

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
JULY 1, 2019 at 6:30 PM**

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

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

I. Call to Order:

Chairman Tina Courtemanche called the meeting to order at 6:31pm.

II. Citizen Comment:

None

III. Scheduled Meetings:

Ryan Martineau – Scout Project

Ryan Martineau discussed his Cub Scout project for troop 270; refurbishing the horseshoe pits at Memorial Field. His plan is to square out the pits in a 3x4 frame, double the height of the backboard, and dig down 3 inches to replace the sand. There are 12 sets of pits to be re-done. The estimated cost of the project is \$410.92. Ryan needs the Selectmen's permission before going before the Eagle Board to present his project for approval. Selectman Bean asked where the funding would be coming from. Ryan stated that he will be doing some fundraising including the possibility of a car wash. Ryan stated that while the funding is an important part of the project the majority of the project is the actual physical work it will take. He is estimating that it will take two days to complete the project. Selectman Bond asked if he has been talking to local vendors such as Dirt Doctors. Ryan said he has spoken to Dirt Doctors and they will be giving him a discount on the sand. Selectman Bean asked what his start date is and he answered September 15, 2019. Selectman Courtemanche asked Dana Carlucci if this project would interfere with Old Home Day. Dana stated that it would not. Siobahn Bergeron, 448 Nixon Road, suggested Ryan put it out the residents if he feels overwhelmed or like he will not finish on time. David Jodoin informed Ryan that on October 13th there will be around 1,500 people at Memorial Field for the annual Regatta. Ryan stated that he will work to be done before then. Selectman Goulet made a motion to accept Ryan Martineau's horseshoe pit proposal. Selectman Bond seconded the motion. Motion passed 5-0.

Kevin Gagne – Trail Dawgs

Tabled until further notice.

Nixon Road Potential Paving

Mark and Theresa LePage of 442 Nixon Road, Siobhan Bergeron of 448 Nixon Road, and Paulette Malo, Jim Boisvert, and VJ Ranfos from the Pembroke Roads Committee discussed the potential paving of Nixon Road with the Selectman. Paulette listed some of the concerns that the Roads Committee has with Nixon Road are that it is the last town owned dirt road, maintenance is difficult in the winter because you cannot use the salt/sand mixture used on all other roads, it is not wide enough for equipment, it needs ditch work, and the overall cost of maintaining a dirt road is more expansive than a paved road. Selectman Courtemanche asked what they are looking to do with Nixon Road. Paulette stated that they would like to pave the road, take out trees to widen the road, and new ditching. Jim Boisvert stated that the road is 781 feet x 40 ft. Selectman Bean asked if they would have to take any property. Paulette answered not according to the town maps. David asked if the road had been surveyed. Jim and Paulette answered that it has not. Jim stated that it is still in the books as Old Buck Street and not Nixon Road. Selectman Bond asked if there is any town sewer or water. Paulette answered that there is town water but no sewer. Selectman Courtemanche asked when they would like to pave the road. Jim stated it would be need to be added to the 10-year inventory program and it would be several years in the future. Paulette stated that it may have to be done in stages with the survey being first. Siobhan expressed concerns for the change in water flow if trees were removed from the side of the road with the hill on it. Siobhan also expressed concerns with the safety of the kids with the speed of traffic if the road is paved and suggested adding speed tables if the road is paved. Mark LePage commented that there would need to be a survey done and unless the plan is cut into the slope on the side of the road, the only way to pave the road would be to take it from the residents which is problematic. The road is currently a 1 ½ lane road that does not have good sight lines. Mark asked for a traffic study during the school year and also suggested no through traffic signs. A lack of on-going maintenance to the road over the last several years has also contributed to the problems on the road. Theresa LePage shared concerns for safety on the road due to the curve if the road is paved. Theresa also expressed support for a speed table if the road is paved.

Selectman Courtemanche asked Jim Boisvert what maintenance has been done on the road. Jim stated that DPW has brought in 4 or 5 gravel loads in the last 5 or 6 years and back dragged it. Jim stated that there are shavings from North Pembroke Road and Pembroke Hill that they could put down on the road. It would make a mix of gravel and hot top. Selectman Bean suggested making Nixon Road a one-way road and that would allow the width of the road to not be expanded. Selectman Bond asked Paulette how many speed tables should go in. Paulette answered that two could be put in but they shouldn't be put directly on the ends because the plows

need to be on the road before they hit the table. Selectman Bond asked if any other street in town has speed tables. Selectman Courtemanche stated that they do not.

