

1 **APPROVED**  
2 TOWN OF PELHAM  
3 BOARD OF SELECTMEN MEETING  
4 MINUTES  
5 April 14, 2015  
6 **APPROVED – April 28, 2015**  
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8

9 **CALL TO ORDER** - approximately 6:30PM  
10

PRESENT: Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger (arrived after the meeting commenced), Mr. Robert Haverty, Mr. Paul Leonard, Town Administrator Brian McCarthy

ABSENT: None

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13 **PLEDGE OF ALLEGIANCE**  
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16 **MINUTES REVIEW**  
17

18 **March 31, 2015**  
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MOTION: (McDevitt/Leonard) To approve the March 31, 2015 meeting minutes as amended.

VOTE: (3-0-1) The motion carried. Mr. Haverty abstained (he was not present for the meeting being reviewed)

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21 **ANNOUNCEMENTS**  
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- 23 ➤ Planning Board seeking volunteers for:  
24 ○ Master Plan Update Committee  
25 ○ Zoning Review Board  
26 ○ Capital Improvements Plan ('CIP') Committee  
27 ➤ Seeking Alternates to the following boards:  
28 ○ Planning Board  
29 ○ Board of Adjustment  
30 ○ Conservation Commission

31 Any interested candidates, please contact Town Administrator Brian McCarthy  
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33

34 **OPEN FORUM**  
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36 None  
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38

**APPOINTMENT(S)**

**Board Interviews:**

**Zoning Board of Adjustment:** 1 Full Time Open – term 04/01/2015 - 03/31/2018

Bill Kearney – reappointment  
(arrived later in the meeting – see below for Board action)

**Forestry Committee:** 3 Full Time Open – term 04/01/2015 – 03/31/2018

Christine McCarron – reappointment  
Deborah Waters – reappointment  
Bob Lamoureux – reappointment

Ms. McCarron came forward to discuss the reasons for seeking reappointment. She spoke of the role she had taken during her time on the committee, such as blazing trails, creating trail maps for the website and trail entrance kiosks and creating/updating spreadsheets to track the property information and maintenance. She has enjoyed working with the committee and wanted the opportunity to continue her focus on blazing and mapping trails. She commented that the Town's trails were a wonderful resource for the residents, school groups, science classes and scout troops. She felt it was rewarding to have the beautiful land and trails accessible to the public. Ms. McCarron told the Board in the future she would have more time available to expand her role by possibly having educational classes, posting more signs, and expanding on the basics of what the Town currently had. She noted there were a lot of resources through New Hampshire Cooperative Extension and other organizations that could help offer different things to the community.

Mr. McDevitt expressed appreciation for having clearly marked trails, which was a significant benefit to encourage people to use the trails. Ms. McCarron discussed her next project that would map out the existing land and newly acquired land in the Sherburne Road/Gumpas Pond area. She will print a large map that shows the connectivity of the parcels. The Selectmen thanked Ms. McCarron for coming forward.

Ms. Waters then came forward to request reappointment onto the committee. She wanted the opportunity to continue her efforts and working with the projects that had been started.

Mr. McDevitt commented that Ms. Waters had done some important work as a member of the committee that has made a difference. Mr. Lynde echoed Mr. McDevitt's comments. He appreciated how Ms. Waters had been instrumental about acquiring properties for conservation.

Mr. Lamoureux told the Board he would like to be reappointed to the committee. He said they had a good group of people and he wanted to continue working with them. Mr. Lynde understood Mr. Lamoureux was also involved with the Border Riders. Mr. Lamoureux replied he was the president of the snow mobile club. He discussed his involvement with the committee, such as land purchases for connectivity.

Mr. McCarthy told the Board that Mr. Lamoureux recently organized and participated with Fire Chief Midgley, Planning Director Jeff Gowan and other emergency personnel to give them a perspective of responding to an emergency within the trail system.

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Mr. Haverty commented that collectively the applicants are known to the Board and valued volunteers who were dedicated and caring. He thanked them for applying and felt the Town was lucky to have them come back.

The Selectmen understood there were no more applicants and went on to make the following motion:

**MOTION:** (Haverty/Leonard) To appoint Chris McCarron, Deborah Waters and Bob Lamoureux to full time positions on the Forestry Committee for terms starting April 1, 2015 until March 31, 2018.

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

Conservation Commission: 3 Full Time Open – term 04/01/2015 – 03/31/2018

Karen Mackay – reappointment

Kaela Law – new appointment

Mr. Lynde understood four applications had been received for three open positions. He noted the Board would conduct interviews and make appointments at their next meeting in two weeks. Mr. McDevitt stated the Conservation Commission currently had five members; however, per RSA they could have between 3-7 full members. When making appointments, the Selectmen will further discuss membership numbers.

Ms. Mackay came forward to discuss her reasons for seeking reappointment. She spoke of the work done to preserve land. She enjoyed working with the people on the committee and other boards in the Town and wanted the ability to continue doing so. Mr. Lynde spoke about the nature of the Board becoming a cooperative venture between Forestry and Conservation when seeking/reviewing land to acquire for conservation purposes. Ms. Mackay felt the relationships were going really well between everyone. She believed they had conserved approximately 800 acres in the last 10-12 years. Mr. Lynde felt it was interesting to note that the Town several years ago recognized the importance of acquiring land for conservation purposes and approved a \$3 million dollar bond in 2003. Ms. Mackay noted the bond had a considerable amount remaining; they used current use conservation fund monies first before using money from the bond. Mr. Lynde thanked Ms. Mackay for coming forward.

Ms. Law then came forward to discuss her application for the committee. She told the Board she grew up in Pelham and was interested in becoming more involved with the community. After speaking with members of the conservation and forestry boards, she became interested in joining the Conservation Commission.

Trustee of the Trust Funds: 1 Full Time Open - term 04/01/2015 - 03/31/2018

Edmund Gleason – new appointment

Mr. Gleason came forward to discuss his interest in becoming a Trustee of the Trust Funds. He told the Board he held the position in 2008 and had done a lot of restructuring of the entire portfolio. He noted there were two trustees presently sitting and they had asked him to return and work with them. Having been a trustee in the past, he felt he had the qualifications for the position and asked for the Board's consideration.

## BOARD OF SELECTMEN MEETING/April 14, 2015

Mr. Lynde noted it was an elected position and during the past election no one ran for the open position. There were not enough write-ins for anyone to be named; therefore it fell to the Selectmen to fill the position.

Mr. McDevitt discussed the importance of the position and was glad to see Mr. Gleason stepping forward. Mr. Gleason noted the present trustees were doing a great job and the funds were showing significant growth. Also a warrant article had been passed that indicated capital reserve funds could be invested, which he believed would increase the size of the portfolio. He looked forward to working with the other trustees.

**MOTION:** (Haverty/Leonard) To appoint Edmund Gleason as a Trustee of the Trust Funds for the open term of April 1, 2015 until March 31, 2018.

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

Mr. Lynde recognized during Mr. Gleason's term as Selectmen he was the Selectmen's Representative to the Nashua Regional Planning Commission ('NRPC') and questioned if he would stay on. Mr. Gleason replied his relationship with NRPC indicated the position required a person that was either a Selectman or Planning Board member. He believed the nature of the activity required someone who was active in Town. He didn't feel he'd be doing service to the Town by continuing. He said to be effective the representative should be aware of the Town's concerns and what should be done at a regional level.

### **Planning Director Jeff Gowan - Impact Fee Discussion**

Planning Director Jeff Gowan and Planning Board Chairman Peter McNamara came forward. Mr. Gowan explained that the Master Plan update would take months. During the last Planning Board meeting he asked the board to create subcommittees for the Master Plan project, Capital Improvement Plan ('CIP') and Zoning review. He felt once the Master Plan update is complete and approved, the next step will be to engage the consultant to put together the rationale for impact fees and bring it forward for approval.

Mr. Viger arrived.

Mr. Gowan noted during last year's budget cycle he didn't anticipate developing a new impact fee. He believed if there was a way to pay for the impact fee schedule, it may be possible to start work on the Master Plan concurrent with the development of the impact fee schedule, as long as the Master Plan was approved first. He noted the cost of the impact fee study for something as complex as the high school project would be approximately \$12,000-\$15,000. He wasn't sure how the cost would be covered.

Mr. McNamara believed the Planning Board would be comfortable with the process outlined by Mr. Gowan. He felt it was important to bring the Master Plan up to date since it was at least 10-15 years old. He said doing so would give the Town much more of a background to stand on should the impact fees be challenged.

Mr. Lynde confirmed there was a Master Plan currently in effect. Mr. Gowan answered yes. He commented there was no statutory directive for how often they need to be updated; however, it was recommended to update every 5-10 years. He reiterated that Pelham's Master Plan was very out of

173 date. He explained some of the components of updating the Master Plan, which would be done with  
174 the Nashua Regional Planning Commission's assistance. Mr. Lynde stated the issue of having an  
175 impact fee for the school had been raised over a year ago. He pointed out there were houses being  
176 built that would be contributing to the tax base, which could also contribute to an impact fee to offset  
177 the cost of the high school. In looking at the statutes, the requirement was to simply have a master  
178 plan and was unsure if using the existing document would have impediments for starting the process  
179 of creating an impact fee now. He felt they should start as soon as possible to implement an impact  
180 fee.

181  
182 Mr. McNamara noted the Planning Board would need to make the final decision, but he felt working  
183 concurrently on the Master Plan and impact fee schedule was a good idea. He spoke of the difficulty  
184 of having volunteers. During the process it was important to have diverse groups of people  
185 consisting of board members and public.

186  
187 Mr. McDevitt said the situation seemed more of a budget problem than anything else. He said there  
188 seemed to be some risk of not having an up to date Master Plan, and defending an impact fee, but not  
189 a huge risk. The remaining question is where to find funding. Mr. Gowan offered to contact the  
190 consultant and request a written proposal to develop a school impact fee so the budget issue could be  
191 worked. Once the subcommittees are established they could begin the review process.

192  
193 Mr. Gowan spoke of the only current impact fee the Town had in place, which was the Senior  
194 Recreation Impact Fee. The consultant, Mark Fougere has done an analysis and updated the schedule  
195 to slightly reduce the figure, which will be reviewed by the Planning Board. Once approved, the fee  
196 schedule will come in front of the Selectmen for approval.

197  
198 Mr. Lynde thanked Mr. Gowan and Mr. McNamara for meeting with the Board. He looked forward  
199 to receiving the quote for a school impact fee.

200  
201 **OTHER BUSINESS**

202  
203 **Kinder Morgan Pipeline**

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205 Mr. McCarthy provided the Selectmen with a proposed letter (dated May 6, 2015) from the New  
206 Hampshire Municipal Pipeline Coalition. The letter asks the Towns affected by the pipeline to sign  
207 on to the letter, which will then be forwarded to Governor Hassan.

208  
209 Mr. Lynde read the proposed letter aloud.

210  
211 Mr. McDevitt questioned who wrote the letter. Mr. McCarthy replied the coalition chair and other  
212 members wrote the letter with the hopes of uniting the affected communities as one voice. The  
213 intention was to forward the letter to the Governor and State Senators. Mr. McDevitt saw there were  
214 a couple things that were not entirely correct for Pelham, such as conservation commission and forest  
215 society ownership. He assumed these things may be correct in some of the other communities.

216  
217 Mr. Lynde spoke to the term 'taking of land', which he noted was essentially forcing an easement on  
218 land for pipelines to be constructed. He said a property owner would still own the land, but would  
219 have the burden of the easement on the land.

220  
221 The coalition was asking for input from the towns. Mr. McCarthy recommended that the Selectmen  
222 forward him any comments or corrections to the document. He will in turn forward to the coalition.

Mr. Leonard stated he had no issue with the letter being signed as a Board, or being part of the coalition. He felt the letter spoke to a larger voice of the impact to the area and the magnitude of the project. He was unsure that the proposed letter got to the letter of detail that the Town might be able to put their personal voice behind. He felt outlining the direct impacts to Pelham might be helpful to layer with the proposed letter. Mr. Lynde felt there would be more impact if towns had a united voice. Mr. Leonard replied some of the other towns had publicly voiced their own perspective. He suggested Pelham having a voice and not leaving it solely to the coalition. Mr. Lynde felt signing the letter would give Pelham a voice, but at the same time he didn't object to Pelham having their own letter. Mr. McDevitt noted nothing would destroy a coalition faster than everyone going on their own. He felt the coalition would be the most powerful, heaviest statement that could be made. He wanted to give more thought to Pelham having their own letter. He noted the proposed coalition letter was very forceful.

Since the letter didn't need to be signed right away, Mr. Lynde suggested the Selectmen discuss further at their next meeting in two weeks. Mr. McCarthy felt it was important to remain with one voice as there is power in numbers. At the same time he felt it was a great idea to have the Selectmen send their own letter to the Governor outlining the particular impacts to Pelham. Mr. Leonard noted he wasn't suggesting a letter that would supersede the coalition letter; he felt it would be beneficial for Pelham to outline their own particular impacts, which may be more influential. Mr. McCarthy agreed.

Mr. Lynde felt another approach may be to use the coalition letter essentially as a cover letter and in addition, attach unique statements from the individual towns describing their impacts. Mr. McCarthy felt doing so would be a great idea. Mr. McDevitt questioned if the towns who voiced individual opinions were still involved with the coalition. Mr. McCarthy said some of the towns dropped out because they didn't have available funds set aside to contribute to the coalition. The towns listed in the letter were the core town showing up to the coalition meetings and participating.

Selectmen will forward questions/comments to Mr. McCarthy and will discuss further at their next meeting.

#### **Award Highway Vehicle Bids**

Mr. McCarthy reviewed the bid recommendation made by the Highway Road Agent Don Foss in reference to 2016, 6-wheel cab and chassis to the low bidder Liberty International Trucks of New Hampshire of \$78,000, plus extended warranties of \$9,120 (72 months) totaling \$87,120 which was the State bid price.

**MOTION:** (McDevitt/Leonard) To award the bid for a 2016, 6-wheel cab and chassis for the Highway Department to Liberty International Trucks of New Hampshire

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

Mr. McCarthy reviewed the Highway Road Agent's bid recommendation for the dump body and plow equipment that will be fastened to the new truck cab. The bid recommendation is to Messinger Truck Equipment for the sum of \$69,650, who were not the low bid; however the one bidder's equipment didn't have enough stainless steel on their equipment and another was too high.

**MOTION:** (Viger/Haverty) To award the bid for the purchase of a dump body and plow equipment to Messinger Truck Equipment for the price of \$69,650.

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

**Utility Fee Assessments**

Mr. Lynde said an issue was brought forward regarding the Town's valuation of cell towers. In response, the Assessing Assistant Sue Snide put together a listing of the cell towers in Town and the value they're assessed at. The values are maintained by Corcoran Associates (Town's Assessing Agent).

Mr. McDevitt wanted time to review the information. The question was if the towers were valued properly.

Mr. Lynde recalled a document that outlined a pipeline assessment and included a basis for the assessed value. He felt it would be useful to have a similar document for the cell towers. He asked Mr. McCarthy to research if that type of document exists. Mr. McCarthy told the Board he would follow up with Ms. Snide.

**Highway Agent, Don Foss Retirement - Department Organization**

Mr. Lynde spoke of the Highway Agents recent retirement announcement. He asked the Board to consider restructuring the department into a 'public works' entity that included Highway, Transfer Station and possibly other things. He explained there could be a Public Works Superintendent who would be in charge of both the Highway Department and the Transfer Station; under that position a Foreman could be appointed to run the day-to-day operations of those departments. Mr. Lynde spoke to the current Transfer Station Superintendent to see if was interested, and he was. He suggested there could be a six month trial to determine if the Town would move forward with the new structure.

It was Mr. Lynde's hope that the new structure would save the Town money. He envisioned the superintendent position as being hands on. He suggested having the Transfer Station Superintendent work on a job description. Mr. McDevitt felt it would be beneficial to meet with him and discuss how the position would be structured. Mr. Leonard wanted to ensure that a shared management would be able to effectively manage the staff within both departments. Mr. Haverty was unsure that one person could be hands on in both roles (Highway and Transfer). He suggested the supervisor position be up a level and review cost savings, road planning etc. as opposed to being behind hands on. He didn't want to leave the departments short-handed.

Mr. Lynde believed there were people employed in both departments that could manage the day-to-day work. He understood there were aspects within each department that would need to be reviewed by the person in charge. He suggested having discussions with the Highway Agent and Transfer Superintendent to create a workable structure. Mr. Haverty believed a department framework had to be in place prior to having a trial period. Mr. Lynde told the Board for their next meeting he would work on creating a proposed structure for review.

**APPOINTMENTS CONTINUED**

**Zoning Board of Adjustment:** 1 Full Time Open – term 04/01/2015 - 03/31/2018  
Bill Kearney – reappointment

Mr. Kearney came forward to discuss his application for reappointment. Having lived in Town for thirteen years and served on the Zoning Board for several years, he believed he had a good understanding of the review process and would continue to judge each case on an individual basis.

During the Selectmen's last meeting they interviewed David Hennessey for reappointment, but delayed taking action so they could make appointments at one time. There are no other applicants seeking appointment to the Zoning Board; there are two full time open positions.

**MOTION:** (McDevitt/Haverty) To appoint both Dave Hennessey and Bill Kearney as full time members to the Zoning Board of Adjustment for a term beginning April 1, 2015 until March 31, 2018.

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

**Proposed Updated Procurement Policy**

Mr. McCarthy provided the Board with a copy of the Town's existing procurement policy as well as a second draft policy for consideration. In reviewing the Town's policies, he felt this was an area they could expand upon for increased efficiency, accountability and transparency.

The Board will review the draft and provide comments to Mr. McCarthy. An agenda item will be included for their next meeting to discuss the draft policy.

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. McCarthy informed the Board he and the Financial Director attended a FEMA disaster declaration meeting, which provided information on the paperwork process for reimbursements. At the conclusion of the meeting there was a discussion that FEMA was entertaining allowing towns to seek reimbursement of costs associated with snow removal with roofs etc. because of the difficult winter. He will keep the Selectmen posted.

Mr. McDevitt gave the Selectmen a copy of a newspaper article regarding the effects on recycling as prices drop. For example as oil prices drop it has become more expensive to recycle plastics. The market for recycling has begun to bottom out.

Mr. Leonard reported he had the opportunity to speak with Jonathan Knute, the forestry specialist for the Hillsborough County Extension Service, who recommended the website: nhbugs.org The site contains valuable information on the Emerald Ash Borer and protective measures.

Mr. Lynde attended a conference in Concord regarding drug courts. He shared information he learned about habits versus addiction and how to encourage people to seek treatment.

**REQUEST FOR NON-PUBLIC SESSION**

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

**ROLL** Mr. Lynde-Yes; Mr. McDevitt-Yes, Mr. Viger-Yes; Mr. Haverty-Yes;

**CALL:** Mr. Leonard-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 8:10pm.

The Board returned to public session at approximately 9:20pm.

**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 9:20 pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary