alternatives. The Chief has requested a meeting with the DOT district for Pelham)(8/30/11 – correspondence received from State – Mr. Gaydos to work with Police Chief Roark to compile accident statistics) / 10/25/11 – Mr. Gaydos said Chief Roark was heading this up – the same type of study is being done at the Sherburne Road intersection.; 1/17/12 – still working with intersection (with state) in conjunction with Sherburne Road. / October 16, 2012 Planning Director Gowan to address and provide status update.

August 16, 2011

- Mr. Gaydos to research if there is legislation pertaining to dam water releases for a future agenda item (8/30/11 –Mr. Gaydos working on response regarding dam water releases and hoped it would also address the flood ordinance Mr. Gowan was working on)/10/25/11 – Mr. Gaydos said there was wording, but it didn't have sufficient 'teeth' – an agenda item will be scheduled for Selectmen discussion; 1/17/12 – at a standstill between what the state is willing to do and what the Town would like them to do. Mr. Gaydos felt the flood study would aid in an outcome. /October 16, 2012 proposals to be reviewed and narrowed down and presented.

April 10, 2012

- Mr. Gaydos to contact people in Londonderry regarding the flood study and work with Mr. Gowan to coordinate. / October 16, 2012 pending.

April 24, 2012

- Planning Director to review water supply regulation and well ordinance documents and return comments to the Selectmen; October 16, 2012 in progress.

July 17, 2012

- Selectmen to revisit the PUC order/Pennichuck Water to see what the repayment obligation (for legal fees) was to the Town.

November 13, 2012

- Fireworks education – Mr. Viger
- SAU Office Space
- Well Ordinance and Waste Disposal Systems Regulation information/draft