

AGENDA
BOARD OF SELECTMEN
April 7, 2021 AT 6:30 PM
Pembroke Academy Auditorium

- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
 - a. Public Hearing Chapter 191-17
 - b. Public Hearing Solid Waste Ordinance Chapter 133
 - c. Public Hearing OHRV Chapter 184
- IV. OLD BUSINESS:
 - a. Tax Deeds
- V. NEW BUSINESS:
 - a. Recycle Truck & Cab bids
 - b. Sewer Commission Appointment
 - c. Other Appointments
 - d. Household Hazardous Waste Certification
 - e. DOT Requests
 - f. Manifest/Abatements
 - g. Minutes 3/15/21
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. Non Public Session RSA 91-A:3 II (b) Hiring
- X. ADJOURN

PUBLIC HEARING NOTICE
Town of Pembroke
Board of Selectmen

Notice is hereby given that the Pembroke Board of Selectmen will be holding a Public Hearing on Wednesday April 7, 2021 at 6:30 PM at the Pembroke Academy Auditorium located at 267 Pembroke Street to discuss the following:

Discussion on Town Code Chapter 191-17 Vehicles and Traffic

Discussion on Chapter 133 Solid Waste Management

There will also be discussion on a proposed ordinance Chapter 184 to restrict the use of OHRV from December 16th through May 30 of each year.

For questions, please call the Town Administrator at 485-4747, or email at djodoin@pembroke-nh.com.

Ann Bond, Chairman

Chapter 191

In accordance with § 191-9, Article III, (2), no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

Name of Street	Side	Location
Broadway	East	200 feet North of Pine Street to 50 feet south of Pine Street and 50 feet south of Pine Street to 115 feet north of Pleasant Street and 100 feet north of Pleasant Street to 125 feet south of Pleasant Street.
Central Street	North	From Main Street east for a distance of 67 feet
Central Street	South	For its full length from Main Street to Church
Church Road	South	From Pembroke Street east for 200 feet
Church Street [Added 10-15-2001 by Ord. No.01-07]	East	Beginning at a point 282 feet from Glass street north for a distance of 72 feet
Church Street	West	From Main Street to Glass Street
Church Street Extension [Added 10-15-2001 by Ord. 01-07]	West	From Glass Street to end
Exchange Street	East	From Front Street northerly to Pleasant Street
Front Street	North	Beginning at Bridge Street westerly to Exchange Street
Front Street [Added 8-19-2002 by Ord. No. 02-02]	North	From High Street east for a distance of 42 feet
Front Street	North	For a distance of 45 feet from Main Street
Front Street	South	From Main Street to High Street
Glass Street	North	Beginning at a point 130 feet easterly from the center line of Church Street to Kimball Street
Glass Street	North	From Main Street to Crescent Street
High Street [Added 8-19-2002 by ord. No. 02-02] [Added 10-21-13]	East	From Front Street north for a distance of 30 feet. West side from Harold Ave south to Front Street.
6 Howard Street [Added 11/18/19 BOS]	North	Town owned property used for turnaround and snow deposit
<u>Kimball Street</u>	<u>South</u>	<u>From Main Street starting 250 feet South ending 450 feet to the South</u>
<u>Kimball Street</u>	<u>North</u>	<u>From Glass Street starting 350 Feet North</u>

191-17

Proposed changes

*Proposed
changes*

Name of Street	Side	Location
<u>Added BOS 4/7/21</u>		<u>450 feet in a North Direction</u>
Main Street	North	From Pembroke Street to Broadway
Main Street [Added 10-15-2001 by Ord. No. 01-07]	South	From Church Street east for a distance of 45 feet
Maple Street [Amended 5/19/14 BOS]	North	From High Street to Broadway
Middle Street [Added 11/4/19 BOS]	Both Sides	From Front St. to end of Road
Pine Street [Amended 5/19/14 BOS]	South	From Broadway to High Street
Pleasant Street	North	From Broadway west for a distance of 80 feet
Pleasant Street [Added 10-15-2001 by Ord. No. 01-07]	North	From Prospect Street east for a distance of 47 feet
Pleasant Street	South	From Broadway to Prospect Street
Pleasant Street	South	From High Street to Exchange Street
Pleasant Street [Added 10-15-2001 by Ord. No. 01-07]	South	From Prospect Street to High Street
Prospect Street [Added 10-15-2001 by Ord. No. 01-07]	East	From Union Street north for a distance of 87 feet
Prospect Street	West	From Pine Street to Pleasant Street
Prospect Street	East	From Pleasant Street to Union Street
Riverwood Drive [Added 1/19/16 BOS]	South	Entire Street from Sheep Davis Road
Simpson Avenue [Added 10-15-2001 by Ord. No. 01-07]	North	From High Street to Harold Avenue
Union Street [Added 5/20/19]	North	From Prospect Street to High Street
Village Lane	South	From the three marked municipal lot spaces to Glass Street

§ 191-18 Schedule IV: Parking Prohibited Certain Hours.

[Amended 7-9-2001 by Ordinance No. 01-6]

Pembroke Police Department

Memo

To: Board of Selectman
From: Chief Dwayne Gilman
CC: Dave Jodoin Town Administrator
Date: March 15, 2021
Re: Kimball Street No Parking

Dear Selectman,

Subject: I have started an effort to handle a safety concern on Kimball Street in town. Kimball Street is located in the village area between Main Street and Glass Street. Its runs North and South and had approximately 20 residential properties on it.

Problem: The safety concern is at the crest of a hill. There are no parking restriction on this road including on the hill. Currently vehicles are parking on both sides of the hill, facing south and facing north causing a safety hazard for anyone traveling in either direction. (Photos attached)

Solution: I have met with Public Works Director V.J Ranfos and discussed options of no parking on one side or other solutions. It was agreed that no parking on both sides in the area of the hill would be the best solution as to not interfere with other residents and their parking.

Cost: The cost of the project would be four signs and four posts at a cost of 50.00 each. Total cost would be 200.00. Public works would handle the installation.

Request: I am asking that the Board of Selectman approve No parking in the area of Kimball St. on both sides of the hill. I ask that the Board approve the following Language.

191-17 Schedule III Parking Prohibited at All Times

<u>Street Name</u>	<u>Side</u>	<u>Location</u>
Kimball Street	South	From Main Street starting 250 feet South ending 450-feet to the South.
Kimball Street	North	From Glass St. Starting 350 feet North 450 feet in a North Direction



MAIN ST. FACILITY SOUTH



CHAPTER 133

SOLID WASTE MANAGEMENT

[HISTORY: Adopted by Special Town Meeting 4-21-1990 Article No. I. Amendments noted where applicable. Amended 3-12-2009 Town Meeting; Updated 5/5/14 Board of Selectmen; Updated 11/18/15]

§ 133-1 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ACCEPTABLE WASTE - Household garbage, trash, rubbish and refuse originating within the boundaries of the Town, normally collected or disposed of as a result of residential pickups or deliveries.

AUTOMATED COLLECTION - shall mean a method of collecting refuse and recycling through the use of mechanical collection equipment and special carts issued for the storage and collection of rubbish and recyclables.

AUTOMATED COLLECTION CART (Or approved cart) - shall mean a specially designed cart with wheels, approved by the Pembroke Board of Selectmen to be used for the storage of acceptable refuse or recyclables in the automated collection operation.

COMMERCIAL — Commercial entities doing business in the Town of Pembroke, including but not limited to contractors, multifamily dwellings of more than five (5) units, manufactured housing parks and commercial establishments of any size such as residential boarding and lodging homes, convalescent and nursing homes, private schools, motels, inns, restaurants, lounges, retail sales, service businesses, professional offices, manufacturing or automotive-related business.

CURB LINE -shall mean the area directly behind or adjacent to the curb; in the absence of a curb, the area adjacent to the edge of pavement or road.

CURBSIDE COLLECTION - shall mean the pickup of acceptable trash and recyclables at certain residences in the Town.

CUSTOMER – shall mean any resident who receives solid waste &/or recycling service from the Town.

DESIGNATED COLLECTION POINT - shall mean the place where the automated cart shall be placed for service, as determined by the Department of Public Works.

DIRECTOR - shall mean the Director of Public Works or his or her duly authorized representative.

DWELLING UNIT - shall mean any building or portion thereof that contains living facilities (which provide for sleeping, eating, cooking, and sanitation) for not more than one (1) household.

EXTRA REFUSE - shall mean any refuse placed on, around or in a five-foot radius of the automated collection cart in excess capacity of the automated cart.

FACILITY – Town designated disposal site.

HAZARDOUS WASTE - shall mean hazardous waste as defined in RSA 147-A: 2, as amended, and the following:

- A. Waste containing explosive, toxic or pathological substances;
- B. Waste defined or classified as hazardous waste at any time under federal, state or local law, or any regulation there under, or waste defined by any applicable federal, state or local law as low-level or high-level radioactive waste;
- C. Waste prohibited for incineration by any local, state or federal agency with jurisdiction over the waste plant or facility because of its toxic nature;
- D. Waste (other than acceptable waste of the character referred to in Subsection A of the definition of "acceptable waste"), the processing of which would result in hazardous waste under Subsections A, B or C of this definition; or
- E. Carts which hold or which previously have held waste described under Subsections A, B or C above.
- F. If any governmental entity having jurisdiction shall determine that any substances, which are not as of the date of this chapter considered harmful or of a toxic nature or dangerous, are harmful, toxic or dangerous, such substances shall thereafter be deemed "hazardous waste."

INFECTIOUS WASTE - shall mean waste that has the potential to cause an infectious disease via exposure to a pathogenic organism of sufficient virulence and dosage, through a portal of entry in a susceptible host.

MULTI-FAMILY RESIDENTIAL PROPERTY - shall mean more than one (1) but not more than five (5) dwelling units in a building.

