

**MINUTES OF THE ANNUAL TOWN MEETING  
TOWN OF PEMBROKE, NH**

**MARCH 11, 2003**

The meeting was opened by Assistant Moderator Charles Mitchell at 11:00 a.m.

A motion was made to read and act on Articles #1 through #3 and the remaining articles to be read and acted upon at the deliberative session on March 15, 2003 at the Pembroke Academy.

**MOVED:** Chester Martel

**SECONDED:** Cynthia Menard

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

\*Denotes elected

Town Clerk for one year:  
Vote for not more than one  
James F. Goff            647\*

Water Commissioner for five years:  
vote for not more than one  
William Stanley            593\*

Treasurer for one year:  
Vote for not more than one  
Peggy A. Topliff        614\*

Library Trustee for three years:  
vote for not more than one  
no one filed  
Marie Connor            208 write in votes\*

Selectman for three years:  
Vote for not more than one  
Richard R. Bilodeau    159  
William A. Boudreau    473\*

Trust Fund Trustee for three years:  
vote for not more than one  
Normand H. Provencher    568\*

Sewer Commissioner for three years:  
Vote for not more than one  
No one filed  
Jules Pellerin    65 write in votes\*

**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 §103 of the Code of the Town of Pembroke, entitled Lot of record, to add the word “and” to the end of section B, and to add section C which references RSA 674:41 to read as follows:

(Remains the same)

The lot or parcel conforms to the internal setbacks and height restrictions at the time of construction; *and*

The lot or parcel conforms with the provisions of RSA 674:41, which includes the requirements that the lot have street frontage on a class V or better highway or corresponds with a street on a subdivision plat as approved by the planning board.

**YES 465      NO 150**

***Amendment #2***

To amend Chapter 143 §114 of the Code of the Town of Pembroke, entitled Variances, to delete the old definition of variance and replace with a new definition to read as follows:

§ 143-114. Variances.

The Board may authorize a variance for a particular use or parcel of land or to an existing building thereon from the terms of this chapter where, owing to conditions especially affecting such parcel or such building but not affecting generally the district in which it is located, a literal

enforcement of the provisions of this chapter would result in unnecessary hardship. ~~Hardship as herein defined applies only to special conditions affecting the parcel of land or to existing buildings thereon, and where desirable relief may be granted would not be contrary to the public interest and without nullifying or substantially derogating from the intent of purpose of this chapter.~~ *Hardship as herein defined means that a zoning restriction as applied to an applicant's property interferes with the reasonable use of the property, considering the unique setting of the property in its environment; no fair and substantial relationship exists between the general purposes of the zoning ordinance and the specific restriction on the property; and the variance would not injure the public rights of others.* (The rest of the provision to remain unchanged)

**YES 457      NO 160**

***Amendment #3***

To amend Chapter 143, §121 of the Code of the Town of Pembroke, entitled Administrative Official, to add section B which authorizes the Selectmen or Code Enforcement Officer to enforce the New Hampshire Building Code to read as follows:

(Remains the same)

*B. It shall be the duty of the Board of Selectmen or appointed Code Enforcement Officer to enforce the New Hampshire Building Code, as amended, under the authority granted pursuant to RSA 674:51, Copies of the New Hampshire Building Code shall be available for review in the office of Planning and Land Use.*

**YES 459      NO 156**

***Amendment #4***

To amend Chapter 143 §122 of the Code of the Town of Pembroke, entitled Administrative Official, to delete the reference to BOCA and add the NH Building Code to read as follows:

§143-122. Permit required.

It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure as ~~determined by section 104.01 of the Building Officials and Code Administrators (BOCA) National Building Code, defined by the New Hampshire Building Code, RSA 155:A, as amended, and section R-109 of the Council of American Building Officials (CABO) One and Two Family Building Code, as amended,~~ without applying for and receiving from the Selectmen a building permit.

*This warrant article shall rescind Town of Pembroke Code Section 152, which was adopted by the Board of Selectmen per order No. 97-4 on 2-24-97.*

**YES 428      NO 184**

**ARTICLE #3:** (By petition) To vote on the question: "Are you in favor of increasing the board of selectmen to 5 members?"

**YES 377      NO 268**

**MINUTES OF THE ANNUAL TOWN MEETING  
TOWN OF PEMBROKE  
DELIBERATIVE SESSION  
MARCH 15, 2003**

Moderator Petit opened the meeting at 10:13 a.m. The pledge of allegiance was led by students from the Village School, Hill School and Three Rivers School who also sang "Grand Ole Flag". The Moderator then gave the results to the ballot vote held on Tuesday, March 11<sup>th</sup>.

George Fryer was awarded a plaque in honor of all the work he did on the "Buck Street Schoolhouse" for the Historical Society.

Moderator Petit read Warrant Articles #4 through #24.

**ARTICLE #4:** To see if the Town will vote to raise and appropriate the sum of two million dollars (\$2,000,000) for the purpose of constructing and outfitting a new safety complex and to authorize the issuance of not more than two million dollars (\$2,000,000) of bonds or notes in accordance with the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof. *Recommended by Board of Selectmen and Budget Committee.* (2/3 ballot vote required).

**MOVED:** Harold Paulsen

**SECONDED:** Brian Tufts

Selectman Brian Tufts explained the bonding for the article.

Fire Chief Harold Paulsen and Police Chief Wayne Cheney spoke about the Article.

Architect Cindy Lewis spoke about some of the changes that were made to reduce the price from last years article.

Budget Committee Chairperson David Freeman-Woolpert explained why the Budget Committee voted to recommend the article.

Don Girard spoke in opposition to the article.

Kathy Payeur, William Stanyan, Keith Momberger, Dan Stauffacher and Pauline Walsh all spoke in favor of the article.

**There was a motion made to vote on Article #4.**

**MOVED:** Richard Chase

**SECONDED:** Vincent Greco

**VOTE ON MOTION: YES**

**Moderator Petit opened the polls for voting on Article #4 at 11:07 a.m.**

**ARTICLE #5:** To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Town Equipment Capital Reserve Fund previously established.

*Recommended by Board of Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Harold Paulsen

**SECONDED:** Kenneth Plourde

**There was a motion made to amend Article #5 to read: “To see if the Town will will vote to raise and appropriate the sum of (\$65,000) to be added to the Town Equipment Capital Reserve Fund previously established”**

**MOVED:** Bill Pritchard

**SECONDED:** Peter Gailunas

**VOTE ON MOTION: Yes**

**MOTION PASSED**

**VOTE ON AMENDED ARTICLE #5: YES      ARTICLE #5 PASSED AS AMENDED**

**ARTICLE #6:** To see if the Town will vote to raise and appropriate the sum of seventy-one thousand six hundred and sixty-three dollars (\$71,663) to be added to the Fire Equipment Capital Reserve Fund previously established. *Recommended by Board Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Rick Bilodeau

**SECONDED:** Brian Tufts

**VOTE: YES**

**ARTICLE #6 PASSED**

**ARTICLE #7:** To see if the Town will vote to raise and appropriate the sum of twenty-two thousand four hundred dollars (\$22,400) to be added to the Fire Department Small Equipment

Fund previously established. *Recommended by Board of Selectmen and Budget Committee.*  
(Majority vote required)

**MOVED:** Rob Farley

**SECONDED:** Brian Tufts

**VOTE: YES**

**ARTICLE #7 PASSED**

**ARTICLE #8:** To see if the Town will vote to establish a Capital Reserve Fund under the provisions of RSA 35:1 for the repair and replacement of computer equipment and software, and to raise appropriate the sum of five thousand dollars (\$5,000) to be placed in this fund, and to designate the Board of Selectmen as agents to expend. *Recommended by Board of Selectmen. Not recommended by the Budget Committee.* (Majority vote required)

**There was a motion made to table Article #8.**

**MOVED:** Brian Tufts

**SECOND:** Nancy Clifford

**VOTE: YES**

**ARTICLE #8 TABLED**

**ARTICLE #9:** To see if the Town will vote to establish a Capital Reserve fund under the provisions of RSA 35:1 for the construction of a salt storage facility, and to raise appropriate the sum of ten thousand dollars (\$10,000) to be placed in this fund, and to designate the Board of Selectmen as agents to expend. *Recommended by Board of Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Gerald Belanger

**SECONDED:** Brian Lemoine

**VOTE: YES**

**ARTICLE #9 PASSED**

**ARTICLE #10:** To see if the Town will vote to raise and appropriate a sum not to exceed sixty-five thousand dollars (\$65,000) to purchase a one ton dump truck with equipment and to authorize the withdrawal of a sum not to exceed sixty-five thousand dollars (\$65,000) from the Town Equipment Capital Reserve Fund created for this purpose. *Recommended by Board Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Brian Tufts

**SECONDED:** Gerald Belanger

William Pritchard, Ron Clouser, Jonathan Adams and Kevin Hamilton spoke in opposition to the article.

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

**MOVED:** William Pritchard

**SECONDED:** Peter Mehegan

**VOTE: YES**

**VOTE ON ARTICLE #10: NO**

**ARTICLE #10 FAILED**

**The moderator closes the polls for Article #4 at 12:12 p.m. after the polls had been open for more than one hour and all registered voters in attendance who wished to vote had done so.**

**The results are as follows:**

**496 Ballots cast**

**2/3 needed to pass equals 331 yes votes**

**YES 374 NO 122**

**ARTICLE #4 PASSED**

**ARTICLE #11:** To see if the Town will vote to raise and appropriate a sum not to exceed thirty-five thousand dollars (\$35,000) to purchase a ¾ ton pickup truck with plow and to authorize the withdrawal of a sum not to exceed thirty-five thousand dollars (\$35,000) from the Fire Equipment Capital Reserve Fund created for this purpose. *Recommended by Board Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Harold Paulsen

**SECONDED:** William Nunnally

**VOTE: YES**

**ARTICLE #11 PASSED**

**ARTICLE #12:** To see if the Town will vote to raise and appropriate the sum of two hundred and thirty nine thousand dollars (\$239,000) to close the Town solid waste landfill and to authorize the withdrawal of eighty-three thousand nine hundred dollars (\$83,900) from the Solid Waste Facility Maintenance/Closure Fund created for this purpose. The balance of one hundred fifty-five thousand one hundred dollars (\$155,100) is to come from general taxation. this will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the project is completed. *Recommended by Board of Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Brian Tufts

**SECONDED:** William Nunnally

**VOTE: YES**

**ARTICLE #12 PASSED**

**ARTICLE #13:** To see if the Town will vote to raise and appropriate the sum of two hundred thousand dollars (\$200,000) to apply a wearing course of pavement to complete the Church Road/Cross Road project; to replace a portion of the storm drainage system on Pleasant Street; and to reconfigure and pave the intersection of Robinson and Borough Roads. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2005, or until the projects are completed, whichever is sooner. *Recommended by Board of Selectmen and Budget Committee.* (Majority vote required)

**MOVED:** Brian Tufts

**SECONDED:** William Nunnally

Fred Kline, a homeowner on Church Road spoke in regards to the S-turn on his road. He stated that when he had his house built, he place his driveway at a certain spot at the town's request in anticipation of the town performing construction work to straighten out the S-turn to make it safer. The town has not performed this work because of budget cuts in recent years. He stated that there have been numerous accidents including one where a vehicle ran over his mailbox just minutes after he had picked up his mail.

**There was a motion made to replace: "to Apply a wearing course of pavement to complete the Church Road/Cross Road Project." With: "straighten the S curve on Church Rd" and to change the dollar amount to "\$300,000"**

**Article #13 will now read: "To see if the Town will vote to raise and appropriate the sum of three hundred thousand dollars (\$300,000) to straighten the S curve on Church Rd; to replace a portion of the storm drainage system on Pleasant Street, and to reconfigure and pave the intersection of Robinson and Borough Roads. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until December 31, 2005, or until the projects are completed, whichever is sooner."**

**MOVED:** Fred Kline

**SECONDED:** Peter Mehegan

Shannon Michaels speaks in favor of the amendment.

**VOTE: YES**

**AMENDMENT TO ARTICLE #13 PASSED**

**VOTE ON AMENDED ARTICLE #13: YES      AMENDED ARTICLE #13 PASSED**

**ARTICLE #14:** To see if the Town will vote to raise and appropriate the sum of \$5,182,893 which represents the operating budget. Said sum does not include special or individual articles addressed. *Recommended by Budget Committee.* (Majority vote required)

**MOVED:** Harold Paulsen

**SECONDED:** William Stanyan

There was a motion made to amend Article #14 "To amend the budget to increase by \$5,500 to include a household hazardous waste collection program in 2003"

**MOVED:** Sarah O. Hyland

**SECONDED:** Kathy Weisiger

**VOTE ON AMENDMENT: NO**

**AMENDMENT FAILED**

**There was a motion made to amend Article #14 reading “We hold a hazardous Material drop of day and set aside \$5,500. Participants pay a \$20 drop off user fee to offset Town costs. The Town will seek matching State Funds. No to exceed 10 gallons of Hazardous Material”**

**MOVED:** Mark Dumas

**SECONDED:** Rob Fallon

**VOTE ON AMENDMENT: NO**

**AMENDMENT FAILED**

**There was a motion made to “Change amount appropriated to 5,146,916 which ReFlects a 2½% increase over Last years opperating Budget”**

**MOVED:** Richard Kelsea

**SECONDED:** Paul Sherwood

**VOTE ON AMENDMENT: NO**

**AMENDMENT FAILED**

**VOTE ON ARTICLE #14: YES**

**ARTICLE #14 PASSED**

**ARTICLE #15:** To see if the Town will vote to establish a Recreation Revolving Fund pursuant to RSA 35-B:2 II. The money received from fees and charges for recreation park services and facilities shall be allowed to accumulate from year to year, and shall not be considered to be part of the Town’s general fund unreserved fund balance. The Town Treasurer shall pay out the same only upon order of the recreation program director (no further Town meeting approval required). These funds may be expended only for recreation purposes as stated in RSA 35-B, and no expenditure of other Town funds which have not been appropriated for that purpose. (Majority ballot vote required)

**MOVED:** Peter Mehegan

**SECONDED:** Brian Lemoine

**Moderator Petit opens the polls for voting at 2:02 p.m.**

**After all registered voters in attendance who wished to vote had done so, the moderator closed the polls at 2:15 p.m.**

**The results are as follows:**

**YES 207 NO 62**

**ARTICLE #15 PASSED**

**ARTICLE #16:** To see if the Town will vote to adopt the provisions of RSA 76:15-a and collect property taxes on a semi-annual basis.

**MOVED:** Gerald Belanger

**SECONDED:** John Goff

**VOTE: YES**

**ARTICLE #16 PASSED**

**ARTICLE #17:** To see if the Town will vote to rescind a vote taken in 1971 to create a commission to oversee the management and operation of the municipal sewer system and to place the responsibility for the management and operation of the municipal sewer system with the Board of Selectmen, effective January 1, 2004.

**MOVED:** Laurent Perron

**SECONDED:** Oscar Plourde

**There was a motion made to table Article #17.**

**MOVED:** Dan Crean

**SECONDED:** Dave Richard

**VOTE ON MOTION: YES**

**ARTICLE #17 TABLED**

**ARTICLE #18:** To see if the Town will vote to rescind the vote taken previously in 1913 to created a commission to oversee the management and operation of the municipal water system, and to place the responsibility for the management and operation of the municipal water system with the Board of Selectmen, effective January 1, 2004.

**MOVED:** Laurent Perron

**SECONDED:** Oscar Plourde

**There was a motion made to table Article #18.**

**MOVED:** Oscar Plourde

**SECONDED:** Brian Lemoine

**VOTE ON MOTION: YES**

**ARTICLE #18 TABLED**

**ARTICLE #19:** To see if the Town will vote to authorize the Board of Selectmen, per the provisions of RSA 674:5, to appoint a capital improvement program committee, which shall include at least one member of the planning board, to prepare and amend a recommended program of municipal capital improvement projects projected over a period of at least six years.

**MOVED:** Ron Clouser

**SECONDED:** William Stanyan

**VOTE: YES**

**ARTICLE #19 PASSED**

**There was a motion made to reconsider Article #17.**

**MOVED:** Tom Roberts

**SECONDED:** William Boudreau

**VOTE: YES**

**ARTICLE #17 OPEN FOR RECONSIDERATION**

**There was a motion made to table Article #17 indefinitely.**

**MOVED:** Tom Roberts

**SECONDED:** Paul Roche

**VOTE: YES**

**ARTICLE #17 TABLED INDEFINITELY**

**There was a motion made to reconsider Article #18.**

**MOVED:** Tom Roberts

**SECONDED:** William Boudreau

**VOTE: YES**

**ARTICLE #18 OPEN FOR RECONSIDERATION**

**There was a motion made to table Article #18 indefinitely.**

**MOVED:** Tom Roberts

**SECONDED:** Oscar Plourde

**VOTE: YES**

**ARTICLE #18 TABLED INDEFINITELY**

**ARTICLE #20:** To see if the Town will vote to send the following resolution to the New Hampshire General Court: “Resolved, in its first two years of operation, the Land and Community Heritage Investment Program (LCHIP) has helped communities throughout New Hampshire preserve their natural, cultural and historic resources and, therefore, the State of New Hampshire should maintain funding for LCHIP in its next biennial budget.”

**MOVED:** Gerald Belanger

**SECONDED:** John Goff

**VOTE: YES**

**ARTICLE #20 PASSED**

**ARTICLE #21:** (By petition) To see if the Town will vote to adopt the following resolution: “That we, the citizens of Pembroke, New Hampshire call on our elected officials from all levels of government, and those seeking office, to work with consumers, businesses, and health care providers to ensure that: Everyone in New Hampshire, including the self-employed, unemployed, un- and underinsured, and small business owners has access to an affordable basic health plan similar to what federal employees receive; Everyone, including employers, consumers, and the

state, local and federal government makes a responsible and fair contribution to finance the health care system; Every family and individual in New Hampshire receives high quality care that is cost efficient and medically effective; and that these efforts help control the skyrocketing cost of health care.”

**MOVED:** John Goff

**SECONDED:** William Stanyan

Jay Ward spoke in favor of this article.

Rosemary Michaud and Stephen Keith spoke in opposition to this article.

**There was a motion made to table this article.**

**MOVED:** Stephen Keith

**SECONDED:** Peter Mehegan

**VOTE: YES**

**ARTICLE #21 TABLED**

**ARTICLE #22:** (By petition) To see if the town is in favor of adopting a residency requirement for town employees. Such a requirement would apply to present and future employees above labor grade 20 (wage schedule eff. 3/31/02). Such employees shall; within one year of start of employment for the town; become a permanent resident of said town. Present employees of said town shall become a permanent resident within one year of the approval of this article. The Board of Selectmen may; for good cause shown by an affected employee, and after a public hearing; waive this requirement for one additional year.

Moderator Petit stated that he had conferred with Town Counsel in reference to this article and has decided that he will not allow action on this article. He went on to state that if the voters would like to overrule his decision, then he would allow a motion to do so.

**There was a motion made to overrule the moderator and vote on this article.**

**MOVED:** Mark Dumas

**SECONDED:** Ron Clouser

**VOTE: NO**

**MOTION FAILED**

**ARTICLE #23:** (By petition) To see if the Town is in favor of requiring all future warrant articles involving any expenditure of public funds; as well as all petitioned warrant articles; be decided by ballot vote.

Moderator Petit stated that he had conferred with Town Council and will not allow action to be taken on this article.

**ARTICLE #24:** To transact any other business that may legally come before said meeting.

Selectman John Goff gave recognition to Gerald Belanger for the many years of service to the Town of Pembroke as Selectman, School Board member and other boards and commissions.

Darren Johnson thanked everyone who had donated to the Pembroke Academy hockey program.

Keith Momberger stated that he had a report that contradicted what was printed in the town report relative to the audit.

**Keith Momberger then made a motion to insert the report in next year’s town report.**

**MOVED:** Keith Momberger

**SECONDED:** John French

**VOTE: NO**

**MOTION FAILED**

Finance Director Dawn Armour stated that what Mr. Momberger has was a copy of the management letter from the auditors for the Town’s audit. The management letter has been available at the Town Hall for the public, she has made numerous copies and answered questions



from anyone who has inquired about it. She also stated that the audit can be in excess of over 100 pages and that is why the full audit is not printed in the Town Report.

Joe Crowley stated that at last years Town Meeting a motion was made and passed to have the Board of Selectmen's response to the 2000 Audit printed in this years town report. He stated that he thought the Selectmen had done a good job responding to each item. He also stated that two of the problems identified in the audit could have been addressed through Articles #17 and #18 but the voters at this meeting chose to table these articles. He felt that if these same problems show up in the next audit, the voters should not come back and blame the Selectmen for it.

**There was a motion made to adjourn the meeting.**

**MOVED:** Ron Clouser

**SECONDED:** John Goff

**VOTE: YES**

**The meeting was adjourned at 2:55 p.m.**

Respectfully submitted:

James F. Goff  
Town Clerk  
Town of Pembroke