

AGENDA
BOARD OF SELECTMEN
May 6, 2019 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
- IV. OLD BUSINESS:
 - a. 2016 Tax Deeds
 - b. Street Light Update
 - c. Future street light pole regulations
 - d. Eversource energy costs
 - e. Police Radar
 - f. Primex letter RE: granite damage
 - g. Solid Waste Agreement
- V. NEW BUSINESS:
 - a. Sign Audit Engagement Letter
 - b. Execute lien on 24 Kimball Street
 - c. Approve letter to State for signage
 - d. Discuss school invite
 - e. Manifest/Abatements
 - f. Minutes 4/15/19
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION

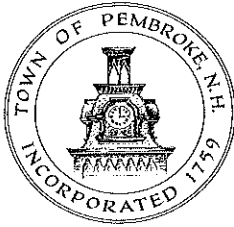
RSA 91-A:3 II (d) Consideration of the acquisition, sale, or lease of real property which, if discussed in public, would likely benefit a party or parties whose interest are adverse to those of the general community.
- X. ADJOURN

<u>NAME</u>		<u>PROPERTY ADDRESS</u>	<u>MAILING ADDRESS</u>	AMOUNT DUE THROUGH <u>5/9/2019</u>	MAP/LOT
<u>Tax Deed date is May 9, 2019</u>					
Eric Baron		221 Friendship Ave Pembroke, NH 03275	221 Friendship Ave Pembroke, NH 03275	774.12	870-32-U10
Linda Beaudoin		190 Main Street Pembroke, NH 03275	190 Main Street Pembroke, NH 03275	2,984.28	VE-67
Debra Carter		5 Kimball Street Pembroke, NH 03275	19 Level Street Merrimack, NH 03054	1,638.18	VE-147
George and Jillian Charlton*****		465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	130.79	260-6
George and Jillian Charlton*****		465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	8,496.54	260-6
George and Jillian Charlton*****		465 Sixth Range Road Pembroke NH 03275	465 Sixth Range Road Pembroke NH 03275	7,489.95	260-6
Todd Heger		2-4 Prospect Street Pembroke, NH 03275	225A Belknap Drive Pembroke, NH 03275	9894.14	VW-97
Nicholas Julian		235-3 Dearborn Road Pembroke NH 03275	235-3 Dearborn Road Pembroke NH 03275	710.77	266-76-103
Louis Marcoux		6 Howard Street Pembroke, NH 03275	17 Oaks Drive Bedford, NH 03110-6031	2,490.52	VE-34
Owners Unknown *		Pembroke Street	311 Pembroke Street Pembroke, NH 03275	274.33	266-27-2
Owners Unknown *		Main Street Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	136.44	VW-114-1

Owners Unknown *	Broadway Pembroke, NH 03275	311 Pembroke Street Pembroke, NH 03275	209.91	VE-15-1
Kemberley Pelkey	212 Buck Street Pembroke, NH 03275	203 Loudon Road #823 Concord, NH 03301	464.58	266-129
THC Realty Trust * Elliot Konner Trustee	Main Street Pembroke, NH 03275	PO Box 10545 Bedford, NH 03110-0545	2,023.26	VE-179-2
Webster Falls Inc *	Mills Fall Off Pembroke, NH 03275	116 So River Road Bldg A Bedford, NH 03110	225.90	VE-179-1

***** Bankruptcy was just terminated
 * Deed issues or contaminated land

4/29/2019



**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 2016 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

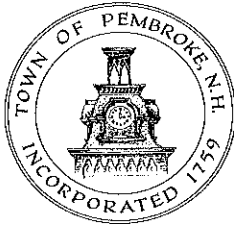
Justine M. Courtemanche, Chairman

Ann Bond, Vice Chairman

Michael Crockwell

Sandy Goulet

Richard Bean



**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 2016 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

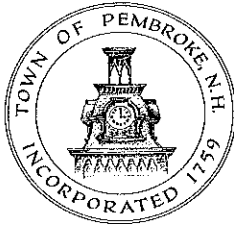
Justine M. Courtemanche, Chairman

Ann Bond, Vice Chairman

Michael Crockwell

Sandy Goulet

Richard Bean



**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 2016 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

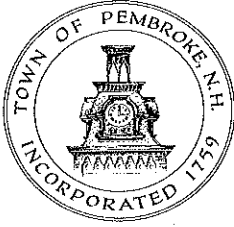
Justine M. Courtemanche, Chairman

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Richard Bean



**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 2016 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

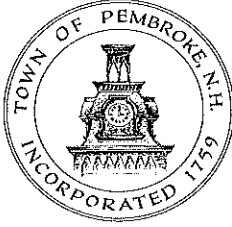
Justine M. Courtemanche, Chairman

Ann Bond, Vice Chairman

Michael Crockwell

Sandy Goulet

Richard Bean



**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 2016 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

Justine M. Courtemanche, Chairman

Ann Bond, Vice Chairman

Michael Crockwell

Sandy Goulet

Richard Bean

PEMBROKE POLICE DEPARTMENT ATTEMPT SERVICE LOG

Serve To: Eric Baron
210 Friendship Ave
Pembroke

Tele: 290-0939

Arrest Warrant	<input type="checkbox"/>	Domestic Violence Petition	<input type="checkbox"/>
Bench Warrant	<input type="checkbox"/>	Stalking Petition	<input type="checkbox"/>
Summons In Lieu Of Arrest	<input type="checkbox"/>	Juvenile Petition	<input type="checkbox"/>
MV Summons	<input type="checkbox"/>	Subpoena	<input type="checkbox"/>
Summons	<input type="checkbox"/>	Other <u>Town Letter</u> <input checked="" type="checkbox"/>	

to property owner

Service For: (Agency\Court) _____

Case Reference _____

DATE	TIME	OFFICER / Badge #	DISPOSITION
<u>4/16/19</u>	<u>1530</u>	<u>950B Alley</u>	<u>out for service</u>
<u>4/16/19</u>	<u>1448</u>	<u>Curtis 83</u>	<u>No Answer</u>
<u>4/17/19</u>	<u>1456</u>	<u>951K</u>	<u>negative Contact</u>
<u>4/18/19</u>	<u>1154</u>	<u>Umut 957</u>	<u>Neg Cont</u>
<u>4/18/19</u>	<u>1150</u>	<u>Boisve A</u>	<u>Neg Virtual left</u>
<u>4/19/19</u>	<u>1518</u>	<u>Umut</u>	<u>Neg Cont.</u>
<u>4/20/19</u>	<u>1655</u>	<u>Boisve A</u>	<u>Served</u>

PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: _____

PEMBROKE POLICE DEPARTMENT ATTEMPT SERVICE LOG

Serve To: Nicholas Julian
235-3 Dearborn Rd
Pembroke

Tele: _____

Arrest Warrant	<input type="checkbox"/>	Domestic Violence Petition	<input type="checkbox"/>
Bench Warrant	<input type="checkbox"/>	Stalking Petition	<input type="checkbox"/>
Summons In Lieu Of Arrest	<input type="checkbox"/>	Juvenile Petition	<input type="checkbox"/>
MV Summons	<input type="checkbox"/>	Subpoena	<input type="checkbox"/>
Summons	<input type="checkbox"/>	Other <u>Town Letter</u> <input checked="" type="checkbox"/>	
		<u>to Property owner</u>	

Service For:(Agency\Court) _____

Case Reference _____

DATE	TIME	OFFICER / Badge #	DISPOSITION
<u>04-16-19</u>	<u>1530</u>	<u>950B Alley</u>	<u>out for service</u>
<u>4/16/19</u>	<u>1937 hrs</u>	<u>CYNIA 81</u>	<u>No home</u>
<u>4/17/19</u>	<u>1442</u>	<u>5810</u>	<u>No one home</u>
<u>4/18/19</u>	<u>1141</u>	<u>Vincent 957</u>	<u>pos. source</u>

PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: _____

PEMBROKE POLICE DEPARTMENT ATTEMPT SERVICE LOG

Serve To: Todd Heger
2-4 Prospect St
Pembroke

Tele: _____

Arrest Warrant ☐
Bench Warrant ☐
Summons In Lieu Of Arrest ☐
MV Summons ☐
Summons ☐

Domestic Violence Petition ☐
Stalking Petition ☐
Juvenile Petition ☐
Subpoena ☐
Other Town Letter ☒
to Property owner

Service For: (Agency \ Court) _____

Case Reference _____

DATE	TIME	OFFICER / Badge #	DISPOSITION
04-16-19	1530	950B Alley	out for service
4/16/19	2008	Curtis 23	will be home 4/17/19
4/16/19	1433	Fiske	No one home
4/18/19	1117	Vince 951	Nea Cant
4/18/19	1624	Bousvick	Search

PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: _____

PEMBROKE POLICE DEPARTMENT ATTEMPT SERVICE LOG

Serve To: Linda Beaudoin
190 main St.
Pembroke

Tele: 485-5434

- | | | | |
|---------------------------|--------------------------|----------------------------|-------------------------------------|
| Arrest Warrant | <input type="checkbox"/> | Domestic Violence Petition | <input type="checkbox"/> |
| Bench Warrant | <input type="checkbox"/> | Stalking Petition | <input type="checkbox"/> |
| Summons In Lieu Of Arrest | <input type="checkbox"/> | Juvenile Petition | <input type="checkbox"/> |
| MV Summons | <input type="checkbox"/> | Subpoena | <input type="checkbox"/> |
| Summons | <input type="checkbox"/> | Other <u>Town Letter</u> | <input checked="" type="checkbox"/> |
- to Property owner

