

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
MARCH 8, 2011**

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

A motion was made to act on Articles #1 and #2 and to act on the remaining articles at the deliberative session on March 12, 2011 at the Pembroke Academy Auditorium.

MOVED: Chester Martel

SECONDED: Charles Mitchell

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

*522

Sewer Commissioner for three years:
vote for not more than one
Paulette Malo

*461

Treasurer for one year:
vote for not more than one
Charles L. Connor

*491

Water Commissioner for five years:
vote for not more than one
Louise Petit Roberts

*465

Selectman for three years:
vote for not more than two
Robert Samson
Justine "Tina" Courtmanche
Dana J. Dexter
Cindy Lewis

*288

*343

85

240

Library Trustee for three years:
vote for not more than two
no one filed

Patricia Crafts

*59 write-in votes

Trust Fund Trustee three years:
vote for not more than one
Gerard Fleury

*467

Selectman for one year:
vote for not more than one
Larry Preston
Richard Bilodeau
Fred Kline

96

83

*329

5436 names on checklist

551 ballots cast

ARTICLE 2 – AMEND ZONING ORDINANCE

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

Amendment #1

Are you in favor of the adoption of Amendment #1 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend § 143-8 Definitions, to amend the definition of dwelling unit to include what constitutes cooking facilities and to replace the definition of wetlands to reference the

State of New Hampshire's definition of wetlands (as stated in NH RSA 482-A:2, X.)

YES 363 NO 143 AMENDMENT #1 PASSED

Amendment #2

Are you in favor of the adoption of Amendment #2 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend § 143-22 Accessory Buildings, to allow accessory buildings in the Limited Office (LO) District and to allow reductions in the minimum rear yard depth to 15 feet as it is in the R1, B1, and B2 districts.

YES 329 NO 178 AMENDMENT #2 PASSED

Amendment #3

Are you in favor of the adoption of Amendment #3 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend § 143-39 Temporary office trailer or storage trailer to include storage pods, to require a permit from the Code Enforcement Officer, with fees established by the Selectmen, for a period less than 12 months, to require a special use permit from the Planning Board for a period more than 12 months, and to require that the placement of trailers and/or pods adhere to the setback requirements of the district they are to reside in.

YES 293 NO 217 AMENDMENT #3 PASSED

Amendment #4

Are you in favor of the adoption of Amendment #4 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend § 143-62 Dimensional Table of Signs, § 143-63 Special Conditions for specific types of signs, and § 143-66 Number of signs to remove any mention of the Home Business district and to replace all mentions of minor and major home occupations with minor and major home businesses.

YES 280 NO 193 AMENDMENT #4 PASSED

Amendment #5

Are you in favor of the adoption of Amendment #5 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To replace the existing § 143-72 Wetlands Protection District ordinance with a new § 143-72 Wetlands Protection ordinance.

YES 327 NO 154 AMENDMENT #5 PASSED

Amendment #6

Are you in favor of the adoption of Amendment #6 as proposed by the Planning Board for

the Town Zoning Ordinance as follows:

To add a section to the Zoning Ordinance entitled § 143-35.1, Private Sales and Related Outdoor Display, which would regulate the private sale and related outdoor display of items to three items per calendar year per lot, require notification to the Code Enforcement Officer for each item to be displayed, and provide a 90-day display period for each item from the date of notification. Approved commercial sales, such as equipment and motor vehicle dealerships, with prior site plan approval from the Pembroke Planning Board, as well as yard sales, are exempt from the provisions of this article.

YES 261 NO 233 AMENDMENT #6 PASSED

Amendment #7

Are you in favor of the adoption of Amendment #7 as proposed by a Citizen Petition for the Town Zoning Ordinance as follows:

To add a section to the Zoning Ordinance entitled § 143-35.1, Private Sales and Outdoor Display, which would regulate the private sale and outdoor display of items to three items per calendar year per lot, allow only one item to be offered for sale at any one time, require a no-cost permit from the Code Enforcement Officer for each item to be displayed, allow only one permit per item per calendar year (additional permits for unsold items will not be granted in one calendar year), and provide a 90-day display period for each item from the date the permit is granted. Approved commercial sales, such as equipment and motor vehicle dealerships, with prior site plan approval from the Pembroke Planning Board, as well as yard sales, are exempt from the provisions of this article.

This amendment is not supported by the Pembroke Planning Board.

YES 144 NO 350 AMENDMENT #7 FAILED

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
DELIBERATIVE SESSION
MARCH 12, 2011**

Moderator Thomas E. Petit opens the meeting at 10:00 a.m. and reads the results of the ballot vote taken on March 8, 2011. He then calls the meeting to order at 10:18 a.m.

Selectperson Cindy Lewis read the proclamation from the 2010 Pembroke Town Report naming Benjamin "Ben" Talford Citizen of the Year.

Diane Schuett explains that the award is given posthumously and she also has an award to be presented to Ben's widow, Jeanne Talford. The award is a 2010 Spirit of NH Award Certificate of Appreciation given to Ben Talford as an acknowledgment of exemplary contribution to volunteerism and to the betterment of life in NH. Signed by Lisa Michaud, Chairman of the Board of Volunteer NH and also signed by John H. Lynch, Governor of NH.

Dan Crean made a motion to dispense with the reading of the full warrant and proceed with the meeting.

MOVED: Dan Crean

SECONDED: Thomas Serafin

VOTE: YES

MOTION ACCEPTED

ARTICLE #3: To see if the Town will vote to raise and appropriate the sum of \$1,400,000 for the Roadway Improvement and reconstruction project for the following streets; Broadway, Pine, Maple, Prospect and Pleasant, and to authorize the issuance of not more than \$1,400,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Selectmen to issue and negotiate such bonds or notes and to determine the rate of interest thereon; (2/3 ballot vote required)

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Normand Provencher

SECONDED: Gerard Fleury

Selectperson Cindy Lewis gave an overview of the project.

Water Commissioner Christopher Culberson gave an overview of the work that needs to be done with respect to the water line infrastructure for that same project. This will be acted upon in Article #4. He then made a motion to vote on Article #3 and Article #4 at the same time.

MOVED: Christopher Culberson

SECONDED: Dave Sheldon

VOTE: YES

MOTION ACCEPTED

ARTICLE #4: To see if the Town will vote to raise and appropriate through water fees (bond will be paid for by users not through property taxes) the sum of \$450,000 for the Water line infrastructure replacement for the following streets; Broadway, Pine, Maple, Prospect and Pleasant, and to authorize the issuance of not more than \$450,000 of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA 33) and to authorize the Water Commissioners to issue and negotiate such bonds or notes and to determine the rate of interest thereon; (2/3 ballot vote required)

Recommended by Board of Selectmen
Recommended by Budget Committee

Town Administrator David Jodoin explained that by contracting the full project all in one year, the cost would be about \$1,400,000. If they broke it up into three phases over three years, the projected cost would be about \$1,800,000.

Adrien Morales stated that he thought that having angled parking would produce a safety problem.

Charles Albee asked if there was any state or federal funds for this project.

David Jodoin stated that there was no stimulus money available for this.

Thomas Serafin asked if there will be any sewer line work done at the same time.

Sewer Commissioner Harold Thompson stated that the sewer commission has no intention of doing any upgrades to the sewer as they feel that the lines are fine in that area.

Moderator Thomas E. Petit opens the polls for voting on Articles #3 and #4 at 10:56 a.m.

The Moderator continues with the meeting.

ARTICLE #5: To see if the Town will vote to raise and appropriate the sum of \$301,000 for the purchase of a parcel of land located adjacent to 553 Buck Street (Hillman property), said parcel is 46.3 +/- acres as described in the survey plan completed by Henry Amsden plan # 19590; and to further authorize the Conservation Commission to withdraw the sum not to exceed \$301,000 from the Conservation Fund for this purchase; and to further authorize the transfer of a conservation easement on the above noted property to Five Rivers Land Trust, a non profit organization dedicated to protecting open space lands in Central NH to preserve the natural landscape of NH communities. (This article has no impact on taxes)

Not Recommended by Board of Selectmen

Not Recommended by Budget Committee

MOVED: William Nunnally

SECONDED: Larry Preston

There was a motion made to amend "Five Rivers Land Trust" to "Five Rivers Conservation Trust"

MOVED: Ammy Heiser

SECONDED: James Garvin

VOTE: YES

MOTION PASSED

There was an informational presentation made by Conservation Commission members Carol Bertsimas, Ammy Heiser and Brian Mrazik.

After much discussion, there was a petition presented to the Moderator signed by: Larry Preston, John Duggan, Trevor Kole, Norm Provencher, Brian Lemoine and Glenda Lemoine calling for a ballot vote on Article #5.

After all the registered voters in attendance who wished to cast a ballot on Article #5 had done so, the Moderator Petit closed the polls for Article #5. The ballots were counted and the Moderator read the results.

YES 187

NO 54

ARTICLE #5 ADOPTED

There was a motion made to apply RSA 40:10 on Article #5

MOVED: Ammy Heiser

SECONDED: Carol Bertsimas

VOTE: YES

MOTION ACCEPTED

ARTICLE #6: To see if the Town will vote to approve the cost items included in the collective bargaining agreement reached between the Board of Selectmen and the International Union of Operating Engineers Local 998 regarding Public Works Employees; which calls for the following increases in salaries and benefits at the current staffing levels:

<u>Fiscal Year</u>	<u>Estimated Increase</u>
2011	\$11,712
2012	\$12,803
2013	\$15,039

And to further raise and appropriate the sum of \$11,712 for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels in accordance with the most recent collective bargaining agreement.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: David Sheldon

SECONDED: Larry Preston

VOTE: YES

ARTICLE #6 ADOPTED

ARTICLE #7: To see if the Town will vote to raise and appropriate the sums set forth below to be placed in the Capital Reserve Funds previously established.

Town Equipment Capital Reserve Fund	\$ 75,000
Police Cruiser Capital Reserve Fund	\$ 55,000
Police Small Equipment Capital Reserve Fund	\$ 13,500
Municipal Facilities Capital Reserve Fund	\$ 10,000
Fire Major Equipment Capital Reserve Fund	\$170,000
Fire Small Equipment Capital Reserve Fund	\$ 40,000
Revaluation Update Capital Reserve Fund	\$ 32,500
Library Reference Media Capital Reserve Fund	\$ 3,500

\$399,500

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Rob Farley

SECONDED: David Sheldon

VOTE: YES

ARTICLE #7 ADOPTED

ARTICLE #8: To see if the Town will vote to raise and appropriate the sum not to exceed \$66,901 to purchase and equip one (1) Police cruiser and (1) Police Admin vehicle and to authorize the withdrawal of a sum not to exceed \$66,901 from the Police Cruiser Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: William Nunnally

SECONDED: Marc Chevette

VOTE: YES

ARTICLE #8 ADOPTED

ARTICLE #9: To see if the Town will vote to raise and appropriate the sum not to exceed \$12,000 for repairs and improvements at Memorial Field to include the following items; Men's softball backstop, Pavilion and stage and to authorize the withdrawal of a sum not to exceed \$12,000 from the Recreation Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Larry Preston

SECONDED: Marc Chevette

VOTE: YES

ARTICLE #9 ADOPTED

ARTICLE #10: Shall the Town adopt the provisions of RSA 31:95-c to restrict all of the revenues received by the town from N.H. Fish and Game statute and Town of Pembroke OHRV fines and forfeitures, to expenditures for the purpose of OHRV enforcement? Such revenues and expenditure shall be accounted for in a special revenue fund to be known as the Police Department OHRV Enforcement Fund, separate from the general fund. Any surplus in the said fund shall not be deemed part of the general fund and shall be expended only after a vote by the legislative body to appropriate a specific amount from said fund for a special purpose related to the purpose of the fund or source of the revenue. (Ballot vote required)

MOVED: David Sheldon

SECONDED: March Chevette

Police Chief Scott Lane explains the intent of this article.

Moderator Petit opens the polls for voting on Article #10.

After all registered voters in attendance who wished to vote had done so, the Moderator closes to polls for voting on Article #10. The ballots are counted and the results are as follows:

YES 154

NO 19

ARTICLE #10 ADOPTED

ARTICLE #3 AND #4 RESULTS:

At this point in the meeting the polls for Articles #3 and #4 had been open for more than 1 hour and after the moderator determines that all registered voters who wished to vote on each article

had done so, the moderator closes the polls for voting on Articles #3 and #4 at 12:05 p.m.. The ballots were counted and the results are as follows:

ARTICLE #3: 2/3 ballot vote required

YES 193 NO 52 78% in favor ARTICLE #3 ADOPTED

ARTICLE #4: 2/3 ballot vote required

YES 198 NO 50 80% in favor ARTICLE #4 ADOPTED

ARTICLE #11: Shall the Town vote to discontinue a portion of Ricker Road as noted below and annex said description to Map 256, Lot 21 as follows; Commencing at a point on the southerly sideline of Ricker Road, said point being the following courses, as measured along the sideline of Ricker Road, from the center of a stone headwall marking the northwesterly most corner of land now or formerly of John and Christine Beausoleil; N25°49'10"E a distance of 11.59 feet to a point; thence along a curve to the right having a central angle of 17°29'04" and a radius of 100.50 feet a distance of 30.67 feet to the true point of beginning, thence commencing from the point of beginning N37°35'10"E a distance of 465.45 feet to a point; thence by a curve to the left, having a central angle of 19°14'09" and a radius of 200.50 feet a distance of 67.31 feet to a point; thence S14°14'10"W a distance of 98.06 feet to a point; thence by a curve to the right, having a central angle of 44°28'30" and a radius of 199.50' a distance of 154.86 feet to a point; thence S58°42'40"W a distance of 142.75 feet to a point; thence by a curve to the left, having a central angle of 15°24'26" and a radius of 100.50 feet a distance of 27.03 feet to the point of beginning, containing 17,892 square feet or 0.41 acres. This discontinuance of this area will be at no cost to the Town.

MOVED: David Sheldon

SECONDED: John Duggan

VOTE: YES

ARTICLE #11 ADOPTED

ARTICLE #12: (By Petition) We, The undersigned residents and registered voters of the Town of Pembroke do hereby submit the following petition for Town Meeting vote: To see if the Town will vote to register and disseminate to all concerned its objection, opposition and commitment to stop the construction of any new portion of the high voltage transmission line that deviates from the alignment of the present existing right of ways in the Town of Pembroke NH as presently proposed by Northeast Utilities, NStar and Hydro- Quebec since such a huge scar constructed and erected through and above the town's treasured residential and scenic private properties will cause inestimable damage to the orderly economic development of the Town, and the health and wellbeing of its residents; or to take any other action relative thereto.

MOVED: Charles Schmidt

SECONDED: Rob Farley

There was a motion made to amend Article #12 to now read: We, The undersigned residents and registered voters of the Town of Pembroke do hereby submit the following petition for Town Meeting vote: To see if the Town will vote to register and disseminate to all concerned its objection, opposition and commitment to stop the construction of any new High Voltage Transmission Line in the Town of Pembroke NH as presently proposed by Northeast Utilities,

NStar and Hydro-Quebec, since such a huge scar constructed and erected through and above the Town's treasured residential and scenic private properties will cause inestimable damage to the orderly economic development of the Town, and the health and wellbeing of its residents; or to take any other action relative thereto.

MOVED: Marc Chronis

SECONDED: John French

After much discussion, a vote was taken on the amendment.

VOTE: YES

AMENDMENT PASSED

There was a motion made to add "advisory only." at the end of this article.

MOVED: Larry Preston

SECONDED: David Sheldon

VOTE ON AMENDMENT: YES

AMENDMENT PASSED

After much discussion on the effects that this will have on the Town of Pembroke and the loss of property values, a vote was taken on Article #12 as amended.

VOTE: YES

ARTICLE #12 PASSED AS AMENDED

ARTICLE #13: (By Petition) To see if the Town will vote to appropriate the sum of \$100,000 from the paving budget to finish the paving of Cross Country Road. The Town has \$600,000 for paving in the budget and there will be no impact on your taxes. (This article is advisory only)

MOVED: Harold Paulsen

SECONDED: Chester Martel

Marc Chronis asked which section of Cross Country Road this article pertains to.

Steven Abbott explained that it is the dirt section north of North Pembroke Road and that there is a maintenance and dust issue.

Larry Preston speaks in opposition to the article.

VOTE: NO

ARTICLE #13 FAILS

ARTICLE #14: To see if the Town will vote to raise and appropriate the Budget Committee's recommended amount of \$7,019,322 for the 2011 Municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately. The Board of Selectmen recommend raising and appropriating the sum of \$7,045,493 as the 2011 municipal operating budget.

Budget Committee Recommends \$7,019,322

Board of Selectmen Recommends \$7,045,493

Chairman of the Budget Committee, Mark Lepage gives an overview of the budget and how the budget committee came up with their recommendation.

MOVED: Mark Lepage

SECONDED: Gerard Fleury

VOTE: YES

ARTICLE #14 ADOPTED

Town Administrator, David Jodoin acknowledges Nancy Kurinskas for her many years of service to the Town of Pembroke as tax collector. Nancy recently retired after 29 years with the Town.

Sally Hyland of the Recycling Committee stated that the program has been doing really well. The town has about a 28% recycling rate and thanked the Public Works Department for all the hard work and effort they have provided.

There was a motion made to Adjourn.

MOVED: William Nunnally

SECONDED: Nancy Kurinskas

VOTE: YES

MEETING ADJOURNED AT 1:56 p.m.

Respectfully submitted:

James F. Goff
Town Clerk
Town of Pembroke

TOWN SEAL

