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**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
December 6, 2016
APPROVED – December 20, 2016**

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Doug Viger, Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer,
Mr. Paul Leonard, Town Administrator Brian McCarthy

ABSENT: None.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

November 22, 2016

MOTION: (Spencer/Lynde) To approve the November 22, 2016 meeting minutes as amended.

VOTE: (4-0-1) The motion carried. Mr. Leonard abstained.

ANNOUNCEMENT

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- **Reminder** – The Winter Parking Ban will be in effect December 1, 2016. The ban is as follows: *No person shall park a vehicle or permit such vehicle to be parked on any public street or highway between the hours of 12 midnight and 7AM during the period of December 1 to April 1 annually. Any vehicle found parked in violation of this Ban shall be towed at the owner's expense.* Your anticipated cooperation is greatly appreciated.
 - **Announcement** – The Pelham Fire Department will be hosting their annual Yuletide Celebration on Sunday, December 11, 2016 at the Fire Station. Festivities begin at 4:15pm. There will be plenty of food (hot dogs and hamburgers, for a small donation). There will also be free desserts, coffee, hot chocolate and more! Holiday music will be provided by the Pelham High School Band and other artists. Don't miss out on the HUGE slide and other fun activities for children and adults. For more information, please contact the Fire Department. Bring a gift for the Toys for Tots program and receive a free hot dog!

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OPEN FORUM

No one came forward.

APPOINTMENTS

Health Officer Selection

Mr. Viger stated the Selectmen received two applications and held interviews. Ms. Spencer felt both candidates were well qualified, nice people who would do a good job. She noted they each brought very different expertise, Ms. Eaves being a registered nurse brought forward the medical side and Mr. Grow brought the hazmat attributes forward. She questioned if it were possible to split/share the position. Mr. Viger was not sure if the Board had the capability to do so. Mr. McCarthy believed they might be able to if the Town didn't have a Deputy Health Officer. Mr. Lynde noted that the Fire Chief handled hazmat situations and at the same time agreed both people were good candidates.

With all things equal, Mr. Viger said it seemed Ms. Eaves had more time during the day to handle immediate emergencies; although Mr. Grow indicated he was willing and capable to also do so. Mr. McDevitt stated the issues that were likely to come up tended to be medical versus environmental.

MOTION: (McDevitt/Leonard) To appoint Ms. Brenda Eaves as the Town Health Officer.

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

The Board asked Mr. McCarthy to let Ms. Eaves know of her appointment and to also send a letter of gratitude to Mr. Grow and encourage him to volunteer. Ms. Spencer felt Mr. Grow would be an asset to the Highway/Transfer Building Committee and invited him to join. Mr. Leonard felt he would also be an asset to the Community Emergency Response Team.

Discussion - Microsoft computer update for all PC's

Mr. McCarthy explained when speaking with Victor Danevich, the Town's IT specialist, he learned the Town would need to upgrade the computers to another level of service. He told the Board at the end of the month the Town would no longer have the ability to accept credit cards unless they upgraded to Exchange 2016, or Office 365 by December 31st. He read aloud an email received from Mr. Danevich addressing the maintenance of PC compliance. The latest cost estimate for the upgrade is approximately \$27,000, which would over expend the technology budget. He noted there was a possibility the estimate would decrease because the Town didn't have to purchase individual licenses for personnel, the cost was for the individual computers. Mr. McCarthy stated the situation was critical and recommended the Selectmen approve the upgrade. Mr. Viger confirmed there was adequate money in the budget to cover the overage. Mr. McCarthy answered yes.

MOTION: (McDevitt/Lynde) To authorize an amount not to exceed \$26,682 for the purpose of updating the Town's computer software which will allow the Town to continue to accept credit cards.

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

PUBLIC HEARING: Per RSA 36-A, the Board of Selectmen will be holding the second of two public hearings regarding the proposed purchase of approximately 22 acres defined as Map 27 Lot 2-89, Gumpas Pond, located off Granite Drive, to be acquired for conservation purposes

Mr. Viger opened the second of two public hearings. At the first hearing Conservation Commission member Karen MacKay gave a full presentation of the proposed purchase.

Conservation Chairman Paul Gagnon was present at the current hearing and came forward for the hearing and answer questions. He began by discussing the location of the parcel and providing an overview of the proposal, which was solely for conservation purposes.

Mr. McDevitt stated no one from the public came forward during the previous public hearing, but since heard there were residents that were nervous about the Town acquiring the parcel. He questioned if the parcel was currently posted 'No Trespassing'. Mr. Gagnon replied it was not. Mr. McDevitt asked if the drift road was posted 'No Trespassing'. Mr. Gagnon believed there was a chain and lock across the drift road. He said there were seven parcels (including the proposed parcel) that used the drift road. He believed the people on the six other parcels had a key to the lock. He was unsure if the Town could close the parcel to the public if it was purchased with public funds. Mr. McDevitt commented that not everything the Town owned was open and accessible to people at all times. Certain activities are prohibited at specific locations.

