

**AGENDA**  
**BOARD OF SELECTMEN**  
**April 21, 2021 AT 6:30 PM**  
**Pembroke Town Hall, Paulsen Room**

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- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
  - a. Continued Public Hearing Chapter 191-17
  - b. Tammy Webb Vachon and Clukay – 2019 Audit Presentation (Via Phone)
- IV. OLD BUSINESS:
  - a. Tax Deeds
  - b. DOT Requests
- V. NEW BUSINESS:
  - a. 1 Ton Bids and Service Body Bids
  - b. Citizen request for permission to withdraw water at memorial Field
  - c. Manifest/Abatements
  - d. Minutes 4/7/21
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. Non Public Session in Accordance with RSA 91-A:3 II (b) Hiring
- X. RSA 91-A:3 II (a) The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.
- XI. ADJOURN

## David Jodoin

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**From:** Gerard Fleury <muddjelly@aol.com>  
**Sent:** Friday, April 16, 2021 10:09 AM  
**To:** djodoin@pembroke-nh.com  
**Cc:** michael.crockwell@gmail.com; karen.yeaton@yahoo.com;  
anbondpembrokeselectmen@gmail.com; rbean03275@comcast.net;  
sandycgoulet@gmail.com  
**Subject:** Requested additional consideration of Chapter 191-17 proposed amendment.  
**Attachments:** Comment for April 21, 2021 public hearing on Chapter 191-17.docx

Please find my attached request for consideration on the upcoming matter of the Parking issue on Kimball Street. I plan on attending your next meet but in the event that something prevents my attendance, I respectfully request that my attached letter be introduced for the record when that subject comes up for discussion.

Gerard Fleury  
21 Kimball Street

Dear Selectmen,

I am writing to provide further input on the public hearing of April 7, 2021 on Chapter 191-17, Parking on Kimball Street, which was continued to April 21<sup>st</sup>. I would like to remind everyone that the recommendations of the Police Department and Public Works Department for a no parking zone were opposed solely by residents of 12 to 14 Kimball. At the hearing on April 7<sup>th</sup>, the possibility of making Kimball Street a one way was discussed as an alternative which might allow parking on one side of the street. I am strongly in opposition to making Kimball Street a one way in either direction for the following reasons. If Kimball Street were made a one way going north, (from Glass Street to Main Street) it would create a plowing problem because the plows are unable to push large quantities of snow uphill and the plowing schedule, especially in heavy snow storms, does not allow for the Town's trucks to service Kimball before considerable snow accumulates. Trash pickup would also be more complicated in winter because sidewalks would be the only place to safely place trash and recycle carts and a sidewalk exists on only the west side of the street. If Kimball were made a one way going south, (Main Street to Glass Street) the snow accumulations would be deposited largely on the west or downhill side of the street and, in addition to depositing unmanageable amounts of snow on the sidewalks (which the Town is not always able to clear until days after a storm because of limited resources), it would create a snow removal hardship for residents on the west side of the street and leave no place for carts on trash day. The space limits between the street and homes on the west side of Kimball Street can clearly be seen from an examination of the Town's property tax maps of Kimball Street, which show how very little room exists for residents to place their snow. An attached copy of that tax map, supported by an overhead photo from Google Earth testify to the proximity of houses to the road on that side of the street. Please note that the potential for traffic congestion is not well document in the Google Earth photo. Since that photo was taken, another house was built at 16 Kimball Street, (the east side) and a special variance was granted, which in my opinion, was in violation of the Town code, for the line-of-sight requirement for the driveway for that property. Now, with that additional blind driveway, hidden below the crest of the hill, vehicles parked on either side of Kimball at the crest of the hill only exacerbate the danger of automobile accidents, especially for compact cars which ride lower to the ground and do not offer the visibility of taller sport utility vehicles and trucks.

On the subject of trucks, since the onset of the COVID pandemic, the number of deliveries from large delivery vehicles like UPS, Fed EX and Amazon Prime and a narrowed roadway due to parked cars only makes the situation more dangerous. I know that members of the Board of Selectmen indicated their desire to travel that street to see the situation for themselves and I applaud that sense of fairness, but I hope that they were able to visualize a full-sized pickup truck or similar vehicle being parked at the crest of the hill, sometimes accompanied by another vehicle on the opposite side without it being on the public sidewalk when they examined the area. Also image Tri-Town or a Fire Department vehicle needing to negotiate that narrow gap which would remain.

Whereas the prime concern about a no parking zone on the street comes from residents at 12 – 14 Kimball, I would also call you attention to the amount of back land shown on the tax map and Google Earth photo for that property, which could be used as parking for those residents.

In summary then, I remain staunchly opposed to making Kimball Street one way in either direction, I strongly support the original amendment to Chapter 191-17 to prohibit parking for a 450-foot distance

Gerard and Kathleen Fleury  
21 Kimball Street





# Chapter 191 Continued 4/21

In accordance with § 191-9, Article III, (2), no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Broadway	East	200 feet North of Pine Street to 50 feet south of Pine Street and 50 feet south of Pine Street to 115 feet north of Pleasant Street and 100 feet north of Pleasant Street to 125 feet south of Pleasant Street.
Central Street	North	From Main Street east for a distance of 67 feet
Central Street	South	For its full length from Main Street to Church
Church Road	South	From Pembroke Street east for 200 feet
Church Street [Added 10-15-2001 by Ord. No. 01-07]	East	Beginning at a point 282 feet from Glass street north for a distance of 72 feet
Church Street	West	From Main Street to Glass Street
Church Street Extension [Added 10-15-2001 by Ord. 01-07]	West	From Glass Street to end
Exchange Street	East	From Front Street northerly to Pleasant Street
Front Street	North	Beginning at Bridge Street westerly to Exchange Street
Front Street [Added 8-19-2002 by Ord. No. 02-02]	North	From High Street east for a distance of 42 feet
Front Street	North	For a distance of 45 feet from Main Street
Front Street	South	From Main Street to High Street
Glass Street	North	Beginning at a point 130 feet easterly from the center line of Church Street to Kimball Street
Glass Street	North	From Main Street to Crescent Street
High Street [Added 8-19-2002 by ord. No. 02-02] [Added 10-21-13]	East	From Front Street north for a distance of 30 feet.  West side from Harold Ave south to Front Street.
6 Howard Street [Added 11/18/19 BOS]	North	Town owned property used for turnaround and snow deposit
<u>Kimball Street</u>	<u>South</u>	<u>From Main Street starting 250 feet South ending 450 feet to the South</u>
<u>Kimball Street</u>	<u>North</u>	<u>From Glass Street starting 350 Feet North</u>

191-17

Proposed changes

# Pembroke Police Department

## Memo

**To:** Board of Selectman  
**From:** Chief Dwayne Gilman  
**CC:** Dave Jodoin Town Administrator  
**Date:** March 15, 2021  
**Re:** Kimball Street No Parking

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Dear Selectman,

**Subject:** I have started an effort to handle a safety concern on Kimball Street in town. Kimball Street is located in the village area between Main Street and Glass Street. It runs North and South and had approximately 20 residential properties on it.

**Problem:** The safety concern is at the crest of a hill. There are no parking restriction on this road including on the hill. Currently vehicles are parking on both sides of the hill, facing south and facing north causing a safety hazard for anyone traveling in either direction. (Photos attached)

**Solution:** I have met with Public Works Director V.J Ranfos and discussed options of no parking on one side or other solutions. It was agreed that no parking on both sides in the area of the hill would be the best solution as to not interfere with other residents and their parking.

**Cost:** The cost of the project would be four signs and four posts at a cost of 50.00 each. Total cost would be 200.00. Public works would handle the installation.

**Request:** I am asking that the Board of Selectman approve No parking in the area of Kimball St. on both sides of the hill. I ask that the Board approve the following Language.

### 191-17 Schedule III Parking Prohibited at All Times

Street Name	Side	Location
Kimball Street	South	From Main Street starting 250 feet South ending 450-feet to the South.
Kimball Street	North	From Glass St. Starting 350 feet North 450 feet in a North Direction





MAIN ST. FACILE SOUTH





CLASS ST FRACINLB NCEM



Owner	MapLot	Location	YEAR	AMOUNT DUE 5/6/2021
BOULTILIER, WILLIAM	266-76-104	235-4 DEARBORN RD*	2017	832.43
			2018	721.00
BREZOSKY, ERIC	632-11-120	78-20 SHEEP DAVIS RD*	2018	317.29
CRAY, WENDY A	632-11-108	78-8 SHEEP DAVIS RD*	2017	988.95
			2018	833.71
EMERY, MARY	632-11-115	78-15 SHEEP DAVIS RD*	2018	456.70
KING, RICHARD & GWEN	266-85-41A	153A TINA DR	2017	1,405.11
			2018	5,808.72
LECLAIR, ANTONIA & RAYMOND	VW-183	MERRIMACK RIVER	2017	226.20
			2018	304.57
OWNERS UNKNOWN	VW-114-1	MAIN ST**	2017	159.08
			2018	160.36
OWNERS UNKNOWN	266-27-2	PEMBROKE ST (OFF)**	2017	325.88
			2018	282.67
OWNERS UNKNOWN	VE-15-1	BROADWAY**	2017	243.63
			2018	247.86
RICHARD, GEORGE & LORETTA A	941-1	313 BUCK ST****	2017	5,646.89
			2018	8,887.43
THC REALTY TRUST	VE-179-2	MAIN ST - OFF**	2017	2,466.13
			2018	1,974.63

WEBSTER FALLS, INC

VE-179-1

MILL FALLS - OFF\*\*

2017  
2018

276.12  
253.14

**4/12/2021**

\* = Mobile Home in Park

\*\* = Deed issues or contaminated land

\*\*\* = Probate issue/Parents deceased

**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF TRAFFIC**

18 Smokey Bear Blvd, P.O. Box 483  
Concord, NH 03302  
603-271-2292

**Proposed District Resurfacing CY 2021 Program only** – (other crosswalks will be permitted separately)

The City/Town of PEMBROKE

is requesting approval of an uncontrolled crosswalk on the state maintained highway at the following location:

Project Number	Remarks for Installation	Segment Name	Road	Crosswalk Description	Requirements for Approval	ADA Improvements	School Zone (Y/N/Unk)
16165J	Existing location approved	PEMBROKE	Main Street	Just south of Central Street/Union Street	Additional lighting recommended, restrict parking within 20' of crosswalk	Install landings and detectable warning devices	No

**Crosswalk Maintenance Responsibilities:**

**Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality**, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

**Parking shall be restricted** and enforced within 20 feet minimum from each end of the crosswalk in all directions by the municipality. "No Parking" signs shall be installed and maintained by the municipality as appropriate.

Pedestrian crossing warning signs at all uncontrolled crosswalks and established unmarked pedestrian crossings will be installed and maintained by the Department.

**Acceptance of Crosswalk Maintenance Responsibilities as described above:**

Signed: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

Initial Crosswalk Markings (Check One): By NHDOT \_\_\_\_\_ By Municipality\* \_\_\_\_\_ Eliminate \_\_\_\_\_

**\*See Requirements on Attached Letter**

**If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated.** In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

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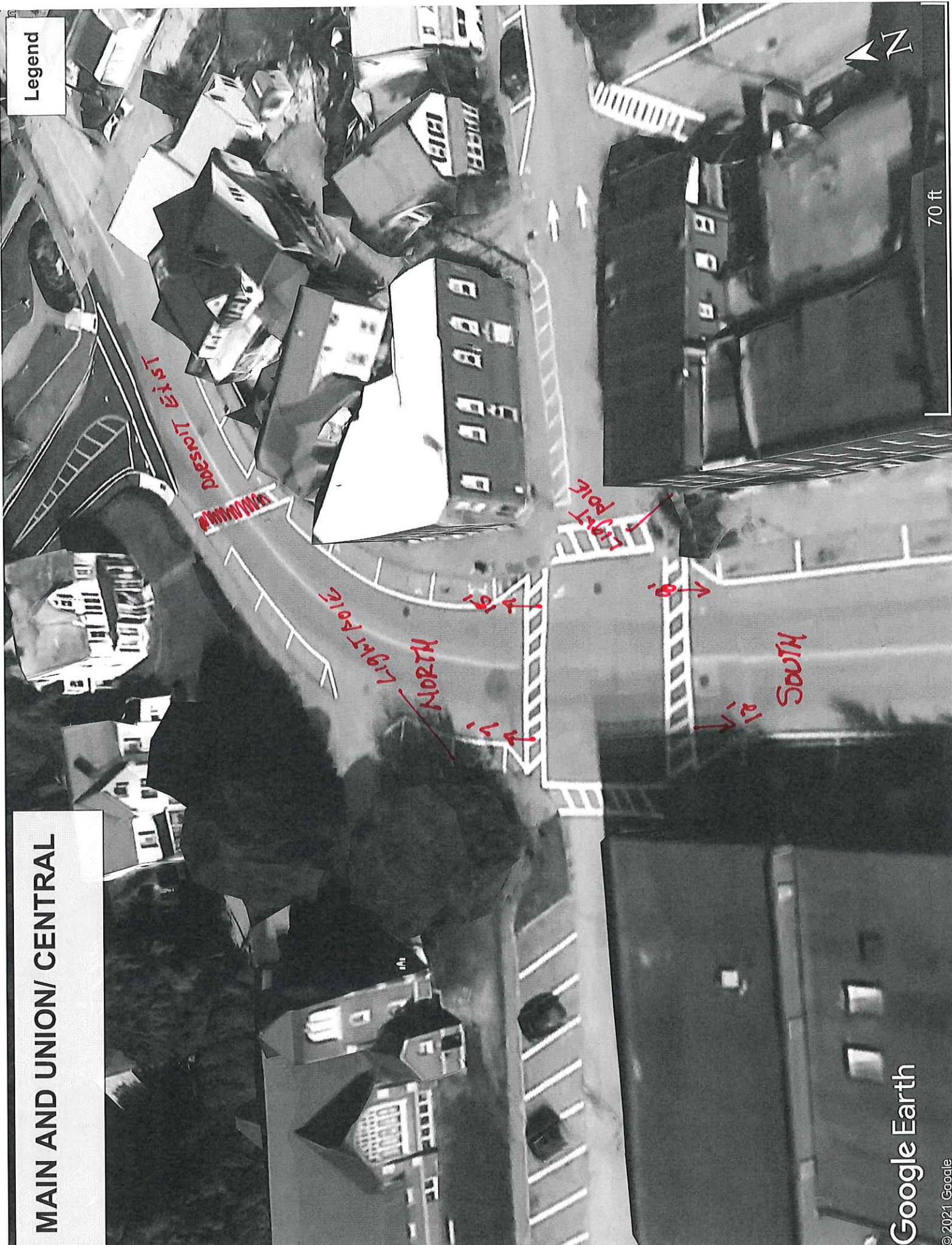
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MAIN AND UNION/ CENTRAL

Legend





**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF TRAFFIC**

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Concord, NH 03302  
603-271-2292

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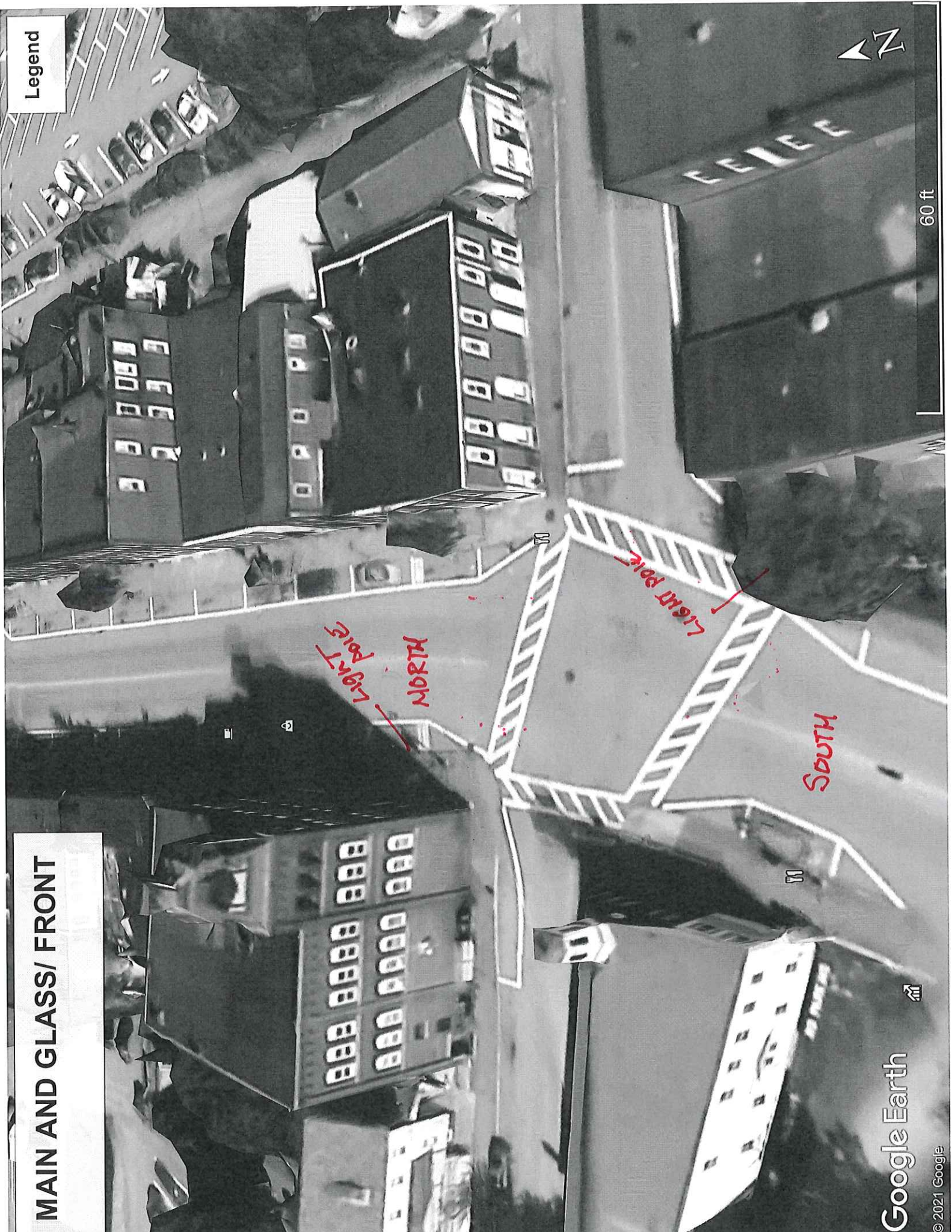
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MAIN AND GLASS/ FRONT

Legend



**STATE OF NEW HAMPSHIRE  
DEPARTMENT OF TRANSPORTATION  
BUREAU OF TRAFFIC**  
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603-271-2292

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16165J	Existing location approved	PEMBROKE	Academy Rd	East of Cross Rd	Additional lighting recommended		Yes

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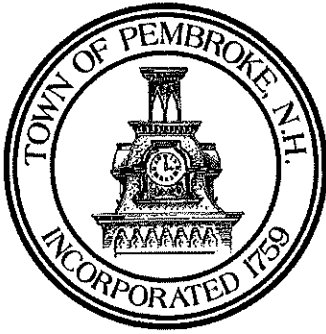
# ACADEMY ROAD CROSS WALK

Write a description for your map.

*LIGHT BULBS  
"DIA"*

Legend  
Academy Rd





# *Town of Pembroke*

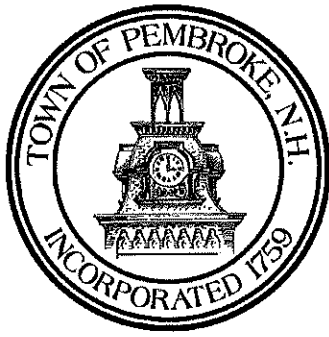
## *Department of Public Works*

8 Exchange Street, Pembroke, NH 03275  
Phone: (603) 485-4422 Fax: (603) 485-2613

**To:** Board of Selectmen  
**From:** Public Works Department  
**CC:** David Jodoin, Town Administrator  
**Date:** April 15, 2021  
**Re:** 2021 Truck Cab & Chassis Recommendation

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The Public Works Department recommends the purchasing of a 2020 Ford F550 Cab and Chassis from Ford of Claremont in the amount of \$48,820.00.



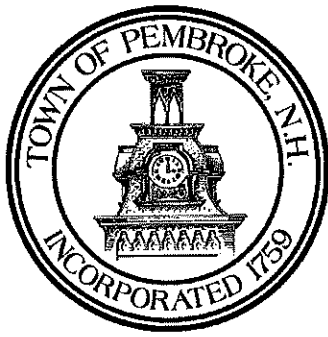
*Town of Pembroke*  
*Department of Public Works*

8 Exchange Street, Pembroke, NH 03275  
Phone: (603) 485-4422 Fax: (603) 485-2613

**To:** Board of Selectmen  
**From:** Public Works Department  
**CC:** David Jodoin, Town Administrator  
**Date:** April 15, 2021  
**Re:** 2021 Truck Equipment Recommendation

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The Public Works Department recommends purchasing the dump body and equipment from HP Fairfield for a cost of \$40,500.00.



*Town of Pembroke*  
*Department of Public Works*

8 Exchange Street, Pembroke, NH 03275  
Phone: (603) 485-4422 Fax: (603) 485-2613

**To:** Board of Selectmen  
**From:** Public Works Department  
**CC:** David Jodoin, Town Administrator  
**Date:** April 15, 2021  
**Re:** 2021 Flatbed Utility Body Recommendation

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The Public Works Department recommends purchasing the Flatbed Utility Body from HP Fairfield for a cost of \$17,500.00.

## David Jodoin

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**From:** Contact form at Town of Pembroke NH <cmsmailer@civicplus.com>  
**Sent:** Wednesday, April 14, 2021 2:48 PM  
**To:** djodoin  
**Subject:** [Town of Pembroke NH] river water usage (Sent by Avery Hastings, aehastings1@gmail.com)

Hello djodoin,

Avery Hastings ([aehastings1@gmail.com](mailto:aehastings1@gmail.com)) has sent you a message via your contact form (<https://www.pembroke-nh.com/user/23/contact>) at Town of Pembroke NH.

If you don't want to receive such e-mails, you can change your settings at <https://www.pembroke-nh.com/user/23/edit>.

Message:

Hello there I was inquiring permission to collect water from the merrimack river at memorial park to water my lawn with. I live on 4th range road in Pembroke. I would be using a garden hose and a battery powered transfer pump to put water in a clean tote in the bed of my truck.



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# ENVIRONMENTAL Fact Sheet

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29 Hazen Drive, Concord, New Hampshire 03301 • (603) 271-3503 • [www.des.nh.gov](http://www.des.nh.gov)

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DWGB-1-17

2020

## Intermittent Water Withdrawals from Surface Waters

Intermittent water withdrawals from surface waters are allowed in New Hampshire without a permit under certain conditions. Examples of intermittent withdrawals include drawing water from rivers or lakes at convenient access points by bulk water transporters for the purpose of filling swimming pools, hydro-seeding, spraying for dust control and roadbed compaction at construction sites, and similar activities. Other examples include occasional withdrawals for irrigation and for dust control at gravel pits.



[publicdomainpictures.net](http://publicdomainpictures.net)

Temporary surface water withdrawals are subject to various conditions, including New Hampshire common law. Common law comes from long-established judicial practice and convention rather than from a particular law or statute. Such conditions include:

1. The withdrawal shall have the permission of the riparian landowner. A riparian landowner is the owner of the property with frontage on the river, stream, lake or pond from which the withdrawal is made. Please see the next page for more details.
2. The withdrawal shall not create adverse impacts to aquatic life, recreation or other public use of the waterbody. For example, a withdrawal must not result in significant lowering of stream flow or lake levels.
3. The withdrawal shall be "reasonable" with respect to the uses of others. For example, a withdrawal should not be so large that not enough water is left for irrigation by someone downstream.

Temporary surface water withdrawals are also subject to the below conditions pursuant to current state and federal regulations:

1. Water withdrawals from surface waters shall not be used for bulk transport of drinking water. Additional information about emergency bulk water for public drinking water is available from NHDES.
2. The withdrawal shall not involve a physical disturbance to the bed or banks of the surface water. If the withdrawal can be made by simply laying a pipe or hose over the bank into the water without

causing erosion and if the pipe only remains in place on a temporary or seasonal basis, a wetlands permit is not needed.

3. The withdrawal shall not exceed 20,000 gallons per day averaged over a 7-day period or over 600,000 gallons in a 30-day period without determining if a water quality certificate is required and without registering and reporting water use.
4. The withdrawal shall not result in any discharges to the waterbody. Whether intentional or not, spillage, backflow, or erosion of the shoreline into the waterbody is considered a discharge and may result in a water quality violation or a wetlands violation. The tank should not contain residual liquids that could degrade water quality in the case of backflow or spillage.
5. Invasive plants shall not be introduced into the waterbody. Pipes and hoses should be carefully inspected to be certain that they are free of any traces of exotic weeds (e.g., Eurasian milfoil, fanwort, purple loosestrife, water chestnut, etc.).

### **Riparian Landowner Permission Details**

If one does not actually own the land abutting the site of the intended water withdrawal, then explicit permission of the riparian landowner is required before a withdrawal can occur. Essentially, in this case, the landowner is conveying his/her riparian water right to the person making the withdrawal, still subject to reasonable use.

Withdrawals made from state-owned property require written permission from the agency with primary responsibility for monitoring and/or maintaining the site. These agencies include:

New Hampshire Department of Environmental Services (603) 271-3406  
\*State owned dams and flood control areas.

New Hampshire Department of Transportation (603) 271-3734  
\*State highway rights of way and bridges.

New Hampshire Department of Natural and Cultural Resources (603) 271-2411  
\*State parks, beaches, natural areas, trails, historic sites, ski mountains.

New Hampshire Fish and Game Department (603) 271-1134  
\*Withdrawals for commercial purposes from any public boat launch or fishing access point owned by New Hampshire Fish and Game are prohibited by administrative rule Fis 1603.01(y).

Care should also be exercised to avoid creating a safety hazard to motorists and other passersby and to not interfere with other accepted activities at the site of withdrawal.

### **For More Information**

Please contact the Watershed Management Bureau at (603) 271-3289 or the Drinking Water and Groundwater Bureau at (603) 271-2513.

Note: This fact sheet is accurate as of August 2019. Statutory or regulatory changes or the availability of additional information after this date may render this information inaccurate or incomplete.

## David Jodoin

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**From:** Karen Yeaton <yeaton.karentop@yahoo.com>  
**Sent:** Wednesday, April 14, 2021 8:47 AM  
**To:** Ann Bond  
**Cc:** David Jodoin  
**Subject:** Range Roads Committee

Hi Ann,

I'm glad we were able to get the range road access dates changed. I hope this helps with some of the challenges and mitigates the damage we are seeing on the range roads and to private property along the range roads in Pembroke.

In one of our early discussions with the conversation commission, we discussed the idea of a range road committee that would act to monitor and advise on policy to protect range roads and private property along the range roads.

I would like to sponsor this idea and ask that it be added to selectman agenda for discussion.

Kind regards,  
Karen

**David Jodoin**

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**Subject:** [HSEM - Merrimack County] Governor Chris Sununu Announces Statewide Mask Mandate to Expire  
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## OFFICE OF THE GOVERNOR **CHRIS SUNUNU**

### **Governor Chris Sununu Announces Statewide Mask Mandate to Expire**

**For Immediate Release:**  
April 15, 2021

**Contact:**  
[sununu.press@nh.gov](mailto:sununu.press@nh.gov)  
[603-271-2121](tel:603-271-2121)

**Concord, NH** – Today, Governor Chris Sununu announced that the statewide mask mandate implemented on November 20, 2020 will expire tomorrow, Friday, April 16.

The announcement follows a reduction in the state’s 7-day average of daily deaths to 0.6, the lowest since October of 2020 before the mask mandate had been implemented, as hospitalizations remain at a manageable level, and as over 70% of those 65+ have been vaccinated.

“We have been very careful from the beginning of this pandemic to take items up individually and make informed decisions,” said Governor Chris Sununu. “We have never set arbitrary dates unsupported by the data and the science. It is important to note that this mandate going away will not limit or prevent the ability of private businesses and local cities and towns from requiring masks. Of course, we continue to encourage folks to wear masks when they are unable to socially distanced.”

“NH public health continues to work towards protecting the health of all NH residents and communities,” said Dr. Benjamin Chan, State Epidemiologist. “Throughout the pandemic, we have advised people to wear face masks to protect themselves and prevent COVID-19 from spreading, even when there was no mask mandate. The lifting of the mandate does not diminish the importance of wearing a face mask. The threat to health from COVID-19 is real. Even as restrictions are reduced, we are still in a pandemic and levels of COVID-19 remain high across the State. Therefore, we ask that people continue to take steps to protect their own health, the health of their family and friends, and the health of their community.”

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