

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
March 22, 2023 at 6:30 PM**

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

Staff: Town Administrator David Jodoin

I. Call to Order:

Chairman Yeaton called the meeting to order at 6:33pm.

II. Citizen Comment

None

III. Scheduled Meetings

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

Due to the conversations regarding the difficulties of emergency services going down dirt roads at the last meeting, Jerica spoke with the Chichester Fire Department and asked about their experiences since Chichester has many dirt roads. They commented they only have difficulty with individual driveways. She also presented updates the snowmobile club has already made that will create a nice base for a road.

Selectman Bean does not see an issue with the road after visiting.

Selectman Gagyi stated he visited 3rd Range off of Brickett Hill and it was barely passable during the last snowstorm. Selectman Gagyi is concerned for the road not being passable by two cars and would like to see proper drainage that meets current standards.

Karen explained the Planning Board is comfortable with the issuance of a building permit as long as that section of 7th Range is maintained in a passable condition for reasonable access to the property by emergency equipment and stated that this building would not contribute to sporadic development since the property abuts other developed property. The Planning Board has concerns about the level of legal protection that a homeowner's signed waiver covers the town, in the event a homeowner files a lawsuit for failure of the Town to provide emergency services and suggests working with DPW on a road maintenance plan. The purpose of the plan would be to avoid having to come to Selectboard every time she wants to make any minor ongoing maintenance. Selectman Goulet suggested having VJ Ranfos act as an agent of the Selectboard and if he feels she needs to come before the Board then she

would at that time. VJ explained the intention of the Planning Board was to allow her to complete general maintenance such as the yearly spring pothole filling without having to come to the Selectboard for permission. Anything above and beyond that, she would need to come to the Board. The Board is comfortable with her making general maintenance and not having to come before the Board.

Selectman Goulet made a motion to approve the building permit at 119 Seventh Range Road provided the road is maintained at a passable condition for reasonable access to the property by emergency equipment. Selectman Frederickson seconded the motion. Motion passed 5-0.

Chief Gaskell - Detail Rates and Cruiser Purchase

Chief Gaskell stated in 2015, the Board approved a detail rate of \$60/h for an officer or \$70/h for an officer with a cruiser. Regardless of which option is chosen, the officer is paid \$45/hr. Chief Gaskell is requesting the rates change to \$75/hr. for an officer, \$85/hr. with cruiser, and officer hourly earnings be \$60/hr.

Selectman Gagy asked how many details they have a year. Chief Gaskell stated it averages to about 1 a week though it varies with what is happening in Town and staffing levels.

Selectman Goulet made a motion to accept the detail rates be increased to officer earning rate of \$60/hr., \$75/hr. without a cruiser, and \$85/hr. with an officer and a cruiser. Selectman Gagy seconded the motion. Motion passed 5-0.

Chief Gaskell after approval at Town Meeting, he found 4 cars. One of the vehicles is hybrid but it is the most expensive. Departments are finding there is a cost savings with Hybrid cars because the hours on the engine are less while idling and they are getting around 5 more miles per gallon. While there may be savings after the purchase, the upfront costs are approximately \$2,500 more. Ultimately, because the savings are unknown and not too many departments have hybrid vehicles, the Chief prefers to stick with the standard gas model.

Selectman Goulet made a motion to approve the purchase of \$41,836.55 for a Ford PIU 2023 Interceptor from CMG. Selectman Bean seconded the motion. Motion passed 5-0.

Chief Gagnon – SCBA Purchase

Selectman Goulet made a motion to accept the MSA invoice in the amount of \$324,758 and to authorize Chief Gagnon to proceed. Selectman Frederickson seconded the amount. Motion passed 5-0.

VJ Ranfos DPW – Road Paving Bids

VJ Ranfos, Director DPW, discussed Ricker Road which has most resident complaints. Pembroke's portion of the road is 30 feet wide and 3,000 feet long. The Roads Committee would like to use a new technique where they take the old material, mill it, add more material, lay it back down, and add two inches of asphalt on top. The expected life is 20 years and has a one-year warranty on the work.

Selectman Goulet made a motion to accept the bid for the Cold-in-Place Recycling be awarded to Sealcoating Inc. for the amount not to exceed \$222,547.14 for the paving on Ricker Road. Selectman Frederickson seconded the motion. Motion passed 5-0.

