

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
April 5, 2010 at 6:30 PM**

Present: Selectman Larry Preston; Selectman David Sheldon; Selectman Tina Courtemanche; Selectman John Duggan; Selectman Cindy Lewis

Staff: David Jodoin, Town Administrator

1. CALL TO ORDER

Chairman Preston called the meeting to order at 6:30 PM.

2. Appointments

Chairman Preston announced his resignation as Chairman of the Board of Selectmen.

Action: Selectman Preston moved to nominate Selectman Lewis as Chairman. Selectman Duggan seconded.

Under discussion, Selectman Sheldon indicated that this is not proper as Chairman Preston had asked for the position of chairman. He stated that the situation has turned into games and that if Selectman Preston had no intention of retaining the chairman position, there were other individuals at the time that were willing to accept the position. Selectman Courtemanche stated that she felt blindsided as she was asked by Chairman Preston to support him on becoming chairman; Selectman Sheldon stated that he was asked the same. Chairman Preston stated that he felt blindsided last year and he then called the vote. Motion passed 3-2.

3. CITIZEN COMMENT

None

4. SCHEDULED MEETINGS

Police Department – Vehicle Purchase

Chief Lane requested authorization to purchase a new 2010 SUV to replace the existing 2002 SUV. He stated that he is in receipt of four quotes and recommends proceeding with the purchase through MHQ in Massachusetts. There was some discussion as to the fate of the old vehicle. Chief Lane indicated that the vehicle is in need of a lot of work. It was agreed to strip the vehicle and send it to the next state auction at White's Farm.

Action: Selectman Preston moved to proceed with Chief Lane's recommendation to move forward with the purchase of the new SUV through MHQ. Selectman Sheldon seconded. Motion passed 5-0.

There was discussion regarding the Special Operations Unit (SOU). Chief Lane gave a brief description and history of the organization as well as work in process. The fee for Pembroke to be part of this organization is \$2,600 per year. The SOU is looking for some assistance in handling their financial matters and Mr. Jodoin has agreed to handle this for them; the work is minimal with approximately five checks per month. Should this be allowed, they would waive Pembroke's fees. Mr. Jodoin is inquiring with the towns auditors as to the process that would need to be taken and what the costs will be.

Action: Selectman Sheldon moved to allow the accounting for the Special Operations Unit to be brought into Pembroke providing their fees to the town are waived. The accounting will be handled by the town administrator. Selectman Courtemanche seconded. Motion passed 5-0.

Chief Lane is requesting approval of the Equitable Sharing Agreement Certification with the Department of Justice.

Action: Selectman Courtemanche moved to authorize the chair to sign the Equitable Sharing Agreement Certification. Selectman Duggan seconded. Motion passed 5-0.

Frank Merrill – Roadway Agreement

The agreement for Silver Hills Drive was reviewed. Several changes were made to the agreement by legal and agreed to by Mr. Merrill. Mr. Merrill has submitted to the Planning Board, the Erosion Control Bond (\$42,570) as well as a check for \$4,200 for engineering review. The Board agreed to proceed with the agreement for the construction and maintenance of Silver Hills Drive and allow a bond instead of a letter of credit.

5. OLD BUSINESS

Execute Contract with MRI for Abatement Work

This contract is for MRI to continue with the 2009 abatement work as well as any remaining appeals from 2008. This contract will expire in March, 2011.

Action: Selectman Sheldon moved to approve the contract with MRI. Selectman Courtemanche seconded. Motion passed 5-0.

The selectman signed the contract

Execute Manhole Repairs Certificate of Substantial Completion

Mr. Jodoin indicated that although the board has signed off on this project with Tata and Howard, the town is still holding onto funds in retainage. A check has been received in the amount of \$88,000 for the last reimbursement. All revenue has been received. The Certificate of Substantial Completion through Smith Pipeline needs to be approved.

Action: Selectman Courtemanche moved to accept the Certificate of Substantial Completion and authorize the Chair to sign. Selectman Duggan seconded. Motion passed 5-0.

Chairman Lewis signed the document.

6. NEW BUSINESS

Execute Excavation Permit – Concord Sand and Gravel

Action: Selectman Sheldon moved to authorize the Chair to sign the excavation permit for Concord Sand and Gravel. Selectman Courtemanche seconded. Motion passed 5-0.

