

**MINUTES  
BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
January 4, 2010 at 6:30 PM**

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**Present:** Chairman Fred Kline; Selectman David Sheldon; Selectman Cindy Lewis;  
Selectman Larry Preston; Selectman Tina Courtemanche

**Staff:** David Jodoin, Town Administrator

**1. CALL TO ORDER**

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

**2. CITIZEN COMMENT**

John and Ann Harrison, property owners, 145 Sheep Davis Road, Brian Johnson, farm stand operator, and Stephanie Johnson were present regarding a Cease and Desist Order that was issued on December 28, 2009, dated December 22, 2009, for a farm stand located at 145 Sheep Davis Road. All parties are requesting that the Order be lifted as they do not feel they were given the adequate time allowed by the Planning Board to complete and submit a site plan. Ms. Johnson distributed for review, a timeline of events leading up to December 29, 2009. Ms. Harrison distributed for review, copies of her comments as well as the Pembroke Code for 143-18 Accessory buildings and uses. She feels that the Town could consider this farm produce operation a “temporary” activity and allow it to operate through spring and summer. She further believes that Section 143-18 of the Pembroke Code applies in this situation. Site plans and Change of Use were discussed in more detail. Selectman Lewis explained that all new businesses must submit a minor site plan to the Planning Board before it can be approved to operate.

The Selectmen discussed this issue and agreed to lift the order with the understanding that a minor site plan would be submitted to the Planning Board by January 26, 2010.

**Action:** Selectman Sheldon moved to lift the cease and desist order issued at 145 Sheep Davis Road to allow the operation of the farm stand until March 1, 2010. This order will be reinstated immediately if any stipulations set by the Board of Selectmen are violated and the necessary material for the Planning Board is not submitted by January 26, 2010 for the February 26<sup>th</sup> Planning Board meeting. Selectman Courtemanche seconded. Motion passed 5-0.

Mr. Jodoin will inform Everett Hodge, Code Enforcement Officer, of the Boards decision and request that he follow up in writing.

**3. SCHEDULED MEETINGS**

**Public Hearing in accordance with RSA 31:95-b Acceptance of Fire Department Donation from New Hampshire Charitable Foundation**

Fire Chief Paulsen and George Calligandes were present to discuss the grant received from the NH Charitable Foundation in the amount of \$5,000. The fire department intends on using the grant to purchase a Rad-57 in the amount of \$4,000 as well as a defibrillator in the amount of \$1,250 (Fire Department Association to fund the additional \$250).

Chairman Kline opened the public hearing at 7:15 PM. There being no public comment, he closed the public hearing at 7:16 PM.

**Action:** Selectman Sheldon moved to accept the grant from NH Charitable Foundation per RSA 31:95-b, for the fire department in the amount of \$5,000. Selectman Courtemanche seconded. Motion passed 5-0.

#### **Chief Lane – Generator Grant**

Chief Lane was present to discuss the acceptance of a 50/50 matching grant from Homeland Security for a new generator. The total amount of the grant is \$47,452 however RFP's have not been sent out and all specifications have not been determined. The Selectmen agreed to accept the grant however more information is required before a decision is made on the purchase. Chief Lane will follow up and have the requested information available by the next Board of Selectmen meeting scheduled for January 18<sup>th</sup>.

Budgetary issues pertaining to the potential purchase were discussed but no decision was made.

**Action:** Selectman Sheldon moved to accept the grant from Homeland Security for the purchase of a generator in the amount of \$47,452. Selectman Courtemanche seconded. Motion passed 5-0.

The Selectmen signed the documentation.

#### **Public Hearing – Adoption of New Flood Plain Maps**

##### **Resolution Language to Adopt Revised FIRM**

*Pursuant to RSA 674:57, by resolution of the Town of Pembroke Board of Selectmen, all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its "Flood Insurance Study for the County of Merrimack, NH" dated April 19, 2010, together with the associated Flood Insurance Rate Maps dated April 19, 2010, are declared to be part of the Town of Pembroke Floodplain Development Ordinance and are hereby incorporated by reference.*

*This resolution will replace Zoning Ordinance §143-11.A with:*

A. *“Flood Insurance Study for the County of Merrimack, NH” dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010, or as amended.*

*This resolution will revise Zoning Ordinance §143-69.C to:*

*C. Applicability: The following regulations in this section shall apply to all lands designated as special flood hazard areas by the Federal Emergency Management Agency (FEMA) in its “Flood Insurance Study for the Town of Pembroke, N.H.” together with the associated Flood Insurance Rate Maps, and Flood Boundary & Floodway Maps of the town dated, April 2, 1979. “Flood Insurance Study for the County of Merrimack, NH” dated April 19, 2010, or as amended, together with the associated Flood Insurance Rate Maps dated April 19, 2010, or as amended.*

Chairman Kline opened the public hearing at 7:45 PM. There being no public comment, he closed the public hearing at 7:46 PM.

**Action:** Selectman Preston moved to adopt the resolution language for the revised Flood Insurance Rate Maps. Selectman Courtemanche seconded. Motion passed 5-0.

#### 4. OLD BUSINESS

##### **Assessing Contract**

The Selectmen briefly discussed the contracts for assessing services provided by MRI and Cross Country Appraisals including pricing, term of contract and cyclical inspections.

**Action:** Selectman Sheldon moved to award the assessing contract to Cross Country Appraisals for a term of one year at a rate of \$20,800 with no cyclical inspections and with the option to continue for a five year period. \$40,000 is to be set aside in capital reserve to offset future expenses in the year 2014 for assessing services. Selectman Courtemanche seconded. Motion passed 5-0.

##### **Ratify Vote on Encumbrances**

Updates to encumbrances were discussed with the following action taken.

**Action:** Selectman Sheldon moved to ratify the vote to approve encumbrances from 2009 into the 2010 budget in the amount of \$627,444.80. Selectman Preston seconded. Motion passed 5-0.

Mr. Jodoin will forward to Accounting.

Some options for updating the code book were discussed.

## 5. NEW BUSINESS

### **Approve Application from Trust Funds – Bridge Capital Reserve**

This item is to pay for repairs done in 2006/2007 to the North Pembroke Road Bridge. This cost was shared with Concord, as well as the State picking up 80% of the total cost of the project, with Pembroke and Concord splitting the balance 50/50.

**Action:** Selectman Courtemanche moved to approve the transfer from the Bridge Repair fund in the amount of \$6,897.17. Selectman Preston seconded. Motion passed 5-0.

### **Health Officer Appointment**

**Action:** Selectman Preston moved to appoint Doc Greco for another three year term as Health Officer. Selectman Lewis seconded. Motion passed 4-1.

The Selectmen signed the documentation.

Mr. Jodoin will be meeting with Doc Greco in the coming weeks to set up policies and procedures pertaining to expenses for this position.

Appointing a Deputy Health Officer was considered but no decision was made.

### **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 5-0.

### **Minutes 12/21/2009**

**Action:** Selectman Preston moved to approve the Minutes of 12/21/2009 as amended. Selectman Courtemanche seconded. Motion passed 5-0

## 6. TOWN ADMINISTRATOR REPORT

The next Board of Selectmen meeting is scheduled for January 11<sup>th</sup> and will be a non-public session only as the Board will begin interviewing for the Town Planner position. The next regularly scheduled meeting is January 18<sup>th</sup>.

Panic buttons have been installed at all desks at Town Hall and are operational. The next step will be to issue codes for the alarm key pad.

Correspondence was received from the Town of Bow regarding the Merrimack Station Clean Air Project. A compliance hearing on the architectural and aesthetic standards and site plan review will be held Thursday, January 14<sup>th</sup> at 7:00 PM.

Documents distributed for review include: Comcast letter regarding price adjustments and joint venture, letter from CNHRPC

**7. COMMITTEE REPORTS**

Mr. Jodoin reported that the Solid Waste letter being sent to property owners pertaining to recycling has been finalized and is on the way to the printer. There are still more issues that need to be resolved; a meeting is expected to be held this month. Selectman Lewis indicated that the information contained in the letter should be posted on the town website.

**8. OTHER/CITIZEN COMMENT**

None

**9. NON PUBLIC SESSION 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 Preston moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (a) at 8:42 PM.

Roll Call Vote

Chairman Fred Kline (yes)

Selectman David Sheldon (yes)

Selectman Cindy Lewis (yes)

Selectman Larry Preston (yes)

Selectman Tina Courtemanche (yes)

Vote: Unanimous

The Selectmen came out of non-public session at 9:00 PM.

**Action:** Selectman Preston moved and seconded by Selectman Courtemanche to authorize a 1% merit increase to the Town Administrator based on a successful performance evaluation. Motion passed 5-0

**NON PUBLIC SESSION** 91-A:3 II (b) the hiring of any public person as a public employee.

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

Roll Call Vote

Chairman Fred Kline (yes)

Selectman David Sheldon (yes)

Selectman Cindy Lewis (yes)

Selectman Larry Preston (yes)

Selectman Tina Courtemanche (yes)

Vote: Unanimous

The Selectmen came out of non-public session at 9:30 PM.

**Non Public Minutes 12/7/09, 12/21/09**

**Action:** Selectman Preston moved to approve the non-public minutes of 12/7/09 and 12/21/09 as presented and to seal the minutes as they pertain to personnel and legal issues. Selectman Courtemanche seconded. Motion passed 5-0.

**10. ADJOURNMENT**

**Action:** Selectman Preston moved to adjourn the meeting at 9:32 PM. Selectman Lewis seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

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Fred Kline, Chair