

**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN - MEETING MINUTES  
October 24, 2017  
APPROVED – November 6, 2017**

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

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

**ABSENT:** None.

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**October 10, 2017**

**MOTION:** (Leonard/Spencer) To approve the October 10, 2017 meeting minutes as amended.

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

**ANNOUNCEMENTS**

- Trick or Treat – Tuesday, October 31, 2017 5pm-8pm
- Household Hazardous Collection – Saturday, November 4, 2017 8am-12pm at Nashua Public Works Garage
- Transfer Station closed in observance of Veteran's Day, Saturday, November 11, 2017
- Horribles Parade – Saturday, October 28, 2017 beginning at 5:30pm at Pelham Memorial School and ending at the Fire Station
- Pelham Police Department – Prescription/Medication take back day, Saturday October 28, 2017 from 10am -2pm. Also available (24/7) is a drop off box within Police Department lobby

**OPEN FORUM**

No one came forward.

**APPOINTMENT(S)**

**John Williams / Eagle Scout Project Proposal**

Mr. Williams presented his proposed Eagle Scout project to construct a bus stop shelter outside of the Hobbs Community Center. The Board was provided with an information packet containing project details. He discussed the proposal, and noted there was an estimated completion date of 2-3 weeks.

Ms. Spencer thought the project was a great idea and would be an asset to the Senior Center.

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Mr. Viger asked Mr. Williams to coordinate the project with Mr. McCarthy. Mr. McCarthy told the Board he had a copy of the building permit and would sign it with the Board's authorization. There was no objection.

Mr. Lynde arrived.

Mr. Leonard briefly stepped away.

Senior Center Director Sara Landry was seated in the public and indicated her support for the project.

**MOTION:** (Spencer/McDevitt) To approve the Eagle Scout project proposed by John Williams.

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

Mr. Leonard returned.

**Brian Johnson: Donation to Pelham Veteran's Memorial Park ('PVMP')**

Mr. Viger understood that the project was put out as a bid, and some of the proposals were returned as a donation. He said the Board would take Mr. Johnson's recommendation and post a public hearing to accept a donation.

Mr. Johnson discussed the proposal to replace the club house roof at PVMP. There were two bids received, he recommended accepting the proposal from the lowest bidder - Brussard General Contracting in the amount of \$13,900.

Mr. McDevitt understood that the bid wasn't a donation, but the project would be paid for by donated funds. Mr. Johnson stated that was correct; they had worked with Pelham Community Spirit. Mr. Viger told the Board that the intention was to choose a contractor and then schedule a public hearing for the donation. Mr. McCarthy noted a public hearing was scheduled for November 7, 2017.

**MOTION:** (McDevitt/Spencer) To accept Mr. Johnson's recommendation of having Brussard General Contracting replace the club house roof (at PVMP) for an amount not to exceed \$13,900.

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

**Public Hearing: To accept Empire Road as a Class V road**

Due to a posting error, Mr. Viger noted that the Board would conduct the public hearing at their next meeting. He asked Mr. McCarthy to speak to the proposal.

Mr. McCarthy explained when they posted the announcement in the newspaper, they didn't have the additional usual postings at the Town Hall and Library. Out of an abundance of caution, Town Counsel recommended opening the hearing and accepting public input, then re-open the public hearing at a subsequent meeting for additional comment and Board's vote.

Mr. Lynde told the Board he looked at the road earlier in the day and understood a section of which had been redone. Mr. McCarthy believed there had been a sink hole that was dug up, patched and resurfaced. Mr. Lynde asked for confirmation that the road would succeed and not have the same problem. Mr. McCarthy replied the Board received information from Planning Director Jeff Gowan

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and from Keach Nordstrom who reviewed the road. Mr. Viger noted that the road was allowed to 'season' over winter; the issues that arose were corrected.

Mr. McDevitt pointed out that the Board received a copy of a letter, dated September 25, 2017 from Keach Nordstrom indicating they take no exception to the Town moving forward with the public acceptance of Empire Road. Mr. McCarthy read aloud a letter, dated October 3, 2017 from the Planning Board. During the Planning Board meeting of October 2, 2017, the board voted (6-0-1) to recommend, to the Board of Selectmen, acceptance of Empire Road as a Class V Town Road.

Mr. Viger opened the hearing to public input. No one came forward. He closed the public portion of the meeting and stated a public hearing was scheduled for November 7, 2017.

### **Nashua Regional Solid Waste – Presentation, rate increase**

Jill Longval of Nashua Regional Solid Waste District and Nashua Planning Commission Director Jay Minkarah came forward. Ms. Longval spoke to the Board regarding the Household Hazardous Waste Program and the Solid Waste District (Amherst, Brookline, Hollis, Hudson, Litchfield, Merrimack, Milford, Mount Vernon, Nashua, Pelham and Windham). She gave a brief presentation regarding the items accepted during waste collection events, program funding and staffing. She spoke about the role of the Solid Waste District during the various events within communities. Ms. Longval summarized the proposed cooperative agreement between the Town and the Solid Waste District. She explained that it put the current practices into writing and defines the relationship between NRPC and the District. It outlines the terms of use for the permanent storage facility, and describes the community responsibility and benefits.

