

**APPROVED**  
**TOWN OF PELHAM**  
**BOARD OF SELECTMEN MEETING**  
**MINUTES**  
May 28, 2013  
APPROVED – June 11, 2013

CALL TO ORDER – approximately 6:30pm

PRESENT: Mr. Edmund Gleason, Mr. William McDevitt, Mr. Hal Lynde, Mr. Doug Viger,  
Mr. Robert Haverty, Town Administrator Tom Gaydos

ABSENT: None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW:**

Mr. Viger stepped out of the room.

**May 14, 2013**

**MOTION:** (McDevitt/Haverty) To approve the May 14, 2013 public meeting minutes as amended.

**VOTE:** (3-0-2) The motion carried. Mr. Lynde abstained. Mr. Viger stepped out of the room.

**May 14, 2013 (non-public minutes)** – Deferred until entire Board has signed off on minutes approval.

Mr. Viger returned.

**ANNOUNCEMENT(S):**

- SGT. Daniel Gionet Memorial Bridge Dedication Ceremony–Sunday, June 2, 2013 at 1PM
- New Fire Station Dedication – Saturday, June 22<sup>nd</sup> 10AM to 11AM / Open House for Public Tours 11AM to 3pm

Mr. Viger told the Board that he was approached by Boy Scout Troop 25 who asked if it would be all right for them to camp out on the Village Green on Friday, June 21<sup>st</sup>; they offered their services to help set up for the New Fire Station Dedication. Troop 25 also wanted to know if it would be alright to do a can drive to benefit the Town (food pantry). They were interested in giving back to the community, not taking anything away from the Fire Station.

Mr. Gleason asked if there were any issues with liability. Mr. Gaydos answered no. He thought it was wonderful. Mr. McDevitt commented that the appropriate request form should be submitted. He felt it was a great idea and said the Scouts had been terrific supporters in many ways.

Mr. Gleason told Mr. Viger he had the concurrence of the Board to proceed.

**OPEN FORUM:**

None.

**APPOINTMENT(S):**

**Paul Gagnon, Conservation Commission - Request for Motion for Rehearing to the Board of Adjustment on Kosik Terrace - Map 16 Lot 8**

Conservation Commission members Paul Gagnon and Karen MacKay came forward to speak with the Selectmen. Mr. Gagnon said the Zoning Board of Adjustment ('ZBA') heard a case (May 13, 2013 - Case #ZO2013-00014) for building a home and a garage within the 50ft. buffer of a prime wetland. There were two letters submitted to the Selectmen in reference to the Conservation Commission's opinion. Mr. Gagnon said the case was narrowly decided by the ZBA; two long-term members voted against it, two long-term members voted in favor of it, and another member had a little difficulty with filling out the ballot. He said the ballot was filled out three times. If the ballot was accepted the way it was filled out the first two times, it would have been a 'no' vote, but the third time it was filled out as a 'yes' vote. Mr. Gagnon said it was an important vote to the Conservation Commission and because the vote was so close, they asked that the Selectmen request a rehearing by the Zoning Board.

Mr. Lynde questioned how a ZBA member could have a problem filling out a ballot since it was a 'yes' or 'no'. Mr. Gagnon said the ZBA has to answer five questions; the first question was if it (in this case a Variance) was against the public interest and the second was if it went against the Ordinance. There was a ballot in question; the first time the ballot was filled out the member answered the first two questions with 'yes', the next three questions were answered as 'no' and in the final question that asked if the member approved the Variance the answer was 'yes'. The ZBA member reading the ballots aloud said the manner the ballot was filled out was incorrect. The ballot was handed back to the member and filled out again. The second time the ballot was filled out it indicated the Variance was not against the public interest, but was against the Ordinance; the final answer was 'yes' to approve the Variance. Mr. Gagnon said the person looking at the ballot indicated again that the manner the ballot was filled out was incorrect; the ballot went back to the member a third time. The third ballot had the five questions answered with 'yes' and approved the Variance. Mr. Gagnon said the concern was the member initially felt the Variance was against the public interest and against the Ordinance; had the first two ballots been accepted the vote would have been a 'no'. However, the person was allowed to fill the ballot out three times and only on the third time all the questions were answered 'yes' making the Variance a 3-2 vote for approval. He said they felt it was a little bit questionable. He sympathized with the person filling out the ballot. He remembered how it felt being a new member on a board. He said there wasn't a lot of training and it was uncomfortable being in front of the camera the first time. He believed the ZBA was doing their best to educate the person and at the same time making sure that the member voted in the way they wanted to. He didn't want the member to feel bad or uncomfortable. He said the Conservation Commission felt the vote was too important to put down as it was and would like the ZBA to rehear it and vote on it again.

Mr. Viger questioned what gave the Board of Selectmen the right/ability to request an overruling. Mr. Gagnon believed it was important that they didn't come across as asking the Selectmen to overrule the ZBA. He said they had been adamant in not having boards go against one another; the Conservation Commission has tried to work closely with the ZBA. He didn't want to start any kind of rift between the boards. He said they were asking that the ZBA rehear the case because the vote was a little non-traditional.

94 Mr. Gowan said the ballot was extremely confusing by nature and he may recommend to the ZBA  
95 that they do away with the balloting system and follow a different procedure. He said land use  
96 boards didn't have standing to request a rehearing; however, the Selectmen always have standing.  
97 He felt if the Selectmen looked at that portion of the ZBA meeting (on video) it would portray the  
98 concern voiced by the Conservation Commission. He said they were simply asking for a request  
99 for rehearing. The ZBA was not required to do so, but they could make the record clearer without  
100 the confusion over the ballot.

101  
102 Mr. Haverty said the ZBA meeting was available via streaming. He watched it earlier in the day.  
103 In his opinion, the ZBA member's final vote was always in the affirmative, regardless of how the  
104 other items on the ballot were voted on. He felt the member's intention to approve the Variance  
105 was clear. He said he spent time on the ZBA when he first became involved with the Town. He  
106 hesitated to request the ZBA to do a rehearing. He felt there were competent people on the board  
107 and to request a rehearing might not be the most harmonious thing to do.

108  
109 It was Mr. Lynde's understanding that for a person to vote in the affirmative for a Variance, all five  
110 criteria must be satisfied. Mr. Gowan said that was correct. He said the fifth question was a two-  
111 part question. He explained that a member could vote yes on the first four ballot questions, and  
112 then vote 'no' on part A of question five, and 'yes' on part B of five and still have an affirmative  
113 vote. Mr. Lynde asked if there was a presentation and testimony and arguments made to justify  
114 each of the five items. In Mr. Gowan's opinion, that was done. He said that was the reason the  
115 ballot vote had evolved; it forces each member to think about each of the questions and not just the  
116 overall picture. He felt there was ample evidence provided by the applicant .

117  
118 Mr. Gagnon agreed with Mr. Haverty's comment that the board member wanted to vote yes on all  
119 three ballots; however, on two of those ballots the member voted that the Variance was against the  
120 Ordinance. He said the member was conflicted. The member thought for sure that it was against  
121 the Ordinance, and yet she wanted to vote in favor. He believed if the member thought the  
122 Variance was against the Ordinance, they would have to vote no. He reiterated the commission  
123 believed the vote to be too important to let it go as a conflicted vote.

124  
125 Mr. McDevitt said he was surprised at the vote because of the prime wetlands designation. He said  
126 that designation seems to be greatly watered down at this point in terms of what its impact is on  
127 anybody; he was unsure if it had any impact at this point. He said he thought about the situation a  
128 lot and believed they had to look at the case and answer if there had been an error of law. Mr.  
129 McDevitt said he reviewed the meeting minutes, that were not yet approved and came to the  
130 conclusion that the member voted 'yes' to all criteria. He said the Chairman had an opportunity to  
131 clarify any confusion that existed, but saw no indication of any confusion in the minutes. Further,  
132 he said the vote on the Wetland Conservation District ('WCD') encroachment was the first vote  
133 taken by the ZBA; there was another vote on the frontage. Mr. McDevitt said if he was at a  
134 meeting and thought somebody had a confused vote he would ask the Chair to clarify the vote. He  
135 said there was no indication in the minutes that anyone requested clarification. He said there was  
136 ample time for people who felt there was confusion to raise the issue but no one did. Mr. McDevitt  
137 felt the ZBA came to the wrong conclusion, but wasn't substituting his personal feeling for the  
138 ZBA's action. He felt the meeting minutes spoke for themselves; there was opportunity to clarify  
139 but no one did or said anything. He didn't feel the Selectmen could change it.

140  
141 Mr. Haverty said looking at the recorded video of the ZBA meeting it was clear to him there was a  
142 large bit of confusion. When the votes were read the person reading the ballots was confused as to  
143 what the intention was of the ballot in question. He said the Chair (David Hennessey) made  
144 comment in the meeting that it was very important that the board get it right; better at the meeting

145 than in front of a judge. The Chair sent the ballot back to the member . The member then took  
146 another pass at the ballot and still didn't have one of the criteria right to make the final vote equal a  
147 'yes'. Mr. Haverty felt the member was trying to get to a 'yes' vote. He said he found himself  
148 trying to understand the thoughts of the member when they cast their ballot. He was clear in the  
149 direction the member wanted their vote to go in the end.

150  
151 Mr. Viger noted that the members of the ZBA were appointed by the Selectmen. He said they were  
152 competent in their job. If there was confusion in the way they vote he didn't think the Selectmen  
153 had the ability to overturn it.

154  
155 Mr. Lynde questioned what the ordinance said relative to the WCD and if there was room for  
156 interpretation. Mr. Gagnon answered that the Ordinance states there isn't supposed to be  
157 disturbance or building within the 50ft. buffer of a wetland. He said they weren't asking the  
158 Selectmen to override the ZBA.

159  
160 Mr. Gleason felt the Selectmen should consider what the basis would be for an appeal. He said  
161 typically when people went back to the board they had an issue they felt was not properly  
162 addressed. He didn't feel they had that situation and questioned who would represent the Board.  
163 He said in reading the documentation, it was obvious that the Conservation Commission had some  
164 concerns. He asked if there was something that wasn't considered that should have been. Mr.  
165 Gagnon turned the question. He said had the first vote been accepted as a 2-3 vote, it wouldn't be  
166 hard to imagine the applicant asking for a rehearing. He felt with a conflicted vote they would have  
167 deserved a rehearing and suspected a judge would have supported it as well. Mr. Gagnon said the  
168 commission was asking for a rehearing because they felt there was a conflicted vote. It was  
169 important to them because the proposal was in the buffer of a prime wetland. Mr. Gleason  
170 reiterated his question. He wanted to know on what basis an appeal would be requested. Mr.  
171 Gagnon said the basis was that the first two ballot votes were 'no' votes and the person was allowed  
172 to vote a third time. He said they were not sure that was the right way to run a board meeting. Mr.  
173 Gleason questioned who would represent the Selectmen in going forward with an appeal. Mr.  
174 Gowan said if anyone was seeking a rehearing, all they needed to do was send a letter to the ZBA  
175 requesting such. He said the Selectmen always had standing to make a request. Mr. Gleason said  
176 the Selectmen would need to make their request based upon something and asked if they would  
177 question the vote. Mr. Gowan said they could question the voting procedure.

178  
179 Mr. Haverty said by nature 3-2 votes are contentious; if it had gone the other way (2-3) the  
180 applicant might have appealed. He believed the ZBA had a lot of integrity and the Chairman in  
181 particular was wise and had a lot of integrity and knowledge. In Mr. Haverty's opinion the issue  
182 was resolved to the satisfaction of the Chairman.

183  
184 Mr. Lynde asked if the issue would end if the ZBA said no to a rehearing. Mr. Gowan said that  
185 would be the end of it unless they wished to go to court. Mr. Lynde commented if Mr. Gagnon and  
186 Mr. Gowan felt the Ordinance was worthwhile to protect, the protectors of the Ordinance should be  
187 doing something about it. It seemed to him that the Planning Board had an obligation to do so if  
188 they felt there was an issue. Mr. Gowan replied that Zoning Board decisions didn't establish  
189 precedents; each case is considered new. He said a lot of submissions to the ZBA is for some kind  
190 of encroachment into the WCD, or a setback etc. Mr. Lynde understood the point, but knew the  
191 argument would be made for a similar situation since they granted it for one case. Mr. Gowan said  
192 situations such as frontage, lot size etc. were routine requests. Mr. Lynde understood Mr. Gagnon's  
193 intent of bringing the request forward. He didn't disagree there was a concern but questioned why  
194 the Selectmen should care about correcting the record if that was all they would be doing. He  
195 didn't think it made sense for the Selectmen to get involved in that exercise.

Mr. Haverty wanted to know if the applicant would have standing to any legal claim, if the Selectmen requested a rehearing, the case was heard and the decision was turned over. Mr. Gowan said in a zoning/land use decision the applicant's first step for appeal would be to request a rehearing. If that request is denied, the applicant could then proceed to court. Mr. Haverty asked if presented material could change if a rehearing was granted. Mr. Gowan answered no.

Mr. McDevitt said the greater question was what 'prime wetland' meant in terms of for land owners in the Town. He was unsure if it had any meaning, particularly in light of the fact that any decision to impose a restriction on a piece of property was appealable to the ZBA. He said it was more than a hypothetical questions and felt it was very meaningful in terms of where the Conservation Commission was going and what the voters intended when they designated wetlands as 'prime'. It was suspected that the voters supported that there would be an extra measure of protection. Mr. Gagnon replied there were sixteen prime wetlands in the Town; there were hundreds (if not thousands) of wetlands. He felt it was important to differentiate an undisturbed, functioning large wetland. He said it wasn't arbitrary; the State had criteria that had to be met. On the last four created, Mr. Mark West was hired to fill out the application and submit it to the State. The Citizens then have to approve the designation. Mr. Gagnon said the wetland being discussed (Camp Runnels Wetland) is a twenty-nine acre wetland established in 1987. The prime wetland designation protected the area where the wetland was most productive. He discussed his concern with a structure being allowed within 15ft. of a stream and the possibility of a future owner constructing a deck over the wetland or installing a swimming pool. The Selectmen said those points were not up to them to decide, it was the ZBA's job to hear those arguments. Mr. Gagnon was trying to make the case as to why the discussion and prime wetlands were important to the Conservation Commission.

Mr. Gleason said he was sympathetic to the Conservation Commission; however, the Town had an appointed board (ZBA) with a pretty successful rate in their procedures. He was reluctant to second guess their judgment. He said the vote may not be what some wanted, but procedurally it was correct. Mr. Gowan noted that by Statute the Conservation Commission couldn't request a rehearing on their own.

Mr. Lynde asked if the proposed home could obtain a State approved septic approval. Mr. Gowan said the applicant had a septic design that was approved by the State. He noted one of the approval conditions (by the ZBA) was that the plan had to go to the Planning Board for a Special Permit to do work within the WCD. He advised the Conservation Commission to write a letter for that hearing. He noted that the Planning Board would have the ability to exercise some control over how things are physically executed. He said there may be some potential for mitigation.

Based upon what the Board had heard and concerns expressed, Mr. Gleason said the Board was not in favor of issuing an appeal at this time. He appreciated Mr. Gowan's recommendation and hoped the Board's Representative to the Planning Board would have it in consideration when the case went to the Planning Board.

**Stan Walczak, Transfer Station Director - Discussion on:**

- Replacement of Defective Siding
- Conveyor Belt Replacement
- Refurbishing Ramp

Prior to the meeting, Mr. Walczak prepared a package on the three proposed projects and provided it to the Selectmen for review. He provided a summary of what he would like to be done at the

247 facility beginning with the safety concerns of the metal siding on the building. He said they  
248 contacted four to five companies, gave them a scope of the project and received three bids on the  
249 work. He reviewed the bids that were received. He said the benefit of the work would secure the  
250 building and bring them back to safe operation. Another problem they faced was an infestation of  
251 birds. The intent for funding was to use the recycling building trust fund.

252  
253 Mr. Gleason asked for a recommendation of the three bids. Mr. Walczak said he would bring two  
254 of them (Tewksbury Welding and Rondo) back in to go through the work again to make sure  
255 everything contained in the bids would be exactly what work would be done. After which he would  
256 go with the lowest bid.

257  
258 Mr. Lynde questioned if the bidders would be asked to rebid. Mr. Walczak would like the companies  
259 to go through the work and know exactly what needed to be done.

260  
261 Mr. Haverty questioned if the request was posted on the website or if the companies were  
262 contacted. Mr. Walczak said he called the companies, it wasn't posted. Mr. Haverty suggested  
263 composing a quick scope of work and posting it on the website (for 5-10 days), since the amount  
264 was \$20,000 and the Selectmen usually wanted to see work go out for bid when the total was in the  
265 \$5,000 range. He said someone could make a complaint that they didn't have the opportunity to bid  
266 on the work.

267  
268 Mr. Viger believed putting a scope together would be a huge endeavor and the work would be  
269 bound exactly to that scope. He felt Mr. Walczak was on the right track in the way he proceeded  
270 and by calling the people in to go back over their proposals. He noted the best price would be best,  
271 but it should also be the best qualified bidder; if it was a bit more money to go with someone Mr.  
272 Walczak felt comfortable with, he would be comfortable supporting it.

273  
274 Mr. Gleason asked if the three suppliers were typical suppliers for the specified activity. Mr.  
275 Walczak answered yes. Mr. Gleason asked if they had been sent a scope, or if they had been  
276 contacted by phone. Mr. Walczak said he had the three companies come to the property on two  
277 different occasions and walk the site. Mr. Gleason confirmed it was Mr. Walczak's expectation at  
278 the completion of the work the price was valid and probably lower once (the work was) more  
279 defined. Mr. Walczak said that was correct.

280  
281 Mr. McDevitt agreed with Mr. Haverty. He said at times there was deep cynicism with voters and  
282 felt one way to eliminate it was to do some sort of scope of work publically posted.

283  
284 Mr. Lynde agreed with Mr. Viger, but felt the manner Mr. Walczak approached the situation was  
285 right because the scope couldn't easily be written. He felt it was better to invite the companies to  
286 review the site and provide input. He agreed that the work should be opened up to anyone else  
287 wanting to make a bid proposal, but at the same time he wanted to hold onto the information  
288 already received keeping the dollar figure out.

289  
290 Mr. Haverty understood that Mr. Lynde would like to solicit an RFP (request for proposal) for how  
291 a company would handle the situation. Mr. Lynde answered yes.

292  
293 Mr. Gleason asked if the three proposals received adequately addressed the concerns relative to the  
294 work Mr. Walczak wanted done. Mr. Walczak answered yes. He noted that he had contacted four  
295 other vendors (several times) and didn't receive a response from them.

Mr. Gaydos asked why Mr. Walczak had the vendors come back twice prior to submitting a bid. Mr. Walczak wanted to make sure that after having discussions with the companies that everyone was looking at the work in the same manner.

Mr. Viger discussed the difference between a RFP and a RFQ (request for quote).

Mr. Gleason asked if there was any further discussion for consideration or if the Board wanted to make a motion. Mr. McDevitt said concerns were expressed about the methodology, which would apply to the next two discussions with Mr. Walczak. Mr. Gleason felt depending on the circumstances, the situation was handled properly. In his opinion three qualified people were brought in and asked to evaluate the situation and provide a formal proposal, which they did. He said Mr. Walczak found the proposals to be adequate to his needs and priced competitively. He felt the intent was satisfied. Mr. Gleason said it was a unique case that experts were brought in to provide proposals based on their knowledge and professionalism.

Mr. Viger felt the Selectmen had a position of trying to hold people to the bid process, but they were very inconsistent. He made a motion to allow Mr. Walczak to meet with the two contractors to get a final budget number and move forward with his recommendation. Mr. Lynde seconded the motion. He asked how many different companies were contacted. Mr. Walczak contacted a total of six companies. Mr. Lynde asked if the other three were in the same type of business. Mr. Walczak answered yes; the companies each worked only with metal buildings. He said he called and left messages; one called back and indicated the proposed job was too small for them. Mr. Lynde asked if there were other companies that did the same business. Mr. Walczak said he exhausted the list of companies he had.

**MOTION:** (Viger/Lynde) To allow the Transfer Station Director Stan Walczak to meet with the two contractors to get a final budget number and move forward with his recommendation.

**VOTE:** (3-2-0) The motion carried. Mr. Haverty and Mr. McDevitt voted no.

Mr. Lynde said this was an issue they had in the past. He thought what Mr. Walczak did was essentially what they had asked for. Six companies were contacted and three responded. He said Mr. Walczak didn't get the Town into a bind and instead had the companies go to the site and show them what needed to be done and will follow up with them to ensure that their bids covered everything. Mr. Haverty said there was no disrespect to Mr. Walczak. He said the process was in place for a reason; it was for transparency. Mr. Gleason believed Mr. Walczak attempted to meet the requirements of Town Policy, which may not have been followed to the letter of the law through a formal RFP, but the established protocols were followed. He felt the end result was a fair and equitable quote they could rely upon. Mr. Viger pointed out that the Selectmen recently made a decision about moving the generator from the old fire station; no one cared about a budget, RFP or lowest bidder. He was frustrated with the process because the Board had now changed its mind.

Mr. Lynde wanted to be clear regarding the vote. He said the Selectmen had given Mr. Walczak authority to have the companies come back and once he was satisfied, the bid would be awarded to the qualified person with the lowest bid. Mr. Gleason believed they would come up with a new price. Mr. Viger said the motion he made was for Mr. Walczak to meet with the two final bidders and reconfirm the project and to make a decision from there. Mr. Lynde asked if it would come back to the Selectmen. Mr. Viger said that would be up to Mr. Walczak. Through the motion he was giving Mr. Walczak the authority to make the decision based on the lowest qualified bid.

Mr. Gaydos questioned if it was the two low bidders. Mr. Viger answered no; it was Tewksbury and Rondo. He reiterated his motion for Mr. Walczak to have Rondo Exterior Contracting and Tewksbury Welding come back, reevaluate the job so he could make a decision from there based upon his opinion. Mr. McDevitt wanted the record to show he supported the project. His 'no' vote was not indicative of the project, but rather the procedure.

Mr. Walczak discussed having a conveyor belt. In the past there was a conveyor belt in the facility, but was removed a few years ago. He discussed the problem with trash being dumped on the floor, which created a double work load and took away the ability of someone being able to help residents and reviewing what was being dumped. Mr. Walczak said he received two bids, but tried to get three. He couldn't find any other conveyor companies that made the type of conveyor needed. Maguire Equipment had the lowest bid (\$21,950) and was also the company that originally put in the compactor. They were familiar with the building and what type of material is handled. There would be a payback period of roughly two years. He said he had one bobcat that was working approximately 60% more (hours) and using more fuel because it was constantly running to clear trash off the floor and place it in the compactor. There will be a cost savings over a two year period with the 45% reduction in fuel that would be used by the bobcat. On top of that there was still a lot of recyclables being thrown in the waste because people still didn't understand everything that was acceptable on the recycling side. In the future Mr. Walczak believed there would be a reduction in fuel cost and solid waste charges.

Mr. Walczak said the proposed conveyor would be approximately 10ft. longer than the original one because they would be able to add another window. Currently five windows were being utilized. Down the road he was looking to change the traffic pattern so vehicles would back up to the windows, thus utilizing all seven windows. People with bulk items will be directed to back into the building as they currently do to offload such.

Mr. Haverty questioned if the work was posted on the website. Mr. Walczak answered no. Mr. Gleason asked how many vendors were contacted. Mr. Walczak tried to contact three vendors and received two responses. Mr. Gleason asked how many years Mr. Walczak had been in the business. Mr. Walczak replied thirty-five years. Mr. Gleason asked him how many companies were in the area that were qualified to bid. He said there were only a couple; there were larger companies, but they wouldn't bid the size of work in the proposed project. He noted that Maguire was the largest distributor of the Marathon conveyor in New England and had 50+ years in the business.

Mr. McDevitt wanted to know if there would still be an open window with no conveyor belt below it. Mr. Walczak said there would still be two windows at the end with no conveyor. He explained that the conveyor would have a reverse switch; so on Saturdays when the compactor was filled, the conveyor could be turned to dump onto the area on the other side. Mr. McDevitt asked if the traffic pattern would be changed to have vehicles back up toward the windows. Mr. Walczak said they were speaking to the Police & Fire Chiefs and reviewing the current situation. He would like to present a proposal to the Highway Safety Committee to have vehicle back up to the building. He believed doing so would be quicker and safer.

Although he objected to the process, Mr. McDevitt made a motion to approve Mr. Walczak's recommendation of using Maguire Equipment of Hyde Park for \$21,950 for the installation of a 40ft. slider bed conveyor. Mr. Viger seconded the motion. He commented Mr. Walczak was doing exactly what he was told; he went out to bid and got the best price he could. He said there may be objection to the rational of how it was done, but the Selectmen had presented Mr. Walczak with no



392 guidelines other than what he had done. He didn't feel the problem with the process was Mr.  
393 Walczak's issue, he felt it was the Selectmen's issue.

**MOTION:** (McDevitt/Viger) To approve Mr. Walczak's recommendation of using Maguire Equipment of Hyde Park for \$21,950 for the installation of a 40ft. slider bed conveyor.

**VOTE:** (4-0-1) The motion carried. Mr. Haverty abstained.

394  
395 Mr. Walczak then discussing the compactor, which had been installed in 2001. He explained that  
396 the ram block had two pistons that pushed the block through the charge chamber (where the trash is  
397 located) into the 75yard closed container. Over time the steel on steel had worn down (at the  
398 bottom of the compactor and ram unit) by 1.5 inches. Due to the worn down portion, the two  
399 pistons are bowing because they have to extend out further to push the ram into the transfer  
400 container.. Mr. Walczak said the pistons would get worn out and could cost \$10,000-\$15,000 to  
401 replace them. He said they could save in the long run if the bailer was realigned and rebuilt, and fix  
402 the locking mechanism to the container. He said a number of companies were contacted; Maguire  
403 Equipment came in with the best price (approximately \$6,200). He said the compactor would be  
404 down for two days, but the facility would remain open during the repairs; they had a way to handle  
405 the solid waste.

406  
407 Mr. Gleason said the proposal seemed to constitute a repair. Mr. Walczak answered yes. Mr.  
408 Gleason asked how many vendors were typically involved in this type of activity. Mr. Walczak  
409 replied three to four. The two vendors contacted were qualified to do the job and had worked with  
410 the Town in the past.

411  
412 Mr. Lynde reviewed the bid description of the work and asked if there was some benefit to one  
413 company over the other. Mr. Walczak believed Tewksbury identified a few more cracks, but they  
414 weren't into the compactor.

415  
416 Mr. Viger made a motion to follow Mr. Walczak's recommendation to award Maguire Equipment  
417 the bid of \$6,200 to realign and repair the compactor. Mr. Lynde seconded the motion.  
418

**MOTION:** (Viger/Lynde) To follow Mr. Walczak's recommendation to award Maguire Equipment the bid of \$6,200 to realign and repair the compactor.

**VOTE:** (4-0-1) The motion carried. Mr. Haverty abstained.

419  
420 Mr. Gleason said the next issue before the Board was the maximum cost for the project. Mr.  
421 Gaydos noted Mr. Walczak would be bringing two vendors back to ensure the scope and cost. Mr.  
422 Walczak requested a total of \$49,200 for the project. Mr. Gaydos suggested authorizing the  
423 proposed amount and if the number was greater, it would be brought back to the Selectmen for  
424 justification.

425  
**MOTION:** (McDevitt/Haverty) To authorize the expenditure of \$49,200 from the Recycling Facility Trust Fund for which the Selectmen are the agents to expend.

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

426  
427 Mr. Haverty stated he appreciated all the work and trouble Mr. Walczak had put into getting  
428 estimates; his abstentions and no vote were purely based on principle for things the Board had done

in the past. Mr. Gleason commented in the future Mr. Walczak should recognize the concerns expressed by the Selectmen. Mr. Gaydos said perhaps in the future the Board would be presented with the problem and seek their recommendation.

**Jeff Gowan, Planning Director:**

- Renaming of Old Bridge Street, Acorn Avenue and Pelham Common Highway
- Roundabouts Update
- Highway Safety Committee Signage Request Recommendations

Planning Director Jeff Gowan came forward to discuss the topics listed on the agenda. He began by reviewing the list of (six) impacted properties and addresses affected by the roundabouts. He said letters would be sent to those owners directing any questions to his office. It was suggested that the process happen sooner versus later; the 'go live' date for road name changes needs to be coordinated with the Department of Transportation ('DOT') and Continental so proper signage will be in place. He felt it was important for the Selectmen to hold a public hearing for future reference regarding the road name changes. Mr. Gleason asked the status of the road behind the old fire station. Mr. Gowan said he hadn't given a lot of thought to it, except to advise it not have the name 'common' associated with it because Common Street is in very close proximity. He said there was no property owner affected other than the Town and the Congregational Church. He had no recommendations for a name and offered to bring the question to the Highway Safety Committee.

Mr. Gleason asked what the scheduling should be to coordinate with the roundabout completion. Mr. Gowan said the DOT suggested completing the process now so they are ready for a 'go live' date, even though it may not be until next year. Mr. McDevitt said it might be appropriate to solicit suggestions from members of the public.

The Selectmen agreed to solicit recommendations from the public for a road name behind the old fire station, which was formerly named Pelham Common Highway.

Mr. Haverty questioned if the road behind the old fire station was a through traffic street. Mr. Gowan said based on the Selectmen's decision and the plan, the road was one way through from the Town Hall side to Nashua Road, except for fire apparatus. The area also had approximately seventeen diagonal parking spaces.

The Selectmen asked Mr. Gowan to proceed with notifications to affected properties and will work with Mr. Gaydos to set a public hearing date. The solicitation of road names (behind the old fire station) will be advertised on the PTV scroll and message board (to be submitted to the Planning Department) and brought forward at the Board's next meeting. The proposed names will then be brought to the Highway Safety Committee to ensure they conformed to E911.

Mr. Gowan provided the Selectmen with an update of the roundabout project. One point was that Continental would continue working until the end of July or early August before they no longer could proceed without Fairpoint's utility work being completed. There was no indication that the issues would be resolved in time to avoid that outcome. In the scenario, Continental would most likely not return until the Spring of 2014, assuming Fairpoint finally coordinated and completed their work between August, 2013 and Spring of 2014.

Mr. Lynde recalled there were coordination meetings between all parties involved in the project. He understood at the time that everyone was 'on board' and questioned if Fairpoint was part of that process. Mr. Gowan answered that the utility companies (including Fairpoint) had been involved with every meeting that took place during the past two years. Mr. Lynde asked if at that time they

were committed to working on the project in a timely fashion. Mr. Gowan said it was difficult for him to answer; when utilities were discussed at the initial meeting there was a lot of finger pointing going on. He confirmed with the DOT who was holding up the project and was clearing informed Fairpoint was doing so.

Mr. Gleason commented it was a State project, the Town had nothing to do with it. The State is the contract manager. Mr. Gowan said the project couldn't continue until the splicing work was done so when the lines were ready to be switched it could easily be done with no outage to communications.

Mr. Haverty agreed that it wasn't the Town's project; however, the Town was a customer of Fairpoint. He wanted to know as a customer why the Town couldn't send a letter to Fairpoint indicating their dissatisfaction with Fairpoint's performance in the project. He said the project remained half done without their cooperation and was located in a high traffic volume section of Town. Mr. Gaydos said the DOT indicated their department was powerless; they could ask, but could not demand. He said they had contacts and a relationship with the other utilities, but didn't have the same with Fairpoint. He didn't know who to send a letter to, because there was always someone else that should be contacted. He said it was very difficult to get an answer/commitment. Mr. McDevitt said a letter could be sent to the president of Fairpoint. He felt the Town should voice a complaint. He said Continental also expressed frustration.

Mr. Gleason questioned if the Board would like to contact the State (copying the Town Representatives) because he felt the State should be pursuing the issue through the Public Utilities Commission ('PUC'). He reiterated that the project manager was the State and it was their responsibility for them to take action. He said the project cost would be overrun.

Mr. Gaydos said he would like to speak with the Town's elected representatives to determine where a letter to the State would be most effective. He said the director of the DOT would be copied, but was unsure if having the letter go directly to them would be best. He didn't think it would hurt to send a letter to Fairpoint's president. Mr. Viger felt the Town's approach should be a letter of concern versus a demanding letter. He wanted to think that the State was doing everything within their power. Mr. Gleason agreed and asked Mr. Gaydos to draft two letters (State and Fairpoint) for the Selectmen to review at their next meeting.

The Board went on to discuss the Highway Safety Committee ('HSC') recommendations from their meeting of May 7, 2013. Mr. Gowan said the committee discussed six issues mainly regarding signage.

- 1) Meadowview (Senior project next to Rite Aid) driveway to development – request for two stop signs at Atwood Road and Dutton Road. HSC not in favor of stop sign request. The Homeowner's Association changed their request to one for a warning sign, which was supported by HSC, with the exception of the Highway Road Agent. Mr. Gowan believed the Road Agent was not in favor of having additional signage.
- 2) Recommendation of stop signs at the intersection of Jericho Road and Currier Road, that were brought forward as a result of a proposed 7-lot subdivision recently brought in front of the Planning Board. Mr. Gowan said the intersection warranted some control even if the proposed project wasn't approved. The HSC recommended making it a stop controlled intersection. Mr. Lynde knew the intersection and wanted to know where the stop signs would be installed. Mr. Gowan felt a stop was needed on Jericho (coming from Rt. 38) at the Currier Road intersection before Jericho made a right turn to continue. He said he felt that way partially because of the proposed project and partially because it was an unintuitive intersection. He felt a stop was least needed for vehicles coming from Jericho

and continuing straight toward Currier Road. Mr. Haverty commented that the Planning Board very soundly defeated the subdivision project. He said it was their opinion that it was the wrong place for a 6-7 lot subdivision. Mr. Gowan noted that the Planning Board didn't vote to deny the project, it was still very much alive. Mr. Haverty said hesitantly the Chairman allowed a continuance; no one on the Planning Board wanted that plan in that location. He said it took the applicant 2-3 times asking the Chairman to continue before the Board finally agreed to continue it. In his opinion, the Planning Board wouldn't approve anything at that location. Mr. Haverty was very familiar with the intersection and felt it functioned fine just as it was.

- 3) Recommendation for speed limit signs (30mph) at the beginning of Wellesley Drive near Rt. 38 and at the intersection with Colby. The road has become an connecting road to Ballard Road and experienced a lot of high speed activity. Mr. Gowan said DHB (project developers) could be asked to put up a sign along their stretch as well. The request was unanimously recommended by the HSC.
- 4) Recommendation for 'no commercial trucking' sign on Hobbs Road. Currently the road is posted with 'no thru trucking'. HSC unanimously recommended posting the road as 'no commercial trucking'. Mr. Viger commented that the HSC decision was made prior to the roundabout project. He said people were encouraged to detour around the Town center as much as possible, for which Hobbs Road is a thoroughfare for commercial projects. He questioned if the signage should be delayed until the project was done. Mr. Lynde questioned with the proposed signage if (for example) a moving truck would be allowed. Mr. Gowan didn't believe that was the intention. He said fuel trucks, moving trucks and things of that nature would probably not cause a rise out of the Police. He felt delaying action until the roundabout project was completed, as Mr. Viger stated, was a good suggestion. Mr. McDevitt agreed that it might be worth waiting to post a sign. He recalled having a similar discussion on Young's Crossing; the result was limiting the number of axles. Mr. Gleason felt the discussion should be deferred. He had questions as to what constituted a commercial truck and how the Police Department would enforce it.
- 5) Mr. Gaydos recommended 'tabling' items 4 and 5 because they were similar in nature.
- 6) Suggestion to discuss signage on Abbott Bridge after the roundabout project given the present signs are often ignored.

Mr. Gleason asked the Board how they would like to proceed.

**MOTION:** (Lynde/McDevitt) To approve Item#1 of the Highway Safety Committee's recommendation. (traffic warning signs Atwood Road/Dutton Road)

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

**MOTION:** (Lynde/Haverty) To deny Item #2 of the Highway Safety Committee's recommendation. (installation of stop signs at Jericho Road/Currier Road)

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

**MOTION:** (Lynde/Haverty) To approve Item #3 of the Highway Safety Committee's recommendation. (placement of speed limit signs on Wellesley Drive)

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

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The Selectmen deferred further discussion at this time for Items 4 and 5 until such time that the roundabout is complete.

There was discussion regarding Item #6 Abbott Bridge signage. Mr. Gaydos said the DOT requires the Town to put signs. He was not aware of any signs on Route 38 (in either direction). The difficulty is the current sign isn't viewable until after a vehicle has turned onto the road. Mr. Gowan said the recommendation was for a sign to be installed from the area in front of Town Hall (new roundabout) toward Rt. 38 to catch vehicles before they were on the road.

**MOTION:** (Lynde/McDevitt) To support the installation of signage contained in Item #6 of the Highway Safety Committee's recommendation, recognizing that the actual location would wait until the roundabout is completed and done in conjunction with the Department of Transportation.

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

**Jim Midgley, Fire Chief:**

- Replacement Fire Truck in 2014 as in Capital Improvement Plan
- Fire Hydrants
- Refurbishin

Fire Chief Midgley said when he was appointed acting Chief in 2009 he was tasked with drafting an equipment replacement schedule. The replacement of the rescue vehicle has been on that plan since 2009 and originally scheduled for 2013, but deferred because the new fire station was on the ballot. He discussed the current issues with the vehicle (which was approximately 21 years old).

Chief Midgley said they were looking to go to the taxpayers next year and request a lease/purchase of a rescue pumper truck. This will combine two pieces of apparatus into one. He noted when he started in the Department in 2000 they had four Class A pumpers, they were now down to two. Space issues precluded them from keeping them and one essentially rotted out from underneath because they couldn't keep it garaged. He would like to replace the rescue and turn it into a Class A pumper. To replace the rescue alone would cost approximately \$300,000-\$350,000. The cost to purchase a Class A pumper was approximately \$550,000. By combining the two vehicles, they could purchase one for approximately \$600,000-\$650,000. They currently have a committee that will meet with all the vendors; they started with 7-8 vendors and have narrowed it down to 3-4 who could make the type of vehicle the department was looking for. Chief Midgley said the CIP asked what his first priority was once the fire station was out of way and this was the first priority.

Mr. Gleason confirmed that the Chief was proposing to replace two vehicles with one vehicle. Chief Midgley said they were looking to replace the rescue vehicle with a rescue/pumper, which would give the department a third Class A pumper and rescue incorporated into one. It had always been his intention to get the department back to three Class A engines. He didn't think the Town needed four given the type of infrastructure they leaned toward with hydrants and cisterns. He felt the best use of funds would be to combine the vehicles. It was pointed out when a vehicle went down for repairs they were usually out for about a week. The pumps were getting older and it was already known (through bi-weekly reports) that Engine 1 would go down for pump repairs and gone for at least a week. This meant the department would be down to one fire engine and the Chief would like to avoid this type of situation in the future.

610 Mr. Gleason asked if the taxpayers would be posed with the replacement of one vehicle with one  
611 that had dual capability. Chief Midgley answered yes. Mr. Gleason wanted to point out that they  
612 were not adding another fire apparatus. Chief Midgley stated they would get rid of a single-purpose  
613 vehicle and replace it with a dual-purpose vehicle. The cost would be slightly more, but would be  
614 much more functional for the Town and fill the role of two vehicles.

615  
616 Mr. Viger said the pumper was self-explanatory but wanted to know what a rescue truck contained.  
617 Chief Midgley explained that the rescue incorporated all the rescue equipment; anything that dealt  
618 with a non-structure fire type of a rescue. He said when a Class A pumper or pumper/rescue is  
619 purchased, the pump, tank and chassis are bought. They would be actually adding storage space  
620 into the vehicle which made it longer to get the dual functionality and accounted for the extra cost.  
621 Mr. Viger asked if there was any other vehicle that could fill in as a rescue if they were to lose the  
622 one they had. Chief Midgley answered no.

623  
624 Mr. Gleason summarized that the request was for a dual piece of apparatus that would cost more  
625 than the vehicle it was replacing through a lease to own process. Chief Midgley said they were  
626 requesting a lease/purchase. He noted that they had already paid for Engine 3 in 2013 (the last  
627 vehicle purchased); the proposed vehicle would replace the vehicle they've already paid for. Mr.  
628 Gleason confirmed there was money in the 2013 budget for a lease/purchase which constituted the  
629 last payment. Chief Midgley said he checked with the Finance Department and was told it had  
630 been paid. Mr. Gleason also confirmed going forward the department would have a continuation of  
631 an amount of money toward the proposed vehicle. Chief Midgley deferred the question to Mr.  
632 Gaydos.

633  
634 Mr. Gaydos asked if an engine was the same as a pumper. Chief Midgley answered yes. Mr.  
635 Gaydos asked for further explanation of a rescue vehicle's function. Chief Midgley discussed in  
636 detail the many components contained on a rescue vehicle and their functionality.

637  
638 Mr. Lynde questioned how long it would take to get the vehicle once they had approval. Chief  
639 Midgley said build times were very lengthy anywhere from 9months to a year depending on where  
640 they ended up in the cycle. Mr. Lynde asked what term they would like for the lease/purchase.  
641 Chief Midgley would like to see five years in order to maintain a level they've been successful  
642 with.

643  
644 Mr. McDevitt said if the Board agreed to move forward with the vehicle, they would have to  
645 determine whether it was put in the operating budget as a lease/purchase or place it on the warrant.  
646 Mr. Gaydos stepped out of the room to check the budget book to see if the payment would roll into  
647 the next budget without an additional impact on the tax rate.

648  
649 Mr. Gleason questioned if the vehicle could be put off until another year. Chief Midgley responded  
650 that the vehicle should have been replaced last year. He said they had done their due diligence  
651 bringing information forward and presenting the case. Mr. Gleason asked how frequently the  
652 rescue vehicle and pumpers were utilized. Chief Midgley stated the rescue rolled on every single  
653 motor vehicle accident, every haz mat incident and every structure fire. He said the rescue was a  
654 multi-purpose vehicle and would have more use when it became multi-functional. Mr. Gleason  
655 understood that the department relied upon the pumpers to support apparatus given that a majority  
656 of the houses in Town didn't have accessible water to fight fires. Chief Midgley explained that  
657 pumpers were responsible for bringing personnel, equipment, hose, water etc.; it was not just the  
658 pump itself.

Mr. Gleason didn't believe there was any further action because the Selectmen would address it in the budget process. He asked the Chief to define the way he would like to proceed and to work with Mr. Gaydos to come up with the anticipated cost so the Selectmen could make an informed decision when the budget came in. On a side note, Chief Midgley stated once they got past the hurdle of the proposed vehicle, the next vehicle would be an ambulance in 2017 that they were already trying to appropriate monies for so there would be a minimal (if any) tax impact. The next fire truck would be in 2018.

Mr. Gaydos then addressed the e-mail received by Pennichuck Water and Fire Protection Tariff. Mr. Gleason asked how many hydrants the Town had and of that number how many were additions during the last couple years. Chief Midgley believed the Town had 35 hydrants. He believed they added five in the Sawmill project. He would like to see the number of hydrants increase versus having cisterns. Mr. Gleason noted that there was a hydrant fee (in the fire operating budget) that was paid to Pennichuck. Mr. Gaydos noticed a hydrant marked 'unusable' and wanted to know if the Town paid a fee for it. Chief Midgley answered no. Mr. Gaydos asked who cleaned cisterns when it snows. Chief Midgley said the Fire Department cleaned the 77 cisterns in the Town. He said it took them a long time during a significant storm, which is why they had two plow trucks. He said the Town was charged with maintaining cisterns, and Pennichuck was charged with maintaining hydrants.

Mr. Gleason said the issue in front of the Board was whether or not to delegate the responsibility of hydrant installation to the Fire Chief rather than the Selectmen. He questioned if the Selectmen approved the addition of hydrants on Sawmill Road. Mr. Gaydos answered no; he believed it was done through the planning process with a water line being replaced. Chief Midgley said Pennichuck had come to them saying they were replacing the water main on Sawmill and asked where the Town wanted their hydrants. Mr. Gaydos asked the Chief if he was aware of any time (during his years of service to the Town) that the Selectmen had been asked to approve hydrants. Chief Midgley answered no. Mr. Gaydos questioned if former Fire Chief Fisher always approved them. Chief Midgley said former Chief Fisher always dictated where he wanted his hydrants.

Mr. Viger said in the 2013 budget they were looking at \$44,376 for hydrants, with a note indicating 6 hydrants would be added in 2013. Mr. Lynde reviewed the hydrant rates. Chief Midgley said it was explained to him there were two fees; a water system fee (well, infrastructure etc.) and a hydrant fee. Mr. Lynde wanted to determine the per hydrant cost. Mr. Gaydos understood that the capacity/availability fee would maintain stable until such time there was enough load on the system that they would have to increase capacity to maintain the availability. Mr. Viger said the benefit of having a hydrant was the ability to fill the trucks, which was considered part of the regular usage.

Mr. Gleason said the issue in front of the Selectmen was whether or not to delegate the Chief the authority of allowing installations, or if that authority would be retained by the Selectmen. Mr. Lynde said the Chief could be delegated the authority; he would have to come to the Selectmen for approval of the budget, which would increase with the addition of hydrants. Chief Midgley said when the budget came forward it would already include the hydrant cost. He said if he was authorized to put the hydrants in, it was giving him the authority to pay for them out of his operating budget. Mr. Gleason said hydrant cost is already included in the budget. Mr. Gaydos discussed the planning process in which the Chief is asked if he wanted hydrants or cisterns; to which the Chief preferred hydrants. Mr. Gaydos said the Chief would then work with the developer to determine their placement. He said if the Selectmen wanted to have the authority, the Chief would come to the Selectmen and explain why the hydrants were needed versus cisterns and where they would be located.

711 Mr. McDevitt believed he would like the authority delegated to the Chief because there would be a  
712 self-corrective measure during budget review.  
713

**MOTION:** (McDevitt/Haverty) To delegate the Fire Chief the responsibility of where fire  
hydrants are to be placed.

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

714  
715 **OTHER BUSINESS:**  
716

717 **Discussion of Tax Exempt Status – Religious Organization, Map 15 Lot 12-105**  
718

719 Mr. Gaydos said a request was received from the New England Baptist Church of Boston which has  
720 purchased a property at 15 Webster Avenue. Originally they wanted to make it a church. The  
721 Planning Department indicated to them that they would have to go through the planning, approval  
722 and special exception process. They chose not to do so. They have since come back to the Town  
723 indicating they would like to make the property a parsonage for their pastor. Mr. Gaydos reviewed  
724 RSA 72:23 III relative to the requirements for receiving a 100% tax exemption on the property. He  
725 then read from a letter dated April 9, 2013 received from the Town's assessing company Corcoran  
726 Associates, that indicated the church was being operated in Medford, MA; no church was being  
727 operated by the organization out of Pelham, or in New Hampshire (that they were aware of). It was  
728 noted that a church parsonage, to be exempt in New Hampshire, should provide a benefit (worship  
729 or training) to the citizens of New Hampshire. It appeared the applicant was asking to exempt a  
730 property in New Hampshire for the benefit of citizens in Massachusetts. Corcoran recommended  
731 denying the request, but also to seek other council.  
732

733 Mr. Gaydos said he contacted the Department of Revenue Administration ('DRA') on numerous  
734 occasions and asked the property appraisal division if they were reading the RSA language  
735 correctly. He hasn't gotten a response to any of his requests. He felt in reading the statute and  
736 speaking to legal counsel there was an argument to deny the request.  
737

738 Mr. McDevitt believed in plain reading of the statute, it reads church parsonages occupied by their  
739 pastors. He said if someone went onto the New England Baptist Church's website, the applicant is  
740 not the pastor of the church. He said if the pastor met all the other criteria they may have a case.  
741 Mr. Lynde said the other proviso was the language reading incorporated or legally doing business  
742 in the State. He said the church would have to be in the State.

**MOTION:** (Lynde/Haverty) To deny the tax exemption request.

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

743  
744  
745 **Fire Station Landscaping Completion**  
746

747 Mr. Gaydos discussed they had to do erosion control when the ground at the new fire station was  
748 originally disturbed. He said there were two parts remaining: 1) installation of sprinkler heads (80  
749 full and 20 pop up) including all necessary labor and materials; and 2) prep and hydro seed the  
750 area. He asked the Selectmen if they wanted to seek three verified prices to do the sprinkler  
751 installation or if they would like to move forward with a proposal submitted from Boyden



752 Landscaping which would organize the work and subcontract it to the people who installed the  
753 well.

754  
755 Mr. Gleason wanted to know if the proposal was outside the scope of work for the fire station. Mr.  
756 Gaydos said it was within the scope, but the prices received through Eckman Construction were  
757 abnormally high because the people would be coming in from a distance. Mr. McDevitt wanted  
758 clarification regarding 'scope' and asked if that meant in the overall budget amount. Mr. Gaydos  
759 answered yes. The work was not a listed in the line items for work; it has been an allowance that  
760 was removed from being Eckman's responsibility to the Town. Mr. Lynde understood there was  
761 money left over in the budgeted amount to cover the work. Mr. Gaydos answered yes.

762  
763 Mr. Gaydos said the question was if the Selectmen wanted to go out to bid on the sprinkler system.  
764 He noted that the cost for Boyden to seed was \$1,300. Mr. Gleason asked the Board if they wanted  
765 to solicit bids for the entire project, or just the sprinkler system. Mr. Haverty believed the seeding  
766 could logically be separated from the sprinkler heads; they were two distinct tasks. He felt the  
767 Town landscaper could handle the seeding portion and the sprinkler system should go out to bid.

768  
769 Mr. Gleason believed there was a consensus of the Board to separate the work and bid out the  
770 sprinkler work. Mr. Viger questioned if Boyden Landscaping would be tasked to roll the hydro  
771 seeding, mowing and maintenance into their contract. Mr. Gaydos said the contract had already  
772 been extended to the end of the year. Mr. Viger asked if it included the proposed fire station  
773 upgrades. Mr. Gaydos answered no. He said as with other contracts, the work would be added in.

774  
775 It was understood that the Board was in agreement to have the sprinkler system bid out and have  
776 Boyden do the rest of the work. Mr. Gleason asked when the landscaping contract would be  
777 reviewed. Mr. Gaydos said the review process would begin in the fall; the bid for landscaping  
778 would go out next year. The definition of what needed to be done would be refined.

779  
780 **Recommendation for Sale of Town-Owned Property – Timeline for Advertising & Bidding**

781 Mr. Gaydos said they were ready and would place the advertisement as close to the June 1<sup>st</sup> edition  
782 of the Lowell Sun and Lawrence Eagle Tribune. The advertisement will also be posted on the  
783 Town Request for Proposals web page. Sealed bids are to be received by 4pm, June 21, 2013 at the  
784 Selectmen's Office. Bids will be opened at 4:15pm. Bids to be awarded at the Selectmen meeting  
785 of June 25, 2013.

786  
787 There was a decision not to require a minimum bid.

788  
789 **2013 Default Budget Reductions Review**

790  
791 The Selectmen reviewed the default budget summary. Mr. Gaydos discussed the reasons for the  
792 Legal budget being a bit high. He said Planning had a one-time charge and would come back in  
793 line. Insurance showed front end cost for January and February. He believed the Finance Director  
794 made an adjustment and would follow up. Mr. Gaydos believed the Fire budget was a bit high due  
795 overtime because of a number of brush fires that occurred.

796  
797 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

798  
799 Mr. Gaydos said a letter from the State was received. They indicated they intended to pave Keyes  
800 Hill Road from Mammoth Road all the way to the Hudson line.

801  
802 Mr. Haverty had no report.

Mr. Viger thanked the VFW and the American Legion for an outstanding parade conducted in observance of Memorial Day. Mr. McDevitt seconded the comments.

Mr. Gaydos reported he spoke with the State regarding the Willow Street Bridge. They had not yet been out to review the bridge. He noted if the Town did any work prior to the approval, the Town would be disqualified.

Mr. Gleason gave special recognition to the High School band during the Memorial Day ceremonies.

**REQUEST FOR NON-PUBLIC SESSION**

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

**ROLL**

**CALL:** Mr. Gleason-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Mr. Haverty-Yes; 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 9:47 pm.

The Board returned to public session at approximately 10:05pm.

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

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

**ADJOURNMENT**

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

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

The meeting was adjourned at approximately 10:05pm.

Respectfully submitted,  
Charity A. Landry  
Recording Secretary