

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
Wednesday, July 11, 2007**

- Present:** Selectman Brian Tufts; Selectman Dave Sheldon; Selectman Fred Kline; Selectman Larry Preston; and Selectman Cindy Lewis
- Staff:** Troy R. Brown, Town Administrator
- Others:** Ray Korber, KV Partners; James Boisvert; Paulette Malo; Oscar Plourde; Floyd Smith; Roland Lemoine; Diane McLaughlin, Resident

1. 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 5:00pm.

Roll Call Vote:

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

The Board of Selectmen came out of non-public session at 7:10pm.

ADJOURNMENT

Action: Selectmen Kline moved and seconded by Selectmen Lewis to adjourn at 7:10pm

2 PUBLIC SESSION CALL TO ORDER

Chairman Tufts called the meeting to order at 7:15 P.M.

3. MEETINGS

Ray Korber, KV Partners - Preliminary Sand/Salt Shed Design and Cost Estimate

Mr. Korber distributed and presented a status report for the DPW facility. He outlined the tasks that have been completed to date along with KV Partners' recommendation for the storage facility, historical data and recommended next steps. Mr. Korber also distributed a booklet of photos and information on storage sheds from nearby towns, which enabled the Board to compare different structures and costs. It was determined by the Board that further discussion would be required pertaining to the site and the style, size, location and cost of the structure.

A brief discussion on the recycling center determined that the design would be for a single stream collection facility. More discussion and information on the design and layout is needed once a decision is made on the sand/salt shed. The general concern is that the site may not be large enough to accommodate everything that would be required. A possible additional site to offload trucks from curbside pick up was discussed.

Mr. Korber stated that Phase 1 was completed within the budget of \$5,000 along with some of the items for Phase 2. Phase 2 has a recommended budget of \$12,000 for a preliminary site plan.

Action: Selectman Kline moved to approve the value of \$12,000 to move forward on preliminary engineering plan for the solid waste area as recommended by the Solid Waste Committee. Selectman Preston seconded. Motion passed 5-0.

Roads Committee

Mr. Boisvert stated that all sidewalks would be completed by July 12, 2007. He also discussed the Church Road project. He explained that construction would begin once the State approves or denies a box culvert. If denied, headers will be used which are lined up and ready to go.

There was discussion at the June 20, 2007 BOS meeting, that the Roads Committee should re-evaluate the road project schedule including North Pembroke Road and come back with a recommendation and revised schedule. Selectman Kline discussed the Roads Committee's recommendations. It has been determined that the scheduled roads to be worked on could be changed providing that the same vendor is used and the same service is being provided with the funds. The Roads Committee recommends that North Pembroke Road be delayed until next year based on the bridge issue and additional road traffic. This work would be replaced with Riverview Way and Fifth Range Road from the 2008 schedule, which is approximately the same cost.

Action: Selectman Preston moved to accept the Roads Committee recommendation to change the road projects from what was previously approved to the new recommendation. Chairman Tufts seconded. Motion passed 5-0.

4. CITIZENS COMMENT

Diane McLaughlin, 3 Fairview, was present to voice her concerns over Hurney's Day Care Center, which is considered a home occupation business but is currently being run by a non-resident (daughter of the resident and previous owner). Ms. McLaughlin stated that this has been an on-going issue since last August and would like to know when something will be done about it. This home day care business accepts 32 children and abuts Ms. McLaughlin's property.

Mr. Brown pointed out that Pembroke's interim Code Enforcement Officer has been to the site with the Fire Chief to conduct an inspection. It was determined at that time that there were two violations. Compliance with the number of employees is in question and the amount square footage used to run the facility. Mr. Brown apologized to Ms. McLaughlin for the delay and stated that Pembroke will seek legal counsel for advice on this issue.

Ms. McLaughlin also had concerns over a drain located at 80 or 82 Broadway. Drainage has been coming onto her property and spilling into the street from this drain for approximately two years. She stated that apparently a resident at one of the addresses on Broadway dug a large hole for a foundation in the back portion of the property. The hole was filled back in but it has been since then she has had drainage issues and water in her basement. Chairman Tufts stated that the Board needs to investigate as to whether this is a town easement or a private matter.

Roland Lemoine would like a no-smoking policy around the perimeter of the Town Hall. Chairman Tufts stated that a policy such as that could not only involve the Town Hall but would have to involve all town property. The Board will take the issue under advisement.

5. **OLD BUSINESS**

North Pembroke Road Bridge

Mr. Brown provided an update on the bridge repair. The City of Concord has gone through their budget process and has voted to only fund the "patch and repair" job for the bridge and are not willing to participate in the replacement of the deck. The patch and repair will bring the bridge to an E-2 classification. There was some discussion on getting a cost estimate from the private sector on replacing the deck rather than going with the patch and repair that NHDOT will do. Chairman Tufts recommended that the Roads Committee check out what the cost would be for a private company to come in and replace the deck and then a cost comparison can be done next week.

Action: Selectman Preston motioned that the Board assign the Roads Committee the task of getting pricing on replacing the entire deck of the North Pembroke Road Bridge and how soon it can be done. Chairman Tufts seconded. Motion passed 5-0.

Mr. Brown pointed out that timing is an issue as the NHDOT staff is presently working out their schedule for the remainder of the year. It is important that the Board make a decision in an effort not to lose the window of opportunity for the patch and repair. He also explained that if Pembroke agrees to the patch and repair option, continual maintenance would be required until the year 2012 when the entire structure would be replaced through the State.

Domestic Septage Agreement

Action: Chairman Tufts moved to accept the revised agreement as presented. Selectman Kline seconded. The motion passed 5-0.

A&B Lumber

Chairman Tufts stated that the Board must meet with Town Counsel before proceeding with discussions on this issue. It was decided by the Board that a brief non-public meeting would be held at the close of tonight's meeting regarding new correspondence from A & B Lumber.

Townsend Property

Mr. Brown stated that the Board is in a position to move ahead with an eviction but it is possible to bring a different resolution to the matter by involving some non-profit organizations in town and possibly with relatives of the resident. The mother of the previous resident, who is disabled, now resides in the home. The option of selling the property back to the family was also discussed taking into consideration their back tax liability. It was decided that a meeting should be scheduled involving the non-profit organizations and possibly family members with a decision to be made within 60 days.

Action: Selectman Preston made a motion to postpone the eviction action for 60 days. Selectman Kline seconded. Motion passed 5-0.

6. NEW BUSINESS

Landfill Closure

Mr. Brown requested and received two bids for Phase 1 of the landfill closure for the bidding process and monitoring construction. The bids are \$15,520 from KV Partners and \$16,088 from Stantec. There was some discussion by the Board over some cost savings options. Chairman Tufts pointed out that the project must meet state requirements.

Action: Selectman Kline moved to award the Landfill Closure Construction Services contract to KV Partners, Inc. in the amount of \$15,520 and waive the Town purchasing procedures section 178-3 Bid Process. Selectman Sheldon seconded. Motion passed 5-0.

Letter of Credit Release - Marc Chronis - Plausawa Hill Improvements

Action: Selectman Preston moved to release the letter of credit. Selectman Preston seconded. Motion passed 5-0.

Dirt Doctors / Red Rock Investment Bond Release

Action: Selectman Kline moved to release the Bond. Selectman Sheldon seconded. Motion passed 5-0.

Associated Grocers of New England, Inc. Abatement Request

Mr. Brown informed the Selectmen that AG is seeking a property tax abatement because it feels that its property assessment is too high. Mr. Brown stated that a property appraisal could cost as much as \$10,000.00 and Selectmen Lewis stated that the Board of Selectmen was aware that this would become an issue but did not think the appraisal study should cost \$10k. The Board of Selectmen took no action.

Safety Center - Defective Sewer Line

Mr. Brown explained that the main sewer line has been blocked several times since it was constructed and that Paulette Malo investigated the sewer line and found portions of the line that had been broken and had some sags.

A meeting took place with North Branch Construction where they were informed that Pembroke felt the sewer line was either installed improperly or damaged upon installation. North Branch viewed the video tape and met with Mr. Brown and Ms. Malo. They do not believe that the work they performed was in the area where the damage is. Further investigation is required and the possibility exists that new pavement will have to be dug up to repair the line.

Building Permit Reimbursement Request

A request from Robert Lonsdale, 26 Sheep Davis Rd., was received to refund a building permit fee of \$528 for a piece of land he was going to purchase but was unable to due to recent flooding. Jack Dever sent a letter to the Board stating that the property has now been sold, a building permit approved and the lot has been cleared and construction will begin as soon as the permit is paid for and posted. He recommended that a refund not be given. The Board feels that they should refund Mr. Lonsdale's permit fee but that any other requests for such refunds be discussed on an individual basis.

Action: Selectman Preston moved that the permit fee be refunded providing that the permit is revoked as a result and that special consideration will be given only for special circumstances. Selectman Kline seconded. Motion passed 5-0.

Town of Chichester Regional Association - 6/19/07 Correspondence

A packet was distributed for the Board to review and Larry Preston volunteered to represent the Town of Pembroke.

Appointments

Mick Pinard - ZBA Alternative Member (term to expire 4/30/08).

Action: Selectman Kline moved to appoint Mick Pinard as a ZBA Alternative Member, term to expire 4/30/08. Selectman Lewis seconded. Motion passed 5-0.

Minutes

June 20, 2007 Public Minutes

Action: Selectman Kline moved to approve the public minutes of June 20, 2007 as amended. Selectman Preston seconded. Selectman Sheldon abstained. Motion passed 4-0.

June 20, 2007 Non-Public Minutes

Action: Selectman Kline moved to approve the non-public minutes of June 20, 2007 as presented. Selectman Preston seconded. Selectman Sheldon abstained. Motion passed 4-0.

June 27, 2007 Public Minutes

Action: Selectman Kline moved to approve the public minutes of June 20, 2007 as amended. Selectman Sheldon seconded. Selectman Preston abstained. Motion passed 4-0.

June 27, 2007 Non-Public Minutes

Action: Selectman Kline moved to approve the non-public minutes of June 20, 2007 as amended. Selectman Sheldon seconded. Selectman Preston abstained. Motion passed 4-0.

Town Administrators Report

Mr. Brown distributed a handout outlining the present Code Enforcement Officer's schedule and pointed out that Mr. Dever will be working until November 13, 2007.

Mr. Brown also reviewed future BOS meetings and some non-public session information.

There was some discussion over solid waste fees that may be discussed at the public hearing on July 25, 2007. Selectman Preston is concerned that the date and time of this hearing be well publicized at the transfer station for the next two Saturdays.

Manifest

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

7. OTHER/CITIZENS COMMENT

Selectmen Tufts requested Mr. Brown to prepare information for the Selectmen to create a Solid Waste and Recycling Committee, 250th Anniversary Committee and Energy Committee.

8. NON-PUBLIC SESSION

Selectman Kline moved and seconded by Selectman Preston to enter non-public session in accordance with RSA 91-A: 3, II (e) - pending litigation at 10:25pm.

Roll Call Vote:

Selectman Cindy Lewis, (yes)

Selectman Fred Kline (yes)

Selectman Larry Preston, (yes)

Selectman Brian Tufts (yes)

Selectman Dave Sheldon (yes)

Vote: Unanimous

The Board of Selectmen came out of non-public session at 10:47pm

9. ADJOURNMENT

Action: Selectmen Kline moved and seconded by Selectmen Lewis to adjourn at 10:47pm

Accepted by the Board of Selectmen

Brian Tufts, Chairman