

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
June 7, 2023 at 6:30 PM**

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

Staff: Town Administrator David Jodoin

Excused: Selectman Sandy Goulet

I. Call to Order:

Chairman Yeaton called the meeting to order at 6:32pm.

II. Citizen Comment

None

III. Scheduled Meetings

Energy Committee

Matt Miller, Energy Committee, would like to schedule non-regular Selectboard sessions to go over information from electric suppliers. Matt is recommending two sessions; one to go over policies and procedures and another to go over the actual agreements. The Board scheduled the first meeting on Wednesday, June 14th at 5:30pm and the second meeting will be scheduled at that time.

Odd Ball Brewing – Outdoor Seating

Chris Glen, Owner of Oddball Brewing, discussed the potential for outdoor seating. Meis Restaurant and Big Bens Pizza have no issues with the proposal. The only pushback has been from Kettle to Keg because it would “change his quality of life”. He is currently out of business and the space is up for lease so the meaning of that is unclear. Police Chief Gaskell has previously mentioned the space may not be owned by the Town so Chris spoke to the neighbor that does own the property and he is fine with the outdoor seating. Oddball would look to put an orange-type construction sign at the very end of the road so no cars turn up into the ally and they would also not put chairs and tables right at the end so there is a buffer zone. The entire space would be 30 feet by 12 feet which leaves a 4-foot egress to go around. Selectman Frederickson stated they received a letter from Sewer concerning added seats and capacity. Chris stated the water they use does not go out the sewer. A batch of beer is around 150 gallons, the majority of that is going into cans to be sold. It is not going down the drain. It would likely have no change or impact to the capacity. The letter received

from Sewer is a concern because Chris and his partner would like to grow the business. The goal is to be open more hours than they currently are and maybe expand the space. The inability to have any increase going forward may force the business out of town.

David explained they had previous issues with people parking in the alley several years ago. In order to determine where the boundary markers were, they had the property surveyed. The survey came back and proved the Town never owned the lower portion because in the 1950's it was approved at Town Meeting but it was never finalized and recorded at the Registrar of Deeds. The Town was trying to negotiate to buy that piece of land but when there is a mortgage on a property, an owner cannot relinquish the rights because it is technically owned by the mortgage company. Those owners purchased another property and eventually sold it to someone else. Selectman Yeaton asked if there is a fire lane sign. Chief Gagnon stated there is a fire lane by Town ordinance. Selectman Yeaton asked how that works since it is technically private property. Chief Gaskell stated there is a right of way for the town. Selectman Yeaton shared concerns that the Town does not have the authority to have fire lanes and make decisions such as this one if it is private property. Chief Gaskell explained that since the Town has maintained it for so long, it is now considered a "way" under state law or a right of passage. Selectman Yeaton stated that even as a right of way or easement, it does not grant the Town the ability to approve use for any other purpose. Chris stated regardless of all of that, he wants everyone to agree that this is good for the town and space. Chief Gaskell stated if this becomes an issue of negotiation between the departments and the property owners, he would not be comfortable in any with jersey barriers. Chief Gagnon stated the main concern for him is fire safety. There are buildings where the best access is from the back in that space. It is also the best access for ambulances. David shared concerns that the Town does not own the property but a lot of money has been spent to alleviate parking issues. If the tables go out, people will start parking again. Selectman Yeaton stated respecting all the history and time that has gone into sorting this out, this is a property rights issue which is not the purview of the Selectboard and the Town's authority over that property is not super clear. VJ Ranfos, Public Works Director, suggested using the municipal parking lot and taking over a few spots because parking isn't an issue in that lot in the summer and the town could put up barriers to protect the public. Chris stated the Liquor Commissioner wouldn't sign off on that because it is too far away from the business. David suggested having the lawyer look at everything again in order to get a better understanding of the land use issues for the next Selectboard meeting.

Public Hearing per Town Code Chapter 160 – Cemetery Fee Updates

VJ Ranfos stated Dignified Cemetery Services has raised their fees a few times over the last several years after not raising any fees for a very long time. The Town needs to raise the fees in the Town Code to match in order to recoup what has been paid. The Town does not make a profit off these fees.

Selectman Yeaton opened the public hearing at 7: 47 pm.

Gerry Fleury, 21 Kimball Street, stated in the Town Code, Chapter 155-12, it states no burials will be held on Sundays or Holidays with the exception of an emergency. An emergency is not defined anywhere in the Town Code. At Town Meeting, \$2,500 was approved to do ground penetrating radar and it has yet to happen. VJ Ranfos explained the bids came in above the \$2,500 allotted so they have been unable to do it, however, they were able to do a small portion a few years ago. Gerry suggested adding a wall similar to the Veterans Cemetery in Boscawen for cremations to save space and money. VJ explained there is a 6-year plan and it includes a cemetery re-design that looks at doing that.

Selectman Yeaton closed the public hearing at 7:54 pm.

Selectman Frederickson made a motion to approve the new cemetery fees as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

VJ gave an update on the Main Street project. Water line relocation, drainage installation, new curb, and pavement has been completed from Turnpike St. to Main St. Utility poles have been installed but require some modifications. Items remaining are moving the lines to the new poles, gas main relocation, replacing gravel, finishing paving, loam and seeding. Project should be completed by the end of October.

DPW Truck Upgrade

There is a retired firetruck in Town that can either go to auction or can be used at DPW as a plow or trash truck. The truck is 20+ years old and the fire apparatuses would need to be removed. The cost would range between \$125-150,000 to retrofit it. A new truck is \$250,000. The Board is not in favor of this proposal.

IV. Old Business

None

V. New Business

Approval of Auditors Governance Letter

Selectman Frederickson made a motion to authorize the Chairman of the Selectboard to sign the audit governance letter. Selectman Bean seconded the motion. Motion passed 4-0.

Selectman Frederickson made a motion to authorize the Chairman of the Selectboard and the Town Administrator to sign the 2022 audit engagement letter with Vachon Clukay and Company, PC. Selectman Bean seconded the motion. Motion passed 4-0.

Adoption of Flowchart Re: Class VI Roadways

The chart has been reviewed by Town Counsel, Planning Board, and Zoning Board. They are all in favor of the document

Selectman Frederickson made a motion to approve the Class VI Roadway Flowchart as presented. Selectman Gagyí seconded the motion. Motion passed 4-0.

Manifest/Abatements

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

Minutes 5/24/23

Selectman Frederickson made a motion to approve the minutes of May 24, 2023 as presented. Selectman Bean seconded the motion. Motion passed 4-0.

VI. Town Administrator Report

Merrimack County is inviting the Board to the 200th bicentennial anniversary celebration on September 30, 2023 at the County Complex.

Brian Mrazik sent a letter requesting a stop sign at the corner of Pembroke Hill and 4th Range Road. The letter will be sent to Police, Fire, and DPW for comment as it will need a public hearing before any decisions are made.

VII. Committee Reports

Selectman Yeaton – None

Selectman Fredrickson – None

Selectman Bean – None

Selectman Gagyí – None

VIII. Other/Citizen Comment

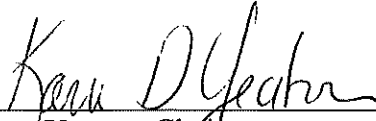
None

IX. Non-Public

None

X. Adjourn

Selectman Gagyi made a motion to adjourn at 8:34 PM. Selectman Bean seconded the motion, and it was approved unanimously.

A handwritten signature in cursive script, appearing to read "Karen D. Yeaton", written over a horizontal line.

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.