A copy of the agreement was submitted to the Board; the deadline to sign is December 19, 2017.

**MOTION:** (Lynde/Spencer) To authorize Brian McCarthy to sign the agreement on behalf of the Board of Selectmen.

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

Mr. Viger questioned what would happen if other towns didn't join in. Ms. Longval replied they would continue on the program. She said the program was incredibly value and didn't anticipate other towns not joining.

Mr. Lynde understood that there was a District board. Ms. Longval stated each community was allowed to have a representative on the board. She stated that Frank Ferreira was Pelham's representative, and Marie Maruca was the alternate representative.

The Board thanked Ms. Longval for the presentation and thanked her for the work she had done. The Board also welcomed Mr. Minkarah.

### **Frank Ferreira: Update on Highway Building project**

Mr. Ferreira provided the Board with conceptual drawings of the proposed Highway/Transfer building. He told the Board that the building would house everything they had, except the rental loader used in the winter and one car. Mr. Viger understood that a committee had been working on the review and questioned if the drawing encompassed the direction of the committee. Ms. Spencer thanked Mr. Ferreira for following up on the conceptual ideas of the committee, and told the Board that the proposal

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131 reflected what they had discussed as a committee. She noted there were a host of reasons the committee  
132 had not met as a collective group in several months.

133  
134 Mr. McCarthy told the Board that he met with Mr. Ferreira and reviewed the plans. He spoke about  
135 the proposed layout and felt that the plan ultimately allowed them to move out of the current trailers  
136 and to centralize the office for both the Highway and Transfer Station departments (whether separate  
137 or combined).

138  
139 Mr. Lynde questioned if the trucks could be washed in the garage. Mr. Ferreira answered yes; they  
140 would have a drain leading to a holding tank, which would be pumped out when needed. Mr. Lynde  
141 asked when they would outgrow the building. Mr. Ferreira replied as they began to add bigger trucks  
142 they would start to outgrow the building. He noted they could add lean-to to the side of the building.  
143 Mr. Viger inquired if there was room to expand the building if needed. Mr. Ferreira answered yes. Mr.  
144 Lynde suggested when the plans were drafted, the additional space should be engineered in. Mr.  
145 Ferreira said there wouldn't be a problem doing so.

146  
147 Mr. McDevitt suggested having the second floor being built to a high weight specification to  
148 accommodate storage. Mr. Ferreira said they had planned to do so.

149  
150 Mr. Leonard asked for the dimensions of the building. Mr. Ferreira replied the building would be  
151 140ftx80ft. He described how the vehicles/equipment would be stored within the bays. Mr. Lynde  
152 noted that the bays were full as designed, and suggested they consider adding another bay section. Mr.  
153 McDevitt agreed. He said it might be less expensive to add two bays now, rather than to expand in 5-  
154 6 years. Mr. Ferreira noted the biggest expense would be the cost of the garage doors. Mr. Viger said  
155 they needed something that wouldn't be looked at for another thirty years and questioned what would  
156 be needed in the next 10-15 years. Mr. Ferreira said he would change the plan to add another bay. Mr.  
157 Leonard felt it would also be worth while to add smaller (house size) garage doors behind the office.  
158 This would allow easy access to the storage area.

159  
160 Mr. McDevitt understood the site was close to Golden Brook and questioned if the expanded building  
161 would run into wetland or Wetland Conservation District ('WCD') issues. Mr. Ferreira told the Board  
162 he had Keach Nordstrom (Town's engineering review firm) review the drawing and was told they  
163 wouldn't be in the wetlands. If they were, the Town would have to apply for a State permit. Mr.  
164 McDevitt confirmed that the issue of drainage into the wetlands was eliminated by having the floor  
165 drains and collection tank. Mr. Ferreira replied that was correct.

166  
167 Mr. Lynde wanted to know where the Transfer Station vehicles were stored. Mr. Ferreira replied they  
168 currently went inside the existing building; the new building could fit the two bobcats.