Mr. Viger opened discussion to public input. No one came forward. Mr. Viger stated the Board wouldn't take a position at this time. He understood the Board had no less than ten days but no more than fourteen days from this date to make a decision. The Selectmen have a meeting scheduled December 20th, at which time they will take action.

Town Treasurer Charlene Takesian – New accounting software for the Town

Town Treasurer Charlene Takesian came forward to discuss proposed new accounting software for the Town. She discussed the evolution of the Town's accounting system and noted they had been using MuniSmart for over ten years. Over the last few years they had become less responsive to the Town's needs and seem to be more interested in developing other software than supporting MuniSmart. Ms. Takesian stated the Town needs better support and a company that will respond when needed. She spoke of the difficulties that can occur when transferring to new software and the process used to review possible options. She told the Board the proposed software purchase would be specific to each department's needs and provide functions beyond what MuniSmart provided. The proposal package for general ledger support is AccuFund (software) and Bloom Shapiro is the accounting firm that would install and provide support to transfer data from MuniSmart. For Town Clerk registration functions, ClerkWorks would be purchased. The Tax Collector would use Amase, which will do property taxes, liens, billing and collection. They are reviewing PermitPro for the Planning Department functions, but haven't included the cost in the proposed estimate because a decision hasn't been made about its use at this time. She noted that the Assessor was happy with their software and would continue to use the database Vision Software. Ms. Takesian told the Board the estimated cost was currently \$150,000, which was a high estimate to provide a buffer if there were any unexpected problems.

Ms. Takesian stated the goal was to integrate all the departments into AccuFund via electronic transfer. She discussed the benefits of the new software, such as having the ability for employees to have online access to their payroll records, the public to apply for building permits and possibly allow departments to access real time data and enter their budgets. Ms. Takesian discussed the possible use of credit card swipes in departments other than the Town Clerk's office with the Town being Payment Card Industry ('PCI') compliant. She reviewed the timeline for installation/conversion into the new software.

Mr. McCarthy commented initially the transition to new software was a long-range idea (FY2018); however, because of the issue with MuniSmart and payroll, they needed to move quicker than anticipated. He discussed the manual process the departments currently used when providing information to the Town Clerk's office and believed the proposed system would tremendously increase efficiency. He qualified the payroll situation as critical. Mr. Viger questioned if there were any finance options. Ms. Takesian will contact the company.

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137 Mr. McDevitt wanted to know why the Town didn't use an outside payroll service. Ms. Takesian
138 replied the Town used ADP in the past because Pelham Bank & Trust paid for it. She said they could
139 look into doing so; however, ADP would essentially just be printing the checks since the Town would
140 still have to enter all the information onto the computer. She noted the software would generate
141 information electronically. Mr. McDevitt understood that the Town didn't budget for the proposed
142 software and wanted to know if they were looking for the \$150,000 now. Mr. McCarthy answered
143 yes, they were seeking funding now because of the deterioration of the MuniSmart system. Mr. Viger
144 proposed adding the funding into next year's budget. The Budget Committee hasn't held their
145 reconsideration meeting for the 2017 budget.

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147 Mr. Lynde discussed the situation and understood that Mr. McCarthy and Ms. Takesian had been
148 working on a solution for a while. He understood the Town may have a decent surplus in this year's
149 budget and suggested that Mr. McCarthy determine the final cost and where the money to fund it
150 would come from. Mr. McCarthy said he could provide the Board with the requested information.
151 Mr. McDevitt asked if there was a separate number for the AccuFund. Ms. Takesian replied
152 AccuFund is approximately \$75,000 (\$6,000 annual maintenance); ClerkWorks is \$15,357; Property
153 Tax Billing is \$24,680; Credit Card Swipe (6 locations) is \$480. She noted support for the software
154 would be approximately \$16,000 per year. The Planning Department software hasn't been figured
155 into the cost, which is why she provided a higher estimated cost. She reiterated that the Town needed
156 to get off the MuniSmart system and she had worked with Mr. McCarthy for the past year and a half
157 to try to keep the costs down.

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159 Ms. Spencer understood that the estimate included installation and training. Ms. Takesian answered
160 yes; the cost also included transferring data into the new software. She noted when MuniSmart was
161 installed she didn't believe employees were properly trained. She stated that the companies they
162 would use during the transition had great reputations for assistance and training. Ms. Spencer
163 confirmed that the \$13,000 maintenance estimate for the new software would replace the \$15,000
164 maintenance for MuniSmart. Ms. Takesian answered yes, but felt the Town should keep the
165 MuniSmart agreement for the rest of the year in the event there were difficulties during the transition
166 period. She believed there was a 3-month window to request cancellation. Ms. Spencer understood
167 that the software would have on-line access capabilities and wanted to know how it could be used.
168 Ms. Takesian replied people could already access all their property information, pay property taxes
169 and register motor vehicles. Building inspectors will be able to schedule and log inspections from
170 off-site. If a dog is found strayed, the Police can use the software to see if the dog is the licensed and
171 reunite it with the owner. The public will continue to have the same the access they currently have.

