

**BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
January 18, 2023 at 6:30 PM**

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Present: Selectman Karen Yeaton, Selectman Richard Bean, Selectman Peter Gagyi, Selectman Rick Frederickson, Selectman Sandy Goulet

Staff: Town Administrator David Jodoin

**I. Call to Order:**

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

**II. Citizen Comment**

Don and Laurie Hill submitted a request to go forward with the layout provision for their property at 340 Third Range Road. They spoke with abutters, and they are in favor of the project. Don stated that opening the small portion of the road would benefit the public as they could eventually make that another access to the elementary school to cut down on traffic on Pembroke Hill and Route 3.

Selectman Yeaton discussed the updated maps the Hills provided. They currently own approximately 51 acres with one home on lot 66 with over 100 feet of pavement and a town turnaround. Under RSA 231:8, the Board needs to work through certain criteria to see if there is an occasion to approve the layout. The primary consideration is the benefit to the Town. In a cursory run through of the worksheet against the petition, Selectman Yeaton does not see a benefit to the town in extending the pavement an additional 200 feet. Some of the reasons are a building permit cannot be issued because there is already a building on the property, it is more roadway for the town to maintain with no additional property tax revenue, lot 66 taxes would not go up or be increased by adding road. Given that, Selectman Yeaton suggested going to Town Meeting because the legislative body of the Town is not obligated to restrictions of RSA 231:8. Don explained there would be additional tax revenue because they would subdivide the land for their son, and he would build a home which would cover the cost of any road maintenance. Selectman Yeaton explained that the Selectboard is not allowed under the RSA to consider future development on the property. The Board has recently been to court and lost because they did take what the property owner was planning into consideration. Laurie Hill stated another benefit might be additional roadway for fire access to the Range Road. Selectman Yeaton stated that might work with one of the bullet points on the sheet but there are still several other factors that need to be considered. Selectman Frederickson, Goulet, and Gagyi also suggest the Hill's go to Town Meeting which would take the Selectman out of the equation.

David explained that since the Board has officially received the layout petition, the Selectman need to make a formal decision. The Hills can make the decision to cancel the layout petition or go to Town Meeting. David clarified Selectman Yeaton's recommendation was not a formal decision. In order for the Selectman to make a formal decision they need to hold a public hearing and go on a site walk first. If the Hill's go to Town Meeting, they would need to submit a petitioned warrant article. The Hill's will likely go the petitioned warrant article route.

### **III. Scheduled Meetings**

#### Public Hearing RSA 31:95-b III (a) Acceptance of \$98,494.45 State distribution in accordance with SB 401 for maintenance of municipally owned bridges

David explained the passage of Senate Bill 401 directed the State of NH to divide and distribute a \$36,000,000 one-time payment between municipalities that have municipal owned bridges per the state definition. The funds were received by the Town on December 1, 2022 and deposited into a separate fund. David suggests using these funds towards the payment owed to the City of Concord for the North Pembroke Road Bridge. The total bill for our portion will be over \$400,000.

Selectman Yeaton opened the public hearing at 6:51pm.

Gerry Fleury, 21 Kimball Street, supports accepting the funds.

Selectman Yeaton closed the public hearing at 6:52pm.

Selectman Goulet made a motion to accept the State of New Hampshire payment for municipality owned bridges in the amount of \$98,494.45 in accordance with RSA 31:95-b III (a). Selectman Frederickson seconded the motion. Motion passed 5-0.

#### Public Hearing on RSA 31:95-b III (a) Acceptance of \$18,111.41 State distribution under HB 1221 NH Retirement reimbursement

David explained the State approved a one-time reimbursement in the amount of \$18,111.41 to offset costs. There may be some new provisions in current bills trying to be passed that would pass more responsibility for retirement contributions back to the towns.

Selectman Yeaton opened the public hearing at 6:54pm.

Gerry Fleury, 21 Kimball Street, shared after reading house bill 1221, section 5 created the appropriation and it was New Hampshire Retirement Systems responsibility to look at individuals who had contributed and to apply the 7.5% against the total amount Pembroke paid for group 2 people and police and any group 1 people. David stated that is correct. Gerry explained 1221 provided a similar action

Selectman Yeaton closed the public hearing at 7:06pm.

Selectman Goulet made a motion to continue the public hearing to the next meeting on February 1, 2023. Selectman Bean seconded the motion. Motion passed 5-0.

#### Public Hearing Bond rescission Pembroke Hill

To see if the Town will vote to rescind the remaining balance of \$368,000 from the following bond authorization which was approved as Article 3 at the March 14, 2014 Town Meeting or take any action relative thereto. (3/5 ballot vote required)

The original article read:

To see if the Town will vote to raise and appropriate the sum of \$1,200,000 for the Roadway Improvement and reconstruction project for the following streets; Pembroke Hill, Row Ave, Perley Ave, Girard Ave, Chappelle Street, Elm Street, and Grandview Road, and to authorize the issuance of not more than \$1,200,00 of bonds or notes in accordance with provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectman to issue and negotiate such bonds or notes and to determine the rate of interest thereon; (2/3 ballot vote required)

David explained these votes will need to stay open an hour so after discussions with the Town Moderator, the plan is open each one and discuss it and give people two separate cards and there will be two separate ballot boxes. The next article will be for Senate Bill 2 which will also require a ballot box.

Selectman Yeaton opened the public hearing at 7:09pm.

Gerry Fleury, 21 Kimball Street, is there any source for total bonded indebtedness. David explained the bond attorney looks at all that information before giving their opinion.

Selectman Yeaton closed the public hearing at 7:11pm.

Selectman Goulet made a motion to continue the public hearing to the next meeting on February 1, 2023. Selectman Frederickson seconded the motion. Motion passed 5-0.

#### 30 High Street Water Issue

VJ Ranfos, Public Works Director, explained Cornerstone Realty Holdings, Inc. is refurbishing the old Village School and turning it into apartments. One of the stipulations for that project was upgrading the water line that goes down Simpson Ave. They worked closely with the Water Department during that process. However, during excavation, they found a drain manhole structure buried beneath the pavement. It was repaired and after that the water line was put in and connected. There was also a massive boulder in the way of finishing the connection. The working theory is that

while moving that boulder, the drain line was damaged. During one of the last heavy rainstorms, the drain line backed up and flooded a home at 2 Simpson Ave.

Sarandis Karathanasis, Cornerstone Realty Holdings, explained they had the opportunity to come into the property through High Street and after working with Matt at the Water Department, it was determined that there was a future for a new water line up Simpson Ave so they decided to go that route. The plan was to hug the right side of Simpson Ave and make one cut to put in the line and then patch road. When they started, they discovered a lot of ledge which caused a lot of time and money setbacks. They decide to dig down to see how much ledge there actually was and that was when they realized it was actually huge boulder that could be removed. There was a good chance the pipe was already compromised before they started digging because during the approval process, it was discovered there is a pipe that goes under the gymnasium and ends up in the wetlands area on the back of the property. They have since scoped it and the pipe was compressed so they couldn't get through. Sarandis is proposing giving the town a right of way and bringing the drainage pipe to the wetland area on their property.

Selectman Yeaton asked if they had completed a Dig Safe Study. Sarandis answered they had and there was no evidence of that pipe. While doing the work, they never saw the pipe, and it also didn't appear on any town plans.

Selectman Frederickson clarified they still do not know where the pipe officially is. Sarandis stated the line was camered and from that they were able to figure out trajectory. There is potential it is an old sewer pipe. VJ explained the found drain/manhole structure on Simpson Ave looked like it was headed toward the school. He called Josh Coughlin at the school and he found an old set of plans that showed the pipe. Mike Vignale explained it is not unusual to find an old pipe that is not listed on plans and drainage is not part of dig safe so they would not identify it. There is no proof that all the damage happened by their digging but there is benefit to the Town for them to fix the drainage and having it go around the building and out the back.

Selectman Frederickson asked if 2 Simpson Ave had ever flooded before. VJ answered he has never been there before for flood complaints but they are brand new owners of less than a year. He can't be sure.

David explained the Selectman encumbered the full amount of the project. The money can only be used for this project with the preapproved vendor. VJ explained they are looking to split the cost for the \$55,240. Sarandis stated he would cover the cost of the paving in the amount of \$14,000 and give the town an easement for the drainage.

Selectman Yeaton share sentiments of making sure they are managing and making trustworthy relationships with developers or vendors who do work with the town while also being respectful of town funds and taxpayer. If this had not happened, the town and taxpayers would be having to pay for this pipe. VJ explained they would not

be paying today but likely it would have failed and it likely would be a little more catastrophic and expensive.

Selectman Goulet supports paying the \$41,000 difference given the amount of tax revenue this project will bring to the Town.

Selectman Frederickson pointed out that the Town just went through an Asset Management process and cataloging of all drainage in the Town. They did not find this pipe either. This pipe got by a lot of eyes.

Selectman Gagy was originally thinking that they should split the cost but there is a lot of tax revenue coming to the Town year over year and is now comfortable with the \$41,000 difference being covered by the Town.

Selectman Bean asked how many apartments are going in. Sarandis answered the first 10 should be online in 3 months with a total of 32 if the sewer capacity problem is worked out.

David asked how quickly he will be able to get the easement so they have the authority to do the work. Sarandis stated he will make the call tomorrow and would assume by the end of the week.

Selectman Goulet made a motion to use a portion of the encumbered funds for the storm water issue not to exceed the \$55,000 previously encumbered. Selectman Frederickson seconded the motion. Motion passed 5-0.

#### **IV. Old Business**

##### Update Meeting Schedule

The Selectman accept to the updated meeting schedule.

##### Dubois and King Final Report

David explained they Town received the final report and also received a final sign off and payment from the State of New Hampshire. The last outstanding item is the final \$9,600 bill. This bill includes \$1,600 for an intern. Central New Hampshire Regional Planning was contracted by the Town to work with Dubois & King on this project. They had someone go out for a couple hours one day and then he called them back and backed out of the project. Dubois & King had to hire an intern to complete the work. The State had requested extra documentation and the Town was billed \$2,000 for it. David discussed this with them that and told them the Town should not be paying for items the State requested. They were charged \$2,500 for an additional meeting. There was no documentation or conversations that it would have an extra cost. The meeting was also offered by them and not requested by the Town. There were issues with the record keeping and that additional work cost \$3,500 for a grand

total of \$9,600. The \$9,600 was encumbered at the end of the year for this purpose. The Board needs to decide how much they are willing to pay.

Selectman Yeaton clarified that there is rationale for the intern coordinator and asset inventory and prioritization and no rationale for the project administration or the level of service workshop. David stated yes, but that they should split the \$3,500 for asset inventory and prioritization because they should have known that in their budget. David supports paying a total of \$3,350.

Selectman Gagyí stated if they were looking at overages, they should have made it known ahead of time. Selectman Goulet thinks they should be sticking to the original quote. Selectman Frederickson agrees that if we looked to them to solve the problem with the intern, then we need to be ok with that charge. It is the same as a change order. David explained the bid proposal came from another group of people within the firm and Amy has had to bear the brunt of the questioning and responsibility. Selectman Yeaton clarified the frustration is not directed at Amy but at the firm as a whole.

Selectman Goulet made a motion to send \$3,350 to Dubois and King for the additional charges. Selectman Bean seconded the motion. Motion passed 5-0.

## **V. New Business**

### Approval of Pole License Agreements

Selectman Goulet made a motion to approve the licensing agreement with Eversource Energy for poles 85-158y on 4<sup>th</sup> Range Road and Consolidated Communications for pole 8-1lts and 27-1 on Dearborn Road. Selectman Gagyí seconded the motion. Motion passed 5-0.

### Approval of Street Name – The Greens at Pembroke Pines II

Selectman Goulet made a motion to approve the street names for Par Drive and Greenside Way as private roads within The Greens at Pembroke Pines II project. Selectman Frederickson seconded the motion. Motion passed 5-0.

### Approval of Forest Fire Warden

Selectman Goulet made a motion to nominate Fire Chief Paul Gagnon as Forest Fire Warden for the Town of Pembroke and to authorize the Chair to sign the document. Selectman Bean seconded the motion. Motion passed 5-0.

### Manifest/Abatements

Selectman Goulet made a motion to accept the manifests and abatements as presented. Selectman Gagyí seconded the motion. Motion passed 5-0.

Minutes 12/29/22, 1/4

Selectman Goulet made a motion to approve the minutes of December 29, 2022 and January 4, 2023 as presented. Selectman Frederickson seconded the motion. Motion passed 5-0.

**VI. Town Administrator Report**

Tax delinquency notices for resident who haven't paid their taxes or sewer bills are ready to go out. Last year, the Board waived anything that totaled \$5 or less.

Selectman Goulet made a motion to waive the fee of \$5.00 or less on the tax delinquencies. Selectman Bean seconded the motion. Motion passed 5-0.

There is a new RSA that assesses a \$250 fee per day for late audits. The Town's 2021 is late but the auditor submitted a letter to the State explaining the situation. The audit was pulled back because of the ambulance dissolution but it should be finalized shortly.

The assessment cards are out for the yearly 25% cycle count.

The Allenstown deliberative session is February 4, 2023 at 9am at the Armand Dupont School.

The Route 28 Bridge has been opened for two way traffic for the winter and will remain in this configuration until mid-March when they plan to continue construction on the southbound lane.

The case with the child who was hurt down at Memorial Park is finally moving forward.

A request came in from a resident who did not pay their first half tax bill in the beginning of December. He was ill with COVID and unable to get to the bank to get a check and make the payment. He paid it on January 5<sup>th</sup> but not the accrued interest. David sent him an email asking for the resident to call him so they can discuss available options. The resident sent an email back saying he would call in a few minutes, but he never called. Since then, it was discovered he was transported to the hospital. There has not been any more communication since. David stated he might be entitled to the elderly referral.

Selectman Goulet asked if the Legion has kept up with monthly payments. David answered they have paid of their 2019 taxes, but they will be on the delinquency list for 2020. They have had a hard time finding someone to help them clean up the mess. People come in, see the job, and promptly leave.

If SB2 passes and under a default budget situation, David is concerned for the ambulance. Those budget numbers cannot get rolled into a default budget as they are not a contractual obligation and not a part of the 2023 budget. This could lead to a very large gap. If there is a gap between what is needed in 2024 vs what is spent in 2023, that gap would need to get made up somehow. David is working with the Town lawyer to see what options are available to best explain this to residents and also safeguard the town.

Sgt. Fiske is leaving effect January 31, 2023. They will need to discuss what to do with the Police K-9. The Selectman will meet Monday at 6:00pm.

## **VII. Committee Reports**

Selectman Yeaton – None

Selectman Fredrickson – Planning met and discussed a minor subdivision application on 485 4<sup>th</sup> range road. That passed.

Selectman Bean – None

Selectman Gagy – School presented at Budget Committee. They have been requesting an audit. They discussed teacher salaries in our town vs. others. Andy explained they have a preplanned cut sheet if the budget doesn't go well. The total increase at this point is 3%. They discussed the elderly exemption and all veterans' credit warrant articles.

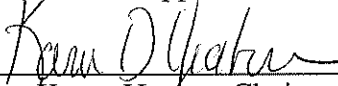
Selectman Goulet – None

## **VIII. Other/Citizen Comment**

None

## **IX. Adjourn**

Selectman Frederickson made a motion to adjourn at 8:41 PM. Selectman Goulet seconded the motion, and it was approved unanimously.



Karen Yeaton, Chairman

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