

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
MARCH 10, 2020**

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

A motion was made to read and act on Articles #1 and #2 and to read and act on the remaining articles at the deliberative session on March 14, 2020 at the Pembroke Academy Auditorium.

MOVED: Bonnie Clark

SECONDED: Vincent Greco

VOTE: YES

MOTION PASSED

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

*Denotes elected

Town Clerk for one year: vote for not more than one James F. Goff	*497	Water Commissioner for five years vote for not more than one Kevin W. Brasley	*441
Moderator for 2 years: Vote for not more than one No one filed Write-in Thomas S. Serafin	*57	Library Trustee for three years: vote for not more than two Kaitlyn Camidge Susanne Whitbeck	*386 *413
Treasurer for one year: vote for not more than one Susan Dean-Jones	*414	Trust Fund Trustee for three years: vote for not more than one Sharon Wickens	*410
Selectman for three years: vote for not more than two Richard Bilodeau Michael Crockwell Karen D. Yeaton	236 *282 *318	Trust Fund Trustee for two years: vote for not more than one No one filed Write-in Gerard Fleury	*5
Sewer Commisioner for three years: vote for not more than one Daniel Driscoll	*432	Checklist Supervisor for 6 years: vote for not more than one No one filed *Write-in Bonnie Clark *Write-in Charles Schmidt *Write-in Karen Yeaton	*3 *3 *3
5488 voters on the Pembroke Checklist 521 ballots cast 9% voter turnout	*Both Bonnie Clark and Charles Schmidt declined the Position. Karen Yeaton already Checklist Supervisor and therefore disqualified. Position remains open for appointment.		

ARTICLE 2: AMEND ZONING ORDINANCE

Are you in favor of adopting the following amendments to the existing Zoning Ordinance of the Town of Pembroke?

Please note that proposed language is bold and underlined.

Amendment #1: Are you in favor of the adoption of Amendment #1, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-55.C., Screening and Buffers – Commercial District to increase the allowed wall or fence height from six feet to seven feet to make allowed fence heights consistent throughout the Zoning Ordinance.

The purpose of Amendment #1 is to make allowed fence heights consistent throughout the Zoning Ordinance.

YES 407 NO 82 AMENDMENT #1 PASSED

Amendment #2: Are you in favor of the adoption of Amendment #2, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-19 Table of Use Regulations to combine Agricultural Uses #4 and #9, to read, “raising and/or keeping livestock, horses, poultry, sheep, swine, or other farm animals for commercial use, not including the raising of fur animals,” and allow them by Special Exception in the R1, R3, B1, and LO Districts.

The purpose of Amendment #2 is to combine the conflicting Agricultural Uses #4 and #9 into one use.

YES 353 NO 124 AMENDMENT #2 PASSED

Amendment #3: Are you in favor of the adoption of Amendment #3, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-58.B., Signs – General Requirements, to establish a ten foot setback from property lines for freestanding signs.

The purpose of Amendment #3 is to establish a setback for freestanding signs.

YES 334 NO 157 AMENDMENT #3 PASSED

Amendment #4: Are you in favor of the adoption of Amendment #4, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend Article VIIIA, Telecommunications Facility & Antenna Criteria, to comply with state and federal law.

The purpose of Amendment #4 is to bring the Town Telecommunications ordinance into compliance with recent changes to state and federal laws.

YES 433 NO 47 AMENDMENT #4 PASSED

Amendment #5: Are you in favor of the adoption of Amendment #5, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-21, Table of Dimensional

and Density Requirements, to establish a corner clearance provision by prohibiting any structure, fence, sign or landscaping on corner lots to be placed or grow in such a manner as to impede sight distance, and to allow the Code Enforcement Officer to require that a landowner remove any potential safety hazard which exceeds three (3) feet in height above curb level and is located within a triangular area formed by measuring fifteen (15) feet along the two lot frontages from their point of intersection and connecting the two endpoints.

The purpose of Amendment #5 is to establish a corner clearance provision for safe sight distance at intersections for vehicles and pedestrians.

