

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
NOVEMBER 4, 2019 at 6:30 PM**

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

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

I. Call to Order:

Chairman Tina Courtemanche called the meeting to order at 6:30 pm.

II. Citizen Comment:

None

III. Scheduled Meetings:

Continued Public Hearing on Proposed Changes to Town Code.

Selectman Courtemanche opened the public hearing at 6:30pm.

Chapter 191 – Vehicles and Traffic, 191-17 Schedule III: Parking Prohibited at All Times.

Cathy Roche, 9 Middle Street, stated that the issues with Middle Street are largely on the east side and not the west side. The road is narrow and difficult to maneuver when there are two vehicles parked on both sides of the road. It is also impossible to pass safely. Cathy shared concerns for any emergency vehicles trying to come down the street.

Rita Plourde, 7 Middle Street, agrees that the street is too narrow to allow parking.

Laurie Sortevik, 12 Middle Street, shared concerns for the emergency vehicles and the inability to see pedestrians when pulling out onto Front Street when a car is parked at the end.

David Jodoin asked for clarification if there is a preference from the residents of the street as to which side they would prefer to not allow parking on.

Lawrence Plourde, 7 Middle Street, stated he does not think there should be any parking allowed on either side of the street.

Laurie Sortevik, 12 Middle Street, shared concerns for the plows being unable to get up the street.

Selectman Courtemanche asked Jim Boisvert, Director DPW, why they preferred the west side to the east side. Jim answered that the stop sign is on the west side. Jim stated that the major concerns on the road are from Front Street to just past the apartment buildings. The top end is not bad because they park off the street. Selectman Bean asked if overnight parking is allowed. Jim answered that it is except during the winter parking ban. Jim also stated that there is an issue with plowing because there are not enough places down there to push the snow. Selectman Courtemanche asked if people from the apartment buildings were notified about tonight's meeting. Jim stated that they were notified but they are both owned by out of town people and one of the buildings is being renovated so there aren't any tenants.

Laurie Sortevik, 12 Middle Street, there are difficulties getting up and down the street with the construction that is going on.

Selectman Crockwell suggested putting a no parking here to corner sign on Front Street to help with visibility.

Selectman Courtemanche asked if there has been any issues with fire trucks. Fire Chief Harold Paulsen stated that while it is a narrow and confined street, which is always an issue, there has not been any specific instances that he can recall that have happened because of it.

David Jodoin asked if the construction vehicles are causing an issue and blocking the road. Cathy Roche stated that it is everybody. The issue can also happen when the dumpster for one of the apartment buildings is not dropped in the correct location. It takes up parking spaces for the building causing the tenants to park on the street.

After some further discussion, the residents clarified that they would like no parking on either side of the street. The Board decided to put a sign stating no parking here to corner on Front Street also as part of the code change.

David Jodoin discussed Chapter 191 – Vehicles and Traffic, 191-17 Schedule III: Parking Prohibited at All Times. No parking on the North Side of Howard Street. Location would be listed as Broadway to Dead End.

Rick Bilodeau, 5 Howard Street, asked how the discussions about adding a no parking designation on the street started. Jim Boisvert answered that with the Town taking over the 6 Howard Street property, the trash truck will now be able to go up the street and turn around rather than having to back up the street. If there are cars

parked on the street, it will be very tight especially where the telephone pole is. Rick stated that there has never been an issue with parking on the street and on trash day when they are supposed to be off the street, the residents all park on their lawns. The main issue with parking on the street is a homeowner on the corner with a Broadway Street address that parks on Howard and typically has his vehicles sticking out into the street. The garbage truck is on the street at 7:05am and is gone soon after. Selectman Bond asked how the plowing on the street is. Rick stated that he typically takes care of the plowing and sanding on the street.

Shaun Huber, 3 Howard Street, stated that everyone is fine with the trash day no parking ordinance, however, the no parking on one side of the street will be difficult since they do not have big driveways on that street. He has not seen or heard of any parking issues in the past.

