

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
Wednesday, December 13, 2006**

Present: Selectman Larry Preston; Selectman Larry Young, Sr.; Selectman Brian Tufts; Selectman Dan Crean; and Selectman Fred Kline.

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

1. CALL TO ORDER

Chairman Preston called the meeting to order at 5:30 P.M. The meeting was recessed to meet with legal counsel. The meeting reconvened at 6:00 P.M.

2. NON-PUBLIC SESSION

RSA 91-A:3, II (a)– Employee Review

Action: Selectman Crean moved to go into non-public session under the provisions of RSA 91-A:3 (a). Selectman Young seconded. Sel. Preston -yes; Sel. Young-yes; Sel. Tufts-yes; Sel. Crean-yes; Sel. Kline-yes. Motion passed 5-0 and the Board went into non-public session at 6:00 p.m.

Action: Selectman Crean moved to come out of non-public session and hold the minutes confidential. Selectman Kline seconded. Motion passed 5-0 and the Board came out of non-public session at 6:40 p.m.

3. MEETINGS

KV Partners - Pembroke Landfill Closure

Mr. Brown asked Ray Korber of KV Partners to come tonight to meet with the Board to discuss what assistance KV Partners could provide on this project. Mr. Brown stated that he has become frustrated with the Stantec Company who is contracted to handle this project. Mr. Brown felt this project has been delayed much too long and he would like to have KV Partners take over the project and get going on the salt/sand structure and develop conceptual layouts of the recycling project. Mr. Korber stated that he has been looking into the current status of this project. He met with the State and received a punchlist of items to be taken care of. The State representatives also expressed frustration to the delays in this project. Mr. Korber felt that with the information he has received it should not take much more time to handle this project as it is 90% complete. Mr. Korber offered several ideas for moving this project forward. He suggested that his company could bring some project management expertise to the table and work with Stantec to manage the project, or the Town could continue working with Stantec and have KV Partners finish the project. Mr. Korber recommended retaining Stantec to finish the project with a definite deadline and KV Partners can evaluate their progress. The rough costs for these options would be between \$10,000-\$15,000 depending on what information they would get from Stantec. Selectman Tufts did not feel confident that Stantec could finish the project due to all the delays and lack of communication from them. He recommended that the terms of the contract with Stantec be reviewed as he believed they were contracted to completely finish this project. Mr. Brown explained that Stantec believes they have completed the terms of the contract. It was recommended that the contract with Stantec be reviewed before a decision on how to proceed is made.

Recreation Commission – Sue Seidner, Rose Galligan, Dave Seavey and Michelle Carvalho.

Selectman Preston explained that tonight the Board wanted to review the information with the Recreation Commission regarding recommended changes. Commission membership of 5 or 7 members was discussed. Selectman Young felt that staying with 5 regular members with two alternates would work best. He also felt that it is not necessary for the Selectman's Representative on the Commission to be able to vote as everyone is able to offer their opinions. Sue Seidner explained that she understands the charge of the Recreation Commission is to maintain Memorial Field but she thinks it is important to branch out. Selectman Crean would like to see more planning for recreation. There was discussion as to the philosophy of the Commission and the importance of having diverse opinions heard. Ms. Galligan understood the misunderstanding with the language of the philosophy and will change it. Other items discussed were contracts and safeguards for cash handling. Mr. Brown will update the proposed ordinance to reflect the changes discussed so that they can be voted on at Town Meeting.

4. CITIZENS COMMENT

None

5. NEW BUSINESS

Bridge North Pembroke Road Bridge

Emile Lacerte, Public Works Director, updated the Board as to the status of the condition of the North Pembroke Road bridge. The bridge was shut down this week due to a large hole that developed in the deck. Mr. Lacerte has been working with Ed Roberge regarding repairs to the bridge. Merrill Construction has offered to provide and attach steel plates to the bridge beams to make the bridge usable. Mr. Lacerte explained that it is just a temporary repair and Concord and Pembroke will have to work quickly on a permanent fix.

Public Works Safety List

Mr. Brown explained that LGC had done a safety inspection of the Public Works Department this year and identified many safety items that have to be available. Mr. Brown checked with the Finance Director and there are funds available to purchase the items.

Action: Selectman Tufts moved to expend the \$3,300.58 to purchase the items to meet the EPA requirements. Selectman Young seconded. Motion passed 5-0.

Fuel Pump Card Reader

Mr. Brown explained that the card reader on the gas pump is worn out and is not reliable. It is also very old and would cost \$2,379.00 to repair and the repair would not be guaranteed. To replace with a new system would cost \$6,955.00.

Action: Selectman Tufts moved to spend \$6,955.00 to replace the system within the budget by transferring funds from other items. Selectman Young seconded. Motion passed 5-0.

PSNH Smart Start Program

Mr. Brown explained that the balance to pay off the Smart Start upgrade is \$7,276.92.

Action: Selectman Crean moved to authorize full or partial payment of the PSNH Smart Start balance depending on the availability of budget funds. Selectman Tufts seconded. Motion passed 5-0.

6. OLD BUSINESS

Department Head Appointment – Planning and Land Use Department

Mr. Brown stated that per the memo he previously submitted he recommends Laura Scott to be promoted to department head. He explained that this promotion will alleviate him from the day to day management of that department and allow him to focus his efforts in other areas. Selectman Crean might consider vesting supervisory authority in the position without promotion to department head. Selectman Crean also felt that it is necessary to assess the needs of the department to see what level of supervision is needed. It was decided that the department head appointment and the request for an additional week of annual leave were connected and needed to be considered together. There was discussion of the previous personnel practice of accumulating comp. time for attending required evening meetings, etc. Exempt employees are expected to work their required hours and do not get comp. time for additional hours worked. Selectman Kline felt there was miscommunication with Ms. Scott when she was hired that has created this issue of the additional leave. He also said Ms. Scott would have negotiated for this leave at the time of her hiring if she knew the comp./admin. time practice would not be continuing. It was stated that personnel policies are always at the discretion of the Board of Selectmen to change at any time.

Action: Selectman Kline moved to increase the annual leave for Laura Scott to three weeks. Selectman Young seconded. Motion failed 2-3. Selectmen Crean, Tufts and Preston voted no.

Action: Selectman Kline moved to change the position to department head to oversee the Code Enforcement Officer and clerk. Motion died for lack of a second.

Selectman Tufts asked for a job description of how the position would change with supervisory authority. Mr. Brown will discuss that with Ms. Scott. Selectman Tufts also asked that the two memos submitted by Mr. Brown be updated so they can be addressed at an upcoming meeting. Mr. Brown asked the Board to review the memo to make sure it correctly reflects the Board's opinion. Selectman Crean stated that this discussion should be in non-public session as it is a personnel matter. Selectman Kline stated that the employee has asked that it be discussed in open session. There was discussion of the RSA's that cover this issue.

Warrant Articles

Mr. Brown has not finalized preparation of the revised warrant articles. He will have them for the next meeting.

NEW BUSINESS (continued)

Minutes

December 6, 2006 Non-public Minutes

Action: Selectman Tufts moved to approve the minutes as presented. Selectman Young seconded. Motion passed 5-0.

Selectman Kline stated that these minutes were for the first non-public session on 12/6/2006. The minutes have not been prepared for the second non-public session on that same date.

Manifest

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

Tax Abatements, Exemptions and Credits

None

TA report

A marijuana harvesting operation was broken up today on Rebecca Way. Local and State Police have had the Pembroke residence and several others throughout the state under surveillance for several weeks.

Committee Reports

Economic Development Committee – Selectman Kline has taken over the duties of the chair until a replacement is voted on.

CATV Advisory Committee – Selectman Crean has made a factual evaluation of the Comcast agreement. The current extension will expire on December 27th and another extension is necessary.

Budget Committee - Library Trustees met with the Budget Committee last week. They are asking for a full time employee for assistance with the day to day operations of the library.

Conservation Commission – The Selectmen have drafted a warrant article on the land use change tax so the voters can decide on the use of the funds. The Commission would like to continue to receive the 100% since any change does not allow the funds to be given to recreation, they would have to go to the general fund.

7. ADJOURNMENT

Action: Selectman Crean moved to adjourn. Selectman Kline seconded. Motion passed 5-0 and the meeting adjourned at 8:55 p.m.

Accepted by the Board of Selectmen

Larry J. Preston, Chair