

**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
February 28, 2017
APPROVED – March 28, 2017**

CALL TO ORDER - approximately 6:30PM

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

ABSENT: None.

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

January 31, 2017

MOTION: (Spencer/McDevitt) To approve the January 31, 2017 meeting minutes as written.

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

Mr. Lynde arrived.

ANNOUNCEMENT

- Annual Pelham Town Meeting, Tuesday March 14, 2017 from 7am to 8pm at the Pelham High School;
- 2016 Annual Town Report and the 2017 Town Meeting Voter's Guide will be available by March 7, 2017. Hard copies and CD copies of the report will be available at the Tax Collector/Town Clerk's Office, Selectmen's Office and the Public Library. The report will also be available on the Town's Website: www.pelhamweb.com;
- Water Ban Still in Effect – Despite the snow and rain Pelham has received thus far this season, the water ban is still in effect. Until further notice, citizens are urged to comply with the water ban and conserve water. We realize that this may continue to cause some inconvenience; however, our primary concern is that our citizens have a dependable water source for now and into the future. Your continued cooperation is greatly appreciated.
- Parks and Recreation is taking registrations for a number of programs. For more information, please go to our website at: <http://www.pelhamweb.com/pelham-parks-and-recreation>
- Tuesday, March 7, 2017 – VFW Auxiliary will be holding a Pelham Candidates Forum for all those running for an elected position. The forum will be held Tuesday, March 7, 2017 at 6:30pm in Sherburne Hall. Citizen's may attend, call in or text questions to the candidates. Please contact Madeline Dreusicke if you wish to attend at: madeline@lavfw@aol.com
- Wednesday, March 8, 2017 – The VFW Auxiliary will be holding a Pelham Candidates Luncheon on Wednesday, March 8, 2017 at 12:00pm. The luncheon will be held at the Pelham Senior Center. Please contact Sara Landry if you wish to attend:
- slandry@pelhamweb.com.

OPEN FORUM

No one came forward.

APPOINTMENTS

Update - Bill Clark of Liberty Utilities – Gas Expansion Project

Mr. Clark informed the Board that Liberty Utilities received approval from the Public Utilities Commission ('PUC') on February 8, 2017 in support of their petition for franchise to serve Pelham and Windham and all interveners. This completes the regulatory process. He stated they will be moving forward with construction later in the summer. He then introduced Shawn Fiori, Project Manager, who will be overseeing all aspects of construction throughout the Town buildout. Mr. Clark stated they were currently working on the press release and marketing material. They will begin processing all applications that come in during the year. Once they have more mapping of the area to be served this year, they will come back for a presentation/open house for discussion.

Mr. Viger asked if there was still time for people to reach out and request service. Mr. Clark stated later in the summer they would begin and continue with new pipe up until November 1st; therefore anyone could sign up prior to October 15, 2017 and have access to gas this year as long as they are located on the route map.

Mr. McDevitt asked Mr. Clark to provide a rough idea of where the work would be done. Mr. Clark described the phase I build route. Mr. McDevitt noted there were a few private institutions (churches) that were interested in being on the gas line. Mr. Clark believed they had already reached out to them and the route had been slightly altered to include them in phase I. He noted they would market the adjacent neighborhoods to determine if there was a possibility of serving them this year; if not they would be on the docket for phase II or subsequent year buildouts.

Mr. Lynde questioned if Willow Street would be included. Mr. Clark replied Willow Street was currently tentative due to the bridge and directional bore drilling. He said they could still come down Willow Street from the schools and serve all the customers along Willow Street. Mr. Lynde understood from original discussions that the line would connect from Willow Street to Route 38 and a sidewalk would be constructed. Mr. McCarthy clarified that the Willow Street (connection) line would be included in phase II of the project. Mr. Clark confirmed this to be true. He noted during phase I they would be doing all the sidewalk along Marsh Road, from the cemetery down to the schools. Mr. McDevitt wanted to make sure that residents along the route were informed that sidewalks would be installed. Mr. McCarthy stated once the project got closer a map of the whole project would be drafted, and the point in the project where neighbors were invited to come in and offer comment. Mr. Clark noted that the initial map would only include phase I information.

