

AGENDA
BOARD OF SELECTMEN
July 1, 2019 AT 6:30 PM
TOWN HALL, PAULSEN MEETING ROOM

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Ryan Martineau – Scout project
 - b. Kevin Gagne – Trail Dawgs
 - c. Nixon Road – Potential paving
 - d. Continued Public Hearing in Accordance with RSA 41:14-a
- IV. OLD BUSINESS:
 - a. Street Light Update
 - b. Future street light pole regulations
 - c. 4 Union Street
- V. NEW BUSINESS:
 - a. Large Gathering Ordinance Amoskeag Rowing Regatta
 - b. St. Jean Auction proposal
 - c. Manifest/Abatements
 - d. Minutes 6/13/19; 6/17/19
- VI. TOWN ADMINISTRATOR REPORT
 - a. Moody's Report
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION
- X. ADJOURN

David Jodoin

From: Kevin Gagne <kevingagne@gphac.com>
Sent: Monday, June 24, 2019 9:09 AM
To: David Jodoin
Subject: Fwd: Trail Dawgs

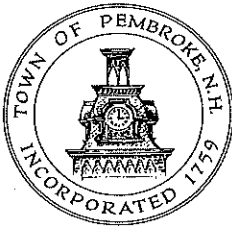
----- Forwarded message -----

From: **NH Trail Dawgs** <traildawgsnh@gmail.com>
Date: Mon, Jun 24, 2019, 9:09 AM
Subject: Fwd: Trail Dawgs
To: <kevingagne@gphac.com>

----- Forwarded message -----

From: **NH Trail Dawgs** <traildawgsnh@gmail.com>
Date: Sun, Jun 23, 2019, 10:45 PM
Subject: Trail Dawgs
To: <djodoin@pembroke-nh.org>

Any word from selectmen as to how we look now hill is fill in? Can I come to next meeting and get sign permission?



TOWN OF PEMBROKE
TOWN ADMINISTRATOR'S OFFICE
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

June 24, 2019

Ellen Salvatore
James Runyan
452 Nixon Road
Pembroke, NH 03275

Dear Mr. Runyan and Ms. Salvatore,

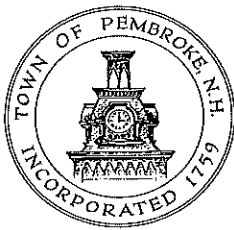
The Board of Selectmen would like to invite you to their next meeting on Monday July 1st at 6:30 PM. That night, the Selectmen will be meeting with representatives of the Roads Committee to discuss Nixon Road. The Roads Committee has discussed paving that road in the future.

The Board wanted to discuss this matter with the residents to get their input.

If for some reason you cannot attend, please send an email with your comments, concerns and opinion to the Town Administrator at djodoin@pembroke-nh.com.

Sincerely,

Pembroke Board of Selectmen



TOWN OF PEMBROKE
TOWN ADMINISTRATOR'S OFFICE
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

June 24, 2019

Michael Bergeron
Siobahn Dupaul
448 Nixon Road
Pembroke, NH 03275

Dear Mr. Bergeron and Ms. Dupaul,

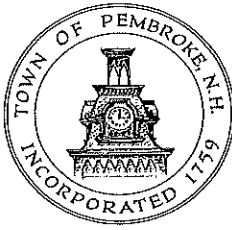
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Sincerely,

Pembroke Board of Selectmen



TOWN OF PEMBROKE
TOWN ADMINISTRATOR'S OFFICE
311 Pembroke Street, Pembroke, NH 03275
Tel: 603-485-4747 Fax: 603-485-3967

June 24, 2019

Mark & Theresa LePage
442 Nixon Road
Pembroke, NH 03275

Dear Mr. and Mrs. LePage,

The Board of Selectmen would like to invite you to their next meeting on Monday July 1st at 6:30 PM. That night, the Selectmen will be meeting with representatives of the Roads Committee to discuss Nixon Road. The Roads Committee has discussed paving that road in the future.

The Board wanted to discuss this matter with the residents to get their input.

If for some reason you cannot attend, please send an email with your comments, concerns and opinion to the Town Administrator at djodoin@pembroke-nh.com.

Sincerely,

Pembroke Board of Selectmen

David Jodoin

From: Bethany Chase-Reynolds <bethany@donatenewengland.org>
Sent: Wednesday, June 26, 2019 10:57 AM
To: David Jodoin
Subject: Sewer

Dear David,

I am unable to attend the upcoming public hearing on July 1st, however I wanted to voice my thoughts regarding the issue.

As a voting tax payer of Pembroke, I voted to have the building sold. The majority of the voters also wished for the buildings to be sold. The sewer is part of the Town, so therefor they should not be able to buy the building. This will increase our sewer rates, they will now be responsible for all repairs and maintenance to the building. This is not a favorable idea! I do not support this.

Thank you,

Bethany Chase-Reynolds

Clothing Drive Manager
Epilepsy Foundation New England Donation Center
1 Dunham Road, Suite 200
Billerica, MA 01821
Cell: 617-283-7510
Email: Bethany@donatenewengland.org

****25 8th grade students in Weare NH collected 14,893 lbs, raising almost \$3,000!!! What would you do with \$3,000?****

Please note: we no longer accept books



CONFIDENTIALITY NOTICE: The contents of this email message and any attachments are intended solely for the addressee(s) and may contain confidential and/or privileged information and may be legally protected from disclosure. If you are not the intended recipient of this message or their agent, or if this message has been addressed to you in error, please immediately alert the sender by reply email and then delete this message and any attachments. If you are not the intended recipient, you are hereby notified that any use, dissemination, copying, or storage of this message or its attachments is strictly prohibited.

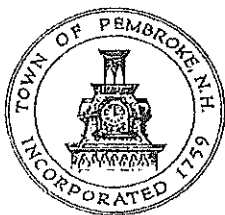
From: Ann Bond anbond007@me.com
Subject: final outline Lights
Date: Jun 17, 2019 at 5:05:17 PM
To: djodoin@pembroke-nh.com
Cc: jmcneil@nhmbb.com

Lights

1. Only lighting arms as provided by Eversource will be accepted for street lighting in areas having overhead distribution systems
2. Location of street lighting must be approved by the Board of Selectmen and is generally to be located at street intersections unless alternate locations are approved by Selectmen (Selectman could provide guidance to the Planning Board and have the Planning board approve placement of Street lighting plans on new applications. Or, the applicant could provide a lighting plan to the Board of Selectmen for their approval. Such approved lighting plan to be forwarded to the Planning Board and be included with the Site Plans/Subdivision application)
3. Only approved LED fixtures will be used as : American Electric Lighting Acuity Brands Co, ATSB_F with electric locking type photo control, or equivalent. Subject to change due to availability and approval of Board of Selectmen
4. No metal poles are to be installed unless required by NH State DOT or Pembroke DPW. DPW will require approval from Board of Selectmen.
5. Wood poles 35 ft in an underground development is possible. Corded wood poles would need to purchased and installed by the developer.
6. Private roads can install their own lights (following the requirements of 1;2;3;4 and 5) and are required to pay for maintenance and electric cost until or when the Town accepts the road. All other lighting will not be turned over to the Town of Pembroke for maintenance of the poles or cost of electric.

2019

mailed 6/13/19 to:



TOWN OF PEMBROKE
Large Gathering License Application

Dave Jodoin
 Town manager
 Town of Pembroke
 311 Pembroke Street
 Pembroke, NH 03275
 (with Facility use Request Application)

For office use only

Date Filed: _____

Fee Paid: _____

Issued/Denied by Board of Selectmen: _____

This application must be filed with the Town Administrator not less than sixty (60) days before the date of the event. A non-refundable application fee in the amount of \$100.00 made payable to "Town of Pembroke" is required with the completed application.

Name of Applicant or authorized agent:

Amoskeag Rowing Club c/o Jennifer Williams

Address of Applicant: 8 Pembroke Way

Bedford, NH 03110

Home Telephone 603-488-5997 Work Telephone _____

Cell phone: 503-970-2292 Email: jhwrow@comcast.net

Is applicant a not-for-profit organization? (Yes) or No (See Attachment A)
 (If yes, attach a copy of State of New Hampshire and IRS tax-exempt certificates.)

Name of Event: New Hampshire Championship Regatta

Location where event will be held: Memorial Field, Pembroke, NH

Is this property owned by the applicant? No (if no, attach a copy of the contract with or letter of authorization from the owner allowing use of the property for the event.)

Name of Promoter (if different from above): N/A

Telephone # N/A Address: N/A

Date(s) of Event: October 13, 2019 Time (start and finish times): 6:00am - 6:00pm

Expected Attendance: 1,500 rowers plus 2,000 Spectators

→ Set up Saturday October 12, 2019 - 7:00am - 4:00pm

Description of Event (Attach a site plan and additional information if necessary)

See Regatta Central www.regattacentral.com

See attached site plan (preliminary) Attachment B

See attached Event Description (from last year - same this year) Attachment C

See www.amoskeagrowing.org

Will food be sold and/or served at this event? yes

Will alcoholic beverages be sold and/or served at this event? no

Description of Property:

A: Seating Capacity: N/A permanent _____ temporary _____ other _____

B: Standing Room: N/A Square Feet

C: Number of toilets available _____ permanent 50 portable Best Septic Delivered 10/11/19
Picked up 10/14/19

D: Number of parking spaces available: _____ on site _____ off site
Buses park at Pembroke Academy, car overflow at Pembroke Village School

E: Are all parking areas lighted? (Applicable only if event runs into evening hours.)
_____ Yes X No If no, which lots are not lighted? not required

F: Source of potable water: none

G: Refuse containers available (Number and Size): 2 20 ton dumpsters Naughton + sons

H: Name of refuse disposal company (attach a copy of agreement to pick up refuse or describe plan for proper disposal of waste.) _____

I: When will refuse be picked up? Monday October 14, Delivered Friday October 11

Public Safety:

J: Describe first aid/medical personnel and provisions: Same as prior years, Tri Town Ambulance

K: Describe fire/emergency equipment and availability: Same as prior years, Pembroke Fire Dept.

L: Describe communication system: CA-ARES - 5 radio operators, Would like 25 Homeland Security Radios
would like portable generator for use at start line

M: Number of certified police officers: Same as prior years

N: Other security personnel (provide company name and qualifications): _____

Traffic Police for Pembroke - Pleasant + Broadway
- main Street + Front Street +
- Front Street + Bridge Street
- Pleasant + Exchange Streets

Traffic Plan:

O: Description of routes persons attending the event are likely to take, include number of traffic controllers and deployment descriptions Pleasant Street (Buses, trailers, coaches, saws, staff)

Front street to Exchange (Spectators). Make Exchange St. one-way from Bridge to Pleasant
from barn - 11am

P: Describe methods used to publicize alternate routes of reaching the scene of the event.

www.regatta-central.com/regatta/?section=overview&job_id=4555 (see 10*4554) For last year

Q: Provide statement of availability of private towing firms to remove disabled vehicles Never had before - do we need?

Other:

R. Name of liability insurance carrier (Attach proof of insurance) US Rowing Attachment D

S. Type of performance guarantee (i.e., escrow, bond, letter of credit): N/A

I have received a copy of the Mass Gathering Ordinance of the Town of Pembroke and hereby submit this application, which is true and complete to the best of my knowledge and ability.

Jennifer H Williams 6/12/19
Signature of Applicant

Reviewed by: (Name and Date)

<u>[Signature]</u>	<u>6-19-19</u>	(Health Officer)
<u>[Signature]</u>	<u>6-26-19</u>	(Fire Chief)
<u>[Signature]</u>	<u>6-24-19</u>	(Police Chief)
<u>[Signature]</u>	<u>6-24-19</u>	(Public Works Director)
<u>[Signature]</u>	<u>6-24-2019</u>	(Code Enforcement Officer)

Approved by: (Name & Date)

_____	(Select person)
_____	(Select person)
_____	(Select person)
_____	(Select person)
_____	(Select person)

Attachment A

872-C

Rev. March 1989

Department of the Treasury—Internal Revenue Service

Consent Fixing Period of Limitation Upon
Assessment of Tax Under Section 4940 of the
Internal Revenue Code

(See Form 1023 instructions for Part IV, line 3.)

OMB No. 1545-0055
Expires 3-31-93To be used with Form
1023, Submit in
duplicate.

Under section 6501(c)(4) of the Internal Revenue Code, and as part of a request filed with Form 1023 that the organization named below be treated as a publicly supported organization under section 170(b)(1)(A)(vi) or section 502(c)(2) during an advance ruling period,

Amoskeag Rowing Club

(Enter legal name of organization)

95 Market St, Manchester, NH, 03101

(Number, street, city or town, state, and ZIP code)

and the District Director
of Internal Revenue

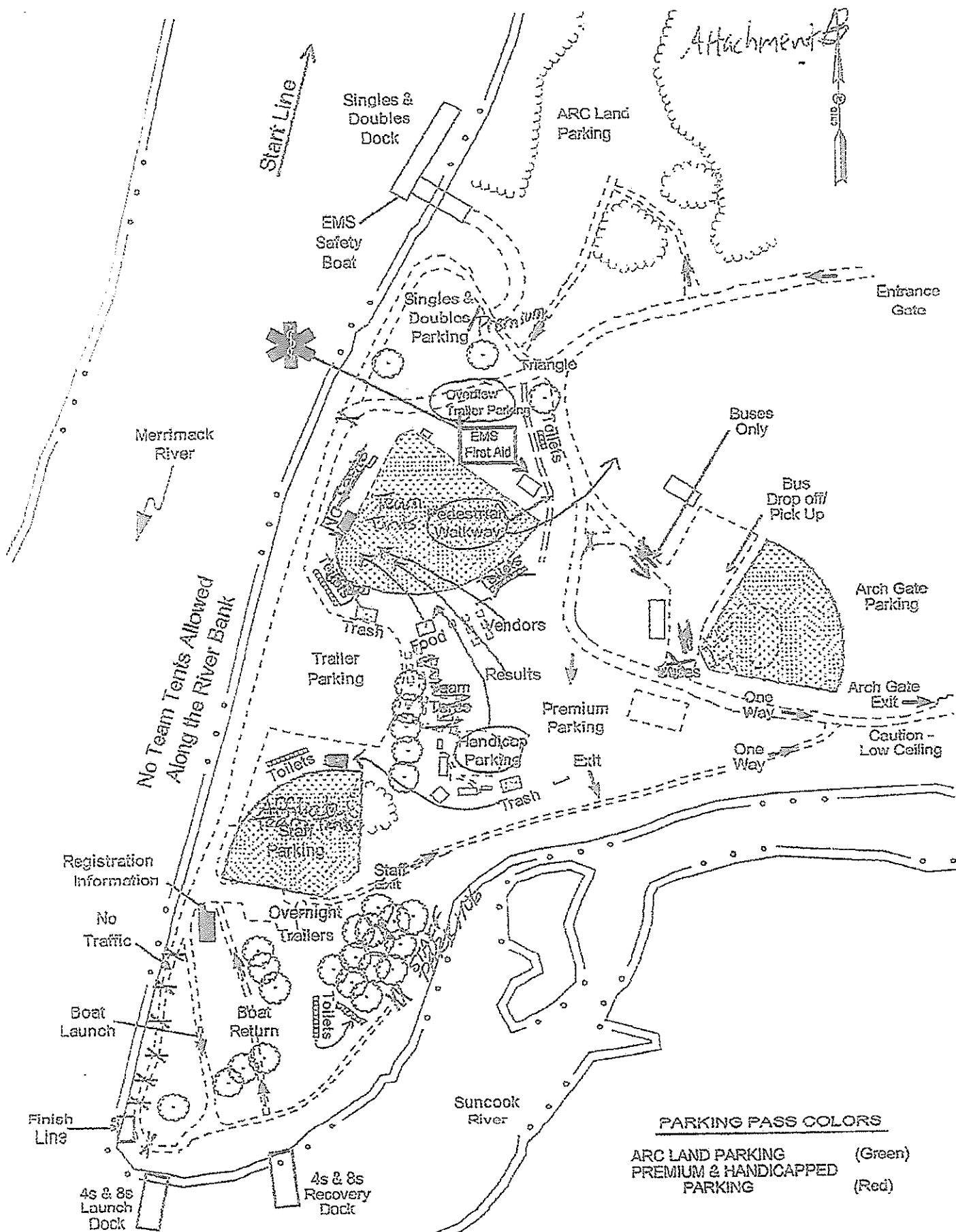
Consent and agree that the period for assessing tax (imposed under section 4940 of the Code) for any of the 5 tax years in the advance ruling period will extend 8 years, 4 months, and 15 days beyond the end of the first tax year.

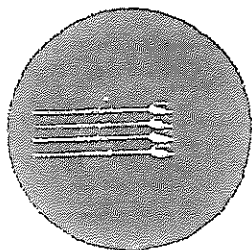
However, if a notice of deficiency in tax for any of these years is sent to the organization before the period expires, then the time for making an assessment will be further extended by the number of days the assessment is prohibited, plus 60 days.

Ending date of first tax year, Dec 31, 1989

Name of organization	Date
Amoskeag Rowing Club	October 11, 1989
Signature of officer or trustee having authority to sign	
Signature of <i>William M. Voss</i>	
Signature of District Director	Date
<i>Ernest B. Alexander</i>	10/24/89
By <i>Raymond Rysak acting Camp Manager</i>	

For Paperwork Reduction Act Notice, see page 1 of the Form 1023 instructions.





AMOSKEAG ROWING CLUB

Why Consider Sponsoring the 2014 New Hampshire Championship Rowing Regatta?

The New Hampshire Championships Regatta ["NHCR"] is the largest New England rowing event north of Boston. The NHCR attracts over 2,000 athletes rowing nearly 400 boats (singles, doubles, fours, quads, and eights). Unlike the Olympics where all boats start together and the first boat over the line wins, in the format of this race each boat starts separately and is timed going down the course. Clubs, colleges, high schools, prep schools, and a few grade schools from all over New England and New York send teams to compete in this three-mile race on the Merrimack River. In addition, because the race is held annually the weekend before the Head of the Charles Regatta in Boston, the largest two-day rowing event in the world, even teams from the far reaches of the globe - such as Australia and New Zealand - often enter the NHCR to warm up before "the big one".

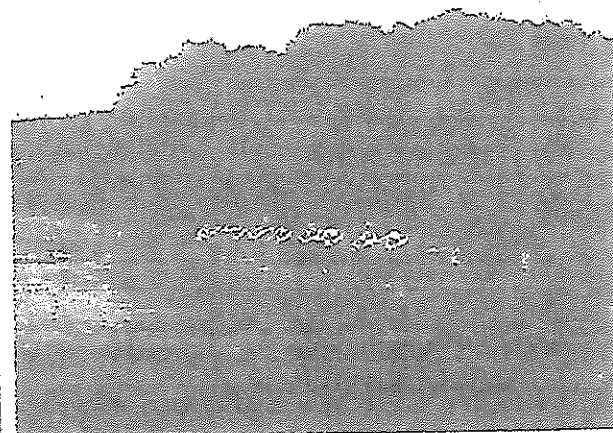
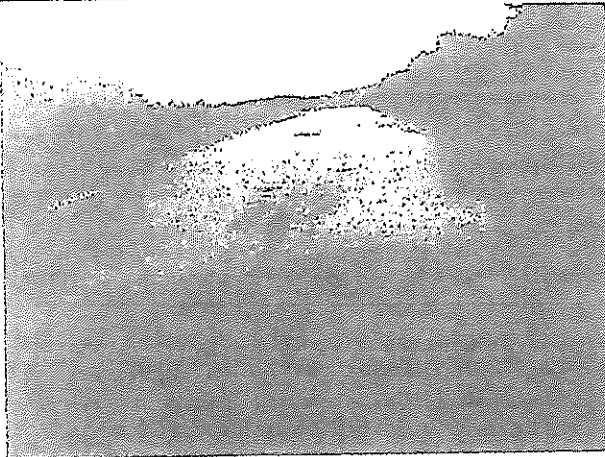
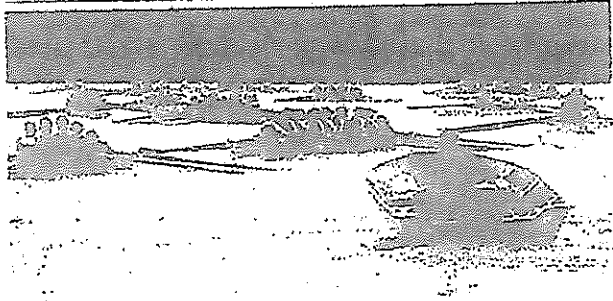
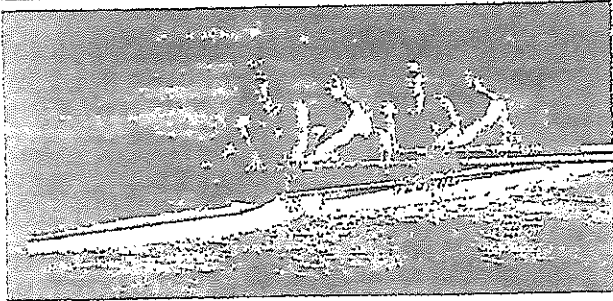
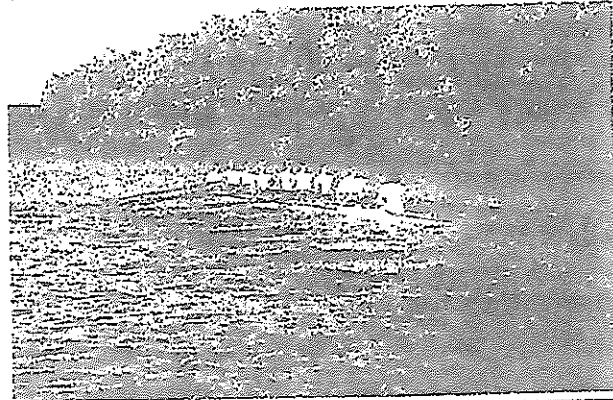
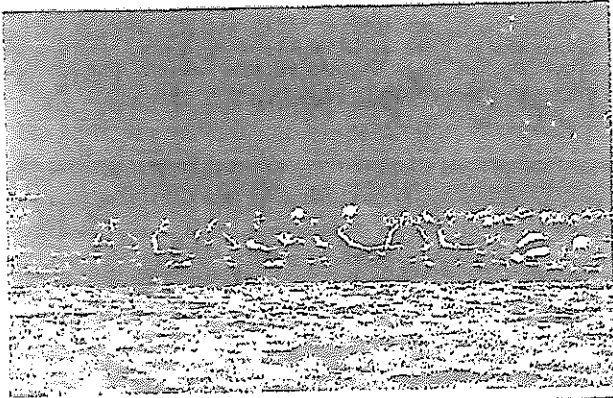
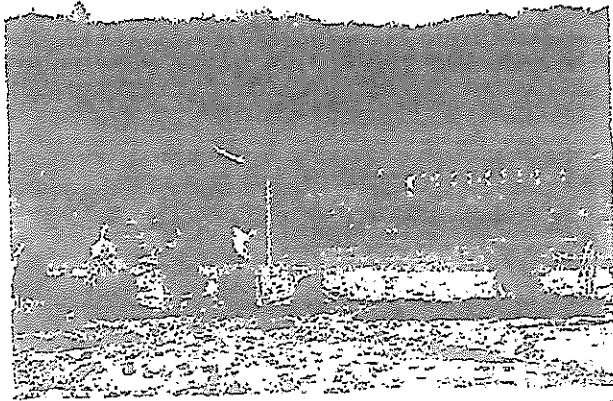
The event is held at Memorial Park in Suncook Village, part of Pembroke, NH. There is good spectator viewing in the park near the bottom of the course as the boats head for the finish. The NHCR historically attracts about 2,000 family, relatives, friends, and other spectators, who come to watch, picnic and party.

The Regatta is hosted by the Amoskeag Rowing Club ("ARC"). The ARC was founded in 1982 and has been growing ever since. The Club does its own rowing from its boathouse downriver just behind the Hooksett District Court at 110 Merrimack Street in Hooksett.

