

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

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**Present:** Chairman Cindy Lewis; Selectman David Sheldon; 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**

Mr. Richard Kruger, 494 Woodlawn Ridge Rd. was present to discuss concerns relating to his business located at 743 Clough Mill Rd. His concern is the request that he remove a stump pile located on his property which will be grinded down to generate compost. He feels that he has complied with all state/town requests and is not in violation of any laws. He stated that although he is doing nothing wrong on his property and has had no problems with the town or with abutters to his property, he felt he had to comply with all requests i.e. lot line adjustment, town easement, final site plan, removal of construction equipment, etc. in order to obtain his final permit for a go-cart racetrack. Mr. Kruger made it clear that he is not asking for his bond to be released but is asking only for consideration to utilize the stumps that are hauled to his property because selling compost is a big part of his business. He reviewed a site map with the selectmen so they could better understand where the compost pile will be moved to and how his operation will now be set up and run. Further, the required reclamation plan is in process.

After a brief review of the Settlement Agreement, Mr. Jodoin stated that the agreement will have to be reworked to allow stumps on the property and that there is also language in the agreement that limits the amount of concrete that can be processed on the property. Chairman Lewis suggested that the selectmen visit the site and re-address this issue at the next Board of Selectmen meeting scheduled for October 18th.

**3. SCHEDULED MEETINGS**

**Public Hearing – RSA 31:95-b III (a) Acceptance of FEMA Monies**

Mr. Jodoin briefly explained that these monies, in the amount of \$14,468.85, are granted due to the most recent wind storm.

Chairman Lewis opened the public hearing at 6:47 PM and asked for any public comments. There was a brief discussion between the selectman regarding FEMA funds. There being no further comments, Chairman Lewis closed the public hearing at 6:50 PM.

**Action:** Selectman Preston moved to accept FEMA funds in the amount of \$14,468.85. Selectman Sheldon seconded. Motion passed 5-0.

### **Public Hearing – Changes to Town Code Section 160-5 Cemetery Fees**

Chairman Lewis opened the public hearing at 6:50 PM and explained that the purpose of the public hearing is to increase the cost for a full weekday burial from \$400 to \$450 based on Dignified Cemetery Services' price increase. She asked for public comments.

Selectman Preston asked when the last time cemetery fees were increased. Mr. Jodoin responded that according to the town code, there was an amendment for cemetery fees in 2006.

Selectman Sheldon asked if this item should be sent out to bid. Mr. Jodoin agreed to look at other options and research costs.

There being no further comments, Chairman Lewis closed the public hearing at 6:54 PM.

**Action:** Selectman Preston moved to approve the increase in cemetery fees for a full weekday burial from \$400 to \$450. Selectman Sheldon seconded. Motion passed 5-0.

### **Continued Public Hearing Solid Waste Town Code Chapter 133**

Chairman Lewis reopened the public hearing at 6:55 PM. This public hearing is a continuance from the Board of Selectman meeting held on September 20, 2010.

Mr. Jodoin reviewed the latest revisions specifically, what time carts are required to be placed out and if they are not at their collection point in time, the Town will not return later to pick up them up. He suggested that the current language changes be accepted with the understanding that he will continue to revise the code as necessary and will bring it before the Board as additional revisions are made.

There was a general discussion regarding containment sheds for the carts. Chairman Lewis indicated that there was no consensus from the Planning Board but stated that the selectmen could forward a petition to the Zoning Board. It would then be sent back to the Planning Board for their recommendation and ultimately go to vote at town meeting.

Sally Hyland, Bachelder Road, expressed concern regarding the change to the timing for the parking ban on trash days. Selectman Sheldon explained that this change was made for the convenience of residents to a time when a large percentage of them have left for work. He further indicated that the trash routes are being altered to accommodate the new times.

Gerry Fleury, Kimball Street, expressed his disappointed that the first he heard of the change in parking ban times on trash day was at the most recent solid waste committee meeting.

He recommended that the committee be informed of any prospective changes prior to being considered by the selectmen and not after the fact. He further stated that the merit of having a citizen committee is researching the issues then presenting recommendations to the Board of Selectmen. Additionally, if the Board of Selectmen will make these decisions without committee recommendations, what do they need a committee for? Selectman Sheldon responded that this ordinance was brought to the Board of Selectmen for approval. The selectman discussed the timing issues for the parking ban on trash days at the last Board of Selectmen meeting/public hearing and that perhaps it should have been forwarded to the Solid Waste Committee for review before the decision to change the times was made. He further stated that the discussion/change was based on the recommendation that was received by the Solid Waste Committee. He apologized that this information did not reach the Solid Waste Committee in a timely manner. Selectman Preston pointed out that Mr. Boisvert was present at the public hearing and agreed to the changes.

There was then a general discussion regarding the parking ban on trash day including the area in which it will be in effect.

Selectman Preston asked when the ban would come into effect, how it will be enforced, when signage will be put up, and if sticker notices are being prepared to inform residents. Mr. Jodoin reviewed the language on the notification stickers. Selectman Sheldon feels that all residents should be notified of the upcoming parking regulations, possibly through the mail. Chairman Lewis stated that this has not been the policy with any other ordinances. Selectman Sheldon pointed out that this particular ordinance can cost the residents money due to towing and that they should be informed. Chairman Lewis responded that there are other ordinances that can cost residents money if the regulations are not followed properly and that no correspondence is generally sent out. Chairman Lewis also suggested that the parking ban on trash day should be included on the sticker card citing the winter storm warning regulations.

Chairman Lewis asked for any further public comments. There being none, she closed the hearing at 7:13 PM.

**Action:** Selectman Preston moved to adopt the latest version of the Solid Waste Ordinance with the understanding that further revisions will be made. Selectman Duggan seconded. Motion passed 5-0.

### **Gerry Fleury – 2010 CIP Report**

Mr. Fleury, Chair, CIP Committee, gave brief description of the role of the CIP Committee. He indicated that the committee held meetings on-site at the various departments in order to better evaluate capital needs. He provided a line by line description, including committee votes, of all departmental items brought before the committee for review highlighting big ticket items or those items requiring extensive discussion. No decision could be made on one request from the Recreation Commission to install a cement pad under the pavilion as the committee did not feel they had adequate information.

Mr. Fleury gave a check from the Capital Reserve Fund to Mr. Jodoin in the amount of \$30,541 for the new police cruiser.

#### **Mike Vignale – Broadway Update**

Present for this meeting included: Mike Vignale, Jim Boisvert, Burton Curley, Chris Culberson, Paulette Malo, and Oscar Plourde.

Mr. Vignale reviewed the updated plan for phase I of the project in detail including the most recent revisions requested by the selectmen. He also pointed out some concerns regarding ledge, right of entry (some sidewalks are on private property), crosswalks, grading, tree removal, timing, parking, and storage of equipment.

Dan and Jocelyn Carlucci joined the meeting to discuss specific issues at their property once construction begins including sidewalks, granite curbing, drainage, and a granite marker that will be in jeopardy. Mr. Vignale addressed their concerns and stated that KV Partners would see to it that their granite marker is re-set.

There was a general discussion regarding various issues on each street included in the project. Mr. Jodoin suggested that a finalized plan be brought to public hearing. Chairman Lewis suggested that all affected residents be contacted so that any issues they may have can be addressed.

Mr. Vignale will be working on bid documents and agreed that the finalized draft plan will be available by October 21, 2010. Bid opening will take place on the afternoon of November 10, 2010 to be returned by November 12, 2010. The selectmen will review all bids as well as Roads Committee recommendations on November 15, 2010.

Mr. Culberson indicated that Pembroke Water Works has decided to look at different avenues for water main replacements versus during this project

#### **4. OLD BUSINESS**

##### **DPW – Guardrails, Solid Waste Facility, Safety Center Insulation**

Guardrail bids received included: DeLucca - \$18,417.63; CWS - \$12,375; and B.I.I. - \$11,089.38.

Selectman Duggan commented on the substantial difference quoted by the highest and lowest bidders and asked if B.I.I. has ever been used by the town. Mr. Boisvert indicated that it's been approximately 10 years since he has used B.I.I. and that they split off from another company. He has never experienced any negative issues with them.

There was a brief discussion regarding #5 on the bid form for "bridge connection run" totaling \$3,436.25. Mr. Boisvert stated that since each item is bid separately, this item could be postponed to a later date until more information is obtained.

**Action:** Selectman Sheldon moved to award the bid for guardrails to B.I.I. in the amount of \$7,653.13 for sections 1-4 of the bid form. Selectman Courtemanche seconded. Motion passed 4-0. Selectman Preston was not present at time of vote.

Mr. Boisvert provided a brief update on fencing at the solid waste facility. He has received only one quote from American Fence with the updated information and is expecting another from Blue Ribbon. The selectmen discussed costs and placement of fencing. Selectman Sheldon stated that not enough information is available on the design of the area to make an informed decision.

Concrete pads were discussed. Chairman Lewis contacted a structural engineer for an opinion on what should be used in the area for the intended purpose. Paving was also briefly discussed. Selectman Sheldon stated that not enough information is available on the overall design of the project to make a decision.

The option of allowing Public Works to proceed with “not to exceed” costs for individual items was discussed.

**Action:** Selectman Sheldon moved to authorize Public Works to proceed with the following: fencing \$10,000, concrete \$27,000, paving \$30,000, and grading \$10,000. All items will not exceed these amounts and Public Works must obtain final approval from Mr. Jodoin before moving forward. Selectman Courtemanche seconded. Motion passed 5-0.

The purchase of the salt shed was briefly discussed. Mr. Boisvert indicated that it has not been signed off on and it takes 10 weeks to receive after signature. Mr. Jodoin reviewed the specifics of the shed and indicated that a color choice has not been made.

**Action:** Selectman Sheldon moved to approve the color tan for the salt shed and to authorize Mr. Jodoin to sign the agreement, pending a new cover sheet, and for a cost not to exceed \$42,492.54. Selectman Courtemanche seconded. Motion passed 5-0.

### **Safety Center Insulation**

It has been determined that town staff is covered by workers compensation insurance to install the insulation. Cost was discussed and Mr. Boisvert stated the Dana Carlucci has indicated that he could provide materials at a savings. Mr. Jodoin is in receipt of pricing totaling \$3,100 for the project. There was some discussion as to how long the project will take which could mean additional charges for rental equipment.

**Action:** Selectman Sheldon moved to approve the insulation work at the safety center for a cost not to exceed \$4,000. Firm prices and a schedule needs to be prepared. Selectman Courtemanche seconded. Motion passed 5-0.

## **5. NEW BUSINESS**

### **Recycling Truck Extended Warranty**

There was discussion regarding not only the extended warranty but the original warranty as well. The selectmen feel that the quote is not clear enough and requested additional information before a decision is made. It was suggested that Mr. Jodoin request a revised quote clarifying what is covered and be authorized to sign the agreement. The selectmen are of the opinion that the warrantee should cover hydraulics, pumps and valves for four years. Mr. Boisvert stated that it is the opinion of Public Works to purchase the 2-year extended warrantee.

**Action:** Selectman Sheldon moved to purchase a four-year agreement providing it includes hydraulics, pump, cylinders, and valves, parts and labor; Mr. Jodoin is authorized to sign off on the agreement. Selectman Courtemanche seconded. Motion passed 3-2. Selectmen Preston and Selectman Duggan voted no.

Chairman Lewis requested that Mr. Jodoin include the information he obtains in their packets for the next Board of Selectmen meeting scheduled for October 18<sup>th</sup>.

### **Execute agreement with CDFA RE: Manhole project**

**Action:** Selectman Preston moved to authorize the chair to sign the CDFA agreement. Selectman Courtemanche seconded. Motion passed 5-0.

### **Execute Agreement with CHNRPC – Safe Routes to School**

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

### **Tree Issue Union Street**

Mr. Boisvert indicated that a crane will be required to remove the tree for a cost of approximately \$3,800.

Liability was discussed and it was agreed that Mr. Jodoin will obtain additional pricing as well as speak to the owner of the property next door to where the tree is located. Mr. Jodoin will follow up and add to the agenda for the next meeting.

### **Manifest/Abatements**

**Action:** Selectman Preston moved to approve the manifest as presented and the abatements as recommended by the Assessor. Selectman Courtemanche seconded. Motion passed 5-0.

Selectman Courtemanche questioned if there is an annual police uniform allotment in the budget. Mr. Jodoin responded yes and that they are reimbursed after providing the proper documentation.

**Minutes 8/23/10, 9/7/10, 9/20/2010**

**Action:** Selectman Preston moved to approve the minutes of 8/23/2010, 9/7/2010, and 9/20/2010 as presented. Selectman Courtemanche seconded. Selectman Sheldon stated he had requested the tapes from the 8/23/2010 be pulled in an effort to clarify his comments immediately after the winter parking ban public hearing as well as which way each selectmen voted. The motion and second were withdrawn for 8/23/2010 only. The motion to approve 9/7/2010 and 9/20/2010 passed 5-0.

Mr. Jodoin will review the appropriate portions of the tape recordings from the 8/23/2010 meeting as they pertain to Selectman Sheldon's request.

**Non Public Minutes 9/20/2010**

**Action:** Selectman Courtemanche moved to approve the non-public minutes of 9/20/2010 as presented. Selectman Preston seconded. Motion passed 5-0.

**6. TOWN ADMINISTRATOR REPORT**

All four final letters for the Sewer Department's electrical permits have been received.

Enclosed in the selectmen packets for review are current item that are purchased for uniforms.

Mr. Jodoin updated the board on his findings relating to the requested liquor license at Kimball's. He indicated that Code Enforcement was sent to ask Mr. Cavanaugh what would be served on site. Mr. Jodoin spoke to the Liquor Commissioner for clarification on the letter who stated that retail alcohol cannot be sold, the coolers do not have to be removed, all alcohol must be consumed in the restaurant area, and mixed drinks are allowed but could not be higher than 40 proof.

The selectmen discussed the liquor license in more detail as well as whether or not a letter with any concerns should be sent to the liquor commission as it still vague as to what types of liquor will be served. Selectman Preston feels that the town should set a policy to comment on all applications.

**Action:** Selectman Preston moved to draft a letter to the liquor commission supporting the application based on what was approved by the Planning Board. Selectman Duggan seconded. Motion passed 5-0.

Notification has been received that the Hazard Mitigation Plan was approved on June 7, 2010.

Mr. Jodoin requested authorization for the Chair to sign the Tax Collector's re-committal documentation from auditors Vachon and Clukay which will take place on October 8<sup>th</sup>.

**Action:** Selectman Preston moved to authorize the Chair to sign the Tax Collector's re-committal documentation. Selectman Courtemanche seconded. Motion passed 5-0.

Correspondence included in the selectmen packets for review included: Thank you letter from Pembroke Water Works; and letters from DPW Director for Household Hazardous Waste Day.

Mr. Jodoin is in receipt of a request from the American Legion Post 28 to move their operation and liquor license from 3 Glass Street to 43 Church Street (old VFW building).

**Action:** Selectman Sheldon moved to approve the American Legion's request to move. Selectman Courtemanche seconded. Motion passed 5-0.

Revisions to the informational parking stickers were discussed in more detail. Mr. Jodoin will revise and e-mail to the selectmen for review. Selectman Sheldon feels that there should be more postings of the upcoming parking ban regulations by either signage and/or an article in the next newsletter.

A discussion regarding when and how, during a winter storm, the public will be notified of the parking ban. One option was implementing something similar to what the school department used to notify the public of school closings. Mr. Jodoin will follow up with Peter Warburton, Superintendent of Schools for input.

There was a brief discussion regarding changing the Board of Selectmen meeting scheduled for October 18<sup>th</sup> as Selectman Preston and Selectman Duggan will not be able to attend. It was agreed to keep the scheduled meeting as is.

There was a brief discussion regarding the Drug Testing Policy and who is required to be tested. Mr. Jodoin will scan and forward a copy of the requirements to the selectmen.

Mr. Jodoin has completed the MS-1 forms and requires authorization to sign for the extension. The values for public service have decreased from \$23,316,700 to \$11,215,000 due to a substantial error made by PSNH last year. PSNH will not be filing for abatement.

**Action:** Selectman Courtemanche moved to approve signing the MS-1 documentation. Selectman Preston seconded. Motion passed 4-1. Selectman Duggan voted no.

## 7. COMMITTEE REPORTS

None

## 8. OTHER/CITIZEN COMMENT

The Selectmen discussed the RT 3 closure on Friday, October 1<sup>st</sup>, from 9:30 AM through 2:30 PM that was due to a fallen tree branch and downed power line.

It is the general feeling of the selectmen that there were possibly communication issues between departments, specifically dispatch. Busses were forced to re-route and alternate routes for motorists were extremely inconvenient and not clearly marked. There was a brief discussion regarding Third Range Road.

Chairman Lewis inquired if the DPW is handling pipe and gravel for the Cross Country Rd. dirt section versus Advanced Paving. Mr. Jodoin indicated that he will research all aspects of the project and will report back to the Board.

Chairman Lewis opened a discussion regarding the Cars for Sale Ordinance. This issue was briefly discussed and it was suggested that the Board of Selectmen prepare a petition.

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

**Action:** Selectman Preston moved and seconded by Selectman Courtemanche to enter into non-public session in accordance with RSA 91-A: 3 II (c) at 10:47 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 10:47 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

**10. ADJOURNMENT**

**Action:** Selectman Courtemanche moved to adjourn the meeting at 10:49 PM. Selectman Sheldon seconded. Motion passed 5-0.

Accepted by the Board of Selectmen

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Cynthia A. Lewis, Chairman