

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
MARCH 13, 2012**

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 17, 2012 at the Pembroke Academy Auditorium.

MOVED: Daniel Crean

SECONDED: Roland Young, Jr.

VOTE: YES

MOTION PASSED

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

*Denotes elected

Town Clerk for one year:
vote for not more than one
James F. Goff

*354

Water Commissioner for five years:
vote for not more than one
Edward R. Lavallee

*338

Moderator for two years:
vote for not more than one
Thomas E. Petit

*345

Library Trustee for three years:
vote for not more than one
Joyce Heinrich

*327

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

*343

Library Trustee for two years:
vote for not more than one
Susanne Whitbeck

*334

Selectman for three years:
vote for not more than one
Joel VanPatten
Richard Bilodeau
Fred Kline

52

54

*235

Trust Fund Trustee for three years:
vote for not more than one
Normand Provencher

*334

Sewer Commissioner for three years:
vote for not more than one
Jules A. Pellerin

*317

Checklist Supervisor for six years:
vote for not more than one
Roland H. Young, Jr.

*338

4341 voters on the Checklist
373 ballots cast
9% voter turnout

ARTICLE 2 – AMEND ZONING ORDINANCE

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

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 read as follows: **MANUFACTURED HOUSING/HOME** - Shall be as defined in RSA 674:31, as amended. **Manufactured housing/home shall not include pre-site built housing as defined in this Ordinance.**

For floodplain management purposes ONLY the term "Manufactured Housing/Home" means a structure, transportable in one or more sections, which is built on a permanent foundation when attached to the required utilities and includes park trailers, travel trailers, and other similar vehicles placed on site for greater than 180 days. This includes manufactured homes located in a manufactured home park or subdivision.

PRE-SITE BUILT HOUSING - Shall be as defined in RSA 674:31-a, as amended. Pre-site built housing shall not include manufactured housing/home as defined in this Ordinance.

YES 243 NO 75 AMENDMENT #1 ADOPTED

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 and add the following language to Article VIII – Signs §143-58 General Requirements as follows:

B. Prohibited signs: The following shall not be constructed, posted or erected in any district unless otherwise indicated:

(3) (Reserved)

(5) Signs which physically or visually move, rotate, or create an illusion of movement, or which have parts or surfaces that physically or visually move, rotate, or create the illusion of movement, or which emits audible sounds, noises, or visible matter; or

(6) Signs which appear animated or projected, or which are intermittently or intensely illuminated or of a traveling, tracing, scrolling or sequential light type, or signs which contain or are illuminated by animated or flashing light.

D. Safety standards:

No Person may erect a sign which is:	
(1)	<u>Is</u> constructed contrary to the standards contained in the currently adopted building code, <i>Editor's Note: See Ch. 58, Building Construction.</i> or the provisions of this Chapter; <u>State Building Code RSA 155 adopted by the State of New Hampshire;</u>
(2)	<u>Is</u> structurally unsafe;

YES 253 NO 91 AMENDMENT #2 ADOPTED

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 add the following language to Article VIII – Signs §143-63 Special conditions for specific types of signs as follows:

X. Electronic Changing Signs include, but are not limited to, electronic message center (EMC), electronic message sign (EMS), and changeable copy board (CCB) signs that display illuminated messages that can change frequently, can flash, display and/or convey messages in text, graphics, pictures, symbols, multiple colors, rhythms, animation, and/or patterns. This sign's message may be changed by the electronic switching of lamps, illuminated tubes, bulbs, and/or through the apparent movement of light. These signs are capable of storing and/or displaying single or multiple messages in various formats at varying intervals.

In addition to being permitted in the Commercial/Light Industrial (C1) District (see § 143-62. Dimensional Table of Signs), electronic changing signs are permitted on those lots directly abutting Pembroke Street from properties south of the Pembroke Street/Main Street intersection to the Allenstown town line.

Electronic changing signs may be freestanding or building mounted, one or two-sided, may be a component of a larger sign or billboard, and shall conform to the

following minimum requirements along with all other requirements for signage within this ordinance:

- (1) No more than one electronic changing sign shall be allowed per lot;
- (2) Electronic changing signs shall be restricted to a maximum of four (4) lines of text or message display, and text shall be restricted to a maximum of ten (10) inches in height;
- (3) Electronic changing signs shall be required to have a minimum of one-hundred and fifty (150) feet between other electronic changing signs located on the same side of a street or highway;
- (4) Electronic changing signs shall be allowed only on lots with a minimum street frontage in accordance with the § 143-21. Table of Dimensional and Density Requirements;
- (5) Electronic changing signs shall be located a minimum of two-hundred (200) feet from any off-site residential dwelling unit;
- (6) Text and message displays of an electronic changing sign, including the background, shall consist of only two colors at any one time;
- (7) Text and message displays of an electronic changing sign may change once every twenty-four (24) hours. Electronic changing signs displaying the time and temperature are exempt from this restriction;
- (8) All illumination elements on the face of electronic changing signs shall remain at a fixed level of illumination for a period of not less than one (1) hour;
- (9) Electronic changing signs shall be equipped with automatic dimming controls so the brightness level will be highest during the day and lowest at night. Manufacturer specifications shall be submitted at the time of sign permit specifying maximum and minimum sign brightness. The maximum brightness shall not exceed 8,000 NITS with a maximum nighttime reading not to exceed 1,600 NITS;
- (10) Under the provisions of this subsection, the applicant for the sign permit for an electronic changing sign shall provide, with the application, an affidavit, sworn or attested by the landowner or applicant, and sign installer, attesting to the fact that:
 - (a) The sign to be installed meets all of the criteria set forth in this subsection;
 - (b) That the sign shall operate in a manner consistent with the criteria set forth in this subsection; and
 - (c) The landowner and applicant agree to be held liable, separately or collectively, if these provisions are not met for any fines or cost incurred by the Town of Pembroke to enforce these provisions arising from such violations. This provision shall not be construed to supersede any other responsibility or remedy for such violations set forth in this chapter.

YES 244 NO 103 AMENDMENT #3 ADOPTED

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 add the following language to Article VIII – Signs §143-64 Standards for the illumination of signs as follows:

Illumination of signs, whether internal or external, shall not create conditions that are dangerous to the comfort, peace, enjoyment, health, or safety of the community or lend to

its disturbance or annoyance.

YES 268 NO 67 AMENDMENT #4 ADOPTED

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 add the following language to Article XV – Enforcement of penalties §143-22 Permit required as follows:

- A. New buildings and structures:** It shall be unlawful for any person to erect, construct, reconstruct, or alter a structure as defined by the New Hampshire Building Code, RSA 155:A, as amended, and the International Residential Code, as published and amended by the International Code Council, Inc., without applying for and receiving from the ~~Selectmen~~ **Code Enforcement Officer** a building permit.
- B. Change in use or modification of buildings and structures:** **It shall be unlawful for any person to change the use or lot coverage, or extend or displace the use of any building, structure, or lot beyond what is allowed for that zoning district without applying for and receiving all applicable approvals from the Zoning Board of Adjustment and/or the Planning Board.**
- C. Approvals required prior to building permit:** **No building permit shall be issued until all other required approvals are secured by the applicant. Such approvals may include, but shall not be limited to, special exception, variance, special use permit, site plan approval, or subdivision approval. Verification of compliance with such approvals and all associated conditions imposed pursuant to the approvals and with all provisions of the Zoning Ordinance, Site Plan Review Regulations, Subdivision Regulations, and Building Code shall be made by the Code Enforcement Officer prior to issuance of a building permit.**
- D. All building permit applications shall be accompanied by a completed Department Approval form signed by the applicant and all required departments.**

YES 228 NO 119 AMENDMENT #5 ADOPTED

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 amend the following language to Article XV – Building permit time limits §143-125 building permit time limits as follows:

Any work for which a building permit has been issued by the ~~Selectmen~~ **Code Enforcement Officer** shall be actively pursued within 180 days and completed within one year of the date of the issuance of the building permit. Any building permit issued for a project which is actively pursued for one year may be extended at the discretion of the ~~Selectmen~~ **Code Enforcement Officer**.

YES 249 NO 85 AMENDMENT #6 ADOPTED

Amendment #7

Are you in favor of the adoption of Amendment #7 as proposed by the Planning Board for the Town Zoning Ordinance as follows:

To amend the following language to Article XV – §143-126 Violations as follows:

The ~~Selectmen~~ **Code Enforcement Officer** shall serve notice of violation and order to any owner or person responsible for the erection, construction, reconstruction, conversion, alteration of a structure or change in use, increase in intensity of use, or extension or displacement of use of any structure or lot in violation of any approved plan, information or drawing pertinent thereto; or in violation of a permit issued under the provisions of this chapter and such order shall direct

the immediate discontinuance of the unlawful action, use or condition and the abatement of the violation. Any owner, who has been served with a notice and ceases any work or other activity, shall not leave any structure or lot in such a condition as to be a hazard or menace to the public safety, health, morals or general welfare.

YES 255 NO 80 AMENDMENT #7 ADOPTED

**MINUTES OF THE ANNUAL TOWN MEETING
TOWN OF PEMBROKE, NH
DELIBERATIVE SESSION
MARCH 17, 2012**

Moderator Thomas E. Petit opens the meeting at 10:00 a.m. and reads the results of the ballot vote taken on March 13, 2012.

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

MOVED: Daniel Crean SECONDED: Thomas Serafin

VOTE: YES MOTION ACCEPTED

Chairman of the Board of Selectmen, Fred Kline, congratulates the Citizens of the Year, Patricia and Stephen Fowler. Then reads the proclamation that is written in the 2011 Pembroke Town Report.

Ayn Whytemare announced that Ammy Heiser was recently recognized by the New Hampshire Fish and Game Commission with an Award of Excellence for ther effort in the conservation field in support of the New Hampshire Fish and Game Department’s mission. A VOLUNTEER AWARD OF EXCELLENCE this year was presented to Ammy Heiser of Pembroke, whose efforts resulted in the permanent conservation of the Hillman property in Pembroke, a 44-acre working farm along the Suncook River.

ARTICLE 3 – 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	\$100,000
Police Cruiser Capital Reserve Fund	\$ 55,000
Police Small Equipment Capital Reserve Fund	\$ 6,750
Municipal Facilities Capital Reserve Fund	\$ 5,000
Fire Major Equipment Capital Reserve Fund	\$130,000
Fire Small Equipment Capital Reserve Fund	\$ 18,000
Revaluation Update Capital Reserve Fund	\$ 32,500
Library Reference Media Capital Reserve Fund	\$ 3,500
Recreation Capital Reserve Fund	\$ 8,750

	\$359,500

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Robert Farley SECONDED: Charles Schmidt

VOTE: YES ARTICLE #3 ADOPTED

ARTICLE 4 – To see if the Town will vote to establish an Ambulance Fund pursuant to RSA 31:95-h I(b) for providing ambulance services in conjunction with the proposed Inter Municipal agreement with the Town of Allenstown. The money received from fees and charges for services, shall be allowed to accumulate from year to year and shall not be part of the Town’s General Fund unreserved fund balances. All expenditures related to this fund shall be for payroll and operational expenses associated with providing an ambulance service. The Town Treasurer

shall have custody of all monies in the fund, and shall pay out the same only upon the order of the Board of Selectmen, and no further approval is required by the legislative body to expend. Such funds may be expended only for the purpose for which the fund was created.

MOVED: Robert Farley

SECONDED: Eric Alley

VOTE: YES

ARTICLE #4 ADOPTED

ARTICLE 5 – To see if the Town will vote to create a Capital Reserve Fund under the provisions of RSA 35:1, to be known as the Library Building and Grounds Repair Fund, for future Library repairs and to name the Library Trustees as agents to expend, and to further raise and appropriate the sum of \$3,500 to be placed in this fund.

Recommended by Library Trustees
Recommended by Budget Committee

MOVED: Jay Smith

SECONDED: Gerard Fleury

VOTE: YES

ARTICLE #5 ADOPTED

ARTICLE 6 – To see if the Town will vote to raise and appropriate the sum not to exceed \$31,000 to purchase and equip one (1) Police cruiser and to authorize the withdrawal of a sum not to exceed \$31,000 from the Police Cruiser Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Robert Farley

SECONDED: Annette Alley

VOTE: YES

ARTICLE #6 ADOPTED

ARTICLE 7 – To see if the Town will vote to raise and appropriate the sum not to exceed \$14,690 for equipment and repairs at Memorial Field to include the following items; Softball dugout repairs, sealing of basketball court and replacement of riding mower and to authorize the withdrawal of a sum not to exceed \$14,690 from the Recreation Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Gerard Fleury

SECONDED: Mark Chevrette

VOTE: YES

ARTICLE #7 ADOPTED

ARTICLE 8 – To see if the Town will vote to raise and appropriate the sum not to exceed \$77,931 for purchase of a dump/plow truck and related equipment and to authorize the withdrawal of a sum not to exceed \$77,931 from the Town Equipment Capital reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Daniel Crean

SECONDED: Mark Chevrette

VOTE: YES

ARTICLE #8 ADOPTED

ARTICLE 9 – To see if the Town will vote to raise and appropriate the sum not to exceed \$12,900 for the purchase of a new sidewalk plow and to authorize the withdrawal of a sum not to exceed \$12,900 from the Town Equipment Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: Mark Chevette

SECONDED: Robert Farley

VOTE: YES

ARTICLE #9 ADOPTED

ARTICLE 10 - To see if the Town will vote to raise and appropriate the sum not to exceed \$4,000 for repairs and improvements at the Pembroke Street Cemetery and to authorize the withdrawal of a sum not to exceed \$4,000 from the Cemetery Improvements Capital Reserve Fund created for this purpose.

Recommended by Board of Selectmen
Recommended by Budget Committee

MOVED: James Garvin

SECONDED: Mark Chevette

VOTE: YES

ARTICLE #10 ADOPTED

ARTICLE 11 – To see if the Town will vote to approve adding the total pay increase that all other Town employees receive for Merit pay adjustments, to the Town Clerks salary to increase the annual pay as opposed to paying a lump sum stipend that does not add to the base pay.