Service For: (Agency \ Court) _____

Case Reference _____

DATE	TIME	OFFICER / Badge #	DISPOSITION
<u>04-16-19</u>	<u>1530</u>	<u>950B Alley</u>	<u>out for service</u>
<u>4/17/19</u>	<u>1425</u>	<u>Fiske</u>	<u>recontact</u>
<u>4/18/19</u>	<u>1013</u>	<u>Vincent 957</u>	<u>Neg Contact</u>
			<u>Called she will pick up</u>
			<u>When she gets out of</u>
			<u>work a 1500</u>
<u>4/19/19</u>	<u>1520</u>	<u>Vincent 957</u>	<u>Summed</u>

PEMBROKE POLICE DEPARTMENT

Date: _____ FAX # _____

TO: _____

ATTN: _____

Serve To: George + Jileen Charlton
465 6th Range Rd
Pembroke

Arrest Warrant	<input type="checkbox"/>	Domestic Violence Petition	<input type="checkbox"/>
Bench Warrant	<input type="checkbox"/>	Stalking Petition	<input type="checkbox"/>
Summons In Lieu Of Arrest	<input type="checkbox"/>	Juvenile Petition	<input type="checkbox"/>
MV Summons	<input type="checkbox"/>	Subpoena	<input type="checkbox"/>
Summons	<input type="checkbox"/>	Other <u>Town Letter</u>	<input checked="" type="checkbox"/>

Case Reference

[illegible]

PEMBROKE POLICE DEPARTMENT

David Jodoin

From: Kerri Keating <kkeating@energyprofessionals.com>
Sent: Wednesday, April 24, 2019 10:10 AM
To: David Jodoin
Subject: RE: Town of Pembroke, NH
Attachments: Town of Pembroke.xls

Good morning David,

I apologize for the delay. I have attached a spreadsheet comparing the supply offers for the Town, with the current default rate of \$0.09985 per kWh. I would recommend the 42 month term. It has the lowest pricing and it would also sync the end date up with the Water Works accounts (this will make it easier if the Town decides to price all of the electricity together in the future). Here is the analysis for the 42 month term:

Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
Direct Energy	1,062,985	May-19	42	7.200	9.985	\$704.86	\$8,458.32	\$29,604.13
NextEra	1,062,985	May-19	42	7.454	9.985	\$640.58	\$7,686.90	\$26,904.15
Engie	1,062,985	May-19	42	7.664	9.985	\$587.43	\$7,049.11	\$24,671.88

Let m know if you have any questions, or need anything else from me.

Thank you,
Kerri Keating
Director of Sales and Personnel
O (877) 343-9044 Ext 3106
FAX (727) 233-0847
www.energyprofessionals.com

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

-----Original Message-----

From: David Jodoin <djodoin@pembroke-nh.com>
Sent: Friday, April 19, 2019 11:39 AM
To: Kerri Keating <kkeating@energyprofessionals.com>
Subject: RE: Town of Pembroke, NH

Thanks

-----Original Message-----

From: Kerri Keating [mailto:kkeating@energyprofessionals.com]
Sent: Friday, April 19, 2019 11:38 AM
To: David Jodoin <djodoin@pembroke-nh.com>

Subject: RE: Town of Pembroke, NH

Hi David,

Some of the suppliers were having trouble obtaining the usage for 3 meters.
I should have your pricing ready next week. Let me know if you have any questions. Have a great weekend.

Thank you,
Kerri Keating
Director of Sales and Personnel
O (877) 343-9044 Ext 3106
FAX (727) 233-0847
www.energyprofessionals.com

The information transmitted, including attachments, is intended only for the person(s) or entity to which it is addressed and may contain confidential material. Any review, retransmission, dissemination or other use of, or taking of any action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you received this in error, please contact the sender and destroy any copies of this information.

-----Original Message-----

From: David Jodoin <djodoin@pembroke-nh.com>
Sent: Friday, April 5, 2019 12:03 PM
To: Kerri Keating <kkeating@energyprofessionals.com>
Subject: Town of Pembroke, NH

Attached are our most current bills for Eversource.

Thanks

David M. Jodoin
Pembroke Town Administrator/Tax Collector
603-485-4747 EXT. 202

Proposed Pricing For... Town of Pembroke

Price Offer(s) Date: 4/24/2019

48 Month

Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
Direct Energy	1,214,840	May-19	48	7.330	9.985	\$671.96	\$8,063.50	\$32,254.00
NextEra	1,214,840	May-19	48	7.565	9.985	\$612.48	\$7,349.78	\$29,399.13
Engie	1,214,840	May-19	48	7.809	9.985	\$550.73	\$6,608.73	\$26,434.92
First Point Power	1,214,840	May-19	48	8.163	9.985	\$461.13	\$5,533.60	\$22,134.38

42 Month

Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
Direct Energy	1,062,985	May-19	42	7.200	9.985	\$704.86	\$8,458.32	\$29,604.13
NextEra	1,062,985	May-19	42	7.454	9.985	\$640.58	\$7,686.90	\$26,904.15
Engie	1,062,985	May-19	42	7.664	9.985	\$587.43	\$7,049.11	\$24,671.88

36 Month

Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
Direct Energy	911,130	May-19	36	7.420	9.985	\$649.18	\$7,790.16	\$23,370.48
NextEra	911,130	May-19	36	7.689	9.985	\$581.10	\$6,973.18	\$20,919.54
Engie	911,130	May-19	36	7.878	9.985	\$533.26	\$6,399.17	\$19,197.51
First Point Power	911,130	May-19	36	8.366	9.985	\$409.76	\$4,917.06	\$14,751.19

24 Month

Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
Direct Energy	607,420	May-19	24	7.670	9.985	\$585.91	\$7,030.89	\$14,061.77
NextEra	607,420	May-19	24	7.904	9.985	\$526.68	\$6,320.21	\$12,640.41
Engie	607,420	May-19	24	8.067	9.985	\$485.43	\$5,825.16	\$11,650.32
First Point Power	607,420	May-19	24	8.701	9.985	\$324.97	\$3,899.64	\$7,799.27

12 Month

	Supplier	Est. Term kWh	Start Month Meter Reads: (c)	Term (Months)	New Price (c/kwh)	Current Price (c/kwh)	Average Monthly Difference	Average Annual Difference	Estimated Term Difference
	Direct Energy	303,710	May-19	12	7.980	9.985	\$507.45	\$6,089.39	\$6,089.39
	NextEra	303,710	May-19	12	8.168	9.985	\$459.87	\$5,518.41	\$5,518.41
	Engie	303,710	May-19	12	8.320	9.985	\$421.40	\$5,056.77	\$5,056.77
	First Point Power	303,710	May-19	12	9.120	9.985	\$218.92	\$2,627.09	\$2,627.09

Pembroke Police Department

Memo

To: Town Administrator Dave Jodoin
From: Chief Dwayne Gilman
Date: April 19, 2019
Re: April 15 Selectman's Meeting

Dave,

Please consider this as my explanation of why we requested the purchase of a new Kustom Raptor Radar on April 15th 2019. In that meeting all three board members voted and approved the purchase of the radar unit but later questioned at the end of the meeting after Non Public was over and not recorded.

The radar purchase would replace a Kustom Pro-1000 Radar purchased in the year 2000. That would make this unit 19 years old. Since the age of the unit is 19 years old Kustom does not support or have available any parts for that Pro-1000. With the age of the unit it is something that we check and monitor daily before using it for speed enforcement. We have applied for Highway Safety Grants for speed patrols. The state no longer has a program for the 50% matching funds.

Recently we had a radar's rear antenna become disabled. The radar was purchased in 2012. The cost of repairing the rear antenna is \$ 796.00. Our department has chosen to not repair the rear antenna and just use the front antenna for patrol and speed enforcement. Our department has an understanding of what's a necessary expenditure and what is not. Our department does not over spend its budget. Questioning the purchase of a radar after being voted on and approved is concerning to me when attempting to provide a service to the town. As you know speed is one if not the largest complaint from our residents.

Lastly I would appreciate if I am being asked to attend the Selectman's meeting on May 6 2019 that I be placed as late as you can on the agenda. I Coach High School Junior Varsity Baseball for Pembroke Academy. I am the only coach on that team that can interact with the kids after having a background check done. All other coaches are volunteers. I have an away game at Kingswood High School but should be back sometime after 7:00 Pm. It's obvious that sending Lt. Gaskell opens up conversation that normally shouldn't happen.

46 Donovan Street
Concord, NH 03301-2624
(603) 225-2841
(800) 698-2364
Fax: (603) 228-3833

April 26, 2019

Dana Carlucci
8 Prospect Street
Pembroke, NH 03275

RECEIVED
APR 29 2019
TOWN OF
PEMBROKE, NH

Re: Member: Town of Pembroke
 Claimant: Dana & Jocelyn Carlucci
 Claim No: AU20192615792
 Date of Loss: 01/24/2019

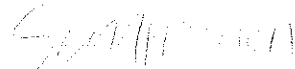
The Town of Pembroke is a member of the New Hampshire Public Risk Management Exchange (Primex3) property and liability program. Primex3 is a public entity risk pool. We are handling this claim.

I have received the email sent to me on 04/23/2019. I would suggest having Tasker Landscaping contact the Town of Pembroke DPW to discuss the scope, and timing of the repairs. At that time, the contractor can discuss any coordination needed.

In the Interim, I must advise that the Town of Pembroke, and Primex is not responsible for the safety of any party playing or walking on your property, as the property is not owned by the Town of Pembroke. If you are concerned about potential injury, we recommend you take the necessary steps to preserve and protect your property.

We will, of course, be available to discuss the position we have taken. I can be reached at 1-800-698-2364 x 150.

Sincerely,



Samuel Preston
Claims Representative

CC: Town of Pembroke

RECEIVED
APR 17 2019
TOWN OF
PEMBROKE, NH

April 16, 2019

Board of Selectmen and Town Administrator
Town of Pembroke
311 Pembroke Street
Pembroke, New Hampshire 03275

We are pleased to confirm our understanding of the services we are to provide the Town of Pembroke, New Hampshire for the year ended December 31, 2018. We will audit the financial statements of the governmental activities, business-type activities, each major fund and the aggregate remaining fund information, including the notes to the financial statements, which collectively comprise the basic financial statements of the Town of Pembroke, New Hampshire as of and for the year ended December 31, 2018. Accounting standards generally accepted in the United States of America provide for certain required supplementary information (RSI), such as management's discussion and analysis (MD&A), to supplement the Town of Pembroke, New Hampshire's basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. As part of our engagement, we will apply certain limited procedures to the Town of Pembroke, New Hampshire's RSI in accordance with auditing standards generally accepted in the United States of America. These limited procedures will consist of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We will not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance. The following RSI is required by generally accepted accounting principles and will be subjected to certain limited procedures, but will not be audited:

- Management's Discussion and Analysis
- Schedule of Revenues, Expenditures and Changes in Fund Balance – Budget and Actual (Budgetary Basis).
- Schedule of Changes in the Town's Proportionate Share of the Net OPEB Liability
- Schedule of Town OPEB Contributions
- Schedule of Changes in the Town's Total OPEB Liability and Related Ratios
- Schedule of Changes in the Town's Proportionate Share of the Net Pension Liability
- Schedule of Town Pension Contributions

We have also been engaged to report on supplementary information other than RSI that accompanies the Town of Pembroke, New Hampshire's financial statements. We will subject the following supplementary information to the auditing procedures applied in our audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records

used to prepare the financial statements or to the financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America, and we will provide an opinion on it in relation to the financial statements as a whole, in a report combined with our auditor's report on the financial statements:

- Combining Balance Sheet – Governmental Funds – All Nonmajor Funds
- Combining Balance Sheet – Governmental Funds – All Nonmajor Special Revenue Funds
- Combining Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds – All Nonmajor Funds
- Combining Statement of Revenues, Expenditures and Changes in Fund Balances – Governmental Funds – All Nonmajor Special Revenue Funds
- Combining Statement of Fiduciary Net Position – Fiduciary Funds – All Agency Funds

Audit Objective

The objective of our audit is the expression of opinions as to whether your financial statements are fairly presented, in all material respects, in conformity with generally accepted accounting principles and to report on the fairness of the supplementary information referred to in the second paragraph when considered in relation to the financial statements as a whole. Our audit will be conducted in accordance with auditing standards generally accepted in the United States of America and will include tests of the accounting records and other procedures we consider necessary to enable us to express such opinions. We will issue a written report upon completion of our audit of Town of Pembroke, New Hampshire's financial statements. Our report will be addressed to the Board of Selectmen of the Town of Pembroke, New Hampshire. We cannot provide assurance that unmodified opinions will be expressed. Circumstances may arise in which it is necessary for us to modify our opinions or add emphasis-of-matter or other-matter paragraphs. If our opinions are other than unmodified, we will discuss the reasons with you in advance. If, for any reason, we are unable to complete the audit or are unable to form or have not formed opinions, we may decline to express opinions or may withdraw from this engagement.

Audit Procedures—General

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit will involve judgment about the number of transactions to be examined and the areas to be tested. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements. We will plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement, whether from (1) errors, (2) fraudulent financial reporting, (3) misappropriation of assets, or (4) violations of laws or governmental regulations that are attributable to the government or to acts by management or employees acting on behalf of the government.

Because of the inherent limitations of an audit, combined with the inherent limitations of internal control, and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us, even though the audit is properly planned and performed in accordance with U.S. generally accepted auditing standards. In addition, an audit is not designed to detect immaterial misstatements, or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform the appropriate level of management of any material errors, fraudulent financial reporting, or misappropriation of assets that comes to our attention. We will also inform the appropriate level of management of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to any later periods for which we are not engaged as auditors.

Our procedures will include tests of documentary evidence supporting the transactions recorded in the accounts, and may include direct confirmation of receivables and certain other assets and liabilities by correspondence with selected individuals, funding sources, creditors, and financial institutions. We will request written representations from your attorneys as part of the engagement, and they may bill you for responding to this inquiry. At the conclusion of our audit, we will require certain written representations from you about the financial statements and related matters.

Audit Procedures—Internal Control

Our audit will include obtaining an understanding of the government and its environment, including internal control, sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. An audit is not designed to provide assurance on internal control or to identify deficiencies in internal control. However, during the audit, we will communicate to management and those charged with governance internal control related matters that are required to be communicated under AICPA professional standards.

Audit Procedures—Compliance

As part of obtaining reasonable assurance about whether the financial statements are free of material misstatement, we will perform tests of the Town of Pembroke, New Hampshire's compliance with the provisions of applicable laws, regulations, contracts, and agreements. However, the objective of our audit will not be to provide an opinion on overall compliance and we will not express such an opinion.

Other Services

We will also prepare the financial statements of the Town of Pembroke, New Hampshire in conformity with U.S. generally accepted accounting principles based on information provided by you, convert the Town's cash basis records to accrual through adjusting journal entries proposed and approved by management, prepare depreciation schedules using estimated useful lives and depreciation methods determined by management and prepare the State of New Hampshire Form MS-535. We will perform the services in accordance with applicable professional standards. The other services are limited to the financial statement services, cash to accrual conversion, depreciation schedules and Form MS-535, previously defined. We, in our sole professional judgment, reserve the right to refuse to perform any procedures or take any action that could be construed as assuming management responsibilities.

Management Responsibilities

Management is responsible for establishing and maintaining effective internal controls, including monitoring ongoing activities; for the selection and application of accounting principles; and for the preparation and fair presentation of the financial statements in conformity with U.S. generally accepted accounting principles.

Management is also responsible for making all financial records and related information available to us and for the accuracy and completeness of that information. You are also responsible for providing us with (1) access to all information of which you are aware that is relevant to the preparation and fair presentation of the financial statements, (2) additional information that we may request for the purpose of the audit, and (3) unrestricted access to persons within the government from whom we determine it necessary to obtain audit evidence.

Your responsibilities include adjusting the financial statements to correct material misstatements and confirming to us in the management representation letter that the effects of any uncorrected misstatements aggregated by us

during the current engagement and pertaining to the latest period presented are immaterial, both individually and in the aggregate, to the financial statements taken as a whole.

You are responsible for the design and implementation of programs and controls to prevent and detect fraud, and for informing us about all known or suspected fraud affecting the government involving (1) management, (2) employees who have significant roles in internal control, and (3) others where the fraud could have a material effect on the financial statements. Your responsibilities include informing us of your knowledge of any allegations of fraud or suspected fraud affecting the government received in communications from employees, former employees, regulators, or others. In addition, you are responsible for identifying and ensuring that the government complies with applicable laws and regulations.

You are responsible for the preparation of the supplementary information in conformity with U.S. generally accepted accounting principles. You agree to include our report on the supplementary information in any document that contains and indicates that we have reported on the supplementary information. You also agree to include the audited financial statements with any presentation of the supplementary information that includes our report thereon or make the audited financial statements readily available to users of the supplementary information no later than the date the supplementary information is issued with our report thereon. Your responsibilities include acknowledging to us in the representation letter that (1) you are responsible for presentation of the supplementary information in accordance with GAAP; (2) you believe the supplementary information, including its form and content, is fairly presented in accordance with GAAP; (3) the methods of measurement or presentation have not changed from those used in the prior period (or, if they have changed, the reasons for such changes); and (4) you have disclosed to us any significant assumptions or interpretations underlying the measurement or presentation of the supplementary information.

You agree to assume all management responsibilities for financial statement preparation services, cash to accrual conversion of the Town's records, preparation of depreciation schedules using estimated useful lives and depreciation methods determined by management, preparation of the State of New Hampshire Form MS-535 and any other nonattest services we provide; oversee the services by designating an individual, David Jodoin, Town Administrator, preferably from senior management, with suitable skill, knowledge, or experience; evaluate the adequacy and results of the services; and accept responsibility for them.

Engagement Administration, Fees, and Other

We understand that your employees will prepare all cash, accounts receivable, or other confirmations we request and will locate any documents selected by us for testing.


Robert L. Vachon, CPA, is the engagement partner and is responsible for supervising the engagement and signing the report or authorizing another individual to sign it.

Our fee for these services will be based on the experience of the individuals involved (using standard billing rates) and the amount of work performed. You will also be billed for out-of-pocket costs such as travel, except that we agree that our gross fee, including expenses will not exceed \$20,229. Our invoices for these fees will be rendered monthly as work progresses and are payable on presentation.

This fee is based on anticipated cooperation from, and availability of, your personnel, the expectation that the Town's records will be in good condition, and the assumption that unexpected circumstances will not be encountered during the audit. If we believe that significant additional time is likely to be necessary in order to complete our audit procedures, we will attempt to discuss it with you and arrive at a new estimate before we incur significant additional fees or costs.

We appreciate the opportunity to be of service to Town of Pembroke, New Hampshire and believe this letter accurately summarizes the significant terms of our engagement. If you have any questions, please let us know. If you agree with the terms of our engagement as described in this letter, please sign the enclosed copy and return it to us.

Sincerely yours,


RESPONSE:

This letter correctly sets forth the understanding of the Town of Pembroke, New Hampshire.

Management signature: _____

Title: Town Administrator

Date: _____

Governance signature: _____

Title: Chairman, Board of Selectmen

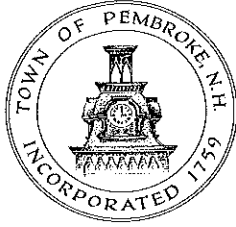
Date: _____

Property Lien
Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275

In accordance with RSA 155-B:9, The Town of Pembroke hereby places a lien on 24 Kimball Street Pembroke NH 03275, property currently owned by John and Judith Mader. This lien represents the cost of clean up on their property in the amount of \$23,450.00 due to a house fire.

Date

Ann Bond, Vice Chairman
Pembroke Board of Selectmen



TOWN OF PEMBROKE
TOWN ADMINISTRATOR'S OFFICE
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

May 6, 2019

William Lambert
18 Smokey Bear Blvd
PO Box 483
Concord, NH 03302

Dear Mr. Lambert,

The Pembroke Board of Selectmen are requesting permission to install a blind driveway sign in the area of 513 Buck Street. Since this is a State road, we are asking permission. Could you please respond to our Town Administrator David Jodoin at your earliest convenience? He can be contacted at 485-4747 RXT. 202

Sincerely,

Ann Bond, Vice, Chairman
Town of Pembroke Board of Selectmen

Board of Selectmen

4/4/19

Request for consideration of a "blind driveway" sign placed before the house on Buck Street on the side of road heading toward Route 28.

Kathy Cliver

513 Buck Street, Pembroke

603-986-3066

After we purchased the property there was a street light at the top of the hill in front of driveway. Even then you had to take your life in your hands exiting your driveway. Cars come around the blind corner at a high rate of speed and I have had to slam my car in reverse not to be t-boned by those vehicles. This is almost a daily occurrence. I warn people visiting us that this street is like that. I have offered the PD to park in my driveway via the on-duty dispatcher to help slow these vehicles down. I have been told that the street light was taken down by mistake and would be put back on the telephone pole but has not to date. Due to the blackness there is no way now to see a vehicle coming out of my driveway except for the existence of the headlights but they don't know how far out I am or if I'm still in the driveway waiting to exit, until the vehicles they are driving are on top of me. I have called the PD this year to report a large 18-wheeler came around the corner so fast it hit the hill and shook the house so hard it knocked my telephone out. I had to have it repaired. It scares me to think that someone could have been killed if hit. There is a "blind driveway" sign at the other end of Buck Street and the driveway is more visible than the one located where I live.

A handwritten signature in cursive script, reading "Kathy Cliver". The ink is dark and the signature is fluid, with a long, sweeping underline that extends to the right.

209 Academy Road
Pembroke, NH 03275



(603) 485-7881
fax (603) 485-1824

RECEIVED
APR 1 / 2019
TOWN OF
PEMBROKE, NH

PEMBROKE ACADEMY

April 15, 2019

Dear Friend of Pembroke Academy,

We are turning 200 this spring! I would like to take this opportunity to cordially invite you to be a **guest of honor** at the upcoming Pembroke Academy Bicentennial Celebration on Saturday, May 11th at 1:00 pm in the Auditorium. Pembroke Academy faithfully serves the towns of Pembroke, Allenstown, Chichester, Epsom and Hooksett by enrolling students in grades 9-12. This spring we commemorate the two-hundredth anniversary of the school's first ever graduating class. We recently celebrated the bicentennial anniversary of the school's incorporation in April of 2018, with a kickoff event hosting alumni for an artifact museum and walking tour of the building.

This year we aim to celebrate by establishing a long-lasting tradition with the christening of two individual Halls of Fame. Six members of our school community, three in each, will be enshrined as inaugural inductees into either the Athletics Hall of Fame or Performing Arts Hall of Fame. Ed Cloe, Jennifer Currier, Rose Galligan, Philip Good, Emily Goulet and Cheryl Lafond are our inaugural inductees. These individuals, or their representatives, will be acknowledged and will share remarks and reflect on their time at Pembroke Academy.

I truly hope you can join us for the inductions ceremonies, where you will have a seat reserved in your honor. I hope you may plan to stay after the induction ceremony for a reception with light refreshments. Please RSVP to Paul Famulari, Headmaster at 603-485-7881 or pfamulari@sau53.org.

Sincerely,

Paul Famulari
Headmaster

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
APRIL 15, 2019 at 6:30 PM**

DRAFT

Present: Chairperson Tina Courtemanche, Selectman Ann Bond, Selectmen and Selectmen Michael Crockwell

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

Arrived Late: Selectmen Bean

Excused: Selectman Sandy Goulet

I. Call to Order:

Chairman Tina Courtemanche called the meeting to order at 6:30pm.

II. Citizen Comment:

None

III. Scheduled Meetings:

Lt. Gaskell – Police Department Cruiser Purchase

Lt. Gaskell presented the 2019 cruiser and equipment purchases. Lt. Gaskell stated that of the three quotes for the cruiser, the department would like to award the bid to Irwin Motors for \$32,389. All repairs and warrantee will be at Grappone. Selectman Bond made a motion to purchase the police cruiser from warrant article 8 for \$32,389 from Irwin Motors with the funds to be withdrawn from the capital reserve. Selectman Crockwell seconded the motion. Motion passed 3-0

Lt. Gaskell presented three quotes for the installation of equipment into the 2020 Ford Sport Utility. The Department would like to award the bid to Ne-Vo (New England Vehicle Outfitters) for \$19,775. Selectman Crockwell stated that he would like to see what equipment is being installed on future purchase requests. Selectman Bond made a motion approve the purchase from Ne-Vo in the amount of \$19,775 with the funds to be withdrawn from the capital reserve. Selectman Crockwell seconded the motion. Motion passed 3-0.

Lt. Gaskell presented a formal request to purchase one Custom Raptor RP-1 Radar for the fleet of cruisers. Selectman Crockwell asked if there are any grants available for new equipment. Lt. Gaskell stated that the State has done away with matching funds grants. Selectman Bond made a motion to purchase the Custom Radar from

Ne-Vo for \$2,275 with funds to be withdrawn from the capital reserve. Selectman Crockwell seconded the motion. Motion passed 3-0.

New Hampshire Trail Dawgs

Ed Kinney submitted the NH Trail Dawgs Snowmobile Club one-year permission form. The club plans on replacing some culverts and putting in fill on the Range Roads. Selectman Crockwell stated that there has been a concern for the last three years about the damage to the road on Thompson Road. Selectman Bond asked what Range Road is getting the fill. Ed stated that 7th Range Road, Thompson Road, a section of the power lines, and a section right before Hardy Road. Ed stated that the new bridge on 6th Range will also need attention. Ed stated he will discuss Thompson Road with the club. Selectman Courtemanche reminded Ed that the Town cannot assist with bringing any fill out to the Range Roads. The Selectmen stated that there would not be an approval next year if Thompson Road is not fixed. Ed stated that the work will be done by July 4th. David asked when the agreement needs to be signed. Ed said it needs to be signed by April 26th in order to get the Grant-In-Aid application to the State. Selectman Crockwell made a motion to approve the NH Trail Dawgs one-year snowmobile trail permission. Selectman Bond seconded the motion. Motion passed 3-0.

IV. Old Business:

David Jodoin presented the Selectmen with the updated 2016 tax deed listings as of today. Deeding date is May 9, 2019. The police department will start hand delivering letters tomorrow of a final warning.

Selectman Bond stated that they met with Ron of Lightech and George of Eversource. Lightech agreed that if Eversource was out putting an arm up, Lightech would install the light and give a warranty. Selectman Courtemanche asked when the work would be starting. Selectman Bond stated that a work order has been created but a date has not been set. David stated that there are 6 lights that will be going in. Hopefully, they will be starting in 3 weeks.

Selectman Bond made the suggestion to not add the fiberglass poles to the future light pole regulations. Selectman Crockwell asked if the fiberglass poles addressed the light pollution concerns of the Energy Committee. Selectman Bond stated that the light pollution concerns are not addressed by the regulations but the suggested lights that are currently used in Chickering Meadows are so low wattage that light pollution is not a concern. Selectman Bond suggested only using the wood poles that are currently used in the street light pole regulations. Selectman Courtemanche stated that if the town is going to take over the roads, then they should be the standardized wood poles. The Board decided to accept regulations 1-4 as listed as well as 7 without the language regarding fiberglass poles. The regulations will be re-written and submitted to the Board at the next meeting.

David Jodoin submitted all the bills to the contractor for the Eversource Energy Costs. Quotes should be back shortly.

David Jodoin stated that the Sewer Department is meeting tonight to make a decision on 4 Union Street. David stated that last year a base coat was put onto the parking lots at 4 & 6 Union Street and now the Board needs to decide if they want to put the top coat on. The Board also needs to decide if they are going to fix the wall or sell the building as-is. Selectman Crockwell stated that we should discuss with a realtor whether or not it is worth finishing the projects in order to get a higher sale price. Selectman Courtemanche asked how much the top coat will cost. David stated that it would likely be another \$6,000. The Board decided to have a realtor look at the building before making any final decisions.

V. New Business:

Selectman made a motion to approve the applications for the trust funds as follows: \$2,634.40 from the Police Small Equipment Capital Reserve Fund, \$16,150 from the Town Building Capital Reserve Fund, and \$3,625 from the Cemetery Improvement Capital Reserve Fund. Selectman Bond seconded the motion. Motion passed 3-0

Selectman Bond made a motion to appoint Daniel Crean to the Planning Board as an alternate. Motion was seconded by Selectmen Crockwell. Motion passed 3-0.

Selectman Bond made a motion to appoint Jillian McNeil as Deputy Treasurer to the Town. Motion was seconded by Selectmen Crockwell. Motion passed 3-0.

Selectman Bond made a motion to appoint Bruce Kudrick to the Zoning Board of Adjustments. Motion was seconded by Selectmen Crockwell. Motion passed 3-0.

Selectman Bond made a motion to appoint Clint Hanson Jr. to the Planning Board as an alternate. Motion was seconded by Selectman Crockwell. Motion passed 3-0.

David presented the Board with the current Solid Waste Disposal and Recyclable Materials Processing Agreement with Casella Waste Management of Massachusetts and the Town's Solid Waste Ordinances. The Board decided to have a sub-committee to work on the agreement. Further discussion was tabled until the next meeting when more members of the Board would be present.

Selectman Bond made a motion to approve the Manifest and Abatements as presented. Motion was seconded by Selectman Crockwell. Motion passed 3-0

Selectman Bond made a motion to approve the minutes of April 1, 2019 as presented. Selectman Crockwell seconded the motion. Selectman Courtemanche abstained. The minutes were tabled to the next meeting absent a quorum.

VI. Town Administrator Report:

David presented the Board with a letter from Matt Pearson of the Suncook Little League. They are requesting the Board waive the 2019 field use fees. Suncook Little League hires a local lawn care company to maintain a presentable space for Suncook residents to use at Point, Middle, and Memorial fields. They also volunteer to clean up the fields at the annual fall clean up day. Waiving this fee allows them to reinvest the funds back into the grounds. Selectman Bond made a motion to waive the 2019 usage fees for the Suncook Little League. Selectman Crockwell seconded the motion. Motion passed 3-0.

David presented a request from the Cemetery Commission to waive the bid requirements and accept the proposal from NH Monuments in the amount of \$5,200 to fix damaged headstones damaged by a tree that fell at the rear wall of the cemetery. NH Monuments does all the work for the Commission and they are very happy with them. Selectman Courtemanche asked where the funds would come from. David stated that it would come from the capital reserve fund. Selectman Crockwell made a motion to waive the bid requirements and accept the proposal from NH Monuments in the amount of \$5,200. Selectman Bond seconded the motion. Motion passed 3-0.

The non-public minutes from April 1, 2019 were tabled until the next meeting.

David presented the Board with the bids for the new truck for the Department of Public Works approved at Town Meeting. The Liberty International Truck came in at \$92,620. The Freight Liner came in at \$96,851. DPW is recommending the Liberty International truck with funds to be withdrawn from the capital reserve. DPW currently has all Liberty International vehicles outfitted with computer systems that would have to be changed out if the Board went with Freight Liner. Selectman Crockwell asked how the trucks compare to each other. David stated that each truck has certain aspects of it that are better than the other but the Liberty truck is what DPW currently has and they are comfortable using it and maintaining it. Selectman Crockwell made a motion to approve the bid from Liberty International Trucks in the amount of \$92,620 with the funds to be withdrawn from the capital reserve. Selectman Bond seconded the motion. Motion passed 3-0.

David discussed a letter received from Kathy Cliver requesting a blind driveway sign be placed by her home on Buck Street. The Police Department went and looked at the corner and recommended a sign being placed. The Department would also like to put out a cautionary sign by Eley Lane on Borough Road. Selectman Bond made a motion that a blind driveway sign be installed on Buck Street and that a cautionary sign be placed at Eley Lane and Borough Road. Selectman Crockwell seconded the motion. Motion passed 3-0.

Selectmen Bean entered the meeting (he had a prior commitment)

David discussed the letters from Donna Severance and Brian Mrazik regarding the site walk for the 4th Range Road/Flagg Robinson development. David stated that the site walk has been posted and the Selectman have met all legal requirements for the site walk. David suggested doing the site walk and then continuing the public hearing on May 6th at 6:30 at Town Hall. David is going to ask DPW to put up cones and to have an officer on the corner for safety. David is also going to post on the website and send a letter to the legal abutters clarifying the site walk.

Selectman Courtemanche stated that on Saturday, May 4th the Board of Selectman will be holding a public hearing at 373 4th Range Road the main purpose of the hearing is do a site walk on the proposed development. At this time, we will listen to the engineer. The public hearing will then be continued at Town Hall on Monday, May 6th at 6:30pm where we will discuss the issue and take comments.

David discussed an email from Dana Carlucci regarding a damaged granite post on his property on January 30th. Since the insurance company will not oversee the project, he would like the town to oversee the project. Primex has told Dana that they would like him to sign a release before they send him a check. The release states that the town does not owe him anything further and he is free to do what he wishes with his property and the matter is closed after he receives payment. The check will be in the amount \$3,360 and there will be no deductible for the Town. Selectman Courtemanche stated that she would not want DPW overseeing the landscapers and signing off on the project. The Board would like a copy of the quote from Tasker Landscaping for the work and have DPW there to repair the sidewalk and the sidewalk only. If the quote does not include digging the post up then Dana will need to discuss that further with the insurance company. The Board was in agreement.

VII. Committee Reports:

Selectman Bond – None

Selectman Crockwell – Conservation did a site walk on all the conservation properties.

Selectman Courtemanche – None

VIII. Other/Citizen Comment:

None

IX. Non-Public Session:

RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim of litigation has been fully adjudicated or otherwise settled at 7:35 PM.

Seconded by Selectman Bond.

Roll Call Vote:

Selectman Bean
Selectman Bond
Selectman Courtemanche
Selectman Crockwell

The Board came out of non-public session at 8:26 PM.

X. Adjourn:

Motion by Selectmen Bond, seconded by Selectmen Crockwell to adjourn at 8:27 PM. Vote Unanimous

Justine M. Courtemanche, 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.

Memorandum

To: David Jodoin, Town of Pembroke
From: Mike Vignale, KVPartners
Date: April 19, 2019
Re: Construction Meeting – Roadway Improvement Project
Cc: Attendees, Paulette Malo

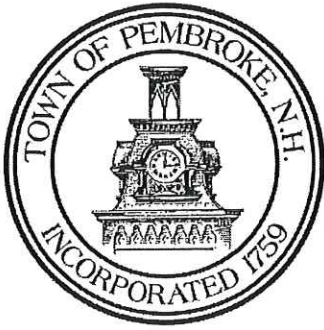
A construction meeting was held at the site (Beacon Hill Road) on April 17, 2019. In attendance were Reno Nadeau and Jim Boisvert (DPW), Brent Edmunds, John Barnes (Advanced), and Mike Vignale. Following is a summary of the discussions:

- Work has not begun for the season. John expects to start up in a couple of weeks.
- The stormwater basin was still holding water. Last season John cored a hole and installed a pipe to drain the pond, but the pipe is completely clogged with algae and is not passing flow. The high base flow of groundwater is contributing to the basin being continually wet. Mike V suggested bypassing the groundwater flow at the inlet manhole to allow it to mostly dry out and then retrofitting the basin to handle any groundwater flow that enters directly from the slope (minimal flow). Mike V will develop a plan for discussion in the next week or so.
- The property owner at 401 East Meadow Lane notified the Town that there are boulders behind her property and 405-407 that were left after the blasting last year. John is aware of them and will remove them.
- The property owner at 566 Third Range Road expressed concerns about their driveway. They are concerned that flow from the road ponds on their driveway. The driveway is shaped to flow from the west to east and into a grassed swale. The grass swale does have an erosion control check that may be contributing to the ponding concern. The erosion check can be moved now and will be permanently removed following stabilization of the grass swale. That should eliminate and ponding on the driveway.
- The property owner at 254 Beacon Hill Road requested a slightly wider driveway for easier access to his mailbox. It was agreed to make this minor adjustment during final paving.
- The property owner at 318 Beacon Hill Road expressed concerns about the drainage flowing from

the roadway, across an abutter's property and eventually onto their property. This has been previously discussed with the property owner several times and some corrective actions were previously taken (extending a swale where possible). Upon review of the site, it was noted that the swale uphill of the catch basin near their neighbor's driveway may allow high flow to overflow the swale, pass onto and across the neighbor's property and then onto theirs. John will provide a larger back slope (earth berm) on this swale to eliminate any possible swale overflow and direct it into the catch basin. This may reduce flows during severe rain events; however, it was clear that most of the flow to the property owner's property was coming from the abutter's property and not the roadway as was the preconstruction condition. Mike V will follow up by checking grades and discussing this with the property owner.

- The property owner at 412 East Meadow Lane expressed concerns that puddling was occurring in their driveway. Mike V and John reviewed the site and agreed that the driveway would be cut back further (between 5 and 10') and sloped to the roadway during final paving operations.
- Vegetated swales along the east side of Third Range Road between Sta. 15+50 and 25+50 are not fully stabilized as they were not fully completed last season. Considering the continual flow of ground water and difficulty getting vegetation established, the use of Class C stone may provide a more stable swale surface. Swale completion options will be further discussed.
- When reviewing the east View driveway, Mike V asked if John was planning to cold plane around the catch basins prior to paving and John indicated he was not. After further consideration, cold planning a 1" deep area around each basin should be completed to allow surface paving to be properly installed at the basins (1" minimum depth). This will require further discussions prior to final paving.
- As previously noted, Reno brought up a concern about a puddle on the roadway near the mailbox for 408 East View Road. This must be carefully graded when final paving is completed to prevent a puddle and icing during the winter.
- As previously noted, Reno expressed concerns about settlement near the basins at the low point on East View/East Meadow. John indicated that the depression is from a construction vehicle wheel and they will make repairs. Reno also added that there was a puddle at the top of East View near CB 14 that needed to be corrected when final paving. John will take care of this when the paving crews are on the job for the driveways.
- As previously noted, the minor cleanup at the driveway at 411 East Meadow Lane still needs to be completed. The work included loaming and seeding and removal of some excess pavement pieces.

- As previously noted, Mike V agreed to place an ad in the Construction Summary and see if a buyer can be found for the unused castings and will place the ad in the next few weeks.
- Next meeting will be scheduled once construction begins.



Town of Pembroke

Department of Public Works

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

April 18, 2019

Donald Girard
61B Glass Street
Pembroke, NH 03275

**RE: Map VE, Lot 187
Water drainage issue**

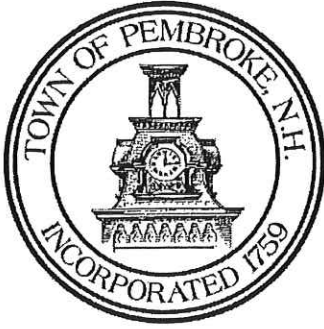
Dear Mr. Girard,

It has been brought to my attention that when it rains the water goes down your driveway into your property. This is the first I have heard of this issue and I, James Boisvert, will be looking into this situation the next time it rains. Thank you for notifying us and please be assured that all attempts will be made to correct this problem when Glass Street is worked on.

Sincerely,

James Boisvert
Director of Public Works

cc: **David Jodoin**, Town Administrator
Victor Ranfos, Highway Foreman



Town of Pembroke

Department of Public Works

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

Thomas J. Hartley
532 Fourth Range Road
Pembroke, NH 03275

RE: Culvert pipe
Tax Map 563 Lot 106

Dear Thomas Hartley:

It has come to my attention that the culvert pipe at the end of your driveway has fallen into disrepair and no longer meets the standards of the Town of Pembroke Code. According to the Town of Pembroke's Codebook § 198-11. Driveways. E.: Any culvert within the road right-of-way must be **minimum of fifteen (15) inches in diameter** and have at least twelve (12) inches of cover. The bottom of the ditch must be at least two (2) feet deep.

Please make the appropriate repairs as soon as possible to avoid any drainage issues that might occur due to the failing culvert.

Also according to the Town of Pembroke's Codebook §198-9 Permits "No driveway shall be constructed, modified, resurfaced or moved without obtaining a driveway permit from the Road Agent, or his/her authorized agent".

I have attached a copy of Chapter 198, DRIVEWAYS from the Pembroke, NH Code Book. Please complete the enclosed Driveway Permit Application and return it to this office with your permit fee of \$15.00 and contact me for an inspection when your driveway complies with the Code of the Town of Pembroke.

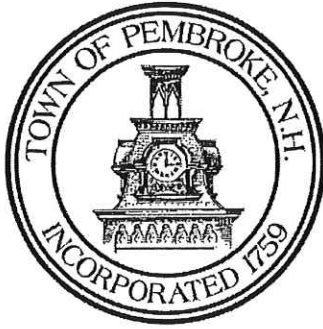
If you should have any questions regarding this matter please do not hesitate to call me at your earliest convenience at 603-848-4423.

Sincerely,


James Boisvert
Public Works Director

Enclosure

Cc: David Jodoin, Town Administrator
Carolyn Cronin, Town Planner



Town of Pembroke

Department of Public Works

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

Darrell & Sarah Glass
639 Fourth Range Road
Pembroke, NH 03275

**RE: Culvert pipe
Tax Map 561 Lot 111**

Dear Darrell & Sarah Glass:

It has come to my attention that the culvert pipe at the end of your driveway has fallen into disrepair and no longer meets the standards of the Town of Pembroke Code. According to the Town of Pembroke's Codebook § 198-11. Driveways. E.: Any culvert within the road right-of-way must be **minimum of fifteen (15) inches in diameter** and have at least twelve (12) inches of cover. The bottom of the ditch must be at least two (2) feet deep.

Please make the appropriate repairs as soon as possible to avoid any drainage issues that might occur due to the failing culvert.

Also according to the Town of Pembroke's Codebook §198-9 Permits "No driveway shall be constructed, modified, resurfaced or moved without obtaining a driveway permit from the Road Agent, or his/her authorized agent".

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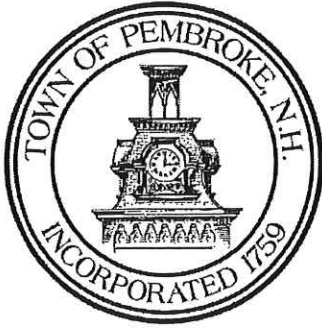
If you should have any questions regarding this matter please do not hesitate to call me at your earliest convenience at 603-848-4423.

Sincerely,

James Boisvert
Public Works Director

Enclosure

Cc: **David Jodoin**, Town Administrator
Carolyn Cronin, Town Planner



Town of Pembroke

Department of Public Works

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

Kurtis & Nicole Lesage
196 Buck Street
Pembroke, NH 03275

RE: **Culvert pipe**
Tax Map 266 Lot 127

Dear Kurtis & Nicole Lesage:

It has come to my attention that the culvert pipe at the end of your driveway has fallen into disrepair and no longer meets the standards of the Town of Pembroke Code. According to the Town of Pembroke's Codebook § 198-11. Driveways. E.: Any culvert within the road right-of-way must be **minimum of fifteen (15) inches in diameter** and have at least twelve (12) inches of cover. The bottom of the ditch must be at least two (2) feet deep.

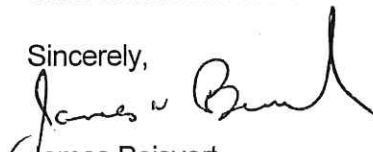
Please make the appropriate repairs as soon as possible to avoid any drainage issues that might occur due to the failing culvert.

Also according to the Town of Pembroke's Codebook § 198-9 Permits "No driveway shall be constructed, modified, resurfaced or moved without obtaining a driveway permit from the Road Agent, or his/her authorized agent".

I have attached a copy of Chapter 198, DRIVEWAYS from the Pembroke, NH Code Book. Please complete the enclosed Driveway Permit Application and return it to this office with your permit fee of \$15.00 and contact me for an inspection when your driveway complies with the Code of the Town of Pembroke.

If you should have any questions regarding this matter please do not hesitate to call me at your earliest convenience at 603-848-4423.

Sincerely,



James Boisvert
Public Works Director

Enclosure

Cc: **David Jodoin**, Town Administrator
Carolyn Cronin, Town Planner

BOW'S UTILITY EXPERT FACING ALLEGED FALSE TESTIMONY SANCTIONS IN OHIO CASE

By Chuck Douglas

Last year the Ohio Board of Tax Appeals heard seven days of testimony from George E. Sansoucy (known as "Skip") of New Hampshire in a utility tax appeal. On day 6 Mr. Sansoucy suddenly changed his testimony about what he saw – or didn't see – when he valued Utica East Ohio Midstream LLC's natural gas facility in Ohio's poorest county, Adams County.

He was paid over \$400,000 for his testimony by the Board of Education of the United Local School District in Ohio BTA Case No. 2016-828. The utility moved for censure and sanctions in a November 14, 2018, Motion that is 68 pages long.

He trespassed beyond his role as an expert hired to offer an opinion of value and has engaged in outright and unabashed legal advocacy. He has demonstrated a pathological inability to be forthright in his testimony. In short, Mr. Sansoucy fails the standards of basic integrity, competency, and reliability to serve as an expert witness."

The harm to the fair hearing process was then summarized as follows: "The parties to these proceedings also have been damaged. Utica has had to expend hundreds of thousands of dollars uncovering the misrepresentations made by Mr. Sansoucy. The Board of Education itself not only discovered at hearing that its own witness had misled it, but also, it paid over \$400,000 to Mr. Sansoucy for an appraisal that was shown to be intentionally misleading and objectively unsupportable. In all, over a million dollars has been expended in litigating this case as a direct result of Mr. Sansoucy's unprofessional and deceitful behavior.

Mr. Sansoucy's failed testimony is a principle reason this appeal settled after nearly two weeks of litigation."The utility motion to sanction then turned to earlier Sansoucy cases. In a 2002 Ohio case, Newman v. Zaino BTA No. 2002-P-171, 171 and 172 the utility memo of law said that "Sansoucy made claims of expertise in thermodynamics and other subjects he knew nothing about. He hid evidence that contradicted his opinion. He was repeatedly caught in untruths and repeatedly made up new testimony to try to explain away those deceptions. The hearing examiner was so appalled by Sansoucy's behavior that he questioned Sansoucy on the final day of that eleven-day proceeding for sixty pages of transcript on the subject of whether Sansoucy was testifying truthfully."

Two New Hampshire cases were also cited for his alleged misconduct "Sprague Energy Corp. v. Town of Newington (May 30, 1996), N.H. Superior Court No. 94-E-161 found

- a) that Sansoucy's valuation formula was "pure speculation" and "a real crap shoot,"
- b) that a "thorough reading of [his appraisal] is ugly. It bears no relationship to any reasonable assessment of fair market value,"
- c) that his approach "is nothing more than a walk through the Twilight Zone," and...
- d) that "If one compartmentalizes [Sansoucy's] testimony, it may sound logical, but not when taken together"; and *EnergyNorth Natural Gas, Inc. v. City of Nashua*, [Feb. 14, 1995], N.H. Superior Court No. 93-E-348 (finding that Sansoucy engaged in disingenuous testimony and demonstrated an "inability or unwillingness" to engage in independent analyses). Motion pages 7-8.

One of the issues in the recent Ohio case was the value of 56 piping systems according to Sansoucy. He recanted after several days of testimony and admitted 30 of the systems did not even exist. The Motion says that the "foregoing day five testimony about the 56 piping systems is entirely made up from Sansoucy's fertile imagination. He offered this testimony to mislead the Board and counsel into believing the extent of his work, his expertise, and to support the conclusions of value in his report. But this testimony was false, and Sansoucy knew it was made up when he offered it. There is no other conclusion possible." (Memo page 45). The county auditor in Ohio, through its Assistant Prosecuting Attorney, joined in the motion to sanction Sansoucy, pointing out that on the 6th day of his testimony Sansoucy had to admit "more than half of the piping systems Mr. Sansoucy spent days testifying were present on the property did not actually exist." The prosecutor in her allegations said: "Mr. Sansoucy's conduct goes well beyond that due to the fact that he deliberately lied about viewing all 56 piping systems, only coming clean when it became apparent that his deceit was known by Utica. Such conduct constitutes perjury." After reading the onslaught against Sansoucy his client school board only filed a cursory two paragraph response expressing "no opposition to Utica's Motion" to sanction the board's own expert. Before the recent two-day sanctions hearing in Ohio, Mr. Sansoucy on February 6, 2019, filed a 56-page memorandum claiming his errors or mistakes were not meant to be lies. At the two-day Ohio hearing Mr. Sansoucy did not appear nor did he testify to refute the utility's charges against him. After the sanctions hearing the utility filed an 87-page brief in which it summarized his position on the piping system as follows: "At hearing, Mr. Sansoucy was forced to admit he was unable to read the piping specifications set forth in the plant drawings.... He was unable to decipher the material the pipe was made of and the pressure the pipe operated at.

Page 2 of the motion Utica East said: "Mr. George Sansoucy, P.E., has, in the guise of an 'expert witness,' engaged in behavior most pernicious: He claimed to have performed work and analysis that he did not do, and for which he later admitted he was incapable of doing. He claimed expertise he does not possess. He made up testimony to cover his lack of study of the subject site and its natural gas processing equipment. He contrived testimony to support objectively insupportable conclusions.

He was unable to determine the pressure the pipe would be required to withstand. He was unable to assess the corrosion allowance for the pipe and any coating that would be required for the piping. Indeed, Mr. Sansoucy did not even know where to look in the Kensington documents to determine what kind of piping he was dealing with." The conclusion of the utility was that "Mr. Sansoucy showed up at hearing with little or no preparation. His report was missing virtually all relevant facts on the classification question for all assets he claimed to have analyzed. He had no notes to refer to and he demonstrated such complete ignorance that it became clear he could not have done the work he claimed (i.e., one does not do hundreds of hours of study, and then forget everything even to the point of forgetting the products made by the facility). Likewise, even if he once knew it and then forgot it, that would not excuse making up testimony to fill in the holes in his memory.

Mr. Sansoucy did not even know the products the facility made." A decision in a few weeks will be forthcoming from the Ohio Board of Tax Appeals. In June Mr. Sansoucy testifies before Judge McNamara again in Bow cases for tax years 2014, 2015 and 2016. That same judge ruled against Bow in 2016 and found Sansoucy not to be credible. Sansoucy testified that a probable purchaser of the plant would replace it with a new coal-fired plant despite the fact that no coal-fired plant had been built in New England in decades and natural gas has become an increasingly large share of the region's power plant mix replacing coal. In another part of his opinion the judge found Sansoucy lacked credibility when he claimed coal prices could be competitive sometime in the future: It is based on pure supposition and it flies in the face of compelling evidence regarding changes in the fuel market said the judge. At several other points in his opinion Judge McNamara found Sansoucy not credible, thus making Bow's appeal a loser. Which it was.

Now we are staking ten plus million dollars on Sansoucy again. Why?

357 Pembroke Hill Rd
Pembroke, NH 03275

RECEIVED
APR 26 2019
TOWN OF
PEMBROKE, NH

April 25, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275

Dear Selectmen,

This is a follow-up to my April 8, 2019 letter regarding your undated Public Hearing Notice, which I, as a legal abutter, received on March 28, 2019. The hearing is in regard to the petition by San Ken Homes, Inc. to reclassify Robinson Road and portions of Fourth Range Road from Class VI to Class V. The reclassification is proposed as part of the petitioner's plan for construction of a 48-lot major subdivision (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road.

In that letter, I objected to the Board's decision to hold the public hearing (as required under RSA 231:9) at the same location (373 Fourth Range Road) as the Board's personal site examination (as required under RSA 231:11) on the bases that the location was the petitioner's property and the outdoor venue was not conducive to the presentation of public testimony. In subsequent correspondence with the Town Manager (April 10), I requested that the notices be rewritten and reissued. Instead, the Board chose only to continue the public hearing to its regular meeting on May 6 and issue a clarifying statement to that effect. No formal abutter's notice was reissued and the public hearing was not rescheduled.

At the April 23, 2019 meeting of the Planning Board, in a presentation by the developer, I learned that, at the Town's request, the developer had revised the design plans for the Fourth Range Road upgrade such that it would meet the specifications for a Class B Collector roadway as opposed to a Class C Local roadway. The revised plan now calls for a 24-foot wide paved roadway, with 4-foot gravel shoulders on both sides, flanked by drainage ditches. Again, no sidewalks are shown on the plan, which is inconsistent with the Town's subdivision regulations regarding roads within 1 mile of a (Pembroke Hill) school.

The developer stated that the revised roadway plan was delivered to the Town on April 22. The stated purpose of this revision was for consistency with the Town's Master Plan. The Town Engineer's review letter of January 11, 2019 (calling for a revision of the original roadway plan) stated that *"4th Range Road may eventually become a collector street as noted in the TRC comments. Since that is a possibility and a desire of the Town, we recommend the roadway width be increased to Collector Road standards or 24' wide."* I remind the Board that an updated

Master Plan does not exist until approved by the Planning Board and cannot be used as the basis for the proposed reclassification or an enhanced roadway design. Likewise, evidence that the use and upgrading of Fourth Range Road, as a 'Collector Road', is a 'desire of the Town' does not exist and, in fact, evidence to the contrary is abundant.

It appears that statements by Town representatives may be construed as negotiation with the developer to obtain an enhanced design (i.e. design specifications for Class B "Collector" road in lieu of Class C "Local" Road normally applicable to a subdivision) as a condition for the Board of Selectmen's approval to reclassify this road. If such action has taken place, I believe it is inappropriate because: the proposed subdivision has yet to be approved by the Planning Board; the subdivision plan as currently proposed is dependent upon reclassification of Fourth Range Road; no public benefit will be achieved by placement of 1,800 feet of Class B road serving only the proposed subdivision; and a public hearing has not even been held on this reclassification. The Town is thereby indebting itself to the developer by obtaining his agreement to redesign and construct a road, in excess of the local road standards defined in the Town's Subdivision Ordinance, before the due process of reclassification, and demonstration of a public benefit, has been completed.

Therefore, under the New Hampshire Right to Know Law R.S.A. Ch. 91-A et seq., I am requesting copies of all communications between or among the Town of Pembroke, the Town Engineer, and Jon Rokeh, Rokeh Consulting, LLC, acting as Applicant on behalf of San-Ken Homes, Inc. and SKRE Holdings, LLC, relative to the proposed design and reclassification of portions of Fourth Range Road from Class VI to Class V; including, but not limited to, written and/or electronic communications and documentation of oral and telephone communications, related to the layout petition, approval conditions, road design standards, etc. Copies of road upgrade plans, dated December 19, 2018, have already been provided to me, as an abutter, and are not part of this request.

I am also hereby requesting that the May 4-6, public hearing, on the reclassification of Fourth Range Road, be cancelled and that a revised abutter's notice and public hearing notice be issued referencing the revised plan provided to the Town on April 22, in lieu of the December 19, 2018 plan, which was provided to abutter's as part of the original public hearing notice. Please be advised that if a revised abutter's notice, referencing the correct road plan, is not issued and a corresponding public hearing is not provided, I intend to initiate legal proceedings to ensure due process is provided as required by RSA 231:9.

Sincerely,



Brian R. Mrazik

Cc: Pembroke Planning Board

357 Pembroke Hill Rd
Pembroke, NH 03275

April 29, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Carolyn Cronin, Town Planner
Planning Department
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275

Dear Ms. Cronin,

This is in response to your letters of April 16 and 23, 2019 and my previous letters of April 11 and 18, 2019 regarding the proposed Meadow View Subdivision plan. This letter is also in regard to actions taken by the Planning Board at its meeting on April 23. I disagree with the Board's acceptance of the subdivision application as complete, and take exception to some of the statements in your letters regarding what constitutes 'completeness' under State statutes and the Town's subdivision regulations. The reasons are discussed below.

In your April 16 letter, you stated that "The Planning Board has to rely solely on the completeness checklist when determining an application's completeness; no other documents, regulations or ordinances can hold bearing on the completeness of an application." When questioned about this, you replied in your letter of April 23 that the "...question is best answered by referring to NH RSA 676:4.1.(b)". This paragraph states: "*676:4.1.(b) The planning board shall specify by regulation what constitutes a completed application sufficient to invoke jurisdiction to obtain approval....*" This statute clearly states that the Town subdivision regulations specify what constitutes a complete application.

Paragraph 205-14 of the Town building regulations states that: "*A. ...A completed application is one which shall: ... (3) be accompanied by all plans and documents required in these regulations in accordance with design requirements of ...Appendixes A and B for major subdivisions. (4) Be accompanied by all formal legal instruments where required in these regulations; deeds, easements and irrevocable offers of dedication to the public of all streets, utilities and parks.*" Appendix B Construction Plans Submittal Information states: "*The following shall be shown: A. Plans. Plans of all areas to be disturbed for construction of streets, drainage ways and structures, sewer, water and electric lines, erosion and sediment control structures, and other areas to be disturbed for the construction of improvements ...location and size of all structures... D. Details. Construction details of all roadways, curbing, sidewalks, drainage structures, sediment and erosion control structures, and any other required improvements...*"

Furthermore, the checklist to which your statement refers, opens with the following statement: "*This checklist has been included as part of the Board's operating rules to assist the applicant. However, the applicant is responsible for reviewing the Town's Subdivision Regulations and*

Zoning Ordinance to ensure that all required information is submitted or addressed. At a minimum, the application must contain all of the information described in this section...."

Your statement that "The Planning Board has to rely solely on the completeness checklist when determining an application's completeness..." is baseless. The checklist is an aid for the applicant. The Town subdivision regulations, as cited above, take precedent.

The Planning Board erred in its April 23 acceptance of the subdivision application as complete, for the following reasons:

1. The plans for upgrading the drainage culvert at the intersection of Pembroke Hill, Fourth Range and Robinson Roads are incomplete and inadequate. The proposed culvert is shown as ending at my property line, into no other drainage way, with a size that is far too small to carry the design flow as computed by the developer. Please explain how the Board can consider a plan complete when it shows a new culvert, with a computed storm discharge of over 12,000 gallons per minute, ending at my property line?
2. The need for a new or revised drainage easement, or at least an agreement to install a larger culvert (discussed in item 1 above), for stormwater flowing from the subdivision across my property, has not been addressed as required in Part B Item F of the Town's Major Subdivision Review Checklist, which states that the *"Potential impact to abutting lots including but not limited to drainage....shall be described in plan Notes and offer mitigation options as appropriate for Board consideration."*
3. Plans for, and locations of, sidewalks and curbing on roadways within 1 mile of Pembroke Hill School, as required by Section 205-41E (19) and (20) of the Town subdivision regulation, were not provided. You responded in your April 23 letter that the Town had discussed this deficiency as early as January 2, 2019. The developer responded on January 14 by submitting a waiver request which has not been acted upon by the Board. I object to the Board's acceptance of an after-the-fact waiver request, as a basis for not rejecting the subdivision plan as incomplete. The Town subdivision regulation clearly states the sidewalk and curbing requirement, and there is no basis for a waiver. I also note that in the developer's revised plan, submitted on April 22, 2019 (in response to the Town Engineers request of January 11, 2019), the proposed paved width of Fourth Range Road has been expanded, beyond that required for a local road by the Town's subdivision regulation, such that sufficient right-of-way for a sidewalk no longer exists. Please explain why the Board obtained a revised plan with 1,800 feet of dead-end Class B collector highway (exceeding local roadway requirements) with a 24-foot wide paved surface and 8 feet of gravel shoulders, one day prior to the Board's acceptance of the plan as complete, but cannot address the sidewalk or the culvert issues until later.
4. Since Fourth Range Road is not held in title by the Town, under New Hampshire case law, the abutters own title to the land on which the road sits for all uses that do not interfere with the Town's viatic use. The standing timber on the existing roadway, therefore, belongs to the abutters. On the southwest side of Fourth Range Road, at least 3 abutters own property in the area of impact and are entitled to reimbursement for the value of any timber removed during the course of road construction. Legal instruments for the taking of, or reimbursement for, timber held by abutters within the right-of-way have not been presented. I do not agree with the statement in your April 16 letter that "This is not a Planning Board issue and should be addressed through the Board of Selectmen's Road Opening Request". Part B Item F of the Town's Major Subdivision Review Checklist, requires that the *"Potential impact to abutting*

lots including but not limited to drainage, access, traffic, noise shall be described in plan Notes and offer mitigation options as appropriate for Board consideration.” Why should timber removal be treated differently from other impacts to abutters, as listed in this regulation? Why should the requirement for legal instruments not apply to timber property? Approval of the subdivision plan is contingent upon the reclassification and improvement of Fourth Range Road. Road improvements by the developer are contingent upon removal of this timber. Again, please explain why the Board obtained a revised subdivision plan, with 1,800 feet of dead-end Class B collector highway (exceeding local roadway requirements) with a 24-foot wide paved surface and 8 feet of gravel shoulders, one day prior to the Board’s acceptance of the plan as complete, but cannot address the culvert, sidewalk or timber issues until later. Furthermore, why are all other requirements, for the design, construction and easements on Fourth Range Road, under the jurisdiction of the Planning Board, but you claim that the timber removal plan must be taken up with the Board of Selectmen?

5. Legal instruments for the long-term maintenance of stormwater-management infrastructure, for the proposed subdivision, have not been presented. The statement you provided in Item 4 of your April 23 letter is a hand-waving argument that does not address the issue. I am aware that DPW maintains drainage infrastructure directly related to public roads in subdivisions (e.g. culverts and ditches). I am unaware of the Town ever legally taking responsibility for repair and maintenance of detention basins, treatment swales, overflow weirs, grates, etc. associated with the mitigation of increased stormwater runoff and stormwater quality from a subdivision as a whole. I am also unaware of any Town ordinances authorizing expenditures for these purposes. If I am incorrect, please cite the relevant ordinances. Lacking a pre-existing Town program (authorized by Town ordinance) for this activity, the developer should have identified how maintenance is to be accomplished in perpetuity (e.g. homeowner’s association funding). Without a definitively established plan for dealing with maintenance, the subdivision plan is incomplete.

6. The proposed subdivision will disturb some 34,448 square feet of wetlands (and significantly more if Special Use Permit Application SUP_DW #18-319 is not granted). In accordance with Federal and state law, projects involving 10,000 square feet or more of wetland disturbance must incorporate mitigation measures. The predominant form of mitigation utilized in the State is the set aside of open space of equivalent ecological value. The Planning Board has repeatedly discussed, with the developer, the need for public open space within the subdivision. Although I agree that issuance of the wetland permit itself is not a requirement for a determination of plan completeness, Part A Paragraph S of the Town’s Major Subdivision Review Checklist requires that: *“The applicant must show the location, dimensions, area, and purpose of any existing or proposed open space. The applicant must describe any restrictions on its use and any conditions on its dedication or reservation.”* Please explain why plan revisions for improvements to Fourth Range Road, beyond those required by the Town subdivision regulations, were readily made immediately prior to the Board’s acceptance of the plan as complete, but open space associated with wetland mitigation cannot be addressed at this time.

In conclusion, your letters of April 16 and 23 seem to contain spurious arguments to support alleged statutory, jurisdictional, and procedural reasons for rejection of my previous arguments regarding the incompleteness of this subdivision application. I note that your letters were issued subsequent to the developer’s threat of a lawsuit against the Town, on March 26, 2019, following the Board’s finding that the subdivision plan was incomplete. These letters were also

issued prior to (or on the same day as) the Board's reversal of its March 26 decision on April 23. I further note that no public hearing was held on the revised plan, submitted by the developer on April 22, prior to the Board's acceptance of the plan as complete on the following day.

I request an explanation from the Board as to why the developer was afforded 75 minutes to present and discuss his revised plan, submitted to the Town one day prior, but only 15 minutes was provided for public testimony at the public hearing. On the basis that "We don't have time tonight..." the Board postponed, for one month, the reading of my written testimony, submitted by letter of April 11, specifically for the public hearing on April 23.

I am hereby requesting that the Planning Board reconsider its acceptance of the subdivision plan as complete, at its next regularly scheduled meeting. If the Planning Board and Department continue to disagree with my positions on the above items, I will seek legal counsel regarding the validity of my arguments and take further action as appropriate.

I am also hereby requesting that this letter be considered as an additional part of my testimony and entered into the public hearing record for the Planning Board's consideration in the matter of Major Subdivision Plan Application #18-09.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian R. Mrazik", written over a horizontal line.

Brian R. Mrazik

Cc: Pembroke Board of Selectmen

David Jodoin

From: Linda Williams <lwilliams@pembroke-nh.com>
Sent: Wednesday, April 24, 2019 7:57 AM
To: David Jodoin
Subject: FW: Form submission from: Contact Us

Linda A. Williams
Administrative Secretary & Deputy Tax Collector Town of Pembroke, NH
603-485-4747 Ext. 201

-----Original Message-----

From: cmsmailer@civicplus.com [mailto:cmsmailer@civicplus.com]
Sent: Tuesday, April 23, 2019 8:19 PM
To: townhall@pembroke-nh.com
Subject: Form submission from: Contact Us

Submitted on Tuesday, April 23, 2019 - 8:18pm Submitted by anonymous user: 24.62.145.118 Submitted values are:

Message: I hope the town fathers will not allow the opening of the range roads to more development.

==Please provide the following information==

Your Name: james quinzani

Your E-mail Address: donnaq7@yahoo.com

Organization: non profit home base business

Phone Number: 6032248759

==Address==

Street: 444 6TH RANGE RD

City: PEMBROKE

State: New Hampshire

Zipcode: 03275

The results of this submission may be viewed at:

<https://www.pembroke-nh.com/node/2/submission/2073>