

**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
December 20, 2016  
APPROVED – January 3, 2017**

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

**PRESENT:** Mr. Doug Viger, Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer, Mr. Paul Leonard (arrived after the meeting commenced)

**ABSENT:** Town Administrator Brian McCarthy

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**December 6, 2016**

**MOTION:** (Spencer/Lynde) To approve the December 6, 2016 meeting minutes as amended.

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

**ANNOUNCEMENT**

- Town offices will be closed for the Christmas and New Year Holiday's on Monday December 26, 2016 and January 2, 2017. The Transfer Station will be closed at 2 PM. The Public Library will close at 1 PM Saturday December 24th and closed on Christmas Day. The Board of Selectmen would like to wish all of our citizen's a safe and happy holiday season
- There is a new Drug Crisis Hotline available to citizen's who may be in need of assistance or information. The number is: 1884-711-HELP (4357). All calls are confidential.

**OPEN FORUM**

No one came forward.

**APPOINTMENTS**

**Kenneth Stanvich – Appointment to the Conservation Commission**

Mr. Stanvich told the Board he was interested in being appointed to the Conservation Commission to be able to give back to the community. He's been a resident for 40+ years; his wife was involved with the school and he was involved with Little League when his children were younger.

Mr. McDevitt thanked Mr. Stanvich for coming forward to volunteer and said his actions were appreciated. Mr. Lynde understood one of Mr. Stanvich's objectives was to preserve open space,

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44 which he felt was commendable. He appreciated those efforts. Mr. McDevitt questioned if the  
45 commission had openings for full time or alternate members. Conservation Commission Chairman  
46 Paul Gagnon was seated in the audience. He told the Board the commission had openings for  
47 alternate members.  
48

**MOTION:** (Lynde/McDevitt) To appoint Kenneth Stanvich as an alternate member on the  
Conservation Commission effective December 20, 2016 until March 31, 2019.

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

49  
50  
51 **Highway Road Agent and Transfer Station Superintendent Frank Ferreira – Repairs to**  
52 **recently purchased trailer and Highway pick -up truck**  
53

54 Mr. Leonard arrived.  
55

56 Mr. Ferreira told the Board that the trailer needed the rear tailgate door modified so it would work  
57 properly. He was able to obtain one quote for \$5,000, but was having a hard time getting anyone else  
58 interested. The trailer also needs five tires and one rim before it can be used on the road. He asked  
59 the Board where he should take the money from, given that the repair budget was approximately  
60 \$7,000 over.  
61

62 Mr. Lynde felt the money should come from the repair line item and over-expend the budget. Mr.  
63 Viger suggested getting the work done this year so it would be billed in 2016. Mr. Ferreira believed  
64 he could get everything done prior to the end of the year.  
65

66 Mr. Ferreira provided the Board with information about the Senior Center parking lot. Based on the  
67 weather, Mr. Viger noted that the second final coat wasn't done at the senior center and they would  
68 need to encumber money for next year. Mr. Ferreira noted they still needed to tear out the old  
69 parking lot and raise it up approximately 6inches. He requested encumbering money from the  
70 'specials' line for 2016; any remaining funds needed would come from the 2017 specials line. Mr.  
71 Viger questioned what the final cost would be. He asked if they should add money to the budget to  
72 finalize the project. Mr. Ferreira replied they could; however, he didn't have a final number. Mr.  
73 Viger asked how much remained in the specials line. Mr. Ferreira replied there was \$56,900 but there  
74 were outstanding bills yet to come out from the line. Mr. Viger asked what he felt would cover the  
75 remaining work. Mr. Ferreira believed they needed an additional \$30,000 (over the \$50,000), but was  
76 hesitant about the figure in the event they had something unexpected arise.  
77

78 Mr. Lynde inquired how the current work was funded. Mr. Ferreira replied they used a warrant  
79 article for senior center improvements that had a remaining balance. Once it was exhausted, he used  
80 money from this 'specials' budget. Mr. McDevitt questioned if they used all the money from the  
81 senior recreation impact fee fund. Mr. Viger believed it was all earmarked. Mr. Ferreira told the  
82 Board that he had put off some paving work to complete the project. The Board briefly discussed  
83 how to proceed. Mr. Viger stated he would accept a motion to encumber \$87,000 toward the Senior  
84 Center parking lot project. He noted anything not used would go back to the general fund.  
85

**MOTION:** (Lynde/Leonard) To encumber \$87,000 from the 2016 budget for the Senior Center  
parking lot project (for 2017).

