

AGENDA
BOARD OF SELECTMEN
March 1, 2023 AT 6:30 PM
Pembroke Town Hall, Paulsen Room

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Public Hearing Senate Bill 2
 - b. Jerrica Lee Bell Building permit request 114-145 Seventh Range Road
 - c. Tom Serafin Town Meeting Discussion
 - d. Matt Miller Energy Committee – Registration Letter
- IV. OLD BUSINESS:
 - a. 2020 Tax Deeds
- V. NEW BUSINESS:
 - a. Chief Gagnon – Compressor purchase
 - b. Discussion of Warrant Articles
 - c. Site Restoration Bond Greens at Pembroke Pines
 - d. Manifest/Abatements
 - e. Minutes 2/15/23
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. ADJOURN

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 40

GOVERNMENT OF TOWN MEETING

Optional Form of Meeting-Official Ballot Referenda

Section 40:13

40:13 Use of Official Ballot. –

I. Notwithstanding RSA 39:3-d, RSA 40:4-e, or any other provision of law, any local political subdivision as defined in RSA 40:12 which has adopted this subdivision shall utilize the official ballot for voting on all issues before the voters.

II. The warrant for any annual meeting shall prescribe the place, day and hour for each of 2 separate sessions of the meeting, and notice shall be given as otherwise provided in this section. Final budgets and ballot questions shall be printed in the annual report made available to the legislative body at least one week before the date of the second session of the annual meeting.

II-a. Notwithstanding any other provision of law, all local political subdivisions which adopt this subdivision, who have not adopted an April or May election date under RSA 40:14, X, shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in January.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in January, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in January. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in January.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in January.

II-b. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in April shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting.

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in February.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in February, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in February. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or

any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in February.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in February.

II-c. Notwithstanding any other provision of law, all political subdivisions which hold their annual meetings in May shall comply with the following schedule pertaining to notice, petitioned articles, hearings, and warrants for the annual meeting:

(a) The final date for posting notice of budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be the second Tuesday in March.

(b) The "budget submission date" as defined in RSA 273-A:1, III and the final date for submission of petitioned articles under RSA 39:3 and RSA 197:6 shall be the second Tuesday in March, provided however, that if a petitioned article proposes a bond governed by RSA 33:8-a, the deadline shall be the preceding Friday.

(c) Budget hearings under RSA 32:5 and RSA 195:12 and hearings under RSA 33:8-a shall be held on or before the third Tuesday in March. One or more supplemental budget hearings may be held at any time before the first session of the annual meeting, subject to the 7-day notice requirement in RSA 32:5. If the first hearing or any supplemental hearing is recessed to a later date or time, additional notice shall not be required for a supplemental session if the date, time, and place of the supplemental session are made known at the original hearing. In a political subdivision that has adopted a municipal budget committee pursuant to RSA 32:14, the last day for the budget committee to deliver copies of the final budget and recommendations to the governing body pursuant to RSA 32:16, IV shall be the Thursday before the last Monday in March.

(d) Warrants under RSA 39:5 and RSA 197:7 and budgets shall be posted and copies available to the general public on or before the last Monday in March.

II-d. The voter checklist shall be updated in accordance with RSA 669:5 for each session of the annual meeting.

III. The first session of the annual meeting, which shall be for the transaction of all business other than voting by official ballot, shall be held between the first and second Saturdays following the last Monday in January, inclusive of those Saturdays; between the first and second Saturdays following the last Monday in February, inclusive of those Saturdays; or between the first and second Saturdays following the last Monday in March, inclusive of those Saturdays at a time prescribed by the local political subdivision's governing body.

IV. The first session of the meeting, governed by the provisions of RSA 40:4, 40:4-a, 40:4-b, 40:4-f, and 40:6-40:10, shall consist of explanation, discussion, and debate of each warrant article, including warrant articles pertaining to the operating budget and the default budget. A vote to restrict reconsideration shall be deemed to prohibit any further action on the restricted article until the second session, and RSA 40:10, II shall not apply. Warrant articles may be amended at the first session, subject to the following limitations:

(a) Warrant articles whose wording is prescribed by law shall not be amended.

(b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended.

(c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph.

V. [Repealed.]

V-a. The legislative body of any town, school district, or village district may vote to require that all votes by an advisory budget committee, a town, school district, or village district budget committee, and the governing body or, in towns, school districts, or village districts without a budget committee, all votes of the governing body relative to budget items or any warrant articles or ballot questions shall be recorded votes and the numerical tally of any such vote shall be printed in the town, school district, or village district warrant next to the affected warrant article or on the ballot next to the affected ballot question. Unless the legislative body has voted otherwise, if a town or school district has not voted to require such tallies to be printed in the town or school district warrant next to the affected warrant article or on the ballot next to the affected ballot question, the governing body may do so on its own initiative.

VI. All warrant articles shall be placed on the official ballot for a final vote, including warrant articles as amended by the first session. All special warrant articles shall be accompanied on the ballot by

recommendations as required by RSA 32:5, V, concerning any appropriation or appropriation as amended. For any article that proposes the adoption or amendment of an ordinance, a topical description of the substance of the ordinance or amendment, which shall be neutral in its language, may be placed on the official ballot instead of the full text of the ordinance or amendment, subject to the provisions of paragraphs VII-a and VIII-a. With respect to the adoption or amendment of a zoning ordinance, historic district ordinance, or building code, the provisions of RSA 675:3 shall govern to the extent they are inconsistent with anything contained in this paragraph or in paragraph VII-a or VIII-a.

VII. The second session of the annual meeting, which is the official ballot voting day as defined in RSA 652:16-g, to elect officers of the local political subdivision by official ballot, to vote on questions required by law to be inserted on said official ballot, and to vote on all warrant articles from the first session on official ballot, shall be held on the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May, as applicable unless it is postponed in accordance with RSA 40:4, II(b) and RSA 669:1. Notwithstanding RSA 669:1, 670:1, or 671:2, the second session shall be deemed the annual election date for purposes of all applicable election statutes including, but not limited to, RSA 669:5, 669:19, 669:30, 670:3, 670:4, 670:11, 671:15, 671:19, and 671:30 through 32; and votes on zoning ordinances, historic district ordinances, and building codes under RSA 675.

VII-a. When a topical description of the substance of a proposed ordinance or amendment to an ordinance is to be placed on the official ballot, an official copy of the proposed ordinance or amendment, including any amendment to the proposal adopted the first session, shall be placed on file and made available to the public at the office of the clerk of the political subdivision not later than one week prior to the date of the second session of the annual meeting. An official copy of the proposed ordinance or amendment shall be on display for the voters at the meeting place on the date of the meeting.

VIII. The clerk of the local political subdivision shall prepare an official ballot, which may be separate from the official ballot used to elect officers, for all warrant articles. Wording shall be substantively the same as the main motion, as it was made or amended at the first session, with only such minor textual changes as may be required to cast the motion in the form of a question to the voters.

VIII-a. A question as to the adoption or amendment of an ordinance shall be in substantially the following form: "Are you in favor of the adoption of (amendment to) the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed ordinance or amendment)?" In the event that there shall be more than a single proposed amendment to an ordinance to be submitted to the voters at any given meeting, the issue as to the several amendments shall be put in the following manner: "Are you in favor of the adoption of Amendment No. ____ to the ordinance as proposed by the selectmen as follows: (here insert text or topical description of proposed amendment)?"

IX. (a) " Operating budget " as used in this subdivision means " budget, " as defined in RSA 32:3, III, exclusive of " special warrant articles, " as defined in RSA 32:3, VI, and exclusive of other appropriations voted separately.

(b) " Default budget " as used in this subdivision means the amount of the same appropriations as contained in the operating budget authorized for the previous year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the operating budget and by salaries and benefits of positions that have been eliminated in the proposed budget. For the purposes of this paragraph, one-time expenditures shall be appropriations not likely to recur in the succeeding budget, and eliminated positions shall not include vacant positions under recruitment or positions redefined in the proposed operating budget, as determined by the governing body, unless the provisions of RSA 40:14-b are adopted, of the local political subdivision. In calculating the default budget amount, the governing body shall follow the statutory formula which may result in a higher or lower amount than the proposed operating budget.

(c) " Contracts " as used in this subdivision means contracts previously approved, in the amount so approved, by the legislative body in either the operating budget authorized for the previous year or in a separate warrant article for a previous year.

X. If no operating budget article is adopted, the local political subdivision either shall be deemed to have approved the default budget or the governing body may hold a special meeting pursuant to paragraph XVI to take up the issue of a revised operating budget only; provided that RSA 31:5 and RSA 197:3 shall not apply to such a special meeting. If no operating budget article is adopted the estimated revenues shall nevertheless be deemed to have been approved.

XI. (a) The default budget shall be disclosed and presented for questions and discussion at the first budget hearing held pursuant to RSA 32:5 or RSA 197:6. The governing body, unless the provisions of RSA 40:14-b are adopted, shall complete a default budget form created by the department of revenue administration to demonstrate how the default budget amount was calculated. The line item details for changes under subparagraph (2) shall be available for inspection by voters. The form and associated calculations shall, at a minimum, include the following:

- (1) Appropriations contained in the previous year's operating budget;
- (2) Reductions and increases to the previous year's operating budget including identification of specific items that constitute a change by account code, and the reasons for each change;
- (3) One-time expenditures as defined under subparagraph IX(b); and
- (4) Reductions for eliminated positions and benefit expenditures as defined under subparagraph IX(b).

(b) This amount shall not be amended by the legislative body. However, this amount may be adjusted by the governing body, unless the provisions of RSA 40:14-b are adopted, acting on relevant new information at any time before the ballots are printed, provided the governing body, unless the provisions of RSA 40:14-b are adopted, completes an amended default budget form.

(c) The wording of the second session ballot question concerning the operating budget shall be as follows: "Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$ _____? Should this article be defeated, the default budget shall be \$ _____, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

XI-a. If a political subdivision maintains a separate fund for the revenues and expenditures related to the operation, maintenance, and improvement of a water or sewer system, and if any appropriation for such fund is to be raised through user fees or charges and is included in a warrant article separate from the operating budget, the warrant article may include a default amount for such appropriation, which shall be deemed to have been approved if the proposed appropriation is not approved. The default amount shall be determined by the governing body, or by the budget committee if the political subdivision has adopted the provisions of RSA 40:14-b, and shall equal the amount of the same appropriation for the preceding fiscal year, reduced and increased, as the case may be, by debt service, contracts, and other obligations previously incurred or mandated by law, and reduced by one-time expenditures contained in the previous year's appropriation. The warrant article shall state the default amount for the appropriation and shall state that if the appropriation proposed in the article is not approved, the default amount shall be deemed to have been approved.

XII. Voting at the second session shall conform to the procedures for the nonpartisan ballot system as set forth in RSA 669:19-29, RSA 670:5-7 and RSA 671:20-30, including all requirements pertaining to absentee voting, polling place, and polling hours.

XIII. Approval of all warrant articles shall be by simple majority except for questions which require a 2/3 vote by law, contract, or written agreement.

XIV. Votes taken at the second session shall be subject to recount under RSA 669:30-33 and RSA 40:4-c.

XV. Votes taken at the second session shall not be reconsidered.

XVI. The warrant for any special meeting shall prescribe the date, place and hour for both a first and second session. The second session shall be warned for a date not fewer than 28 days nor more than 60 days following the first session. The first and second sessions shall conform to the provisions of this subdivision pertaining to the first and second sessions of annual meetings. Special meetings shall be subject to RSA 31:5, 39:3, 195:13, 197:2, and 197:3, provided that no more than one special meeting may be held to raise and appropriate money for the same question or issue in any one calendar year or fiscal year, whichever applies, and further provided that any special meeting held pursuant to paragraphs X and XI shall not be subject to RSA 31:5 and RSA 197:3 and shall not be counted toward the number of special meetings which may be held in a given calendar or fiscal year.

XVII. Notwithstanding any other provision of law, if the sole purpose of a special meeting is to consider the adoption, amendment, or repeal of a zoning ordinance, historic district ordinance, or building code pursuant to RSA 675, including the adoption of an emergency zoning and planning ordinance pursuant to RSA 675:4-a, the

meeting shall consist of only one session, which shall be for voting by official ballot on the proposed ordinance, code, amendment, or repeal. The warrant for the meeting shall be posted in accordance with RSA 39:5.

Source. 1995, 164:1, eff. July 31, 1995. 1996, 276:1, 2, eff. June 10, 1996. 1997, 318:4, 5, 12, eff. Aug. 22, 1997. 1999, 86:1-3, eff. Aug. 2, 1999. 2000, 16:2, 3, 4, 5, eff. April 30, 2000. 2001, 71:5-7, eff. July 1, 2001. 2004, 219:1, eff. Aug. 10, 2004. 2007, 305:2, eff. Sept. 11, 2007. 2009, 2:2, eff. Feb. 20, 2009. 2010, 69:1, eff. July 18, 2010; 90:2-4, eff. July 24, 2010. 2011, 1:1, eff. Feb. 4, 2011; 57:1, eff. May 9, 2011. 2012, 217:2, eff. July 1, 2013. 2013, 116:1-3 eff. Aug. 24, 2013; 191:2, eff. Aug. 31, 2013. 2014, 7:1-4, eff. July 5, 2014; 190:1-3, 8-10, eff. Sept. 9, 2014. 2018, 241:1, 2, eff. Aug. 11, 2018; 313:1, 2, eff. Aug. 24, 2018. 2019, 192:2, eff. July 10, 2019.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 40

GOVERNMENT OF TOWN MEETING

Optional Form of Meeting-Official Ballot Referenda

Section 40:14

40:14 Method of Adopting Official Ballot Referendum Form of Meeting. –

I. This subdivision may be adopted by any local political subdivision as defined in RSA 40:12. A 3/5 majority of those voting on the question shall be required to adopt this subdivision. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

II. Adoption of this subdivision shall be deemed to constitute a vote to conduct the election of town officers by official ballot under RSA 669:14.

III. The local political subdivision shall place the question on the warrant of the annual meeting under the procedures set out in RSA 39:3 or RSA 197:6. Voting on the question shall be by ballot, but the question shall not be placed on the official ballot used to elect officers. Polls shall remain open and ballots shall be accepted by the moderator for a period of not less than one hour following the completion of discussion on the question.

IV. A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town and at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

V. The wording of the question shall be: "Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the (local political subdivision) on the second Tuesday of (month)?"

VI. If a 3/5 majority of those voting on the question vote "yes," RSA 40:13 shall apply within the local political subdivision at the annual or special meeting next following. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

VII. Any local political subdivision which has adopted RSA 40:13 may consider rescinding its action in the manner described in paragraphs III-VI, except that the question shall be placed on the official ballot. The wording of the question shall be: "Shall we rescind the provisions of RSA 40:13 (known as SB 2), as adopted by the (local political subdivision) on (date of adoption), so that the official ballot will no longer be used for voting on all questions, but only for the election of officers and certain other questions for which the official ballot is required by state law?" A 3/5 majority of those voting on the question shall be required to rescind the provisions of this subdivision, except in the case of repeal by charter enactment under RSA 49-D. Only votes in the affirmative or negative shall be included in the calculation of the 3/5 majority.

VIII. For any town which has adopted a charter under RSA 49-D:3, the method of adoption shall be the manner of amending the charter as provided under RSA 49-B.

IX. In the event that an alternative method for the adoption of official ballot voting exists under the laws of this state, then once the requirements are met for inclusion of the question on the warrant for annual meeting of whether to adopt this subdivision, neither the governing body nor the legislative body shall commence action to adopt official ballot voting through such alternative method until a final vote is taken on the warrant article. If procedures have been initiated to adopt official ballot voting under an alternative law of this state, then neither the governing body nor the legislative body shall commence action to adopt this subdivision until such alternative procedures are exhausted.

X. In a local political subdivision which has not adopted RSA 40:13 and in which the adoption of RSA 40:13 is to be voted on, the question shall specifically state whether the date for local elections and the second session shall be the second Tuesday in March, the second Tuesday in April, or the second Tuesday in May.

XI. A local political subdivision which has adopted the provisions of RSA 40:13 may change the date for local elections and the second session as follows:

(a) The question may be inserted on the warrant for either an annual or special meeting, either by the local governing body or by petition under RSA 39:3 or RSA 197:6.

(b) A public hearing shall be held by the local governing body on the question at least 15 days, but not more than 30 days, before the question is to be voted on. In multi-town districts, a public hearing shall be held in each town embraced by the district, none of which shall be held on the same day. Notice of the hearing shall be posted in at least 2 public places in the town, or in at least 2 public places in each town of multi-town districts, and published in a newspaper of general circulation at least 7 days prior to the date of the hearing.

(c) The wording of the question shall be substantially similar to the following: "Shall we change the date for elections and the second session from the second Tuesday in _____ to the second Tuesday in _____, which would change the date for the first session to a date between the first and second Saturdays after the last Monday in _____, inclusive?"

(d) A simple majority in the affirmative of those voting on the question shall be required to change the date; provided, however, that if the question appears on the ballot for a multi-town school district, the vote in each town or city comprising the district shall be tallied separately, and this section shall not be deemed adopted by the district unless it receives a majority vote from each and every such town and city, tallied separately. Only votes in the affirmative or negative shall be included in the calculation of the majority.

(e) A vote to change the dates of the meeting shall apply to the annual meeting next following the vote.

Source. 1995, 164:1, eff. July 31, 1995. 1997, 318:6, 7, 8, eff. Aug. 22, 1997. 1999, 34:1, 2, eff. July 10, 1999. 2000, 16:6, 7, eff. April 30, 2000. 2010, 262:6, eff. Sept. 4, 2010. 2019, 131:1, 2, eff. Aug. 24, 2019.

Frequently Asked Questions about Town and School Annual Meetings

The Keene Sentinel

By Sentinel Staff Feb 2, 2023

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What is a warrant?

The warrant is a list of items, known as “articles,” to be voted on at a town or school district meeting. In a traditional meeting, voters can discuss and amend these warrant articles before voting on them during the annual meeting. In an SB2 town or district, voters can discuss and amend warrant articles at the deliberative session, but the final vote on the articles is only at the polls in March.

What are some differences between SB2 and “traditional” meetings?

Most significantly, voters in SB2 towns and school districts do not sit down together at an annual meeting to discuss, amend and vote on warrant articles, as voters in traditional-meeting communities do.

The only chance SB2 voters have to talk about and make changes to articles is during a deliberative session, which is not held in traditional-meeting communities. Voters at this session decide the final wording of the warrant articles to send on to the March elections at the polls.

Which types of meetings do my town and school district have?

Find your town: <https://bit.ly/3HPJZZu>

Find your school district: <https://bit.ly/3wKEBR4>

When do I vote on zoning amendments and town offices?

Zoning amendments and town offices must be voted on by ballot, even in traditional meeting towns.

What is the deliberative session in SB2 towns and districts?

Also known as the “first session,” it’s the chance for voters to ask questions, debate or make changes to articles on the warrant before the voting in March. At the deliberative session, the warrant is finalized by voters and sent on to the “second session,” which is the March elections.

What is a default budget in SB2 towns and districts?

The default budget is what takes effect if voters reject the budget proposal on the warrant. Generally, the default budget is calculated by taking the previous year’s budget, including debt service, contracts and other obligations, and subtracting that year’s one-time expenses. While there are state guidelines for calculating this budget, some gray areas remain. Voters can discuss and question the default budget, but they cannot make any changes to it at the deliberative session.

The school district or town can also decide to hold a special meeting to vote on a revised budget if the proposal on the warrant is rejected, though this is less common.

Traditional towns and school districts don’t have a default budget, because the budget article is discussed and approved during the sit-down meeting.

Who can put articles on the warrant?

Generally, school boards and selectboards can put articles on the warrants in their school districts and towns.

If a community has an official budget committee, that committee is responsible for putting together the budget warrant article and its recommendations on other warrant articles that spend money.

Residents can also put articles on the warrant; these are known as “petition articles.” These articles have to be submitted in advance and signed by 25 or more registered voters, or 2 percent of the town’s registered voters, whichever is less.

What is an amendment at the deliberative session or traditional town meeting?

An amendment is a change to a warrant article made by registered voters at the meeting. Most amendments require a simple majority of the voters at the meeting to pass. Voters must still vote on the overall article, either to pass the wording on to the final ballot (at a deliberative session) or for the final vote (in traditional meetings).

