

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
July 6, 2015 at 6:30 PM**

Present: Chairman Justine Courtemanche; Selectman David Sheldon; Selectman Vincent Greco;
Selectman Michael Crockwell

Staff: David Jodoin, Town Administrator

Excused: Vice Chairman Fred Kline

1. CALL TO ORDER

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

2. CITIZENS COMMENT

None

3. SCHEDULED MEETINGS

Anthony Tomacchio, 21-23 Broadway Street

Mr. Tomacchio was present to discuss issues he has been experiencing at his residence due to the 2012 Broadway project. He had several photos for the Selectmen to review and compare. He explained that the slope of his driveway and front yard is much steeper than it was prior to construction. At the time of construction, it was determined by Mike Vignale that the grade was in fact too steep and was reconstructed however, Mr. Tomacchio feels that it is still too steep. The grade causes two issues; because of the angled parking, it is difficult for vehicles to exit his driveway safely as cars parked near his residence blocks appropriate vision. Further, the slope of his front yard makes it extremely difficult to mow and maintain. He quoted from Chapter 198 which states that a driveway should have a 20' area of level grade before approaching a street. Further, he should have 200' of vision on each side of his driveway. Additionally, Mr. Tomacchio is displeased with a patch of pavement near his house that is now crumbling, the granite steps that were added are not finished and do not match the existing steps, the railing is unattractive, the grass that was planted failed and is now all weeds and crabgrass making it very unappealing, and a rhododendron was damaged from the nearby digging and no longer blooms. He stated that the entire front of his home looks atrocious. Further, he stated that in the winter, he is forced to shovel past his driveway, out into the street as the plows cannot plow in between parked cars. Lastly, he spoke about the possibility of a retaining wall.

Mr. Vignale was present and confirmed that the slope of Mr. Tomacchio's was originally too steep and was reconstructed, at no cost to the Town and damages caused to Mr. Tomacchio's tenant's vehicle were paid for. The driveway is now longer (as long as it can be without damaging the bulkhead) which made the slope less steep as it was when originally constructed during the project. Mr. Vignale explained that every attempt is made to follow driveway regulations, including within a 12% slope, however this cannot always be achieved with older homes. Mr. Vignale further stated that although there is not 200' of vision of each side of Mr. Tomacchio's driveway, the road is now wider which provides extra room to pull out toward the center line. Mr. Vignale explained that although some retaining walls were repaired or reset, any new retaining walls that were installed were approved by the Selectmen and paid for by individual homeowners. The railing that Mr. Tomacchio mentioned was installed per regulation.

Selectman Sheldon feels, and the Selectmen agreed, that the soil and grass, as well as the granite on the sides of steps, are issues that the Town can address. However, the slope of the driveway and front yard cannot be changed. Selectman Sheldon further stated that cars should not be parked on the street when there is a snow emergency therefore the area in front of his driveway should be plowed during snowstorms.

Jim Boisvert was present and stated that there is some various pieces of granite belonging to the Cemetery that could be utilized to finish Mr. Tomacchio's steps. Mr. Boisvert would need their approval to use the granite. He agreed to review what is available to determine if there are pieces that would be appropriate for this purpose. Further, Mr. Boisvert agreed to measure the area to determine how much sod and seed would be needed. He will provide this information at the next Board of Selectmen meeting scheduled for July 20th.

Mike Vignale – Pembroke Hill/Safe Routes Update

Mr. Vignale indicated that they are waiting for project approval from Federal Highway and anticipate receiving it this week. Once that is received, there will be a 3 week bidding process. The project will then be sent back to DOT for approval, then Federal Highway for approval. This process can take a minimum of 6 weeks. Construction will not start until after the school year has begun.

Mr. Vignale provided an update on the Pembroke Hill Road project. He indicated that Rowe and Chappelle are paved. Pembroke Hill Road, Grandview, and the upper part of Elm will be paved July 7th. Drainage and paving on Perley, Girard, and Elm will be done over the next few weeks. Project completion is expected by the end of the July and the projected budget is ahead of the contract price; they expect to come in at or under budget.

Selectman Sheldon spoke to his concern regarding traffic control in the project area on the weekends. Further, there is a lot of scattered equipment and piles of dirt making it difficult to pass. He feels that although a flagger may not be necessary on weekends, a supervisor should be available to monitor traffic flow. Additionally, he has heard complaints regarding flaggers in the project area. Mr. Vignale stated that flaggers could be retained for weekend work if the Selectmen would prefer. Further, he has addressed complaints regarding flaggers. He indicated that most issues that affect traffic are complete with the exception of paving.

Mr. Vignale indicated that there is a well-built attractive stone wall as well as several lilacs located in the Town right of way on Pembroke Hill Road between Girard and Elm Street. If the road is built to 26' the berm would be right next to the stone wall. The road could be built to 24', which would be similar to the current width of the road, to allow more clearance so as to not damage the wall. The Town could also choose to have the wall removed or moved back as it's in the right of way. Mr. Jodoin suggested that Mr. Vignale obtain a signed waiver of responsibility from the homeowner in the event the wall is damaged at any time while the road is being plowed or maintained. Selectman Sheldon suggested that Mr. Vignale speak to the homeowner regarding the issue. The Selectmen agreed to build the road at 24'. Mr. Vignale will follow up with the homeowner and report back to the Selectmen.