Mr. Fiori told the Board that they were going to be holding a 'kick off' meeting on Wednesday with the engineering firm. The first discussion topic being whether to go through Old Bridge Street or Willow Street based on the horizontal drill and impact to wetlands. Mr. Lynde questioned if Liberty Utilities was aware of the bridge span project at Abbott Bridge. Mr. Clark answered yes. Mr. McCarthy briefed Mr. Clark on the bridge span project and will forward his contact information for Quantum. He believed they already had initial conversation.

Mr. McDevitt noted in the past the Town had designated Old Bridge Street as a Scenic Road, which has a meaning under State Law. Mr. Clark stated they would follow the proper process.

Mr. Viger asked Mr. Leonard if he had any comment. Mr. Leonard stated he had no additional comments.

The Board thanked Mr. Clark and Mr. Fiori for the update.

Discussion – Mike McQueeney of Franklin Energy – Liberty Utilities Incentives Program

Mr. Viger stated last year the Town had tried to take advantage of Liberty Utility rebates for LED lights through the New Hampshire Saves Program. He noted that the program was coming forward this year as well.

Mr. McQueeney told the Board he contacted Mr. McCarthy to see if there was any interest in moving forward with lighting retrofits discussed last year and understood there was potentially interest for the Town Hall and Police Station. He briefed the Board on the program; in 2017 they anticipate being fully subscribed in the program by April. He noted there had been an increase in funding which had heightened awareness of cost effectiveness about the program. He anticipated this trend would continue. Mr. McQueeney pointed out there was on-bill financing that pays for the portion of a project that's not paid by incentives.

Mr. Viger discussed the program and commented that they had an idea of the fixture cost from reviewing the information from last year. He reviewed the estimated timeline for RFP and implementation, which in would be approximately 17-18 weeks. The Town would need to have an answer to Liberty Utilities within 90 days. Mr. McQueeney told the Board the sooner they could get the offer letter to tie up the incentive dollars, the more likely the Town will be to have the 2017 incentive dollars available to be able to move forward and have the project built out this year. Mr. Viger understood there was no guarantee that the remaining incentive dollars would be allocated to the Town's project, he believed the longer they wait, more committed people had the opportunity to sign on. Mr. McQueeney answered yes.

Ms. Spencer asked for the estimate of what was available to the Town if they acted quickly. Mr. McQueeney replied it depended on what equipment, but recalled when running numbers it came in at the \$22,000-\$24,000 range. He understood there may be interest in energy savings beyond the lighting. Mr. McCarthy explained they had spoken about retrofitting the heating system with mini-splits. Mr. Viger further explained that the mini-splits were energy efficient heat pumps that would provide air conditioning in the summer and NH Saves offers substantial rebates for them. Having the heat pumps will allow the Town to back off on the boiler replacement and have a smaller boiler. Mr. McQueeney suggested having an energy audit to determine what size equipment would be needed for the appropriate thermal load. He noted Liberty Utilities had dollars set aside to perform those audits. He wanted the Board to know there were opportunities beyond the lighting.

Mr. Viger summarized the discussion: 1) lights, 2) energy audit, and 3) heat pumps. He believed the energy audit and heat pumps would play hand-in-hand. Mr. Lynde understood that the balance costs would be paid for through the current electricity bills, with the savings paying for the balance of the improvements. He asked Mr. McCarthy if the project would cover everything. Mr. McCarthy replied it would cover every light in the municipal building and Police Department (excluding Sherburne Hall and bathrooms). It would also include exterior wall sconces (of the Municipal Building and Police Department) and all street lights around Village Green. Mr. McQueeney told the Board the most important thing right now would be to get an application package to Liberty Utilities so they could consider the application and return an incentive letter. Mr. Lynde questioned if the energy audit was tied into the Town accepting the other items. Mr. McQueeney answered no.

Mr. Viger discussed the cost and noted they estimated \$60,000 for the entire project (in Town Building budget); 50% being a rebate paid by Liberty Utilities and the remaining portion being rolled into the Town's electric bill. The Town is still running a deficit in the electric bill to pay it off. He noted if they came in this year with \$22,000-\$24,000, the Town would still be significantly less of what they need to replace all the fixtures. He also noted they budgeted in Town Buildings for the actual cost if the grant money wasn't available. Mr. McCarthy said the amount not covered by the grant can be rolled into the electric bill and be paid off within a 3-4 year time period. He stated they did the same thing with the Highway Department and Transfer Station.

