

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
Wednesday, June 20, 2007**

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- Present:** Selectman Brian Tufts; Selectman Larry Preston; Selectman Fred Kline; and Selectman Cindy Lewis
- Excused:** Selectman David Sheldon
- Staff:** Troy R. Brown, Town Administrator; James Boisvert, Public Works Director
- Others:** Oscar Plourde; Floyd Smith; Paulette Malo; Roland Lemoine; Joia Hughes, CAP; Jeff Coombs, A & B Lumber; Attorney Chris Carter, Representing A & B Lumber

**1. CALL TO ORDER**

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

**2. PUBLIC HEARINGS**

**Community Development Block Grant Project  
Grant Funding Request**

Chairman Tufts opened the hearing at 6:30 P.M.

Selectman Lewis stepped down from all hearings pertaining to the CDBG due to a conflict of interest.

Mr. Brown introduced Ms. Joia Hughes, Housing Rehabilitation and Grant Specialist, Community Action Program. Ms. Hughes has been working with the Town and the Sewer Department on this joint project and provided the Board of Selectmen and public with an overview of the scope of the application and details on the proposed plans. Copies of the plan were distributed and Ms. Hughes stated the below comments per HUD guidelines.

The Community Development Block Grant funds are available to municipalities for economic development, public facility and housing rehabilitation projects and feasibility studies that primarily benefit low and moderate-income persons. Pembroke is eligible for \$500,000 a year for public facility/housing rehabilitation, and economic development projects, as well as emergency funds. Feasibility Study funds are available for up to \$12,000 per year.

Purpose of Community Development Block Grant funding request:

A proposed housing and public facility application to the Community Development Finance Authority for up to \$500,000 in Community Development Block Grant funds to rehabilitate a portion the municipal wastewater collection system in the Pembroke Village Area.

The proposed project will prevent extraneous clean storm water from entering the wastewater collection system through leaking pipes, manholes and covers in order to provide sewer main capacity for the future connection of a 40 unit elderly housing facility. The sewer collection system is currently under a moratorium and cannot accommodate the additional sewage flow without removal of the extraneous storm water. The Sewer Department has documented storm water inflows exceeding 10 gpm (>14,400 gallons per day) in the Village Area which can be removed with the rehabilitation of 100 manholes, replacement of 180 covers and pressure sealing 2 manhole pipe inverts. This project conforms with Pembroke's Housing and Community Development Plan's Goals. Chairman Tufts asked if there were any comments from the public or Board of Selectmen.

Mr. Brown asked if the manholes are the primary source of infiltration. Mrs. Malo stated that the Sewer Department has inspected 80% of the village area to date with a video camera. Paulette explained that there are two manhole inverts that are leaking and the manhole covers are the old style with open holes in the top, which allow rainwater to flow through. Replacing all covers in the village area would be covered in the grant along with the repair of the two manhole inverts.

Chairman Tufts closed the hearing at 6:36 P.M.

**Community Development Block Grant Project  
Proposed Housing and Community Development Plan**

Chairman Tufts opened the hearing at 6:36 P.M.

Copies of the plan were distributed and Ms. Hughes gave a summary. Chairperson Tufts clarified that not all goals need be met. Ms. Hughes confirmed. Mr. Brown stated for the record that these plans are specific for this particular grant application. Ms. Hughes confirmed and stated that if Pembroke should pursue any further grants in future years, the same plan could be used unless a different need is identified in which case it would have to be changed and readopted. Chairman Tufts asked if there were any comments from the public or Board of Selectmen. There was none. Chairman Tufts closed the hearing at 6:38 P.M.

**Community Development Block Grant Project  
Residential Anti-displacement and Relocation Assistance Plan**

Chairman Tufts opened the hearing at 6:38 P.M.

Ms. Hughes stated that although this project does not involve any displacement or relocation of persons (or businesses), if the town were to undertake a CDBG project which involved displacement or relocation they would follow this plan. The plan outlines the measures they would take to find comparable, suitable housing for persons (or businesses) displaced or relocated.

Chairman Tufts asked if there were any comments from the public or Board of Selectmen. There was none.

Chairman Tufts closed the hearing at 6:39 P.M.

**Action:** Selectman Preston moved to adopt the Housing and Community Development Plan. Selectman Kline seconded. Motion passed 3-0.

**Action:** Selectman Preston moved to adopt the Residential Anti-displacement and Relocation Assistance Plan. Selectman Kline seconded. Motion passed 3-0.

**Action:** Selectman Preston moved to approve the submittal of the application and to authorize the Chairman to sign and submit the application, and upon approval of the CDBG application, authorize the Chairman to execute any documents, which may be necessary to affect the CDBG contract. Selectman Kline seconded. Motion passed 3-0.

Ms. Hughes thanked the Board. Selectman Preston asked if there would be additional public hearings or any other steps that the Board would be involved in. Ms. Hughes replied that if they were awarded the grant, they would come back for permission to accept it and expend it. This will then enable them to go forward.

### 3. MEETINGS

#### **James Boisvert, Public Works Director**

##### **FEMA and Flood Recovery Update**

Mr. Boisvert reviewed the FEMA summary. FEMA approved a total of \$53,287 in flood recovery. Pembroke must have the additional 25% in the 2008 budget. A total of \$33,000 has already been spent to complete the repair on North Pembroke Road (265' of damage) including 15" pipes, rip-wrap and paving. Selectman Lewis asked about the culvert on North Pembroke Road that caused the washout. Mr. Boisvert stated that the landowner has not fixed it to date. A box culvert is required and is not in a category that the Town can apply for. Mr. Boisvert and Mr. Brown told the landowner that she should contact the FEMA representative, who was presently in Concord, to get assistance. It is unknown as to whether or not she contacted FEMA. FEMA also paid 100% of the extra dumpster on Bachelder Road with a one-week extension, which amounted to \$548.00. No road repair was necessary on Bachelder Road but there was significant clean up needed. The total spent for this clean up was \$3,800 including \$537.00 for a grader for one day. The Town of Hooksett swept the road.

Mr. Boisvert also explained that Richard Verville, State of NH, is handling a mitigation plan through FEMA regarding the two 36" pipes on Church Road that were not damaged. FEMA is only covering damaged pipes so nothing was covered. The mitigation is for \$70,000 to put in a 4x8 arch box culvert with no bottom locks. This would provide ¼ more flow from the wetlands. Brush and debris would not clog this culvert due to it being more open and it would last several more years. The application was submitted approximately two weeks ago but there has been no reply yet.

### **2006 Road Improvement Projects (Church Road)**

Mr. Boisvert stated the price from the roads committee last year being \$145,000 with \$14,000 contingency. With help from the road committee, Pembroke can put in a box culvert on Church Road even if the State will not help. Mr. Boisvert reviewed cost estimates and bids for paving and construction for the Church Road project and said that he would like to start this project Thursday, June 21, 2007.

### **2007 Road Improvement Projects**

Public Works is working on getting a box culvert for Whittemore Road and Woodlawn Ridge. If this is not feasible, Mr. Boisvert has a proposal from CRS Rehabilitation Services from Maine to reline the Pipe. CRS brings in their own equipment, will put a pipe through the old pipe, grout it, cap it and clean-up the area. The flow would be approximately 2% greater and there would be no traffic stoppage on the road. Mr. Boisvert has a book outlining their service available for review.

### **Comments:**

Mr. Brown stated that he is expecting a response from Nancy Mayville, who is his contact with NHDOT, regarding assistance with the bridge on North Pembroke Road. Selectman Preston stated that he was under the impression that Pembroke was going with the private sector. Mr. Brown stated that he has not officially been told that the state will not assist with the work to replace the deck of the bridge.

Mr. Smith and Mr. Plourde discussed funding and timing for the Road Improvement projects. It was suggested by Mr. Smith that the funds for North Pembroke Road be transferred to Whittemore Road and Woodlawn Ridge. He recommended that the Whittemore Road and Woodlawn Ridge project be completed with 2006 encumbered funds along with the other end of North Pembroke Road. The section of North Pembroke Road in question and the Bridge would be postponed until next year using the remaining 2006 encumbered funds and 2007 funding.

Chairman Tufts clarified that Public Works would come to the next Board of Selectmen meeting on July 11, 2007 with a decision and a schedule of what will be done.

### **A & B Lumber**

Attorney Chris Carter, representing A & B Lumber, introduced himself and thanked the Board for putting A & B Lumber on the agenda. He began by distributing a package outlining a timeline of delays in the permitting process experienced by A & B Lumber along with several documents. He stated that he was in receipt of the May 14, 2007 report by Mr. Brown. The three major delays in the permitting process were the building permit (four-week delay), electrical permit (2-week delay) and the issuance of a Certificate of Occupancy (four-week delay). Mr. Carter does not agree that Mr. Brown's report summary was correct when he stated that the delays were not the fault of the Town of Pembroke. Mr. Carter asked Mr. Brown if he stood by this comment. Mr. Brown refused to comment. Chairman Tufts pointed out that Mr. Brown is not required to respond and that Pembroke had no legal counsel present.

Mr. Carter stated that when he appeared before the Board in March, he hoped that through this process there would be some recognition as to where the accountability lies for the significant loss A & B Lumber has experienced. Mr. Carter reviewed the timeline pointing out several discrepancies with required information and communications between A & B Lumber and the Town. Mr. Carter stated that when Mr. Coombs, A & B Lumber, came in and expressed concern that the Town was renegeing on their agreement, Mr. Coombs felt as though he was treated inappropriately and from that point on, felt that the Town Planner had a vendetta against him.

Mr. Carter was unable to identify any area that may have caused the delay in the issuance of the Certificate of Occupancy based on the conclusion on page 4 of Mr. Brown's report. Mr. Carter states that A & B Lumber has valued its relationship with the town for the last several decades and has invested a great deal in the community. A & B has incurred a significant loss and questions whether there has been an acceptance of responsibility as it has been difficult for them to get up and running given the competitive environment in this area. Mr. Carter emphasized that A & B has made a commitment to the community and will continue to do so but at the same time hopes and expects that the Town of Pembroke will show some level faith and investment in A & B's future. Mr. Carter hopes that the facts will trigger a more careful review. Mr. Carter stated that A & B is looking for something fair and reasonable in terms of acknowledgment of where responsibility falls and financial compensation. Mr. Carter said he would be happy to deal directly with the Town's legal counsel and would answer any questions. Mr. Carter also voiced concerns over information he is receiving and the discrepancies involved. Chairman Tufts opened comments up to the public requiring that any comments would only add directly to what was presented by Attorney Carter. Jeff Coombs commented that in Mr. Brown's letter, the agreement was not made clear to him by Mr. Coombs. Mr. Coombs wanted to clarify that he called Mr. Brown and made it clear that they had an agreement with the Town and that Beverly had signed off on it. He also does not feel that Mr. Brown has been helpful with the situation. Selectman Lewis stated that A & B Lumber has been a long-term member of this town and they are not the only ones that have encountered this type of situation. She feels that the town needs to do something to remedy this and that there is a definite lack of professionalism regarding A & B Lumber. Selectman Preston stated that he could not comment on information that he just received this evening. Chairman Tufts stated that the Town must find a better way to communicate with the businesses in town and conveyed to Mr. Clark that the Board would contact him regarding the issues. Mr. Plourde voiced his concern over the A & B situation.

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

##### **Surplus Fire Engine**

Mr. Brown stated that there has been no inquires for purchase. It was recommended by Mr. Martel that the price be dropped from \$17,500 to \$10,000. Mr. Martel has been contacted by a wholesaler who purchases used government equipment for the Dominican Republic. They would only be prepared to pay the Town \$7,000 due to shipping costs. Chairman Tufts recommended dropping the price to \$12,500 or best offer. Mr. Lemoine suggested putting it up for auction where it would go to another country such as Iran. Another suggestion was to donate or sell it for less to a needy town in the U.S.

**Action:** Selectman Kline moved to continue the ad as it currently reads but reduce the price to \$14,000 or best offer. Additionally, investigate other options such as selling it to a needy area or auction. Selectman Lewis seconded. Motion passed 4-0.

### **Landfill Closure**

Mr. Brown is anticipating that in a few weeks the NHDES will be issuing comments on the submittal for the closure plan of the landfill. The General Fund has enough funds to complete Phase 1 and parts of Phase 1A and 1B. The Board has the authority to expend these funds. This would be based on professional engineering services that will assist with bidding and monitoring construction. Mr. Brown stated that two bids were received today at 2:00 P.M. One from KV Partners for \$15,520 and one from Stantec for \$16,088. Stantec is the company that has been working on this project for a few years. Mr. Brown will come back to the Board July 11, 2007 with updated information.

## **5. NEW BUSINESS**

### **Acceptance of 2007 Paving Bids and Sidewalk Paving Bids**

**Action:** Selectman Kline moved to accept the 2007 paving bids and sidewalk paving bids. Selectman Lewis seconded. Motion passed 4-0.

### **Financial Auditing Services Contract**

**Action:** Selectman Kline moved to waive the bid process for the financial services audit. Selectman Lewis seconded. Motion passed 4-0.

**Action:** Selectman Kline moved to accept the bid as presented with the contingency that we get acceptance from the Water department and Sewer department for their share of this bid. Selectman Preston seconded. Motion passed 4-0.

### **William Clement vs. Pembroke ZBA**

Mr. Brown distributed a packet from Mitchell & Bates Professional Association regarding the litigation with William Clement.

### **Appointments**

**Action:** Selectman Kline moved to appoint Charles Connor - Deputy Treasurer. Selectman Lewis seconded. Motion passed 4-0.

**Action:** Selectman Kline moved to appoint Kevin Foss - US Rte 3 Corridor Study Local Advisory Group. Selectman Lewis seconded. Motion passed 4-0.

**Action:** Selectman Kline moved to appoint Paul R. Paradis - ZBA Alternate Member (term to expire 4/30/10). Selectman Lewis seconded. Motion passed 4-0.

**Action:** Selectman Kline moved to appoint Gerald Fleury - CIP Member (term to expire 4/30/10). Selectman Lewis seconded. Motion passed 4-0.

## **Minutes**

May 23, 2007 Public

**Action:** Selectman Kline moved to approve minutes of May 23, 2007 as presented. Selectman Preston seconded. Motion passed 4-0.

May 30, 2007 Public

**Action:** Selectman Kline moved to approve minutes of May 30, 2007 as presented. Selectman Preston seconded. Motion passed 4-0.

## **6. TOWN ADMINISTRATORS REPORT**

Mr. Brown has been working on the budget process and a schedule for the department heads to submit budgets to the Town Administrator. Budgets will be due August 31, 2007 with a presentation to the Selectmen on September 19, 2007. There will be three-budget review sessions; September 26, October 10 and October 24 with the budget adoption-taking place on November 7, 2007 at the Board of Selectmen meeting. Mr. Brown would like the Board to provide guidance as to what they would like to see in the budget. The Selectmen provided general guidance but could not be specific until they had an opportunity to review the entire budget.

Mr. Brown reported that the employee picnic would be August 17, 2007 at noon and the theme this year is "Born to be Wild".

Mr. Brown met with the Planning Board, Pembroke 600 and the Solid Waste Committee. The Pembroke 600 subdivision plan expires at the end of June and they are requesting an extension. The Planning Board will extend the plan until July 26, 2007 but they will require Pembroke 600 to provide documentation as to the status of their project.

Mr. Brown reported that the Solid Waste Committee is working with the CIP Committee on the purchase of a new packer with a side loader that is a semi-automated type rather than the traditional rear loader. There was also some discussion regarding the purchase of barrels, which are not needed immediately but would be more convenient for pick up. They also met with KV Partners to establish what the needs would be for the recycling facility along with some discussion regarding fees.

Mr. Brown also met with CNHRPC. The Rte 3 Corridor study was discussed along with the Roundabout at Pembroke Hill Road. Chairman Tufts requested a master plan from CNHRPC.

The Allenstown FEMA meeting took place June 18 at 6:30 P.M. Several Pembroke residents that attended the meeting would like to see Pembroke apply for the relocation grant. This grant is a buy-out program where Pembroke would be responsible for 25% of the cost and the Federal Government would pay the additional 75% of fair market value prior to the flood. However, the 25% that the town is responsible for would be done "in kind". Mr. Brown will be sending out a survey.

The meeting to petition to lay out the road for the Broadway Project will be held June 27, 2007 at 6:00 P.M. The first public notice was incorrectly published by Mr. Brown as July 19, 2007.

The Screening Committee has met and has recommended three candidates for the Code Enforcement Officer position. More information including interview dates will be discussed later.

## **Manifest**

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

### **7. TAX ABATEMENTS, EXEMPTIONS, & CREDITS**

**Action:** Selectman Preston moved to approve as recommended. Selectman Kline seconded. Motion passed 4-0.

### **8. CITIZEN COMMENT**

John Clark, resident and owner of Keystone Foundations, expressed concerns over the A & B Lumber situation. He is extremely dissatisfied and frustrated with the actions of the Town pertaining to his business and A & B Lumber. He also expressed concerns with the Conservation Commission and support staff for demanding that he remove a shed from Conservation Land.

### **9. OTHER**

Selectman Kline discussed the intent of the quarterly review of property assessments and asked about the process of scheduling and the increase in property values. Mr. Brown explained that property values would not change unless new physical property dimensions, features and quality ratings were corrected, which could result in an increase or decrease in property values.

Selectman Lewis discussed the Rosedale cul-de-sac. She said that the Town was performing work that the developer should have done.

Selectman Lewis asked Mr. Brown if he had completed the subdivision square footage calculations for the North Pembroke Road cluster Subdivision. Brown said he would contact Planning Board member Mr. Krebs because he was unaware that Mr. Krebs wanted the calculations verified.

Selectman Tufts asked Mr. Brown to ask legal Counsel if A & B discussion could be discussed in non-public with staff and selectmen.

**10. NON-PUBLIC SESSION – RSA 91-A:3, II (b) employee hiring**

Selectman Kline moved and seconded by Selectman Lewis to enter non-public session in accordance with RSA 91-A: 3, II (b) - employee hiring at 9:54pm.

Roll Call Vote:

Selectman Cindy Lewis, (yes)

Selectman Fred Kline (yes)

Selectman Larry Preston, (yes)

Selectman Brian Tufts (yes)

Vote: Unanimous

The Board of Selectmen came out of non-public session at 10:15pm.

**11. ADJOURNMENT**

**Action:** Selectmen Kline moved and seconded by Selectmen Lewis to adjourn at 10:15pm

Accepted by the Board of Selectmen

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Brian B. Tufts, Chairman