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**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
January 10, 2017  
APPROVED – January 17, 2017**

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

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

**ABSENT:** None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**January 3, 2016**

**MOTION:** (McDevitt/Leonard) To approve the January 3, 2017 meeting minutes as written.

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

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**ANNOUNCEMENT**

- Town of Pelham Offices will be closed on Monday, January 16, 2017 in observance of the Martin Luther King holiday;
- Department of Environmental Services, Public Hearing –Sherburne Hall, Wednesday, January 18, 2017 at 6:00pm. DES intent to issue, amend or deny a State Permit to Operate to: Tennessee Gas Pipeline Company, LLC.
- Town of Pelham Deliberative Session will be on Tuesday, February 7, 2017, the Pelham School Deliberative Session will be on Wednesday, February 8, 2017. Both will be held in the Pelham High School Auditorium beginning at 7pm on their respective nights.
- Former Chief Justice John Broderick to give a seminar “Know the Five Signs” and bring awareness to mental health, Monday, January 30, 2017 beginning at 7pm in the Pelham High School Auditorium.

**OPEN FORUM**

No one came forward.

**PUBLIC HEARING**

**To accept a \$6,950 donation to remodel Transfer Station bathroom from Brussard General Construction, Inc.**

Mr. Viger indicated that the Board discussed the work and the donation at a previous meeting. Because of the donation amount they scheduled a public hearing. He read aloud what the donation proposal, which was to completely renovate the existing bathroom at the Transfer Station. Mr. Leonard commented that the renovation was brought about by recently having men and women employees working at the Transfer Station. He felt it was a generous donation that would create a conducive work place.

Mr. Viger opened discussion to public input. No one came forward.

**MOTION:** (Leonard/Lynde) To accept a donation of the value of \$6,950 for the purpose of upgrading the bathroom at the Transfer Station.

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

### **APPOINTMENTS**

#### **Discussion - Highway Road Agent Frank Ferreira – Pick-up truck replacement to be paid from Highway Block Grant Funds**

Mr. Viger stepped away and asked Mr. Lynde to Chair the Board.

Mr. Ferreira came forward and told the Board he was able to find one pick-up at a municipal discount price located at Ford of Londonderry that was ready to go. He said with the trade-in (\$13,000) and after being outfitted with the plow, lights and extended warranties the cost will be \$35,801. The Highway Block Grant will be used to fund the purchase.

Mr. McDevitt reiterated for the public that the existing truck had a problem which caused it to smoke unceasingly. They tried to have the truck fixed a number of times. Mr. Ferreira added they brought the truck to the dealer number of times and no matter what they've tried, it continued to have a problem. Replacement motors are experiencing the exact same problem. It was noted that the current pick up has 115,000 miles and is in constant use. Mr. Leonard pointed out the Town had spent approximately \$7,000 in the last two years on repairs and there was quite a bit of rusting underneath.

**MOTION:** (Leonard/McDevitt) To authorize Highway Agent Frank Ferreira to purchase a replacement truck for the 2009 diesel pick-up truck in the amount of \$35,801 to be funded out of the State Highway Block Grant.

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

Mr. Viger returned to the Board.

#### **Update - Police Chief Joseph Roark – on the Police Prosecutor candidate and review of a draft contract**

Chief Roark came forward. He explained that the former Police prosecutor resigned from their position in order to take a position with the Town of Chelmsford as the Assistant Town Manager. It was an unsolicited offer; Chief Roark had no hard feelings for the prosecutor taking the position and wished them well. Several attorneys were interviewed for the prosecutor position and the candidates were narrowed down to three. Chief Roark conducted personal interviews with the three final candidates. He felt attorney Brendan Carroll had the best energy and personality for the position. He

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discussed his experience and would like to offer him a contract. A draft contract was provided to the Board for review, minor typographical amendments were made. Chief Roark was hopeful to have Attorney Carroll begin next Monday, currently Patrolman Donovan has been handling prosecution duties, as he has on a part-time basis for a couple years.

**MOTION:** (McDevitt/Lynde) To accept the contract as amended.

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

Mr. McCarthy told the Board that the amendments would be made to the contract, Attorney Carroll can sign the agreement. At that time Attorney Carroll will be invited for an introduction to the Board, at which time the Selectmen can sign the agreement.