NON-RESIDENTIAL UNIT - shall mean any establishment except those defined under residential property.

OTHER SOLID WASTE - Residential white metal goods, household appliances, recyclables, including electronic waste, tires, street sweeping, brush, tree stumps (no tree stumps will be accepted from commercial haulers), tree limbs and brush under five (5) inches in diameter and residential demolition debris that is no more than four (4) feet in length. The above noted items are not accepted at curbside, but are accepted at the Transfer Station.

OVERLOADED - shall mean that the automated cart is so full of refuse that its lid is not completely closed, thereby exceeding the automated carts rated capacity.

PERSON - Any natural person, partnership, corporation, association or other legal entity.

RECYCLABLE - shall mean any acceptable material that is collected and handled by the Town for remanufacture into new products. The Director of Public Works shall determine which materials are acceptable in the curbside collection program.

RECYCLING (RESOURCE RECOVERY) PROGRAM - The acceptance, processing and marketing of recyclable materials such as glass, aluminum cans and newspaper.

RESIDENTIAL PROPERTY - shall mean a single-family or multi-family housing building that consists of five (5) or fewer dwelling units, including apartments in commercial buildings.

SOLID WASTE - Shall have the meaning prescribed by the Division of Solid Waste Management of the New Hampshire Department of Environmental Services as set forth in New Hampshire Administrative Rules, Env-Sw 103.46.

SOLID WASTE FACILITY - The facility maintained by the Town within the borders of the Town to collect other solid waste and acceptable waste and recyclables.

TRASH - Waste, refuse, rubbish or garbage, including any acceptable material that does not meet the definition of "recyclable."

TOWN - The Town of Pembroke, New Hampshire.

UNACCEPTABLE_WASTE - Waste that is unacceptable at curbside, at the waste plant or at the solid waste facility such as:

- A. Pathological and biological waste, oil sludge, cesspool or other human waste, human remains, street sweepings, large items of machinery and equipment such as automobile and vehicular parts, trailers, agricultural equipment, marine vessels or similar items, farm and other large machinery, wire and cable from industrial sources and, plastics from industrial sources, foundry sands, tree stumps (see "other solid waste"), liquid wastes and slurries, explosives (including ammunition and firearms), and radioactive materials.
- B. Any item of waste exceeding six (6) feet six (6) inches in any one (1) of its dimensions or being in whole or in part a solid mass, the solid portion of which has dimensions such that a sphere with a diameter of eight (8) inches could be contained within such solid portion.
- C. Animal remains, dirt, concrete and other non-burnable construction material and demolition debris over 4 feet in length (see "other solid waste") and chemicals from industrial and commercial sources such as cleaning fluids, petroleum products, paints, acids, caustics, pesticides, insecticides, poisons, drugs or other materials the processing of which the Town or operator of the waste plant reasonably believes would pose a threat to health or safety or the processing of which may cause damage to the waste plant.
- D. Any waste which, if processed, would violate or cause the violation of any judicial decision, order or action of any federal, state or local government or any agency thereof or applicable law.
- E. Hazardous waste as defined in Section 133-1 herein.

YARD WASTE shall mean organic material, including leaves, grass clippings and pine needles, which are banned by the NH Department of Environmental Services, its successor agency, or the appropriate regulatory authority from disposal in landfills and incinerators.

§ 133-2 Regulated Activity

- A. All acceptable waste or other waste originating or collected within the municipal boundaries of the Town, by the Town or its designee, shall be delivered to and deposited for disposal at the towns Town's approved facility as designated by the Board of Selectmen or the solid waste facility, as the case may be.

- ~~B. The Board of Selectmen is authorized to explore the feasibility of constructing a joint facility or entering into a contract to use an existing facility with any surrounding Town if costs are to be allocated on a percentage of use basis.~~
- ~~G.B. The Board of Selectmen is authorized to develop and implement a resource recovery program.~~
- ~~D.C. No person shall deliver or cause the delivery of any solid waste or recycling originating outside the municipal boundaries of the Town to the Town solid waste facility (Town transfer station) town approved facility. No person shall deliver or cause the delivery of any unacceptable waste or hazardous waste originating in Pembroke to the town approved facility or solid waste facility. No person shall cause or allow solid waste originating outside the Town which is delivered to the town approved facility to be credited against the quantity of acceptable waste received or accepted at the town approved facility for the account of the Town. No person shall deliver or cause the delivery of acceptable waste originating within the Town to the town approved facility in any vehicle with a gross vehicle weight of less than twenty seven thousand five hundred (27,500) pounds.~~
- ~~E.D. No person shall deliver or cause the delivery of any unacceptable waste or hazardous waste originating in Pembroke to the Town solid waste facility (Town transfer station).~~
- ~~F.E. All items defined as "unacceptable waste" or "hazardous waste" shall be the responsibility of the owner or waste generator and shall be disposed at the owner's or waste generator's expense, in accordance with federal, state and local ordinances.~~
- ~~G.F. The Town shall not bear the cost for pickup or transportation of any commercial acceptable solid waste generated in the Town of Pembroke. ~~The tipping fee for all commercial acceptable solid waste generated in the Town of Pembroke, and delivered to the town approved facility, shall be paid by the hauler.~~~~
- ~~H.G. Residential acceptable solid waste from dwelling units that receive collection service from the Town, shall be picked up and transported to the town approved facility by the Town subject to the following conditions:~~
- ~~(1) Approved carts shall be no larger than ninety six (96) gallons. .~~

- (2) Solid waste shall be bagged and placed in the proper cart. Loose household solid waste in barrels shall not be acceptable.
- (3) Properties consisting of mixed use residential and commercial units shall be limited to pickup for residential units only. All waste from use of the commercial units shall be picked up in accordance with letter F. of this section.
- (4) Carts must be at curbside not later than 6:45 am on collection day, and no earlier than the previous evening.
- (5) Customers shall be required to utilize one collection cart for trash and one collection cart for recyclables per dwelling unit, in order to receive collection service by the Town.
- (6) All customers shall be required to divert acceptable recyclables from the trash and participate in the recycling collection service.
- (7) Acceptable recyclables shall be placed loosely in the recyclables cart.

§ 133-2.1 Automated Collection and Recycling

- A. The purpose of this section is to establish minimum standards for the storage, collection, transportation and disposal of solid waste and recycling, utilizing an automated collection system to promote the health, safety, and welfare of the Town's residents, employees and environment, and to minimize the amount of trash generated in the Town.
- B. The Director of Public Works (hereinafter the "Director") shall have the direct responsibility for the administration of this section subject to the direction and control of the Town Administrator and the Board of Selectmen.
- C. General Requirements:
 - (1) Two automated collection carts and instructions for use will be available for residents at their cost who receive collection services from the Department of Public Works. Residents wishing to purchase additional carts may do so if they wish but any additional carts must be purchased in pairs, one recycling and one trash. Singles cannot be purchased.
 - (a) Landlords may charge their tenants for the carts.

- (2) It shall be the customer's responsibility to assure that automated collection carts are placed in the appropriate location designated by the Town, by 6:45 am on collection day. **If the carts are not out at 6:45 am, the truck will not return for a special trip to pick up your carts.**
- (3) The Town shall not be responsible for collection if there is a violation of any part of this section, or circumstances that are beyond the control of the Town. Circumstances or violations include, but are not limited to, automated cart overload, unacceptable materials, improperly loaded automated cart, blocked access, automated cart inaccessibility, improper carts or dangerous situations.
- (4) The only automated collection carts used in the program shall be those approved by the Town, and imprinted with the Town seal. No other type of automated cart is allowed. Carts shall be placed at the Town designated collection point on the scheduled collection day by 6:45 am, if the carts are not out at their collection point, the Town will not return later to pick up the carts. Such location shall be easily accessible to the cart with the lids completely closed, at least five feet from any obstruction, and with the handle of each cart facing the house. It shall be the duty of each customer to remove the automated cart from the curb line by the end of the collection day. It is prohibited to overload automated carts in a manner that is likely to cause damage to the collection vehicle, the automated cart or to create a litter condition or to impede collection.
- (5) Automated collection within the Town is mandatory in those areas designated by the Director of Public Works.
- (6) Any manure, offal or other noxious material that, in the discretion of the Director, has not been securely wrapped and placed in an automated cart, shall not be collected. All refuse shall be drained of any free liquids prior to placement in any automated cart. Trash shall be placed in bags first, then inside the cart. Recyclables shall be placed in the cart loose. It shall be the responsibility of the resident to keep automated carts clean.
- (7) It shall be a violation hereof to place or deposit any refuse whatsoever in or around an automated cart owned or provided for the use of another customer without that customer's approval.
- (8) The Town shall reserve the right to inspect any or all refuse, prior to and/or during collection and disposal, for compliance with local, state, or federal laws or regulations, and to reject if non-compliant.

D. Carts:

- (1) All automated carts will be assigned to a street address and have an imprinted number for identification purposes.
- (2) The automated carts approved by the Town shall not be filled to exceed the manufacturer's recommended limit (two hundred (200) pounds total weight for a 96 gallon cart and one hundred fifty (150) pounds for a sixty-four-gallon cart) and all rubbish must fit inside the automated collection cart. The cover of any automated cart must be kept closed at all times except when the automated cart is being filled, emptied or cleaned. Animal wastes and ashes shall be wrapped separately from other refuse in a manner to prevent spillage prior to placement in an automated trash cart.
- (3) If a customer requires more than the determined number of automated collection carts, they may purchase additional carts but they must be in pairs. If the resident does not have the room to properly place automated carts at curbside for collection, the director may require the owner to purchase and maintain additional town-approved carts or to obtain private collection service.
- (4) Any customer in possession of an approved automated collection cart shall pay the cost of repair or replacement of any damaged cart, if it is the determination of the Director that such damage is the result of negligence of, or abuse by, the customer. The charge shall be the actual cost of repair or replacement as determined by the Town. If a cart is rendered unusable through the fault of the Town, then a replacement cart will be provided at no cost to the customer.
- (5) Automated carts shall only be used for storage and placement for the collection of trash and recyclables by the Town.
- (6) In order to maintain an orderly and aesthetic appearance within the Town, and to prevent unauthorized encroachment on any street, public property or private property, automated carts shall be stored on private property except on collection days. Failure by the customer to comply with a Town notification citing improper storage for automated carts shall be a violation of this section.
- (7) Automated collection carts are not to be left curbside, street side or roadside overnight after the day of collection.

E. Rubbish collection service:

- (1) To be eligible to receive collection service, the customer shall currently be receiving service as of the effective date of this section, in accordance with the existing collection policy. Adding new customers shall be subject to approval by the Town.
- (2) Standard curbside collection service shall consist of once a week collection of acceptable trash and recyclables, in accordance with Town policies.

F. Points of collection. Automated carts shall be placed:

- (1) Within two (2) feet of the curb line or where directed by the Town.
- (2) At least five (5) feet away from all objects such as fences, mailboxes, and utility poles, and clear of overhanging vegetation, utility wires, etc. to allow for the unimpeded operation of collection vehicles.
- (3) So that the automated cart handle is facing the dwelling unit.
- (4) At least two (2) feet from the other cart.
- (5) At least ten (10) feet away from parked vehicles.
- (6) Residents are responsible for ensuring the accessibility of all carts.
- (7) The Director of Public Works shall have the authority to designate placement of carts.
- (8) No parking between the hours of 9am – 2pm on the respective year selected trash day shall be in effect for the following streets:
[Amended 9/5/17 Board of Selectmen]

Broadway to Hillcrest
Central Street
Church Street -- From the rear exit of the bank to Main Street
Front Street
Glass Street -- From 60 Glass Street to 129 Glass Street
High Street
Howard Street -- 7a.m. to 2:00 p.m. Broadway to dead end
Kimball Street
Lindy Street
Main Street from Broadway to Turnpike
Maple Street

Millard Street
Pine Street
Pleasant Street
Prospect Street
Union Street – From High Street to 6 Union Street

a. ALSO SEE Chapter 191 **Vehicles and Traffic** section 191-18
Schedule IV: Parking Prohibited Certain Hours.

b. Fines are considered to be Class I violations as noted in Town
Code Chapter 191-10 **Parking violation penalties** (A).

G. Prohibited material. All materials prohibited under other ordinances, and:

- (1) Unacceptable Waste as defined in Section 133-1 herein.
- (2) No toxic, extremely hazardous, dangerous/hazardous or liquid waste as defined now or hereafter, shall be deposited curbside or in any automated collection cart intended for disposal.
- (3) Household hazardous waste or small quantity generator waste shall not be deposited curbside or in any automated collection cart.
- (4) No infectious waste shall be placed curbside or in any automated cart for collection.
- (5) No rocks, concrete, asphalt, dirt, construction debris or other similar material shall be placed in automated carts.
- (6) No hot ashes or any other material capable of causing ignition or spontaneous combustion shall be placed in any automated collection cart.
- (7) No motor oil or other automotive fluids shall be deposited in any automated cart.
- (8) The Town reserves the right to prohibit, or to place disposal restrictions upon any waste that may adversely affect disposal. This shall also extend to any item that may pose a risk to the health or safety of Town employees. Disposal restrictions that may be implemented shall include, but are not limited to, item size restrictions, quantity restrictions, recycling regulations, special preparation requirements, and rubbish source documentation requirements.

(9) Failure of a customer to comply with disposal restrictions will be deemed a violation and may, at the discretion of the director, result in revocation of collection services.

- H. Enforcement: This section shall be enforced by either the Health Officer or the Code Enforcement Department or their duly authorized agents, after initial notification to the violator by the Department of Public Works.
- I. Violation: Any customer found to have violated any of the provisions of this section may have their service terminated, at the discretion of the director. If service is terminated, the customer shall be entitled to a hearing before the Board of Selectmen, according to the process outlined in section 133-4.C. of this chapter.

§ 133-8 Solid Waste Facility.

A. Operating hours:

- (1) The solid waste facility will be open for residential users Tuesday and Saturday, 7:30 a.m. to 3:30 p.m.
- (2) The solid waste facility shall be closed on all holidays that are observed by the Town and on Old Home Day.
- (3) The Director of Public Works or his authorized representative shall have the authority to open the solid waste facility at other times.

B. Authorized solid waste facility use shall be by **residents** of the Town of Pembroke who properly display a current solid waste facility permit sticker.

C. Recycling (Resource Recovery) program. Materials for recycling shall be placed in the recycling bins under the supervision of the attendant. Recycled materials shall be dry and free of food waste and other contaminants. ~~When the Town implements a curbside recycling program,~~ Users of the **Town solid waste facility** (Town transfer station) must recycle all recyclable materials being delivered to the Transfer Station.

D. Scavenging/solid waste facility. Scavenging/picking at the solid waste facility is strictly prohibited.

E. Violations of regulations. The Director of Public Works or his/her authorized representative shall be in charge of the solid waste facility operation and will ensure that all procedures and regulations are obeyed. Penalties for any violation shall be as follows:

(1) First violation will result in a thirty-day suspension of permit from the day of the violation.

(2) Second violation will result in a one-year suspension of permit from the day of the violation.

F. Permits. All facility users must obtain and display a valid Town facility permit for admittance to the solid waste facility. Permits must be obtained at the Pembroke Public Works Department, 8 Exchange Street. Permits are available to all Town residents who must provide a valid registration for an automobile registered in the Town of Pembroke.

G. Facility fee schedule.

(1) Permit fees.

a. Residents: no charge for annual renewal of permit.

(2) Tipping fees.

a. Fees charged are the most current voted on by the Board of Selectmen, after holding a public hearing. The Pembroke Public Works Department shall have available a current fee schedule for users.

H. Future permits and fees. The Board of Selectmen may, from time to time, set fees and rates for the use of the solid waste facility. Per RSA 41:9-a, the Board of Selectmen shall hold a public hearing prior to setting fees and rates.

133-4 ~~rules permits and fees~~ Commercial Solid Waste Collection

The provisions of this section shall apply to private haulers collecting solid waste, construction or demolition material and / or recycling in the Town, not to residents bringing their own trash and recycling to the Town solid waste facility (Town transfer station). [Board Updated 9/5/17]

A. Licensing

(1) No person shall collect, transport or deliver solid waste, construction or demolition material or recycling originating within the Town without first obtaining a license from the Board of Selectmen, or its designee. ~~All approved haulers shall dispose of acceptable waste originating within the Town of Pembroke at the transfer station in Allenstown operated by Coecella starting January 1, 2015. Acceptable waste may be delivered to the transfer station in Allenstown only by self-emptying vehicles or transfer trailers and in a manner in which reasonably assures that the waste will not blow, leak, or spill prior to unloading at the facility site. All~~

~~waste must be delivered in a vehicle with gross vehicle weight of greater than twenty seven thousand five hundred (27,500) pounds and is self dumping.~~

- (2) All waste must be collected with a vehicle with a gross vehicle weight (GVW) of greater than twenty-seven thousand five hundred (27,500) pounds.
- (3) Any person required by this section to obtain a license shall make an application to the Board of Selectmen, or its designee, providing the information required. Each application shall be accompanied by a nonrefundable application fee as voted on by the Board of Selectmen.
- (4) The application shall contain all information required by the Board of Selectmen, including but not limited to: the corporate name, address, corporate representative and title, phone number, e-mail, and website (if available); a description of the activities engaged in, e.g., collection, transportation or delivery of acceptable waste; list of commercial customers and size and location of carts, pickup route, designated day and time of pickup, type and amount of waste handled; certificate of insurance with limits of coverage as determined by the Board of Selectmen, or its designee; a description of the facilities operated and used; and an equipment inventory, including a description of the make, model and year of each vehicle used for the collection or transportation of solid waste.
- (5) The Board of Selectmen or its designee shall act to grant or deny a license application within fifteen days of the submission of a complete application.
- (6) Licenses shall be renewed annually, and all information provided in the initial application shall be revised upon application for license renewal. If the Board of Selectmen or its designee shall determine the application is incomplete, they shall notify the applicant, in writing, of the specific information necessary to complete it. The Board of Selectmen, or its designee, shall be informed immediately, in writing, of any changes in or additions to the information required on the application.
- (7) Licenses issued hereunder shall not be transferable.
- (8) All licenses shall expire one (1) year from the date of issue unless otherwise stated on the license or revoked or suspended sooner in accordance with the provision of this chapter.

(9) The annual license fee shall be designated by the Board of Selectmen for each applicant licensed. In the event that the Board of Selectmen, or its designee, deny a license application, they shall notify the applicant, in writing, and shall state the reasons for the denial. Upon such notice, the applicant may request a hearing in accordance with the procedures in § 133-4C hereof.

(10) Operating times are the same as provided in Chapter 171 Ordinance Regulating Noise Nuisance ~~the Pembroke Noise Ordinance, as adopted at the March 15, 2008 Town Meeting.~~

B. Suspension and revocation.

(1) Any license issued under this chapter may be suspended or revoked by order of the Board of Selectmen after the Board of Selectmen shall have notified the licensee, in writing, of the intent to suspend or revoke, the reasons therefore ~~[sic]~~ and the licensee has had an opportunity for a hearing in accordance with the procedures in § 133-4C hereof.

(2) A license may be suspended or revoked for the following causes:

(a) Violation of this chapter;

(b) Violation of any provision of any state or local law or regulation relating to this chapter, including but not limited to RSA 149-M or any environmental law;

(c) Violation of any license condition; or

(d) Falsehoods, misrepresentations or omissions in the license application.

C. Hearings.

(1) Any person denied a license or whose license is proposed to be suspended or revoked pursuant to § 133-4B shall be entitled to a hearing before the Board of Selectmen, if such request is made, in writing, within fifteen (15) days of the licensee's receipt of the notice of denial or proposed suspension or revocation.

(2) A hearing authorized by this chapter shall be held within thirty (30) days after receipt by the Board of Selectmen of the written request for a hearing.

(3) The licensee or applicant shall be notified, in writing, as to the time and place of the hearing at least ten (10) days prior to the hearing date.

The applicant or licensee has the right to be represented by counsel, to offer evidence and to cross-examine witnesses.

- (4) A determination shall be made by the Board of Selectmen within twenty (20) days after the conclusion of the hearing and a notice of the decision shall be served upon the applicant or license by certified mail, return receipt requested.
- (5) A final determination relative to the denial, suspension or revocation of a license and the period of suspension or revocation shall take effect as provided in the notice but no later than ten (10) days after the date notice of such final determination has been mailed by certified mail, return receipt requested, to the licensee or applicant. Such final determination shall be conclusive. Notice of the final determination shall set forth reasons for the denial, suspension or revocation and the effective dates thereof, together with a statement that such decision may be appealed as provided by the laws of the State of New Hampshire.
- (6) Any claim arising out of or relating to a final determination shall be reviewable as provided by the laws of the State of New Hampshire.

§ 133-5 Administration.

This chapter shall be administered by the Board of Selectmen, whose powers and duties are as follows:

- A. To adopt reasonable rules, regulations, fees and fines as needed to enforce this chapter, including, without limitation, rules and regulations governing the delivery of acceptable waste to the municipal solid waste facility, as well as other facilities the Town has an agreement or contract with to provide such services;
- B. To consider all license applications and to grant or deny each application within fifteen (15) days after receipt of a completed application at the town offices or within such other time as the Board of Selectmen and the applicant shall agree is reasonable;
- C. To review any alleged violations of this chapter, and to impose appropriate penalties as required by this chapter; and
- D. To institute necessary proceedings, either legal or equitable, to enforce this chapter.

§ 133-6 Enforcement and penalties.

- A. Any person who violates this chapter may be guilty of a violation for each incident or occasion of violation
- B. Any person who violates this chapter may be subject to a fine, payable to the Town, of not more than one thousand dollars (\$1,000) and or revocation of service for each violation.

§ 133-7 Enforcement and severability.

- A. The provisions of this chapter shall supersede all other local laws, ordinances, resolutions, rules or regulations contrary hereto or in conflict herewith.
- B. The provisions of this chapter shall be severable, and if any phrase, clause or sentence or provision or the application thereof to any person or circumstance shall be held invalid, the remainder of this chapter and the application thereof shall not be affected thereby.

§ 133-8 Amendment of provisions shall be severable, and if any phrase.

The Board of Selectmen, after a public hearing, may amend this chapter as it relates to the municipal solid waste facility and or collection of municipal solid waste or recyclables.

Updated November 18, 2015

CHAPTER 184
OHRV Prohibitions

The Board of Selectmen of Pembroke, New Hampshire, ordain as follows:

OFF-HIGHWAY RECREATIONAL VEHICLE (OHRV) USE ON CLASS VI HIGHWAYS

[Approved by the Board of Selectmen on ____]

1.0 Purpose

The Town of Pembroke permits appropriate recreational Off Highway Road Vehicle (OHRV) usage on Class VI roadways. This ordinance is intended to identify lawful operation, permitted access, and travel routes.

2.0 Authority

Pursuant to NH RSAs 41:11, which authorizes the Board of Selectmen to regulate the use of roads in the Town, and 215-A:15 which specifically authorizes the Board of Selectmen to make special regulations concerning OHRVs, the Pembroke Board of Selectmen does hereby enact the following:

3.0 Definitions

3.01 "Off highway recreational vehicle or OHRV" means any mechanically propelled vehicle used for pleasure or recreational purposes running on rubber tires, tracks, or cushion of air and dependent on the ground or surface for travel, or other unimproved terrain whether covered by ice or snow or not, where the operator sits in or on the vehicle. All legally registered motorized vehicles when used for off highway recreational purposes shall fall within the meaning of this definition; provided that, when said motor vehicle is being used for transportation purposes only, it shall be deemed that said motor vehicle is not being used for recreational purposes. For purposes of this chapter "off highway recreational vehicle" shall be abbreviated as OHRV. OHRVs shall not include snowmobiles as defined in RSA 215-C.

4.0 Permitted Travel Routes

OHRVs are permitted to operate on the unimproved portions of Class VI highways in the Town of Pembroke unless otherwise posted.

5.0 Prohibitions

5.1 OHRVs operated within the Town of Pembroke shall be in compliance with all OHRV laws of the State of New Hampshire as codified under RSA Title XVIII CHAPTER 215-A and rules of the New Hampshire Department of Fish and Game as codified under CHAPTER Fis 1500.

5.2 OHRV use of roads within the Town of Pembroke shall be prohibited during the period from December 16 to May 31 of each year.

6.0 Signage

Notice of this ordinance shall be given by the posting of permanent, legible signs by the Director of Public Works at points of access to Class VI highways from other public ways, which signs bear the legend "OHRV use prohibited December 16 to May 31. Violators will be fined up to \$1,000 and may be held liable for roadway damages under RSA 236:38 and RSA 236:39".

7.0 Penalties

Any person who violates the provisions of this ordinance shall be guilty of a violation and shall be fined \$150 for the first offense and \$300 for each subsequent offense within a calendar year. For violations involving damage to roadways, operators shall be liable for any costs to repair, remedy, or otherwise return the road to an acceptable and stable condition as determined by the Director of Public Works. Enforcement of this ordinance shall be in accordance with NH RSA 31:39-c

8.0 Effective Date

This ordinance shall be effective _____.



OHRV USE PROHIBITED

**DECEMBER 16 THROUGH MAY 30
(SNOWMOBILES EXCEPTED)**

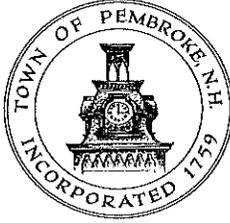
**VIOATORS WILL BE FINED UP TO \$1,000
AND MAY BE HELD LIABLE FOR ROADWAY
DAMAGES UNDER RSA 236:38 AND 236:39
PEMBROKE TOWN CODE AS
APPROVED BY THE PEMBROKE
BOARD OF SELECTMEN**

Owner	MapLot	Location	YEAR	AMOUNT DUE 5/6/2021
BOULTILIER, WILLIAM	266-76-104	235-4 DEARBORN RD*	2017	832.43
			2018	721.00
BREZOSKY, ERIC	632-11-120	78-20 SHEEP DAVIS RD*	2018	317.29
CRAY, WENDY A	632-11-108	78-8 SHEEP DAVIS RD*	2017	988.95
			2018	833.71
EMERY, MARY	632-11-115	78-15 SHEEP DAVIS RD*	2018	456.70
KING, RICHARD & GWEN	266-85-41A	153A TINA DR	2017	1,405.11
			2018	5,808.72
LECLAIR, ANTONIA & RAYMOND	VW-183	MERRIMACK RIVER	2017	226.20
			2018	304.57
OWNERS UNKNOWN	VW-114-1	MAIN ST**	2017	159.08
			2018	160.36
OWNERS UNKNOWN	266-27-2	PEMBROKE ST (OFF)**	2017	325.88
			2018	282.67
OWNERS UNKNOWN	VE-15-1	BROADWAY**	2017	243.63
			2018	247.86
PAUL, DAVID A & SUZANNE L	565-196	243 PEMBROKE HILL RD***	2018	8,686.30
RICHARD, GEORGE & LORETTA A	941-1	313 BUCK ST****	2017	5,646.89
			2018	8,887.43

THC REALTY TRUST	VE-179-2	MAIN ST - OFF**	2017 2018	2,466.13 1,974.63
TREMBLAY, LANCE	266-73	307-2 DEARBORN RD	2017 2018	751.54
WEBSTER FALLS, INC	VE-179-1	MILL FALLS - OFF**	2017 2018	276.12 253.14

As of 4/1/21

- * = Mobile Home in Park
- ** = Deed issues or contaminated land
- *** = IRS Lien
- **** = Probate issue/Parents deceased



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

April 7, 2021

William Boutilier
235-4 Dearborn Road
Pembroke, NH 03275

Dear Mr. Boutilier,

This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2017 and 2018 property taxes.

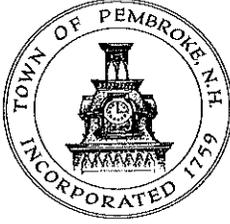
If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

Last year when COVID shut down the deeding process, the Selectmen advised what you would owe on the property and what should be paid monthly. You failed to take advantage of that process, and unfortunately we are now at the stage of taking the home.

The balance due by May 6th is \$1,553.43. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

Eric Brezosky
78-20 Sheep Davis Road
Pembroke, NH 03275

Dear Mr. Brezosky,

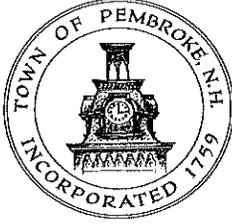
This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2018 property taxes.

If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

The balance due by May 6th is \$317.29. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

Wendy Cray
78-8 Sheep Davis Road
Pembroke, NH 03275

Dear Ms. Cray,

This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2017 and 2018 property taxes.

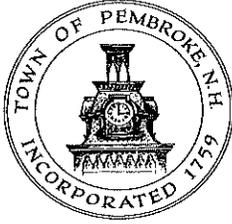
If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

Last year when COVID shut down the deeding process, the Selectmen advised what you would owe on the property and what should be paid monthly. You failed to take advantage of that process, and unfortunately we are now at the stage of taking the home.

The balance due by May 6th is \$1,822.66. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

Warren Emery
Estate of Mary Emery
58A Tremont Street
Boscawen, NH 03303

Dear Mr.Emery,

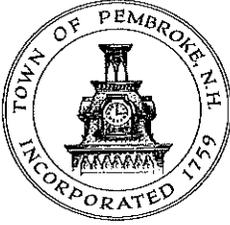
This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2018 property taxes.

If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

The balance due by May 6th is \$456.70. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

Richard & Gwen King
153A Tina Drive
Pembroke, NH 03275

Dear Mr. and Mrs. King,

This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2017 and 2018 property taxes.

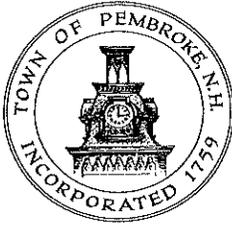
If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

Last year when COVID shut down the deeding process, the Selectmen advised what you would owe on the property and what should be paid monthly. You failed to take advantage of that process, and unfortunately we are now at the stage of taking the home.

The balance due by May 6th is \$7,213.83. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

David & Suzanne Paul
243 Pembroke Hill Road
Pembroke, NH 03275

Dear Mr. and Mrs. Paul,

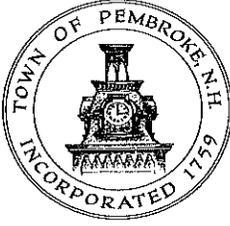
This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2018 property taxes.

If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

The balance due by May 6th is \$8,686.30. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

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

April 7, 2021

Lance Tremblay
307-2 Dearborn Road
Pembroke, NH 03275

Dear Mr. Tremblay,

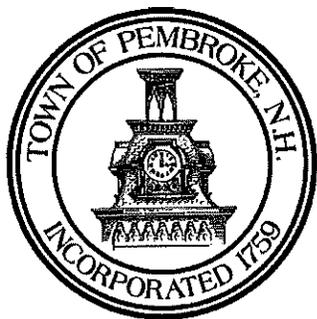
This letter is to remind you that your property is up for deeding on May 6, 2021 for non-payment of 2018 property taxes.

If the Town executes a tax deed on your property that will in effect mean that the Town now will take ownership of your property. The next process for the Town is to offer you the right to repurchase the home for all taxes due up to and including 2021, all interests, costs, penalties and fees associated with the deed. Also during this process, the Town will start the eviction process which would be cancelled if payment in full is made.

The balance due by May 6th is \$751.54. Payments must be made in either cash, bank check or money order. We cannot at this time take a personal check.

Sincerely,

Pembroke Board of Selectmen



Town of Pembroke
Department of Public Works

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

To: Board of Selectmen
From: Public Works Department
CC: David Jodoin
Date: April 1, 2021
Re: 2021 Recycle Truck Cab & Chassis

It is the recommendation of the Public Works Department that the Bid for the Recycle Truck Cab & Chassis be awarded to Peterbilt for the amount of \$147,073.00

Sincerely,

VJ Ranfos
Public Works Director



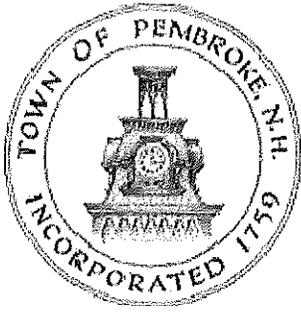
Town of Pembroke

Department of Public Works

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

2021 Recycle Truck Cab & Chassis Bid Summary

	Bid	Option 1 5 Year Warranty or 6,000 hours	Option 2 Optional Warranty	Trade in 2010 Pete 320	With No Trade
Peterbilt	\$ 166,019.00	\$ 1,054.00		\$ 20,000.00	N/A
Option 1				\$ 147,073.00	
Option 2	includes extended warr				
McDevitt	\$ 156,142.00	\$ 1,052.00	\$ 3,585.00	\$ 10,000.00	N/A
Option 1	357	tire tax credit			
Option 2				\$ 150,422.00	
Option 1				\$ -	\$ -
Option 2				\$ -	\$ -
Option 1				\$ -	\$ -
Option 2				\$ -	\$ -
Option 1				\$ -	\$ -
Option 2				\$ -	\$ -



Town Of Pembroke Sewer Commission

4 Union Street, Pembroke, NH 03275

Phone: (603) 485-8658

Fax: (603) 485-2142

E-Mail: sewerdept@pembroke-nh.com

Office Hours: Monday - Thursday 8:00 am - 4:00 pm

March 15, 2021

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

Re: Vacant Sewer Commissioner Position

Dear Board Members;

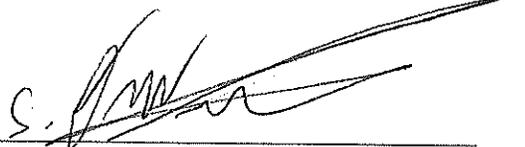
At the Sewer Commission meeting of March 15, 2021 a discussion took place about the vacant position on the Sewer Commission. Therefore, we the undersigned are requesting that the Board of Selectmen at their next meeting on April 7, 2021 appoint Jules (Andy) Pellerin to fill the vacancy for a 1 year term.

Should you have any questions regarding this matter please do not hesitate to contact us.

Sincerely,

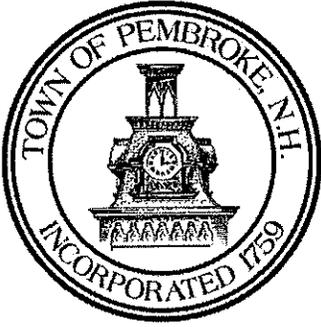


Harold Thompson, Chairman



Daniel Mattingly, Commissioner

Cc: Sewer files



**TOWN OF PEMBROKE
TOWN HALL**

311 Pembroke Street, Pembroke, NH 03275
Phone: (603) 485-4747 Fax: (603) 485-3967
Web: Pembroke-nh.com

Certificate of Authorization

I, James F. Goff, Town Clerk for the Town of Pembroke, New Hampshire am responsible for keeping town records. I do hereby certify that:

1. At the regular Board of Selectmen meeting held on April 7, 2021, the Board of Selectmen voted to accept Household Hazardous Wastes Collection grant funds and to enter into a grant contract with the NH Department of Environmental Services. The Board of Selectmen further authorized Victor Ranfos, Public Works Director, to execute any documents which may be necessary for this grant contract.
2. This authorization has not been revoked , annulled or amended in any manner whatsoever, and remains in full force and effect as to the date hereof.
3. The following person has been appointed to and now remains in the office indicated on 1, above.

Ann Bond, Chair

IN WITNESS THEREOF, I have hereunto set my hand as the Town Clerk of Pembroke, New Hampshire on this ____ day of _____, 2021.

Town Clerk

(SEAL)

State of New Hampshire
County of Merrimack

On this the ____ day of _____ 2021, before me _____
Notary Public/Justice of the Peace
personally appeared James F. Goff who acknowledged himself to be Town Clerk of Pembroke, N.H., being authorized to do so, executed the foregoing instrument for the purpose therein contained.

IN WITNESS THEREOF, I hereunto set my hand and seal.

Notary Public/Justice of the Peace

(SEAL)

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC**
18 Smokey Bear Blvd, P.O. Box 483
Concord, NH 03302
603-271-2292

Proposed District Resurfacing CY 2021 Program only – (other crosswalks will be permitted separately)

The City/Town of PEMBROKE

is requesting approval of an uncontrolled crosswalk on the state maintained highway at the following location:

Project Number	Remarks for Installation	Segment Name	Road	Crosswalk Description	Requirements for Approval	ADA Improvements	School Zone (Y/N/Unk)
16165J	Existing location approved	PEMBROKE	Academy Rd	East of Cross Rd	Additional lighting recommended		Yes

Crosswalk Maintenance Responsibilities:

Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

Parking shall be restricted and enforced within 20 feet *minimum* from each end of the crosswalk in all directions by the municipality. "No Parking" signs shall be installed and maintained by the municipality as appropriate.

Pedestrian crossing warning signs at all uncontrolled crosswalks and established unmarked pedestrian crossings will be installed and maintained by the Department.

Acceptance of Crosswalk Maintenance Responsibilities as described above:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Initial Crosswalk Markings (Check One): By NHDOT _____ By Municipality* _____ Eliminate _____

***See Requirements on Attached Letter**

If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated. In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC**

18 Smokey Bear Blvd, P.O. Box 483
Concord, NH 03302
603-271-2292

Proposed District Resurfacing CY 2021 Program only – (other crosswalks will be permitted separately)

The City/Town of PEMBROKE

is requesting approval of an uncontrolled crosswalk on the state maintained highway at the following location:

Project Number	Remarks for Installation	Segment Name	Road	Crosswalk Description	Requirements for Approval	ADA Improvements	School Zone (Y/N/Unk)
16165J	Existing location approved	PEMBROKE	Main Street	Just south of Front Street/Glass Street	Additional lighting recommended, restrict parking within 20' of crosswalk	Install landings and detectable warning devices	No

Crosswalk Maintenance Responsibilities:

Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

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Pedestrian crossing warning signs at all uncontrolled crosswalks and established unmarked pedestrian crossings will be installed and maintained by the Department.

Acceptance of Crosswalk Maintenance Responsibilities as described above:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Initial Crosswalk Markings (Check One): By NHDOT _____ By Municipality* _____ Eliminate _____

***See Requirements on Attached Letter**

If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated. In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC
18 Smokey Bear Blvd, P.O. Box 483
Concord, NH 03302
603-271-2292**

Proposed District Resurfacing CY 2021 Program only – (other crosswalks will be permitted separately)

The City/Town of PEMBROKE

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16165J	Existing location approved	PEMBROKE	Main Street	Just North of Front Street/Glass Street	Additional lighting recommended, restrict parking within 20' of crosswalk	Install landings and detectable warning devices	NO

Crosswalk Maintenance Responsibilities:

Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

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Acceptance of Crosswalk Maintenance Responsibilities as described above:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Initial Crosswalk Markings (Check One): By NHDOT _____ By Municipality* _____ Eliminate _____

***See Requirements on Attached Letter**

If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated. In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC**
18 Smokey Bear Blvd, P.O. Box 483
Concord, NH 03302
603-271-2292

Proposed District Resurfacing CY 2021 Program only – (other crosswalks will be permitted separately)

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is requesting approval of an uncontrolled crosswalk on the state maintained highway at the following location:

Project Number	Remarks for Installation	Segment Name	Road	Crosswalk Description	Requirements for Approval	ADA Improvements	School Zone (Y/N/Unk)
16165J	Existing location approved	PEMBROKE	Main Street	Just south of Central Street/Union Street	Additional lighting recommended, restrict parking within 20' of crosswalk	Install landings and detectable warning devices	No

Crosswalk Maintenance Responsibilities:

Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

Parking shall be restricted and enforced within 20 feet *minimum* from each end of the crosswalk in all directions by the municipality. "No Parking" signs shall be installed and maintained by the municipality as appropriate.

Pedestrian crossing warning signs at all uncontrolled crosswalks and established unmarked pedestrian crossings will be installed and maintained by the Department.

Acceptance of Crosswalk Maintenance Responsibilities as described above:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Initial Crosswalk Markings (Check One): By NHDOT _____ By Municipality* _____ Eliminate _____

***See Requirements on Attached Letter**

If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated. In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

**STATE OF NEW HAMPSHIRE
DEPARTMENT OF TRANSPORTATION
BUREAU OF TRAFFIC**

18 Smokey Bear Blvd, P.O. Box 483
Concord, NH 03302
603-271-2292

Proposed District Resurfacing CY 2021 Program only – (other crosswalks will be permitted separately)

The City/Town of PEMBROKE

is requesting approval of an uncontrolled crosswalk on the state maintained highway at the following location:

Project Number	Remarks for Installation	Segment Name	Road	Crosswalk Description	Requirements for Approval	ADA Improvements	School Zone (Y/N/Unk)
16165J	Existing location approved	PEMBROKE	Main Street	Just North of central/Union Street	Additional lighting recommended, restrict parking within 20' of crosswalk	Install landings and detectable warning devices	NO

Crosswalk Maintenance Responsibilities:

Uncontrolled crosswalks on State-maintained highways are the maintenance responsibility of the municipality, except in school zones, where only the crosswalk nearest the front door of the school is maintained by the State. Maintenance refers to a program of **pavement marking maintenance** in conformance with the MUTCD. Access to crosswalks shall be maintained year round. Year round access is considered to refer to **winter snow removal and treatment of ice** at approaches to the crosswalk location.

Parking shall be restricted and enforced within 20 feet *minimum* from each end of the crosswalk in all directions by the municipality. "No Parking" signs shall be installed and maintained by the municipality as appropriate.

Pedestrian crossing warning signs at all uncontrolled crosswalks and established unmarked pedestrian crossings will be installed and maintained by the Department.

Acceptance of Crosswalk Maintenance Responsibilities as described above:

Signed: _____

Printed Name: _____

Title: _____

Date: _____

Initial Crosswalk Markings (Check One): By NHDOT _____ By Municipality* _____ Eliminate _____

***See Requirements on Attached Letter**

If your municipality does not agree to maintain the above-referenced crosswalk(s), the concrete ramps will be removed/not constructed and the uncontrolled crosswalk will be eliminated. In accordance with RSA 236:1 the Department of Transportation reserves the right to withdraw approval and require removal of this crosswalk based on safety, maintenance and engineering issues, without incurring any obligation.

**BOARD OF SELECTMEN
TOWN OF PEMBROKE, NH
March 15, 2021 at 6:30 PM**

DRAFT,

Present: Selectman Richard Bean, Selectman Karen Yeaton, Selectman Ann Bond, Selectman Sandy Goulet, Selectman Michael Crockwell

Staff: Town Administrator David Jodoin

I. Call to Order:

Vice-Chairman Sandy Goulet called the meeting to order at 6:35pm.

II. Citizens Comment:

None

III. Scheduled Meetings

Solid Waste Committee

Wendy Weisiger, Chair of the Solid Waste Committee, and Gerry Fleury, Solid Waste Committee, presented updates to Chapter 133 of the Town Code; Solid Waste Management. In the old ordinance, commercial waste haulers were required to keep Pembroke waste separate from any other waste, bring it to Casella, and use the Town of Pembroke's account. The Town would then bill the haulers for the load plus an administrative fee. Gerry explained the language in the ordinance dated back to when the Town was a part of the Concord Co-Op. Wendy explained the recommendation of the Solid Waste Committee is to remove the language which means the Town would no longer be doing unnecessary administrative work and the haulers are free to pick up wherever they would like. The haulers would now have to contract with Casella themselves. Wendy explained that there are still some changes that need to happen to the chapter as whole and there are some clerical items like misspellings and incorrect chapter headings that they need to address.

A Public Hearing will be scheduled for April 7, 2021 to discuss the changes to the Town Code.

VJ Ranfos, Director Public Works, discussed the new trash truck. The current truck is a split body and there is only one company that currently offers that style of truck. VJ is requesting the Select Board waive the 3-bid requirement for the body of the truck so the Town can get on the manufacturing list as soon as possible. The company told VJ that the sooner the Town gets on the manufacturing list, the better pricing they will be able to offer. Selectman Bean asked how long it will take to get the truck. VJ answered that the company stated it could take up to a year because

they were shut down for a while due to COVID and they have some catch up to do. David Jodoin explained that the truck will cost \$320,000 and they will want to move forward with getting on the manufacturing list as soon as possible because the RFP for the cab and chassis needs to be timed so they both come in around the same time.

Selectman Goulet made a motion to waive the bid requirements for the body of the trash/recycling truck. Selectman Yeaton seconded the motion. Motion passed 5-0.

Conservation Commission – Discuss findings on proposed closure of Range Roads to OHRV traffic December 15-May 31.

Ammy Heiser, Chair Conservation Commission, and Brian Mrazik, 357 Pembroke Hill Road, discussed closing the Range Roads from December 15 – May 15 in order to minimize the road and environmental damage that is happening and to put our Town in line with other Town's restrictions. They assumed they would be able to simply hold a public hearing to change the ordinance. After some research, they found the roads were never officially opened which means unless the Selectmen officially open the roads, they will remain closed and changes need to be made. State law changed in 2019 that in order to open the roads, it would take more than a public hearing. Brian explained that the committee would like to put out temporary signage that says closed to off highway recreational vehicles until June 1st and in that time the Conservation Commission would work to create a comprehensive policy to present to the Board in September. Trail Dawgs have reached out to Ammy and shared that they had just purchased some timber from a mill in Bedford with the plan of replacing all the bridge decking's. They intend to work with the horseback riding clubs because those clubs have been unable to use the roads thoroughly since a lot of the damage has been getting progressively worse. The Commission would like to work with all these different user groups to find a way to satisfy everyone because as it is, the OHRV's are making it so no other user groups can enjoy the roads and the only people investing in the roads is the Trail Dawgs snowmobile group.

David Jodoin shared that Chief Gilman emailed in and stated they cannot temporarily post the roads without an ordinance and that Fish and Game do not have the man power to help with enforcement. Wendy Weisiger, Conservation Commission, explained that if the roads were never opened, putting a sign up would not be changing the use of the road, it would just be notifying the public of something that already exists. The Chief may not realize that there was never a vote to open the roads to begin with. Selectman Yeaton asked why they cannot stick to the original plan to change the ordinance from December to May. Brian Mrazik explained that changing the ordinance, it implies that road is currently open during the other months, and it may not be. Selectman Yeaton suggested following through with the public hearing to close the roads while they research if the roads are open or not. Ammy explained that they went back to the early 1900's and found no vote that the roads were ever officially opened. Selectman Yeaton explained they are obligated to confirm that the roads were never opened but they can act on the information they have now. Selectman Bond would like to speak to Steve Buckley at

NHMA regarding this. Selectman Goulet would like to speak to legal about this too. David explained that he has only seen where the roads have been closed subject to gates and bars. Which means the town no longer maintains them. The Board discussed the possibility of changing the weight limit that already exists on the roads. David explained that all of this comes down to enforcement for the Police Department.

Brad Gilpatrick stated that he spends many hours on the Range Roads collecting trash and monitoring activity. Some roads have become impassible for people on horses. People are also not being courteous to people on the horses and pass them on their ATVs and startle their horses. The ruts have gotten so bad, that he has film of people on ATVs tearing up onto stone walls on private property in order to get around. People have started making their own trails on wetlands and cutting down trees on private property to make pass through roads as well. Full size trucks are not the issue, it is the ATVs and OHRVs. The roads are not passable to a regular vehicle and something has to be done about the damage.

Public Works – Paving/Crack Sealing Bids

Selectman Goulet made a motion to award the paving bid to GMI Asphalt, LLC and to award the crack sealing bid to Sealcoating Inc. DBA Indus. Selectman Bean seconded the motion. Motion passed 5-0.

IV. Old Business:

Tax Deeds

Not much has changed since the last meeting. The Police Department will start hand delivering letters soon.

Easement – Church Parking Lot Update

No change since last meeting

V. New Business

Election of Officers

Selectman Goulet made a motion to appoint Selectman Bond as Chair. Selectman Yeaton seconded the motion. Motion passed 5-0.

Selectman Bean made a motion to appoint Selectman Bean as Vice-Chair. Selectman Yeaton seconded the motion. Motion passed 4-1. Selectman Goulet voted No

Sub-Committee Assignments

Board Committee Assignments:

- Planning Board – Selectman Bond (Main) and Selectman Bean (Alt.)
- Conservation Commission – Selectman Yeaton (Main) Selectman Goulet (Alt.)
- Roads Committee – Selectman Crockwell (Main), Selectman Yeaton (Alt.)
- Recreation Committee – Selectman Bean (Main), Selectman Yeaton (Alt.)
- Capital Improvement Plan Committee – Selectman Yeaton (Main) and Selectman Bean (Alt.)
- Budget Committee – Selectman Yeaton (Main) and Selectman Bean (Alt.)
- Energy Committee – Selectman Yeaton (Main) and Selectman Crockwell (Alt.)
- Solid Waste Committee – Selectman Bond (Main), Selectman Bean (Alt.)
- Economic Development Committee – Selectman Goulet (Main), Selectman Bean (Alt.)
- Building Committee - Selectman Crockwell (Main), Selectman Goulet (Alt.)

After some discussion by the Board, the Selectmen Rep will not be required to attend Roads Committee and Conservation Commission meetings. They will still receive agenda packets.

Manifests/Abatements

Selectman Goulet made a motion to accept the manifests and abatements as presented. Selectman Yeaton seconded the motion. Motion passed 5-0.

Minutes 2/18/21, 3/1/21

Selectman Yeaton made a motion to accept the minutes of 2/18/21 as presented. Selectman Bond seconded the motion. Motion passed 4-0. Selectman Crockwell abstained.

Selectman Bond made a motion to accept the minutes of 3/1/21 as presented. Selectman Bean seconded the motion. Motion passed 4-0. Selectman Goulet abstained.

VI. Town Administrator Report:

Selectman Goulet made a motion to authorize the signing of MS-232 Form. Selectmen Bean seconded the motion. Motion passed 5-0.

David reached out to Matthew Miller to watch tonight's meeting and decide which committee he would like to join.

David shared the proposal from Public Works for the town clock upgrade. It is not budgeted this year but it will likely be a part of the CIP discussion moving forward. When they go up in the spring, they will work to create the 5-year plan.

David asked Selectman Yeaton if the Supervisors of the Checklist are going to remain at \$125 flat fee for the hours they put in for election days and after that, it will be \$10/hour for their time. Selectman Yeaton stated that was her understanding as well.

VII. Committee Reports:

Selectman Yeaton – None

Selectman Bean – None

Selectman Bond – None

Selectman Goulet – None

VIII. Other Citizens Comment:

None

IX. Non-Public Session:

Selectman Bond made a motion to enter into non-public session in accordance with RSA 91-A:3 II (b) Hiring Public Personnel, seconded by Selectman Bean at 8:09pm

Roll Call Vote:

Selectman Bond	Yes
Selectman Bean	Yes
Selectman Goulet	Yes
Selectman Yeaton	Yes
Selectman Crockwell	Yes

The Board came out of non-public session at 8:32 PM.

Motion by Selectmen Goulet to hire Perry Lemay as the new Code Enforcement Officer, Second by Selectmen Crockwell. Motion passed 5-0.

X. Adjourn:

Selectman Goulet made a motion to adjourn at 8.34 PM. Selectman Bean seconded the motion and it was approved unanimously.

Ann Bond, 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.

Sulloyay
& Hollis P.L.L.C.
COUNSELORS AT LAW

ROBERT L. BEST
D (603) 223-2812
O (603) 224-2341
F (603) 223-2912
E rbest@sulloyay.com

www.sulloyay.com | 9 Capitol Street, Concord, New Hampshire 03301

March 29, 2021

VIA E-MAIL AND US MAIL

Housing Board of Appeals- Johnson Hall
Attn: Clerk – Housing Appeals Board
107 Pleasant Street, Room 201
Concord, NH 03301

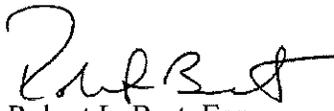
Re: William Evans, Trustee v. Town of Pembroke
Case #BSA 2021-02

Dear Sir or Madam:

Enclosed herewith for filing with the Housing Appeals Board is the Petitioner's Objection to the Motion to Dismiss filed by Respondent Town of Pembroke, NH.

Please let me know if you have any questions.

Sincerely,



Robert L. Best, Esq.

RLB/
/enclosure

Cc: Attorney Steven Whitley via E-mail and USPS
Client

Serving Clients and Communities for more than 160 Years
NEW HAMPSHIRE | MASSACHUSETTS | RHODE ISLAND | MAINE | VERMONT
Individual attorneys not licensed in all states

January 13, 2021

DESCRIPTION OF SECTIONS

- 19502B** **Hopkinton, US 202, 0.4 miles**
Tier 2, Major Rehab, 2" Full Width High Strength Inlay (Item 403.11943)
- From the NH 9 westbound ramp westerly to US 202 in Hopkinton.
- Omitted from the 2020 Statewide BWC (W) 42238 project.
- 20511** **Concord-Canterbury, NH 132, 3.4 miles**
Tier 3, Preservation, 1½" Full Width Wearing Course Overlay (Item 403.11043)
- From a P/J at Country Club Lane in Concord (Compact) northerly to Boyce Road in Canterbury
- 1.5" Full Width High Strength Overlay (Item 403.11943) at Sewalls Falls Rd intersection (~700' between existing P/Js)
 - Include 1.5 miles 13' x 2" spot inlays (Item 403.11023)
- 20527** **Allenstown-Pembroke, Main Street, 0.3 miles**
Tier 4, Minor Rehab, 1½" Full Width High Strength Inlay (Item 403.11943)
- From a P/J at East Webster Street northerly to a P/J north of Broadway (End of State Maintenance)
- 1 Abandoned Railroad Crossing
 - ADA work to be completed
- 21504** **Henniker, NH 114, 3.3 miles**
Tier 2, LCP, ¾" Full Width Paver Shim Overlay (Item 411.3)
- From a (newly cut) P/J 600 Feet North of Patch Road northerly to a P/J South of Post Office Place
- Include 1 mile of 13' x 2" spot inlays (Item 403.11023)
 - 1 Abandoned Railroad Crossing
 - ADA work to be completed
- 21505** **Canterbury, NH 132, 3.5 miles**
Tier 3, LCP, ¾" Full Width Paver Shim Overlay (Item 411.3)

It Takes a Village

Zoning Board Meeting: Special Exception Application

3/22/21

I'd like to apologize for not being prepared for the last meeting. I applied for a variance in the spring of 2020 and no additional paperwork or questions were asked from the board. I assumed the process would be similar. I received an email outlining what the board would like to see brought to this meeting, since these are not requirements in the town code I did not bring them to the board for review on March 8th. I'd like to take this time to talk about our center and to make sure everyone on the board has the correct information.

When we originally opened in 2019 we were given a few options from Carolyn on how to operate our center, it came down to whether we'd have our center as accessory versus not accessory use. We are pursuing the non accessory use but we are still working with Sanford Surveying and Engineering to meet all the conditions of the site plan. Our goal is to open and operate as accessory use as this was another option given to us by Carolyn in the time being.

My plan is to go through each requirement to show our compliance and to address any questions that have popped up recently. I hope we can enter this discussion with the appropriate mindset- I have been to enough meetings with town employees and board members to know that many decisions are already predetermined. If you have any doubt that we meet the provisions listed in 143:38 I hope that we are able to address them together. If you have any questions, please ask during the discussion; I would hate for something to come up during the closed session of the meeting where I cannot clarify any misunderstandings and misinformation.

I'd like to start by discussing misinformation. These are following issues that have been requested or often said in meetings that are incorrect:

1. At our last meeting Bob asked, "How many kids do you have now." My response was four. I have 4 kids but Bob was actually referring to how many kids at our center. The town decided to close our center in Sept 2020. The parents, teachers, and children were heartbroken. Parents wrote letters to the governor and called town hall to ask for reconsideration, but unfortunately we have been closed since and are looking at every option possible to reopen. It is important for me to address this question and the incorrect assumptions being made by the board. Again, to answer Bob's question from last week, we have 0 children.
2. Another common mistake made is to confuse what it means to have a home based daycare. The town does not provide a definition in 143:38 and refers to the permitted use of operating a daycare, preschool, or kindergarten. Because the town does not provide their own definitions I will define the differences between a center program and a family program based on the state's child care licensing rules.

[he-c4002.pdf \(nh.gov\)](#)

Essentially, a family based program allows for anyone over 21 to run childcare with minimal education. Family programs operate at a max of 17 children. Center based child cares are run by a director that typically has met the education requirements of degree or certificate program. The employees of a center program must also meet different educational requirements. The number of children in a center is determined by the state based on the facility's capacity.

In Pembroke there are two licensed daycare facilities that operate as "Center based" and both run out of homes. The physical structure does not differentiate between a daycare's title of "family child care home" or "center based program". Hurney's for instance has a licence capacity of 32 children and operates as accessory use as a child care center with a rental in the upstairs. First choice for children operates as a center of 40 children and is also accessory use with the residence and daycare. References:

https://childcarecenter.us/provider_detail/first_choice_for_children_pembroke_nh

Our application purposes to use our property in the same, permitted manner. The daycare classrooms are organized on the first level and the residence will be upstairs.

"Center based program" means any program owned and operated by one applicant which is not licensed as a family or family group child care home and is licensed to provide any of the following types of child care: (1) Group child care center; (2) Infant and toddler program; (3) Night care program; (4) Preschool program; (5) School-age program; or (6) Any combination thereof.

He-C 4002.32 Requirements for Child Care Personnel in Center Based Programs. (a) All center based programs, other than those operating solely as a school-age program, shall have a center director who meets the following conditions: (1) The center director or qualified substitute shall be on the premises for at least 2/3 of each day's day time operating hours; and (2) For programs operating as night care programs, the center director or qualified substitute shall be on the premises for at least 2/3 of the program's evening and night time operating hours. (b) School-age programs shall have a site director who meets the following conditions: (1) For school-age programs operating 5 or fewer hours per day, a site director or qualified substitute shall be on the premises during all operating hours; or (2) For school-age programs operating more than 5 hours per day a site director or qualified substitute shall be on the premises for at least 2/3 of each day's day time operating hours. (c) Center directors, site coordinators and site directors shall: (1) Be responsible for the daily operation of the program and ensure the program's compliance with He-C 4002; (2) Designate a staff person who meets at least the minimum qualifications of group leader in school-age programs and associate teacher in all other center based programs, in accordance with this section, who will be in charge and assume the responsibilities of the center director or site director as follows: a. During any unplanned or emergency absence of the center director or site director; b. In school-age programs operating more than 5 hours per day and all other center based programs operating during day time hours, for the remaining 1/3 of the day time operating hours that the center director or site director is not required to be present under (a)(1) and (b)(1) above; and c. In night care programs, for the remaining 1/3 of the night time hours that the center director is

not required to be present under (a)(2) above; (3) Make all child care program personnel aware of the identity and scope of responsibility of the individual who will be in charge in the center director's or site director's absence; and (4) Engage child care personnel who are qualified for the position they are assigned to in accordance with this section. (d) There shall be at least one child care personnel qualified as a lead teacher on the premises at all times during operating hours, and one out of every 6 child care personnel who are required to be on the premises in order to meet minimum staff to child ratios shall meet the minimum qualifications of a lead teacher, in accordance with this section in all center based programs other than those operating solely as school-age programs

(t) "Family child care home" means "family day care home" as defined in RSA 170-E:2, IV(a), namely "an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for up to 6 children from one or more unrelated families. The 6 children shall include any foster children residing in the home and all children related to the caregiver except children who are 10 years of age or older. In addition to the 6 children, up to 3 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays."

"Family group child care home" means "family group day care home" as defined in RSA 170- E:2, IV(b), namely "an occupied residence in which child day care is provided for less than 24 hours per day, except in emergencies, for 7 to 12 children from one or more unrelated families. The 12 children shall include all children related to the caregiver and any foster children residing in the home, except children who are 10 years of age or older. In addition to the 12 children, up to 5 children attending a full day school program may also be cared for up to 5 hours per day on school days and all day during school holidays.

He-C 4002.31 Family Based Programs. (a) Family and family group child care homes shall comply with He-C 4002.01 through He-C 4002.30 and this section. (b) To qualify as a family child care provider, an individual shall be: (1) At least 21 years of age; or (2) At least 18 years of age and submit with his/her application documentation that he or she has a high school diploma or general equivalency diploma and at least one of the following: a. Successful completion of a 2 year child care curriculum approved by the department of education; or b. College courses, totaling 6 credits, in child development, early childhood, or elementary education, or other field of study focused on children, including at least one 3-credit course in child growth and development, from a regionally accredited college.

3. In the March 8 meeting, it was stated that we could only have 6 children and that we were a home based daycare. Both of these statements are incorrect. It Takes a Village was licensed as a Center based program and approved by the state to operate with 19 children.

4. He-C 4002.21 Child Care Space. (a) There shall be a minimum of 40 square feet of floor space per child, measured wall-to-wall, inside the rooms used by children. The state child care licenser licensed us 19 children. The state however reserves the right to waive this requirement in times of emergency or for special cases. For example, the state could provide us with a waiver to operate with 21 children if there is an emergent need for child care.

In general during meetings I have attended with the town capacity and the daycare program are often mischaracterized and defined incorrectly. I hope this clarifies any confusion.

I will now continue to demonstrate how we meet the 143:38 provisions set forth by the town. According to the state of NH " a special exception is a specific, permitted land use that is allowed when clearly defined criteria and conditions contained in the ordinance are met. Providing for special exceptions makes it possible to allow uses where they are reasonable in a uniform and controlled manner, but to prohibit them where the specified conditions cannot be met. Requirements, in this sense, are measurable qualifications that are the same at all times and places and can be expressed in specific terms." I think it's important to reiterate that special exceptions are granted when conditions CAN BE met and only prohibited when they CAN'T be met.

My goal now is to go through the requests provided by Carolyn in an email sent on March 10, after the March 8 meeting. We were originally slated to be on the agenda for the Feb 22 meeting. These requests were not given prior to any meeting and because they are not expressed in specific terms in Pembroke's town code, it was impossible to bring these in preparation for any meeting until now.

1. See attached floor plan.
2. All outside play areas shall be effectively screened... the play yard designated for the center is fenced, shielded by a barn, our lot is about 14 acres. Play yard is surrounded by fields then dense trees. This design was already approved by the planning board this past fall.
3. Septic is in the process of being designed. Our septic engineer, Sanford Surveying and Engineering, says that it takes about a week to finalize as they have already started to design it. The new design will be on file as soon as possible. This is not typically required prior to approval according to them. We did not originally push to get this done because we did not have approval from the town to operate as a daycare. Again, in this instance I'd like to point out that this CAN be met and according to state rules this does constitute denial of our application. I would like to suggest that if the board has any concerns regarding the septic, that the Zoning Verification form required by the state to be a licensed daycare does not need to be signed until it is on file. We will not be able to open until all town papers are signed. Again, offering approval tonight will allow us to

move forward with meeting other licensing requirements and prevent any more delays, but does not grant us permission to open until the zoning form is signed.

4. From November 2019 to Sept 202 we operated at a capacity of 12 children. We would like to open our center and serve 12 again, however our goal will be to work towards serving as many children designated by the state. This is supplemental information regarding our center. No where in the provisions set forth by the town does it require a description of the daycare enrollment capacity. Again, according to NH requirements of the board need to be "measurable qualifications that are the same at all times and places and can be expressed in specific terms." This was requested information that is not specified in Pembroke's town code.
5. Again, a request for the rental/lease agreement is not written in the town code. I have provided you with an agreement between myself and my co director of center. I am not able to provide you with a current rental agreement as we are not yet approved for the accessory use of a daycare and will not be using the space as such until we get approval.
6. Any other information that I feel is helpful in making my case... I was inspired to open a daycare when I struggled to find care for my own children. When we opened it was a relief to several families in the community. Our town and close by communities lack adequate daycare. When we opened Nov 2019, we operated with a waitlist and to this day I have families waiting for us to reopen. I receive weekly requests for enrollment. New inquiries understand that we are waiting for town approval to operate, but nonetheless still request to be placed on our roster for when we reopen. When we were operating, we had nothing but praise from the families that joined our village and ones that toured always requested to be on the waitlist. Families are drawn to our home-like set up, classrooms, and play yard. Again, all our families fought to help us stay open because we are a safe and loving place for children to grow and flourish. When I started this journey I looked to the currently operating centers for guidance. I have formed friendships with the current childcare workers and used their centers as a model for my own. I, my employees, and families are devastated that the town has not allowed us to operate like the current centers in town.

Again, I pray that the board uses the information tonight to allow our center to open as it is permitted in the town code. I hope we can enter this discussion with the opportunity to open our center. Unfortunately, like I mentioned before, I have been to enough meetings with town employees and board members to know that many decisions are already predetermined. If you have any doubt that we meet the provisions listed in 143:38 I hope that we are able to address them together. If you have any questions, please ask now; I would hate for something to come up during the closed session of the meeting where I cannot clarify any misunderstandings and misinformation.



OFFICE OF LEGAL AND REGULATORY SERVICES
 CHILD CARE LICENSING UNIT
 129 PLEASANT STREET
 CONCORD, NH 03301-3857
 TEL: 1-800-852-3345 ext. 9025 or (603) 271-9025

ZONING VERIFICATION

CHILD CARE PROGRAM NAME	TELEPHONE NUMBER
CHILD CARE AGENCY TYPE(S): <input type="checkbox"/> FAMILY-BASED DAY CARE [RSA 170-E:2, IV(a) and (b)] <input type="checkbox"/> CENTER-BASED DAY CARE [RSA 170-E:2, IV(c) through (g)] <input type="checkbox"/> 24-HOUR RESIDENTIAL [RSA 170-E:25, II(b), (c), (d) and III]	
LOCATION ADDRESS: _____ _____ _____	
MAILING ADDRESS: _____ _____ _____	
APPLICANT'S NAME: _____ _____	

INSTRUCTIONS:

1. **SECTION 1 OR 2** must be completed by an individual who is authorized to sign zoning documents.
2. **SECTION 1** complete if zoning action is not required.
3. **SECTION 2** complete if zoning action is required.
4. **SECTION 2** include any restrictions regarding the existence of the agency

SECTION 1:

_____ The child care agency listed above conforms to the requirements of the zoning ordinance.

Any limits on the number of children in care? ___ No ___ Yes - If yes, how many children? _____

COMMENTS/RESTRICTIONS (if applicable):

Signature of Individual Authorized to Sign Zoning Documents for the Town Listed Above	Date Signed
--	-------------

SECTION 2:

_____ The child care agency listed above has been approved by the zoning board of adjustment.

Restrictions? ___ No ___ Yes – If yes, please indicate below or include a separate attachment

COMMENTS/RESTRICTIONS (if applicable):

Signature of Individual Authorized to Sign Zoning Documents for the Town Listed Above	Date Signed
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