

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE
MARCH 13, 2001**

The meeting was opened by Moderator Thomas E. Petit at 11:00 a.m.

A motion was made to read and act on Articles #1 and #2 and the remaining articles to be read and acted upon at the deliberative session on March 17, 2001 at the Pembroke Academy Auditorium.

MOVED: Charles Mitchell

SECONDED: Roland Young, Jr.

VOTE: YES

MOTION PASSED

Moderator Petit read Articles #1 and #2 on the Town Warrant and then opened the polls for voting.

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

***Denotes elected**

Town Clerk for one year:

vote for one

James F. Goff 434*

Water Commissioner for five years:

vote for one

Helen L Petit 408*

Treasurer for one year:

vote for one

Daryl L. Borgman 397*

Library Trustee for three years:

vote for two

Susan E. Lonergan 373*

Mark Cioffi 87 write-in votes*

Charles Mitchell 30 write-in votes

Selectman for three years:

vote for one

John B. Goff 273*

Victor A. Martin, Sr. 147

Michael Hebert 16 write-in votes

Library Trustee for two years:

vote for one

Charles Mitchell 101 write-in votes*

Sewer Commission for three years:

vote for one

Harold L. Thompson 399*

Trust Fund Trustee for three years:

vote for one

Janice W. Edmonds 388*

ARTICLE #2: Are you in favor of the adoption of the following amendments to the existing Zoning Ordinance of the Town of Pembroke as proposed by the Planning Board:

Amendment #1: To amend Chapter 143 of the Code of the Town of Pembroke, entitled Zoning, to amend Section 143-45.1, Parking Requirement Waivers.

Explanation: The purpose of Amendment #1 is to clarify that under RSA 674:21(h), the Planning Board may modify the parking requirements of the zoning ordinance if it finds that a) practical difficulties may result from strict compliance with regulations, b) an alternative proposal is appropriate for the circumstances and use of the property, c) the purposes of the zoning ordinance may be served to a greater extent by the alternative proposal, and d) good cause is shown. This will allow the Board greater flexibility when reviewing commercial development proposals under site plan review where alternative parking schemes would result in a better overall development design.

YES: 305 NO: 103

AMENDMENT #1 PASSED

Amendment #2: To amend the Code of the Town of Pembroke by deleting and repealing Chapter 143, Article XII, Impact Fees, and replacing it with a new Article XII, to be entitled Impact Fees, which provides for collection of impact fees, the demand for which is generated by new development.

EXPLANATION: The purpose of Amendment #2 is to replace the current Impact Fee Ordinance with one that complies with a recent NH Supreme Court decision concerning impact fees. The amendment will allow the Planning Board to assess impact fees on new development and will allow the Planning Board to continue to work with developers to complete the off-site improvements which are necessary as a result of the development.

YES: 336 NO: 76

AMENDMENT #2 PASSED

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE
DELIBERATIVE SESSION
MARCH 17, 2001**

Moderator Petit opens the meeting at 10:36 a.m. and gives the results of the ballot vote held on Tuesday, March 13, 2001 and then read Warrant Articles #3 through #18.

Recognition was given to Marilyn Ross as Pembroke's Citizen of the Year.

ARTICLE #3: To see if the Town will vote to raise and appropriate the sum of nine hundred ninety-seven thousand dollars (\$997,000) for the purpose of constructing a new library building, eight hundred thousand dollars (\$800,000) of such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; furthermore to authorize the withdrawal of one hundred forty three thousand dollars (\$143,000) plus all accumulated interest to the date of withdrawal from the Library Building Capital Reserve Funds; to authorize the withdrawal of fifty-four thousand dollars (\$54,000) plus all accumulated interest to the date of withdrawal from the Library Donation Trust Fund; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. Recommended by Board of Selectmen and Budget Committee. (2/3 ballot vote required).

MOVED: Joyce Belanger

SECONDED: Marilyn Ross

Marilyn Ross, Library Trustee, gave a presentation on the changes in the size of the proposed library and how much the Library Trustees have raised in donations and fundraising.

David Freeman-Woolpert, Chair of the Budget Committee, explained that the vote of the budget committee was 10 in favor and 1 abstained. He stated that unlike last year when a proposal for a new library was brought in front of the budget committee and they had voted in favor so that the residents of the Town of Pembroke would have a chance to act on the proposal, this year the budget committee voted for and was in favor of the proposal. The first payment of approximately \$103,000 for the library bond would take place after the last payment of \$113,000 for the sewer plant bond.