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173 Mr. Leonard asked for the name of the payroll software. Ms. Takesian replied AccuFund would do
174 general ledger, budgeting, payroll and accounts payable; which was the heart of the Town's system.
175 Mr. Leonard felt they should review options and prioritize the software implementation and better
176 understand how it would effect the 2017 budget for reconsideration. If the Budget Committee doesn't
177 recommend the implementation to be included in the budget, the Selectmen would have a prioritized
178 rollout they could consider using surplus from 2016. Mr. Viger noted if the cost was submitted for
179 reconsideration, it would technically not be approved until March, if the voters gave support. Mr.
180 Leonard questioned if the AccuFund could be funded using the 2016 surplus and have the remaining
181 placed into the 2017 budget. The Board discussed the reconsideration process. Mr. McDevitt asked
182 for clarification of the department's exposure if the installation was divided up to initially install
183 AccuFund and install other components at a later date. Ms. Takesian explained although there were
184 different programs, AccuFund would need to be set up first because of payroll. The other systems
185 would need an export to import process into AccuFund because they don't cross-read the databases.
186 She noted AccuFund was the bulk of the expense. Property tax billing (\$24,000) could wait until
187 April/May, 2017, and the car registration portion could also hold off. She was unsure of how the

process would be done if it was broken up into segments. She explained that the other software wouldn't integrate with AccuFund so they would need to write some type of import/export program until the other software was installed. She apologized for not having the estimates sooner; they had been working on going through the information for a year and a half. Mr. McCarthy told the Board when they began reviewing software they were looking at MuniSmart as being the problem and looked at fiscal year 2018 to be the target date. It took longer to understand the complexity of the change and unfortunately, the situation quickly deteriorated over the course of the past couple months. Mr. McCarthy reiterated that payroll was integral, and the thought was to integrate everyone at the same time to decrease manual labor, bring the departments into contemporary practices and enhance on-line services. He noted they also learned (in September) that MuniSmart may be purchased by another company who would discontinue use of the system, which placed more urgency on the situation.

Mr. Lynde felt the Selectmen should discuss the situation with the Budget Committee as a courtesy, but use 2016 surplus funds. Ms. Spencer liked the idea of doing so. Mr. Leonard commented that Budget Committee reconsideration was a tool at the Board's disposal. Mr. Lynde answered yes; if they wanted to have funding in next year's budget (2017). Mr. Leonard understood they didn't want to wait until next year because of the implementation timing of AccuFund. Ms. Takesian stated the Town Clerk would be on-line in January to convert information and AccuFund would be ready for use April 1st at the end of the quarter for payroll. The process takes time to transfer data; they would need to start now to have the conversion complete for April 1st. Ms. Takesian commented that the situation could be considered an unanticipated expense. They couldn't have known that something would happen to the software until something happened.

Mr. Leonard supported upgrading the systems but was concerned from a taxpayer standpoint. He reiterated the Board had Budget Committee reconsideration at their disposal. They had been reviewing the project for over a year and now there was one meeting remaining in the year, which Mr. McCarthy would not be in attendance. He would like to see options, such as Budget Committee reconsideration, prioritize a rollout and understand what was in the 2016 surplus. He said the Board received a request for \$150,000 with a warning that the Town's system would go down if they didn't change over. Seeing an itemization would make him more comfortable. Ms. Spencer believed they came forward after conducting careful research of options that would be interdepartmentally beneficial. She understood there were other options in excess of \$300,000 that were considered and rejected because of the expense and the fact that it offered more product than the Town needed. Given that the reconsideration process was available if the decision of the Board was to push the integration off another 6-10 months. She said they might be able to get information of when MuniSmart would be discontinued. Mr. Leonard expressed frustration over the manner the Board was deliberating stating they had given more time deciding how they would transfer owner of an antique fire engine than what the Board was currently considering. He heard there was a lot of work behind the scenes, but the information was new to him and felt the perception and reality of the public should also be considered. He didn't feel the Board was doing due diligence and would like a prioritization of possibilities. Mr. McCarthy stated they had time before January and the close out of the year. He said the Board didn't have to make a decision tonight and they could provide additional information for review and allow time for questions to be answered.

Ms. Spencer respectfully disagreed that anyone was not doing their due diligence. She stated the Board was absolutely doing their due diligence and no one stated that the Board had to make a decision tonight. She agreed with Mr. Lynde's suggestion to bring information to the Budget Committee as a courtesy during reconsideration.

Mr. Viger heard from the Board that the discussion would be tabled until the December 20th meeting. He said he would work with Mr. McCarthy to draft an expenditure list, what may remain in surplus and where funding for the project would come from. He said Ms. Takesian would work on the roll out process and what impacts there would be by staggering the process. After a brief discussion, the Board understood there wasn't much time to discuss/determine 2016 surplus and would have information for the December 20th meeting.

Planning Director Jeff Gowan – Small Municipal Separate Storm Sewer Systems ('MS-4') Storm Water update

Planning Director Jeff Gowan came forward for the discussion. He told the Board he and Mr. McCarthy attended a meeting at the Nashua Regional Planning Commission ('NRPC') regarding a regional storm water effort. He explained everyone was concerned about the new permit, which would drop in January, 2017 and become effective July, 2017. This allows impacted communities time to amend land-use regulations, determine funding for compliance and begin the process. The next requirement of the Town (in context of the new permit) is to issue a Notice of Intent to the NH Department of Environmental Services ('DES') containing the Town's MS-4 management plan no later than July, 2019. There may be a potential State revolving fund to fund MS-4 work that may allow up to \$30,000 principle forgiveness; however, the process and deadline for submission was December 16, 2016.

Mr. Gowan told the Board that NRPC had a variety of services they could provide and discussed how they would assist the Town. They are in the process of determining a cost for such. He mentioned that one of the new requirements was to map all storm water structures. Some of the work was undertaken by TFMoran, the Town's consultant in the past for the MS-4, but at that time only a portion of the structures fell under the requirement. He proposed working with TFMoran to determine what information they already had. He hoped to accomplish the task of mapping in 2017, so when developing the next steps of the new requirements they weren't playing catch up in 2018. He spoke about the new MS-4 requirements and explained that the Town didn't have the staff or expertise to complete the tasks. He hoped to task NRPC with the lion's share of the work. He recommended establishing a non-lapsing capital reserve fund to pay for work that NRPC wasn't able to do for the Town. He believed the costs were likely to rise up into six figures, and suggested the Town begin to start putting funding aside.

Mr. Viger felt the proposal was the perfect candidate for budget reconsideration.

Mr. Lynde asked what constituted storm water inventory. Mr. Gowan replied every catch basin, detention pond, any outfall where water flowed when it rains. The Town wouldn't have to worry about the State's structures. The Town had to identify, quantify and conduct on-going testing. Mr. Lynde questioned if the structures were identified in previous MS-4's. Mr. Gowan stated there was a small portion of those structures identified. Mr. McCarthy added the Town never had a need or requirement to track all the catch basins until recently. Mr. Viger questioned the penalty for not following the requirements. Mr. McCarthy replied the Town would be fined. Mr. Viger understood it was an unfunded liability from the Federal Government. Mr. McCarthy said the State wasn't completely clear as to what all the requirements were, or the associated costs to complete the tasks.

Ms. Spencer acknowledged the need for a \$25,000 capital reserve fund and understood there was an opportunity to apply for \$30,000 in principle forgiveness. She questioned if there was anything they could do to facilitate linking them together by December 16th. Mr. Gowan said if the Board was interested in pursuing it, he would speak to NRPC, who was familiar with the fund. Mr. Spencer felt it would be helpful to do so. Mr. Lynde wanted to know if they should put additional money in the

budget for NRPC as a contingency. Mr. Gowan replied NRPC charged to cover costs. He'd like to have some money to at least get started.

Mr. Leonard saw the process as an impact to future developments and questioned if a drainage impact fee could be considered. Mr. Gowan wasn't aware of any drainage impact fee. He said they could do one for roads and certain kinds of maintenance. He didn't have a specific answer, but agreed it was worth exploring. He noted funding for these activities typically ended up in a Highway Department/Public Works budget.

Mr. McDevitt understood there were a couple options for the \$25,000. He said it could be encumbered or discussed during reconsideration; however, neither of those options put it into a non-lapsing fund. He asked the risk of doing nothing in 2017 and waiting until 2018. Mr. McCarthy believed the risk was the unknown. He said even NRPC was treading lightly on things they told the towns. After the meeting with NRPC, he and Mr. Gowan spoke about trying to be ahead of the June 2018 timelines because they may implement or cause the Town to do more things. He felt the Town should get the mapping requirement done as soon as possible since there will be other requirements that come later. Mr. Lynde stated there were other towns (such as Wilton) already spending a lot of money on the project. He questioned if they should purchase a GPS for the Highway Department and have them begin the process. Mr. Gowan said it wasn't a matter of simply purchasing equipment, it was training and the integration of data. He noted NRPC provided those services at a much lower cost than doing it themselves. Mr. McDevitt recommended going to the Budget Committee during reconsideration. Mr. Viger agreed with Mr. McDevitt to have money added to the 2017 budget. Mr. Spencer asked that Mr. Gowan attend the Budget Committee meeting to explain the process.

The Selectmen agreed they would place money in the 2017 budget and go to the Budget Committee during reconsideration to explain the importance of doing so. Given the Highway Agent's current responsibilities, Mr. McCarthy suggested Mr. Gowan be the lead on the MS-4 process. Mr. Gowan had no objection. He noted that he worked closely with the Highway Agent. Ms. Spencer questioned if funding should be placed in the Planning or Highway budget. Mr. Gowan replied he would leave the decision to the Board.

