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**APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
March 1, 2016
APPROVED – March 15, 2016**

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CALL TO ORDER - approximately 6:30PM

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

ABSENT: Ms. Amy Spencer

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PLEDGE OF ALLEGIANCE

MINUTES REVIEW

February 16, 2016

MOTION: (Leonard/McDevitt) To approve the February 16, 2016 meeting minutes as written.

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

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ANNOUNCEMENTS

- **2016 Town Meeting** – Tuesday, March 8, 2016 from 7AM to 8PM at Pelham High School;
- **2015 Town Report and 2016 Town Meeting Voter’s Guide**–will be available by March 1st;
Hard copies and CD copies of the Report will be available at the Tax Collector/
Town Clerk’s Office, Selectmen’s Office and the Public Library. It will also be
available on the Town’s website: www.pelhamweb.com;
- **Annual Community Night** – Thursday, March 3, 2016 from 6PM to 8PM at Pelham Elementary School

OPEN FORUM

No one came forward.

PUBLIC HEARING

To consider acceptance of Ballard Road and Goldfinch Drive as Class V public highways in accordance with RSA 674:40a

Planning Director Jeff Gowan came forward for the discussion. He noted the Board had received supporting information from the Highway Department and a memorandum (he composed on behalf of the Planning Board) that recommended the road acceptance. A letter from Keach Nordstrom (Planning Board’s engineering review firm) submitted a letter supporting the roads. Mr. Gowan stated both roads had ‘wintered over’ and held up well. There were no remaining issues. He suggested the roads be accepted under the condition that Town Counsel is satisfied with his review of the deeds.

45

46 The Selectmen indicated they had not received the information Mr. Gowan spoke of. Mr. McCarthy
47 left the room to make copies of the correspondence. Mr. Gowan was unaware the Board didn't have
48 copies.

49

50 Mr. McDevitt questioned if it would be alright for the Selectmen to defer action until their next
51 meeting. Mr. Gowan had no objection to deferring action. He said the only thing that may be time
52 sensitive is the roads were contracted with the Town for plowing. There was a brief discussion
53 regarding the public hearing requirements. Mr. McDevitt commented that the purpose of a public
54 hearing was to hear from the public; the Selectmen make the decision whether or not to vote that
55 time.

56

57 No one from the public came forward to speak.

MOTION: (Viger/McDevitt) To accept Ballard Road and Goldfinch Drive as Class V
public highways in accordance with RSA 674:40a, subject to Town Counsel
review and satisfaction with the deeds.

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

58

59 Mr. Gowan told the Board he would inform the Board of Town Counsel's review and satisfaction
60 with the deeds, after which he will record the deeds.

61

62 **APPOINTMENTS**

63

64 **Planning Director Jeff Gowan – Pelham Doppler Radar Tower Inquiry**

65

66 Mr. Gowan told the Board he received a letter of interest from NBC, who was looking at sixty areas
67 within the region to locate a Doppler radar tower. He said they were seeking quick approval and
68 understood that Town property was exempt from Zoning requirements. He asked them for
69 information regarding the potential revenue and was told that the NBC team had not been assembled
70 yet and didn't have revenue examples. Mr. Gowan displayed a photograph of a Doppler tower next to
71 buildings to understand its dimensions.

72

73 Mr. Viger questioned if additional relays could be connected, similar to Jeremy Hill, for the Police
74 and Fire departments. Mr. Gowan learned NBC could deem the tower an 'emergency' tower that
75 would allow any Town apparatus to be attached. The proposal was for a network of towers. He
76 spoke to Raytheon to discuss how radar rays interact and learned they would be operating at different
77 frequencies.

78

79 Mr. Leonard understood from previous information the tower could possibly be 100ft. in height and
80 needed to be near a power source. Mr. Gowan agreed that the tower would be very visible. He didn't
81 feel there was enough information take action on at this time. He suggested opening the discussion to
82 commercial and industrial properties.

83

84 Mr. McDevitt recalled from the past when cell towers came in for review with the Planning Board.
85 They met with considerable neighborhood opposition. He questioned why the Town would want to
86 inject itself into something that would encourage neighborhood opposition. There was further
87 discussion regarding the tower. Mr. Lynde noted it would not be a communication tower; the tower
88 would be collecting data. Mr. Viger felt further exploration was needed to understand the proposal
89 and what benefits there would be for the Town.

90

91 Mr. McCarthy said the idea and goal of the discussion was to learn if the Selectmen are interested.
92 He understood that the data wasn't available but would seek information if there was interest. Mr.
93 Leonard suggested when the figures were available, they could submit information for consideration.
94 Mr. Gowan would seek additional information and update the Board.

95 **Approve Expenditure from Trust Fund – The Board of Selectmen, as agents to expend, to**
96 **approve the payment of an invoice for heating/furnace repair at Raymond Park Scout Lodge**
97 **out of the Raymond Park Public Trust to Lord & Tarpey Enterprises, LLC, in the amount of**
98 **\$142.66**

99

100 Request to expend \$142.66 for repair work to the heating/furnace at Raymond Park Scout Lodge.

101

MOTION: (McDevitt/Viger) To approve the expenditure of \$142.66 out of the Raymond Park
Public Trust for payment of an invoice for heating/furnace repair at Raymond Park
Scout Lodge.

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

102

103 **OTHER BUSINESS**

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105 **Update regarding Water Meeting**

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107 Mr. Lynde spoke about a follow up meeting that he and Mr. McDevitt attended regarding water in the
108 southwest section of Town. There was lengthy discussion and suggestions about the issues to try and
109 mitigate the effects of low flow rates of water. The next meeting was scheduled for April 5, 2016.
110 Mr. McDevitt summarized the major questions as:

- 111 1) Do the Selectmen (acting as the Board of Health) have the statutory authority to declare
- 112 and enforce restrictions on water use (irrigation) in all, or part of Town;
- 113 2) Does the Board of Health and/or Board of Selectmen act without further authority of
- 114 Town Meeting to restrict irrigation;
- 115 3) What is the Board of Selectmen's authority to deal with the issue;
- 116 4) Could the Planning Board or Board of Health declare a moratorium on further well drilling
- 117 in the Sherburne Road area, pending the outcome of studies regarding the carrying
- 118 capacity of the area in question.

119

120 Mr. Viger was concerned with the Selectmen's involvement and becoming 'on the hook' when trying
121 to do a good deed. He suggested we pull back and wait for the group of people to come forward. Mr.
122 Lynde concurred and noted the resident survey numbers were disappointing. Mr. Viger understood
123 that although Mr. Lynde and Mr. McDevitt were acting individually, there was an appearance they
124 were representing the Board of Selectmen. He felt now a group of people felt the Town was
125 responsible. He believed the Board should provide clarification. He had hoped the group would have
126 taken control by this point and was worried about conducting a third meeting. Mr. Lynde replied they
127 had been clear to the residents that they (the people in the area of concern) had to take on the situation
128 and solve it. Mr. McDevitt agreed that the Town has no legal obligation to solve the problem;
129 however, he felt a moral obligation to use the 'powers' of the Board of Selectmen to see if they could
130 get some answers.

131

132 Mr. McDevitt felt it would behoove the Town to get an answer regarding the water capacities in the
133 area. There were a lot of people that felt the Town was causing the problem by allowing continued
134 development in the area. Questions may be answered by having a hydrogeologist conduct a study of
135 the area.

136

137 Mr. Leonard spoke about the survey sent to residents in the area. He stated that the percentage of the
138 response received was not out of the norm for a non-punitive survey. He said it was a good response
139 rate. He noted there had been water issues on Scenic View Drive long before the Sky View
140 development was put in and there had been water issues on Jeremy Hill long before the developments
141 in that area were done (i.e. Overlook Drive). He felt it was incumbent upon the Board to conduct due
142 diligence, eliminate negligence and put effort forth to do research and gather facts.

143

144 Mr. Lynde told the Board there was a hydrogeology firm that were willing to put together a proposal
145 for the Town (in connection with locating a well). He said Pennichuck did a nice presentation on how
146 water flow worked and summarized what was discussed.

147

148 The Selectmen understood it was a difficult situation. Mr. McDevitt said they could speak to the
149 hydrogeologist, and to find out if the Department of Environmental Services had money available.

150

151 **Update regarding Natural Gas Expansion Meeting with Liberty Utilities**

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153 Mr. Lynde stated a meeting was conducted with a Liberty Utilities representative and interested
154 parties from the Town and School departments. Liberty Utilities will be going forward with their
155 natural gas project. They have to determine the potential market and present information to the
156 Public Utilities Commission. During the meeting it was suggested to extend the line to some of the
157 businesses in Town, which will be taken under advisement. Also, the Town and School buildings
158 would have free hook ups to the gas and in turn would have rebates by using gas, based on upgrading
159 from using oil. Mr. Viger said he planned to walk the Town buildings and get the BTU requirements
160 based on what was currently being used. A map of the proposed route was displayed to orientate the
161 Board on the proposal. It was noted that phase I of the project was to provide natural gas to the Town
162 and School buildings, the second phase would be considered once the first phase was completed and
163 paid for.

164

165 **Discussion regarding proposal of part time benefits position, Human Resource Coordinator**

166

167 Mr. Lynde stated the Selectmen discussed the proposed position during their last meeting. A
168 description was provided. Having a Human Resources Coordinator is the first step to getting the
169 Town in order and being in a better position to satisfy requirements that are/will be imposed on the
170 Town. Mr. McCarthy stated the initial proposal was for a part-time (24-32hrs per week). He will
171 project future needs once the position is in place.

172

173 Mr. Viger spoke about the presentation to the Budget Committee. It was explained with changing
174 laws, the Town was 'behind the eight ball' and there was a need to have someone in the position to
175 figure out what would be required going forward. The Budget Committee funded a part-time 32hour
176 per week (plus benefits) position. The committee understood the importance of the position and were
177 willing to fund it.

178

179 Mr. Leonard questioned if outsourcing the position had been reviewed versus adding another head
180 count. Mr. Viger said they preliminarily reviewed outsourcing and recalled it would be expensive for
181 human resources. Mr. McCarthy noted the low salary range was \$85,000-\$117,000 per year (in area
182 towns). Initially he wanted to get a program off the ground and see what it actually entailed. He said
183 if it was more than they could handle they could look at possibly outsourcing; however, right now he
184 didn't know what the needs would be. He said they wouldn't be adding personnel, the proposal was
185 to take a part-time position from another department and restructure within to do the position. He
186 noted the Budget Committee had additional questions but at this time it was hard to project the needs.

187 Mr. Leonard said he wouldn't feel comfortable taking someone from in-house to handle the position
188 and alleviate the Town's liability. Mr. Viger noted prior to the position being put into place, liability
189 is held by the Town Administrator and Finance Director. Mr. Leonard didn't feel the Town would
190 gain expertise by shifting the liability from the existing situation to an in-house part-time employee.
191 Mr. Viger said they didn't know the capabilities of the in-house personnel.
192

193 Mr. Lynde stated the Town would have to address the position during budget season, but in the
194 interim they had to take the burden off the Town Administrator and Finance Director. Mr. Leonard
195 reiterated his question of outsourcing the job. Mr. Viger felt doing so would be more expensive than
196 what was budgeted. Mr. Leonard didn't have pricing for outsourcing. The proposal was for creating
197 a position with benefits. Mr. Viger replied they weren't creating a position. They were restructuring
198 an existing part-time position; the headcount would remain the same.
199

200 Mr. McDevitt didn't disagree with outsourcing a lot of things, but felt this was different because the
201 position was similar to consulting and it was important to having someone in-house to speak with.
202 The Town currently had great exposure but having the position would narrow that exposure. Mr.
203 Viger pointed out that the Town couldn't get to what they needed at this point because the salary cost
204 would be more than the budget. Mr. Leonard questioned why the position wouldn't be advertised in
205 the open market. Mr. Viger questioned why they wouldn't start internally first to stay ahead of the
206 situation; if there were no internal applicants of course they would advertise. He noted that the
207 Selectmen don't micromanage the department heads, the Board relies on their expertise. He pointed
208 out that Mr. McCarthy had to 'live and die' by this person. He wasn't going to micromanage whether
209 Mr. McCarthy chose an internal or external person. Mr. McCarthy told the Board he was a big
210 proponent to promoting from within. He said there may be in-house employees with experience. He
211 summarized the many positions that had been successfully filled by internal employees. After further
212 discussion, the decision was made to post the position both internally and externally simultaneously.

MOTION: (Leonard/McDevitt) To give Mr. McCarthy the authorization to advertise both internally and externally for a part-time Human Resources Coordinator.

VOTE: (3-1-0) The motion carried. Mr. Viger voted no.

213

214 It was noted that the position would be advertised internally and externally based on a salary the
215 Selectmen would determine during non-public session following the meeting.
216

216

217 **Update on Senior Center repairs and generator installation**

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219 Mr. McCarthy reported that the generator had been installed at the Senior Center and was fully
220 functional. The facility can be used as a drop in location for emergencies, extreme weather etc.
221 There was a brief discussion regarding the definition of 'shelter'; the Board will have a discussion at a
222 later meeting to define the meaning.
223

223

224 **Update regarding recent employee training**

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226 Mr. McCarthy reported that all Town employees recently completed a blood borne pathogen training
227 session coordinated by Property Liability Trust. He received a lot of positive feedback from
228 employees. The next training will be AED/CPR/First Responder.
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230 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

231

232 Mr. Leonard reported that the Highway Study Committee met to better familiarize with the site. He
233 believed the next step was to see the results from Town Meeting regarding the warrant article for
234 \$50,000 to be placed into a capital reserve to construct a maintenance facility.

235

236 **REQUEST FOR NON-PUBLIC SESSION**

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MOTION: (Viger/Leonard) Request for a non-public session per RSA 91-A:3,II, a & d
(Personnel; Consideration or negotiation of pending claims or litigation)

ROLL CALL: Mr. Lynde-Yes; Mr. McDevitt-Yes; Mr. Viger-Yes; Mr. Leonard - Yes

238

239 It was noted that when the Board returned, after the non-public session, the Board would not take any
240 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the
241 meeting. The Board entered into a non-public session at approximately 8:02pm.

242

243 The Board returned to public session at approximately 8:55pm.

244

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

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

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246

247 **ADJOURNMENT**

248

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

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

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250 The meeting was adjourned at approximately 8:56pm.

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Respectfully submitted,
Charity A. Landry
Recording Secretary