Cheryl Tufts asks how much is in the Library Impact Fee Fund.

Kerrie Diers, Director of Planning and Land Use, states that there is approximately \$6,000 in the fund.

Larry Preston asks what the impact in taxes per thousand would be.

Daryl Borgman explains that it would be about \$.36 to \$.40 per thousand of assessment.

Thomas Colburn asks why the dollar amount in the warrant article doesn't represent the total cost of the project.

David Freeman-Woolpert explains that this amount would cap the amount of money the town would have to raise in taxes for the project.

Thomas Colburn states that we should use the retiring sewer bond as a way to lower taxes because we need to think about future repair/replacement of the sewer plant.

There was a motion made to amend Article #3 to read: “To see if the Town will vote to raise and appropriate the sum of nine hundred ninety-seven thousand dollars (\$997,000) for the purpose of constructing a new library building, up to four hundred and fifty thousand dollars (\$450,000) of such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; furthermore to authorize the transfer of the December 31 fund balance in the amount up to three hundred and fifty thousand dollars (\$350,000); to authorize the withdrawal of one hundred forty three thousand dollars (\$143,000) plus all accumulated interest to the date of withdrawal from the Library Building Capital Reserve Funds; to authorize the withdrawal of fifty-four thousand dollars (\$54,000) plus all accumulated interest to the date of withdrawal from the Library Donation Trust Fund; to direct the Selectmen to utilize any grant money received relative to the building of this Library for the purpose of reducing the principal amount of said bonds or notes to the extent consistent with the provisions of those grants; and to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto.”

MOVED: Thomas Colburn

SECONDED: Keith Momberger, Sr.

Gerard Fleury questions the legality of using the Fund Balance without putting it on the warrant.

Thomas Colburn stated that he felt that argument is just a scare tactic and that he checked with the Department of Revenue Administration and the Secretary of State’s office and was told by both offices that it was OK to use the fund balance even if it wasn’t on the Town Meeting Warrant.

David Freemand-Woolpert and Daryl Borgman spoke in opposition to the amendment.

James Vannest spoke in favor or the amendment.

There was a motion made to vote on the amendment.

MOVED: Armand “Tom” Martel

SECONDED: Gerald Belanger

VOTE ON MOTION: YES

MOTION PASSED

VOTE ON AMENDMENT: NO

AMENDMENT TO ARTICLE #3 DEFEATED

There was a motion made to vote on Article #3 as originally presented.

MOVED: Roy Annis, Jr.

SECONDED: Thomas Veinotte

VOTE: YES The polls were opened at 12:00 noon.

Moderator Petit continues with the ensuing articles at 12:33 p.m.

ARTICLE #4: To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000) to be added to the Sewer and Water Extension Capital Reserve Fund previously established and to authorize the transfer of the December 31 fund balance in that amount for this purpose. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: Brian Lemoine

SECONDED: Daniel Crean

VOTE: YES

ARTICLE #4 PASSED

ARTICLE #5: To see if the Town will vote to raise and appropriate the sum of one hundred and ten thousand dollars (\$110,000) to be added to the Town Equipment Capital Reserve Fund previously established. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: John B. Goff

SECONDED: Gerald Belanger

VOTE: YES

ARTICLE #5 PASSED

ARTICLE #6: To see if the Town will vote to raise and appropriate the sum of sixty-eight thousand two hundred dollars (\$68,200) to be added to the Fire Equipment Capital Reserve fund previously established. Recommended by Board of Selectmen. Not recommended by Budget Committee. (Majority vote required)

MOVED: Richard Chase

SECONDED: William Boudreau

There was a motion made to amend the dollar amount to \$28,200.

MOVED: Gerald Belanger

SECONDED: Thomas Veinotte

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

VOTE ON AMENDED ARTICLE #6: YES

ARTICLE #6 PASSED AS AMENDED

ARTICLE #7: To see if the Town will vote to raise and appropriate the sum of fifteen thousand seven hundred fifty dollars (\$15,750) to be added to the Fire Department Small Equipment Fund previously established and to authorize the transfer of the December 31 fund balance in that amount for this purpose. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: Armand "Tom" Martel

SECONDED: Brian Lemoine

VOTE: YES

ARTICLE #7 PASSED

ARTICLE #8: To see if the Town will vote to raise and appropriate the sum of thirty thousand dollars (\$30,000) to be added to the Library Building Capital Reserve Fund previously established and to authorized the transfer of the December 31 fund balance in that amount for this purpose. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

There was a motion made to table Article #8 until after the results of Article #3 are read.

MOVED: Daryl Borgman

SECONDED: Andrew Nash

VOTE ON MOTION: YES

MOTION PASSED

ARTICLE #9: To see if the Town will vote to raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Sidewalk Construction/Repair Capital Reserve Fund previously established. Recommended by Board of Selectmen. Not recommended by Budget Committee. (Majority vote required)

MOVED: Gerald Belanger

SECONDED: Armand "Tom" Martel

Selectmen Gerald Belanger explains that there is about \$4,600 in the fund and they would like to add to that amount.

VOTE: YES

ARTICLE #9 PASSED

ARTICLE #10: To see if the Town will vote to establish a Capital Reserve fund under the provisions RSA 35:1 for the purchase of a new computer accounting and assessing system and to raise appropriate the sum of eighty-eight thousand dollars (\$88,000) to be place in this fund, and to authorize the transfer of the December 31 fund balance in that amount for this purpose, and to designate the Board of Selectmen as agents to expend. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: John B. Goff

SECONDED: William Boudreau

VOTE: YES

ARTICLE #10 PASSED

Moderator Petit closed the polls for voting at 1:05 p.m. on Article #3 after all registered voters had a chance to vote and the polls had been open for one hour. The counting of the ballots was done as the meeting proceeded.

ARTICLE #11: To see if the town will vote to raise and appropriate a sum not to exceed twenty thousand dollars (\$20,000) to purchase a flail mower for the trackless tractor and to authorize the withdrawal of a sum not to exceed twenty thousand dollars (\$20,000) from the Town Equipment Capital Reserve Fund created for this purpose. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: Gerald Belanger

SECONDED: Regis Lemaire

Larry Preston asks why the Budget Committee recommended this article but did not recommend Article #9.

David Freeman-Woolpert, Chair of the Budget Committee stated that the committee did not feel the sidewalks were as critical as the flail mower.

VOTE: YES

ARTICLE #11 PASSED

ARTICLE #12: To see if the Town will vote to raise and appropriate a sum not to exceed eight thousand dollars (\$8,000) to rehabilitate French's Cemetery and to authorize the withdrawal of a sum not to exceed eight thousand dollars (\$8,000) from the Cemetery Maintenance Capital Reserve Fund created for this purpose. Recommended by Board of Selectmen and Budget Committee. (Majority vote required)

MOVED: Howard Robinson

SECONDED: Armand "Tom" Martel

Howard Robinson, Cemetery Commissioner, explains that the cemetery has not had any maintenance for a long time.

After much discussion there is a motion made to vote on the Article.

MOVED: Richard Chase

SECONDED: Brian Lemoine

VOTE: YES

VOTE ON ARTICLE #12: YES

ARTICLE #12 PASSED

ARTICLE #13: To see if the Town will vote to raise and appropriate the sum of \$5,069,246 which represents the operating budget. Said sum does not include special or individual articles addressed.

MOVED: David Freeman-Woolpert

SECONDED: Daryl Borgman

There was a motion made to amend the budget amount to add \$18,000 to cover the additional snow removal.

MOVED: Gerald Belanger

SECONDED: Armand "Tom" Martel

The voice vote on the amendment was to close to call, so the Moderator asked for a hand count and the results are as follows

YES 121 NO 124

AMENDMENT TO ARTICLE #13 FAILED

VOTE ON ARTICLE #13 AS ORIGINALLY PRESENTED: YES

ARTICLE #13 PASSED

At this time Moderator Petit read the results of the vote on Article #3 and the results are as follows:

501 ballots cast 2/3 needed to pass = 334

YES 331 NO 168 VOID 2 ARTICLE #3 FAILS

There was a motion made to reconsider Article #3 on a date set later in this meeting.

MOVED: Marilyn Ross

SECONDED: Dan Stauffacher

VOTE TO RECONSIDER: YES

MOTION PASSED

ARTICLE #14: To see if the Town will vote to change the purpose of the existing Solid Waste Closure Capital Reserve Fund to the Solid Waste Facility Maintenance/Closure Fund and to designate the Board of Selectmen as agents to expend. (2/3 vote required)

MOVED: Armand "Tom" Martel

SECONDED: Gerald Belanger

VOTE: YES

ARTICLE #14 PASSED

ARTICLE #15: To see if the Town is in favor of amending the Code of the Town of Pembroke, Chapter 133 thereof, entitled Solid Waste Management, to expand the hours of the solid waste facility, set fees for certain uses of the facility, and regulate the amount of trash accepted from commercial/residential mixed-use properties.

MOVED: John B. Goff

SECONDED: Armand "Tom" Martel

VOTE: YES

ARTICLE #15 PASSED

ARTICLE #16: To see if the Town will vote to accept from the Captain Andrew Buntin Chapter of the Daughters of the American Revolution a certain property identified as Pembroke Park, so-called, located in the Town of Pembroke as a gift, subject to the following conditions: 1) The deed shall provide that the park shall be maintained and preserve as a park and as a memorial to those who fought to preserve the nation and the union. The Civil War monument and two artillery pieces, known as cannon, along with other war memorials, shall be maintained and preserved at the location in perpetuity, and these memorials shall neither be sold nor otherwise removed from the park; 2) The Captain Andrew Buntin Chapter of the Daughters of the American Revolution shall retain the right and privilege to hold the annual fund raiser at the park, at no cost to the Chapter; and 3) If, at some future time, the Town of Pembroke should find itself unable or unwilling to continue its ownership, then the park, with its monuments and appurtenances shall be gifted by the Town to a non-profit organization in the Town of Pembroke, willing to assume that honor and duty under the same conditions.

MOVED: Laurent Perron

SECONDED: Thomas Veinotte

Janet Anderson and Anne Hasbany spoke in opposition to this article.

Charles Hamilton spoke in favor of the article.

VOTE: NO

ARTICLE #16 FAILED

ARTICLE #17: To see if the Town is in favor of the State of New Hampshire constructing a new bridge connecting Buck Street in Pembroke to Turnpike Street in Allenstown. The Town of Pembroke will then assume all future maintenance and replacement costs for the bridge.

MOVED: Andrew Nash

SECONDED: William Stanyan

Town Administrator David L. Stack explained that this is just an advisory article and that it does not guarantee that the state will or will not build the bridge to be turned over to the town.

Emily Cooper asked if the bridge would be wheelchair accessible.

David Stack stated that the state would not put in sidewalks.

Gerard Fleury asked if there would be any loss of assessed property value.

David Stack said that there would be the loss of the two buildings at the bottom of Turnpike St. in Pembroke.

Andrew Nash stated that there would be almost no maintenance costs on the bridge to the town of a long time.

James Garvin, William Stanyan, and Chester Martel spoke in favor of the article.

There was a motion made to move the question.

MOVED: William Stanyan

SECONDED: Brian Tufts

VOTE: YES

MOTION PASSED

VOTE ON ARTICLE #17: YES

ARTICLE #17 PASSED

ARTICLE #18: To transact any other business that may legally come before said meeting.

There was a motion made to recess this meeting to Saturday, April 21, 2001, 10:00 a.m. at Pembroke Academy to act on Articles #3 and #8.

MOVED: Gerald Belanger

SECONDED: Thomas Veinotte

There was a motion to amend the previous motion to change the date to Saturday, April 14, 2001.

MOVED: Catherine Roche

SECONDED: Chester Martel

VOTE ON AMENDMENT: NO

AMENDMENT FAILED

VOTE ON ORIGINAL MOTION: YES MOTION PASSED

There was a motion made to adjourn until Saturday, April 21, 2001 at 10:00 a.m.

MOVED: Gerald Belanger

SECONDED: Armand "Tom" Martel

The meeting closed at 2:47 p.m.

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE
APRIL 21, 2001**

RECESSED SESSION

The meeting was opened by Moderator Petit at 10:15 a.m.

Moderator Petit explains what preceded today on Article #3. He then called the meeting to order by reading Warrant Article #3.

ARTICLE #3: To see if the Town will vote to raise and appropriate the sum of nine hundred ninety-seven thousand dollars (\$997,000) for the purpose of constructing a new library building, eight hundred thousand dollars (\$800,000) of such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance Act, RSA 33:1 et seq., as amended; furthermore to authorize the withdrawal of one hundred forty three thousand dollars (\$143,000) plus all accumulated interest to the date of withdrawal from the Library Building Capital Reserve Funds; to authorize the withdrawal of fifty-four thousand dollars (\$54,000) plus

all accumulated interest to the date of withdrawal from the Library Donation Trust Fund; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. Recommended by Board of Selectmen and Budget Committee. (2/3 ballot vote required).

There was a motion made to amend Article #3 to read: “To see if the Town will vote to raise and appropriate the sum of one million three hundred ninety-two thousand dollars (\$1,392,000) for the purpose of constructing a new library building; up to four hundred thousand (\$400,000) of such sum to be raised through the issuance of bonds or notes under and in compliance with the Municipal Finance act, RSA 33:1 et seq., as amended; furthermore to authorize the withdrawal of one hundred forty three thousand dollars (\$143,000) plus all accumulated interest to the date of withdrawal from the Library Building Capital Reserve Fund; to authorize the withdrawal of sixty-six thousand five hundred dollars (\$66,500) plus all accumulated interest to the date of withdrawal from the Library Donation Trust Fund; to authorize the transfer of four hundred thousand dollars (\$400,000) from the December 31 fund balance; with the balance to be raised by donations and grants and no amount to be raised through taxation; to authorize the Selectmen to issue, negotiate, sell and deliver said bonds and notes and to determine the rate of interest thereon and the maturity and other terms thereof; and to authorize the Selectmen to take any other action or to pass any other vote relative thereto. Recommended by Board of Selectmen and Budget Committee. (2/3 ballot vote required)”

MOVED: Marilyn Ross

SECONDED: Andrew Nash

Sharon Caldwell asks where the other \$380,000 for the library will come from.

Marilyn Ross states that it will be raised by fundraising.

David Freeman-Woolpert explains the budget committee’s stand on this amendment.

Town Administrator David Stack explains the comparison between the article as originally written and the amendment.

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

Moderator Petit opened the polls for voting on amended Article #3 at 10:46 a.m.

Moderator Petit proceeds with the meeting at 11:16 a.m.

There was a motion made to reconsider Article #16.

MOVED: Janet Anderson

SECONDED: Henry Munroe

VOTE TO RECONSIDER: YES

MOTION PASSED

ARTICLE #16: To see if the Town will vote to accept from the Captain Andrew Buntin Chapter of the Daughters of the American Revolution a certain property identified as Pembroke Park, so-called, located in the Town of Pembroke as a gift, subject to the following conditions: 1) The deed shall provide that the park shall be maintained and preserved as a park and as a memorial to those who fought to preserve the nation and the union. The Civil War monument and two artillery pieces, known as cannon, along with other war memorials shall neither be sold nor otherwise removed from the park; 2) The Captain Andrew Buntin Chapter of the Daughters of the American Revolution shall retain the right and privilege to hold the annual fund raiser at the park, at no cost to the Chapter; and 3) If, at some future time, the Town of Pembroke should find itself unable or unwilling to continue its ownership, then the park, with its monuments and appurtenances shall be gifted by the Town to a non-profit organization in the Town of Pembroke, willing to assume that honor and duty under the same conditions.

MOVED: Janet Anderson

SECONDED: Henry Munroe

VOTE: YES

ARTICLE #16 PASSED

Moderator Petit closed the polls for voting at 11:48 a.m. on amended Article #3 after all registered voters had had a chance to vote and the polls had been open for one hour.

The results are as follows:

609 ballots cast. 2/3 needed to pass equals 406

YES 433 NO 176 ARTICLE #3 PASSED

There was no action taken on Article #8. The intention of Article #8 was to put money into the Library Building Capital Reserve Fund until the Town voted to build a new library. With the passage of Article #3, the Town did not need to put any more money in the Library Building Capital Reserve Fund.

There was a motion made to adjourn.

MOVED: Armand “Tom” Martel **SECONDED:** Andrew Nash

VOTE: YES

The meeting was adjourned at 12:08 p.m.

Respectfully submitted
James F. Goff
Town Clerk
Town of Pembroke, NH