The threshold for the overall article to pass can vary based on the topic. For example, bond issues require a supermajority of three-fifths, or 60 percent, to pass.

Are there amendments that voters can’t make?

Yes. One of the most important restrictions is that voters can’t change the subject matter of a warrant article. For example, if a voter wanted to change an article about buying a police cruiser to instead buy a fire truck, that wouldn’t be allowed. Everything on the warrant has to be posted publicly before the meeting, so voters know the topics that will come up during the meeting.

Among the other articles voters can’t change are collective bargaining agreements, such as teachers contracts, or zoning amendments. In SB2 towns, voters cannot change the default budget.

What is the “10 percent rule”?

The 10 percent rule applies to towns and school districts that have an official budget committee. In those communities, voters can increase the total amount of money the community appropriates by only 10 percent above what the budget committee recommends (this doesn’t include money for “fixed charges” including bonds or notes).

If a voter adds money to the budget for a specific program or staff member, does that guarantee the money will go there?

No. The school board, for school districts, and the selectboard, for towns, are in charge of spending money. It’s up to the members of these boards — who are elected by voters — whether money gets put toward what voters advocated for or not.

Additional resources:

- www.revenue.nh.gov/mun-prop/municipal/documents/sb2-tech-assistance.pdf
- www.nhmunicipal.org/town-city-article/amendments-warrant-articles-guidance-town-meeting
- www.nhmunicipal.org/town-city-article/16-things-every-citizen-should-know-about-town-meeting
- New Hampshire RSA sections 32, 39, 40
- www.revenue.nh.gov/mun-prop/municipal/sb2-assistance.htm
- www.nhmunicipal.org/town-city-article/municipal-budget-committee-roles-and-responsibilities
- www.nhmunicipal.org/town-city-article/legal-qa-be-aware-traps-town-meeting

NH Department of Revenue Administration
Municipal and Property Division
P.O. Box 487
Concord, NH 03302-0487
(603) 230-5090
www.revenue.nh.gov

TECHNICAL ASSISTANCE For SB2 (Official Ballot Referenda)

What is the official ballot referenda?

It is a form of town meeting that has two sessions. The first session (deliberative session) is for explanation, discussion, debate and amendments to the proposed operating budget and warrant articles. The second session (voting session) allows voters to cast their votes for local elections, zoning articles and all warrant articles.

Why is it referred to as SB2?

The original bill proposing the official ballot referenda was Senate Bill 2 in 1995. Legislation in 2000 made "SB2" the official name for this official ballot referenda form of government.

How does a town adopt the official ballot referenda?

The local governing body must hold a public hearing at least 15 days prior to the question being voted on, (RSA 40:14, IV). The question as worded in RSA 40:14, V, "Shall we adopt the provisions of RSA 40:13 (known as SB2) to allow official ballot voting on all issues before the (insert local political subdivision) on the second Tuesday of (insert Month), is placed on the warrant for the annual meeting. Passage requires a 3/5 majority vote of those voting. At this time the month for holding the second session (voting) can be designated as March, April, or May.

Another form of official ballot voting may be adopted under the charter process under RSA 49-D.

When does it take effect?

It will take effect at the next annual or special meeting. If you are currently SB2 and vote to change the date of the second session to April or May, it will take effect at the next annual meeting [RSA 40:14, XI, (e)].

How will the meeting change? Can opinions still be voiced?

There are a few significant changes that occur. First is the creation of a second session specifically for voting. The deliberative session (first session) is similar to the traditional town meeting but is held earlier. During this meeting, all articles can be explained, discussed, debated and amended. The articles as presented or amended will be placed on the official ballot and voted on at the second session. Most SB2 municipalities hold their first session in late January to early February and voting in March (second session).

See our timelines for the specific dates this year. Another change is the procedure for adopting the budget. The article proposes an operating budget and a default budget (should the proposed operating budget fail). Special and individual warrant articles are separate from the operating budget as prescribed by RSA 40:13, IX. A hearing on the entire budget and default budget must be held prior to posting the warrant and budget in accordance with RSA 40:13, II-a through II-d.

What is a default budget? Is there a special default budget form? Can it be amended?

A default budget is the budget that is adopted when the proposed operating budget fails if a special meeting is not called to reconsider the operating budget. The default budget is the same as last year with certain adjustments. The calculation must be disclosed on a special default operating budget form showing last year's operating budget with adjustments made per RSA 40:13, IX (b). This form is available on our website at www.revenue.nh.gov/munc_prop/municipalservices.htm. The default budget can be adjusted by the governing body (or budget committee under RSA 40:14-b), acting upon relevant new information. This can be done at any time before the ballots are printed, provided an amended default budget form is prepared.

What if the proposed operating budget fails?

If the operating budget fails, the default budget is adopted unless the governing body decides to hold one special meeting to address a revised operating budget. See RSA 40:13, XI.

Who calculates the default budget for SB2 municipalities?

The local governing body calculates the default budget. However, if a town wishes to have the budget committee calculate the default budget, the question can be put before the voters on the warrant for the annual meeting after a public hearing is held on the question. Passage requires a 3/5 majority ballot vote. Required wording per RSA 40:14-b is:

"Shall we adopt the provisions of RSA 40:14-b to delegate the determination of the default budget to the municipal budget committee which has been adopted under RSA 32:14?"

What about reconsideration of special or individual warrant articles?

RSA 40:13, XV does not allow reconsideration on votes cast at the second session.

What is the difference between a special and an individual warrant article?

Special warrant articles as defined in RSA 32:3, VI, are appropriations:

- 1) Submitted by petition; or,*
- 2) Raised by bonds or notes; or,*
- 3) To or from a separate fund created pursuant to law, such as capital reserve funds or trusts funds; or,*
- 4) Designated on the warrant as a special article or as a non-lapsing or nontransferable article.*
- 5) Appropriates an amount for a capital project under RSA 32:7-a*

*A special warrant article must be accompanied **ON THE BALLOT** with a recommendation (for or against) by the governing body and budget committee (if there is one).*

Individual warrant articles are not necessarily the same as "special warrant articles". An example of an individual warrant article might be negotiated cost items for labor agreements or items of a one time nature addressed independent of the operating budget.

Why is it important to distinguish between a "special" or "individual" warrant article? *The required wording for the operating budget in RSA 40:13, XI specifically states that the operating budget does not include any other appropriations including those voted for in special warrant articles and other appropriations voted separately. The wording of these articles determines whether they can be considered part of the default budget next year.*

Can petitioned articles be changed at the first session? *Under current law, petitioned articles can be amended by the first session, however, no new subject matter may be introduced.*

What is the due date for petitioned warrant articles (RSA 39:3 and 197:6) and collective bargaining cost items (RSA 273-A: 1,III) for inclusion in the budget? *For a March meeting, RSA 40:13, II-a, (b) requires a submission date no later than the second Tuesday in January.*

If the collective bargaining warrant article fails, will the court allow a special meeting? *The governing body may insert a warrant article authorizing one special meeting to address negotiated cost items without petitioning the superior court. See our suggested warrant article publication for wording. If an article requesting a special meeting is not put on the warrant or if it is voted down, the governing body may petition the superior court to hold a special meeting.*

What forms need to be completed to set the tax rate? *A list of all documents and their due dates required to set the tax rate can be found on our website. SB2 requires additional documents to verify that all appropriations have been made consistent with procedural requirements of the statutes or are not prohibited by statute. These additional documents are:*

*Signed Minutes from the Deliberative Session;
Signed Official Ballot; and
The Count of the Ballot Votes verified with the town or district clerk's signature.
The verified count could be included on the official ballot.*

How to go back to the old town meeting format. *The Official Ballot Referenda may be rescinded in the same manner as adopted except the wording of the question shall be as prescribed in RSA 40:14, VII. It requires a 3/5 majority vote of those voting to be rescinded.*

Operating Budget Wording for "SB2"

The required wording of the operating budget per RSA 40:13, XI is as follows:

"Shall the (local political subdivision) raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$_____? Should this article be defeated, the default budget shall be \$_____, which is the same as last year, with certain adjustments required by previous action of the (local political subdivision) or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only."

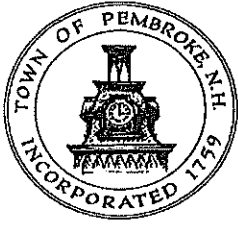
It excludes special warrant articles and other appropriations voted separately. To help voters understand the budget amount and wording presented in this article, we suggest you add a note similar to this:

NOTE: This operating budget warrant article does not include appropriations contained in ANY other warrant articles.

The goal is to make the ballot clear as to what is or is not included in the operating budget. DO NOT use a SWEEP (or all inclusive) article, which is essentially a double vote on some items and contrary to RSA 40:13, XI.

Our Suggested Warrant Article publication offers many examples of warrant article wording along with information that may be useful when considering how an article should be written. This publication, timelines, and numerous other technical publications can be found on our website.

If you have any questions concerning how to perform any of the above steps or to be sure your warrant articles are in proper form, please call the Municipal Bureau at 230-5090.



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275 Tel: 603-485-4747

To: Board of Selectmen

From: Carolyn Cronin, Town Planner

Date: February 15, 2023

Re: Planning Board comments on 674:41 Application, Map 868, Lot 29

At their meeting on Tuesday, February 14th, the Board met with the applicant and reviewed their request for a building permit on a Class VI road (Seventh Range Road).

The Board respectfully offer the following comments for consideration.

1. The Planning Board is comfortable with the issuance of a building permit as long as that section of Seventh Range Road is maintained in a passable condition for reasonable access to the property by emergency equipment.
2. Even though the distance is greater than 200 feet from the intersection of a Class V road, the Board is of the opinion that issuing a building permit for this property would not contribute to sporadic development since the property abuts other developed property.

The Board also respectfully offer the following recommendations, not related to this specific application, but relevant to Class VI road requests in general.

1. The Board requests that the Town Attorney look into any relevant cases or lawsuits related to liability waivers from municipalities. The Board has concerns about the level of legal protection that a homeowner's signed waiver covers the Town in the event a homeowner files a lawsuit for failure of the Town to provide emergency services. Any relevant case law or examples might be informative.
2. The Board recommends that the Selectmen and landowner work in conjunction with DPW on a road maintenance plan to avoid frequent and unnecessary requests to the Selectmen for minor routine road repairs, if possible. The Board has concerns that essential road repairs or routine maintenance may be delayed due to the Selectmen's meeting schedule.

David Jodoin

From: Paul Asenjo <asenjofamily@icloud.com>
Sent: Tuesday, January 24, 2023 12:48 PM
To: David Jodoin
Cc: Paul Bacon
Subject: Request for building permit

Good afternoon David,

I think you are familiar with my issue as you've been copied in on some correspondence. I am requesting a building permit for my property located at 119-145 Seventh Range Rd., Map 868, lot 29, in the R-3 Rural/Agricultural-Residential District. As I understand it, my next step is to request the permit from the Selectmen. Please let me know if I need to submit anything further. Thanks very much for your help.

Jerica-Lee Bell

> On Jan 23, 2023, at 8:15 AM, Paul Asenjo <asenjofamily@icloud.com> wrote:
> Thanks so much! It's good to be back- even with the weather! And I look forward to seeing you tonight.
>
> Jerica-Lee
>
>
>
>
>> On Jan 23, 2023, at 9:54 AM, Paul Bacon <buildinginspector@pembroke-nh.com> wrote:
>>
>> Jerica-Lee,
>>
>> Just bring your own documents to refer to in making your case.
>>
>> We already have the necessary documents for the ZBA to make a decision.
>>
>> See you tonight.
>> Paul
>>
>> Paul Bacon
>> Code Enforcement Officer
>> Town of Pembroke
>> 311 Pembroke St.
>> Pembroke, NH 03275
>> (603) 485-4747 x1214
>>
>> -----Original Message-----
>> From: Paul Asenjo [mailto:asenjofamily@icloud.com]
>> Sent: Monday, January 23, 2023 9:48 AM
>> To: Paul Bacon <buildinginspector@pembroke-nh.com>

David Jodoin

From: Paul Gagnon <pgagnon@pembroke-nh.com>
Sent: Wednesday, February 22, 2023 12:13 PM
To: 'David Jodoin'
Subject: RE: Selectmen's Meeting

Fire Departments concerns about range road building.

The Fire Department has serious life safety concerns with houses being built on the Range Roads. Most of the Range Roads are not maintained. The Public Works Department is not responsible for the maintenance. Our structure fire vehicles are not designed to be operated on unmaintained dirt roads. You typically encounter ruts, rocks, water, mud and dangerous shoulders. Any of these could cause serious damage to our vehicles. In the current state of the roads the Fire Departments ability to gain access is limited to our off road Forestry Vehicles.

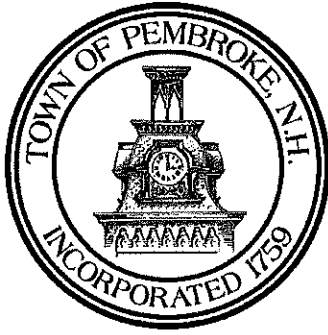
Equipment needed at the scene would need to be carried into the scene. With the limited staffing that we often have carrying equipment in and out would be a major problem.

The ambulances used for medical emergencies are similar to the fire apparatus in that they are not designed to travel on unmaintained roads.

Equipment would need to be carried in and the patient would need to be carried out. We do not have off road equipment capable of carrying a patient.

The Forestry Vehicles are equipped and designed to fight woodlands fires.

They do not carry the equipment that would be needed to handle a structure fire. Our larger forestry has a 1000 gallon tank of water. A single hand line operates at 200 gallons per minute. In 5 minutes it would be out of water.



Town of Pembroke

Department of Public Works

8 Exchange Street, Pembroke, NH 03275
Phone: (603) 485-4422 Fax: (603) 485-2613

To: Board of Selectmen
From: VJ Ranfos, Public Works Director
CC: David Jodoin, Town Administrator
Date: February 21, 2023
Re: Planning Board comments on 674:41 Application for a building permit, Map 868, Lot 29 (Class VI, Seventh Range Road)

Public Works, according to Title XX Transportation Chapter 231, Liability of Municipalities Section 231:93, shall not be deemed to have any duty of care whatsoever with respect to the construction, maintenance or repair of class VI highways.

Public Works will not be provide trash/recycling pickup for dwelling(s) on a Class VI road.

A driveway permit will need to be applied for prior to any construction.

David Jodoin

To: Gary Gaskell
Subject: RE: Selectmen's Meeting

-----Original Message-----

From: Gary Gaskell [mailto:ggaskell@pembroke-nh.com]
Sent: Wednesday, February 22, 2023 2:30 PM
To: 'David Jodoin' <djodoin@pembroke-nh.com>
Subject: RE: Selectmen's Meeting

Sir,

My opinion is in agreeance with Chief Gagnon. To add to this concern, we as well have no vehicles aside from the OHRV's that are capable of traveling the range roads without the potential of damage to the undercarriage while traversing the roads.

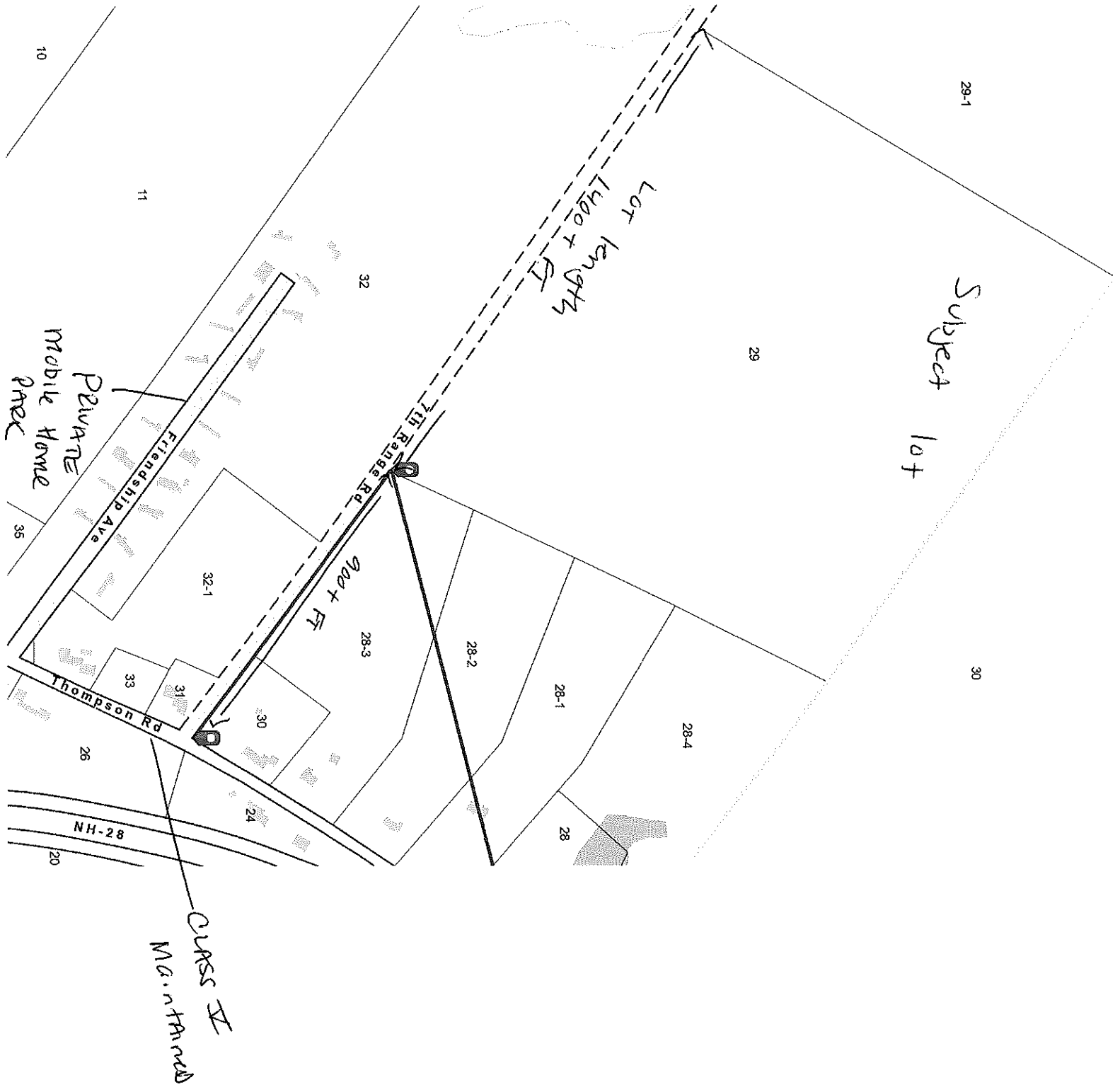
Other concerns would be the operation of Snow Machines as 7th range road off of Thompson is used for a main corridor 15, speeds of the machines with minimal protections this in my opinion adds to an increase in collisions with vehicles and other machines, then add the walkers, hunters, horseback riders, mountain bikers, OHRV's the road is NOT wide enough for vehicles coming and going with any meetings on the road.

With any criminal action and/or life safety incident, our response time would be seriously delayed with additional concerns if there were only one officer on, the response of mutual aid (not knowing the area, as well as not equipped for the range roads.)

I am sure there will be more that runs through my head in the upcoming days, and I will jot those down and bring them to the meeting.

Thanks

Chief Gary R. Gaskell
Pembroke Police Department
247 Pembroke Street
Pembroke, NH 03275
603.485.9173 x2204
603.485.4028 fax
ggaskell@pembroke-nh.com



Town of Pembroke Policy
Building Permits on Class VI or Private Roads

1. Purpose and Intent

Under RSA 674:41, the Board of Selectmen has the discretion to authorize the issuance of building permits on Class VI or private roads within the Town, after review and comment by the Planning Board.

The Board of Selectmen has adopted these guidelines to help guide the decision-making process when presented with such an application. It is emphasized that the Board of Selectmen will consider any factor relevant to the authorization of a building permit in a particular case. Therefore, this statement of guidelines is not intended to be an exhaustive list of considerations, but to be a guide for both the Board of Selectmen and applicants for such building permits.

The New Hampshire Supreme Court has said that one of the purposes of RSA 674:41, I(c) is to prevent scattered and premature development; that the decision of whether to allow building on Class VI roadways or private roads is a major policy decision; and that unrestricted building can have a major impact on the Town's budget if the Town is forced to subsequently upgrade substandard, unmaintained roads. The Board is mindful that development along a Class VI or private road may tend to drain existing Town services and force increased costs to the Town to provide additional services. It is therefore the purpose of these guidelines to prevent scattered and premature development along Class VI and private roads. It is also the purpose of these guidelines to ensure that any structures built on Class VI or private roads are reasonably accessible to emergency vehicles twelve months each year. In that way, the safety and property of people occupying or using those structures will not be unreasonably placed at risk, nor will the safety of emergency response personnel, or their vehicles and equipment, be unreasonably endangered.

2. Application

Every application to the Board of Selectmen requesting that the Board authorize the issuance of a building permit on a Class VI or private road shall be made in writing and accompanied by a map drawn to scale showing:

- a. The location and the size of the lot and its relation to the Class VI or private road providing access, and the distance to the intersection with the Class V or better road which gives access to the Class VI or private road;
- b. The specific location of all proposed and existing structures;
- c. The location and length of the driveway giving access to the structures from the Class VI or private road;
- d. Existing features along the length of the Class VI or private road from the proposed structure to the intersection with the Class V or better road providing access;
- e. Proposed improvements to the Class VI or private road;
- f. Any other information which the Board of Selectmen may reasonably require.

3. Criteria to Be Considered

The Board of Selectmen may authorize a building permit upon a Class VI or private road only when it is demonstrated by an applicant, and determined by the Board of Selectmen, that issuance of the permit will not have a negative impact upon the Town and that the Class VI or private road in question provides safe, sufficient, and adequate all-season access. The Board of Selectmen should evaluate applications, in consultation with the Planning Board, using the following criteria (as well as any other criteria they deem relevant):

- a. Conditions of the Class VI or Private Road:
 - whether the road has adequate drainage,
 - whether the grade is suitable to handle increased development and use,
 - whether the surface is suitable for increased use and/or weight, including by public safety personnel, and
 - whether public safety personnel, vehicles and/or equipment would have difficulty reaching the property, creating increased risks to those occupying or using the proposed structure(s) as well as increased risk to the responding public safety personnel, vehicles, or equipment.
- b. The nature, condition and grade of the Class VI or private road from its intersection with a Class V or better road to the driveway of the subject property.
- c. Length of travel to reach the nearest intersection with a Class V or better road (see Section 4 below).
- d. Conditions of connecting roads and intersections: whether they are adequate to handle increased traffic.
- e. Whether issuance of the building permit would tend to distort the Town's official map or Master Plan.

4. Distance to Class V Road

No building permit will be authorized if the driveway access to the principal structure from the Class VI or private road begins more than two hundred (200) feet from the intersection of the Class VI or private road and the Class V or better road giving access. Applications that meet the 200 feet distance will not automatically be approved as this is but one criterion to be considered.

The Board of Selectmen may consider waiving the 200 feet distance:

- i. Where the deviation from the 200 feet distance is insignificant and the Board finds the issuance of the permit is not contrary to the spirit and intent of this policy; *or*
- ii. Where the applicant proposes to physically bring the relevant portion of the Class VI or private road up to the Town's Class V standards; and
- iii. The Board requires the applicant to properly maintain the improved portion of the Class VI or private road; and
- iv. The Board finds that the issuance of the building permit is not contrary to the spirit and intent of this policy.

5. Improvements to Class VI or Private Roads

- a. Before beginning any work within the limits of the Class VI road (including the traveled way and any shoulders, drainage structures, or associated areas), the applicant must obtain written permission from the Board of Selectmen pursuant to RSA 236:9-:11, and shall be subject to the penalties provided by RSA 236:14 and any other applicable statute or ordinance for failure to secure or comply with the terms of that permit. This requirement for permission shall not apply to private roads.
- b. When a Class VI or private road is to be brought "to Class V standards," the standards to be met are those set out in the Town's Subdivision Regulations.
- c. At a minimum, the Board of Selectmen shall require the following standards in all seasons for the Class VI or private road providing access to the property, from the intersection with the Class V road providing access to the driveway of the subject property:
 - A traveled way width of at least 20 feet;
 - A height clearance of at least 13.5 feet;
 - A grade of no more than 12%; and
 - A suitable driving surface to accommodate the weight of fire apparatus or other emergency vehicles.
- d. The Board of Selectmen will require that the proper completion of the improvements be secured by providing to the Town security in a form and amount to be determined by the Board of Selectmen.
- e. The Board of Selectmen will also require that all such work, whether to Class V standards or some other standard, be completed to the satisfaction of the Department of Public Works.
- f. Any action taken by the Board of Selectmen on an application shall not be deemed a representation or certification as to the location of the Class VI traveled way within the public easement and shall have no bearing on any private rights of abutting land owners and/or claims of encroachment.

6. Notice to Be Recorded

Prior to the actual issuance of any building permit authorized by the Board of Selectmen for construction on a Class VI or private road, the applicant shall provide the Town with an executed notice to be recorded at the Merrimack County Registry of Deeds. The Town will have the notice recorded at the applicant's expense prior to issuance of the building permit. The notice shall include all of the following information:

- a. The property owner's name and contact information
- b. Description of the property (address and/or map and lot number)
- c. Book and Page number of the property owner's deed as it is recorded in the Registry
- d. Name of the Class VI or private road and the fact that it is a Class VI or private road
- e. Statement that the Selectmen, after review and comment by the Planning Board, adopted a policy under RSA 674:41 that allows building on Class VI or private roads under certain circumstances

- f. Statement referring to RSA 674:41, I(c) or I(d), as applicable, and RSA 231:93, that the Town of Pembroke has no legal duty to maintain the road (including plowing, grading, drainage, paving, etc.), nor does it assume or have any liability for damages resulting from the use of the road. Further, the statement should provide that municipal services such as police, fire, ambulance, school bus transportation, and others, may be unavailable at times.
- g. The owner agrees to these limitations of Town responsibility and liability, and the owner is responsible for any road improvements, maintenance, and/or repair work.
- h. For Class VI roads only: Prior to performing any road repair or maintenance work on a Class VI road, the owner will obtain approval of the Board of Selectmen or road agent under RSA 236:9. Describe, if any, the types of work the owner has standing written permission from the Town to perform, together with any conditions.
- i. For Class VI roads only: The road is a public highway and the owner shall not prohibit unauthorized use
- j. For Class VI roads only: Pursuant to RSA 41:11, the Board of Selectmen retains full authority to regulate the public use of the road, including the owner/applicant's use, and the installation of unlocked gates or bars.
- k. Witnessed signatures of the owner(s) and the Board of Selectmen.

7. Occupancy Certificate

No Certificate of Occupancy will be issued by the Town of Pembroke until the requirements of road improvements, if any, under a permit issued pursuant to this policy have been satisfied and signed off on by the Board of Selectmen or their designee. If the building is occupied without a Certificate of Occupancy, the occupants and/or owner shall be subject to penalties according to all applicable Town ordinances and State laws.

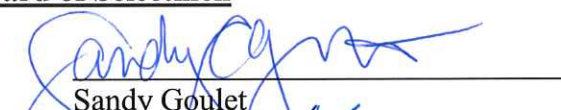
Adopted: 10/26/22; effective immediately upon adoption.


Pembroke Board of Selectmen


Karen Yeaton


Richard Bean


Peter Gagy


Sandy Goulet


Rick Frederickson

**Notice of Limits of Liability/Responsibility
Pursuant to RSA 674:41**

The Board of Selectmen of the Town of Pembroke, New Hampshire, hereby authorizes issuance of a building permit pursuant to New Hampshire RSA 674:41 for the erection of building on the premises described below, subject to the following conditions. This completed and signed form must be recorded at the Merrimack County Registry of Deeds before issuance of the building permit.

Landowner name(s) and address(es): _____

Property Description (Map/Lot Nos., physical location): _____

Property Deed Recording (Book, Page): _____

Class VI Highway name: _____

or

Private Road Description: _____

Describe when/how road was designated as Class VI (if known):

Proposed use(s) of building: _____

Class VI Highway Construction and Maintenance Standards:

With the exception of snow removal, sanding, filling, and grading, any maintenance work the owner does undertake must have prior approval of the governing body or Department of Public Works. Prior to any such approval being granted, the owner must demonstrate that all permits required by state or federal agencies for such work have been issued. The responsibility for preparing all submissions and information required for the issuance of all such permits shall lie with the owner. All maintenance work to be completed, as well as purchase and installation of culverts and bridges and other material, will be undertaken by the owner at the owner's expense.

Notice of Limits Pursuant to RSA 674:41

Other construction and maintenance standards:

Class VI Highway or Private Road Maintenance, Use, and Provision of Other Services:

The Town of Pembroke has no legal duty to maintain the Class VI Highway or private road specified above, nor any intent of doing so, nor does the Town assume any liability for damages resulting from the use of the highway or private road. The Town will not plow, sand, grade, maintain or repair in any fashion the Class VI Highway or private road listed above. The Town will not provide trash or recycling carts to any property located on the Class VI Highway or private road and it shall be the owner's responsibility to transport their trash and recycling to the Town transfer station or dispose of the trash in some other lawful manner.

The Permit Holder shall be responsible for maintaining access to the subject property and does hereby forever release and discharge the Town, its officers, agents, and employees from the obligation of maintaining the Class VI or private road portion of _____ and from any claim of any nature, whether in tort or otherwise, which the Permit Holder might have against the Town for any loss or damage, including those incurred through failure to provide any municipal service, including police, fire, and ambulance services, arising out of the condition of the roadway from the point wherein _____ is a Class VI Highway or private road.

The Permit Holder agrees to indemnify and hold harmless the Town, its officers, agents, and employees, from any liability, including but not limited to attorney's fees and costs, for any loss or damages which may result from any third party claim arising out of the use of the Class VI or private road portion of _____ to access the parcel known as Tax Map _____, Lot _____.

There will be no school bus transportation on the above Class VI Highway or private road and it shall be the owner's responsibility to transport school children to the nearest school bus stop.

Class VI Highway Use and Access:

The Class VI Highway listed above remains a full public highway, and the owner shall not prohibit members of the public from utilizing the highway for any purpose for which public highways may be used.

The Select Board retains full authority to regulate the public use of the highway, including its use by the applicant; such regulation may include installation of unlocked gates or bars.

Binding Effect of These Provisions:

All provisions of this notice and the conditions contained therein shall run with the land and shall be binding upon the heirs, successors, and assigns of the Permit Holder.

Notice of Limits Pursuant to RSA 674:41

Dated: _____

Pembroke Board of Selectmen

Karen Yeaton

Sandy Goulet

Richard Bean

Rick Frederickson

Peter Gagyi

Witness: _____

Date _____

The undersigned being the Permit Holder, accepts this Notice of Limits with all conditions contained therein and agrees to be bound by these conditions and all other provisions of the Town's policy for buildings on a Class VI Highway or Private Roads as well as any conditions of issuance of the building permit.

Permit Holder(s):

[Print Name]

Date _____

[Print Name]

Date _____

Witness: _____

Date _____

2023 TOWN MEETING WARRANT

TOWN OF PEMBROKE, NH

To the inhabitants of the Town of Pembroke in the County of Merrimack in said State qualified to vote in town affairs. Voters are hereby notified to meet at the Pembroke Academy Gymnasium at 209 Academy Road in Pembroke, NH on Tuesday March 14, 2023 from 11:00 a.m. until 7:00 p.m. for the casting of ballots. Voters are further notified to meet at Pembroke Academy Auditorium at 209 Academy Road in Pembroke, NH on Saturday March 18, 2023, at 10:00 a.m., to discuss, amend and act upon the following articles, proposed 2023 budget and all other matters to come before the meeting.

*MARCH 14, 2023 – FIRST SESSION OF ANNUAL TOWN MEETING
(Official Ballot Voting)*

ARTICLE 1 – To choose all necessary officers for the ensuing year.

OFFICE	TERM/Years
Town Clerk	1 yr
Treasurer	1 yr
Selectman	1 yr
Selectman	3 yrs
Selectman	3 yrs
Sewer Commissioner	3 yrs
Water Commissioner	5 yrs
Library Trustee	3 yrs
Library Trustee	3 yrs
Trust Fund Trustee	3 yrs
Supervisor of the Checklist	5 yrs

ARTICLE 2 – AMEND ZONING ORDINANCE

Amendment #1

Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-147, Special Use Permit Denial of Application, as follows: amend the reapplication process for Special Use Permits to provide that an applicant, after a denial, can only reapply if the new application materially differs from the previously denied application.

The purpose of Amendment #1 is to amend the reapplication process for Special Use Permits to the effect that an applicant, after a denial, can only reapply if the new application materially differs from the previously denied application.

Amendment #2

Are you in favor of the adoption of Amendment #2, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-21, Table of Dimensional and Density Regulations, to reformat the table and its associated notes into three new tables, revised for clarity and consistency. No substantive changes are proposed to the dimensional and density regulations.

The purpose of Amendment #2 to reformat the Table of Dimensional and Density Regulations into three new easy to read tables.

Amendment #3

Are you in favor of the adoption of Amendment #3, as proposed by the Planning Board, to amend the Pembroke Zoning Ordinance by reformatting text boxes into applicable sections of the ordinance, deleting redundancies, and updating references to State statutes? No substantive changes are proposed to the Ordinance.

The purpose of Amendment #3 to amend the Pembroke Zoning Ordinance by reformatting text and updating references to make the document more user-friendly.

MARCH 18, 2023 – SECOND SESSION OF ANNUAL TOWN MEETING (Deliberative)

ARTICLE 3 – To see if the Town will vote to rescind the remaining balance of \$536,000 **from the following** bond authorization which was previously approved as Article 3 at the March 14, 2011 Town Meeting or take any action relative thereto. (3/5 ballot vote required)

To see if the Town will vote to raise and appropriate the sum of \$1,400,000 for the Roadway Improvement and reconstruction project for the following streets; Broadway, Pine, Maple, Prospect and Pleasant, and to authorize the issuance of not more than \$1,400,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; (2/3 ballot vote required)

Recommended by the Board of Selectmen	5-0
Recommended by the Budget Committee	10-0

ARTICLE 4 – To see if the Town will vote to rescind the remaining balance of \$368,000 **from the following** unissued bond authorization which was previously approved as Article 3 at the March 15, 2014 Town Meeting or take any action relative thereto. (3/5 ballot vote required)

To see if the Town will vote to raise and appropriate the sum of \$1,200,000 for the Roadway Improvement and reconstruction project for the following streets; Pembroke Hill, Rowe Ave, Perley Ave, Girard Ave, Chappelle Street, Elm Street and Grandview Road, and to authorize the issuance of not more than \$1,200,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the interest thereon; (2/3 ballot vote required)

Recommended by the Board of Selectmen	5-0
Recommended by the Budget Committee	10-0

ARTICLE 5 – (By Petition) Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the Town of Pembroke on the second Tuesday of March? (3/5 ballot vote required)

ARTICLE 6 – Shall the town vote to adopt the provisions of RSA 72:28, Optional Veterans' Tax Credit? If adopted, the credit will apply to every resident of this state who is any person who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States in any qualifying war or armed conflict listed in this section, and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty by a member of the national guard or reserve shall be included as service under this subparagraph; (b) Every resident of this state who was terminated from the armed forces because of service-connected disability; or the surviving spouse of such resident; and (c) The surviving spouse of any resident who suffered a service-connected death. If adopted, the credit granted will be \$500, which is the amount adopted by the town in 2005.

NOTE: This article is required because the legislature expanded the eligibility criteria for this credit to include individuals who have not yet been discharged from service in the armed forces. **Since there was a change at the State level, and if this article fails, there will be no credits given to those who qualify.**

Recommended by the Board of Selectmen	5-0
Recommended by the Budget Committee	10-0

ARTICLE 7 – Shall the Town vote to adopt the provisions of RSA 72:28-b, All Veteran's Tax Credit? If adopted, the credit will be available to any resident who is a veteran, as defined in RSA 21:50, and served not less than 90 days on active service in the armed forces of the United States and continues to serve or was honorably discharged or an officer who continues to serve or was honorably separated from service; or the spouse or surviving spouse of such resident, provided that training for active duty or state active duty by a member of the national guard or reserve shall be included as service under this paragraph; provided however that the person is not eligible for and is not receiving a credit under RSA 72:28 or RSA 72:35. If adopted, the credit granted will be \$500, the same amount as the optional veterans' tax credit voted by the Town under RSA 72:28.

NOTE: Though this article was approved in 2022, this re-adoption is required because the legislature expanded the eligibility criteria for this credit to include individuals who have not yet been discharged from service in the armed forces. **Since there was a change at the State level, and if this article fails, there will be no credits given to those who qualify.**

Recommended by the Board of Selectmen	5-0
Recommended by the Budget Committee	10-0

ARTICLE 8 – Shall the town Vote to Modify Chapter 138, Article IV of the Pembroke Town Code, entitled Elderly Exemptions under the provisions of RSA 72:39-a for elderly exemption from property tax in Pembroke, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 74 years, \$35,000; for a person 75 years of age up to 79 years, \$65,000; for a person 80 years of age or older \$125,000. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income of not more than \$27,526 or, if married, a combined net income of less than \$39,406; and own net assets not in excess of \$45,000 excluding the value of the person's residence. (Majority vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 9 – Shall the Town vote to modify Chapter 138, Article VII of the Pembroke Town Code, entitled Disability Exemption under the provisions of RSA 72:37-b, Exemption for the Disabled from property tax, based on assessed value for qualified taxpayers to be \$36,750. To qualify the person must have been a New Hampshire resident for at least 5 years, own the real estate individually or jointly, or if the real estate is owned by such person’s spouse, they must have been married for at least 5 consecutive years. In addition the taxpayer must have a net income of not more than \$20,050 or if married, a combined net income of not more than \$30,482, and own net assets not in excess of \$45,000 excluding the value of the person’s residence. (Majority vote required)

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 10 – To see if the Town will vote to raise and appropriate the Budget Committee’s recommended amount of \$10,671,113 for the 2023 municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 11 – To see if the Town will vote to raise and appropriate the sum of \$1,112,850 to be deposited into the following Capital Reserve Funds established as indicated below: The sum to come from 2022 Fund Balance/surplus and no amount will be raised by taxation.

Town Equipment Capital Reserve Fund	\$275,000
Police Cruiser Capital Reserve Fund	\$ 60,000
Municipal Facilities Capital Reserve Fund	\$100,000
Fire Major Equipment Capital Reserve Fund	\$154,350
Fire Small Equipment Capital Reserve Fund	\$350,000
Roadway and Infrastructure Capital Reserve Fund	\$100,000
Revaluation Capital Reserve Fund	\$ 30,000
Cemetery Capital Reserve Fund	\$ 11,000
Police Small Equipment Capital Reserve Fund	\$ 10,000
Recreation Capital Reserve Fund	\$ 15,000
Town Clock Fund	\$ 7,500
	<hr/>
	\$1,112,850

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 12 – To see if the Town will vote to raise and appropriate the sum of \$250,000 to purchase a new 6 Wheel Dump/Plow Truck with accessories and to fund this appropriation by authorizing the withdrawal of a sum not to exceed \$250,000 from the Town Equipment Capital Reserve Fund.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 13 – To see if the Town will vote to raise and appropriate the sum of \$65,000 to purchase a new Wood Chipper and accessories for Public Works and to fund this appropriation by authorizing the withdrawal of a sum not to exceed \$65,000 from the Town Equipment Capital Reserve Fund.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 14 – To see if the Town will vote to raise and appropriate the sum of \$55,420 to purchase a new Police Cruiser and accessories and to fund this appropriation by authorizing the withdrawal of a sum not to exceed \$55,420 from the Police Cruiser Capital Reserve Fund.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 15 – To see if the Town will vote to raise and appropriate the sum of \$24,000 to repair the soccer roof and dugouts and to fund this appropriation by authorizing the withdrawal of a sum not to exceed \$24,000 from the Recreation Capital Reserve Fund.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 16 – To see if the Town will vote to create a Capital Reserve Fund under the provisions of RSA 35:1 called Ambulance Replacement and Equipment Fund for the purpose of replacing future ambulances and equipment, and to further raise an appropriate the sum of \$5,000 to be deposited into this fund. Expenditures out of this account will require Town Meeting approval.

Recommended by the Board of Selectmen 5-0
Recommended by the Budget Committee 10-0

ARTICLE 17 – To see if the Town will vote to adopt the Pembroke Community Power Plan, finalized January 10, 2023 by the Pembroke Energy Committee, and to further authorize the Select Board to develop and implement Pembroke Community Power, and to take all action in furtherance of, the Pembroke Community Power Plan, pursuant to RSA 53-E.

The Community Power Plan includes a more flexible electricity procurement mechanism than NH utilities and thus is expected to provide lower electricity rates. Additionally, the Plan will provide local involvement in electricity procurement and development of energy initiatives and offerings that are of interest to Pembroke.

The Pembroke Community Power Plan includes an Opt-out enrollment mechanism. All residential electricity customers currently on utility default electricity supply will receive a mailing at least 30 days prior to launch that they will be enrolled in the program at a specified electricity rate unless they notify CPCNH that they will Opt-out of the program. Residential customers already on a competitive electricity supply alternative will be notified how to Opt-in to the program. All residents may leave or join the Pembroke Community Power program at no cost, any time. **Additionally, the program will not launch unless the electricity rate is equal to or less than the default utility electricity rate.**

ARTICLE 18 – (By Petition) To see if the Town will vote to open a section of Third Range Road as Class V which is currently subject to gates and bars a distance of no more than 300 feet beginning from the terminus of the current portion of Class V roadway that currently exists and abuts the petitioner's property at 340 Third Range Road, Map 264, Lot 66. The petitioners, Donald and Loretta Hill, wish to sub divide their current property for a single family residence and need the required frontage on a Class V roadway to do so. The Class V road status is contingent upon the Hills financing the roadway improvements and design costs to bring this section of road up to Town Class V specifications as verified by the Town.

ARTICLE 19 - To transact any other business that may legally come before said meeting.

Given under our hands and seal this 15th day of **February** 2023.

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean

Peter Gagyí

Richard Frederickson

Board of Selectmen
Town of Pembroke, NH

TOWN MEETING WARRANT FOR PEMBROKE, NEW HAMPSHIRE

Posting Certification

We hereby certify that we gave notice to the inhabitants within named, to meet at the time and place and for the purpose within mentioned, by posting an attested copy of the attached Warrant at the Pembroke Town Hall, Pembroke Library, and Pembroke Academy on the 16th day of February, 2023.

Karen Yeaton, Chairman

Sandy Goulet, Vice Chairman

Richard Bean

Peter Gagyí

Richard Frederickson

Board of Selectmen
Town of Pembroke, NH

David Jodoin

From: Matt Miller <mattslb94@gmail.com>
Sent: Wednesday, February 15, 2023 4:11 PM
To: David Jodoin; Karen Yeaton; Richard Bean
Cc: Richard Wengenroth
Subject: Energy Committee registration with the PUC

Hello David, Karen, Richard B.:

I have a registration letter that I would like David Jodoin to email the the NH PUC and various cc organizations.

The purpose of the registration email is to register the Pembroke Energy Committee as the group of people that are preparing Pembroke's Community Power Plan (Energy Aggregation Plan) and designate people who will be contacting the utilities for information and data pursuant to community power rules and regulations.

The link to a draft of the registration letter is here:

https://docs.google.com/document/d/1OF_2uReZ0RIPIeShwiWTnWSIQbc0wATY/edit

This draft can be transmitted by email, no paper copy is required. I will try to visit the Select Board meeting Feb 15 to request this help in person, if the Community Power public meeting ends early enough. If I cannot make the Feb 15 meeting, I will visit during the March 1 Select Board meeting.

Thanks and best regards,
Matt Miller



Pembroke Fire Department

247 Pembroke Street

Pembroke, NH 03275

Telephone: (603-485-3621)

Chief Paul M. Gagnon

SCBA Compressor Purchase

February 22, 2023

Last year we were told by our testing company that we should be looking at replacement options for our SCBA Cascade Compressor. The compressor was scheduled for replacement in 2022 with funds from Small Equipment CIP.

We met with vendors to determine what size compressor would work best with the newer models of Breathing Apparatus.

I have attached the quote for the compressor we have chosen. The vendor, IPS, is able to use our system bottles and the fill station we currently have. This was not the case with a competing vendor. There are significant savings with being able to use the existing pieces.

Also attached is a quote for the changes to meet the electrical needs of a larger compressor.

The compressor quote is \$35,695.

The electrical quote is \$1875

I would request \$40000 to cover any unforeseen needs to cover the set up compressor.

A handwritten signature in cursive script, reading "Paul M. Gagnon".

Chief Paul Gagnon

Pembroke Fire Department



Industrial Protection Services, LLC

33 Northwestern Drive Salem, NH 03079

Office Phone (603) 685-8040

QUOTE

Date: 12/22/22

To: Tyrel Lemoine
Pembroke NH Fire Dept
247 Pembroke St
Pembroke NH 03275

David Giberti

Net 30

1	Bauer 6000 psi Vertecon Compressor with Securus Filtration and CO Monitor Bauer Vertecon 10 HP 6000psi 13 SCFM Breathing Air Compressor 208/230V 3 Phase Includes Securus Filtration (dew point monitor) with CO Monitor and Cal Kit	\$35,695.00	\$35,695.00
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To be Installed Utilizing Existing 6000psi 4 DOT/ISO Cylinder Storage and Fill Station

Pricing includes delivery and installation

Pricing does not include building electrical modifications required for installation

Sales Rep: David Giberti Cell: (508) 509-7864

Email: dgiberti@ipp-ips.com

Web: www.ipp-ips.com

Total \$35,695.00

David Murray
15 Cross St.
Concord NH 03303
CELL 603-494-5375

2/9/23

Proposal Submitted TO:

PROJECT:

Pembroke Safety Center

Air Compressor Wiring

WE PROPOSE TO DO THE FOLLOWING WORK:

Air Compressor-Hose Room

1. Disconnect Circuit For Existing Air Compressor In Hose Room.
2. Install 3-phase 208 Volt 50 Amp Circuit For New Air Compressor To Include The Following: (1) 3-pole 50 Amp Circuit Breaker, Wire, Conduit, And (1) 3-phase Disconnect.

QUOTE: \$1875.00

NOTES:

1. Permit fees (if required) NOT included in this quote.

This Quote Is Good For 30 Days

David Murray

PLEASE READ CAREFULLY

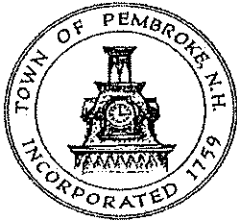
In consideration of David Murray extending credit to the undersigned or to the corporation which they represent, the following terms are accepted:
Payments for invoices will be made within fifteen days of invoice dates, in the event of default the undersigned agrees to pay interest or service charge at the rate of 2% per month on all unpaid or delinquent accounts together with reasonable attorney's fees and cost of collection.

ACCEPTANCE OF PROPOSAL - The above prices, specifications and conditions are satisfactory and hereby accepted. You are authorized to do the work and payments will be made as outlined above.

Date Of Acceptance _____

Signature _____

Signature _____



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275

Tel: 603-485-4747

To: Board of Selectmen

From: Carolyn Cronin, Town Planner

Date: February 21, 2023

Re: Letter of credit for Greens at Pembroke Pines Phase II site restoration

The office received the attached letter of credit for site restoration and erosion control for The Greens at Pembroke Pines Phase II multifamily development.

The town requires a site bond in place in order to ensure that the site can be restored and stabilized in the event the developer cannot complete the project.

The estimate was prepared by the Town Engineer on January 27, 2023 and approved by the Planning Board on February 14, 2023. Once the applicant secures a letter of credit in the approved amount, the Board of Selectmen vote to accept the bond, thereby holding the money until the completion of the work.

Staff recommends that the Board of Selectmen accept the letter of credit in the amount of \$99,920 as prepared by the Town Engineer and approved by the Planning Board.

Suggested motion:

_____ made a motion to accept the Site Restoration Bond for the Greens at Pembroke Pines Phase II in the amount of \$99,920.



Enterprise Bank

RECEIVED

FEB 17 2023

TOWN OF PEMBROKE
PLANNING DEPT.

IRREVOCABLE LETTER OF CREDIT

Letter of Credit #48762-1

Expiration Date: February 14, 2024

Pembroke Town Planner
311 Pembroke Street
Pembroke, NH 03275

Reference: Subdivision / Site Plan: The Greens at Pembroke Pines II
Location: Map 634/Lot 23-4

Dear Town Officials:

By this document, the Enterprise Bank (hereinafter "Issuer") hereby issues an Irrevocable Letter of Credit in the amount of \$99,920 to the Town of Pembroke on behalf of Keystone Pembroke II, LLC (hereinafter "Developer"). This Irrevocable Letter of Credit is issued to guarantee completion of all improvements required by the Site Restoration/Erosion Control Financial Guarantee Estimate worksheet dated January 27, 2023 related to the project known as Pembroke Pines Development - Phase II.

It is understood that the improvements guaranteed by this Irrevocable Letter of Credit include, but are not limited to, the following: general improvements as described in escrow worksheet.

It is agreed and understood by the issuer of the Letter of Credit that it shall be issued for a period of twelve months. If all improvements, guaranteed by this Letter of Credit are not completed by February 14, 2024 and if a certificate indicating completion of all improvements has not been issued by the Town Building Inspector, then this Letter of Credit shall be automatically extended without amendment for an additional period of one (1) year from the present or each future expiration date, unless Enterprise Bank notifies the Town of Pembroke in writing by certified mail, with a return receipt requested, not less than sixty (60) days before such expiration date, that Enterprise Bank elects not to renew this letter of credit.

If all improvements guaranteed by this Letter of Credit are not completed by February 14, 2025 and if a Certificate indicating completion of all improvements has not been issued by the Town then Enterprise Bank shall forward a check in the amount of \$99,920 to the Treasurer of the Town of Pembroke. The funds so forwarded to the Town Treasurer shall be used exclusively for the purpose of completing the improvements, which are guaranteed by this Letter of Credit. Any funds not needed by the Town to complete improvements required by the Subdivision /Site Plan referred to above shall be returned to the Bank.

Date:

2/14/23

Mark D. Owen

Mark D. Owen, Senior Vice President
Construction Lending

KVPartners LLC

P.O. Box 432, New Boston, NH 03070

(603) 413-6650

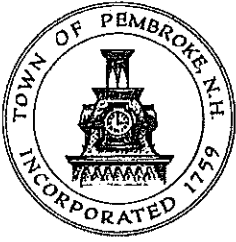
JAN 2 / 2023

MEMORANDUM

To: Carolyn Cronin, Town Planner
From: Mike Vignale, KVPartners, LLC
Project: Pembroke Pines Development - Phase II
Subject: Site Restoration/Erosion Control Financial Guarantee Estimate
Date: January 27, 2023

ITEM	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENDED PRICE	PERCENT COMPLETE	REMAINING AMOUNT
1	Spreading Stockpiled Loam (assume 4" project wide)	CY	5,400	\$5.00	\$27,000	0%	\$27,000
2	Regrading Site (assume 6" depth project wide)	SY	48,400	\$0.50	\$24,200	0%	\$24,200
3	Silt Fence	LF	2,000	\$2.50	\$5,000	0%	\$5,000
4	Stone Check Dams	EA	15	\$100.00	\$1,500	0%	\$1,500
5	Maintain Erosion Control Projectwide	LS	1	\$5,000.00	\$5,000	0%	\$5,000
6	Hydroseeding	SY	48,400	\$0.54	\$26,136	0%	\$26,136
7	Remove Silt Fence	LF	2,000	\$1.00	\$2,000	0%	\$2,000
	Subtotal				\$90,836		\$90,836
	Contingency (10%)				\$9,084		\$9,084
	TOTALS				\$99,920		\$99,920

Note: Site restoration disturbance area is approximately 10 acres.



TOWN OF PEMBROKE

Town Hall ~ 311 Pembroke Street, Pembroke, New Hampshire 03275

Tel: 603-485-4747

February 15, 2023

City of Concord
Planning Board
c/o Heather Shank
41 Green Street
Concord, NH 03301

Re: DRI Notice — 7 Break O'Day Drive

Dear Chairman Woodfin,

Thank you for the opportunity to review and comment on the Proposed Hospitality Venue proposal at 7 Break O'Day Drive. On February 14th, the Pembroke Planning Board reviewed the application and plans, City staff report, and review by CNHRPC.

Based on the information provided, the Pembroke Planning Board respectfully offer the following comments for consideration.

1. The Board supports CNHRPC's recommendation that the applicant provide an enhanced traffic study taking into account traffic traveling south on Route 106, which will impact Pembroke.
2. Due to the nature and scale of the use, the Board has concerns that a hospitality venue and gaming hall could contribute to an increase in public safety calls in Pembroke. As a result of increased traffic, an increase in traffic stops, emergency services calls, etc. will impact surrounding communities.
3. The Board has aesthetic concerns that the site could produce light pollution, affecting neighboring properties. Homes at higher elevations in Pembroke, such as on Borough Road, Robinson Road, and Plausawa Hill Road, have views that oversee the subject property. The concern is that excessive lighting could diminish the rural character that those homeowners currently enjoy.

The Pembroke Planning Board appreciates the opportunity to participate in the review of this application. Please feel free to reach out if you have any questions.

Sincerely,

Carolyn Cronin
Town Planner
Town of Pembroke

February 9, 2023

Dear Neighbor,

As part of our everyday effort to deliver reliable energy to our customers and communities, we are preparing for an upcoming project in Pembroke, Allenstown and Deerfield, New Hampshire. This project is one of several that are designed to improve the reliability of the electric system serving New Hampshire and surrounding areas where we all work and live.

We're Always Working to Serve You Better

Eversource has identified the need to replace the wood structures along our existing power line. This line runs from our Garvins Substation in Concord to our Deerfield Substation in Deerfield, NH. Recent physical inspections and engineering analysis of the line revealed that many of the existing laminate wood structures are in poor condition from woodpecker damage, insect damage, and pole rot. Due to this, all of the wooden structures will be changed to steel, which are more resilient to pole rot as well as insect and woodpecker damage. Further, the steel poles can better withstand the storms we experience here in New Hampshire.

What You Can Expect

This project is to replace the remaining laminate wood structures in the power line corridor with new weathering steel structures. Once the new structures are installed, we will remove the old structures from the power line corridor.

All three towns along the power line have been notified of this project. We are in the process of identifying any local, state and federal permits necessary in support of this project and will work to obtain those permits over the next several months.

Also in the coming months, Eversource, through its contractors, will be performing field work within the power line corridor in your area. This work may include soil and other inspections, engineering and environmental surveying, data collection, drone surveys, and identification and/or maintenance of access roads. All people working on this project will carry identification.

After securing required permits, construction is expected to begin in the fourth quarter of this year. Please keep in mind that the schedule may change due to weather or other unexpected circumstances.

Health and Safety Is Our Top Priority

Please know that Eversource remains committed to prioritizing public health as well as the health of employees and contractors. All Eversource personnel follow applicable health and safety guidelines to help prevent the spread of COVID-19.

For More Information

Keeping the lines of communication open is important to us. We would like to connect with you to discuss the project, as well as obtain the best contact phone number and/or e-mail address to reach you moving forward.

Please contact Elise Ward at (603) 634-2143 or email Elise.Ward@eversource.com to provide that information or to discuss the project. You can also contact our projects hotline at 1-888-926-5334 or send an email to NHProjectsInfo@eversource.com.

Eversource is committed to being a good neighbor and doing our work with respect for you and your property. We will continue to provide regular project notifications via mailings, phone calls, and/or emails.

Sincerely,

*Elise Ward*Elise Ward
Eversource Project Services

David Jodoin

From: Walter Mitchell <walter@mitchellmunigroup.com>
Sent: Monday, February 13, 2023 11:57 AM
To: David Jodoin
Cc: Joe Driscoll
Subject: Pembroke AG

Hi David – this case is “tentatively” scheduled for trial on April 25 and 26.

“Tentatively” is a vague reference to a number of different factors, but one that is of particular concern is the Court’s rule in recent years that parties must attempt to resolve their differences by mediation before a case is actually allowed to go to trial.

With this in mind, the parties need to satisfy this requirement and we suggest using a professional mediator. One that we have found to be especially effective is retired Superior Court judge Robert Morrill. While Judge Morrill has a busy mediation scheduled, we see that he has an opening on Monday April 3rd. This office is available on that date as is the taxpayer’s attorney.

Can you be available on that date, and if so can you bring with you one or two members of the Board of Select Board (not a quorum) to participate? Judge Morrill conducts his mediations by Zoom, but it would be helpful that the people on our team be in the same room together, if possible. We could host that here at our office or, if you have a room at the town offices that is well suited to Zoom discussions (large screen?), that would work too.

The goals in such a mediation effort would be:

1. Satisfy the Court’s requirement.
2. Have Judge Morrill assist the parties to explore in good faith all possible ways to resolve this dispute.
3. Since one or two selectmen would not be able to make a decision for the Board, sessions such as these are conducted with the understanding that the only possible agreement that might be reached is to bring a detailed recommendation back to the full board for its decision.
4. If the case does not resolve, going through this process may still provide insight into what parts of our expert’s analysis the taxpayer’s attorneys may be focusing on, which information should be helpful in preparing our expert for trial.

Please confirm availability, and let me know if you would like to discuss this further on the phone.

Walter

Walter L. Mitchell
Mitchell Municipal Group, P.A.
25 Beacon Street East
Laconia, NH 03246
(603) 524-3885
walter@mitchellmunigroup.com



February 8, 2023

RECEIVED

FEB 13 2023

TOWN OF
PEMBROKE, NH

Board of Selectmen
Town of Pembroke
311 Pembroke Street
Pembroke, NH 03275

Dear Chairman and Members of the Board:

We are committed to keeping you and our customers informed about changes to Xfinity TV services. As such, please be aware of the following changes to the Xfinity channel lineup serving your community:

On April 11, 2023, the following channels, where offered, will no longer be available on the Digital Preferred Tier and can be found on the following tiers listed: Aspire HD on Expanded Basic and Entertainment; GSN (Game Show Network) on Expanded Basic and Entertainment; Revolt HD on Expanded Basic and Entertainment; Tennis Channel on Expanded Basic and Sports & News; Travel Channel on Expanded Basic and Entertainment; and TV Land on Expanded Basic and Entertainment. Aspire HD and Revolt HD require X1 TV Box or compatible customer owned device. HD Technology Fee required to receive HD channels.

On April 11, 2023, the following channel changes will occur: INSP HD will no longer be available on Kids & Family, will move from channel 1655 to channel 1431 on Expanded Basic, and will be added to Entertainment channel 1431; INSP SD will no longer be available on Kids & Family and will be added to Entertainment channel 83/234; Great American Family will move from channel 1620 to channel 1461 remaining on Expanded Basic and Entertainment. Requires X1 TV Box or compatible customer owned device. HD Technology Fee required to receive HD channels.

On April 11, 2023, EWTN and EWTN HD will move from Expanded Basic, Kids & Family, Digital Economy, Digital Preferred Tier, and Ultimate TV Tier to Limited Basic. EWTN HD requires X1 TV Box or compatible customer owned device. HD Technology Fee required to receive HD channels.

Please do not hesitate to contact me with any questions at Bryan_Christiansen@comcast.com.

Very truly yours,

Bryan Christiansen

Bryan Christiansen, Sr. Manager
Government Affairs



Chief Mark C. Armaganian
Director

State of New Hampshire
LIQUOR COMMISSION
Division of Enforcement & Licensing

50 Storrs Street
Concord, NH 03301
Phone: (603) 271-3521

Joseph W. Mollica
Chairman

Nicole Brassard Jordan
Deputy Commissioner

February 15, 2023

TOWN of PEMBROKE

Subject: RSA 541-A:39 Notice To Municipalities

Dear Sir or Madam:

CA'VERN BAR AND GRILL, Dwayne Page and Eric Skillings, owners, have made application to the Division of Enforcement for a **RESTAURANT BEVERAGE/WINE/LIQUOR** license under the provisions of RSA 178:21. This establishment is located at 351 Middle St.

Pursuant to RSA 541-A:39, the New Hampshire Liquor Commission hereby provides the City/Town of Pembroke with notice of the application and informs you that you may submit data, views, comments, or other materials or evidence with respect to the potential issuance of the liquor license. This information will be taken into consideration by the Division of Enforcement & Licensing prior to its recommendation to the Liquor Commission for approval or denial of the license.

Sincerely,

Mark C Armaganian, Chief
Division of Enforcement