

**AGENDA**  
**BOARD OF SELECTMEN**  
**August 6, 2018 AT 6:30 PM**  
**TOWN HALL, PAULSEN MEETING ROOM**

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- I. CALL TO ORDER
- II. CITIZEN COMMENT
- III. SCHEDULED MEETINGS:
  - a. Jonathan Lawrence – Scout Project/Memorial Field
  - b. Ron Gadous – Lightec Street lights
- IV. OLD BUSINESS:
  - a. Finalize wording on Union Street Parking
  - b. Center Road Purchase and sale agreement
- V. NEW BUSINESS:
  - a. Sign State MS-535
  - b. Code Enforcement Agreement
  - c. Manifest/Abatements
  - d. Minutes 7/16/18;7/30/18
- VI. TOWN ADMINISTRATOR REPORT
- VII. COMMITTEE REPORTS
- VIII. OTHER/CITIZEN COMMENT
- IX. NON PUBLIC SESSION
- X. ADJOURN

# **TITLE III**

## **TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES**

### **CHAPTER 35-B**

#### **PUBLIC RECREATION AND PARKS**

##### **Section 35-B:3**

###### **35-B:3 Officials and Powers. –**

The power conferred by RSA 35-B:1 may be exercised by a recreation or park commission or any other board or commission as authorized by the governing body of the political subdivision and charged with the responsibility of providing leisure-time services within the political subdivisions' jurisdiction. These powers may be divided as directed by the governing body. The commission shall have powers as are necessary to carry out the purpose for which it is created. These powers may include but not be restricted to the power:

- I. To acquire, hold and dispose of real and personal property; provided, however, the disposal of any real property shall have prior approval of the appropriate legislative body.
- II. To make contracts;
- III. To grant concessions;
- IV. To make charges for the use of facilities or for participation;
- V. To make and enforce rules and regulations governing the use of property, facilities or equipment and the conduct of persons thereon;
- VI. To contract with any municipal corporation, governmental or private agencies for the conduct of park and recreation programs;
- VII. To operate jointly with other governmental units any facilities or property including participation in the acquisition; and
- VIII. To hold trust or manage public property useful to the accomplishment of its objectives.

**Source.** 1979, 185:1, eff. Aug. 5, 1979. 1997, 53:1, 2, eff. July 18, 1997.

## CHAPTER 191

### VEHICLES AND TRAFFIC

[HISTORY: Adopted by the Board of Selectmen of the Town of Pembroke 9-16-1991. Amendments noted where applicable.]

#### GENERAL REFERENCES

Bicycles — See Ch. 150.

#### ARTICLE I General Provisions

##### **§ 191-1 Definitions**

For the purpose of this chapter, the words and phrases used herein shall have the following meanings:

**BUSINESS DISTRICT** — The territory contiguous to a highway when 50% or more of the frontage thereon for a distance of 300 feet or more is mainly occupied by dwellings or by dwellings and buildings in use for business (RSA 259:8). [Added 7-11-1994 by Ordinance No. 94-2]

**CROSSWALK** — That portion of a roadway ordinarily included within the prolongation or connection of curb lines and property lines at intersections, or any portion of a roadway clearly indicated for pedestrian crossing by lines on a road surface or by other markings or signs.

**MUNICIPAL PARKING LOT** — [Amended 12-20-2004; 12-5-2005; Amended BOS Public Hearing 5/7/2012; Amended July 16, 2018 BOS Public Hearing]

A. **PARKING LOT A** — Town-owned land bordered on the north by Central Street, on the east by Crescent Street, on the south by property line of abutters on Glass Street and on the west by property line of abutters on Main Street and a section of Town-owned land that provides street level parking at the intersection of Main Street and Central Street.

B. **PARKING LOT B** — Town-owned land located at 4 Union Street, also known as "The Perry L. Eaton Building". The upper parking lot shall provide spaces for municipal parking from 7PM to 6 AM Monday through Saturday and all day Sunday. The above lot area is designated as tenant/patron parking for the hours 6AM to 7PM 10PM Monday through Saturday Friday. The four spots located by the fence will be designated (1) handicapped only and the other three (3) tenant/patron parking 24/7. Municipal stickers are required for overnight parking. The lower parking lot shall be restricted to tenant, currently the Pembroke Sewer

Department's use only and shall not be considered part of the municipal parking lot.

**C. PARKING LOT C** — Town-owned land bordered on the east by Mill Falls Road, on the south by property line of Tax Map VE, Lot 179 and by the west and north by Main Street that provides head-in parking spaces.

**OFFICER** — Any officer or constable authorized to make arrest or serve process.

**OFFICIAL TRAFFIC SIGNS** — All signs, markings and devices, other than signals, not inconsistent with this chapter and which conform to the standards prescribed by the State of New Hampshire Department of Transportation and placed or erected by authority or [sic] a public body or official having jurisdiction for the purpose of guiding, directing, warning or regulating traffic.

**PARKING** — The standing of any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading or in obedience to an officer or traffic signs or signals or while making emergency repairs or, if disabled, while arrangements are being made to remove such vehicle.

**ROADWAY** — That portion of a street or highway between the regularly established curb lines or that part, exclusive of shoulders, improved and intended to be used for vehicular traffic.

**SIDEWALK** — That portion of a street or highway set aside for pedestrian travel.

**STREET OR HIGHWAY** — The entire width between property lines of every way open to the use of the public for purposes of travel.

**TRAFFIC** — Pedestrians, ridden or herded animals, vehicles or other conveyances, either single or together, while using any street or highway for the purpose of travel.

**VEHICLE** — Any mechanical device suitable for use on highways, except those propelled or drawn by human power or those used exclusively upon stationary tracks.

## **§ 191-2 Authority and duties of police**

A. Police may close streets temporarily. The Police Department is hereby authorized to close, temporarily, any street or highway in an impending or existing emergency or for any lawful assemblage, demonstration or procession, provided that there is reasonable justification for the closing of such street.

## **PURCHASE AND SALE AGREEMENT**

THIS PURCHASE AND SALE AGREEMENT is made as of the \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between the Town of Pembroke, acting through its Conservation Commission, with a mailing address of 311 Pembroke Street, Pembroke, New Hampshire (the "**Buyer**") and Wilfrid Poirier, with a mailing address of 4100 North Ocean Drive #2501, Singer Island, FL 33404, (the "**Seller**").

**1. Property.** The Seller agrees to sell and the Buyer agrees to buy, subject to the terms and conditions of this Agreement, the approximately 87.20 remainder parcel from the contemplated subdivision of property at 210 Center Road, Pembroke, New Hampshire, presently identified as Tax Map/Lot 563/90, and more particularly described on Exhibit A. The Property referred to for purposes of this Agreement is the 87.20 remainder lot created subsequent to and as a result of the Seller's contemplated subdivision of the present Lot 90 and described in more detail in Exhibit A ("the Property").

**2. Purchase Price; Payment.** The agreed purchase price for the Property (hereinafter the "Purchase Price") is:

One Hundred Sixty-Nine Thousand and Two Hundred Dollars (\$169,200.00), payable to Seller on the Closing Date (as defined below) by wire transfer on instructions to be provided to Buyer, or by cashier's, certified bank check, or town check.

**3. Closing.** At the Closing, the Seller shall convey the Premises to the Buyer by Warranty Deed, conveying good, clear record and marketable title to the Premises. The time for the delivery of the Deed and the other documents to be delivered pursuant to this Agreement (the "Closing Date") shall be no later than 180 days following execution of this Agreement by both parties herein. The Closing shall take place at Town Hall, 311 Pembroke St., Pembroke, or at such other time and place as the parties may agree in writing. The Closing period may be extended by written consent of both parties for an additional 60 days.

**4. Possession.** Full possession of the Property, free of all occupants, is to be delivered at the time of the Closing.

**5. Buyer's Representations.** Buyer represents to Seller that:

- (a) Buyer understands it is buying the Property in AS IS condition.
- (b) Buyer has the financial capability to complete the transaction contemplated hereby.
- (c) The Conservation Commission will offer public support at the town zoning board and planning board in support of the approvals necessary to complete the contemplated subdivision of the parent lot.

**6. Buyer's Conditions Precedent.** Buyer's obligation to purchase the Property and consummate this transaction is expressly contingent on:

(a) Buyer's approval from its Board of Selectmen pursuant to RSA 36-A:4, which approval is expressly conditioned upon Seller obtaining the necessary approvals from the zoning board of adjustment and planning board, and the Town not being liable for any maintenance or repair of the private section of Center Road other than occasional snow plowing, as well as trash service;

(b) Buyer's Conservation Commission affirming its decision to purchase subsequent to holding a public hearing pursuant to RSA 36-A:5, II; and

(c) The Seller obtaining needed approvals from the Town of Pembroke zoning board and planning board to subdivide the property.

**7. Seller's Representations.** Seller shall restore the Property pursuant to the reasonable requirements of the Buyer prior to closing. Seller shall notify Buyer in writing when restoration is complete and hereby authorizes Buyer to inspect the restoration after such notification and prior to closing.

**8. Seller's Conditions Precedent.** Seller's obligation to convey the Property and consummate this transaction is expressly contingent on:

(a) Seller obtaining needed approvals from the Town of Pembroke zoning board and planning board to subdivide the property.

**9. Status of Center Road.** At the time of execution of this Agreement, the parties acknowledge and agree that only the first roughly 366 feet of Center Road, measured from the northerly edge of the NH Route 3 traveled way to a line across Center Road that is perpendicular to a fire hydrant, is a Class V public road; the remainder of Center Road thereafter is private. Further, the parties acknowledge and agree that the subdivision contemplated by this Agreement is not intended as a dedication of the private portion of Center Road notwithstanding it being shown on a plan that may be approved by the Planning Board.

As a condition of the Board of Selectmen agreeing to accept title to the Property, the town will continue to snow plow the private portion of Center Road, measuring approximately 1030 feet from the end of the Class V portion of Center Road, and to provide trash service for subdivided Lots 90-2 and 90-3. In exchange, the parties acknowledge and agree that the town shall have no obligation to maintain the private portion of Center Road, no liability to repair any road damage on the private portion, and no liability for any injury or damage as a result of or caused by the condition of the private portion of Center Road; the town's continued snow plowing and trash service does not indicate the town's acceptance of the private portion of Center Road.

The parties also acknowledge and agree that should a person or property be damaged as a result of or caused by the condition of the private portion of Center Road, and a claim made against the town for damages as a result therefrom, that the then owners of Lots 90-1, 90-2, and 90-3 acknowledge and agree that the town is hereby indemnified and held harmless for any such claims.

This section shall survive the conveyance of the Property, the obligations and terms noted in this section shall be noted on the subdivision plan, as well as in any deeds for the subdivided lots from the subdivider to third parties.

**10. Documents To Be Delivered at the Closing.** At the Closing, the Seller shall, as a condition of Buyer's obligations to close under this Agreement, deliver to Buyer all documents required by this Agreement, including, but not limited to, the following documents, duly executed and acknowledged by the Seller whenever applicable:

(a) Warranty Deed of the Property to Buyer, subject to any easements or encumbrances of record; and

(b) such other documents as are customary in New Hampshire for transactions of a similar nature.

**11. Brokerage.** Buyer and Seller each warrant and represent that they have dealt with no broker with respect to this transaction and that there are no brokerage or similar fees or commissions due in connection with the sale of the Property.

**12. Default.** In the event Seller shall default under this Agreement, Buyer shall have a right to specific performance of this Agreement and recover costs incurred with respect thereto.

**13. Further Assurances.** The parties agree that up to and after the date of Closing, they shall do such things and execute, acknowledge and deliver any and all additional instruments, documents and materials as either party may reasonably request to fully effectuate the purposes of this Agreement.