### **OTHER BUSINESS**

#### **Follow up discussion – Replacement of the heating system at the Hobbs Community Center (Senior Center)**

Mr. Viger read the proposal aloud to replace the ducts and furnace. He noted the money was voted to be encumbered from the 2016 budget during the Board's previous meeting. Labor and materials will cost \$9,275. There was a question raised at the previous meeting if the total replacement was necessary. Mr. Viger reviewed the system and told the Board that the furnace was 20 years old and had rot at the bottom that was drawing in dust, dirt and debris. The ducts were also filled with dust and leaking. With the conditions being verified, Mr. Leonard was comfortable with the proposal.

**MOTION:** (Leonard/Lynde) To approve \$9,275 to replace the duct work and furnace at the Hobbs Community Center (Senior Center).

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

Mr. Viger reiterated that it was an encumbered item.

#### **Selectmen Signature – Selectmen to sign the Liberty Utilities easement for Pelham Veteran's Memorial Park**

Mr. Viger read aloud the proposal for a line of utility poles to be installed off Mammoth Road, which would allow Liberty Utilities/Granite State Electric the right to install, own, operate and properly maintain equipment on private property to provide service. Mr. McCarthy described the location and explained the poles would go through Pelham Veteran's Memorial Park and connect to poles already installed between the clubhouse and a development located in Pelham, with access through Dracut. The additional poles will allow Comcast to bring internet into the clubhouse. Mr. McCarthy explained the importance of having internet within the park, which will allow internet and the Town phone system in the clubhouse, and also allow for a phone to be installed in the lifeguard shack at the beach and security cameras. They will attempt to do the project in February/March, weather dependent. However, it will be done prior to the park opening in the summer. Mr. McCarthy told the Board the document had been vetted and signed off by Town Counsel (Attorney John Ratigan).

Mr. Lynde asked for an explanation for the location of the poles. For clarification of the project, a diagram was displayed showing the location of the poles. There was no objection to signing the easement document.

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Ms. Spencer arrived.

Mr. McDevitt saw that the Selectmen's signatures were to be notarized. Mr. Leonard stated he could notarize their signatures.

### **Discussion – on rescinding the Municipal Roof Capital Reserve Warrant Article**

Mr. McCarthy explained there had been some bills and event that occurred making it so they had to ask for an increase of approximately \$155,000 in the fiscal year 2017 budget during reconsideration. He suggested reviewing budget items and warrant articles to put something off to help absorb the increase. One such item was the \$100,000 capital reserve for the roof replacement. As a result they had the roof re-evaluated by Brussard Contracting, who was confident that the roof should have a life of an additional five years. Some of the seams may need resealing, but it would not be an exorbitant cost to do so. He asked the Selectmen to consider rescinding the roof capital reserve. Additionally, Mr. McCarthy asked the Board to consider not placing \$25,000 into the compensated absence fund and remove the \$15,000 fee for the energy audit.

Mr. Leonard understood that Mr. McCarthy had reviewed the budget, and in light of the Highway Department's need for a truck, was suggesting items to be put off in 2017.

Mr. Lynde stated the purpose of the energy audit was to see if there were savings that could be achieved through modifications to the existing systems. Mr. Viger replied they were not eliminating the energy audit itself, just the funds for it, because they had means of getting it done. Mr. Lynde confirmed it would still be done. Mr. Viger answered yes. Mr. McCarthy added that there may be grants and possibly some money he could get from Liberty Utilities. He intended to apply for those funds. He only budgeted the money in the event they didn't receive grants. Mr. Viger discussed there may be other steps they could take with the natural gas line coming through Town. Mr. Lynde pointed out that energy audits tended to lead to savings that paid for themselves. He saw no concern with having the \$15,000 in the budget, which he felt could easily be covered at tax time through the fund balance. Mr. Viger was confident they could get it done.

Mr. McDevitt inquired about the full cost to replace the roof. Mr. McCarthy replied it would be approximately \$240,000. The intention was to raise \$100,000 this year and an additional \$100,000 next year, with the remaining amount to be included in the projects budget during the third year. Mr. McDevitt questioned the route of the gas line. Mr. McCarthy replied the line would extend past Yarde Metals up Main Street. It will also extend south down to the Dracut line. Mr. Lynde asked if any hearing had been held. Mr. McCarthy answered no; he had followed up and understood they were waiting to get the commitment order signed after which they would start the process.

In looking at the roof assessment and the manner in which money would be budgeted over the next three years, Mr. Leonard suggested spreading the total amount over five years (life of the roof) which would equate to \$40,000 per year. The Board briefly discussed the situation and decided to zero out the roof replacement capital reserve and make a note to raise \$50,000 over four years, beginning in 2018.

**MOTION:** (McDevitt/Lynde) To rescind Article 12 – Municipal Building Roof Replacement Project in its entirety.

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

### **Update – Drought**

Mr. McCarthy stated the Town received good news in light of some of the rain, the classification had been downgraded from an Extreme drought to a Severe drought. The NH Department of Environmental Services is still cautioning citizens to conserve water now that the ground is frozen and water takes time to recover. Water conservation is strongly recommended until further notice.

Mr. Lynde suggested reviewing the watering schedule for the Village Green, since it did well this past year on a reduced schedule. Mr. McCarthy noted the watering was reduced toward the tail end of summer; lot of the traffic and programs had already closed. Mr. Viger felt the experts should review and provide the Board with a recommendation

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

Mr. McDevitt reported on the recent Planning Board meeting, during which three zoning amendments were discussed: 1) Signs, 2) Accessory Dwelling Units, and 3) Elderly Housing. He noted there was a lot of feedback from member of the public and at times the meeting was chaotic. He felt the ADU and Elderly ordinances should pass, but at the same time would encourage the Planning Board to revisit the documents. Mr. Lynde was present for the meeting and felt the ordinances were moving the Town in a positive direction. Mr. McDevitt summarized the positive aspects of the ordinances.

Ms. Spencer reported there were four applicants to the Pelham Youth Council. She planned to notify the applicants of their acceptance onto the committee. Once that occurs, the council will create a regular meeting day and time. She looked forward to reporting back to the Board.

Mr. McCarthy stated he received a copy of the legal service retainer from Attorney Ratigan and asked if the Board had discussed his authorization to sign the document.

**MOTION:** (McDevitt/Spencer) To authorize Town Administrator Brian McCarthy to sign the legal services agreement between the Board of Selectmen and DTC Law Firm.

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

Mr. Lynde voiced concern about refurbishment of the municipal offices and the separation with glass between the public and Town employees. He understood the intention to protect the Town and its employees, but was concerned about 'walling off' departments from the public. He stated Pelham was a small town and wanted to maintain it as such. He asked for clarification of the current situation. Mr. Viger replied the offices of Town Clerk/Tax Collector, Assessing, Parks & Recreation and Selectmen would have their counters redone and glass installed for safety measures. Mr. Lynde didn't feel glass should be installed. He said the departments were essentially being 'walled off' from the public. He commented Pelham was a small town and he wanted to keep that feature. He understood the intent, but didn't feel the glass provided the greatest protection and believed they could survive an emergency situation. He said residents were used to coming into departments and chatting with employees and he wanted to keep it that way.

Mr. Viger spoke about the employee training for 'shelter in place' that emphasized time. He said people think Pelham is a small town; however, it experiences big town problems. He felt they owed the employees a safe place to work and if they had to give up a little one-to-one, he was willing to do so. Mr. Lynde stated the offices had fobbed doors that could remain locked. He said if a gunman came in and the door is open, the glass wouldn't stop them. Mr. Viger replied it may not always be a situation with a gunman and went on to discuss a situation that occurred last summer where an employee feared a person being physical with them and had no protection. Mr. Lynde felt putting

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barriers between employees and the public because of one instance was overkill. In his opinion the project was tearing at the fabric of the Town.

Since the Board first started the discussion last summer, Ms. Spencer gave it quite bit of thought. She spoke about the safety training and the identification of safety issues with employees in various departments. She recalled there had been other instances of emergency calls to Mr. McCarthy and the Police where people felt uncomfortable and/or threatened. She didn't see a pane of glass a barrier. Even if the glass isn't bullet proof, having the glass is a deterrent to some degree and didn't believed it would deter people from talking. She noted people could come out from behind the glass or invite people into their space. Ms. Spencer stated there were several reasons the renovations were important, but most of all there was a potential for liability. She explained that the safety issue for the employees and public had been identified by the Board and the Town and steps have been taken to guard against it. Having identified the issues, if something were to occur, she was concerned the Town could be liable if they now back tracked the steps to eliminate the danger. Ms. Spencer commented that a risk was identified and assessed, and the Board voted on what remediation steps would be taken. She was not in favor of going back on the plans. She believed they were the right decisions. Mr. Lynde responded by saying the instances had been handled. He believed there was an assumption that the departments were in favor of the renovations and didn't feel they would be if polled. He felt the biggest deterrent was the Police station being located next door and reiterated his objection to separating the public from people working in Town Hall.