Selectman Courtemanche read an email from Ellen Salvatore, 452 Nixon Road, expressing her wishes to keep the road as a dirt road and concerns for the amount of pot holes on the road. Selectman Courtemanche stated she would like to see the pot holes fixed. David Jodoin stated that if the road is kept as a dirt road, they do not want the shavings that are currently at DPW. Paulette agreed that they would not.

Selectman Bond asked about drainage issues on the road. Siobhan says water collects at the pot holes and if you are turning onto the road from Academy Road there is a spot that water collects. Jim Boisvert stated that the water from Buck Street dumps to that spot. Selectman Goulet asked if the road was fixed with gravel, would water retention still be an issue. Mark stated that they did not always have big water issues on the water. Theresa stated there used to be a large puddle in the middle of the road but there's a lot more now. Mark stated that there is a drop where Nixon Road meets Buck Street and that causes a water problem. Paulette stated that a lot of the issue is that there are no more ditches. Selectman Bean asked how much it would cost to pave the road. Jim answered around \$25,000 not counting the surveying and tree removal. That cost is based on a 40-foot right of way with 16 feet of a travel lane. Mark stated that he believes that on the original plans it is non-standard right of way of 30 feet. Jim stated that one issue causing the water problems is the heavy rains that are continuously falling. Selectman Bond asked if a survey should still be done if they choose not to pave the road. Selectman Goulet stated that once they lay the gravel they could reassess. Jim stated that is about two days of work to lay the gravel and define the edges. Paulette stated whether they pave or not the gravel needs to be put down first down so there will be no wasted time or money by upgrading gravel and then reassessing. Selectman Courtemanche asked if the ditching that needs to be done regardless of paving or not is on the current schedule. Paulette answered it is not. Jim stated that it can be done. Selectman Bond asked if the road has gotten narrower over the years. Mark stated that it hasn't. The ditches are long gone so it has changed the perspective of how the road looks. Selectman Bean made a motion to have DPW bring in gravel, smooth out the road, and fix the ditching. Selectman Goulet seconded the motion. Motion passes 4-0.

Selectman Courtemanche clarified that the Board would like to do the gravel and reassess at a later date. Selectman Goulet asked the residents if that is what they would like. The residents agreed that is what they would like to see happen. Jim clarified that they can only work on the ditching and not the culverts because the culverts belong to the state and the residents all have their own culverts they each maintain. Selectman Courtemanche asked if it would be worth doing a survey at some point in the future just to make sure they town maps are correct. David stated he wouldn't recommend spending the money if the road is not going to be paved.

Selectman Crockwell joined the meeting at 7:15pm.

Public Hearing in Accordance with RSA 41:14-a Sale of 4 Union Street

Selectman Courtemanche opened the public hearing at 7:15pm by stating that this public hearing is to discuss the Sewer Commission purchasing the building. The voters have already spoken at Town Meeting and said we should not be in the commercial real estate business.

Gerry Fleury, 21 Kimball Street, read his letter that was submitted to the selectman in opposition of the Sewer Commission purchasing the building.

Bruce Kudrick stated the Sewer Commission does not have a treatment facility; their office works as their treatment facility which in his opinion would fall under the RSA.

Dana Carlucci, resident, stated that the Sewer Commission brings 200+ people a month to downtown Suncook. The lease agreement gives the Sewer Commission first right of refusal meaning there was intent to potentially sell the building to the Commission. The building has also not required extensive repairs. Sewer Department has overseen the building since 2006 and voices support for the Commission purchasing the building.

Tom Petit, resident, asked if the lease agreement did grant them first right of refusal. Selectman Courtemanche stated that it did. Tom asked if the lease is in place and was the lease negated by the vote in March. David answered there is a lease but the lawyers on each side have differing opinions on whether or not the lease was negated by the vote at town meeting. Tom stated that the Town should negotiate with the purchasers to leave the tenants as is. The Board stated that they already have and he has agreed to. David stated that the Sewer Commission is the only tenant with a lease and everyone else is currently "at will".

Selectman Courtemanche read an email from Bethany Chase Reynolds, resident, to the Board in opposition to selling the building to the Sewer Commission.

