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APPROVED
TOWN OF PELHAM
BOARD OF SELECTMEN - MEETING MINUTES
February 18, 2020
APPROVED – March 3, 2020

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CALL TO ORDER - approximately 6:30PM

PRESENT: Mr. William McDevitt, Mr. Doug Viger, Mr. Hal Lynde, Ms. Heather Forde,
Mr. Kevin Cote, Town Administrator Brian McCarthy

ABSENT: None.

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PLEDGE OF ALLEGIANCE

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MINUTES REVIEW:

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January 21, 2020:

MOTION: (Forde/Cote) To approve the January 21, 2020 meeting minutes as amended.

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

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Mr. Viger arrived.

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ANNOUNCEMENT(S)

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- 1) February 25, 2020 Candidate Event (Sponsored by Council on Aging) will be held at Sherburne Hall beginning at 1pm.
 - 2) February 25, 2020 Candidate's Night (Sponsored by VFW Post 10722) will be held at Sherburne Hall beginning at 6:30pm; program will live stream on FaceBook. For those not attending in person, questions can be sent by text to: 603-508-3089
 - 3) March 10, 2020 Town Meeting will be held at the Pelham High School 7am-8pm

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OPEN FORUM:

No one came forward.

APPOINTMENTS

Attorney David Groff – Gerald Lussier matter

Attorney Groff explained the matter pertained to changing someone's residence from one state to another. He said the two states (New Hampshire and Massachusetts) agreed on the boundary line which placed Mr. Lussier's house into Pelham, NH even though his street address is in Dracut, MA. He confirmed the information with the Town's Assessing Assistant Sue Snide; she confirmed the information with GIS. Attorney Groff said there was no question about the boundary; the assessor's records needed to be corrected.

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Mr. Lynde understood the assessor would go to the location for a valuation. Attorney Groff replied property changes were updated with the assessor on April 1st. He stated Ms. Snide would correct the record; however, she asked that the matter first be discussed by the Selectmen. He explained the house has already been taxed partly in Pelham and partly in Dracut. It was explained that there hadn't been a line change; there was a misunderstanding on a survey plan when the house was built in the 1980s. The line has since been located based on GPS information and shown on the plan submitted to the Board which had been confirmed by the Massachusetts assessor's GIS service and New Hampshire GIS information.

Attorney Groff believed if the Selectmen had no objections or further questions, they could inform Town Assessor who would take care of correcting the matter. The Selectmen had no objection as long as the Assessor was satisfied and could transfer the boundary line. A certified plot plan was provided to the Town.

Mr. McCarthy told the Board he asked for Town Counsel's opinion. Town Counsel recommended confirming the boundary property in Pelham and have the Assessor issue a new/corrected tax card.

Mr. McDevitt stated if the Assessor had any further questions they will get back in touch with the owner of the parcel.

Fire Chief James Midgley – Request for policy revision of the Town Credit Card Policy

Chief Midgley explained there was a recent problem with his Deputy being stranded at the Baltimore airport (when traveling to the National Fire Academy). He stated the Town Credit Card Policy was fine for the purchase of goods; however, when purchasing services for which the physical credit card has to be presented, the individual's license has to match the information on the credit card. He said when the two cards don't match there is a problem. Chief Midgley spoke of other situations where his employees experienced difficulties using the Town credit card for services. He would like to create an amendment to the policy for instances when the Town credit card can't be used, an employee would be allowed to use their personal credit card. Currently the policy indicates an employee should not use their personal credit card under any circumstance.

Mr. McCarthy asked if using Uber or Lyft could be an option. Chief Midgley replied unfortunately, those services wouldn't work for his employees traveling to the National Fire Academy because the travel distance is an hour and forty-five minutes from the airport. Another issue is the location of the academy being in the middle of nowhere. Mr. McCarthy said he asked the question because most hotels now charge a daily parking fee for rental cars. Chief Midgley understood they would use the Town credit card when possible; however, there were situations they wouldn't find out about a problem until arriving at a destination. He noted he personally would be fine because the credit card has his name on it but others using the card would have difficulty because it doesn't match their license. Mr. McCarthy said in the past they asked Enterprise Bank if the cards could simply say 'Town of Pelham' and were told the cards had to have a name on them.

Mr. Cote referred to 'C' in the policy that indicated employees should have cash on hand for small purchases when traveling with the card. He saw department employees may receive up to \$200 petty cash when traveling on long trips and questioned how it was determined. Chief Midgley replied they looked at where the employee would travel to and how long they would be away. He noted the Town finance department indicated they didn't want small purchases on the credit card because they would have to track those small purchases. As an alternate, an employee signs a document stating they received petty cash and it was their responsibility to present the department with receipts; if receipts

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96 aren't presented the employee had to reimburse the Town. The process has worked in the past and
97 they've never had a lost receipt.

98

99 Mr. McDevitt believed petty cash amounts could be determined within the departments. He asked if
100 the Selectmen objected to allowing the use of a personal credit card when it was impractical to use the
101 Town credit card. Mr. Viger suggested exploring the issuance of multiple credit cards.

102

103 Town Treasurer Charlene Takesian was seated in the audience and came forward. She discouraged
104 giving everyone a credit card. She wasn't aware of the Fire Department's policy regarding petty cash.
105 Mr. Viger had no problem with the Deputy using his personal credit card when he's in a situation and
106 can't rent a car. Ms. Takesian wanted to know how many people used the Town credit card. Chief
107 Midgley said there were a lot of employees who used the Town card.

108

109 Mr. McCarthy stated it was a newer program implemented a couple years ago and suggested they see
110 what other options were available.

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112 The discussion was recessed to allow for the posted Public Hearing to occur.

113

114 **PUBLIC HEARING: The Selectmen will hold a Public Hearing on the proposal to allow the**
115 **operation of sports betting within the Town of Pelham**

116

117 Mr. McDevitt opened the Public Hearing.

118

119 Mr. McCarthy stated there was an article on the warrant to see if the voters would allow the operation
120 of sports betting within the Town. He said the sports betting article was essentially similar to the Keno
121 article that passed last year. The article invites more gambling opportunities in smaller towns within
122 the State and operate on the same premise as Keno. He stated it would allow a window or machine in
123 an establishment for patrons to bet on a sporting event. The income goes to the State Education Fund
124 that would eventually trickle down to the towns.

125

126 Mr. McDevitt noted the article had been placed on the warrant as 'Recommended by the Board of
127 Selectmen'.

128

129 Ms. Forde understood funds from the Keno program would only come to a town if they had full-day
130 kindergarten. Mr. McCarthy believed that was true. Ms. Forde questioned if Pelham would miss out
131 on the sports betting funding because the Town still didn't offer full-day kindergarten. To the best of
132 his knowledge, Mr. McCarthy said there was no discussion whether a town had to have kindergarten
133 or not. He said he would check and get back to the Board.

134

135 Mr. Lynde didn't see much benefit to the Town because they wouldn't get any of the money. He said
136 the money would be dedicated to the State Education Fund; however, he believed the State would find
137 a way to use the funds to offset what the Town currently received. Ms. Forde understood the article (if
138 passed) would allow a retail establishment to offer sports betting on their premises. She noted on-line
139 gambling was already allowed.

140

141 Mr. Cote saw the article more as an issue of helping businesses within Pelham. He didn't see it as a
142 question of if they would receive money.

143

144 Mr. Lynde inquired if a business had to be licensed by the State to do the betting. Mr. McCarthy
145 believed they did. Mr. McDevitt added the Town didn't give out licenses. He agreed with Mr. Cote
146 that it may drive business for the small businesses in Town as well as help their bottom line.

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Mr. McDevitt opened the hearing to public input. No one came forward. He said the article is on the warrant and will go forward to the voters.

There were no further questions/comments.

The Board resumed their discussion with Fire Chief Midgley and Treasurer Charlene Takesian regarding the Town’s credit card policy. Chief Midgley described how the department handled small purchases in the past. He understood the Board may have an issue with the use of petty cash; however, the old way of using debit cards was no longer an option for them.

Mr. Cote understood the issue with the credit card not matching a license. Ms. Forde questioned if the department could use a pre-loaded debit card that covered their travel for flexibility in tracking expenses. Mr. Viger pointed out the situation that occurred was the Fire Department Deputy was renting a car and the credit card didn’t match the name on the license. Mr. McDevitt believed the answer would be for the employee to use their personal card. Ms. Takesian mentioned the reason they had employees use the Town credit card was to avoid having them use personal cards. She said there had been complaints by employees not being reimbursed before their personal credit card bill was due. She thought having a pre-paid debit card was a good suggestion as opposed to using petty cash.

Personally, Mr. McCarthy didn’t have a problem with how the policy read. He preferred they be allowed to use the Town credit card for everything and would discuss further with the Chief. He questioned if issuing credit cards to management would help the situation. Chief Midgley replied it would; however, there were some situations/instances of travel by other employees that would arise. Mr. McCarthy suggested leaving the policy in place but allow the use of personal credit cards if a specific situation came up. Mr. Viger said the policy could read ‘at the Chief’s discretion’. Mr. McCarthy reiterated he had no problem with how the policy was written and allow employees to use their personal credit card when using the Town card didn’t work.

Mr. McDevitt said at the moment the policy will remain unchanged, including the usage of petty cash, but indicate if approved by the Department Head, an employee could use their own credit card.

Mr. Cote explained his problem with the \$200 petty cash was the language didn’t specify a timeframe. He suggested clarifying the language to possibly indicate a per diem. Mr. McCarthy replied they could clarify the language. Mr. McDevitt thought that was a good point.

Mr. McCarthy wanted to know if the Board was okay with leaving the policy as written. He would work with the Fire Chief regarding the \$200 petty cash language. Mr. Viger understood department heads would have authorization to use person credit cards as needed. Mr. McCarthy understood.

Road Agent Frank Ferreira – Request to purchase equipment via the Highway Block Grant

Mr. Ferreira stated he would like to purchase a sidewalk machine for snow blowing and cutting brush. He said they were currently using a skid steer but it was very slow. He pointed out the length of sidewalks would be increasing. He indicated the Transfer Station’s current bobcat would cost over \$13,000 to fix, therefore if he purchased the sidewalk machine with the block grant he could give the Highway Department’s skid steer to the Transfer Station. Currently both departments used the one machine which was very difficult. Mr. McCarthy believed the department could do more things with the proposed sidewalk machine because it could use various attachments. The request was to use Highway Block Grant funds so there would be no impact to property taxes.

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199 Mr. McDevitt confirmed with Mr. Ferreira he obtained quotes for the equipment. Mr. Ferreira
200 answered yes. He reviewed the quotes and spoke about his recommendation. He requested the
201 purchase of a multihog from Equipment East for \$153,210 with a full 5-year warranty. The multihog
202 would come with attachments to clear sidewalks and cutting roadside brush.

203

204 Mr. Viger commented the request was a lot of money coming at the end of the season and questioned
205 why it wasn't on Mr. Ferreira's radar prior to now. Mr. Ferreira replied he tried doing the work for less
206 money by using the department's skid steer. With the expansion of the sidewalks he said the current
207 machine would take at least one day to clear them; the proposed machine was much faster and could
208 use other attachments for additional work.

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210 Mr. Cote asked Mr. Ferreira if he'd looked at Avant or Multi One for similar equipment. Mr. Ferreira
211 answered yes and discussed the types of machines he reviewed and the reason he made his
212 recommendation for the multihog through Equipment East.

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214 Mr. Lynde confirmed the equipment purchase would be allowed through the Highway Block Grant.
215 Mr. McCarthy answered yes. Mr. McDevitt said ideally the request should have been included in the
216 Highway Department's proposed budget or on the Capital Improvement Plan. Mr. McCarthy explained
217 when the budgets were being put together they didn't have a problem with the skid steer; however, it
218 was having problems and they had to make a decision to either spend \$13,000 on old equipment that's
219 being recommended not to be repaired or to get a new machine. In trying to do things the right way,
220 Mr. Ferreira looked at purchasing a bigger machine because of the expansion of the sidewalks. He said
221 the situation grew when the skid steer failed.

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223 Mr. Viger stated he wasn't against obtaining the equipment, but the Board had to ask the tough
224 questions. He said once they had answers they could move forward.

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226 Mr. Cote questioned if they were considering the Fund Balance or Highway Block Grant. Mr. McDevitt
227 replied the request was for the block grant. They couldn't use the Fund Balance unless they had a
228 warrant article. Mr. McCarthy noted the cost would come from the Highway Block Grant; annual funds
229 given to the Town by the State. Mr. McDevitt asked if there was grant money remaining from last year.
230 Mr. Ferreira replied he was still working on funds received in 2017.

231

232 Mr. Viger inquired if the department was on schedule for road repairs next year. Mr. Ferreira answered
233 yes. Mr. Viger asked if taking the funds from the grant would put them behind. Mr. Ferreira answered
234 no; he was ahead of the curve.

235

236 Mr. Cote asked if Mr. Ferreira could foresee any equipment that would have a similar issue as far as
237 replacement. Mr. Ferreira replied he wouldn't be requesting a replacement; however, next year he
238 would be requesting a fourth trailer at the Transfer Station. Currently when they have a breakdown
239 they had to swap trailers around. Mr. Cote wanted to know if the funding for the trailer would be
240 requested from the grant. Mr. Ferreira answered no; the grant could only be used for road repair
241 equipment. The Highway Block Grant money can't be used at the Transfer Station.

242

243 Mr. Viger offered a motion to purchase the equipment as recommended by Mr. Ferreira. Ms. Forde
244 questioned if they were waiting for an additional quote. Mr. Ferreira replied that was different
245 equipment; he had been waiting and waiting for an answer but didn't hear back.

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MOTION: (Viger/Lynde) To spend \$153,210 from the Highway Block Grant for the equipment
recommended by Road Agent Frank Ferreira. (multihog machine from Equipment

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East for \$153,210 with a full 5-year warranty - included with the purchase was also the following attachments: ribbon snowblower, drop spreader and flail arm)

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

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Mr. Lynde commented the New Hampshire Municipal Association ('NHMA') recently had a webinar on recycling that indicated 25% of trash was food waste. He asked if there was any way to start composting. Mr. Ferreira commented they currently had a rat problem. He said another issue would be the need for additional employees. Mr. Lynde said it was something to think about. Mr. McDevitt believed some communities did composting but didn't think they were small towns.

Mr. Lynde inquired about the deadline to start construction of the highway building to have it done this year. Mr. McCarthy replied construction would begin in the spring when the weather allowed for it. There was no deadline. He said he met with Roland Soucy earlier in the evening who was waiting for one more quote on a steel building. He noted Mr. Soucy would attend the next Board meeting with renditions and solid numbers. He reiterated when weather permits construction would begin so the building could be done this year.

DISCUSSION

Review of the 2020 Voter's Guide

The Board was provided with a copy of the voter's guide to review. Mr. Lynde noted the wording in #17 Leasing Town Land doesn't match what the Selectmen voted. He said the warrant article should not talk about leasing Town land. Mr. Cote said the wording was supposed to say 'structures'. Mr. Lynde referred to the Selectmen meeting minutes of January 22, 2020 during which they approved specific warrant article language.

Mr. McDevitt noted the heading for #17 shouldn't say 'town land'; however, it's clarified in the explanation of the article.

Mr. Cote believed town owned space could mean town owned land. During the Board's discussion (January 22nd) they didn't want to move forward with land. Mr. Viger noted it would come down to the Selectmen's approval. He said if something came forward for land they didn't have to approve it.

Mr. McDevitt stated the Selectmen voted on the wording of the warrant article that would appear on the warrant. He asked how the warrant read and if it was different from what they voted on. Mr. McCarthy checked the wording of the actual warrant and told the Board the warrant was correct; however, the voter's guide was not correct. He said they could fix the voter's guide.

Cemetery Trustee vacancy

Mr. McDevitt informed State law indicates the Selectmen shall appoint a person to fill an unexpired term of a Cemetery Trustee when a vacancy occurs. There is currently a vacancy that expires in two years. He said they requested Town Counsel's opinion on the matter and referenced RSA 289:6,1 that is specifically for Cemetery Trustees.

Mr. McCarthy stated he would post all vacancies (boards/committees/trustees) tomorrow. His goal was to have all volunteer applicants attend the March 17th Selectmen meeting.

293 Ms. Forde asked if they had to take action to create an electrical advisory committee. Mr. McDevitt
294 answered yes. He said they didn't have a committee charge. He will work with Mr. McCarthy to create
295 a task for the committee.

296

297 **Review of the revised Town of Pelham Policy & Procedure manual**

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299 Mr. McCarthy stated the manual was sent to the Board. Anything new would appear in green.
300 Anything in blue was simply reformatted to make a policy flow better. Anything highlighted in red
301 and/or yellow would be removed. He said it was essentially the same book with the inclusion of policies
302 approved by the Board during the last year or two.

303

304 Mr. McDevitt inquired how employees were informed. Mr. McCarthy replied after the Selectmen
305 approve the manual he would set up trainings in April for all Town employees who in turn sign a release
306 form agreeing to abide by the policies. He was seeking approval to move forward.

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308 Mr. Lynde asked if they could wait until their next meeting to approve. Mr. McDevitt answered yes.

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311 Mr. Viger made a motion to accept the policies as amended. There was no second.

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313 Mr. McDevitt stated they would take the matter up and act on the manual during their next meeting.

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315 **Selectmen Lynde request regarding HB 1341**

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317 Mr. Lynde provided the Board with a request (and draft letter) to send to the State Legislature. He said
318 in looking at Legislature's calendar for the week he saw a bill that caught his interest as it had an impact
319 to the Town. In summary the bill would modify something put in place in 2011 and change the effective
320 date to be in place for 2021. He said it would increase the Town's contribution cost for Police and Fire
321 Department retirements by 17%; this would cost many thousands of dollars. Mr. Lynde wanted to send
322 a message to the State Representatives to not support the bill. He read the proposed memo aloud.

323

324 The Board discussed the State's retirement fund and how contributions were made. Mr. Viger wanted
325 an opportunity to review the figures and back them up. Mr. Cote didn't understand what the Legislature
326 was voting on. Mr. Lynde stated the figures came from the information given to the Legislature. He
327 added they were voting to either pass the bill or kill the bill. He provided the Board with a copy of the
328 bill prior the meeting. He was asking the Board to send a letter to their representatives to oppose the
329 legislation because it had a fiscal impact on the Town. He explained he learned about the bill two days
330 ago and had been working to get information together for the Board to discuss.

331

332 Mr. McDevitt stated he appreciated Mr. Lynde bringing the information forward. In reviewing the
333 information, he said it appears the State is looking to restore cuts previously made to pensions; however,
334 the minority report indicates they are concerned with them being passed onto property owners in terms
335 of higher property tax payments. There was a brief discussion regarding the history of retirement costs.

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MOTION: (Lynde/Forde) To submit a letter to our State Representatives in opposition to House
Bill 1341.

VOTE: (3-1-1) The motion carried.
Voting in favor were: Mr. Lynde, Ms. Forde and Mr. McDevitt
Voting in opposition was: Mr. Viger

Abstaining was: Mr. Cote

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Mr. Lynde will forward the letter to the State Representatives as they were going to be in session the next day.

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TOWN ADMINISTRATOR / SELECTMEN REPORTS

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Ms. Forde informed she and Mr. Cote would go the high school March 3rd to go through the voter's guide with the upper classmen (around voting age) to make sure they are informed on local issues and to ensure they know how to register to vote.

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REQUEST FOR NON-PUBLIC SESSION

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MOTION: (Cote/Forde) Request for a non-public session per RSA 91-A:3,II, a (personnel)

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

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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 8:03pm.

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MOTION: (Cote/Forde) To leave non-public session.

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

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The Board returned to public session at approximately 8:34pm.

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ADJOURNMENT

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The meeting was adjourned at approximately 8:34pm.

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Respectfully submitted,

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Charity A. Landry

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Recording Secretary

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