OTHER BUSINESS

Spaulding Hill / Sherburne Road water issues

Mr. McDevitt stated that the Selectmen received a letter from Charlie Head of Sanborn Head, who was the consultant that held a discussion with the Planning Board and provided a presentation to the public. In those discussions he spelled out some possible costs of expanding water. He said a critical question was how to pay for water expansion and to that point the Selectmen received a letter from Town Counsel spelling out options. Mr. McDevitt stated the approaches outlined by Counsel for how it could be charged were fairly complicated. He believed the options could be boiled down to a couple options and speak about the ones they may want to approach. He said whether they expand water from Hudson, search for Town wells or use (what may be) existing wells at the bottom of Sherburne Road, the question is how to pay for it. According to Counsel, there are two ways spelled out in State law: 1) establish water utility district by Town Meeting vote (governed by 3-5 commissioners appointed or elected by the people in the district) and create a bond that would be able to recoup costs through assessments/fees charged to people within the district; 2) Special Assessment District started by 50% of the lot owners within the boundary of the district come to the Selectmen requesting the special assessment district. The Selectmen vote whether or not to establish the district and if approved are the government of the district. Funding is through a bond passed at Town Meeting (by 60% approval). Mr. McDevitt stated the costs associated with the bond (in either

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scenario) would be in the Town's budget and recouped through property assessments. He discussed the two options and the possible difficulties with each approach. He felt the Board should have some discussion about where they would start; there were no free options available. He understood Mr. McCarthy discussed possible MtBE funds; the State has money aside to lay pipes for those areas affected by MtBE.

Mr. McCarthy told the Board he learned about the State fund that has approximately \$330 million established for communities having MtBE issues. He said the State tests areas for residue; if such is found they will pay to have Pennichuck lay a water line. He spoke with the gentleman in charge of the fund, the State will test certain areas in Town to see where the levels were at. If the results come back that qualify, water lines within the Town may possible have the ability to be extended from the high school to the Marsh/Mammoth intersection as well as from the Town center to the Abbott Bridge area and along Route 38 to the Dracut line. Mr. McCarthy said the State was aware of the Sherburne Road issue and would review the area. He hoped to hear back from the State in January when they conducted their tests.

Mr. McDevitt questioned if the State would pay for the whole thing or cost share with the Town. The impression Mr. McCarthy had was the State would pay costs (in some manner partial or whole) for the water line to be extended from the high school to the Marsh/Mammoth intersection and along the south Pelham route if the water samples came back positive. If the tests show no change from previous years, there would be no fund money.

Ms. Spencer recalled receiving an estimate from Pennichuck and questioned if it would be helpful to view a layout of each option to compare. Mr. McDevitt replied Pennichuck gave a separate presentation. Mr. McCarthy noted Pennichuck's cost was to extend the line from Hudson (approximately 6 miles) at a cost of one million dollars per mile. Mr. McDevitt referenced Mr. Head's letter, which provided a cost estimate of one to two million dollars for utilizing two community wells located in a development on the south corner of Sherburne and Mammoth to supply water to residents on Scenic View/Spaulding Hill.

Mr. Lynde stated they had looked at the costs and done a survey of approximately 250 residents in the area and didn't receive a lot of responses. For the Board to proceed they needed a 50% buy-in from the lot owners within the proposed district that represented at least 65% of the assessed valuation.

Mr. McDevitt pointed out that the two wells near Mammoth, on the south side of Sherburne Road were not owned by the Town (at present). He explained that the engineer presenting the development plan to the Planning Board provided a water yield number, although they hadn't been recently tested, it would be sufficient to service the areas being discussed. He said if Head's number was approximately correct, the figure would be closer to \$2 million than the Pennichuck number of \$6 million. Mr. McDevitt believed the Board was close to a point of making a decision if they wanted to pursue bringing water from the wells at the end of Sherburne Road and which payment option.

Mr. Viger stated the Board held many meetings on the subject and received very little feedback except from residents with dire straits in the neighborhood. Mr. Lynde suggested they have a warrant article to find out if there is sufficient water to warrant pursuing it. Mr. Viger felt they should do a warrant article to see if people are interested in pursuing something. Mr. Lynde noted they didn't know if the \$2 million figure was a valid number. He felt if they had data to show there was water supply, they could ask residents if they were interested in pursuing something. Mr. Viger understood there was certain radius criteria and questioned if it was met. Mr. McDevitt believed the wells did meet the well head protection criteria. He suggested speaking to Keach Nordstrom (Planning Board's

engineering review firm) to determine the yield from the two wells and confirm they met the criteria for well head protection area. He didn't feel it would cost a lot to do so.

Mr. Leonard commented that the NH Department of Environmental Services website spelled out the qualifications for commercial wells providing water to the public. Mr. Viger believed the Board could hire a well company to establish the basic information. Mr. McDevitt stated they need to have someone with expertise confirm the appropriate well head protection and the yield. He said he would speak with Keach Nordstrom and consult with Planning Director Jeff Gowan to find out the cost of doing so and hoped the Board might consider encumbering money during their next meeting December 20th. He didn't believe it would be more than a few thousand dollars to answer the preliminary questions.

Mr. McDevitt asked the Board's permission to distribute to interested residents Town Counsel's letter that outlined water infrastructure and how to pay for it. There was no objection. He stated he would also speak to Keach Nordstrom.

Highway/Transfer Building Committee Members

Ms. Spencer reported that she and Mr. Leonard had a very productive meeting last week with Highway Agent Frank Ferreira and Administrative Assistant Marie Maruca during which a lot was accomplished. She stated the need for two separate buildings became apparent at this stage one on Transfer Station grounds and the other on the Highway Department grounds, due to the placement/location of the ball field, septic/leach areas and land restrictions. They created a timeline for the next steps. She told the Board Mr. Ferreira would reach out to Keach Nordstrom (Planning Board's engineering review firm) for engineering and ground work estimates. Their next meeting is scheduled for January 10th to review conceptual drawings that would be presented to the Selectmen, with the hopes that the concept could be presented to the Town during Deliberative Session (February 5, 2017). Mr. Spencer spoke about the desire to bring Mr. McCarthy into the process in a facilitative role which stated would be beneficial.

Mr. Leonard told the Board part of the conversation they had with Mr. Ferreira and Ms. Maruca to document 'needs', 'wants' and 'wishes' to be able to show voters the spectrum of possibilities and helps create a formulated idea. With regard to the Transfer Station, they are realizing the next focus is on the recycling building and office space.

Mr. Lynde stated in all his time on the Board, they never had a Town Administrator be part of a committee. He felt Mr. McCarthy was a good resource, but didn't feel he should be assigned to a committee. Ms. Spencer replied she was okay if the Board didn't want Mr. McCarthy to be a formal member of the committee. She felt it would be an efficient use of resources if he had the time and desire and was allowed to be present, so members of the committee didn't individually relay the information discussed to him during the meeting. Mr. Leonard disagreed with having Mr. McCarthy attend committee meetings and receiving updates or reporting back to the Board. He believed he and Ms. Spencer should participate with the committee, as they had been, and bring updates and information back to the Board for discussion. Ms. Spencer understood Mr. McCarthy assisted other committees. She said Mr. Ferreira was currently giving Mr. McCarthy updates. Mr. Leonard said after hearing the other Board members he agreed that Mr. McCarthy shouldn't be a committee member. Mr. McDevitt had no objection to Mr. McCarthy serving as a resource to the committee, and if needed should be invited to a meeting. Mr. Lynde agreed Mr. McCarthy was a resource.

Ms. Spencer questioned if Mr. McCarthy was assisting in the Elderly Exemption Committee. Mr. Leonard replied he's asked him to schedule a meeting. Ms. Spencer inquired if he had taken part in or attended any of the meetings. Mr. Leonard answered no.

Mr. Viger had concern that the Town's Finance Director was currently working only 20 hours per week (due to medical reasons) and it was becoming the busy season for the Town with the upcoming ballot and Mr. McCarthy was still fairly new to the position. He felt Mr. McCarthy would take on anything he was asked to do and, with no disrespect about his ability, was afraid he would become overburdened. Mr. Viger stated he had no objection to Mr. McCarthy being part of the committee and didn't want him to be obligated to do so. Ms. Spencer agreed. She had confidence that Mr. McCarthy would extend himself, but not to the point of not doing a good job. She believed she would be able to perceive when his limit had been met. She didn't intend for the committee to be over burdensome to Mr. McCarthy.

Mr. Lynde reiterated his feeling that Mr. McCarthy shouldn't be participating in the committee meetings. He said if the committee had a question, they could forward it to him for an answer. He didn't feel it was Mr. McCarthy's job to arbitrate or be part of the process, unless the committee has questions. Ms. Spencer felt organically Mr. McCarthy was part of the process, as was the other Selectmen. She didn't expect Mr. McCarthy to lead the meeting or arbitrate any disagreement between committee members. She believed he would be helpful to the committee by offering suggestions to facilitate practical things that need to be done. Mr. Lynde stated Mr. McCarthy was already working full-time and needed to work in the Selectmen's office. He felt it was unfair to ask him to attend another meeting. Ms. Spencer questioned if Mr. McCarthy was prohibited from attending meetings. Mr. Lynde answered no; however, he didn't want him to feel obligated to attend the meeting. Mr. Spencer noted she fully vetted the suggestion prior to bringing it forward.

Mr. McDevitt summarized the discussion, he said Mr. McCarthy's role with the committee is an active resource who helps on an 'as needed' basis, but not a member. He suggested the committee actively provide reports to the Selectmen. Mr. Viger stated he supported Mr. McCarthy as Mr. McCarthy saw fit.

Revision of Town Warrant Articles

Mr. Viger stated the Board had reviewed the articles during previous meetings and they had now been reviewed by Town Counsel. Mr. McCarthy was seeking a vote of the Board, with the understanding there may be some minor modifications that wouldn't alter the content. Mr. Viger understood that Mr. McCarthy and Planning Director Jeff Gowan had worked with the petitioner of the petition article to amend the wording. The original petition article was withdrawn and a new petition article, with new signatures, has been submitted. Mr. McCarthy read aloud the petition article aloud. Mr. McDevitt confirmed that the Planning Board knew they would have to conduct a public hearing and submit their recommendation to the Selectmen.

