

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
August 23, 2010 at 6:30 PM**

Present: Chairman Cindy Lewis; Selectman David Sheldon (7:05 PM); Selectman Larry Preston;
Selectman Tina Courtemanche; Selectman John Duggan

Staff: David Jodoin, Town Administrator

1. CALL TO ORDER

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

2. CITIZEN COMMENT

None

3. SCHEDULED MEETINGS

Public Hearing – Signage

Mr. Jodoin reviewed signage requests.

Chairman Lewis opened the public hearing at 6:32 PM and asked for public comments.

Discussion included installation of a “No Thru Traffic” sign at Clough Mill Road and Borough Road as well as one at RT106, near T & T Power, in an effort to keep traffic down in these areas. Other signage includes “Stop” signs at Skyview Terrace Eastbound side and one at Memorial Field exiting the paved area near the men’s softball field.

With no further comments, Chairman Lewis closed the public hearing at 6:34 PM.

Action: Selectman Preston moved to approve the installation of “No Thru Traffic” signs at Borough Road and Clough Mill Road heading toward RT 106. Selectman Sheldon seconded. Motion passed 5-0.

Action: Selectman Sheldon moved to approve the installation of a “Stop” sign at Skyview Terrace on the East bound side as recommended by Chief Lane. Selectman Duggan seconded. Motion passed 5-0.

Action: Selectman Sheldon moved to approve the installation of a “Stop” sign near the men’s baseball field at Memorial Field. Selectman Duggan seconded. Motion passed 5-0.

Public Hearing – Winter Parking Ban

Chairman Lewis opened the public hearing at 6:38 PM and asked for comments from the Board.

Selectman Sheldon indicated that after speaking with some townspeople, it is his feeling that most are not in favor of lifting the parking ban. He also stated that Public Safety and the Police Department are in favor of leaving the parking ban as is.

Selectman Preston indicated that after he has spoken to some townspeople, he has received the opposite response as Selectman Sheldon.

There was a general discussion among the Board regarding the pros and cons of this issue as well as how snow emergencies are currently handled by some other cities and towns. Also discussed was municipal parking and who would be responsible for calling the emergency.

Chairman Lewis then asked for public comments.

Mr. Boisvert, Public Works Director, indicated that it is not possible to follow the snow emergency plan used by Concord. Selectman Preston stated that it is not necessary to follow Concord's policy but that Pembroke could instead set the policy to its own specifications.

Gerry Fleury is of the opinion that it would be a bad idea to lift the ban and feels that it should be in effect every night regardless of the winter due to people leaving their car for several days with no regard for residents that live in the area. He further indicated that it is a hazard to have vehicles parked on the streets and in the way, specifically narrow streets, making it extremely difficult to properly plow the roads. Selectman Preston in response stated that plowing is done during the day and night. Mr. Fleury interjected that he and Selectman Preston have irreconcilable differences of opinion and that this is not a debate but a public hearing. Selectman Preston stated that the parking ban is bad for a lot of people.

Dana Carlucci stated that he has lived in the downtown area his entire life and has noted several vacant parking spaces in the municipal lot during the winter months. He is not in favor of lifting the ban and suggests finding alternative parking in the B1/B2 areas. He feels that trading convenience for service is preposterous.

Selectman Preston responded to the above comment of Mr. Fleury regarding people not moving their vehicles. He stated that this is an enforcement issue as vehicles are supposed to be moved every 24 hours; people that do not comply should be ticketed.

Mr. Fleury further stated that he does not feel the Department of Public Works has the ability to get the word out or have sufficient communication when declaring a snow emergency. He also spoke of how this is dealt with in Concord. Chairman Lewis responded that she looks at this the same way as a school closure, that people understand they must check the appropriate sources for information on closures/emergencies. Additionally, she feels that if the town were to allow people to park on the streets during the winter months, there would be awareness by the public that snow will cause problems and a snow emergency may come into effect. She does not feel that lifting the ban will be an issue.

VJ Ranfos, Department of Public Works, stated that it is easier to clear snow after midnight when roads are clear of vehicles and that they work after midnight to be sure the streets are clear for busses in the morning. He also mentioned other side streets, such as Kimball Street, that would be extremely difficult to clear with vehicles in the way. Selectman Preston responded that lifting the ban would solve the problem as the town would not have to wait until midnight to clear the streets but rather could choose what time the emergency would come into effect.

