

**Elmer G. Raymond Memorial Public Trust Fund
Established 1982**

Article 37 created trust

Article 50 1989 created Advisory Board

Article 48 1996 Re-authorized Trust as:

**Elmer G. Raymond Memorial Public Trust Fund
Elmer G. Raymond Memorial Private Trust Fund**

Created for the maintenance and operation of the Park

RAYMOND PARK PRIVATE - CLOSED 2018

WARRANT ARTICLE 7



1996

ARTICLE 48 (REAUTHORIZE AND CONTINUE ELMER G. RAYMOND MEMORIAL TRUST FUND) Larry Major moved to amend this article by deleting the words..." AND FURTHER TO APPOINT THE SELECTMEN AS AGENTS OF THE FUND PURSUANT TO RSA 31:32."

Seconded. Mr. Major's motion to amend this article is defeated. Tom Kirby moved to amend this article by deleting the entire wording and replacing it with"TO SEE IF THE TOWN WILL VOTE TO REAUTHORIZE AND CONTINUE THE ELMER G. RAYMOND MEMORIAL PARK TRUST FUND FOR THOSE PURPOSES AS PROVIDED IN ARTICLE 37 OF THE 1981 TOWN MEETING, PURSUANT TO CHAPTER 402 (SENATE BILL-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE NOW KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PUBLIC TRUST FUND AND,

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND,

PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF ELMER G. RAYMOND MEMORIAL PARK AND, FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32." Mr. Kirby explained that the intent of this amendment is to allow private contributions and gifts to be donated and protect their use for the purpose they were intended. Jim Druding stated that establishing these funds in this manner will allow making improvements to the parks without it affecting the Parks & Recreation Operating Budget. The amendment made by Mr. Kirby is adopted. Article 48 as amended is adopted.

ARTICLE 49 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE MULDOON PARK TRUST FUND) Tom Kirby moved to delete this entire article and replace it with the following...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE MULDOON PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE MULDOON PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND; PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF GEORGE M. MULDOON PARK AND; FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. Seconded. Amendment to Article 49 is adopted. Article 49 as amended is adopted.

\$250.00

ARTICLE 50 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE GOLDEN BROOK PARK TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Tom Kirby moved to amend this article by deleting it entirely and replacing it with...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE GOLDEN BROOK PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;

1982

36. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$50,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

37. To see if the Town will vote, pursuant to Chapter 402 of the Laws of the 1981 New Hampshire Legislature (Senate Bill 221), to create a trust fund to be known as the Elmer G. Raymond Memorial Park Trust Fund and to have said trust fund be administered by the Board of Trust Fund Trustees heretofore established and elected to administer all of the Trust Funds of the Town of Pelham in accordance with the laws of the State of New Hampshire.

Contributions to said trust fund may be made at any time by private individuals, corporations, or trusts or by public and/or private charities.

The Town of Pelham may, at any annual Town Meeting, in accordance with the applicable budget procedures of the Town, make contributions to said trust fund by transferring funds from the Elmer G. Raymond Memorial Park Capital Reserve Fund to the Elmer G. Raymond Memorial Park Trust Fund.

The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park (Tax Map Parcels 5-70, 5-71, 5-73 and 5-74) and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval, each year, of the annual Town Meeting of the Town of Pelham.

It shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Elmer G. Raymond Memorial Park and to present that budget to the Pelham Budget Committee and annual Town Meeting. This budget shall be funded exclusively from Trust Fund income. No portion whatsoever of the proposed budget shall be raised by local taxes. No portion whatsoever of the annual trust fund income shall be used to fund program activities of any Scout Troop, any Cub Pack, or any other youth group of the Town of Pelham. (BY PETITION)

38. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and place the same in the Elmer G. Raymond Memorial Park Trust Fund heretofore established for the maintenance and operation of

said Park. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until modified or revoked by a subsequent annual Town Meeting. (BY PETITION)

39. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

40. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. These funds are to be used in accordance with criteria established by the State of New Hampshire for the Forests and Lands and Plant Disease Suppression Fund. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

41. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. These funds are to be used in accordance with criteria established by the State of New Hampshire for the Forests and Lands and Plant Disease Suppression Fund. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

1. Lodge
2. Bobca

1981
TOWN REPORT

TITLE III TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31 POWERS AND DUTIES OF TOWNS

Trust Funds

Section 31:32

31:32 Expenditures. – Trust funds, or the income thereof, to be expended, shall be paid to trustees or agents of the town established to carry out the objects designated by such trusts, and, if there be no such trustees or agents, then such expenditures shall be made by the full board of town trustees.

Source. 1915, 162:3. 1919, 96:1. PL 42:23. RL 51:25.

TITLE III

TOWNS, CITIES, VILLAGE DISTRICTS, AND UNINCORPORATED PLACES

CHAPTER 31

POWERS AND DUTIES OF TOWNS

Trust Funds

Section 31:19-a

31:19-a Trust Funds Created by Towns. –

I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to the town's institution or incompatible with the objects of its organization. The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

II. Trust funds created pursuant to this section shall be revocable by majority vote of the legal voters present and voting at any annual meeting, unless the vote creating the trust expressly provides that the trust shall be irrevocable, and upon revocation the trustees of trust funds holding the account for said trust shall pay all the moneys in such fund to the town treasurer.


III. Notwithstanding any other provision of this chapter, any trust fund created under this section shall be subject to the same provisions concerning custody, investment, expenditure, change of purpose, and audit as are reserve funds established under RSA 34:1, 34:1-a, 35:1 or 35:1-c. The legal validity of such a fund properly established shall not be affected by its designation as a "trust," "reserve," "capital reserve," or any other designation.

IV. The local legislative body may authorize the acceptance of privately donated gifts, legacies, and devises to be utilized for the same purposes as a trust fund created under this section; provided, however, that such gifts, legacies, or devises shall be invested and accounted for separately from, and not commingled with, amounts appropriated under paragraph I, and shall be subject to the custody and investment provisions applicable to trust funds accepted under RSA 31:19.

V. A trust fund created under the provisions of this section that is established for the purpose of maintaining health insurance funds for the benefit of employees and retired employees of any town shall be exempt from the provisions of RSA 35:8 or 34:4, and, when so established, the town may name its own trustees who may expend any funds in the trust for the payment of health claims or health insurance premiums for the benefit of any employees or retired employees of the town. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

Source. 1983, 264:2. 1991, 231:1. 1993, 176:1, 2. 1995, 20:2, 3, eff. June 11, 1995. 1998, 44:1, eff. July 4, 1998.

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 Attachments can contain viruses that may harm your computer. Attachments may not display correctly.


From: Bill McDevitt

Sent: Sun 11/15/2009 3:06 PM

To: Ed Gleason; Bob Haverty; Doug Viger; hal@rocketmail.com

Cc: Thomas Gaydos; Brian Johnson; Marie Maruca

Subject: RE: Elmer G. Raymond Park

Attachments:  [Raymond Park summary of activities.doc\(40KB\)](#)

[View As Web Page](#)

As much as it pains me to email this, you are right about the 1996 article. The entire article was essentially re-written in the amendment and the irrevocable was left out. Good thing or it would last forever albeit possibly without any money in it. I had been trying to check articles against minutes but missed this one. I changed my notes to show this and a revised copy is attached.

It does not appear that the BOS needs the express approval of the Raymond Park advisory committee to take action on the park.

Several of the deeds are clear about maintaining the park for the scouts but there is no exclusivity I can see in any of the deeds.

From: Ed Gleason

Sent: Sun 11/15/2009 9:55 AM

To: Bill McDevitt; Bob Haverty; Doug Viger; hal@rocketmail.com

Cc: Thomas Gaydos; Brian Johnson; Marie Maruca

Subject: RE: Elmer G. Raymond Park

Bill:

Mary and I spent Thursday PM researching the Town Voting records on Raymond Park and came up with pretty much the same data and conclusion as you.

The 1996 warrant amendment offered by Tom Kirby and approved by the voters is key and appears to remain in effect at this time.

Mary and I intend to do more research next Thursday to see if any later warrants amended or superseded that warrant. However, we can find no wording on any of the approved warrants that makes the Elmer G. Raymond Trust "irrevocable". In fact, review of the 1996 Warrant amendment as passed raises a conundrum for the Trustees. As was the case with Muldoon Park, in the 1996 warrant Tom Kirby created two distinct Trust Funds: Elmer G Raymond Memorial Park Public Trust Fund (funds provided through public sources), and the, Elmer G Raymond Memorial Park Private Trust Fund (private donations). Previous Trustees never picked up on this and separated the two, so currently only one Trust exists. Unless there are good records on private donations, it appears the current Trust is the Public one.

The Trustees will have to review this and decide how they want to proceed. Mary will bring it up at the next Trustee meeting for resolution.

Thank you for all your effort thus far in this regard. With Mary, you and I working this issue, it should get resolved.

Ed

I have assembled a package of information about Elmer G. Raymond park that identifies action from 1980 Town Meeting through 1997 Town Meeting. I was too lazy to scan all of the documents that the summary says are attached so I will ask Marie to photo them and give you paper copies of them.

This is something that no sane person will do this again so note to Tom and Brian please file these someplace really safe. Perhaps Marie can scan the attachments and file all of this electronically.

Much of the information is of little daily interest but as the BOS looks at forest management or builds more in the park it is critical to know the rules and requirements - some of which are specified in the deeds for individual components of the park.

It would be more than helpful sometime for someone to develop a map which identifies each of the separate parcels which were cobbled together to create the park. This is especially true due to varying requirements for the parcels, especially, but not solely, naming them. The more time that goes by the more likely that mistakes will be made. Some of the original articles are thirty years old (!).

Bill McDevitt

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To: Bill McDevitt; Bob Haverty; Doug Viger; hal@rocketmail.com
Cc: Thomas Gaydos; Brian Johnson; Marie Maruca
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Attachments:

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Bill McDevitt

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From: William Hayes [william.t.hayes@myfairpoint.net]

Sent: Tue 12/15/2009 9:14 AM

To: Ed Gleason; dl Board of Selectmen

Cc: Thomas Gaydos

Subject: Raymond Park Trust

Attachments:

[View As Web Page](#)

Ed:

You are absolutely right that 1982 WA 36, which authorized \$50,000.00 to purchase land with sand and gravel proceeds, has nothing to do with 1982 WA 37, which created a trust fund to maintain Tax Map Parcels 5-70, 5-71 and 5-73.

While, 1982 Warrant Article 37 created a trust fund to maintain parcels 70, 71 and 73, including the building thereon, subsequent Town Meetings Funded the principal for the Trust fund as follows:

38

1982 Warrant Article 44 added \$20,000.0 to the Trust Fund

1983 Warrant Article 41 added another \$20,000.00 ✓ True

1984 Warrant Article 35 added another \$10, 000.00 ✓ to reach the stated goal of \$50,000.00

While it is hard to believe today, at that time bank CDs were paying 9%, so each year \$4,500.00 was appropriated for the maintenance of parcels 70, 71 and 73.

Subsequently my son became an Eagle Scout and I moved on to other activities, such as the soccer fields obtaining a \$46,500.00 plus or minus grant, a trail grant \$21,000.00 ? and the acquisition of additional land. (I have acquired more acres of land at no cost to the Town than the Conservation Commission has acquired using its \$3,000,000.00 tax bond and nearly \$1,000,000.00 in current use tax.) In fact, while Conservation gets the credit, I initiated the acquisition of the

Frederick Cutter Merriam and Cutter Woods purchases.

<http://news.webshots.com/photo/2788238550043297398xIYzC>

And while it may come as a surprise to some of you, I was the one who drafted and presented the Warrant Articles that created the Forest Committee. That occurred shortly after myself, Phil Currier, Mo Picard, Prentice Robinson and Roger Martin (Pelham Lions) used our own funds to pre purchase the key parcel that gave rise to the Peabody Town Forest. I obtained a Federal Grant that

allowed the Town to purchase the land at no cost to the taxpayers or profit to the five of us.

The five of us absorbed the carrying costs out of our own pockets.

After I stopped preparing the Trust Fund Budget, the Town continued to spend \$4,500.00 from the Trust each year, even though interest rates had dropped. This resulted in an invasion of the \$50,000.00 trust principal, a matter discovered by the auditors and Budget Committee. The Budget Committee consulted DRA and the Board of Selectmen, consulted Town Counsel. Both agreed that Trust Fund Trustees cannot invade principal and should not have allowed the Trust balance to go below \$50,000.00.

All agreed that the appropriate way to correct this violation of the law was to stop drawing current income

from the Trust until the balance reached \$50,000.00. Dennis Viger and John Lavallee were involved in the decision to restore the Trust principal to the required \$50,000.00.

At this point, the Trust fell off the radar, the balance of \$50,000.00 was restored and then exceeded.

A few years later a Building Safety Committee was created and determined that the Lodge

didn't meet current codes. A punch list was created. Closure was threatened. The list included many deficiencies, including:

1. Plexi glass over the widows. The plexi was installed to protect from vandals and provide storm windows.
2. The doors opened in and lacked crash bars.
3. The toilets lacked safety rails.
4. Hot water heater lacked a blow off pipe.
5. The sprinkler system lacked a back flow valve.

I mention these items from a much longer list, because these are the items that I volunteered to fix, even though I had no one in Scouting at the time. I fixed all of these items working alone, except with respect to the double doors to the porch. Pelham Lumber Staff loaded the door into my trailer and Bob Sherman and his son helped carry the door to the awaiting opening. I had removed the old doors alone.

I mention the long list of safety items, because we had no money to correct them. I checked the maintenance trust fund and found it contained about \$67,000.00. \$50,000.00 in principal and \$17,000.00 in accumulated income.

I prepared a \$17,000.00 petitioned warrant article and brought the building up to code without spending any tax dollars.

I am familiar with Tom Kirby's amendment to 1996 warrant article 46.

It read in part:

Y900
"To see if the Town will vote to reauthorize and continue the Elmer G. Raymond Memorial Park Trust Fund

for those purposes as provided in Article 37 of the 1981 Town Meeting pursuant to Chapter 402

(Senate Bill 221-which I wrote) of the laws of 1981 and to RSA 31:19 A" RSA 31-19 A was a general

codification of my Senate Bill 221.

The important thing to focus on is that Tom's amendment did not change the original purpose of the trust fund --the maintenance and operation of parcels 5-70. 5-71 and 5-73.

In fact the 1996 amendment was a re affirmation by the voters that the money can only be spent on the parcels listed in 1981 Warrant Article 37.

You are left with two realities:

1. The money must be spent on parcels 5-70, 5-71 and 5-73.
2. The Trustees cannot invade principle. They can only spend any accumulated income in excess of the \$50,000.00 principal.

In my view, the Town Meeting will need to change the purpose of the trust by a 2/3 rds vote or you must abolish the trust and ask the voters to appropriate an identical sum for an irrigation system for the soccer fields.

I don't care what you do with the Trust Fund, as long as you act within the law.

Ed, in the future, you may be able to do a more thorough research job by going to the award winning Hayes-Genoter History and Genealogy Library. We have placed 119 Town Reports on line with tons of

additional material.

The library can be found at this address,

<http://www.pelhamnhhistory.org/>

From: Ed Gleason [mailto:egleason@pelhamweb.com]

Sent: Monday, December 14, 2009 8:17 PM

To: William Hayes; dl Board of Selectmen

Cc: Thomas Gaydos

Subject: RE:

Bill:

I have researched the establishment of the original trust (Article 37 1982) and can find no indication that \$50,000 was ever established as principal.

