	APPROVED TOWN OF PELHAM BOARD OF SELECTMEN MEETING
	MINUTES
	January 21, 2014
	APPROVED – February 18, 2014
CALL TO C	ORDER - approximately 6:30PM
PRESENT:	Mr. Edmund Gleason, Mr. William McDevitt, Mr. Doug Viger, Mr. Robert Haverty, Mr. Hal Lynde (arrived after meeting commenced), Police Chief Joseph Roark.
ABSENT:	
	None
PLEDGE O	F ALLEGIANCE
<u>MINUTES I</u>	<u>REVIEW</u>
January 7, 2	014
MOTION:	(Viger/McDevitt) To approve the January 7, 2014 public meeting minutes as amended.
VOTE:	(4-0-0) The motion carried.
January 9, 2	014 Non-Public minutes were not available. 014 Non-Public minutes were available, but not reviewed/signed by Selectmen. Mr. and the Board to review and sign those minutes.
ANNOUNC	EMENT(S)
resol Adm	n Administrator on Administrative Leave. It is a personnel issue; when there is ution everyone will be notified accordingly. All issues normally directed to the inistrator will be directed to Joseph Roark. Town Meeting Schedule:
- 2014	2014 Town Deliberative Session – Tuesday, February 4, 2014 at 7pm in Sherburne
	Hall
-	2014 School Deliberative Session – Wednesday, February 5, 2014 at 7pm in
_	Sherburne Hall 2014 Town Meeting – Tuesday, March 11, 2014 from 7am to 8pm at Pelham High
_	School
• Wed	nesday, January 22, 2014 First day for candidates in towns with non-partisan official
	t system to file declarations of candidacy with town clerk. Friday, January 31, 2014 is
the la	ast day for candidates to file. List of Openings:
	Selectmen – 2 for 3 years; Town Moderator – 1 for 2 years
	Town Treasurer – 1 for 3 years; Budget Committee – 3 for 3 years
	Cemetery Trustee – 2 for 3 years; Library Trustee – 2 for 3 years, 1 for 2 years
	Trustees of the Trust Funds – 1 for 3 years Planning Board – 2 for 3 years

Mr. Gleason noted the next Selectmen's meeting would have been the same night as the Deliberative Session. He was not planning to schedule a meeting at this time unless it was necessary to convene a non-public session.

OPEN FORUM

None.

APPOINTMENT(S)

Jeff Gowan, Planning Director:

- E911 Issues Continued Discussion
- State's Feedback on the Sherburne Road Study
- Update on Flood Study

Mr. Gowan said the Highway Safety Committee ('HSC') along with Assessing Assistant Susan Snide gathered on January 15, 2014 and reviewed a preliminary list of problematic roads that Fire Chief James Midgley had put together. Several roads were added to that list. It was the consensus of the HSC to wrap up the remaining problematic roads and be done with the process. There are approximately twenty-five issues, such as names, numbering etc. Contact has been made with the E911 Bureau; they think of addresses being any location with a phone line. The HSC would like to come back and meet with the Selectmen in April. Roads requiring re-naming and re-numbering will have to go in front of the Planning Board for a recommendation. There will also be public hearing(s) held.

Mr. Lynde arrived.

 Mr. Gowan said in the past residents of roads to be re-named have been invited to provide input. He said during the present process of conducting public hearings, any roads associated with the round-about project can be reviewed. He noted that the Post Office was concerned with the road name Blacksmith Lane conflicting with Blackstone Circle in the auto-complete functions that some mailing houses use.

Mr. Gleason felt it was best to proceed cautiously and complete the project correctly. He said coming back in April seemed to be a reasonable approach. There was no objection by the Selectmen. Mr. Gowan said he would bring that directive back to the HSC; they will meet as often as necessary to conclude the process.

With regard to the State's feedback on Sherburne Road, Mr. Gowan said his comments were expanded to include Old Gage Hill Road and Route 38. He said when Michelle Marshall of New Hampshire Department of Transportation and her team met with the Selectmen they spoke about whether or not projects had the right cost benefit analysis to qualify for Highway Safety Improvement ('HSIP') funds. He said unfortunately all the improvements at the Sherburne Road/Mammoth Road intersection fell short of the needed rank. He said the State still preferred the idea of a round-about but the State would not fund it. He said at some point they may have funds from exactions that could be applied to at least have a design done. He believed having a design would change the cost ratio benefit for the State's analysis.

Mr. Gowan said the State found they were ready to move forward with some work at Route 38 and Old Gage Hill Road. Those improvements were specific to improving sight distance and controlling

access to the convenient store. Mr. Gowan told the Selectmen he would work closely with the store owner so they didn't feel ganged up on. He believed the State's proposal would marginally improve the intersection. Mr. Gowan said the State required a letter on Town letterhead, which he drafted for Selectmen review/signature. He read the draft aloud, which in summary indicated the Selectmen's support for the State to move forward with their proposed work at the Old Gage Hill Road/Route 38 intersection. He said he would make sure the Selectmen receive the letter for review.

Mr. Gleason recalled that the Selectmen put off any action on Sherburne Road pending the State's review of interim modifications. He asked if the State required direction or approval from the Selectmen to proceed with any recommended action. In reviewing the State's correspondence, he took their answer as they wouldn't do any work at the intersection because it couldn't be paid for with the HSIP funds. Mr. Gowan said he would reach out to the State and find out their intentions. Mr. Gleason recalled the State had recommendations for Sherburne Road, but at the time the Selectmen held it off pending the State's review of the previous study done in that area. Mr. Gowan said he would find out the status and ask the State for clarification.

Mr. Gowan told the Selectmen that the Town's contact for the round-about project with the New Hampshire Department of Transportation ('DOT') had changed. He met with Brian Wilmot, who was now the Town's contact with DOT and reviewed all concerns and pending information the Town was trying to seek; this included the question of what the status was for utility work. Mr. Gowan said he would stay in constant contact with the State until he could provide a meaningful update to the Selectmen.

With regard to the flood study discussion, Mr. Gowan and Mr. McDevitt met with Matt Kennedy and Peter Walker of Vanasse, Hangen, Brustlin, Inc. ('VHB') to discuss what types of work the individual bridges would need. He noted the Daniel Gionet Bridge (Main Street Bridge) was scheduled with the State for 2017 and the Willow Street Bridge which would be scheduled in the next few years. VHB spoke about applying hydrodynamic variables to the study. Previously they used fixed flood elevations. They have the ability with a more in depth study to 'plug in' items such as more flooding than what has occurred and different bridge spans to determine impacts accordingly. To do this type of study and have the ability to establish priority, additional data is necessary. VHB has been asked to respond back to Mr. Gowan with options, costs, scopes of work and benefits for the Selectmen to consider. It was understood that a cost estimate would need to be provided for work proposed. Mr. Gowan said VHB requested they be allowed to get back to him in April which would provide time to gather cost estimates.

 Mr. Lynde went back to the topic of the round about and asked Mr. Gowan if he knew the status of the utility work. Mr. Gowan answered no. He said he impressed upon Mr. Wilmot the need for determining the status. He said Mr. Wilmot understands the Selectmen have the expectation of an update. Mr. Gowan will be in constant contact with Mr. Wilmot until he has an update to provide to the Selectmen.

Brian Johnson, Park & Recreation Director:

- Pelham Veteran's Memorial Park Playground Grant
- Update on Raymond Park

Mr. Johnson commented that the department received a \$20,000 (matching) grant due to their "Playful City" status. The matching \$20,000 has already been raised through their participation at the Rockingham Park Games of Chance. He showed the Selectmen a proposed plan at Pelham Veteran's Memorial Park ('PVMP') to create a sand pit play area that would have a water element. They also

plan to build a tower resembling a tree fort. The focus of the playground area will use the natural elements of the area to create a double slide.

Mr. Gleason confirmed that the playground construction (including the slide) would be under the direction of a qualified company. Mr. Johnson answered yes. The company that designed the slide was located in Portsmouth, NH. and would be on site organizing the work. He noted that volunteers would not be used to build the slide. Mr. Gleason questioned if the company was sanctioned by an organization that typically reviewed playgrounds. Mr. Johnson replied he would have the Local Government Center involved since they performed yearly playground inspections for the Town. They would have the opportunity to review the design prior to construction. There was a brief discussion regarding the material that would be installed on the ground at the play site.

Mr. McDevitt reiterated all of the costs were being raised by non-taxpayer dollars. Mr. Johnson said that was correct. They received a \$20,000 grant and they raised \$20,000 through participation at Rockingham Park.

There was a consensus by the Selectmen to allow Mr. Johnson to proceed. Mr. Johnson said their goal was to construct the play area in the Spring and have it ready for summer camp.

Mr. Johnson then discussed Raymond Park (1201 Mammoth Road fields) and the desire to have a building (similar to the Muldoon Park structure) constructed; however the numbers came in rather high. He said at this point they would take another look at the type of building to construct.

Mr. Johnson said with Steepletop Kindergarten no longer functioning, the Congregational Church was looking to remove some of their playground equipment. Hard numbers haven't yet been discussed, but Mr. Johnson estimated a cost of approximately \$3,000. This equipment would be relocated to the Raymond Park Scout Lodge for use by the Summer Tot Camp program. Mr. Johnson will speak with the Boy Scouts so as to not interfere with their activities.

Mr. Gleason believed the Selectmen may have already given approval for the funds to be encumbered. Mr. Johnson didn't realize the funds may have been encumbered. Mr. Roark confirmed that Mr. Johnson was to go forward and purchase the items. Mr. Gleason answered yes; is the funds had been encumbered.

Mr. Gleason told Mr. Johnson the Selectmen and the Town's people appreciated the work he was doing and the efforts of expanding the programs.

OTHER BUSINESS

<u>Highway Department Bid Recommendations and Awarding of Bids</u>

Mr. Gleason said the Selectmen had received a list from Don Foss the Highway Road Agent naming his recommendations for the Highway bid awards. Mr. Roark said he gave a preliminary review of the recommendation list. He said it appeared the petroleum based items along with some of the other items had decreased in cost from the previous year; however, the equipment rentals seemed to either be the same or had a slight increase.

 Mr. Viger commented that in the past Mr. Foss had done a good job going out to multiple bids and coming in with a recommendation for the suitable bidder. He was confident in the list that had been provided and was willing to approve everything that had been presented by Mr. Foss. Mr. Gleason

said he personally went through every one of the bids and found that almost every one of them was the low bidder.

It was noted that the list of bidders was available for public inspection.

MOTION: (Viger/Haverty) To support Don Foss' recommendation for bid packages listed in the 2014 Highway Department bid recommendations.

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

Discussion and Vote on Petition Warrant Articles

Mr. Gleason stated three petition warrant articles were received; two of which were monetary articles that would require a vote of the Selectmen.

The first article for discussion was to see if the Town would vote to raise and appropriate \$680,000 to purchase a new fire truck of this amount \$680,000 will come from the operating budget. The article was reviewed by Town Clerk and found to have the appropriate number of validated signatures.

Mr. Viger commented as long as there were the required number of signatures a petition warrant article could be submitted. He said the proposed article had not been in front of the Budget Committee or the Selectmen. He believed raising \$680,000 in one lump sum would certainly put a burden on the taxpayers. He was not willing to support the article at this time.

Mr. McDevitt asked how much was in the budget for the replacement fire truck. Mr. Viger said the conversation that the Selectmen and Budget Committee had during budget review was for the replacement of a rescue tanker; a dual function apparatus. Previous to this year fire apparatus had been paid off through lease payments over the next ten years. The proposed budget contained approximately \$72,000 for a lease option payment. Mr. Viger said \$680,000 wasn't in the budget.

Mr. Gleason said the Selectmen had discussions about placing the apparatus in the budget so the voters could vote on it. He noted that the voters had approved the apparatus in the past; the existing tanker truck is in excess of 15 year old and the tank is rusting. He said they were simply replacing a vehicle. He said it was erroneous to say that the Selectmen were trying to slip a new fire truck into the budget. Mr. Gleason said they were replacing an existing, aging, non-functioning piece of equipment with a newer piece of equipment which would carry the Town through the next twenty years. He noted up until 2012 the budget had \$62,000 to pay off a previous engine. The dollar figure for the proposed lease wouldn't be a new addition to the budget; it was the continuation of a program to maintain the equipment infrastructure.

Mr. McDevitt commented if the petition article passed it would direct the Selectmen to purchase an engine basically for cash and take \$680,000 out of the budget of which approximately \$602,000 wasn't in the budget for that purpose. That money would come from other program/items within the budget.

Mr. Viger questioned if the Selectmen were obligated to purchase a fire engine in one lump sum if the petition article passed. Or if they could continue to enter into a lease agreement. He also questioned what would happen if the article failed. Mr. McDevitt said if Town Meeting passed an article to purchase a new fire truck for a certain amount of dollars, that's what they are being directed to do. He felt it was clear. Mr. Viger asked if the Selectmen would have the purview to determine if the purchase is done through a bond with a specific amount of time to pay. Mr. Gleason said the

- Department of Revenue Administration ('DRA') said if the article passes the money had to be spent
- on the fire truck and nothing else. With respect to the 'No means No' law, Mr. Viger asked if the
- Town could still purchase a fire truck if the article failed. Mr. McDevitt said there were certain parts
- of the 'No means No' law that haven't been tested, therefore there wasn't a lot of case law to review.
- 245 He said to the degree that the lease/purchase was in the budget, if the voters say yes to that budget he
- felt they were saying yes to the lease.

over, such as contracts, insurance etc.

MOTION: (Viger/Lynde) The Selectmen do not support the petition warrant article. (*To*

purchase a new fire truck for \$680,000).

VOTE: (5-0-0) The motion carried. The Selectmen voted in the affirmative to NOT

support the petition warrant article.

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The Selectmen reviewed the petition article that read "To see if the voters will authorize the reduction of that Town budget by \$624,000 (approximately 5%)."

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Mr. Gleason said in addition to the petition article, he asked the Finance Director to provide information that would address the impact of the article. He said the Selectmen needed to discuss what they would do with the article if the voters approved it and how it would be allocated to the departments. He noted that the Budget Committee shot down the original proposal and that individual came back in with the citizen's warrant. He commented there was no basis to the 5% reduction, other than the philosophy that the Town should be able to absorb it. Mr. Viger said at the at the time, a member of the Budget Committee offered a 5% reduction at the beginning of the budget cycle that wasn't supported. After review it was evident by him and the board that cutting 5% out of the budget would result in some catastrophic events such as layoffs and reduction in service. The issue was then submitted as a petition warrant article. Mr. Viger said 5% may seem like a small percent in the whole scheme of things, but consideration should be given to the percent of the budget they have no control

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Mr. Lynde made a motion to NOT support the petition article to reduce the operating budget by 5%. Mr. Haverty seconded the motion.

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Mr. McDevitt believed the Selectmen should tell people up front what the impacts would be, versus simply telling people the reduction would be awful. He said the government belonged to the people. He understood that the DRA provided opinion that the article was advisory. He said when he was working and his boss gave advice he generally took it. He commented if the article passed it was advice from the boss (voters). He felt it was critical for the Selectmen to indicate what they would do if the article passed. Mr. McDevitt suggested going back to the department heads and asking them how they would meet the numbers.

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Mr. Gleason said he asked the Finance Director to review the budget. The elements that would be hard to take money from would be insurance, debt, debt principal and retirement. Those items alone represented approximately \$4.2 million dollars out the budget of thirteen million dollars. He said if they decided not to lay people off, the salary portion would then be a fixed number, which equated to a burden on departments of approximately 15% that they would have to absorb.

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Mr. Viger noted they may not be able to recover from a 5% reduction because by the time of the vote the Town would be two thirds through the first quarter.

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Mr. Lynde said realistically departments should be asked to review a 10% cut because of the factors that couldn't be reduced. He questioned if the Cemetery and Library were exempt. He said during

the past six to seven years the Selectmen had submitted lean budgets to try to stay ahead of the curve on maintaining roads and infrastructures.

Mr. Gleason said the situation would be further compounded if the petition article passed for the fire truck. The budget would be reduced by \$602,000 in addition to the proposed 5% reduction.

Mr. McDevitt said he would vote to not support the petition and said no one should read anything into his comments. He noted that insurance and retirement were variable expenses according to the number of employees. He said union agreements didn't require the Town to have a set number of employees; the contracts indicate if the Town employs people, they are to compensate them.

The Selectmen discussed the impacts to departments if they were faced with having to make reductions. Mr. Viger said the proposed 5% reduction was brought to the Budget Committee. He said they couldn't find 5% without cutting services. Ultimately the voters will have the final say. Mr. Lynde understood it was a Budget Committee member that was the originator of the petition article. He asked if that member made suggested cuts during the budget review process. Mr. Viger said at the end of every voted line item that member made a recommendation on the Town and School side to do an overall cut of those budgets by 5%. Mr. Lynde questioned if he identified where those cuts were. Mr. Viger answered no; it was a broad based cut. He said the board took it very seriously and had a long discussion; they just couldn't make it work.

Mr. Haverty said the biggest core responsibility of the Selectmen was to prepare and present a budget. He said after careful consideration they had done so. Over a period of years they had pared down the budget and made it lean. He felt it would be irresponsible of the Selectmen to consider the article, which was a whim of one individual who got signatures to pander to a small faction in the Town. He said he would not support the article at the Selectmen's meeting or on the ballot. He said if it passed he would not support implementing it. Mr. Haverty said he was voted into office to do what was reasonable from a budget perspective.

Mr. Gleason said the Selectmen had an opinion from legal and DRA that say the petition article is advisory. He felt they should do an assessment of what the potential impacts would be to the Town. He said the Selectmen had a responsibility to provide emergency services to the Town. If those elements were going to be jeopardized to compensate for a vote that really wasn't thought out, he agreed with Mr. Haverty in saying he had to do what was right for the Town.

Since the first duty of government is the safety and security of its citizens, Mr. McDevitt suggested that the \$51,000 that would need to be carved from the Fire Department and the \$56,000 that would come from the Police Department, not be taken from those departments, but instead be spread among other departments which are not in the business of safety and security of citizens. Mr. Haverty questioned where the line would be drawn for what was considered safety. He said it's sometimes a grey line. Mr. McDevitt said it was the Selectmen's job to draw that line.

Mr. Gleason asked Selectmen of what they wanted to prepare to inform voters of the potential impact.

Mr. Roark said when there are typical municipal budgets running upwards of 80% (plus) in salaries, it left a remaining 20% for all other expenses. Those departments would need to cut employees. He said it may come down to looking at certain departments and cutting them out (i.e. Park & Recreation and Library) and maintaining the other departments/services in Town at the level people have come to expect for safety and quality of life. He noted as soon as those departments are cut the Town's quality of life would go down, which would in turn impact the Police departments over years when property values drop out because of not having those items. Mr. Roark didn't feel that the Town

could recover from the proposed cuts in one year. He was leery in trying to piecemeal cuts because all the departments were intertwined. He didn't want any misunderstandings about his comments regarding cutting Park & Recreation or the Library. He is one of the biggest supporters of those departments and would be devastated if there were major cuts done to them.

Mr. Haverty believed the best thing they could say in the voter's guide that the full financial impact of the cut has not been established at this point in time without significant further investigation. In his opinion, for the Selectmen to come up with a complete analysis within a short amount of time would only lend to the credibility to the petition.

Mr. Roark suggested it would be simple to convey the following in a Town Report: "This will result in drastic cuts in the level of services and your quality of life as a citizen and resident of the Town of Pelham."

The Selectmen acted on the motion made earlier.

- **MOTION:** (Lynde/Haverty) The Selectmen do NOT support the petition warrant article. (*To reduce the Town Budget by \$624,000, approximately 5%*).
- **VOTE:** (5-0-0) The motion carried. The Selectmen voted in the affirmative to NOT support the petition warrant article.

- Mr. Viger liked the wording suggested by Mr. Roark, but also suggested the Selectmen be ready to defend those words at Deliberative Session if questions arise. He said the department could determine their fixed costs to better understand where each department stood for actual cuts.
- Mr. Gleason said the information put together by the Finance Director showed the costs that were fairly stable.

The Selectmen discussed how they would proceed. Mr. Gleason asked the Board if they wanted to task the departments to assess the impact of: a) reduction of \$624,000 and b) reduction of \$1.2 million dollars. Mr. Viger believed it would be a premature effort for department heads at this point in time. He felt they could get a 'snapshot' of the situation and be able to speak to it well. Mr. Lynde felt they should wait. Mr. Gleason agreed that there was validity in waiting. He said if it picked up momentum and passed the Selectmen would need to do a lot of homework.

Mr. Roark questioned if an opinion could be included in the Town Report. He was concerned with the Town Report's deadline. It was Mr. Gleason's preference to proceed with Mr. Roark's recommendation to include a narrative in the voter's guide. He said everything else would be separate for their support. Mr. Roark questioned if the Board could express that type of opinion in the Town Report. Mr. Gleason said the voter's guide, not the Town Report could have narrative.

Mr. Haverty said the wording could indicate that it was a petition article submitted by a voter and at present was advisory only. Mr. Gleason felt Mr. Roark's statement was valid. He said voters should understand if the Town was forced in that type of hardship position it will result in a reduction of services the people have come to expect.

Mr. McDevitt said he would draft the voter's guide for Selectmen review. Mr. Gleason asked that Mr. Roark's suggested wording be included.

The last petition warrant article was a resolution to regulate political spending. Mr. Gleason read the petition article aloud. There were thirty-three validated registered voters who signed the petition.

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Final Review and Vote of 2014 Town Warrant Articles

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The Selectmen were provided with the complete list of 2014 warrant articles for review. Mr. Gleason said article #13 & #14 need to indicate they are not recommended by the Selectmen.

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TOWN ADMINISTRATOR / SELECTMEN REPORTS

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Mr. Lynde said the school put out a press release relating to their efforts of getting information out to the public about substance abuse awareness. He read the press release aloud. He said they were trying to get grant funding in the schools to develop a peer mentoring program in both the middle school and high school.

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Mr. Gleason said there were still three issues open on the Senior Center expansion: 1) handicap accessible door to the rear of the facility; 2) correction to handicap ramp; and 3) new handicap rail for front door. He said he confirmed there was still approximately \$2,300 remaining in the warrant article for the expansion. He's asked the Financial Director if she would find the quotes associated with those items, as they were in the process of being addressed. He was also able to ascertain there was \$6,900 available in an exaction fund that was never expended. Mr. Gleason said he would identify the associated costs and apprise the Selectmen of such. It was his recollection the Selectmen had already approved two of the items. Mr. Gleason said there was an issue of tiles breaking in the kitchen area, which constituted a safety concern. He said because some of the tiles were removable, they had been switching the broken tiles with ones that weren't broken. He said he asked the Senior Center director to get a quote to replace the tiles. That quote will be shared with the Selectmen; this would be an item for the Town Buildings budget. Mr. Gleason said the Senior Center director would like consideration given to changing the name of the center; the word 'senior' had a negative connotation to some of the younger members. In conclusion, Mr. Gleason said he received a letter from a representative of Tennessee Gas who spoke about an expansion of the natural gas facilities to meet increasing demands that would go from Northern Maine down into Massachusetts. A proposed time line was included which included public outreach and proposed construction in April, 2017 with service beginning in November, 2018. Mr. Gleason sent a letter requesting they meet with the Selectmen to discuss what the project would entail and what the benefits would be for Pelham. There was no objection to having a representative meet with the Board.

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REQUEST FOR NON-PUBLIC SESSION

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MOTION: (Viger/Haverty) Request for a non-public session per RSA 91-A:3,II, a & c (Personnel; Matters which, if discussed publicly, would affect adversely the reputation of any person)

ROLL

CALL: Mr. Gleason-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Mr. Robert Haverty-Yes; Mr. Lynde-Yes

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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 8:15pm.

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BOARD OF SELECTMEN MEETING/January 21, 2014

426	The Board re	eturned to public session at approximately 8:45pm.		
	MOTION:	(Viger/Haverty) To seal the minutes of the non-public session indefinitely.		
427	VOTE:	(5-0-0) The motion carried.		
427 428 429	<u>ADJOURNMENT</u>			
430	MOTION:	(Viger/Haverty) To adjourn the meeting.		
431	VOTE:	(5-0-0) The motion carried.		
432 433	The meeting was adjourned at approximately 8:45pm.			
434		Respectfully submitted,		
435		Charity A. Landry		
436 437		Recording Secretary		
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