MOVED: James Goff

SECONDED: Eric Alley

VOTE: YES

ARTICLE #11 ADOPTED

ARTICLE 12 - To see if the Town will vote to authorize the naming of Town parcel #266-171 as the Robert Frost Park in conjunction with the approved request from Meet Me In Suncook at their meeting dated October 3, 2011.

MOVED: Laurent Perron

SECONDED: Diane Schuett

VOTE: YES

ARTICLE #12 ADOPTED

ARTICLE 13 – To see if the Town will vote to discontinue Soucook Lane as a public road pursuant to RSA 231:43 and release any interest the Town may have in the land beneath the road. Soucook Lane is located off of Horse Corner Road and provides access to lots owned by John A Rymes and identified on the Town tax maps as 256-10-1 and 256-11.

MOVED: Alan Topliff

SECONDED: Charles Schmidt

There was a motion made to amend Article #13 by adding to the end the following: "This transfer shall take place only if the Board of Selectmen receive an agreement between the State of New Hampshire and Rymes that continue to allow the State to access their property for maintenance reasons."

MOVED: Fred Kline

SECONDED: David Sheldon

Peter Bonanno questioned whether this amendment will bog the whole process down.

Town Administrator David Jodoin stated that both the State DOT and Rymes have stated that they agree with this.

VOTE ON AMENDMENT TO ARTICLE #13: YES AMENDMENT PASSED

VOTE ON ARTICLE #13 AS AMENDED: YES

ARTICLE #13 ADOPTED AS AMENDED

ARTICLE 14 (By Petition) – To see if the Town will vote to sell and convey the property owned by the Town known as 4 and 6 Union Street. Such sale shall be by sealed bid which shall be opened and accepted by the Board of Selectmen at a duly noticed public meeting. The Board of Selectmen shall advertise the property in such manner and otherwise take such action as shall further sale and conveyance on appropriate terms and conditions as may be in the public interest of the Town. The Board of Selectmen may accept or reject any or all bids as may further the interest of the Town.

MOVED: Larry Preston

SECONDED: Denise Schmidt

There was a motion made to amend Article #14 to read: To see if the Town will vote to establish a Committee, to be appointed by the moderator, to study the viability of retaining 4 and 6 Union Street as a Town property or transferring it to private ownership or such other action as may be appropriate. The Committee shall hold public hearings to obtain public input and report back to the 2013 Annual Meeting.

MOVED: Daniel Crean

SECONDED: Ray Foss

VOTE ON AMENDMENT TO ARTICLE #14: YES AMENDMENT PASSED

VOTE ON ARTICLE #14 AS AMENDED: YES

ARTICLE #14 ADOPTED AS AMENDED

ARTICLE 15 - To see if the Town will vote to raise and appropriate the Budget Committee's recommended amount of \$7,181,027 for the 2012 Municipal operating budget, not including appropriations by special warrant articles and other appropriations voted separately.

Recommended by Board of Selectmen

Recommended by Budget Committee

MOVED: Mark Lepage

SECONDED: GERARD FLEURY

There was a motion made to: "Expend the remaining balance of the \$42,000 from the Highways and Streets 2011 line item for repaving and top coating of the remainder of Broadway up to Pembroke Street."

MOVED: Peter Bonanno

SECONDED: Teresa Brown

Selectman Fred Kline explained that the money has already lapsed so they would have to raise and appropriate that sum for this year. He also went on to explain that the part of the road mentioned in the amendment is owned and maintained by the State of New Hampshire.

Peter Bonanno stated that he wanted to retract his motion to amend Article #15.

Teresa Brown stated that she also wanted to retract her second to the motion.

VOTE ON ARTICLE #15: YES ARTICLE #15 ADOPTED

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

Evan Shuey stated that as an Eagle Scout project, he is building a community gardens on the Congregational Church property behind the Pembroke Town Hall.

Chris Henderson stated that the Old Home Day Committee is looking for volunteers for the Pembroke/Allentown Old Home Day that will be held on August 25th.

Selectman Fred Kline stated that the Board will be holding a meeting with Public Service Co. of NH on March 19th at the Town Hall pertaining to the noise coming from the new scrubbers at the Bow power plant.

Peter Bonanno stated that the town is welcome to use the youth center at Grace Capital Church for a new polling place.

Rob Farley asked what the Board of Selectmen response is to the School Board's decision to discontinue voting at the Village School.

Selectman Fred Kline stated that the Board of Selectmen and the School Board will be meeting at the April 16th BOS meeting.

There being no further business, there was a motion made to adjourn the meeting.

MOVED: John Duggan SECONDED: Robert Samson

VOTE: YES MEETING ADJOURNED AT 11:32 am.

Respectfully submitted:

James F. Goff
Town Clerk
Town of Pembroke

TOWN SEAL

