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**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
January 19, 2016  
APPROVED – February 16, 2016**

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

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

ABSENT: None

**PLEDGE OF ALLEGIANCE**

**MINUTES REVIEW**

**January 5, 2016**

**MOTION:** (Viger/Leonard) To approve the January 5, 2016 meeting minutes as amended.

**VOTE:** (4-0-1) The motion carried. Ms. Spencer abstained.

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**ANNOUNCEMENTS**

- **Declaration of Candidacy** – Time period for filing declaration of candidacy with the Town Clerk - Wednesday, January 20, 2016 thru Friday, January 29, 2016 by 5PM;
- **2016 Town Deliberative Session** – Tuesday, February 2, 2016 at 7:00PM at Sherburne Hall, 6 Village Green, Pelham, NH 03076;
- **2016 School Deliberative Session** – Wednesday, February 3, 2016 at 7:00PM at Sherburne Hall, 6 Village Green, Pelham, NH 03076;
- **2016 Presidential Primary** – Tuesday, February 9, 2016 at Pelham High School. Polling hours are 7AM-8PM.
- **2016 Town Meeting** – Tuesday, March 8, 2016 from 7AM to 8PM at Pelham High School;

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**OPEN FORUM**

No one came forward.

**APPOINTMENTS**

**Pelham High School Student Body President – Nia Manjunath – Proposal for a Pelham Youth Council**

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Ms. Manjunath provided the Board with an information regarding the proposal for Pelham Youth Council. She explained during a recent civics class students were discussing what it meant to be a good citizen. Ultimately they spoke of how students should be involved in their community. Stemming from those discussions it was believed that forming a Pelham Youth Council would allow students to become better connected with the community. Using the Boston Youth Council as a

44 model, Ms. Manjunath outlined the structure of the council, criteria for membership and how they  
45 would use various methods of social media for communication and provide leadership training.

46

47 Mr. Lynde questioned how the selection process would be conducted and who would be involved.  
48 Ms. Spencer explained she spoke with Ms. Manjunath and Mr. McCarthy about a proposed process.  
49 She has a background in teaching 8<sup>th</sup> grade English and has a great interest in getting youth involved  
50 in politics and legal debate. She welcomed the opportunity to be a Selectmen Representative on the  
51 Youth Council and thought she and Mr. McCarthy could vet applications.

52

53 Mr. Leonard questioned how/what information would be included on the social media pages. Ms.  
54 Manjunath replied students would direct message the council with questions or concerns or topics for  
55 discussion. The web pages would be monitored by the council to ensure nothing inappropriate was  
56 posted. The council will maintain communication with Ms. Spencer and the Town to also ensure any  
57 information contained on the social media pages were accurate and up to date. Ms. Spencer noted the  
58 process was still being flushed out.

59

60 Mr. McCarthy asked what feedback the school administration provided. Ms. Manjunath mentioned  
61 the council to Pelham High School Principal Dr. Mohr, who thought it would be a wonderful way to  
62 get youth involved. She hasn't yet spoken to the School Superintendent. She spoke about some of  
63 the projects the council could be involved with throughout the Town.

64

65 Ms. Spencer was unsure if a vote of the Selectmen was needed; if so she wanted to vote to approve  
66 the creation of the Pelham Youth Council. Mr. Lynde didn't feel a vote was required as the  
67 Selectmen wouldn't be overseeing the council. He thought having a council was a good idea and it  
68 should be pursued. Ms. Spencer said they had in mind that there would be an element of Selectmen  
69 support. She described how the Boston council was structured. She envisioned the Selectmen being  
70 an emissary to the council, which would give the students a voice in Town politics. Mr. Leonard  
71 believed there were great opportunities for students to gain community service hours through  
72 becoming involved with the council events.

73

74 Mr. Lynde asked Ms. Spencer to put together a proposal for the council's structure and how they  
75 would proceed. The Selectmen gave Ms. Spencer the 'green light' to move forward. Ms. Spencer  
76 believed they could provide information to the Board at their next meeting.

77

78 **Acting Highway Road Agent Frank Ferreira – 2016 Highway Bids Recommendations and**  
79 **Awards**

80

81 Mr. Ferreira came forward with information and recommendations for the 2016 Highway bids. He  
82 reviewed the list of bid items and which company was recommended to receive the bid award.  
83 *(complete listing available through the Selectmen's office)*

84

85 Mr. Leonard questioned if there was anything the Town could do to entice additional bidders; there  
86 were items on the list with either one, or very few bidders. Mr. Ferreira replied he advertised the bids  
87 and also sent out bid packages. The list provided to the Board showed only the lowest and top  
88 bidders for reference.

89

**MOTION:** (Leonard/Spencer) To approve awarding the bids as presented by Acting Road  
Agent Frank Ferreira.

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

90

91 **Planning Director Jeff Gowan – Planning Department Restructure**

92

93 Mr. Gowan told the Board he had been working with Mr. McCarthy for the last few months and was  
94 now ready to give a proposal to change the structure of the Planning Department. He explained that  
95 the Office Manager and Code Administrative Assistant had each worked in the department for  
96 approximately 15 years and were both capable individuals. Both were also members of the union and  
97 had ‘topped’ out at their labor grades and positions some years back. Through discussion with Mr.  
98 McCarthy, it was felt that restructuring the department and promoting the two employees would be an  
99 advantage to the department and create opportunity for career advancement. He felt the pay increase  
100 for the promotions would have a modest impact to the budget (a total of approximately \$5,000). Mr.  
101 Gowan also pointed out Town Counsel’s suggestion that it was not always a great idea for a Planning  
102 Director to also be the Zoning Administrator, which could be viewed as a conflict. The proposed  
103 restructure would promote the Office Manager to Planner-Zoning Administrator; the Code  
104 Administrative Assistant would be promoted to Office Manager. With the promotions, Mr. Gowan  
105 will have the opportunity to focus on long-term projects.

106

107 Mr. Viger wanted to know where the Code Compliance Officer position would fit into the new  
108 structure. Mr. Gowan replied they would remain under his management. He said the only  
109 management change would be that the day-to-day inspectors would be managed by the Office  
110 Manager; however, performance evaluation would remain with him.

111

112 Mr. Leonard questioned if there would be an additional change in salary, or if the increase was  
113 already negotiated in the current contract. Mr. Gowan replied they would receive a 2% increase per  
114 the support staff union contract and an additional 5% increase with the promotion.

115

116 Mr. McCarthy stated in working with Mr. Gowan it was apparent he had a lot of responsibilities. The  
117 proposed changes would enhance the efficiency of the Planning Department and provide professional  
118 enhancement for the existing employees. He believed the two employees were very dedicated and  
119 loyal Town employees. Mr. Gowan noted that they were only suggesting changes in responsibilities,  
120 and not requesting additional personnel.

121

122 Mr. Leonard questioned what return of investment would residents see with the restructure. Mr.  
123 Gowan discussed the daily functions and how they would become more efficient and streamlined.  
124 Mr. Leonard wanted to know if there were plans for outside professional development classes. Mr.  
125 Gowan replied he had included the present office manager in the annual planning conferences. He  
126 said going forward there will be suggested opportunities as well as required classes.

127

128 Mr. Lynde understood the present office manager would begin attending Zoning Board meetings. He  
129 asked if they were sufficiently versed in the criteria and how they apply. Mr. Gowan replied they  
130 were very well versed. Mr. Viger questioned how overtime would be managed if they began  
131 attending evening meetings. He wanted to know if daytime hours would be cut. Mr. Gowan noted  
132 the Zoning Board met approximately two hours per month, which would be covered by overtime. He  
133 said they may adjust the hours for the following day.

134

135 Mr. McCarthy asked the Board to consider the restructure and vote accordingly.

136

**MOTION:** (McDevitt/Spencer) To approve the restructuring of the Planning Department.

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

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138

**OTHER BUSINESS**

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140 **Primex Discussion & Recommendation**

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142 Mr. Lynde explained that the insurance carrier for Property Liability, Workman's Compensation and  
143 Unemployment Compensation was closing. The Town was looking at Primex, one of the other  
144 insurance companies that have a 'risk pool'. He understood Mr. McCarthy had met with Primex and  
145 received a proposal for discussion. Mr. McCarthy stated they first met with Primex and two other  
146 companies to seek an alternate solution when learning of the possible demise of Property Liability  
147 Trust ('PLC'). He said Primex was the only company that could provide Pelham with rates prior to  
148 budget reconsideration and Deliberative Session; the others needed a minimum of two-four months  
149 after an application was submitted. Mr. McCarthy noted since they met with Primex early on, once  
150 the Board makes a decision to vote to change the insurance company, the Town wouldn't have an  
151 interruption of service and it would be a seamless transition. Mr. McCarthy provided the Board with  
152 a breakdown of information regarding Primex, which he learned was also the insurance carrier for the  
153 schools. He noted there may be future potential to combine insurance with the school and get a better  
154 rate.

155

156 Mr. McCarthy recommended transitioning from Property Liability Trust over to Primex effective July  
157 1, 2016. He said he would take one category at a time (i.e. workman's comp, health insurance) and  
158 work to get the rates down. He discussed the types of things that could be done to help lower the  
159 rates, such as having a human resources person on staff and specific policies in place. Ms. Spencer  
160 wanted to know if the par-time human resources position would satisfy Primex. Mr. McCarthy  
161 believed it would; the Town will review the position after a six month trial period. Mr. Lynde  
162 confirmed that health insurance would remain with Health Trust. Mr. McCarthy replied that would  
163 not change. Mr. Lynde reviewed the increase in cost to change companies and questioned if the  
164 budget was adequate. Mr. McCarthy answered yes. He said he provided the new figures to the  
165 Budget Committee during their reconsideration and voted in favor of the amendments.

166

167 Mr. Viger reiterated that they went through a bid process to solicit other contractors; however the  
168 other companies were unable to meet the deadlines for the budget process and switch over.

169

**MOTION:** (Spencer/Viger) To approve switching the Town's liability carrier from Property  
Liability Trust to Primex, effective July 1, 2016.

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

170

171 **Update on discussion regarding water in the Sherburne Road area**

172

173 Mr. Lynde stated that an informal meeting was held with residents of the Sherburne Road area about  
174 issues dealing with their water and potential solutions. Two representatives from Pennichuck were  
175 present. The meeting was well attended and informative. He said the outcome was an understanding  
176 of what was possible. It would be up to the residents to decide if they want to proceed. They could  
177 petition the Selectmen to establish a 'betterment' district. If there is sufficient support of residents,  
178 the Selectmen could lend assistance with the process. Mr. Lynde said the Town would pursue the  
179 possibility of whether lines could be brought in from Hudson or if there were sources within Pelham  
180 that could be tapped into or if it was possible to do some drilling. It was unknown if there was an  
181 availability of water within a reasonable distance.

182

183 Mr. McDevitt commented that there was no easy/quick way to communicate with the residents in the  
184 area. He suggested sending an additional letter that would direct people to electronic media for

185 information. Mr. McCarthy said a link could be created on the Town webpage to enhance  
186 communication. There was a brief discussion regarding how to communicate with residents.

187

188 Mr. Viger felt the residents should organize and come up with a plan. He said there wasn't much the  
189 Selectmen could do until at least half the residents in the area were 'on board'. Mr. Lynde agreed,  
190 separate from getting information about Hudson or determining other locations within the Town. Mr.  
191 Leonard felt there was a strong want for communication within the community. Mr. McCarthy noted  
192 they established a list based on communications received by the Town.

193

194 Mr. McDevitt said during the meeting the only thing the Selectmen had to offer was access to  
195 resources that residents didn't easily have. He suggested that the next/final letter to residents include  
196 a request for e-mail addresses if they want to remain connected. He agreed that the burden to proceed  
197 was on the residents.

198

199 Mr. Viger recalled using FEMA money when the Town looked at doing a flood survey and didn't see  
200 how the water discussion wouldn't fall under the same category of affecting the whole Town. He  
201 didn't necessarily see that it was an issue to spend taxpayer money to review the whole Town and the  
202 water resources. Mr. Lynde questioned what was in the FEMA account. Mr. McCarthy believed the  
203 Town just received approximately \$43,000, of which \$18,000-\$19,000 was previously committed to  
204 the Police Department for a final payment of radio lease etc. He will look into the balance. Mr.  
205 Lynde recalled Planning Director Jeff Gowan was going to see if the Nashua Regional Planning  
206 Commission ('NRPC') had any resources to assist the Town. Mr. McCarthy will research the FEMA  
207 Fund and follow up with Mr. Gowan. Mr. McDevitt believed the Town should spend something for  
208 an engineer that would understand the intricacies of the situation. The Selectmen will await further  
209 information from Mr. Gowan.

210

211 Ms. Spencer asked if anyone had spoken to the Conservation Commission about where water reserves  
212 may be. Mr. Lynde didn't believe they would have that type of information. Mr. Leonard knew of a  
213 couple geological mapping service companies that may be of assistance. Mr. Lynde said the initial  
214 task was to see if NRPC could advise the Board. Mr. McCarthy replied he would follow up. He  
215 believed they should determine how many people were affected and would like to be involved. Mr.  
216 Lynde said the follow up letter to residents should outline the contents of Town Counsel's letter. It  
217 should explain that interested people should organize and come forward to demonstrate they meet the  
218 criteria to form a district. The Selectmen could then see what resources they had to identify ways to  
219 possibly mitigate the cost. Mr. McDevitt stated he would work with Mr. McCarthy to draft the follow  
220 up letter to residents.

221

#### 222 **Review - 2016 Voter's Guide**

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224 Mr. McDevitt said a draft of the Voter's Guide was provided to the Board for review. He asked that  
225 any comments/corrections be forwarded to Mr. McCarthy with a copy to him. Ms. Spencer asked if  
226 wording be added to certain articles to indicate certain measures would save money over a set amount  
227 of time. Mr. McDevitt believed the answer was yes, if it was demonstrable that money would be  
228 saved.

229

#### 230 **Discussion – Undesignated Fund Balance Usage Guidelines / Fund Balance Usage Policy**

231

232 Mr. Lynde noted the topic was brought up at their meeting and the Board wanted clarification as to  
233 why a policy was needed. Mr. McCarthy told the Board he asked the Town's auditor (Melanson &  
234 Heath) as to whether or not the Town should have a fund balance policy. Personally, he felt having a  
235 policy that explained what/how the Town did things was a good practice to have and the Town

236 auditor agreed. He summarized the items a policy would cover. The Board was given two policies  
237 from other towns in order to get an idea of possible wording. After a brief discussion, Mr. McCarthy  
238 stated he would draft a policy for review by the Board and Town auditor.

239

240 **Discussion regarding Warrant Article to transfer land off St. Margaret's Drive**

241

242 To follow up on the discussion during the January 5, 2016 meeting with Attorney Pat Panciocco  
243 regarding two land locked parcels and the transfer of Town owned land (Map 16 Lot 13-88-4) off St.  
244 Margaret's Drive, the Board was provided with a spread sheet of land value. Mr. McDevitt said the  
245 article included a figure of approximately \$13,000 for the parcel of Town owned land, which  
246 Attorney Panciocco questioned, given the surrounding properties were valued at a lower amount. He  
247 reviewed the assessor's data base and noted the appraised value and current taxes for the abutting  
248 properties. He then estimated the value of the three lots if they were to be turned into house lots, and  
249 what the estimated taxes would be. He said if the Town sold the land, they would have some  
250 expectation of receiving tax money. Given his research, he felt there was value in reaching a good  
251 price. Mr. McDevitt researched the other Town property on the warrant which would be sold to the  
252 Crooker family. He said the tax value for that property wasn't expected to change. He noted the  
253 Town recently auctioned a piece of land off Chagnon Lane, which may be non-buildable. The first  
254 bidder withdrew. He felt it was a non-starter in terms of a comparison because that land was sold as-  
255 is/where-is. Given his research, Mr. McDevitt felt the Board could reasonably back down and accept  
256 the \$5,000 offer made by Attorney Panciocco because of the surrounding property values and the  
257 income would be much improved if the Town got rid of the land.

258

259 Mr. Spencer recalled during the discussion that the Town would reserve an easement for the right to  
260 continue to use a truck turn-around. Mr. Lynde replied that was correct. He noted Attorney  
261 Panciocco's client had the option of requesting an easement, which the Town would have to grant. If  
262 that were to occur, the land owners could then go to the Board of Adjustment to request a variance to  
263 build without having frontage. Ms. Spencer questioned where the \$13,000 figure (contained in the  
264 article) came from. Mr. McDevitt replied it was the value of the property listed on the property card.  
265 Mr. Lynde believed Attorney Panciocco reviewed the square footage value of the abutting properties,  
266 which were much lower.

267

268 The Selectmen discussed whether they would use the appraised value listed on the property card, or  
269 accept the offer of \$5,000 from Attorney Panciocco, who represented an abutting land owner (J&S  
270 Investments).

271

272 Mr. Leonard commented during the last meeting the Selectmen offered that the owner could change  
273 the figure during Deliberative Session. Mr. Lynde believed the owner was not a Town resident. Mr.  
274 McDevitt said they could take a risk and ask the moderator to speak. He was concerned with doing  
275 so because they would then be negotiating a number, which was an inappropriate place to do so. Mr.  
276 Leonard questioned if that would be different from what the Board was currently doing. Mr.  
277 McDevitt answered yes. He believed the Board should feel whether or not they had a fair number as  
278 opposed to throwing it over to the Deliberative Session, who would have less information that the  
279 Board currently had.

**MOTION:** (Viger/McDevitt) To accept the \$5,000 figure from Attorney Pat Panciocco,  
representing an abutting land owner.

**VOTE:** (4-1-0) The motion carried. Mr. Leonard voted no.

280

281 The Board discussed if they could change the article now, or wait until Deliberative Session. Mr.  
282 McDevitt noted it wasn't an article that needed Budget Committee review, and the Warrant hadn't  
283 been posted yet.  
284

**MOTION:** (McDevitt/Spencer) To reconsider approval of Warrant Article 13 - conveyance  
of land off St. Margaret's Drive

**VOTE:** (4-1-0) The motion carried.  
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285

**MOTION:** (Viger/McDevitt) To amend the figure in Warrant Article 13 from \$13,222 to  
\$5,000.

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

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287

**TOWN ADMINISTRATOR / SELECTMEN REPORTS**

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289

Ms. Spencer thanked Nia Manjunath for meeting with her to discuss issues relevant to the Town. She  
felt her presentation to the Board was very valuable and worthwhile and looked forward to putting  
together a proposal for a Pelham Youth Council.

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Mr. Viger reported that the Budget Committee supported the reconsideration items including the  
\$10,000 to be added for the Hope Foundation.

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296

Mr. Leonard reported that the video at the Transfer Station which depicted the need of the compactor  
had been completed. He thanked Jim Greenwood for gathering footage and editing the video to be  
aired on PTV. He would reach out to the Town Moderator to see if the video could be played during  
Deliberative Session. A similar video clip was done at the Highway Department to explain the  
establishment and initial funding of a capital reserve fund.

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**REQUEST FOR NON-PUBLIC SESSION**

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**MOTION:** (Leonard/Spencer) Request for a non-public session per RSA 91-A:3,II, a & c  
(Personnel; Matters which, if discussed publicly, would affect adversely the  
reputation of any person)

**ROLL** Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Ms. Spencer-Yes;

**CALL:** Mr. Leonard - Yes

304

305

It was noted that when the Board returned, after the non-public session, the Board would not take any  
other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
meeting. The Board entered into a non-public session at approximately 8:16pm.

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307

308

The Board returned to public session at approximately 8:40 pm.

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310

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

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

311

312

313 **ADJOURNMENT**

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

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

315

316 The meeting was adjourned at approximately 8:40pm.

317

318

Respectfully submitted,

319

Charity A. Landry

320

Recording Secretary

321