

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
July 5, 2023 at 6:30 PM**

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

None

III. Scheduled Meetings

Odd Ball Brewing – Outdoor Seating

Chris Glen, Owner Odd Ball Brewing, is at the meeting to continue discussions on outdoor seating.

Selectman Frederickson made a motion to read a letter from Steven Whitley of Drummond Woodsum into the record. Selectman Goulet seconded the motion. Motion passed 5-0.

David clarified Attorney Dunn is the title attorney who did the work at the same time as the survey work was done by Holding Engineering.

The letters states Attorney Dunn concluded the Town holds an easement for the first 72.3 feet of Village Lane running north from Glass Street. After 72.3 feet, the Town owns the remainder of Village Lane as well as parcel VE-165. The Town's ownership of VE-165 as well as the Town's receipt of the easement over Village Lane are both derived from a March 30, 1966 deed. As a result, the Town can regulate the use of Village Lane starting at 72.3 feet from Glass and for the first 72.3 the Town could potentially regulate the use by arguing that nothing can interfere with its deeded easement and/or nothing can block the designation of a fire lane. To enforce these rights, it would likely require a court order that would likely be a costly court case as it would entail using Attorney Dunn or some other title attorney or surveyor as an expert witness. Attorney Dunn's work does give the Town a basis to deny Odd Ball's request. The Town can credibly and accurately state that it has an opinion of a title attorney stating the Town holds an easement over that portion of Village Lane that Odd Ball wishes to occupy and such occupation could frustrate the Town's use of its

easement of Village Lane and so the Town cannot approve that request of us. In addition, the Town can deny it as it would block the fire lane as noted by the Fire Chief. However, the above carries some risks because the abutting owners along Village Lane appear to have similar language in their respective chains of title giving them the same rights to the easement that the Town obtained in 1966. If all the property owners all have rights to use the easement that would make it more difficult to assert that the Town has easement and therefore can prevent others from frustrating the Town's use of the easement. However, that was not the focus of Attorney Dunn's work and that could require further deed research to resolve. For this reason, if the Town is inclined to deny Odd Ball's request it is recommended that it be for one of two reasons; 1) the request would block or greatly diminish the Fire Department's access to the fire lane 2) the Town is arguable the sole beneficiary of the Village Lane easement and as such does not give permission for Odd Ball's use that would frustrate the Town's use of its easement rights. Note that all of the above assumes that Attorney Dunn's work was accurate and correct. If that is shown not to be the case, then the town's legal basis for regulating Village Lane is severely diminished.

Selectman Goulet expressed discomfort going against an easement for a fire lane.

Selectman Gagy stated the wording is ambiguous on the easement, but it is likely the Liquor Commissioner is going to deny the project based on the slope of the road.

Selectman Frederickson stated the Town has responsibility over the area and would not want people blocking it. Selectman Bean agrees.

Selectman Yeaton stated that based on the attorney's research, it is likely the Town has the responsibility to manage the easement as a fire lane and with that she is uncomfortable granting the request. There are also concerns for liability having patrons in a fire lane.

Selectman Goulet made a motion to move the question. Selectman Frederickson seconded the motion. Motion passed 5-0.

Selectman Goulet made a motion to approve the request from Odd Ball Brewing to use the lower portion of Village Lane for outdoor seating. Selectman Frederickson seconded the motion. Motion failed 0-5.

Lisa Gilbert

Lisa Gilbert, 472 4th Range Road, volunteers with the organization Hometown Heroes Banners. The banners pay tribute to those who have served in any branch of the US Military. The only obligation of the Town would be to contact Eversource for a permit to use their poles. They would not be on the same poles as the American Flags put up by the Pembroke Women's Club. There are 21 poles from Town Hall heading north and then there are 7 poles from the top of Broadway and heading towards the

Safety Center. The flags near the Safety Center could be used specifically for public service employees.

