

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
November 2, 2009 at 6:30 PM**

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

Staff: David Jodoin, Town Administrator

Excused: Selectman David Sheldon

1. CALL TO ORDER

Chairman Kline called the meeting to order at 6:32 PM.

2. CITIZEN COMMENT

None

3. SCHEDULED MEETINGS

Public Hearing in accordance with RSA 31:95 b - Acceptance of Federal Funds

Mr. Jodoin explained that a public hearing is required to accept the Federal funding for storm related expenses from January.

Chairman Kline opened the public hearing at 6:32 PM and asked for any public comments. There being none, he closed the public hearing at 6:33 PM.

Action: Selectman Lewis moved to accept the sum of \$5,349.31 from the State of NH for storm related damages that occurred in January, 2009 in accordance with RSA 31:95-B. Selectman Courtemanche seconded. Motion passed 4-0.

Public Hearing – CDBG Manhole Project

Mr. Jodoin provided a brief overview of the project and invited Ms. Donna Lane, CDBG Consultant, to join the meeting to provide a further update. Ms. Lane read into the record a prepared project summary report on the CDBG Project - Sewer Manhole Repairs and Rehabilitation. The project was substantially complete by the Contractor as of October 16, 2009. Prior to contract completion, a final inspection needs to be performed by the Engineer in collaboration with the Pembroke Sewer Commission. Additionally, Ms. Lane gave a brief update on the senior housing which includes 23 units and is expected to be complete by May, 2010.

Selectman Preston questioned Ms. Lane as to the height of manhole covers on Broadway. Paulette Malo, who was in the audience, responded that the covers will remain as is through the winter to allow for further settling. If they are still too high in the spring, they will be adjusted.

Chairman Kline opened the public hearing at 6:36 PM and asked for any public comments. There being none, he closed the public hearing at 6:37 PM.

The 504 plan of the grievance policy was briefly discussed. Ms. Lane explained that this policy should have already been in put in place however, it cannot be located. The 504 plan assures that the town has adequate office space, which is handicapped accessible, in order to hire handicapped employees. Also required is a 504 Compliance Coordinator. The 504 plan must be adopted before the CDBG grant can be closed due to federal regulations. Mr. Jodoin agreed to the position of 504 Compliance Coordinator and will follow up.

State of NH DES – Buck Street Dam

Grace Levergood and Deb Loiselle were present to speak on the removal of the West Buck Street Dam and provided drawings, photos, and maps of the areas. Ms. Levergood explained that they are planning to retain the East Buck Street Dam for historical resource preservation. She gave an overview of the status of both dams and indicated that DES is in the process of applying for funding to help offset the cost of removal. Should the plan proceed as anticipated, the permit process will require public meetings and coordination with federal, state and non-profit organizations, sediment sampling and analysis upstream and downstream of the dam, review of the sediment quantities behind the dam, hydrologic and hydraulic analysis of the river system with and without the dam, and an archeological and architectural historical survey may be required by the State Department of Historic Resources. Letters of support have been written by DES Rivers Management and Protection Program, The American Rivers, and New Hampshire Fish and Game.

Ms. Loiselle provided an update on the status of the proposed Hydro-Dam indicating that FERC granted notice for a preliminary permit which only allows the applicant (Northeast Hydro) first rights but does permit them to begin development and does not mean that they will go forward with development. Further, it does not preclude NH DES from moving forward with the removal process.

Chairman Kline opened the meeting for public comments regarding dam removal.

Bill Allaire, Bachelder Road, is in favor of removal and asked about the Gate House. Ms. Levergood indicated that the Gate House has not been discussed but anticipates that it will be taken down.

Dave Richards gave a brief history of his knowledge of the dams and stated some boards have already been removed and that any other possible boards should be removed until a decision is made on dam removal. He has further concerns regarding sediment, historical areas, water and spring flow, island preservation, and the manner in which the dam will be removed.

Pentti Aalto, Bachelder Road, feels that removal of the dam will provide some benefit but will not solve the flooding problems. He is concerned that Pembroke will lose the power that the dam could potentially provide as it is a good site for hydro-development which could also reduce flooding. He advised caution when moving forward with dam removal on this historical site.

Ronald Swiggard, Bachelder Road, is in favor of removal.

Tom Baumeister, Bachelder Road, is concerned about levels of the river, flood gates, erosion, and island preservation. He feels that the hydro dam process should be stopped and further restrictions be put in place. He is in favor of removing portions of the dam.

Harold Thompson, RT 28, questioned who would be liable for maintaining the two bridges and the island. Ms. Levergood was unsure but agreed to research further.

4. OLD BUSINESS

2010 Town Budget

The budget for EDC was briefly discussed.

Action: Selectman Lewis moved to zero out EDC's budget of \$7,738.00. Motion failed due to no second.

Mr. Jodoin indicated that he will make a few minor adjustments to the budget which will have a minimal impact on the bottom line. DPW - an employee was listed as eligible to receive the 10% stipend for not choosing health. This will be removed as he does not qualify (\$1,625 reduction). Clerks office - add \$23 to an employee line for life insurance that was omitted. The block wall and concrete at 4 Union Street will be taken care of this year and charged to the 2009 budget. Two estimates have been received for the work (\$5,600 and \$5,890). The current proposed repair line at the Perry Eaton Building is budgeted for \$5,000 and in 2009 normal repair issues totaled over \$1,200. Mr. Jodoin asked if the Board was in favor of increasing the line to \$6,700. In the Administration section of the budget, the dues line Acct #1000-41302-56000 can be reduced by \$155. The Selectmen agreed to the above changes.

Mr. Jodoin indicated that other possible budget cuts could include reductions in Capital Outlay/Capital Reserve for the DPW truck purchase, the Fire Department Quint purchase, and paving (removing Cross Country Road from Sixth and Fourth Range Roads could cut approximately \$150,000). The Selectmen agreed that no reductions will be made to these items.

Sidewalk Paving was discussed and the option of adding \$30,000 back into the budget for this purpose. The Selectmen agreed that the \$30,000 would not be added back into the budget. The potential Safe Routes to School grant was briefly discussed.

There was a discussion regarding abatement and overlay and whether or not the amount in the budget should be increased or if a separate line item should be added to offset the cost of potential abatements. Mr. Jodoin explained how overlay is computed. The Selectmen agreed not to increase or add a line item. There was some question as to how the abatements will affect the tax rate. This will not be clear until the Town knows how many abatements are filed and what the costs are. These are budgeted for at the time of tax rate setting.

Mr. Jodoin indicated that the anticipated tax rate for 2010 is \$24.80. Tax bills are being prepared and will be going out as soon as possible. They will be due approximately the second or third week of December.

Action: Selectman Lewis moved to approve the 2010 budget with the agreed to and recommended changes by Mr. Jodoin in the second paragraph of this section. Selectman Preston seconded. Motion passed 4-0.

5. NEW BUSINESS

Authorize Memorandum of Understanding between State of NH Department of Safety and Pembroke Fire and Pembroke Police

The Memorandums of Understanding were briefly discussed.

Action: Selectman Lewis moved to approve and authorize the Chair to sign the Memorandums. Selectman Courtemanche seconded. Motion passed 4-0.

Manifest/Abatements

There was some question as to the repair work being done by Milton CAT on the Peterbilt in the amount of \$3,100.16. It was agreed that Mr. Jodoin will hold this check until he obtains more information from Jim Boisvert. Additionally, Mr. Boisvert will be invited to the next Board of Selectmen meeting for further updates.

Action: Selectman Preston moved to approve the Manifest as amended. Selectman Courtemanche seconded. Motion passed 4-0.

There were no Abatements.

Minutes 10/12/2009, 10/19/2009

Action: Selectman Courtemanche moved to approve the Minutes of 10/12/2009 and 10/19/2009 as presented. Selectman Lewis seconded. Motion passed 4-0.

6. TOWN ADMINISTRATOR REPORT

Mr. Jodoin is in receipt of five quotes for the printing of the Town Report.

Action: Selectman Preston moved to award the contract to the lowest bidder, Kase Printing, Inc. in Hudson, NH, in the amount of \$4,126. Selectman Lewis seconded. Motion passed 4-0.

Mr. Jodoin received an e-mail from Davis and Towle, the town's current disability insurance provider. They are recommending that the town switch policies from the current plan with Unimerica to The Standard. The town will realize of savings of approximately \$400 per month.

Action: Selectman Preston moved to approve switching the disability insurance plan to The Standard and authorize Mr. Jodoin to sign to agreement. Selectman Courtemanche seconded. Motion passed 4-0.

Mr. Jodoin is in receipt of RFP's for assessing services. Out of the ten sent out, he has received back four. Mr. Jodoin will provide a cost breakdown at the next Board of Selectmen meeting as well as copies of the actual RFP's for review.

The NPDES Permit Program was briefly discussed. Pembroke will not know when compliance is necessary until the 2010 census is done. Mr. Jodoin has included some information regarding this issue in the Selectmen's packets for review.

There has been no response to the Town Planner advertisement. Selectman Preston suggested that it be posted on Craigslist.

Mr. Jodoin is in receipt of a request from DPW to obtain the Board's authorization to have additional repairs done on the refurbished Peterbilt. They are requesting new tires be purchased along with a new tachometer and speedometer. The total cost for both items will be \$4,400. If approved, this would bring the total refurb cost to \$97,273. This will be discussed in more detail at the next meeting with the Public Works Director.

A letter received from Dr. Julian, Pembroke Animal Hospital, regarding a discrepancy with their property assessment was discussed. Mr. Jodoin will follow up with Dr. Julian.

Mr. Correspondence included in the Selectmen's packets for review include: e-mail from Brian Mrazik, Conservation Commission, regarding making the Range Roads accessible to motorized recreational vehicles by paid permit only (Mr. Jodoin read into the record); Letter from NHDES regarding Donahey violation (Mr. Jodoin read into the record); e-mail from Maura Carroll, LGC, regarding recent news articles.

The Country Budget, \$1,597,595 is due by 12/17/2009.

Bert Russo, Union Representative, is scheduled to attend the next Board of Selectmen's meeting scheduled for November 16, 2009 to discuss employee evaluations. Mr. Jodoin had a phone conversation with Mr. Russo regarding this issue however Mr. Russo requested to meet with the Selectmen as he was not satisfied with Mr. Jodoin's explanation. The general feeling of the Board is that Mr. Jodoin's explanation adequately conveyed the views of the Board and they requested that Mr. Jodoin contact Mr. Russo again explaining that he discussed this issue with the Board who are in support of the original conversation and Mr. Jodoin's explanation of the issue. The Board agreed that Mr. Russo is welcome to attend the meeting however the result will remain the same.

The Selectmen discussed the policy in more detail with the following action taken:

Action: Selectman Preston moved to authorize Mr. Jodoin to contact Mr. Russo to explain that Board is in support Mr. Jodoin's initial conversation with him and his interpretation of the policy and that the Board has the right to make adjustments to performance reviews. Selectman Courtemanche seconded. Motion passed 4-0.

Mr. Jodoin and Everett Hodge have issued Cease and Desist Orders to Phil Currier, Bachelder Road and Mr. Wentzell, RT 106 with a clean-up date effective November 20, 2009.

Chief Lane is requesting \$400 be allocated from the Safety Center building fund to repair the walk-through door and the cold storage bay of the Safety Center by raising the threshold 4-6". The Selectmen discussed the request as well as other options and were not in favor of the repairs.

Mr. Jodoin is in receipt of pricing from KV Partners for the Groundwater Management Permit final testing. The total for November, 2009 will be \$800 (\$460 for sampling from Eastern Analytical, \$285 for review of test results and issue required reports, and the remainder for miscellaneous administrative costs). Pricing for 2010 was also received in the amount of \$3,425 (April - \$800, June - \$1,185, November - \$1,440).

Action: Selectman Lewis moved to approve expending \$800 for the November, 2009 testing. Selectman Courtemanche seconded. Motion passed 4-0.

No decision was made for 2010 testing.

7. COMMITTEE REPORTS

Selectman Lewis reported on some unresolved issues that were discussed at the last Planning Board meeting: The Meat House, grease trap and cooler issues; Nicole's Greenhouse, clear cut site of tree line; Chickering Meadows.

There was some discussion regarding the recycling carts.

Mr. Jodoin indicated that the October SVRT meeting was cancelled and rescheduled for November 18th. Mr. Jodoin will be unable to attend.

Chairman Kline requested an update on 911 mapping. Mr. Jodoin will follow up with Chief Lane.

8. OTHER/CITIZEN COMMENT

None

9. 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 or litigation has been fully adjudicated or otherwise settled. Any application filed for tax abatement, pursuant to law, with any body or board shall not constitute a threatened or filed litigation against any public body for the purposes of this subparagraph.

Action: Selectman Preston moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A:3 II (e) at 9:30 PM.

Roll Call Vote:

Chairman Fred Kline (yes)

Selectman Cindy Lewis (yes)

Selectman Larry Preston (yes)

Selectman Tina Courtemanche (yes)

Vote: Unanimous

The Selectmen came out of non-public session at 9:51 PM and made a statement that they voted not to divulge the minutes of the non public session.

10. ADJOURNMENT

Action: Selectman Preston moved to adjourn the meeting at 9:52 PM. Selectman Courtemanche seconded. Motion passed 4-0.

Accepted by the Board of Selectmen

Fred Kline, Chair