

APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
September 3, 2013
APPROVED – September 17, 2013

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Robert Haverty, Mr. Doug Viger, Town Administrator Tom Gaydos

ABSENT: Mr. Hal Lynde (due to a prior commitment)

PLEDGE OF ALLEGIANCE

MINUTES REVIEW:

August 27, 2013

MOTION: (Viger/Haverty) To approve the August 27, 2013 public meeting minutes as amended.

VOTE: (3-0-1) The motion carried. Mr. McDevitt abstained.

ANNOUNCEMENT(S):

- **EEE Detected in Pelham on August 30, 2013 – Public Notice Posted**

Mr. Gleason noted that there was an instance of EEE being found in Pelham again for the second time. It was his understanding that it was found in some mosquitos and necessary precautions have been taken. A company had come in and begun spraying Town fields and school grounds at no cost because Pelham was a good customer. Residents are asked to take appropriate precautions and protection. Mr. Gaydos added that residents should wear insect repellant when they go outdoors.

OPEN FORUM:

Mr. Paul McDonough, 29 Mammoth Road came forward and spoke about a situation involving a Police officer. He understood the legality of the situation and that specifics could not be discussed. He had confidence in the Police Chief and hoped that the officer involved in the situation would be accommodated in the event he was to leave the Town and go to another department. Mr. Gleason stated it was a sensitive issue currently under discussion by the Selectmen. He appreciated hearing from Mr. McDonough.

DISCUSSION

Mr. Gleason made the public aware that the Town had two pending lawsuits. The first is Fair Point suing the Town regarding the tax placed on poles. Mr. Gaydos explained that the legislature had previously disqualified poles for telephone companies. They then found to be unfair that utility poles were being taxed, and telephone poles were not. The statutes were amended. Mr. Gaydos said there

43 were a lot of conflicting lawsuits going on at that time. It's Fair Point's opinion that the Town didn't
44 have the right to tax the poles and conduits and the Town's opinion that they did have that right. He
45 said the situation was not limited to Pelham, it was happening State wide. Mr. Gleason said due to
46 the situation, the Town would have to spend money defending itself.

47
48 Mr. Gleason said the second issue was Surrey Lane. He said a request had been received to stop
49 work. Mr. Gaydos explained that the Fox family residing on Surrey Lane had known for some time
50 that the Town intended to extend Surrey Lane, which was laid out many years ago. He said
51 preliminary work had begun in the area and the Fox family had asked the court to schedule a hearing
52 on or before September 23rd to ask that the project be halted until all of their questions were
53 answered.

54
55 In light of the two suits, Mr. Gleason questioned if the Legal budget was in jeopardy. Mr. Gaydos
56 didn't believe so. It was his opinion that the Town would be entering Motions to Dismiss for both
57 cases based on prior decisions. Mr. Gleason said he raised the discussion so taxpayers are aware of
58 the amount of suits that come to the Town resulting in the expenditure of funds. Mr. Gaydos found it
59 interesting in the Surrey Lane case that mentioned there would be no hardship for the Town. He said
60 he would speak to Town Counsel because it would be a hardship on the Town if the job could not get
61 completed for the price it was bid.

62
63 **PUBLIC HEARING:**

64
65 **1st of Two Public Hearings in accordance with RSA 36-A, regarding a proposal to purchase**
66 **property of approximately 56.50 acres, defined as Map 33 Lot 2-61, Old County Road. This lot**
67 **is being acquired for use as conservation land.**

68
69 Paul Gagnon, representing the Conservation Commission and Forestry Committee, and Karen
70 MacKay of the Conservation Commission came forward for the discussion. Mr. Gagnon discussed
71 the property located at the end of Old County Road, which was currently a 70acre farm with existing
72 barns and a farm house. The proposal is to divide the parcel into two pieces; a 13 acre piece
73 containing the home, the barns and a stock pond that could be purchased by someone (other than the
74 Town) and the remaining 56.5 acres (abutting currently owned conservation land) would be
75 purchased for conservation land. There had been a developer interested in purchasing the parcel, but
76 when they backed out it gave the Conservation Commission the ability to pursue purchasing the land.