Selectman Goulet asked what the costs would be to the Town and what Eversource thinks of the project. David answered the process would be the same as the American flags and he would need a listing of the pole numbers. Lisa has already made a list of all the pole numbers to provide to Eversource. Eversource has supported the projects in other communities. Matthew Wieczhalek-Seiler, Concord for Hometown Heroes Banners, answered there is no cost to the town. The banners would be purchased by the families of the person being honored. The banners are sold with the expectation they would hang for 3 years seasonally from Memorial Day to Veterans Day. They would handle all hanging and care for the flags. Eversource has never had any issues with this program, and they are allowed to leave brackets on the poles. David answered there are currently no costs for the permitting of the Women's Club flags.

David asked how the flags are attached to the poles. Matthew explained they are aluminum brackets held on by hose clamps and fiberglass rods held in with a stainless-steel pin and ring. There is one bracket on top and one on the bottom.

David suggested waiting until next year to start the program because time will be short after selling the banners and communicating with Eversource.

Selectman Goulet made a motion to authorize the Town Administrator to fill out the permit for the Hometown Heroes Banners. Selectman Bean seconded the motion. Motion passed 5-0.

Stop Sign Requests

The Board received a letter from Brian Mrazik at 357 Pembroke Hill Road requesting a stop sign at the corner of Pembroke Hill and 4th Range Road. Chief Gaskell would oppose the stop sign; however, he would not be opposed to cautionary signs about the curve. In the last 5 years, there have been three accidents. The stop signs would be set too far back to be effective.

Selectman Yeaton asked if those accidents were multi car accidents or single car. Chief Gaskell answered single but he will double check.

Lisa Gilbert explained the people speeding will not see the stop sign and/or they likely will not come to a full stop.

Selectman Frederickson asked if the wrecks included local residents. Chief Gaskell answered he is unsure.

David stated the new owners of Gelinas Horse Farm are requesting caution signs for horses on the road. VJ Ranfos, Public Works Director, has concerns for speeding and resident complaints. Chief Gaskell shared the Department has been up there for

extended patrols and the highest recorded speed was 43mph and the average was 36mph. The road is a 30mph zone.

Chief Gaskell stated if they are putting up signage that does not require enforcement, they do not have to have a public hearing to do so. They could also lower the speed limit on the corner to 20 or 25mph.

The Board would like the Police Department to come up with a plan for additional signs.

Energy Committee

Matt Miller, Energy Committee, explained at the last annual meeting for CPCNH some amendments were adopted to the Joint Powers Agreement and the Board needs to approve those amendments. The vast majority of the amendments address things such as consistency issues or spelling/grammar mistakes and those do not require approval from member boards. The one that requires approval states that amendments can only be discussed at the annual meeting and now they can be discussed at any meeting with a 14-day written notice and a 2/3 approval vote. It also has to be reviewed and approved by all governing bodies. All other member towns have reviewed and approved.

The Board will review the amendment and discuss it at the next Board meeting.

IV. Old Business

None

V. New Business

Manifest/Abatements

None

Minutes

None

VI. Town Administrator Report

Pembroke Hydro Associates submitted a request for a PILOT Agreement on the 3 Hydros and Dams they have in Town. Monica Hurley, Town Assessor, does not see the benefit from the agreement to the town. The Board agrees and will not move forward.

David spoke with Monica Hurley about setting a ratio level that triggers a statistical update. Monica agrees with this proposal. The Board will draft a letter to explain the rationale behind this change in process to residents as most are unaware of the recent assessment settlements.

Selectman Goulet made a motion that The Town of Pembroke will not be using the PA-28 Forms and to Authorize the Town Administrator to sign the document notifying the State. Selectman Gagyi seconded the motion. Motion passed 5-0.

VII. Committee Reports

Selectman Yeaton – None

Selectman Fredrickson – None

Selectman Bean – None

Selectman Gagyi – None

Selectman Goulet – None

VIII. Other/Citizen Comment

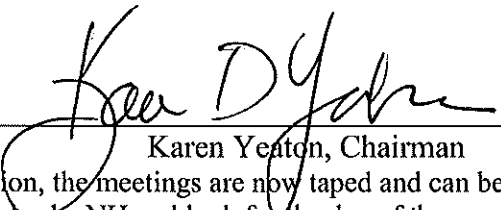
None

IX. Non-Public

None

X. Adjourn

Selectman Goulet made a motion to adjourn at 7:54 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.