The existing Trustee records do not indicate that any such establishment of a principal was ever voted.

If your records indicate otherwise, I would appreciate a copy of your record so I can advise the Trustees.

The \$50,000 you reference was moved from the Capital Reserve to the Trust for the purchase of land, which I assumed happened and depleted the funds

Further, in 1996 Tom Kirby got Warrant 48 passed which reestablished the Trust as both Private and Public and authorized the BOS to expend funds from those Trust for the maintenance and operation of Raymond.

I am assuming that Article is in effect.

Ed Gleason

-----Original Message-----

From: William Hayes [mailto:william.t.hayes@myfairpoint.net]

Sent: Mon 12/14/2009 12:37 PM

To: dl Board of Selectmen

Cc: Thomas Gaydos

Subject:

In my opinion, the very specific language of the warrant article trumps a subsequent deed. You can't over rule a Town Meeting vote by accepting a deed. I drafted the warrant articles and the deeds. I can't state unequivocally that the intent of all of these instruments was to limit the expenditure of the Trust Fund to the original Scout Lot.

Also keep in mind that it is basic trust law that you can only spend trust income, you can

not invade principal. Only funds in excess of the original \$50,000.00 principal

can be spent.

I repeat, I have no objection to what you are trying to accomplish, but I think it is important for

Town Officials to act within the law.

Ed Gleason

From: Ed Gleason [ednmaryg@comcast.net]
Sent: Tuesday, December 22, 2009 7:00 PM
To: William Hayes
Cc: Bob Havery; dviger1@pelhamweb.com; Bill Mc Devitt (nhmcdevitt@comcast.net); hlynde@pelhamweb.com; Tom Gaydos (Townadmin@pelhamweb.com)

Bill:

Upon receipt of your last communication, I undertook a complete review of all warrant articles applicable to the Raymond Park Trust Fund, including those you cited as well as Senate Bill 221.

Based upon that review, I must confirm my previous assertion that no documentation apparently exists that the voters ever approved \$50,000 as restricted principal for the Trust.

While that may have been the intent, the \$50,000 was never specified in any warrant and therefore was never approved by the voters. The warrants you cite transfer an aggregate of \$50,000 from the CRF to the Trust, but nowhere is there a stipulation that the funds are principal or intended as principal.

Such being the case, it is my opinion that the provisions of warrant 48 of 1996 are in effect which split the Trust into two Trusts; Raymond Park Private and Raymond Park Public with the BOS designated as agents to expend any remaining funds for the maintenance and operation of the park.

I read with interest your comment that the BudCom and the BOS sought direction on this issue through the DRA and Town Counsel, respectively, so I would appreciate any supporting correspondence for review so I might advise the Trustees accordingly if my findings are incorrect. I'd be interested in what documentation was used to establish the basis of \$50,000 in principal.

Just as a matter of note, my experience with Trust Funds would dictate any such inquiry should be directed to the Charitable Trust Division of the DOJ, not the DRA. So I would be interested in any DRA findings so I can seek DOJ concurrence.

Consequently, in the absence of specific data to the contrary, my advice to the Trustees would be that the existing funds under the Trust can be expended upon presentation of appropriate documentation by the BOS for maintenance and operation of the Park.

Ed Gleason

Information from ESET NOD32 Antivirus, version of virus signature database 4710 (20091222)

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<http://www.eset.com>

SENATE BILL NO.

221

INTRODUCED BY: Sen. Roy of Dist. 22

REFERRED TO: Public Affairs

AN ACT to permit towns to establish trust funds for certain public purposes.

ANALYSIS

This bill permits towns at annual meetings to grant and vote such sums of money as deemed necessary to create trust funds for certain public purposes not foreign to their institution or incompatible with the objects of their organization.

SB 221

STATE OF NEW HAMPSHIRE

In the year of Our Lord one thousand
nine hundred and eighty-one

AN ACT

to permit towns to establish trust funds for
certain public purposes.

Be it Enacted by the Senate and House of Represen-
tatives in General Court convened:

1 Appropriations to Trust. Amend RSA 31 by inserting after section 19
the following new section:

31:19-a Appropriations. Towns may at any annual meeting grant and vote
such sums of money as they deem necessary to create trust funds for the
maintenance and care of libraries, reading-rooms, schools and other
educational facilities, parks, cemeteries and burial lots, the planting and
care of shade and ornamental trees upon their highways and other public
places, and for any other public purpose that is not foreign to their
institution or incompatible with the objects of their organization.

2 Effective Date. This act shall take effect 60 days after its passage.

401:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 23, 1981.]

[Effective Date August 22, 1981.]

CHAPTER 402 (SB 221)

AN ACT TO PERMIT THE TOWN OF PELHAM TO ESTABLISH TRUST FUNDS FOR CERTAIN PUBLIC PURPOSES.

Be it Enacted by the Senate and House of Representatives in General Court convened:

402:1 Appropriations to Trust. The town of Pelham may at any annual meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and care of libraries, reading rooms, schools and other educational facilities, parks, cemeteries and burial lots; the planting and care of shade and ornamental trees upon its highways and other public places; and any other public purpose that is not foreign to its institution or incompatible with the objects of its organization.

402:2 Effective Date. This act shall take effect 60 days after its passage.

[Approved June 23, 1981.]

[Effective Date August 22, 1981.]

CHAPTER 403 (SB 250)

AN ACT RELATIVE TO VENDING SERVICES IN CERTAIN NEW HAMPSHIRE STATE PARKS.

Be it Enacted by the Senate and House of Representatives in General Court convened:

403:1 Inapplicability to Certain State Parks. Amend RSA 186-B:13, VI as inserted by 1975, 260:1 by striking out said paragraph and inserting in place thereof the following:

VI. This section shall not apply to Franconia Notch state park, Mount Sunapee state park and Mount Washington state park; nor shall it apply to any state property which operates its own vending facility unless the person in control of the maintenance, operation and protection of the property contracts with blind services to operate the vending facility.

403:2 Definitions; Vending Facility. Amend RSA 186-B:10, IV as inserted by 1975, 260:1 by striking out said paragraph and inserting in place thereof the following:

IV. "Vending facility" means a vending machine, cafeteria, snack bar, cart service, shelter, counter or any other facility for the vending of newspapers, periodicals, confections, tobacco products, foods or beverages, or any combination of them, whether dispensed automatically or manually, and which are prepared on or off the property.

35. To see if the Town will vote to raise and appropriate the sum of \$4,000.00 for the purpose of hiring a part-time clerk of the Works to oversee the Library building expansion project, and to authorize the withdrawal of said \$4,000.00 from the Library Capital Reserve Fund to offset this expenditure. (BY PETITION) (RECOMMENDED BY BUDGET COMMITTEE)

36. To see if the Town will vote to raise and appropriate the sum of \$1,500.00 for the purpose of expenses relative to initial building expansion costs, and to authorize the withdrawal of said \$1,500.00 from the Library Capital Reserve Fund to offset this expenditure. (BY PETITION) (NOT RECOMMENDED BY BUDGET COMMITTEE)

37. To see if the Town will vote to authorize the Trustees of Trust Funds to accept gifts of money to be placed in the Capital Reserve Fund established for the improvement of the existing library facilities and the purchase of equipment. (BY PETITION)

38. To see if the Town will vote to have the 1983 income from the Library Unrestricted Trust Funds placed into the Library Capital Reserve Fund. (BY PETITION)

39. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$15,000.00 and to expend the same to make capital improvements to the Park and to the lodge located within the Park. No portion whatsoever of said amount shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

40. To see if the Town will vote to expend \$1,000.00 from the income generated by the Elmer G. Raymond Memorial Park Trust Fund for the purpose of operating and maintaining the Park for the period beginning March 15, 1983 and ending on March 15, 1984. No portion of said \$1,000.00 shall be raised by local taxes. (RECOMMENDED BY BUDGET COMMITTEE)

41. To see if the Town will vote, pursuant to Senate Bill 221, to withdraw the sum of \$20,000.00 from funds now in or hereinafter placed in the Elmer G. Raymond Park Capital Reserve Fund and place said sum in the Elmer G. Raymond Memorial Park Trust Fund, heretofor established for the operation and maintenance of said Park. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

1982 March Town Meeting

ARTICLE 36 (To withdraw funds from Capital Reserve Fund to acquire additional land to add to Elmer G. Raymond Memorial Park)
(By Petition) (Recommended by the Budget Committee)

Moved and seconded. William Hayes amended the article as follows:

All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all Scoutmasters and Pack Masters of all then currently chartered Pelham Boy Scout Troops of Town Council. Etc. Counters called. Requires a 2/3 vote on advise Article 36 amended passed in the affirmative. Yes--112, No--14.
Article 36 amended passed in the affirmative. No portion to \$ 50,000.00

ARTICLE 37

(Create a trust fund to be known as Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Passed in the affirmative.

