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**APPROVED**  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
March 21, 2013  
APPROVED – April 2, 2013

CALL TO ORDER – approximately 6:30pm

PRESENT: Mr. William McDevitt, Mr. Edmund Gleason, Mr. Robert Haverty, Mr. Doug Viger, Mr. Hal Lynde

ABSENT: Town Administrator Tom Gaydos

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

Mr. Viger was present for the meeting, but in the Selectmen's conference room.

**February 5, 2013**

**MOTION:** (Gleason/Haverty) To approve the February 5, 2013 meeting minutes as amended.

**VOTE:** (3-0-0) The motion carried.

**February 19, 2013**

**MOTION:** (Gleason/Haverty) To approve the February 19, 2013 meeting minutes as amended.

**VOTE:** (3-0-0) The motion carried.

Mr. Viger joined the Board.

**OPEN FORUM**

No one came forward to speak.

Mr. Lynde arrived.

**ANNOUNCEMENT(S):**

- **2013 Town Meeting Results** (Selectmen will discuss default budget April 2, 2013)
- **Debbie Laffond, Children's Librarian for Pelham Public Library – Announced as the NH Children's Librarian of the Year**
- **Public Hearing to Accept the Donation of a Fire Alarm System for the Animal Shelter to be held on Tuesday, April 2, 2013**

**APPOINTMENT(S):**

**Brian Ferullo Eagle Scout Candidate – Eagle Scout Service Project Proposal Presentation**

Eagle Scout Brian Ferullo presented his Eagle Scout Project, which was a 2-tiered viewing platform at the new Lacrosse Fields within Raymond Park.

Mr. Gleason asked for clarification regarding the comment in the package that indicated a building permit would not be needed. Mr. Viger believed the cost for the building permit may not be required, but an inspection by the Building Inspector would be needed. Mr. Gleason asked for the capacity. Mr. Ferullo said the structure would be 12ft. wide and would possibly accommodate a couple families.

Mr. Lynde asked for further explanation regarding the structure's measurements. Mr. Ferullo described the platforms. Mr. Lynde believed the Park & Recreation Director had plans to put a snack shack at the field and questioned if the platform's location would be positioned in conjunction with the snack shack. Mr. Ferullo said it was the Director who gave him the project and designated the location.

Mr. Viger appreciated the Eagle Project which would benefit the fields and thanked Mr. Ferullo for his efforts.

Mr. Ferullo commented that the railing system would be made out of wire to allow for viewing of the playing field if a person was seated. The wire is strengthened and used specifically for railing. The platforms would be made out of Trex (synthetic material), which would be a bit more costly than wood, but would have less maintenance and longer life. He ended by discussing how the fund raising efforts would be done by using a website geared toward fundraising as well as accepting donations from citizens and Lacrosse participants. Mr. Viger questioned if there were still available funds in the Trust Funds for Eagle Projects. Mr. Gleason believed there was approximately \$7000 available in the fund. Mr. Viger told Mr. Ferullo to fund raise all he could and there was money available in the trust fund to supplement the project.

Mr. McDevitt told Mr. Ferullo to contact Mary Gleason, Trustee of the Trust Funds for information.

**MOTION:** (Gleason/Viger) To accept Eagle Scout Brian Ferullo's proposal to build a platform at Elmer G. Raymond Memorial Park.

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

Mr. Viger asked Mr. Ferullo when he would turn eighteen. Mr. Ferullo answered August 8<sup>th</sup>. He planned to have the project completed prior to summer.

Mr. Gaydos told the Selectmen and Mr. Ferullo that he would provide a copy of the plans to the Building Inspector. He asked Mr. Ferullo to contact him when he would come in for a discussion and building permit.

**Planning Director Jeff Gowan –**

- **Roundabout Update**
- **Highway Safety Committee Recommendations**

Mr. Gowan told the Board that a Roundabout Project Spring Kickoff meeting was held on March 6, 2013 which had representatives from NH Department of Transportation, Continental Paving, Utilities, and Town representatives. He summarized the discussion and a timeline for the project with a completion date of 2014.

Mr. Lynde asked if most of the road construction would be completed this year. Mr. Gowan hoped that would be the case. The roundabout in front of the fire station couldn't be done until utility work was done coinciding with weather; if it is too late in the year, that portion will wait until next year. He said in an ideal scenario the second roundabout would at least be done to binder coat. He noted that the utilities ruled the schedule.

Mr. Viger asked for clarification as to whether the roundabouts would be done at the same time. Mr. Gowan's initial understanding that the roundabouts would be built one at a time, but when Continental came in to discuss the project, it came out that the roundabout in front of Town Hall would be easier to do because there were no utilities in that location. The approach will be all inclusive at both locations, except the utility work will hold up the process in front of the existing fire station. The utility organizations were in sync and have been involved during every step of the project.

The Department of Transportation has coordinated as well as possible with the Town and was very sensitive to the schools, school busses, residents, Old Home Day, etc. Thought has gone into all the possible things that could be impacted. There will be inconvenience but they've tried to accommodate all the needs.

Mr. Gleason asked if Mr. Gowan's information would be provided on PTV. Mr. Gowan said the information had already been updated on the Town website and would work out a scroll on PTV.

Mr. Gowan then reviewed the list of recommendations by the Highway Safety Committee ('HSC').

- 1) Citizen request for stop sign at the intersection of Kinnel Avenue and Webster Avenue – supported by HSC. The intersection currently has no stop sign. No objection by the Selectmen.
- 2) Request for warning sign of blind driveway on Atwood Road (approaching Route 38) received from Meadowview Homeowner's Association. HSC will make observations and discuss at next committee meeting. This item is still unresolved.
- 3) Proposed road name 'Bayberry Woods Road' for road creating a connection within the development project that would connect Poplar Hill and Stonepost Road. No objection by the Selectmen.
- 4) Proposed road name 'Brunswick Circle' for Dancause development project (off Jericho Road). No objection by the Selectmen.
- 5) Voluntary Address Change for private drive off Simpson Mill Road to be 'Sawyer Way'. No objection by the Selectmen; they signed the appropriate form.
- 6) Voluntary Address Change for property (John Jepson home – 49 Old Bridge Street) impacted by roundabout project. New address will be 12 Woodbury Avenue. No objection by the Selectmen; they signed the appropriate form.

#### **OTHER BUSINESS**

##### **Court Ordered Deed to Torrisi**

Mr. Gaydos summarized the discussion. He said approximately eleven years ago there were some differences of opinion, which went on for quite some time (through the Planning Board and Zoning Board), on a road constructed to a house. As a result of those actions, an action was taken against

the Town. The Town and the individuals tried to come to an agreement. An agreement was made. Subsequently, it was found an error had been made by the Town that was not brought to the Town's attention until after Town Meeting vote to transfer the property. Mr. & Mrs. Torrisi then went back to Superior Court. Superior Court has ordered the Town to deed the property to Mr. & Mrs. Torrisi.

The Selectmen were provided with the deed to sign, which was authorized by the 2012 Town Meeting. The deed had been reviewed/recommended by Town Counsel (Attorney John Ratigan). Linda Newcomb of the Town Clerk's office notarized the document.

**Fire Chief James Midgley – New Fire Station Update**

Fire Chief James Midgley came forward and provided the Selectmen with a status update of the new Fire Station. He stated they were approximately 95% complete; the electricians and plumbers hoped to be off-site within the next week (+/-). The interior of the building was pretty much complete from the walls up and the ceiling has been installed. The sprinkler system, fire alarm and HVAC are being finished. Painters are doing final touch-ups. Cabinetry has been installed and the kitchen has been delivered. There were a couple fabricated kitchen pieces that are expected within the next week. Chief Midgley said the flooring issue was an ongoing process. There is concrete in various stages of not curing. Specific levels of relative humidity are needed for different areas. This was an unforeseen situation that could not be planned for.

Mr. Viger added he was on the phone with Trident questioning how they would put down concrete that wasn't going to cure within a certain amount of time. He learned they tested the stability of the concrete when it was put down and it passed all the tests; the concrete cures at different rates. He said it wasn't the fault of Eckman or the concrete company, it was the nature of the situation. Precautions were being taken to ensure the concrete was where it needed to be prior to the flooring being put down. It is not a lack of performance by the companies; everyone is working on the best behalf of the Town. There had not been a breach of contract. Chief Midgley said the best estimates when the project started was that there were very permeable conditions they would build on sand (no wetlands) with suitable land underneath the slab. He's spoken with nationally known experts and commented it was just the nature of construction; they needed to reach the relative humidity values within the concrete before proceeding. Mitigation steps are being taken within the building to try to change the RH humidity in the concrete. The HVAC system was turned on to see if the slab could be dried internally. Electric heaters are also being used in the central core area; there has been moderate success in changing the relative humidity in that area.

Mr. Gleason questioned if there was any cost impact associated with the situation. Mr. Gaydos said the Town was given a date of three weeks. After that time, they would see additional impacts to the Superintendent on the job, but not necessarily any additional supervision costs. Mr. Gleason asked who had the primary responsibility to get the job done in three weeks so the Town didn't incur additional costs. Mr. Gaydos asked the Chief to explain the delays that occurred due to Hurricane Sandy. Chief Midgley explained there were a few push-back issues, the larger was the erection of the trusses that pushed back approximately two weeks. They didn't want to rush the structural integrity of the building. There had also been some weather related issues. Another issue was due to Hurricane Sandy. The electrical resources (specifically generator resources) were shipped down to New Jersey, which caused a six-week period to get the transfer switch in place; this bypass was needed to bring electrical service into the building. Everything was dependent upon getting those systems up and running. Mr. Gleason said those things were the responsibility of the contractor and questioned why it would affect the project. Mr. Gaydos said there were continual discussions, and at this time Eckman Construction is indicating they feel the situation was an Act of God. The generators were ordered in plenty of time. Mr. Gleason had trouble grasping 'Act of God'. Mr.

Gaydos believed the primary reason about the flooring and concrete was the permanent heating couldn't be done quicker. Chief Midgley said going by the schedule the timing was slightly off on getting permanent power in. However, concrete would cure in its own manner. *(an emergency call tone occurred and Fire Chief Midgley had to leave the meeting)*

Mr. Viger said in his discussion with Trident on the issue and questioned how it was the Town's problem that the concrete wasn't ready. He was told by Trident that the concrete was tested when it was put down and was in the right consistency for what it needed to be. Based on the material it was poured on was reflected on how it would cure. He commented if Trident wasn't overseeing the process the flooring would have been put on top of the concrete. He felt the time it took concrete to cure was not the fault of anyone, except for the nature of the concrete. He noted at the rate they were going it may not affect the transfer or the opening of the fire station. Mr. Gleason failed to see any delay in the concrete curing was the responsibility of the Town. He believed it was under the responsibility of the contractor who provided a guaranteed not-to-exceed price for the project. Mr. Viger didn't feel Hurricane Sandy had an effect on how the concrete cured.

Mr. Gaydos said the mitigation efforts were being taken to try and get warmth in the area. They were seeing the curing process improve. He said it may not be an issue in another week, but wanted the Selectmen to be informed about the situation and efforts.

**OTHER BUSINESS CONTINUED**

**Nashua Regional Planning Commission Appointment**

A letter was received indicating that the Town needed to have someone appointed to the Nashua Regional Solid Waste District. The recommendation was to appoint the current Transfer Station Director Stan Walczak. Mr. Gaydos commented that Mr. Walczak had become quite active with the organization.

**MOTION:** (Viger/Lynde) To appoint Stan Walczak to the Nashua Regional Solid Waste District.

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

**St. Patrick Men's Club Raffle Permit / St. Patrick Women's Guild Raffle Permit**

The Selectmen were provided with documentation

**MOTION:** (Viger/Gleason) To accept and approve the St. Patrick Men's Club and Women's Guild Raffle Permits.

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

**Election of Board of Selectmen Officers**

**MOTION:** (Haverty/Viger) To elect Edmund Gleason as Chairman of the Board of Selectmen.

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

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**MOTION:** (Viger/Haverty) To elect William McDevitt as Vice Chairman of the Board of Selectmen.

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

Mr. Gleason thanked the Board for electing his Chairman. He also thanked Selectmen McDevitt for his leadership during the past year.

**2013 Default Budget**

The Selectmen were provided with an expenditure report outlining a three year average of the departments and where each stood to date. Mr. Gaydos reviewed the information. Mr. Gleason wanted to understand the impact of the default budget. He prepared a spread sheet containing a breakdown of the 2012 Operating Budget, the percent figures remaining in those lines compared to the 2013 Default. The increase was 2.4%. He believed the bulk of that increase was contractual. The total increase proposed on the Warrant was 4.3% meaning there was a 1.9% reduction in the desired budget. Mr. Gleason believed it would be a challenge, but not catastrophic. The purpose of the spreadsheet he put together was to determine which departments overran their budgets last year so the Selectmen could see which areas may have difficulties this year. On average the departments had under run their budgets by approximately 8%. Four department experienced over runs (2 significantly - Legal and Town Buildings). Mr. Gleason wanted to determine if the budget they currently had under the default had adequate funds to cover the two areas in the event they went back in the (over run) mode. Mr. Gaydos believed they did.

Mr. Viger said the difference between the Operating Budget and the Default Budget voted in was significant because the budgets were lean to begin with. Mr. Gleason wanted to get concurrence from the departments that they can live with the default structure and then identify anything in the budget that they couldn't do. He said there may be departments that are forced to eliminate procurements they felt were essential. If that's the case, Mr. Gleason said the Selectmen may want to look at the bottom number and see if they could help them. He wanted Mr. Gaydos to do an analysis on Legal to find out where he felt the budget would go this year and if the budget contained enough to do it. He said Town Buildings was the bigger problem and wanted to make an effort to determine the potential expenditure. His two areas of concern were Boyden (because of their expansion of work) and Town building maintenance.

Mr. Viger commented on the challenges to budgeting based on the Town's form of government. He felt the expenditures during the first three months were important to how the rest of the year was laid out. He'd like to get a handle on where the Town currently was and what each department head expected to spend.

Mr. McDevitt felt it was critical to direct the department heads they had to live with the default budget. If they believed they were unable to do so they would need to lay out for the Selectmen what would stay and what would go. He suggested that the Selectmen discuss 'taxing' the departments and setting aside a fund to cover the Town in the event they had shortages at the end of the year.

Mr. Lynde asked if there was a policy as to who could contact Legal Counsel. Mr. Gaydos said he works with the Planning Director and was unsure if anyone else did so. Mr. Lynde commented that there was a set of law books in the Selectmen's conference room that could be utilized.

There was a brief discussion regarding how to proceed and what would be asked of the department heads. Mr. Gleason said he would like Mr. Gaydos to go back to the departments that had a potential problem and provide a new budget based on the best estimate that could be made. He deferred the discussion to the next meeting.

Mr. Gaydos discussed the Town's phone system, which was not within the default budget. He said the cost of the new system would be \$40,000. He looked at priorities and noted one thing that could be deferred was the regular computer replacement cycle. He said that amount in the default was \$40,000. Mr. Gaydos noted that the phone system was used when it was purchased and a decision would need to be made about a new system as the new fire station came on line. The current phone system is ten years old and no longer supported; if a main switch go down it was not known if they could get it back online. Mr. Gleason wanted to have a list of all things needing review so the priority could be considered.

**Board of Selectmen Committee Assignments**

Planning Board – Mr. Haverty  
Budget Committee – Mr. Viger (alternate Mr. Gleason)  
Forestry Committee – Mr. Lynde  
CIP – Mr. Haverty (alternate Mr. Viger)  
Council on Aging – Mr. Gleason  
HazMat Director – Mr. Haverty  
Greater Salem Chamber of Commerce – Mr. Viger  
Trustees of the Trust Fund – Mr. Gleason  
Flood Study Liaison – Mr. McDevitt

Mr. Viger would like to reach out to the Department Heads and work with them during the budget process.

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Deferred.

**REQUEST FOR NON-PUBLIC SESSION**

**MOTION:** (Viger/Lynde) 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** Mr. McDevitt-Yes; Mr. Viger, Mr. Gleason-Yes; Mr. Haverty-Yes,  
**CALL:** 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 8:23 pm.

The Board returned to public session at approximately 10:12 pm.

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

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

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 10:12pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary

**BOARD OF SELECTMEN ACTION ITEMS**

**March 29, 2011**

- Mr. Gaydos to put timeline together for Castle Hill Road (6/7/11 easement being completed that would allow the Crawfords to access their property)(7/5/11 – Mr. Gaydos stated the project was moving forward, there were other issues to get out of the way prior to addressing this)(8/2/11 Mr. Gaydos is working with Attorney Solomon and will have a timeline quickly)(8/9/11 – Mr. Gaydos continuing to work with Attorney Solomon-associated correspondence will be provided to the Selectmen)(8/30/11 – still in progress); 1/17/12 – still in court. As of 7/10/12 on-going legal issues – October 16, 2012 remains in court.

**May 10, 2011**



- Mr. McDevitt researching appropriate signage for Raymond Park (where parcels are located and what names were allowed per deeds) (6/7/11 Mr. McDevitt said research was completed and would like to discuss with the Board after the meeting of 6/28/11)(7/5/11 – Mr. McDevitt said a discussion should be scheduled regarding the names at Raymond Park. Information is available to educate the Selectmen. A discussion will be scheduled for July 19, 2011)(8/2/11 Mr. McDevitt said the Board had received a draft of the naming requirements of the park, which raised additional questions. The Selectmen will schedule a discussion at a later time)(8/9/11 – there is a question whether there could be signs that stay up at Raymond Park – this is in the process of being addressed)(8/30/11 – agenda item scheduled) / 10/25/11 – research still being conducted and signs to be designed; 1/17/12 – ongoing project – an Eagle Scout project will possibly be brought forward to put up kiosk. July 10, 2012 – Park & Recreation Director waiting for a Boy Scout to come forward with a project. / October 16, 2012 Mr. McDevitt will speak to Park & Recreation.

**May 24, 2011**

- Mr. Gaydos to review the legal ramifications of changing the road classification in the Gumpas Pond area; 7/10/12 Mr. Gaydos to check status with Ms. Waters. / October 16, 2012 pending.

**July 5, 2011**

- Mr. Gaydos to request from Comcast something in writing indicating there will be no additional charge for moving cable to new fire station location (8/2/11 Mr. Gaydos said there were several issues he would deal with all at once when Comcast returned the signed contract)(8/30/11 – contracts returned – Town will approach Comcast with two required follow up letters of agreement) / 10/25/11- Mr. Gaydos to ask Mr. Greenwood to follow up; 1/17/12 follow up needed for written agreement. / October 16, 2012 pending

**August 2, 2011**

- Obtain status regarding Young's Crossing and the flashing sign on Route 38/Gage Hill Road/Ledge Road intersection and from Police Chief. (8/9/11 Mr. Gaydos had a discussion with Police Chief Roark regarding the flashing light and there may be less expensive alternatives. The Chief has requested a meeting with the DOT district for Pelham)(8/30/11 – correspondence received from State – Mr. Gaydos to work with Police Chief Roark to compile accident statistics) / 10/25/11 – Mr. Gaydos said Chief Roark was heading this up – the same type of study is being done at the Sherburne Road intersection.; 1/17/12 – still working with intersection (with state) in conjunction with Sherburne Road. / October 16, 2012 Planning Director Gowan to address and provide status update.

**August 16, 2011**

- Mr. Gaydos to research if there is legislation pertaining to dam water releases for a future agenda item (8/30/11 –Mr. Gaydos working on response regarding dam water releases and hoped it would also address the flood ordinance Mr. Gowan was working on)/ 10/25/11 – Mr. Gaydos said there was wording, but it didn't have sufficient 'teeth' – an agenda item will be scheduled for Selectmen discussion; 1/17/12 – at a standstill between what the state is willing to do and what the Town would like them to do. Mr. Gaydos felt the flood study would aid in an outcome. /October 16, 2012 proposals to be reviewed and narrowed down and presented.

**April 10, 2012**

- Mr. Gaydos to contact people in Londonderry regarding the flood study and work with Mr. Gowan to coordinate. / October 16, 2012 pending.

**April 24, 2012**

- Planning Director to review water supply regulation and well ordinance documents and return comments to the Selectmen; October 16, 2012 in progress.

**July 17, 2012**

- Selectmen to revisit the PUC order/Pennichuck Water to see what the repayment obligation (for legal fees) was to the Town.

**November 13, 2012**

- Fireworks education – Mr. Viger
- SAU Office Space
- Well Ordinance and Waste Disposal Systems Regulation information/draft