The second road that needs attention is Bow Lane. Roads Committee would like to use an injection asphalt stabilization technique that has been used before on North Pembroke Road. They come in and grind up road, add asphalt emulsion to base, and then add 3 inches of asphalt on top. Both of these projects are part of the 10-year plan that was developed with Central New Hampshire Regional Planning. These two projects are coming from the \$750,000-budget line

Selectman Goulet made a motion to accept the bid from All States Construction, Inc. for the Full Depth Reclamation with Injection Asphalt Stabilization in the amount of \$49,227.50. Selectman Bean seconded the motion. Motion passed 5-0.

The Roads Committee also recommends awarding the 2023 paving/sidewalk bid to Advanced Excavating and Paving even though their bid came in higher than GMI Industries. The first year working with GMI was great but the second year, it was difficult to get them to come back to repair issues on Borough Road and Hillcrest.

D. Jodoin explained that the difference between the two was over \$31,000. Selectmen Goulet had no issue with the price difference.

D. Jodoin then asked the DPW Director if this was approved and needed extra money to get projects done or in next year's budget would he be asking for more money and he said he would not.

Selectman Goulet made a motion to accept the bid from Advanced Excavating, LLC at \$800,803.50. Selectman Gagy seconded the motion. Motion passed 5-0.

At Town meeting, the \$250,000 warrant article for a new 6-wheeler passed. Just like every other Department in Town, DPW is having a hard time finding vehicles. NH Peterbilt cannot put in an order until November 2023 and the Town will not get the truck until at least 2025. Ballard Truck Center quoted them around \$160,000 but they will not see the truck until September/October of 2024. McDevitt Truck prices start at \$140,000 and won't be able to order until August or September 2023 and it would take a year to get. Fairfield preordered 20 trucks last year and they have one left that is available and could be at the Town in October of this year. VJ intends to use

Allegiant Truck to facilitate the purchase which will allow them to trade in the old plow truck for \$5,000 which would cover the costs of an extended warranty package.

Selectman Goulet made the motion to move forward with the purchase up to the approved \$250,000 and to authorize VJ Ranfos to sign the necessary documents. Selectman Frederickson seconded the motion. Motion passed 5-0.

Town Meeting passed the warrant article allowing the Hills to open up a portion of Third Range so they can build on their land. They have asked if they can contract with the Town Engineer to help design the road so it is done correctly. The Town Engineer has to review the project for the town before it can be accepted. The Board would rather the Hill's get their own engineer to avoid a conflict of interest.

IV. Old Business

2020 Tax Deeds

No new update.

V. New Business

Discussion of Allentown's Dissolution Letter

At the last EMS Board Meeting, a letter was received from the Town of Allentown Selectboard requesting a monthly report on inventory. However, Tri-Town is purchasing supplies as needed and anything the Town of Pembroke purchases is kept in a locked cabinet with all the receipts and not being charged to the Ambulance Fund but rather the Fire Department. They would also like to move up the dissolution date to 7/1/2024 with a financial end of 12/31/24. Ambulance billings can come up to 6-months after the fact. There will likely be asset questions that will need to be left up to a mediator to sort out. The Town of Pembroke has a list of all fixed assets and it will be provided to the Town of Allentown so that their Auditor can review.

Selectman Gagy asked if they have first right of refusal on ambulances. David answered they thought we were going to trade in the older ambulance towards the new one but ultimately there will be two Ambulances at the dissolution and who gets what or picks first has not been determined yet.

The Selectman agree to end the Intermunicipal Agreement on 7/1/24 and David will prepare a final resolution document for Board review.

Meeting with Town Attorney

The mediation case with Associated Grocers is moving forward on Monday April 3rd at 9:30am in Concord at the law firm of Sulloway and Hollis. The Town Attorney is

recommending a full board does not show up so it turns into a meeting or quorum. Selectman Yeaton and Selectman Frederickson will attend.

Execute State MS-232 Form

Selectman Goulet made a motion to approve the State MS-232 Form. Selectman Bean seconded the motion. Motion passed 5-0.

Election of Officers

Selectman Gagyi made a motion to elect Karen Yeaton as Chair of the Board of Selectman. Selectman Goulet seconded the motion. Motion passed 5-0.

Selectman Yeaton made a motion to elect Sandy Goulet as Vice-Chair of the Board of Selectman. Selectman Gagyi seconded the motion. Motion passed 5-0.