169  
170 Mr. McCarthy asked how the Board wanted to proceed. Mr. Viger asked for the balance of the current  
171 capital reserve fund for the building. Mr. McCarthy replied there was \$150,000. Mr. Viger noted there  
172 was a proposed warrant article to raise and allocate \$300,000 in that fund for the highway building. He  
173 wanted to know the estimated cost for the building (as is, without the proposed expansion of bays). Mr.  
174 McCarthy replied the estimate was approximately \$1 million. Mr. Lynde understood there was a  
175 concern about getting out of the current trailers and felt they should begin engineering, designing, site  
176 work should be started as soon as possible. He noted they had the authority (after public hearing) to  
177 take money from the highway fund. He didn't see the need for another conceptual, given they were  
178 only suggesting adding another bay. Mr. Ferreira noted he had a number from Keach for the site work.  
179 Mr. Viger felt confident that the drawings could be managed in house. Mr. McCarthy agreed they could  
180 collectively handle the drawings, if it got to the point they couldn't, he would come back to the Board  
181 to look at another alternative. Mr. Lynde wanted the Board to be presented with a plan that outlined

the steps they would take, indicate who was involved, put together a bid and receive an estimate for the initial phase. From that point, the Board could vote how to proceed. Mr. McDevitt spoke about the advantages of hiring a project manager at some point in the process, as was done for the fire station and high school addition project. Mr. Leonard suggested reaching out to other building manufacturer companies who may also act as a project manager.

Mr. McCarthy asked for clarification of the Board's direction. Mr. Viger said they should get an estimate to change the plan as the Board discussed. The money to do so would be spent out of the capital reserve; however to do so, a public hearing and Board vote would be needed. Mr. Ferreira said the current engineering and site work quote from Keach was \$18,500, and in addition \$4,000-\$5,000 should be held for geotechnical work associated with the foundation design; the total quote was \$23,500. Mr. Viger asked that a public hearing be set up for the next meeting.

Mr. Lynde asked what steps were needed to get the project done. Mr. McCarthy believed they had to start working on engineering and have a more detailed drawing of the building so they could provide the Board with a cost estimate. He noted in order to do so, they would need to spend money out of the fund. He said they would speak to the designer and get some quotes, so when they come in for the public hearing they would have a number of what was needed to expend to get the project started. He will come back to the Board for guidance if needed.

**Chief Midgley: Follow up of Safer Grant & associated warrant article**

Chief Midgley reviewed the outstanding questions from the last meeting:

- 1) What are response times and can data be collected for response times over several years?  
Chief Midgley found interesting data for the average response time: 2015-6.01 minutes / 2016-8.6 minutes / 2017-8 minutes. He spoke about mutual aid and explained during five months in 2016 they found that Windham had an ambulance and engine down; Pelham was responding significantly. This skewed some of the numbers. During 2017 Pelham was requesting mutual aid. They went back and reviewed the data again and scrubbed out any anomalies.
- 2) What building is occurring in Town? Chief Midgley spoke with the Planning Director who indicated there were approximately 258 houses permitted and under construction. There were 53 houses approved, but not yet under construction. There are three other large developments that have had preliminary discussion (one contains 40 houses). Using historical data, there are approximately 100 permits issued per year over the last several years. The average population increase is approximately 300 people per year. Chief Midgley pointed out that the population in the State was rapidly aging; the projection was for a 124% increase in 65+ population by 2040. Conversely people age 30-44 will significantly decrease.

Chief Midgley noted he had worked with Town Counsel to draft a warrant article, if the Selectmen made the decision to do something with the Safer Grant.

Ms. Spencer heard the Chief tell the Board (at the previous meeting) that the firefighters worked forty hours per week, and the rest of their time was their own to have a second job, or whatever else. She was concerned that the appropriate answer to the legitimate concerns raised, was not hiring four new firefighters, but rather it was giving the tax payers the benefit of the union contract that was negotiated. She understood that the processes of the Police and Fire Departments were different; however, knowing how the Police Department runs, she said Police officers were subject to recall per policy (not contract) implemented by the department. She stated officers came back for emergency purposes. Civil servants don't work 9am-5pm jobs. Ms. Spencer referenced the Fire contract, page 4, paragraph 7, II that speaks to directing employees for emergency situations. It was her opinion that rather than having an eventual \$369,158 tax burden, they should exercise the clause within the contract. She said they should ensure

they have public servants that are prepared to return in the case of an emergency, and fulfil what they understood were the duties of public servants. Ms. Spencer spoke about the discussion last summer involving the cost to hire four new dispatchers versus outsourcing. She noted the cost of hiring the dispatchers was approximately the same amount being proposed to hire firefighters. At that time she was prepared to support hiring dispatchers rather than outsourcing to another community. She stated she would be more inclined to move forward with that, and forego the situation with Londonderry, rather than bringing on four new firefighters. She felt the answer to their legitimate safety concerns was within the current union contract. She stated she would not support hiring four new firefighters at this time.

