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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
July 21, 2015
APPROVED – August 18, 2015

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CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. Hal Lynde, Mr. William McDevitt, Mr. Doug Viger, Mr. Paul Leonard,
Ms. Amy Spencer, Town Administrator Brian McCarthy, Finance Director Cindy
Kelley

ABSENT: None

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PLEDGE OF ALLEGIANCE

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MINUTES REVIEW

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July 7, 2015

MOTION: (Leonard/Spencer) To approve the July 7, 2015 meeting minutes as amended.

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

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July 14, 2015

MOTION: (McDevitt/Spencer) To approve the July 14, 2015 meeting minutes as amended.

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

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ANNOUNCEMENTS

- **Concert on the Village Green, Wednesday July 22, 2015 6PM. Steve Blunt and Marty Kelley with Award Winning Kids Music**
- **FERC Scoping Meetings**
 - **July 29th, Nashua Radisson at 6:30PM**
 - **July 30th, Milford Town Hall, 6:30PM**
 - **August 11th, Dracut High School, 6:30PM**
- **State Approvals to Proceed to Next Stage of Willow Street Bridge Project**
- **Taking NRPC Commissioner Appointment Volunteer Applications until July 28th**
- **Budget Committee Vacancy – taking Volunteer Applications please submit to Daniel Guimond or Dave Cate**
- **Town Honored with award from Governor Maggie Hassan**

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Lieutenant Anne Perriello and Captain Stephen Toom came forward. Lt. Perriello stated the Pelham Police Department and School Special Education Focus Group were honored by Governor Hassan. She explained that the award was through the Governor's Commission on Disability for a Community Impact Award; the plaque will be placed in the Police Department lobby. The Community Impact award was for a process of registration to assist with the disabled population. The registration is called Special Outreach and Resource ('SOAR'). Lt. Perriello described the voluntary registration

40 process and told how the information would assist first responders when interacting with those who
41 may have Alzheimers, Down Syndrome, who are Autistic or may be non-verbal.

42

43 Lt. Perriello told the Board that Captain Toom nominated her, Officer Brian Kelley and members of
44 the Special Education Focus Group – Jeri Williams, Diane Andrews and Lynne Aboujaoude. They
45 all were present to accept the award from Governor Hassan. It was noted that this is the first of this
46 program. Lt. Perriello has since spoken with first responders in departments within the State and has
47 provided them information to implement the program.

48

49 Mr. McDevitt congratulated the Police Department. He said this award demonstrates the compassion
50 and care of the Police to the citizens. He thanked them for taking the initiative and for spreading the
51 information to the State.

52

53 Ms. Spencer echoed Mr. McDevitt's statements. She said the example set by the department
54 throughout the State was something to be very proud out. She thanked everyone involved.

55

56 Mr. Lynde noted that PTV would be running a video clip about the SOAR program presentation.

57

58 **OPEN FORUM**

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60 No one came forward.

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62 **APPOINTMENTS**

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64 **Police Captain Stephen Toom and Lieutenant Anne Perriello – New Employee Introduction and**
65 **Oath of Office, Patrolman Jaime Huertas and Patrolman Bruce Vieira**

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67 Captain Toom introduced the Police Department's two new officers, Jaime Huertas and Bruce Vieira.
68 He provided a summary of their education and credentials. The Board welcomed the Officers and
69 thanked them for their service to the Town.

70

71 Mr. McCarthy spoke of the 'Farm System Program' implemented by Police Chief Roark a few years
72 ago, which added to the part-time roster for possible transition to full-time status. He noted it was a
73 good opportunity for the department to review officers; Officer Vieira was one of the first to graduate
74 from that 'farm' team to full-time.

75

76 **Transfer Station/Recycling Center Director Stan Walczak – Regarding Office Trailer**

77

78 Mr. Walczak provided the Board with information regarding areas within the department's office
79 trailer found to have black mold. ServPro has reviewed the situation and put numbers together for
80 treatment/remediation. It was believed the mold was due to an area in the roof that was still leaking
81 after being patched; the mold has continued to spread. Mr. Walczak noted because of the age of the
82 trailer (24 years old) it was at point of needing a total rebuild. At present all employees have vacated
83 the trailer. If anyone enters they must wear a filter mask. Plastic has been put over the known black
84 mold areas in an effort to stop it from being in the air. Mr. Walczak told the Board he reviewed
85 leasing options for five years and received quotes from three of the top companies in the area for
86 rebuilt units. A description of the trailer and breakdown of quotes was provided to the Board. A new
87 trailer will need to have hookup of electric, fuel key system, television, cable and telephone.

88

89 Mr. Leonard questioned if there was a buyout figure for purchase at the end of the lease. Mr.
90 Walczak replied none of the companies would provide a buyout figure up front. They indicated the

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91 Town should contact them at the end of the 4th year to determine if the lease would be extended; they
92 will provide a buyout figure at that time. Mr. Leonard wanted to know if any ‘outside the box’
93 options were reviewed, such as a multi-shed or permanent structure versus having another
94 construction trailer. Mr. Walczak felt that would be the route to go; however that would require them
95 to make it through next March (Town Meeting). He noted the current trailer was the only heated area
96 able to be used by employees to eat lunch, hold a meeting, and store drinking water etc. . The only
97 other heated areas were the bathroom in the Transfer building and portable heaters in the two
98 attendant shacks. Mr. Walczak said leasing a trailer seemed to be the quickest and safest way to have
99 a usable structure until a determination could be made for a permanent structure.

100
101 Ms. Spencer asked for the age of the existing structure. Mr. Walczak replied the trailer is twenty-four
102 years old. Ms. Spencer understood it was a situation that just arose and questioned from which
103 budget the cost would come from. Mr. Lynde stated it would come from the Transfer Station budget.
104 Mr. Walczak noted that he recommended William Scotsman, not just for the type of unit and its cost,
105 but also because the first three months would be free; if done in August, the budget would only be
106 responsible for the lease in November and December, 2015. Ms. Spencer questioned if a lease would
107 be through a similar arrangement as the other Town vehicles. Mr. Walczak replied it would be a
108 lease direct with William Scotsman.

109
110 Mr. McDevitt understood they had to move immediately. He noted how fast five years would go by
111 and strongly suggested the department make plans to present a suitable building that would be around
112 for a long time.

113
114 Mr. Viger questioned the procedure for handling a lease. He understood they could enter a one-year
115 agreement and noted they couldn’t commit the voters to a multi-year expenditure without a warrant
116 article. Mr. McDevitt commented they could include a non-appropriation clause with the lease
117 agreement. The lease cost could then be put into the budget, which the voters have an opportunity to
118 approve. Mr. Viger wanted to know if they could obligate future monies for leases in the budget;
119 meaning could the lease cost be put in this year’s budget for future expenditures without voter
120 approval. Mr. McDevitt understood that the monthly cost would be put in budget; there would be an
121 opt out provision in the event the voters didn’t approve the budget. Mr. Lynde believed there were
122 other similar situations with leases. Mr. Viger felt there was ‘grey area’ that should be explored by
123 counsel. He believed they needed voter approval for ongoing lease agreements.

124
125 Ms. Spencer reviewed the bid proposals and didn’t see that an escape clause was included. Mr.
126 Walczak replied the final agreement would be contingent upon what the Board directs. He noted that
127 he spoke with the School’s Business Administrator to see if there was an opportunity to utilize any of
128 their portable structures. He was told they were going to continue using the structures. Mr.
129 McCarthy added prior to entering into any agreement it would be forwarded to Town Counsel prior to
130 execution. Mr. McDevitt believed the presence of the non-appropriation clause released them from
131 effectively having a long-term lease and provided the voters with the opportunity to weigh in when
132 considering the budget for approval.

133
134 There was a consensus of the Board to seek Town Counsel’s opinion regarding entering into a lease
135 arrangement prior to giving authorization to proceed. Mr. McCarthy will work with Mr. Walczak to
136 forward a copy of the agreement to Town Counsel.

137
138 **2016 BUDGET REVIEW**

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140 Finance Director Cindy Kelley came forward to assist with the budget review.

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142 **Highway Department** – presented by Interim Highway Director Frank Ferreira with Finance
143 Director Cindy Kelley.

144 2016 Budget request: \$1,417,200, constituting a 0.78% increase over last year.

145 2015 Operating Budget: \$1,406,191.

146

147 Mr. McCarthy asked the Board to continue their discussion from the last meeting regarding the
148 replacement truck. Mr. Lynde understood that the existing truck was a 2005 Ford F550 dump truck
149 with 9ft. plow that has significant rust, cracks in the frame that are safety concerns and not worth
150 trying to repair. He recalled that the Board tasked Mr. Ferreira to come back with a proposal.

151

152 Mr. Ferreira contacted know businesses for a proposal and recommended Londonderry Ford (the
153 lowest . He reviewed their proposal that had a total cost of \$61,986 complete. The other companies
154 provided prices for cab and chassis; however the vehicles were more than what the department
155 needed and the costs were higher. Mr. McCarthy told the Board that they received three quotes;
156 Londonderry Ford provided the least of the three. He noted it wouldn't need to be painted as it was
157 already red and it was available in stock locally.

158

159 Ms. Spencer questioned the procedure for acquiring the vehicle. In reviewing the Highway
160 Department budget, Mr. McCarthy noted there was over \$300,000 in Specials which is typically used
161 for road paving. He added there was Block Grant money from 2015 and some left over from 2014.
162 He said the proposal would be to take the total cost of the truck out of Specials to pay this year and
163 utilize the remainder of the Block Grant to fill in the gap.

164

165 Mr. Leonard understood the truck was a front line vehicle also used in the winter for snow and road
166 treatment for some of the smaller neighborhoods. He questioned if the department would need to hire
167 contractors if they didn't have the truck. Mr. Ferreira answered yes. He pointed out they use the
168 truck everyday year round, it was not just a winter truck. He noted there were four roads listed for
169 paving that wouldn't be done because Liberty Utilities would be digging them up in the next year or
170 two. This represented a cost savings of \$116,000 in the Specials budget. Ms. Kelley added there was
171 \$4,000 in the budget for repairs of the truck that could be taken out.

172

173 Mr. Lynde spoke of the budget process. He felt doing nothing would lead to a greater expense. Mr.
174 Viger wanted it clear that buying the truck outright this year was not from excess funds, it was the
175 movement and/or sacrifice of other projects. Mr. Lynde reviewed the six month Highway Budget and
176 saw that it was only at 33% spent. He asked the Board if they were amenable to proceeding.

177

MOTION: (McDevitt/Leonard) To authorize the purchase from Ford of Londonderry for a
2015 F550 truck as described in the memo from Ford of Londonderry for a price of
\$61,986.

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

178 Mr. Lynde asked Mr. Ferreira to speak to the Selectmen before stalling any cyclical road repair
179 programs. Mr. Ferreira replied he would do so.

180

181 The Selectmen then reviewed the Highway Budget.

182

183 *Salaries* - Increase mostly due to contractual increase. Part time laborers have a \$.50/hr increase.
184 Road Agent salary had no increase. There was a brief discussion about the number of current
185 employees; Laborer numbers will be amended to reflect actual employees.

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187 *Supplies* - Bid prices will come in December and be ready for review at reconsideration.

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Gas, Oil etc. - Fuel, oil umbers will be adjusted prior to reconsideration.

Equipment Repairs - Will be amended to level fund, given the Board’s authorization to purchase the 2015 F550 truck.

Equipment Rentals – Increase to sweeper based on bid price; previous companies haven’t submitted bids. The bucket truck showed an increase based on actual use during past year. Under Winter Rentals, increase because of added pavement to the schools and roundabouts.

Ms. Kelley spoke to the Board about the figures included in the default; there was no objection.

Expenses – Cost of Village Green lights will be reviewed to determine which budget they fall under. Line for Street Lighting increased based on actual rate costs. Mr. McDevitt suggested examining the street lights to see if they still make sense. Mr. McCarthy spoke of conversations he’d had with representatives of Department of Transportation and learned one reason street lights are reduced was because the paint lines on the roads have reflective properties that illuminate when headlights hit them. Mr. McDevitt and Mr. Lynde want the electric company to provide a list of street lights the Town paid for.

Specials – Mr. McDevitt questioned if there was a 5year plan for paving. Mr. Ferreira stated they use a spread sheet that indicates when roads were last paved. Each year they review the list and conduct a visual inspection to determine which roads will be added to the year’s paving project.

The Board then reviewed the Highway Department’s priority list for consideration in the proposed budget and possible warrant articles.

Health Officer - Presented by Finance Director Cindy Kelley.
Budget level funded - \$43,766.

Mr. McCarthy told the Board that the Health Officer was very giving and had not taken a salary. He asked the Board if they wanted to remove the salary and leave a placeholder. After a brief discussion the Board decided to keep the salary in the budget.

Health Services - Presented by Finance Director Cindy Kelley.
2016 Budget request: \$60,180, constituting a 1.7% increase over last year.
2015 Operating Budget: \$59,175.

Conservation Commission - Presented by Finance Director Cindy Kelley.
Budget level funded - \$3,747.

Ms. Spencer questioned if the Chairman took a salary. Mr. Lynde replied the Chairman was an appointed official, none of which take a salary.

Insurance - Presented by Finance Director Cindy Kelley
Budget placeholder - \$2,102,081 – Figures not available until late October/early November.

OTHER BUSINESS

2nd Draft Noise Ordinance

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240 The Board was provided with a second draft of the proposed Noise Ordinance. Mr. McDevitt was of
241 the opinion that the Selectmen didn't have the authority to adopt the ordinance, which he admitted
242 was a different opinion than he's voiced at a previous meeting. He then referred to an opinion of
243 Town Counsel regarding the Board of Selectmen's ability to adopt ordinances. In addition he's
244 pulled the statutes referred to in that memo. Copies of all will be provided to the Board. The
245 Selectmen will further discuss the proposed ordinance in two weeks.

246

247 **2nd Quarter 2015 Revenue and Expense Review**

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249 Mr. Lynde noted that the total budget at the year's half-way mark was approximately 40.7%
250 expended. The Board reviewed the information.

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252 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

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254 Mr. McDevitt provided the Board with a brief report regarding the presentations made during the
255 joint Planning Board/Zoning Board of Adjustment meeting. He noted one case involved the storage
256 of a considerable amount of metal (beams etc from I93 project), which in his opinion fit the definition
257 of a junkyard and regulated by the Selectmen. The boards are seeking the advice of counsel to
258 determine if it is considered a junkyard.

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260 Mr. McCarthy informed he received the latest arbor viral surveillance bulletin which indicated there
261 were no issues with the Town's mosquitos.

262

263 **REQUEST FOR NON-PUBLIC SESSION**

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MOTION: (Leonard/McDevitt) Request for a non-public session per RSA 91-A:3,II, a,c,d
(Personnel, Matters, which if discussed publicly , would affect adversely the
reputation of any person; Consideration of acquisition, sale or lease of property)

ROLL Mr. Lynde-Yes; Mr. McDevitt-Yes, Mr. Viger-Yes; Mr. Leonard- Yes;

CALL: Ms. Spencer-Yes

265

266 It was noted that when the Board returned, after the non-public session, the Board would not take any
267 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
268 meeting. The Board entered into a non-public session at approximately 8:43pm.

269

270 The Board returned to public session at approximately 9:35pm.

271

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

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

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274 **ADJOURNMENT**

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

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

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277 The meeting was adjourned at approximately 9:35pm.

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279

Respectfully submitted,

280

Charity A. Landry

281

Recording Secretary