

**BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
June 3, 2019 at 6:30 PM**

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Present: Chairman Tine Courtemanche Selectman Ann Bond, Selectmen Richard Bean, and Selectmen Michael Crockwell, Selectman Sandy Goulet

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

**I. Call to Order:**

Selectman Ann Bond called the meeting to order at 6:30pm.

**II. Citizen Comment:**

None

**III. Scheduled Meetings:**

New Hampshire Trail Dawgs Snowmobile Club

Kevin Gagne, Trail Administrator, came to the Board to discuss a resolution for the damage caused to Thompson Ave. The club was given a deadline of July 4<sup>th</sup> to fix the issue. The club has two roadway crossings granted to them on Route 28. A stipulation in the permit with the State of New Hampshire states that there is not to be any OHRV parking. They discussed the issue with the Bureau of Trails and NHDOT. NHDOT signed the parking areas no OHRV parking. The trail between Route 28 and Thompson Road is private property that has recently changed ownership. The current owners are open to improving and changing the angle of the trail to minimize future damage to Thompson Road. The heavy ATV and OHRV traffic will be alleviated by the lack of parking spaces available. Kevin stated that moving forward with the Range Roads, a questionnaire was sent out to residents to see what they would like to see for the future of the Range Roads. The majority of respondents indicated that they would like the Range Roads to remain open for recreational use as they are now. Kevin stated that he would like to make it clear that the Trail Dawgs are a snowmobile only club and are not affiliated with any ATV or UTV club. Selectman Crockwell asked if they had considered building out the hill and changing the slope rather than cutting down trees to change the angle. Kevin stated that right now they have to discuss solutions with the new owners of the piece of property. Kevin stated that they filled in some erosion of the road with stone and pavement. David suggested the possibility of water bars and riprap. Kevin stated that a lot of issues that are happening are due to wheeled vehicles and they have curbed that issue with the no parking signage. Selectman Bond suggested adding a bar to the beginning of the trail for the summer months to keep the ATV's and OHRV's off the

property. Kevin stated that the previous owners of the property owned the campground across the street and they wanted their residents and visitors to be able to access the Range Roads. The Trail Dawgs do not have authority to put up a bar but they will discuss it with the new owners. Selectman Crockwell asked if the campground was also sold. Kevin stated that it was not. Kevin asked if the deadline could be extended until they have a chance to work with the new property owners on a solution and create a proposal. Selectman Courtemanche asked how long of an extension are they requesting. Kevin stated that they get money from a grant-in-aid program once a year. It was already awarded for planned summer projects and he is unsure if he able to divert any funds for this purpose. For that reason, they are asking for an extension to next summer. Kevin restated that the majority of the issue on the hill is caused by ATV and UTV use and not snowmobiles. Selectman Crockwell agreed but the pavement damage is done by snowmobiles reaching the top of the hill and spinning to get going on the road and causing damage. The Board agreed to an extension until the August Selectman meeting on August 19<sup>th</sup>.

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

David presented the list of 2016 Tax Deeds. On June 17<sup>th</sup>, the Board will have to make decisions and move forward on which properties to deed. One of the properties is still being discussed with the estate and that leaves two properties that would be deeded. David will have letters hand delivered to the homes by the Police Department which will state that there have been numerous times contact has been attempted with no response and the process will move forward on the 17<sup>th</sup>.

Ron, LighTec, Inc., sent an email to David stating that they have scheduled an installation date of the middle to the end of the week on July 1<sup>st</sup>. George, Eversource, also sent an email stating that their portion of the work will be completed the week of June 17<sup>th</sup>.

Street light pole regulation updates were tabled until the next meeting.

The sub-committee for the solid waste agreement will be meeting on Tuesday, June 11<sup>th</sup>. The committee will likely only hold a few meetings.