Selectman Bean asked for clarification between Sewer Department and Sewer Commission. Paulette stated that the Sewer Commission is the elected Commissioners who oversee the Sewer Department. Selectmen Bean asked how do we uncommission them? D. Jodoin stated that would require a warrant article

Selectman Courtemanche read an email she sent to the Sewer Commission asking that the Commission take a vote that they do not have any interest in purchasing the building and the Selectmen will refund their rent payments on pro-rata basis based on the date of closing and the Board is willing to talk with the buyer that will protect the Department in their current lease and if ownership changes hands. The Town will also reimburse the Commission for the garage doors.

Commissioner Harold Thompson asked if the lease will have today's date on it so where will the Commission go when the lease is up. Selectman Courtemanche clarified that the current lease is not up for seven years and they may renew their lease. Harold stated that they have had five homes as long as he has been a commissioner and it is time that the Commission has a home. The Town didn't say who they wanted to sell it to. Selectman Bond asked why they moved around. Paulette stated it was always that the Town needed more space.

David stated that if Paulette retires sometime in the next seven years, the town will have to take over some of the responsibilities of the Sewer Department. There is the possibility of an addition at town hall that the Sewer Department could look into. Paulette stated that there is room for expansion at 4 Union Street and if the Sewer Department has to purchase a building in the future, it would likely be at a much higher cost than they would have if they acquire 4 Union Street. Paulette also stated that adding onto the Town Hall would add a lot of traffic to Pembroke Street and the Town Hall parking lot. Selectman Bean stated that the voters voted to sell the building. Paulette interjected that the voters were not made aware that the Sewer Commission had the first right of refusal and that could have changed the outcome of that vote.

Gerry Fleury stated that seven years is a long time and the Sewer Department could set up a capital reserve fund to buy a building that would allow them to put together a proper full plan for what they need.

Selectman Courtemanche stated that the next step is up to the Sewer Commission. The Town voted to sell the building and the Sewer Commission is a part of the town. Selectman Courtemanche asked if it was their intent to continue to fight the sale. Commissioner Daniel Driscoll stated that they have not discussed it and will not for two more weeks. David stated that they cannot sell the building without something from the Commission stating that they will not fight the sale, and I'm sure that would also apply to the second bidder. Selectman Bond asked when the Commission found out that they were looking to sell the building. Paulette stated that they knew the building was being looked at to be sold but they were waiting for the town to put something together and show them knowing that they had first right of refusal and the town had to show them the offer and then they have 60 days first right of refusal. Paulette stated that if the warrant article had stated that the town wished to disregard the first right of refusal they wouldn't be fighting for the building. Selectman Bond asked if they were at town meeting. Paulette stated that she was there but had to leave on an emergency call but it was the Selectmen's job to inform the town about the lease agreement. Selectman Bond asked about the \$1.00 offer. Commissioner Thompson said the \$1.00 offer put them on the list of buyers. David gave the timeline of activities between the Commission, himself and the Selectmen:

- The Commission submitted a bid of \$1.00 adding that they would finish the top coat of the parking lot and assume liability for the wall.
- The Board said no thank you and put it out to a realtor who put it up for sale.

- The realtor contacted David and said he had an offer of \$155,000 and another one was coming in from an attorney in Manchester but he did not have it yet.
- The Board voted to sell the Building for \$155,000 to Mr. McCarthy and not wait for sewer because they are part of the Town and the voters said the Town should not be in the commercial real estate business
- That information was given to Paulette and Paulette went back to the commission and they came back with their bid of \$155,000 saying that they had the right to purchase because the Town violated the lease agreement

Gerry Fleury stated that there is a problem with source of funding. If the Commission puts in a request for the \$155,000 to the Trustees of Trust Funds that he would not recommend fulfilling that request. He can be out voted 2-1 but if not, then it goes to the State Attorney General's Office for a decision and that could take an unknown amount of time.

Commissioner Dan Driscoll asked what the timeline is. David stated that the buyer gave a deadline of tonight.

Tom Petit stated that the Selectman should make a vote to sell 4 Union Street. Selectmen Goulet stated that the already did, Tom Commented do it again. Selectman Goulet made a motion to sell the building to the first buyer Mr. McCarthy for the sum of \$155,000. Selectman Bond seconded the motion. Motion passed 4-0 Selectman Crockwell abstained.

The Commission agreed to hold a meeting on Wednesday to sign a letter of intent to whether or not they will purchase the building and/or fight the sale. The Commission will the Selectmen know Wednesday Night what the vote is.

Selectman Courtemanche closed the public hearing at 7:52pm.

