

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
Monday, June 15, 2009 at 6:30 PM**

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**Present:** Chairman Fred Kline; Selectman David Sheldon; Selectman Cindy Lewis; Selectman Larry Preston; Selectman Tina Courtemanche

**Staff:** David Jodoin, Town Administrator

**1. CALL TO ORDER**

Chairman Kline called the meeting to order at 6:33 PM.

**2. CITIZEN COMMENT**

None

**3. SCHEDULED MEETINGS**

**Public Hearing RSA 31:95-b Acceptance of FEMA Monies**

Mr. Jodoin gave a brief overview of this grant which is for the December, 2008 ice storm and totals \$10,893.59.

Chairman Kline opened the public hearing at 6:34 PM. There being no comments from the public or the selectmen, Chairman Kline closed the public hearing at 6:35 PM.

**Action:** Selectman Preston moved to accept the FEMA monies in the amount of \$10,893.59 in accordance with RSA 31:95-b. Selectman Courtemanche seconded. Motion passed 5-0.

**PSNH – Update on Station Scrubber**

Bill Smagula, PSNH, was present to give an update on the Merrimack Station Clean Air Project. He gave an overview of the project and design. He indicated that the project is proceeding on schedule, is approximately 50% complete and construction of the 445' chimney has begun. This project will remove mercury and sulfur emissions from the generator plant. PSNH anticipates this project to be completed by mid 2012.

Selectman Lewis asked what the hours of construction are. Mr. Smagula stated that the general work hours are eight hours days, five days per week however due to the complexity of some concrete work on the chimney, some work is being performed 24/7.

Chairman Kline asked about the overall cost of the project Mr. Smagula stated that there has been no recent change to the cost and the project is being done on budget.

Chairman Kline thanked Mr. Smagula for providing the Board with the update.

### **Lonny Meloon – 209 Bean Hill Road**

Mr. Meloon was present to discuss paving the easement (turnaround) on Bean Hill Road and to request that the Board reverse their decision not to pave it. He explained that there is substantial run-off and erosion from the turnaround area during heavy rain as well as problems during snow movement. He has been maintaining the easement when these problems occur. He stated that he is on the process of paving his driveway and has received a quote for paving the turnaround in the amount of \$2,000. He will be supplying funds for this project but is requesting that the Town reimburse him for all or part of this cost.

Mr. Boisvert, Public Works Director, was present and stated that paving will help but there are no funds available in the budget to cover paving this area. He asked that if the easement were to be paved, who would be responsible to maintain it should any damage occur.

The easement and warranty deeds were discussed. Selectman Preston was concerned with getting involved in and maintaining easements as the town is not responsible for this process. The Selectmen agreed that there are no funds in the road's budget but Selectman Sheldon recommended that should there be funds left over in the roads budget at the end of the year, the request could be revisited. Selectman Lewis suggested that legal counsel be contacted to review the issue. Mr. Meloon asked if he would have access to information obtained from legal. Chairman Kline stated that he would as it is public information.

**Action:** Selectman Lewis moved to postpone the discussion regarding the easement on Bean Hill Road pending legal advice. Chairman Kline seconded. Motion passed 5-0.

Mr. Jodoin will follow up with legal.

### **Melissa Drive Drainage Issues**

Chris Storti, 7 Melissa Drive, was present and gave a brief overview of the drainage issues in his area and is requesting that the town address and repair the problem. Mr. Jodoin distributed, for the Board's review, documentation on Melissa Drive including deeds, approved plans, and Planning Board minutes from the mid 1980's. He has also contacted former Selectmen and Planning Board members. Mr. Jodoin indicated that there is no language in any of the documentation that this is the town's responsibility. Chairman Kline stated that he and Mr. Jodoin recently walked the area and could not locate where the water is coming from however they did determine that it is not coming from the culvert in question.

He stated that he could find nothing in the documentation making the town responsible for this issue and it was agreed that the Selectmen will take no action at this time but will help in any way they can. He also suggested that more research be done on the property itself and suggested that Mr. Storti contact Pembroke Water Works to determine if there is possibly a leak in the water line.

Mr. Storti requested any available information regarding this issue including minutes from the Board of Selectmen meetings held on 6/1 and 6/15. Selectman Preston handed Mr. Storti his packet of information.

### **Richard Verville/Jim Gallagher/Steve Landry – Buck Street Dam/River Issues**

Chairman Kline stated that this meeting is with the NH Department of Environmental Services and the Board of Selectmen regarding the proposed hydro-electric dam and the status of the Suncook River Restoration Project. He read into the record a brief statement outlining meeting protocol. Present for this meeting were: Richard Verville, Hazard Mitigation Manager, NHOEM; Jim Gallagher, Chief Engineer, DES, Dam Bureau; Steve Landry, DES, Watershed Assistance Division. Representatives from Epsom and Allenstown were invited. Correspondence was received from Epsom representatives stating that they would not be able to attend.

#### Buck Street Hydro-Electric Dam

Mr. Gallagher gave a brief history of the present Buck Street Dam as well as information regarding the permit application from Northeast Hydrodevelopment. He stated that the permit application stakes claim to this dam for a period of three years and gives the company exclusive rights to perform a study but that no work will be done without further approvals. He stated that the State has not encouraged and does not support the implementation of the hydro-electric dam and that the State's plans are to remove the dam once their review process is complete. He further indicated that grants that have been applied for to remove the dam have been denied due the demand for dam removal. Should the project with Northeast Hydrodevelopment go through, they would have to lease the dam from the State and there are currently only 11 out of 270 dams that are leased out. Mr. Gallagher does not feel that this project will go through and encourages public comment by the deadline. He offered his assistance to the Board of Selectmen in submitting their comments to FERC. The gates to the dam are currently being kept open at all times.

Pentti Aalto, 720 Bachelder Road, commented on both the proposed dam and the removal of it. He feels that more studies need to be done before any decisions are made, that something must be done to control the water flow, and that a better alternative would be to repair the issues occurring upstream.

Dave Richards, Old Bear Brook Road, is opposed to the dam and is in favor of removal. He indicated that the permit application states that there are no know artifacts however there are two major historical artifacts including the foundation of the original sawmill and, on the Allenstown side, an almost full foundation of a gristmill. There are also Great Blue Heron nests that could be affected.

William Allaire, Bachelder Road, is opposed to the dam and feels that the amount of homes that would be powered by dam will not warrant the amount of further flooding it will cause to other homes.

Mr. Allaire also feels that any previous studies that have been performed should be void due the changes in the river.

Gerry Richards, Old Bear Brook Road, is opposed to the dam.

Tom Baumeister, Bachelder Road, gave details of a water reading summary he has kept during the most recent rain storms and stated that from Thursday morning to Monday morning the river rose to just under six feet. He is in favor of removing the dam.

### Suncook River Restoration Project

Steve Landry gave a synopsis of events that have taken place on the Suncook River Restoration project, stemming from the 2006 river avulsion that occurred. The Town of Epsom came forward to study the avulsion and determine some restoration alternatives. This initiative from the Town of Epsom brought in DES as a funding partner. The funds that were expended through Section 319 of EPA's Clean Water Act in conjunction with matched funds from the Town of Epsom generated a geomorphology based assessment and restoration alternative study which has been completed by a project consulting firm, VHB. This assessment report states various alternatives including a no action alternative, restoring the river back to its original channel as well as other alternatives that would attempt to stabilize the river in its current location and try to arrest the head-cutting and massive erosion. The results of this study were presented in 2008 through a series of meetings in Epsom. VHB made their recommendation for the preferred restoration alternative based on feasibility, likelihood of permitting and funding, and public input. The preferred alternative was discussed at length with the public and the Suncook River Restoration Task Force which is made up of area representatives, representatives from Pembroke, Allenstown and Epsom, resource agency personnel, and DES. The Task Force decided to pursue the recommended restoration alternative #3 to stabilize the river. They sought out a funding source, FEMA pre-mitigation grant, which was ultimately denied. The grant application was received well on a state level however when it competed nationally, did not demonstrate a high enough benefit for cost analysis. The demonstrated past impacts, past losses and economic losses did not stand up when compared to other restoration projects on a national scale. DES then decided to pursue other funding avenues and is currently in discussion with Mr. Verville for an Emergency Management Performance Grant to do the design and permitting on a portion of the restoration and to arrest the sediment transport, massive erosion, and bank failures. Congressman Hoades and Senator Shaheen are working on DES' behalf and have both made fiscal year 2010 appropriations for the full \$4 million dollars to restore the river.

Richard Verville gave a brief history on the Pre-Disaster Mitigation Grant Program. Congress appropriates \$100 million dollars for national mitigation projects annually. This past year they received over \$700 million in applications.

After reviewing the application for the Suncook River Restoration and the FEMA review panel's comments that were made on the application, the benefit cost analysis portion was not enough to substantiate the grant. Due to additional damages that have occurred since the application was submitted, they are considering and hoping to resubmit the request with more benefit cost.

Mr. Verville indicated that they are moving forward with additional funding with the Town of Epsom to do some of the planning work. Any expended funds will be removed from the resubmission of the FEMA grant application. Mr. Verville suggested that a better approach may be to possibly break down the project into phases.

Chairman Kline requested an update on the USGS studies that were done and where they currently stand. Mr. Landry read into the record a USGS report on their process and additional studies that are on-going. They anticipate the completed and reviewed report to be available by late August. The sediment model is running but more calibration is needed and a study report is currently being written. Mr. Landry stated that he will keep the Board updated as he receives more information.

Chairman Kline asked that with the continued sediment flowing downstream and the perceived lack of movement on the additional scope of project, would it be advantageous to reconvene the task force which would encompass the original scope of project as well as the remainder down to Merrimack. Mr. Landry responded that Chairman Kline, as a task force member, can request a meeting at any time and that if such a request was made, he will move forward to convene a meeting of the task force and will request that USGS attend. Chairman Kline requested that this meeting be scheduled. Mr. Landry will follow up.

Chairman Kline inquired if there was any further information regarding the RT4 Bridge and the head-cutting that is occurring that was said will destroy the bridge. He asked about the stabilization of the head-cutting as well as the costs associated with it. Mr. Landry indicated that DOT is closely monitoring the bridge and have been taking measurements under the bridge as well as documenting their findings. The head-cutting is advancing and the bridge is still at risk until the main channel of the Suncook River is stabilized. Mr. Landry will invite DOT to the task force meeting so they can supply updated information on the bridge.

At this time, Chairman Kline opened the meeting to public comments.

Tom Baumeister, 809 Bachelder Road, discussed violations of water quality and the sand pit that caused the diversion of the river. He presented a map of the areas in question identifying land owners of and around the sand pit area which includes the Town of Epsom and the State of NH. Mr. Baumeister is concerned and read correspondence regarding the Cutter Trust excavation practices on Black Hall Road and questioned if any action had been taken with regard to violations that were made. Chairman Kline requested copies of the correspondence that Mr. Baumeister has obtained.

Attorney Brandon Guida asked if consideration had been made to re-direct the river. Mr. Landry said it had and gave details as to why it was not the preferred alternative.

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There was further discussion about different options for restoring the river. Chairman Kline suggested that the geomorphology study that was done and the alternatives be re-reviewed to determine if VHB's recommended preferred alternative is still the best option. Mr. Guida offered his services, at no charge, with any assistance he can provide with regard to better alternatives.

Lisa Rocheford, 722 Bachelder Road, asked if the river restoration and removing the dam are two separate projects and if the river were restored, would they still remove the dam and if so, what the cost would be. Mr. Gallagher replied that they would still remove the dam and the approximate cost would be \$150,000. Ms. Rocheford is concerned about water flow once the dam is removed.

Linda Spofford, 805 Bachelder Road, asked if the Hydro study would put a hold on the removal of the dam. Chairman Kline and Mr. Gallagher both replied no.

Sally Hyland, 720 Bachelder Road, thanked all the representatives for attending the meeting and asked if there were any residents on the task force and if not, if there could be. Mr. Landry replied there were no residents involved in the task force at this time but it could be an option. Ms. Hyland inquired as to permits for the restoration projects and presented photos that show the impact the river issues has had to the land near the RT4 bridge.

Pentti Aalto, 720 Bachelder Road, strongly urges the continuance of the task force and to add other members of the community.

Mr. Landry pointed out that Epsom began working on the river restoration issues with limited funds which is why it incorporated only the area of the RT4 Bridge to Short Falls.

Chairman Kline thanked everyone for attending the meeting and called a brief recess at 9:09 PM. The meeting resumed at 9:14 PM.

#### **4. OLD BUSINESS**

##### **Solid Waste Facility Signage**

Jim Boisvert, Public Works Director, stated that the sign is made of sign board and is being paid for through a New Hampshire the Beautiful grant. The Selectmen noted some typographical errors that need to be corrected.

**Action:** Selectman Preston moved to approve the sign with corrections. Chairman Kline seconded. Motion passed 5-0.

### **Union Street Retaining Wall**

The Board reviewed photos of a damaged retaining wall on Union Street and discussed the causes for the damage, including drainage, and options to repair it. Selectmen Lewis suggested that the wall be repaired versus replaced at this time but stressed the importance of keeping the salt off. Mr. Jodoin will contact Merrill, who constructed the wall, for their input and cost estimate for repair.

## **5. NEW BUSINESS**

### **Manifest**

**Action:** Selectman Lewis moved to approve the Manifest as presented. Selectman Sheldon seconded. Motion passed 5-0.

### **Abatements/Timber Tax Warrant**

Selectman Lewis questioned the Timber Tax bill for Jeffrey Fleury. Mr. Jodoin indicated that the State Forestry department could be contacted to inspect the site if needed. This warrant will be held until Mr. Jodoin obtains additional information.

**Action:** Selectman Sheldon moved to approve the Abatements as recommended by the Assessor. Selectman Courtemanche seconded. Motion passed 5-0.

The Board postponed approving the Timber Tax Warrant until more information is received.

### **Minutes 6/1/2009**

**Action:** Selectman Sheldon moved to approve the Minutes of 6/1/2009 as amended. Selectman Courtemanche seconded. Motion passed 5-0.

### **Non Public Minutes 4/6/09, 4/20/09, 5/4/09, 5/18/09**

**Action:** Selectmen Lewis moved to approve the non-public minutes of 4/6/09, 4/20/09, 5/4/09 and 5/18/09 as presented. Selectman Courtemanche seconded. Motion passed 5-0.

## **6. TOWN ADMINISTRATOR REPORT**

Mr. Jodoin distributed both the revenue and expense reports through May 31, 2009. He indicated that the overall expenditures are in line.

Enclosed for the Boards review included: copy of a letter sent for the Conservation Commission and the RSA pertaining to land purchases; information on the cost of state cruisers; correspondence from Donald Lyford, State DOT, concerning the rotary at Pembroke Hill Road; letter from CNHRPC regarding TE Program; PSNH Shoreline Management Plan; correspondence from Suncook Youth Soccer; Groundwater Commission discussion to be held June 22<sup>nd</sup> at 6:30 PM; Bow ZBA notice; copy of letter sent to the National Guard; Energy Conference; photo of the new manhole covers; letter of thanks from the Suncook Rod and Gun Club for the donation for the fishing derby; notice of ground-breaking ceremony at Grace Capital Church on June 19<sup>th</sup> at 5:30 PM; notice for Semi Q's golf tournament at Plausawa Valley Country Club (checks need to be made out to Plausawa Valley).

The intersection of RT3 and Pembroke Hill Road was discussed. Selectmen Lewis questioned the amount that has been paid on this project to date. Mr. Jodoin will follow up and report back to the Board.

The crack sealing bid that was awarded to Fiorentino Asphalt in Epsom was discussed. Apparently, Fiorentino has no workers compensation insurance however they are willing to get the insurance to do the project. The additional cost that Fiorentino will incur to add the insurance will decrease the amount of crack sealing to 9,600 pounds from 12,800 pounds. Mr. Jodoin stated that by comparison, the next bidder will only put down 7,580 pounds. He also indicated that he discussed this issue with LGC and was informed that they did not need the insurance but would be treated as an employee and added to the town's cost at audit time if they did not have Workers Comp. The Board agreed to proceed with the bid from Fiorentino providing he obtains workers compensation insurance and with the knowledge that the amount of crack sealing will decrease to 9,600 pounds.

Selectman Sheldon opened a discussion regarding the manhole covers being replaced on Main Street and the lack of flaggers or signage to alert traffic. Jim Boisvert, Public Works Director, will follow up.

Selectman Lewis had previously requested information as to who installed the flags along RT3. Mr. Jodoin indicated that according to the Chief Paulsen, it was firefighter Jeff Cyr. The Selectmen asked that Mr. Jodoin send a letter of thank you to Mr. Cyr.

Chief Lane will attend the July 6<sup>th</sup> Board of Selectmen meeting to discuss the street lighting issue and the letter he received from Bow concerning dispatch services.

Mr. Jodoin has been in contact with Ryan Cheney who is requesting access to the French Dearborn Cemetery. Mr. Cheney will be coordinating with the property owner to gain access. Selectman Lewis was instrumental in getting this process moving forward.

The Cemetery Commission has sent out RFP's for surveying the grounds. This will be evaluated based on funding.

Mr. Jodoin met with the Meet Me in Suncook group concerning the windows and they thanked the Board of Selectmen for approaching them.

Mr. Jodoin is working with Jim Garvin on the RFP's to determine what the cost will be. The group also discussed helping to fund the project if the Town does not have the funding.

Mr. Jodoin has requested bids on diesel fuel. The cost to lock in is currently \$2.34 per gallon from July 1, 2009 through July 31, 2010. The Town uses approximately 26,000 gallons per year.

**Action:** Selectman Lewis moved to lock in diesel fuel at \$2.34 per gallon. Selectman Courtemanche seconded. Motion passed 5-0.

Mr. Jodoin met with SAU #53 Business Administrator Peter Aubrey and Superintendent Peter Warburton on June 5<sup>th</sup> to discuss joint purchasing possibly through SVRTA or through the school association SERESC. No decision has been made but they will get back to the Town. Also discussed were the School's cash needs. Mr. Jodoin asked for an anticipated payment schedule to better plan for the Town's cash flow. The SAU provided an estimated schedule that all agreed was subject to change depending on State funding.

Chairman Kline asked if the Board would like to meet annually in the fall with the School Board to collaborate on information. No decision was made.

The bank conversion is underway. Any employee receiving a check this week that is normally direct deposited will need to physically go to the bank to cash their check. Memos have been sent to the departments to inform employees.

There was a rugby tournament held at Richards Farm recently. Fire has questioned whether they should have a large gathering permit and indicated that this annual event has prompted several calls for service. Selectman Lewis stated that the Planning Board permit needs to be reviewed to determine what it was approved for but recalls that it was approved as a sports facility which would mean that no further permits for this purpose would be required.

Sidewalk and road paving have been delayed due to weather conditions.

Mr. Jodoin provided a list of Building Maintenance and Tasks for 2009. There was some discussion about the generator being installed at the Public Works building. Mr. Boisvert will keep the Board updated on this list.

Mr. Jodoin submitted his vacation request for July 10<sup>th</sup> through July 17.

**Action:** Selectman Lewis moved to approve Mr. Jodoin's vacation request. Selectman Courtemanche seconded. Motion passed 5-0.

**7. COMMITTEE REPORTS**

Selectman Lewis reported that Labree Manufacturing, through HP Fairfield, matched the price from CN Woods for the automated truck. The bids were discussed briefly as well as recognized dealers and financing. The Selectmen would like a letter from the factory as to who the authorized representative is. Mr. Jodoin will follow up.

**8. OTHER/CITIZEN COMMENT**

Elizabeth LaRocca, PSNH, delivered a donation on behalf of PSNH for the 250<sup>th</sup> Semi-Q.

The new trash vehicle will be discussed at the next Selectmen meeting scheduled for July 6<sup>th</sup>.

Kevin Foss has decided to proceed with his resignation from the Economic Development Committee.

**Action:** Selectman Preston moved to accept Kevin Foss' resignation from the Economic Development Committee. Selectman Sheldon seconded. Motion passed 5-0.

Mr. Jodoin will draft a letter of thank you to Mr. Foss.

**9. NON PUBLIC SESSION – RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.**

**Action:** Selectman Sheldon moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (a) at 10:36 PM.

Roll Call Vote:

Chairman Fred Kline (yes)  
Selectman David Sheldon (yes)  
Selectman Cindy Lewis (yes)  
Selectman Larry Preston (yes)  
Selectman Tina Courtemanche (yes)  
Vote: Unanimous

The Selectmen came out of non-public session at 10:56 PM and voted to seal the non-public minutes.

**10. ADJOURNMENT**

**Action:** Selectman Preston moved to adjourn the meeting at 10:57 PM. Selectman Courtemanche seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

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Fred Kline, Chair