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NOT APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
December 23, 2014

CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Edmund Gleason, Mr. Hal Lynde, Mr. Doug Viger, Town
Administrator Brian McCarthy

ABSENT:
Mr. William McDevitt, Mr. Robert Haverty

PLEDGE OF ALLEGIANCE

MINUTES REVIEW

December 9, 2014

MOTION: (Viger/Lynde) To approve the December 9, 2014 meeting minutes as
amended.

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

ANNOUNCEMENTS

- **Holiday Hours:** All Town Offices will be closed on Christmas Eve, Wednesday, December 24, 2014 at 2PM; Town Clerk/Tax Collector office will close at 1PM. All offices will be closed on Christmas Day and New Year's Day
- **Budget Committee** is scheduled to meet Monday, January 5, 2014 to review union contracts
- **Budget Reconsideration** hearing will be held Monday, January 12, 2014 beginning at 7PM in the Pelham Elementary School Media Center

24
25 **OPEN FORUM**
26

27 No one came forward to address the Board.
28

29 **APPOINTMENTS**
30

31 **Stan Walczak, Transfer Station/Recycling Center Director – 2014 year end budget review**
32

33 Mr. Gleason stated during the budget review process (in July) Mr. Walczak made a request for a tractor at the facility. During that
34 time, the Selectmen gave direction for Mr. Walczak to come back to them closer toward the end of the year for consideration based on
35 the department's remaining budget.
36

37 Mr. Walczak told the Board his budget was short by a small amount. When speaking to the tractor company, he learned they would
38 allow two payments of \$2,475; one in December and the other in January. The total for the tractor is \$4,950, of which the department
39 has \$3,100, leaving a needed balance of \$1,850.
40

41 Mr. Viger recommended if there was money in the budget, they purchase the tractor this year and start fresh in 2015. Being a safety
42 and operations efficiency issue, Mr. Gleason agreed that it should be acquired this year. Mr. Lynde noted that the bottom line of the
43 budget would be held.
44

45 For public education, Mr. Gleason asked Mr. Walczak to explain the need for the tractor. Mr. Walczak explained Saturday was the
46 facility's busiest day. The facility doesn't have a scale and most of the time two trailers are sent out overweight and one is sent out
47 under weight. They don't have the ability or room to store trash inside the building. Having the tractor will allow the trailers to be
48 swapped out and make the facility more efficient. There will still be three hauls at a weight covered under Department of
49 Transportation ('DOT') Standards.
50

51 Mr. Gleason confirmed that the department has a new equipment line item. Mr. Walczak answered yes.
52

53 Mr. Lynde questioned if the facility should have a scale. Mr. Walczak replied the cost of an appropriate scale for the facility would
54 cost approximately \$70,000, which he couldn't justify spending at this time. He said the cost benefit analysis didn't make sense. He
55 noted the DOT provided a 10% waiver to the facility because they don't have a scale. He explained they were presently managing by

56 having someone come to the facility and swap the trailers , but going forward they wouldn't be able to continue doing so because it
57 would be cost prohibitive.

58
59 Mr. Viger made a motion to procure the tractor from the 2014 budget, realizing doing so will overextend the Transfer Station budget;
60 however, funding will be found to do so.

61 **MOTION:** (Viger/Lynde) To authorize Mr. Walczak to proceed with the procurement of a
tractor to be funded from the 2014 budget

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

62
63 Mr. Walczak discussed the holiday hours for the Transfer Station. They will be leaving the brush pile open during the first couple
64 weeks in January so residents can drop off their Christmas trees.

65
66 (**see additional appointments after public hearing*)

67
68 **OTHER BUSINESS**

69
70 **Parking at Town Buildings**

71
72 Mr. McCarthy brought a situation forward of vehicles using the parking spots in front of Town Hall as a 'park and ride'. If action
73 wasn't taken he believed there could be issues with snow removal and a lack of parking spaces for Town business. He asked for the
74 Selectmen's input for a remedy going forward.

75
76 Mr. Lynde questioned where vehicles park. Mr. McCarthy replied vehicles parked in spots closest to the building as well as in spots
77 on the Village Green side for the whole day. One vehicle remained for three days. Mr. McCarthy asked the Police to contact the
78 owner to determine the status. Mr. Lynde suggested rather than not allowing parking, it might be better to ask the owner to park
79 behind the Municipal Building or at the Library.

80
81 (*The Board continued discussion on this topic later in the meeting – see below*)

82
83 Mr. Gleason suspended discussion to conduct the scheduled public hearing.

(* additional business after public hearing)

PUBLIC HEARING:

Regarding acceptance of the extension of Lawrence Corner Road within Lawrence Corner Estates as a Class V public highway in accordance with RSA 674:40a

Planning Director Jeff Gowan came forward to discuss the status of the extension of Lawrence Corner Road. He explained the project was approved in 2005 and took longer than usual to build because of the economy and court proceedings. Part of the project included an off-site improvement required by the Planning Board to widen Lawrence Corner Road from Castle Hill Road to the project. The work was bonded and full completed. The road has 'wintered over' and been inspected by the Keach Nordstrom (Town's engineering review firm), the Highway Road Agent and Mr. Gowan. The Selectmen have been provided with letters from Keach Nordstrom and the Planning Board recommending that the road be accepted.

Mr. Gleason reviewed the letters provided to the Board. Mr. Lynde questioned if there had been an issue with a portion of the road because of a deeded area. Mr. Gowan replied a member of the community asserted that the new road, when laid out within the subdivision, varied from the old Town road (across one piece of property) and had never been discontinued absolutely by the Town. He commented that the attorney representing the developer agreed and called it a 'red herring'. Mr. Gowan felt the Selectmen could accept the road and if an issue came forward, the Selectmen could place a question on the ballot to discontinue and abandon completely the approximate 60ft. of road.

Mr. Viger confirmed that the 'extension' would remain named Lawrence Corner Road and was in compliance with the E911 requirements. Mr. Gowan answered yes.

Mr. Gleason then opened the hearing to public input. No one came forward.

MOTION: (Lynde/Viger) To acceptance of the extension of Lawrence Corner Road within Lawrence Corner Estates as a Class V public highway in accordance with RSA 674:40a

ROLL CALL VOTE: (3-0-0) The motion carried.

Mr. Gowan noted the Planning Department sent out notice to all those affected by address changes in accordance with E911. The department resolved questions raised by residents and were prepared to answer additional calls in the January, 2015 timeframe when the new street names went into effect. New street maps have been ordered and will be widely distributed to first responders, the post offices and Pelham businesses that do deliveries. The map will also be posted on the Town website.

Mr. Gleason asked Mr. Gowan if it would be appropriate to discuss the address changes and E911 implementation during the Board's January 6, 2014 meeting. Mr. Gowan felt it was appropriate to discuss the implementation as much as possible. An agenda item will be scheduled to have Mr. Gowan review the process and answer any concerns. Mr. Gleason learned that the Massachusetts E911 had a component for residents to enter personal information in the event of emergencies, such as where medication could be found within their home. He asked if New Hampshire's system had that capability. Mr. Gowan will research and present his findings during the January 6th meeting.

On another topic, Mr. Lynde questioned if there had been any progress in making an impact fee for the schools. Mr. Gowan replied nothing would move forward until the voters approve the budget and the Master Plan was updated. Once the Master Plan had been updated impact fees could be developed. Mr. Gowan noted any project that had already submitted an application to the Town would not have to pay an impact fee, if a new impact fee was created. It is only once a fee is developed and put in place that any new application would be required to follow. Mr. Lynde was concerned with missing opportunities. Mr. Gowan stated he had tried to have the Master Plan approved during the past two years. Mr. Lynde commented he had been in support of the update. Mr. Gleason added that the Master Plan was under the purview of the Planning Board.

APPOINTMENTS CONTINUED:

Irja Finn, Library Director; Lori Adams, Chair of Library Trustees and Gloria Walsh, President of Friends of the Library - Request for 1-day Liquor License Warrant Article to be placed on the 2015 Town Warrant

Ms. Finn explained to the Board that the goal was to have a one-day event of short duration for the purpose of fund raising. The number one priority was for a safe controlled event; they would follow all Town and State procedures. She summarized the State's guidelines. She then spoke about the type of function they may pursue, such as paint and sip, wine tasting etc. They were interested in holding a classy event with food and beverages (alcoholic and non-alcoholic).

141 Mr. Lynde was in favor of the request and questioned why it would be restricted to the Library and not also include Sherburne Hall.
142 He told the Board that the Town had allowed alcohol on Town property in the past. In the early 1980's there were a couple Selectmen
143 that didn't want any alcohol consumption on Town property and the rule hadn't changed since then. He believed if functions were
144 done properly they should be allowed and include Sherburne Hall.

145
146 Mr. McCarthy stated that Property Liability Trust didn't have an issue with the proposed event. He felt consideration should be given
147 to have a Police officer on detail during functions. Ms. Finn understood and didn't object.

148
149 Mr. Gleason had personal concerns with alcohol consumption in terms of people acting responsibly and liability. He was also
150 concerned with setting a precedent by allowing one organization to have a function.

151
152 Ms. Adams spoke of the Library budget for the past few years which was focused on staff salaries to raise employees to the level they
153 should be given their talent. As a result of doing so other areas of the budget had been flat for a number of years. Fund raising has
154 become extremely important and will allow them to continue additional programming without requesting additional monies from the
155 taxpayers.

156
157 Mr. Viger questioned if the Selectmen had the ability to grant single-day events. Mr. Lynde believed there was a warrant article in the
158 past that didn't allow alcohol. Ms. Finn indicated that was the reason they were in front of the Board at this time. Mr. Lynde asked
159 that Mr. McCarthy pull together guidelines and a procedure to follow for these situations. Mr. McCarthy will also consult with Police
160 Chief Roark to fine tune a protocol.

161
162 Mr. Gleason commented that the Board would be reviewing warrant articles later in the meeting. He felt they had enough information
163 to proceed with discussion and make a decision.

164
165 Mr. Viger stated he would be more in favor of opening the question to include other Town locations. He asked if the Library had any
166 feedback to doing so. Ms. Finn replied they would like to showcase their facility. Ms. Adams noted in any case, the Selectmen would
167 need to approve each event. Mr. McCarthy commented he was in the process of including a special events policy in the Town manual.
168 That policy will spell out a list of stipulations for various functions. Ms. Finn was well aware of possible exposures and would ensure
169 they followed all Town and State regulations.

170
171 Mr. Gleason said the Selectmen would take the comments under consideration when reviewing the warrant articles.

OTHER BUSINESS

2015 Warrant Article Review – additional items

An updated warrant was provided to the Selectmen for review.

Support Union Contract – Public Works and Municipal Employees, Local 1801. (Article B – recommended as Article 5)

This article had not yet gone to Budget Committee for review. Mr. McCarthy read the article aloud. Four year agreement with 2% increase each year.

MOTION: (Lynde/Viger) To approve Article B – Support Union Contract warrant as presented.

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

Firefighter Union Contract – Professional Firefighters of Pelham Local 4546. (Article C – Recommended as Article 6)

This article had not yet gone to Budget Committee for review. Mr. McCarthy read the article aloud. Five year agreement with 2% increase each year.

MOTION: (Viger/Lynde) To approve Article C – Firefighter Union Contract warrant as presented.

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

Raymond Park Capital Reserve Fund, Forest Management. (Article I – Recommended as Article 10)

Mr. Gleason noted the article had been approved in the amount of \$21,000. Correspondence and support information has been submitted by Deborah Waters requesting the figure be increased to \$27,000.

MOTION: (Lynde/Viger) To reconsider Article I- Raymond Park Capital Reserve Fund / Forest Management warrant article.

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

Mr. Gleason noted the account currently contained \$13,000; however there's an expected \$34,000 to be deposited from Forest Management. He said there would be adequate money in the fund by the time it was executed.

MOTION: (Lynde/Viger) To modify Article I – Raymond Park Capital Reserve Fund / Forest Management changing \$21,000 to \$27,000 and to approve the article as modified.

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

Willow Street Bridge – To manage State Bridge Aid grant for engineering design and permitting for the replacement of the Willow Street Bridge; appropriation up to \$220,000 will be reimbursed from State Bridge Aid and \$55,000 will be funded with general taxation (Article J – Recommended as Article 11). Previously recommended by Selectmen and Budget Committee.

Subsequent to this article being recommended, Mr. Gleason explained the Selectmen have received correspondence from Quantum indicating that the VHB study information was made available to them and they feel very comfortable going forward with the full value of the bridge construction amount for Willow Street Bridge. Quantum has asked the Selectmen to reconsider the warrant to include the entire cost for replacement of the bridge. An alternate Article 12 has been provided to the Board for design, engineering, permitting and replacement of the Willow Street Bridge at a cost of \$2,657,500 from which up to \$1,190,000 will come from the State Bridge Aid (reimbursement), \$74,804 to come from the existing Willow Street Bridge Capital Reserve Fund and \$456,696 from general taxation. Mr. Gleason noted that the State (Nancy Mayville) had indicated if the voters approve the article, they may be able to move the project up in the cycle. He felt it would be prudent to reconsider the article and asked the Selectmen to consider doing so.

MOTION: (Lynde/Viger) To reconsider Article J (Article 11) - Willow Street Bridge Replacement.

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

Mr. Lynde questioned the phrase ‘...for the purpose of municipally managing...’ Mr. Gleason replied Quantum recommended the language because the State ‘owned’ the project and their function would be to manage the project. Mr. Lynde questioned if the Town would need to have the total project cost up front and then seek reimbursement from the State. Mr. Gleason indicated he discussed the situation with the Treasurer and believed the Town would need to float the money from the fund balance until the State reimbursed the

219 money. Mr. Lynde questioned if they needed authority to do so. Mr. Gleason replied they could ask the Department of Revenue
220 Administration ('DRA'). He noted the Town would be reimbursed in stages, such as for the engineering study; this was a cash flow
221 situation.

222
223 Mr. Gleason asked Mr. McCarthy to clarify the use of the fund balance.

224
MOTION: (Viger/Lynde) To modify Article J (and use recommended Alternate Article 11)–
Willow Street Bridge Replacement and approve as contained in the 2015 Town
Warrant Articles – draft 12/23/14 provided to the Selectmen.

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

225
226 *Noise Ordinance* – Article L (Recommended as Article 13)

227 Mr. Gleason commented that the Selectmen previously had a discussion but had not taken action on whether they wanted to put an
228 article forward for a noise ordinance. Mr. McCarthy read the proposed article aloud.

229
230 Mr. Gleason noted at a previous meeting the Selectmen discussed moving forward with a two-pronged approach; there is another
231 proposed article (Article P) that would authorize the Selectmen to enact or modify ordinances.

232
233 Mr. Lynde stated they could vote to include the article and if people had questions/concerns they could voice such at Deliberative
234 session and offer modifications. Mr. Gleason noted the article was in response to a citizen complaint.

MOTION: (Viger/Lynde) To approve Article L (Article 13) – Noise Ordinance.

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

235
236 Mr. Viger suggested moving Article P (Recommended as Article 18) – Board of Selectmen to enact or modify ordinances directly
237 behind the Noise Ordinance article. The Selectmen agreed.

238
239 *Motor Vehicle Registration Fee Increase for Road Improvements* – Article O. Mr. Gleason removed this article. He recalled the
240 Selectmen having a lengthy discussion and the suggestion to review an alternate approach.

Library Board of Trustees request for Board of Selectmen to grant Library “event pass” to serve alcohol – Article S (Recommended as Article 19).

OR

Request for Board of Selectmen to grant non-profit, fundraising organizations, a one day “event pass” to serve alcohol in all Town Buildings, to exclude Fire and Police Departments. Article Sa (Recommended as Article 19).

Mr. McCarthy read aloud both proposed articles. The Selectmen preferred the alternate article (Article Sa). This article was modified to delete “at all Town Buildings” and replace with “on Town property”.

MOTION: (Lynde/Viger) To approve Article Sa – authorize the Board of Selectmen to grant one day approvals for the serving of alcohol on Town property (excluding the Fire and Police Department buildings).

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

Mr. Viger suggested moving the article ahead of the auction articles and behind the article authorizing the Selectmen to enact or modify ordinances.

Authorize the Trustees of the Trust Funds to Invest Capital Reserve Fund – Article T (Recommended as Article 20).

Mr. Gleason, the liaison to the Trustees, stated that the Trustees have invested the monies they were able to invest. There was legislation enacted last year to allow Trustees to invest capital reserve funds (if they so choose), which was previously excluded from the investor provision. He read the proposed article aloud.

MOTION: (Viger/Lynde) To approve as written, Article T (Recommended as Article 20) – Authorize the Trustees of the Trust Funds to Invest Capital Reserve Fund.

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

The Budget Committee will review union contracts January 5, 2015.

Reconsideration Items for 2015 Budget – Review and Vote

The Selectmen were provided with a spread sheet of items for reconsideration and encumbrance.

The Board reviewed items for reconsideration. The Finance Director has advised that insurance rates have decreased in the amount of \$138,733; the Budget Committee will be advised.

With regard to hydrant fees, the Town has received correspondence from Pennichuck Water that there will be an increase. The increase to the Fire Department budget will be \$24,356. Mr. McCarthy understood that the increase would not be exclusive for the fire hydrants; although official notification has not been received. He will have a meeting with Fire Chief Midgley once he returns from vacation. He will also follow up with Pennichuck Water and ascertain what other areas within the Town will be affected.

The increase to Town Buildings was due to a significant problem that arose at the Library subsequent to budget review in August. The situation necessitated repairs that weren't anticipated. The proposed \$15,000 was a 'not to exceed' figure. Mr. McCarthy told the Board the 'fix' was initially believed to cost a couple thousand dollars; however, after contracting a review, the estimate was in the upward of \$15,000. During review of the Library building there were two additional sections identified where water has penetrated the clap board and rotted boards behind it. Mold has not been found. The work can be done during the spring. Mr. Viger recalled the situation being reviewed during the walk through of buildings with the Budget Committee. Mr. McCarthy explained the extend of the situation wasn't able to be determined until boards were removed.

In summary, decrease to Health Insurance in the amount of \$138,733; increase to Hydrant Fees (Fire Department budget) in the amount of \$24,356; and an increase to Town Buildings in the amount of \$15,000.

MOTION: (Viger/Lynde) To move forward with the proposed adjustments and make the Budget Committee aware.

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

Mr. Gleason noted the Town had no way of knowing projected oil prices during the next year; therefore, no adjustments will be made to those line items.

2014 Encumbrances – Review and Vote

The Board then reviewed a spread sheet drafted by the Finance Director outlining the encumbrances for the 2014 budget. Mr. Gleason explained the Town was faulted by the auditor for identifying encumbrances going forward, but not voting on them. The intent of the discussion was to identify and vote on the items to encumber going into next year.

- 292
293 ○ New Phone System – total \$50,000
294 ○ WA 2013-6 Willow Street - \$143,521.64
295 ○ WA 2013-11 Forestry Maintenance - \$11,578.81
296 ○ WA 2014-6 – Highway Block Grant - \$87,767.79
297 ○ WA 2012-6 Fire Station - \$121,454.60
298 ○ WA 2012-9 – Raymond Park Maintenance - \$12,414.00
299

300 Mr. Lynde confirmed there was nothing else in the regular budget that would need to be encumbered. Mr. Gleason answered no; the
301 Finance Director had done a thorough scrub.
302

303 Mr. Viger asked if there was any money remaining in Town Buildings that could be encumbered toward the Library project. Mr.
304 McCarthy didn't believe so.

MOTION: (Lynde/Viger) To encumber the funds identified by the Finance Director from
2014 into 2015.

ROLL CALL (3-0-0) The motion carried.

VOTE:

305

306 **Parking at Town Buildings (Discussion continued from earlier in the meeting)**
307

308

308 Mr. Gleason understood that vehicles were parking in front of the municipal building. Mr. McCarthy recalled the discussion ending
309 with the Selectmen's request that he contact people. He said it wasn't currently a huge problem, but it could become one in the future
310 if not addressed.
311

312

312 There was a brief discussion how to address the situation. Mr. McCarthy stated he would put information on local cable and do a
313 public press release on Citizen Observer indicating the parking spaces in front of the building were for Town business; there are
314 parking spaces out back for other business. If there are vehicles parking for longer times, the owners will be contacted and asked to
315 use the area behind the building.
316

317

317 Mr. Gleason said they could monitor the magnitude of the situation and take additional action at a later date if needed. The Selectmen
318 agreed with the proposed approach.

TOWN ADMINISTRATOR / SELECTMEN REPORTS

After the last Selectmen meeting, Mr. Lynde spoke of a meeting that occurred with representatives of Kinder Morgan, Tennessee Gas Pipeline, Liberty and consultant Bob Varney (who works for a consulting firm working with the companies). They've discussed bringing in a 30in-36in natural gas pipeline that would traverse a portion of Southern New Hampshire and through Pelham. They would mainly use the right-of-way for the high voltage power lines that proceeds into Dracut, MA. It was expected to take approximately one year before the final submission to the site evaluation committees for approval. Mr. Lynde said an important aspect was determining what the client base would look like. The pipe size will be dependent on the number of companies that sign up for service. Public hearings and information sessions will be held in the coming months in various towns, including Pelham. Mr. Gleason noted National Grid had requested a formal public hearing, which will be held January 20th. He also noted that Kinder Morgan would remain transparent during the process and opportunities for public input.

Mr. Viger stated during the last six months he had been more engaged personally with the Town and saw a positive attitude developing with everyone throughout the Town. He thanked Mr. McCarthy for bringing forward maintenance plans and policies. He was excited for 2015 and the direction the Town was headed.

Mr. McCarthy reported he was contacted by fellow town administrators regarding the gas line project with Kinder Morgan and would work collectively as a team to obtain the best information for citizens. He will provide status updates to the Selectmen.

Mr. Gleason stated he attended a regional commissioner meeting at the Nashua Regional Planning Commission, during which he brought up the issue of involving Kinder Morgan with a subcommittee. The commissioners agreed the situation should be on the forefront of discussion. Mr. Gleason commented Northeast and National Grid would attend a Selectmen meeting January 20th to make a formal public presentation on their plan to increase electrical capacity on the existing power lines. There was a brief discussion of the proposal.

REQUEST FOR NON-PUBLIC SESSION

BOARD OF SELECTMEN MEETING/December 23, 2014

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

ROLL

CALL: Mr. Gleason-Yes; Mr. Viger-Yes; Mr. Lynde-Yes

351

352 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
353 the minutes of the non-public session and to adjourn the meeting. The Board entered into a non-public session at approximately 8:23pm.

354

355 The Board returned to public session at approximately pm.

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

VOTE: () The motion carried.

356

357

358 **ADJOURNMENT**

359

MOTION: () To adjourn the meeting.

VOTE: () The motion carried.

360

361 The meeting was adjourned at approximately pm.

362

363

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365

366

367

Respectfully submitted,
Charity A. Landry
Recording Secretary