ARTICLE 38

(To withdraw funds from Elmer G. Raymond Memorial Park Capital Reserve Fund sum of \$5000. & place in Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Al Broadbent amended the figure to \$25,000.00. as written. 2/3 vote is necessary. Counters called. Vote on the article Article passed in the affirmative. Yes--108, No--8.
by local taxes. No portion to be raised \$ 5,000.00

ARTICLE 39

(To withdraw \$5000. in funds from Elmer G. Raymond Memorial Park Reserve Fund to control Gypsy moth infestation)
(By Petition) (Not Recommended by Budget Committee)

Moved to Disapprove. Seconded. Article disapproved.

ARTICLE 40

(Control Gypsy moth infestation of Town of Pelham) (By Petition) (Not Recommended by Budget Committee)

Moved to disapprove. Seconded. Article disapproved.

ARTICLE 41

(Revenue Sharing Fund)

Moved and seconded. Hal Lynde amended the set-offs against the budget appropriation as follows: Lodge Roof Repair--\$19,000., Police Cruisers--\$15,000., Fire/Police Station Roof--\$6,000., Fire Chief's Car--\$7,000., Paging System for Fire Dept.--\$4,000., Renovations Police Station--\$3,000., Winter Maintenance Equipment Rental--\$11,000., and Dry Hydrants--\$5,000. Total amount of Revenue Sharing is \$70,000.00. Seconded. Article passed in the affirmative as amended.

used and maintained by is used or intended to burying, incinerating material or refuse.

B. Garbage - The vegetable, or other material, dealing in or st vegetables, including such material.

C. Manure - The material is the accumulation of decomposable materials human excrement.

D. Putrescible - The material "excrement" and means the intestinal canal of which are likely to und that putrescible material of this ordinance.

E. Refuse - The material solid or having the character not flow readily without partly of such material rubbish, litter, industrial wastes or a residue of animal matter from kitchen or any places dealing with tables; offal, animal trimmings; grass clippings from the demolition structures; accumulated or other such substance

386

ARTICLE 41 (WITHDRAW \$20,000.00 FROM CAPITAL RESERVE FUND & PLACE IN E.G. RAYMOND MEMORIAL PARK TRUST FUND) (Recommended by the Budget Committee)

Moved and seconded. An amendment was made by William Hayes in the amount of \$10,000.00. He explained that the income would not reach the original amount projected. He further explained that this procedure was allowed by Senate Bill 221. The trust fund was established for the operation and maintenance of the park. Passed in the affirmative as amended. \$ 10,000.00

Articles 42, 43, Series 801 and 803 were acted upon at the March 22nd session.

SERIES 900 (CEMETERIES)

Moved and seconded. John Lavallee explained the expenses. The revenue from this account was \$21,825.00 for the year 1982. Passed in the affirmative. \$ 22,150.00

ARTICLE 44 (OIL PENETRATION TREATMENT OF STREETS IN GIBSON CEMETERY) (Recommended by the Budget Committee)

Moved and seconded. Don Foss stated that this would pave five streets in the cemetery. Passed in the affirmative. \$ 2,700.00

ARTICLE 45 (LIQUIDATE CEMETERY LUMBER FUND & CEMETERY CHECKING ACCOUNT) (Recommended by the Budget Committee)

Moved and seconded. Don Foss explained that this money would be used to gravel five streets in the cemetery. Passed in the affirmative. \$ 580.00

SERIES 1000 (INTEREST ON TEMP. LOANS)

Moved and seconded. John Lavallee stated that the major decrease over the 1982 appropriated amount is due to the fact that the town will be on semi-annual billing and thus the borrowing by the town will greatly decrease. Passed in the affirmative. \$ 5,000.00

SERIES 1001 (INTEREST ON NOTES)

Moved and seconded. Passed in the affirmative. \$ 5,850.00

SERIES 1002 (PRINCIPAL ON NOTES)

Moved and seconded. John Lavallee explained that this was the principal on the fire truck with four more years to pay on this item. Passed in the affirmative. \$ 13,000.00

SERIES 1101 (ENGINEERING)

Moved and seconded. Passed in the affirmative. \$ 2,500.00

ARTICLE 46 (SELL .09 ACRES OF TOWN LAND TO ABUTTER) (Recommended by Bud. Comm.) Moved and seconded. This article would allow the abutter, David Landry to

ARTICLE 49 (AUTHORIZE S FROM STATE, FEDERAL OR C the affirmative.)

ARTICLE 50 (REDUCE ACID

John Lavallee moved the Seconded. Motion carried The moderator accepted a adjourned at 10:40 P.M.

\$ 9,000.00

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\$ 67,874.00

BY THE BUDGET
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IBRARY)

This
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\$ 1,830.00

RECOMMENDED
over. Seconded.

he affirma-
\$ 36,600.00
affirmative.
\$ 7,200.00

in the affirma-
\$ 830.00

in the affirma-
\$ 25.00

recreation
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gure passed
\$ 20,860.00

ARTICLE 35 (WITHDRAW FUNDS FROM ELMER G. RAYMOND MEMORIAL PARK
CAPITAL RESERVE FUND) (BY PETITION) (RECOMMENDED BY THE BUDGET
COMMITTEE) Moved and seconded. This would authorize withdrawal
of funds from capital reserve fund and place in the Elmer G. Raymond
Memorial Park Trust Fund for the operation and maintenance of the park.
William Hayes spoke in favor of this article. \$ 10,000.00

ARTICLE 36 (EXPEND INCOME FROM E.G. RAYMOND MEMORIAL PARK TRUST FUND)
(BY PETITION) (RECOMMENDED BY THE BUDGET COMMITTEE) Moved and seconded.
Passed in the affirmative. \$ 2,500.00

ARTICLE 37 (WITHDRAW FUNDS FROM E.G. RAYMOND MEMORIAL PARK CAPITAL
RESERVE FUND FOR CAPITAL IMPROVEMENTS TO PARK) (BY PETITION)
(RECOMMENDED BY THE BUDGET COMMITTEE) Moved and seconded. William
Hayes explained that this will be used to build an addition to the
existing building at the park. Hal Lynde spoke in opposition. He
stated that the gravel is town property and priorities must be estab-
lished. After the town needs assessment, the funds could be used to
better advantage. Ron Belden questioned where are the funds now.
Mr. Hayes responded that 84% of all money taken in so far has been
spent to buy land to be used for the benefit of all the youth of
Pelham and not just the boy scouts. Soccer, softball and baseball
fields for all youth groups will be constructed. Vote on the article
in doubt-- Hand count results Yes 53 and No 31. Article adopted.
\$ 20,000.00

ARTICLE 50 (ACCEPT TWO PARCELS OF LAND FROM JOSEPH B. GROSSMAN II)
Moved and seconded. This gift of forty-five acres is to become part
of the Elmer G. Raymond Memorial Park and is to be known as the
Joseph B. Grossman II Addition. William Hayes spoke in favor of this
article. Article adopted.

Motion to adjourn at 11:10 P.M.

**Elmer G. Raymond Memorial Public Trust Fund
Established 1982**

Article 37 created trust

Article 50 1989 created Advisory Board

Article 48 1996 Re-authorized Trust as:

**Elmer G. Raymond Memorial Public Trust Fund
Elmer G. Raymond Memorial Private Trust Fund**

Created for the maintenance and operation of the Park

 Reply  Reply to all  Forward    Close  Help

From: William Hayes [william.t.hayes@myfairpoint.net]

Sent: Thu 12/10/2009 5:59 PM

To: Thomas Gaydos

Cc: dl Board of Selectmen

Subject: Raymond Park Trust Fund

Attachments:

[View As Web Page](#)

Tom:

I just watched a short portion of a BOS meeting re run on cable wherein the Elmer G. Raymond Park Trust Fund was discussed.

The discussion seemed to focus on what was a capital improvement verses what was operation and maintenance.

The discussion failed to recognize that the income from the trust as currently constituted can only be spent at Raymond Park. Conversely, the income cannot be spent on the Prentice I. Robinson Park, the Robert Young Park, or the Judge J. Albert Lynch Park.

If you want to spend the income on one of the other parks, which I don't object to, the terms of the trust will have be changed by the Town Meeting.

I do object to the continued failure to recognize the contributions made by Prentice I. Robinson, Robert Young and Judge Lynch.

It seems to me that Parks and Rec has had sufficient time to correct the soccer field signs to acknowledge the generosity of Mr. Robinson.

Elmer G. Raymond Park – Town meeting action since 1980

Note: this is a good faith compilation and intended to be comprehensive. Dollar amounts are stated in some of the references below and of course appeared in the original articles. In some the exact amount is skipped in favor of \$\$ signs. The amounts are irrelevant to the particular article after the passage of so much time.

1980 – Town Meeting – (copy of articles attached)

Article 44 established the Raymond Park capital reserve fund (CRF)

Article 45 permit sale of gravel for EGR.

Both passed as written.

Timothy Handwood

1981 – Town Meeting

Article 42 Withdraw \$5,000 from EGR CRF for improvements to lodge

Article 43 Withdraw \$25,000 from CRF to buy abutting land

Both are straightforward articles

1982 – Town Meeting – (copy of articles attached)

Article 36 – To withdraw \$50,000 from the EGR CRF to acquire land for the park. Contains stipulations as to what people/groups must approve purchases.

Article 37 – Create the EGR Memorial Park Trust Fund (PTF) “as provided by 1981 SB221”. (Possibly became part of RSA 31:19-a.) Prior to SB221 there was some prohibition in the law that would not have allowed this type of fund of for this purpose. Memory dims as to the exact reasons. The law referred to as SB 221 was written and sponsored by local legislators on behalf of Mr. Hayes so this article could be possible. See full text of 31:19-a below.

(Note in the RSA below several passages in italics are marked to highlight parts that may be relevant to any current (2009) discussions)

31:19-a Trust Funds Created by Towns –

- I. A town may at any annual or special meeting grant and vote such sums of money as it deems necessary to create trust funds for the maintenance and operation of the town; and any other public purpose that is not foreign to

the town's institution or incompatible with the objects of its organization. The town may appoint agents to expend any funds in the trust for the purposes of the trust. An annual accounting and report of the activities of the trust shall be presented to the selectmen and published in the annual report.

- II. *Trust funds created pursuant to this section shall be revocable by majority vote of the legal voters present and voting at any annual meeting, unless the vote creating the trust expressly provides that the trust shall be irrevocable, and upon revocation the trustees of trust funds holding the account for said trust shall pay all the moneys in such fund to the town treasurer.*
- III. Notwithstanding any other provision of this chapter, any trust fund created under this section shall be subject to the same provisions concerning custody, investment, expenditure, *change of purpose*, and audit as are reserve funds established under RSA 34:1, 34:1-a, 35:1 or 35:1-c. The legal validity of such a fund properly established shall not be affected by its designation as a "trust", "reserve" "capital reserve," or any other designation.
- IV. The local legislative body may authorize the acceptance of privately donated gifts, legacies, and devises to be utilized for the same purposes as a trust fund created under this section; provided, however, that such gifts, legacies, or devises shall be invested and accounted for separately from, and not commingled with, amounts appropriated under paragraph I, and shall be subject to the custody and investment provisions applicable to trust funds accepted under RSA 31:19.

Article 38 – Withdraw \$5,000 from CRF and place in PTF.

Article 39 - Withdraw money from CRF for gypsy moth control.

1983 – Prentice Robinson Deeds Two Parcels.

Robinson sold two parcels to the town. In summary, only one, a 16 acre parcel, requires in the deed that the first \$32,000 of any money generated from the "construction of recreational facilities on the property" pay back the town for the cost of the property. After that, the funds must go into "a trust fund" which will be used exclusively for the operation and maintenance of the park.

No other deed for parcels in this park appears to have that requirement. I have no idea if the money ever went there or not. Most likely it did or we would have heard about it. We can safely presume it did. There was a good deal of money being generated in those days from the sale of gravel and timber.

Deed requires this parcel to be known as the "*Robinson Addition*" to the park.

1983 Town Meeting – Copy of Articles Attached

Article 39 – Withdraw \$15,000 from CRF for lodge improvements.

Article 40 – Withdraw \$\$ from PTF for operation of the park.

Article 41 – Withdraw \$\$ from CRF and place into PTF.

1984 Town Meeting – Copy of Articles attached **Joseph Grossman Deeds Tow Parcels**

Article 35 – Withdraw \$\$ CRF and place in PTF

Article 36 – Expend \$\$ from PTF for operations of park

Article 37 – Expense \$\$ from CRF for Capital improvements to park

Article 50 – to accept 2 parcels from JB Grossman (5-69 and 5-69-1). One of 44.54 acres. The second is silent as to the acreage though it appears small. The deed (and there is only one deed for the two) requires the land be added to the park and that both parcels be known as the “Judge J. Albert Lynch: addition to the park. The latter is at odds with the action of town meeting which specifically states the parcels are to be known as the *Joseph b. Grossman II addition*. (No \$\$ involved.). There was too much legal work for this to have been a mistake. Clarification needed. Mr. Grossman died in December 2007.

1989 Town Meeting – copy of article attached

Article 50 creates EGR advisory board. Board’s purpose is to “consult and advise” The original wording referred to the Town Manager but that had been eliminated so an amendment was offered to change it back to BOS.

1996 Town Meeting – copy of article attached

Article 48 – Vote create a “public” and “private” trust fund for the park with no apparent significant difference between them. Both required to be used for operation and maintenance. Names the BOS as agents to expend.

1997 town Meeting

Article 49 – a one time withdrawal for reclamation. Does not have any long term effect.

Compiled by
W. McDevitt November 15, 2009

Elmer G Raymond Park, Warrant Articles

1980

Warrant Article 44 – To see if the Town of Pelham will vote to establish a Capital Reserve Fund to be know as the Elmer G. Raymond, Jr., Memorial Park Capital Reserve Fund for the purpose of making capital improvements to the Elmer G. Raymond, Jr. Memorial Park; and to place in this Capital Reserve Fund all the proceeds from the sale of all gravel, timber and hardwood taken from the Elmer G. Raymond, Jr., Memorial Park, and unless and until this article is rescinded at a subsequent Town Meeting, to place in this Capital Reserve Fund all future proceeds from the sale of gravel, timber, and hardwood taken from said Park. (BY PETITION)

Warrant Article 45 – To see if the Town will vote to authorize the sale of gravel, timber and hardwood located on the Elmer G. Raymond, Jr., Memorial Park. No gravel shall be removed and sold and no timber or hardwood shall be cut and sold except pursuant to a written plan approved in writing by a majority of the members of the Board of Selectmen, a majority of the members of the Conservation Commission, and a majority of the Scoutmasters and Cubmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs. The proceeds of all such sales shall be placed in the Elmer G. Raymond, Jr., Memorial Park Capital Reserve Fund, heretofore established for that purpose. (BY PETITION)

1982

Warrant Article 36 – To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$50,000.00 and to expend the same to acquire additional land to add to the Park. All purchase shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No proportion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

Warrant Article 37 – To see if the Town will vote, pursuant to Chapter 402 of the Laws of the 1981 New Hampshire Legislature (Senate Bill 221), to create a trust fund to be known as the Elmer G. Raymond Memorial park Trust Fund and to have said trust fund be administered by the Board of Trust Fund Trustees heretofore established and elected to administer all of the Trust Funds of the Town of Pelham in accordance with the laws of the State of New Hampshire.

Warrant Article 39 – to see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Reserve Fund the sum of \$5,000.00 and to expend the same to control gypsy moth infestation of the Elmer G. Raymond Memorial Park. These funds are to be expended under the direct supervision of and in accordance with criteria established by the State of New Hampshire Division of

Forests and Lands and the State of New Hampshire division of Insect and Plant Disease Suppression and Control. Said funds shall not be expended if, in their sole discretion, the State Forester, or the State Entomologist, or a majority of the Scoutmasters and Packmasters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Pack determines that the expenditure of said funds would have an unacceptable adverse impact on the environment of the Elmer G. Raymond Memorial park. In the event that any portion of said \$5,000.00 is reimbursed by the United States Government or the State of New Hampshire, said reimbursement shall be placed in the Elmer G. Raymond memorial Park Capital Reserve Fund. No portion whatsoever of said \$5,000.00 shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) (NOT RECOMMENDED BY BUDGET COMMITTEE)

1983

Warrant Article 39 – To see if the Town will vote to withdraw from funds now in our herinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$15,000.00 and to expend the same to make capital improvements ot he Park and to the lodge located within the Park. No portion whatsoever of said amount shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

Warrant Article 40 – To see if the Town will note to expend \$1,000.00 from the income generated by the Elmer G. Raymond Memorial Park Trust fund for the purpose of operating and maintaining the Park for the period beginning March 15, 1983 and ending March 15, 1984. No portion of said \$1,000.00 shall be raised by local taxes. (RECOMMENDED BY BUDGET COMMITTEE)

Warrant Article 41 – To see if the Town will vote, pursuant to Senate Bill 221, to withdraw the sum of \$20,000.00 from funds now in or hereinafter placed in the Elmer G. Raymond Park Capital Reserve Fund and place said sum in the Elmer G. Raymond Memorial Park Trust Fund, heretofore established for the operation and maintenance of said Park. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

1984

Warrant Article 35 – To see if the Town will vote, pursuant to Senate Bill 221, to withdraw the sum of \$10,000.00 from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund and place said sum in the Elmer G. Raymond Memorial Park Trust Fund, heretofore established for the operation and maintenance of said Park. No portion whatsoever of said sum shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until

modified or revoked by a subsequent annual Town Meeting. (BY PETITION)
(REDCOMMENDED BY BUDGET COMMITTEE)

Warrant Article 36 – To see if the Town will vote to expend the sum of \$2,500.00 from income generated by the Elmer G. Raymond Memorial Park Trust Fund for the purpose of operating and maintaining the Park for the period beginning on March 15, 1984 and ending on March 15, 1985. Nor portion of said \$2,500.00 shall be raised by local taxes. (BY PETITION) (RECOMMENDED BY BUDGET COMMITTEE)

Warrant Article 37 – To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial park Capital Reserve Fund the sum of \$20,000.00 and to expend the same to make capital improvements to the Park. No portion whatsoever of said amount shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) (RECOMMENDED BY BUDGET COMMITTEE)

Warrant Article 50 – To see if the Town will vote to accept a gift of two parcels of land totaling approximately 45 acres from Joseph B., Grossman, II. These parcels, which are located west of Mammoth Road and east of Baldwin Hill Road, are shown as parcels 69 and 69-1 on sheet 5 of the Pelham Tax Maps. These parcels are to become part of the Lt. Elmer G. Raymond Memorial Park and shall be know as the Joseph B. Grossman, II addition to that Park.

- PORTION OF THE GROSSMAN DEED RECORDED 12/84 –
- 3- (PG 0779)

W. Robert Nolte and Associates, Land Surveyors, Nashua New Hampshire , for
Sarjo Corporation.

Parcel Two
Part 1

Beginning at the northeast corner of the premises, tat a point opposite “The Apple Tree” and at land formerly of Prince (see 1746/235); thence westerly by the south boundary of the Electric Railway right of way (now part of the Elmer G. Raymond Memorial Park) about 380 feet as the wire fence stood to the wall on the west side of the premises at land formerly of Gibson (now part of the Elmer G. Raymond Memorial Park); then S 11° & by said about 280 feet to the end of the wall at land now or formerly of Prince; thence northeasterly by said Prince land to the place of beginning. Said parcel is described in the deed of Charles B. Coombs to Alfred Baril dated April 4, 1925 and recorded at the Hillsborough County Registry of Deeds in Book 843 at Page 139.

This conveyance is made upon the express condition that both parcels shall be added to the Lt. Elmer G. Raymond, Jr. Memorial Park and shall be forever know as the Judge J. Albert Lynch addition to said Park. This conveyance is made upon the further express condition that both parcels of land....

**Part 2 on Parcel Two
Robinson Deed Recorded 12/1984**

The property herein described shall be added to the Elmer G. Raymond Memorial Park and shall be known as the Robinson Addition to that Park.

1989 – As Posted

Warrant Article 50 – To see if the Town will vote to confirm the jurisdiction fo the Town Manager over the Elmer G. Raymond Memorial Park and to create an advisory board consisting of the following members to consult with and advise the Town Manager concerning the uses to be made of the Park.

1. Parks and Recreation Director
2. Chairperson of Parks and Recreation Advisory Board
3. Chairperson of Troop 25, Boy Scouts
4. Chairperson of Troup 610, boy Scouts
5. Representative of Pelham Girl Scouts
6. Representative of Pelham Little League
7. Representative of Pelham Soccer league
8. Chairperson of Conservation Commission
9. Member of the Board of Selectmen
10. Town Manager (ex-officio)

1989 – Town Meeting Minutes

Warrant Article 50 – (Create an Advisory Board over Elmer G. Raymond Memorial Park) Moved and seconded. Ray Lacerte, Chairman of the Creation Advisory Board, amended the article as follow: To see if the Town will vote to confirm the jurisdiction of the Board of Selectmen over the Elmer G. Raymond Memorial Park and to create and advisory board consisting of the following members to consult with and advise the Board of Selectmen concerning the uses to be made of the park.

1. Parks and Recreation Director
2. Representative of the Parks & Recreation Commission or Advisory Board
3. Representative of Troop 25, Boy Scouts
4. Representative to Troop 610, Boy Scouts
5. Representative of Pelham Girl Scouts
6. Representative of Pelham Little League
7. Representative of Pelham Soccer League
8. Member of Conservation Commission
9. Member of the Board of Selectmen
10. Representative of the 4-H Organization

11. Representative of any other youth organization with adequate adult leadership organized in Pelham

Mr. Lacerte explained that the purpose of the amendment was to substitute the Board of Selectmen for the Town Manager and to add as members of the advisory board, a representative of the 4-H Organization and a representative of any other your organization no listed. He stated that all the youth of Pelham would benefit. The Scouts would have top priority for use of the park. William Hayes state that it was not right to turn over the rights to the Recreation Department and not retain it as property of the scouts. He strongly urged defeat of this article. After much discussion, a hand count on the amendment was taken. Results: YES: 290 --- NO: 24. Amendment adopted. Voice vote on the article as amended was in the affirmative. Article as amended was adopted.

1996

Article 48 – To see if the Town will vote to reauthorize and continue the Elmer G. Raymond Memorial Park Trust Fund for the purposes as provided in Article 37 of the 1981 Town Meeting, pursuant to *Chapter 402 (SB-221) of the laws of 1981 and to RSA 31:19-a; with this fund to be an irrevocable trust fund for the operation and maintenance of the Elmer G. Raymond Memorial Park; and further to appoint the Selectmen as agents of the fund pursuant to RSA 31:32; and further to provide that contributions and grants to said trust may be at any time by private individuals, corporations or trusts and/or private charities and any others pursuant RSA31:19a, IV.* (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

See p 3 of 3

You forwarded this message on 9/25/2009 7:02 AM.

Bill McDevitt

From: William Hayes [william.t.hayes@myfairpoint.net]
To: dl Board of Selectmen; Thomas Gaydos; dl Park and Recreation
Cc: Paul Gagnon
Subject: Soccer Fields at Robinson Park
Attachments:

Sent: Thu 9/24/2009 8:16 PM

Hello All;

This afternoon I drove to Hudson, via Mammoth and Keyes Hill Roads, passing the North Pelham Park Complex, which includes the Lt. Elmer G. Raymond Park, the Robert and Alexandra Young Park, the Prentice I. Robinson Park and the Judge J. Albert Lynch Park.

I noticed two new signs that read "Soccer Fields at Raymond Park". An historical review of the creation of the North Pelham Complex will explain why these signs are in error and should be changed.

When my son became active in the Boy Scouts in the early 1970s, I rejoined my old Troop 25 as an Assistant Scoutmaster and Committee Member. In addition to my regular duties as Assistant Scout Master, I set out to improve and expand the area used by the Boy Scouts. As a result, the area was increased from two parcels and about 50 acres to more than a dozen parcels totalling 258 acres, the largest contiguous land area owned by the Town. This was all accomplished without spending a single tax dollar.

The first parcel I was able to acquire contained six acres with 400 feet of frontage on Mammoth Road. It now provides access to the soccer fields. It is also the location of the offending signs. Although this parcel was more than 1500 feet from Raymond Park, the Board of Selectmen and the voters had faith in my ability to acquire the intervening land. This faith was based in part in my having already created Golden Brook Park and the Peabody Town Forest, my having initiated the acquisition of Veterans Park and my having obtained a grant to purchase the land for the elderly housing complex on Windham Road.

I wrote to the owner of record of the Mammoth Road parcel (M. Alice Purdy) and received a letter back from her sister's lawyer, who explained that Miss Purdy had died and left the parcel to her sister, a Mrs. Morrison. He went on to explain that he was legal counsel for the Boy Scout Council in New Jersey, and that Mrs. Morrison had been an office secretary for the New Jersey Boy Scout Council. He stated while she wished she was in a position to donate the property to the Boy Scouts, her pension from

//mail.pelhamweb.com/exchange/mcdevitt/Inbox/Soccer%... 11/14/2009

the New Jersey Boy Scouts was too small to permit her to do so.

The attorney, who was working pro bono for Mrs. Morrison, said she would sell the property for half its value, if I would probate Miss Purdy's New Hampshire estate and clean up her inheritance tax delinquency problem with the State of New Hampshire. I probated the estate and got all of the late payment tax penalties waived.

But I still needed \$25,000.00, 50% of fair market value, to purchase the property.

I approached Prentice Robinson, An Wang's personal assistant. Prentice had made a small fortune when Wang went "Public". He donated some of his Wang stock to the School District for tennis courts at the High School.

Prentice, myself, Phil Currier, Roger Martin and Mo Picard had previously funded the purchase of the parcel of land that led to the creation of the Peabody Town Forest. I obtained a 100% federal grant, which was used to purchase the Town Forest parcel from the five of us for exactly what we had paid for the parcel. It was during that transaction that I learned that four of us weren't really needed to pre purchase land for the Town of Pelham.

Prentice purchased the Mammoth Road property and the following March the Town purchased the parcel from Prentice using proceeds from the sale of sand and gravel that were sitting in a capital reserve fund that I had set up and the voters had approved.

I then wrote to Bertha Landry, who owned the 16 acres between Raymond Park and the newly acquired Mammoth Road parcel. She declined to sell to the Town, but did sell to her cousin Andrew, the last of the Landrys to live at the apple orchard. He was fronting for Richard Zelonis, a real estate developer. Richard planned to purchase the 50 foot wide Trolley right of way from Norm and Jan Provencal to access the Landry parcel, which had no frontage. As soon as I got wind of this plan, I contacted Norm and Jan on a rainy Sunday afternoon. They agreed to sell the right of way to Troop 25 for \$500.00. My wife was the Treasurer of Troop 25. While she was writing a check for \$500.00, I was typing up a deed for the right of way. I went to Norm and Jan's house that Sunday afternoon and the closing took place at their kitchen table.

Three days after I recorded the deed, I got a call from Richard Clermont, a real estate agent retained by Richard Zelonis. He offered the property for less than we would have paid Bertha Landry. I needed \$55,000.00 in a hurry. I called Prentice, and he advanced me the \$55,000.00 on the spot. I then applied for a \$27,500.00 grant and took a \$55,000.00 contingent deposit from Garabedian for sand and gravel located on the parcel. When we closed on the property, we had the land for no tax dollars plus an additional \$27,500.00 in the bank.

<https://mail.pelhamweb.com/exchange/mcdevitt/Inbox/Soccer%...> 11/14/2009

**

The Selectman and the voters, by accepting the deed, agreed to name the parcel the Prentice I. Robinson Park in appreciation for his assistance in acquiring three parcels of land. That is a provision that is spelled out in the deed.

✓ NOT EXACTLY
AS IN THE
DEED

In light of the above, I respectfully request that you change the two signs to read "Soccer Fields at Robinson Park". We are legally and honor bound to keep our word given to those who make land available to the Town. If we don't keep our word, we dishonor ourselves and hurt our chances of getting additional parcels of land. I predict that an additional 50 acres will be added to the North Pelham Park Complex before I check into the Gibson. I also suspect that the Conservation Commission will be acquiring additional parcels.

We cannot jeopardize future acquisitions by failing to keep past promises.

Spike

**

While the Landry purchase may have been my most innovative land acquisition for the Town, the acquisition of the Village Green for a net tax dollar cost of \$20,000.00, over the initial objection of the Board of Selectmen and Budget Committee, runs a close second.

<https://mail.pelhamweb.com/exchange/mcdevitt/Inbox/Soccer%...> 11/14/2009

1996

ARTICLE 48 (REAUTHORIZE AND CONTINUE ELMER G. RAYMOND MEMORIAL TRUST FUND) Larry Major moved to amend this article by deleting the words..." AND FURTHER TO APPOINT THE SELECTMEN AS AGENTS OF THE FUND PURSUANT TO RSA 31:32."

Seconded. Mr. Major's motion to amend this article is defeated. Tom Kirby moved to amend this article by deleting the entire wording and replacing it with"TO SEE IF THE TOWN WILL VOTE TO REAUTHORIZE AND CONTINUE THE ELMER G. RAYMOND MEMORIAL PARK TRUST FUND FOR THOSE PURPOSES AS PROVIDED IN ARTICLE 37 OF THE 1981 TOWN MEETING, PURSUANT TO CHAPTER 402 (SENATE BILL-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE NOW KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PUBLIC TRUST FUND AND,

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND,

PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF ELMER G. RAYMOND MEMORIAL PARK AND, FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32." Mr. Kirby explained that the intent of this amendment is to allow private contributions and gifts to be donated and protect their use for the purpose they were intended. Jim Druding stated that establishing these funds in this manner will allow making improvements to the parks without it affecting the Parks & Recreation Operating Budget. The amendment made by Mr. Kirby is adopted. Article 48 as amended is adopted.

