

MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
April 19, 2010 at 6:30 PM

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

Staff: David Jodoin, Town Administrator

1. CALL TO ORDER

Chairman Lewis called the meeting to order at 6:35 PM.

2. CITIZEN COMMENT

Mr. Dave Olivier, Field Maintenance Director, Suncook Little League, was present to request authorization to install a new type of dirt on the major baseball field. After discussion, the Board agreed to allow them to proceed with the installation on Saturday, April 24th during Comcast Cares Day. *The Selectmen were not in agreement with any type of tarp or covering as the field needs to be accessible to anyone who wishes to use it.*

Action: Selectman Preston moved to authorize Suncook Little League to install Turface All Sport turf mix to the major baseball field at Memorial Field on Saturday, April 24th. Selectman Sheldon seconded. Motion passed 5-0.

Mr. Olivier gave a brief outline of a proposed stairway to serve as an emergency exit that Suncook Little League would like to build on the outside of the canteen/concession building which also houses the scoreboard. This addition is to obtain a second egress from the building for safety purposes so that children can keep score and announce games on the second level. Mr. Olivier stated that this project will be funded and maintained by Suncook Little League and he will be meeting with Everett Hodge in the near future. Additionally, according to a letter from Everett Hodge addressed to the Board of Selectmen dated April 14, 2010, Mr. Hodge recommends that children under the age of 18 not be allowed in the canteen or on the second floor. He further states that the plans for the stairway provided by Suncook Little League meet all applicable codes.

Chairman Lewis stated that a second egress is not required based on the building's square footage. The Selectmen discussed options for the stairway and agreed that more research is required before a decision is made. Mr. Jodoin will follow up.

There was a brief discussion regarding storage issues and the possible future purchase of a fryolater with a vented hood system. According to Everett Hodge, no fryolaters are allowed in the canteen area at this time.

3. SCHEDULED MEETINGS

None

4. OLD BUSINESS

Buck Street Dam and Flooding Issues

Mr. Jodoin visited the dam on April 15th and noticed several areas that are cracking and slabs that have been displaced and others that are ready to let go. He e-mailed Grace Levergood, State Bureau of Dams, on April 14th for an update on the process. Mr. Jodoin asked the Board if they are of the opinion that the Town should push the State to remove the dam to help relieve some of the constant damage being caused to the properties on Bachelder Road.

On March 18th, DES sent a letter to Allenstown informing them of the following: They are in the selection process for architectural and archeological consultants; they have received a portion of the hydraulic river model from USGS; sediment sampling will be completed by NHDES, which should be done based on the letter day of 3/18/2010. Once all information has been collected, they will be organizing a meeting with Pembroke, Allenstown, and Epsom. Mr. Jodoin has requested that DES include Pembroke on all correspondence regarding this issue.

The Board discussed correspondence that the Town of Epsom sent to Governor Lynch concerning flooding issues. The FEMA grant that Epsom applied for was again denied.

Pembroke Street Easement

The Board reviewed the Easement deed as well as correspondence to Jim Boisvert from Melanie Ekstrom, 442 Pembroke Street, dated March 18, 2010. Mr. Jodoin has spoken to legal and reviewed the plan with Paulette Malo, Sewer Commission, and found that the description reflects that the Town owns the culvert therefore is responsible for cleaning and maintaining it. The existing problem is that the sand being applied to Center Hill Road during the winter months is depositing itself when it rains in the spring in the State's catch basin which drains to the Town culvert. Possible solutions were discussed and it was agreed to review the issue further at the next Board of Selectmen meeting and to contact the State to determine when the catch basin was last cleaned. Mr. Jodoin indicated that the homeowner may attend the next meeting to discuss.

5. NEW BUSINESS

Uniform Bids – DPW

Action: Selectman Preston moved to approve the bid and enter into a three year agreement with UniFirst Corporation for uniform rental and laundering services in the amount of \$84.36 per week. Selectman Sheldon seconded. Motion passed 5-0.

Rod & Gun Club Fishing Derby Permit

Action: Selectman Sheldon moved to authorize the Chair to sign the large gathering permit for the Rod and Gun Club's annual fishing derby. Selectman Courtemanche seconded. Motion passed 5-0.

The \$100 permit fee was waived at a prior Board of Selectmen meeting.

Comcast Proclamation/Comcast Cares Day

Comcast will be at Memorial Field on April 24th from 8-2 PM for their Comcast Cares Day. Comcast has requested that the following proclamation be entered into the minutes:

Comcast Cares Day April 24, 2010

WHEREAS, Comcast is an active and engaged member of the Pembroke Community and supports its growth and well-being through partnerships, grants, and volunteer activities, and;

WHEREAS, volunteering is one of the best ways one can give back to their community, and truly empowers an individual and organizes an entire community, and;

WHEREAS, Comcast Cares Day is a celebration of service, and is one of the largest national days of service that brings employees, families, friends, and community partners together for a common purpose, and;

WHEREAS, Comcast Cares Day promotes a spirit of corporate responsibility thanks to the hard work, dedication, and service of 400 Comcast volunteers in Pembroke.

NOW, THEREFORE, I, David M. Jodoin, serving as Town Administrator, do hereby proclaim April 24, 2010, as "Comcast Cares Day."

Dated this 19th day of April, 2010

Action: Selectman Sheldon moved to approve the Comcast Proclamation prepared by Mr. Jodoin. Selectman Courtemanche seconded. Motion passed 5-0.

Pay Increase Request

Chief Lane is requesting that the salary be adjusted for the police department's new hire, Valarie Xenakis, who has completed the Police Academy and will now be considered a full time certified probationary officer.

Action: Selectman Sheldon moved to approve the pay increase for Officer Valarie Xenakis as recommended by Chief Lane. Selectman Courtemanche seconded. Motion passed 5-0.

Casella Recycling Agreement

Action: Selectman Preston moved to approve the Casella Recycling Agreement Single Stream (Floating Rate Formula) at \$9.32. Selectman Sheldon seconded. Motion passed 5-0.

Appointments

The Board reviewed the following appointments: Paul Paradis, Alternate Member, Zoning Board; Carol Bertsimas, Member, Conservation Commission; Dianne Schuett, Member, Capital Improvement Committee; James Garvin, Member, Cemetery Commission; Patricia Bonefant, Member, Cemetery Commission; Roland Young Jr., Member (new), Cemetery Commission.

Action: Selectman Preston moved to approve the above listed appointments. Selectman Sheldon seconded. Motion passed 5-0.

Excavation Transfer

Action: Selectman Sheldon moved to authorize the Chair to sign, on behalf of the Board, the Excavation Permit to convert from Concord Sand and Gravel to Continental Paving. Selectman Courtemanche seconded. Motion passed 5-0.

There was a brief discussion regarding the asphalt plan on Ricker Road. Chairman Lewis asked if this plan was also purchased by Continental Paving. She also has concerns that the lot numbers (3 & 5) are correct. Mr. Jodoin will research and report back to the Board.

Town Code Updates/Revisions

The Board reviewed the Town Code. Several policies have been reviewed in the past but were never finalized. A public hearing will be held at a future Board of Selectmen meeting to finalize the following codes:

Language changes to General Code Publishing (Section 1-1).

Recreation Commission (36-5 / J) change "Finance Director" to "Town Administrator".

Recreation Commission (36-5) add section after letter E "any building additions, alterations, or upgrades to facilities or grounds must be approved by the Board of Selectmen. The Commission must submit a plan to the Board of Selectmen for their approval before any work is to take place. Renovations or upgrades to the building must also be reviewed by Code Enforcement to ensure that all departments are consulted. Permits must be issued on all work."

Language changes to Adoption of Code (145-1)

The Recreation Commission's position titles and membership were discussed. The procedure for criminal background checks (36-6 / E) was questioned and it is unclear if this process is being followed. Mr. Jodoin will follow up with Chief Lane.

Audio Tape Policy (152-8)

Action: Selectman Preston moved to adopt the 2007-2008 resolution to the Audio Tape Policy to retain the tapes until minutes are approved by the Board of Selectmen. Chairman Lewis seconded. Motion passed 5-0.

Facilities and Grounds Committee (159A-2) - Mr. Jodoin proposed an update to the Committee changing membership to allow for a voting Selectman and two voting residents; Town Administrator and DPW Director as advisory members.

Action: Chairman Lewis moved to approve the above change to the Facilities and Grounds Committee. Selectman Courtemanche seconded. Motion passed 5-0.

Town Clerk Fees (160-4) - update Municipal Agent Fees from \$2.50 to \$3.00.

Action: Selectman Courtemanche moved to approve the update to Municipal Agent Fees from \$2.50 to \$3.00. Selectman Sheldon seconded. Motion passed 5-0.

Personnel section 175 will have various minor grammatical changes that do not affect any employees. Suggested changes made to this section in 2007/2008 were never finalized.

Update (175-5 / C) change "Selectmen's Office" to "Town Office".

Update (175-6 / A) add to the beginning of fourth sentence, "If necessary".

Update (175-10 / B) second sentence to read “The Board of Selectmen shall determine the parameters for authorizing a merit pay increase, including the administrative personnel authorized to grant the increase and the amount of the increase, which shall be within the pay range assigned to the employee’s position.”

Personnel Files (175-12 / A) will read, “The file maintained by the Board of Selectmen shall be considered the employee’s official file.”

Personnel Files (175-12 / C) add “Employee must provide to the town in writing, a request to allow a perspective employer the right to review his/her file.”

Update (175-15.1 / D) end of paragraph to read “Town Administrator”.

Overtime/Compensatory Time (175-14 / A), was discussed and it was determined that it was previously approved not to go over 40 hours unless authorization is given for additional hours. Exempt versus non-exempt was also discussed.

Mr. Jodoin is working on revisions to Nepotism (175-8) and FMLA.

Update (175-16 / E) sentence two to read “When the Town Administrator receives a complaint of harassment, he/she will promptly investigate the allegation.”

Items that have already been approved and need to be entered into code include: Energy Advisory Committee; Noise Ordinance; Snow and Ice Policy; and Solid Waste Committee.

Mr. Jodoin indicated that there will be additional updates and revisions to the code at future meetings.

Chairman Lewis questioned whether Pembroke Water Works and the Pembroke Sewer Department are considered town entities. Mr. Jodoin will research and report back to the Board.

Manifest/Abatements

Action: Selectman Preston moved to approve the Manifest as presented and the Abatements as recommended by the Assessor. Selectman Sheldon seconded. Motion passed 5-0.

.Minutes 4/5/2010

Action: Selectman Sheldon moved to approve the Minutes of 4/5/2010 as presented. Selectman Preston seconded. Motion passed 5-0.

6. TOWN ADMINISTRATOR REPORT

The Pembroke Woman's Club will be at Town Hall on May 15th for planting. They will also be selling plants and flowers. Selectman Courtemanche questioned the budget for this purpose. Mr. Jodoin indicated that these funds came out of the EDC budget last year.

It was agreed that the Women's Club would be allowed to expend the same amount of funds as last year. Mr. Jodoin will follow up.

Mr. Jodoin is in the process of obtaining quotes from auto body shops for the cost to repair the rust on the code enforcement vehicle.

The Broadway Reconstruction project was briefly discussed.

The annual spring auction at Whites Farm in Concord will be Saturday, May 15th.

Mr. Jodoin informed the Board that Pembroke is estimated to lose \$33,938 in revenue with the reduction of Rooms and Meals tax. Additionally, there is a proposed increase in the town's cost to the retirement program.

As a result of an audit by the IRS, the town will need to develop policies on town vehicle use, cell phone use, and uniform purchases.

Mr. Jodoin has attempted to contact Don Lyford at the State of New Hampshire regarding the house at the end of Pembroke Hill Road and has received no response.

Big Green Recycling has delivered information on their program to Mr. Jodoin however they still do not possess the necessary certificate of insurance. Mr. Jodoin will be coordinating with DPW and Legal a draft agreement that Big Green must sign before they can pick up any material.

Mr. Jodoin read correspondence he sent to Mr. & Mrs. Donnelly, Deerpath Lane, for signature regarding their meter. They have refused to sign and as of this meeting, a permit has not been issued. They have submitted information and fees to the Zoning Board and are scheduled to meet with the Zoning Board at the end of April.

Public Works will attend the next Board of Selectmen meeting scheduled for May 3rd to discuss road bids, salt shed, landfill closure, and the recycling program.

The Board discussed the Revalidated Letter of Map Change for Town of Pembroke which includes: 730 Bachelder Road; Emerson Mill Condominium, Lot 243, Tax Map VW (NH); and Lot 77, Stony Brook Village, Phase III – 25 Melissa Drive.

Selectman Preston requested that Mr. Jodoin contact the residents at the above properties to inform them of this change. Mr. Jodoin will follow up.

Correspondence from Eileen Chabot regarding the NH Regional Training Facility being built by the National Guard was briefly discussed.

Correspondence from Everett Hodge, Code Enforcement Officer, addressed to Harriet Cunha and John Hondrellis Jr. 448 Deerpath Lane, regarding a large amount of material being stored outside their property was briefly discussed. The letter states that the amount and type of material constitutes a “junk yard” as defined by State Statute 236:112 and that the homeowners are in violation of the Pembroke Zoning Regulation which prohibits “junk yards” within the Town. The letter further states that the homeowner must remove the storage pod and all outside material by May 14, 2010 or further legal action will be taken by the Board of Selectmen.

Included in the Selectmen packets for review included: Unfair Labor Practice Complaint; listing of budget cuts under Governor’s proposal; Letter from FEMA; St. Jean Auction (notification sent to departments); News Release from Councilor Shea; Energy Brief from PSNH; DES Permit Letter.

Mr. Jodoin indicated that he has reminded Ms. Galligan, Recreation Commission, that any changes whether structural or cosmetic need Selectmen approval.

7. COMMITTEE REPORTS

None

8. OTHER/CITIZEN COMMENT

Sally Hyland and Pentti Aalto were present and requested information on the Buck Street dam removal. Mr. Jodoin shared with them the update he had provided earlier in this meeting as well as the correspondence from Grace Levergood.

9. NON PUBLIC SESSION 91-A:3 II (c) Matters of which, if discussed in public, would likely effect the reputation of any person, other than a members of the public body itself, unless such person requests an open meeting.

Action: Selectman Sheldon moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (c) at 8:58 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 9:03 PM and voted not to divulge the minutes.

10. ADJOURNMENT

Action: Selectman Sheldon moved to adjourn the meeting at 9:04 PM. Selectman Courtemanche seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

Cynthia A. Lewis, Chairman