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

Mr. Viger understood that the Board wouldn't discuss the pick-up truck at this time and it would be taken care of with the Highway Block Grant. Mr. Ferreira noted he wanted to get some more bids and discuss at the next meeting. It was noted that the Block Grant money wouldn't expire.

**Town Treasurer Charlene Takesian – Accounting software upgrade**

Mr. Viger stated that Ms. Takesian provided the Board with an extensive overview at the previous meeting. Additional information was forwarded to the Board. Ms. Takesian began by apologizing to the Board for the manner in which the request came in front of the Board. She understood the concern regarding the financing and last minute nature of asking for funds to be encumbered into next year or requesting reconsideration. She said she needed the extra time to review the software versus committing to software that would serve more than the Town needs with an expensive cost. In taking that time, she was able to find software to meet the Town needs at approximately half the cost. She cautioned about waiting until Town meeting, because it took a minimum of three months to convert data, which would have the system in place for July 1<sup>st</sup>, the beginning of budget season. She warned the Board that by waiting to implement a new system, the Town ran the risk of having a payroll failure. Also, if they wait the Tax Collector may have problems with their tax bills. Ms. Takesian stated that the whole project was compulsory to being approved out of the 2016 budget so they could begin the change-over process. She gave an overview of the products each department would use, which was specific for each.

Mr. Leonard questioned if each of the systems 'talked' to each other so at the end of the year a consolidated report could be generated. Ms. Takesian explained that the programs had the ability to speak to each other; however there would be an import/export process that would have to occur. She stated specific reports would be generated from each software.

Mr. McDevitt asked the bottom line cost of the software. Ms. Takesian replied \$150,000. She said they were at approximately \$120,000 with the decisions that were already made. She was leaving a buffer for the Planning Department and any difficulties that occurred during installation and conversion.

Mr. Lynde suggested that the Board authorize a line item in the budget (Selectmen expenses) to be over-expended for the purpose of providing not more than \$150,000 for the project.

**MOTION:** (McDevitt/Leonard) To authorize the Selectmen expenses budget line to be over-expended for the purpose of providing not more than \$150,000 for the project.

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

Ms. Takesian told the Board she would work with Mr. McCarthy to coordinate the process.

The Board thanked Ms. Takesian for her hard work and dedication above her duties as Treasurer.

**Conservation Commission Chairman Paul Gagnon – Wolven Property Purchase and Sale Agreement – Board of Selectmen review**

Mr. Gagnon discussed a 23-acre property the Town purchased in 2002, that had never been opened or had trails because of a lack of parking. The parcel abuts Jericho Road at a curve and a drop-off. He stated there was an abutter between the Wolven Conservation area and Currier Road that owned approximately 400ft. of frontage onto Currier Road. The area on Currier Road was mostly wooded. The owner was willing to donate the area to the Town; however, by doing so it would lower their lot

size to less than one acre. Mr. Gagnon stated if the owner gave land to allow the Town to connect from Currier Road to the Wolven Conservation area, the Town could give land behind the person's house to the Wolven Conservation area. The proposal is to give a quarter acre of the Wolven Conservation area to the person in exchange for a quarter of an acre of their lot. Both parties benefit and it would allow the Town to have a small parking area (2-3 vehicles) for the Wolven property. He noted there was an existing trail that ran through the Currier Road area into the conservation area. Mr. Gagnon told the Board that he had a Purchase and Sales agreement. A warrant article has been drafted and they understood they would need to go in front of the Planning Board for a lot line adjustment. He asked for the Selectmen's approval to sign the purchase and sales agreement.

The Board reviewed the agreement. Mr. Lynde pointed out that the lot size calculation needed to be corrected. Mr. Gagnon replied he would do so and have the owner initial the correction. Mr. McDevitt saw that the document referred to the Town obtaining cy-près relief from the 9<sup>th</sup> circuit court and questioned if it was underway. Mr. Gagnon explained that the State's charitable trust division oversees conservation areas to make sure actions aren't taken that go against the will of the person who sold the property for conservation. He discussed the sequence of events.