**14. Notices.** All notices required or permitted to be given hereunder shall be in writing and sent by certified or registered mail, or by overnight courier, postage prepaid, or hand delivered or by facsimile transmission, or by email addressed to the parties set forth on the first page of this Agreement with copies to:

**For the Seller:**  
Jim Coughlin, Esquire  
[address]  
[jemcjr@yahoo.com](mailto:jemcjr@yahoo.com)

and

**For the Buyer:**

David Jodoin, Town Administrator  
[djodoin@pembroke-nh.com](mailto:djodoin@pembroke-nh.com)  
Ammy Heiser, Conservation Commission  
[Harunga1@msn.com](mailto:Harunga1@msn.com)  
Town of Pembroke  
311 Pembroke Street  
Pembroke, NH 03275

**15. Waivers.** No delay or omission by any party hereto to exercise any right or power occurring upon any noncompliance or failure of performance by the other party under the provisions of this Agreement shall impair any such right or power or be construed to be a waiver thereof. A waiver by any party hereto of any of the terms, covenants, conditions or agreements hereof to be performed by the other party shall not be construed to be a waiver of any succeeding breach thereof or of any other term, covenant, condition or agreement herein contained.

**16. Prior Statements.** All representations, statements, and agreements heretofore made between the parties hereto are merged in this Agreement, which alone fully and completely expresses their respective obligations, and this Agreement is entered into by each party after opportunity for investigation, neither party relying on any statements or representations not embodied in this Agreement, made by the other or on its/his behalf.

**17. Binding Effect.** This contract shall be binding upon the heirs, successors and assigns of both Seller and Buyer.

The captions to the paragraphs hereof are for convenience only and are not intended to affect the meaning of the provisions of this Agreement. This Agreement shall be governed by the laws of the State of New Hampshire.

IN WITNESS WHEREOF, the parties have duly executed this Agreement on the day and year first above written.

**Wilfrid Poirier**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Wilfrid Poirier



**Town of Pembroke**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
David Jodoin, Town Administrator  
Duly Authorized

**Pembroke Conservation Commission**

Date: \_\_\_\_\_

By: \_\_\_\_\_  
Ammy Heiser,  
Duly Authorized

## EXHIBIT A

A certain tract of land situated in Pembroke, County of Merrimack, State of New Hampshire, on the \_\_\_\_\_, so-called, and bounded and described as follows:

[insert survey description...]

## Financial Report of the Budget

# Pembroke

For the period ending December 31, 2017

### PREPARER'S EFILE CERTIFICATION

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

Name	Position	Signature
Tammy R. Webb		

## GOVERNING BODY CERTIFICATION

Under penalties of perjury, I declare that I have examined the information contained in this form and to the best of my belief it is true, correct and complete.

This form must be signed, scanned, and uploaded to the Municipal Tax Rate Setting Portal:  
<https://www.proptax.org/>

**For assistance please contact:**  
NH DRA Municipal and Property Division  
(603) 230-5090  
<http://www.revenue.nh.gov/mun-prop/>



**New Hampshire**  
**Department of**  
**Revenue Administration**

**2018**  
**MS-535**

**Expenditures**

Account	Purpose	Voted Appropriations	Actual Expenditures
<b>General Government</b>			
4130-4139	Executive	\$370,327	\$286,530
4140-4149	Election, Registration, and Vital Statistics	\$134,257	\$128,891
4150-4151	Financial Administration	\$39,433	\$40,072
4152	Revaluation of Property	\$126,000	\$98,720
4153	Legal Expense	\$150,000	\$102,029
4155-4159	Personnel Administration	\$0	\$0
4191-4193	Planning and Zoning	\$289,939	\$279,340
4194	General Government Buildings	\$120,658	\$111,925
4195	Cemeteries	\$21,950	\$35,443
4196	Insurance	\$139,360	\$130,291
4197	Advertising and Regional Association	\$0	\$0
4199	Other General Government	\$0	\$0
<b>General Government Subtotal</b>		<b>\$1,391,924</b>	<b>\$1,213,241</b>
<b>Public Safety</b>			
4210-4214	Police	\$1,439,107	\$1,398,002
4215-4219	Ambulance	\$226,632	\$226,632
4220-4229	Fire	\$380,584	\$323,217
4240-4249	Building Inspection	\$0	\$0
4290-4298	Emergency Management	\$10,781	\$9,573
4299	Other (Including Communications)	\$28,080	\$28,548
<b>Public Safety Subtotal</b>		<b>\$2,085,184</b>	<b>\$1,985,972</b>
<b>Airport/Aviation Center</b>			
4301-4309	Airport Operations	\$0	\$0
<b>Airport/Aviation Center Subtotal</b>		<b>\$0</b>	<b>\$0</b>
<b>Highways and Streets</b>			
4311	Administration	\$0	\$0
4312	Highways and Streets	\$1,169,973	\$1,055,449
4313	Bridges	\$0	\$0
4316	Street Lighting	\$44,000	\$41,243
4319	Other	\$11,000	\$0
<b>Highways and Streets Subtotal</b>		<b>\$1,224,973</b>	<b>\$1,096,692</b>
<b>Sanitation</b>			
4321	Administration	\$0	\$0
4323	Solid Waste Collection	\$269,300	\$232,065
4324	Solid Waste Disposal	\$0	\$0
4325	Solid Waste Cleanup	\$0	\$0
4326-4329	Sewage Collection, Disposal and Other	\$0	\$0
<b>Sanitation Subtotal</b>		<b>\$269,300</b>	<b>\$232,065</b>



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**Expenditures**

Account	Purpose	Voted Appropriations	Actual Expenditures
<b>Water Distribution and Treatment</b>			
4331	Administration	\$0	\$0
4332	Water Services	\$0	\$0
4335-4339	Water Treatment, Conservation and Other	\$0	\$0
<b>Water Distribution and Treatment Subtotal</b>		<b>\$0</b>	<b>\$0</b>
<b>Electric</b>			
4351-4352	Administration and Generation	\$0	\$0
4353	Purchase Costs	\$0	\$0
4354	Electric Equipment Maintenance	\$0	\$0
4359	Other Electric Costs	\$0	\$0
<b>Electric Subtotal</b>		<b>\$0</b>	<b>\$0</b>
<b>Health</b>			
4411	Administration	\$2,842	\$2,691
4414	Pest Control	\$0	\$0
4415-4419	Health Agencies, Hospitals, and Other	\$21,000	\$21,000
<b>Health Subtotal</b>		<b>\$23,842</b>	<b>\$23,691</b>
<b>Welfare</b>			
4441-4442	Administration and Direct Assistance	\$87,546	\$39,295
4444	Intergovernmental Welfare Payments	\$0	\$0
4445-4449	Vendor Payments and Other	\$0	\$0
<b>Welfare Subtotal</b>		<b>\$87,546</b>	<b>\$39,295</b>
<b>Culture and Recreation</b>			
4520-4529	Parks and Recreation	\$30,673	\$26,959
4550-4559	Library	\$228,450	\$228,450
4583	Patriotic Purposes	\$200	\$200
4589	Other Culture and Recreation	\$7,053	\$6,856
<b>Culture and Recreation Subtotal</b>		<b>\$266,376</b>	<b>\$262,465</b>
<b>Conservation and Development</b>			
4611-4612	Administration and Purchasing of Natural Resources	\$3,276	\$915
4619	Other Conservation	\$0	\$0
4631-4632	Redevelopment and Housing	\$0	\$0
4651-4659	Economic Development	\$355	\$0
<b>Conservation and Development Subtotal</b>		<b>\$3,631</b>	<b>\$915</b>



**New Hampshire**  
Department of  
Revenue Administration

**2018**  
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**Expenditures**

Account	Purpose	Voted Appropriations	Actual Expenditures
<b>Debt Service</b>			
4711	Long Term Bonds and Notes - Principal	\$380,000	\$380,000
	<i>Explanation: does not include \$79,422 paid on debt applicable to the Water Fund</i>		
4721	Long Term Bonds and Notes - Interest	\$52,110	\$52,110
4723	Tax Anticipation Notes - Interest	\$1	\$0
4790-4799	Other Debt Service	\$0	\$0
	<b>Debt Service Subtotal</b>	<b>\$432,111</b>	<b>\$432,110</b>
<b>Capital Outlay</b>			
4901	Land	\$21,000	\$14,827
	<i>Explanation: carryforward appropriation of \$5,275 at 12/31/17</i>		
4902	Machinery, Vehicles, and Equipment	\$315,176	\$290,920
4903	Buildings	\$0	\$0
4909	Improvements Other than Buildings	\$392,473	\$262,493
	<i>Explanation: carryforward appropriation of \$92,143 at 12/31/17</i>		
	<b>Capital Outlay Subtotal</b>	<b>\$728,649</b>	<b>\$568,240</b>
<b>Operating Transfers Out</b>			
4912	To Special Revenue Fund	\$0	\$0
4913	To Capital Projects Fund	\$0	\$0
4914A	To Proprietary Fund - Airport	\$0	\$0
4914E	To Proprietary Fund - Electric	\$0	\$0
4914O	To Proprietary Fund - Other	\$0	\$0
4914S	To Proprietary Fund - Sewer	\$1,057,783	\$936,699
4914W	To Proprietary Fund - Water	\$914,457	\$559,545
4915	To Capital Reserve Fund	\$466,000	\$466,000
4916	To Expendable Trusts/Fiduciary Funds	\$0	\$0
4917	To Health Maintenance Trust Funds	\$0	\$0
4918	To Non-Expendable Trust Funds	\$0	\$0
4919	To Fiduciary Funds	\$0	\$0
	<b>Operating Transfers Out Subtotal</b>	<b>\$2,438,240</b>	<b>\$1,962,244</b>
<b>Payments to Other Governments</b>			
4931	Taxes Assessed for County	\$0	\$1,891,367
	<i>Explanation: appropriation per tax rate</i>		
4932	Taxes Assessed for Village District	\$0	\$0
4933	Taxes Assessed for Local Education	\$0	\$11,767,470
	<i>Explanation: appropriation per tax rate</i>		
4934	Taxes Assessed for State Education	\$0	\$1,363,902
	<i>Explanation: appropriation per tax rate</i>		
4939	Payments to Other Governments	\$0	\$0
	<b>Payments to Other Governments Subtotal</b>		<b>\$15,022,739</b>
	<b>Total Before Payments to Other Governments</b>	<b>\$8,951,776</b>	<b>\$7,816,930</b>
	<b>Plus Payments to Other Governments</b>		<b>\$15,022,739</b>



**New Hampshire**  
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**2018**  
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**Expenditures**

Plus Commitments to Other Governments from Tax Rate	\$15,022,739	
Less Proprietary/Special Funds	\$1,972,240	\$1,496,244
<b>Total General Fund Expenditures</b>	<b>\$22,002,275</b>	<b>\$21,343,425</b>



New Hampshire  
Department of  
Revenue Administration

2018  
MS-535

Revenues

Account	Source of Revenues	Estimated Revenues	Actual Revenues
<b>Taxes</b>			
3110	Property Taxes	\$0	\$19,006,349
<i>Explanation: budget per tax rate is \$19,434,180 less overlay of \$492,451</i>			
3120	Land Use Change Tax - General Fund	\$0	\$0
3121	Land Use Change Taxes (Conservation)	\$0	\$0
3180	Resident Tax	\$0	\$0
3185	Yield Tax	\$18,529	\$23,658
3186	Payment in Lieu of Taxes	\$43,810	\$43,210
3187	Excavation Tax	\$3,156	\$3,157
3189	Other Taxes	\$0	\$0
3190	Interest and Penalties on Delinquent Taxes	\$89,000	\$77,546
9991	Inventory Penalties	\$0	\$0
<b>Taxes Subtotal</b>		<b>\$154,495</b>	<b>\$19,153,920</b>
<b>Licenses, Permits, and Fees</b>			
3210	Business Licenses and Permits	\$1,000	\$1,935
3220	Motor Vehicle Permit Fees	\$1,250,000	\$1,495,778
3230	Building Permits	\$20,000	\$32,430
3290	Other Licenses, Permits, and Fees	\$31,733	\$48,293
3311-3319	From Federal Government	\$0	\$0
<b>Licenses, Permits, and Fees Subtotal</b>		<b>\$1,302,733</b>	<b>\$1,578,436</b>
<b>State Sources</b>			
3351	Shared Revenues	\$0	\$0
3352	Meals and Rooms Tax Distribution	\$364,542	\$364,542
3353	Highway Block Grant	\$165,230	\$306,462
<i>Explanation: accepted unanticipated grant of \$141,063 in accordance with RSA 31:95b</i>			
3354	Water Pollution Grant	\$0	\$0
3355	Housing and Community Development	\$0	\$0
3356	State and Federal Forest Land Reimbursement	\$0	\$0
3357	Flood Control Reimbursement	\$0	\$0
3359	Other (Including Railroad Tax)	\$20,567	\$25,422
3379	From Other Governments	\$24,500	\$0
<i>Explanation: carried forward to 2018</i>			
<b>State Sources Subtotal</b>		<b>\$574,839</b>	<b>\$696,426</b>
<b>Charges for Services</b>			
3401-3406	Income from Departments	\$150,302	\$268,617
3409	Other Charges	\$18,000	\$20,054
<b>Charges for Services Subtotal</b>		<b>\$168,302</b>	<b>\$288,671</b>





**New Hampshire**  
Department of  
Revenue Administration

**2018**  
**MS-535**

**Revenues**

Account	Source of Revenues	Estimated Revenues	Actual Revenues
<b>Miscellaneous Revenues</b>			
3501	Sale of Municipal Property	\$1	\$855
3502	Interest on Investments	\$15,000	\$27,407
3503-3509	Other	\$0	\$0
<b>Miscellaneous Revenues Subtotal</b>		<b>\$15,001</b>	<b>\$28,262</b>
<b>Interfund Operating Transfers In</b>			
3912	From Special Revenue Funds	\$0	\$0
3913	From Capital Projects Funds	\$0	\$36,330
<i>Explanation: unexpended balance of Road project was closed into the General Fund</i>			
3914A	From Enterprise Funds: Airport (Offset)	\$0	\$0
3914E	From Enterprise Funds: Electric (Offset)	\$0	\$0
3914O	From Enterprise Funds: Other (Offset)	\$0	\$0
3914S	From Enterprise Funds: Sewer (Offset)	\$1,057,783	\$1,074,157
3914W	From Enterprise Funds: Water (Offset)	\$914,457	\$851,821
3915	From Capital Reserve Funds	\$374,176	\$320,659
3916	From Trust and Fiduciary Funds	\$21,000	\$26,502
3917	From Conservation Funds	\$0	\$0
<b>Interfund Operating Transfers In Subtotal</b>		<b>\$2,367,416</b>	<b>\$2,309,469</b>
<b>Other Financing Sources</b>			
3934	Proceeds from Long Term Bonds and Notes	\$0	\$0
<i>Explanation: New debt per page 9. \$3.5 million BAN at 12/31/16 converted to bond in 2017 with \$499,000 premium.</i>			
<b>Other Financing Sources Subtotal</b>		<b>\$0</b>	<b>\$0</b>
<b>Less Proprietary/Special Funds</b>		<b>\$1,972,240</b>	<b>\$1,925,978</b>
<b>Plus Property Tax Commitment from Tax Rate</b>		<b>\$19,597,680</b>	
<b>Total General Fund Revenues</b>		<b>\$22,208,226</b>	<b>\$22,129,206</b>



New Hampshire  
Department of  
Revenue Administration

2018  
MS-535

Balance Sheet

Account	Description	Starting Balance	Ending Balance
<b>Current Assets</b>			
1010	Cash and Equivalents	\$14,291,827	\$12,317,923
1030	Investments	\$0	\$0
1080	Tax Receivable	\$515,001	\$577,011
1110	Tax Liens Receivable	\$165,886	\$201,798
<i>Explanation: net of allowance of \$87,000</i>			
1150	Accounts Receivable	\$1,143	\$6,245
1260	Due from Other Governments	\$13,356	\$0
1310	Due from Other Funds	\$90,259	\$1,099
1400	Other Current Assets	\$1,347	\$261
1670	Tax Deeded Property (Subject to Resale)	\$0	\$0
<b>Current Assets Subtotal</b>		<b>\$15,078,819</b>	<b>\$13,104,337</b>
<b>Current Liabilities</b>			
2020	Warrants and Accounts Payable	\$93,255	\$66,254
2030	Compensated Absences Payable	\$144,169	\$155,441
2050	Contracts Payable	\$0	\$0
2070	Due to Other Governments	\$4,938	\$3,291
2075	Due to School Districts	\$5,366,442	\$6,131,372
2080	Due to Other Funds	\$4,426,154	\$894,016
2220	Deferred Revenue	\$0	\$23,720
2230	Notes Payable - Current	\$0	\$0
2270	Other Payable	\$934	\$1,536
<b>Current Liabilities Subtotal</b>		<b>\$10,035,892</b>	<b>\$7,275,630</b>
<b>Fund Equity</b>			
2440	Non-spendable Fund Balance	\$1,347	\$261
2450	Restricted Fund Balance	\$0	\$155,998
<i>Explanation: includes highway block grant funds of \$141,063</i>			
2460	Committed Fund Balance	\$335,000	\$335,000
2490	Assigned Fund Balance	\$99,464	\$268,047
2530	Unassigned Fund Balance	\$4,607,115	\$5,069,401
<b>Fund Equity Subtotal</b>		<b>\$5,042,926</b>	<b>\$5,828,707</b>



**New Hampshire**  
**Department of**  
**Revenue Administration**

**2018**  
**MS-535**

**Tax Commitment**

Source	County	Village	Local Education	State Education	Other	Property Tax
MS-535	\$1,891,367	\$0	\$11,767,470	\$1,363,902	\$0	\$19,006,349
Commitment	\$1,891,367	\$0	\$11,767,470	\$1,363,902		\$19,597,680
Difference	\$0	\$0	\$0	\$0		(\$591,331)

**General Fund Balance Sheet Reconciliation**

Total Revenues	\$22,129,206
Total Expenditures	\$21,343,425
Change	\$785,781
Ending Fund Equity	\$5,828,707
Beginning Fund Equity	\$5,042,926
Change	\$785,781



**New Hampshire**  
**Department of**  
**Revenue Administration**

**2018**  
**MS-535**

**Long Term Debt**

Description (Purpose)	Original Obligation	Annual Installment	Rate	Final Payment	Start of Year	Issued	Retired	End of Year
Roadway Improvements (General)	\$832,000	\$282,000	5.10	2018	\$550,000	\$0	\$280,000	\$270,000
Safety Complex (General)	\$2,560,000	\$100,000	3.25-4.60	2023	\$700,000	\$0	\$100,000	\$600,000
Tax Increment Financing District (TIF)	\$3,001,000	\$200,000	5.10	2032	\$0	\$3,001,000	\$0	\$3,001,000
Water Line Construction (Water)	\$450,000	\$54,672	4.00	2021	\$217,436	\$0	\$46,811	\$170,625
Water Mortgage (Water)	\$216,000	\$15,698	4.00	2019	\$146,745	\$0	\$10,009	\$136,736
Water Pembroke Hill (Water)	\$250,000	\$29,385	3.30	2025	\$215,745	\$0	\$22,602	\$193,143
	<b>\$7,309,000</b>				<b>\$1,829,926</b>	<b>\$3,001,000</b>	<b>\$459,422</b>	<b>\$4,371,504</b>

## **MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN THE TOWNS OF PEMBROKE AND HOOKSETT**

This Agreement is entered into by each of the entities that executes and adopts the understandings, commitments, terms and conditions contained herein:

WHEREAS, Chapter 53-A of the New Hampshire Revised Statutes Annotated, permits municipalities to make the most efficient use of their powers by enabling them to co-operate with other municipalities on a basis of mutual cooperation; and

WHEREAS, the towns of Pembroke and Hooksett wish to provide mutual aid and assistance to one another in the area of building inspection duties at appropriate times.

THEREFORE, pursuant to RSA 53-A:3, I, the Town of Pembroke and Hooksett enter into this Agreement for reciprocal building inspection duties, with this Agreement embodying the understandings, commitments, terms and conditions for said aid and assistance, as follows:

As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of the Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold the resources necessary to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so informing the party setting the request.

Pursuant to RSA 53-A, all functions and activities performed under this Agreement are hereby declared to be governmental functions. Functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third parties or persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section VI of this Agreement.

### **SECTION I: LENGTH OF TIME FOR AID AND ASSISTANCE; RENEWABILITY**

- A. Unless otherwise provided, the duration of Provider's assistance shall be presumed to be for an initial period of one week. Thereafter, assistance may be extended as the situation warrants for periods agreed upon by the towns for a period not to exceed thirty (30) days.
- B. As noted previously, Provider's personnel, equipment or other resources shall remain subject to recall by the Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least twenty-four (24) hours advance notice to Recipient of its intent to terminate portions or all assistance, unless such notice is not practicable, in which case, as much notice as is reasonable under the circumstances shall be provided.

## SECTION II: COST DOCUMENTATION AND REIMBURSEMENT FOR COVERAGE THAT EXTENDS 30 DAYS OR MORE

- A. Personnel – Provider shall continue to pay its employees according to its then prevailing rules and regulations. At the conclusion of the period of assistance, the Provider shall document all additional direct and indirect payroll costs plus any taxes and employees benefits which are measured as a function of payroll (i.e.: FICA, unemployment, retirement, health insurance, etc.) incurred as a result of the assistance. Recipient shall reimburse Provider within 30 days of receiving the statement of expenses.
- B. Vehicle – Provider shall document any expense incurred for the use of either a municipally-provided vehicle or a private vehicle utilized by the Building Inspector. In either event, mileage incurred for the service provided will be documented and calculated at the rate allowed by the U.S. Internal Revenue Service. Recipient shall reimburse Provider within 30 days of receiving the statement of expenses.

## SECTION III: RIGHTS AND RESPONSIBILITIES OF THE PROVIDER'S EMPLOYEES

Whenever Provider's employees are rendering aid and assistance pursuant to this Agreement, such employees shall retain the same powers, duties, immunities and privileges they would ordinarily possess if performing their duties within the geographical limits of the Provider. Provider's employees shall be supervised and managed by the Town Administrator while working in the Town of Pembroke or by the Town Administrator while working in the Town of Hooksett. However the individual employees shall be subject to the personnel rules, policies and procedures of their employing community. Any performance, compensation, benefits or disciplinary issues arising during the period of the mutual aid assignment shall be addressed to the employing municipality of the individual, to be handled by that employing municipality.

## SECTION IV: COMPLIANCE WITH RSA 53-A:3

- A. The duration of this Agreement is two years. It may be renewed by mutual agreement of all parties, under such terms as all parties may agree upon.
- B. There is no separate legal entity, or organization being established. The Towns are interested in formally sharing existing building inspector and code enforcement personnel and other resources, and seek to establish the framework to accomplish that.
- C. The purpose of the Mutual Aid Agreement is to formally allow the Building Inspectors of the Town of Pembroke and the Town of Hooksett to fill in for each other as may be needed within the jurisdictions of Pembroke and Hooksett, to ensure the two communities building inspection and code enforcement functions are covered during times of prolonged illness; vacations; extended leaves, etc.

- D. The financing of the existing building inspection/code enforcement functions are handled individually within the operating budgets of the Towns of Pembroke and Hooksett. This will not change under this Agreement. The Mutual Aid Agreement provides a framework for reimbursement of expenses for services provided by one community to another.
- E. By written notice from one governing board to another, this Agreement may be terminated with 30 days notice. There will be no jointly owned property, so there will be no property to be disposed of should the agreement be terminated. Upon termination, the only obligation will be for each town to pay for any services provided or expenses incurred prior to the termination date.
- F. This Mutual Aid Agreement shall be administered by the governing boards of Pembroke and Hooksett, or their designees. The Pembroke Board of Selectmen and the Hooksett Town Council designate the Town Administrators of their respective towns as the parties responsible for administering the cooperative undertaking set forth herein.
- G. There will be no acquiring, holding and disposing of real and personal property jointly by the Towns of Pembroke and Hooksett as a result of this Mutual Aid Agreement. Both communities will utilize existing resources owned individually by either the Town of Pembroke or the Town of Hooksett.

#### SECTION V: WORKER'S COMPENSATION AND LIABILITY COVERAGE

Provider shall furnish worker's compensation coverage for its employees during their performance of mutual aid services under this Agreement. Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employee due to personal injury or death occurring during the period of time such employee is engaged in the rendering of aid and assistance under this Agreement. It is mutually understood the Recipient and Provider shall be responsible for payment of such worker's compensation benefits only to their respective employees. Further, it is mutually understood the Recipient and Provider will be entirely responsible for the payment of worker's compensation premiums for their own respective employees.

Provider shall furnish liability coverage for its employees performing services under this Agreement, and shall be solely responsible for the premiums.

#### SECTION VI: IMMUNITY

Pursuant to RSA 53-A, all activities performed under this Agreement are hereby declared to be governmental functions. The parties to this Agreement and their respective employees retain all governmental immunities, protections and defenses as may be available under law.

#### SECTION VII: PARTIES MUTUALLY AGREE TO HOLD EACH OTHER HARMLESS

Each party (as indemnitor) agrees to protect, defend, indemnify, and hold harmless the other party (as indemnitee), and its officers, employees, and agents, free and harmless for and against any and all losses, penalties, damages, assessment, costs, charges, professional fees, and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions,

proceedings, or causes of action of every kind in connection with or arising out of indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for, and defend any such claims, etc., at indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day-to-day operations, and determine for itself what kinds of insurance, and in what amounts, it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep and save harmless the other parties pursuant to this Section of this Agreement.

#### SECTION VIII: EFFECTIVE DATE

This Agreement shall take effect upon its approval by the governing boards of the Towns of Pembroke and Hooksett and upon proper execution hereof, and its filing with the Secretary of State and the Clerks of the Town of Pembroke and the Town of Hooksett. This Agreement shall remain in effect for two years after its execution, and can be renewed by joint action of the two governing boards.

IN WITNESS WHEREOF, each of the parties have caused this Mutual Aid Agreement to be duly executed and approved, as of the date set forth in this Agreement.

Pembroke Board of Selectmen:

Hooksett Town Administrator:

\_\_\_\_\_  
Justine M. Courtemanche, Chair

\_\_\_\_\_  
Dean E. Shankle, Jr., Ph.D.

\_\_\_\_\_  
Vincent E. Greco

\_\_\_\_\_  
Michael Crockwell

\_\_\_\_\_  
Ann Bond

\_\_\_\_\_  
Sandy Goulet

Date filed with the Pembroke Town Clerk: \_\_\_\_\_

Date filed with the Hooksett Town Clerk: \_\_\_\_\_

Date filed with the Secretary of State: \_\_\_\_\_

Effective Date: \_\_\_\_\_





RECEIVED  
JUN 21 2018  
TOWN OF  
PEMBROKE, NH

## Memorandum

**TO:** All NHMA Members

**FROM:** Judy Silva, Executive Director  
Cordell A. Johnston, Government Affairs Counsel

**DATE:** June 20, 2018

**RE:** 2019-2020 Legislative Policy Process *Important Dates!*

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FLOOR POLICIES DUE: August 10 ♦ POLICY CONFERENCE: September 14

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The NHMA legislative policy process is moving forward! Enclosed with this memo is a copy of the policy recommendations made by NHMA's three policy committees. This document will also be posted on NHMA's website, [www.nhmunicipal.org](http://www.nhmunicipal.org).

The policy recommendations are listed by committee: (1) General Administration and Governance; (2) Finance and Revenue; and (3) Infrastructure, Development, and Land Use. Each committee's recommendations are listed in order of priority, as "action," "priority," or "standing" policy recommendations. Also enclosed is a list of NHMA's Legislative Principles, which will be considered for re-adoption at the Legislative Policy Conference, along with the recommended policies.

*We urge each municipality's governing body, prior to the Legislative Policy Conference, to vote a position on the recommendations and floor proposals (see reverse) to provide direction to your voting delegate at the conference.* Otherwise, your delegate is free to cast your municipality's vote as he or she chooses. For more information about the legislative policy process and the Legislative Policy Conference, please see the enclosed Questions and Answers document.

**NOTE:** Please do not send your governing body's vote results or opinions to NHMA. Your governing body's discussions and votes are only for the direction of your voting delegate. The only

way a municipality may vote on these policies is to send a voting delegate to the policy conference on September 14.

### **Floor Proposals**

The deadline for submitting floor proposals is **Friday, August 10**. A floor proposal will be accepted only if it is ***approved by a majority vote of the governing body*** (board of selectmen, aldermen, or council) of the town or city submitting the proposal, is submitted in writing, and is received **no later than August 10**. We will mail all floor proposals to each municipality so there will be an opportunity to take a position on them before the Legislative Policy Conference. Floor proposals should be in the same format as proposals submitted to the policy committees.

A floor policy proposal form has been included for your convenience, or you may find it on the NHMA website. (Go to [www.nhmunicipal.org](http://www.nhmunicipal.org), click on "Advocacy," scroll down to "NHMA Policy-Setting Process," and click on the link to "2019-2020 floor policy proposal form.") To submit a floor proposal, please send it to NHMA, 25 Triangle Park Drive, Concord, NH 03301, or e-mail it to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org).

### **Legislative Policy Conference**

The 2019-2020 Legislative Policy Conference is scheduled for **Friday, September 14, 2018, at 9:00 a.m. at NHMA's office, 25 Triangle Park Drive in Concord**. We will include with the floor proposal mailing a card for each town or city to return indicating who has been appointed as the municipality's voting delegate.

Please call the Government Affairs Department at 800-852-3358 if you have any questions.

**New Hampshire Municipal Association  
Legislative Policy Process 2019-20**

**Final Policy Recommendations for Legislative Policy Conference  
September 14, 2018**

**General Administration and Governance**

**Action Policy Recommendations**

**1. Funding for the Police Standards and Training Council**

**To see if NHMA will SUPPORT** the continued operation of the New Hampshire Police Academy and the high-quality uniform training it provides for all law enforcement officers in the state, including municipal police officers, which aids in the delivery of quality policing services and interagency cooperation to the benefit of all citizens. As part of this, **to see if NHMA will SUPPORT** continued funding at the state level for the Police Academy and the Police Standards and Training Council. Local law enforcement agencies produce considerable funds through fines and penalty assessment monies which accrue to the State and are used for State purposes. Further, **to see if NHMA will OPPOSE** any increase in municipal costs for police officers to participate in the training, recognizing that municipalities now pay salary, benefits, and all employment-related costs for trainees while at the Academy, as well as providing staff and instructors at no cost to the Academy. **Existing policy, revised by the committee.**

**2. Absentee Voting Expansion**

**To see if NHMA will SUPPORT** allowing absentee voting without requiring a reason.

**Explanation:** At present, 27 states plus the District of Columbia permit absentee voting without requiring an excuse. Maine and Vermont are among the 27. Why not New Hampshire? People are kept from the polls because they are reluctant to say they are “disabled” (especially when they are just elderly) or otherwise find it difficult to vote in person. Voting should not require having to struggle with one’s conscience over whether they fit into one of the state-approved “legitimate” reasons for an absentee ballot. **Submitted by Gail Cromwell, Co-chair, Temple Select Board.**

**3. Electronic Poll Books**

**To see if NHMA will SUPPORT** legislation that would enable the use of electronic poll-books for municipalities, with funding coming from the HAVA funds made available to the New Hampshire Secretary of State by the United States Election Assistance Commission specifically for the purpose of improvement to the administration of federal elections in the state, as well as supporting legislative changes to statutes to make the use permissible under state laws. **Existing policy.**

## **Priority Policy Recommendations**

### **4. Building Plans Under RSA Chapter 91-A**

To see if NHMA will SUPPORT an amendment to RSA 91-A:5, IV to specifically add building plans/construction drawings contained within a building permit file and/or building plans/construction drawings submitted as part of a building permit application as an exempt record under the statute. **Existing policy.**

### **5. Municipal Regulation of Firearms**

To see if NHMA will SUPPORT legislation that would allow for limited local authority regarding possession and use of firearms on municipal property.

- Legislation that would allow municipalities to regulate or limit the use of firearms on municipal property.
- Legislation that would allow municipalities to regulate the carrying of firearms by employees while they are performing the functions of their office or employment.

**Explanation:** Local governing bodies are best positioned to determine the most appropriate use of municipal land and the actions of their employees. **Submitted by Joan Dargie, Town Clerk, Milford, and revised by the committee.**

### **6. Welfare Lien Priority**

To see if NHMA will SUPPORT legislation to give liens for local welfare payments arising under RSA 165:28 a higher priority position, so that those liens fall immediately after the lien for the first mortgage. **Existing policy.**

### **7. Municipal Departments and MV Information**

To see if NHMA will SUPPORT legislation to make it clear that municipalities may obtain information about motor vehicles registered to an individual for all governmental purposes such as verifying asset levels when the individual is applying for general assistance or asset-based tax relief and in order to determine the ownership of vehicles for official purposes. **Existing policy.**

## **Standing Policy Recommendations**

### **8. SB 2 Adoption Process**

To see if NHMA will SUPPORT amending RSA 40:14, III, regarding adoption of the official ballot referendum (SB 2) form of town meeting, to provide that the question shall be voted on by ballot at the annual meeting, but shall not be placed on the official ballot.

**Explanation:** Adoption of the official ballot referendum form of town meeting is a fundamental change in a town's governance. It is an action that should be undertaken only after thorough discussion and debate, with an opportunity for the legislative body to be fully informed. Current law requires that the question be placed on the official ballot, so that it is voted on in the voting booth on election day, with no opportunity for discussion or debate. The statement of the question is simply, "Shall we adopt the provisions of RSA 40:13 (known as SB 2) to allow official ballot voting on all issues before the town on the second Tuesday of March?" This provides almost no information about how the SB 2 form of meeting works.

Although the current law does require a public hearing on the question between 15 and 30 days before town meeting, those hearings are poorly attended, so the overwhelming majority of those voting on the question will have heard little or no discussion, and many of them will have a very poor understanding of the issue. Other matters of profound importance to town governance—such as establishing a budget committee and adoption of a tax cap—are voted on at the business session, rather than by official ballot. Adoption of SB 2 is an even more serious step and should be subject to at least a similar level of consideration. Discussion and debate at the business session will help to ensure that voters understand the issues better before voting on the question. **Submitted by Jim Belanger, Moderator, Hollis, and Frank Sterling, Selectman, Jaffrey.**

## **9. Allowing Towns to Adopt Ordinances Under City Statutes**

**To see if NHMA will SUPPORT** legislation giving towns the same authority to adopt ordinances that cities have under RSA 47:17.

**Explanation:** State law (RSA 44:2, 47:1) gives cities all of the authority that towns have, but there is no reciprocal statute giving towns the authority that cities have. City councils have broad authority to adopt ordinances under RSA 47:17. Town ordinance authority is governed primarily by RSA 31:39, which grants more limited authority. There seems to be no logical reason for cities to have broader ordinance authority than towns. When towns want to exercise authority that cities already have, it is necessary to amend RSA 31:39 or add a new section in RSA 39. This policy would avoid that necessity and eliminate illogical distinctions between municipal ordinances, which are especially troublesome when a town is unable to adopt the same ordinance that the city next door has adopted. This would not eliminate all distinctions between cities and towns—just the difference between their respective ordinance powers. **Submitted by Tom Irving, Planning Director, Conway.**

## **10. Public Area "No Smoking" Local Option**

**To see if NHMA will SUPPORT** legislation to authorize the designation of "No Smoking" zones in public areas by local option.

**Explanation:** Municipalities are charged with the responsibility for provision of the services and to ensure safe secure access to those services. Currently, some services may not be as accessible as they should due to the presence of smoke. There are also the associated costs in keeping areas litter free. The legislation would allow municipalities to define No Smoking zones in a way that meets the community's needs and would include the ability to implement them for health purposes.

Currently New Hampshire permits municipalities to enact ordinances for fire safety and sanitation purposes, but not health purposes, and New Hampshire's state smoking law preempts local

governments from doing so. Access to services is obstructed by the presence of smokers and their associated litter, and that litter might constitute a sanitation issue. The presence of smoke where non-smokers need to pass is objectionable and not supportive of a community's healthy community goal. Each community would have the opportunity for itself to enact local legislation on this issue. Submitted by Andrew Bohanan, Parks, Recreation, and Facilities Director, and Nancy Vincent, Library Director, Keene.

#### **11. Public Notice Requirements**

To see if NHMA will SUPPORT legislation to amend all public notice requirements to allow the choice of electronic notification and/or newspaper print, as well as posting in public places, for official public legal notification. Existing policy.

#### **12. Appointment of Town Clerks or Town Clerk/Tax Collectors**

**Legislative Body:** To see if NHMA will SUPPORT legislation to allow the legislative body to authorize the governing body to appoint town clerks and town clerk/tax collectors.

**Charter Towns:** To see if NHMA will SUPPORT legislation allowing towns that have adopted a charter under RSA chapter 49-D to determine how the town will choose its town clerk.

Existing policy, revised by the committee.

#### **13. Consolidated Policy on Collective Bargaining Items**

**Evergreen Clause:** To see if NHMA will OPPOSE legislation to enact a mandatory so-called "evergreen clause" for public employee collective bargaining agreements.

**Binding Arbitration:** To see if NHMA will OPPOSE mandatory binding arbitration as a mechanism to resolve impasses in municipal employee collective bargaining.

**Right to Strike:** To see if NHMA will OPPOSE a right to strike for public employees.

**Mandated Employee Benefits:** To see if NHMA will OPPOSE any proposals to mandate employee benefits, including any proposal to enhance retirement system benefits that may increase employer costs in future years, for current or future employees.

**Contracted Services:** To see if NHMA will SUPPORT legislation to give public employers greater flexibility to privatize or use contracted services.

Existing policy, revised by the committee.

#### **14. Maintenance and Policing of State-Owned Property**

To see if NHMA will SUPPORT legislation requiring the State to maintain and adequately support operations on state properties so those properties do not place undue burdens on the host municipalities. This would include legislation

- to enable municipalities to recover expenses of providing municipal services on state-owned property, such as policing relative to illegal activities and allowing municipalities to receive reimbursement/compensation from individuals engaged in the illegal activity; and
- to require the state to adequately maintain its property, including the removal/remediation of abandoned, deficient, hazardous, or blighted structures/facilities.

Existing policy, revised by the committee.

#### 15. Independent Redistricting Commission

To see if NHMA will **SUPPORT** the establishment of an independent redistricting commission for the appointment of representative, senatorial, executive council, and congressional districts. **Existing policy.**

### Finance and Revenue

#### Action Policy Recommendations

##### 1. Use of RSA 83-F Utility Values

To see if NHMA will:

- a) **SUPPORT** legislation that clarifies, under RSA 83-F, that no determination of utility value by the Department of Revenue Administration can be used in any way by the utility taxpayer in any application for abatement of tax under RSA 76:16 or any appeal thereof under RSA 76:16-a or RSA 76:17;
- b) **OPPOSE** any mandate that calls for the exclusive use of the unit method of valuation in the appraisal of utility property, by either administrative or legislative action; and
- c) **SUPPORT** the continuing right of municipalities to use any method of appraisal upheld by the courts.

Revised by the committee to combine two existing policies.

##### 2. New Hampshire Retirement System (NHRS)

To see if NHMA will **SUPPORT** the continuing existence of a retirement system for state and local government employees that is strong, secure, solvent, fiscally healthy, and sustainable, that both employees and employers can rely on to provide retirement benefits for the foreseeable future. Further, to see if NHMA will **SUPPORT** continuing to work with legislators, employees, and the NHRS to accomplish these goals.

To that end, to see if NHMA will:

- a) **SUPPORT** legislation that will strengthen the health and solvency of the NHRS, ensure the long-term financial sustainability of the retirement system for public employers, and consider options and alternatives that provide reasonable changes in contribution rates;
- b) **OPPOSE** any legislation that: 1) expands benefits and would result in increases to municipal employer costs; 2) assesses additional charges beyond NHRS board-approved rate changes on employers; or 3) expands the eligibility of NHRS membership to positions not currently covered;
- c) **SUPPORT** the restoration of the state's 35% share of employer costs for police, teachers, and firefighters in the current defined benefit plan and any successor plan;
- d) **SUPPORT** the inclusion of municipal participation on any legislative study committee or commission formed to research alternative retirement system designs and the performance of a complete financial analysis of any alternative plan proposal in order to determine the full impact on employers and employees; and
- e) **OPPOSE** any action to further restrict municipalities' ability to employ NHRS retirees in part-time positions, either through hours restrictions or through imposition of new fees/costs.

**Existing policy, revised by the committee.**

### **3. Expansion of Local Authority to Institute Fees**

To see if NHMA will **SUPPORT** legislation that allows a municipality to exercise local control of non-property tax revenue streams with local legislative body approval to meet demands for services and/or infrastructure. Examples of such legislation may include such actions as: (a) allowing a municipal to adopt an additional surcharge under the meals and rooms tax on hotel occupancy within the municipality; and (b) allowing a municipality to increase the maximum optional fee for transportation improvements when collecting motor vehicle registration fees. **Existing policy, revised by the committee (existing policy supports a local option meals and rooms tax surcharge).**

## **Priority Policy Recommendations**

### **4. Enforcement of Motor Vehicle Registration Laws**

To see if NHMA will **SUPPORT** amending motor vehicle registration laws to strengthen the enforcement of those laws (through stepping up law enforcement and increasing penalties, including fines) to ensure collection of all state and local registration fees owed by New Hampshire residents.

**Explanation:** Municipalities are realizing a significant and growing annual revenue loss of motor vehicle permit fees and other fees, due to NH residents registering their automobiles, trucks and all other types of trailers through non-government agents in the State of Maine. Currently, RSA 261:140



only requires a \$100 fine for these violations, an insignificant amount when compared to the much greater savings a resident realizes when obtaining low-cost “multi-year” registrations (up to a 12-year period) through the State of Maine. Municipalities all over the state are vulnerable to online registrations. Businesses with fleets are specifically targeted. **Submitted by Portsmouth City Council.**

#### **5. Lien for Uncollected Ambulance/EMS Billings**

**To see if NHMA will SUPPORT** legislation to ensure the collection of unpaid bills for ambulance and other emergency services.

**Explanation:** Municipal EMS, unlike hospitals and home health care providers, have no remedy available for the collection of unpaid billing for ambulance service except through a collection agency (@33% fee) or small claims court. These mechanisms do not guarantee the municipality will be made whole and can be punitive to the responsible party when they can least tolerate it. Ambulance service has evolved dramatically from simply transporting individuals to the hospital. Today, early medical intervention significantly increases a patient’s survival probability; therefore municipal EMS is expected to provide costly basic and advanced life support before and during transport. Currently when faced with an unpaid ambulance billing, municipalities have to choose between sending the bill to collections, small claims court, or writing off the bill. Collections or small claims potentially exposes the responsible party to a burden at an inopportune time. To write off the debt unfairly places the financial burden on the taxpayers of the responding municipality. **Submitted by: Barbara Lucas, Town Administrator, and Neil Irvine, Selectman, Town of New Hampton.**

#### **6. Ownership Name Changes**

**To see if NHMA will SUPPORT** legislation requiring entities to file name changes and ownership changes at the registry of deeds to ensure that property taxes are assessed to the proper owner.

**Explanation:** Presently, name changes and property acquisitions by stockholders are not filed at the registry of deeds. Municipalities don’t know if ownership has changed, resulting in bills and other notices going to improper property owners. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord**

#### **7. Collection of Delinquent Taxes on Manufactured Housing**

**To see if NHMA will SUPPORT** legislation to create a study commission to address municipal concerns regarding delinquent property taxes and/or municipal utility fees on manufactured housing on land of another. Such commission to include appropriate interested stakeholders. **Existing policy.**

#### **8. Tax Exemptions for Charitable Organizations**

**To see if NHMA will SUPPORT** creating a commission to study reimbursement through payments in lieu of taxes (PILOTs) for municipal services provided to exempt charitable properties, including charitable non-profit housing projects under RSA 72:23-k, and **SUPPORT** reimbursement from the state for the costs of municipal services provided to state-owned properties. **Revised by the committee to combine two existing policies.**

## **9. Clarification of Elderly Exemption, Prorating Disabled, Deaf and Blind Exemptions**

**To see if NHMA will SUPPORT**

- a) Changes in RSA 72:39-a, 72:29, and 72:39-b to define “household income” for elderly exemption qualification consistent with the definition of “household income” used by the state in qualifying residents for the Low & Moderate-Income Homeowners Property Tax Relief Program under RSA 198:56-57 and Rev 1200; and
- b) Legislation prorating the disabled, deaf and blind exemptions under RSA 72:37, 37-b, and 38-b when a person entitled to the exemption owns a fractional interest in the residence, in the same manner as is allowed for the elderly exemption under RSA 72:41.

**Revised by the committee to combine two existing policies.**

## **Standing Policy Recommendations**

### **10. Assessment Methodology for Big Box Stores**

**To see if NHMA will SUPPORT** legislation clarifying the assessment methodology for big box stores if used and occupied for the purpose for which they were built. This methodology would not employ comparisons to “dark store” properties abandoned or encumbered with deed restrictions on subsequent use.

**Explanation:** Large box stores such as Walmart, Lowe’s, Home Depot, Target, etc. have been successful in other states in obtaining large assessment reductions by using comparable sales or rentals of abandoned or deed-restricted properties. **Submitted by: Kathryn Temchack, Director of Real Estate Assessments, City of Concord.**

### **11. Income Approach on Appeal**

**To see if NHMA will SUPPORT** legislation that prohibits the use of the income approach by a taxpayer in any appeal of value if the taxpayer, after request by the municipality, has not submitted the requested information. **Existing policy.**

### **12. Charitable Definition and Mandated Property Tax Exemptions**

**To see if NHMA will OPPOSE** legislation that expands the definition of “charitable” in RSA 72:23-/, unless the state reimburses municipalities for the loss of revenue. **Existing policy.**

### **13. Sale of Tax Deeded Property**

**To see if NHMA will SUPPORT** amending RSA 80:89 to require proof that the municipality *sent* the required notice of impending tax deed rather than proof that the taxpayer actually *received* the notice. **Existing policy.**

#### **14. State Revenue Structure and State Education Funding**

To see if NHMA will **SUPPORT** asking the state to use the following principles when addressing the state's revenue structure in response to its responsibility to fund an adequate education:

- That revenues are sufficient to meet the state's responsibilities as defined by constitution, statute, and common law;
- That revenue sources are predictable, stable, and sustainable and will meet the long-term needs and financial realities of the state;
- That changes to the revenue structure are least disruptive to the long-term economic health of the state;
- That the revenue structure is efficient in its administration;
- That changes in the revenue structure are fair to people with lower to moderate incomes.

Further, to see if NHMA will **SUPPORT** legislation prohibiting retroactive changes to the distribution formula for adequate education grants after the notice of grant amounts has been given. **Existing policy.**

#### **15. Changes to the Official Ballot Process and Default Budget**

To see if NHMA will **OPPOSE** changes to the official ballot process (SB2) including changes to the calculation of the default budget, unless such changes are a local option presented to the legislative body for approval. **Revised by the committee (existing policy opposed any increase in the 60% bond vote requirement in SB 2 municipalities).**

### **Infrastructure, Development and Land Use**

#### **Action Policy Recommendations**

##### **1. Municipal Use of Structures in the Right-of-Way**

To see if NHMA will **SUPPORT** legislation granting municipalities a designated space to use for any purpose, including leasing to a private entity, upon all poles, conduit, and other structures within the rights-of-way without paying make-ready costs. This includes a requirement that the owners of utility poles and conduit do the necessary work to make that space available. **Existing policy, revised by the committee.**

## **2. Municipal Authority to Adopt More Recent Codes**

To see if NHMA will SUPPORT legislation enabling municipalities at their discretion to adopt more recent editions of national/international building and fire codes than the current state-adopted editions.

**Explanation:** Allowing municipalities to adopt current codes will promote best practices for health, safety, and welfare. **Submitted by Portsmouth City Council.**

## **3. Municipal Cooperation**

To see if NHMA will SUPPORT legislation clarifying that municipalities and other political subdivisions may cooperate to perform together any functions that they may perform individually, including but not limited to providing services, raising revenue, constructing and maintaining infrastructure, and engaging in economic development efforts. **Existing policy.**

# **Priority Policy Recommendations**

## **4. Regulation of Short-Term Rentals**

To see if NHMA will SUPPORT legislation authorizing municipalities to regulate short-term rental of residential properties, including licensing requirements and health and safety protections. This should not be interpreted to limit existing authority to regulate such uses through municipal zoning ordinances and land use regulations.

**Explanation:** Municipalities across the country are increasingly forced to address problems associated with short-term rental of residential housing units, which are typically facilitated through the online platforms of AirBnB, VRBO, Home Away, and others. Problems arise often in single-family residential neighborhoods, in which transient residential occupancy introduces instability and conflict (e.g., noise complaints with no recourse other than to call the police).

Some jurisdictions have already addressed this through legislation, sometimes accompanied by comprehensive agreements with the online platform operators to submit to regulation. A related issue is whether the state is able to collect meals and rooms tax for such temporary uses, which are similar in some regards to B&B operations and hotels/motels. **Submitted by Ben Frost, Planning Board Chairman, Town of Warner.**

## **5. Highway Funding**

To see if NHMA will SUPPORT a state transportation policy that ensures adequate and sustainable funding for state and municipal highways and bridges to promote safe and reliable transportation and corridors and economic development for the citizens of our state and for the travelling public. The policy should include:

- Maintenance of the proportionate share of the state highway fund that is distributed to cities and towns under current law;

- No further diversion of state highway funds for non-highway purposes; and
- Increased funding, which may include the state road toll, highway tolls, local option fees, user assessments, and other revenue sources as necessary.

**Existing policy, revised by the committee.**

## **6. Water Quality and Infrastructure**

**To see if NHMA will SUPPORT** legislation that ensures adequate and sustainable investment to maintain or make necessary improvements to the state's critical water infrastructure (public drinking water, wastewater, and stormwater systems, and dams); that works to provide affordable water, wastewater, and stormwater services; that encourages regional and innovative solutions to water, wastewater, and stormwater issues; that supports decisions that rely on science-based standards; that supports local decision making; and that supports economic progress in the state while protecting public health and safety. **Combination of existing policies, revised by the committee.**

## **7. State Adoption of Building and Fire Codes**

**To see if NHMA will SUPPORT** a policy encouraging the state to: (1) adopt updated editions of national/international building and fire codes; (2) streamline the code adoption process while facilitating examination of changes that benefit the state economy; (3) encourage training opportunities for local code enforcement personnel.

**Explanation:** Multiple versions of codes are confusing for all parties. The state's adoption of updated codes would simplify municipal decision making in scheduling code ordinance updates. The quality of enforcement varies significantly among municipalities due to different levels of experience and training. Better training would lead to more consistent enforcement. **Submitted by Portsmouth City Council.**

# **Standing Policy Recommendations**

## **8. Current Use**

**To see if NHMA will OPPOSE** any legislative attempt to undermine the basic goals of the current use program and **OPPOSE** any reduction in the 10-acre minimum size requirement for qualification for current use, beyond those exceptions now allowed by the rules of the Current Use Board. **Existing policy.**

## **9. Scientific/Technical Standards for Regulatory Legislation**

**To see if NHMA will OPPOSE** regulatory legislation that is not based on relevant scientific and technical standards that are broadly accepted by peer review and feasibly achieved.

**Explanation:** In the past legislative session, bills were filed that attempted to supersede standards set by regulatory agencies without the applicable deliberation and processes associated with creating regulations. **Submitted by Portsmouth City Council.**

**10. Land Use and Environmental Regulation and Preemption**

To see if NHMA will **SUPPORT** legislation that (a) recognizes municipal authority over land use and environmental matters, (b) limits the establishment of comprehensive statutory schemes that supersede local regulation, and (c) recognizes that even when local environmental regulation is preempted, compliance with other local laws, such as zoning and public health ordinances and regulations, is still required. **Existing policy.**

**11. Energy, Renewable Energy and Energy Conservation**

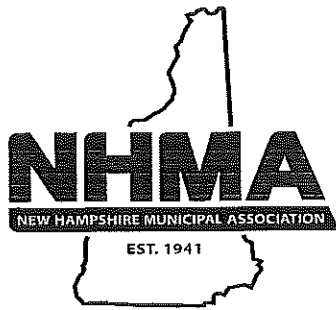
To see if NHMA will **SUPPORT** legislation encouraging state and federal programs that provide incentives and assistance to municipalities to adopt energy use and conservation techniques that will manage energy costs and environmental impacts, promote the use of renewable energy sources, and promote energy conservation, and **OPPOSE** any legislation that overrides local regulation. **Existing policy.**

**12. Oppose Statewide Zoning Mandates**

To see if NHMA will **SUPPORT** a policy recognizing the legislature's authority to establish statewide priorities in zoning and land use regulation, but **OPPOSE** legislation that limits reasonable local control in implementing those priorities, or that unreasonably mandates specific criteria that municipalities must follow. **Existing policy, revised by the committee.**

**13. Conservation Investment**

To see if NHMA will **SUPPORT** permanent funding for the Land and Community Heritage Investment Program and **OPPOSE** any diversion of such funds to other uses. **Existing policy.**



## Legislative Principles

In addition to the established Legislative Policy positions adopted by the New Hampshire Municipal Association membership, the following principles should guide staff in setting priorities during any legislative biennium:

1. Consider unfunded mandate issues that violate Part 1, Article 28-a of the New Hampshire Constitution to be paramount. Identify them and oppose them.
2. Work to maintain existing revenue streams to municipalities, (i.e. revenue sharing, meals and rooms tax, highway, and other state aid). Be especially watchful of proposals to reduce local aid in order to meet other funding commitments.
3. Advocate to maintain existing local authority.
4. Support issues which provide greater authority to govern more effectively, efficiently and flexibly at the local level, including local option legislation. If the legislature is considering adopting a program that is particularly controversial at the local level, support a requirement that a local legislative body vote is necessary before full implementation of the measure.
5. Support bills proposed by individual municipal members, except when they conflict with these principles or other NHMA policies. Staff should prioritize time and resources when there are competing demands in order to focus on NHMA's broad agenda first.
6. Encourage exemptions from state taxes rather than local property taxes when legislative intent is to preserve statewide resources.
7. Advocate for municipal representation on all state boards, commissions, and study committees which affect municipal government and have non-legislative members.
8. Work cooperatively with other groups and associations to support efforts to improve the delivery of services at the local level.
9. Support municipal efforts toward effective regional cooperation and delivery of municipal services.
10. Support efforts to develop a statewide technology network that fosters increased communication and greater compatibility among levels of government and within and between agencies in all levels of government.

## 2019-2020 NHMA Legislative Policy Process

### Questions & Answers

**1. What is the purpose of establishing NHMA legislative policy?** The New Hampshire Municipal Association (NHMA) is the voice of New Hampshire's cities and towns before the state legislature and state agencies. Adoption of legislative policy allows your municipal voice to be heard through the actions of your organization – NHMA. By adopting legislative policy, local officials can tell elected representatives what they feel are the major concerns of cities and towns.

The NHMA Board of Directors oversees NHMA's advocacy activities. Legislative policy positions direct the board and NHMA staff in representing municipalities before the legislature and state agencies.

**2. How are legislative policy recommendations prepared?** In the spring of each even-numbered year, NHMA forms legislative policy committees addressing different aspects of municipal government. The three committees this year are:

1. Finance and Revenue;
2. General Administration and Governance; and
3. Infrastructure, Development, and Land Use.

These three policy committees consider issues and problems derived from their own experience as local officials, issues sent in by other members or brought to them by staff, past policy positions, and issues resulting from the most recent legislative session. Each committee holds several meetings during the spring and develops policy recommendations to be voted on by member municipalities at the Legislative Policy Conference.

**3. Who votes on adoption, amendment, or rejection of these recommendations, and when?** On Friday, September 14, 2018, at 9:00 a.m., the 2019-2020 NHMA Legislative Policy Conference will be held at NHMA offices (25 Triangle Park Drive) in Concord. ***Each member municipality will be asked to appoint a voting delegate to cast its vote at this conference.*** Each member municipality, regardless of size, has one vote on all policy matters.

In the absence of any other designation by the board of selectmen, aldermen, or council, a voting delegate card will be issued at the door (in order of priority determined by the NHMA Municipal Officials Directory) to:

Mayor/Chair of Board of Selectmen/Council Chair

**OR**

Mayor Pro Tem/Vice or Assistant Mayor/Council Vice Chair

**OR**

Selectman/Alderman/Councilor

**OR**

City or Town Manager/Town Administrator/Administrative Assistant

**4. Will other policy proposals be voted on at the conference?** Yes, municipalities will have the opportunity to submit floor policy proposals for consideration at the conference. Each floor policy proposal must be approved by the governing body of the municipality submitting it, but the



proposals will not be reviewed or recommended by NHMA's legislative policy committees. Floor policy proposals will be voted on separately at the conference.

**5. How does our voting delegate determine a position on these recommendations?** We urge each municipality's governing body to discuss the recommendations in advance of the Legislative Policy Conference and vote to take a position on each one, in order to give direction to the voting delegate. Otherwise, your voting delegate is free to cast your municipality's vote as he or she desires. ***You do not need to notify NHMA of your positions on the policy recommendations; just provide that information to your voting delegate.***

**6. How are the policy recommendations presented and voted on at the Legislative Policy Conference?** The chair of the board of directors, as the presiding officer of the Legislative Policy Conference, introduces the entire set of recommendations of each policy committee, one committee at a time, as a slate. The chair and vice chair of each committee will be available to address questions. Any voting delegate may ask that a recommendation be set aside to be debated and voted on separately. The remaining recommendations are voted upon as a slate. After the slate from each policy committee has been voted, the voting delegates will return to those items set aside for separate debate and vote. It is at this time that individual items can be killed, amended, passed over, laid on the table, etc. Votes are by a display of voting delegate cards.

**7. Are policies adopted by a simple majority vote?** No. NHMA's by-laws require a two-thirds affirmative vote of those members present and voting for approval of any NHMA legislative policy.

**8. Why is the Legislative Policy Conference separate from the November annual meeting?** The Legislative Policy Conference must be held before the annual conference to meet the legislative deadlines for the filing of new bills. The staff needs time after adoption of policies to draft bills and secure sponsors.

**9. How will I know what policies are adopted if I don't go to the Legislative Policy Conference?** The final 2019-2020 NHMA Legislative Policies will be printed as a supplement in the November/December 2018 issue of *Town & City* magazine. We will also post them on NHMA's web site at [www.nhmunicipal.org](http://www.nhmunicipal.org).

**10. What happens if an issue that is not covered by any of these policies comes before the legislature?** The NHMA Board determines the position that the staff will advocate on issues not covered by specific NHMA legislative policies. The policy conference also endorses a set of Legislative Principles, which augment the specific legislative policy positions by setting forth general principles that guide staff in their advocacy efforts.



**New Hampshire Municipal Association  
2019-2020 Legislative Policy Process**

**Floor Policy Proposal**

Submitted by (name) \_\_\_\_\_ Date \_\_\_\_\_

City or Town \_\_\_\_\_ Title of Person Submitting Policy \_\_\_\_\_

Floor Policy Proposal approved by vote of the governing body on (date) \_\_\_\_\_

To see if NHMA will SUPPORT/OPPOSE:

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Municipal interest to be accomplished by proposal:

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Explanation:

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A sheet like this should accompany each proposed floor policy and should record the date of the governing body vote approving the proposal. It should include a brief (one or two sentence) policy statement, a statement about the municipal interest served by the proposal, and an explanation which describes the nature of the problem or concern from a municipal perspective and discusses the proposed action which is being advocated to address the problem. Mail to 25 Triangle Park Drive, Concord, NH 03301; or email to [governmentaffairs@nhmunicipal.org](mailto:governmentaffairs@nhmunicipal.org).  
Must be received by August 10, 2018.

# *Town of Pembroke*

## *Facilities & Grounds Committee*

**Meeting: Wednesday, July 25, 6:30 pm**  
**at**  
**Public Works Building, Pembroke, NH**  
**8 Exchange Street**

### MINUTES

1. Attendance: Reno Nadeau, Mike Crockwell, Dana Carlucci, Rick Young, Tom Hebert  
Unavailable: David Jodoin, Jim Boisvert
2. New Business/CIP:

- a. Air Conditioning at Town Hall

a. The reason for changing the air conditioning unit is that it is at least 15 years old and the repair/maintenance costs are getting very costly. They discussed the regular maintenance schedule for changing the filters which would lessen the dirt that actually gets into the duct work. When the work is done, it is also recommended that the ducts be cleaned. The current quote does not include duct cleaning so we should also get a quote for that. They discussed different types of cleaners (i.e. Electronic air cleaners, Hi-micron cleaners). Would be nice to have something easily accessible for changing on a regular basis. The new style filters are removable, washable and reusable. The systems for cleaning have changed a great deal in the last 10 years. They discussed the trunks of the duct work and accessibility for maintenance. They asked if they could look at the current installation set up and due to confined space and insulation, which was decided against. Would like to see rugged pan under the unit(s) with drains (current system has a drain), so that is considered normal. They also asked if a moisture sensor could be added to the alarm system to alert when the pan is full to avoid any overflow that would cause water damage. Yes, that can be done. Reno provided a quote for review. They asked if they could get a couple of estimates. Demarias was suggested. We just want to be careful that the estimates are comparing 'like' systems. CIP figures are needed by Aug. 15<sup>th</sup>. The pans could be a separate item. Check on the warranties for each. They discussed a mini-split to get air to the first floor meeting room that is currently a problem. As a temporary fix, a portable a/c was suggested. They discussed the duct work and wanted to know where it currently goes. The Mitsubishi unit is 15 to 20 years old and has served its purpose but needs replacement. Items for repair/replacement, electric coil in the mini-split ?? check into mini split, check with G&O and Dave McGrath for options on repair or replacement. Technology has improved a great deal since the current system. Need to get an estimate for air duct cleaning, a second quote for the unit and a quote for adding a safety switch built into alarm. That might involve an electrician but the group thought it

*Dana  
meeting  
with  
Demarias  
7-30-18*

should be an easy add on since it would tie into the existing alarm system. Reno will contact Demarais for a second quote. They discussed the new refrigerant used in new systems. Reno to have both G&O & Demarais overview the air cleaner system replacement and to keep the items broken out to give the town options.

b. Retaining Wall at 4 Union Street

b. Mike Vignale (town engineer) looked at the wall but has not gotten back to Reno with his recommendations. The estimate from Bryan Locke, LLC is for a temporary fix. Dana had someone look at the wall too. The contractor's first concern was if there were any bulges in the wall? No, there are not but the bottom blocks are deteriorating badly. It still needs to be determined whether a repair is enough or if complete replacement is more appropriate. One idea suggested by the engineer was to add a concrete wall to be anchored to the existing wall. Allen block wall system addresses water flow and how to fix this issue. There is a manufacturer in New Hampshire or we could deal directly with the Allen Block Company. They discussed how Allen Block systems could solve wall problems. Dana thought that Allen Blocks were too porous and that dead pore would be easier to treat to retard salt damage and it can be reinforced.

They need to insure that pipes currently in place are doing their job of diverting the water so it is not pushing on the wall. Need to verify whether the pipes are plugged or not. There is stone in some of it which would interfere with drainage and someone said that part of the pipe was cemented. Camera should be used to verify condition. Frank Merrill was the original contractor of the wall back in the 80's. It was suggested that they contact him for original plans to verify drainage location. Another system, Henniker blocks were also mentioned for the project. If drainage is working then what next. If the wall is solid, it is more a matter of keeping it from deteriorating or the face falling off. It has been discussed that they may put a wire mesh over the face of the existing wall and then spray with concrete or mortar mix. The area is about 1200 square feet. (20 x 60) but need to verify measurements. They also mentioned that the area above the wall should get paved to eliminate vegetation growth that could put pressure on the wall. It was brought up that there is \$11,800 profit from the building rentals and that money should or could be used for this project instead of CIP funds. Brent to be called, Mike to be called to get their recommendation information in writing. Dana will also call Frank Merrill for information.

c. Clock Tower repairs

c. Jim Doherty works on the clock. Reno asked him for his feedback on the tower. In 2012 an inspection report was done on the tower. \$36,000.00 worth of work was needed. In 2018 the estimate of \$34,000.00 was given but there have been repairs made in the meantime which accounts for the lower estimate six years later. No ventilation is causing the wood to rot on the inside of the tower. The stairway is in bad shape. There was a \$100,000.00 renovation done some time ago. It was suggested that the town might apply for grant money (Historical Building) for the repairs needed. They will reach out to Jim Garvin to see if this would be possible. The interior is not historic any more but the outside could still be considered historic. If anyone wants to go in the clock tower, Reno will take them.

3. Adjournment

## David Jodoin

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**From:** ROBERT E BOURQUE <rebets@comcast.net>  
**Sent:** Tuesday, July 17, 2018 3:27 PM  
**To:** David Jodoin  
**Subject:** Pembroke Street Lights

David,

I have a question about the street light change in Pembroke to LED. The street light across the street from me ( I'm at 6 Pheasant Run ) is one that is billed to me from Eversource. I do not want this light that I pay for upgraded to an LED light. I prefer that it be left as High Pressure Sodium. Please advise.

Bob Bourque

**BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
July 16, 2018 at 6:30 PM**

DRAFT

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Present: Chairperson Tina Courtemanche, Selectman Sandy Goulet, Selectman Ann Bond,  
Selectman Vincent Greco, Selectman Michael Crockwell

Staff: Town Administrator David Jodoin

**I. Call to Order:**

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

**II. Citizen Comment:**

None

**III. Scheduled Meetings:**

- A. Continued Public Hearing proposed changes to municipal code 191-B Parking Lot B 4 Union Street

Chairman Courtemanche requested that the Police Chief speak on this issue first. The Chief explained that when the posting first went into effect it was a nightmare for the Police to determine who was a tenant and who was not. So the tenants and the Chief got together and devised the complaint was the same, cars are not moving at 6AM. So the Chief came up with a parking permit system that he gave to the tenants to mark tenant and patron vehicles.

Selectmen Crockwell asked the Chief his opinion on having the lot for the tenants or open in general. The Chief did not answer directly but felt that there were too many different hours and parameters for the lot.

Chairman Courtemanche invited the tenants up to the table. Jennifer Murray, Debbie Sargent, Brian Rice, Amber Rice, Walter Murray.

Gerry and Joyce Belanger Meet Me in Suncook were also at the table.

Jennifer Murray stated that this whole thing started because in the winter we had a problem with people parking in the lot and they wouldn't leave the lot in time for the plow. So DPW would have to close the lot so that they could get in and plow. Jennifer stated that she loses business that way. Now for a long time Jacques would park his vans in the lot and leave them there for days and he would be ticketed, it doesn't affect his business it effects ours. Now that the building is full, we need those spots for employees and patrons. The lot may be used all the time but my schedule is very flexible and I need those spaces. If it becomes a Municipal lot then everyone will park there and I will have no spot.

Brian Rice stated that when he rented the building he assumed that the parking in the front of the building was for the tenants. He has no issues with the parking at night, while I watch these videos you have stated that you want the lot to be a municipal one.

Debbie Sargent explained that winter is the worst issue with others keeping their vehicles in the lot.

Brain asked where the complaints were coming from.

Selectmen Bond stated Meet Me in Suncook and the Masons have complained.

Gerry Belanger on behalf of Meet Me in Suncook handed out a brochure of what Meet Me in Suncook has done over the years. Gerry stated that the parking lot is paid for by the Town and it should not be controlled by the tenants.

Dana Carlucci stated that the building has never been empty. The second floor at times has been empty.

Selectmen Goulet stated that she remembers specifically when Jocelyn Carlucci came before the Board last year she stated that Mr. Rice needed the spots for parking.

Mr. Rice stated that Mr. Carlucci commented that the building is sustaining itself by the rents that means that the taxpayers are no longer taking care of that. So if the taxpayers are no longer paying for it then it's not their problem.

Selectmen Goulet asked Mr. Carlucci if he would let anyone park in his lot as a landlord. Mr. Carlucci stated that if he owned that building he would absolutely not be able to allow anybody to park there except my tenants.

Selectmen Goulet stated that as Board of Selectmen we now own a property and I feel that I want to make these guys happy, their paying the bill, I'm not as a taxpayer paying this bill.

Chairman Courtemanche thanked everyone for coming and closed the Public Hearing at 7:18

Selectmen Goulet commented that she remembered when she was on the Board and Black Widow came forward the upstairs had not been rented for a while. I don't see why this is an issue because these tenants are bringing in enough money to the Town to cover the costs of repairing the building. I want them to be able to park there and to be happy because that is economic development.

Jim Boisvert Public Works Director commented that people needed to be out of the lot at 6AM so that the lot could be cleaned.

Selectmen Greco stated that he is recommending that the parking lot at 4 Union Street be closed from midnight to 6AM so no one could park there and during the day it was a municipal lot that anyone could park in.

Chairman Courtemanche asked for clarification and what would happen with the people getting off the street for snow. Selectmen Greco commented that they would need to find a place.

Selectmen Bond suggested that it be tenant/patron parking only 24/7. Selectmen Crockwell agreed that it should be tent/patron parking only.

Selectmen Bond made a motion to have the parking for tenant and patron parking only 24/7, second by Selectmen Goulet.

Selectmen Greco stated that you are now eliminating all Townspeople from parking in that Municipal lot.

Selectmen Crockwell stated that he did not have a problem with the overnight parking as long as people were out by 6AM.

Chairman Courtemanche re-read the motion on the table; Selectmen Bond made a motion to have the parking for tenant and patron parking only 24/7, second by Selectmen Goulet.

Motion failed 2-3

D. Jodoin suggested that the Board look at a compromise. Have it tenant patron parking from 6AM to 6PM Monday thru Saturday. After 6PM until 6AM it's a municipal lot.

Selectmen Goulet made a motion that it be tenant/patron parking Monday through Saturday from 6AM to 7PM, all other times it would be a municipal lot and anyone could park there. The four spots at the fence would be reserved for handicapped and tenant/patron parking 24/7. Seconded by Selectmen Bond.

Chief Gilman – Vests purchase – Chief Gilman was in to discuss body armor purchase. The last one was done about 4 years ago and they need to be replaced every 5 years and we are coming up on that time.

Motion by Selectmen Greco, seconded by selectmen Goulet to authorize the Chief to proceed with the purchase with Body Armor for a sum not to exceed \$6000 and to remove the funds from the Police department small equipment capital reserve fund. Vote unanimous.

#### **IV. Old Business:**

Continued public hearing on street lights.

Chief Paulsen stated that in his opinion each street intersection should have a light.

Jim Boisvert stated that Public works uses the lights to check on their salt and sand loads during the winter months.

Chief Gilman stated that there were certain areas that should stay lit regardless of it being an intersection or not.

Chief re-iterated that he would like to see a list of the proposed changes

Center Road – The plan will be updated to show that the Town has no responsibility for any damages done to the private section of the Road. The Town Attorney will work with the Sellers Attorney to draft the language for selectmen review



## **V. New Business:**

Vision software Upgrade – Motion by Selectmen Goulet to approve the contract with Vision appraisal in the amount of \$18,000, seconded by Selectmen Crockwell. Motion passed 5-0.

Manifest/Abatements:

Action: Selectman Crockwell moved to approve the manifest and abatements as presented. Motion seconded by Selectman Bond. Motion passed 5-0

Minutes

Action: Selectman Greco moved to approve the minutes from 7/2/18. Selectman Bond seconded the motion. Motion passed 4-0 with 1 abstention.

## **VI. Town Administrators Report:**

1. Allenstown and Pembroke Sewer are meeting to discuss the capacity issue. A question was raised about the capacity at the TIF district and that usage was reserved for the prior project in that area under Pembroke 600.
2. Large gathering ordinance for Old Home Day. Motion by selectmen Greco, seconded by Selectmen Goulet. Motion passed 5-0.
3. Town Engineer was asked to look at the wall at 4 Union Street to see what is truly needed for repairs and to also look at what would be needed for 6 Union.

Appointments

Action: Selectman Sheldon moved to appoint Sharon Morris to the Energy Committee and Linda Manter as a Library Trustee Alternate. Motion seconded by Selectman Greco Motion passed 5-0.

## **VII. Committee Reports:**

Selectman Bond -Planning didn't meet, its next week.

Selectman Greco-Roads met and they had the Center Road presentation, We also reviewed the paving budget and will be holding off on any more paving until the construction work is done on Upper Beacon, east Meadow etc. There were also some modification on crack sealing.

Selectman Crockwell- Conservation talked about the Center Road property, Long Meadow Estates. The Conservation also talked about the ATV use on range roads.

Selectman Courtemanche-Employee/volunteer picnic on August 18<sup>th</sup>.

## **VIII. General Citizen Comment/Other:**

None

Motion by selectmen Goulet to enter non public session in accordance with RSA 91-A:3 II (c) Matters of which, if discussed in public, would likely effect the reputation of any person, other than a members of the public body itself, unless such person requests an open meeting. This exemption shall extend to include any application for assistance or tax abatement or waiver fee, fine or other levy, if based on

inability to pay or poverty of the applicant, seconded by Selectmen Crockwell at 9:05 PM

#### Roll Call

Selectmen Goulet	Yes
Selectmen Bond	Yes
Selectmen Greco	Yes
Chairman Courtemanche	Yes
Selectmen Crockwell	Yes

The Board came out of non public session at 9:14 PM

#### **IX. Adjourn:**

Selectman Greco moved to adjourn at 9:14pm. Motion seconded by Selectman Bond. Motion passed 5-0.

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Justine M. Courtemanche, Chairman

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

**BOARD OF SELECTMEN  
TOWN OF PEMBROKE, NH  
July 30, 2018 at 6:30 PM**

DRAFT

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Present: Chairperson Tina Courtemanche, Selectman Ann Bond, Selectman Vincent Greco,  
Selectman Michael Crockwell

Excused: Selectmen Goulet

Staff: Town Administrator David Jodoin

**I. Call to Order:**

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

**II. Scheduled Meetings:**

- A. The Board met to continue the public hearing and the discussion of the street light conversion. Selectmen Bond stated that she met with the Public Works Director to look for poles that she could not find. She also met with the Police Chief to get his input and recommendations. The Fire Chief was ok with the changes. There are some poles with no numbers on them that would require getting the address number.

D. Jodoin suggested that we invite Lightec to the next meeting so that the Board can discuss directly with them their issues and concerns. It was agreed to schedule this for the next agenda.

Resignation – the Board accepted with regret the resignation of Dianne Schuett from the Capital Improvements Committee. Motion by Selectmen Greco, seconded by Selectmen Crockwell to accept the resignation and to appoint Kevin Foss to fill the position to its expiration date in 2019.  
Vote Unanimous

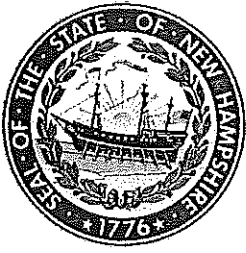
**III. Adjourn:**

Selectman Greco moved to adjourn at 6:45pm. Motion seconded by Selectman Bond. Motion passed 4-0.

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Justine M. Courtemanche, Chairman

For more detailed information the meeting can be found at [www.townhallstreams.com](http://www.townhallstreams.com) click on Pembroke NH and look for July 30<sup>th</sup>.



## State of New Hampshire Department of Safety

John J. Barthelmes, Commissioner

Robert L. Quinn, Assistant Commissioner

Richard C. Bailey, Jr., Assistant Commissioner

### Homeland Security and Emergency Management

Perry E. Plummer, Director

Jennifer L. Harper, Assistant Director



90 COPY

July 19, 2018

Pembroke, Town of  
311 Pembroke Street  
Pembroke, NH 03275

On January 2, 2018 FEMA declared a Major Disaster (FEMA-4355-DR-NH) for the State of New Hampshire due to Severe Weather which occurred on October 29, 2017. This authorized the Public Assistance Grant Program (CFDA # 97.036) for eligible applicants within Belknap, Carroll, Coos, Grafton, and Sullivan counties. The Town of Pembroke currently has two projects under this disaster that have been deemed eligible for reimbursement. A check or direct deposit to your financial account will be sent *separately* for **\$22,502.90**, representing the federal share of the total approved eligible costs of your awarded projects.

Included in this correspondence are the following documents for your files:

- Award Summary Sheet
- Project Reports:
  - PW 7 – Grants Portal Project 42864
  - PW 22 – Grants Portal Project 44655

Click the link below to complete additional required documentation.

- Project Certification and Completion Report

— JCO 7/23/18 CA 9:24 A.M.

If there are any questions, please contact Fallon Reed, State Coordinating Officer, for assistance at (603) 223-3628 or [fallon.reed@dos.nh.gov](mailto:fallon.reed@dos.nh.gov). All correspondence should be directed to this office.

Sincerely,

Perry E. Plummer  
Director



New Hampshire Department of Safety  
Division of Homeland Security and Emergency Management

Public Assistance - CFDA #97.036

**Award Summary Sheet**

Subrecipient Summary			
Disaster	FEMA-4355-DR-NH	Funding Code	12320000-500574
Subrecipient	Pembroke, Town of	Activity Code	23PA4355
Vendor Code	177458-B003	Total Payment:	\$22,502.90

EMMIE PW #7 v0   Grants Portal Project #42864			
Type of Work	Emergency	Work Category	A – Debris Removal
% Cost Share	75%	CRC Net Cost	\$28,575.11
Invoice Number	4355PA2018P007	Non-Federal Share	\$7,143.78
Type of Project	Small	Federal Share	\$21,431.33

EMMIE PW #22 v0   Grants Portal Project #44655			
Type of Work	Management	Work Category	Z - Direct Administrative Costs
% Cost Share	75%	CRC Net Cost	\$1,428.76
Invoice Number	4355PA2018P022	Non-Federal Share	\$357.19
Type of Project	Small	Federal Share	\$1,071.57

## Central New Hampshire Regional Planning Commission

28 Commercial Street ♦ Concord, NH 03301

Telephone: (603) 226-6020 ♦ Fax: (603) 226-6023 ♦ [www.cnhrpc.org](http://www.cnhrpc.org)



July 25, 2018

Board of Selectmen  
Town of Pembroke  
311 Pembroke Street  
Pembroke, NH 03275

RE: CNHRPC Brownfields Advisory Committee

Dear Members of the Board of Selectmen:

As you may know, the Central New Hampshire Regional Planning Commission (CNHRPC) was awarded a second EPA Brownfield assessment grant to assess potentially contaminated (brownfield) sites in the region. With these funds, site assessments and cleanup/reuse planning for a number of sites across the region has begun. This sets the stage for cleanup and redevelopment activities in the future. To date, the assessment program has assessed five sites in four communities across the region under the first grant period which ends this fall after three years. We hope to move these sites to the re-use planning phase setting them up for cleanup and identify new sites under the new grant period.

The regional brownfields program is guided by the Brownfields Advisory Committee (BAC). The BAC will continue to make key policy decisions for the program, including the selection and recommendation of sites to be assessed. Previously, CNHRPC had solicited BAC nominations from the 20 communities within the region. With this current grant we would like to again give you the opportunity to nominate someone within your community for membership. During the previous grant period Pembroke was represented by Stephanie Verdile.

If there is an interest BAC representation, please provide a response to Matt Monahan by letter or email by August 15, 2018 indicating who the Board of Selectmen have nominated to serve on the BAC. If Pembroke would not be able to provide membership to the BAC at this time please provide a brief response to that effect.

Please feel free to contact me or Matt Monahan at 226-6020 with more specific questions regarding the level of commitment to serve on the BAC. An initial meeting date will be August 23<sup>rd</sup> at 6:00 PM to ensure summer is maximized for the assessment effort. We expect the BAC to meet three or four times a year over the next two years.

Sincerely,

Michael Tardiff  
Executive Director

CC: Kathy Cruson, CNHRPC Representative, Town of Pembroke

## David Jodoin

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**From:** Michael Tardiff <mtardiff@cnhrpc.org>  
**Sent:** Friday, July 13, 2018 3:03 PM  
**To:** David Jodoin  
**Subject:** Suncook Village parking

Hi David -

To follow up on our discussion regarding Suncook Village parking issues, CNHRPC would be happy to coordinate an overall discussion and analysis of parking issues in late summer/early fall as an extension of the parking issue summary we are currently preparing for the Master Plan Economic Development Chapter Update.

We would propose to coordinate a forum (with Town staff) to discuss parking issues, undertake interviews of businesses and residents, summarize current conditions, and prepare short term recommendations.

There would be no additional cost to the Town for this project.

Please give me a call with any questions.

Mike

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Michael Tardiff  
Executive Director  
Central NH Regional Planning Commission  
28 Commercial Street, Suite 3  
Concord, New Hampshire 03301  
[www.cnhrpc.org](http://www.cnhrpc.org)