

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
MARCH 11, 2008**

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

A motion was made to act on Article #1 and Article #2 and to act on the remaining articles at the deliberative session on March 15, 2008 at the Pembroke Academy Auditorium.

MOVED: Chester Martel

SECONDED: Roland Young, Jr.

VOTE: YES

MOTION PASSED

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

*Denotes elected

Town Clerk for one year:
Vote for not more than ONE
James F. Goff 323*

Water Commissioner for five years:
Vote for not more than ONE
Christopher Culberson 302*

Town Treasurer for one year:
Vote for not more than ONE
John B. Goff 299*^

Trust Fund Trustee for three years:
Vote for not more than ONE
Gerard E. Fleury 301*

Moderator for two years:
Vote for not more than ONE
Thomas Petit 310*

Library Trustee for three years:
Vote for not more than TWO
Theresa M. Caplette 261*
Patricia A. Fowler 290*

Selectman for three years:
Vote for not more than TWO
Larry J. Preston 239*
Justine "Tina" Courtemanche
write-in votes 222*

Checklist Supervisor for six years:
Vote for not more than ONE
Patricia Y. Crafts 307*

Sewer Commissioner for three years:
Vote for not more than ONE
Paulette Malo 301*

**5117 registered voters on the Pembroke Checklist
335 ballots cast
6.5% voter turnout**

ARTICLE 2 – AMEND ZONING ORDINANCE

Are you in favor of adopting the following amendments to the existing Zoning Ordinance of the Town of Pembroke as proposed by the Planning Board?

Amendment 1. §143-28, Minor Home Occupation.

To amend the Zoning Ordinance to modify and clarify the Home Occupation provisions, including renaming “occupation” references to “business,” adding two classes of home businesses, Minor and Major, and revising language in §143-8 Definitions, §143-19 Table of Use Regulations, §143-28 Minor Home Occupation and §143-29 Major Home Occupation, renaming the “occupation” and “home business” references in §143-67 Architectural Design (AD) District, and repealing §143-30 Home Business and §143-70 Home Business (HB) Overlay District.

YES 216 NO 67

AMENDMENT #1 ADOPTED

Amendment 2. §143-42, Commercial Kennels.

To amend the Zoning Ordinance to modify and add Commercial Kennel provisions, including in §143-8 Definitions, §143-19 Table of Use Regulations, and §143-42 Commercial Kennels.

YES 217 NO 88

AMENDMENT #2 ADOPTED

Amendment 3. Article VIIIA, Telecommunications Facility & Antenna Criteria.

To amend the Zoning Ordinance to modify and clarify the Telecommunications provisions, including §143-8 Definitions, §143-66.1 Purpose, §143-66.2 Application, §143-66.3 Special exception, §143-66.4 Existing antennas and towers, §143-66.12 Antennas mounted on roofs, walls, and existing towers, and §143-66.13 Interference with public safety telecommunications.

YES 228 NO 70

AMENDMENT #3 ADOPTED

Amendment 4. §143-69 Floodplain Development District. To amend the Zoning Ordinance to modify and clarify the Floodplain provisions including §143-8 Definitions and §143-69 Floodplain Development (FD) District, to be in compliance with the National Flood Insurance Program.

YES 265 NO 38

AMENDMENT #4 ADOPTED

Amendment 5. Article X, Cluster Subdivision Provisions. To amend the Zoning Ordinance to modify and clarify the Cluster Subdivision provisions, including renaming “cluster” references to “open space” and making revisions to §143-8 Definitions, Article X, Cluster Subdivision Provisions, §143-19 Table of use regulations, §143-21 Table of Dimensional and Density Regulations’ Notes, §143-73 Purpose, §143-74 Review criteria, §143-75 Types of cluster residential developments, §143-76 Dimensional and density requirements, §143-79 Common open space requirements, and §143-82 Density and dimensional changes, plus making dimensional changes to §143-77 Clustering requirements, §143-78 General requirements and §143-81 Special requirements, CRD-2 Rural Cluster

Development.