A general discussion took place at this time between Selectman Sheldon and Selectman Preston. Selectmen Sheldon stated that the people who have spoken so far tonight are against removing the parking ban and that we should be listening to the residents that are here and the people who will be dealing with this issue.

Paulette Malo lives in the village area and is not in favor of lifting the ban. She feels that the Board of Selectmen need to come up with a plan for snow emergencies before lifting the ban is considered. She does not feel people will move their cars when a snow emergency is called. Chairman Lewis stated that if a snow emergency is put into effect, it means that no-one can park on the street. She does not see an issue with difficulty plowing the streets and that the hardest part will be for the DPW declaring the snow emergency ahead of time. Mr. Boisvert is concerned about the constant changes and the unpredictability of weather patterns; he gave a brief summary of snow events over the past two years.

Lieutenant Dwayne Gilman, Pembroke Police Department, stated that he does not believe the Police Department supports lifting the parking ban. He explained their process of school cancelation notification and how difficult it is to judge the weather and when school should or should not be cancelled.

Additionally, towing rates are now \$250-\$300. Sgt. Gaskell spoke of the limited resources to enforce snow emergency parking bans and that the resources they do have would be better utilized elsewhere. He also explained the process they use to remind people parking in the downtown area when the ban will begin.

Selectman Courtemanche asked Selectman Preston for clarification on why he wants to see the ban lifted. Selectman Preston responded that it is an inconvenience for some people in the downtown area.

Selectman Duggan takes issue with the ban as it is an inconvenience at his residence on Deerpath Lane which is not in the downtown area. He indicated that if there are too many cars at his home, he must park his car on his lawn or leave it at the municipal lot or it could be ticketed or towed. He is in favor of lifting the ban.

Chairman Lewis does not feel that the ban should be in effect when there is no inclement weather.

There was a general discussion regarding parking stickers for the municipal lot and the inability for some people to obtain one. Selectman Courtemanche suggested fixing the sticker system.

Dana Carlucci suggested that the Board of Selectmen take into consideration the opinion of the professionals of the Department of Public Works and the Police Department as they are the ones who are out there on the streets. Further, he has not heard from anyone present at this public hearing that is in favor of lifting the ban. Selectman Preston asked which year the Board should listen to the DPW and Police as their recommendation has changed from year to year throughout the past five years.

Chairman Lewis asked for any further comments. There being none, she closed the public hearing at 7:16 PM.

Action: Selectman Sheldon moved to keep the current parking ban in place based on input from DPW, Police, and the public present at this public hearing. Selectman Courtemanche seconded. Motion failed 2-3. Chairman Lewis, Selectman Preston, and Selectman Duggan voted no.

Action: Selectman Preston motioned to remove the existing parking ban and that Mr. Jodoin coordinate with Mr. Boisvert and the Police Department if necessary, policies and procedures to implement a new snow emergency plan. Selectman Duggan seconded. After a brief discussion on possibly instituting a new plan on a trial basis as suggested by Mr. Jodoin, Selectman Preston stated that his motion stands. Motion passed 3-2. Selectman Sheldon and Selectman Courtemanche voted no.

Selectman Sheldon requested that a cost study be done of all accident and other traffic issues including property damage to automobiles, mailboxes, and PWD vehicle damage, and that it is monitored throughout the first year with a report being generated on a monthly basis. Selectman Preston stated that such a study as well as a comparison study over the past five years would require man-hours to compile the data. Lieutenant Gilman stated that this information can be easily obtained. Selectman Preston also suggested monitoring towing incidents.

Action: Selectman Sheldon moved to monitor and list in detail, all property damage from 12:00 AM through 6:00 beginning with the first snowfall of 2010. Selectman Courtemanche seconded. Motion passed 5-0.

Conservation Commission – Hillman Land Update

Carol Bertsimas, Chair, Conservation Commission, Lea Anne Atwell, Brian Mrazik, Stetson Heiser, and Ammy Heiser were present and all participated in a lengthy and detailed presentation and timeline of the potential purchase of the Hillman property by the Conservation Commission. The Commission indicated that they may need to request a Special Town Meeting due to time constraints with regard to the \$300,000 grant funding from the Farm and Ranch Land Protection Program that may no longer be available if the approval for the sale must wait until the regularly scheduled town meeting. The Board was reminded that the remaining funds for the purchase will come out of Conservation Commission funds and there would be no effect on the tax rate. Actual selling price, market value, Land Use Change Tax, appraisals, legal and appraisal fees, and river issues were reviewed. It was indicated that Lee Grimes has agreed to pay a lease fee to continue farming the land to cover taxes.

Sara Pillsbury, Five Rivers Conservation Trust, gave a brief description of their role should the purchase be approved as well as costs associated with their service and their main source of funding. When asked by Chairman Lewis about the \$5,000 fee, Ms. Pillsbury stated that the \$5,000 fee covers their service for life and no additional funds will be required.

Ms. Heiser asked the audience for a show of hands of how many of them were in support of the purchase; several hands in the audience were raised.

Pentti Aalto voiced his support of the purchase for the preservation of conservation land in Pembroke.

Andrew McCusker is in favor of the purchase.

Fred Kline stated for the record that the Conservation Commission did not contact him but rather he contacted them. He commented on the evolution of the project and reminded the Board that the Commission has come before them for guidance throughout all stages of this proposed purchase. Mr. Kline provided a timeline leading up to this meeting where the Selectmen, on four separate occasions, have been in favor of the project and have recommended that the Commission move forward with the purchase. He quoted minutes from a meeting dated June 1, 2010 which state “although a town meeting vote is preferred, the requirement will be waived if necessary”; this action passed 5-0. Mr. Kline indicated that Pembroke’s growth management ordinance was allowed to sunset this year and if this project is given the opportunity to lapse, the Selectmen are potentially exposing the Town of Pembroke to development in this area. He went on to list several items that a lack of support by the Selectmen would mean including going against their previous votes.

Ammy Heiser requested a vote from the Selectmen to potentially hold a special town meeting if needed. Chairman Lewis stated that any type of vote or action for this project is not on the agenda for this meeting but is informational only.

Ms. Heiser stated that it has come to her attention that a town meeting vote may be required to donate the easement to Five Rivers Trust.

Ayn Whytemare commented on the tremendous amount of time spent on this project and requested more confidence from the Board.

Selectman Preston stated that it appeared as though the Commission was requesting a straw poll vote which he does not feel is necessary due to the four occasions, mentioned by Mr. Kline, involving favorable votes. He suggested that when they have something that needs to be voted on they should again come before the Board.

Sally Hyland asked if there were any objections to the purchase from members of the Board. Chairman Lewis stated that the Board does not have complete information involving this project and will vote as information is available. Selectman Sheldon commented on the selling price and indicated that he is in favor of the purchase.

Costs for a special town meeting were briefly discussed.

CNHRPC – Open Space Plan

Members of the Open Space Committee gave a detailed review of the final draft of the Open Space Plan, which can be seen on the town website.

The plan was developed as a tool for future planning with regard to open space management. The Committee's recommendations were also reviewed and Ms. Heiser stressed the importance of public awareness and community involvement.

A general discussion followed the presentation.

Steve Fowler inquired about river shift issues which prompted a discussion regarding the rivers.

Pentti Aalto spoke on the opportunities that will be available with the Open Space Plan.

Ayn Whytemare spoke of her approval of the plan specifically the valuable map prepared by the Committee.

Ms. Gould suggested that any written comments on the final draft of the plan should be forwarded to her.

4. OLD BUSINESS

Broadway Project

Present for this discussion was Jim Boisvert, Public Works Director; Chris Culberson, Pembroke Water Works; and Paulette Malo, Sewer Department.

Mr. Jodoin is in receipt of the revised proposal to complete the final design for this project. The total cost for engineering \$51,300. Some items discussed included bonding, encumbering funds, the Sewer Department's extension bond, and the roads budget.

Mr. Boisvert indicated that a lot of work has been done to roads in the past three years however there are roads that will need work within the next few years such as Donna Drive area, Upper Beacon Hill Road as well as culvert work that will be needed. He also reviewed current projects being completed.

Timing issues were discussed for the receipt of the final design as well as the bid process.

Action: Selectman Sheldon moved to proceed with the contract with KV Partners in the amount of \$51,300 to complete the final design of the Broadway project and authorize them to move forward with the expectation of delivery by November 1, 2010 at which time the complete design will be sent out to bid.

The Selectmen will meet with the Roads Committee on September 7, 2010 to review the plan and address any minor revisions. Selectman Courtemanche seconded. Motion passed 5-0.

Action: Selectman Sheldon moved to authorize Mr. Jodoin to sign the agreement with KV Partners. Selectman Preston seconded. Motion passed 5-0.

Solid Waste Ordinance

The selectman reviewed the proposed Solid Waste updates. More clarification is needed therefore, further revisions will be brought before the selectmen at the next regularly scheduled meeting in September.

Aside from discussion regarding minor revisions to the ordinance, there was a lengthy discussion regarding landlords providing carts for tenants. Section 307, Rubbish and Garbage, of the International Property Maintenance Code was discussed as it pertains to this issue. Selectman Sheldon requested that information is obtained from other towns on how they handle similar issues. Correspondence from LGC has been received but is covered under Client Privileged information.

Action: Selectman Courtemanche moved to release the correspondence from LGC in regard to the above referenced matter. Selectman Sheldon seconded. Motion passed 5-0.

The correspondence from LGC was reviewed.

There were discussions regarding cart spacing and cart sheds at the end of driveways near the street.

Chairman Lewis wants to be sure that the sheds are approved and are being used for the correct purpose.

Action: Selectman Sheldon moved to proceed to public hearing with the proposed revisions to the Solid Waste Ordinance including language changes. Selectman Courtemanche seconded. After further discussion, the motion and second were withdrawn and Mr. Jodoin will add this issue to the agenda for the next Board of Selectmen meeting. Follow up items include removal of the language in section 133-2.1 C (a) which states that landlords may charge their tenants for the carts; Jim Boisvert to follow up on the 5' spacing issue with a possible change to the minimum requirement; and Mr. Jodoin will follow up on the cart shed issue.

5. NEW BUSINESS

Award Fire Station Boiler Bid

Selectman Preston indicated that of the six bids received, it is the recommendation of the Building Committee to award the bid to G & O. All bids and options were discussed.

Action: Selectman Sheldon moved to award the bid for the new boiler at the fire station to G & O for option 3 in the amount of \$20,900. Selectman Courtemanche seconded. Motion passed 5-0.

Mr. Jodoin indicated that the installation of the boiler has been postponed until mid October.

Award Street Sweeping Bid

Action: Selectmen Sheldon moved to award the street sweeping bid to Amoskeag Maintenance Services for 2011-2013 in the amount of \$3,700, \$3,800, and \$3,900 respectively. Selectman Courtemanche seconded. Motion passed 5-0.

Approve Requests for Trust Fund Transfers

Action: Selectman Preston moved to authorize the withdrawal from the Town Capital Reserve Funds as follows: \$115,839.90 from the Town Equipment fund; \$8,588 from the Municipal Facilities fund; and \$2,250 from the Town Equipment fund. Selectman Sheldon seconded. Motion passed 5-0.

Execute Safe Routes to School Grants

Action: Selectman Preston moved to authorize Mr. Jodoin to sign the Safe Routes to School Grants. Selectman Courtemanche seconded. Motion passed 5-0.

Old Home Day – Large Gathering Application

Action: Selectman Sheldon moved to approve the Large Gathering Application for Old Home Day and to waive the permit fee. Selectman Courtemanche seconded. Motion passed 5-0.

Town Hall Security

This issue was briefly discussed and it will be a topic of discussion at the next Board of Selectmen meeting. Mr. Jodoin will gather additional information on options and pricing.

Strong Foundations Request

Beth McClure, Strong Foundations Charter School, was present to review their proposed land purchase (5 acres) located across the street from their current location. This purchase would enable them to add grades 6, 7 and 8. She explained that they currently have 16 Pembroke students at no cost to the community. There was a brief discussion regarding sewer hook up.

Action: Selectman Sheldon moved to sign the Evidence of Community Support form as requested by Ms. McClure. Selectman Courtemanche seconded. Motion passed 4-1. Selectman Duggan voted no.

Action: Selectman Preston moved to authorize the chair to sign the Evidence of Community Support form. Selectman Sheldon seconded. Motion passed 4-0. Selectman Duggan was not present at time of vote.

Manifest/Abatements

There was a brief discussion regarding the Recreation Commission's purchase of flowers and planters for Memorial Field as well as if firefighters are paid whether or not they pass their class. Mr. Jodoin will follow up.

Action: Selectman Preston moved to approve the Manifest as presented. Selectman Courtemanche seconded. Motion passed 5-0.

After a brief discussion it was decided to postpone Abatement approval until further information is obtained on the Mobil gas station.

Minutes 8/2/2010

Postponed

6. TOWN ADMINISTRATOR REPORT

Mr. Jodoin is in receipt of a request from the Sewer Department to waive the electrical fees for their upcoming project. Various aspects of this project were discussed.

Action: Selectman Sheldon moved to waive the electrical fees for the Sewer Department's upcoming project providing that documentation is received from homeowners agreeing that they are responsible for the payment of electricity, failure of the pump, and any damage caused by the failure of the pump. No permits will be released until such documentation is received. Selectman Courtemanche seconded. Motion passed 5-0.

Mr. Jodoin stated that a budget for the new pole tax will be needed for 2010. He has included correspondence from Skip Sansoucy in the Selectmen packets for review.

A copy of the operating plan for the Solid Waste Collection and Storage dated 2008 has been received by Mr. Jodoin which will need to be signed. This will be added to the agenda for the next Board of Selectman meeting.

Correspondence was received from Epsom regarding nominating a member of the Board to meet with Governor Lynch at his office on August 27 at 11:00 AM.

Action: Selectman Preston moved to authorize Chairman Lewis to attend the conference with Governor Lynch. Selectman Sheldon seconded. Motion passed 5-0.

The DRA is requesting to share Pembroke's maps. Mr. Jodoin stated that he was one of the twenty participants in Hooksett and there were no issues. The Board was in favor.

Correspondence has been prepared from Mr. Boisvert regarding the runoff issue on Donna Drive and will be sent to the resident.

Mr. Jodoin is in receipt of correspondence regarding the resurfacing of RT 3 in Pembroke and North. A conference is scheduled for Thursday, August 26th.

Included in the Selectman packets for review included: CNHRPC review on the proposed asphalt plant enlargement; correspondence from Comcast.

Roof Rakes for the Safety Center were discussed. Mr. Jodoin stated that there are funds available in the capital projects in the amount of \$4,629.25 for this purchase. No decision was made.

Mr. Jodoin has located the oldest citizen in town who is currently 99 years old. He will contact the resident's caretaker to determine if they would like the Boston Post and Cane.

After a brief discussion regarding the drug and alcohol policy that is being developed, it was agreed that all town employees would be required to follow the new policy. Copies of the policy will be provided and a future meeting held when the policy is finalized. All paid employees, including the Selectmen, will be subject to the test up front. There will then be a random pool that employees will be picked from later on. The Board also agreed that there would be a zero tolerance policy in effect for any positive result.

Action: Selectman Preston motioned to move forward with the drug and alcohol policy and to test all employees with zero tolerance. Selectman Courtemanche seconded. Motion passed 5-0.

A possible buy-out program for Bachelder Road residents was discussed.

Action: Selectmen Sheldon moved to proceed with a buyout program for Bachelder Road. Selectman Courtemanche seconded. Motion passed 5-0.

The Citizen of the Year was discussed and chosen.

Action: Selectman Sheldon moved to name Ben Talford as Citizen of the Year. Selectman Courtemanche seconded. Motion passed 5-0.

7. COMMITTEE REPORTS

None

8. OTHER/CITIZEN COMMENT

Brad Gilpatrick was present to discuss his concerns regarding the full size trucks that are digging up the Range Roads. He suggested that signage be placed near these roads stating rules and regulations. Chairman Lewis suggested that he keep an eye on the Board of Selectmen agenda's for the next scheduled discussion regarding this matter.

9. **RSA 91-A:3 II (a) - The dismissal, promotion, or compensation of any public employee or the disciplining of such employee, or the investigation of any charges against him or her, unless the employee affected (1) has a right to a meeting and (2) requests that the meeting be open, in which case the request shall be granted.**

Action: Selectman Courtemanche moved and seconded by Selectman Sheldon to enter into non-public session in accordance with RSA 91-A:3 II (a) at 11:29 PM.

Roll Call Vote

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

The Board came out of non public session at 11:50 PM and voted to seal the minutes.

Roll Call Vote

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

Action: Selectman Courtemanche moved and seconded by Selectman Lewis to appoint Lois Rook to the Solid Waste Committee. Motion passed 5-0.

10. ADJOURNMENT

Action: Selectman Sheldon moved to adjourn the meeting at 11:55 PM. Selectman Courtemanche seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

Cynthia A. Lewis, Chairman