**MOTION:** (Leonard/Spencer) To authorize the Chairman to sign the deed with the changes brought forward.

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

#### **OTHER BUSINESS**

#### **Vote – to accept the 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. Gagnon told the Board he had previously come to them with a request to purchase land on Gumpas Pond. He was now asking the Board not acquire that piece of land. He explained from the time they negotiated and signed the purchase and sale agreement and held a public hearing with the Conservation Commission, a few residents of Gumpas Pond decided they would like to purchase the property. He stated they had no plans to open the property to the public and the plan was to protect it for conservation purposes. He noted that the residents had the same objective and negotiated the same amount with the seller. He said the residents couldn't buy the parcel if the Town chooses to purchase it. Mr. Gagnon asked the Board to vote 'no' to acquire the land. He stated there was another purchase and sales between the seller and the residents for the same amount with a contingency that it had to be kept as open space and not developed. He was assured by the attorney that the provision was in the purchase and sales agreement. He stated with the land being protected, the Town could keep the \$100,000 in the conservation coffers for another purchase.

Mr. Viger asked Mr. Gagnon if he was confident the resident's purchase would go as described. Mr. Gagnon replied if it didn't he'd be back in front of the Board. He told the Board he knew two of the people purchasing the property and the attorney working on behalf of the seller. He believed everyone was acting on good faith.

Ms. Spencer questioned if it was possible for the Town to have a 'right of first refusal' in the event that anything were to go wrong. Mr. Gagnon believed the Town would be able to, as it had already been suggested. He could request it the following day. He noted that the Board would still need to vote due to statutory requirements. Ms. Spencer trusted Mr. Gagnon to work the language in and felt comfortable voting.

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Mr. McDevitt questioned what would happen if the right to first refusal didn't work out. Mr. Gagnon suggested the Board's vote possibly be contingent on the residents purchasing the property.

**MOTION:** (Lynde/Spencer) To NOT buy 22 acres, as presented in two public hearings, identified as Map 27 Lot 2-89 on Gumpas Pond.

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

**Vote – Encumbrances for FY2016**

The Selectmen were provided with a memo outlining proposed encumbrances from the 2016 budget to 2017.

- 1) Town Buildings Repair Budget - \$12,000 to move the Cable Department to the Municipal Building. Mr. Viger noted they had earmarked the money to do the project; however, it wasn't done in time for 2016.

**MOTION:** (McDevitt/Leonard) To encumber \$12,000 from the Town Building Repairs budget.

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

- 2) Fire Department Budget - \$133,920 to purchase the needed radio equipment and computer software for the transition of the Fire Department dispatch services to the Londonderry Fire Department.

**MOTION:** (Lynde/Leonard) To encumber \$133,920 from the overall Fire Department budget.

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

- 3) Emergency Management Fund - \$8,296 to renovate/convert the bathroom next to Sherburne Hall to showers in the event Sherburne Hall needs to be used as a temporary shelter. Mr. Leonard wanted to know if the facilities would be available to tax payers even though Sherburne Hall wasn't opened up as a temporary shelter. He questioned if tax payers could use the facilities in the event tax payers lost power/water because of a snow storm. Mr. Viger understood there would be an announcement of an (emergency) event that would cause the showers to be opened; the facility wouldn't have regular use.

Ms. Spencer questioned if the residents that had a water shortage in the Sherburne Road area or other residents in a dire situation, would be able to use the facility to take a shower or get water. Mr. Viger didn't believe that particular need was addressed. Mr. Lynde believed Mr. McCarthy was concerned about the water shortage situation and where the idea had started to have the shower. Mr. Lynde felt the proposed shower could address the need. Mr. Viger wanted to be clear that the facility would not be a 'walk in' shower. It would be available if there was a need approved by the Town Administrator and/or Board of Selectmen.

**MOTION:** (Lynde/Leonard) To encumber \$8,296 from the Emergency Management budget.

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

- 4) Parks and Recreation - \$5,395 to purchase new RecTrac software update. The delay was due to an IT server issue that has since been resolved.

**MOTION:** To encumber \$5,395 from the Parks and Recreation budget.

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

**Discussion – Highway Transfer Committee applicant**

Mr. Viger stated that Mr. Grow, who previously applied for the Health Officer position, had applied to the Highway Transfer Committee. Mr. Leonard informed the committee was in the process of determining the date for their next meeting. Once it's determined he will reach out to Mr. Grow to attend.

