

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
Wednesday, May 16, 2007**

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**Present:** Selectman Larry Preston; Selectman Fred Kline; Selectman Cindy Lewis; and Selectman David Sheldon

**Excused:** Selectman Brian Tufts

**Staff:** Troy R. Brown, Town Administrator

**1. CALL TO ORDER**

Selectman Kline called the meeting to order at 6:30 P.M.

**2. MEETINGS**

**James Townsend – 434 Borough Road**

Notice was sent to Mr. Townsend via certified mail and regular mail. Mr. Brown was not contacted by Mr. Townsend. There was discussion of the process of eviction. It was explained it should take 45 days and can be stopped if Mr. Townsend does want to make payment. It was the felt by the Board that we should go forward with the eviction.

**Action:** Selectman Preston moved to have Town counsel proceed with the eviction process. Selectman Lewis seconded. Motion passed 4-0.

**3. CITIZENS COMMENT**

None

**4. OLD BUSINESS**

**Plausawa Hill Road Petition for curbside waste collection**

Mr. Brown gave the background of the situation that has resulted in a petition of the residents of Plausawa Hill Road asking for curbside pickup of their refuse instead of having to bring it to the beginning of their road. The ability to have the trash truck turn around at the end of the road has been evaluated by Public Works Director, Jim Boisvert, and Foreman Reno Nadeau and has been found to be able to be done with the packer. The only concern they had was when the weather was bad or the road is icy then the trash pickup may be delayed. There is a condition on a 4-lot subdivision at the end of the road that clearly stated that the trash of those 4 residences would not be picked up. There is no condition as to the other 11 residences on the roadway. Selectman Lewis gave the history of this issue and explained that the reason for the no trash pickup condition was so that the developer would not have to upgrade the roadway to Class 5. If trash were to be picked up the upgrading of the road would have been required. Lisa Chronis, 801 Plausawa Hill, explained that regarding the turn around when designed it was built that way for future turn around of the trash truck. Ms. Chronis Has looked at the solid waste chapter of the town code and felt that the code was not being met and that they should have trash pickup since there are eleven residences on the road. Ms. Chronis also pointed out that the hammerhead was approved by the Town for turning around of Town vehicles. It was suggested that more research should be done into the background of this issue. Selectman Kline felt that might not be necessary since town staff has evaluated the road and feels that trash pickup can be done. Selectman Preston asked if there are other situations like this in Town. Mr. Brown explained that he understands that Littlefield Condos trash is not collected curbside but it is brought to a location within the development, also for residences on class 6 roads the residents need to bring it to the class 5 road intersection. Brian Morse, 579 North Pembroke Road, is the owner of the property where the trash is left in front of and asked that the Board change this pickup so that the trash is not left in front of his property where it is an eyesore. There was discussion of having a container at that location. Mr. Morse also explained that other people not from the area leave their trash for pick up. Selectman Lewis felt

that another of the problems was that residents are leaving flimsy kitchen waste bags at the pick up location a day ahead of pickup. These bags were being destroyed by animals and making a mess. The Board discussed the situation and road conditions on the roadway during winter months. Selectman Kline stated that correspondence from Town counsel clearly indicates that the decision on this issue resides with the Board of Selectmen.

**Action:** Selectman Sheldon moved to provide this service for a one year trial period to see if it is plausible to do it and to inform the residents of this trial period. Selectman Kline seconded. Motion failed 2-2. Selectmen Lewis and Preston voted no.

Selectman Kline asked if there was any other suggestion for resolution of this situation.

**Action:** Selectman Lewis moved to investigate installation of a collection area for the trash at the bottom of the hill. Selectman Preston seconded. Motion passed 4-0.

Mr. Brown asked for clarification of the type of collection unit wanted and who would pay for it. Selectman Preston suggested it be a shed type of unit, not a dumpster, and when the costs are determined it will be decided who will foot those costs. Ms. Chronis felt the residents should not have to be liable for payment of the cost of the structure since Town code states that the trash should be picked up. When the solutions are determined the residents will be contacted for their input.

#### **A&B Lumber Building Permit Review**

Mr. Brown explained A&B Lumber representatives have asked for more time to review the information. Selectman Kline asked what the Board wished to do regarding review of the information with A&B Lumber representatives in June. There was discussion as to when to schedule the meeting due to the planned meeting with Bachelder Road residents regarding the recent flooding. It was recommended the meeting be scheduled for May 30<sup>th</sup> following the meeting with Bachelder Road residents. Mr. Brown asked for feedback from the Board regarding his memo. Selectman Lewis asked that the rebuttal of A&B Lumber be submitted for review of the Board of Selectmen before the meeting of May 30<sup>th</sup>. Mr. Brown will contact A&B representatives with that request. The Board discussed Mr. Brown's memo for clarification of the situation.

#### **Landfill Closure Fund – Fund balance and availability report**

Finance Director, Geoff Ruggles reported on the encumbered funds for this project the \$198,000. Per the report, funds available for this project do not include some of the engineering fees. Projected costs of this project are anticipated to be about \$300,000. Project has been broken into two phases and waiting to see how DES responds to the phases.

#### **Perry Eaton Heating Improvements**

**Action:** Selectman Preston moved to accept the Town Administrators recommendation to have Carlucci Plumbing handle the heating project at the Perry Eaton Building with a completion date of 6/30/07 or it will go back out to bid. Selectman Lewis seconded. Following further discussion Selectman Preston amended his motion to change the completion date to "7/30/07 or it will go back out to bid". Selectman Sheldon seconded. The amended motion passed 4-0.

#### **Church Road Culvert Design**

Selectman Preston asked for a cost difference with the two designs presented by the engineer. Mr. Brown will gather the information on cost differences from the engineer and other parties.

#### **Police Department Procedures – Stray Dogs and Kennel Fees**

When a stray dog is picked up the kennel fees need to be paid for by the Town for a 10 day holding period.

### **Right to Know Law – Employee Rights of Notice**

Per the current policy of the Town there is no provision that an employee being terminated shall be given notice of the termination. If an employee is under contract or covered by a union contract that provision could be part of their contract.

## **5. NEW BUSINESS**

### **Concord Meathouse, LLC – Beer and Wine Liquor License**

The Town has been given notice by the State that they will be selling beer and wine at the business. Beer and wine will not be served at the facility.

**Action:** Selectman Preston moved to have the Town Administrator send a letter stating that the Board of Selectmen have no objection. Selectman Sheldon seconded. Motion passed 4-0.

### **Large Gathering Ordinance Exemption for Old Home Day and Christmas in the Village**

Selectman Sheldon thought these events were already exempt, per the Town ordinance, as they are sponsored by the Town. Selectman Preston explained that the Board would still want them to meet with all the other safety officials. Selectman Sheldon said these events would do that as part of their planning for the event. Mr. Brown recommended that the organizations meet with the Police Chief, Fire Chief, Highway Department and Town Administrator to discuss the safety needs of the event. Selectmen Lewis and Preston felt it was not a good use of time for these organizations to come to meet with the Board asking for permission for their event since it would always be allowed to be held. It was recommended that meeting with the safety personnel would be all that was required for the events of Old Home Day and Christmas in the Village and also the fee would be waived for these events.

**Action:** Selectman Preston moved that without making any determination regarding exempt status, to have the organizations fill out the required paperwork, meet with the safety personnel and Town Administrator, and submit the completed application, on which the fees will be waived for these events. Selectman Lewis seconded. Motion passed 4-0.

Selectman Lewis asked if the Rod and Gun Club had applied for “Large Gathering” permission for their Fishing Derby that is being held this weekend. Mr. Brown said that was just asked of him today and that they had not applied and that he would send them a letter informing them for next year. Selectman Sheldon also recommended looking into if this is required for Little League events. Selectman Sheldon asked how this ordinance can be enforced and questioned how many other events are missed, such as the Fishing Derby, because they do not realize they have to apply for permission for a “Large Gathering”. Selectman Preston felt that there will sometimes be things that fall through the cracks and that having the Town Administrator send a letter reminding them for next time is the appropriate way to handle the problem.

### **Cemetery Commission Status**

Mr. Brown explained that he received an email from David Richards, Chair of the Cemetery Commission, asking for help in finding members for the Commission as currently they do not have a quorum and cannot conduct business. Mr. Brown has just received a volunteer interest form from Marilyn Ross who indicated the Cemetery Commission as one of her committees of interest. Ms. Ross will be added into the appointments to be made tonight.

### **CNHRPC Traffic Count Program**

Mr. Brown explained that he asked Laura Scott to coordinate this between the Planning Board and Roads Committee and he asked if the Board had any other roads they would like to add. As the representatives to the Planning Board and Roads Committee, Selectman Lewis and Selectman Kline explained the selection of the roads recommended for traffic counts. Following discussion it was recommended that Donna Drive/Route 3 intersection be included. Mr. Brown will let Ms. Scott know of this addition.

### **Appointments**

**Action:** Selectman Preston moved to approve the following appointments:

Rosemary Nunnally – Alternate Library Trustee term expires 4/30/10  
Joyce Heinrich – Alternate Library Trustee term expires 4/30/10  
Dana Carlucci – EDC member term to expire 4/30/10  
Floyd Smith – EDC member term to expire 4/30/10  
Oscar Plourde- Roads Committee member term to expire 4/30/08  
Maurice Lavoie – Roads Committee member term to expire 4/30/10  
Floyd Smith – Roads Committee member term to expire 4/30/10  
Paulette Malo – Alternate Roads Committee member term to expire 4/30/10  
Henry Malo – Alternate Roads Committee member term to expire 4/30/10  
Marilyn Ross – Cemetery Commission member term to expire 4/30/10

Selectman Sheldon seconded. Motion passed 4-0.

Mr. Brown explained that regarding the Roads Committee the change of certain members to alternate status would still have one too many voting members on the Roads Committee. Mr. Brown explained that this occurred when the committee membership was modified by the Board of Selectmen. Mr. Brown will notify the Roads Committee that this will need to be changed next year.

### **Non-Profit Status**

Selectman Lewis expressed that she is concerned with the number of non-profit businesses in Pembroke and their affect on the tax base for residents. The concern is that the limited commercial area in Pembroke is being taken by the non-profits who are not required to pay property taxes. Selectman Lewis asked for information to be gathered on this issue from legal counsel.

### **Minutes**

#### **4/11/07 Public Minutes**

**Action:** Selectman Sheldon moved to approve the public minutes of 4/11/07 as presented. Selectman Preston seconded. Motion passed 4-0

#### **4/11/07 Non-Public Minutes**

**Action:** Selectman Sheldon moved to approve the non- public minutes of 4/11/07 as amended. Selectman Preston seconded. Motion passed 4-0.

#### **4/18/07 Non-Public Minutes**

**Action:** Selectman Preston moved to approve the non- public minutes of 4/18/07 as presented. Selectman Sheldon seconded. Motion passed 4-0.

### **5/2/07 Public Minutes**

Mr. Brown explained that the action taken by the Board of Selectmen at the 5/2/07 meeting regarding abatement of the taxes on the Blackman Property on Friendship Avenue was taken in error as it was another property that was in question. This error was brought to Mr. Brown attention by Tax Collector, Nancy Clifford.

**Action:** Selectman Lewis moved to rescind the 5/2/07 abatement of the Blackman property on Friendship Avenue in the amount of \$555.57. Selectman Preston seconded. Motion passed 4-0.

**Action:** Selectman Preston moved to approve the public minutes of 5/2/07 as presented. Selectman Lewis seconded. Motion passed 4-0.

### **Town Administrator's Report**

Mr. Brown brought it to the attention of the Board that today he received a letter from Diane McLaughlin regarding the transferal of the Hurney Daycare business to a relative. Ms. McLaughlin, an abutter, is concerned that it is no longer a home occupied business as the property owner no longer runs the business. Selectman Lewis explained that there have been zoning ordinances voted on recently that would allow this business to continue to be run. Mr. Brown will check the new ordinance regarding this situation.

PSNH has sent a notice to the Town regarding a Pole Attachment Agreement for display of flags and other banners. PSNH did not have a concern regarding the agreement for the attachment of flags to the poles the concern is regarding the OHD banner. Mr. Brown will have the PSNH representative come to meet with Lorette Girard and Steve Fowler regarding this issue.

The CTAP Community Survey has been completed and they will be meeting with the Planning Board to submit the information.

Recording Secretary information has been received from two interested parties. Mr. Brown will ask for submission of a resume.

Information regarding Taylor Homes versus the Town of Pembroke has been received from the Town's legal counsel for the Board to review.

A sinkhole has developed on Woodlawn Ridge and the Public Works Director is working with a company to correct the problem. Also, on North Pembroke Road the washed out area should be paved soon. FEMA officials will be consulted to see if they can provide any assistance with upgrading a culvert on private property that is affecting North Pembroke Road during flooding.

Mr. Brown will identify the residences that were flooded in April and the fees for building permits for those residents will be waived.

**Action:** Selectman Sheldon moved to waive the fees for building permits for flooded properties on Bachelder Road and Buck Street as identified by the Town Administrator. The waiver is for this event only. Selectman Preston seconded. Motion passed 4-0.

### **Manifest**

**Action:** Selectman Lewis moved to approve the manifest as presented. Selectman Sheldon seconded. Motion passed 4-0.

### **Tax Abatements, Exemptions and Credits**

**Action:** Selectman Lewis move to approve the tax abatements, exemptions and credits as recommended by the Assessor. Selectman Preston seconded. Motion passed 4-0.

### **Committee Reports**

Planning Board Technical Review Subcommittee – Selectman Lewis reported that the first meeting of the subcommittee was held.

Website Committee – is working on updating the Police Department pages to use as the example for other departments. It was mentioned that Geoff Ruggles is doing a great job on updating the current website.

### **6. CITIZENS COMMENTS**

None

### **7. ADJOURNMENT**

**Action:** Selectman Lewis moved to adjourn. Selectman Preston seconded. Motion passed 4-0 and the meeting adjourned at 9:45 p.m.

Accepted by the Board of Selectmen

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Fred Kline, Vice-Chair