Mr. Viger stated the projected completion date of the project is February 10<sup>th</sup>. The Board had discussions during the summer and conducted multiple walk-throughs; plans were laid out and there were discussions about the glass. They voted 5-0 to move forward. He wanted to know why Mr. Lynde was waiting until now to bring the discussion up. Mr. Lynde replied he previously expressed reservations and believed he should have been more forceful doing so. He thought they would be installing bullet-proof glass, but when he found out they weren't and realized it wouldn't deter a shooter, it didn't make sense to him. He felt a glass wall would be non-inviting and had recently received complaints about doing so. He didn't see the benefits.

Mr. Leonard stated there was a lot to think about and new information had come to light. He understood having door fobs allowed departments to lock their door at the push of a button (and simultaneously notify Police) if they heard a ruckus in the hallway. This allowed departments to isolate themselves until Police could arrive. He pointed out Pelham had three banks in Town and none of them had glass. In the past Pelham Bank and Trust put glass up, but when customer satisfaction decreased, they removed it. Mr. Leonard stated they provided panic buttons and automatic door locking capabilities to each department and questioned where the Town needed to draw the line. He asked if the 'customers' (department heads and tax payers) had been surveyed. He said they could review the situation in six months to see if taking it the final steps was necessary, or they could take final steps now and find a pouring of outrage in six months with a need to remove the glass.

Mr. McDevitt recalled speaking with Mr. McCarthy approximately two years ago and voicing his objection to having glass. But as time went on he came to realize things such as not being able to walk into the school as he used to, although there wasn't a specific instance that caused the increase in security. Over months he became convinced that the glass was a good idea and was a deterrent against something that could happen. Mr. McDevitt agreed there were some departments that had higher safety concerns, such as the Town Clerk's office. He noted there weren't always Police officers next door. He reluctantly supported having glass installed.

Mr. Leonard spoke about protection and understood every department had two means of egress. Mr. McCarthy replied they would. He explained with no glass in place, it rendered the escape doors useless. He stated the glass provided people with time; even 5-10 seconds provides someone with an opportunity to get out of an environment. If the glass is removed a harmful person can jump a counter and follow an employee through an exit door and reduces the effect of having escape doors. Mr. McCarthy stated with the renovations they are trying to ensure that the changes are as aesthetically pleasing as possible. There are some challenges with the Planning Department that will still be worked through. Mr. Viger noted the most beautiful office in the building will Parks & Recreation; the ceilings are high, the entrance area will seating so people are comfortable when signing up for programs.

Mr. McDevitt questioned if the glass could be removed. Mr. McCarthy answered yes. Mr. Lynde asked if the counter design had to be changed to install the glass. Mr. McCarthy explained that they designed the counters to take the glass into account.

Mr. Lynde commented that the schools secured their doors for safety and now the Town offices will have secured doors. He felt they were being driven to make decisions that they didn't like because of fear. He believed they had to be concerned and put things in place, but not have that much fear since with one push of a button the doors locked and the Police are called. Ms. Spencer understood that the schools were constructing locked vestibules and protective glass in front of the welcome window. They are making it so no one can get in at all, outside of a very small area. She said the school and Town situations were very different. Mr. Lynde agreed. Mr. McDevitt used the school security as an example to point out that life was changing. Ms. Spencer discussed the difference in the school's project, which created a strict screening process for someone to enter the building. She wants people to understand that the Town wasn't setting up a similar process.

Mr. McCarthy told the Board he had spoken to all the department heads involved, all of the support the new infrastructure. He believed the Park & Recreation Director may personally prefer not to have glass; however, the director understands why it's being done.

Mr. Lynde made a motion to not install glass in Assessing, Planning and Parks & Recreation. Mr. Leonard seconded the motion.

**MOTION:** (Lynde/Leonard) To not install glass in the Assessing, Planning and Parks & Recreation departments.

**VOTE:** (2-3-0) The motion failed. Mr. Lynde and Mr. Leonard voted in the affirmative. Mr. Viger, Mr. McDevitt and Ms. Spencer voted in opposition.

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

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

**ROLL CALL:** Mr. Viger-Yes; Mr. Lynde-Yes, Mr. McDevitt-Yes; Ms. Spencer-Yes; 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 7:50pm.

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315 The Board returned to public session at approximately 8:21pm.

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317 **ADJOURNMENT**

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**MOTION:** (McDevitt/Lynde) To adjourn the meeting.

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

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320 The meeting was adjourned at approximately 8:21pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary

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