Selectman Bond asked how wide the street is. Jim Boisvert answered that it is 16 feet wide. Jim stated that the resident from Broadway parking his cars on Howard is the major parking issue with the street, however, he is really parking on his own property.

Steve Andrewchuk, 4 Howard Street, stated he has lived there 17 years and there has never been a parking issue. If someone is having a party, the guests park at the top of the street and walk down. The issue is the person who parks his cars on the corner. They are on his property but some stick out into the street and the plows have to go around him. It can cause dangerous conditions.

Selectman Goulet asked where everyone on the street parks in the winter time. The residents all answered in their driveways. The owner at 6 Howard had previously given permission that as long as the property was maintained, they could park there.

Jay Bilodeau, 5 Howard Street, stated that if anyone had party they would all communicate to figure out the parking.

Glen Evans, 2 Howard Street, also stated that the issues with parking on Howard Street mainly stem from the guy who lives on Broadway and is parking on his property on the Howard Street side. Glen stated that it is a hazard for the snow plows and DPW trucks.

Jim Boisvert stated that the home owner was invited to the meeting tonight and given a phone number to call if they have any questions. Selectman Crockwell asked what the right of way is on the road. Jim stated that there is about 1 foot on each side of the road. On his side of the road, the telephone poles are on the farthest point of the town's property. He parks his cars just right of the telephone pole enough that he is on his property. Selectman Bean asked the group if anyone has talked to him about this issue. They answered that they have tried to plow and snow blow his driveway to alleviate the snow issue and he still parks there.

Karen Evans, 2 Howard Street, stated that her biggest concern is that Howard is a slight incline and when you try to turn into the road, cars slide when it is not plowed or there is ice. Where the homeowner is parking his vehicles, there is a risk of them hitting his vehicles. The plows cannot plow the corner correctly with the way they are parked.

Glen Evans provided the Selectmen with a photo of how the individual is parking. Selectman Courtemanche asked if he is parking in the right of way. Jim Boisvert stated that from his driver's side tires out is in the right of way. Selectman Bond asked if he could get a driveway permit. Jim stated that he could get a permit.

Kathy Roche, 9 Middle Street, asked if they could put up a no parking here to corner on his side of the street. Selectman Courtemanche stated that they cannot put a sign on his property.

Jim Boisvert suggested closing this portion of the public hearing and leaving the discussion about Howard Street open. He will go and discuss the issue with the homeowner this week.

Selectman Bond stated that with the Town taking over 6 Howard Street, no one is allowed to park there anymore. The residents stated that they have not parked there since the Town took it over. Jay Bilodeau asked what happens when there is a get together on the street and they need parking. Would they be allowed to park at 6 Howard Street? Selectmen Courtemanche answered that at this time they are not allowed to. The lot is to be used as a turnaround for the garbage trucks and plows so they do not have to back up the road. Jim stated that once the ordinances go through, they will be able to test driving up the road and turning around. Backing up the street is dangerous and an insurance liability.

David reviewed the ordinance changes that relate to Howard Street. These ordinances are no parking 7-2 on Wednesday which is chapter 133 and then chapter 191 is no parking on one side of the street. The Board also has to resolve the issue of parking at 6 Howard Street.

Selectman Bond clarified for the audience that the discussions about parking at 6 Howard originated when they town took the property by tax deed and they needed to have a boat removed. Rick Bilodeau stated that even though the town now owned the property, he has continued to rake and maintain the property.

Glen Evans asked who will be doing the mowing at the property now that the Town owns it. The Board answered that DPW would be doing the maintenance. After this winter, they will decide how much of the property will be paved and how much will stay grass.

Selectman Goulet suggested not allowing parking at 6 Howard during the 9-2 on Wednesdays time frame when they are currently not allowed to park or if there is a

snow ban. They could be allowed to park on weekends or after hours should they have a large gathering at someone's house.

Rick Bilodeau stated that Selectman Goulet's suggestion would work because they currently maintain the road and would keep the 6 Howard property clear. Jay Bilodeau offered to be a caretaker of the property. Selectman Courtemanche stated that that would be liability to allow them to take care of the property.

Alyssa Hubert, 3 Howard Street, asked if they would be allowed to park one car on the lot occasionally. Selectman Courtemanche stated that they are not.

Rick Bilodeau, made the suggestion of changing the solid waste ordinance to no parking from 7-2 since the garbage is always picked up by 7:05. Jim Boisvert stated that they are normally there by 7:15. Although the Chief is using his discretion when issuing tickets if he sees the carts have been picked up, the ordinance should still last until 2:00 in case something happens to the truck or there is snowstorm and they run late. Selectman Crockwell asked Jim if there are any other streets listed on the ordinance that would need to be changed to 7:00am. Jim stated that there are not.

Alyssa Huber, 3 Howard Street, clarified that as of now all ordinances for Howard Street are staying the same and they would continue to move their trash carts across the street. Selectman Courtemanche answered that that is correct.

Glen Evans, 2 Howard Street, reiterated that the resident that lives on Broadway should not be using Howard Street as a driveway. It is causing multiple problems and it is a hazard.

Fire Chief Harold Paulsen and Dana presented a change to the Chapter 82-2 – Residential Sprinkler in the Fire Prevention Code. As written, it is unenforceable. In 2012, The legislature enacted new legislation that stated they could not make any new sprinkler ordinances. The ordinance title changed from Residential Sprinklers to Water Supply and they have stricken out everything that is unenforceable and added new language that for commercial properties a water supply suitable for fire protection purposes must be provided by the developer and for residential properties the same applies for new multi-family developments, planned unit developments, cluster housing, manufactured housing parks, and for all single-family subdivision of three lots or more or if the driveway is more than 200 feet long. Methods to satisfy the requirements must be approved by the Fire Department following the standards of NFPA 1142, "Standard and Water Supplies for Suburban and Rural Fire Fighting". This ordinance has been discussed with the Water Department in order to meet their standards as well. Selectman Crockwell asked if there is a way to address the ponds now so the town is not taking care of them later. Dana answered that depending on the project, the ordinance states that they will maintain their ponds within their property. If it was outside their property, it becomes a municipal resource and the Town would take responsibility for it after two years. Ponds will have a hard time meeting the standard and is not the optimal method. Selectman

Bond asked if the two years is from the start of the project or after it is completed. Dana answered that it is from the time the project is complete. There will be a maintenance bond requirement to be released upon acceptance of the pond after two years. Chief Paulsen stated that his main concerns are cisterns. Selectman Bean asked what the maintenance of cistern is like. Chief Paulsen stated that it is mainly leakage and keeping it full. Dana stated that you can cast it in place or buy commercial tanks that are pre-casted. Chief Paulsen stated that there was a time they went to a Town and they were told to use a cistern and it was dry. There is a liability of keeping the levels of the water in the cistern full. Dana stated that it is much cheaper to put in a sprinkler system. A cistern will cost \$1,000 per gallon and the requirement is a minimum 30,000 gallons or whatever the standard says for that development.

Selectman Courtemanche closed the public hearing at 7:45pm for all ordinances except Chapter 191 which will be continued to November 18th.

David presented an additional change to Chapter 187, Town Buildings and Grounds, Article 1 Smoking Prohibition, 187-1 Prohibition to include e-cigarettes.

Selectman Bond made a suggestion for Chapter 187, Town Buildings and Grounds, 187-7 Classes of Use, that priority of meeting space is given to municipal meetings that need to be recorded rather than a community use that does not. Selectman Courtemanche asked if there has been an issue. Selectman Bond stated that she is unsure but maybe it should be included to ensure priority is given to Town Boards and Committees. David stated that scheduling of the room is handled by one person at Town Hall. Priority is already given to a Town Board or Committee that needs to be recorded and if a community meeting needs to be bumped, they will be sent to library or to another meeting room in Town.