Chief Midgley stated the conditions of the Police Department were very different. He explained when they had a recall for an emergency situation it lasted for several hours. He stated his people were subject to recall, it was 'forced overtime'. Included in his bi-weekly was the fact that they currently had three people out, which created forced overtime, although some were taking voluntary shifts. Chief Midgley pointed out that the Fire Department did calls all day long. He said what Ms. Spencer was essentially saying was if someone worked for the Town they wouldn't have a life, because a person would have to come back to the station when they were paged in. Ms. Spencer respectfully disagreed and took issue with the mischaracterization of her comments. She stated a civil servant's job was not 9am-5pm. Chief Midgley questioned when they should be called back in, such as for every call, certain call, big calls, etc.. Ms. Spencer replied those were administrative issues the Board trusted him (within his purview) to handle. She said the taxpayers voted for the union contract that empowered him, and reiterated it was not a 9am-5pm job. She commented that hiring four new people to do something they already had people to do was not a viable solution.

Chief Midgley explained that the firefighters didn't work a 9am-5pm schedule, they work 24 hour shifts that average out to 42 hours (a week). In addition, they work additional shifts. He said it was very rare for a payroll sheet to cross his desk that doesn't contain overtime. He was concerned with subjecting his people to recall to fill the four positions, because he would be paying them time and a half. The cost of which would significantly add up when they could have had other people filling the positions. He noted their calls generally last 1.5 – 2 hours and questioned how he would subject his people to a recall within that narrow time. He said people can't be forced to come back to work after they've already worked what their contract told them what they are required to do. Chief Midgley understood that management had the right to force a recall, and stated they do force recall when they legitimately have to have bodies back. Ms. Spencer said the contract states what they are contracted to do. She stated hiring four additional people meant having four additional benefits packages, which would cost more than time and a half. She didn't think the circumstances were that different from what the Police officers were asked to do on a regular basis.

Mr. Viger understood they had made significant progress with dispatch and would be moving forward with moving to Londonderry. Chief Midgley was hopeful the move would occur in approximately three weeks. Mr. Viger was concerned that they were chasing a grant that in three years would cost the Town the full amount, although he understood the Chief had planned to try to add people beginning next year. In his opinion, he would be more apt to forego the grant, and commit to the Chief they would over the course of the next 2-5 years get up to four people.

With regard to emergency response, Mr. McDevitt felt the contract was clear; however, he was concerned with response time (timing from the station to a person's house). He believed under separate discussion, they should task the Chief with having a more precise definition of response time given that the times have degraded over the past few years. He wanted to know what other towns (i.e. Windham, Hudson) did with the issue of people holding other full-time jobs. Chief Midgley said when they were off duty, they remained off duty. Mr. McDevitt asked if it was common for a firefighter to hold another

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284 job someplace during the time that they aren't working. Chief Midgley answered yes; usually it is a  
285 trade-type job. Mr. McDevitt felt the point they had to be careful was, they could 'strong arm' using  
286 the union contract and end up losing the firefighters. He said people work under conditions for which  
287 they like to work. While he agreed with Ms. Spencer, he believed it was the type of situation they  
288 couldn't do in isolation, and they may not want to be a leader because it might lead to staffing issues.  
289

290 Ms. Spencer understood that the Police contract expressly says that they aren't allowed to have a  
291 competing obligation. She would like to see some information and data on that fact. Mr. Viger stated  
292 the way the Fire Department was structured, it offered a lot more time for an off duty firefighter to take  
293 on a second job. He noted forty-two hours in the Fire Department's world is three days, so they take  
294 the opportunity to do other things; Police officers don't have the same opportunity, their forty hours  
295 equals five-six days of work. He said with the Fire Department, firefighters were putting their time in  
296 and they could be called back, but questioned to what extent. Ms. Spencer stated her comments related  
297 to cases of an actual emergency (i.e. 3 alarm fire, life threatening event); not to recall people to come  
298 in to fill another forty hours. Mr. Viger believed in the history, when there is a structure fire, people  
299 come in. He said the difficulty were the EMT calls and situations that occur within a half hour. He  
300 said by the time they can make it in to the station, the call may be over. He commented that was the  
301 balance they were trying to figure out.  
302

303 Mr. Leonard thanked the Chief for the data provided to the Board, which helped to 'peel back the onion'  
304 on several different issues. He felt the issue was if the Board wanted the Chief to pursue the grant (for  
305 four firefighters) this year, or take a graduated process over the next couple years. He said there were  
306 variables to consider, such as the covered percentage and if the funding would go away. He felt the  
307 decision had to be 'for the good of the Town'. Mr. Viger stated the Chief had proven the department  
308 needed four new firefighters. The remaining question was whether they come via the grant, or over a  
309 period of time. His personal opinion was to not chase the grant and to stick to the original plan of  
310 spreading it across a few years. He said although the additional firefighters would be (virtually) free  
311 for three years; however, the burden would be too large at the end of the grant.  
312

313 Mr. Lynde was unsure how an additional four firefighters would work. Chief Midgley explained a  
314 firefighter works one day on, and three days off, with an average of 42 hours per week. With the  
315 additional firefighters, there would be one additional person per shift. Mr. Lynde questioned if there  
316 was something that could be done to improve callbacks through incentives. Chief Midgley replied the  
317 Board voted in a significant incentive package and the department was still losing call firefighters. Mr.  
318 Viger pointed out that the Town didn't have farmers that could show up; people are working outside of  
319 the Town. Chief Midgley explained how having an additional one person per shift would affect  
320 responses and allow for versatility when going out on calls.  
321

322 Mr. McDevitt believed call firefighters were unfortunately a dead issue. He said he would support the  
323 grant, although not enthusiastically. He believed they would need to hire four firefighters within four  
324 years anyway, given the growth of the community, and it would be better to let the grant pay for a  
325 portion to relieve tax payers. He didn't like the fact of paying for the whole thing at the end, but said  
326 if they didn't seek the grant they would be spending the money anyway. He wanted the people to be  
327 able to weigh in on the subject and determine what they wanted to happen at the fire station.  
328

329 Mr. Lynde inquired what funding was available. Chief Midgely replied he confirmed with the Boston  
330 FEMA office that the coverage was 75%, 75% and 35%; they hadn't heard anything about potentially  
331 revoking the funding. Mr. Viger pointed out that they would be applying for the grant and there was  
332 no guarantee they would receive it. Mr. Lynde noted the funding would basically pay for three  
333 firefighters in the first two years and one firefighter in the third year. Having the grant would basically

the same as hiring one firefighter a year, except the department would have four firefighters; in the fourth year the cost would be the same with, or without the grant.

Ms. Spencer was concerned with something happening to the grant and having it go away. She said if the Town was to move forward with its own hiring schedule they could manage the budget and still have options. She was not in favor of pursuing the grant at this time.

Mr. Lynde questioned if the warrant article was subject to grant approval. Chief Midgley answered yes, and noted the draft article was reviewed by Town Counsel. Mr. Lynde said if they were going to hire a person each year, they had nothing to lose by applying for the grant.

Mr. McDevitt made a motion to approve Article M. Mr. Lynde seconded. Mr. Viger was torn. He was concerned that the article may 'blow' up other articles, although he appreciated the Chief seeking 'free' money. He noted there was no guarantee they would be accepted for the grant.

**MOTION:** (McDevitt/Lynde) To approve Article M.

*(In summary-not complete language) Shall the Town vote to accept a FEMA grant if awarded for the purpose of hiring four fulltime firefighters. The three-year FEMA Safer Grant would cover 75% of the firefighter's usual annual cost for the first year, 75% for the second year, and 35% for the third year. At the completion of the grant program's three years, the Town would be responsible for the cost of retaining the firefighters. Further to raise and appropriate \$92,297 for the first year cost, in future years the amounts below will be included in the Town's Operating Budget and the default budget:*

*First year of grant cost to the Town: \$92,297*

*Second year of grant cost to the Town: \$92,297*

*Third year of grant cost to the Town: \$239,970*

*Yearly cost to the Town after the grant ends: \$369,185*

**VOTE:** (3-2-0) The motion carried. Mr. Viger and Ms. Spencer voted in opposition.

Mr. McDevitt believed it was critical to have a way to simplify the managing and watching response times. He felt response times should be included in the Chief's bi-weekly reports. Chief Midgley replied they hoped to have cleaner data when they moved dispatch to Londonderry because of the systems they have in place.

## **OTHER BUSINESS**

### **Discussion on hunting on Town Little Island Park**

Mr. McCarthy read aloud an email submitted to the Selectman from Mark Pultar and Stuart Robertson, which brought to the Board's attention a potential safety hazard on hunting being done on a small piece of Town property (11 acres) known as Little Island Park. The area was recently logged and not suitable hunting grounds as it is circumscribed with new homes and cottages filled with small children. The area has now become an open pathway for wildlife. The email indicates that the area is too overpopulated for hunting to be safe anymore, and requests that the Board ban all hunting on the parcel.

Mr. Viger stated that the issue had come to the Board weeks ago and they had done due diligence by having it vetted through Town Counsel and questioned the next steps. Mr. McCarthy replied in researching warrant articles from the 1990s, it was found that the parcel was controlled by the Town



and not the Forestry Committee. If the Forestry committee was responsible for the parcel they would have had to set the rules; however, being a Town parcel, the Board of Selectmen set the rules.

Mr. McCarthy noted that he lived in the area and agreed with the abutters, that it had been significantly developed in the last several years.

Mr. Lynde made a motion to ban all hunting on the 11 acre parcel informally known as Little Island Park. Ms. Spencer seconded. Mr. McDevitt suggested specifying the tax map and lot numbers. Mr. McCarthy replied he said he would take care of it and follow up and suggested that the vote indicate map and lot numbers to be determined. The motion was amended to include Mr. McCarthy's suggestion.