YES 367 NO 121 AMENDMENT #5 PASSED

Amendment #6: Are you in favor of the adoption of Amendment #6, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-8 Definitions to replace the definition and use called “Commercial Greenhouses” with new uses defined for “Garden Center” and “Industrial Greenhouse.” “Garden Center” shall be permitted in the R3 and C1 zones; permitted by special exception in the R1, B1, and LO zones; and prohibited in the B2 zone. “Industrial Greenhouse” shall be permitted in the C1 zone; permitted by special exception in the R1, R3, B1, and LO zones; and prohibited in the B2 zone.

Garden Center – A place of business where retail and wholesale products and produce are sold to the consumer. Garden centers, which may include a nursery and/or greenhouses, import more than 35% of the items sold, and may include plants, nursery products and stock, potting soil, hardware, power equipment and machinery, hoes, rakes, shovels, and other garden and farm variety tools and utensils.

Industrial Greenhouse – Wholesale business whose principal activity is the growing and selling of plants to retailers and not to the general public.

The purpose of Amendment #6 is to replace the existing Commercial Greenhouse use with new uses for Garden Center and Industrial Greenhouse.

YES 369 NO 107 AMENDMENT #6 PASSED

Amendment #7: Are you in favor of the adoption of Amendment #7, as proposed by the Planning Board, for the Pembroke Zoning Ordinance to amend §143-72 Wetlands Protection (WP) District, to increase the wetland buffer from 20 ft. to 50 ft., require wetland demarcation, and broaden the types of studies and professionals authorized by the Planning Board in order to more thoroughly assess wetland impacts.

The purpose of Amendment #7 is to increase buffers on wetlands and allow more thorough assessment and demarcation of wetlands.

YES 302 NO 178 AMENDMENT #7 PASSED

Amendment #8: Are you in favor of the adoption of Amendment #8, as proposed by the

Planning Board, for the Pembroke Zoning Ordinance to amend §143-72 Wetlands Protection (WP) District, to establish a 100 ft. vernal pool buffer and define “vernal pools” in accordance with NH Code of Administrative Rules, Section Env-Wt 101.108 as follows:

Vernal Pool – A surface water or wetland, including an area intentionally created for purposes of compensatory mitigation, which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and which:

- (a) Is not the result of ongoing anthropogenic activities that are not intended to provide compensatory mitigation, including but not limited to
 - (1) Gravel pit operations in a pit that has been mined at least every other year; and
 - (2) Logging and agricultural operations conducted in accordance with all applicable New Hampshire statutes and rules; and
- (b) Typically has the following characteristics:
 - (1) Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
 - (2) Forms in a shallow depression or basin;
 - (3) Has no permanently flowing outlet;
 - (4) Holds water for at least 2 (two) continuous months following spring ice-out;
 - (5) Lacks a viable fish population; and
 - (6) Supports one or more primary vernal pool indicators, or 3 (three) or more secondary vernal pool indicators.

The purpose of Amendment #8 is to define vernal pools and establish a 100 ft. buffer.

YES 314 NO 166 AMENDMENT #8 PASSED

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
DELIBERATIVE SESSION
MARCH 14 2020**

At 10:00 a.m. Moderator Thomas E. Petit gives an introduction of the Budget Committee members, Board of Selectmen and the Town Clerk. He then reads the results of the ballot vote taken on March 11, 2020.

Before the Moderator opens the meeting, he honored as the Town of Pembroke’s Outstanding Citizen and is presented a clock which reads:

Town of Pembroke
Outstanding Citizen
Thomas E. Petit
2020

Also speaking in honor of Thomas E. Petit is NH Secretary of State William Gardner.

A more extensive description of the presentation will be printed in the 2020 Pembroke Town Report.

Moderator Petit goes over meeting procedures, leads everyone in attendance with the Pledge of Allegiance and then opens the meeting at 10:26 am.

There was a motion made to dispense with the reading of the full warrant and go straight to Article #3.

MOVED: Daniel Crean

SECONDED: Sandy Goulet

VOTE: YES

MOTION PASSED

ARTICLE 3: To see if the town will vote to raise and appropriate the sum of \$30,000 (gross budget) to defray the cost for the purpose of performing asset management for the Town's storm water collection system and Public works Department, and to authorize the issuance of not more than \$30,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33); and, further, to authorize the Board of Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; and, to further authorize the Board of Selectmen to offset a portion of said appropriation by applying for Clean Water State Revolving Funds (CWSRF) loan. Repayment of the loan funds will include up to 100% forgiveness of loan principal in an amount up to \$30,000. (2/3 ballot vote required)

Recommended by the Board of Selectmen
Recommended by the Budget Committee

MOVED: Sandy Goulet

SECONDED: Michael Crockwell

Moderator Petit opens the voting at 10:33 am.

The Moderator continues with the meeting while the voting is open with action on Articles #4 through #14.

The voting remains open for more than the mandatory one hour and after every voter who wished to vote on Article #3 had done so, the Moderator closes the voting at 11:43 am and the ballots are counted.

Results: YES 100 NO 2

ARTICLE #3 PASSED

ARTICLE 4: To see if the Town will vote to raise and appropriate the sum of \$462,500 to be deposited into the following Capital Reserve Funds established as indicated below:

Town Equipment Capital Reserve Fund	\$ 90,000
Police Cruiser Capital Reserve Fund	\$ 55,000
Municipal Facilities Capital Reserve Fund	\$ 40,000

Fire Major Equipment Capital Reserve Fund	\$140,000
Fire Small Equipment Capital Reserve Fund	\$ 10,000
Roadway and Infrastructure Capital Reserve Fund	\$ 60,000
Revaluation Capital Reserve Fund	\$ 32,500
Cemetery Capital Reserve Fund	\$ 35,000

\$462,500

Recommended by the Board of Selectmen
Recommended by the Budget Committee

MOVED: Tina Courtemanche

SECONDED: Robert Samson

Andrew Camidge asks about the unreserved fund balance.

Town Administrator David Jodoin explained that a portion of the Fund Balance has been set aside and reserved for pending litigation, and the remaining balance is reserved in accordance with the Towns Fund Balance policy.

VOTE: YES

ARTICLE #4 PASSED

ARTICLE 5: To see if the Town will vote to raise and appropriate the sum of \$175,000 to purchase a new Loader and accessories and to authorize the withdrawal of a sum not to exceed \$175,000 from the Town Equipment Capital Reserve Fund.

Recommended by the Board of Selectmen
Recommended by the Budget Committee

MOVED: Tina Courtemanche

SECONDED: Robert Samson

VOTE: YES

ARTICLE #5 PASSED

ARTICLE 6: To see if the Town will vote to raise and appropriate the sum of \$97,390 for the purpose of purchasing two new Police Cruisers and related equipment and to authorize the withdrawal of a sum not to exceed \$97,390 from the Police Cruiser Capital Reserve Fund.

Recommended by the Board of Selectmen
Recommended by the Budget Committee

MOVED: Sandy Goulet

SECONDED: Robert Farley

VOTE: YES

ARTICLE #6 PASSED

ARTICLE 7: To see if the Town will vote to raise and appropriate the sum of \$14,573 for the purpose of repairing the basketball court, installing and repairing fencing at memorial Field and to authorize the withdrawal of a sum not to exceed \$14,573 from the Recreation Capital Reserve

Fund.

Recommended by the Board of Selectmen
Recommended by the Budget Committee

MOVED: Sandy Goulet

SECONDED: Robert Samson

VOTE: YES

ARTICLE #7 PASSED

ARTICLE 8: To see if the Town will vote in accordance with RSA 80:80 V to retain a parcel of land located at 617-619 Sixth Range Road, Map 260 Lot 42 which is on a Class VI Roadway, and transfer that parcel to the Conservation Commission for the sum to be determined by the Board of Selectmen. This parcel was obtained by the Town through a Tax Collectors deed on July 6, 2011.

MOVED: Sandy Goulet

SECONDED: Richard Bean

VOTE: YES

ARTICLE #8 PASSED

ARTICLE 9: To see if the Town will vote in accordance with RSA 80:80 V to retain a parcel of land located at 6 Howard Street, Map VE Lot 37 which was obtained through a Tax Collectors deed on June 21, 2019. Since this road is a dead end, this lot will be used as a turnaround for Public Works vehicles during trash pickup and snow removal.

MOVED: Sandy Goulet

SECONDED: Paulette Malo

VOTE: YES

ARTICLE #9 PASSED

ARTICLE 10: Shall the town Vote to Modify Chapter 138, Article IV of the Pembroke Town Code, entitled Elderly Exemptions under the provisions of RSA 72:39-a for elderly exemption from property tax in Pembroke, based on assessed value, for qualified taxpayers, to be as follows: for a person 65 years of age up to 74 years, \$35,000; for a person 75 years of age up to 79 years, \$65,000; for a person 80 years of age or older \$125,000. To qualify, the person must have been a New Hampshire resident for at least 3 consecutive years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married to each other for at least 5 consecutive years. In addition, the taxpayer must have a net income of not more than \$23,750 or, if married, a combined net income of less than \$34,000; and own net assets not in excess of \$45,000 excluding the value of the person's residence. (Majority vote required)

MOVED: Robert Samson

SECONDED: Brian Lemoine

VOTE: YES

ARTICLE #10 PASSED

ARTICLE 11: Shall the Town vote to modify Chapter 138, Article VII of the Pembroke Town Code, entitled Disability Exemption under the provisions of RSA 72:37-b, Exemption for the

Disabled from property tax, based on assessed value for qualified taxpayers to be \$36,750. To qualify the person must have been a New Hampshire resident for at least 5 years, own the real estate individually or jointly, or if the real estate is owned by such person's spouse, they must have been married for at least 5 consecutive years. In addition the taxpayer must have a net income of not more than \$17,300 or if married, a combined net income of not more than \$26,300, and own net assets not in excess of \$45,000 excluding the value of the person's residence. (Majority vote required)

MOVED: Diane Schuett

SECONDED: Sandy Goulet

VOTE: YES

ARTICLE #11 PASSED

ARTICLE 12: Shall we allow the operation of sports book retail locations within the Town?

MOVED: Sandy Goulet

SECONDED: William Crowley

April Villani asks who would this profit and who sets the rules for doling out the money for education.

Sandy Goulet explains that it would help the businesses that participate and then after the NH Lottery's administration costs the rest will go to NH Schools for education. She states that it is all controlled by HB 480.

Moderator Petit asks if there are any police concerns.

Pembroke Police Chief Dwayne Gilman states they have no concerns.

The Moderator opens for voting at 11:15 am and after every voter in attendance who wished to vote had done so, the voting was closed at 11:23 am, ballots were counted and the results are as follows.

YES 86 NO 50

ARTICLE #12 PASSED

ARTICLE 13: By Petition

We the undersigned registered voters of Pembroke, New Hampshire, hereby petition the Board of Selectmen to include as a Warrant Article at the 2020 Annual Town meeting the following article:

**New Hampshire Resolution to
Take Action on Climate Pollution**

We the town of Pembroke hereby call upon our State and Federal elected representatives to enact carbon-pricing legislation to protect New Hampshire from the costs and environmental risks of continued climate inaction. To protect households, we support a Carbon Fee and Dividend approach that charges fossil fuel producers for their carbon pollution and rebates the money

collected to all residents on an equal basis. Enacting a Carbon Cash-Back program decreases long-term fossil-fuel dependence, aids in the economic transition for energy consumers, and keeps local energy dollars in New Hampshire's economy. Carbon Cash-Back has been championed by US economists (Jan 17, 2019 WSJ) as the most effective and fair way to deliver rapid reductions in harmful carbon emissions at the scale required for our safety.

We expect our representatives to lead in this critical moment for the health and well-being of our citizens and for the protection of New Hampshire's natural resources upon which we all rely.

The record of the vote approving this article shall be transmitted by written notice to Pembroke's State Legislators, to the Governor of New Hampshire, to Pembroke's Congressional Delegation, and to the President of the United States, informing them of the instructions from their constituents, by Pembroke's Select Board, within 30 days of this vote.

MOVED: Richard Wengenroth

SECONDED: Dave Doherty

After a lengthy discussion, a motion was made to vote on the Article.

MOVED: Gerard Fleury

SECONDED: Karen Yeaton

VOTE ON THE MOTION: YES

MOTION PASSED

VOTE ON ARTICLE #13: NO

ARTICLE #13 FAILED

ARTICLE 14: By Petition

New Hampshire Resolution for Fair Redistricting

By petition of 25 or more eligible voters of the town of Pembroke, to see if the town will urge that the New Hampshire General Court, which is obligated to redraw the maps of political districts within the state following the 2020 census, will do so in a manner that ensures fair and effective representation of New Hampshire voters. That in order to fulfill this obligation the New Hampshire General Court shall appoint an independent redistricting commission that draws the new district maps in a way that does not rely on partisan data such as election results or party registration or favor particular political parties or candidates.

The record of the vote approving this article shall be transmitted by written notice from the selectmen to the town of Pembroke's state legislators and to the Governor of New Hampshire informing them of the instructions from their constituents within 30 days of the vote.

MOVED: Dave Doherty

SECONDED: Gene Gauss

After a lengthy discussion, a motion was made to vote on the Article.

MOVED: Gene Gauss

SECONDED: Sandy Goulet

VOTE ON THE MOTION: YES

MOTION PASSED

VOTE ON ARTICLE 14: YES

ARTICLE #14 PASSED

ARTICLE 15: To see if the Town will vote to raise and appropriate the Budget Committee's recommended amount of \$8,573,871 for the 2020 municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately.

Recommended by the Board of Selectmen
Recommended by the Budget Committee

Budget Committee Chair Karen Yeaton explains the budget and the tax impact sheet.

MOVED: Karen Yeaton

SECONDED: Gerard Fleury

There was a motion made to: To see if the town will raise and appropriate the amount of \$8,723,871 for the 2020 municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately and recommend the Board of Selectmen add \$150,000 to line item called Road Repair/Reconstruction

MOVED: Jason Menard

SECONDED: Paulette Malo

Jason Menard Roads Committee member explained that there is a little bit of a concern that with asphalt prices that are down right now but can also go up, feel that at some point they will run out of money to do the amount of road reconstruction and repairs that the Roads Commission would like to do.

Mark Lepage stated that asphalt being an oil base product and oil prices being what they are right now, doesn't see the asphalt prices going up anytime in the near future and states that he is against the amendment.

Karen Yeaton of the Budget Committee stated that the figure in the proposed budget is what was presented by the Roads Committee and unless they have some new information that would warrant this amendment, feels they should vote the amendment down.

Gerard Fleury, Capital Improvement Committee member states that they work with all the Boards, Committees and Commissions to develop a plan for the town and feels they should stay with the proposed budget.

VOTE ON THE AMENDMENT: NO AMENDMENT FAILS

VOTE ON ARTICLE #15 AS PROPOSED: YES

ARTICLE #15 PASSED

ARTICLE 16: To transact any other business that may legally come before said meeting.

There was a motion made to accept the reports of all boards, committees and commissions as printed in the 2019 Town Report.

MOVED: James F. Goff

SECONDED: Peter Mehegan

VOTE: YES

Town Administrator David Jodoin stated that he would like to thank Tina Courtemanche for her many years of service to the town as a Selectperson, Gerard Fleury, for his many years of service to the town as a Trust Fund Trustee and Jimmy Boisvert for his many years of service as the Public Works Director.

There was a motion made to adjourn the 2020 Town Meeting.

MOVED: Peter Mehegan

SECONDED: Robert Samson

VOTE: YES

The Pembroke Town meeting adjourned at 12:43 pm.

After the meeting adjourned, Moderator Petit swore in all officials that were elected on the 2020 Town Meeting ballot.

Respectfully submitted:

James F. Goff
Town Clerk
Pembroke, NH

March 16th, 2020

TOWN SEAL