Mr. McDevitt questioned if the lights at the basketball court or the orange light outside the Municipal Building were covered. Mr. McCarthy answered no.

Ms. Spencer felt the proposed program wounded like a win-win scenario and questioned what the Board needed to do. Mr. Viger replied the Board needed to make a decision to move forward.

MOTION: (Lynde/Spencer) To move forward with the proposal as discussed.

VOTE: (4-0-0) The motion carried. No audible response from Mr. Leonard (via telephone conference)

OTHER BUSINESS

Discussion – Benefits/Drawbacks of a program to encourage recycling (a top priority of the Pelham Youth Council)

Ms. Spencer reported that the Pelham Youth Council met last week to discuss their top priority, which is to incentivize, encourage and increase the participation in the recycling program in Pelham. The PYC President was tasked with researching towns in NH and surrounding MA areas that have recycling incentive programs. The Board was provided with an overview of the research and breakdown of thoughts for what could be done in Pelham. Ms. Spencer said they found that the basic concept of incentives was that a town sold (at varied costs) garbage bags for non-recyclables and any recycling is free. She discussed two models for Pelham; 1) Transfer Station proposal where bags are purchased for non-recyclables and single stream continues to be accepted. Fee structure to be reviewed, 2) Pick-up service where trash is accepted in designated bags/bins. Ms. Spencer explained that the Town would earn revenue from the purchase of bags that would go toward lowering the tax rate. In the future if cardboard and glass are separated out, the Town could earn additional revenue from the sale of these items and go toward lowering tax rate. The proposal would encourage more people to recycle and people that currently recycle to recycle more.

Pelham Youth Council member Joey Wholley came forward and explained to the Board that they would like to encourage people to recycle more, and by doing so they don't have to purchase as many bags.

Mr. Lynde commended the PYC for their work and efforts. He said there were other areas the PYC could become involved with to encourage recycling, such as at the sports fields, by working with the Parks and Recreation Department and sports coaches. He fully supported the PYC and believed the Town made some missteps when they went to single stream. Ms. Spencer spoke about the financial benefits to the Town and taxpayers by implementing the proposed incentive.

Mr. McDevitt believed the towns named in the research were politically very different from Pelham. He felt the proposal may come across to some as a little heavy handed. The towns listed were those

193 where the program succeeded. He said the topic of recycling has been an uproar in some communities,
194 such that they had to withdraw it and that point shouldn't be dismissed. He said the problem with
195 saying that the tax rate would go down is other items may make it go up. He noted that his household
196 was a serious recycler and with the program his costs would go up because he would have to buy bags.
197 There are people in Town that struggle and will have difficulties paying for bags. Mr. McDevitt
198 believed single stream greatly increased recycling. There may be some push back and he would feel
199 more comfortable putting an article forward at Town Meeting to ask the voters what they wanted.

200
201 Ms. Spencer discussed the costs for trash bags and saw a system where the bags didn't cost more than
202 they did in the stores. She would be interested to see where systems didn't work and for what reason.
203 She felt it would be very important to do the program so it would be successful and not cause an
204 'uproar'. To the point about the tax rate, she said it was important for people to understand that the
205 shift in revenue would offset possible increases in other places. Ms. Spencer reiterated this was an
206 opening conversation and it might be the sort of project/proposal that needs further discussion and also
207 garner support in the community and have a vote at Town Meeting.

208
209 Mr. Lynde didn't think there would be major impacts on the tax rate and would concentrate on the
210 issues of implementing the program. He stated recycling in Pelham is mandatory. He commented that
211 there was an organization in New Hampshire that had given a presentation to the Board about a pay as
212 you go bag program. The organization has information relative to what's going on in the State relative
213 to recycling and what's worked and what hasn't. Mr. Lynde felt it was important for people to recycle.
214 He believed it was a worthwhile project to pursue and said it would be great if they could also have
215 people recycle at the parks. Mr. McDevitt believed the organization is New Hampshire Recovery
216 Resource Association and the Town is a member.

217
218 Mr. McCarthy suggested reviewing the possibility of building in a reward program to give people an
219 incentive to recycle, such as giving gift cards. Ms. Spencer thought that would be a good idea.