Action: Selectman Sheldon moved to authorize Mr. Vignale to talk to homeowner regarding the stone wall located in the Town right of way and to change the planned road width from 26' to 24'. If narrowing the road is not an acceptable solution after review, the Selectmen will look into the option of the stone wall being moved. Selectman Greco seconded. Motion passed 4-0.

Dan Driscoll, Harold Thompson, and Paulette Malo, were present to discuss the raising and lowering of sewer structures in the project area. Mr. Vignale stated that there are 23 structures which will need to be raised and lowered twice or left down. The cost for the second time is \$7,176.00 which was not included in the budget. There was some discussion regarding plates however Mr. Driscoll stated that this process would interfere with road maintenance particularly plowing. He further stated that if the structures are left down, there will be no access to the underground infrastructure in winter. The minutes from November 3rd were reviewed as it was unclear whether the Town or Sewer would be responsible to pay the cost to raise and lower the structures the second time.

Action: Selectman Sheldon moved that the Town will fund the raising and lowering the sewer structures the second time at a cost of \$7,176.00 versus using plates. Selectman Greco seconded. Motion passed 4-0.

Pastor Kevin – Grace Capital Large Gathering

Grace Capital Church was not present for this meeting. Mr. Jodoin indicated that 800-1000 people are expected at the Church's event scheduled at Memorial Field on August 16th. Selectman Sheldon feels that the presence of an ambulance should be added to the requirements for this event and other events this large. Possible changes to the policy regarding ambulance, police, and fire at events of this size was discussed. This will be added to a future meeting agenda.

Action: Selectman Sheldon moved to require the presence of an ambulance at the event being held by Grace Capital Church at Memorial Field on August 16th. Selectman seconded. Motion passed 4-0. This motion, second, and vote was withdrawn.

Action: Selectman Sheldon moved to approve the large gathering permit for Grace Capital Church contingent upon the presence of ambulance detail at the event; the cost to be covered by Grace Capital Church. Selectman Crockwell seconded. Motion passed 4-0.

The Selectmen signed the permit application.

4. OLD BUSINESS

Tax Deeds

Tax Deeds for 2015 were reviewed in detail. The Board agreed that all properties in which over \$1,000 is owed, other than those that require a waiver will be deeded if not paid.

Action: Selectman Sheldon moved to deed all properties in which over \$1,000 is owed with the exception of properties that require a waiver for bankruptcies, hazardous material or IRS lien. Selectman Greco seconded. Motion passed 4-0.

5. NEW BUSINESS

Bids for Town Hall Repair

Mr. Boisvert is in receipt of three bids for Town Hall repairs including siding and completion of the window replacements. Mr. Boisvert would like the chosen vendor to work consistently to finish the work all at once versus leaving to attend to other jobs. The Selectmen reviewed the bids and agreed to award the bid to Energy Improvements. Mr. Jodoin questioned the cost of \$2,200 to strip and dispose of the existing and if it's a fixed price. Mr. Boisvert replied yes.

Action: Selectman Sheldon moved to approve the contract with Energy Improvements for a sum not to exceed \$25,000 and to authorize the Town Administrator to sign the document. Selectman Crockwell seconded. Motion passed 4-0.

The front door to Town Hall was discussed as it needs to be replaced. Several issues and options were discussed. Mr. Jodoin has requested quotes and will add this item to a future meeting agenda.

Authorize 2015 Hazard Mitigation Plan update Contract

Action: Selectman Sheldon moved to approve the Pembroke Hazard Mitigation Plan Update for 2016. Selectman Crockwell seconded. Motion passed 4-0.

The Selectmen signed the document.

Resident's Request to Install Plantings

Mr. Jodoin is in receipt of a request from several residents from Jacks Drive to install bushes and flowering plant to the cul-de-sac area. After discussion, the Selectmen were in agreement with the plantings but with restrictions.

Action: Selectman Sheldon moved to approve the request for the residents of Jacks Drive to install shrubs and flowering plants in the cul-de-sac area. The plantings will be of a specified size/height as well as other restrictions determined by the Town Administrator. This motion is contingent upon the Jacks Drive residents providing a written guarantee that they will maintain the area at all times. If there comes a time when the area is not maintained, the Town will re-review this decision and possibly take back maintenance of the area which would include mowing only. Selectman Crockwell seconded. Motion passed 4-0.

Sewer Request to Waive Fee

The Sewer Commission was present to request that the Town waive the fee of \$340 associated with filing an appeal to the Zoning Board of Adjustment (ZBA) regarding an Administrative Decision. This issue pertains to a building permit for 12-14 Broadway Street that was issued by the Code Enforcement Officer to authorize the construction of bedroom on the third floor. In the past, there was a ZBA decision prohibiting the owner from making the third floor into a rental unit. The Sewer Commission is concerned that a rental unit will be constructed versus a bedroom and want to be sure that this is added to the ZBA's Notice of Decision. They feel that the way the building permit was written is incorrect and they should not have to pay the fees associated with the hearing. Ms. Malo indicated that the original Notice of Decision by the ZBA prohibiting another rental unit at the property cannot be located.

Mr. Jodoin stated that the Code Enforcement Officer has told the owner of the property that there is an appeal pending therefore he must not begin renovations. After discussion, it was the general feeling of the Selectmen that no appeal is required as the homeowner doesn't appear to be building a rental unit on the third floor.

Action: Selectman Crockwell moved to waive the fee of \$340 associated with the Sewer Commission filing an appeal to the ZBA. Selectman Sheldon seconded. Motion failed 1-3. Selectman Crockwell voted yes.

Manifest/Abatements

Action: Selectman Sheldon moved to approve the Manifest and Abatements as presented. Selectman Greco seconded. Motion passed 4-0.

Minutes 6/15/2015

Action: Selectman Greco moved to approve the minutes of 6/15/2015 as presented. Selectman Sheldon seconded. Motion passed 4-0.

Non-Public Minutes

Action: Selectman Greco moved to approve the non-public minutes of 5/4/2015, 5/18/15 6/15/15 Session 1, and 6/15/15 Session 2 as presented. Selectman Crockwell seconded. Motion passed 4-0.

6. TOWN ADMINISTRATOR REPORT

Mailboxes and other structures located along Pembroke Street that impede sidewalk usage were discussed. Selectman Sheldon suggested that simple mailboxes are installed with galvanized poles with sleeves as well as a pin to stop rotation of the mailbox. Mr. Jodoin will ask Mr. Boisvert follow up. The Selectmen agreed that this issue must be addressed immediately as the Town is not in compliance with ADA regulations. It was agreed to send a notice to all residents on Pembroke Street that any mailbox or other structure in the sidewalk must be moved by September 1, 2015.

Action: Selectman Greco moved to notice all residents on Pembroke Street, via certified mail, that any mailbox or other structure in the sidewalk must be moved by September 1, 2015. Selectman Crockwell seconded. Motion passed 4-0.

The Selectmen briefly discussed a parcel of property owned by Pembroke Meadows, LLC, which was to be a sub division that was never built. A Quit Claim Deed was prepared by the Town Attorney for Board signatures which must be notarized.

Action: Selectman Sheldon moved to approve and sign the Quit Claim Deed to deed the above mentioned parcel back to Pembroke Meadows LLC. Selectman Greco seconded. Motion passed 4-0.

The Selectmen signed the document and Alane Rapazza, Recording Secretary/Notary, notarized each of the Selectmen's signatures.

Unregistered dogs were discussed.

Action: Selectman Sheldon moved to proceed with the process of summoning those residents with unregistered dogs. Selectman Crockwell seconded. Motion passed 5-0.

Mr. Jodoin reviewed the audit that was performed at the playground area at Memorial Field. Most issues can be addressed by the Department of Public Works however a new surface will be required where the swings are. This will be added to Recreation's CIP requests as there are not enough funds in their budget to cover the expense and any utilization of their Capital Reserve fund must be approved at Town Meeting.

Mr. Jodoin reviewed the letter he prepared, as requested by the Board, to send to the Gladu's regarding their request to remove a tree from their property due to the possible damage that will be caused to the tree during construction. The Selectmen denied this request but will provide a two year warrantee in the event the tree does in fact sustain damage,

Correspondence from Fish and Game regarding concerns with the Loop Road was reviewed. Mr. Jodoin will forward the correspondence to Ken Rhodes.

Correspondence from Dana Carlucci regarding utilizing space at 4 Union Street for storage of Town files was briefly reviewed. No decision had been made to move the files. The Selectmen will take Mr. Carlucci's suggestions under advisement.

7. COMMITTEE REPORTS

Selectman Crockwell noted that the CIP Committee met on July 1st. Gerry Fleury was elected Chair, and Rosemarie Michaud, Vice Chair. They will meet with the Fire Department at the Safety Center on July 8th.

8. OTHER/CITIZEN COMMENT

None

9. **NON PUBLIC RSA 91-A:3 II (c) Matters of which, if discussed in public, would likely effect the reputation of any person, other than a members of the public body itself, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver fee, fine or other levy, if based on inability to pay or poverty of the applicant.**

Action: Selectman Crockwell moved, and seconded by Selectman Sheldon, to enter into non-public session in accordance with RSA 91-A: 3 II (c) at 8:54 PM.

Roll Call Vote
Chairman Justine Courtemanche (yes)
Selectman David Sheldon (yes)
Selectman Vincent Greco (yes)
Selectman Michael Crockwell (yes)
Vote: Unanimous

The Selectmen came out of non-public session at 9:22 PM and noted that the minutes had been sealed.

10. **ADJOURNMENT**

Action: Selectman Greco moved to adjourn the meeting at 9:23PM. Selectman Crockwell seconded. Motion passed 4-0.

Accepted by the Board of Selectmen

Justine Courtemanche, Chair