

**MINUTES
BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
February 17, 2015 at 6:30 PM**

Present: Chairman Justine Courtemanche; Vice Chairman Fred Kline; Selectman Vincent Greco;
Selectman Michael Crockwell

Staff: David Jodoin, Town Administrator

Excused: Selectman David Sheldon

1. CALL TO ORDER

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

2. CITIZENS COMMENT

None

3. SCHEDULED MEETINGS

Public Hearing TIF Bond

Chairman Courtemanche opened the public hearing at 6:33 PM. Selectman Kline summarized the purpose and intent of the TIF Bond. He explained that the bond, in the amount of up to \$4 million, is to cover expenses for the completion of the loop road/Cooperative Way project. By building this road it will provide opportunities for further development in the area. Further, there is a possible grant through the Comprehensive Economic Development Strategy (CEDS) that may become available and if received, will be used to reduce the amount of the bond. The project is expected to be sent out to bid this summer with construction to begin in 2016.

Arthoen Wolf, 549 Pembroke Street, asked for a more in depth review. Selectman Kline provided a brief history of the TIF District as well as a more detailed review of the area.

Margaret Heideman, 549 Pembroke Street, asked about traffic on Manchester Street. Selectman Kline explained that most of any additional traffic will be Associated Grocers between 11:00 AM and 3:00 PM.

There being no further comments, Chairman Courtemanche continued the public hearing to February 23, 2015 at 6:30 PM.

Dana Carlucci – Union Street Security Deposits

Mr. Carlucci informed the Board that two tenants vacated 4 Union Street at the end of January. He is requesting approval to use the tenants' security deposits as January's rent. If the Selectmen agree, he requested that a letter be sent to both tenants stating that their security deposit will be used for this purpose. The space is currently being advertised on Craigslist.

Action: Selectman Kline moved to approve the request to accept security deposits as last month's rent for Atomic Real Estate and Stewart Insurance who have vacated 4 Union Street. Selectman Crockwell seconded. Motion passed 4-0.

Noise Complaint

Drew Drummond, Clean Energy, provided extensive details on the sound study they performed on October 30, 2014. He explained that Clean Energy has been operating since July, 2014. A preliminary sound study was done during the planning process in May, 2013. Mr. Drummond used this study as a comparison to the current study. Sound tests were performed during daytime and nighttime hours with 40-45 degree weather, wind speed, and background with traffic noise were taken into consideration. Five locations were used for the study. The current study shows minor increases in the average ambient sound as follows: night/early morning preconstruction was .47 dba, and .52 dba currently; and daytime with traffic measured .68 dba preconstruction and .72 dba currently. There are variances between operating hours versus non-operating hours including 3-7 dba to the west, north, south, east, and 0-1 dba at some abutting properties. The primary dominant source of the increase was truck traffic. Further, the sound attenuation is the reduction of decibel level (-6 dba) when one moves away from the source. The conclusion of the study shows minimal adjustments of 0-7 dba. This is within range of what was presented to the Planning Board during the permitting process and is well within the range of the Federal Highway Administration guidelines which is within a 15 dba range.

Mr. Drummond further explained recent measures Clean Energy has taken to reduce noise including the installation of a vent silencer (muffler system), increased fence height by 3 feet, and installation of slats on fences. Additionally, canopies have been installed over the air compressor and switch gear. Current volume due to winter months has been reduced and adjustments have been made to their operating hours. Operations will increase after winter however Clean Energy feels that the updates they have made will help with noise reduction. They intend to continue to review.

Mr. Drummond spoke to the residents present who reside at 549 Pembroke Street stating that Clean Energy would like to work with them to resolve the issues they are experiencing including possible sound proofing their windows. This however would be an issue between Clean Energy and the residents and would require no Town involvement.

Lori Ripley, 549 Pembroke Street, appreciates that the sound levels are within the limits however this does not help them with the noise issues they are experiencing.

Selectman Kline provided an overview of the Noise Ordinance stating that the intent of the ordinance was geared toward residential property, not commercial. He explained that a committee has been formed to look at the ordinance to address commercial noise. Changes to the ordinance, if any, would not take place until the 2016 Town Meeting. Changes could also be made to zoning regulations so as to not affect current businesses. Ms. Ripley and Ms. Wolf both expressed interest in participating on the committee.

Arthoen Wolf, 549 Pembroke Street, appreciates that efforts are being made to reduce noise. She stated that the issue is not only with the sound level but the continuation of the sound particularly at night. She stated that she has noticed a difference recently with the nighttime noise. Ms. Wolf asked if her property is zoned commercial. Selectman Kline replied that her property is considered mixed use. Various types of businesses could be allowed at her property dependent upon zoning regulations.

Margaret Heideman, 549 Pembroke Street, appreciates efforts Clean Energy is making to reduce noise and that progress is being made.

4. OLD BUSINESS

Ammy Heiser – Conservation Commission Town Owned Land

Ms. Heiser was present to discuss five Town owned properties that the Conservation Commission is interested in purchasing: Sixth Range Road, 5.6 acres; Seventh Range Road, 6 acres; Cross Country Road, 17.5 acres; Cross Country Road, 14 acres; and North Pembroke Road, 25 acres. She explained that these properties provide good wildlife habitat and resource value. She indicated that the Town is currently at only 4% conservation land.

The Conservation Commission's intent, if approved, is to purchase these properties, and to pay all expenses owed to the Town pertaining to them. The Conservation Commission currently has \$175,000 to purchase land.

Selectman Crockwell inquired as to the sale of the buildable lot on Beacon Hill that was part of a purchase made by the Conservation Commission. Ms. Heiser indicated that she continues to research the logistics of selling the lot with legal counsel.

Jay Bilodeau, 5 Howard Street, expressed interest in possibly purchasing Town owned land.

The Selectmen discussed this at length. Selectman Kline feels that any Town asset should be sent out to bid. It was agreed to discuss this further at the next regularly scheduled Board of Selectmen meeting.

Ms. Heiser brought up for discussion an issue with Conservation property referred to as the Butterfield lot. This lot was inspected by Ron Klemarczyk, Consultant Forester. Mr. Klemarczyk has determined that 4.2 acres of this lot is infested with red pine scale. Currently, infestation is in the early stages however he suggested harvesting the trees now in order to save timber value. Further, harvesting the diseased trees during winter is the best way to keep the red pine scale from spreading. He indicated in his report that the timber currently has value of approximately \$1,000 however if this is postponed until next year, infestation will most likely occur and the timber will have no value. Ms. Heiser stated that she knows of a logger who can remove the trees next week and she is requesting that the Town waive the bid process. She stated that Mr. Klemarczyk will provide an intent to cut form to the Town.

Action: Selectman Greco moved to approve cutting the trees within the 4.2 acre area lot noted above and to waive the bid process. Selectman Kline seconded. Motion passed 4-0.

5. NEW BUSINESS

Posting of Town Warrant and DRA MS-737

Action: Selectman Kline moved to accept and approve the 2015 Town Warrant and DRA MS-737 for posting. Selectman Crockwell seconded. Motion passed 4-0.

The Selectmen signed the documents.

Manifest/Abatements

Chairman Courtemanche questioned a purchase by the Fire Department for 50 pounds of all purpose floor absorbent. Mr. Jodoin explained that this item is used for hazmat spills and clean up.

Selectman Kline questioned the invoice to Above All Collision in the amount of \$6,708. Mr. Jodoin explained that this payment represents the damage done to the cruiser by Public Works. The insurance company paid the settlement to the Town therefore the Town must pay Above All Collision for the repair work

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

Minutes 2/5/2015

Action: Selectman Kline moved to approve the Minutes of 2/5/2015 as presented. Selectman Crockwell seconded. Motion passed 4-0.

6. TOWN ADMINISTRATOR REPORT

The Selectmen discussed who would speak to each article on the Warrant at Town Meeting. It was agreed that Selectman Kline will speak to Articles 3, 4, and 11; Mr. Jodoin, Articles 5, 6, and 7; Jim Garvin, Article 8; Selectman Greco, Article 9; and Dan Crean, Article 10.

Mr. Jodoin requested that the Selectmen ratify a vote previously taken.

Action: Selectman Kline moved to ratify the vote previously taken via email to authorize Selectman Kline to send a letter to Grace Capital Church on behalf of the Town of Pembroke requesting right of way for the improvements included in the loop road/Cooperative Way project. Selectman Crockwell seconded. Motion passed 4-0.

Mr. Jodoin indicated that Mike Vignale expects to have a draft for the permanent school drainage easements for the Pembroke Hill Road project by next week.

Mr. John Thurner, Pembroke Fire Department, has been nominated for Forest Ranger.

Mr. Jodoin received a violation notice that soil testing at the landfill has not been done. This is typically performed by Ray Korber, KV Partners. Mr. Jodoin will follow up with Jim Boisvert.

Correspondence was received by Alys Southall, Hooksett Banner, requesting input from Chairman Courtemanche on why people choose to participate in local government.

Mr. Jodoin indicated that he will contact Legal for input on a property that is on the deeding list.

Mr. Jodoin informed the Board that the Town was audited by the Department of Labor. He outlined several violations that were noted at various departments.

One violation in particular at the DPW is the inaccurate record of hours, rounding of hours, and the manual altering of hours. Because of the inaccurate record of hours, an employee at the DPW is owed \$690.40 and training hours owed for Fire Department personnel amounts to \$25,501.57. Both of these are retroactive for one year and include 7.65% for Social Security and Medicare. Mr. Jodoin expects to receive written notification of these violations in 7-10 days.

There was a lengthy discussion regarding residents plowing snow from their yards into Town roads, sidewalks etc., or onto other resident's property. The Police Department recently hand delivered ordinance violation notices to a list of residents provided by the Director of Public Works as the Town Ordinance states that snow cannot be deposited onto Town roadways, sidewalks, etc. It was not clear how the Department of Public Works received the violation information. The majority of the Board felt that if a resident pushes snow on someone else's property it becomes a civil matter. Poor visibility from high snowbanks was also discussed.

Action: Selectman Kline moved to request that Mr. Jodoin educate department heads on the clarity of the Town Code pertaining to snow removal including onto Town property as well as what constitutes civil issues. Selectman Greco seconded. Motion passed 3-1. Chairman Courtemanche voted no.

The Board of Selectmen will hold the last public hearing the proposed TIF Bond on February 23rd at 6:30 PM. This will be the only item on the agenda.

7. COMMITTEE REPORTS

Selectman Kline brought up for discussion the process of the sale of the mailing list of Pembroke residents which can be printed on labels for a cost of \$30. He indicated that Steve Creed, Associated Grocers, is requesting a list of only registered voters in an effort to provide information regarding the loop road. Selectman Kline asked if the cost should be higher or lower. Further, he explained that Linda Williams was easily able to pull up a list of actual voters from last year. He asked the Board's opinion on what, if any, should be charged for the shorter list.

Action: Selectman Greco moved to supply the voter list to Associated Grocers at no charge. No second.

Action: Selectman Kline moved to charge Associated Grocers a modified fee of \$10 for labels containing the list of actual voters in Pembroke. Selectman Crockwell seconded. Motion passed 4-0.

The Selectmen agreed that the cost for this service should be reviewed for future requests. Selectman Kline suggested possibly providing the list only, no labels.

Chairman Courtemanche reported that the Budget Committee held their public hearing and that only 2-3 people not employed by Town or School were present. No cuts were made to the Town budget and only minor cuts were made to the School District budget.

8. OTHER/CITIZEN COMMENT

Jay Bilodeau, 5 Howard Street, was present to discuss dumping snow at Memorial Field and if he is allowed to do so. Mr. Jodoin indicated that the Department of Public Works has historically been allowing Town contractors, residents, and private haulers to dump snow at Memorial Field. Mr. Jodoin noted several issues that could arise from this including potential damage from large trucks continually using the newly paved roadway, the contents (including possible environmental problems) within the snow which will not be evident until it thaws, and regulating who is authorized to dump snow there and who is not. Another issue is that the snow is dumped then the Department of Public Works must move the snow to another location.

This issue was discussed at length with the following action taken.

Action: Selectman Crockwell moved that effective immediately only Town contractors removing Town snow or the Town itself will be allowed to dump snow at Memorial Field; commercial haulers and residents will not be permitted. Selectman Greco seconded. Motion passed 3-1. Selectman Kline voted no.

9. NON PUBLIC

None

10. ADJOURNMENT

Action: Selectman Kline moved to adjourn the meeting at 9:11 PM. Selectman Greco seconded. Motion passed 4-0.

Accepted by the Board of Selectmen

Justine M. Courtemanche, Chair