220
221 **Discussion – Alcohol Ordinance and the new Farmer's Market alcohol sampling law**

222
223 Mr. Viger stated there was a Town Ordinance that restricts alcohol consumption except through an
224 application process. He said the State had a new law for Farmer's Markets that allows for sampling.
225 The Board has asked Mr. McCarthy to seek counsel's opinion as to what takes precedence, either State
226 law or local ordinance. Mr. McCarthy told the Board that he spoke with Attorney John Ratigan (Town
227 Counsel) regarding the new law. He said Attorney Ratigan indicated that State Law had referred it
228 back to the towns as to how they want to implement the program.

229
230 In recalling the Town Ordinance, Ms. Spencer didn't think they had to be hieratical (mutually
231 exclusive). She also didn't think the Town Ordinance spoke to the precise issue that is presented in
232 RSA 179:144; if it doesn't she found nothing wrong with having two Town ordinances on alcoholic
233 beverages that speak to two completely separate issues.

234
235 Mr. McDevitt said the discussion centers around the Farmers Market having local craft beer/wine
236 makers and in order for them to sell their product, the idea is for them to have samples. His
237 interpretation of the Town's Ordinance is that consumption is prohibited. He said question is if drinking
238 a sample constitutes consumption. There was no prohibition about selling alcohol.

239
240 Ms. Kayla Law of Pelham Community Spirit came forward for the discussion and stated they were
241 seeking a 'variance' from the Town Ordinance. The new law indicates they need a letter from the
242 Board of Selectmen that says the Pelham Farmer's Market from May 3 – September 17, 2017 has
243 permission from the Town to have samples. She noted that the law is very specific as to what is

considered a sample. Mr. Viger stated the Board wanted to ensure they weren't in violation of their own ordinance. Mr. McDevitt said the problem with the Town Ordinance was that the Board didn't have the authority to grant variances to such. Mr. Viger noted they were seeking further clarification from Attorney Ratigan. Ms. Spencer agreed and suggested including an agenda item for their next meeting.

Mr. McCarthy read aloud Article #15 from 2014, which allows the Selectmen to grant one-day permits to serve alcohol (with conditions and approvals from the State) in certain Town buildings. Ms. Spencer noted the Article references approval from the State. It was pointed out that the State law had changed for Farmer's Markets. Mr. McCarthy wanted to further review the NH Liquor Bureau standards since they regulate sale/consumption of alcohol in establishments. Ms. Spencer referenced paragraph #5 of the new law, in which it states 'samples' are considered 'sales'. She noted the Town had not prohibited 'sales' and State Law defines 'samples' as sales, the Town may be in the clear.

Mr. McDevitt said it was safe to say they needed more research. Mr. McCarthy told the Board that he would gather more information and bring it to the Board for further discussion.

Discussion – Inspector's Fees

Mr. Viger stated it had been brought to the Board's attention that there were some questions about how and when inspectors got paid and how the permitting process worked.

Planning Director Jeff Gowan came forward to discuss the process. He said for the most part the Planning Department relied on the stipend system. He discussed the fact that a couple of the inspectors helped cover the Town of Windham and got a taste for a little bit more robust compensation. He felt at some point Pelham's stipend system may become unhinged or not be sustainable. Mr. Gowan told the Board he briefly spoke with Mr. Leonard prior to the meeting about the process. He offered to pull together information for cost comparisons and standard rates for review. He suggested possibly having a hybrid system with base pay and incremental stipend for inspectors.

Mr. Viger said they will stay in a holding pattern for now and based on information Mr. Gowan brings forward can review and explore further during the budget process. Mr. Gowan told the Board that he would work with Mr. Leonard and get any information requested. Mr. McCarthy felt it would be appropriate to look at surrounding communities and provide a breakdown of time and cost for each type of inspection.

Mr. Viger asked Mr. Leonard (via telephone conference) if he had any questions. Mr. Leonard did not respond.

Review – 2017 Voter's Guide

Mr. Viger understood that the Selectmen had submitted their comments and the guide was in its final draft. Mr. McCarthy explained that the guide was on the agenda for review during the canceled meeting of February 14th. At this point the guide was on its way to be sent out to residents. Mr. Viger noted that he and Mr. McDevitt were going to do a video recording read through and unbiased explanation of each article for broadcast on PTV.

