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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
August 4, 2015
APPRVOED – 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

July 28, 2015

MOTION: (McDevitt/Leonard) To approve the July 28, 2015 meeting minutes as amended.

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

Ms. Spencer arrived.

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ANNOUNCEMENTS

- **Concerts on the Village Green, Wednesday August 5th from 6pm to 8pm: The Boys of Rockingham – Country Music, Cruise Night & Pelham Farmer’s Market (from 3pm-8pm);**
- **FERC Scoping Meeting – August 11th at Dracut High School – 6pm;**
- **Budget Committee opening to fill vacancy – Complete Volunteer Application and Submit to Dan Guimond or Dave Cate;**
- **Resignation of John Kachmor, Trustee of the Trust Funds – need to fill vacancy – Complete Volunteer Application and Submit to Board of Selectmen;**
- **Heroin in Pelham: A community discussion – Thursday, August 20th at 6pm in Sherburne Hall**

OPEN FORUM

No one came forward.

APPOINTMENTS

Transfer Station Director Stan Walczak:

- **Engineering Study – Single Stream Project**
- **Trailers for Transfer and Highway Departments**

Mr. Walczak explained to the Board that he’s been informed of a price increase of approximately \$60,000 per year due to the current hauler (Republic Services) having to bring single stream material

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44 to a location further away. Current cost is \$117 per haul. The normal increase would bring the cost to
45 \$123 per haul; however, with the haul location being further away they were looking to increase the
46 rate to \$240 per haul. Also, based on commodity rates, he's been informed of an increased
47 processing fee for recyclable materials of approximately \$20,000. Over the past two years he's been
48 reviewing a way to densify the Transfer Station's current setup with recyclables. He noted the
49 company had been internalizing material and bringing it to their own facility in Tyngsboro which
50 took them an hour; however, they would now be bringing hauls to a new facility opened by Waste
51 Management in Billerica that would take them 2.5 hours. He's asked five vendors to price both
52 services. Two vendors replied with a price of \$250 per haul.

53

54 Mr. Walczak informed the Board that he had met with the General Manager of Republic Waste
55 Services and would be meeting again to discuss the situation. Republic Waste has informed that they
56 may 'walk' because of losing the \$60,000+ per year. Mr. Walczak noted he'd spoken with Mr.
57 McCarthy and had Town Counsel's opinion that there may be a remedy to get money back from
58 Republic if they breach contract and the situation goes to court. At this point he felt he needed to
59 budget for a worst case scenario.

60

61 Mr. Walczak felt a solution would be to densify the material. He's submitted a capital improvement
62 plan costing approximately \$234,000 to purchase and install a compactor (for single stream
63 materials), a trailer and construct a small building.

64

65 Mr. McDevitt questioned if they already had a compactor. Mr. Walczak answered yes; the compactor
66 was used for the solid waste materials. He reiterated that the proposed compactor would be for single
67 stream materials. At this time, he was requesting \$4,400 to complete a site plan, based on a quote
68 received by Herbert Associates. The site plan would allow him to put costs together and go through
69 the bid process to prepare the site and locate equipment. He noted he didn't have \$4,400 in his
70 budget at this time. If the Selectmen approved \$4,400 it would give him the ability to prepare a
71 warrant article for consideration during budget review. The Transfer Station budget is due to be
72 presented at the next Selectmen meeting.

73

74 Mr. Lynde believed the issue was the cost of hauling and the long-term savings that could be realized
75 by compacting materials. In reviewing the hauling costs, Mr. Leonard understood that the current
76 hauling price was a good deal and the increased quoted cost of \$250 was based on current market
77 value. He also understood that the vendor was asking the Town to come up to current market prices.
78 Mr. Walczak answered yes.

79

80 Ms. Spencer wanted to know what Herbert Associates would be providing for \$4,400. Mr. Walczak
81 replied it wouldn't be simply a plot plan; it would be a plan of the actual project which would allow
82 him to get precise bids. Mr. Leonard felt any work they do at the facility in terms of design and
83 layout should have an eye toward the future. Mr. Lynde noted the other consideration was the drop in
84 the market for recyclable products and the amount of contaminated loads. Mr. Walczak spoke of the
85 rise in processing costs that was due to contaminations in the loads. He explained when demand
86 diminishes the processing plants get pickier about their purchasing. He discussed how costs fluctuate
87 and the savings that could be recognized by his proposal to add a compactor and trailer.

88

89 Mr. Lynde stated the request in front of the Board is to authorize \$4,400 out of the Transfer Station
90 budget, although it may overrun and to create a plan for a covered building with a trailer and
91 compactor. Once the requested study is done the Board will be asked to consider a warrant article for
92 the 2016 budget. He noted during Mr. Walczak's discussion with CIP, he proposed including the
93 engineering in the 2016 budget and a year later do the building. During that meeting Mr. Lynde
94 suggested addressing the situation sooner rather than later since they were aware of increasing fees.

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95 He asked the Selectmen to consider approving the expenditure of \$4,400 to do the engineering study
96 and plans. The project would have a total cost of approximately \$250,000.

97

98 Mr. McDevitt questioned the projected annual savings based on the current costs. Mr. Lynde replied
99 the annual savings would be approximately \$65,000. It was noted once materials were compacted
100 they would have the opportunity to seek out competitive market prices.

101

102 Mr. Viger asked if they would bale the materials before hauling. Mr. Walczak replied they could,
103 but it wouldn't be cost effective to do so based on the equipment cost of purchasing a baler and the
104 fact that the Town didn't make enough tons. Also, balers are labor intensive.

105

106 Mr. Lynde confirmed there would only be one trailer. Mr. Walczak answered yes; it would haul and
107 return in the same day. He noted if there was a problem or emergency with the trailer they could
108 temporarily use one of their existing trailers as back up.

109

110 Mr. McDevitt questioned where the money would come from. Mr. Lynde replied they would have to
111 consider over expending the budget, since it was an unanticipated situation, and use surplus from
112 other funds to supplement it. He said the Selectmen were responsible for the bottom line and make
113 their best estimate for each budget.

114

115 The following motion was proposed: *To authorize the expenditure of up to \$4,400 for engineering*
116 *studies in preparation for a warrant article to build a shelter, purchase a trailer and compactor for*
117 *the purpose of increasing the haul capacity of recycled material.* Ms. Spencer moved the motion.
118 Mr. Viger seconded for discussion. He said he supported the proposal, but had a problem with
119 authorizing an over expenditure of the budget. He stated unless they could fund it within the budget,
120 he couldn't support the motion at this time. Mr. Lynde said an option would be to support a warrant
121 article and increase next year's budget by \$65,000. Mr. Viger questioned if the request could be held
122 to the end of the year when the Selectmen had a better idea of the overall budget. Mr. Walczak noted
123 the Transfer budget wouldn't have available funds this year.

124

125 Ms. Spencer commented she was sympathetic to conservative finances and not over expending a
126 budget if at all possible; however she also felt sewage and the transfer station were the areas the
127 Town could least afford to have issues. Although she wasn't in favor of overrunning budgets, she
128 supported the proposal. Mr. McDevitt was in favor of the proposal if funds were available. He
129 questioned if they should review again in October. Mr. Lynde questioned how much had been spent
130 from the Transfer Station budget to date. Mr. Walczak believed it was presently flush; there had been
131 a lot of repairs during the year. Mr. Viger noted the Board had already authorized items in other
132 budgets, such a new Highway truck, an over expenditure in the Planning Department budget to
133 review impact fees, and the Town Building's budget may go over. He warned that the Selectmen
134 couldn't keep authorizing expenditures because they had to watch the bottom line. Based on the last
135 projections, Mr. Lynde believed the budget would be half a million dollars in the black at the end of
136 the year. He felt the proposal was an investment that would save the taxpayers money and reduce the
137 budget amount submitted next year.

138

139 Mr. Leonard understood that the \$4,400 would pay for an engineering study to prepare for a potential
140 \$250,000 warrant article that would be put in front of the voters. He noted there were a lot of items
141 the Selectmen were in the process of considering and didn't want to be in a difficult position at the
142 end of the year. Ms. Spencer understood that the \$4,400 was not only for a plot plan, but was also for
143 an overall plan of the facility which would allow them to bid out the project for actual numbers that
144 could be put in a warrant article for the voters. Presently the \$250,000 was a rough estimate. She
145 said it didn't make sense to roll the \$4,400 into a \$250,000 warrant since the larger number was a

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146 guess. Mr. Walczak spoke to the plan Herbert Associates would provide for \$4,400, which was not
147 only a plot plan, but would also include specifics for building and concrete costs etc. He's given
148 them information and schematics about the equipment that would be on site. Mr. Lynde questioned
149 how quickly the plans could be available. Mr. Walczak replied it would take approximately two and
150 a half weeks to complete. Mr. Lynde stated if they were going to consider a warrant article they
151 would need appropriate figures to move forward.

MOTION: (Spencer/Viger) To authorize the expenditure of up to \$4,400 for engineering studies in preparation for a warrant article to build a shelter, purchase a trailer and compactor for the purpose of increasing the haul capacity of recycled material.

VOTE: (2-3-0) The motion failed. Mr. Lynde and Ms. Spencer voted in the affirmative. Mr. Viger, Mr. McDevitt and Mr. Leonard voted against the motion.

152
153 Mr. McDevitt stated it was clearly a good idea, but would like to review it again in October when
154 they would have the opportunity to review the bottom line of the budget. If there is sufficient money
155 at that time he said he would vote yes.

156
157 Mr. McCarthy noted warrant articles were due to the Budget Committee by November 2nd.

158
159 Ms. Spencer discussed the timeline to revisit the budget, get bid prices and draft a warrant article.
160 She was concerned about running out of time unless the Board discussed the situation in September.
161 Mr. McDevitt noted the Board could draft a warrant article with the understanding that the number
162 was an estimate to be amended when appropriate. Mr. Viger commented that the Budget Committee
163 understood there were some circumstances when figures came in later than the budgets.

164
165 The Board was in agreement that there should be two Transfer Station budgets reviewed; one with the
166 added costs, and one without. Mr. Lynde asked that an agenda item be added for the end of October
167 to discuss the situation further.

168
169 The Board then discussed the request for Highway and Transfer station trailers. Cost information was
170 provided for reference. Mr. McCarthy spoke of the situation at the Highway Department. He told the
171 Board that there was a recent roof leak that led to mold. Property Liability Trust ('PLT') assessed the
172 building (an add-on to the salt shed). He said the building was deplorable and in need of a lot of
173 repairs. He commented they reviewed costs and found there to be cost savings by having two trailers.
174 Mr. Lynde added that there were situations at the Highway Department and Transfer Station in which
175 the Town had 'made due' as they went along and at some point in the future there would be a
176 building. However, they needed an interim solution so employees were in a structure that was not
177 unhealthy and provided for their needs as functioning departments.

178
179 There was a brief discussion regarding the status of the existing building/facilities. Mr. McDevitt
180 suggested conducting a site walk. The Board agreed. Mr. Lynde reviewed the rental cost
181 information. Mr. Walczak explained after a five year term William Scotsman would provide a net
182 book value if the Town wanted to buy the trailers. It was noted that the first three months rental
183 would be free; however there were delivery and installation cost of approximately \$1,600. If two
184 trailers are rented (Highway and Transfer) there is a cost savings of approximately \$2,500 over the
185 five-year rental. Mr. Walczak was in favor of the Board conducting a site walk and determining how
186 to proceed. The Board decided to hold a decision until reviewing the site.

187

188 Mr. Viger questioned if counsel had reviewed if the Selectmen could enter into a multi-year lease
189 agreement to be put into the budget without a warrant article. It was Mr. McCarthy's understanding
190 that the proposed agreement would be similar in nature to how dumpsters were handled. Mr. Viger
191 was concerned with committing unfunded taxpayer dollars without their right to vote. Mr. McDevitt
192 felt if there was a question, it should be checked. He commented that the Town had leased things for
193 years, such as Police cruisers and the voters vote on the budget each year. He said the critical thing
194 was to have the municipal clause in the agreement. It was agreed that clarification should be
195 requested. Mr. Viger will draft his question for legal. Mr. McCarthy believed the question had been
196 addressed and will check his correspondence.

197

198 The Selectmen will conduct a site walk and discuss the proposal at a future meeting.

199

200 **2016 BUDGET REVIEW**

201

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

203

204 **Police Department** – presented by Police Chief Joseph Roark and Police Office Manager Celia
205 Lingley with Finance Director Cindy Kelley.

206 2016 Budget request: \$2,596,195, constituting a 2% increase over last year.

207 2015 Operating Budget: \$2,545,308.

208

209 *Salaries:* Adjustment for reorganization from a union Police Officer to a Civilian Attorney to
210 conduct prosecuting. Chief Roark told the Board he would like to lower the line for fitness exam by
211 \$3,200. Currently there are eighteen eligible employees, with a likelihood of four opting out of the
212 optional testing. It was noted that the line for the part time dispatcher would allow them to work at
213 least two shifts per month to stay up to date with their skill set. Increase to F/T dispatch OT was
214 based on actuals.

215

216 Mr. Leonard asked if the line for taser training was added due to new equipment. Chief Roark
217 pointed out the training components, 1) taser, 2) pepper spray recertification, and 3) baton
218 recertification. They each require recertification every two years, therefore the budget is staggered.

219

220 The Board continued their budget review.

221

222 *New Equipment-* Brief discussion regarding the Watch Guard Cruiser Video, Patrol PC Cruiser Motos
223 and Motorola Radios. Chief Roark explained the Selectmen had discussed the items a few years ago.
224 There was a five year lease; funding for the first two years would come from the FEMA account and
225 the remaining three years would come from the Police budget. He further clarified that the items had
226 been paid during previous budget cycles; the funding for them had come from a different account.

227

228 Mr. McDevitt asked if there was enough in FEMA to pay for them this year. Mr. McCarthy answered
229 yes, there was money in FEMA as well as anticipated savings in gas.

230

231 *Expenses* - Chief noted the CALEA line, which covered the department's accreditation. The budget
232 included the cost for the first assessment in the Spring. There was a brief discussion about the
233 accreditation process and how it to limit the Town's liability and risk. Ms. Kelley noted if the Town
234 goes through Primex, part of their program offers a 2.5% discount on liability insurance if the Police
235 receive accreditation.

236

237 Ms. Spencer questioned what items were included with the 'general expenses' line. Chief Roark
238 replied it was based on actuals. It covered expense items that weren't specific to another line. Ms.

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239 Lingley gave an example that the line recently covered replacement key locks. She said based
240 actuals; they felt they could cut \$1,000 from the line.

241

242 Chief Roark then reviewed two additional items for budget consideration:

243 – Implementation of Middle School DARE Program (\$9,961.68)

244 – RAD Equipment Replacement (\$3,500.00)

245

246 The Board was first provided with information about the DARE program, which could be tailored to
247 the community's needs. First year breakdown of cost: \$5,192 to train a new officer in DARE; \$2,000
248 for program expenses; \$2,769 overtime salaries category. Chief Roark spoke about the opiate crisis
249 and believed funding the program would be money well spent. Other than budgeting, the other
250 hurdle was to make sure the school was on board and could fit the program into their curriculum.
251 They couldn't go to the School Board until they knew they could afford to implement the expanded
252 program.

253

254 Mr. Lynde noted he had a meeting several months ago with Mr. McCarthy and Chief Roark to discuss
255 the possibility of expanding DARE into the middle school. It was realized through a survey of
256 incoming Freshmen that they were using substances such as alcohol, marijuana and some other
257 prescriptions. This age group is known as a high risk age for decision making. DARE and other
258 programs try to teach these students the thought process to be able to make good decisions. Mr.
259 Lynde highly endorsed the DARE program and its expansion into the middle school. He noted the
260 School Superintendent's only concern was that the program 'mesh' with their school year. He
261 believed DARE would become part of the health class.

262

263 Ms. Spencer supported Chief Roark including middle school DARE into the budget. She spoke of
264 being a former middle school teacher and her personal experiences watching students struggle.

265

266 Mr. Viger questioned where the program would be added within the budget. Chief Roark believed it
267 would be in the line for community policing; however, some costs would fall under salaries OT/
268 training hours.

269

270 Mr. McDevitt was in favor of the program and questioned if it would be better in a warrant article.
271 There was a discussion about possibly including the program in the budget and where the associated
272 costs would be listed/ broken down for personnel and supplies. Mr. Lynde questioned how soon the
273 program could be implemented. Chief Roark replied the Police Department could move quickly; they
274 couldn't answer for the school. Mr. Lynde spoke to the importance of having drug/addiction
275 awareness in the community.

276

277 Chief Roark discussed the request to replace aging Rape Aggression Defense ('RAD') equipment.
278 RAD is a program for women to teach defense techniques. The two 'red man' padded suits worn by
279 instructors are worn out and need replacement (\$1,300 each) . Currently they are borrowing a suit
280 from Windham that is a XXL and does not properly fit the instructors. The officers holding the class
281 need a proper fitting suit for their own protection. Also, student gear has been changed by RAD to be
282 more comfortable and safer. Chief Roark indicated they would like to buy three sets of student
283 protection (\$300 each). It was noted that they usually have a waiting list for the classes; the current
284 class has 23 people. Classes are made up of residents and people from other towns. Chief Roark
285 noted to run programs such as RAD and DARE, the department had to have motivated personnel.
286 Pelham is fortunate in that regard.

287

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288 Mr. McDevitt felt the suits should be included in maintenance. He noted that the equipment was used
289 and maintained for an existing program. Chief Roark stated that was correct; they were replacing old
290 equipment.

291

292 Mr. Lynde stated he was pleased and proud with the programs offered by the Police Department for
293 the children and adults.

294

295 Ms. Kelley questioned if either of the items should be put back into the budget.

296

MOTION: (McDevitt/Spencer) To add \$9,961.68 (Middle School DARE Program) and
\$3,500 (RAD Equipment Replacement) into the budget where appropriate.

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

297

298 Ms. Kelley will update the budget sheets.

299

300 **Retirement** – presented by Finance Director Cindy Kelley.

301 2016 Budget request: \$1,452,133, constituting a 4.4% increase over last year.

302 2015 Operating Budget: \$1,391,356.

303

304 Mr. McCarthy stated two things that contributed to the increase were the increases to contractual
305 salaries and retirement. Ms. Kelley added the increase was based on ‘known’ numbers. She noted
306 there were a couple departments where she hadn’t received the final salary numbers because the
307 budget hadn’t been reviewed by the Selectmen.

308

309 **OTHER BUSINESS**

310

311 **Noise Ordinance Discussion**

312

313 The Board reviewed two versions of a proposed Noise Ordinance.

314

315 Ms. Spencer reviewed her suggested amendments. She felt the proposed ordinance was well drafted
316 and both enforceable and defensible. Mr. Leonard agreed with many of the changes. He felt hours
317 should be consistent for every day and give the Officers the ability to use a contemporary community
318 standard when approaching situations. Chief Roark understood the points being made but was not
319 ready to form a final opinion at that time. Mr. Lynde noted that the Police Department would bear the
320 brunt of the ordinance. He said the Board was making progress and would need to redraft the
321 language based on the suggestions. He welcomed the Police to weigh in with suggestions.

322

323 Mr. McDevitt wanted to ensure that a person being accused needed to receive a fair warning of a
324 violation without having a Police Officer arrive. He wanted to make sure that there was coverage to
325 avoid fresh complaints against the Fish and Game Club and snowmobiles. Chief Roark noted under
326 enforcement and penalties it allows for the investigator to record their findings and take appropriate
327 action, in the officer’s discretion. He stated the Officers tried to be peace keepers and couldn’t
328 imagine writing a first offence without giving a person the opportunity of a warning. Mr. McDevitt
329 said his thought was not about the officer providing a warning; but that the ordinance should contain
330 wording so residents knew exactly what they could and could not do. Chief Roark believed there
331 would be an education component for residents, and residents would have the civic duty to know the
332 laws. Mr. McCarthy agreed that once an ordinance became available there would be an education
333 campaign to educate citizens.

334

335 The Board continued discussion; Mr. McCarthy suggested he get together with Ms. Spencer and
336 Chief Roark to put together another draft for the Board's review.

337

338 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

339

340 Mr. McCarthy reported that the Town received an Arboviral Report that indicated there were no
341 mosquito issues in Pelham at this time.

342

343 Mr. Leonard reminded the public of the August 5th concert on the Village Green, Farmer's Market
344 and car show.

345

346 Mr. Lynde spoke of a FERC Scoping Meeting he attended on Kinder Morgan's proposed Northeast
347 direct pipeline and the citizen comments. The public can write directly to FERC with
348 questions/concerns and he urged people to do so. Mr. Lynde felt the Town should review the pipeline
349 location maps to see if there were any sensitive areas so Pelham could make reasonable suggestions
350 to move it. Mr. McCarthy cautioned the Board that even the most recent map submitted to FERC had
351 changed. He was finding it challenging to determine how the pipeline would affect conservation
352 areas since they didn't 'officially' know where it would be located. Mr. Lynde noted there was
353 concern about the timeline and a suggestion that the Town submit a letter requesting a delay in
354 closing scoping meetings. It was his understanding that there would be a final Environmental Impact
355 Study yet to be drafted. He said that the final decision was up to five political appointees all other
356 groups under them supply data. Mr. McCarthy noted it was suggested for homeowners to allow the
357 survey people to review property. This will allow time for the pipeline to be shifted if there is a
358 serious issue; if they don't know of a sensitive area until last minute, it may be too late to adjust the
359 location. He noted that allowing them onto property doesn't mean the owner is considered in favor of
360 the project.

361

362

363 **REQUEST FOR NON-PUBLIC SESSION**

364

MOTION: (Leonard/Spencer) 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. Leonard- Yes;

CALL: Ms. Spencer-Yes

365

366 It was noted that when the Board returned, after the non-public session, the Board would not take any
367 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
368 meeting. The Board entered into a non-public session at approximately 9:27pm.

369

370 The Board returned to public session at approximately 10:20pm.

371

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

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

372

373

374 **ADJOURNMENT**

375

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

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

376

377 The meeting was adjourned at approximately 10:20 pm.

378

379

Respectfully submitted,

380

Charity A. Landry

381

Recording Secretary