The NHCR is the largest fund raising event of the year for ARC. The proceeds of the event go to support the Club's various programs. Among other things, the Club holds a Learn-to-Row clinic every year during the summer. Beginners of all ages, from 11 to 70 +, can take classes that meet their rowing level, age, and interests. In fact, about half of the permanent members of the ARC never rowed before and learned the sport in one of the Club's instructional programs. The Club has also helped found rowing programs at numerous area colleges and high schools, several of which - Southern New Hampshire University, Manchester High School Central, The Derryfield School and Bedford High School - still row out of the ARC boathouse in Hooksett.

By sponsoring a business announcement in the NHCR program, you can help the Amoskeag Rowing Club fulfill its mission while at the same time helping yourself.

START





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
05/29/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an **ADDITIONAL INSURED**, the policy(ies) must have **ADDITIONAL INSURED** provisions or be endorsed. If **SUBROGATION IS WAIVED**, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Assured Partners-Roehrs 736 Springdale Dr P.O. Box 100 Exton PA 19341-0100		CONTACT NAME: Jennifer McDade Scorzetti PHONE (A/C, No, Ext): (610) 363-7999 FAX (A/C, No): (610) 363-5231 E-MAIL ADDRESS: jennifer.scorzetti@assuredpartners.com	
INSURED United States Rowing Association and its member organizations 2 Wall Street Princeton NJ 08540		INSURER(S) AFFORDING COVERAGE INSURER A: Philadelphia Indemnity Ins Co INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
		NAIC # 18058	

COVERAGES

CERTIFICATE NUMBER: 18-19 Master for Members

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR <input checked="" type="checkbox"/> Watercraft Liability <input checked="" type="checkbox"/> Contractual Liability GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PROJECT <input checked="" type="checkbox"/> LOC OTHER:			PHPK1922781	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 5,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000 Sexual Abuse \$ 1,000,000
	<input type="checkbox"/> AUTOMOBILE LIABILITY <input type="checkbox"/> ANY AUTO <input type="checkbox"/> OWNED AUTOS ONLY <input type="checkbox"/> SCHEDULED AUTOS <input checked="" type="checkbox"/> HIRED AUTOS ONLY <input checked="" type="checkbox"/> NON-OWNED AUTOS ONLY			PHPK1922781	12/31/2018	12/31/2019	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	<input checked="" type="checkbox"/> UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR <input type="checkbox"/> EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE <input type="checkbox"/> DED <input checked="" type="checkbox"/> RETENTION \$ 10,000			PHUB659450	12/31/2018	12/31/2019	EACH OCCURRENCE \$ 1,000,000 AGGREGATE \$ 1,000,000 \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A				PER STATUTE <input type="checkbox"/> OTH-ER <input type="checkbox"/> E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

The certificate holder is included as Additional Insured under the liability policy. Coverage is provided under this policy only for the sponsored/supervised activities of the named insured for which a premium has been paid. This certificate is issued on behalf of USRowing sanctioned New Hampshire Championships Regatta on October 13, 2019.

CERTIFICATE HOLDER

CANCELLATION

Town of Pembroke, NH 311 Pembroke Street Pembroke NH 03275	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE
--	---

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James R. St. Jean

A U C T I O N E E R S

June 20, 2019

Town of Pembroke
David M. Jodoin, Town Administrator
311 Pembroke Street
Pembroke, NH 03275

RE: 6 HOWARD STREET, PEMBROKE, NH - Proposed Single Site Auction Proposal

Dear David,

The following is a breakdown of advertising and the fee structure for the sale of the tax deeded property located at 6 Howard Street in Pembroke, NH. Please note that this budget & fee structure is based on the premise that the property will be sold subject to a reserve bid yet to be established by The Town of Pembroke. St. Jean Auctioneers recommends a \$5,000.00 deposit on the day of sale with a closing to be held within 30 days from the date of sale.

<u># Of Ads</u>	<u>Publication</u>
2	Manchester Union Leader
2	Concord Monitor
2	Suncook Valley Sun
**	Auction Sign Posted on Property

In addition to the above advertisements, a two-color, one-page E-blast brochure detailing the auction property will be produced and forwarded electronically to over 7,500 individuals on our E-mail list who have expressed interest in similar auction properties. The brochure will also be mailed via first class mail to the abutters of this property.

TOTAL APPROXIMATE ADVERTISING: \$1,850.00

FEE STRUCTURE

- A. Third party bids and closes on the property:
 - 1. 10% buyer's premium charged to buyer.
 - 2. All expenses and advertising paid by St. Jean Auctioneers.
 - 3. **NO FEES OR EXPENSES CHARGED TO THE TOWN**
- B. High bid fails to reach town minimum bid at sale:
 - 1. Flat fee of \$500.00 paid to St. Jean
 - 2. Advertising paid by the Town of Pembroke (not to exceed \$1,850.00)
- C. Third party bids and fails to close on property:
 - 1. Town retains bidder's deposit
 - 2. Fee of 50% of retained deposit paid to St. Jean Auctioneers
 - 3. Advertising cost split 50/50 between town and St. Jean Auctioneers

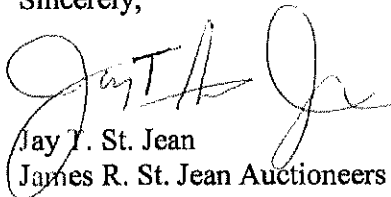
D. Town of Pembroke cancels sale once marketing effort commences or fails to deliver good title to property at closing:

1. Flat fee of \$500.00 charged to Town of Pembroke
2. Advertising paid by the Town of Pembroke

SERVICES PROVIDED FOR AUCTION INCLUDE:

- auction posted on our website: www.jsjauctions.com for three weeks prior to sale
- showing property as requested by potential bidders
- marking boundary lines on property if permitted
- brochure mailed to all abutters
- signs displayed on property
- copies of Agreement and Deposit Receipt, brochures and plot plan properly displayed at auction sale
- outstanding real estate taxes including interest and cost through day of sale made available (if applicable)
- voice recording of sale

Sincerely,



Jay T. St. Jean
James R. St. Jean Auctioneers

Approved by: _____

Date: _____

For: **TOWN OF PEMBROKE**

**BOARD OF SELECTMEN
SPECIAL MEETING WITH THE SEWER COMMISSION
TOWN OF PEMBROKE, NH
JUNE 13, 2019 at 6:30 PM**

DRAFT

Present: Chairperson Tina Courtemanche, Selectman Ann Bond, Selectmen Richard Bean, and Selectmen Michael Crockwell

Staff: Town Administrator David Jodoin

Excused: Selectmen Sandy Goulet

Also Present: Paulette Malo, Sewer Commissioner Harold Thompson, Sewer Commissioner Dan Driscoll, Sewer Commissioner Jules (Andy) Pellerin, Counsel for the Sewer Commission Matt Upton

Commissioner Harold Thompson called the meeting to order at 6:32pm

I. Meeting with the Sewer Commission regarding the purchase of 4 Union Street:

The Sewer Commission's legal counsel, Matt Upton, opened the meeting describing his role in the process. Matt made an opening statement of behalf of the Sewer Commission. He stated that the Sewer Commission feels it has the first right of refusal on the building. They currently have the funds in an account that could be used for purchasing the building and they feel pretty strongly about staying in same location that sewer customers are accustomed to. The statute allows the Sewer Commission to invest in property that is necessary for the management of the sewer system. There are funds in the capital reserve account set up for the potential purchasing of buildings and there are some surplus funds that are available that can be transferred into the capital reserve account. The statute also allows the Commission to expend funds from the capital reserve account without further permission from the Selectmen or voters. After an agreement is made with the Town, there would not be a transfer of deed but a declaration that the Sewer Commission be responsible for and in control of the building. Matt clarified that by law, the Selectmen have control over the assets of the town. While every effort should be made to respect the wishes of the voters, the Selectmen have final say with a warrant article such as this one. Allowing the Commission to purchase 4 Union Street will save the rate payers money, give the Sewer Commission a stable home, get the town the money for the property that they wanted, allow the town to stop acting as landlords, and take the fixing of the wall off their hands.

David Jodoin stated that in 2006 the town was given the authority to buy and sell property in accordance RSA 41:14. He would like to know what statute governs the Sewer Department that gives them the same ability. Matt stated that the Town gave

them authority when they put into the lease that the Sewer Department has the right to first refusal and that is a binding obligation. Under RSA 41:14a the town has the authority to sell property as well as to buy it. David stated that there would be a purchase and sales agreement and what statute gives the Sewer Commission the authority to actually buy the property. Matt stated that there would be a transfer of funds but the Town would still own the property. Selectman Courtemanche stated that the towns people said no and they do not want to disregard what the towns people said. Matt stated that the voters did not want to spend the money on fixing the retaining wall and they would rather dispose of the property and they did not want the town to be landlords. David clarified that the comments were that the towns people did not want the Town to be in the commercial real estate business.

David asked if they agree or disagree that the Sewer Department is an entity of the Town. Matt stated he did agree. David stated that they are under the same Tax Id Number. Matt said he agreed. David stated that the vote and intent of the voters was that they did not want to be in the commercial real estate business. David stated that the majority of the discussion was around them being in the real estate business and not the retaining wall. Matt stated that under those guidelines the Department of Public Works is also in the real estate business. David asked what gives the Commission the authority to rent or lease the building. Matt stated that any department would have the authority as owners of the building they occupy.

David stated that in the 149 statute that governs the Sewer Department, they talk about the purchase of property as for infrastructure such as a pump house or new lines but not a building. Matt stated that the Commission needs a building to operate out of and 149 I:8 talks about the ability to spend money on the operation and management of the Sewer System. The management of the sewer system would require an office.

David discussed section 8 of the lease agreement which covers the first right of refusal. The last sentence is the party's rights and obligations under this provision are subject to any necessary approvals that may be granted or denied by any annual or special town meeting. The voters made their will and intent clear at town meeting to sell the property which would negate the first right of refusal. Matt asked if the voters were informed that the Commission wanted to purchase the property. Selectman Bean stated that nothing was brought forth. David stated that they were clear that they wanted the building sold. Matt asked if there was discussion around if the Sewer Commission purchased the building that it would reduce rates for rate payers. Selectman Courtemanche asked how it would reduce rates. Matt stated that right now the Commission pays \$8,000/year in rent. That \$155,000 that is in their accounts and earning interest of 2-3% a year equals out to between \$3-4,500/year in interest. If they buy the property, they no longer are paying that rent. Selectman Courtemanche stated they would now have to pay utilities and all the maintenance on the building. During the budget season, the Commission told the Budget Committee that that money in the account was for emergency purposes only. Matt stated that the capital reserve account includes being for buildings.

Selectman Bond stated that the building is very old and requires a lot of maintenance. How will that be saving rate-payers money. Using the money in the account that is already there, will stop the 8,000/year payment. They do not disagree that there will be additional costs but the Commissioners will handle that. Selectman Bond asked how much will be left in reserves so they do not have to go to rate-payers to fix the retaining wall. Matt stated that the new numbers that came out are less than the \$150,000 to fix the wall. David stated that there were different numbers and opinions. There are no guarantees on the costs and how long it would last.

Selectman Bond stated that residents are very concerned about their rates going up with all the additional operational costs and the maintenance costs. Matt stated they were not prepared to discuss operational costs but would be willing to draw up some projections.

Selectman Courtemanche shared concerns that if this \$155,000 is spent, there will be a lack of funds if something at a pump station should fail. Dan Driscoll stated there is money for that. Selectman Crockwell asked how much. Paulette Malo stated there is \$350,000 in accounts and almost \$500,000 in the trust funds total.

Selectman Bean commented that there was an overwhelming support at Town Meeting to sell the building. Selectman Bean was also surprised to see the amount of people who owed on their sewer bills. He believes there may be other options for space available in the town such as town hall or the water department building. Paulette stated that they need garage space.

Dan Driscoll asked where the town would put them. David stated that they can stay in the same building for the same amount of rent they currently pay. The potential buyer wants everyone to stay as is under their current terms. David stated he did speak to the town attorney and he stated that the Commissioners only have the authority that the Board of Selectmen have if the Commission had not been formed. A Board of Selectmen has no inherent authority to purchase property unless they have 41:14 approved which has been done but there has been no authority granted for the sewer department. In addition, a specific appropriation would have to be approved by town meeting vote to expend the money for this purchase. Matt stated that he disagrees with the legal opinion because the case law is very clear on the money in capital reserves. The Commissioners have the right to expend it as they see fit. David does agree with this, however, the purpose on the creation of the trust fund and the buildings was likely meant for pump houses and infrastructures and not to purchase a building and rent it.

Gerry Fleury, Trustee of Trust Funds, stated there is \$541,000 in the capital reserves but it is split between a number of different accounts. Gerry does not interpret any of the reserves to be legally expended for the purchase of commercial real estate. Gerry also expressed concerns that any large expenses that may have been spread across the entire town of tax payers will now be concentrated to the rate-payers. Matt

stated that in 2013 when the capital reserve was established it was titled sewer equipment and buildings.

Chet Martel, 74 Broadway, understands that the intent of the vote at town meeting was also to get the building back on the tax rolls. Matt stated there will be two public hearings and they can ask voters what they want at those meetings. The question at town meeting was to get rid of the building or keep it but the question about the Sewer Commission owning it was never asked. David stated that the question was asked if the Town wanted to retain the building. The Sewer Commission is under the Town tax id number and is therefore part of the town and the will of the voters was not having that building owned by the Town anymore.

Selectman Bond asked Gerry Fleury if the Sewer Commission comes to the Trustee of Trust Funds to request the money, is it up to the trustees to say yes. Gerry would have to go back to the agreement and if he did see a reasonable request, they would grant the request. Otherwise, he would refer it to Department of Justice Office of the Attorney General Charitable Trust Division for a ruling. Matt reiterated that the 149 I:8 says they can spend money for the management of the sewer system. Selectman Bond asked if they ruled against it, would they be able to come up with the \$150,000. Matt stated it would have to come from those funds.

Gerry Fleury asked if the sewer commission is confident they could undertake the management of the commercial real estate and expressed concerns that if tenants move out and the building is not the full the rate-payers have to make up the difference in the budget.

David asked if the lease is a valid legal binding document since leases that long are typically not allowed. Matt does find it a valid legal document and he regularly does leases that long.

Harold Thompson stated that the money spent on their rent would cover the costs of operating that building with no tenants. David disagreed that \$8,000/year would cover the costs of the building. Paulette stated that with the building fully occupied it costs \$13,000/year and if the building was not fully occupied the costs would come down.

Selectman Bond asked how long they have been at 4 Union Street. The answer is since January 2006 or 13 years. Paulette added that they were at the library building on Pembroke Street for two years, the highway department four years before that, and town hall for seven years.

Selectman Courtemanche asked if they have something in place for the management of the building. Harold stated that they need to acquire the building first before entering into contracts with anyone. Harold stated there isn't room around town for a permanent building and it would cost around \$300,000. Chet added there isn't any room at the Water Works building. Selectman Bond stated that they have until 2026

to figure something out. Matt stated that if the other person buys the building, they are under no legal obligation to keep a lease until 2026. Paulette shared concerns that if the Town is not willing to hold up their end of the current lease, they cannot count on a new person buying the building and upholding their word to honor the lease. David stated that if it is a part of the purchase and sales agreement it will bind them to the lease.

Matt reiterated that the option of the Sewer Commission buying the building was never brought to the voters so it isn't necessarily the will of the voters not to sell to the Commission. Selectman Bond stated that the money is coming from a town entity and the voters will see money going from one town entity to another town entity.

Matt asked if the intention was never to sell the building to the Sewer Commission, why was the language put in the lease for right of first refusal. Selectman Courtemanche asked how old the lease was. Paulette stated the original was 2005 but the renewal was in 2016.

Selectman Courtemanche asked if the rate payers have the ability to tell the Commission not to buy the building. Dan Driscoll stated that they have the same voice that they do with the Selectmen. They can come to open meeting and make their will known. Paulette stated that meetings are the third Monday of the month at 7:00pm and all agendas and approved minutes are on the Town's website. There are two public hearings scheduled for June 17th and July 1st.

Selectman Bond asked if the lease agreements in 2005 and 2016 are the same. Paulette stated that the language on the payment is different due to when the siding was done on the building, the Commission spent \$7,000 to retrofit a second garage door. Paulette added that had they known the building would be sold, they would not have spent that money.

Gerry Fleury stated that there is a possibility to add language to the purchase and sales agreement with the buyer that guarantees the lease with the Sewer Department until 2026. Matt stated that in the purchase and sales agreement there would have to be language that the lease agreement would survive all further sales of the building.

II. Non-Public Session:

Motion by Commissioner Dan Driscoll to enter non-public session in accordance with RSA 91-A:3 II (E) Consideration or negotiation of pending claims or litigation which has been threatened in writing or filed against the public body or any subdivision thereof, or against any member thereof because of his or her membership in such public body, until the claim of litigation has been fully adjudicated or otherwise settled.

at 7:22 PM. Seconded by Commissioner Andy Pellerin.

Roll Call Vote:

Commissioner Pellerin
Commissioner Driscoll
Commissioner Thompson
Selectman Courtemanche
Selectman Crockwell
Selectman Bond
Selectman Bean

The Board came out of non-public session at 8:30 PM

III. Adjourn:

Justine M. Courtemanche, Chairman

For more detailed information, the meetings are now taped and can be seen on www.townhallstreams.com click on Pembroke NH and look for the day of the meeting under the month.

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
JUNE 17, 2019 at 6:30 PM**

DRAFT

Present: Chairman Tine Courtemanche Selectman Ann Bond, Selectmen Richard Bean,
Selectmen Michael Crockwell, Selectman Sandy Goulet

Staff: Town Administrator David Jodoin, Recording Secretary Jillian McNeil

I. Call to Order:

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

II. Citizen Comment:

None

III. Scheduled Meetings:

Continuation of the Public Hearing: San Ken Homes

Selectman Courtemanche made an opening statement that the Selectmen's only responsibility for the development is the opening of the Range Roads. Selectman Courtemanche opened the public hearing at 6:32pm. This is a continuation of the site walk conducted on June 15, 2019.

Joanne Gelinas-Snow, 351 Brickett Hill Road, expressed concerns for maintaining the integrity of the neighborhood and the possibility of losing the trails for trail riding which would negatively impact their livelihood as owners of the Gelinas Horse Farm. Joanne proposed a recreational shoulder to allow access to the remaining Range Roads.

Dick Nolin, Plausawa Hill Road, presented a copy of the current town master plan which states that the town wishes to preserve the Range Roads as class 6 roads. Upgrade only if necessary. Dick asked if the Selectmen plan to open the road under the lay out provision. Selectman Courtemanche responded that they are. Dick stated that the New Hampshire Municipal Association considers that provision as a form of eminent domain. Dick expressed his opposition to opening the Range Roads using this provision.

Kurt Gillies, 429 Fourth Range Road, expressed concerns for the amount of water still flowing down Robinson Road. He is concerned that if the road is reclassified and paved that pot holes and frost heaves will quickly destroy the roads.

Kim Carter, Fifth Range Road, asked if the Board received the petition that was signed by many residents opposed to the project. Selectman Courtemanche responded that it was received a few months ago. Kim asked what the criteria are for the Board to make their decision. Selectman Courtemanche answered that they are listening to the comments, will take time to digest them and consult with legal. The rest of the Board concurred with that statement.

Richard Nolin, Plausawa Hill Road, asked if the master plan shows the wishes of the Town. Selectman Courtemanche stated that the members of the town adopt the master plan. The last adopted master plan was in 2004.

Tina Parrish, 333 Beacon Hill Road, expressed concerns for the water that will run down the sides of the road. Tina asked if this vote is for the remainder of the Range Roads. Selectman Courtemanche stated that this discussion is just on the portion of Fourth Range and Flagg/Robinson Road. Jon Rokeh, Rokeh Consulting LLC, answered that it will be 3,060 feet of Flagg/Robinson and 1,786 feet of Fourth Range.

Peter Gailunas, 415 Fourth Range Road, expressed concerns for the precedent being set if this road is opened. Peter urged the Board to reject the proposal.

Ammy Heiser, 604 Buck Street, is Chairman of the Conservation Commission and discussed the importance of the Range Roads remaining as is because the large sections of unfragmented land that are a great habitat and have a high natural resource value. The Town's aquifers are all very dependent on the wetlands to do their part and to fight contamination. Ammy also expressed concerns for the precedent being set for other future developers. The impact of 48 houses on a sensitive wetland is bound to cause a lot of unintended consequences.

Brian Mrazik, Pembroke Hill Road, asked if the board had already consulted with legal counsel regarding this development, and what was their response. David Jodoin answered that he has been in contact with counsel at different points throughout the process, but could not provide details because that comes under Attorney client privilege.

Donna Severance, Fourth Range Road, expressed opposition to paving the dirt roads and concerns for the town eventually owning the roads and the financial responsibility that will fall to the tax payers.

Ayn Whytemare, Borough Road & Pembroke Street, discussed the misconception that if more houses are built that there will be more income from taxes. Additional houses mean additional needed resources from the town, sewer, police, fire, and schools. Conservation land requires very little resources. Ayn also expressed concerns for a member of the Roads Committee now being a Chair of the Planning Board. The expansion of the Range Roads was a suggestion that came out of the Roads Committee and that person is now in charge of directing the conversation on

the Planning Board in regard to the Range Roads. Ayn expressed her wishes that the Board look beyond any personal agenda and look at the will of the people.

Susan Plante, Church Road, expressed concerns for precedent being set and the Town opening roads without a finalized master plan. Susan then asked if the Town has plan for opening the remainder of Fourth Range to Church Road. Susan stated for the record that she is in opposition of opening the Range Roads.

Gene Gauss, Fourth Range Road, stated that while understanding that San-Ken bought the property and they have the right to do with their property as they see fit within established town guidelines, the town is under no obligation to open the Range Roads. Gene stated that it will become a burden to the town to maintain the roads and retention ponds. Gene stated concerns for the wildlife that rely on the wetlands. Gene restated that he believes that San-Ken has the right to do what they wish with their property but not at the cost of the town and town's people today and the in the future. Gene suggested that the answer might be a home owners association that could be created to maintain the roads and if the home owners association fails, the responsibility reverts back to San-Ken.

Howard Robertson, 401 Fourth Range Road, expressed concerns for the water table and the impact on the wells in the area. There is no way to accurately predict how many people will be living in the homes, how many times they shower, how many times they flush the toilet, or how often they will do laundry. Howard also expressed concerns for the added traffic and the 4-way stop that will be needed at the top of Pembroke Hill Road. Howard stated his opposition for the project.

Daniel Crean, East View Drive, expressed concerns for the costs to the Town. Dan stated he would like to see studies on the long-term impact to the tax payers to the Town.

Kim Carter, Resident, asked the Board when the vote will be taken. Selectman Courtemanche stated that there has been a lot of information given and the Board will need time to digest it all. The meeting will be continued to July 15th.

Brian Mrazik, Pembroke Hill Road, expressed concerns for opening the Range Roads to future development. Brian discussed concerns for Pembroke Hill Road in its current state. Pembroke Hill Road does not meet any current town standards particularly on the s-curve. An alternate route was proposed years ago to by-pass the dangerous s-curve for future developments causing added traffic. The route went from the corner of Third Range Road and Pembroke Hill Road and went up to Fourth Range Road. It is irresponsible to open up the Range Roads and allow a subdivision of this size to additional developments without changing the feeder road. David asked who the current owner of that land is. Brian answered that he was unsure.

Kurt Gilles, 429 Fourth Range Road, discussed the house on the s-curve Brian Mrazik was talking about. Curt also expressed the dangerousness of the curve.

Peter Gailunas, Fourth Range Road, expressed concerns for the dangerousness of the s-curve on Pembroke Hill Road as well. Peter has concerns for the Town needing to straighten out that curve if the development is allowed in and the expense of that to the tax payers.

Wendy Weisiger, Academy Road, stated that the Board should consider the roads independently even though they are for one development. They are two different roads with two different impacts on the Town. The developers had spoken with the Conservation Commission and stated that it was town regulations causing them to add an additional loop road and the town should consider allowing hammer heads at the end of the roads. David stated the interior road was the Fire Department's recommendation so they had two means of egress.

Tina Parrish, 333 Beacon Hill Road, expressed concerns for the precedent opening the roads would set.

Ammy Heiser, 604 Buck Street, stated that on the questionnaire for 2004 master plan, it was made known that the rural character of the town is important to the town's people.

Selectman Bond made a motion to continue the public hearing to July 15th at 6:30 at the Town Hall. Selectman Crockwell seconded the motion. Motion passed 5-0. The public hearing was closed at 7:11.

Selectman Bean made a motion to re-open the public hearing at 7:11 so that the developer could ask questions. Selectman Crockwell seconded the motion. Motion passed 5-0.

Selectman Goulet asked the developers to consider two things; if the recreational shoulder is something that might be considered and if they would consider giving the town a stipend for future maintenance of the roads and retention ponds. Selectman Goulet asked that they come back to public hearing on the 15th with answers.

Selectman Bean asked how many retention ponds there would be and if a home owners association has been considered. Selectman Courtemanche stated that those are questions for the Planning Board to consider and not the Select Board. After some discussion, it was decided that the retention ponds are needed for the roads to drain into so they will consult with legal and see if the ponds can be considered by the Select Board.

David asked if there is available land for non-motorized traffic to access Fifth Range Road. Kenny Lehtonen, San-Ken Homes, stated that after hearing the concerns, they are considering a potential trail easement from Fourth to Fifth Range. Ayn

Whytemare asked who would be responsible for maintaining that trail. David stated that it would depend on what the easement says.

Jon Rokeh, Rokeh Consulting LLC, asked if there are other home owners associations or private roadways for other developments in town. David stated that Chickering Meadows, portions of the Littlefield Development, and Berry Brook Lane. Kenny Lehtonen stated that retention ponds are now required for any new roads with development purposes and the concern is that if the Town will require a homeowner's association for this new road, they are essentially saying no new roads will be adopted by the Town.

Susan Plante, Church Road, asked if there could be by-laws attached that there would be no new development of any Range Roads for a certain amount of time. Selectman Courtemanche stated that that would be a legal question.

Selectman Bond made a motion to continue the public hearing to July 15th at 6:30 at the Town Hall. Selectman Goulet seconded the motion. Motion passed 5-0. The public hearing was closed at 7:19.

Public Hearing in Accordance with RSA 41:14-a Sale of 4 Union Street

Selectman Courtemanche opened the public hearing at 7:22.

Gerry Fleury, 21 Kimball Street, expressed concerns for the Sewer Commission purchasing 4 Union Street. Gerry stated that 4 Union Street is not a prime location for the Commission to operate. Gerry also expressed concerns at the cost of owning and operating the building and the costs that were once spread across the Town's entire tax base will now be concentrated to rate payers. Gerry urges the Select Board to carry out the will of voters and put 4 Union Street up for sale.

Dana Carlucci, 8 Prospect Street, expressed support of the Sewer Commission retaining the building. They have helped manage the property and have been doing it since the beginning. They have also invested money into the property for maintenance. There are parts of the building that are taxable so it is not entirely off the tax rolls. There are also town entities like the Meet Me in Suncook group, Women's club, and Rec have all had functions and meetings in the building. Dana also has concerns that the building will be turned into apartments and not used for businesses as it is now. The building operated off profits up until last year when there was a \$20,000 paving project done. The building was full until a tenant was recently let out of his lease. Dana would also like to know why he was released only a couple years into a 5-year lease and did the town retain his security deposit. Dana would also like to know why the Town ignored the Sewer Commission's first right of refusal on the building and entered into a Purchase and Sales Agreement with someone else. There is also no where else in Town that has a fire proof room to store town artifacts.

Karen Yeaton, Resident, expressed concerns about the Commission taking on the role of property management. There is nothing in their mission stating their goal is to be in property management. The Commission has not put forth any evidence showing that they are equipped to be property managers. Karen asked what the name on the paperwork would be. The Town of Pembroke or The Town of Pembroke Sewer Commission. David stated that the Sewer Commission is under the Town's Tax Id. According to their lawyer they would pay the Town \$155,000 for the building but there would not be an official transfer of property. Karen stated that if that is the case then that goes completely against the will of voters at town meeting. The Town does not want to bear the burden of the building anymore.

David clarified that any money earned on the building was turned around and put back into the building. There has been a lot of work completed on the building. When the parking lot was done, the Roads Committee was adamant that the project should not come out of the Roads budget and should be charged to the building. That caused the building to go into the red. The warrant at town meeting granted all tenants the ability to get out of their lease. The tenant on the second floor had an opportunity to move their business to Manchester and they removed themselves from the building and the Town kept the security deposit. There is a potential heating system project left to be completed. Karen stated that all of the building maintenance work, the leasing of the building, and budget worksheets are the work of a property management company and does the Town want to pay someone to be doing that work.

Dana Carlucci discussed all the work that has been completed on the building throughout the years.

Dan Crean, East View Drive, would like to see how much revenue from the business profits tax has actually been given to the Town. Dan does not see where in RSA 149i that gives the Sewer Commission the authority to acquire property. A vote of the Town should be required to acquire property

Gerry Fleury stated the Commission's plan to use capital reserve funds to acquire the building. He believes that it would be a stretch to use capital reserve funds for that purpose. He would suggest the Select Board ask the Commission for language from when the Capital Reserves were created that allows them to use the funds for that purpose. The Trustee of Trust Funds may have to approach the State of New Hampshire for a ruling.

Gene Gauss, Fourth Range Road, stated that at town meeting the voters voted to sell the building. Since the building will not technically be trading hands, that is not the will of the voters.

Selectman Bond made a motion to continue the public hearing to July 1st at 6:30 at the Town Hall. Selectman Bean seconded the motion. Motion passed 5-0. The public hearing was closed at 7:54.

IV. Old Business:

David presented the 2016 Tax Deeds. Any property that is deeded, David will need to send out notification and the owners have 90 days to re-purchase the property. Once it is deeded the owner's need to make everything current. This includes all back taxes owed, attorney fees, interest, and penalties.

David stated there are three owners' listed as unknown properties, potential contamination issues, and deed issues. Selectman Goulet made a motion to sign the deed waivers for tax map lot numbers VE-179-1, VE-179-2, VE-15-1, VW-114-1, and 226-27-2. Selectman Bond seconded the motion. Motion passed 5-0.

David discussed the property formerly owned by Louis Marcoux. The estate was notified and the letters came back as undeliverable. As of today, the property owes \$51,121.76. The lot is located on 6 Howard Street and is a buildable lot. This lot will require notification of individuals to move vehicles off the property and the lot will need to be cleaned up. After the 90 days, the property should be put up for auction and hopefully be back on the tax rolls for 2020. Selectman Bond made a motion to proceed with the deed on 6 Howard Street. Selectman Crockwell seconded the motion. Motion passed 5-0.

David discussed the next parcel located at 212 Buck Street. The parcel of land is assessed at approximately \$10,000. The owner has not responded to any communication from the town. Selectman Goulet made a motion to proceed with the deed on 212 Buck Street. Selectman Crockwell seconded the motion. Motion passed 5-0.

David discussed the property at 2-4 Prospect Street. All notifications have gone to the property. On Friday, the owner sent communication to David for a possible solution to the tax issues on the property. David has not heard from them since. This property is a two-family building and land and as of today owes \$32,758.94. Selectman Goulet made a motion to proceed on the deed on 2-4 Prospect Street. Selectman Bond seconded the motion. Motion passed 5-0.

Selectman Goulet made a motion to start the eviction process on 2-4 Prospect Street. Selectman Bond seconded the motion. Motion passed 5-0.

Regarding the street light update, David said the 6 lights should be done being installed by the end of the week. The others have been ordered.

Selectman Bond send out the updated future street light pole regulations. The Board will vote on them at the next meeting.

The sub-committee for the solid waste agreement will be meeting on July 10th with a rep from Casella.

V. New Business:

The Department of Public Works sent correspondence regarding Nixon Road to the Selectmen. Public Works would like to see the road paved. The Board would like to invite the residents of Nixon Road to give their opinion on what they would like to see with the road on July 1st. David will send out letters this week.

The Department of Public Works sent correspondence in regards to the San-Ken homes development. DPW recommends that they maintain the swales and detention ponds so the proper recording can be done for MS4. Roads Committee also sent correspondence and recommends that the easements for the drainage be town owned so proper maintenance can be done and recorded for the MS4. David said that there would have to be language in the deeds that the home owner would keep the swales open and clear. The Selectman would also have to adopt an ordinance.

David received a resignation email from Bryan Christiansen for the Capital Improvement Committee. The Board accepted with regret.

Selectman Bond made a motion to approve the Manifest as presented. Motion was seconded by Selectman Goulet. Motion passed 5-0.

Selectman Crockwell made a motion to approve the minutes of June 3, 2019 as presented. Selectman Goulet seconded the motion. Motion passed 5-0.

Selectman Bond made a motion to appoint Michael St. Jacques as Police Officer for said town and upon he taking the oath of office and having his appointment sworn and a certificate of said vote of the office recorded by the Town Clerk. Selectman Goulet seconded the motion. Motion passed 5-0.

VI. Town Administrator Report:

David presented the Board with the draft minutes for the site walk on Saturday, June 15, 2019 for the San-Ken Homes development. They will be approved at the next meeting.

David presented the Board with the draft non public minutes from the special meeting with the Sewer Commission. Selectman Crockwell made a motion to accept the minutes with correction. Selectman Bean seconded the motion. Motion passed 4-0. Selectman Goulet abstained.

David presented the Board with the information from the Police Department on their cruiser purchase.

VII. Committee Reports:

Selectman Bean – Went to Roads Committee. A resident complained about run off on her property. There is a pipe on the back of her property that no one knows where it came from. The water from the pipe is accumulating in her back yard. DPW is looking at solutions. Selectman Bond stated that DPW is concerned they do not have enough rights to go onto the property.

Selectman Goulet – Solid Waste Committee met and they discussed prices and reviewed the contract. David said they may also look into privatization of solid waste, the vehicle is due to be replaced at the same time that the contract expires.

Selectman Bond – Roads Committee discussed Nixon Street and swale enforcement. Planning is working on cul-de-sacs, commercial greenhouses, and changing the meeting time to 6:30.

Selectman Courtemanche - None

Selectman Crockwell – The Board scheduled a Building Committee meeting for July 11th at 6:30 at town hall.

VIII. Other/Citizen Comment:

None

IX. Non-Public Session:

None

X. Adjourn:

Motion by Selectmen Goulet, seconded by Selectmen Bond to adjourn at 8:47 PM.
Motion Passes 5-0.

Justine M. Courtemanche, Chairman

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6/17/2019
Peter Gailunas
415 4th Range Road
Pembroke NH 03275

TO: Selectmen Town of Pembroke NH.

RE: San-Ken homes request to open 4th Range and Flagg Robinson Class VI Roads.

Selectmen,

I moved to 4th Range Road 17 years ago to get away from exactly what San-Ken homes is proposing to build at 373 4th Range road.

A 48 home project of this magnitude in this delicate area only promotes urbanization and the destruction of the rural beauty of Pembroke. Our town does not need another Donna Drive style development. By refusing to grant this road opening request, the selectmen of Pembroke have the power to stop or significantly limit this project.

Opening of class VI roadways for San-Ken homes sets a legal precedence that the town may not be able to control moving forward. If the town opens these roads for San-Ken Homes, we are setting a precedence that in the future anyone can get a class VI road opened. Keep the genie in the bottle. If you open these range roads now, all of the class VI range roads in Pembroke will be ripe for developers to build more large developments.

As a direct abutter, I am firmly against this project and the destruction of peaceful rural country living that this project will bring. I respectfully ask the selectman to listen to the will of the abutters, town's people and recreational users of these roads. Do not be intimidated by San-Ken's lawyers. Refuse this request to open the class VI range roads. Require San-Ken to build roads on their own property.

Peter Gailunas



RECEIVED

JUN 11 2019

TOWN OF
PEMBROKE, NH

357 Pembroke Hill Rd
Pembroke, NH 03275

June 10, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Pembroke
311 Pembroke St.
Pembroke, NH 03275

Dear Selectmen,

This is in response to your undated Public Hearing Notice in regard to the petition by San Ken Homes, Inc. to reclassify Robinson Road and portions of Fourth Range Road from Class VI to Class V. The reclassification is proposed as part of the petitioner's plan for construction of a 48-lot major subdivision (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. I am hereby invoking my right to submit the following written testimony in opposition to this petition. I am also resubmitting my April 8, 2019 letter to the Board (enclosed) as part of my testimony.

I am concerned that statements by unauthorized Town representatives have lead to a plan for Fourth Range Road which is unnecessary, inconsistent with the Town's subdivision ordinance, and detrimental to the rural character of the neighborhood. The developer's initial concept plan of September 2, 2017 did not include any proposed changes to the Class VI portion of Fourth Range Road. In the October 3, 2017 meeting of the Roads Committee, the developer was told that "...they [the Fire Department] do not like one way in and out of a development"; that "there were still possibilities [to place improvements on Class VI range roads] if the developer includes the cost to improve the roads in their plans"; and that "It is the opinion of the Roads Committee that Fourth Range Road be opened up from Pembroke Hill Road to the end of the property as well as Flagg/Robinson Road to Fifth Range Road."

Only the Planning Board has the authority to issue requirements and specifications for subdivision approval, yet the developer has revised his plan to incorporate each of the 'requirements' stated by the Roads Committee. Subsequently, in the Planning Board meeting of October 24, 2017, the developer asked if there would be a sidewalk requirement for Flagg-Robinson Road and Fourth Range Road (as required by Town ordinance). The former Town Planner replied that "there would be a waiver for that". Subsequent discussion at that meeting indicated that most Planning Board members were in favor of sidewalks. By email of January 9, 2019 from the Town Planner to the developer's engineer, he was told that, for the subdivision application to be complete, he would have to submit *"A letter requesting the following items be waived from the Subdivision Regulations with justification for each....b. 205-41.E (19)(a) Sidewalks (Request to not provide sidewalks for reasons of character of the neighborhood, drainage/impervious, etc)."*

More recently, at the April 23, 2019 meeting of the Planning Board, in a presentation by the developer, I learned that the developer had again revised the design plans for the Fourth Range Road upgrade such that it would now meet the specifications for a Class B Collector roadway as opposed to a Class C Local roadway (normally required for a subdivision). The revised plan now calls for 1,800 feet of roadway with a 24-foot wide paved surface, 4-foot gravel shoulders on both sides, and flanked by drainage ditches. Again, no sidewalks are shown on the plan, which is inconsistent with the Town's subdivision regulations regarding roads within 1 mile of a (Pembroke Hill) school.

The developer stated that the road plan was revised in response to the review letter of January 11, 2019 from KVPartners, LLC (the engineering firm under contract to the Town) and for consistency with the Town's Master Plan. This review letter stated that *"4th Range Road may eventually become a collector street as noted in the TRC comments. Since that is a possibility and a desire of the Town, we recommend the roadway width be increased to Collector Road standards or 24' wide."* I remind the Board that an updated Master Plan does not exist until approved by the Planning Board and cannot be used as the basis for the proposed reclassification or an enhanced roadway design. Likewise, evidence that the use or upgrading of Fourth Range Road, as a 'Collector Road', is a 'desire of the Town' does not exist and, in fact, evidence to the contrary is abundant, as discussed in my letter of April 8. Furthermore, a recommendation by a Town consultant does not constitute a directive from the Planning Board. In the record, I can find no action by the Planning Board to change the specifications for Fourth Range Road from Class C to Class B.

In summary, as a result of statements made by Town representatives, other than the Planning Board, the developer has moved from a position of not proposing any upgrades to Fourth Range Road, to agreeing to put in place a Class B Collector roadway, some 1,800 feet in length, with 24 feet of paved width, 8 feet of gravel shoulders, but no sidewalks and curbs, as a condition for the Town's approval of his subdivision. The Board of Selectmen is now being asked to lay out this road despite the fact that it is not required for the development, no public benefit will be achieved by it, its plan is inconsistent with the Town's subdivision ordinance, and it is detrimental to the rural character of the neighborhood.

I would like to finally call the Board's attention to RSA 674:40 which requires that in a municipality with a Planning Board that has subdivision approval authority, a highway cannot be laid out as part of a subdivision without the prior approval of the Planning Board. I therefore request that, to avoid further usurpation of the Planning Board's authority, the Board of Selectmen either reject the petition outright, or take no further action on the petition until the Planning Board has defined the need for, and specifications of, any roadways to be laid out.

Sincerely,



Brian R. Mrazik

Cc: Pembroke Planning Board

357 Pembroke Hill Rd
Pembroke, NH 03275

April 8, 2019

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Board of Selectmen
Town of Pembroke
311 Pembroke St.
Pembroke NH 03275

Dear Selectmen,

I am responding to your undated Public Hearing Notice, which I, as a legal abutter, received on March 28, 2019. The hearing is in regard to the petition by San Ken Homes, Inc. to reclassify Robinson Road and portions of Fourth Range Road from Class VI to Class V. The reclassification is proposed as part of the petitioner's plan for construction of a 48-lot major subdivision (Plan Application #18-09 for Tax Map 262, Lots 43 & 45) at 373 Fourth Range Road. I am hereby invoking my right to submit written testimony to the Board in opposition to this petition.

I would like to first object to the Board's decision to hold the public hearing (as required under RSA 231:9) at the same location (373 Fourth Range Road) as the Board's personal site examination (as required under RSA 231:11). This is not a 'neutral' location. It is the petitioner's property and some people wishing to speak may be intimidated by having to give testimony there. Secondly, it will not be recorded as all official meetings at Town Hall now are. Thirdly, it is an outdoor location subject to inclement weather conditions, lack of parking, and terrain conditions not readily accessible to all individuals who may wish to present testimony.

I would also like to preface my statements by advising the Board that two years ago I purchased 8 acres of land that front on Fourth Range Road in the section that is proposed for reclassification. I stand to make a substantial return on my investment if the road is reclassified as proposed. Yet, I remain opposed to this reclassification for reasons discussed below.

There is no occasion for the layout as prescribed under RSA 231:8.

New Hampshire case law has established that an 'occasion' for laying out a highway requires a public necessity and convenience. Private benefit alone does not justify a layout. A public necessity for reclassifying either of these two roads does not currently exist. On the contrary, reclassification at this time would have significant negative public impacts. It will create a long-term taxpayer commitment to operate and maintain these roads and open a significant land area to new residential development which, in turn, will increase traffic congestion, exacerbate

existing road hazards, and create an additional tax burden on the Town for other road upgrades and public services.

I am aware that there has been discussion in meetings of the Board and the Roads Committee regarding hypothetical benefits of reclassifying Fourth Range Road. Alleged benefits include reduced traffic congestion on US Route 3 and the provision of an alternative 'bypass route' in the event of fire or police emergencies. However, no studies have been conducted to support these assertions. Alternative routes currently exist at North Pembroke Road and at US Route 4. Also, the alternative of widening US 3, and the potential for state and federal funding sources to do so, need to be evaluated. Without a study demonstrating otherwise, the concept of diverting traffic over a Class C residential roadway, as a means of improving traffic flow on the Town's major transportation corridor (US 3), seems ludicrous. The Pembroke Hill community does not want additional high-speed traffic short-cutting over Fourth Range Road in an attempt to avoid slow-downs on US 3.

In its February 11, 2019 comments to the Pembroke Planning Board, the Central New Hampshire Regional Planning Commission (CNHRPC) cautioned about the negative impacts of prematurely opening these roads and recommended further study, stating:

"A traffic study should be prepared which addresses the impact of this development on the US3/Pembroke Hill Road Intersection. ...the potential for secondary development caused by the newly created frontage on public roads adjacent to the project should be included in the evaluation."

The draft transportation chapter of the Town's Master Plan update also recommends further planning efforts before the opening of Fourth Range Road:

"In anticipation of future development, the town should consider a plan for the extension of 4th Range Road and ensure that proper tools are in place for the Planning Board to manage appropriate development. Similarly, the Zoning Ordinance is a planning tool that can help guide future uses on range roads...The plan should describe who would be responsible for constructing the road, how it might occur in phases, and the standards for the new road segments. It would also need to address how rural character could be preserved including the protection and/or relocation of stone walls and the protection or replanting of trees along the roadway. Further considerations would include any other improvements that should be made to existing portions of 4th Range Road, Pembroke Hill Road, Church [Road] or Dudley Hill Road, as well as any traffic calming measures which might be utilized to control speeds and discourage cut-through traffic."

In the absence of such studies and planning, there is no basis to conclude that a public necessity exists for opening the Class VI section of Fourth Range Road that the petitioner has requested. Even if a public benefit can be identified from such a study, it cannot be realized by reclassifying only the 1,780-foot section that the petitioner has proposed, as the Town has no plan in place to improve the remaining 2,100 feet to Church Road. If the Board believes that the capacity of US 3 is inadequate, it should commission a study of alternatives and funding options, and obtain

taxpayer approval of a plan prior to granting the petition. Attempting to achieve a solution to the growing traffic congestion on US 3, by piecing together a Class 3 bypass roadway through a residential area, by means of a lengthy process of ad-hoc subdivision approvals, is not in the public interest.

The reclassification will adversely impact other road uses.

The Town's roadways do not exist only to support automobile traffic and access to land developments. If they did, there would be no need for Class VI roads. Rather, these roadways support a broad array of uses that provide economical, educational and recreational benefits to our citizenry. As the Board is aware, there is a tremendous amount of usage of the Town's Class VI roads for activities such as walking, hiking, cross-country skiing, horseback riding, snowmobiling, all-terrain vehicular traffic, hunting, forestry, agriculture and timber harvesting. Fourth Range and Robinson Roads, in particular, are used quite heavily for these multiple purposes. The Board is also aware of the petitioning by recreational groups, including snowmobilers and ATV users, for permission to utilize and maintain these roads. Reclassification from Class VI to Class V will have adverse impacts on many of these uses, either by outright prohibition, or by making them so difficult or dangerous as to effectively terminate them. Although the loss of public benefit from these uses may be difficult to measure, it is, nevertheless, significant and cannot be dismissed in evaluating the petition.

The majority of Pembroke citizens do not support reclassification of Class VI roadways.

In 2017, a community survey, conducted by CNHRPC for the update of the Pembroke Master Plan, found that a majority of Pembroke residents do not support the Town upgrading Class VI roads to allow buildable lots. Preserving the Town's existing Class VI roadways was also identified as important or somewhat important by 66 percent of residents. Furthermore, with specific regard to Fourth Range Road, less than 36 percent of Pembroke residents were in favor of opening this roadway as a means of alleviating traffic on Pembroke Street (US 3). In contrast, residents continued to rate the small town, rural character of Pembroke as the number one most important attribute of the Town. Some 94 percent of residents indicated that maintaining Pembroke's rural character was an important or somewhat important goal of the master plan. As a further testament to Town sentiment, a recent petition against the opening of this section of Fourth Range Road was signed by many residents and has been (or will be) submitted to the Board prior to the public hearing. The reclassification of Fourth Range and Robinson Roads, for the purpose of permitting a 48-lot subdivision in an area characterized by rural residential, agricultural, equestrian and forestry land uses, would fly in the face of the expressed wishes of the Town's citizenry.

The reclassification will support scattered and premature development.

In its 2004 book, A Hard Road To Travel - New Hampshire Law of Local Highways, Streets and Trails, the NH Local Government Center states that "It is well established under New Hampshire law that a landowner's vested right of access does not include the right to develop land in a way that will overburden the road or unilaterally force the town to spend money to upgrade it". As authorized by RSA 674:36 II(a) Pembroke has adopted Section 205.3(a) of its subdivision

ordinance; the purpose of which is to “Provide against such scattered or premature subdivision of land as would involve danger or injury to health, safety, or prosperity by reason of the lack of water supply, drainage, transportation, schools, fire protection, or other public services, or necessitate the excessive expenditure of public funds for the supply of such services”. Under this ordinance, the Town has responsibility for reviewing the adequacy of existing as well as new roads that will serve a subdivision.

The primary access road to the proposed subdivision is Pembroke Hill Road. In its review of the regional impact of the proposed subdivision, the CNHRPC stated, in its February 11, 2019 memo to the Pembroke Planning Board, that:

“With a potential of 470 to 510 AADT [Annual Average Daily Traffic] being generated by this project, the project should result in a noticeable increase in traffic on ... Pembroke Hill Road, 4th Range Road and Borough Road.” “...we expect that a higher percentage of project traffic would utilize the signalized intersection of Pembroke Hill Road at US 3 to access destinations to the north and west, rather [than] using the more indirect route of 4th Range Road, Borough Road, NH 106, and US 3.”

Minimum standards for new Town roadways are prescribed by Section 205-41 of the Pembroke subdivision ordinance. The minimum right-of-way for a Class C road is specified as 50 feet. By comparison, the current right-of-way on Pembroke Hill Road is approximately 30 feet along the Old Town Pound at the approach to the intersection with Fourth Range Road. There are virtually no road shoulders in this area. In fact, most of Pembroke Hill Road, within the 1,500 foot approach to this intersection, does not meet current Town road standards for shoulder width, tangent length between reverse curves, sight distance, or curve radius. This has been evidenced by the history of spin-out accidents in this area, many of which involved personal injury.

The Board must address the fact that the proposed subdivision, and secondary development fostered by opening the Class VI roads, will significantly increase vehicular and pedestrian traffic along this stretch of Pembroke Hill Road. Traffic in this area is already rapidly increasing because it serves as a collector route for travel to and from US 3 from the expanding development in the areas of Cross Country and Borough Roads. The potential for children to walk or bicycle from the proposed subdivision to Pembroke Hill School should also be carefully considered. A serious accident on the sharp curves between the proposed subdivision and the school is only a matter of time because the road simply does not have the width, sight distance, or shoulders for vehicles to safely pass each other and avoid pedestrians. Adding larger commercial vehicles, the setting sun, darkness, adverse road conditions, or speeding to the mix will provide a high likelihood of a fatal accident on these curves.

The lack of adequate transportation, on Pembroke Hill Road alone, makes the proposed 48-lot subdivision clearly fall within the ‘Scattered and Premature Development’ provisions of RSA 674:36 II(a). Thus, the Board’s approval of this reclassification would be in direct conflict with the stated objective of this law and Section 205.3(a) of the Town’s subdivision ordinance. Before reclassifying Fourth Range and Robinson Roads to open this area to further development, an independent traffic and pedestrian impact study should be completed for this area and Pembroke

Hill Road should be brought up to current Town design standards, including curbs and sidewalks.

The petitioner's roadway design and construction plans are incomplete and/or deficient.

Roadway Improvements. Section 205-39 of the Town subdivision ordinance requires that "All developments shall provide for a safe and satisfactory access from a public street." The petitioner is proposing to upgrade Fourth Range and Robinson Roads to Class V status in order to provide such access. Hence, the street design standards specified in Article VI of the ordinance are applicable to the improvement of these roadways. Section 205-39C, in particular, states that "Wherever an existing public street is substandard with regard to the standards established within this Article, said street shall be improved in all respects, including the acquisition of additional right-of-way, so that it will conform to the standards set forth for public streets in this chapter."

Sections 205-41E(19) and (20) require that curbing be provided on roadways, and that sidewalks be provided on one side of roadways, in the R3 zoning district when the roadway is within 1 mile of any school. All of the proposed improvements to Fourth Range Road and part of Robinson Road are within one mile of the Pembroke Hill School. The petitioner's road plans show no proposed sidewalks or curbing along these roads and no proposed increase in road right-of-way to include them. Therefore, the plans are incomplete, non-conforming, and should be rejected along with the petition.

Stormwater Improvements. The petitioner's plans for improving Fourth Range and Robinson Roads require stormwater improvements along these roads, and at their intersection, to comply with Paragraph 205-44 of the Town's subdivision ordinance. Paragraph 205-44C requires that culverts be large enough to accommodate runoff from the entire upstream drainage area, assuming maximum potential upstream watershed development. A minimum standard of 10-year rainfall is required for design. Paragraph 205-44C(4) also requires that "When a proposed drainage system will carry water across land outside the development, appropriate drainage rights must be secured and indicated on the site plan."

I call the Board's attention to an existing culvert at the intersection of Pembroke Hill, Fourth Range, and Robinson Roads. This culvert carries stormwater from the northwest section of the proposed subdivision, under Robinson Road, then under Fourth Range Road, and then under my property to enter into an intermittent tributary to Hartford Brook. I am unaware of the exact routing of this culvert, which was installed prior to my ownership of the property. The culvert is 8 inches in diameter and over 400 feet in length, based on the locations of the inlet and outlet. The culvert runs full every spring and at other times during heavy rains. The culvert has failed at least once since I have lived here; severely eroding Fourth Range Road and requiring the Town to excavate and repair it. The culvert is undersized now, and any development in the upstream watershed will only increase the frequency of its failure and overtopping of the roadways at the intersection.

The petitioner's plans show that this culvert will be replaced by a 15-inch culvert, but for only 110 feet of its initial length. The implication is that the replacement section would be reconnected to the remaining 8-inch section for the remainder of its length. This would not only

be non-compliant with Paragraph 205-44C(4) of the Town's subdivision ordinance, but would constitute unacceptable engineering practice. Furthermore, the petitioner's own stormwater-runoff analysis for this watercourse (Subcatchment 1S), indicates that the (10-year) design discharge for this location is 28.7 cubic feet per second. The proposed 15-inch diameter culvert would be far too small to carry this discharge at the petitioner's proposed slope of 1 percent. Also, the petitioner has not consulted with me, as the downstream property owner, regarding the drainage right-of-way or the alteration of the culvert size or location. Therefore, the plans are technically deficient, incomplete, non-conforming with the Town building ordinance, and should be rejected along with the petition.

Compensation to adjacent property owners for tree removal. The petitioner's design and construction plans for Fourth Range Road indicate that nearly the entire 50-foot right-of-way will be consumed by the roadway surface (20 feet), shoulders (8 feet), and drainage ditches (12-14 feet, typical). This will require removal of virtually all trees and other vegetation from the right-of-way. Since Fourth Range Road is not held in title by the Town, under New Hampshire case law, the abutters own title to the land on which the road sits for all uses that do not interfere with the Town's viatic use. The standing timber on each side of the existing roadway, therefore, belongs to the abutters on that side of the road. On the southwest side of Fourth Range Road, at least 3 abutters own property in the area of impact and are entitled to reimbursement for the value of any timber removed during the course of road construction. Neither the petitioner nor the Town has made any indication of its intentions with regard such reimbursement. This should be addressed before action is taken on the reclassification petition.

The petitioner has options not requiring layout and reclassification of town roads.

Alternatives exist that would provide for reasonable development of the petitioner's property while maintaining the rural character of the neighborhood and mitigating the impact of increased traffic on substandard collector roads such as Pembroke Hill Road. These alternatives can also be implemented without increasing the taxpayer burden for the liability and maintenance of new town roads. As an example, the petitioner's land holdings (172+/- acres) include frontage on Fourth Range Road approximately 1000 feet to the northwest of the intersection with Pembroke Hill Road. This frontage is 80 feet in width, which is sufficient right-of-way for a Class A, B or C roadway. Such a roadway could serve as entrance and exit to the subdivision, eliminating the need to reclassify Robinson Road or other sections of Fourth Range Road. The proposed subdivision's internal loop road (Masons Way) could be extended across Robinson road on both ends to connect with the entrance previously described. Roads internal to the subdivision could be retained as private, with maintenance, plowing, and liability costs being the responsibility of a homeowner's association. Such arrangements are already in place in other subdivisions within the Town. If concerns remain for alternative emergency ingress and egress, Robinson Road could be declared by the Board as an "emergency lane", under the provisions of RSA 231:59-a. As an emergency lane, a minimum expenditure of funds by the Town (or preferably by the homeowner's association) could be used to keep it passable by emergency vehicles without creating all the maintenance and liability responsibilities of a Class V road. This (or other) roadway plan, in combination with an increased minimum lot size (e.g. 5 acres), would go a long way toward mitigating the adverse impacts of the proposed development on the rural character of

the Pembroke Hill neighborhood and the substandard transportation resources currently available to support it.

Summary

The petition to reclassify Robinson Road, and a 1,780-foot section of Fourth Range Road, from Class VI to Class V should be rejected on the basis that there is no occasion for the layout as prescribed under RSA 231:8. The reclassification would be for the private benefit of a single landowner and would have negative impacts on the Pembroke Hill community, other users of these roads, and town taxpayers. Opening of these roadways, without sufficient study, planning and funding, and in defiance of the expressed wishes of the majority of the Town's citizenry, would support a premature development with adverse impacts on the existing transportation infrastructure and the rural/agricultural character of the neighborhood. Approval of the petition would also be inconsistent with the Town's own subdivision ordinances and increase traffic hazards. The proposed plan contains technical deficiencies and omissions which must be addressed before further action is taken. Finally, the petitioner and the Town have options for the reasonable development of the property which would mitigate many of the adverse impacts without requiring layout and reclassification of Town roads.

Thank you for your consideration of my testimony.

Sincerely,

Brian R. Mrazik

Cc: Pembroke Planning Board



CREDIT OPINION

20 June 2019

✓ **Rate this Research**

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Pembroke (Town of) NH

Update to Credit Analysis

Summary

The town of Pembroke, New Hampshire (Aa2) benefits from a very strong financial position supported by a healthy regional economy, minimal debt, and limited debt plans. The rating is limited by the town's modestly sized tax base.

On June 20th Moody's upgraded its rating of Pembroke's general obligation debt to Aa2 from Aa3.

Credit strengths

- » Strong regional economy
- » Very strong financial position
- » Above average resident wealth and incomes

Credit challenges

- » Modestly sized tax base

Rating outlook

Moody's typically does not assign outlooks to local government issuer with this amount of debt outstanding

Factors that could lead to an upgrade

- » Substantial tax base growth
- » Maintenance of fund balance and cash at current levels

Factors that could lead to a downgrade

- » •Tax base contraction
- » •Operating deficits resulting in reduction of financial reserves

Key indicators

Pembroke (City of) NH	2013	2014	2015	2016	2017
Economy/Tax Base					
Total Full Value (\$000)	\$567,799	\$566,854	\$580,468	\$616,409	\$665,158
Population	7,129	7,121	7,120	7,116	7,137
Full Value Per Capita	\$79,646	\$79,603	\$81,526	\$86,623	\$93,199
Median Family Income (% of US Median)	128.5%	136.2%	132.8%	131.0%	137.2%
Finances					
Operating Revenue (\$000)	\$5,882	\$6,076	\$6,356	\$6,378	\$6,720
Fund Balance (\$000)	\$3,995	\$4,498	\$5,580	\$6,184	\$6,899
Cash Balance (\$000)	\$9,747	\$11,220	\$12,636	\$16,682	\$14,916
Fund Balance as a % of Revenues	67.9%	74.0%	87.8%	97.0%	102.7%
Cash Balance as a % of Revenues	165.7%	184.7%	198.8%	261.6%	222.0%
Debt/Pensions					
Net Direct Debt (\$000)	\$1,343	\$1,755	\$1,632	\$4,750	\$3,871
3-Year Average of Moody's ANPL (\$000)	\$7,591	\$7,922	\$7,547	\$7,697	\$8,271
Net Direct Debt / Full Value (%)	0.2%	0.3%	0.3%	0.8%	0.6%
Net Direct Debt / Operating Revenues (x)	0.2x	0.3x	0.3x	0.7x	0.6x
Moody's - adjusted Net Pension Liability (3-yr average) to Full Value (%)	1.3%	1.4%	1.3%	1.2%	1.2%
Moody's - adjusted Net Pension Liability (3-yr average) to Revenues (x)	1.3x	1.3x	1.2x	1.2x	1.2x

Fiscal year-end December 31

Source: Pembroke Financial Statements and Moody's Investor Service

Profile

The town of Pembroke is a small bedroom community to the adjacent and east of Concord, NH and 72 miles north of Boston, MA. The population according to the American Community Survey was 7,137 in 2017.

Detailed credit considerations

Economy and Tax Base: Strong regional economy and modest tax base

The town is located adjacent to Concord, NH (Aa1) the state capital in Merrimack County (Aa2). The town's modest \$684 million tax base (2018 equalized value) will likely continue to grow over the near term given housing appreciation and new development due to its proximity to major employment centers. Equalized value grew 2.9% from 2017 to 2018 and is above its pre-recession peak. The 2019 assessed value grew by 0.2% from last year and the five year compound average annual growth rate is a solid 1.3%. A very strong housing market remains the primary driver to growing property values with limited commercial growth expected over the next several years. The town expects to complete a property revaluation in 2019. In 2018 the town dissolved a TIF district that encompassed an industrial park due to lack of development. The \$3 million debt issued in fiscal 2017 associated with the TIF district became an obligation of the general fund and is incorporated in our analysis as direct debt.

Resident wealth and incomes are above-average with median family income equal to 137.2% of the US median and 111.8% of the state median and equalized value per capita of \$95,881. The unemployment rate of 2.2% (April 2019) is below the state rate of at 2.5% and the US rate of 3.3%.

Finances and Liquidity: High level of reserves and strong liquidity

The town's financial position will likely remain healthy given its strong cash and reserve positions. Officials report that a 2018 operating surplus resulted in fund balance growth and that fiscal 2019 is currently on track with budget. At the close of fiscal 2017, available general fund balance was \$6.9 million representing an ample 102% of general fund revenues. Unassigned fund balance was \$4.6 million representing 69% of general fund revenues. The town derives the majority of its revenues from property taxes (61% of 2017 revenues) and the primary expenditures are general government (21% of expenditures) and public safety (30% of expenditures). The town is involved in two lawsuits; a challenge to its assessment of a utility property and zoning board dispute. The town estimates that

This publication does not announce a credit rating action. For any credit ratings referenced in this publication, please see the ratings tab on the issuer/entity page on www.moody's.com for the most updated credit rating action information and rating history.

unfavorable outcomes would result in cost to the town of less than \$1 million and has earmarked a portion of general fund balance for that contingency. Additionally, the town has separate water and sewer funds both of which are self supporting.

The town is a member of School Administrative Unit (SAU) 53 together with Allenstown, Chichester, Deerfield, and Epsom. The tax receipts are remitted directly to the district and are not reflected in the town's financial statements. In fiscal 2017 school district budget and tax rate were incorrect and Pembroke was required to provide additional funds to support the district lowering cash balances for the town.

LIQUIDITY

The town's liquidity remains strong with fiscal 2017 operating cash of \$15 million representing 221% of general fund revenues.

Debt and Pensions: Minimal debt levels and modest pension and OPEB expenses

The town's debt position is expected to remain manageable, given its modest direct debt burden and limited new long term debt plans. On an annual basis, the town issues a small amount of notes to fund a portion of its capital plans including road repaving and water projects. The town has authorized \$2.8 million for various capital projects which it expects to fund with cash and notes. Debt service for fiscal 2017 represented a manageable 7.9% of 2017 operating expenditures. Additionally, the town has approximately \$500,504 in notes outstanding supported by water fees.

DEBT STRUCTURE

Debt of \$3.9 million includes two series of debt, \$875,000 expected to mature in 2023 and \$3 million maturing in 2032. Both series are fixed rate bonds.

DEBT-RELATED DERIVATIVES

The town has no variable rate debt outstanding and is not party to any interest rate swaps or other derivative agreements.

PENSIONS AND OPEB

Unfunded pension and OPEBs are larger than debt, but remain manageable. Town employees participate in the New Hampshire State Retirement System, a multi-employer, defined benefit retirement plan administered by the State of New Hampshire (Aa1 stable). The town's annual contribution was \$317,000 in fiscal 2017 representing 5.4% of general fund expenditures and more than its contractually required contribution set by the plan; its contribution, however, was below trend water (the amount required to prevent the unfunded liability from increasing based on plan assumptions) which will result in growth of the unfunded liability if plan assumptions are met.

The town's fiscal 2017 Adjusted Net Pension Liability (ANPL), based on a 3.87% discount rate is \$8.3 million. In comparison, the town reported a GASB net pension liability of \$3.9 million, based on the retirement systems discount rate of 7.25%.

The town funds OPEBs on a pay-as-you-go basis, which cost \$70 thousand in fiscal 2017 representing a very modest 1.2% of general fund expenses. The town reported an unfunded OPEB liability of \$868,754 as of fiscal 2016.

Total fixed costs for 2017 including debt service, required pension contributions and retiree healthcare payments totaled \$819,223 or a manageable 13.9% of general fund expenses.

Management and Governance: Conservative management

Strong cash and fund balance reflect management's focus on maintaining reserves and operating flexibility. The town exhibits good transparency and has an experienced management team. The town has above average exposure to flooding, however the town has purchased a number of lots that have historically flooded and river flow is dam controlled and has a gauge for water levels. Management addresses cyber security using employee training and policies, which are reviewed annually which we view as adequate.

New Hampshire Towns have an Institutional Framework score of Aa, which is high. Institutional Framework scores measure a sector's legal ability to increase revenues and decrease expenditures. New Hampshire towns major revenue source is property taxes. Some towns have adopted local tax caps tied to a three-year average of the CPI-U index. The cap allows for moderate revenue-raising ability, can be overridden by a two-thirds vote of the city council and does not limit the city's obligation to pay debt service in accordance with the Municipal Finance Act. Unpredictable revenue fluctuations tend to be minor, or under 5% annually. Across the sector, fixed and mandated costs are generally less than 25% of expenditures. However, New Hampshire has public sector unions, which can limit the ability to cut expenditures. Unpredictable expenditure fluctuations tend to be minor, under 5% annually.

Rating methodology and scorecard factors

Exhibit 2

Pembroke (City of) NH

Rating Factors	Measure	Score
Economy/Tax Base (30%) ^[1]		
Tax Base Size: Full Value (in 000s)	\$684,304	A
Full Value Per Capita	\$95,881	Aa
Median Family Income (% of US Median)	137.2%	Aa
Notching Factors: ^[2]		
Other Analyst Adjustment to Economy/Taxbase Factor: Modest tax base compared to similarly rated credits		Down
Finances (30%)		
Fund Balance as a % of Revenues	102.7%	Aaa
5-Year Dollar Change in Fund Balance as % of Revenues	38.7%	Aaa
Cash Balance as a % of Revenues	222.0%	Aaa
5-Year Dollar Change in Cash Balance as % of Revenues	66.3%	Aaa
Management (20%)		
Institutional Framework	Aa	Aa
Operating History: 5-Year Average of Operating Revenues / Operating Expenditures	1.1x	Aaa
Debt and Pensions (20%)		
Net Direct Debt / Full Value (%)	0.6%	Aaa
Net Direct Debt / Operating Revenues (x)	0.6x	Aa
3-Year Average of Moody's Adjusted Net Pension Liability / Full Value (%)	1.2%	Aa
3-Year Average of Moody's Adjusted Net Pension Liability / Operating Revenues (x)	1.2x	A
Scorecard-Indicated Outcome		Aa2
Assigned Rating		Aa2

Source: Moody's investor Service

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New Hampshire Stream Crossing Initiative Stream Crossing Assessments (2019) Suncook River Watershed Area

Summary:

The New Hampshire Geological Survey (NHGS) at the Department of Environmental Services (NHDES) is host to four interns this summer who have been hired to conduct stream crossing assessments in New Hampshire, to continue to add data to the stream crossing (culvert) module of the Statewide Asset Data Exchange System (SADES), hosted by the Technology Transfer Center at UNH. One of the areas that NHGS interns will be working in during the second half of summer 2019 (July and August) is the Suncook River watershed. Collected data can be utilized to prioritize and support the application for funding culvert replacements and upgrades and provide data to enhance community inventories.

Background:

The Suncook River watershed includes all, or a portion of 5 towns within the central New Hampshire region: Allenstown, Chichester, Epsom, Pembroke and Pittsfield. NHGS performed select stream crossing assessments in Allenstown and Pembroke in 2017. As with locations throughout New Hampshire, the Suncook River watershed is prone to flooding rains that can overwhelm infrastructure and pose public safety risks. Culverts play a key role in flood risk management, and when they are functioning properly, they can provide passage for aquatic organisms within and throughout stream networks, which is critical for healthy populations of these organisms. Assessments also document existing structural conditions of culverts. In response to statewide floods of the 2000s, the state agencies of this document worked to develop a procedure and database for standard culvert assessment data collection, which started in 2009 and continues today. Culvert assessments, either within a watershed or subwatershed or a town, present a framework that permits greater understanding of culvert infrastructure challenges. Further, collection of standardized data across towns and watersheds will enhance the ability to apply for funding, from multiple sources in the future. New Hampshire Stream Crossing Initiative member agencies will be maintaining this data in the long term.



Schedule:*Field Assessment (July and August 2019)*

NHGS interns will perform stream crossing (culvert) assessments at locations within the Allenstown, Chichester, Epsom, Pembroke and Pittsfield, using the statewide stream crossing assessment protocol developed by the agency members of the New Hampshire Stream Crossing Initiative. Culvert assessments focus on those located on public roads. Culverts located on private roads, driveways and drainage culverts (catch basins and related infrastructure) will not be assessed.

Data Analysis and Reporting (Fall 2019)

NHGS will utilize the collected data to score each assessed culvert for its compatibility with stream form and process (geomorphic compatibility), and ability to pass aquatic organisms (aquatic organism/fish passage compatibility). Once scored, the data and scores become available to the public and town officials via an online portal (Aquatic Restoration Mapper). NHGS will also process each culvert for its hydraulic vulnerability to flood impacts (ability to pass a range of flows), and this data will become available via the online portal as processing and reporting are complete, typically within one year of assessment completion.

Benefits:

- Assessments of stream crossings (culverts), incorporating structure conditions and stream characteristics. Assessment data will be available via the Aquatic Restoration Mapper, found at <https://bit.ly/2tXNoiq>.
- Information and scores to (1) assist in inclusion and update of Hazard Mitigation, Master Plans and other local planning documents; and (2) provide an aid to support potential grant applications for financing culvert upgrades, such as to the Aquatic Resource Mitigation fund, or Hazard Mitigation Assistance Grant Programs.
- Data can help communities create or revise their own culvert maintenance and inventory programs, which is a goal of many communities in New Hampshire.

New Hampshire Stream Crossing Initiative Partners:

- New Hampshire Geological Survey, Office of the Commissioner, NHDES
- Wetlands Bureau, Water Division, NHDES
- New Hampshire Department of Transportation
- New Hampshire Fish & Game Department
- New Hampshire Division of Homeland Security and Emergency Management
- University of New Hampshire, Technology Transfer Center

Contact Information:

For further information regarding the assessment work in 2019, contact Shane Csiki, NHGS, at (603) 271-2876, or shane.csiki@des.nh.gov.



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Your community is an important part the Concord Regional Crimeline. We would like to extend our personal invitation to you to participate in the 20th Anniversary Concord Police/Concord Regional Crimeline Golf tournament on Thursday, September 12th at Beaver Meadow Golf Course in Concord.

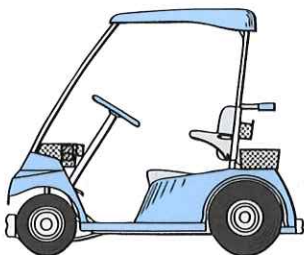
We welcome single players or teams of four at a cost of \$120 per player *if paid by September 1st* -- \$145 if paid later. Registration is from 7:30AM to 8:15AM. Your day of golf includes a continental breakfast, gift bag, golf cart, 18-holes of golf, lunch and finally a lively auction with some great prizes.

If you are not interested in golf, maybe you could donate something symbolic to your community towards our raffle. Your donation can be picked up at your convenience. Your participation will be appreciated.

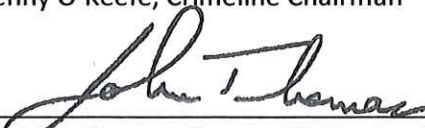
If you would like to join us and at the same time support the Crimeline, please fill out the enclosed pamphlet and mail it with your check to:

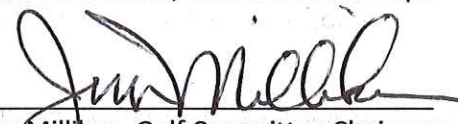
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Thank you.




Lenny O'Keefe, Crimeline Chairman


Lt. John Thomas, Concord Police Dept.


Jim Milliken, Golf Committee Chairman

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