Board Appointments

Action: Selectman Sheldon moved to appoint: Chris Culberson, Alternate Member, Roads Committee; Paulette Malo, Member, Roads Committee; Henry Malo, Alternate Member, Roads Committee; Bruce Kudrick, ZBA; William Boney, ZBA; Paul Paradis, ZBA; Larry Young, Member, Planning Board; and Alan Topliff, Member, Planning Board. Selectman Courtemanche seconded. Motion passed 5-0.

Floyd Smith has decided to step down from the Roads Committee. The Board regretfully accepted his resignation.

Other terms soon to expire include: Jim Garvin and Marilyn Ross, Cemetery Commission; Sue Seidner, Recreation Commission.

Christine Robinson is interested in the Recreation Commission (Clifford Benson has attended only one meeting). It was suggested that Ms. Robinson attend a Recreation Commission meeting before a decision is made.

Representation for the DPW Contract Negotiations was discussed but no decision was made. Selectman Preston is currently the Selectmen Rep.

Alternate Members are needed for the Planning Board and the Conservation Commission.

Wage Scale

Action: Selectman Sheldon moved to approve the 2010 Wage Scale as written with the .15% COLA. Selectman Courtemanche seconded. Motion passed 5-0.

Manifest/Abatements

Action: Selectman Sheldon moved to approve the Manifest as presented and the Abatements as recommended by the Assessor. Selectman Courtemanche seconded. Motion passed 3-0. Selectman Preston and Selectman Duggan abstained.

Minutes 3/15/2010

Action: Selectman Sheldon moved to approve the Minutes of 3/15/2010 as amended. Selectman Courtemanche seconded. Motion passed 4-0. Chairman Lewis abstained as she was not present at the meeting.

7. TOWN ADMINISTRATOR REPORT

The selectmen discussed what policy the town should put in place for when there is a lengthy power outage. It was the general opinion of the selectmen that any decisions regarding sending employee's home during a power outage would be up to the town administrator. No decision was made but Mr. Jodoin agreed to research other town's policies and follow up.

Mr. Jodoin is in receipt of a utility agreement for utility pick-ups from George Sansoucy that requires approval.

Action: Selectman Preston moved to approve and sign the utility agreement. Selectman Duggan seconded. Motion passed 5-0.

The selectmen signed the agreement.

Mr. Jodoin is in receipt of a contract with Wright Pierce for the cemetery survey which requires selectmen approval.

Action: Selectman Preston moved to approve the contract with Wright Pierce for the cemetery survey and authorize the Chair to sign. Selectman Courtemanche seconded. Motion passed 5-0.

Chairman Lewis signed the contract.

The distribution of the summer newsletter was discussed. It was agreed that it will be posted on the website with some copies at prime locations throughout the town versus mailed out. This will be done on a trial basis.

There was a discussion regarding 442 Pembroke St., Southside easement. Mr. Jodoin will review the issue with the Sewer Department as well as Legal and report back to the Board.

Public Works will be requesting to send out RFP's for the salt shed. Mr. Jodoin included the specifications in the selectmen's packets for review.

Mr. Jodoin provided brief updates on water issues at 180 Main Street and 55 Sheep Davis Road. He will be following up with Chris Culberson, Pembroke Water Works.

Mr. Jodoin will be attending the Collective Bargaining seminar on May 25th.

The possibility of a roundabout on RT 3 was briefly discussed. Mr. Jodoin will contact Don Lyford to obtain further information and to advise him that the house at the end of Pembroke Hill Road is vacant.

A household hazardous waste day will be scheduled for a total cost of up to \$5,000. The Board agreed to use the same company as last time.

Mr. Jodoin is unable to attend the Board of Selectmen meeting scheduled for August 16, 2010 and requested that it be moved to August 23rd. He has also requested a personal day for Friday, April 9th. The Board agreed.

Documents included in the selectmen's packets for review included: DES Permit Letter; Foursquare Church; DRA Statistical Update; Anonymous Letter; Comcast Information; CNHRPC Traffic Count Requests; Antioch Selectmen Academy; President's declaration for recent winter storm.

8. COMMITTEE REPORTS

Selectmen Sheldon reported that there are several items remaining from the Semi-Q including t-shirts, mugs etc. The Board agreed to sell the items at cost.

Selectman Courtemanche informed the Board that the Old Home Day Committee is interested in installing a permanent stage at Memorial Field. There was brief discussion and it was agreed that the Old Home Day Committee should go to the Recreation Committee with a plan, obtain their recommendation, and then come before the Board of Selectmen for discussion and possible approval.