Discussion – Donation from Brussard General Contracting

Mr. Viger stated there was a donation that totaled \$6,000 from Brussard Contracting. The donation was for various file cabinets, storage items to the Town. Ms. Spencer felt the Board should schedule a

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hearing as soon as possible. She said anytime they had the opportunity to improve the Town and facilities without costing the tax payers money it was a great thing.

Mr. McCarthy pointed out that the next Selectmen meeting will be March 28. Earlier in the day Mr. McDevitt reviewed the Policy adopted by the Board and what State Law requires. He noted under \$5,000 they didn't need a hearing. He said the critical thing was to publically acknowledge the donation. He pointed out they could accept the flat screen television (\$1,000) at the present meeting and defer the \$5,000 item. Mr. McCarthy said he would schedule the \$5,000 items for March 28th.

MOTION: (Spencer/McDevitt) To accept (with gratitude) the estimated value donation of \$1,000 from Brussard General Contracting to provide a flat screen television in the Town Clerk's Office and carpeting.

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

Update – Drought

Mr. McCarthy read aloud an update pertaining to the drought. On February 16th Pelham was upgraded to the status of 'Drought remains but improves'. According to the State the recent rain and snow had helped the drought significantly; however, the water ban remains in effect. The status will be reviewed next month and if the drought is in a satisfactory level from the State the Board may wish to repeal the ban.

Discussion – House Bill 413

Mr. Lynde told the Board that HB413 would partially restore the State's share of the cost of New Hampshire Retirement System and would benefit the Town approximately \$400,000 in cost reduction. He provided a brief background of the NH Retirement System and HB 413. He noted of the eleven delegation representing Pelham and Hudson, one didn't vote (speaker) and only one of the remaining voted to support the legislation. He felt Pelham should reach out and encourage them to support the Bill, which is why a letter has been drafted to indicate such. The Board was provided with a copy for review.

Ms. Spencer agreed with Mr. Lynde and wanted to encourage the Town's State Representatives to support the measure and was in favor of sending the letter. Mr. Lynde read aloud the proposed draft letter to representatives. Ms. Spencer offered minor amendments. Mr. Viger felt the spirit of the letter was fine. He thanked Mr. Lynde for taking initiative.

Discussion – Revising Gumpas Pond parking system

Mr. McCarthy told the Board he recently spoke with Attorney John Ratigan (Town Counsel) regarding the Gumpas Pond Parking Permit who is requesting the Town vote to abolish the Walking Permit. He said there's a permit system where people can get a walking permit or parking permit. It's Attorney Ratigan's opinion to abolish the walking permit so access to the pond will be open to residents.

Ms. Spencer asked if there was any information for who used the walking permits versus the parking permits and what the opinion was based on. Mr. McCarthy replied the recommendation was based on the feeling that the walking permit was no relevant or needed at this point. Mr. Viger noted there was a lot of detail in the recommendation letter. Mr. McDevitt felt the conversation should be deferred to non-public discussion. The Board agreed and would discuss in non-public.

TOWN ADMINISTRATOR'S / SELECTMEN REPORTS

Ms. Spencer reported that the Pelham Youth Council met for the second time and had a very productive meeting and would meet March 8th. Currently the council has seven members; however the meetings were open to anyone to attend.

Mr. Lynde questioned the status of the compactor at the Transfer Station. Mr. McCarthy replied it would begin in March. Mr. Viger said the contractor was waiting for the ground to thaw to begin excavation. Mr. Lynde gave a brief summary of legislation being reviewed in Concord.

Mr. McDevitt informed that the New Greeley Singers were presenting a fundraiser concert on Saturday night at Sherburne Hall.

Mr. Viger commented that it was the last Board meeting before Town Meeting. He is running for re-election and thanked everyone for the experience he'd had thus far. Mr. McDevitt, who was also running for re-election, thanked people for their kindness and looked forward to serving another term.

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. Roll was called for Mr. Leonard, no audible response was heard via telephone conference.

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 8:21pm.

MOTION: (Lynde/McDevitt) To indefinitely seal the non-public meeting minutes.

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

MOTION: (Viger/Spencer) To return to public session.

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

The Board returned to public session at approximately 9:25pm.

ADJOURNMENT

MOTION: (Viger/Spencer) To adjourn the meeting.

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

The meeting was adjourned at approximately 9:21pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary