

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
August 10, 2009 at 6:30 PM**

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

**Staff:** David Jodoin, Town Administrator

**1. CALL TO ORDER**

Chairman Kline called the meeting to order at 6:30 PM.

**2. CITIZEN COMMENT**

None

**3. SCHEDULED MEETINGS**

**Public Hearing in accordance with RSA 31:95-b the acceptance of a \$300,000 grant from the United States Department of Agriculture**

Mr. Jodoin gave an overview of the procedures pertaining to RSA 36-A stating that at one time the Town of Pembroke voted in a Conservation Commission and in doing so they gave authority to the Commission to appropriate money as deemed necessary. Those funds appropriated as well as any gifts of money can be placed in a separate fund and allowed to accumulate over the years. The money that is set aside in this fund can be expended without further approval of Town Meeting. However, before any expenditure of funds can be made from the fund, the Conservation Commission must hold a public hearing. The Board of Selectmen can but are not required to, hold a public hearing other than the hearing to accept the grant. However, the Board must vote on the purchase of the land before the Commission can expend the funds.

Selectman Lewis clarified that until the property is valued, there is no guarantee on the amount of the grant (currently stipulated at \$300,000) and that the grant that is received will total one half of the assessed value of the land.

There was discussion regarding the house that is currently on the land and the requirement to subdivide it out of the purchase. This process must go through and be approved by the Planning Board. Selectman Lewis clarified that the house being subdivided is one lot only.

Chairman Kline opened the public hearing at 6:36 PM.

Ammy Heiser, Chair, Conservation Commission gave a detailed summary of the proposed purchase including the Commission's rating criteria of the land, specifics of the land as well as details pertaining to the Farm and Ranch Lands Protection Program.

She is requesting that the Selectmen sign a non-binding agreement for this purchase and vote to accept the grant for \$300,000. Ms. Heiser also explained that this purchase will not affect the tax rate as the Conservation Commission has the funds available.

Selectman Lewis opened a brief discussion regarding 5 Rivers Trust. Ms. Heiser explained that 5 Rivers Trust is a land trust that holds conservation easements, monitors them yearly and enforces that requirements are being met; in this case being used for agricultural purposes. It is recommended that a Town not monitor their own conservation easements. 5 Rivers Trust accepts a one-time donation of \$5,000 to help with expenses of monitoring the property.

Mr. Jodoin read into the record, correspondences in favor of the purchase from Senator Sylvia Larsen; James Garvin, State Architectural Historian; and Dana Carlucci.

The following residents were present and are in favor of the purchase; Janet Anderson, Harriet Bean, Jay Godfrey, Lee Grimes, Reg and Sarah Dickenson, Barbara Payne, Ayn Whytemare, and Steve Fowler.

Chairman Kline closed the public hearing at 7:01 PM and asked for any further comments from the Board of Selectmen.

Chairman Kline clarified that the agreement was non-binding and if asked if there could be conditions added. Mr. Jodoin stated that based on correspondence from the attorney, the Agreement does not bind either the United States or the town to purchase the property. Additionally, Mr. Jodoin stated that according to NRCS, this agreement came from the Federal Government and cannot be changed.

**Action:** Selectman Sheldon moved to authorize the Chair to sign the grant application and allow the Conservation Commission to move forward with the purchasing process. Selectman Courtemanche seconded. Motion passed 5-0.

### **Lonny Meloon – Bean Hill Road**

Mr. Jodoin gave a brief summary of this issue stating that Mr. Meloon is requesting financial relief for money he spent to pave an easement located at Bean Hill Road. The Selectmen are in possession of documents pertaining to the easements, deeds, and cost estimates.

Mr. Meloon was present and gave a brief summary of his perception of the last meeting with the Board of Selectmen (6/15/09) stating that he had requested the Town to reimburse him for all or part of the cost of paving the easement.

He was informed at the time of the last meeting that there was no funding available in the road's budget for this purpose. He questioned a motion made at the 6/15/09 meeting regarding funds that may be available from a general fund at years end to help offset the cost. (Recording Secretary notes of 6/15/09 show that no motion was made to this effect. 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.) A motion was made to table the issue pending legal advice. Mr. Meloon stated that at the 6/15/09 meeting, it was his understanding that when the attorney letter was received regarding this issue, the Board would share its contents with him. He asked if this information had been received and if so, if the Board has changed its position on sharing the contents. He believed that the issue being discussed with Legal was if the town would be liable for damages to the easement from plowing, etc.

Chairman Kline explained to Mr. Meloon that there are certain aspects of legal advice that can be made public and some that will remain between legal council and the Board of Selectmen only. Mr. Meloon stated that he believes Chairman Kline, as the holder of that privilege, can share the communication and that the Board can vote to disclose the information. He does not understand why the Board would not want to share the contents of the document from Legal. Selectman Sheldon explained that the correspondence from legal council reviews more than just this issue but the summary regarding this request from Mr. Meloon could be disclosed. Mr. Meloon was handed this summary to read.

**Action:** Chairman Kline moved that the Town will be unable to help offset any paving costs associated with this project and in addition and for the record, "(1) Mr. Meloon has changed the nature of the easement by paving the easement area by his own volition and without any assistance from the town; (2) the town should not be responsible for damages that occur to the pavement itself, or to third-party properties as a result of the easement area being paved; and (3) the town continues to have an obligation to maintain the easement in a condition that does not unreasonably interfere with the use of the Meloon property. Selectman Sheldon seconded. Motion passed 5-0.

### **Solid Waste Recycling Carts/Truck Purchase**

Sally Hyland, Chair, Solid Waste Committee, Jim Boisvert, Director of Public Works, and Gerry Fleury were present to discuss recycling carts, Peterbilt refurb, and the new truck purchase. Ms. Hyland stated that RFP's were issued for the carts and four viable responses were received (Cascade, HP Fairfield, Rehrig Pacific, Toter Inc.). The Solid Waste Committee is recommending using Toter, Inc. as the vendor for a cost of \$41.37 for each 64 gallon cart. This price includes \$3.60 delivery charge as well as the Pembroke imprint on the cart and two different color lids.

The bid price for the carts will hold until a December purchase order is issued with a March or April delivery. The carts were available in the meeting room for viewing. The process of residents purchasing the carts was discussed as well as set-up and delivery of the carts, public notification and discounts for residents who pay early.

Ms. Hyland stated that the refurbishment of the Peterbilt is underway. Additional work has been found that needs to be performed that was not included in the original bid. The Department of Public Works will be doing some of the work once the truck is returned from Donovan's. Mr. Boisvert will come back to the Board in two weeks with more definitive financial information. There was some discussion regarding the budgeted amount/appropriation for the refurb. Chairman Kline clarified that the Board of Selectmen authorized expending \$93,000 for the refurb. and that any additional expenditures must come before the Board for approval.

Ms. Hyland indicated that the Solid Waste Committee decided to hold off on the bids for the new truck until the carts are finalized. Further, the Committee voted to delay the implementation of the program until the spring of 2010 due to cash flow issues.

Timing and budget issues were discussed briefly as well as encumbering funds for the carts and the new truck. Mr. Fleury reminded the Board that the purchase of the carts by the town was not recommended by the Budget Committee.

Ms. Coleen Reilly, Sales Representative, Rehrig Pacific Company, was present and outlined several advantages to purchasing the carts through Rehrig. On the spreadsheet of bids, it appears as though the Pembroke imprint is an additional charge of \$2.50. Ms. Reilly clarified that the proposal given by Rehrig included the Pembroke imprint on the side of the cart and an additional charge of \$2.50 would cover an imprint on the tops of the lids that include pictures/diagrams of what trash goes into which cart.

The bids were discussed in more detail. Selectman Lewis stated that the carts are not being chosen based on price alone. The Board requested that the Solid Waste Committee go back to the bidders for clarification on what is or is not included in their proposals and report back to the Board. Additionally, all vendors should be invited to attend the meeting.

**Action:** Selectman Lewis moved that the Solid Waste Committee re-review the bids for the carts for further clarification. Selectman Courtemanche seconded. Motion passed 5-0.

Ms. Hyland stated that the Concord Cooperative facility will not be open when Pembroke is due to start the recycling program therefore, a meeting should be scheduled with Casella and the Selectmen to discuss a price agreement for Casella accepting single stream recyclables from Pembroke at their Allentown facility until the Concord Coop's facility comes on-line. Ms. Hyland asked the Selectmen how they would like to proceed. No decision was made.

The issue with Littlefield condo was mentioned and will be discussed at a later date.

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

##### **Retaining Wall at 4 Union Street**

Correspondence from Merrill Construction to Mr. Boisvert states that they believe the only way to remedy the problem with the retaining wall is to replace it. It appears as though salt was a major factor in the problem that has eaten the base of the wall.

Mr. Boisvert stated that Caruso Brothers will be coming out to see what they can do to stabilize the top portion of the wall and will give the Selectmen their input on the bottom portion.

##### **Execute Contract North Pembroke Road**

There was a brief discussion regarding cost of the paving as well as, 4" vs. 5" binder and top coat.

Mr. Jodoin stated he has received a letter from Merrill stating that they are ready to begin the project. The contract and the wetlands permit need to be signed. The work must be completed by September 30, 2009 to comply with the grant.

Mr. Boisvert requested that the paving for Cross County Road (dirt section) be reconsidered. There was no comment.

Selectman Lewis requested clarification that no additional/extra paving will be done off North Pembroke Road, specifically driveways. Mr. Boisvert will research and contact Mr. Jodoin on Tuesday 8/11/09.

Selectman Lewis requested that Mr. Jodoin continue his efforts in pursuing more cost savings on this project. He will follow up and research the process of addendums/change orders.

**Action:** Selectman Preston moved to approve and authorize the Chair to sign the contract with Merrill for North Pembroke Rd. Selectman Sheldon seconded. Motion passed 5-0.

**Action:** Selectman Lewis moved to approve and authorize the Chair to sign wetlands permit #2009-01348. Selectman Sheldon seconded. Motion passed 5-0.

**Action:** Selectman Sheldon moved to approve the amount of \$306,912 for paving. Selectman Preston seconded. Motion passed 5-0.

Any additional funds that are required for paving will come out of the Road's budget.

## 5. NEW BUSINESS

### **Resignation**

Todd Terrien has resigned from the Planning Board. The Board requested that Mr. Jodoin send a letter to Mr. Terrien accepting his resignation, regretfully, and thanking him for his service to the town. Mr. Jodoin will draft the letter.

### **Appointments**

**Action:** Selectman Preston moved to appoint Brian Seaworth as a member of the Planning Board. Selectman Lewis seconded. Motion passed 5-0.

The position of Emergency Management Director, vacated by Tom Petit, was discussed as there are now two interested parties. This appointment was tabled until more input is obtained.

### **Update 2009 Town Wage Scale**

Mr. Jodoin distributed the current 2009 Town Wage Schedule. He suggested that both the Grade 13 Tax Collector and Grade 16 Police Sergeant positions should be changed from salary to hourly to conform to the memo that was distributed in 2005 by then Town Administrator Troy Brown. Mr. Jodoin also stated that the Sergeants position was a duplicate as it was already listed on the hourly side.

**Action:** Chairman Kline moved to approve the updates to the Town Wage Schedule. Selectman Sheldon seconded. Motion passed 5-0.

### **Manifest/Abatements**

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

### **Minutes 7/6/2009 and 7/20/2009**

**Action:** Selectman Sheldon moved to approve the minutes of 7/6/2009 as presented. Selectman Courtemanche seconded. Motion passed 4-0. Chairman Kline abstained as he was not present at the meeting.

**Action:** Selectman Sheldon moved to approve the minutes of 7/20/2009 as presented. Selectman Courtemanche seconded. Motion passed 3-0. Selectman Preston and Selectman Lewis abstained as they were not present at the meeting.

## 6. TOWN ADMINISTRATOR REPORT

Included in the Selectmen's packet for review were: Copy of the status report from Granite Hill Municipal concerning the statistical update for the town, everything is proceeding ahead of schedule; letter from Chief Lane concerning the proposed dispatch service switch; information concerning the monitoring at the DPW facility; two technical releases from the State concerning the ARRA meetings as well as the reduction of revenues and that municipalities have the opportunity if they choose to hold special meetings to inform the residents that revenues will be cut at the State level; letter from Recreation to Suncook Youth Soccer; and correspondence from Donna Drive residents regarding water and drainage issues.

## 7. COMMITTEE REPORTS

Chairman Kline reported that he still has not been able to reconvene the State Rivers Task Force and would like to write a letter to the Governor to this effect on behalf of the Board of Selectmen. The Board was in favor of this. Mr. Jodoin will draft a letter.

The Monarchs tickets donated by Selectman Sheldon were raffled off at the golf tournament and raised a donation of \$102.00 to the Semi-Q fund.

Chairman Kline requested that Mr. Jodoin include a thank you in the next newsletter to all vendors that supported the golf tournament.

The additional liability insurance for Old Home Day that was originally thought to be \$153.00 is actually \$188.70. Chairman Kline requested authorization to expend the funds.

**Action:** Selectman Sheldon moved to authorize the expenditure of \$188.70 for additional liability insurance for Old Home Day. Selectman Courtemanche seconded. Motion passed 5-0.

Additional polo shirts need to be ordered. Chairman Kline requested authorization for this purpose.

**Action:** Selectman Sheldon moved to authorize the purchase of 20 polo shirts for an amount not to exceed \$425. Selectman Lewis seconded. Motion passed 4-0. Selectman Courtemanche abstained.

Chairman Kline reported that the legal process is underway for a grant for the school department. He will keep the Board informed of the progress.

## 8. OTHER/CITIZEN COMMENT

**Application – Inspection Station Appointment Contact Information Update**

A request was made that Chairman Kline sign a letter authorizing Mr. David Jodoin, Town Administrator, to make decisions for and execute documents for the Town of Pembroke, NH effective November, 2008.

**Action:** Selectman Sheldon moved to authorize the Chair to sign the application letter. Selectman Preston seconded. Motion passed 5-0.

9. **NON PUBLIC SESSION - RSA 91-A:3 II (c)** Matters which, if discussed in public, would likely affect adversely the reputation of any person, other than a member of the public body itself, unless such person requests an open meeting. This exemption shall extend to any application for assistance or tax abatement or waiver fee, fine, or other levy, if based on inability to pay or poverty of the applicant.

**Action:** Selectman Preston moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (a) at 9:03 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 Board voted to seal the minutes.

**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 changes 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 9:15 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 9:18 PM.

**10. ADJOURNMENT**

**Action:** Selectman Sheldon moved to adjourn the meeting at 9:19 PM. Selectman Courtemanche seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

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Fred Kline, Chair