

1  
2  
3  
4  
5  
6  
7  
8  
9  
10

**APPROVED  
TOWN OF PELHAM  
BOARD OF SELECTMEN MEETING  
MINUTES  
March 15, 2016  
APPROVED – March 29, 2016**

11  
12  
13  
14  
15  
16  
17  
18  
19

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

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

**ABSENT:** None

20  
21  
22

**PLEDGE OF ALLEGIANCE**

23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38

**MINUTES REVIEW**

39  
40  
41  
42  
43

**March 1, 2016**

**MOTION:** (Leonard/McDevitt) To approve the March 1, 2016 meeting minutes as amended.

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

**ANNOUNCEMENTS**

- **2016 Town Meeting Results**
- **Board / Committee Openings. All interested parties are to submit applications to the Selectmen's office by March 31, 2016. Volunteer applications can be found on: [www.pelhamweb.com/employment](http://www.pelhamweb.com/employment)**
  - **Board of Adjustment: 2 members for 3 years;**
  - **Board of Adjustment: 2 alternates for 3 years and 1 alternate for 2 years;**
  - **Forestry Committee: 1 member for 3 years**
  - **Budget Committee: 3 members for 1 year**
  - **Planning Board: alternate positions (submit application by April 15<sup>th</sup>)**
- **Kinder Morgan will be replacing Concord Lateral pipeline markers – residents in those areas will be notified (this is separate from the proposed pipeline project)**
- **Library is conducting an immunization/blood pressure clinic, Saturday, March 26<sup>th</sup> from 10AM to Noon.**

**OPEN FORUM**

No one came forward.

44 **PUBLIC HEARING**

45 **To accept the following Donation: 12 LED High Efficiency Lights to the Pelham Senior Center**  
46 **with a value (to include labor, materials and installation) of approximately \$5,070 by Mr.**  
47 **Stephen Brussard of Brussard General Contractors, Inc.**

48  
49 The Board appreciated the donation. Ms. Spencer understood Mr. Brussard does a lot for the Town  
50 and thanked him for making the kind and generous donation. Mr. McCarthy told the Board that the  
51 Senior Center Director had spoken about how much better the lighting was for the seniors and  
52 increased the appearance and usage of the area within the center.

53  
54 Mr. Lynde opened the hearing to public input. No one came forward.  
55

**MOTION:** (Viger/Spencer) To accept the donation of LED high efficiency lights, labor  
materials and installation with a value of \$5,070 from Brussard General  
Contractors.

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

56  
57

58 **APPOINTMENTS**

59

60 **Pelham Fireman’s Association - Anthony Bullock – Proposal to transfer ownership of Pelham**  
61 **Engine Two**

62

63 Anthony Bullock, Pelham Fire Department came forward to discuss the proposal. He explained that  
64 the Pelham Fireman’s Association (‘PFA’) was requesting for the Town to transfer ownership of Fire  
65 Engine Two (1929 Ford Model A fire engine) to the association. The vehicle has historic value and is  
66 used in parades (and other events). Mr. Bullock stated he had been put in charge of operating the  
67 vehicle, which he found was in desperate need of repairs. He said FFA would like the opportunity to  
68 take ownership and restore the historic vehicle. By having ownership it would be easier to raise  
69 donations for the repairs and restoration. In this economic time it is difficult to obtain Town approval  
70 for funds to repair a vehicle that would not be responding to an emergency.

71

72 Mr. Lynde questioned if the Board could transfer ownership. Mr. McCarthy replied typically Town  
73 equipment went out through a sealed bid process; however, he believed the Board had the ability to  
74 not follow that protocol and do with the vehicle as they saw fit. Mr. Lynde said they didn’t want  
75 to get rid of the vehicle. Mr. McCarthy agreed; the vehicle was an important piece of Town and Fire  
76 Department history and imperative that it remain within the community.

77

78 Ms. Spencer questioned who would hold title to the vehicle and what rights would the title holder  
79 have. Mr. McCarthy replied the vehicle would be titled to the PFA with the Town of Pelham being  
80 listed as the ‘first right of refusal’.

81

82 Mr. Leonard wanted to know if the Town could lease the vehicle to the PFA and maintain ownership.  
83 Mr. McCarthy will look at the prospect of leasing. He said the PFA wanted to invest money into the  
84 vehicle and wanted to ensure the Town didn’t become financially responsible for maintenance under  
85 a lease. Mr. Leonard wanted to understand the Town’s liability under a lease versus ownership  
86 scenario. Mr. Viger questioned if the vehicle would remain on premises or be taken somewhere else.  
87 Mr. Bullock replied it would remain on premises. Mr. Viger also wanted to clarify the question of  
88 insurance liability. Mr. McCarthy understood if the PFA took ownership they would be responsible  
89 for insurance. Mr. Bullock indicated he had spoken with several different companies for information.

90

91 Ms. Spencer questioned how much money would be invested and if it had previously come in front of  
92 the Board. She also wanted to better understand the benefits and drawbacks of the transfer. Mr.  
93 Bullock explained he had taken the project on approximately two years ago and put a proposal  
94 together to make repairs. He noted after a lengthy discussion, it had not gone forward. With regard  
95 to costs, he received astronomical figures for restoration ranging from \$60,000 - \$90,000. They  
96 would like to have professional restoration; exact figures were unknown, but might be in the  
97 estimated range of \$35,000.

98

99 Mr. McDevitt asked if the intent of transferring ownership was to avoid bureaucracy of holding  
100 public hearings for donations. Fundamentally he didn't understand the reason for transferring  
101 ownership. Mr. Lynde's understanding was the PFA had not found an avenue to get sufficient funds  
102 through the budget process. He believed the reason for the request was to make it easier for the PFA  
103 to get donations for restoration. Mr. Viger added the Fire Department couldn't take direct donations  
104 because it would be considered revenue and expense from their budget. He believed it would have  
105 been problematic to spend budget money for restorations. Ms. Spencer commented earlier in the  
106 meeting the Board accepted a donation and questioned if they could use the same process for the  
107 vehicle's restoration. Mr. Lynde saw three avenues, 1) leave the status as it currently was and hope to  
108 find funds; 2) try to go through the budget process, 3) wait for a donation to come forward, or 4) have  
109 PFA own the truck and solicit funding. Mr. Viger noted the difference between accepting cash  
110 versus accepting a product with a dollar value. Mr. Bullock respectfully told the Board he learned  
111 through conversations with people they were reluctant to give money and time into something that  
112 was owned by the Town.

113

114 Transfer Station Director Stan Walczak, who was seated in the public, came forward and questioned  
115 if a trust fund could be established to restore/maintain the vehicle. Mr. Lynde agreed that could be  
116 another avenue, but noted to expend funds would require a vote at Town Meeting. He understood  
117 that the issue was determining a way for the vehicle to be maintained so it could be used. Mr.  
118 Leonard reiterated the suggestion to review the option of a lease agreement.

119

120 Ms. Spencer wanted to know who would set the price for the 'right of first refusal'. Mr. McCarthy  
121 replied the price could be established in the Bill of Sale. In the sample agreement he reviewed, the  
122 sale of the vehicle was \$1. He said if they acted on the 'right of first refusal' the price would be \$1.  
123 Mr. Bullock told the Board he understood that the price would be \$1.

124

125 There was further discussion regarding how to proceed with the vehicle ownership.

126

127 Mr. McDevitt offered the following strawman motion for discussion: The Board transfer title of  
128 Engine Two to the Pelham Fireman's Association for one dollar, with the understanding that the  
129 intent of the transfer of ownership is the restoration and maintenance of the vehicle and with the  
130 stipulation that the vehicle may not be sold or transferred to another owner without approval of the  
131 Board of Selectmen and that the engine not leave Town except for brief repairs. Mr. Viger seconded  
132 for discussion.

133

134 Ms. Spencer would like a motion to include verbiage that the PFA would assume all liability for  
135 insuring the vehicle and state that the Board of Selectmen moves to empower Town Administrator  
136 McCarthy and Anthony Bullock to create a proposed Bill of Sale/transfer document for review of the  
137 Board of Selectmen under the conditions stated in Mr. McDevitt's motion. The document will be  
138 reviewed at a subsequent meeting.

139

140 Mr. Lynde felt the Board could take the motion, subject to prior review of the Board of Selectmen.

141 Rather than act on the motion, Mr. Lynde suggested they take a sense of the Board that they were  
142 willing to support the transfer of ownership of Engine Two to the Pelham Fireman's Association, but  
143 would first like to review the Bill of Sale/transfer document before taking final action. Mr. McCarthy  
144 agreed he and Mr. Bullock would draft a Bill of Sale document for Selectmen review.

145

146 Mr. Bullock requested clarification of the 'no leaving Town' condition. Mr. McDevitt didn't want  
147 the vehicle in other town's parades. Mr. Bullock explained there were fire prevention parades all  
148 over the State they may like the vehicle attend. He questioned how the Town would dictate where the  
149 vehicle travelled if the PFA held ownership. Mr. McDevitt replied the sale agreement would include  
150 stipulations of sale. Mr. Lynde noted the Selectmen could review requests for the truck to leave  
151 Town. Mr. McCarthy spoke to the point and explained that people like to show their vehicles off.  
152 Ms. Spencer added that it could be a good showpiece for the Town.

153

154 Mr. McCarthy asked the Board to table the discussion to give him and Mr. Bullock the opportunity to  
155 draft a Bill of Sale and review lease options.

156

157 **Transfer Station Director Stan Walczak – Discussion of RFP**

158

- **New Compactor**
- **New Metal Recycling Building**
- **New Steel Ejector Transfer Trailer**

159

160

161

162 Mr. Walczak came forward to review the proposed RFP documents, building rendering, project  
163 timeline and site plan. He began by reviewing the information for the compactor. Mr. Lynde found  
164 the information to be very specific. Mr. Walczak said manufacture specifications were virtually the  
165 same; the RFP outlined the minimum for what the department wanted.

166

167 Mr. McDevitt confirmed that the Town had the ability to reject any/all bids at its sole discretion. Mr.  
168 Lynde replied the RFP contained a 'reservation of rights' clause.

169

170 Mr. Walczak spoke to the proposal for a recycling building. He noted a single slope building would  
171 be the least expensive way to do the building for the size and needs and the water run off would flow  
172 into the existing natural swale. Mr. Lynde questioned if the wind loads needed to be specified. Mr.  
173 Walczak explained every metal building was similar in design, but had different foundations. He said  
174 once the building design was chosen they could determine the foundation design specific to the wind  
175 and snow loads.

176

177 In review of the proposed building, Mr. Leonard saw there were only four windows and questioned if  
178 that was the specification, or if there was a potential for more. Mr. Walczak replied the thought  
179 process was to have four, 10ft. long windows, which was easier to take care of and would allow for  
180 more room for people to access. Mr. Leonard envisioned Saturday mornings and wanted to know if  
181 the proposed set up would create a traffic jam. Mr. Walczak believed they would have more room if  
182 they maintained a similar process of having vehicles pull forward and being assisted by attendants.

183

184 Mr. Lynde asked if the building would eliminate the existing open top containers. Mr. Walczak  
185 answered yes; they would be removed.

186

187 Mr. Walczak discussed the steel ejector transfer trailer and explained they decided to stay with steel,  
188 although more expensive, would last longer. He told the Board they preferred to have a push out  
189 floor based on the problems that could occur with a walkout floor.

190

191 There was a consensus by the Board to send the RFPs out for bid.

192  
193  
194  
195  
196  
197  
198

**OTHER BUSINESS**

**Board of Selectmen Election of Officers**

**MOTION:** (McDevitt/Leonard) To appoint Doug Viger as Chairman for the forthcoming year.

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

199 -----

**MOTION:** (McDevitt/Spencer) To appoint Hal Lynde as Vice Chairman for the forthcoming year.

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

200  
201

**Committee Assignments – Board of Selectmen**

202  
203  
204  
205

The Board reviewed the list of committee assignments from the past year and updated the list for the forthcoming year. Appointments will be made during the next meeting.

206  
207

**Discussion – Formation of Elderly Exemption Review Committee**

208  
209  
210  
211  
212  
213  
214  
215  
216  
217  
218  
219  
220

Mr. McDevitt spoke to the warrant article which directed the Selectmen to appoint a committee to determine if the current Elderly Exemption should be replaced with a new exemption. He suggested the Selectmen should also encourage the committee to further explore other options and make recommendations if appropriate. Mr. Lynde proposed the committee have between 5-7 members. The Board agreed the committee should include member of the public, a representative from the Council on Aging and others, including the Assessing Assistant Susan Snide (as a non-voting member). Mr. McCarthy commented that the committee needed a charter and specified mission. Mr. McDevitt noted any changes to the direction and/or charter of the committee should come from the Selectmen. He reiterated the recommendation for the committee to explore and recommend other options where appropriate. Mr. McCarthy felt the committee charter was spelled out in the wording of the warrant article. Mr. McDevitt also wanted the committee to have a specific date to report back to the Selectmen. Mr. McCarthy believed the information would be needed by mid-fall for consideration.

221  
222  
223

**Review/Authorization for Signature – Health Trust, Inc. Retiree Billing Administrative Services Agreement**

224  
225  
226  
227  
228  
229

Mr. McCarthy stated the Board had received three items for consideration: 1) application for membership agreement, 2) retiree billing administrative services agreement, and 3) COBRA administrative services agreement. Given the changes to Health Trust and the position of Town Administrator, there had been a request for the Town to renew the updated documents.

230  
231  
232

Mr. Lynde understood the Board needed to make a motion to authorize Town Administrator McCarthy to sign the documents on behalf of the Selectmen. Mr. McCarthy provided an explanation of the Certificate of Authorizing Resolution, which pertained to the Health Trust application

233 membership agreement. He stated in order for it to be in effect, the Board would need to make a  
 234 motion to accept the document and give him authorization to sign. A copy of the meeting minutes  
 235 will then be attached to the document and submitted.

236

237 Ms. Spencer questioned what changes had been made. Mr. McCarthy replied his predecessor's name  
 238 had been updated, and Health Trust had made administrative changes within their organization. Mr.  
 239 McDevitt understood there were no changes in the document that would materially change the  
 240 Town's business relationship. Mr. McCarthy said that was correct (there were no material changes).

241

242 Mr. Lynde stated for the three items listed there was a page for the duly authorized Town's  
 243 Representative to sign. He understood it was the Selectmen's responsibility to appoint the duly  
 244 authorized representative using 'Exhibit A – Certificate of Authorizing Resolution'. He read aloud  
 245 the following:

246 *Certificate of Authorizing Resolution – I hereby certify to Health Trust, Inc. (“Health*  
 247 *Trust”), that the following is a true copy of a resolution adopted by the Governing Body of Town of*  
 248 *Pelham at a meeting duly held on March 15, 2016.*

249 *RESOLVED: That Town of Pelham shall participate as Member in the Health Trust pooled*  
 250 *risk management program for the provision of group medical and/or other benefit plans in*  
 251 *accordance with the “Application and Membership Agreement” and NH RSA 5-B.*

252 *RESOLVED: That Brian McCarthy Town Administrator is hereby authorized and directed*  
 253 *to execute and deliver to Health Trust, on behalf of Town of Pelham, the “Application and*  
 254 *Membership Agreement” in substantially the form presented to this meeting.*

255 *I further certify that the foregoing resolution remains in full force and effect without*  
 256 *modification.*

**MOTION:** (McDevitt/Viger) To duly authorize Town Administrator Brian McCarthy as the  
 Town of Pelham Representative to sign the Certificate of Authorizing Resolution  
*(as read aloud and written above).*

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

257

258 **Request – Outdoor, weather resistant legal posting message board**

259

260 Mr. Lynde stated there was concern regarding the existing cork posting board being located outside  
 261 subject to weather. A request was submitted for a free standing message board protected from the  
 262 elements. The estimated cost was \$1,159.24.

263

264 Mr. McCarthy was seeking authorization from the Board for the placement of the message board.

265

266

**MOTION:** (Viger/Spencer) To authorize Town Administrator Brian McCarthy to have  
 installed a stand-alone legal posting bulletin board outside the Town Hall entrance  
 with a cost not to exceed \$1,200.

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

267

268 Mr. McDevitt questioned the color of the posting board. Mr. McCarthy replied the color would be a  
 269 brown/gray tone. He was avoiding white because it would easily get dirty. Given the building's  
 270 exterior, Mr. McDevitt and Mr. Lynde preferred white. There was no objection. Mr. McCarthy will  
 271 change the color to white.

272

273 **Discussion – Possible tick control program for athletic fields and parks**

274

275 Mr. McDevitt explained the Selectmen received an email regarding a tick prevention program to  
 276 decrease ticks, which intrigued him because of the tick population and concern regarding Lyme  
 277 disease. He said Municipal Pest Management Services, Inc. forwarded a proposal for an evaluation  
 278 and preventative spraying of the three schools, athletic fields and seven park/recreation areas.

279

280 Mr. Viger questioned if a tick program could be incorporated with the mosquito spraying program.  
 281 Mr. McCarthy commented that Municipal Pest Management was part of the same company (Swamp  
 282 Incorporated) that conducted the mosquito program. He said the areas noted in the tick program were  
 283 the same areas typically sprayed for mosquitos.

284

285 There was a brief discussion regarding the proposal and associated cost. Mr. McCarthy told the  
 286 Board he could speak with the Health Officer Dr. Kodali and the Department of Health (regarding the  
 287 insecticide) about the program and report back to the Board. The Board felt that would be  
 288 appropriate. Mr. McDevitt will work with Mr. McCarthy.

289

290

291 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**

292

293 Mr. McDevitt stated as one of the take-aways from the Sherburne Road water discussions, he  
 294 contacted the Department of Environmental Services and learned they had no money available to  
 295 extend water lines. He said there was drinking water State revolving fund loan available to fund  
 296 capital improvements of public water systems. Mr. McDevitt mentioned that the New Greeley  
 297 Singers would be doing their annual cabaret on Saturday, March 19<sup>th</sup> and encouraged people to  
 298 attend.

299

300 Mr. Leonard reported that the Highway Building Committee would be meeting in the coming week to  
 301 begin research.

302

303 Mr. McDevitt thanked Mr. Lynde for his service as Chairman, which he said was not an easy job.  
 304 The Board concurred. Mr. Lynde replied he enjoyed his time as Chairman and complimented the  
 305 Board for the accomplishments made during the past year. He appreciated the support of the Board  
 306 and the Town.

307

308

309 **REQUEST FOR NON-PUBLIC SESSION**

310

**MOTION:** (Leonard/Viger) Request for a non-public session per RSA 91-A:3,II, a  
 (Personnel)

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

**CALL:** Mr. Leonard - Yes

311

312 It was noted that when the Board returned, after the non-public session, the Board would not take any  
 313 other action publicly, except to possibly seal the minutes of the non-public session and to adjourn the  
 314 meeting. The Board entered into a non-public session at approximately 8:13pm.

315

316 The Board returned to public session at approximately 8:37pm.

317

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

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

318

319

320

321 **ADJOURNMENT**

322

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

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

323

324 The meeting was adjourned at approximately 8:38pm.

325

326

327

328

Respectfully submitted,  
Charity A. Landry  
Recording Secretary