Since the Board's previous meeting (December 6<sup>th</sup>), Mr. Viger had additional thoughts about Mr. McCarthy being part of the committee and wanted to retract his favorable vote and vote against Mr. McCarthy being part of the committee. From the previous discussion, Ms. Spencer understood Mr. McCarthy was not going to be part of the committee and would instead be a resource. Mr. Viger wanted to make sure that it was clear Mr. McCarthy wouldn't be a member of the committee, but would help facilitate.

**Donation – Brussard General Contractors – Renovation to the Transfer Station Bathroom**

Mr. Viger explained that Mr. Brussard had been doing work at the Transfer Station and come across some equipment that would help update/renovate the existing bathroom facility. The amount is \$6,950. The Board thanked Mr. Brussard and stated it was a much appreciated donation. Mr. McDevitt questioned if they should hold a public hearing. Mr. Leonard suggested having Mr. Brussard attend their next meeting to discuss the Transfer Station bathroom and Senior Center duct/heating work. It was noted that the duct/heating wasn't a donation. The Selectmen agreed to hold a public hearing for the public hearing.

**Request Quote – to replace heating and duct system at the Senior Center**

The Selectmen were provided with a memo from Mr. McCarthy stating his recommendation to replacing the furnace and duct system at the Senior Center. Mr. Brussard of Brussard General Contractor recently inspected the system (while at the Senior Center for another issue) and in his opinion believed the system was inefficient and in need of replacement. Mr. McCarthy wrote that he was comfortable with recommending the service as the Senior Center was losing valuable heat. He anticipated a surplus in the Town Building account and asked to put the cost there.

The proposal from Mr. Brussard to replace the duct work and furnace (forced hot air) at the Senior Center was \$9,275. Mr. Lynde stated he would normally request bids, but in this situation he would be willing to move ahead with the project given that they were losing money with the current system. Mr. Leonard reviewed the information and understood that the duct was blowing heat into the basement. He noted that the proposal was to replace the furnace and a/c coil; however, they hadn't received reports that it was malfunctioning. He felt it might be worth a little research. Mr. Lynde questioned if they could encumber the money from the Town Building budget and then seek additional information. Having attended site walks and seeing the furnace, Mr. Viger noted it was

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chimney vented and very inefficient. He also noted that the air conditioning was the old-type refrigerant that was very inefficient. In Mr. Brussard's report he read that the furnace would be brought up to a 90% efficient with pvc pipes to not use the chimney and the a/c coil would be brand new.

Ms. Spencer saw no harm in encumbering the money and doing additional homework. She believed they would find that the cost of the entire project was well worth doing, especially in terms of the money that would be saved going forward by installing high efficient equipment.

**MOTION:** (McDevitt/Lynde) To encumber \$9,300 from the Town Building's budget for 2017.

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

Mr. Viger reiterated that they would encumber the money for 2017 and conduct additional research of the performance of the existing heating system.

### **Request Quote – to replace the copier in the Selectmen's office**

Mr. Viger stated the Board received a proposal to replace the existing copier in the Selectmen's office, which was purchased in 2007 and is nearing the end of its service life. He understood Mr. McCarthy and Ms. Maruca had interviews with copy companies; there were two proposals in front of the Board for review/comparison. Mr. McCarthy's memo recommend Conway Office Solutions, which provided services to the Pelham School District and lower costs than the existing company being used (Konica Minolta). He was confident that Conway would provide a better copier and customer service at a better price point (\$10,272). He was not satisfied with the services or costs provided by Konica Minolta. There is a projected surplus in the Selectmen's Expense account that would cover the cost of a replacement copier. If approved, the existing copier will be repurposed for the Parks and Recreation department. Mr. Viger understood that the Parks and Recreation copy volume was a fraction of the Selectmen's volume. He also understood that the existing copier would be serviced one last time, which should last 3-4 years.

Mr. McDevitt was in favor of the proposal as the Selectmen's office couldn't function without a good copier. He stated they needed to get better at anticipating these situations so they don't all come up at the end of the year. He believed they should be able to anticipate a reasonable end of life for that type of equipment. Mr. Viger also didn't appreciate last minute purchases and will speak to Mr. McCarthy about creating an inventory and replacement schedule for Town equipment.

**MOTION:** (McDevitt/Spencer) To expend \$10,272 for the copier as described in Mr. McCarthy's December 17, 2016 memo to be purchased from Conway Office Solutions.

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

### **Review – Updated information on Town Counsel, Attorney John Ratigan retainer proposal**

In reviewing the materials more closely, Ms. Spencer was fine with the information. Mr. Viger stated that the Town's legal services firm had offered a retainer agreement for 2017 and the Board had questions as to what specifically it would cover. Ms. Spencer stated that the email from Attorney Ratigan to Mr. McCarthy assured the Board that essentially all of the 2015 legal services work from that firm, including the Superior Court actions, would have been included in the retainer. Being that

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the retainer would have covered the 2015 legal expenses, and the first year cost was lowered by \$5,000, and it had been expanded to include Supreme Court work, Ms. Spencer was in favor of voting for it.

Mr. McDevitt was in favor of voting to support the retainer, but asked to make a caveat regarding employment work. In the past the Town had great success using Upton and Hatfield, and wanted the ability to use them again if needed. Ms. Spencer agreed; although it was good to know those types of services could be covered by the retainer.

Mr. Viger summarized the cost of the retainer. 1<sup>st</sup> year: \$75,000, 2<sup>nd</sup> year: \$80,000, 3<sup>rd</sup> year: \$80,000. Another advantage of the retainer was the ability for land use boards to contact legal counsel. Mr. Lynde wanted to continue to receive manifests that break down the services rendered.

There was a consensus of the Board to move forward with the retainer with the understanding that Mr. McCarthy will obtain a contract for the Selectmen's signature.

### **Update – Pelham's campaign to combat substance abuse**

Mr. Viger stated the agenda item added so residents could learn what the Town and School was doing. Mr. Leonard said a meeting was held approximately 1.5 weeks ago with Mr. McCarthy and the Fire and Police Chief at the topic of the 'Safe Station' given the recent news about Nashua and Manchester opening their fire stations as safe stations. At that point Mr. Lynde invited several people from the Nashua area in the health and human resources field that spoke to the types of programs that might be available to Pelham. Mr. Lynde said in the course of the meeting it occurred to him that the Town and School wasn't understanding the full extent of what they were doing. He spoke of the programs available to the Town and what actions were being taken. He discussed the presentations and programs that were scheduled through the School District.

Mr. Leonard spoke of the different audiences that could use assistance. He found the breakdown of services and programs offered by the Town and School very useful. Ms. Spencer commended the various groups for all their efforts. She believed in the past the Town had donated to the Pelham Community Coalition and wanted to know if an amount was included in the upcoming budget. Mr. Viger stated an amount was added to the 2017 budget.

Mr. Lynde asked that the Board consider placing \$20,000 into the Health Services budget for unknown costs that might be required to assist the Town in the future. Ms. Spencer supported Mr. Lynde's request. She suggested having some concrete examples for how the money would be spent when meeting with the Budget Committee. Mr. Viger noted that the Budget Committee had been very supportive in the past. Mr. McDevitt said the Selectmen should discuss and vote to support prior to reconsideration (January 12<sup>th</sup>).

The Board decided to reserve January 10, 2017 for a meeting at the call of the Chair.

### **Review –Expense/Revenue Report**

The Board reviewed the Expense/Revenue report. As a whole, Mr. Viger stated the Town was at 85.319% expended of the 2016 budget, which was mainly due to insurance changes and a light winter last year.

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



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Mr. Lynde would like the Selectmen to tackle the Town's Well Ordinance. He felt it should be updated to ensure that any development is going to produce sufficient water. Mr. McDevitt thought an update would be a good idea. Mr. Lynde reported there were two things left to accomplish for the Willow Street Bridge; one couldn't get done until Spring as it involved vegetation, the other was getting easements for the project.

Mr. Leonard reported the Highway Transfer Station committee and Senior Exemption committee was in the process of scheduling a meeting.

**REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (Leonard/Spencer) 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

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 8:31pm.

The Board returned to public session at approximately pm.

**MOTION:** ( ) To indefinitely seal the minutes of the non-public session.

**VOTE:** ( ) The motion carried.

**ADJOURNMENT**

**MOTION:** ( ) To adjourn the meeting.

**VOTE:** ( ) The motion carried.

The meeting was adjourned at approximately pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary