

Department training room.

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

MINUTES REVIEW

January 21, 2014

MOTION: (McDevitt/Lynde) To approve the January 21, 2014 public meeting minutes as amended.

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

February 7, 2014

MOTION: (McDevitt/Lynde) To approve the February 7, 2014 public meeting minutes as amended.

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

January 29, 2014 – Non-public minutes. Mr. Gleason stated the non-public minutes were now available for Selectmen review.

ANNOUNCEMENTS

- 2014 Town Meeting Schedule:
 - 2014 Town Meeting – Tuesday, March 11, 2014 from 7am to 8pm at Pelham High School
 - 2014 Annual Town Reports will be available for pick up at the Town Clerk, Selectmen's Office and Public Library on March 4, 2014. Voter's Guide will be mailed for receipt by March 4, 2014.

OPEN FORUM

None.

OTHER BUSINESS

Town Administrator Job Description – Recruitment Process/Plan

Mr. Roark put together an information package for the Board to review. He said the Board had suggested having a 90-day recruitment and selection process. It was expected that most candidates would need 30-days to give notice at their present employment and get their affairs in order. The interview process would also likely need a 30-day time period. He said the job posting should be done as soon as possible giving people thirty days to submit their resumes and cover letters. Mr. Roark created an exemplar job posting for the town administrator position that could be posted on the appropriate websites and perhaps area newspapers. He said a line indicating that resumes and cover letters are to be sent to Town Hall would be included. He read the proposed posting was read aloud. Editorial amendments were made.

81 Mr. Roark commented that the posting could be distributed for posting on appropriate trade related
82 websites. He asked the Board if they wanted to invest in newspaper-style advertisements. Mr.
83 McDevitt suggested the Union Leader. Mr. Gleason felt the New Hampshire Municipal Association
84 ('NHMA') should be notified. Mr. Viger asked what a newspaper advertisement would cost. Mr.
85 Roark believed a newspaper advertisement would be less than \$500.

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87 Mr. Roark asked the Board what date they would propose to have resumes submitted by. After a
88 brief discussion the Board made the decision to have resumes submitted by March 18th. For
89 information, he provided the Board with a spreadsheet (from the NHMA) showing the 2012 pay scale
90 for town administrators for various populations. After having a discussion with Mr. Gleason about
91 what job components were desired, he put together a job description for the Board's review. He said
92 he used framework language from Atkinson, who recently conducted a search, combined it with
93 language from the job descriptions of Hudson and Salem.

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95 Mr. Viger felt they should view it as a fluid document that could be customized when reviewing the
96 employment contract. Mr. Roark agreed that the description could be modified with items added or
97 deleted to fit the candidate.

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99 Mr. Gleason recommended having the Selectmen review the document and make any changes they
100 felt were relevant. He wanted to schedule a meeting to discuss what the Selectmen wanted the
101 administrator's role to be relative to the Town departments. There was a brief discussion regarding
102 the proposed job description.

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104 Mr. Gleason asked Mr. Roark to post the position. For discussion at their next meeting, the
105 Selectmen will review the job description and also review the town administrator contract forwarded
106 by Town Counsel. Mr. Viger felt the description should be clear as to administrator's role pertaining
107 to the various departments.

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109 **Legal Retainer – Discussion**

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111 Mr. Gleason said Mr. Roark had an idea to approach legal counsel to ascertain whether or not there
112 was a more financially responsible method for controlling legal costs. Mr. Roark told the Board he
113 had a brief discussion with Attorney John Ratigan who did a lot of work for the Town through DTC
114 Lawyers. When he stepped in as acting administrator he noticed the Town had a lot of interaction
115 with DTC Lawyers between the Planning Department and the various boards. One thought he had
116 was if a retainer would be appropriate in a town setting, which may be helpful in forecasting a budget.
117 He received a proposal for a retainer with DTC Lawyers and suggested that the Selectmen discussion
118 if that was a direction they wanted to move. One drawback would be locking into having one
119 attorney during the retainer period and not being as free to use other legal counsel.

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121 Mr. Gleason felt it was something the Selectmen should explore. At present there was no measure if
122 the proposal was a reasonable price. He suggested getting a retainer proposal from another legal firm
123 that was equally qualified. He noted that the legal budget overran last year by approximately
124 \$30,000.

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126 Mr. Viger felt they should explore options and owed it to taxpayers to find out if the proposal was
127 competitive. Mr. Lynde concurred. He said another aspect was to see if they could internally reduce
128 the need for calling attorneys by using the law books in the Selectmen's office. He noted if there is a
129 question about the meaning of a law the New Hampshire Municipal Association could be contacted.
130 He believed there had to be an understanding with the departments how to approach legal
131 questions/issues.

For the record, Mr. McDevitt stated the Selectmen weren't unhappy with legal counsel. He said they were looking at ways to control and reduce costs. He said they had occasionally taken a position that they wanted department heads to requests for counsel's advice by the Town Administrator. They didn't want department heads contacting counsel. Without putting an ad in the paper, he felt they should encourage proposals from other firms.

Mr. Roark said he would put together a boiler plate for review. Through the process he learned that the Planning Department could hire whomever they wanted for an attorney. Mr. Viger questioned if the Planning Department should have a legal line item in their budget. The Selectmen discussed the ability of departments to hire their own legal counsel and felt clarification was needed regarding such. It was agreed that a firm knowledgeable in land use law was key. Mr. Gleason said the letter of inquiry should be structured to indicate the necessary legal areas the Town was seeking.

Mr. Roark commented that the topic wasn't a priority at the present, but would be targeted for budget season. He will begin to research and develop an inquiry. He suggested possibly having a retainer for certain services.

It occurred to Mr. Lynde that Mr. Roark was taking on a significant task as acting administrator in conjunction with his other role. He said it was incumbent upon Mr. Roark to not let the Selectmen over burden him. Mr. Roark appreciated Mr. Lynde's comments. He said he wouldn't let the Police Department suffer and was thankful to have capable Lieutenants that were also taking on more during this time.

Town Meeting Signs – Discussion

Mr. Gleason said notification had been received from School Moderator Paul Leonard who felt it would be appropriate to put signs up notifying the public of the site and times of the election. The School has ten signs they wanted to use. The Town's cost would be approximately \$400. The Fire Station has a sign that can be used.

Mr. McDevitt said in the last twenty-four hours he had gone online to see what he could find for sign rentals. It occurred to him that the Town went to considerable expense to mail a Voter's Guide to everyone's house, which included the time, date and place for voting. He questioned if it was necessary to go through additional expense to put up signs to let people know what the Town had already told them. Being in a democracy, he felt people had an obligation to vote and to read at least the first paragraph of what is contained on a voter's guide. He said as a citizen in a democracy if a person fails to do that, it didn't create an obligation for the Town to tell them again and again.

Mr. Lynde said Park & Recreation had signs that could be used. Mr. Viger noted the schools had electronic signs and there were Lyons Club signs that could also be used. Mr. Gleason commented that they also receive criticism that they never advertise enough. He said the fact was there were people that won't read the guide and will drive downtown and not know where to vote. He said the proposed signs could be used for any election; it would be a one-time expense that could benefit for future use. Mr. Roark was in favor of having signs, which would reach voters that may not normally vote. There was further discussion as to how to proceed. Mr. Gleason clarified that the signs would only contain information regarding where and when the vote would occur. Mr. Roark will contact School Superintendent Amanda Lecaroz to obtain cost information and a proposal.

Mr. McDevitt questioned who would put up and take down the signs. Mr. Lynde said he would put them up. Mr. Gleason said he would help.

Fire Station Total Cost - Discussion

Mr. Gleason said the Selectmen needed to determine the final cost of the fire station because there were outstanding issues that needed to be addressed. Mr. Roark provided the Selectmen with a sheet outlining the rough estimate of the remaining funds and costs associated with the fire station. He spoke with Fire Chief James Midgley and the document provided will be used as a guideline. There is \$123,305 remaining in the warrant article fund. He explained how the number was calculated. He then outlined the remaining work and associated cost. When all was complete he believed there would be approximately \$39,000. remaining.

Mr. McDevitt asked why the drainage problem wasn't addressed in the beginning. He wanted to know if someone made a mistake in engineering. Mr. Roark replied he discussed the topic with Fire Chief Midgley and learned that the problem was created when a change order was made to make the front area grassed. In doing so a situation was created that allows water to move more freely. Mr. Roark told the Board he reviewed the numbers with the Fire Chief, who was in agreement with them.

Mr. Viger recalled issuing a bid process for irrigation, hydro seeding and the sign. He questioned their status. Mr. Roark stated they could lock in the electronic sign by putting a deposit down. Mr. Gleason believed that had already been done. Mr. Roark said if they haven't, he would make sure it was done. In regard to irrigation, Mr. Gleason said the Selectmen authorized it to move forward with Young Bros. He said they also authorized the Boyden Landscaping portion to be initiated. He also recalled they authorized a sign and was surprised when he learned they didn't go forward. Mr. Roark said he would contact Young Bros. to find out the status. He will adjust the memo accordingly.

Mr. Lynde was concerned with glare from the electronic sign. Mr. Roark provided a description of the sign and its aesthetic look. He felt the Fire Chief had come up with a sign that fit the character. He encouraged the Selectmen to re-look at the design before locking in the sign.

Mr. Gleason said the key component to the information provided was the determination of the cost to implement the drainage correction. Mr. Roark said Herbert Associates was completing the design as soon as possible so it could be put out to bid for work to be done in the spring.

Mr. Gleason questioned who was responsible for pulling invoices together with Trident and the architects. He also wanted to know who would be responsible for getting the siding done if it was under the contingency. Mr. Roark's understanding with Fire Chief Midgley was he would help to finish the project off. There were e-mails containing itemizations that Mr. Roark would review. Mr. Gleason wanted confirmation from Trident and the architect that the \$50,000 was the sum total of the Town's responsibility under the contract. Mr. Roark believed Fire Chief Midgley already had that confirmation. He will work with the Chief to get the responsibility paid off.

Lynch Lawsuit

Mr. Gleason said they had ascertained the Town had expended to date approximately \$16,000 in connection with the Lynch lawsuit pertaining to the fire station. Mr. McDevitt understood that it was in the court on the issue of standing not on merit. He believed if the Supreme Court indicates the Town loses and the case goes back to Superior Court for a hearing on the merits they would involve the experts to share in the cost given they had stated during the process that they were consistent with the deed.

Mr. Viger felt they should get Trident and the architects involved because a public meeting was held during which they specifically talked about the covenants of the area. The Selectmen were told a design would be done within the constraints. He said the Town went on their advice and direction; they should be asked to explain how they went around the covenant. Mr. Gleason questioned if there was any advantage to sending a letter to Trident and Eckman indicating the Lynch matter had gone to Superior Court. He said while they expected it to go in the Town's favor, there was always a possibility it won't. Mr. McDevitt believed they should speak with Town Counsel regarding legal strategy. Mr. Roark said at this point, other than the person suing the Town, no one had said that the project didn't fit the covenants. He suggested waiting for the next step before spending additional money on legal. Mr. McDevitt agreed.

Mr. Lynde commented they had a covenant. They had a lot of discussions with Trident and the architects who assured the Selectmen the project met that covenant. The Selectmen briefly discussed the court process. Mr. Gleason said the point of the discussion was to inform that the cost to date was approximately \$16,000.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

Mr. Gleason told the Selectmen that Planning Director Jeff Gowan had done a good job getting through to Fair Point who committed to a date. In doing so it was believed that Continental could be locked in to doing the second roundabout this year. Confirmation is pending. He then told Selectmen that he received correspondence from Mike Sherman who asked that the Selectmen urge people to drive slowly while driving in the snow. Mr. Sherman was nearly hit by an automobile while plowing his driveway. Mr. Gleason reminded the Selectmen about the March 7th Read Across America event at the Elementary School. He ended by telling the Board he attended a meeting at NH Municipal Association regarding the Right to Know Law. He said the Town had to be extremely careful, especially regarding e-mail and corresponding with more than one person. He will provide the Selectmen with the documents he received for their review.

ADJOURNMENT

MOTION: (Lynde/McDevitt) To adjourn the meeting.

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

The meeting was adjourned at approximately 8:15pm.

Respectfully submitted,
Charity A. Landry
Recording Secretary