Mr. McDevitt addressed article #11 – ratify the 10-year lease agreement between the Town and PV Limited (Pine Valley Golf Course). He believed there was additional verbiage suggested at a previous meeting. Mr. Viger reviewed the meeting minutes and saw that Mr. McDevitt suggested that the wording of the article be clear that the Town would not be operating the golf course. Mr. McDevitt suggested amending the wording to read "...allowing PV Limited Partnership to continue to operate the golf course recently purchases by the Town." There was no objection. Mr. McCarthy will amend the language.

Mr. McDevitt questioned if Article #14 (sale of land on Chagnon Lane) indicated an approval/disapproval from the Conservation Commission. He believed they had previously weighed in and suggested reviewing last year's article. With regard to Article #18 – Forestry Maintenance Fund, Mr. McDevitt suggested a grammatical amendment. There was no objection; Mr. McCarthy will amend accordingly. Mr. McDevitt noted that Article #21, #22 and #23-C should read 'Recommended by Board of Selectmen.

Mr. Viger confirmed that the articles were reviewed by Town Counsel. Mr. McCarthy answered yes. The articles will now be forwarded to the Department of Revenue Administration on Friday morning.

Retainer proposal from Attorney John Ratigan – DTC Lawyers

Ms. Spencer reviewed the information provided in reference to the Town's legal services costs for 2012-2015, and noted it didn't include a breakdown of what categories the funds consisted of. She noted that the rest of the letter gave a breakdown of what would be covered by the proposed retainer and what services/costs would be above and beyond the retainer and available at an hourly rate. Prior to agreeing, she wanted to know the breakdown of what was spent over the last few years to determine how much would have been covered and what would have been the non-covered expense. As an example, she wanted to understand what portion of the Lynch and Fire Station matters would have been covered and what would have fallen under the hourly fees.

Mr. Lynde inquired what the Town had spent to date on legal costs. Mr. McCarthy replied the Town expended approximately \$63,000, which equated to 65% of the budget. Mr. Lynde noted up until last year the Town changed how they did things and began utilizing NH Municipal Association ('NHMA') more. He didn't think they would reach \$80,000 this year. Mr. Lynde felt the proposal may be a good idea, but believed the number was too high. Mr. McDevitt's initial reaction was the proposal was a good idea; however, his second reaction was that the Town had been managing their legal expenses down during the past year. Mr. Viger commented by having a cap of \$80,000 some of the not perfect advice from NHMA didn't have to be relied on. Ms. Spencer warned there wasn't a cap of \$80,000; it was a cost of \$80,000 for the specifically covered services, which was why she believed it was important for the Selectmen to know what portion of their prior use would have been covered.

Mr. McCarthy will find out from DTC what costs from 2015 would have been covered under the agreement.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt spoke about a preliminary proposal that came in front of the Planning Board for a 55+ project in North Pelham. There was a constructive discussion and concerns raised regarding the flood plain and cul-de-sac design. He discussed the concerns about severe accidents at the corner of Keyes Hill Road and Mammoth Road. He noted they were State roads and asked the public to let them know if they see anything that needs improvement.

Mr. McCarthy stated the Keyes Hill / Mammoth Road/ Tallant Road intersection had been problematic for a number of years. During his last years as a police officer he had heated battles with the Department of Transportation as to improving lighting and signage. The State is not very responsive. After the last accident he contacted Bill Lambert, the person responsible for signage, and left a detailed message about the problems. No response was received, so he called a second and third time. He outlined what the Town would do in a collaboration with the State to resolve issues at the intersection. He felt it was a matter of time before an additional fatality would occur. In an effort

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540 to receive a response, Mr. McCarthy composed an email, with copies to State and political
541 representatives.

542
543 Mr. McDevitt noted that the Board received a letter from Mr. Silva on Sherburne Road regarding a
544 light that was installed. He questioned who would address his concern. Mr. Viger understood that
545 the light may have been included as part of a Planning Board approval. Mr. Leonard believed there
546 was a plan to install a light at the development's entrance, but didn't believe it had been done yet.
547 Mr. Viger asked Mr. McCarthy to bring the concern to the Highway Safety Committee. Mr.
548 McDevitt said the committee should discuss whether the light should be there and if there's any way
549 to mitigate Mr. Silva's impact.

550
551 Mr. Lynde referred back to the Keyes Hill intersection discussion. He believed one issue was
552 vehicles going through the stop sign and suggested having a flashing light or better indicator of the
553 intersection on Keyes Hill and Tallant Road. Mr. McCarthy's recommendation to the State was to
554 install four 'Dangerous Intersection' signs with flashing yellow lights on Keyes Hill, Tallant Road
555 and both directions of Mammoth Road. Mr. Lynde asked if there was a tabulation of the number of
556 accidents, which may allow the State to receive Federal highway funds if the intersection was ruled as
557 'dangerous'. Mr. Viger replied that the State's requirement is based on fatalities. Mr. McCarthy
558 stated Police Chief Roark has the accident data.

559
560 Mr. Leonard wanted to know if it would be worth while providing State Representatives with a list of
561 items the Town had contacted the State and had no response. Mr. McCarthy replied he had copied
562 the Hudson Representatives, Senator Morse, Commissioner and Assistant Commissioner of the
563 Department of Transportation as well as the Commissioner of Safety.

564
565 Mr. Leonard told the Board he would be meeting with Mr. Lynde, Mr. McCarthy, Police Chief Roark
566 and Fire Chief Midgley to discuss 'Safe Station' status. He said there seemed to be encouraging
567 stories coming from Manchester and Nashua.

568
569 Ms. Spencer spoke about social media and the fact that there were a number of Town pages used as
570 central repositories for information that weren't sanctioned by the Town. She said a number of Board
571 members belonged to the groups and when commenting may be perceived to be speaking as a
572 member of the Board of Selectmen. When speaking to issues involving the Town, she suggested the
573 Board have a single-uniform message, similar to how a response would be published in a newspaper.
574 She questioned if they should create a social media policy regarding members of the Board speaking
575 as members of the Board versus as individuals. Mr. McDevitt replied it didn't matter what
576 circumstance the Selectmen spoke, people felt it was official. He noted social media moved faster
577 than the Board ever will; they couldn't meet as a Board every day. He said board members had to be
578 clear when responding that they weren't speaking for the Board. Mr. Viger believed the members
579 should be able to separate themselves and speak individually, and not speak on behalf of the Board.
580 Mr. Leonard commented in the absence of information there would be speculation. He spoke about
581 the communications during the recent snow storm, during which he actively provided facts that
582 helped quell negative discussion. He suggested using social media in a proactive manner; as an
583 example having a five minute video to show residents plows were ready to be dispatched ahead of a
584 storm. Mr. McCarthy stated he kept himself updated on social posts, but didn't actively respond. He
585 hoped to have a social media coordinator handle these types of situations.

586
587 Mr. McCarthy spoke about the recent snow storm. He stated the Town staff was well prepared but
588 unfortunately got caught with an unanticipated weather event. He said there were problems with the
589 State regarding plowing and Pelham being on the end of the plow route for various State divisions.
590 The State mentioned if they had a shed in the area they would be able to have a couple trucks readily

591 available. So, Mr. McCarthy posed the question to the State about finding land to build a shed to
592 which the State responded favorably. Both Mr. Lynde and Mr. McDevitt noted a two-acre Town
593 owned parcel. Mr. McCarthy re-contacted the State to inform of the location and was told they didn't
594 have the money to build a shed. He wanted residents to know the Town was actively involved. He's
595 informed the Highway Director to sand/salt/plow all roads to keep them open, including State roads.
596 He pointed out that Boyden Landscaping also assisted salting State roads to assist residents. Mr.
597 Viger asked Mr. McCarthy to track the hours and costs for maintenance done by the Town during
598 events, such as the recent storm, and sent the bill to the State to make them aware. Mr. McCarthy
599 noted the Police department has a plow and assists with keeping roads plowed during snow events.

600
601 Mr. McDevitt questioned the cost of the Town taking over the plowing of State roads. Mr. McCarthy
602 received rough estimate (for plowing only) from the Highway Agent; to start, the Town would have
603 to purchase two additional trucks and hire two additional employees. Mr. McDevitt suggested giving
604 it serious review. Mr. Viger responded that would mean paying taxes twice for the same thing; once
605 to the State and again to the Town.

606
607 Mr. McCarthy reported that the Police Department had their CALEA assessment last week which
608 went extremely well. He had the opportunity to drive the assessors back to the airport. They
609 described the department as being over prepared and had no issues. He said they passed with flying
610 colors. The official outcome will be received in about a month and the official ceremony will occur
611 in March. He commended the Police Department.

612
613 It was noted that the default budget had been signed by all Board members.

614
615 **REQUEST FOR NON-PUBLIC SESSION**

616
MOTION: (McDevitt/Lynde) Request for a non-public session per RSA 91-A:3,II, a
(Personnel)

ROLL Mr. Viger-Yes; Mr. Lynde-Yes, Mr. McDevitt-Yes; Ms. Spencer-Yes;

CALL: Mr. Leonard-Yes

617
618 It was noted that when the Board returned, after the non-public session, the Board would not take any
619 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
620 meeting. The Board entered into a non-public session at approximately 10:24pm.

621
622 The Board returned to public session at approximately 10:57pm.

623
MOTION: (McDevitt/Spencer) To indefinitely seal the minutes of the non-public session.

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

624
625
626 **ADJOURNMENT**

627
MOTION: (McDevitt/Spencer) To adjourn the meeting.

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

628
629 The meeting was adjourned at approximately 10:57pm.

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631
632
633

Respectfully submitted,
Charity A. Landry
Recording Secretary