

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
March 1, 2023 at 6:30 PM**

Present: Selectman Richard Bean, Selectman Peter Gagy, Selectman Rick Frederickson,
Selectman Karen Yeaton

Staff: Town Administrator David Jodoin

Excused: Selectman Sandy Goulet

I. Call to Order:

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

II. Citizen Comment

III. Scheduled Meetings

Public Hearing Senate Bill 2

Selectman Yeaton opened the public hearing at 6:32pm.

Mark Cheeseman, 870 Plausawa Hill Road, spoke in support of passing SB2 or RSA 40:13. There is typically a 4% voter turnout at Town Meeting, and this would encourage more voter turnout and also gives opportunity to people who are unable to make Town Meeting or unable to sit through a lengthy meeting. The right to vote is hindered when people are unable to vote and SB2 provides a solution.

Pete Kohalmi, 490 Woodlawn Ridge Road, spoke in opposition to SB2 stating as low as the number of residents who vote is, there will still be a small number of people who go to deliberative session. This will not encourage more people to vote. Pete also discussed the importance of being able to discuss the budget issues.

Mark LePage, Nixon Road, stated he is opposed to SB2 and shared fears of an uninformed electorate. The discussions at Town Meeting extremely valuable.

Rosemarie Michaud, 340 Beacon Hill Road, stated she is opposed to SB2 and also shares concerns for uninformed voters and stressed the importance of the traditional town meeting.

Cindy Thorell, 8 Winchester Court, spoke in support of SB2. Not everyone is able to go to Town Meeting and there are other ways to learn about the items on the warrant.

Cindy stated that just because someone can't make it to Town Meeting, they have lost the opportunity to vote.

Wayne Burt, 215 Pembroke Street, stated there are many issues with SB2 and if it is passed, it will be hard to come back from.

Rosemarie Michaud, 340 Beacon Hill Road, asked if SB2 carries additional costs. David Jodoin answered it may just be the cost of printing the additional ballots depending on the number of warrant articles.

Pete Kohalmi, 490 Woodlawn Ridge Road, asked how the decision on SB2 is made. David explained it is a warrant article that will be voted on at Town Meeting and the School District Meeting. It will be a ballot vote and requires a 3/5 majority to pass.

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

Selectman Gagy shared he attended the Town of Allenstown's deliberative session a few weeks ago and there was around 15 people who showed up. It was very low participation. There will always be the chance people are unable to make voting whether it is on Town Meeting day or on the Tuesday vote.

Selectman Yeaton stated she was reached out to by residents asking where she stood on the issue and chose to stay neutral encouraging the residents to share their comments. Some of those comments were:

- If the people who showed up to vote were required to attend the deliberative, I would be for SB2 but they are not.
- Would you be ok if your legislature that you voted in only showed up on the final vote of bills and were not required to attend any of the discussion meetings?
- Could you survey people to see if they do not have time or are not interested in attending?
- What do you think is the most important part of the democratic process; the discussion and debate or the volume of people who vote on the issue?
- In Lancaster, which is SB2, 700 people showed up to vote but only 100 showed up to the deliberative to learn and discuss. What is the implication of not having an educated voter?
- Would you agree that the primary goal is to increase the participation in vote casting?
- In a 2014 article, a Town Moderator stated that in his town, attendance at deliberative sessions declined and believes that's happening because at those deliberations there are no actions being taken. This increases the likelihood of an uninformed vote at the ballot box.
- A resident is concerned for the confusion in the wording for warrant articles and the deliberative session gives the opportunity for residents to understand.
- The town budget is an expression of the value of the services that are provided to residents and not simply about money.

- In Epsom, the town wanted to do improvements to North Road, costs came in around \$250,000. The town voted to put \$50,000 into a capital reserve fund for 5 years to cover the cost and so there was no impact to the tax rate when they decided to do the project. In the meantime, the government made available a matching grant. The Selectman applied and were approved for the grant. However, over the 5 years, the cost of the project increased, but the grant would have covered the increase. The \$500,000 warrant article was added and only 12 people came to deliberative session. The article was voted down and the grant was lost. The Town still had to fix the road and it ended up increasing the tax rate.

Selectman Yeaton is opposed to moving to an SB2 community.

This article will be voted on at Town Meeting on March 18, 2023.

Jerrica Lee Bell - Building Permit Request 114-145 Seventh Range Road

In October, Jerrica went to Town Hall and applied for a building permit. She was denied and applied for a waiver from the Zoning Board. The waiver was granted because the project met the requirements as it is a lot of record and therefore a buildable lot. That moved the issue to the Selectman with the understanding they would be seeking information and feedback from the Planning Board and Emergency Services.

Selectman Yeaton stated in December of 2022, the Board of Selectman adopted a policy for building permits on Class 6 roads. The courts have handed down the judgement that towns cannot not issue permits on lots of record. This led to concerns for scattered development. The main issue is access for municipal and emergency services to these development sites.

Jerrica stated the size of some of the lots on Class 5 roads prohibits any abutting properties from building because those lots are large, and they cannot meet the requirement of being within 250 feet. It is also contradictory to ask her to sign a waiver understanding services aren't available and then asking her to bring the road up to town specs so services, she won't be able to take advantage of, can be made available.

Selectman Frederickson shared even though this property is 900 feet into a Range Road, he does not feel this property counts as sporadic development given it is adjacent to developed lots.

Selectman Gagy stated the policy has specific reasons for the regulations in it. The policy states it needs to be 250 feet from a developed class 5 or better road and while he might be willing to stretch it a little, this is well over that 250-foot limit.

Selectman Beans stated he agrees it is too far over the limit.

Selectman Yeaton asked what her intentions are for access. Jerrica explained she is entering a graduate program and would not be moving full-time to the lot for at least 4 years. She would like to build a single structure for a garage at the bottom and a livable space further up the property.

Selectman Yeaton clarified that a condition of the permit would be bring the road up to class 5 standard. Selectman Yeaton asked if Jerrica would be willing to bring the road up to class 5 standard. Jerrica answered not at this time. Selectman Yeaton asked what the plan for the road would be. Jerrica answered a similar profile as Third Range Road up from Brickett Hill.

Chief Gaskell stated he concerned for life safety since they do not have vehicles that can make it out there and also for officer safety. They do have to call outside agencies at night and those agencies don't know the Range Roads nor are they certified to drive the Town's four wheelers.

Chief Gagnon stated a fire hose is 200 feet. They have to be able to get 150 feet from the structure so the hose can reach the back of a structure. The forestry truck can get to the house but are not designed for structure fires and do not carry the appropriate apparatuses and safety equipment. The distance may mean she is required to outfit the home with an interior sprinkler system. A standard Fire Truck cannot make it down the Range Road and under no circumstance will be taken down a Range Road. An ambulance will also not be taken down a Range Road.

VJ Ranfos stated Public Works cannot spend public money to maintain a class 6 road and there would also be no trash pick-up. That is also a major corridor for the snowmobile club.

Jerrica stated being overly restrictive and prohibitive of residents building on their property will force them to sell to developers. She finds it difficult to be asked to sign a waiver not to use services but also being asked to maintain a road that can handle said services that ultimately won't be offered to her.

David Jodoin explained prior to the 2006 Class V frontage regulations, houses were built haphazardly. The court case being referenced to is prior to 2006. That individual already had a building permit for another structure and the court deemed it was ok that structure was going to be a house. This policy was started back in September in 2022 but due to delays, the final vote was in December of 2022.

Deputy Chief Rob Farley stated the policy still requires a structure has to meet building and life safety codes and asked how will inspectional services be provided if they cannot reach the property and some codes require 110v battery backup smoke detectors. How will that be achieved? Jerrica stated she plans to work to meet the codes. David explained Eversource would have to make the determination on the power lines.

Selectman Yeaton agrees with property rights opinions, but the Board is under the obligation to follow the policies the Town has put forward. The struggle is the access.

Selectman Frederickson asked what the grade is like. Jerrica stated there is a small rise but it is not steep in either direction.

Selectman Frederickson stated the builders will have to build up to the road so they can have access to the property for themselves. It will need to be strong enough for heavy equipment so to judge access prior to the road improvement, is almost a useless measure.

Selectman Bean asked what her timeline is. Jerrica answered the first structure would ideally be in next year. Permits have to come before she can make any formal arrangements.

Selectman Frederickson made a motion to table the issue. Selectman Bean seconded the motion. Motion passed 5-0.

Tom Serafin Town Meeting Discussion

Tom Serafin discussed the procedures for Town Meeting on Saturday March 18, 2023. Articles 3, 4, & 5 will require a ballot votes and they will have 3 ballot boxes available. David will discuss the monetary items, Selectman Gagyi will discuss warrant article 6, Selectman Frederickson will discuss warrant article 7, Selectman Yeaton will discuss warrant article 8, and Selectman Bean will discuss warrant article 9. Tom would like to see the School Board and the Selectman at Town Meeting to assist with the process and ballot counting. Tom would also like the Selectman to start thinking about and having conversations surrounding the upgrading of the voting machines with newer technologies.

Matt Miller Energy Committee – Registration Letter

Matt explained if the Town votes to approve the Community Power Plan on the 18th, the plan would be sent to the Public Utilities Commission (PUC) for their review and approval, and then the Town could start requesting data from utility companies. This registration document meets requirements of the PUC to let them know a plan will be coming soon and who the contacts will be between the PUC, the Energy Committee, and the utility companies

Selectman Frederickson made a motion to authorize the Town Administrator to submit the documentation for the Energy Committee. Selectman Gagyi seconded the motion. Motion passed 4-0.

IV. Old Business

2020 Tax Deeds

No new update.

V. New Business

Chief Gagnon – Compressor Purchase

Chief Gagnon explained this compressor is for the purified air that goes into the air packs used in hazardous areas. The current one was purchased in 1984 and the last two times it was inspected, they were told it needed to be replaced. It was in CIP for 2023 but the vendor stated there was a large price increase coming in April.

Selectman Bean made a motion to authorize Chief Gagnon to proceed with the compressor purchase and all electrical work for a sum not to exceed \$40,000. Selectman Frederickson seconded the motion. Motion passed 4-0.

Site Restoration Bond – Greens at Pembroke Pines

Selectman Gagyí made a motion to accept the site restoration bond for the Greens at Pembroke Pines Phase II in the amount of \$99,920. Selectman Bean seconded the motion. Motion passed 4-0.

Selectman Gagyí made a motion to approve the name Mulligan Court for Greens at Pembroke Pines II. Selectman Bean seconded the motion. Motion passed 4-0.

Manifest/Abatements

Selectman Frederickson made a motion to accept the manifests and abatements as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

Minutes 2/15/23

Selectman Bean made a motion to approve the minutes of February 15, 2023 as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

VI. Town Administrator Report

Library trustee is requesting the Board of Selectman appoint Judy Mitchell to fill the remainder of the term left by a Trustee who recently passed away.

Selectman Frederickson made a motion to appoint Judy Mitchell as Library Trustee. Selectman Gagyí seconded the motion. Motion passed 4-0.

Town Clerk was subpoenaed for documents from the law firm of McLane Middleton for information regarding a landfill. The State of New Hampshire is suing 3M Company for PFAS contamination.

There was an article in the Concord Monitor regarding the School District audits.

There was a question at the School District meeting asking what the Town does to let people know about the tax credits and exemptions. David sent a response saying the information is on the physical tax bill.

David is trying to put together a Zoom call with Regional Planning, Police, Fire, Planning, regarding the proposed Casino on Rt. 106.

The Associated Grocers tax abatement case has to go through mediation. What was originally a zoom conference call, is now an in person meeting at Sulloway and Hollis in Concord. The Selectman and Town Administrator need to attend on Monday April 3rd.

VII. Committee Reports

Selectman Fredrickson – Planning approved a special use permit for Eversource to replace poles, approved two minor subdivisions on Tina Drive, and the proposed gaming center in Concord did a presentation on their phase I plan.

Selectman Bean – None

Selectman Gagyi – None

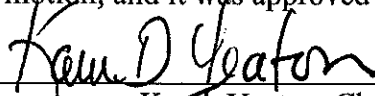
Selectman Yeaton – None

VIII. Other/Citizen Comment

VJ Ranfos stated they would need to close the transfer station with the impending storm. DPW lost their part time employee and in order to staff the transfer station they would need to pull people from plow trucks.

IX. Adjourn

Selectman Frederickson made a motion to adjourn at 8:47 PM. Selectman Gagyi seconded the motion, and it was approved unanimously.



Karen Yeaton, Chairman

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