Selectman Bond asked in Chapter 191, Vehicles and Traffic, 191-9 - Prohibited Stopping, Standing or Parking. 1(a) "any vehicle parked for longer than the time limit shown in Schedule V at any time between the hours listed..." How will the ordinance be timed without being able to physically mark the tires? Selectman Crockwell stated that they can mark the road around the tires but they cannot touch the tire.

Selectman Goulet made a motion to accept the following ordinance changes as presented; Chapter 180, Chapter 82, Chapter 187, and all items on Chapter 191 with the exception of Howard Street which is continued to November 18th. Chapter 133 was tabled. Selectman Bond seconded the motion. Motion passed 5-0.

Selectman Bean made a motion to continue Chapter 133 and Chapter 191 to the next meeting. Selectman Crockwell seconded the motion. Motion passed 5-0.

IV. Old Business:

Broadway/Fairview Drainage

Robert Malo, 82 Broadway, came to discuss the Broadway/Fairview drainage issue. Robert stated that he fixed the drainage issue on his property. David asked if he went to the end of his property. Robert stated that he went to the end of his property and it has been tied into the catch basin. Robert asked about his easement. When the property was bought there was no easement but when they purchased property behind theirs, they had to do a lot line adjustment and the Town made them add the easement to their deed. He fixed the pipe that was in the Town's easement and would now like the easement to come off his deed if he is going to be responsible for that pipe and unable to build on the property. Selectman Bean asked why the Town added the easement. David answered that he is not sure. Robert stated that the easement was put on at the Planning Board's request. Robert asked what made the Town send him the original letter asking him what he planned to do with the pipe. David stated that there was an issue with water on the roadway and no homeowner can negatively impact the roads. David answered that the language on the deed is very vague as to whose responsibility it is. David stated that they can look at the plans, the notes on the plans, and look at the minutes to determine what the reasoning was behind the easement.

Selectman Goulet asked if it is possible to have it reversed. David stated that it was a condition of their site plan approval. It is an extensive process to remove that requirement. Robert asked if David goes back and it is determined that it should have been the Town's responsibility, what happens. David stated that it will go back to the Selectman. Robert asked now that it is tied into the Town's drainage system, how is it maintained. David answered that the Town would maintain the Town's right of way and it would be up to him and the homeowner above him to maintain the rest.

Jim Boisvert stated that when the Fairview project was being developed there was likely supposed to be a road going to Donald Ave and that is why there is the easement.

David stated that if they get him all the necessary paperwork to do the research, he will try and figure out the origins of everything and get back to them.

Approve 2020 Budget

David stated the proposed bottom line of the budget is \$9,335,309. Selectman Bean asked if the Police Department has body cameras and if not, has that ever been discussed. David stated that they do not and he is unsure if they have ever discussed it. Selectman Bean asked Selectman Crockwell how expensive they are. Selectman Crockwell stated that they are around \$1,600 each. David stated that the Police Department has a small equipment capital reserve fund that the Board of Selectman

are agents to expend out of if they decide this is something they would like to look into. Selectman Bean asked if it is too late to discuss it for this budget. David said they can bring it up to the Chief.

Jim Boisvert asked what the increase for Department of Public Works is. David answered that it is up a little over 4%. Jim asked if this budget is passed, is it going to Budget Committee. David answered that it is. Jim asked if he put in additional money for the North Pembroke Road bridge reconstruction. David said that at this point he has not but will call them at the end of the year to see if more funds needs to be encumbered. Selectman Bean asked if Concord is paying for any of it. David stated that they are managing the project. They are paying their staff and putting money towards the overall project but it is not equal to what Pembroke is paying in.

Selectman Courtemanche asked why the tree cutting budget went up \$1,000. Jim answered that there are more dead trees in Town that need to come down. He thinks at the end of FY19 they will be over budget with all the trees that had to come down this year.

Selectman Bond asked if they are going to revisit the Old Home Day appropriation. David stated that Allenstown is giving the same donation we are and they do Police and Fire at the beginning of the parade and then Pembroke covers the activities at the field. The cost breaks down to approximately \$5,800 total costs for Pembroke. David stated that the costs to the Town used to be in the Police budget but a several years ago the selectmen decided to take it out of the budget and put with Old Home day. Last year it cost \$2,075.68 for the Police Department wages at Old Home Day. Selectman Courtemanche suggested that Selectman Bond go to the Old Home Day meeting and suggest ways to make the payments more level.

Selectman Goulet made a motion to accept the 2020 budget in the amount of \$9,335,309 as presented. Selectman Bond seconded the motion. Motion passed 4-0. Selectman Crockwell abstained.

V. New Business:

Ed Kinney from the Trail Dawgs discussed the status of the work being done to the slope on Thompson Ave. Next Saturday they will be digging out the area and installing 6-inch crushed stone and covering with reclaimed asphalt based on an email that was sent with the scope of what the Selectman would like to see done. Selectman Crockwell asked if they are going to eventually put a gate across the top of the hill. Ed stated that he is unsure if the property owner wants them to. It would be the easiest solution to the problem. The trucks and 4 wheelers are destroying all the bridges and trail work they are doing on the Range Roads.

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

Selectman Bond made a motion to accept the minutes of October 21, 2019 as presented with corrections to Selectman Courtemanche's name throughout the document. Selectman Crockwell seconded the motion. Motion passed 3-0. Selectman Courtemanche and Selectman Crockwell abstained.

Selectman Bond stated that in the Donna Drive neighborhood there are easements on most properties that are not being maintained and it is causing flooding in neighboring homes. A resident whose home is being flooded asked the Selectman to send a letter requesting people look at their easements and take care of them. David stated that in the past this has been brought up because people are filling in their easements to make larger back yards and putting sheds on easements and it has caused a lot of flooding of neighboring yards and basements. They wanted the Town to fix the problem. The Board at the time made the decision that it is the homeowner's responsibility to maintain their easements and it was a civil matter. Jim Boisvert has looked into it and determined it was the Town's responsibility to take care of the large culverts and everything else was the homeowners. David stated that if a homeowner is responsible to maintain an easement and they obstruct it and then it floods someone else's basement it becomes a neighbor to neighbor civil matter. Selectman Crockwell asked if they ever established fines for homeowners not maintaining their easements. Selectman Bond stated that going forward the Planning Board is looking into putting clear language in the deeds of developments as to who exactly is responsible for what.

VI. Town Administrator Report:

October 28th the town attorney submitted to NH Circuit Court in Hooksett the 2-4 Prospect Street eviction notice. Selectman Bean asked how much they currently owe. David stated that it is over \$30,000. Since the tax deeding, there has been a new tax bill of \$3,404, water and sewer bills, and interest.

David asked if the issue of Fairway being a public street was ever resolved. Selectman Bond stated that can't find where the Town voted to take over the street. David stated that he found a letter to REI Land Development from the Town Administrator at the time that on October 4, 2006 The Board of Selectmen voted to release both performance bonds. However, they did not vote to accept the street as a public street as recommended. The issue with the drainage easement on the deeds needs to be resolved before the road can be accepted. David thinks there is a possibility that the official acceptance of the road may have fallen through the cracks since there was many transitional changes in Town that happened that year. There is a good chance that the Town likely now legally owns the road since it has been maintaining it since 2006. The matter will be researched.