77
78 Mr. Gagnon showed a map of the Town and where the proposed parcel was located and outlined the
79 abutting parcels owned by the Town. The proposed parcel would have 100ft of frontage on Old
80 County Road providing access for maintenance and foresting. A forester has classified the timber as
81 being above average and largely oak. He noted there was a significant amount of field that was cut
82 once a year and hayed. Mr. Gagnon said with the purchase of the proposed property, the Town would
83 have a continuous 600 acre parcel. He said the Planning Board had not yet approved the subdivision
84 of the parcel, but it was on their next agenda. He hoped they would grant approval, so the Selectmen
85 could conduct their second public hearing at their next meeting in two weeks. The Conservation
86 Commission has held their public meeting and voted unanimously in favor of purchasing the parcel.
87 Mr. Gagnon said the appraiser reviewed the property and appraised it at \$310,000, which calculated
88 out to approximately \$5,500 per acre. He said they normally target purchases for approximately
89 \$7,000 per acre, so in this case the Commission felt good about the figure. The parcel met all the
90 open space selection criteria. He noted that less than 10% of the parcel was wet and went on to
91 discuss the topography. He reviewed a spread sheet that listed all the land purchases beginning in
92 2002 through the present.

Mr. Viger said the Conservation Commission and Forestry Committee's efforts should be thanked and congratulated. He said it was exciting to see the parcels connecting. Mr. McDevitt echoed Mr. Viger's comments. Mr. Gagnon noted after the purchase of the proposed parcel they will have spent 2/3 of the bond; however they would be 80% of the way to their goal of purchasing 1,000 acres. He also noted that they had applied for an LCHP grant to have 1/3 of the purchase price (\$88,000) returned on the parcel they recently purchased. Mr. Gleason also agreed with Mr. Viger's comments and commended the group and extended the Selectmen's gratitude for remaining fiscally responsible as well.

The second public hearing will be held in two weeks.

PUBLIC INPUT

Mr. Paul McDonough, 29 Mammoth Road came forward and spoke in favor of the purchase. He appreciated the positive accomplishments of the committees.

APPOINTMENT(S):

Ryan Cummings, Eagle Scout Candidate – Presentation on proposed Eagle Scout Project for a Kiosk at Muldoon Park

Troop 610 Life Scout Ryan Cummings came forward with his project coach Rodney Thompson, who was also an adult leader of the Troop. Scout Cummings gave a power point presentation of his proposed project. He was looking to build an information kiosk at Muldoon Park with a map on one side and a bulletin board on the other. He felt having the map would be helpful to people coming into the park so they could easily find field locations. He spoke with the Parks & Recreation Director Brian Johnson about the project, which was proposed to be completed by November, 2013. The cost for the whole project was approximately \$450; a cost breakout was provided in the Selectmen's information package.

Mr. Viger asked when Scout Cummings would be turning eighteen. Scout Cummings said he would turn eighteen in 2015. He said in the past the Selectmen had met with scouts at the crisis timeframe. He said it was a pleasure meeting with a scout that had given forethought and planning. It was noted that the proposed project would be under \$500 and not be subject to the donation policy. Mr. Gleason wanted to ensure that the project was done in coordination with the Parks & Recreation Director and Planning Department (for any necessary permits).

Mr. Viger commented that there was a Trust Fund specifically for Eagle Scout projects. If interested, they should contact the Trustee of the Trust Funds. Mr. Gleason believed there had already been a scout project approved for this year.

MOTION: To approve the proposed Eagle Scout project presented by Eagle Scout Candidate Ryan Cummings of Troop 610.

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

Stan Walczak, Transfer Station Director – Transfer Station Regulations Update

138 Mr. Walczak came forward. He said a revised policy had been submitted to the Selectmen for
139 review. The policy was last updated in 2008 and there have been changes to the facility since then,
140 mainly in the recycling aspect. Mr. Walczak highlighted the amendments.

141
142 Mr. McDevitt asked that the policy/signage not contain acronyms. He asked for a clarification of
143 acceptable items and pointed out examples. Mr. Walczak will do so. Mr. McDevitt asked that the
144 hours of operation reflect the hours the public can access the facility, not the time the employees are
145 present. He questioned if flower pots were acceptable. Mr. Walczak said they took a majority of
146 them. Mr. McDevitt wanted to know if pizza boxes were accepted. He said in the past they weren't
147 because they contained grease. Mr. Walczak said they accept pizza boxes.

148
149 Mr. Gleason wanted to know if they had effectively communicated that the facility would be open
150 after a holiday. Mr. Walczak said in the past there had been some confusion, but going forward they
151 would be open after holidays. He said they would communicate that message to the public.

152
153 Mr. Walczak said he would amend the policy based on the discussion and forward for review at the
154 next Selectmen's meeting.

155
156 The Selectmen then discussed the proposed change of traffic flow, which had been reviewed by the
157 Highway Safety Committee. Mr. Walczak commented that the conveyor would be installed in the
158 next month. They have also reviewed utilizing all seven bay windows of the facility. The proposal is
159 to have vehicles back up to the windows. The Highway Safety Committee was in agreement with the
160 proposal. They recommended the backing lines be lengthened to 15ft. and to professionally line the
161 lane barrier and add reflective poles. The cost to implement the recommendations is approximately
162 \$1,100. The residents will receive information two weeks prior to the changes being made, which
163 will give the opportunity to answer any questions.

164
165 Mr. Gleason asked if the siding on the building had been taken care of. Mr. Walczak it had not
166 started yet, but would begin the week after the conveyor was installed. Mr. Gleason wanted to know
167 if the Highway Safety Committee had a problem with people backing up to the building. Mr.
168 Walczak described the traffic pattern and noted there was a common area for people to utilize before
169 backing into the lanes. He said they would help people transition.

170
171 Mr. Haverty asked how many people came through the facility on an average week. Mr. Walczak
172 said Tuesdays they average 900-1000, Wednesday slightly lower at 450, Thursday/Friday each 500-
173 700 and Saturdays have been as high as 1500. Mr. Haverty commented that the Town asks Planning
174 Board applicant's for more detailed information during review than what the Selectmen have
175 received. He questioned if the Town engineer should review the proposed plan given the number of
176 vehicles accessing the site. He said it may offer the Town liability protection to have such review.
177 He said if it was a business (i.e. gas station, restaurant) the Town would have them do a study of the
178 parking lot. Mr. Gleason's recalled in the past vehicles backed up to the facility. Mr. Walczak said
179 vehicles backed up to the facility in 2010. Mr. Gleason believed this was a matter of education; he
180 was not in favor of spending money on doing studies. Mr. Viger felt the old way was effective, the
181 current way was effective and the proposed changes would be effective. They were simply different
182 philosophies where information was key for implementation. Mr. Viger believed the Selectmen
183 should support the proposal. Mr. McDevitt respectfully disagreed with Mr. Haverty's opinion.

184
185 There was concurrence of the Board to support the reorganization of the Transfer Station. Mr.
186 Gleason said they expected Mr. Walczak to return in two weeks with a cleaned up version of the
187 regulations, at which time the Board would probably take action to approve them. In the interim he
188 wanted the facility to do everything they could to inform residents of the hours of operation.

Brian Johnson, Parks & Recreation Director –

- **Raymond Park Building Cost Overview**
- **Vending Machine Resolution**
- **Driver's Education Program Status**
- **Signage at Various Parks**

The discussion began with the Raymond Park Building Cost Overview. Mr. Gleason said he had a conversation with Building Inspector Roland Soucy who requested money to proceed with the septic design. He wanted to know if there was enough information to be able to proceed. Mr. Johnson explained that the Travel Soccer and Lacrosse programs had been raising money in hopes of putting a facility at 1201 Mammoth Road, similar to the facility at Muldoon Park with restrooms, concessions and storage. They were now seeking to obtain concrete numbers for what the building would cost. He said contractors need the septic design to be able to submit a formal bid. The septic designs would be paid from money that had already been raised; they would not be asking the Town for money. Mr. Johnson said once they have a concrete number from the bids they'll have a better idea if they need to raise more money or scale the project down.

Mr. Gleason asked Mr. Johnson if he had an idea of what the total project cost would be. Mr. Johnson said he had only received informal quotes of \$60,000-\$70,000. He said the programs had raised approximately \$60,000. Mr. Gleason confirmed that the septic design would be paid for out of the revolving fund. Mr. Johnson answered yes; through fund raising money that the soccer and lacrosse clubs had already raised. Mr. Gaydos noted when the Town took over the travel soccer and lacrosse programs there was already money set aside by those programs for field use and maintenance which was transferred into the revolving account. He said those programs were continuing to donate money (collecting it in the revolving account) because they would like to have the concession stand. Mr. Gleason then confirmed that there was approximately \$60,000 in the revolving account designated as funds for the proposed concession stand. Mr. Johnson answered yes.

Mr. Gleason wanted to know how Mr. Johnson would be proceeding. Mr. Johnson said once they had a septic design they would invite contractors to bid on the project so they could have solid numbers. He said if those numbers fell within the budget, they would like to proceed with the building. If the numbers fall above their budget, they will look at either raising additional funds or scaling down the plans. Mr. Gleason asked if they contemplated any voluntary contributions of labor. Mr. Johnson said there were a group of tradesmen who were willing to help out by giving a 'home town' discount. They weren't looking for volunteers to construct the building. Mr. Gleason confirmed that the project would be bid out. Mr. Johnson answered yes. Mr. Gaydos commented that Mr. Soucy was doing a more detailed drawing to show things such as types of lighting requirements, wiring requirements to ensure the bids would be easily comparable. Based on the discussion, Mr. Gleason assumed once the septic design and building drawing were done they would have a package to go out to bid in accordance with Town Policy. Mr. Johnson said that was correct. The bid would be awarded to the lowest qualified bidder.

Mr. Haverly questioned if the project fell under Town Policy in terms of bidding given that the money was not tax revenue. Mr. Gleason felt it was still Town money if it was in the revolving account. Mr. Gaydos said once they got to the point of going out to bid the Selectmen could decide how to proceed. Mr. Gleason said Mr. Soucy wanted to make sure they weren't using donated work, and were using reputable contractors. Mr. Johnson agreed. Mr. Gleason stated that the building would be constructed on Town property. They had to ensure that every necessary action was taken to do the project correctly for liability reasons. It was noted and understood by Mr. Johnson that every

contractor would be responsible for pulling necessary permits and having proper inspection. Mr. Haverty said if they follow Town policy the project should be put out to bid in accordance with the policy. Mr. Gleason felt the project should be done per Town policy because the building would be the Town's responsibility.

Mr. Gleason moved the discussion to the vending machines located at Lyons Park. He asked if the situation had been resolved. Mr. Johnson said the situation would be resolved within the next two weeks. He was trying to connect with Chris Mader, the ice garden president. At this point it appeared that Parks & Recreation would take the machines over. Mr. Gleason asked what was currently happening to the sale proceeds. Mr. Johnson said currently the machines were in the name of A Handy Company owned by Lance Ouellette. It was assumed the proceeds were being put toward the ice garden.

Mr. Haverty questioned why Mr. Johnson was waiting to speak with Mr. Mader if the machines were in the name of A Handy Company. Mr. Johnson said he would put a phone call in to Mr. Ouellette. Mr. Haverty said the indication he received was Mr. Ouellette would be having the machines removed. Mr. Johnson said he received the same information earlier in the afternoon from Mr. Mader. He said the current machines would be removed and the Parks & Recreation Department would get their own. Mr. Haverty felt that would be a very clean and acceptable solution to the situation. Mr. Gleason asked Mr. Johnson so report the status back to the Selectmen.

Mr. Gleason then asked Mr. Johnson the status of the Driver's Education program. Mr. Johnson said he included the program in his bi-weekly report and understood there was a need for the program given the difficulty students had getting into the high school program. He said a Pelham resident, who had taught the program at Pinkerton for the past couple years came to him with the proposal. He was open to discussion and if the Board desired, the program could be suspended.

Mr. Haverty said a Pelham resident whose child didn't go to Pelham schools was told they couldn't get into the driver's education program at the school. He said he asked Mr. Johnson if any thought had been given to doing such a program, but that's where the conversation was left.

Mr. Gleason said his consternation about the program was entering into a commercial endeavor and giving preferential treatment to one company. He was bothered with the associated liability of the Town. He didn't feel it was a park and recreation program, but rather a service being provided. Mr. Johnson said the Crossroads Driving School (not associated with the local church) provided their own liability insurance. Mr. Gaydos said in a discussion with Mr. Johnson he informed the insurance threshold that would be required; such as liability, insurance on the vehicle and the Town being an additional named insured. If there was a law suit the driving school would be required to defend the Town. He would question the insurance company to find out how much insurance would be adequate in the industry.

There was further discussion regarding the program and if it should be a parks and recreation endeavor. Mr. Gaydos noted there were certain activities that the Town enjoyed protection from the State, which recreation programs were. He understood the Selectmen's concern of stretching that line out into a possible commercial endeavor. Mr. Haverty asked if the school was liable and if so, questioned the Town would be any more liable than the school. Mr. Gaydos said the same rules would apply. He said driver's education was more generally related with education. Mr. Haverty asked Mr. Johnson if he was aware of any other parks and recreation departments offering a similar program. Mr. Johnson was not aware of one.

The Selectmen were not in favor of the Parks and Recreation Department having a driver's education course.

The Selectmen then discussed signage at the various parks. Mr. Johnson said they would be looking for entrance signs at Veteran's Park that were nicer than normal street signs that would post hours and park rules. Mr. McDevitt noted it was difficult for the Police to enforce rules if there are no signs. He said there was no alcohol on Town property per Town Meeting years ago. He commented that Town Meeting (approximately 15-20 year ago) passed a pooper-scooper ordinance. Pet owners are required to clean up after their pets. He believed it was their responsibility to post park hours and list the rules, such as no alcohol and to clean up after pets.

Mr. Gleason asked Mr. Johnson to review the signage and come back to the Selectmen at a later date with plans. He recalled a conversation about identifying the various parcels at Raymond Park and wanted to know if it every happened. Mr. Johnson said there was an Eagle Scout who put together a kiosk, but focused on the trails. He said if they have a structure, it would be a nice addition to show the parcels. Mr. Gleason felt they were responsible for recognizing the contributions of various people who gave land.

The Selectmen thanked Mr. Johnson for coming in and having a discussion about the Parks & Recreation activities.

Interview - Bill Kearney – Board of Adjustment, Appointment – Fill vacancy of present full-member term ending on March 31, 2015

Mr. Bill Kearney came forward to discuss his volunteer application for the Board of Adjustment. He said he was previously an alternate member of the board and had attended State seminars to gain knowledge. As time went along his employment changed and demanded more of his time, therefore he withdrew as a member.

Mr. McDevitt hoped Mr. Kearney would continue to attend seminars to keep up with the changing laws. Mr. Kearney said he would continue and felt it was beneficial to speak to people at those seminars to get input and keep current with all information. Mr. McDevitt asked Mr. Kearney if he had any matter that may be coming in front of the Board of Adjustment. Mr. Kearney answered no.

Mr. Gleason confirmed that Mr. Kearney was applying for a full time position. Mr. Kearney answered yes.

MOTION: (Haverty/McDevitt) To appoint Bill Kearney to the Board of Adjustment to fill the vacancy of a full term member ending on March 3, 2015.

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

The Selectmen thanked Mr. Kearney for coming forward to volunteer.

OTHER BUSINESS

Procurement Policy Approval

The Selectmen reviewed the policy. Mr. McDevitt said the policy's implementation would need to be discussed given there were some vendors the Town dealt with historically and traditionally that they

haven't done bids. He felt there were good reasons, but needed to have a discussion. Mr. Viger agreed with Mr. McDevitt that there certain venders/relationships that were valuable therefore, there should be some leeway. Mr. McDevitt said if someone was going to be exempt, there should be a public discussion as to why they would be. He said as a starting point it would be useful for Mr. Gaydos to provide a listing of vendors/categories showing the year to date expenditure.

Mr. Gleason felt it was a good policy that should be adopted. He said the Selectmen could make exceptions if they were brought forward for discussion. He agreed that the list suggested by Mr. McDevitt would be helpful and asked Mr. Gaydos to have it compiled.

The Selectmen agreed to adopt the policy with the proviso that Mr. Gaydos would provide a list with categories and the associated expenditures.

MOTION: (McDevitt/Viger) To adopt the Procurement Policy as presented at the meeting to be effective immediately.

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

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Viger stated that the Budget Committee was planning their Town building walk-through Saturday, September 7, 2013 and the School walk-through will be conducted Saturday, September 21, 2013.

Mr. Gleason asked if there were any areas identified for the Budget Committee to review. Mr. Gaydos said the Budget Committee Chairman will be putting a list together of areas the committee may want to look at. One member wanted to see the Senior Center. He believed they would want to see the Fire Station. Mr. Viger noted that the conveyor would be installed at the Transfer Station, possibly they would want to go to that facility as well.

Mr. Gaydos said the Fire Chief was interested in the purchase of Zoll Defibrillators as the current units were at the end of their useful life. An offer was put together to include the automatic compression units. He said there had been discussion with the Board about the Chief's interest in paying for the units out of the Fire Department budget. The answer has repeatedly been to wait until the end of the year. Mr. Gaydos brought it to the Selectmen's attention that the quotes received for all of the defibrillator equipment and two refurbished auto pulse systems (\$74,000) were valid until September 20, 2013. He said the Selectmen had one more meeting prior to the deadline to consider the request. He noted that Chief Midgley was doing a great job on his budget and was tracking to be approximately \$100,000 under budget this year. Mr. McDevitt commented that the Chief made a case to the Selectmen that the current units were 'on their way out'. He said the device being discussed was integral to saving lives. He felt it was something that should be replaced.

Mr. Gleason recalled the units were included in last year's budget but were eliminated because of the default. He said the Selectmen asked the Chief to put it in the 2014 budget, but the Chief indicated he was looking for ways to cut this year's budget so he could buy them this year. The units were urgent. Mr. Gleason felt the Chief had demonstrated to the Selectmen through budget management, if the units were procured this year he would still meet his budget with the expenditure included. He felt the Chief should be authorized to proceed with the procurement.

Mr. Viger understood the units were needed, but would hate for other things to be sacrificed. He wanted it clear if the units were purchased that the budget should not be exceeded.

Mr. Haverty felt the Chief had shown good budget restraint and management. He said they were critical pieces of equipment that saved lives.

Mr. Gleason asked Mr. Gaydos to confirm with Chief Midgley that he will meet his budget and nothing else would be sacrificed.

There was a consensus of the Board to allow the Fire Chief to procure the items discussed. Mr. Gaydos was asked to advise the Chief of the Selectmen's decision.

Mr. Gleason asked for the status of the MS1 and MS4 because they were critical for setting the tax rate. Mr. Gaydos said the MS4 was going out Wednesday. They will have the MS1 in by Friday and delivered to the State.

REQUEST FOR NON-PUBLIC SESSION

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

ROLL

CALL: Mr. Gleason-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Mr. Haverty-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 8:25pm.

The Board returned to public session at approximately 9:09pm.

MOTION: (Haverty/Viger) To seal the minutes of the non-public session indefinitely.

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

ADJOURNMENT

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

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

The meeting was adjourned at approximately 9:09 pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary

Town of Pelham, New Hampshire

Procurement Policy – (DRAFT)

Adopted by vote of the Board of Selectmen (DATE)

It shall be the policy of the Board of Selectmen to purchase products and services in a manner which assures the public that reasonable efforts are made to solicit competition among vendors to deliver the appropriate quality at the lowest reasonable cost. The Board may approve exceptions to this policy only after publicly stating the reasons for the exception(s).

Competitive Purchasing

Except as hereinafter provided, every Town purchase or contract greater than fifteen thousand (\$15,000) dollars in amount shall be made only after the receipt by Town of publicly invited sealed competitive bids on uniform specifications. Publicly invited shall mean notification in at least two of the following: Advertising in a newspaper of general circulation, posting on the Pelham Message Board, scrolling on local public access cable, formal announcement at a Selectman's meeting. After recommendation from the department making the purchase, the Board of Selectmen shall award the contract to the lowest responsible bidder; quality, delivery, financial responsibility and guarantees of the bidders being equal. The Board of Selectmen may, at their discretion, reject any bid deemed insufficient or inadequate, or may reject all bids.

Except as hereinafter provided, every individual Town purchase or contract of greater than five thousand (\$5,000) dollars but no more than fifteen thousand (\$15,000) dollars shall be made only after receipt by the Town of three (3) or more (if reasonably obtainable) competitive informal written quotations which are adequately documented.

Every purchase of five thousand (\$5,000) dollars or less shall be handled by the Town on as competitive a basis as is deemed reasonable and prudent.

Single projects involving more than one discrete purchase or involving more than one vendor are to be handled according to the amount of each discrete purchase or cost per individual vendor. For example – a roof repair involving a roofer (possible \$12,000 purchase) and HVAC work (possible \$4,000) shall be considered, for purposes of applying this policy) to be single purchases of \$12,000 and \$4,000 respectively, not one of \$16,000.

Aggregate purchases or estimated purchases from one vendor over twelve month's time must meet these bidding requirements. For example, HVAC repairs are frequently "one off" but may easily aggregate as to meet bidding requirements. In such instances the Board may seek bids based on hourly costs, response time, emergency response capabilities, experience, familiarity with Town buildings, and the like and grant a contract to cover an extended period.

Purchases made through existing State of New Hampshire or other State contracts, Hillsborough County or Pelham School District contracts shall be deemed to meet the requirements of the above paragraphs. Nothing herein shall be construed to prevent joint bidding and contracting by the Town and other public jurisdictions, and in fact, such is encouraged.

Professional Services

Professional services contracts (architecture, engineering, construction management, risk management, financial and auditing and other professional services or consulting work) of more than ten thousand (\$10,000) dollars, or estimated to be more than \$10,000, may be entered into by vote of the Board of Selectmen after receiving proposals from various interested firms, evaluating those proposals and anticipated quality of service to be rendered.

Change Orders

Contract Change Orders are hereby authorized to be made where necessary by the Town Administrator where funds are available but shall not exceed ten (10%) percent of the amount of the original contract unless specific Board of Selectmen approval is obtained. The Board of Selectmen shall be informed promptly of any change orders.

Exceptions, Waivers, Standardization and Emergencies

Valid exceptions not subject to the above procurement requirements are utility purchases, advertising, postage, federal, state and local taxes, court judgments, financing or borrowing, police special investigative costs where disclosure may jeopardize an investigation, legal services, medical, health and social services for Town employees, the purchase of insurance, maintenance contracts with manufacturers of equipment purchased or with suppliers of data processing software, or where the Town decides to contract with non-profit organizations for the provision of health, welfare, social or recreational services for the Town and/or to the general public or where the Town decides to contract with governmental agencies for the provision of governmental services.

Sealed, publicly invited competitive bids will not be required for purchases in any situation where a contractor or supplier has defaulted upon his or her obligations to the Town and there is present a security guaranteeing to the Town the performance of said obligation at no additional cost to the Town, over and above the original obligation. In such a case, the Town Administrator, with the approval of the Board of Selectmen, may renegotiate and award the contract to whomsoever he/she sees fit providing that said renegotiation and award does not exceed the amount contracted for in the original obligation.

The Board of Selectmen may waive any purchasing requirements in cases where it is deemed inadvisable to solicit bids because of a single source of supply or because of the need of standardization of the materials, supplies, equipment or services or for other stated reasons which the Board of Selectmen deem to be in the interest of the Town.

Where it is deemed appropriate to standardize on the procurement of materials, supplies, equipment or services, the Board of Selectmen shall so indicate by vote. The Town Administrator shall maintain an up-to-date listing of such standardized items or services. The procurement of such standardized items or services will be exempt from the foregoing bidding requirements. Nevertheless, Town Departments will, when reasonably possible, attempt to obtain competitive quotes from different suppliers, if any, for the standardized item or service.

In case of an accident or emergency, the Town Administrator may award contracts and make purchases for the purpose of repairing damages caused by the accident or meeting the public emergency without meeting the purchasing requirements of the above sections. In such cases the Town Administrator shall promptly file with the Board of Selectmen a report which identifies the emergency nature of the incident and itemizes the purchases and their costs.

Sale of Surplus Material

After making all Departments and the Board of Selectmen aware of surplus items, the Town Administrator may authorize the sale of materials and equipment which he/she and the Department Head determine to be surplus to the needs of the Town where a single item or lot does not exceed five

thousand (\$5,000) dollars in estimated market value. In cases where such item or lot exceeds five thousand (\$5,000) dollars in estimated market value, the Board of Selectmen shall approve the sale of such materials. All such surplus materials shall be disposed of by public auction or competitive quotations. Nothing herein shall prohibit the Town Administrator from disposing of items of minimal value without auction or competitive quotations. The Selectmen should be informed whenever practical.

Administrative Regulations

The Board of Selectmen may issue additional purchasing requirements for specific individual purchases the Board deems necessary to carry out the requirements of this policy.