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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN MEETING
MINUTES
January 17, 2017
APPROVED – January 31, 2017

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

10 PRESENT: Mr. Doug Viger, Mr. Hal Lynde, Mr. William McDevitt, Ms. Amy Spencer, Town
Administrator Brian McCarthy

11 ABSENT: Mr. Paul Leonard

12 **PLEDGE OF ALLEGIANCE**

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15 **MINUTES REVIEW**

16
17 **January 10, 2016**

MOTION: (Lynde/McDevitt) To approve the January 10, 2017 meeting minutes as amended.

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

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19 **ANNOUNCEMENT**

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22 ➤ Department of Environmental Services, Public Hearing –Sherburne Hall, Wednesday,
23 January 18, 2017 at 6:00pm. DES intent to issue, amend or deny a State Permit to Operate:
24 Tennessee Gas Pipeline Company, LLC.
25 ➤ Town of Pelham Deliberative Session will be on Tuesday, February 7, 2017, the Pelham
26 School Deliberative Session will be on Wednesday, February 8, 2017. Both will be held in
27 the Pelham High School Auditorium beginning at 7pm on their respective nights.
28 ➤ Former Chief Justice John Broderick to give a seminar “Know the Five Signs” and bring
29 awareness to mental health, Monday, January 30, 2017 beginning at 7pm in the Pelham High
30 School Auditorium.
31 ➤ Time period for filing Declaration of Candidacy with Town Clerk’s Office – January 25,
32 2017 thru February 3, 2017 by 5pm
33 ➤ Senator Jeanne Shaheen’s Office – to hold office hours at Town Hall on Tuesday, February 3,
34 2017 from 11am to 12pm.

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36 **OPEN FORUM**

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38 No one came forward.

39
40 **APPOINTMENTS**

41
42 **Police Captain Toom** – Introduction of the new Prosecutor and signing of contract

44 This was deferred to the Board's next meeting.

45

46 **Discussion - Highway Road Agent Frank Ferreira – Merger update and Recommendations for**
47 **Highway Bid awards**

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49 Mr. Viger explained that the Transfer Station Director had resigned and from September 1, 2016, Mr.
50 Ferreira had been running both the Highway Department and the Transfer Station. Marie Maruca, the
51 Selectmen's Administrative Assistant, has been assisting with bringing the two departments together
52 with their bookwork, scheduling etc.

53

54 Mr. Ferreira spoke to the merger of the Highway Department and Transfer Station., which he felt was
55 going well. He told the Board they had experienced an increase in trash. He provided the statistics
56 and understood the reason people were utilizing the transfer station was mainly due to the increased
57 cost for curbside trash pick-up and new people moving into Town. Mr. Ferreira was researching
58 prices to change the system to accept cardboard for revenue and possibly crush glass as they had done
59 in the past.

60

61 Ms. Spencer commended Mr. Ferreira on doing a tremendous job with both departments. She
62 recalled years ago, before single stream, they had separate receptacles for cans, glass etc. and wanted
63 to know if residents would separate these items at home, or if it would be done at the Transfer Station.
64 Mr. Ferreira replied residents would separate at home. He noted there were a lot of people that
65 questioned why they didn't separate anymore. At some point in the future, Mr. McDevitt wanted the
66 Board to discuss trash separation.

67

68 At this time, Mr. Viger asked that the Board have Mr. Ferreira comment about the two departments
69 and if he felt he could handle merging the two departments. Mr. Ferreira told the Board he would like
70 the Transfer and Highway Departments to merge. Mr. Lynde was in favor of doing so. Mr. McDevitt
71 had no objection. Mr. McCarthy spoke about the process they had taken to this point and believed the
72 operation would be more efficient with the two operations combined. He said they would have better
73 resources of personnel, equipment and a whole host of things that would benefit the Town. He told
74 the Board that Mr. Ferreira had done a good job with the Transfer Station to get it to where it
75 currently was. He stated having Ms. Maruca assist in the process had helped tremendously. She
76 found things that would have been issues for the Town in the future. Mr. McCarthy felt they had the
77 right personnel in place to make the merger happen successfully. He believed merging the two
78 departments was a good idea and the Town would benefit from doing so.

79

80 During the last several months, Mr. Viger monitored the process and saw Mr. Ferreira take a different
81 and improved approach to running the departments and appreciated his review and fine tuning during
82 this time. He said he would accept a motion to merge the Highway and Transfer Departments with
83 Mr. Ferreira as Director. Mr. McCarthy believed the Board had spoken about making it a Department
84 of Public Works. The Board had a brief discussion and made a decision to hold off making a motion
85 until Mr. Leonard was present.

86

87 The Board then reviewed the 2017 Highway Bid award recommendations submitted by Mr. Ferreira.
88 Some of the items include: Aggregates, concrete blocks and bricks, calcium chloride flakes, catch
89 basin cleaning, sand, hot top patch, culvert piping, equipment rental, plow blades, painting traffic
90 lines, roadside mowing, tree removal, street sweeping, signs and related items.

91

MOTION: (McDevitt/Spencer) To approve the Highway Bid award recommendations
submitted in the memorandum to the Board of Selectmen from Mr. Ferreira dated
January 11, 2017.

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

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Bids are available for public review and inspection on www.pelhamweb.com/board-of-selectmen.

OTHER BUSINESS

Discussion – in reference to Mr. and Mrs. Carver, Greenwood Terrace request for lot line adjustment on a section of Town owned land from the Senior Center property (Map 22 Lot 8-143)

Mr. Viger reviewed the letter sent by Mr. and Mrs. Carver to the Board in reference to their request for lot line adjustment. They have asked that the Town sell a strip land, approximately 40ft wide behind their residence at 6 Greenwood Terrace. The amount of space would be identical to the amount of buffer space their neighbor at 4 Greenwood Terrace currently had. The Carvers were concerned that the current buffer area behind their home was too small; the potential exists that without the buffer, people could easily look inside their bathroom and bedroom. The Carvers indicate they would pay fair market value for the land and engineering expense to create the lot line adjustment.

Mr. Viger believed the request was in relation to the parking lot expansion at the Senior Center, during which some trees were removed. Mr. McCarthy replied the area ran along the back of the lot and they had tried to save as many trees as possible. He indicated the plan was to make some plantings during springtime to enhance the buffer. In speaking with Mrs. Carver, he understood they were concerned with an alternate location for their septic system given the manner in which their property was currently situated.

Mr. McDevitt noted the Board wasn't allowed to sell land without Town approval. He commented that the land requested was tiny (approximately 35ft x 114ft) and didn't know how to determine the fair market value. Mr. Viger pointed out that the request would only add to the Carver's lot and not be a buildable. Mr. McDevitt believed the Board could grant an easement if there was concern about their septic system.

Ms. Spencer reviewed the map provided with the request and questioned what impact it would have on the use of the Senior Center parking lot. Mr. McCarthy replied there would be no impact to the Senior Center parking lot. He spoke with the abutting homeowners and informed the Town would be increasing plantings within the buffer.

Mr. Viger stated the Selectmen could issue an easement in the event something happened to the Carver's septic. It was reiterated any sale of property would require a warrant article. Mr. Lynde felt the Board should hold off giving an easement until one was needed. The Selectmen agreed. Mr. McCarthy will update the Carver's on the Board's decision to prepare a warrant article for 2018 Town Meeting to sell them the property; in the event something happens to the Carver's septic prior to that time, the Board will consider granting an easement for such.

Vote – Petition Warrant Article – all Veteran's property tax credit

Mr. Viger read aloud the petition article to accept the 'All Veteran's Tax Credit' of \$500 under RSA 72:28-B. He confirmed that the article contained the required amount of signatures.

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140 As a veteran, Mr. Lynde opposed the article. He discussed his military service and the service of his
141 family. He believed the idea of the exemptions was for those who served in a combat zone and didn't
142 feel the exemption should be given to those who did not. He pointed out that the proposed exemption
143 would be given to those who served a minimum of 90 days, which was the point where a person
144 would just clear basic training and not be committed to a combat zone. Mr. Lynde felt it would put a
145 burden on the rest of the population at a time when the tax rate should be affordable for everyone. He
146 supported the veterans, but didn't feel the petition article should be supported. He believed those who
147 put their life in a combat situation should receive the exemption. He pointed out that Police and Fire
148 personnel potentially placed themselves in dangerous situations every time they were called out. He
149 didn't feel simply joining the service was sufficient to grant an exemption and asked that the Board
150 not support the article.

151
152 Mr. Viger understood that the Town currently offered a veteran tax exemption. Mr. Lynde believed
153 the current exemption was similar to the proposed. He felt an exemption should be given to those
154 who receive an event service medal based on involvement with a conflict. Mr. McDevitt understood
155 that the current exemption was specific to certain theaters, during certain times; the proposed was
156 more of a 'blanket' exemption. He noted a veteran could receive one or the other, not both
157 exemptions.

158
159 Procedurally, Ms. Spencer saw a person could request an exemption with either the Selectmen or the
160 Assessor, and wanted to know if that was the current procedure. Mr. Viger answered yes. Mr.
161 McDevitt believed the proposed language was statutory. The Board discussed the petition. Mr.
162 McCarthy stated he hadn't seen the specific article. Mr. Lynde noted it had recently passed during
163 last year. Ms. Spencer inquired if other towns had adopted the exemption. Mr. McCarthy replied he
164 had seen the language come out approximately one month ago. Mr. Lynde believed Windham had
165 the same article on their warrant and believed several other towns would also have the article on their
166 ballot.

167
168 Mr. McDevitt discussed the article and would trust the voters to decide whether or not they wanted to
169 pass the exemption. He recalled the Union Leader having an article about the number of towns
170 having a similar article on their warrant. The question in front of the Board is if it will appear on the
171 warrant with the Selectmen's recommendation. He stated his level of discomfort about transferring
172 taxes to other people continues to be high. He wanted the voters to decide what to do with the article.

173
174 Mr. Viger said typically a petitioner could draft language and put forth anything; however in this
175 case, he understood that the article was all statutory language. Mr. McDevitt made a motion to
176 recommend the article. Ms. Spencer seconded. Mr. Lynde indicated although he would qualify for
177 the exemption, he would oppose the article. He stated he didn't sign up for military service to put
178 himself on the dole of the citizens. He said most likely the people that sponsored the legislation
179 didn't serve. He added the State put money aside for it, he would think differently. He felt strongly
180 that the language watered down for those people who really earned the respect for serving in combat
181 zones. Ms. Spencer stated she had a tremendous amount of respect for Mr. Lynde and his service.
182 She spoke about her family members who served in the military and who had different experienced
183 from each other. She acknowledged the resonance of having greater recognition for those who were
184 put in combat zones and whose lives were in danger. She also had respect for those who sign up and
185 have the potential for their lives being disrupted and put into danger at any given time. She agreed
186 this was also the case for Police and Fire personnel. She gave a lot of thought to the difficult decision
187 and stated she would support the article. She said it was a select group of very brave and honorable
188 people who sign up for service.

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190 Mr. Lynde stated he could be more comfortable if there was a different (longer) time period than 90
191 days contained in the article. He reiterated that Police and Fire personnel serve in a similar fashion.
192

MOTION: (McDevitt/Spencer) To recommend the petition article on the Town Warrant.

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

193
194 Mr. McDevitt made a motion to reconsider. Ms. Spencer seconded for discussion. Mr. McDevitt
195 suggested that the Selectmen indicate that the article is submitted without recommendation as
196 opposed to it being not recommended. Ms. Spencer agreed with having the article submitted ‘without
197 recommendation’. She felt having the article indicated ‘not recommended’ would sound like a
198 majority of the Board voted, when it was actually a split vote.
199

MOTION: (McDevitt/Spencer) To reconsider the Selectmen’s motion to recommend the
petition article.

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

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MOTION: (McDevitt/Lynde) To have the petition article appear on the ballot reading
“Submitted without recommendation by the Board of Selectmen”.

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

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Encumber Funds from Special Warrant Article

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Mr. Viger stated it was the time of year for the Board to neaten the books and encumber funds for
2017 from warrant articles of previous years. The Board reviewed a spreadsheet with a breakdown of
articles and the associated balances to be encumbered for 2017 as follows:

Special Warrant Articles:

- 210 1) Fire Station Construction (2012-06)- \$114,371.00
- 211 2) Forest Management (2013-11)- \$ 748.00

2016 Warrant Articles:

- 213 3) Transfer Station Compactor (2016-05) - \$132,591.00
- 214 4) Highway Block Grant (2016-06)- \$240,725.00
- 215 5) Forestry Management (2016-10) - \$ 23,008.00
- 216 6) North East Energy Direct (2016-11)- \$ 33,768.00–(Mr. McCarthy stated this could be
217 returned to General Fund)

Total: \$545,211.00

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MOTION: (McDevitt/Spencer) To encumber \$114,371.00 – Fire Station Construction (2012-
06)

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

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Mr. McCarthy noted that the \$33,768.00 listed for North East Energy Direct was the balance of legal
fees for the pipeline. He recommended that the Selectmen vote to return that amount to the General

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225 Fund. Mr. McDevitt questioned if the entire issue had gone away. Mr. McCarthy replied that it had.
226 Mr. McDevitt wanted to know if the funds could be used if an issue came up with the compressor in
227 North Pelham. Mr. McCarthy replied that the article was specific to the NE Energy Direct project
228 and didn't believe the funds could be used for anything else.
229

MOTION: (McDevitt/Spencer) To return \$33,768.00 from the North East Energy Direct
(2016-11) warrant article to the General Fund.

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

230
231 There was a question whether the Board technically had to vote to carry the balances over to 2107.
232 Mr. McCarthy explained to the Board that the auditors have recommended the Selectmen take action.
233 Mr. Lynde didn't feel the Board needed to take action on non-lapsing articles.
234

MOTION: (McDevitt/Spencer) To encumber \$748.00 – Forest Management (2013-11).

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

235 -----
MOTION: (McDevitt/Spencer) To encumber \$132,591.00 – Transfer Station Compactor
(2016-05).

VOTE: (3-0-1) The motion carried.

236 -----
MOTION: (McDevitt/Spencer) To encumber \$240,725.00 – Highway Block Grant (2016-06).

VOTE: (3-0-1) The motion carried.

237 -----
MOTION: (McDevitt/Spencer) To encumber \$23,008.00 – Forestry Maintenance (2016-10).

VOTE: (3-0-1) The motion carried.

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239 **Review – 2017 Warrant Articles**
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241 Mr. Viger noted that the articles had been reviewed/approved by the Department of Revenue
242 Administration. He stated that the Board had to take action on Article 6 – Operating Budget, given
243 that the Budget Committee held reconsideration and approved changes. He reviewed the changes.
244 The Board took the following action:
245

MOTION: (Lynde/Spencer) To approve \$15,038,403 as the 2017 Town Operating Budget.

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

246
247 Mr. McCarthy noted that the warrant had to be posted by January 30, 2017. Mr. Lynde questioned if
248 \$20,000 had been included in the Health Services budget. It was believed that the figure was
249 included in the budget. Mr. McCarthy told Mr. Lynde he would check with the Finance Director.
250

251 **TOWN ADMINISTRATOR / SELECTMEN REPORTS**
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253 Mr. Lynde attended a New Hampshire Fiscal Policy Institute conference on the direction of the State
254 in reference to development. He discussed the need to increase the number of eligible workers and
255 their skill sets within the State.

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257 Ms. Spencer reported that the five members of the inaugural Pelham Youth Council have been
258 selected and notified. They are working as a committee to determine their inaugural meeting.

259

260 Mr. McCarthy let the Board know that Police Chief Joseph Roark hired a prosecutor who will be
261 scheduled to appear at the next Selectmen meeting.

262

263 Mr. Viger reminded people there were light renovations occurring at Town Hall. Mr. McCarthy
264 noted if anyone in the public had any questions or wanted to review the requests for proposal, he
265 would be happy to speak with them.

266

267 **ADJOURNMENT**

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MOTION: (Lynde/Spencer) To adjourn the meeting.

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

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270 The meeting was adjourned at approximately 7:41pm.

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Respectfully submitted,

273

Charity A. Landry

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Recording Secretary

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