Board Committee Assignments

Energy Committee	Primary-Rick Frederickson	2 nd -Karen Yeaton
Recreation Commission	Primary-Rick Frederickson	2 nd -Sandy Goulet
Budget Committee	Primary-Peter Gagyi	2 nd -Richard Bean
Planning Board	Primary-Rick Frederickson	2 nd -Karen Yeaton
Capital Improvement Committee	Primary-Peter Gagyi	2 nd -Richard Bean
Roads Committee	Primary-Sandy Goulet	2 nd Richard Bean
Solid Waste Advisory Committee	Primary-Sandy Goulet	2 nd Peter Gagyi
Facilities and Grounds Committee	Primary-Rick Frederickson	2 nd Richard Bean
Conservation Commission	Primary-Karen Yeaton	2 nd Sandy Goulet

Appointments

Selectman Goulet made a motion to appoint Philip Ryan as an alternate to the Library Trustee, Judy Mitchell to the Library Trustee, Becky Hanson as an alternate to the Library Trustee, Kerrie Dean as the Deputy Treasurer, and Stephanie Baldwin as the Deputy Town Clerk. 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 Frederickson seconded the motion. Motion passed 5-0.

Minutes 3/1/23

Selectman Goulet made a motion to approve the minutes of March 1, 2023 as presented. Selectman Gagyi seconded the motion. Motion passed 4-0. Selectman Goulet abstained.

VI. Town Administrator Report

The Town received a check from St. Jean auctions for \$1,115 for old radios and equipment.

Following the Town's approval of energy aggregation at Town Meeting, the Community Power Plan needs to be submitted to the Public Utilities Commission and others. The PUC then has 60 days to review it.

Selectman Frederickson made a motion to authorize David to submit the request for approval Town of Pembroke Community Power Aggregation Plan. Selectman Bean seconded the motion. Motion passed 3-1 and Selectman Gagyí abstained.

Two residents received their first half tax bills but not the second half tax bill. They sent a request to abate the interest due. \$36.88 The second one is \$144.14.

Selectman Goulet made a motion approve the abatements for the discussed parcels. Selectman Frederickson seconded the motion. Motion passed 5-0.

VII. Committee Reports

Selectman Fredrickson – None

Selectman Goulet – None

Selectman Bean – None

Selectman Gagyí – None

Selectman Yeaton – Conservation is monitoring their lands for items that should not be there such as tree stands. Looking to purchase additional signs for conservation lands stating what is and is not allowable. The Robert Frost Park is not conservation land and therefore not under the purview of the commission. They will call the town to discuss next steps to get it cleaned up.

Dana Carlucci sent an email with concerns regarding the discussion with the Planning Board pertaining to Class VI roads. David explained the confusion that lies ahead for staff with the Boards decision tonight to issue the permit on 7th Range Road. What do we tell people, is there a policy or is there no policy? Right now there is a class VI road policy that was put into place and approved by the Selectmen.

Selectman Yeaton stated people didn't realize when they voted to open the piece of road for the Hills that they opened up 200 acres to potential development and the new precedent that was set. Selectman Goulet clarified the application for Seventh Range was on file before the Selectmen's policy was enacted. A conversation with a member of the Planning Board does not hold the same weight as an application with

submission date. Selectman Frederickson is confused by the overall goal of that policy. David explained that residents are signing a waiver they will not have emergency services, but you know the services will respond.

Selectman Yeaton explained the process is the same as before to get to the Selectboard for a final decision on the building permit. Selectman Frederickson stated the goal of the policy is not being achieved if the purpose is emergency services. For instance, a 250-foot fire hose will not reach a house that is built 200 feet from a class V road but 3 acres into the property since someone can build their home anywhere on their property. Selectman Yeaton explained the ZBA rules say a buildable lot has to have frontage on a class V roadway or you cannot have a building permit. The court ruled against the Town saying that cannot be an enforceable rule on a lot of record. The Selectboard's policy that is in place really is saying no to building but for a different reason. The Town Attorney stated the difference is that a zoning ordinance does not have the same legal standing a town policy. That is why they had to come up with a policy. The ZBA ordinance cannot stand up in court. David explained it was from a Class V roadway to within 200 feet because the policy couldn't be a replica of the ordinance and for concerns of sporadic development. That sporadic development is difficult for emergency services especially in the winter. The Town's concern is when those services can't get to a home and something bad happens, the Town will be sued, regardless of the waiver

David recommended re-visiting this discussion with the Town Attorney because it's clear that there is an approved policy that this Board signed and is now having issues with it and it's going to make it a nightmare for the employees who have to deal with it.

VIII. Other/Citizen Comment

None

IX. Adjourn

Selectman Gagy made a motion to adjourn at 9:25 PM. Selectman Frederickson 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.