**MOTION:** (Lynde/Spencer) To ban all hunting on the 11 acre parcel (map and lot numbers to be determined) informally known as Little Island Park.

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

Mr. McCarthy told the Board he would take care of working with the abutters and ensuring the area was properly posted.

#### **Vote on Town Warrant Articles**

The Board reviewed the list of proposed warrant articles for the 2018 ballot (*for specific wording contact the Selectmen's Office*).

- A. \$1.5 million to purchase land and easements for conservation purposes, with \$15,000 for the first year's interest/costs.

Mr. Lynde suggested that the Voter's Guide show the history of how the previous bond was used. Mr. McCarthy noted that the article had been reviewed by Town Counsel as well as a bond attorney. There was a brief discussion regarding what articles require review by bond counsel.

**MOTION:** (Spencer/Lynde) To approve Article A.

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

- B. \$300,000 to be placed in the previously established Highway Maintenance Capital Reserve Fund – for constructing a highway maintenance facility.

Mr. Viger noted the existing fund contained \$150,000. Mr. McDevitt questioned if they could take the money from the fund balance. Mr. Lynde felt they should consider taking the money out of the fund balance when they construct the building. Mr. Viger noted the project may cost approximately one million dollars and having \$450,000 would allow them to get a lot of things done including site work. He said they could then take money from the fund balance to finish the project. He would prefer to use the fund balance for tax burden projects such as this, rather than use it just to offset taxes. A warrant article would be required to spend money from the fund balance. Mr. Lynde said normally they have a fixed amount so they can explain to voters what amount will be raised, and what amount will come from the fund balance. Mr. McDevitt noted they could adjust the figures during Deliberative Session, as long as they let the Budget Committee know what they were doing.

Mr. Viger questioned if they should remove the proposed article and have an article to withdraw \$1 million from the fund balance for the project. He questioned if that would be enough for the garage. Mr. McCarthy believed it would be. He hoped to get the second half number low. He told the Board there were a lot things the Highway Department could do on their own to keep the cost of the building low. He felt raising the \$450,000 in the fund would get the project around the half way point. He said the total project number was not known until they could have the designs and estimates in. Mr. Viger didn't feel they could take money from the fund balance until they had a firm number. Mr. McCarthy suggested keeping the warrant article. He said there might be opportunities later so they don't have to touch the fund balance. He said he would like to have money set aside to get as much work done as possible.

Mr. McDevitt was concerned with the article not passing due to having other articles containing big numbers. He said he was in favor of the article, but feared it wouldn't pass unless they took it from the fund balance. Ms. Spencer commented that a portion of the fund balance was used each year to lower the tax rate. She said whether the money was taken from the fund balance today, or money was being raised and put back into the fund balance at a later date, they would be doing the same thing. She didn't feel there was a difference in either using the fund balance now, or using it to defray the tax rate later because it was the same money.

Mr. Leonard wanted to know if they would still be able to spend from the capital reserve if the article failed. Mr. Viger replied they needed a warrant article to spend from the capital reserve. Mr. Lynde noted that the current balance could be spent. Mr. Viger stated the current balance was already approved.

The Board discussed how to proceed and decided to keep the article as a placeholder for reconsideration, when the decision will be made to either amend the numbers, or indicate money would come from the fund balance.

**MOTION:** (McDevitt/Spencer) To approve Article B.

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

C. \$300,000 to be placed in a Municipal Building heating system capital reserve fund to replace the existing heating system. (boiler replacement project)

Mr. Lynde questioned if there was an existing fund; if not a fund would have to be created. The article should be written to create the fund and to raise funds to be placed in it.

Mr. Viger asked about the status of the energy audit and questioned if the article was needed. Mr. McCarthy told the Board he would not be opposed to removing the article because the company he was currently speaking with offers a lease program. He said they could get all the needed equipment to convert the system to natural gas and get the building zoned properly for an annual lease payment. He added that there would be no upfront cost.

Mr. McCarthy stated when the article was put together they hadn't yet met with the energy audit company. Mr. Viger commented that they asked the company to review installing sprinklers in the main building and were advised that doing so would change the energy rebate ratio. He said the company offered to price it separately. Mr. McCarthy told the Board that the goal was to take care of the project with little to no out-of-pocket cost.

The company will provide an estimate prior to reconsideration. The article will remain for the time being, although Mr. McCarthy had no opposition to removing it from the warrant.

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D. Police contract – 5 year collective bargaining agreement (2018-2022) ratified by the union and the Selectmen.

**MOTION:** To approve Article D.

**VOTE:** (5-0-0) The motion carried.  
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E. Sell Town owned property Map 22 Lot 8-146, approximately .098 acre parcel located off 7 Greenwood Street for \$3,800. Proceeds of the sale to be placed into the Conservation Fund.

Mr. Viger noted the property was located next to the Senior Center. Mr. McDevitt understood that Town Counsel advised against granting an easement for concerns of creating a long-term liability. He spoke about the area and surrounding homes and felt the cost may be a lot to ask and understood having the additional land would raise the owner's property tax approximately \$222/year. He was in favor of doing something and felt granting an easement for a modest sum would be a better idea. If the Board decides to sell the property, he would suggest selling it for a smaller sum. Mr. Viger heard Mr. McDevitt's point and felt the Board should address things on a case by case basis, since some would benefit from an easement and others wouldn't. He stated Mr. McCarthy had been in contact with the purchaser and the amount of money had been agreed to.

Mr. Lynde stated it was Town property and they should get a value for it. Mr. Viger replied they got the value from the assessor's department. During his time on the Board, Mr. Leonard felt determining value by using the assessor's records seemed to be the 'rule of thumb'.

**MOTION:** To approve Article E.

**VOTE:** (4-1-0) The motion carried. Mr. McDevitt voted in opposition.  
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F. Highway Block Grant - \$321,583.

**MOTION:** To approve Article F.

**VOTE:** (5-0-0) The motion carried.  
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G. To change the office of Town Treasurer from elected to appointed position in accordance with RSA 41:26,E.

Mr. Viger clarified if the article passes, the Treasurer would hold the office until the following year, at which point a Treasurer will be appointed by the Selectmen. It was noted that the current Treasurer was in favor the article. Ms. Spencer questioned if the current Treasurer could be appointed. Mr. Viger answered yes.

**MOTION:** To approve Article G.

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

H. Elderly Exemption amendment.

Mr. Leonard questioned if consideration was given to the length of time a person resided in Town. Mr. McDevitt replied the wording was statutory; the only requirement was a person must be a resident in the State of New Hampshire for a certain amount of time.

**MOTION:** To approve Article H.

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

I. Discontinue Capital Reserve Funds.

**MOTION:** To approve Article I.

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

J. Forestry Committee - \$36,300 from the forestry fund for maintenance.

**MOTION:** To approve Article J.

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

K. Keno article.

To include the article on the warrant with a statement that it was submitted without recommendation of the Board of Selectmen.

L. \$2,000,000 for two roundabouts at the intersections of Mammoth Road/Sherburne Road and Mammoth Road/Marsh Road. Appropriation will be offset by a congestion mitigation air quality grant in the amount of \$1,200,000.

Mr. Viger summarized the article and stated that the project was estimated to cost \$2,000,000, of which the Town was obligated to have a warrant to be able to apply for the grant. Mr. Lynde understood there were funds available from exactions. Mr. McDevitt mentioned there may be other ways to offset the cost, such as adding \$5 to each automobile registration for a specific amount of time, under the State transportation law. Mr. Viger replied they needed the article to apply for the grant. Mr. McDevitt said he would support the article. Mr. Viger commented the article reflected what the Board supported during their previous meeting.

Mr. Leonard understood that the Board voted on roundabouts with the idea that if studies showed traffic lights were better, the proposal could change. He questioned if the article should be more generic in terms of the proposal. Mr. Viger believed they submitted the proposed figure because it was the maximum cost for the intersection proposals reviewed. Mr. McDevitt was amenable to changing the

article prior to posting the warrant if they receive other information. Mr. Viger added that they could indicate they would take the \$800,000 from the general fund. Mr. Lynde stated they knew there was approximately \$130,000 (in an exaction fund) and could get an estimate from the Planning Department of how much more they would be receiving.

Ms. Spencer recalled that the Board came to an agreement that the project could be traffic lights, or roundabouts, but didn't believe the article could have the article read that way because it wouldn't satisfy the requirements of the grant. Mr. Viger said that was correct; they had to put in a higher amount, or chosen amount. Ms. Spencer liked Mr. McDevitt's idea of a registration fee being dedicated to the proposed use rather than raising the money by taxation. She asked if it was too late to include such within the article. Mr. Viger replied that would be two separate articles. Mr. McDevitt said the voters would have to decide whether to tax themselves or not with a \$5 fee; however, it couldn't be included in the article because they wouldn't have an exact number.

There was further discussion, and Mr. Lynde suggested including language in the article that stated the \$800,000 would be offset by a combination of exaction fees (collected from development), potential revenue from the State, and revenue from the fund balance. Mr. McDevitt noted that they had a dollar figure for the exaction fees, which he believed was \$130,000. He said there was no reason they couldn't include language indicating such in the article. He wasn't in favor of taking money from the fund balance. Mr. McCarthy said the money from the State for roads and bridges was being used for the current Nashua Road project.

Mr. McDevitt offered an amendment to the article as follows: after the words '*general taxation*' Add: '*to be offset by exaction fees on deposit of \$130,000*'. He noted if the amount was not correct, it could be amended. Ms. Spencer seconded. Mr. McCarthy noted that the Planning Director had been authorized by the Board to take engineering study fees from the exaction fund for the project.

**MOTION:** (McDevitt/Spencer) To approve Article L as amended.

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

#### **Discussion on setting the tax rate**

Mr. Lynde provided the Board with an information sheet based on the Department of Revenue figures without an overlay or fund balance. He discussed calculations he had done to show projected tax rates with and without an overlay and use of different fund balance amounts. In looking at expenditures to date, he translated the amount to be a surplus of approximately \$2 million, although he hasn't yet looked at revenues. He said it should be at least \$1.5 million. Mr. McCarthy felt that would be a safe guess. He said they currently had approximately \$5.5 million in the fund balance.

Using \$1.5 million figure, there would be an increase of \$.61 on the whole tax rate, which represents 2.91% increase. The Selectmen were unanimously in favor of Mr. Lynde's recommendation. By voice vote (5-0-0).

#### **Deliberative Session dates**

**MOTION:** (McDevitt/Lynde) To set the Town Deliberative date for February 6, 2018 beginning at 7pm in Sherburne Hall.

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

**Discussion on Tuscan Village traffic engineer**

Mr. Lynde understood Salem, NH was moving ahead with their view of traffic and Pelham has no one 'at the table' for the discussions. He said Pelham didn't have the expertise to deal with the situation and felt they should because Salem wasn't reviewing traffic from Hudson, Nashua, Pelham, etc. Mr. Lynde stated the Town needed someone credible that could take their side and represent us during the process. He explained Pelham had to 'be in the game' because decisions were being made on traffic issues and there were comments made that traffic to Pelham would be minimal.

Mr. Viger wanted to know if Salem would receive data collected by Pelham, listen to it and utilize it. Mr. Lynde believed Salem agreed that the project was of regional impact and Pelham had a right to have a say. He couldn't judge whether or not they would pay attention to it. He said if Pelham didn't put anything forward, they would have to take what they get.

Mr. McDevitt supported Mr. Lynde's suggestion. He said Salem had an engineer that was producing numbers for Salem and the developers, not for Pelham. He felt it was imperative for Pelham to hire someone as a traffic engineer and they would be letting the Town down if they didn't have a seat at the table. Mr. McDevitt stated they had to hire someone and pay for it this year. Mr. Viger questioned if it should go out to bid. Mr. McDevitt replied they may not have time. Mr. Lynde suggested speaking with Nashua Regional Planning Commission for recommendations.

Mr. Lynde volunteered to contact NRPC and Keach Nordstrom for traffic engineer recommendations. There was no objection. Mr. McDevitt felt any cost should be paid for from the Planning Department budget, with the understanding that their budget would be pushed up. Mr. Viger replied the Board could discuss it when it came up.

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. McDevitt asked that an agenda item be added for the next meeting to discuss the approximate 120 Town ornamental trees. He said a proposal was received for \$27,000. He believed there was funding within the Village Green Tree Fund that could be used. He also understood that the Recreational Revolving Fund included maintenance, and since a number of trees were located at Muldoon Park, the fund could be used. He wanted to check if they could withdraw some money out of the fund. He said the full discussion could wait until the next meeting, and will possibly request adding a number to the Town Building's budget.

Mr. McDevitt then spoke about a recent Zoning Board case that dealt with land sold (by warrant article) to an abutter approximately 3-4 years ago. He commented that they approved the land as a building lot, but the wording discussed at the meeting and put into the Voter's Guide was that it would be added to the abutter's land and not a building lot. He said he'd done some research and needed to do more. He commented that it came across that the Town was disingenuous, or that they had done a favor for somebody. Mr. McDevitt said he may be in a position to recommend to the Board that they consider a rehearing for the decision.

Mr. McDevitt informed that the Treasurer found a number of things in the books with notations that needed to be clarified and cleaned up. He and Mr. Lynde volunteered to sit down with the Treasurer and Mr. McCarthy to review the books, and bring information and their findings back the Board.

**REQUEST FOR NON-PUBLIC SESSION**

BOARD OF SELECTMEN MEETING/October 24, 2017

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

**ROLL CALL:** Mr. Viger-Yes; Ms. Spencer-Yes; Mr. McDevitt-Yes; Mr. Leonard-Yes;  
Mr. Lynde-Yes

637 It was noted that when the Board returned, after the non-public session, the Board would not take any  
638 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
639 meeting. The Board entered into a non-public session at approximately 9:36pm.  
640

**MOTION:** ( ) To leave non-public session.

**VOTE:** The motion carried.

641  
642 The Board returned to public session at approximately pm  
643  
644 Non-Public minutes were not sealed.  
645

646 **ADJOURNMENT**

647  
648 The meeting was adjourned at approximately pm.  
649

650 Respectfully submitted,  
651 Charity A. Landry  
652 Recording Secretary  
653