Selectman Duggan reported that for safety reasons, the Recreation Committee is interested in installing a set of stairs on the outside of the building which houses the scoreboard. They feel that it is unsafe to be in a building with only one exit. There was some discussion regarding the fact that the Recreation Committee is required to obtain selectmen approval prior to any building renovations. Selectman Duggan indicated that the Recreation Committee also discussed covering the fields with a tarp to discourage use.

The summer program at Memorial Field was briefly discussed.

9. OTHER/CITIZEN COMMENT

Michael and Maranda Donnelly, 419 Deerpath Lane, were present to request permission to move forward, at their own risk, with the installation of an electrical meter at their property providing they file the proper variance with the Zoning Board, even though the current filing date for a variance has passed. Mrs. Donnelly asked if their variance could still be under consideration after the deadline if they were to attend a ZBA meeting. Chairman Lewis and Mr. Jodoin indicated that this is not possible due to State RSA timeline constraints; the next ZBA meeting has already been posted (requires 30 days notice). The Donnelly's expressed their frustration at the process they have had to undertake to accomplish the conversion of their property back to a duplex. Mrs. Donnelly indicated that after discussions with code enforcement, they were given the go-ahead to purchase and build with a permit. She indicated that they will comply with whatever decisions are made by the Board as they wish to do things "the right way" but need to finish the job as it's becoming a financial burden. They feel that the events leading up to this issue is not due to any errors on their part and that some leeway should be given by the town. Mr. Jodoin asked if they would be renting out the second side of the duplex once the electrical meter is operational. Mrs. Donnelly said no as they do not have a certificate of occupancy and more work to the building is still required. Mr. Donnelly indicated that they cannot move forward with the upgrades without the meter as their electrician told them it would be unsafe to do so at this point.

Chairman Lewis asked about the history of the permits and how the meter is affecting the process. Mr. Jodoin replied that the permit was issued for the property, some electrical and plumbing was done, and there was an issue with sewer hook-up fees being taken off. All sewer and town assessment records show that the property had been converted from a duplex to a single family. Currently, after 90% of the work was complete, the Donnelly's received a letter stating that they must cease work in progress and obtain a variance from the ZBA to convert the property from a single family to a duplex. Additionally, Mr. Jodoin indicated that the box is present but there is no meter in it. PSNH called for the hook-up but Everett Hodge could not issue the order because the variance has not been approved by the ZBA. Mr. Jodoin also stated that without the second meter, the home will still be listed as a single family home and a certificate of occupancy can not be issued for a duplex.

Mrs. Donnelly stated that when purchasing the home from her parents, it was sold as a single family which is what is stated on the town appraisal form. The purchase was rushed, and an appraiser was not being used which was why she contacted Everett Hodge to ask for various purchase details. Mr. Donnelly indicated that the prior owners had contacted the Sewer Department requesting an abatement as there was only one family living in the home. The second meter was removed as well as other items classifying it as a two family home and the sewer abatement was approved. The home has been listed as a single family since.

Mr. Jodoin suggested an agreement where the town would hold the certificate of occupancy contingent upon the Zoning Board's approval of the variance. Selectman Sheldon suggested the possibility of PSNH installing a temporary meter. Selectman Courtemanche is concerned that the Donnelly's are living in a home with unsafe electric.

Action: Selectman Sheldon moved to authorize Mr. & Mrs. Donnelly to move forward, at their own risk, with the stipulation that they must appear before the ZBA no later than the end of May and if the variance is not approved, the meter must be removed within 30 days of the denial notice. Selectman Courtemanche seconded. Motion passed 4-1. Selectman Duggan voted no.

There was a brief discussion regarding items needed to complete the request for variance including abutter information.

10. NON PUBLIC SESSION RSA 91-A:3 II (e) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim of litigation has been fully adjudicated or otherwise settled.

Action: Selectman Sheldon moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (e) at 9:01 PM.

Roll Call Vote

Chairman Cindy Lewis (yes)
Selectman David Sheldon (yes)
Selectman Larry Preston (yes)
Selectman Tina Courtemanche (yes)
Selectman John Duggan (yes)

The selectmen came out of non-public session at 9:16 PM and voted not to divulge the minutes.

11. ADJOURNMENT

Action: Selectman Sheldon moved to adjourn the meeting at 9:17 PM. Selectmen Courtemanche seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

Cynthia A. Lewis, Chairman