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**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN - MEETING MINUTES**  
**June 4, 2019**  
APPROVED – June 18, 2019

**CALL TO ORDER** - approximately 6:30PM

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**May 21, 2019:**

**MOTION:** (Lynde/Cote) To approve the May 21, 2019 meeting minutes as amended.

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

**ANNOUNCEMENT**

Mr. McDevitt informed the planters displayed during the Vietnam Moving Wall Event were donations facilitated through Beaver Valley Farm. The Garden Club is no longer able to take care of them; therefore, Beaver Valley Farm has taken them back. The planters are available for purchase with the entire proceeds going to the non-profit organization who takes care of the moving wall. There are four planters remaining.

**OPEN FORUM**

No one came forward.

**APPOINTMENT(S)**

**Frank Ferreira – 1) Request to purchase a vehicle using State Block Grant money**  
**2) Bid Awards – paving and crack sealing**

Mr. Ferreira began the discussion reviewing the bids. He recommended RND Paving for hot top and Superior Seal Coat for crack sealing (\$10/gallon)

**MOTION:** (Viger/Forde) To accept Frank Ferreira's recommendations for RND Paving for hot top and Superior Seal Coat for crack sealing (\$10 per gallon).

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

## BOARD OF SELECTMEN MEETING/June 4, 2019

Mr. Ferreira discussed the status of the Highway Department equipment/vehicles. He explained they needed an additional truck. Currently the Transfer Station uses the former Animal Control Officer's (half-ton) vehicle that he had rebuilt. He stated with the hot box, mower and snow blower they were always in need of a pickup to pull the equipment. He noted during the winter there were two occasions the bigger trucks broke down and they had to rent a truck. Mr. Ferreira stated he was requesting to purchase a smaller dump truck (F550) that could be used year-round and, in the winter, would be equipped with a sander and plow. The truck would be an addition to the current fleet and paid for using the State Highway Block Grant money.

Mr. McCarthy asked for the remaining balance of the grant money. Mr. Ferreira replied the balance was between \$700,000-\$800,000. To date he hasn't used money received from 2017 or 2018.

Mr. McDevitt questioned if there was any reason why they couldn't 'step up' the road work to spend the money from the State. Mr. Ferreira replied he needed at least two additional people. He said the Town was growing fast and they were falling behind every year on there projects. The Block Grant doesn't allow for hiring employees.

Mr. Lynde asked if the dump body would be stainless steel. Mr. Ferreira replied he hadn't priced stainless steel; the cost for such would be an additional \$5,000 for the body. He told Mr. Lynde that the sander would be stainless steel. The truck he was requesting was at Hillsborough Ford, a 2019 F550 with V10 gas engine. The bid amount is broken into two: 1) Donovan Equipment – sander, plow, strobe light and toolbox - \$13,600.00, 2) Hillsborough Ford – truck \$50,301.00.

**MOTION:** (Lynde/Cote) To authorize Frank Ferreira to purchase an F550 truck with gas engine and attachments for a total cost of \$63,901.00.

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

### **Paddy Culbert – Beautification Awards for Town Businesses**

Mr. Culbert asked the Board to consider establishing a Beautification Award given to businesses (with an exterior/landscaping similar to Enterprise Bank). He wanted the Town to send letters to businesses informing that the award (plaque) was available. Mr. McDevitt questioned who would judge the businesses. Mr. Culbert said the Selectmen would judge.

Mr. Lynde felt it needed someone to step in and carry it as a project. Ms. Forde suggested having the Pelham Economic Development group hear the proposal and will coordinate with Mr. Culbert to have him present his proposal.

Mr. Viger recalled there had been some conversations in the past about having local contractors adopting the traffic islands near Route 38/Old Bridge Street/Atwood Road. Mr. McCarthy replied there was a lack of interest. Mr. Viger told Mr. Culbert they had an issue with getting participation for the islands and hoped the proposal would encourage businesses to participate. Mr. Cote said Pelham Spirit should also be approached.

Mr. McDevitt said they should begin with having conversations with the Pelham Economic group. If needed they could speak with Pelham Spirit and possibly the Pelham Garden Group.

### **DISCUSSION**

### **2020 Budget process and proposals**

Mr. McDevitt suggested the Board establish budget guidelines, which they had typically done. Mr. McCarthy believed they should follow the same process from previous years by asking departments to have zero growth (except for contractual obligations.) and establishing a 'priority list' of additional items for consideration. He noted the costly part of the Town's budget was salaries.

Mr. Lynde felt the process they had done in previous years had worked well. Mr. Viger believed the Board had been successful in the past and turned back a considerable amount of money the last couple years by following the (zero growth) process. He suggested doing a comparison of 'budgeted' versus 'expended' to have a better understanding of where expenditures were going. There was a brief discussion about departments submitting invoices in a timely manner for payment.

The department heads will be asked to submit zero based budgets (except contractual obligations) and submit anything else they feel they need on a separate list for consideration.

#### **Town Ordinance for Pelham Veteran's Memorial Park ('PVMP') / Pelham Residents**

Approximately a year and a half ago the Selectmen voted to make PVMP for 'Residents Only'. Mr. McCarthy noted there were issues that come up regarding out-of-state usage. In speaking with Town Counsel, it was suggested that the Board encapsulate that vote and have some type of deterrent (i.e. progressive discipline). He provided counsel with the case to review from a legal matter that occurred a few years ago. He hoped to have a draft Ordinance to 'sure up' the Board's previous vote so if the Town is challenged, they would be on a high legal ground to defend themselves. Mr. McCarthy spoke about the recently installed automatic gate and believed it would resolve approximately 90% of the issues associated with vandalism and trespassers.

Mr. Lynde questioned if there were any Federal funds involved with the park. Mr. McDevitt answered no. He recalled the Town Meeting during which they decided to acquire the property. He said questions were asked about accepting Federal Funds. He stated there were no Federal Funds involved with purchasing the property. He remembered the concern was the narrow road, small park and small beach. Because of this, he said the whole idea was to have it be for Pelham residents only; this constraint wasn't placed on any other Town park.

Mr. McCarthy discussed the Beach Permit process. Residents who purchase a Beach Permit will receive fobs (for the gate) so they can access the beach during the time from sunrise to sunset. Anyone without a fob won't have access with a vehicle. He noted additional cameras and a Police call box have been installed.

#### **Appointment of Water Commissioners**

Mr. McDevitt felt the best way to make appointments would be to allow each Selectman to make a motion for a particular name. If the motion receives a second and majority vote that person will be voted in. If they don't receive a second or majority vote, they won't be voted in. Mr. Lynde suggested using a ranking system approach. Mr. McDevitt believed his suggestion would accomplish the same. He stated they had more well qualified applicants than they imagined. He didn't want candidates to take it personally if they weren't voted in.

**MOTION:** (Cote/Lynde) To nominate/appoint Samuel Thomas as a water commissioner.

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

**MOTION:** (Lynde/Forde) To nominate/appoint Donald Smith as a water commissioner.

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

**MOTION:** (Viger/Forde) To nominate/appoint Nate Boutwell as a water commissioner.

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

**MOTION:** (Forde/Cote) To nominate/appoint Bill Scanzani as a water commissioner.

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

**MOTION:** (McDevitt/Lynde) To nominate/appoint Paul Leonard as a water commissioner.

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

Mr. McDevitt said he and Mr. McCarthy spoke with Town Counsel regarding some questions that had come up relative to the water commissioners. Town Counsel advised: 1) Water Commissioners report directly to the voters. There is no relationship to the Board of Selectmen or Planning Board; however, in Mr. McDevitt's opinion, it would be politic to keep those boards involved. 2) Vacancies are filled by the Water Commissioners.

Mr. McDevitt suggested Mr. McCarthy call the initial meeting to help the commissioners start up. He said he would attend the initial meeting to make sure commissioners were acquainted with the rules and regulations such as, open meeting law, posting, minutes, public access etc.

On behalf of the Board, Mr. McDevitt expressed a 'thank you' to all that applied. He urged those not nominated to stay involved. Mr. Viger suggested passing the application of those not nominated to the committee for future consideration. Mr. McDevitt noted the municipal stormwater committee (through the Planning Department) was looking for public members to participate and thought some of the people who handed in applications may want to serve.

Mr. Cote inquired if the commissioners should have been appointed with staggered terms. Mr. McDevitt answered no. He said there was no provision in the law to do so; therefore, they were appointed to a three-year term. He stated if any of the people appointed had questions, they could contact Mr. McCarthy.

#### **Gagnon Plaque request**

Mr. McCarthy stated Mr. Gagnon submitted his detailed proposal to the Board (as discussed at a previous meeting). Mr. Lynde questioned if an existing rock would be used or if a stone would be brought in. Based on the photograph of the stone, Mr. McCarthy believed Mr. Gagnon was bringing one in. Mr. Lynde asked who made the decision regarding the placement of the stone. Mr. Viger replied the Board would make the decision. A proposed location was contained in the information packet.

The Board had no objection to the proposal. Mr. McCarthy will convey this message to Mr. Gagnon. He asked if a vote was needed. Mr. McDevitt didn't feel it was necessary.

**Tax deedding of properties**

Mr. McDevitt stated everything the Board was about to do was by State law. He said the Selectmen was required to receive a list from the Tax Collector of any property for which taxes had not been paid for three years. By State law if an owner doesn't pay for three years the Selectmen are required to take the property for non-payment of taxes. He stated it was a task they did not enjoy. Mr. McCarthy provided the Board with an updated list. During the discussion he contacted the Tax Collector and provided additional notes as follows:

ID# 36-10-369: Deputy Tax Collector (via telephone with Mr. McCarthy during the meeting) it has been paid.

ID# 16-8-256: Contaminated property, which by law the Selectmen don't have to take. Mr. McDevitt recommended they take no action.

ID# 35-6-98: Deputy Tax Collector indicated (via telephone with Mr. McCarthy during the meeting) it has been paid.

ID# 23-12-131A: Tax Collector has received no response. Mr. McDevitt the property be taken for non-payment of taxes.

ID# 15-9-105: Tax Collector received assurances it will be taken care of in the next few days.

ID# 42-10-135: Tax Collector unable to get in touch with the owner in no manner. In looking at the tax map, satellite photo and property card, Mr. McDevitt said the property appeared to be a wet piece of land that wouldn't be built. There were no structures on the property. He suggested they take the property.

ID# 15-8-190: The individual's attorney has been in contact with Tax Collector. This is expected to be resolved in the next few days.

Based from the Tax Collector's information, Mr. McDevitt suggested taking ID# 23-10-131A and ID# 42-10-135. Mr. Viger discussed the process in the event any property has a resident.

Mr. Cote asked if there had been any physical attempt to contact ID#23-10-131A. Mr. McDevitt replied they are sent certified mail. Mr. McCarthy stated the Tax Collector had a conversation with the owner and explained the situation and what needed to be done to have it resolved. The owner indicated they would be back in touch but had not done so. From that point, the Tax Collector continued to call and send letters; however, the owner never responded to any of the inquiries. Mr. McDevitt pointed out this was the third-year individuals hadn't paid their taxes. He noted if they paid the earliest year the process would start over again.

The Board reviewed the list again.

**MOTION:** (Lynde/Forde) To take the following properties for non-payment of taxes:

1) ID# 23-10-131A

2) ID# 42-10-135

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

**Pelham Veteran's Memorial Park ('PVMP') gate update**

Mr. McCarthy provided an update earlier in the meeting. Mr. Lynde asked why the installation was taking so long. Mr. McCarthy replied the water table remained high; the trench has been dug but was

full of water. He said the gate was installed and hoped the water level would decrease in the next day or so, so the electricity could be installed.

Mr. McDevitt questioned if a stop sign would be attached to the gate. Mr. McCarthy answered yes. There would be a stop sign and a sign indicating 'Pelham Residents Only – park open from Sunrise to Sunset'.

#### **Board of Selectmen to sign letter for Transfer Station**

The Selectmen signed a letter that would be given out at the Transfer Station reminding citizens that construction debris was not accepted.

#### **Roof Bid Award**

The Selectmen were provided with a memo containing the recommendation for the roof bid. The proposed project would be for the Police Department roof and the roof over the six classrooms on the side of the Municipal Building. Mr. McCarthy indicated he unsealed the two Request for Proposal bids.

- 1) The Melanson Company – proposal for total cost \$287,000
- 2) LGR1 Incorporated – proposal for total cost \$386,000

Mr. McCarthy recommended awarding the bid to the Melanson Company. He felt they were the lowest qualified bidder as they had experience and previously performed work for the Town to their satisfaction. The bid is for the total cost of both the Police Station roof and the roof over the six classrooms in the Municipal building.

For the record, Mr. Viger asked where funding would come from. Mr. McCarthy replied they encumbered money from last year's budget (\$300,000) to cover the cost of the project.

**MOTION:** (Cote/Lynde) To accept the roof bid award as recommended by Mr. McCarthy.

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

#### **MTBE application**

Mr. McCarthy informed that the date was closing for the MTBE remediation application. Last year the Town was turned down. His plan was to resubmit the application with additional information; however, since that time the Town has received several letters of support from business owners along Route 38. He noted there was an additional property off Atwood Road with contamination issues that was incorporated into the application. Mr. McCarthy stated he contacted Pennichuck Water President Don Ware and Pennichuck Chief Engineer John Boisvert and gave them a map of the proposed water route. He wanted them to map out the installation cost and inform if the Williamsburg facility could handle the expansion. He received assurance that Williamsburg facility could handle the expansion. During the conversation, Mr. McCarthy asked what Pelham's chances were for getting approved for an MTBE request for money. Mr. Ware told Mr. McCarthy that Pelham's chances to receive an award based solely on MTBE was unlikely.

Mr. McCarthy told the Board that there were two properties along Route 38 that had 1,4 Dioxane issues which carries more health risks than MTBE. He said he asked Mr. Ware if Pelham's chances would be better if he re-wrote the application using the 1,4 Dioxane issue in lieu of MTBE. Mr. Ware thought it would. Mr. McCarthy proposed focusing solely on the Bridge Street Dioxane issue and trying to get

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money for it. He said if they were successful, then the following year he would apply for MTBE money for Marsh Road.

Mr. Lynde said he would rather see both locations listed on the application. Mr. McDevitt pointed out that there had been no response from anyone in the Marsh Road area; however, there was a fair amount of activism on Route 38 and the area off Atwood Road. He said Marsh Road was part of the Water District area and the commission may deal with that area. Mr. Lynde questioned if there was a way to tie Marsh Road into Sherburne Road to make water more viable. Mr. McCarthy said they had reviewed brining water to Sherburne Road but no matter what option they looked at, it would cost millions of dollars and there was no State or Federal funding available to offset the cost. Mr. McDevitt felt they should follow Mr. Ware's advice because they would be better off requesting what they had a better chance of getting. Mr. Viger noted if they separated the areas and started off small, they would have the ability to expand on it later. There was no objection to Mr. McCarthy amending the application as described.

Mr. McDevitt understood Mr. McCarthy was requesting to submit the application for the MTBE remediation fund and include the extension of water along Route 38 from Main Street south to Jericho Road, with the inclusion of a small section of Atwood Road.

**MOTION:** (Lynde/Cote) To submit an application (for funding from the MTBE remediation fund) to address the water issues on an Atwood Road property and along Route 38 south of Main Street.

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

Mr. Lynde asked Mr. McCarthy to send the Board a copy of the application being submitted.

### **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Ms. Forde thanked everyone who volunteered for the Moving Vietnam Memorial Wall including the PTA, restaurants and community organizations that came forward to help. She then suggested offering students an award/recognition for community service and civic engagement. She's reached out to the School Board and felt Mr. Cote may want to coordinate with the Pelham Youth Council. Mr. McDevitt suggested adding an agenda item for their next meeting.

Mr. Lynde provided a summary of the recent Planning Board hearings.

Mr. Cote informed he would host the second meeting of the Agricultural Commission on Thursday, 7pm in Sherburne Hall. During the meeting they will choose a steering committee to begin working on wording for a warrant article. He then reported he met with a member of the Pelham Youth Council and planned to meet prior to school beginning in the fall to set a plan to move forward.

Mr. McDevitt said he was asked by residents of the Beaver Brook Commons and others what was going on with people walking the property on Main Street (behind Shirley Sutton's house). The questions came because of the recent housing workshop/charrette. He told people there would be a parking lot. Mr. McDevitt was also asked by residents what was happening to the house on the corner of Nashua Road (at the roundabout). He said people were upset that the house had been removed. He noted Pelham didn't have a historic district and property owners had a right to knock a house down and build a new one.

### **REQUEST FOR NON-PUBLIC SESSION**

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314 Not requested.

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316 **ADJOURNMENT**

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**MOTION:** (Cote/Forde) To adjourn the meeting.

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

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319 The meeting was adjourned at approximately 8:08pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary