

**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
December 19, 2017
APPROVED – January 23, 2018**

CALL TO ORDER - approximately 6:30PM

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

ABSENT: Mr. Paul Leonard

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

December 5, 2017

MOTION: (McDevitt/Lynde) To approve the December 5, 2017 meeting minutes as amended.

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

ANNOUNCEMENT(S)

- Town offices and Transfer Station will be closed Monday, December 25, 2017 for Christmas and Monday, January 1, 2018 for New Year

OPEN FORUM

Ms. Sabina Chen, 23 Yellow Wood Drive, Chair of Pelham Democrats followed up from her discussion at the last meeting, when she requested the Board look into the possibility of holding a special election to fill Shawn Jasper's vacant seat for Hillsborough District 37. She learned that in order to coincide with Town Meeting (March 13, 2018) a request must be submitted 80 days in advance of the election to the State Executive Council. She noted Hudson, NH had voted against doing so. She also noted if a special election was held, the person elected would only serve for two legislative months. There was a brief discussion regarding the requirements. Mr. Lynde spoke about the process and said it would be good to do, but at the same time wasn't sure there was a lot that would be gained by doing so. Mr. McDevitt was not in favor of doing so. It was late in the legislative session since the person elected would only serve for two months. Mr. Viger discussed the cost of holding a special election.

MOTION: (McDevitt/Lynde) To pass on (not conduct) a Special Election.

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

APPOINTMENT(S)

Planning Director Jeff Gowan: Helgemoe update

Mr. Gowan stated there had been growing concern about the barn that had become more and more dilapidated. On September 5th the Building Inspector, Code Enforcement Officer and an attorney from Town Counsel's office of Donahue Tucker Ciandella drafted a cease and desist letter demanding that the structure be brought back to a safe condition, or be razed and removed by September 30th. He said the barn was posted with a 'condemned' placard. The Code Officer hand delivered the notice. There has been no response from the property owner. He indicated that Attorney Ratigan rendered an opinion and provided two options: 1) RSA 155-B Order that allows the Selectmen to take action to remove the structure. A title search was done in the event the Town needed to lien the property, or 2) Seek daily fines that have accrued, including attorney fees. Mr. Gowan understood the Selectmen had received a detailed legal opinion to discuss in non-public.

Mr. Lynde understood the major concern was the barn collapsing and someone getting hurt. He asked if it was possible to have barriers erected as a temporary solution. Mr. McCarthy replied they could look at that option. If the barn collapses, Mr. Lynde asked if they could require that the material be removed. Mr. Gowan replied there wasn't much of the barn remaining and most of the structure had collapsed. He said it was difficult to secure the area and felt it was an attractive nuisance. He believed Attorney Ratigan could provide information for additional options.

Warrant Article – Old County Road

There was a brief discussion regarding Old County Road. A resident (at the replaced farmhouse) requested that the public way be ended prior to their property line. Trucks and vehicles were entering their driveway and using it as a cul-de-sac. Mr. McCarthy stated the owner would like to put a gate to keep regular traffic out. In the meantime, the Highway Agent has put a turn-around in for vehicles to turn around safely and not use the property. He said he drafted a warrant article with Mr. Gowan and it received approval from Attorney Ratigan. Mr. Gowan discussed the history of the discontinuance and the property in the area. He said they measured the distance from Mammoth Road to adequately describe the discontinuance location.

Mr. McDevitt explained that the current road ended at the homeowner's driveway, and the request was to pull it further back than it was in 1972. He believed the homeowner may own the land.

Mr. Viger read aloud the proposed warrant article for Old County Road. Mr. Gowan offered a minor amendment to the description of the location.

MOTION: (Lynde/McDevitt) To submit the warrant article as amended.

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

Mr. Lynde spoke about the Congestion Mitigation Air Quality Grant application (for Sherburne Road/Mammoth Road/Marsh Road intersections) and the conditions for such. He understood Mr. Gowan was the 'point person' for the Town and suggested there was a need for a qualified backup person (with Local Project Administration certification) appointed as an alternate to fill the spot. Mr. Gowan agreed it would be a good idea to have someone else certified. Mr. McCarthy volunteered to become qualified as the backup. Mr. Gowan spoke about the process they would need to follow to get the project started. He stated there would be more information to come if the Town was awarded the grant.

Highway Road Agent Frank Ferreira: Encumbering funds and a request to purchase a sander for a highway vehicle & a discussion on the Sherburne Road snow issues

Mr. McCarthy stated that the Sherburne Road/Mammoth Road intersection was a problem area and he had spoken with the Department of Transportation ('DOT') to try to resolve the plowing issues. He initially thought the meeting went well; their argument was the State trucks work other communities before getting to Pelham. One solution was to have a shed in, or near Pelham; there was Town-owned property off Mammoth Road, but the DOT replied they didn't have funding to construct a shed. Mr. McCarthy stated the Town's response (at this time) was to have the Highway Department plow the road while the Town continues to address the situation with the State.

Mr. Ferreira provided information and discussed his request to purchase a 7ft. stainless steel (electric controlled) spreader from H.P. Fairfields to be attached to his vehicle for a cost of \$3,800. *(clarification during January 23, 2018 meeting - for the pupose of sanding Sherburne Road if the State doesn't get there in a timely basis)*

Mr. McDevitt was in support of the request. It was noted that the funding would come out of this year's budget. There were no objections.

Mr. Ferreira then discussed his request to purchase a line painting machine, rather than hiring in a contractor. He said by doing it themselves, they had the ability to safely schedule line painting during the day. The cost for the machine is \$3,715. He said the machine would pay for itself after the first year. The intention was to purchase the Line Lazer 3400 hand line painter machine from PMSI Paving Maintenance Supply, Inc. using this year's budget. There were no objections. Mr. Ferreira said the only thing else he would need to purchase were templates.

State Representative Greg Smith: Sherburne Road plowing discussion & HB 324 update (Utility taxation/assessment).

Representative Smith spoke about a State shed being located in Pelham. He understood land had been allocated for a shed and said the next step was to determine how to have the shed built by the State, or to discuss other options. He said sometimes the State had money at the end of the year but they needed to understand the next steps. He believed Representative Lynne Ober would assist. Mr. McCarthy noted the lot was in the area of Industrial Drive. He believed three acres would satisfy the requirements. He said if the Town provided the land, the State would possibly provide the vehicle and the staff. Mr. Lynde said it was key to have the State commit to staff it. Representative Smith suggested the Town have a plan to present the State to help push the project in the right direction. He said he would work with Mr. McCarthy in conversations with the State.

Representative Smith discussed HB324, known as the Utility Valuation Bill. He said the idea of the bill was to have a uniform way of valuing utility property across the State. He spoke about the outcome, which was the creation of a study commission that essentially pushed the process out 2-3 years. He believed it would have a hard time coming back. Mr. Lynde discussed his understanding of the valuation process. He appreciated Representative Smith's work to get the bill into study.

The third item Representative Smith spoke about was the sexual assault charge against Representative Eric Schline of Hudson, NH. He discussed his personal feeling that it may be worthwhile for the Selectmen to send Representative Schline a letter stating the Board had lost confidence in him, and requested that he step down. He said he would draft a letter for consideration. Informally, Hudson, NH is waiting until the court rules. Mr. Lynde understood the concern and could see the Board sending a letter to the House saying they were concerned about the alleged behavior, and ask them to take appropriate action. Representative Smith felt that would be reasonable.

Ms. Spencer wanted to be clear on the distinction between the criminal charges and the poor judgement of the acts. She said if the Board were to write a letter it wouldn't be on the criminal allegations, it would be on the indisputable facts. Representative Smith will forward a draft letter to the Board for review and consideration.

The last item Representative Smith discussed was the possibility that he would not running again due to his work obligations. He noted there was a bill filed to make Pelham its own district, however he felt Pelham would end up remaining with Hudson.

The Board thanked Representative Smith for speaking with them.

OTHER BUSINESS

BOS to sign the Emergency Dispatch Agreement between Pelham & Londonderry Fire Departments.

Mr. McCarthy believed the first time the item came to the Board was June. He said dispatch was going to move from Pelham to Londonderry and the transition was pushed back. Chief James Midgely indicated that the proposed agreement had gone to Town Counsel and Londonderry's Counsel. The Board had the final draft for review, which was basically the same, except for a change in the implementation date.

Ms. Spencer wanted to know what had been done to ameliorate the concerns to ensure everything runs smoothly. Chief Midgely said the original concern was the Town's eviction from the tower. He said the pressing situation was to find an alternative tower to locate on. He discussed the legal and contractual challenges. He then spoke about the technology and equipment difficulties they had to overcome. He was comfortable at this point that all the pieces were in place with back-ups. Ms. Spencer appreciated the work the Chief had done to get the systems in place.

Chief Midgely discussed the E911 dispatching through Londonderry. He was in the process of drafting a letter to Police Chief Roark outlining the complete procedure that would be required.

Mr. McDevitt said he would like to be involved with the education of Seniors in the community regarding E911. Chief Midgely also spoke about the types of reports that could be generated with the new system.

Mr. Viger asked about the status of the SAFER Grant. Chief Midgely replied that the grant opening was delayed, but would open in 2018 for 2017 monies. He noted the surrounding areas had been successful in being awarded.

The Selectmen signed the Emergency Dispatch Agreement.

Discussion and re vote on an updated default budget total.

Mr. McCarthy explained after the Selectmen voted on the default budget, the Finance Director reviewed the figures and came up with a revised number of \$15,264,636 and asked that the Board re-vote on the 2018 default figure.

MOTION: (McDevitt/Lynde) To approve \$15,264,636 as the Default Budget for 2018.

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

Discussion and vote on a request to expend funds from FY2017 budget for non-budgeted items.

Mr. McCarthy provided a memo for the Selectmen's consideration of items being requested to purchase from the 2017 budget. He noted he had surplus to cover the proposed expenditures. He also explained the reasons behind each of the requests.

- 1) Replace existing copiers in Parks and Recreation and Town Clerk, and purchase a copier for Senior Center – total cost \$27,137.

MOTION: (McDevitt/Lynde) To approve the expenditure of \$27,137 out of the 2017 budget for the purpose of purchasing copy machines at Parks and Recreation, Town Clerk and Senior Center.

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

- 2) Replace failed air conditioning unit in IT room - \$2,200.

MOTION: (McDevitt/Spencer) To approve the expenditure of \$2,200 (from 2017 budget) for the replacement of failed air conditioner in IT room.

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

- 3) Purchase six tablets for Selectmen and Town Administrator (for computer security and confidentiality)- \$6,600.

MOTION: (Spencer/McDevitt) To approve expenditure of \$6,600 (from the 2017 budget) for the purpose of purchasing six tablets for the Board of Selectmen and Town Administrator.

VOTE: (3-0-1) The motion carried. Mr. Lynde abstained (he stepped away for a moment)

Discussion and vote on updated encumbrances and adding 14,800 for the Ornamental Tree Project.

Mr. Viger said the Board voted during the last meeting to expend the money out of the 2017 budget to pay the contract all at one time for the Ornamental Tree project; however, Town Counsel advised to pay in increments and not expend the money at one time.

MOTION: (Lynde/McDevitt) To encumber \$14,800 (for the Ornamental Tree Project) from the 2017 into the 2018 budget.

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

It was noted that the Selectmen previously approved \$298,620 as the amount encumbered from the 2017 budget; that number has now been amended to be \$313,420.

Discussion and vote on reconsideration items.

Mr. McCarthy provided the Board with information of items for reconsideration. The Board reviewed the spreadsheet and the adjustments that had been made.

1) Fuel increased: \$3.00 gas / \$3.50 diesel

Mr. McCarthy noted that adjustments had been made throughout the budget. There was a brief discussion regarding prices and projections and how the proposed number was determined. The current amount in the budget was \$2.15 gas / \$2.75 diesel. The Selectmen decided to keep the cost as it was currently listed in the budget and not amend the gas and diesel figures.

2) Insurance decreased (majority from decrease in Workman's Compensation).

3) Correction to Highway Maintenance – adjustments to deferred salary until after the budget.

4) Police Cruiser number adjusted.

5) Comcast had additional fees.

There was a brief discussion regarding the figure for reconsideration. Mr. McCarthy understood that the Selectmen would adjust the default number based on the current fuel prices budgeted for. The reconsideration total was \$15,652,470 minus the fuel increases, which would be level funded from last year.

MOTION: (Spencer/McDevitt) To approve \$15,652,470, less the total amount of the fuel increases.

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

Discussion and vote on adding warrant articles (Boiler Replacement) to the 2018 Warrant.

Mr. Viger stated at the Board's last meeting they discussed the dollar amount and how the boiler replacement would be proposed; however, they weren't comfortable without a written warrant article. An article had been drafted and vetted by Town Counsel.

Mr. Viger read aloud the proposed article. Mr. McCarthy wanted the Board to understand that the article would need to be reviewed and approved by the Department of Revenue Administration ('DRA'). The Selectmen understood that the DRA may make minor wording adjustments.

MOTION: (McDevitt/Spencer) To approve the article as written (understanding that the DRA would review).

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

Discussion regarding redistricting

Mr. Lynde spoke about redistricting. He had a tabulation of who represented Pelham (State Representatives) during the last twenty years. He discussed the history of redistricting within the State and provided the Board with the rules for determining the number of representatives per district. He wanted to bring the issue of Pelham not having its own representatives to court. Ms. Spencer felt before the Board made a decision and voted, they should seek Town Counsel's opinion. Mr. Lynde said he would 'carry the ball' and wouldn't ask the Town to pay for filings or anything else. He was asking permission to put the Town's name on it. Ms. Spencer felt they would have to be involved if the suit would be in the name of the Town. She reiterated that they should get Town Counsel's opinion. The Selectmen had no objection to Mr. Lynde speaking to Town Counsel on their behalf.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. McDevitt spoke about a non-denominational charity that assisted families in need and found it heartwarming that people had come forward asking if they could help, without being asked.

Mr. Lynde discussed the Planning Board's work session regarding zoning amendments. He said they were planning to move forward with two amendments: 1) Conservation Subdivisions, and 2) Elderly Housing. He summarized the proposed changes. The first public hearing was scheduled for January 4, 2018.

Ms. Spencer wished everyone a healthy and happy holiday season and happy new year.

REQUEST FOR NON-PUBLIC SESSION

MOTION: (Lynde/McDevitt) 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. Lynde-Yes

It was noted that when the Board returned, after the non-public session, the Board would not take any other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 8:55pm.

MOTION: (McDevitt/Viger) To leave non-public session.

VOTE: (4-0-0) The motion carried. Mr. Leonard was absent.

The Board returned to public session at approximately 9:26pm

MOTION: To indefinitely seal the non-public meeting minutes.

VOTE: (4-0-0) The motion carried. Mr. Leonard was absent.

ADJOURNMENT

The meeting was adjourned at approximately 9:27pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary