

AGENDA
BOARD OF SELECTMEN
May 4, 2022 AT 6:30 PM
Pembroke Town Hall, Paulsen Room

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Mike Vignale – Main Street project
- IV. OLD BUSINESS:
 - a. 2019 Tax Deeds Final decision on deeding
- V. NEW BUSINESS:
 - a. Trail Dawgs Grant in aid form
 - b. Manifest/Abatements
 - c. Minutes 4/20/22
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. Non Public - RSA 91-A: 3 II (b) Hiring Public Personnel
- X. Non Public - RSA 91-A:3 II (c) Matters of which, if discussed in public, would likely effect the reputation of any person, other than a members of the public body itself, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver fee, fine or other levy, if based on inability to pay or poverty of the applicant.
- XI. ADJOURN

David Jodoin

From: MikeVignale <mvignale@kvpllc.com>
Sent: Wednesday, April 27, 2022 9:29 AM
To: David Jodoin
Subject: Re: Response to Contract Documents

Talked to Terry this morning. He basically agreed to all the edits (no idea why it took this long). I'm going to prepare a revised contract (Section 00800) that formalizes all the changes and send that to Terry for review/acceptance. He did say there would be increased insurance cost and won't know the amount until his insurance guy gets back from vacation on Monday. We'll see.

Sent from my iPhone

On Apr 26, 2022, at 8:04 PM, David Jodoin <djodoin@pembroke-nh.com> wrote:

Mike I think if they are ok with the comments that you made, It would be a very easy and smooth process for the Board to agree to

From: mvignale@kvpllc.com [mailto:mvignale@kvpllc.com]
Sent: Tuesday, April 26, 2022 4:50 PM
To: 'T McCormack' <tmccormack@flmerrill.com>
Cc: 'B Merrill' <bmerrill@flmerrill.com>; 'B Burns' <bburns@flmerrill.com>; 'David Jodoin' <djodoin@pembroke-nh.com>; 'Frank Merrill' <flm@flmerrill.com>
Subject: RE: Response to Contract Documents

Terry,

Don't understand why you just can't say what you agree to and what you don't. It's very clear what Primex is asking for. All I will do to make this an "actual contract document" is edit Section 00800 to reflect the changes. If that will really make a difference to you I guess I'll need to do that, but would prefer to do it only once after you tell me what is acceptable and what is not.

So, do I have to edit the document in "final" form now or not?

Mike

From: T McCormack <tmccormack@flmerrill.com>
Sent: Tuesday, April 26, 2022 4:38 PM
To: mvignale@kvpllc.com
Cc: B Merrill <bmerrill@flmerrill.com>; B Burns <bburns@flmerrill.com>; David Jodoin <djodoin@pembroke-nh.com>; Frank Merrill <flm@flmerrill.com>
Subject: RE: Response to Contract Documents

Hi Mike

Generally speaking, I was hoping that I was reviewing the actual contract document with any other changes that the Town of Pembroke would make before signing. This would eliminate multiple reviews

by our attorney and our insurance agents. The way it is today, maybe only my opinion, but this is not worthy of a contract document. I was hoping that the Town would submit a final contract worthy of signature. I will review as soon as I can and get back to you.

Terry

From: mvignale@kvpllc.com <mvignale@kvpllc.com>

Sent: Tuesday, April 26, 2022 4:10 PM

To: T McCormack <tmccormack@flmerrill.com>

Cc: B Merrill <bmerrill@flmerrill.com>; B Burns <bburns@flmerrill.com>; David Jodoin <djodoin@pembroke-nh.com>

Subject: RE: Response to Contract Documents

Hi Terry,

Attached are my comments regarding your comments to the Primex comments (sounds silly but that's what it is). A lot of the stuff regarding sentence structure and paragraph references are clearly very minor in nature. Take look at the attached and let me know if you want to respond to these comments. The more concise we can make the discussion with the Selectmen, the better it should go.

Mike

From: T McCormack <tmccormack@flmerrill.com>

Sent: Monday, April 18, 2022 8:19 AM

To: mvignale@kvpllc.com

Cc: B Merrill <bmerrill@flmerrill.com>; B Burns <bburns@flmerrill.com>

Subject: Response to Contract Documents

Good morning Mike,

Attached is our response in regards to the contract documents. Please let us know if we are still meeting with the selectmen this week or if it is not enough time for them to review. We look forward to hearing from you and moving forward.

Thanks

Terry



**35 VETERAN'S DRIVE
LOUDON, NEW HAMPSHIRE 03307
(603) 228-5558 FAX (603) 228-5559**

April 18, 2022

Town of Pembroke

Attention: Board of Selectmen

To all,

After reviewing the proposed contract documents for the Main Street Roadway Improvement Project, we have determined that we will need clarification on the altered contract that was presented to F.L. Merrill Construction Inc. the day before the preconstruction meeting. Specifically, I will comment on all changes that were provided by the insurance agent representing the Town of Pembroke that were identified in the Supplemental Conditions, section 00800 of the original contract documents and those comments that were not identified in the original contract documents.

First, under section 4.06 Hazardous Environmental Condition at Site, on page 15 OF 62, needs clarification. Is the note to be attached to 4.06 (F) and eliminate section (G)? Will the following sections then apply?

Second, Article 5-Bonds and Insurance, under section 5.02 notes are added but not complete sentences. Section 5.03 Certificates of Insurance sections A. and B. needs to be written in complete sentences removing any interpretation from both the Town of Pembroke and F.L. Merrill Construction Inc. liability.

Next, 5.04-Contractor's Insurance, Section A.1 requires sentence structure. Section B in 5.04 has multiple notes and eliminates reference to Paragraph 6.11 and 6.20 but are those sections eliminated in their entirety?

Next, 5.06-Property Insurance was addressed in the Supplemental Conditions, section 00800 of the contract documents.

Next, 5.07-Waiver of Rights and 5.08-Receipt and Application of Insurance Proceeds was addressed in the Supplemental Conditions, section 00800.

Next, 5.09-Acceptance of Bonds and Insurance; Option to Replace, this section was crossed out but references Paragraph 2.01.B. Are we eliminating the entire Section 5.09 and all that pertains to it?

Next, 5.10-Partial Utilization, Acknowledgement of Property Insurer is similar to 5.09 in regards to referencing other Paragraphs.

Next, 6.07-Patent Fees and Royalties, section B is to be eliminated in its entirety. F.L. Merrill Inc. acknowledges.

Next, 6.11-Use of Site and Other Areas, section A.3. needs to be edited.

Next, 6.20-Indemnification, section A needs to be edited.

Next, Article 16-Dispute Resolution, this appears to be eliminated in its entirety. F.L. Merrill Construction has not hired an attorney at this point to determine if this is in our best interest. This section does reference multiple other paragraphs as they relate to the contract. It is noted in the Supplemental Conditions, Section 00800 but this is not clear. Please verify this is the Towns intent to eliminate.

Next, 17.05-Controlling Law, needs to be edited.

Next, in the section Performance Bond, page 3 of 3, needs to be edited.

Next, in section Payment Bond, page 3 of 3, needs to be edited.

Lastly, F.L. Merrill Construction Inc. does not feel as though this is in our best interest to sign until all comments (including any that were missed), are corrected. At this time, we will be able to identify any additional costs that may be incurred by F.L. Merrill Construction Inc. F.L. Merrill Construction Inc. is prepared to continue working in preparation for this Project to start in June as discussed at the preconstruction meeting as we are the low bidder for this project. But, we will need to see the revised final contract for review before signing and committing to ordering materials.

Sincerely,

Terry McCormack

F.L. Merrill Construction Inc.

| <u>NAME</u> | <u>PROPERTY ADDRESS</u> | <u>MAILING ADDRESS</u> | <u>AMOUNT DUE</u> | |
|--|---|---|-------------------|----------------|
| | | | <u>THROUGH</u> | <u>MAP/LOT</u> |
| | | | <u>5/6/2022</u> | |
| <u>Tax Deed date is May 6, 2022</u> | | | | |
| American Legion (Did not file IRS/Town or State Forms) | 43 Church Street Pembroke, NH 03275 | 43 Church Street Pembroke, NH 03275 | 12,058.04 | VE-158-1 |
| American Legion (Same as above/No forms no tax exempt status) | 3 Glass Street Pembroke, NH 03275 | 43 Church Street Pembroke, NH 03275 | 7,338.86 | VE-175 |
| George and Jillean Charlton (Bankruptcy) | 465 Sixth Range Road Pembroke, NH 03275 | 465 Sixth Range Road Pembroke, NH 03275 | 2,040.60 | 260-6 |
| Wendy Cray (Mobile Home) | 78-8 Sheep Davis Road Pembroke, NH 03275 | 78-8 Sheep Davis Road Pembroke, NH 03275 | 697.54 | 632-11-108 |
| Zachary Eastland (Mortgage Notified) | 12-14 Church Street Pembroke, NH 03275 | 12 Church Street Pembroke, NH 03275 | 7781.16 | VE-135 |
| Mary Emery (Deceased/Mobile Home) | 78-15 Sheep Davis Road Pembroke, NH 03275 | 58A Tremont Street Boscawen, NH 03303 | 553.38 | 632-11-115 |
| Jean Gloddy (Mobile Home) | Silver Fox Homeowners Cooperative Inc. 216 Friendship Ave Pembroke, NH 03275 | Silver Fox Homeowners Cooperative Inc. 216 Friendship Ave Pembroke, NH 03275 | 85.05 | 870-32-U16 |
| Nicholas Julian (Mobile Home) | 235-3 Dearborn Road Pembroke NH 03275 | 235-3 Dearborn Road Pembroke NH 03275 | 231.09 | 266-76-103 |
| Owners Unknown (Deed issues) | Broadway Pembroke, NH 03275 | 311 Pembroke Street Pembroke, NH 03275 | 204.03 | VE-15-1 |
| Owners Unknown | Main Street | 311 Pembroke Street | | |

| | | | | |
|--|---------------------------------------|---|----------|----------|
| (Deed Issues) | Pembroke, NH 03275 | Pembroke, NH 03275 | 158.22 | VW-114-1 |
| Owners Unknown (Deed Issues) | Pembroke Street | 311 Pembroke Street Pembroke, NH 03275 | 251.51 | 266-27-2 |
| George and Lorette Richard (PROBATE ISSUE) | 313 Buck Street Pembroke, NH 03275 | 313 Buck Street Pembroke, NH 03275 | 7952.04 | 941-1 |
| THC Realty Trust Elliot Konner Trustee (Contaminated Property) | Main Street Pembroke, NH 03275 | PO Box 10545 Bedford, NH 03110-0545 | 2,113.92 | VE-179-2 |
| Webster Falls Inc (Deed Issues) | Mills Fall Off Pembroke, NH 03275 | 116 So River Road Bldg A Bedford, NH 03110 | 236.62 | VE-179-1 |

4/29/2022

TITLE V TAXATION

CHAPTER 80 COLLECTION OF TAXES

Proceedings Against Real Estate

Section 80:38

80:38 Tax Deed. —

I. The collector, after 2 years from the sale, shall execute to the purchaser, his heirs or assigns, a deed of the land so sold and not redeemed. The deed shall be substantially as follows:

Know all men by these presents, That I, _____, collector of taxes for the Town of _____, in the County of _____, and State of New Hampshire, for the year 19 ____, by the authority in me vested by the laws of the state, and in consideration of _____ to me paid by _____, do hereby sell and convey to him the said _____, his heirs and assigns (here describe the land sold), to have and to hold the said premises with appurtenances to him, _____, his heirs and assigns forever. And I do hereby covenant with said _____, that, in making this conveyance I have in all things complied with the law, and that I have a good right, so far as the right may depend upon the regularity of my own proceedings, to sell and convey the same in manner aforesaid. In witness whereof I have hereunto set my hand and seal the _____ day of _____, _____.

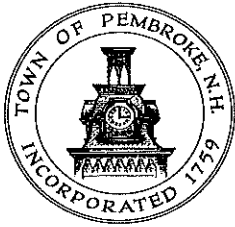
Signed, sealed and delivered in the presence of _____.

II. Notwithstanding the provisions of paragraph I, the collector shall not execute a deed of the real estate where the purchaser is a municipality which has purchased the real estate at a tax sale for the payment of taxes, and the governing body of the municipality has notified the collector that it shall not accept the deed because acceptance would subject the municipality to potential liability as an owner of property under the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C. section 9601 et seq., the Resource Conservation and Recovery Act, 42 U.S.C. section 6901 et seq., RSA 147-A and 147-B, and any other federal or state environmental statute which imposes strict liability on owners for environmental impairment of the real estate involved.

II-a. In addition to the circumstances described in paragraph II, the governing body of the municipality may refuse to accept a tax deed on behalf of the municipality, and shall so notify the collector, whenever in its judgment acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks, including obligations under real estate covenants or obligations to tenants, or for any other reason would be contrary to the public interest. Such a decision shall not be made solely for the private benefit of a taxpayer.

III. When a governing body has, under paragraph II or II-a, served notice upon the collector it shall not accept the deed, the tax lien shall remain in effect indefinitely, retaining its priority over other liens. The taxpayer's right of redemption as provided by RSA 80:32 shall likewise be extended indefinitely, with interest continuing to accrue as provided in that section. The tax obligation may be enforced by the municipality by suit as provided under RSA 80:50, and through any remedy provided by law for the enforcement of other types of liens and attachments. If at any time, in the judgment of the municipal governing body, the reasons for refusing the tax deed no longer apply, and the tax lien has not been satisfied, the governing body may instruct the collector to issue the tax deed, and the collector shall do so after giving the notices required by RSA 80:38-a and 80:38-b.

Source. RS 46:15. CS 49:17. GS 55:17. GL 59:14. PS 61:16. 1925, 61:1. PL 66:33. 1931, 119:3. RL 80:33. RSA 80:38. 1971, 235:1. 1985, 312:7. 1994, 199:2. 1997, 266:1, eff. Jan. 1, 1998.



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-15-1 (Broadway/Unknown) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

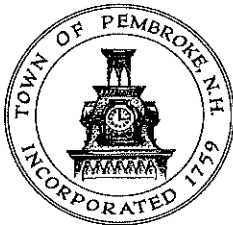
Board of Selectmen

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean

Peter Gagyí



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VW-114-1 (Main Street/Unknown) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

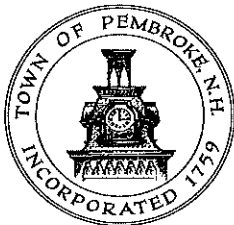
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**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-179-1 (Webster Falls Inc) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

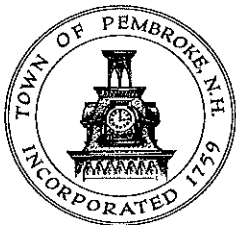
Board of Selectmen

Karen Yeaton, Chairman

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Richard Bean

Peter Gagyí



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map VE-179-2 (THC Realty Trust) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

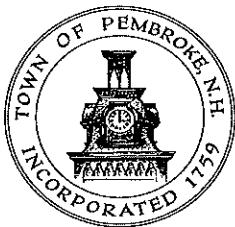
Board of Selectmen

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean

Peter Gagyí



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map 266-27-2 (Off Pembroke Street) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes. The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

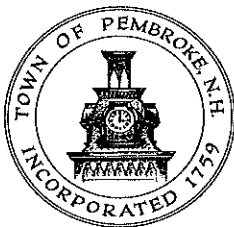
Board of Selectmen

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean

Peter Gagyí



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map 260-6 (Charlton Bankruptcy) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

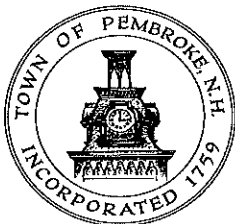
Board of Selectmen

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean.

Peter Gagyí



**TOWN OF PEMBROKE
TAX COLLECTORS OFFICE**
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

DEED WAIVER

The property located at tax map 941-1 (Richard Probate) is due to be tax deeded to the Town of Pembroke, NH for non payment of 2019 taxes.

The Town of Pembroke, Board of Selectmen hereby notifies the Tax Collector that they will not accept the Tax Collectors deed because "in its judgement acceptance and ownership of the real estate would subject the municipality to undesirable obligations or liability risks" per RSA 80:38 II-a.

Board of Selectmen

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean.

Peter Gagyí

David Jodoin

From: Paul Gagnon <pgagnon@pembroke-nh.com>
Sent: Monday, April 11, 2022 4:30 PM
To: djodoin@pembroke-nh.com djodoin@pembroke-nh.com
Subject: American Legion

We have finally been able to get into the Old Legion on Glass St and conduct an inspection. Mike and Laura Foster are interested in purchasing the property. They arranged the inspection. They are also members of the Legion. Rob Farley and Bill Clark conducted the inspection. They found the building to be in serious disrepair. Ceilings and dropped due to water damage. There is an area in the building that may not be structurally sound. They are writing a report and will be serving the Legion with a notice of the problems.

I will be notifying dispatch that this is an unoccupied and unsafe for entry building. Does the town have a policy on flagging a property. I know some communities use a red sign with white X as an indicator for emergency services to not enter.

If you were not aware the Legion has reopened their Canteen. That location did pass an inspection. I will be having Rob do a drop in visit and make sure they have taken care of the problems that they did have.

Paul Gagnon
Chief
Pembroke Fire Department
(603) 485-3621 EXT 2251

David Jodoin

From: Walter Mitchell <walter@mitchellmunigroup.com>
Sent: Monday, April 11, 2022 9:37 AM
To: Tracy Culberson
Cc: David Jodoin
Subject: RE: Update on Estate of Loretta Richard

Thank you, Tracy, for the update on this matter.

If I don't hear anything further from you by May 2nd, I will check in – as that is the evening on which the Pembroke Selectmen are scheduled to consider whether to proceed with the tax deeding process for those properties which are eligible.

Walter

From: Tracy Culberson
Sent: Saturday, April 09, 2022 5:29 PM
To: Walter Mitchell <walter@mitchellmunigroup.com>
Subject: Update on Estate of Loretta Richard

Walter,

I hope this email finds you well. I finally received an order from the probate court appointing Jeffrey Martin as executor of Loretta's estate pending the filing of a corporate surety bond. Unfortunately, he was unable to secure a bond. I have filed a motion with the court asking that he be able to file a personal bond instead or, in the alternative, allow for the substitution of a different executor.

If the court won't accept a personal bond, I will approach an attorney in Manchester that I regularly work with and ask her to serve as executor. She is excellent and has a lot of experience with these types of cases.

I will continue to keep you updated but feel free to contact me anytime.

Tracy

Tracy M. Culberson, Esq.
Culberson Legal Services of NH, PLLC
P.O. Box 186
Pembroke NH 03275
(603) 229-7446

David Jodoin

From: Kevin Gagne <kevingagne@gphac.com>
Sent: Thursday, April 21, 2022 9:47 AM
To: David Jodoin
Subject: Trail Dawgs Summer construction projects
Attachments: 2022 GIA Project Pembroke Permission Form.pdf

David

I have attached 2022 landowner permission form.

I'm applying for 2022 GIA summer construction grants so that club can do necessary repairs on the class 6 5th range road. 7th range road from Thompson rd to 1st trail Jct. As well as Kimbal and Robinson.

At your earliest convenience have it sign and return to me by email.

Our annual permission is good until fall.

Also we are intending on using our trail maintenance utv to pic up trash, signs and access scope of projects this weekend. I will notify the Conservation Commission as well as PD.

Thanks Kevin Gagne Trail Adm.



STATE OF NEW HAMPSHIRE
Department of Natural and Cultural Resources
Division of Parks and Recreation
Bureau of Trails

GRANT-IN-AID PROJECT PERMISSION FORM

In order to receive Grant-In-Aid funding from the Bureau of Trails, all projects proposed on State of New Hampshire, United States Government, Town, or private property must have approval by the landowner or land manager.

This form is to be completed and submitted WITH a club's GIA Application for grant funding for proposed projects.

Grant approval by the Bureau of Trails DOES NOT constitute consent by a landowner/land manager for any work to be done.

Club Name: NEW HAMPSHIRE TRAIL DAWGS Current Date: 04 / 22 / 22
GIA Proposed Project Number: P-2 (P1, P2, P3, etc.)

☐ STATE OF NEW HAMPSHIRE PROPERTY ☐ UNITED STATES GOVERNMENT PROPERTY

☒ TOWN PROPERTY (attach minutes of approval meeting if applicable)

LANDOWNER: TOWN OF PEMBROKE 311 PEMBROKE ST

LANDOWNER examples: NH Forest and Lands, NH Parks and Recreation, NH Water Resources, NH Fish and Game, US Forest Service, US Army Corps of Engineers, Town of Millsfield, City of Concord.

CONTACT PERSON: DAVID JODOIN- DJODOIN@PEMBROKE-NH.COM

CONTACT PHONE #: 603-485-4747

PROJECT PROPERTY ADDRESS: CLASS 6 RANGE ROADS, 5TH, 7TH & KIMBAL

I hereby give permission to the above named club to perform work related to the above project on this property.

Signature

____ / ____ / ____
Date

PRIVATE PROPERTY

LANDOWNER: _____

CONTACT PERSON (if not landowner): _____

LANDOWNER/CONTACT PHONE #: _____

PROJECT PROPERTY ADDRESS: _____

I hereby give permission to the above named club to perform work related to the above project on this property.

Signature

____ / ____ / ____
Date

NEW HAMPSHIRE CODE OF ADMINISTRATIVE RULES - #7238, eff 5-1-00

Res 8403.03 Landowner Permission.

All political subdivisions and clubs seeking Grant-In-Aid for trail construction or maintenance shall obtain written landowner permission. Written permission shall not be required for winter grooming projects, provided that the trail administrator verifies by signing the grant application, that permission has been received.

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
April 20, 2022 at 6:30 PM**

DRAFT,

Present: Selectman Richard Bean, Selectman Peter Gagyi, Selectman Karen Yeaton

Absent: Selectman Sandy Goulet

Staff: Town Administrator David Jodoin

I. Call to Order:

Chairman Yeaton called the meeting to order at 6:34pm.

II. Citizens Comment:

None

III. Scheduled Meetings

VJ Ranfos – Cemetery Fees

VJ Ranfos, Public Works Director, explained Dignified Cemetery Services has increased their prices this year. The Town fees to taxpayers matches exactly what is billed from Dignified. The Cemetery Commission has asked that the Town raise the costs of burials to match the increases. The weekday price for a burial has increased \$25, Saturday increased from \$750 to \$775, and Sundays/holidays has increased to \$900. Cremations on weekdays was \$250 and is now \$300, Saturdays was \$350 and has increased to \$400, and Sundays/holidays has increased to \$500.

Selectman Gagyi asked if this service goes out to bid. VJ answered it is but the Town has been using Dignified for several years.

Selectman Gagyi made a motion to approve updated cemetery fees as presented. Selectman Bean seconded the motion. Motion passed 3-0.

IV. Old Business

2019 Tax Deed Listing

Tax deeding notices went out for the residents that have not paid their 2019 taxes. Deeding date is May 6, 2022.

The Police Department has delivered all the letters to residents on the Tax Deed List.

V. New Business

Release of Bonds for the Greens at Pembroke Pines

The Planning Board is making a recommendation for the Board of Selectman to release the full amount of the bond money from Bob MacCormack for the Greens at Pembroke Pines. The Town currently holds to bonds in the amount of \$48,695 for restoration and \$90,000 for roadway completion and contingency that were to be held to issue first occupancy. According to the Town Engineer and the Building Inspector, the project is fully occupied and there are no outstanding site or building inspections. On April 13th, the Planning Board voted to recommend that the Selectman release the full \$90,000 bond amount for site restoration and partially release \$16,342 for occupancy but maintain the \$73,658 for the roadways for one year.

Selectman Bean made a motion to release bond number #506384 in the amount of \$48,695 and partially release bond #45324 in the amount of \$16,342. Selectman Gagyí seconded the motion. Motion passed 3-0.

Manifests/Abatements

Selectman Gagyí made a motion to accept the manifests and abatements as presented. Selectman Bean seconded the motion. Motion passed 3-0.

Minutes – 4/6/22

Selectman Bean made a motion to accept the minutes of April 6, 2022 as presented. Selectman Gagyí seconded the motion. Motion passed 3-0.

Selectman Bean made a motion to accept the minutes of April 6, 2022 as presented. Selectman Gagyí seconded the motion. Motion passed 3-0.

VI. Town Administrator Report:

The grant for ambulance equipment has come through for \$50,000.

Paperwork for LRPA infrastructure grant has been filed in the amount of \$730,000.

VJ and David met with the State of NH and the Engineers working on the MS4 Stormwater Permitting. The Town was allotted \$30,000. \$1,800 was used to hire an intern to help with mapping of the stormwater drainage. Those costs may be absorbed by the Engineering costs which mean a new application will need to be filed with the State.

The contract and grant work for the Safety Center has been finalized.

David discussed a change in the bidding process due to recommendations made by the Insurance Company.

VII. Committee Reports:

Selectman Gagyi – Planning held nominations. Brian Seaworth is Chair and Bob Bourque is Vice-Chair. They are discussing working with Regional Planning on the Range Roads. TRC was approached about putting 6 units attached on Kimball Street. Soccer Fields on Buck Street is looking to make some changes.

Selectman Yeaton – Conservation had some concerns with the volume of units in the Kimball Street project. Conservation also has concerns with the soccer field proposal since they are surrounding by protected classes of land such as wetlands, flood plains, and shorelines. Evans parcel plan was denied by the ZBA. Budget met and discussed changes to the tax impact sheet. They are going to ask a representative from the school to discuss how the special education lines work.

Selectman Bean – Recreation Commission is meeting Monday. They are working on CIP.

VIII. Other Citizen Comment:

None


IX. Adjourn:

Selectman Gagyi made a motion to adjourn at 7:18 PM. Selectman Bean seconded the motion and it was approved unanimously.

Karen Yeaton, Chairman

For more detailed information, the meetings are now taped and can be seen on www.townhallstreams.com click on Pembroke NH and look for the day of the meeting under the month.

STATE OF NEW HAMPSHIRE
INTER-DEPARTMENT COMMUNICATION

FROM: Paul E. Metcalf, P.E. 
District Construction Engineer

DATE: April 28, 2022
AT: Construction Bureau

SUBJECT: **Allenstown-Pembroke 40362**
Address Red List Bridge carrying NH 28 over Suncook River (Br No 107/098)

TO: Construction Files *via*
Theodore Kitsis, P.E.
Administrator

MEMORANDUM

Be advised that work on the subject project was started by Evroks Corporation on April 25, 2022. This notice does not mean that the Contractor has started major work, only that they are on site. Major work will not be allowed until the requirements, as noted in 108.03 Pre-construction Activities, have been satisfied and any other permits or approvals are received.

PEM/mw

cc:

Bureau of Bridge Design
Bureau of Bridge Maintenance, A. Hall, L. Byers
Bureau of Environment, Jonathan Evans
Bureau of Highway Design
Bureau of Highway Maintenance
Bureau of Materials & Research
Bureau of Right-of-Way
Bureau of Traffic, Julie Mathews
Bureau of Planning & Community Assistance
Bureau of Turnpikes
Bureau of Rail & Transit
Contractor, Evroks Corporation
Contract Administrator, Mason Chepulis
Utility Section, Lennart Suther

Director of Project Development
District 5 Maintenance
TMC, S. Klasen, C. Blackman
Environmental Coordinator, D. Elliott, D. Benjamin
Office of Federal Compliance
Surety, Berkley Insurance Company
The Towns of Allenstown and Pembroke
Project Lead Person, David Scott
Wetlands Bureau, DES, K. Benedict, M. Tilton, D.
Forst, D. Keirstead
Wetlands Permit #202000801, 202100801, 202001964,
202001405
☐ CAMS Milestone

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THE STATE OF NEW HAMPSHIRE HOUSING APPEALS BOARD

Governor Gallen State Office Park
Johnson Hall, 107 Pleasant Street
Concord, New Hampshire 03301
Telephone: (603) 271-1198
TTY/TDD Relay: (800) 735-2964
Visit us at <https://hab.nh.gov>



NOTICE TO DEFENDANT

Case Name: William Evans, Trustee v. Town of Pembroke
Case Number: ZBA-2022-08
Date Filed: April 27, 2022

You have been served with a Complaint which serves as notice that this legal action has been filed against you in the **Housing Appeals Board** ("Board"). Review the Complaint to see the basis for the Applicant's claim.

Within 30 days after receiving notice of this appeal, each Defendant is required to:

- 1) Email or mail an Appearance and Answer to the Board;
- 2) Mail or hand-deliver four (4) copies of the Certified Record of all previous proceedings to the Board. Enclosed must also be three (3), full-size copies of any relevant plans referred to in the Certified Record. A flash drive containing a digital copy of all documents in the Certified Record (except for full-size plan sets) must also be enclosed.

If you are working with an attorney, they will guide you on the next steps. If you are going to represent yourself in this action, send all required documents by email to clerk@hab.nh.gov, except for the four copies of the Certified Record, which must be hand-delivered or mailed to the Clerk at Johnson Hall, 107 Pleasant Street, Concord, New Hampshire 03301.

IMPORTANT: After receiving your response and other filings, the Board will send notifications and Board orders electronically to the email address you provide.

A person who is filing or defending against a Civil Complaint should be familiar with the Housing Appeals Board Administrative Rules, as well as the requisites of RSA 679, both of which are available on the Board's website: <https://www.hab.nh.gov>. If you have any questions regarding this process, please contact the Clerk at [\(603\) 271-1198](tel:6032711198) or by email at clerk@hab.nh.gov.

HOUSING APPEALS BOARD

Elizabeth Menard
Elizabeth Menard, Clerk

Date: April 28, 2022

cc: Robert L. Best, Esq., Sulloway & Hollis, PLLC, 9 Capitol Street, Concord, NH 03301 (Counsel for Applicant)