Senator Reagan sent in a letter stating the ongoing educational funding, one-time education infrastructure grant, and one time municipal infrastructure grants, in the total new state aid for FY 2020 and FY 2021. The amounts of the ongoing education funding are \$445,742 for FY2020 and \$540,264 for FY 2021. The one-Time

education infrastructure grants is in the amount of \$743,245. The one-time municipal infrastructure grant for 2020 is \$102,298 and \$102,298 for FY 2021 for a total of \$1,933,847.

David presented the Board with the striping contract. The Board would like to discuss why some streets are striped and why some are not specifically on Glass Street with Jim Boisvert. David will place the document in the next packet.

David shared that some of rate increases circulating on Facebook are fabricated and enlarged. People are not factoring in that without the assessment increase the rate was going to be \$28.90.

David stated that the Board needs to figure out what they would like to do with the 6 Howard Street property and come into the next meeting with a plan. Selectman Bonds stated that while she understands that the current residents all have agreements with each other, someone will sell their house and something will come up. She feels that before they do anything with the property, they need to see what DPW will need for room. David stated that they should put up no parking here to corner at the bottom of Howard Street to start. Selectman Bond stated that even though they are parking on their property, you cannot park 25 feet from a curb and Planning is putting up a warrant article for 15-foot corner clearances. Selectman Courtemanche asked if someone can go and mark where town property ends. David stated that without an actual survey it is hard to know exactly where the town property ends. The telephone poles are a good marker for town property because they have to be put in on the town easements. There are times where they may hit ledge and the pole has to be moved slightly and there is a chance that it is out of the easement. Selectman Crockwell suggested if they are not having any parking issues and they are self-policing the road, maybe they should just let it stand through the winter until they determine what DPW needs. Selectman Bond stated that they are calling the police frequently with parking related complaints. David said that they are on the lower portion but not on 6 Howard. Selectman Goulet and Bean agree that they should not do anything right now with 6 Howard Street property. They can regroup and discuss it after the winter. David stated that with the trash trucks backing up the road it is a huge liability issue with the insurance companies. Selectman Bond suggested having them try the trash trucks up on the property over the next two weeks so at the next meeting they can make a more informed decision. David said he would ask them to do that.

Selectman Bean stated that the issue on Fairway is a civil issue. David stated that he believes something likely went through the Planning Board back when the subdivision was redone in 2012 and he will research it.

VII. Committee Reports:

Selectman Bean – Road Committee is meeting tomorrow night. Selectman Bean went down and looked at the proposed Bean Hill Road subdivision project that they met with at the last meeting. They have flagged the property like they had asked him to do. David stated that they called Carolyn at Town Hall to ask what the process is for starting the petition to open the road is. David is going to talk with them tomorrow and figure out what they have for plans.

Selectman Goulet – Budget Committee is next week and Economic Development Committee is meeting on Wednesday at 6:00.

Selectman Bond – Planning is meeting on the 27th to approve moving the asphalt plant from Ricker Road to North Pembroke Road. There is a site visit on Tuesday, November 5th. Energy Committee is having a hard time getting everyone together.

Selectman Courtemanche – None

Selectman Crockwell – None

VIII. Other/Citizen Comment:

Selectman Goulet stated she would like to put sports betting on the ballot this year. Sports betting is being written into law by Governor Sununu. Whoever have Powerball or Keno can offer sports betting. Selectman Bond asked what portion goes to education. Selectman Goulet stated that after operating costs a portion goes to gamblers anonymous and a portion goes to education. Right now, Massachusetts is not allowing it and neither are any other surrounding state and it is already legal in New Hampshire. They are working on setting it up with Draft Kings yet. The hope is that it will be up and running by football playoffs. The one thing is that New Hampshire residents cannot bet on New Hampshire teams like UNH. The warrant would be the same language as the warrant article that was used for Keno. David stated that they would need to know which RSA it would fall under and the approved language by DRA. Selectman Goulet stated that they already put the language in the law being signed by the Governor.

IX. Adjourn:

Motion by Selectmen Goulet, seconded by Selectmen Crockwell to adjourn at 9:16 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.