

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
Wednesday, August 15, 2007**

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

**Staff:** Troy R. Brown, Town Administrator; Scott Lane, Chief of Police

**1. NON-PUBLIC SESSION – RSA 91-A:3, II (b) Employee Hiring**

Selectman Preston moved and seconded by Selectman Sheldon to enter non-public session in accordance with RSA 91-A: 3, II (b) - employee hiring at 5:30 P.M.

Roll Call Vote:

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

The Board of Selectmen came out of non-public session at 6:30 P.M.

**2. PUBLIC SESSION CALL TO ORDER**

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

**3. MEETINGS**

**CATCH - Rosemary Heard, President; Mike Reed**

Ms. Heard gave a detailed presentation on the CATCH program and distributed a packet containing brochures and more information on the program. She explained that CATCH is a non-profit organization offering a full range of housing services and provides affordable, quality housing for people of low or moderate income.

**Chief Lane - Noise Ordinance**

Chief Lane addressed the issue of nuisance noise specifically complaints received regarding the habitual use of motor-cross motorcycles at the residence of Eric and Catherine Goff, 654 Thompson Road. Chief Lane briefly discussed a meeting he had with Mr. Brown and some of the residents in the Buck Street/Thompson Road area regarding the on-going OHRV use at 654 Thompson Road. Chief Lane provided a quote for a Meter and two samples of Nuisance Noise Ordinances for the Board to

review and possibly adopt. Chief Lane would like to come back before the Board in approximately two months with a noise ordinance to be added to the Town Code. The Board felt that the sample ordinance #2 is more subject to interpretation whereas sample #1 is more straightforward. They would like some feedback from other towns who have adopted similar policies as to whether or not they are effective. Chief Lane will research this and suggests that legal counsel is contacted for their input. Chairman Tufts stated that a work session will be scheduled at a later date.

### **Buck Street Residents - Noise Complaints**

Van Woody, 2 Old Bear Brook Road, spoke on behalf of himself and several residents in the area of Buck Street/Thompson Road area. He provided (5) video tapes of documenting OHRV riding at 654 Thompson Road for the past several years. Mr. Woody stated that a small mini track has been built on the residence including ramps and jumps. His concern is that other children are also using the track and at times, no parents are present. He stated the dust and oil generated by the riding of the motorbikes is also a problem. Mr. Woody feels that the health, welfare and safety of the area residents are being jeopardized and that the Goff's should be charged with disorderly conduct. He requested temporary relief by way of an injunction for the rest of the summer.

Hester Gay, 626 Buck Street, is frustrated over the noise level at 654 Thompson Road. She states that the noise is so loud that she cannot carry on a conversation in her own yard.

Karen Hildreth, 658 Thompson Road, stated that she has to keep her windows closed in order to hear her television. She chose her home because of the country and peaceful lifestyle it would provide which is no longer the case.

Kim Chauvin, 626B Buck Street, stated that she has contacted the Goff's on several occasions. She read a letter that she wrote to the Goff's politely asking them to limit the noise. She explained that since that time, the noise has gotten much worse. She is frustrated that she cannot BBQ outside or enjoy her deck in peace.

Raymond Gay, 626 Buck Street, emphasized the seriousness of the problem and his frustration over the length of time it has been happening. His residence is within 200' of the track and he compared the noise to 3-4 chainsaws wide open.

Eric Goff, 654 Thompson Road, is upset over some of the comments made by residents and that he does not appreciate the fact that his children have been videotaped. He is also upset that a meeting was held in June regarding this issue that did not include him. He explained that he does not allow the children to ride for more than 30 minutes at a time but that the children occasionally go over the time limit if he is not home. He also states that there are motorcycles on the main road that can account for some of the noise as well. Mr. Goff also explained that he does not allow riding before 9:00am or after 8:00pm. He feels that he is helping to keep his children out of trouble by keeping them home. Mr. Goff is more than happy to work with anyone who wants to work with him to find a solution.

It was decided that Chief Lane will schedule a meeting including himself, the Town Administrator, Mr. Goff and concerned residents for further discussion and possible resolution. This meeting would include a moderator. Chairman Tufts is unclear as to whether or not the town can seek an injunction on private property as a means of temporary relief. He states that residents can possibly do that on their own as a civil action for the neighborhood. Chairman Tufts stated the Board will review the issue further and will work on the noise ordinance.

**4. CITIZEN'S COMMENT**

Dan Crean researched some noise ordinances which he provided to Chief Lane. He recommended that any noise ordinance be added to the zoning ordinance. He briefly discussed enforcement and legal issues.

**5. OLD BUSINESS**

**Plausawa Hill Trash Collection**

Chairman Tufts explained that this issue was voted on in May and a decision made. He asked the Board if they were inclined to re-open it.

**Action:** Selectman Sheldon moved to re-open the issue of Plausawa Hill Trash Collection. Selectman Kline seconded. Motion passed 3-2. Selectman Lewis and Selectman Preston voted no.

Mr. Brown explained that the Plausawa Hill Road has been assessed by staff and it is believed that collection service can be performed however, there could be some delays throughout the year due to weather conditions. In the case of bad weather, a smaller truck could be used for pickup. There was discussion about the fact that the road is now suitable for trash pickup where it was not in the past. Mr. Brown feels that if curbside pickup is to be allowed, it should be provided for the entire road including the four-lot subdivision at the end. The possible solution of a shed was discussed as was providing curbside pickup on a trial basis. Mr. Brown stated for the record that the Planning Board is opposed to curbside pickup.

Chairman Tufts asked for public comments.

Dick Nolin, 826 Plausawa Hill Road, stated that he has never seen anything in writing as to trash not being picked up on the road. He feels that he pays the same tax rate as everyone else in the town and should be entitled to the same services.

Kathy Ellis, 574 N. Pembroke Road, feels that the issue not only Plausawa Hill's trash collecting on the road but other people who are dropping off trash in the designated area as well.

Brian Morse, 579 N. Pembroke Road, feels that this has been an on-going problem for several years and he is opposed to a collection unit/dumpster.

**Action:** Selectman Kline moved to begin curbside trash pickup for residents of Plausawa Hill Road inclusive of the four-lot subdivision for a period of 12 months at which time the Board will review the history and reserves the right to cease service . Selectman Sheldon seconded. Motion passed 3-2. Selectman Lewis and Selectman Preston voted no.

7:50 P.M. Selectman Lewis was excused.

### **Emerson Mills Trash Collection**

Postponed and will be added to a future BOS meeting agenda.

### **Sale of Surplus Fire Truck**

Mr. Brown informed the Board that the sale of the fire truck was finalized and a check was received in the amount of 12,000. Mr. Brown explained that the town is responsible to pay 10% commission to the internet company for advertising which will net the town \$10,800.00. The town will work with Pembroke Towing to coordinate the shipment of the truck to Grand View, Wisconsin but is not responsible for any costs relating to shipment.

**Action:** Selectman Preston moved to accept the offer for the sale of the surplus fire truck. Selectman Sheldon seconded. Motion passed 4-0.

## **6. NEW BUSINESS**

### **Appointment Dan Crean – Energy Committee, term to expire 4-30-10**

**Action:** Selectman Sheldon moved to appoint Dan Crean to the Energy Committee with his term to expire 4/30/10. Selectman Kline seconded. Motion passed 4-0.

### **Minutes**

#### **July 25, 2007 public**

**Action:** Selectman Kline moved to approve the public minutes of July 25, 2007 as presented. Selectman Sheldon seconded. Motion passed 3-0. Selectman Preston abstained.

#### **August 1, 2007 public**

**Action:** Selectman Preston moved to approve the public minutes of July 25, 2007 as amended. Selectman Sheldon seconded. Motion passed 3-0. Selectman Kline abstained.

#### **August 1, 2007 non-public**

**Action:** Selectman Preston moved to approve the non-public minutes of July 25, 2007 as presented. Selectman Sheldon seconded. Motion passed 3-0. Selectman Kline abstained.

### **Strong Foundations Charter School**

Beth McClure, Principal, Strong Foundations Charter School was present to request an exemption from property tax based on RSA 72:23 IV, educational use. Strong Foundations Charter School is the principal occupant of the property located at 715 Riverwood Drive. She is also requesting an abatement from property taxes for the current tax year.

Mr. Brown clarified that the deadline to file for tax exemption is April 1, 2007 and was missed by Strong Foundations Charter School. As of April 1, 2007, the school did not own the property therefore the assessors are recommending to the Board of Selectman that the tax exemption application as well as the abatement for 2007 be denied. Mr. Brown believes that Strong Foundations can apply for exemption for 2008.

**Action:** Selectman Preston moved to follow the recommendation of the town Assessor to deny the tax exemption and abatement. The denial is based not only that it was not timely filed, but that pursuant to RSA 72:33, 1, the applicant must establish that it is duly qualified upon April 1 of the year in which the exemption is first claimed to receive the exemption. Since the school did not own the property on April 1, the requirement was not met. Selectman Kline seconded. Motion passed 4-0.

### **Town Administrators Report**

Mr. Brown discussed with the Board the need for an ambulance service in the near future as Hooksett will start their own service as of July 1, 2008. He proposed that a meeting take place on September 12 or 13 at 6:30 PM in Allenstown with the Pembroke and Allenstown Board of Selectmen to work on establishing an ambulance service for both towns. This service would be covered through an inter-municipal agreement. It was agreed on by the Board to schedule the proposed meeting on September 12, 2007 at 6:30 PM in Allenstown.

Mr. Brown recommends that the solid waste fees take effect October 1, 2007 rather than September 1 as he does not feel enough notice will have been given. Selectman Sheldon stated that it is not clear on the new fee schedule what are no-charge items and that it should be changed to reflect "small appliances - no charge". Selectman Preston wants to add de-humidifiers to the list of CFC appliances. Mr. Brown stated the concept being proposed is to accept cash or personal checks initially but give notice that after January 1, 2008, no cash will be accepted. Personal checks continue to be accepted along with coupons.

The new building inspector started on Monday, August 13, 2007. Mr. Brown will be meeting with state officials and the city of Concord on Thursday August 16 at 1pm regarding the North Pembroke Road Bridge. Work should begin after Labor day. The Perry Eaton building eviction notice (notice to quit/demand for rent) was served on August 9, 2007. Mr. Brown received eight letters from residents in support of the Pre-Disaster Mitigation Grant. Newsletter articles are due September 10, 2007.

Hurney Day Care status was discussed as well as information from Town Counsel. In summary, it is believed by the town attorney that “the day care facility is a protected nonconforming use under the zoning ordinance and that the purported transfer of ownership does not effect its protected status, and that the current zoning ordinance provision prohibiting the employment of more than two non-residents is not applicable”.

A quote was received in the amount of \$49,590 to dismantle/erect the steel structure located on Route 106. To install a new building would be approximately \$51,426.

Mr. Brown informed the Board that the next union meeting will be August 30, 2007 at 2pm and that he will be on vacation August 20 through August 24.

### **Manifest**

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

### **Tax Abatements, Exemptions & Credits**

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

### **Committee Reports**

Selectman Kline informed the board that there is a section of Main Street, north of Broadway, where curbing was added which extended the sidewalk 6-8 inches into the road. It seems to be causing a parking problem. One solution is to paint the curb to make it more visible. He spoke with Chief Lane and will go back to the roads committee with his feedback.

### **7. OTHER / CITIZENS COMMENT**

Selectman Sheldon stated for the record that the comments from Roland Lemoine brought up on August 1st regarding the sprinklers and plans at the Pembroke Crossing development was misstated as the site plan clearly shows that either a water service or fire protection is required.

### **8. ADJOURNMENT**

**Action:** Selectman Kline moved to adjourn the meeting at 9:21pm. Selectman Sheldon seconded. Motion passed 4-0.

Accepted by the Board of Selectmen

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Brian Tufts, Chairman