IV. Old Business:

Jim Boisvert stated that the street lights are at DPW and have been there for 3 weeks but no one is showing up to install them. David stated that he talked with George at Eversource and he is getting back to him a definite date of install.

Selectman Bond made a motion to send the future street light pole regulations to the Planning Board. Selectman Goulet seconded the motion. Motion passed 5-0.

V. New Business:

Selectman Goulet made a motion to approve the large gathering ordinance for the Amoskeag Rowing Club annual regatta. Selectman Bean seconded the motion. Motion passed 5-0.

Selectman Goulet asked if the St. Jean Auctioneers are giving the Town anything different than they would anyone else. David stated that it is all standard language on the proposal. 6 Howard Street was a property that was deeded by the Town and is now starting the auction process. Selectman Crockwell asked if there has been any thought into if the Town is going to put in a hammer head at the end of the Street since it is a dead end and the property is currently a lot but if it is built on, it will require services. Selectman Bond asked Jim Boisvert what DPW currently does. Jim stated that they go up and turn around at the opening of that lot. Selectman Bond asked how much room they would need for a hammer head. Jim stated that it would be for a 1-ton truck so possibly 12-foot wide and 25 feet deep. Selectman Bond asked if the property is buildable. David stated that it is. Selectman Crockwell stated that we need to address the end of the street before selling the property. Selectman Bond shared concerns for the Town's ability to the sell the property if too much land is taken away for the hammer head. Selectman Crockwell asked what would happen to the snow if the property is sold. Jim stated that it would go to the end and it would have to go to the person on the left side's property.

Jay Bilodeau, resident of Howard Street, stated that he plows and maintains the road with his brother. The town mostly only does sand and salt and scrapes it down if they have to. They have been mowing the property and doing the tree trimming. The Town wouldn't have to worry about signing the road because they currently do not have issues. Selectman Courtemanche asked Paulette if there are sewer issues on Howard Street. Paulette said that there is not and if a house was built, they would potentially be able to reconnect the sewer. There was a hook up before the building on the lot was torn down. Jay asked how the Selectman can sell the lot when they have stated in the past that it is non-buildable lot. David stated that it has already been run through zoning and code enforcement and it is a buildable. If there are issues with setbacks they have the right to request a variance from the Zoning Board.

David asked Jim if there is money in the budget to pave a hammerhead if they chose to put one in. Jim stated there was not. David asked Jim what the trash truck does. Jim said it backs up the road and everyone brings their carts to one side. Selectman Courtemanche asked if the land is taken for the hammer head, is the lot still a buildable lot. David suggested to have Jim get some numbers on the cost of the hammer head and how much land it will take away from the lot and from there, the decision can be made if it is still a buildable lot. The Board agreed and this item will be tabled to the next meeting on July 15th.

Selectman Goulet made a motion to accept the manifests and abatements as presented. Selectman Bean seconded the motion. Motion passed 5-0.

Selectman Goulet made a motion to approve the minutes of 6/13/19 and 6/17/19 as presented. Selectman Bean seconded the motion. Motion passed 5-0.

VI. Town Administrator Report:

David presented the board with the Moody's Investors Service credit rating upgrade from Aa3 to Aa2. They discussed bumping it up higher but they did not want to go two steps in one year.

Selectman Bond made a motion to appoint Andrew Baros as Police Officer for said town and upon he taking the oath of office and having his appointment sworn and a certificate of said vote of the office recorded by the Town Clerk. Selectman Goulet seconded the motion. Motion passed 5-0

VII. Committee Reports:

Selectman Bean – Went to Recreation last month and they reviewed the CIP recommendations.

Selectman Goulet – None

Selectman Bond – Went to Planning and the public hearing was continued on the San-Ken Homes project. The deadline is July 11th and the Planning Board did not approve the special exceptions for wetland impacts or the shared driveways

Selectman Courtemanche - None

Selectman Crockwell – Conservation is meeting next week.

VIII. Other/Citizen Comment:

None

IX. Non-Public Session:

Motion by Selectman Goulet to enter non-public session in accordance with RSA 91-A: 3 II (C). Seconded by Selectman Crockwell. 8:20pm

Roll Call Vote:

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

The Board came out of non-public session at 9:06 PM

X. Adjourn:

Motion by Selectmen Goulet, seconded by Selectmen Bond to adjourn at 9:07 PM.
Motion Passes 5-0.


Justine M. Courtemanche, 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.