

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
Wednesday, February 20, 2008 at 6:30 PM**

Present: Chairman Brian Tufts; Selectman Larry Preston; Selectman Cindy Lewis; Selectman Fred Kline; Selectman David Sheldon

Staff: Geoff Ruggles, Town Administrator

1. CALL TO ORDER

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

2. MEETINGS

State Senator Sylvia Larsen; Army National Guard - Brigadier General Steve Burritt, Director and Commander; Colonel Jeff Vorce, Director of Facilities

State Senator Sylvia Larsen, Brigadier General Steve Burritt and Colonel Jeff Vorce were present to discuss a parcel of land on Route 106 that the Army National Guard is interested in purchasing for their State training facility. This property consists of approximately 188 acres in Pembroke's commercial district and represents one of the largest undeveloped tracts of land in Pembroke. The Selectmen's main concern is that the purchase of this property by the National Guard would not only remove the current tax revenue, but would significantly affect the town's future commercial tax revenue when the property is developed. This in turn shifts the tax burden onto the residents of Pembroke. Additionally, the Selectmen are concerned about the noise the intended facility would generate. It was also made clear that the purchase of this land and its intended use by the National Guard had not been brought before the Board of Selectmen until recently.

General Burritt began the discussion by giving an overview of the proposed facility and its intended use. He explained that it was never their intention not to communicate with the community and felt that they had done so. He stated that it appears there has been a breakdown in communications pertaining to their initial conversations with some Pembroke staff members and that they will re-focus their communications. General Burritt distributed a brochure which briefly outlines their plan for the facility including cost estimates. State funds will be used to purchase the land and federal funds used for construction of the facility. He addressed the issue of the noise generated by the facility stating that most of the noise will take place on the weekends when surrounding businesses are not open. Colonel Vorce explained the process of how the land is acquired. First, the funds must be appropriated. This has been completed and is in the capital budget which went into effect July 1st. Second, locate the parcel of land and have a purchase and sales agreement drawn up. Finally, present the agreement to the Governor and Executive Council for approval. Once approved, the National Guard can proceed with the closing and acquire the land. The National Guard is now at the point of presenting the agreement to the Governor and Executive Council however, it was taken off their agenda due to the Board of Selectmen's letter to Senator Larsen outlining their concerns.

Should this proposal be approved, it will require approximately two years of planning, design work and bidding before building will begin which is estimated for October, 2010.

The Selectmen discussed their concerns and requested that other options be considered such as a different parcel of land that would have less impact on future commercial tax revenue. General Burritt made it clear that they are not in a position to build this facility in a residential area. Senator Larsen inquired if it would be possible to subdivide the land in effort to decrease the burden. General Burritt does not feel that this is in their best interest considering their intended use of the land and the fact that a portion of the land is unusable. Chairman Tufts stated that it is not the Selectmen's intention to prohibit a land sale however, they must protect the interests of the Town of Pembroke. The Selectmen requested two weeks to identify other options that Pembroke may offer as an alternative and will hold a work session Wednesday, February 27, 2008 for this purpose. This item will be put back on the agenda for the next Board of Selectmen meeting scheduled for March 5, 2008.

Public Hearings

UNH Project 54 - Cruiser Equipment

Chairman Tufts opened the public hearing at 7:44 PM.

Chief Lane has requested authority from the Board of Selectmen to accept \$45,000 worth of cruiser equipment from the University of New Hampshire's Project 54 program. This equipment will provide voice activated technology in five cruisers. There is no cost to the town for the installation of this equipment.

Chairman Tufts asked for public comments. There being none, he closed the public hearing at 7:51 PM.

Action: Selectman Kline moved to authorize Chief Lane to accept \$45,000 worth of cruiser equipment from the University of New Hampshire's Project 54 program. Selectman Sheldon seconded. Motion passed 5-0.

Fee Schedules

Chairman Tufts opened the public hearing at 7:55 PM.

Mr. Ruggles explained that the fee schedule has been updated and he has incorporated the police special detail rates into the schedule under the Police Department Fees. The dog violation fees were changed to increase fees for certain violations. There was some discussion regarding the ordinance for dog violations. The ordinance presently on record was adopted in 1986 and no longer corresponds with State statute. A new ordinance will need to be adopted which will include the updates/increases and clarify the present ordinance. Mr. Ruggles will draft warrant article RSA 466:31 and 466:31-a.

Action: Selectman Preston moved to add warrant article RSA 466:31 and 466:31-a. Selectman Lewis seconded. Motion passed 5-0.

Chairman Tufts asked for public comments. There being none, he closed the public hearing at 8:05 PM.

Action: Selectman Sheldon moved to accept the fee schedule with the effective date of April 1, 2008. Selectman Preston seconded. Motion passed 5-0.

3. CITIZEN COMMENTS

None

4. OLD BUSINESS

NH Department of Safety - Sobriety Checkpoints

Action: Selectman Preston moved to approve the highway safety grant and authorize the chair to sign. Selectman Lewis seconded. Motion passed 5-0.

Conservation Commission

Amesbrook Easement

Ammy Heiser was present to discuss the Amesbrook easement and gave a brief overview of the current issues/concerns. Ms. Heiser explained that the Conservation Commission was unaware that it was the policy of the Board of Selectmen not to except easements until the work is complete. She asked the Selectmen for an exception to this policy. The Selectman discussed this at length and did not unanimously agree to make an exception.

Action: Selectman Sheldon moved to accept the Amesbrook easement. Selectman Kline seconded. Chairman Tufts requested a roll call vote from the Board.

Selectman Cindy Lewis, (no)
Selectman Larry Preston (no)
Selectman Dave Sheldon (yes)
Selectman Brian Tufts (yes)
Selectman Fred Kline (yes)

Vote: Pass 3-2

Land Purchase

Ammy Heiser and Stetson Heiser discussed issues surrounding the Conservation Commission's ability to purchase land and the fact that approval must be obtained at town meeting. Ms. Heiser asked if approval can be obtained any other way. Her concern is that since town meeting is only once each year, sellers may not be willing to wait that amount of time for a sale. Chairman Tufts explained that the Board supported the Conservation Commission's warrant article for the purchase of a particular piece of land however, when that sale fell through, the warrant article was pulled..

He further explained that the Board of Selectmen agreed, at town meeting, not to purchase land without it being put to a town vote. He also stated that the Conservation Commission can bring a non-binding petition warrant article with 25 signatures to town meeting requesting that the Selectmen be able to act on a land purchase by the Conservation Commission. Mr. Ruggles pointed out that it would not be difficult to hold a special town meeting should the Conservation Commission wish to purchase land.

Town Meeting Warrant

Mr. Ruggles stated that the warrant article on dog fees, RSA 466:31 and 466:31-a, will be added to the Warrant. The Selectman discussed the possibility of moving the Article 16 to after Article 5 and the added article on dog fees becoming Article 17.

Action: Selectman Preston motioned to move Article 16 to after Article 5. Selectman Lewis seconded. Motion passed 4-1. Selectman Kline voted no.

Action: Selectman Sheldon moved to accept the Town Meeting Warrant, as amended, moving Article 16 to after Article 5 and the additional article on dog fees will become Article 17. Selectman Kline seconded. Motion passed 5-0.

Mr. Ruggles stated that the amended warrant needs to be signed by Monday, February 25, 2008. He will update it and have available for signatures on Thursday morning.

5. NEW BUSINESS

Appointment of Kevin Foss to the Economic Development Committee

A letter was received from John Payne, Chairman, PEDC, requesting that Kevin Foss be appointed to the Economic Development Committee.

Action: Selectman Kline moved to approve the appointment of Kevin Foss to the Economic Development Committee as recommended by John Payne. Selectman Sheldon seconded. Motion passed 5-0.

Minutes

February 6, 2008 - Public

Action: Selectman Preston moved to approve the minutes of February 6, 2008 as amended. Selectman Lewis seconded. Motion passed 3-0. Selectman Sheldon and Selectman Kline abstained as they were not present at the meeting.

Town Administrator's Report

Harry Weatherbee, GSI, has informed Mr. Ruggles that deeper borings and more tests need to be done on the highway garage. Based on the results of these tests, GSI can determine what kind of pilings and bracing will be best to use. The estimate for the work is \$3,800.00.

Action: Selectman Preston motioned to move forward with the estimate from GSI. Selectman Kline seconded. Motion passed 5-0.

Mr. Ruggles would like to get the Recreational Needs Study Committee back on track. There was some discussion over maps/boundries and future needs, specifically soccer fields and the protection of all fields. The general feeling of the Board is that all committees involved must work together in order to find an acceptable resolution. Mr. Ruggles will attempt to coordinate a combined effort.

Mr. Ruggles is in receipt of a preliminary union contract. After a brief discussion, Chairman Tufts stated that a ratified, signed contract must be received in time for town meeting. If there is no such signed contract, it cannot be taken to town meeting for a vote and the warrant article will be pulled. Mr. Ruggles will follow up.

Mr. Ruggles plans to meet with Stephanie Alexander, Planning Board Consultant, to clarify her position as it pertains to the Planning Board. Her time spent on voting day was also discussed. The Board requested that Mr. Ruggles invite the Planning Board to an upcoming Board of Selectmen meeting for feedback and updates on planning.

Mr. Ruggles is scheduled to meet with the Department of Revenue in two weeks regarding assessments.

The grant application deadline for the box culvert on Church Road was not met but it is still possible to submit the application. It was determined and agreed by the Selectmen that this culvert is not necessary due to the fact that the current two 36" culverts installed last year are adequate.

Action: Selectman Preston motioned to not move forward with the grant for the Church Road box culvert. Selectman Lewis seconded. Motion passed 5-0.

The grant for the paving and construction on North Pembroke Road was discussed along with drainage and the possibility of obtaining an easement. Mr. Ruggles will research and keep the Selectmen updated.

Mr. Ruggles stated that the fire department is in need of a new furnace this spring. This subject prompted Selectman Preston's concern pertaining to the high temperature that is being maintained at the fire department garage. He would like an explanation as to whether this is normal procedure and if so, why. Mr. Ruggles will follow up and report back to the Board. Some options for regulating the temperature were reviewed.

See the attached BOS/TA task list for further updates.

Manifest

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

Tax abatements, exemptions & credits

Action: Selectman Preston moved to accept as recommended by the assessor. Selectman Kline seconded. Motion passed 5-0.

Committee Reports

6. OTHER / CITIZEN COMMENTS

None

7. NON-PUBLIC SESSION RSA 91-A:3 II (a) - Personnel

Action: Selectman Lewis moved and seconded by Selectman Sheldon to enter non-public session in accordance with RSA 91-A:3 II (a) - Personnel at 10:00 PM.

Roll Call Vote:

Selectman Cindy Lewis, (yes)
Selectman Larry Preston (yes)
Selectman Dave Sheldon (yes)
Selectman Brian Tufts (yes)
Selectman Fred Kline (yes)
Vote: Unanimous

The Board of Selectmen came out of non-public session at 10:11 PM.

8. ADJOURNMENT

Action: Selectman Kline moved to adjourn the meeting at 10:12 PM. Selectman Preston seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

Brian Tufts, Chairman