YES 199 NO 100

AMENDMENT #5 ADOPTED

Amendment 6. Article XIV, Zoning Board of Adjustment, Variances, and Special Exceptions. To amend the Zoning Ordinance Zoning Board of Adjustment provisions, including modifying and clarifying §143-111 Duties and powers of Zoning Board of Adjustment, §143-112 Appeal of a decision made by the Code Enforcement Officer, §143-113 Special exceptions, §143-116 Expiration of approvals, §143-119 Public hearing, §143-120 Decision, and adding a new section §143-115.1 Equitable Waiver of Dimensional Requirements.

YES 213 NO 77

AMENDMENT #6 ADOPTED

Amendment 7. Article XVII, Growth Management Ordinance. To readopt the existing Growth Management Ordinance of the Zoning Ordinance to extend the termination date for one year through March 31, 2009, and add a clarification to §143-139 Effective dates.

YES 245 NO 60

AMENDMENT #7 ADOPTED

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
DELIBERATIVE SESSION
MARCH 15, 2008**

Moderator Thomas E. Petit opens the meeting at 10:00 a.m. and then reads the results of the ballot vote taken on March 11, 2008.

Boy Scout Troop 270 led the voters in the Pledge of Allegiance.

There was a motion made to dispense with the reading of the warrant and proceed with the meeting.

MOVED: Dan Crean

SECONDED: Larry Preston

VOTE: YES

MOTION PASSED

ARTICLE 3 – To see if the Town will vote to adopt a Noise Ordinance, as posted with this warrant, in accordance with RSA Chapter 286 and RSA 31:39.

MOVED: Fred Kline

SECONDED: Brian Tufts

Town Administrator Geoff Ruggles explained that this ordinance will establish nighttime quiet times and also prohibit excessive noise from vehicles.

There was a motion made "concerning Article 3 Appendix A

ORDINANCE REGULATING NOISE NUISANCE

AMMENDMENT

- III 4. Discharge ~~fire~~ firearms, fireworks or cannons, *except during hunting season where the discharge of a firearm for the purpose of hunting is defined in regulations set forth by the State of New Hampshire.*"

The portion in quotation marks is how the amendment was written and the portion in the bold italics is the change.

MOVED: John Bates

SECONDED: Michael Payeur

Peter Bonanno asked if this article is necessary, has there been a problem with noise.

Police Chief Scott Lane stated that there has been a lot of complaints for noise, ie. lawn mowers, vehicles, mechanics, etc. This article will give the police a tool to enforce.

Penti Aalto stated that he feels this will be unenforceable because there are no standards to go by.

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

There was a motion made "I wish to amend Article #IV to add I to read as follows:
Where the PB has authorized, through Site Plan Review, hours of operation that differ from those listed in III (A) of this Ordinance"

MOVED: Laura Scott

SECONDED: Fred Kline

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

There was a motion made to "Amend the Article III Prohibited Acts from 7am to 6am in two locations"

MOVED: Kathy Cruson

SECONDED: Cindy Lewis

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

There was a motion made to vote on Article #3 with the three amendments.

MOVED: Harold Paulsen

SECONDED: David Sheldon

VOTE ON MOTION: YES

VOTE ON ARTICLE #3 AS AMENDED: YES

ARTICLE #3 ADOPTED AS AMENDED

ARTICLE 4 – To see if the Town will vote to repeal Chapter 66 (Conservation of Land) of the Town’s General Ordinances and replace it with the following language:
The town hereby ratifies its vote at the Annual Town Meeting of 1966 to adopt the provisions of RSA 36-A and to establish a conservation commission.

MOVED: William Nunnally

SECONDED: Brian Tufts

VOTE: YES

ARTICLE #4 ADOPTED

ARTICLE 5 – To see if the Town will vote to amend Chapter 53 (Animals) of the Town’s General Ordinances to include the Provisions of RSA 466:31 (Dogs a Menace, a Nuisance or Vicious) and RSA 466:31-a (Penalties).

MOVED: Butch Ayles

SECONDED: Richard Bilodeau

VOTE: YES

ARTICLE #5 ADOPTED

ARTICLE 6 – (By Petition) To see if the Town is in favor of amending Chapter 133 of the Code of the Town of Pembroke, Section 133.1, to remove condominium complexes in excess of 5 units per parcel from the definition of commercial properties and to list condominium complexes in excess of 5 units per parcel under the residential definition. This change will result in the Town of Pembroke reimbursing condominium complexes in excess of 5 units per parcel the cost for one trash pick up per week (the same service offered to residential tax payers). This reimbursement would be granted every six months and would require participation on the part of the condominium complex to forward the Town of Pembroke copies of paid invoices.

MOVED: Ernie Petrin

SECONDED: Paula McLeer

Paula McLeer of the Emerson Mill Association explained that the Association is not looking for the town to pick up their garbage, but to reimburse them on half the cost of hauling the garbage which would come to about \$3,500.

After some discussion both for and against the article, there was a motion made to vote on the question.

MOVED: Richard Bilodeau

SECONDED: Brian Tufts

VOTE: YES

MOTION PASSED

VOTE ON ARTICLE #6: NO

ARTICLE #6 FAILED

ARTICLE 7 – (Advisory) To see if the Town will vote to support of the concept of curbside recycling in addition to present curbside trash pickup for qualified residents. Future curbside recycling has been identified as a possible means of controlling increases in waste disposal costs

if residents agree to participate in a Town sponsored program. This article is advisory only and does not appropriate funds or create a new program. It is intended to gauge sentiment for recycling before an actual program is proposed.

MOVED: William Nunnally

SECONDED: Rob Farley

Sally Hyland explained that this is an advisory article and if it is adopted, the committee will come back next year with a specific plan.

Bill Rossignol stated that he is an avid recycler and said that he will not support additional money for curbside recycling and that the town should enhance the recycling program at the transfer station.

VOTE: YES

ARTICLE #7 ADOPTED

ARTICLE 8 - To see if the Town will vote to raise and appropriate the sum of \$20,000.00 from the Soucook River Tax Increment District Fund to pay costs and administrative expenses incurred in connection with the Soucook River Tax Increment Financing District Plan and to authorize the withdrawal of \$20,000 from the Soucook River Tax Increment District Fund for that purpose.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Dan Crean

SECONDED: Normand Provencher

VOTE: YES

ARTICLE #8 ADOPTED

ARTICLE 9 – To see if the Town will vote to create a Capital Reserve Fund under the provisions of RSA 35:1, to be known as the Library Reference Media Fund, for the purchase and procurement of reference media and to raise and appropriate a sum of \$3,500.00 to be placed in the fund and to designate the Library Trustees as agents to expend from the fund.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: William Nunnally

SECONDED: Marie Connor

VOTE: YES

ARTICLE #9 ADOPTED

ARTICLE 10 – To see if the Town will vote to create a Capital Reserve Fund under the provisions of RSA 35:1, to be known as the Revaluation Update Fund, for the for future revaluations and assessment updates and to raise and appropriate a sum of \$10,000.00 to be placed in the fund.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Fred Kline

SECONDED: Brian Tufts

Town Administrator Geoff Ruggles stated that the town needs to build this fund up to do town wide property evaluations because the state now requires them to be done every five years to meet their guidelines. A full blown reval will cost between \$70,000 to \$100,000.

VOTE: YES

ARTICLE #10 ADOPTED

ARTICLE 11 - To see if the Town will vote to raise and appropriate the sums set forth below to be placed in capital reserve funds previously established.

Town Equipment Capital Reserve Fund \$ 25,000.00

Major Fire Equipment Capital Reserve Fund \$ 50,000.00

Fire Small Equipment Capital Reserve Fund \$ 10,000.00

Police Cruiser Capital Reserve Fund \$ 40,000.00

Police Small Equipment Capital Reserve Fund \$ 5,000.00

Municipal Facilities Capital Reserve Fund \$ 25,000.00

Sidewalk Capital Reserve Fund \$ 30,000.00

Bridge Repair and Replacement Capital Reserve Fund \$ 30,000.00

Total \$215,000.00

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: William Nunnally

SECONDED: Dan Crean

VOTE: YES

ARTICLE #11 ADOPTED

ARTICLE 12 - To see if the Town will vote to raise and appropriate a sum not to exceed \$24,735.00 to repair and reconstruct sidewalks and to authorize the withdrawal of a sum not to exceed \$24,735.00 from the Sidewalk Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Rob Farley

SECONDED: Larry Preston

VOTE: YES

ARTICLE #12 ADOPTED

ARTICLE 13 - To see if the Town will vote to raise and appropriate a sum of \$27,639.00 to purchase and equip one(1) police vehicles and to authorize the withdrawal of a sum not to exceed \$27,639.00 from the Police Cruiser Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Butch Ayles

SECONDED: Rob Farley

VOTE: YES

ARTICLE #13 ADOPTED

ARTICLE 14 - To see if the town will vote to approve the cost items included in the collective bargaining agreement between the Board of Selectmen and the International Union of Operating Engineers Local 98 regarding Public Works employees, which calls for the following increases in salaries and benefits at the current staffing levels:

2007 \$14,758 (to be paid in 2008)

2008 \$17,323

2009 \$20,017 (Estimated)

2010 \$21,681 (Estimated)

And to further raise and appropriate the sum of \$32,081 for the current fiscal year, which represents the additional costs payable in 2008 attributable to increases in salaries and benefits over those of the appropriation at current staffing levels paid in the prior fiscal year.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Larry Preston

SECONDED: William Nunnally

Geoff Ruggles explained that the highway department employees are now part of a union and have signed a three year contract. This will pay them retroactive to 2007.

VOTE: YES

ARTICLE #14 ADOPTED

ARTICLE 15 - To see if the Town will vote to raise and appropriate the amount of \$5,523,833.00 for the 2008 Municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Richard Bilodeau

SECONDED: Rob Farley

VOTE: YES

ARTICLE #15 ADOPTED

ARTICLE 16 - To see if the Town will vote to raise and appropriate the amount of \$793,315.00 for the 2008 Pembroke Water Works operating budget. This amount is to be funded by user fees and requires no property tax support. Unexpended funds shall remain in the water fund and shall not lapse into the general fund.

Recommended by Water Commissioners

Recommended by Budget Committee

MOVED: Dan Crean

SECONDED: Normand Provencher

VOTE: YES

ARTICLE #16 ADOPTED

ARTICLE 17 - To see if the Town will vote to raise and appropriate the amount of \$675,135.00 for the 2008 Pembroke Sewer Commission operating budget. This amount is to be funded by user fees and requires no property tax support. Unexpended funds shall remain in the sewer fund and shall not lapse into the general fund.

**Recommended by Sewer Commissioners
Recommended by Budget Committee**

MOVED: Diane Schuett

SECONDED: Harold Thompson

VOTE: YES

ARTICLE #17 ADOPTED

ARTICLE 18 - To transact any other business that may legally come before said meeting.
Given under our hands and seal this _20th_ day of February 2008.

Recognition was given to John B. Goff as Pembroke's 2008 Citizen of the Year.
John B. Goff served two terms in the NH House of Representatives, 25 years as Town Clerk, 15 years as Selectman, and is now in his fifth term as the town's Treasurer culminating in 45 consecutive years of service to the Town of Pembroke. He was a bus driver and trained others to drive buses for the Pembroke School District in the 1960's and 1970's. He also drove the ambulance for the VFW Ambulance service in the 1960's and 1970's before the Tri-Town Ambulance Service as established.

Butch Ayles read a proclamation from the NH House of Representatives and Frank Davis read a proclamation from Governor Lynch honoring John B. Goff for his years of service to the Town and State.

New Hampshire Senate President, Sylvia Larsen expressed her and the senate's gratitude for his years of dedicated service to the Town of Pembroke and State of New Hampshire.

There was a motion made to adjourn the meeting.

MOVED: Laurent Perron

SECONDED: William Nunnally

VOTE: YES The Pembroke Town Meeting was adjourned at 12:42 p.m.

Respectfully submitted,

James F. Goff
Town Clerk
Town of Pembroke, NH

TOWN SEAL