David presented the Board with the Sewer Commission meeting minutes. Their lawyer requested a copy of the warrant article and whether or not the Town had authority to buy and sell property under RSA 41:14-a. The residents granted that authority in 2006. However, at town meeting, the residents made it clear that they do not want the Town to be landlords and in the commercial real estate business. Selectman Bond asked about the status of the sale. David stated that there were two offers and the Board decided to sign a purchase and sales agreement with Gerald McCarthy. His purchase and sale agreement had a 14-day contingency so he worked with his realtor and put a 30-day extension on it pending the outcome of the discussions with the Sewer Commission. The individual with the other offer (Bussiere) stated that they would still be interested if the deal falls through.

Selectman Goulet clarified that the Town did officially offer the property to Mr. McCarthy. David stated that the Town did and he does have a purchase and sales agreement but the Sewer Commission has first rights to the property in their lease with the Town. That is what they are contesting. Selectman Goulet clarified that Sewer Commission made an offer of \$1.00 and the Selectman made the decision to reject that offer and put it on the market. Selectman Goulet questioned why is the Town now negotiating with the Commission. David stated that based on their lease agreement they feel they have the right to counter offer. The Commission is contesting that the Selectmen violated the terms of the lease agreement by not waiting until they had made a decision on purchasing the building at full value. Selectman Bond asked if the Sewer Commission has the ability to purchase the building. David stated that the residents granted the Selectmen the ability in 2006 and did not specifically mention the Sewer Commission. Selectman Crockwell asked if they use the Town's Tax Identification Number. David stated that they do but they are structured under a different RSA that gives the commission the ability to operate as they see fit. The Commission is discussing it with their lawyer and the Town has submitted the questions to their lawyer. Selectman Courtemanche asked if the Commission needs permission from the rate payers to purchase the building. David stated that the funds to pay for the building would come from the rate payers. Selectman Bean asked if the Commission would be willing to come talk with the Board. David stated that they would like to wait until after some of the litigation issues with Allentown are settled. Selectman Bean asked if Mr. McCarthy would allow the current lease payers to stay there. David said that he sent an email through his realtor stating that any leasers can stay there as long as they want. That message was conveyed to Sewer. Selectman Bean asked what the Commission currently pays in monthly rent. David stated that it is paid in a lump sum annually and is a little over \$8,000/year. Selectman Courtemanche asked if the process for purchasing the building would be the same as the Town for when they have to do a bond. David stated that with the current statute, the Sewer Commission can over spend their bottom line because it can be raised back up through user fees. The Town does not have that latitude. David stated that the Town's lawyer does not feel they have the legal right or authorization to purchase the building based on the article that was approved at Town Meeting in 2006. Selectman Bond asked how long the process would be for the Commission to get their own Tax Identification Number. David said it is at least a 6-month process but that would also mean they would do their own payroll and taxes and financially it would not make sense.

## **V. New Business:**

A resident requested that a code be adopted by the town to enforce the one-way travel sign in the cul-de-sac he lives in. David asked the Chief of Police if there was signage on any other cul-de-sacs in town or if they were in the town code. Chief Dwayne Gilman did some research into which cul-de-sacs have signs and/or lights. He stated that enforcement would not be a priority for the Department. Selectman Goulet suggested leaving the sign but not creating an ordinance. Selectman Bond

stated that the Planning Board is discussing not allowing any more cul-de-sacs in Town so the ordinance may not have a future use. Chief Gilman stated that if the Town is not going to adopt an ordinance and enforce the issue then the sign needs to be taken down as well as any other signs in other cul-de-sacs around town. Selectman Goulet made a motion to remove signs from Brittany Circle, Mason Ave, and Riverview Way. Selectman Bond seconded the motion. Motion passed 5-0

The Board reviewed correspondence from the Allenstown Sewer Department. Selectman Bond clarified that the country club development was not granted sewer capacity. The Board agreed that is how it reads in the provided materials. Selectman Goulet clarified that the Sewer Commission had asked the Allenstown Sewer Department that if the development was allowed in, that they would have sewer and they agreed. David and Selectman Courtemanche stated that they are saying there is capacity but it is not for Pembroke properties. Selectman Bean asked if the Selectman have ever met with the Allenstown Sewer Department. Selectman Courtemanche stated that that is not in the purview of the Selectmen and that is for the Sewer Commission to do. David stated that the Commission does meet with Allenstown regularly and they have been trading law suits for years. David clarified that his understanding is that the development has state septic approval for the houses and they were told they have capacity for the first phase of the condos and would wait for extra capacity to phase in the next stage.

David shared the Fire Department letter for land needs in the future after the discussion during the last meeting regarding the property on Borough Road. Selectman Bond asked about the possibility of a recreational field going on that property. David stated that it is a commercial property and may not be worth giving up the property for fields. There is always an option to subdivide the property.

Selectman Bond made a motion to approve the Manifest and Abatements as presented. Motion was seconded by Selectman Goulet. Motion passed 5-0

Selectman Goulet made a motion to approve the minutes of May 6, 2019 as presented. Selectman Bond seconded the motion. Motion passed 4-0. Selectman Courtemanche abstained.

Selectman Goulet made a motion to approve the minutes of May 20, 2019 as presented. Selectman Bean seconded the motion. Motion passed 4-0. Selectman Courtemanche abstained.

Selectman Bond made a motion to approve the non-public minutes of April 15, 2019 with the addition of Sandy Goulet as present at the meeting. Selectman Crockwell seconded the motion. Motion passed 5-0.

Selectman Bond made a motion to add Clint Hanson Jr. as a full-time member to the Planning Board. Selectman Goulet seconded the motion. Motion passed 5-0.

**VI. Town Administrator Report:**

David present the Board a certificate of authorization to accept used oil collection assistance grant funds and to enter into a grant contract with the New Hampshire Department of Environmental Services. Selectman Crockwell made a motion to authorize James Boisvert, Public Works Director, to execute any documents which may be necessary for this grant. Selectman Bond seconded the motion. Motion passed 5-0.

**VII. Committee Reports:**

Selectman Goulet –None

Selectman Bean – None

Selectman Bond – Planning Board would like to make the Selectmen aware of their issues with the number of shared driveways and the concerns that the configuration of driveways that takes property away from owners whose lots they cross in the 4<sup>th</sup> Range Road development. Selectman Courtemanche asked if that was something the Selectmen could weigh in on. David stated that they cannot, that's a Planning Board issue and the driveways will be large enough for emergency vehicles to get down. Selectman Bean asked if these kinds of private roads/shared driveways are allowed in town. David stated that there are some shared driveways and private roads in town.

Selectman Courtemanche - None

Selectman Crockwell – None

**VIII. Other/Citizen Comment:**

None

**IX. Non-Public Session:**

Motion by Selectman Bond to enter non-public session in accordance with RSA 91-A:3 II (B). The hiring of any person as a public employee. Seconded by Selectman Crockwell. 7:27pm

Roll Call Vote:

Selectman Bean	YES
Selectman Goulet	YES
Selectman Bond	YES
Selectman Courtemanche	YES
Selectman Crockwell	YES

The Board came out of non-public session at 8:02 PM

Motion by Selectmen Goulet, seconded by Selectmen Bean to hire Michael St. Jacques as a non certified Police Officer at the first step of the pay scale (\$18.13) and to hire Anthony Barrow as a certified Police Officer at the rate of (\$27) per hour  
Vote Unanimous.

Motion by Selectmen Goulet, seconded by Selectmen Bond to hire Kevin Jennings as the part time landfill attendant at \$13 an hour contingent upon him passing all the necessary testing. Vote Unanimous

**X. Adjourn:**

Motion by Selectmen Goulet, seconded by Selectmen Crockwell to adjourn at 8:22 PM. Vote unanimous

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Justine M. Courtemanche, 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.