

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
Monday, May 18, 2009 at 6:30 PM**

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

Excused: Selectman David Sheldon

Staff: David Jodoin, Town Administrator

1. CALL TO ORDER

Chairman Kline called the meeting to order at 6:31 PM.

2. CITIZEN COMMENT

Resident, Scott Smith, 4 Skyview Terrace, was present to voice his concerns regarding the noise levels at 222 Dearborn Road on Saturday, May 9, 2009. He indicated that he called the Police Department who informed him that the noise ordinance could not be enforced until after midnight. A police officer offered to ask the resident on Dearborn Road to lower the music volume. Mr. Smith has had frequent problems with noise levels in his area, generally from fireworks, and feels that the noise ordinance is ineffective as it protects the rights of those who wish to make noise three quarters of each day. He stated that he has no choice but to either leave the area or suffer through it.

Chairman Kline gave a brief overview of the steps taken to prepare the ordinance. He stated that the noise ordinance was discussed, amended several times, and approved at Town Meeting last year. Selectman Preston added that the ordinance must be broad enough to include construction workers starting work in the morning hours as well as people with noisy neighbors. He said that until a little over one year ago, the Town had no ordinance at all and although the ordinance may not be adequate for all situations, it is effective for most. Chief Lane was present and stated that the ordinance could be revisited if the Selectmen chose to do so. Chairman Kline agreed to take Mr. Smith's concerns into consideration if they should revisit the noise ordinance in the future.

3. SCHEDULED MEETINGS

National Guard

Present for this meeting were: Brigadier General Stephen Burritt; Col. Jeff Vorce, Construction and Facilities Manager; LTC Luis Maldonado, Facility Plans and Program Manager; Zack Boyajian, NHNG; Chris Culberson, Superintendent, Pembroke Water Works; and Norm Provencher, Business Manager, Pembroke Water Works.

The NH Army National Guard's May, 2009 Draft Environmental Assessment on their proposed land purchase for their new training facility was briefly reviewed and discussed. Copies can also be found at the State Library and the Pembroke Town Library as well as the NHNG's office. The Selectmen only recently received copies of this Draft therefore did have the opportunity to review it in detail. Brigadier General Burritt gave a brief overview on what the facility will be used for and indicated that the Assessment will not be finalized until June 16, 2009 at which time they will no longer accept any public comments.

Mr. Culberson stated that all issues and concerns from Pembroke Water Works have been addressed and are now included in the Assessment.

Selectman Preston requested a timeline for the project. It was stated that once the public comments are finalized, it will take 2-3 weeks to incorporate them; this version will then be sent to the National Guard's bureau in Washington DC for review which will take up to 45 days (mid-August). A notice of the document's availability will then be posted in the local newspapers at which time the public may make informal comments. Obtaining additional funding for the land purchase will then take place and when complete, the land will be purchased. (Thirty-five percent of the design process for the facility is complete and no more will be done until the land is purchased.) The design is estimated to be 100% complete by October, 2010 and their goal to begin construction is in the spring/summer of 2011.

The new training facility will have generator back-up and will be available through the Emergency Operations Center for use as a shelter if needed.

Chairman Kline thanked everyone for attending the meeting.

Review/Award Bids for Paving, Sidewalks, Crack Sealing

Jim Boisvert, Director of Public Works and Oscar Plourde, Roads Committee, were present for the meeting. Mr. Jodoin reviewed the Roads Committee recommendations to award to following:

Road Paving – Suburban Paving, Inc. for \$63.00/ton; Sidewalk Paving – CLD Paving for \$93.25/ton;
Crack Sealing – Fiorentino Asphalt Maintenance for \$1.248/pound

Road Paving

The 2009 Road Reconstruction and Paving Calculations spreadsheet and bids were reviewed in detail as well as several issues pertaining to North Pembroke Road and roads that may not need paving this year. Mr. Jodoin reviewed the budget for these items including FEMA funds.

It was agreed that Item 1 – North Pembroke Road (Concord Town Line to Borough Road) will be put on hold until more information is obtained. Mr. Jodoin will follow up. Items 10-12 will also be put on hold until further notice.

It was agreed that items 2-9 on the spreadsheet will be completed as scheduled for a total of \$176, 620 which include: Glass Street; Fourth Range Road (Church Road to Dudley Hill Road); Fifth Range Road (Dudley Hill Road to end); North Pembroke Road (RT 28 to Epsom Town Line); Cross Country Road (Seventh Range Road to N. Pembroke Road); Borough Road (Robinson Road to Chichester Town Line); Plausawa Hill Road; Sherwood Meadows

Action: Selectman Preston moved to award the contract for road paving to Suburban Paving, Inc at \$63.00 per ton for a total of \$176,620 and to move forward with items 2-9 listed above. No additional work will be done or changes made without prior authorization from the Board of Selectmen. Selectman Lewis seconded. Motion passed 4-0.

Sidewalk Paving

Sidewalk paving is to be done on Pembroke Street from Academy Road north as far as possible.

There was some discussion pertaining to some mailboxes on Pembroke Street that will need to be moved. Mr. Boisvert stated that he is in the process of sending letters to the property owners.

Action: Selectman Lewis moved to award the contract for sidewalk paving up to Pembroke Hill Road to CLD paving at \$93.25 per ton for a total not to exceed \$27,751.20. Selectman Courtemanche seconded. Motion passed 4-0.

Chairman Kline will inform School personnel that the footprints will need to be redone due to this paving project.

Crack Sealing

The following roads will have crack sealing done: Borough Road; Robinson Road; Wellington Way; Ricker Road; Rebecca Way; Pembroke Hill Road; Fourth Range Road; Brickett Hill Road; Bow Lane; Smith Avenue; Church Road; Cross Road; Dudley Hill Road.

Action: Selectman Lewis moved to award the contract for crack sealing to Fiorentino Asphalt Maintenance for \$1.248 per pound which includes the roads listed above for a sum not to exceed \$16,000. Selectman Courtemanche seconded. Motion passed 4-0.

Holden Engineering – LTC Properties (Belanger Drive)

Mark DeGrace of Holden Engineering was present to review and discuss LTC Properties' proposed subdivision on Pembroke Hill Road. Mr. DeGrace presented the layouts that are being considered. Belanger Drive was discussed at length. It is the recommendation of the Roads Committee that the Selectmen review the information with the School Board regarding the probability of a proposed road going from Pembroke Hill Road to Belanger Drive.

They suggest that the Town could take over from the new road-cut on Belanger Dr. to Third Range Road for a development, which would cause less impact on the wetlands and would add another access to the school for emergency personnel. Selectman Lewis indicated that this subdivision has not yet been approved by the Planning Board and feels that the developer should be responsible to bring Belanger Drive to current town road standards. The Selectmen discussed the issues at length and suggested that Mr. DeGrace bring the feedback he has received from this meeting back to LTC Properties for review.

Conservation Commission – Potential Land Purchase

Ammy and Stetson Heiser, Conservation Commission, were present to discuss a potential land purchase at 553 Buck Street which consists of a house and 42 acres of farmland with rich agricultural soil. This property is currently farmed by Lee Grimes. Ms. Heiser stated that the Farm and Ranch Lands Protection Program, a federal program that provides matching funds to help purchase development rights to keep productive farm and ranchland in agricultural uses, will match 50% of the purchase making the cost to the Conservation Commission approximately \$300,000, providing the house is subdivided and sold separately. Ms. Heiser indicated that should the land purchase be approved, it could be leased back to Mr. Grimes which would cover the tax bill. Mr. Heiser stated that their deadline is June 12, 2009 with an appraisal to be done in August. A purchase and sales agreement has been signed for this property with contingencies.

There was some discussion on whether or not this purchase must wait until Town Meeting. Chairman Kline stated that this may not be the case however he would like more information on the decisions that have already been made to this effect. Chairman Kline clarified, and Mr. Jodoin confirmed, that any revenue from the land, should the purchase be approved, would be realized by the Town and will not go to the Conservation Commission's reserve fund.

Selectman Lewis asked what the liability and responsibility of the town is should there be no one interested in leasing the property at some point in the future. There was no response to this question.

It was the general feeling of the Board that the Conservation Commission should move forward with the process of the land purchase with the understanding that it will not necessarily be approved for purchase before Town Meeting.

Chief Lane – Acceptance of OHRV Grant

Chief Lane reviewed the success of this grant stating that the number of complaints has decreased significantly over the past several years. He is requesting that the Board authorize him to be the authorizing contact for the grant which totals \$2,200.

Action: Selectman Preston moved to authorize Chief Lane to act as the authorizing contact for the OHRV Enforcement Grant in the amount of \$2,200. Selectman Courtemanche seconded. Motion passed 4-0.

4. OLD BUSINESS

Insurance for Part Time Employees

There have been requests from part time employees as to whether or not they could join the town's insurance plan. Mr. Jodoin is in receipt of correspondence from Tammie Croft of LGC stating that the town can offer benefits to part time employees with the requirement that the employee works and is regularly scheduled for a minimum of 15 hours per week. There is also a 75% participation requirement which requires that 75% of eligible employees, who do not have coverage elsewhere, enroll in the benefits. There was some recollection that elected officials could obtain insurance at 100% of the cost through LGC. Mr. Jodoin will research further and review any existing policies as they pertain to benefits for part time employees as well as elected officials. He will report his findings back to the Board of Selectmen.

5. NEW BUSINESS

Street Lights

Selectman Lewis began a discussion regarding requirements for street lighting and the proposed street light on Pembroke Hill Road. Chief Lane is of the opinion that although street lights are important in some cases, they are not always the answer to prevent crime but can sometimes help facilitate it. He feels that some street lighting can be excessive. He offered to research the issue further from a crime prevention standpoint. The general feeling of the Board is that due to the high cost of street lighting, these requests should have a recommendation from the police department prior to coming before the Board of Selectmen for approval. Chief Lane will follow up. Chairman Kline suggested that perhaps a street lighting policy could be written.

Review Assessing RFP's

Mr. Jodoin reported that the Assessing RFP's went out and two have been received back. The low bid came in from Granite Hill Municipal Services at \$58,700 which covers the statistical update for the town only. An additional \$25,000 would be needed to cover the utility assessments. Budgetary issues were discussed as well as appraisal software. Mr. Jodoin recommended that the Board award the bid and move forward with the assessment process.

Action: Selectman Lewis moved to award the assessing contract to Granite Hill Municipal Services for a total of \$58,700 contingent upon DRA's review and approval. Selectman Courtemanche seconded. Motion passed 3-1. Selectman Preston voted no.

Request for Sidewalk Removal

Correspondence has been received by the Roads Committee from the residents at 168A Buck Street requesting that the sidewalk in front of their property be removed or repaired. Mr. Boisvert, Director of Public Works, sent letters to other residents in this area for input but received no response.

It is the recommendation of the Roads Committee that the sidewalk is removed and loam and seed be installed in its place rather than rebuild it to the Americans with Disabilities Act Standards (ADA) as it will be more cost effective.

Action: Selectman Courtemanche moved to approve the removal of the above mentioned sidewalk and replace it with loam and seed. The Town will not be responsible to water this area once the seed is planted. Selectman Lewis seconded. Motion passed 4-0.

Mr. Boisvert will inform the resident of the decision as well as making it clear that the Town will not water the area.

Treasurer's Position

Mr. Jodoin indicated that Mr. Charles Connor, currently Deputy Treasurer, has stated that he is willing to accept the Treasurer position if the Selectmen wish him to do so.

Action: Selectman Preston moved to appoint Charles Connor as Treasurer. Selectman Courtemanche seconded. Motion passed 4-0.

Manifest

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

Selectman Preston requested information on how the windshield on a public works vehicle (ten wheeler) was broken. Mr. Jodoin will follow up.

Abatements

There were some inconsistencies with the abatements therefore they were tabled until the next meeting. Mr. Jodoin will follow up.

Minutes 5/4/2009

Action: Selectman Lewis moved to approve the Minutes of 5/4/2009 as presented. Chairman Kline seconded. Motion passed 3-0. Selectman Courtemanche abstained as she was not present at the meeting.

Selectman Preston questioned the mailbox post that was damaged. Mr. Jodoin indicated that Mr. Boisvert has paid for the granite post.

6. TOWN ADMINISTRATOR REPORT

The auditors were in last week and have begun the 2008 audit process. Once the audit is final, Mr. Jodoin will offer his comments and suggestions to the Board. Mr. Jodoin indicated that this is the last year of the agreement therefore the Board will need to decide if they wish to request RFP's.

Mr. Jodoin reported that the SVRTA met and discussed regional assessors, assessing software, road sand and salt, plow blades and purchasing bulk supplies. He will be contacting the school department for input on bulk supply purchases. The minutes from this meeting were enclosed in the Selectmen's packet for review. The next meeting is scheduled for June in Pittsfield.

The Bank RFP's will be on the June 1st agenda for approval.

Correspondence was received from Mr. Ryan Cheney, 17 Dudley Drive, Concord, NH, requesting access to French-Dearborn Cemetery. His initial request was made in August of 2008 which was approved by the Selectmen and a letter to this effect dated September 29, 2008 was sent by Carol Murray. According to Mr. Cheney, only one of the adjoining property owners (Ward) was contacted and there was no mention of having secured the cooperation of the Foster's, whose property the cemetery is located within. Mr. Cheney states that he sent a response letter to Ms. Murray dated October 8, 2008, stating that he appreciates the Ward's cooperation but it still does not get him access into the cemetery. He has not received a response. Selectman Lewis suggested that Mr. Jodoin follow up with the Cemetery Commission.

Mr. Boisvert, Director of Public Works, forwarded information to Mr. Jodoin from the resident at 209 Bean Hill Road who is paving his driveway and is questioning whether or not the Town would be willing to help with the turnaround cost. Currently the town vehicles use this as a turnaround and have no problems. The Selectmen agreed that no assistance will be provided.

There will be a meeting June 4th at 1:00 PM at Town Hall with Dick Verville concerning mitigation for the Allaire property on Bachelder Road. Mr. Verville is still trying to coordinate a meeting with DES.

The Northeast Hydro-development and Buck Street Dam were briefly discussed. The deadline to state any objections is 60 days from May 11, 2009.

The bids for the split body automated truck have been received and will be forwarded to the Solid Waste Committee for their meeting on May 20th. This item will be on the Board's agenda for June 1st.

Mr. Jodoin has researched the drainage issue on Melissa Drive and noted that the easements are very vague and does not state anything with regard to cleaning. He is working on obtaining the plans to determine what was recorded.

Mr. Jodoin has sent communication to all departments regarding purchasing policies.

Mr. Jodoin attended a brief meeting today with Tri-Town Ambulance and Allenstown representatives. A meeting will be scheduled for next month to continue the ambulance review.

Clock Tower window replacement was discussed. Mr. Jodoin will obtain quotes and determine if the installation can be done in-house.

A check in the amount of \$100, payable to the Recreation Department, was received from John and Sharon Andrews in memory of John Goff. John Andrews is the Executive Director at the Local Government Center. John Goff sat on the Executive Board with Mr. Andrews for many years.

7. COMMITTEE REPORTS

Selectman Lewis reported that the Planning Board has completed the Open Space Ordinance.

Kevin Foss was present to deliver his letter of resignation from the Economic Development Committee. Mr. Foss stated that his resignation is a direct result of the lack of support from the Town i.e. Town Planner/Planning Board and that there are now only four members left on the EDC.

Chairman Kline agreed that the amount of support from Town Hall to EDC has been minimal however support does not necessarily have to be from a Town Planner and that perhaps the Town Administrator could assist the Committee by way of Administrative support. Chairman Kline requested that Mr. Foss reconsider his resignation for a period of three months during which time the committee could begin to pursue their top three items while working with Mr. Jodoin.

Selectman Lewis also requested that Mr. Foss reconsider his resignation for a period of two months and agreed to attend the EDC meetings as the Planning Board Representative. She feels that EDC should concentrate their efforts on all local businesses rather than focusing only in the village area.

Mr. Foss agreed to remain on the Committee for a period of two months with the understanding that the Town will continue its efforts to hire a Town Planner.

Sally Hyland was present and informed the Selectmen that there will be a tour of the Auburn, MA recycling facility on Tuesday, May 19th.

There is bus transportation that will depart from Clinton Street in Concord at 8:30 AM.

8. OTHER/CITIZEN COMMENT

Representative Diane Schuett was present and informed the Board that the Allenstown Board of Selectmen and Budget Committee adopted the warrant article for the Sewer upgrade and it will be presented to the voters on June 13, 2009. Representative Schuett also requested more information on the upcoming revaluation. Mr. Jodoin gave her a brief overview of the issues. She offered to investigate the matter further and craft legislation if needed to help towns during the Assessing 5 year rule. She feels that this is a very large expense to communities.

9. NON-PUBLIC SESSION

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

Action: Selectman Lewis moved and seconded by Selectman Preston to enter into non-public session in accordance with RSA 91-A:3 II (c) at 10:26 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 10:40 PM.

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.

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 10:40 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 10:45 PM and voted unanimously to seal the minutes.

10. APPOINTMENTS

Action: Selectman Lewis moved to appoint Larry Young Sr. as an alternate member of the Planning Board. Selectman Preston seconded. Motion passed 4-0.

Action: Chairman Kline moved to appoint Laura Scott as an Alternate Library Trustee. Motion failed as there was no second.

11. ADJOURNMENT

Action: Selectman Preston moved to adjourn the meeting at 10:50 PM. Selectman Courtemanche seconded. Motion passed 4-0.

Accepted by the Board of Selectmen

Fred Kline, Chair

Minutes prepared by Alane Rapazza