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**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
October 13, 2015  
APPROVED – October 27, 2015**

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12

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

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14  
15  
16

PRESENT: Mr. Harold Lynde, Mr. William McDevitt, Mr. Paul Leonard, Ms. Amy Spencer,  
Town Administrator Brian McCarthy

17  
18  
19  
20  
21

ABSENT: Mr. Doug Viger

22  
23  
24

**PLEDGE OF ALLEGIANCE**

25  
26  
27  
28

**PUBLIC HEARING**

29  
30  
31

**The Pelham Board of Selectmen will hold 1<sup>st</sup> of two Public Hearings on Tuesday, October 13, 2015 at 6:35PM to discuss: The Town of Pelham's Proposed Noise Ordinance**

Mr. Lynde stated that the Board had the opportunity to review the Ordinance and asked if they had any questions/comments. Ms. Spencer believed it was a good document that would be effective. She felt Mr. McCarthy and the Police Department would do a good job of finalizing and putting the Ordinance into action.

Mr. Lynde opened the hearing to public input. No one came forward. He announced there would be a second public hearing in two weeks, at which time the Board would take final action.

Mr. Leonard noted that the document in front of the Board had come a long way from the initial draft. In its current form, he felt it applied common sense that went along with contemporary community standards.

**MINUTES REVIEW**

**September 29, 2015**

**MOTION:** (Spencer/McDevitt) To approve the September 29, 2015 meeting minutes as amended.

**VOTE:** (3-0-1) The motion carried. Mr. Leonard abstained.

**ANNOUNCEMENTS**

- **Pelham Board of Selectmen will hold the 2<sup>nd</sup> of two Public Hearings on Tuesday, October 27, 2015 at 6:35pm regarding: *The Town of Pelham's Proposed Noise Ordinance*, The Pelham Board of Selectmen will vote on the acceptance of the Noise Ordinance on Tuesday, October 27, 2015;**
- **Pelham Farmer's Market – Wednesdays from 3pm until Dark on the Village Green;**
- **Trustee of the Trust Funds, Need to fill one vacancy – Complete Volunteer Application and submit to Board of Selectmen**

- 41 ➤ **Parks and Recreation Annual Haunted Woods Event “Zombie Apocalypse” October 23**  
 42 **& 24 and October 30 & 31 from 7pm to 10pm at Pelham Veterans Memorial Park. For**  
 43 **more information see Parks and Recreation webpage at [www.pelhamweb.com](http://www.pelhamweb.com);**  
 44 ➤ **Pelham Trick or Treat hours – Saturday, October 31, 2015 from 5pm to 8pm.**

45  
 46 **OPEN FORUM**

47  
 48 No one came forward.

49  
 50 **APPOINTMENTS**

51  
 52 **Discussion - 11<sup>th</sup> Grade Pelham High School Students – Kinder Morgan Pipeline topics as**  
 53 **researched in their college prep biology course**

54  
 55 Pelham High School Students – Angela Getty, Morgan Pratt, Michaela Sequeira, Carolyn Doherty,  
 56 Nicole Gargano

57  
 58 Ms. Getty told the Board over the past few weeks students had done significant research regarding the  
 59 Northeast Energy Direct Pipeline that would go through Pelham and other parts of the area. They  
 60 were aware that the Selectmen had sent out a non-approval letter; however, the students were  
 61 concerned that many Pelham residents were not aware of the significant risks/cons that the pipeline  
 62 would pose. Ms. Getty stated Pelham must show more resistance if they wanted to keep the pipeline  
 63 out of the area.

64  
 65 Ms. Sequeira outlined Kinder-Morgan’s reputation and the history of negative incidents that had  
 66 occurred, such as gas leaks, explosions, property damage, pipe erosion, failing to inspect pipeline,  
 67 violating safety regulations, etc.

68  
 69 Ms. Doherty reviewed the ‘pros’ as found on the Kinder-Morgan website, which included savings to  
 70 heating bill, clean fossil fuel, tax revenue paid to town, local fuel sales and services to flourish,  
 71 energy reliability, economic growth, etc.

72  
 73 Ms. Getty discussed the negative effects on the environment when conducting ‘fracking’, a process of  
 74 injecting liquid at high pressure into the ground to extract oil and gas. This process can release  
 75 bromides into the ground that could mix with organic chemicals and create carcinogens that would  
 76 run through water supplies. This is of great concern given most Pelham residents run on well water.  
 77 Ms. Getty spoke of the pipeline’s need to clear an easement that would take away from homeowner’s  
 78 reasonable use of the land and possibly lower their property value.

79  
 80 Ms. Doherty posed the following questions to the Board:

- 81 1) *Has Pelham allowed any surveyors from the pipeline to review land?*

82 Mr. Lynde replied Pelham had not ‘disallowed’ them. Mr. McCarthy explained the Town  
 83 was advised by Legal Counsel they could enter any Town property to survey. However, he  
 84 had not been informed of any surveys. Mr. McDevitt added that per State Law a public  
 85 utility could enter a property without permission to survey; however, there were notification  
 86 requirements for such.

- 87 2) *What is the process that will decide the pipeline if the Town could vote ‘for’ or ‘against’ the*  
 88 *pipeline – when will the vote take place?*

89 Mr. McDevitt stated the Town didn’t vote whether or not to approve it. He noted it was a  
 90 Federal project, under Federal Law. Ms. Spencer stated the Town may not have control, but  
 91 has the ability to provide input as to where the pipeline may run. She said people were

92 interested in having it located in places that were 'safe'. Mr. Lynde informed the Board took  
 93 the position to oppose the pipeline because they didn't see the need for it to go through New  
 94 Hampshire. Given the reality that it may come through, he said they would try to be  
 95 proactive where possible to move the line. A letter has been sent to Kinder-Morgan  
 96 requesting some changes in the pipeline route. Mr. Leonard stated Pelham didn't have the  
 97 opportunity to have an 'official' vote but had corresponded with State officials and expressed  
 98 opposition.

99 3) *Has an application for a Certificate of Public Convenience and Necessity been filed – to*  
 100 *allow Federal and Eminent Domain?* Mr. Lynde wasn't sure Kinder-Morgan had gotten to  
 101 that point in the process. Mr. McCarthy believed Kinder-Morgan would officially file at the  
 102 end of November. Ms. Getty informed that during their research they found Kinder-Morgan  
 103 strayed from towns with the most resistance. They also found Pelham had the least resistance  
 104 and were curious as to why. Mr. McDevitt was surprised to hear that statement, given that  
 105 the Selectmen had gone on record time and time again saying they didn't want the pipeline.  
 106 He noted to date, the Town had invested \$18,000 (not budgeted for) to participate in hiring an  
 107 attorney (with expertise in these matters) to help stop the project. He felt they had done every  
 108 reasonable and possible thing to stop it. Ms. Spencer asked the students what other things  
 109 they would like the Board to do. Ms. Getty replied they were trying to reach as many people  
 110 as possible with their information. Ms. Doherty felt the Board might be able to provide  
 111 additional public awareness. Ms. Spencer thanked the students for voicing their information.  
 112 She suggested conducting a pipeline meeting at the school. Ms. Getty replied they would be  
 113 happy to help/arrange a meeting. Mr. Leonard felt a good time might be during community  
 114 night. He also thanked the students for coming in front of the Board.

115 4) *If the pipeline comes through Town will the Town be guaranteed to see the benefits of such as*  
 116 *stated by Kinder-Morgan?* Mr. Lynde answered no. He said the pipeline would cost a lot of  
 117 money and people backing it will expect to be paid back for their financial support. He said  
 118 those costs would be folded into someone's rate base.  
 119

120 Ms. Julia Steed-Mawson came forward. She thanked the students for their outreach to the  
 121 community. She stated a subcommittee had been formed of the Pelham/Windham Pipeline  
 122 Awareness and provided the students with an invitation to attend their next public meeting. She said  
 123 they were planning a public forum and encouraged all interested parties to become involved. Ms.  
 124 Steed-Mawson discussed/summarized what information had been gathered and how they wanted to  
 125 reach the public.  
 126

127 Mr. McCarthy spoke about the New Hampshire Pipeline Coalition Committee that was comprised of  
 128 seventeen towns along the pipeline route to combat the project. They retained an attorney with  
 129 expertise of pipelines being brought into different states. The law firm was successful in thwarting  
 130 the Massachusetts pipeline.  
 131

132 Ms. Doherty told the Board that there were multiple classes that had compiled the data brought  
 133 forward during the meeting. She wanted to acknowledge everyone's contribution to the presentation.  
 134

135 **Fire Chief James Midgley and Deputy Fire Chief Paul Leischner:**

- 136 • **Introduce new Lieutenant, Patrick Weaver**
- 137 • **Present new Ambulance Write-off Policy**

138  
 139 Fire Chief Midgley described the application and interview process for the Fire Department  
 140 Lieutenant. He introduced Lieutenant Patrick Weaver and spoke of his credentials, accomplishments  
 141 and responsibilities within the department. The Board welcomed and congratulated Lieutenant  
 142 Weaver.

143

144 Fire Chief Midgley discussed the ambulance billing policy that had been drafted by Deputy Chief  
145 Leischner to streamline the operation and increase revenues.

146

147 Deputy Chief Leischner gave a Power Point presentation that outlined the new Ambulance Write-Off  
148 Policy. In summary, the policy set up a formal hardship policy for those in need, while  
149 simultaneously getting more revenue from insurance companies and the people that could afford it.  
150 To help with the department revenue stream they set up a new paperless data collection and billing  
151 process, improved policies for collection of insurance information and auditing billing company  
152 (Comstar) activity. Deputy Chief Leischner made it clear they were not increasing ambulance fees or  
153 changing Medicare.

154

155 As stated in the Ambulance Billing Policy: *The purpose of this policy is to outline ambulance billing*  
156 *and collection procedures for use if fire department emergency medical services. This policy applies*  
157 *to all users and/or responsible parties and establishes a consistent fee schedule shown and appended*  
158 *to this policy as Schedule "A".*

159

160 Deputy Chief Leischner provided information showing the 'cost' of having no policy. Through  
161 August there had been \$40,422 lost to write-offs with \$10,974 not yet approved for September. In  
162 2014 non-residents left Pelham with \$18,425 uncollected. The policy would follow the Hill-Burton  
163 Act, a federal guideline for low income. Deputy Chief Leischner spoke about the Blue Cross Blue  
164 Shield contract and the benefits to the Town by becoming a non-participating provider. He  
165 summarized the fees and rates, reviewed the procedures and showed a copy of the letter that would be  
166 sent out customers with directions on how to file a request for bill abatement.

167

168 Mr. McDevitt asked for an explanation as why people had to pay for transportation. Chief Midgley  
169 explained the average ambulance bill was approximately \$3,000. He said the policy would recoup the  
170 service fee to offset the tax impact; the more recouped from insurances and co-pays would decrease  
171 the tax burden of the general taxpayer who doesn't use the service. They were looking to increase  
172 their revenue by having a clear path for people to be billed and at the same time have a  
173 process/procedure for those who couldn't afford the bill. Mr. McDevitt understood that the revenue  
174 was divided between the Ambulance Capital Reserve Fund (to purchase/replace ambulance total  
175 \$25,000 per year) and the General Fund (used to offset property taxes). The fees are not filtered back  
176 to the Fire Department.

177

178 Chief Midgley told the Board they were looking to develop and enforce the billing policy and enter  
179 into a contract with a collections agency, understanding that not many people get to the collection  
180 agency portion.

181

182 Mr. McDevitt asked that the Selectmen conduct a public hearing at their next meeting and wait to  
183 take action until then. The Board agreed. Mr. Lynde asked Mr. McCarthy to coordinate the details of  
184 the policy given the finance department would be involved in the process.

185

#### 186 **Approval of Auctioneer Agreement with Ronald Pelletier of Brookline Auction Gallery, LLC**

187

188 Mr. McCarthy stated the Selectmen received a draft of the proposed agreement for review. Mr.  
189 Ronald Pelletier came forward for the discussion. He told the Board he was licensed in New  
190 Hampshire and Massachusetts for thirty-five years. He then discussed his thoughts regarding  
191 advertising.

192

193 Mr. Lynde understood three pieces of property would be auctioned and the minimum price would  
 194 cover the taxes. Mr. Pelletier noted the third property contained a lot of wetlands and should be listed  
 195 as 'absolute'. He hoped the commercial property would bring in more so the bottom line figure  
 196 would even out the amount recouped. Mr. McDevitt agreed with Mr. Pelletier's assessment. He  
 197 believed the former owner walked away from the property because it couldn't be built on. He said  
 198 the Town wanted to get the property off the tax roll. He felt the minimum figures set for the other  
 199 two properties were reasonable. Mr. Pelletier told the Board that all three properties would be  
 200 advertised and sold 'as is', 'where is', 'no guarantees', 'no warranties'; it's the responsibility of the  
 201 buyer to do due diligence for what they can/cannot do with the property. Also, each property will  
 202 have a quit claim deed.

203

204 Mr. McCarthy stated if the Board was comfortable with the proposed agreement, it will be forwarded  
 205 to Town Counsel to ensure all the Town's needs are met and not in any liability. He asked if the  
 206 Board would consider authorizing him to sign on behalf of the Town.

207

**MOTION:** (McDevitt/Leonard) To authorize the Town Administrator to enter into an  
 agreement with Brookline Auction Gallery for the sale of the three parcels: 14  
 Atwood Road, 181 Hobbs Road and 18 Chagnon Lane.

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

208

209 Mr. McDevitt questioned if people could walk through the houses prior to the auction. Mr. Pelletier  
 210 replied it would depend upon the condition of the structure. He said if a walk through is open, it  
 211 would be done one hour prior to the auction for qualified bidders only. Mr. McCarthy will work out  
 212 the details with Mr. Pelletier.

213

214 **Discussion - Highway Department Frank Ferreira and Patrick Colburn of Keach Nordstrom**  
 215 **Assoc. Inc. – regarding Brookview Drive and Tallant Road culvert project**

216

217 Mr. Ferreira informed the Board that bids were opened on Friday for the Brookview Drive and  
 218 Tallant Road dry culvert replacement. Two bids were received; CCSI of Merrimack, NH was the low  
 219 bidder at \$46,215. Mr. Colburn noted CCSI was the firm who completed the Bowley Drive project  
 220 last year. He discussed the comparison between the two bids. He generally liked to see more than  
 221 three bids, but with the safety concerns of having a temporary pipe under the roadway, they didn't  
 222 want to delay. The project will be paid using the Highway Block Grant.

223

**MOTION:** (Spencer/Leonard) To award the bid for replacing the culverts to CCSI.

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

224

225 **Planning Director Jeff Gowan:**

226

- **Legal Budget – discussion regarding Planning Board and Zoning Board of Adjustment**

227

- **MS4 Permit requirement – resource request for compliance issues, etc.**

228

- **Code Enforcement Fine Schedule – Update**

229

- **Traffic Improvement Plan ('TIP') amendment for Statement to Department of  
 Transportation ('DOT') regarding Main Street (Gionet) Bridge**

230

231

232 Planning Director Jeff Gowan and Zoning Board of Adjustment David Hennessey came forward to  
 233 discuss the legal budget. Mr. Gowan noted Planning Board Chair Peter McNamara was unable to

234 attend the meeting but had submitted a memo for consideration. He believed the Board would benefit  
235 by hearing from the board chairs.

236

237 Mr. Gowan understood the Selectmen had made a great effort to keep legal costs down. Mr.  
238 Hennessey explained through attending planning and zoning conferences, he constantly heard horror  
239 stories from other towns where planning, zoning and select boards are in conflict. He said part of  
240 which was built into the New Hampshire Code. He pointed out that the Zoning Board could hear  
241 appeals from decisions made by the Zoning Code Officer and in some cases decisions made by the  
242 Selectmen. He noted for a long time Pelham boards had shared the same legal services and not had  
243 fights similar to other towns. He noted there may be some point in time the land-use boards may  
244 want/need to get their own legal opinions in the event of a dispute. Mr. Hennessey felt there should  
245 be a placeholder for legal expenses contained somewhere in the budget for both planning and zoning.  
246 He noted during the twelve years he was on the zoning board no situation had occurred.

247

248 Mr. Lynde was sympathetic to the point being made and it occurred to him that a Memorandum of  
249 Understanding ('MOU') could be drafted. He said the Town's legal budget could include an  
250 additional line for contingencies, with the understanding how using the funds would be approached.  
251 Prior to the funds being used, Mr. Lynde suggested a sequence be followed, such as first reviewing  
252 the RSA's, second contacting the New Hampshire Municipal Association, and a final step being a  
253 withdrawal from the legal budget. Mr. McDevitt felt a MOU might be the best solution. He was  
254 unsure how to put additional money into the budget and what amount would be appropriate. Mr.  
255 Hennessey stated the Zoning Board was entitled to have legal counsel.

256

257 Given the importance of institutional knowledge, Ms. Spencer questioned if the land boards had an  
258 attorney in mind. Mr. Gowan noted Town Counsel (John Ratigan) was previously the Planning  
259 Board's attorney. He felt having a modest budget line and the MOU was a good solution. Rather  
260 than getting into specific dollar amounts, Mr. McCarthy had an idea of how the MOU could be  
261 drafted to stay simple, but at the same time have an agreement.

262

263 Ms. Spencer asked for clarification if the discussion referred to land boards seeking legal advice  
264 regarding decisions, or if the legal budget would be used for conflicts involving other Town board  
265 decisions. She understood how fast legal bills could add up and cautioned about leaving the dollar  
266 figure open in the budget. Mr. Hennessey replied the courts have held that the land boards had a right  
267 to legal counsel. He discussed how a case could end up going in front of the various Town boards.  
268 Since the Zoning Board fell under a different jurisdiction, he felt they should stand on their own.  
269 Ms. Spencer wanted to know if the discussion included the possibility of conflicts between the  
270 boards. Mr. Gowan replied there were two different portions being discussed, one being general legal  
271 advice and the other being general litigation.

272

273 Mr. Lynde envisioned the Town boards sitting down together and having an understanding of an issue  
274 and where the divide was. Mr. Hennessey replied the Zoning Board was basically a court of appeals  
275 from the Selectmen's decision; they couldn't sit down and hash out a common ground. He said part  
276 of the problem was the RSA's and the court's decision state the Zoning Board doesn't need the  
277 Selectmen's permission to seek legal counsel; however, there was no budget for the boards to do so.

278

279 For information, Ms. Spencer asked that the case law and RSA's be given to the Board. Mr. Gowan  
280 replied that statute referenced was RSA 673:16. He noted the current process had been working well,  
281 but going forward, he believed the land boards wanted to obtain legal advice when it was quickly  
282 needed. Mr. Hennessey commented there wasn't an emergency and there was nothing imminent but  
283 felt there should be some provision within the budget for a legal counsel other than Attorney Ratigan.  
284 Mr. Lynde noted the legal budget didn't specify an attorney. Mr. Hennessey felt there should be a

285 contingency budget in the event a board had to contact legal, other than Attorney Ratigan. He  
286 reiterated based on the RSA's and court cases, the land use boards should not have to go to the  
287 Selectmen or the Town Administrator for permission.

288

289 Mr. Gowan suggested conducting a meeting with a Selectmen representative and the land use board  
290 chairs to discuss a solution. Ms. Spencer felt it would be helpful to have the referenced court cases;  
291 specifically the case law from the New Hampshire courts that provided an interpretation. Mr.  
292 Hennessey replied he would send the information to Mr. McCarthy. Mr. McDevitt believed it would  
293 be helpful to have a one paragraph 'straw man' to consider. He agreed with Mr. Lynde that there  
294 should be steps to follow before going to outside counsel, such as reviewing the RSA books and  
295 contacting NHMA. Mr. Hennessey agreed. He noted there had never been a time the Zoning Board  
296 requested going to Town Counsel and had been turned down. He wanted it clear that the boards  
297 worked together with the Town. He stated there was a recent case of concern given the inherent  
298 conflict within the system. He'd like to have a way to resolve conflict.

299

300 Mr. McCarthy suggested he work with Ms. Spencer, Mr. Gowan and the board chairs to review the  
301 RSA's and put a proposal together.

302

303 Mr. Gowan addressed the MS4 Permit requirement. He stated the new MS4 Permit would begin at  
304 some point in 2016. The Town had used a consultant (TF Moran) for the past 8-10 years to deal with  
305 the MS4 permit requirements. Mr. Gowan was concerned because the requirements were about to  
306 change and he was certain the annual expense of such would be a minimum of tens and thousands of  
307 dollars. He described some of the components the Town would become responsible to perform. He  
308 would like to request a quote to determine the cost of having a firm (similar to TF Moran) perform the  
309 work for the Town.

310

311 Mr. McDevitt asked if the Nashua Regional Planning Commission ('NRPC') could put together a list  
312 of requirements. Once they understand the requirements, he felt it would be easier to determine the  
313 associated costs. Mr. Lynde wanted to know what the MS4 covered. Mr. Gowan replied it was the  
314 storm water system within a town. The MS4 dealt with clean water and made a town responsible for  
315 what ended up in the water within their community. Mr. McCarthy suggested contacting other  
316 communities to understand what they would be doing in response to the additional requirements. Mr.  
317 Gowan told the Board he would speak with NRPC and other communities to get a better  
318 understanding of the process.

319

320 Mr. Gowan spoke about the Code Enforcement Fine Schedule. In summary the proposal would  
321 update the existing fines to have a tiered approach between the beginning phases (threatening letters)  
322 and taking someone to court. The proposal would provide consistency between land use/building  
323 code violations and zoning violations. It would also give the Code Compliance Official the ability to  
324 essentially write a ticket for a fine. The Board reviewed the proposal. Mr. Lynde suggested adding in  
325 a daily fine in the event someone completely ignored the tiered fines. Mr. Gowan pointed out if a  
326 person ignored the tiered fine the Town could litigate with them. There was further discussion  
327 regarding how to word the fine schedule.

328

329

330 Mr. Lynde suggested having a preamble stating, the Town of Pelham's desire is to have everyone in  
331 compliance and they wanted to work with those who were non-complaint to the greatest extent  
332 possible. While they had the right to assess a fine of \$100 per day, the fine would start off at \$25 and  
333 be tiered. Mr. McCarthy told the Board he would work with Mr. Gowan on the language and present  
334 an update at the next meeting. Mr. McDevitt suggested confirming they had the legal authority to

335 revise the language. Mr. McCarthy believed they already received legal opinion and would present a  
336 copy with the revised schedule.

337

338 Mr. Gowan spoke about the proposed statement to the Department of Transportation ('DOT')  
339 regarding the Traffic Improvement Plan ('TIP'). He explained the State wanted to push the Main  
340 Street (Gionet) Bridge project to 2023, which he felt made sense since the Town's downstream  
341 bridges were scheduled to be done earlier. He provided the Board with a draft statement to be sent to  
342 the NRPC and forwarded to the State DOT. Mr. Lynde suggested rewording the statement to indicate  
343 Pelham concurred with the decision to hold off construction of the Main Street Bridge until after the  
344 completion of the other two bridges. He said the statement should also note that Pelham was working  
345 diligently to get things in order for when the State had funding available for the projects. He didn't  
346 want the statement to include specific dates. Mr. Gowan will amend the statement accordingly and  
347 provide it to Mr. McCarthy.

348 **OTHER BUSINESS**

349

350 **Highway Safety Committee Recommendations – August 31, 2015**

351

352 Mr. Lynde read aloud the following Highway Safety Committee ('HSC') recommendations:

353

- 354 1) Caution Children Playing sign – Mossey Lane – Disagree with use based on the road being  
used for the most part by local residents;
- 355 2) Caution Children Playing and Dead End signs – Kennedy Drive – Disagree with use of  
356 'children' sign; Recommend installation of Dead End sign at beginning of Kennedy Drive;
- 357 3) Blind Driveway sign – Greeley Road – Recommend sign be installed as it meets the criteria.

358

359 Mr. McDevitt noted there had been several studies that indicate 'Children at Play' signs are not  
360 effective as they are ignored by drivers.

361

362 The Selectmen concur with the HSC recommendations. Mr. McCarthy will create a memo in  
363 response to the recommendations.

364

365 **Discussion - new lighting rebates for Fire Station, Town Hall and Library**

366

367 Mr. Lynde said Liberty Utilities had freed up funding that could be applied. Mr. McCarthy stated the  
368 proposal would replace exterior lighting on the buildings and on some poles around the Village  
369 Green. He noted it was the same grant program they dealt with a few months ago with respect to the  
370 lights at the Transfer Station and Highway Department. He explained people were paying back into  
371 the program quicker than expected, which freed up funding. Pelham is at the top of Liberty Utilities  
372 call list for when money becomes available. Mr. McCarthy told the Board they were informed in the  
373 first week of October that there may be money becoming available, so they did a quick assessment.

374

375 Mr. Leonard was troubled by the proposal. He said when the program first came in front of the Board  
376 they indicated they would get a plan together and assess where the need was; whether it be for lights,  
377 the heating system, etc. so they wouldn't be forced to make a quick decision in the future. He  
378 understood when the proposal for the Transfer Station and Highway Departments was considered  
379 they went with it under the exception because the funding would be lost. Mr. Leonard didn't know  
380 why lights within the fire station would be replaced, since they were only two years old when at the  
381 same time the municipal building had a furnace that may have problems.

382

383 Mr. Lynde replied they weren't putting budget money into the project. Mr. Leonard reiterated the  
384 Board previously stated they would look at the Town needs (lights, heat, ventilation, air conditioning  
385 etc.) across all the buildings. Mr. Lynde believed the proposal was strictly a lighting program. Mr.



386 Leonard noted the New Hampshire Saves Program included lights, heating, ventilation and air  
387 conditioning. Mr. McCarthy stated information was presented to him and the proposal was an option.  
388 He felt he would be remiss in his duties if he didn't bring it forward for discussion; the Board could  
389 decide whether or not to proceed. He said the ultimate goal was to cut down on the Town's  
390 electricity costs. He agreed that the fire station was only a couple years old, but given the nature of  
391 the department, the lights drew a lot of electricity as they were on a lot. Rather than replace bulbs in  
392 kind, having LED lights would save costs. Mr. McCarthy reiterated the program proposal was simply  
393 an option for consideration.

394

395 Mr. Lynde understood that Liberty Utilities had a qualified vendor list, which D.E.M. Electric from  
396 Town was included on. Mr. McCarthy explained for a vendor to be on their list they had to go  
397 through an application process that may take up to a month to complete. He noted the most recent  
398 program money was only available for a limited time; Liberty Utilities wanted to clear it by  
399 November 15<sup>th</sup>. He understood the Board's comments and replied he was working within the  
400 confines of what Liberty Utilities specified. He again reiterated the proposal was only for  
401 consideration and did not have to be acted on by the Board.

402

403 Mr. Leonard went back to his original comment that the Board previously indicated they would  
404 develop a plan and take all things into consideration. He didn't feel it was being done. Mr.  
405 McCarthy said he put the proposal together in such a manner that if the Board wanted to proceed they  
406 could act quickly. Mr. Leonard was concerned that the money was only considered for lights when  
407 the municipal building had a boiler that may need repair. Mr. Lynde said they would need to find out  
408 what vendor would be able to work on it. Mr. McCarthy said he and Mr. Viger were doing research  
409 for replacing the heating system, but had put that component aside with news that gas may be  
410 potentially coming into Town in the Spring, which would be more cost effective.

411

412 Mr. McDevitt questioned what harm would come to the taxpayers if they implement the electric  
413 program and continued to work on the plan that includes the furnace. Mr. Leonard felt the harm was  
414 due diligence. He said the Board had spoken about pricing, scoping and bidding, but weren't doing  
415 any of those things except reacting. He stated the Selectmen owe it to the taxpayer to act accordingly.

416

417 Ms. Spencer questioned if Liberty Utilities was giving Pelham rebate money in partial defray of costs  
418 to replace certain things they say should be replaced. Mr. Lynde recalled the original proposal was  
419 for Pelham to replace all lighting; however, there was limited rebate money. He questioned why  
420 lighting wasn't being changed inside and learned that there would be a more cost savings by replacing  
421 lights outside because they were used more. Mr. Leonard added that Liberty Utilities had a  
422 contracting firm that would come in and do all the work to determine what work was needed and in  
423 turn would provide the Town with a list of vendors they've approved to complete the work. Ms.  
424 Spencer asked who set the priority. Mr. McCarthy replied when they learned money was available  
425 they reviewed to see which areas would have the best cost savings. In this instance the area of need  
426 was the replacement of items outside. Mr. Leonard noted that the Senior Center had some really bad  
427 lighting inside that should be considered.

428

429 Mr. Lynde suggested learning who the qualified vendors were. At the same time his practical thought  
430 was they should take advantage of the program at this time for cost savings. He felt they should  
431 prepare for the next program because it may come sooner than they thought. The Board reviewed the  
432 memo and discussed the scope of the project and what cost there was to the Town. Mr. McCarthy  
433 didn't have the savings figures in front of him. Mr. McDevitt understood from the previous proposal  
434 that the cost savings would be realized within 2-3 years. However, to make a decision with the  
435 current proposal, he felt it was critical to review the estimated payback. Mr. McDevitt said he would  
436 hold off until he had more information.

437

438 Mr. McCarthy replied they would pass on the proposal. He understood further information was  
439 needed for the Board to make a decision. He said he would put out a notice indicating the Town was  
440 looking for preferred vendors to add to the Liberty Utilities list. Mr. McDevitt asked for a recap of  
441 the program. Mr. Lynde asked for information as soon as possible.

442

443 **Discussion – Water District – extending Pennichuck Water to certain areas off Sherburne Road**

444

445 Mr. Lynde informed he attended a meeting with Mr. McDevitt, Planning Director Jeff Gowan and  
446 representatives of Pennichuck Water to discuss the concept of bringing water to certain areas off  
447 Sherburne Road. He said it was feasible for a water line to be run into the area; however, the issue  
448 was cost and how it could be done. The RSA's were not clear how the scenario could be set up and  
449 implies that the Town would be a water district supervisor and collect money for such, but Mr. Lynde  
450 stated they didn't want to that.

451

452 Mr. McDevitt informed Pennichuck told them that they would not extend water to existing homes  
453 unless the Town paid for the infrastructure because the Public Utilities Commission won't let them.  
454 He noted if that was true, the Town would end up paying for infrastructure that it wouldn't own at the  
455 end of the project. He said this information would have to be independently verified. He wanted to  
456 know if the people in the specified neighborhood were interested, if so they would have to come up  
457 with a way to fund the project. Based on his reading of RSA 31:134, he didn't believe a water district  
458 could be formed. He reviewed the language. Mr. McDevitt said an alternative would be the  
459 formation of a village district, which wasn't a good idea because it essentially created a political  
460 subdivision.

461

462 Mr. Lynde discussed a past scenario, which by passing a warrant article to borrow funds, the Town  
463 upgraded the road by Little Island Pond and repaid it through an annual betterment tax. He felt if  
464 they could do something similar with a water system it would be ideal.

465

466 Mr. McDevitt felt the people in the neighborhoods should know the Board was having the  
467 conversation to know if there would be public support. If there is support, the residents could then  
468 help craft a solution. Mr. Lynde agreed. The Board discussed how to proceed and felt they needed to  
469 know what legal options were available. Mr. McCarthy said he had reached out to New Hampshire  
470 Municipal Association and would seek further information for the Board.

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472 **Update – Budget Committee vote on 2016 Town Budget**

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474 Mr. McCarthy reported that the only reduction was in the Parks and Recreation budget (\$1,000 disc  
475 golf course maintenance). The Budget Committee was very happy with the way the budgets were  
476 presented by the department heads.

477

478 The 2016 budget is \$14,103,632, not including warrant articles.

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480 **Selectmen signature - Town Administrator's contract**

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482 Mr. Lynde informed the Selectmen had reviewed the Town Administrator's contract and agreed to  
483 extend the term and increase the salary.

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**MOTION:** (McDevitt/Spencer) To approve the Town Administrator's contract.

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

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**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

Mr. McCarthy informed he received an email from the Town Treasurer Charlene Takesian regarding bank deposits, which was previously delegated (in writing) to the Town Clerk/Tax Collector. Based on banks accepting scanned deposits, Ms. Takesian provided the Board with a copy of the new Delegation of Deposit Authority. Mr. Lynde understood that Enterprise Bank provided the Town with a scanner. Mr. McCarthy answered that was correct.

**MOTION:** (McDevitt/Spencer) To accept the Delegation of Deposit Authority as proposed by the Town Treasurer of October 13, 2015.

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

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Mr. Leonard said he was working with Mr. McCarthy to post a volunteer notice seeking community members interested in serving on the Highway Department/Transfer Station Facility Evaluation Committee. He said anyone interested in volunteering could contact him by email on Pelham web or contact Mr. McCarthy. Mr. Leonard wanted to know if there was any Town policy for personal use of Town vehicles. Mr. McCarthy replied there was a policy. A copy will be provided to Mr. Leonard.

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Mr. McDevitt noted there were large piles of soil at the Highway Department that the Board needed to discuss how to dispose of. He informed he filmed the All About Town program about arsenic in well water. The show is available to view on PTV and on You Tube.

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Ms. Spencer thanked the Pelham Community Coalition for their communication with the public regarding the opiate problem in the State and community. She explained she had reason to contact them during the week because a good friend was in need of services. She spoke of the budget line for donations and questioned if funding could be considered for the coalition. Mr. Lynde discussed how the coalition was formed and funding they had received. He spoke of the importance of community outreach and awareness. He was unsure if a donation should be considered. The Board will have a discussion item during their next meeting.

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Mr. McCarthy took a moment to speak about the importance of having the drug drop-off box in the lobby of the Pelham Police Department. He said people could access the box at any time, no questions asked.

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Mr. Lynde spoke of the recent Property Liability Trust ('PLT') hearing in Concord. He discussed the situation and hoped the judge would rule in favor of PLT.

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**ADJOURNMENT**

**MOTION:** (Leonard/Spencer) To adjourn the meeting.

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

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The meeting was adjourned at approximately 10:18pm.

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Respectfully submitted,  
Charity A. Landry

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Recording Secretary