

MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
Wednesday, April 4, 2007

Present: Selectman Larry Preston; Selectman Brian Tufts; Selectman Fred Kline;
Selectman Cindy Lewis. and Selectman Dave Sheldon.

Staff: Troy R. Brown, Town Administrator, Linda A. Williams, Administrative
Secretary

1. CALL TO ORDER

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

2. PUBLIC HEARINGS

Resolution 2007-4 - Parking Violation Penalties

Chief of Police Scott Lane gave a brief review of the previous meetings regarding the increasing of parking violation penalties. He explained that the last increase was in 2002 and he is looking to bring fines into line with other surrounding towns. In 2006 non-payment of parking fines amounted to approximately \$6,000 of lost revenue. He explained that in addition to the increased fines the other most notable change is the plan to tow non-compliant vehicles when they are found on Pembroke streets. The vehicles in violation will first be posted with an orange warning sticker notifying them that they have a certain period of time to pay their outstanding parking violations or they will be towed when next found on the street. Selectman Sheldon asked where the towed vehicles would be stored. Chief Lane explained they will be stored in the impound lot of the towing company used. Selectman Tufts opened the hearing for public comment at 6:37 pm. Roland Lemoine, resident, recommended doing it. As there was no further public comment Selectman Tufts closed the public hearing at 6:38 pm.

Action: Selectman Preston moved to approve Resolution 2007-04 – Parking Violation Penalties as presented and for the Chair to sign. Selectman Kline seconded. Motion passed 5-0.

3. NON-PUBLIC SESSION

RSA 91-A:3 II, (b)– Hiring

Action: Selectman Preston moved to go into non-public session under the provisions of RSA 91-A:3 II (b). Selectman Sheldon seconded. Sel. Preston -yes; Sel. Tufts-yes; Sel.Kline -yes; Sel. Lewis-yes; Sel. Sheldon-yes. Motion passed 5-0 and the Board went into non-public session at 6:39 p.m.

Action: Selectman Kline moved to come out of non-public session and seal the minutes confidential as they deal with a personnel matter that could adversely effect an employee's reputation. Selectman Sheldon seconded. Motion passed 5-0 and the Board came out of non-public session at 6:47 p.m.

4. MEETINGS

Emile Lacerte, Public Works Director

Mr. Lacerte reported that the problem with the Public Works Building wall that is separating from the rest of the building has gotten worse. It was recently noticed that it has shifted another ½ inch away from the building. Following discussion it was recommended that a structural engineer be contacted for a recommendation on repairs to both buildings.

Mr. Lacerte reviewed the plans for spring and summer project. Those projects include street sweeping to start in May, catch basin cleaning, road striping, ditching, replacement of cross culverts and catch basins, roadside mowing, and brush cutting.

The Church Road reconstruction project was discussed at the recent Roads Committee meeting. It is hoped this project can begin soon. Jeffers Co. will be doing the work with the Town purchasing the necessary materials to save money. It was requested that the Board waive the bidding requirements on the Church Road Reconstruction Project.

Action: Selectman Kline moved to waive the bidding process for the Church Road Reconstruction Project. Selectman Sheldon seconded. Motion passed 5-0.

There were problems with the sidewalk plow during the last snowstorm. The Public Works Department was not able to plow all the sidewalks after that storm due to the breakdown of the plow. Mr. Lacerte also explained that plowing the sidewalks in Suncook Village has become more difficult due to the benches and flower boxes installed which the plow has to try to navigate around.

5. NEW BUSINESS

North Pembroke Road Bridge Expenditure

Mr. Brown and Mr. Lacerte met last week with Ed Roberge of the City of Concord regarding repairs to the bridge. With a commitment from Pembroke for the 50/50 share of the repair costs, Concord will seek their share of the funding and will also submit the application to the State. Concord is in agreement that repair option two is the best plan for the bridge. Option 2 included replacement of the deck. The cost to the Town of Pembroke for 50% of the repair cost is estimated to be \$18,000. Including the additional costs of the temporary repairs previously done, Mr. Brown is requesting \$25,000 in total funding for the repairs. Mr. Brown explained that there is no requirement to hold a public hearing to expend these funds and since time is of the essence he requested that the Board take action on this tonight.

Action: Selectman Preston moved to appropriate \$25,000 from the Bridge Repair Replacement Fund. Selectman Kline seconded. Motion passed 5-0.

Resignation

Mr. Brown received a letter of resignation from Emile Lacerte, Public Works Director. Mr. Lacerte has taken another position and will be leaving the Department on April 20th after 16 years with the Town of Pembroke. Mr. Brown read Mr. Lacerte's letter of resignation which explained that he was leaving due to concerns regarding the loss of his position at Public Works due to changes in the department. The Board thanked Mr. Lacerte for his hard work and wished him the best.

6. CITIZENS COMMENTS

A&B Lumber Company

Mr. Jeffrey Coombs and his Attorney, Chris Gardner of Hinckley, Allen and Snyder, came tonight to address the Board on the problems and frustrations encountered with Town staff during the expansion of A&B Lumber Company. Mr. Gardner addressed the Board on behalf of Mr. Coombs to explain the series of problems that have delayed the construction schedule. Attorney Gardner stated that he has worked with Mr. Coombs for many years and explained that Mr. Coombs is deeply concerned with the process they had to go through working with the Town of Pembroke over the last several months and the effect it had on their business and the direction they hope to go moving forward. In August of 2006 Mr. Coombs began working on the construction project, a drive through facility, with the intention of the expansion to help A&B Lumber to remain competitive with large national chains in the area. At that time Everett Stone was the CEO. When the project began it was explained to Mr. Stone that the highest priority was that this project be completed quickly so not to interfere with business. Mr. Coombs met with Mr. Stone to work on developing a plan for this process. The plan developed with Mr. Stone was to work on the permits as the process moved along, this plan was critical to the project progressing quickly. This agreement was understood to be consistent throughout the project. Had Mr. Coombs known that this would change and they would have to have all the processes before the Town to review before they would be permitted it would have been a very large problem and impediment to the building progress. Shortly after beginning the building process they ran into problems with the foundation permit process and had a problem with needing the ADA Compliance letter. At this time Mr. Stone retired and an interim CEO from Hooksett was filling in. With the temporary CEO involved, Laura Scott, Planning Director revoked the permitting agreement that Mr. Stone had approved. Ms. Scott wanted to see all the necessary information to issue the permit and this caused many more weeks of lost time and money to Mr. Coombs. In December Michael Pelsor was hired as the CEO and the next problem was with the electrical permit which was an agreement made with the interim CEO not to have an electrical engineer to review the plans. That agreement was retracted when Mr. Pelsor came in and required an electrical engineer do the plans. Mr. Gardner explained that this is not a multi-story office building, that it is a simple building with very little mystery and is not a problem to the safety of the public. He also explained that this business is one of the largest employers in Town. In January 2007 the building was essentially completed and the final problem was when Mr. Coombs contacted Mr. Pelsor regarding the steps to get the Certificate of Occupancy (CO). Mr. Coombs was told by Ms. Scott that the site plan needed to be followed to get the CO and that the paving and landscaping needed to be able to be done. Ms. Scott said that they could get a conditional CO until able to take care of these items in the spring. In March the sprinkler system was permitted and Mr. Pelsor was handling the retaining wall problem. Then Mr. Pelsor left and another interim person is in. Mr. Coombs is tired of getting slapped down by the Town in trying to get this handled cooperatively with the Town. They are bewildered as to why they have been put through this unfair process. The effect of this on the business is that it has cost the company hundreds of thousands of dollars and the disruption and turmoil has caused A&B to lose many customers and money, and they have had to cut jobs. Their plan to build a corporate headquarters has been scrapped due to the costs of this project. Atty. Gardner asked that the Board not just take his word that the facts are accurate but to investigate for themselves why Town officials are not willing to cooperate with Mr. Coombs on this, was it incompetence or indifference? When conducting the investigation look at the Master Plan which states good communication when working with businesses and sticking to agreements made during the process is important. Mr. Gardner stated that the problem with this project was that Town staff did not stick to the agreements made with A&B. Selectman Tufts said that information will be gathered on this situation and Mr. Coombs

and Atty. Gardner will be invited back to discuss the outcome. Selectman Lewis stated she wanted the Board to see what it takes for people to step forward and wants everyone to know that there are 30 other companies that have had the same problem with working with Town staff and are afraid to come forward due to the backlash. Selectman Kline respectfully asked Mr. Coombs to help speed up their investigation by submitting copies of any agreements he had with Town staff. Mr. Gardner stated that A&B is not a company that does business that way and stated that the proof that there were agreements is the CO signed by Mr. Brown. Selectman Tufts understood and stated that verbal agreements are often given during building projects. Mr. Brown explained that when the permit was issued there were no sprinkler and electrical plans submitted. Mr. Coombs stated that they were done. Atty. Gardner said it is important to make one point, Mr. Brown issued the document and on the document it says that it was pending review at this time, but then in December they asked for an electrical engineer to be brought in. Selectman Tufts asked Mr. Brown to work with Town staff on the report on this situation. Mr. Brown said that he could have the report prepared by the first of May as he is on vacation the last week of April. Selectman Lewis said that this is such an issue and will get all the other businesses to come in on this. Selectman Tufts explained that during the preparation of this report the functioning of the Town still must go on. Also the Board will need time to review the report and he would expect it to be ready by May 2nd or 9th and will get back to Mr. Coombs and Atty. Gardner when ready. Atty. Gardner asked if they would be able to review the report. Selectman Tufts said that legal counsel would be consulted as to what information can be given out. Betsy Bryant of A&B Lumber recommended that interim CEO, Jack Deever, be involved in the process. Mr. Brown explained it will take some time to pull together all the information from the various people involved. Selectman Lewis said that this is a Pembroke problem that is ruining our town and what is going on is causing an incredible amount of anger in the commercial community and that companies are delaying or pulling their plans because of this. She went on to state that she has been told that when a business is thinking of locating in Pembroke and calls other businesses in Town to ask if they would recommend locating in Pembroke they are told not to come to this Town. Selectman Sheldon understood that there have been several personnel changes that have aggravated this situation and that is to be expected when new personnel takes over a project midstream. Selectman Sheldon stated that all they have heard from is Mr. Coombs on the problem situation he encountered with the Town. He asked if there are 30 others who have had the same experience that they should be brought in on this before going against staff. Selectman Lewis stated that there are a lot of people who do not want to cause a problem because of the fear of retribution and that the ones that have come here about their problems did not receive any response from Town staff. Selectman Tufts said that this would be part of the investigation and also recommended that in the future any agreements be documented.

7. OLD BUSINESS

Code Enforcement Officer Update

Mr. Brown reported that Jack Deever is doing a great job as the interim CEO. The advertisement has been in the Union Leader and on the Local Government Center's website. Recommendations were made for the committee to review the resumes and evaluate who should be interviewed. It was recommended that the resume review committee include a member from the Board of Selectmen, Planning Board, Zoning Board, and the Fire Chief. It was also recommended that Mr. Deever be included in the review process.

MS 2 Form

Action: Selectman Kline moved to have the Chair sign the MS-2 form. Selectman Preston seconded. Motion passed 5-0.

Acceptance of Unanticipated Funds

Donations were received from the Women's Club, PSNH, Amoskeag Rowing Club and Comcast.

Action: Selectman Preston moved to accept the donations. Selectman Sheldon seconded. Motion passed 5-0.

Appointments

Action: Selectman Lewis moved to approve the following appointments:

Todd Terrien as a member of the Planning Board with a term to expire 4/30/08
Daniel Crean as an alternate member of the Planning Board with a term to expire 4/30/09
Bill Bonney as a member of the Zoning Board with a term to expire 4/30/10
Bruce Kudrick as a member of the Zoning Board with a term to expire 4/30/10

Selectman Kline seconded. Motion passed 4-0. Selectman Preston was absent for this vote.

Action List

Mr. Brown reviewed the action list. There were three contract proposals from KV Partners he submitted. The first proposal was for the surveying work to be done on Church Road for the property transfer. The fee for the surveying is \$3,540.00. There was a brief discussion if other options for surveying could be used.

Action: Selectman Sheldon moved to go forward with the proposal.

Selectman Lewis questioned the scope of the surveying proposed and felt that a plan will be needed for each of these lots to go to the Planning Board. She felt that more was being done than needed to be done regarding this situation. It was pointed out that this is what was voted for at Town Meeting.

Action: The above motion was pulled for lack of a second.

Information will be compiled as to what is needed to finalize this issue.

Mr. Brown presented a contract for KV Partners to do preliminary engineering work to estimate the scope of the issues to be addressed for the reconstruction of Broadway.

Action: Selectman Kline moved to waive the bidding process and to authorize the Town Administrator to enter into the contract with KV Partners for Broadway reconstruction plans.

It was explained that this is a study that needs to be done for the project to move forward to the next step. Selectman Lewis felt that it was too expensive for the work to be done and suggested that the work could be handled by the Roads Committee and the Public Works Department as had been done in the past. Selectman Kline, Selectman's representative to the Roads Committee, asked who on the committee would be qualified to handle studies required such as the drainage analysis. Selectman Lewis said that was a vague term. Mr. Brown explained it was necessary to estimate the flow of water into the storm sewer. Selectman Lewis stated that Public Works would go out and do that and now we give it to the Town engineer, KV Partners, to do all the work.

Selectman Kline pointed out that currently there is no Public Works Director and there is no one qualified to do some of the analysis and suggested maybe we should wait on this project.

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Selectman Preston said that they want to get this project going but he is just being considerate of how this is to be done and the cost. It was asked if the Roads Committee had agreed to this study. Mr. Brown was not sure. As this was not a project that needed an immediate decision it was recommended to have KV Partners come to a meeting to explain how they go through the process. They will be put on the agenda for April 18th.

Action: The above motion was pulled due to lack of a second.

Mr. Brown also has asked KV Partners to do a study of the Public Works Department to see if a transfer station could operate on that footprint and construction of the salt shed needs to get underway. Selectman Lewis ask where WACO is on this and she had heard a comment that the current foundation may be used as the salt shed and a cover constructed over it. Mr. Brown stated he would like to get the bid ready documents from Stantec so that the bid process can begin.

Action List

Mr. Brown reviewed the status of items on the Action List. Some items discussed were sign permits, zoning ordinance violation, and GASB 34 implementation

Minutes

March 14, 2007 Public Minutes

Action: Selectman Kline moved to approve the public minutes of March 14, 2007 as amended. Selectman Preston seconded. Motion passed 3-0. Selectmen Sheldon and Lewis abstained.

March 14 2007 Non-Public Minutes

Action: Selectman Preston moved to approve the non-public minutes of March 14, 2007. Selectman Kline seconded. Motion passed 3-0. Selectmen Sheldon and Lewis abstained.

March 21, 2007 Public Minutes

Action: Selectman Kline moved to approve the public minutes of March 21, 2007 as amended. Selectman Preston seconded. Motion passed 5-0.

March 21, 2007 Non-public Minutes (Two Sessions)

Action: Selectman Kline moved to approve the public minutes of March 14, 2007 as amended. Selectman Preston seconded. Motion passed 5-0.

TA Report

Fire Chief, Harold Paulsen, invited the Board of Selectmen to come to the Fire Department to see the new engine.

Chief Paulsen is also applying for a grant for a Reverse 911 System. The grant is to purchase the software needed.

LGC training seminar will be held for Town staff at the Safety Center. The topics will be Sexual Harassment Training and Ergonomics, Slips and Falls.

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White Sands Conservation Area – Laura Scott has been working with the Police and Fire Departments and PSNH to coordinate a meeting as to what needs to be done. PSNH is willing to put up a gate. A work session meeting will be scheduled with the Board of Selectmen to discuss this issue.

Mr. Brown has consulted with MRI regarding an interim DPW Director when Mr. Lacerte leaves on April 20th. They have an individual who could fill the interim position. Cost would be \$75.00 per hour. Alternate suggestions were a mutual agreement with area towns Public Works Department Director to fill in the interim or to use a temp. agency.

Committee reports

Roads Committee – 2007 road projects throughout Town have been decided on and costs are being determined.

6. NON-PUBLIC SESSION

RSA 91-A:3 II, (b)– Hiring

Action: Selectman Kline moved to go into non-public session under the provisions of RSA 91-A:3 II (b). Selectman Preston seconded. Sel. Preston -yes; Sel. Tufts-yes; Sel. Kline -yes; Sel. Lewis-yes; Sel. Sheldon-yes. Motion passed 5-0 and the Board went into non-public session at 9:54 p.m.

Action: Selectman Kline moved to come out of non-public session and seal the minutes confidential as they deal with a personnel matter that could adversely effect an employee's reputation. Selectman Lewis seconded. Motion passed 5-0 and the Board came out of non-public session at 10:05 p.m.

7. ADJOURNMENT

Action: Selectman Kline moved to adjourn. Selectman Lewis seconded. Motion passed 5-0 and the meeting adjourned at 10:05 p.m.

Accepted by the Board of Selectmen

Brian B. Tufts, Chair