ARTICLE 49 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE MULDOON PARK TRUST FUND) Tom Kirby moved to delete this entire article and replace it with the following...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE MULDOON PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE MULDOON PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND; PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF GEORGE M. MULDOON PARK AND; FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. Seconded. Amendment to Article 49 is adopted. Article 49 as amended is adopted.

\$250.00

ARTICLE 50 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE GOLDEN BROOK PARK TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Tom Kirby moved to amend this article by deleting it entirely and replacing it with...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE GOLDEN BROOK PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;

for adoption of this article mandates that the Board of Selectmen hold a public hearing, that it be posted in two public places in town, and published in a newspaper. Given that this has not been done, Article 41 is not valid in her opinion. Motion to limit debate. Debate is limited. Article 41 is defeated.

Motion to restrict reconsideration on all articles through Article 41. Articles 28 through 41 are subject to restricted reconsideration.

ARTICLE 42 (\$12,000.00 FOR FEASIBILITY STUDY TO ADDRESS FUTURE NEEDS RELATIVE TO MUNICIPAL SOLID WASTE DISPOSAL) (RECOMMENDED BY BOARD OF SELECTMEN) (NOT RECOMMENDED BY BUDGET COMMITTEE) Moved & seconded. Bill McDevitt stated that the Selectmen are concerned about the future of the incinerator. This facility is beginning to wear out and new state and federal clean air regulations are being developed. Ray Caisse felt that instead of paying for a study to be done, perhaps we could learn from other towns and save taxpayers money. Others felt this was a premature action. Motion to limit debate. Debate is limited. Article 42 is defeated.

ARTICLE 43 (TRANSFER \$12,000.00 TO GENERAL FUND TRUST MAINTENANCE OF INCINERATOR RECYCLING FACILITY) (NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Moved & seconded. Article 43 is adopted.

ARTICLE 44 (TRANSFER \$1,000.00 TO RECYCLING EQUIPMENT CAPITAL RESERVE FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Moved & seconded. Article 44 is adopted.

ARTICLE 45 (TRANSFER \$2,032.00 TO PVMP MAINTENANCE FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Moved & seconded. Article 45 is adopted.

ARTICLE 46 (EXPEND \$2,050.00 FROM INTEREST GENERATED BY ELMER G. RAYMOND MEMORIAL TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Jim Druding moved to withdraw the entire wording of this article and replace it with.... "TO SEE IF THE TOWN WILL VOTE TO RAISE AND APPROPRIATE THE SUM OF \$2,050.00 FOR THE OPERATION AND MAINTENANCE OF ELMER G. RAYMOND MEMORIAL PARK FOR FISCAL YEAR STARTING APRIL 1, 1996 THROUGH MARCH 31, 1997." Seconded. Discussion followed explaining why this article was amended. The principal amount of the trust fund is currently underfunded by \$6,100.00 due to a misinterpretation by the auditors. Hal Lynde stated that Article 46 would raise the money through taxes and Article 47 would be defeated thereby allowing the interest to be returned to the fund until the original principal amount is attained. The amendment by Jim Druding is adopted. Article 46 as amended is adopted. \$2,050.00

ARTICLE 47 (RAISE \$6,102.00 FOR ELMER G. RAYMOND MEMORIAL TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (NOT RECOMMENDED BY BUDGET COMMITTEE) Moved & seconded. Hal Lynde stated that this article should be defeated. Article 47 is defeated.

1996
ARTICLE 48 (REAUTHORIZE AND CONTINUE ELMER G. RAYMOND MEMORIAL TRUST FUND) Larry Major moved to amend this article by deleting the words.... "AND FURTHER TO APPOINT THE SELECTMEN AS AGENTS OF THE FUND PURSUANT TO RSA 31:32." Seconded. Mr. Major's motion to amend this article is defeated. Tom Kirby moved to amend this article by deleting the entire wording and replacing it with "TO SEE IF THE TOWN WILL VOTE TO REAUTHORIZE AND CONTINUE THE ELMER G. RAYMOND MEMORIAL PARK TRUST FUND FOR THOSE PURPOSES AS PROVIDED IN ARTICLE 37 OF THE 1981 TOWN MEETING, PURSUANT TO CHAPTER 402 (SENATE BILL-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE NOW KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PUBLIC TRUST FUND AND."

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND.

PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF ELMER G. RAYMOND MEMORIAL PARK AND, FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32." Mr. Kirby explained that the intent of this amendment is to allow private contributions and gifts to be donated and protect their use for the purpose they were intended. Jim Druding stated that establishing these funds in this manner will allow making improvements to the parks without it affecting the Parks & Recreation Operating Budget. The amendment made by Mr. Kirby is adopted. Article 48 as amended is adopted.

ARTICLE 49 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE MULDOON PARK TRUST FUND) Tom Kirby moved to delete this entire article and replace it with the following.... "TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE

TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE MULDOON PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND; FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE

KNOWN AS THE MULDOON PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND; PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF GEORGE M. MULDOON PARK AND; FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. Seconded. Amendment to Article 49 is adopted. Article 49 as amended is adopted. \$250.00

ARTICLE 50 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE GOLDEN BROOK PARK TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Tom Kirby moved to amend this article by deleting it entirely and replacing it with.... "TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE GOLDEN BROOK PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;".

1989
ARTICLE 49 (LIMIT FUTURE TOWN EXPENDITURES FOR EMPLOYEE MEDICAL INSURANCE COVERAGE) (NOT RECOMMENDED BY THE BUDGET COMMITTEE) (BY PETITION) Moved to defeat. Seconded. Seth Marshall questioned the legality of this motion. Bill Putnam then explained the substantial increases in this expenditure over the past few years. Tom Kirby stated this must be decided through negotiations. Article defeated.

ARTICLE 50 (CREATE AN ADVISORY BOARD OVER ELMER G. RAYMOND MEMORIAL PARK) Moved and seconded. Ray Lacerte, Chairman of the Recreation Advisory Board, amended the article as follows: To see if the Town will vote to confirm the jurisdiction of the Board of Selectmen over the Elmer G. Raymond Memorial Park and to create an advisory board consisting of the following members to consult with and advise the Board of Selectmen concerning the uses to be made of the park.

1. Parks and Recreation Director
2. Representative of the Parks & Recreation Commission or Advisory Board.
3. Representative of Troop 25, Boy Scouts
4. Representative of Troop 610, Boy Scouts
5. Representative of Pelham Girl Scouts
6. Representative of Pelham Little League
7. Representative of Pelham Soccer League
8. Member of Conservation Commission
9. Member of the Board of Selectmen
10. Representative of the 4-H Organization
11. Representative of any other youth organization with adequate adult leadership organized in Pelham

Mr. Lacerte explained that the purpose of the amendment was to substitute the Board of Selectmen for the Town Manger and to add as members of the advisory board, a representative of the 4-H organization and a representative of any other youth organization not listed. He stated that all the youth of Pelham would benefit. The Scouts would have top priority for use of the park. William Hayes stated that it was not right to turn over the rights to the Recreation Department and not retain it as property of the scouts. He strongly urged defeat of this article. After much discussion, a hand count on the amendment was taken. Results: YES 290 -- NO 24. Amendment adopted. Voice vote on the article as amended was in the affirmative. Article as amended was adopted.

ARTICLE 51 (CHANGE NUMBER OF LIBRARY TRUSTEES FROM SIX TO FIVE) Moved to adopt. Seconded. Article adopted.

ARTICLE 52 (PRECLUDE THE GRANTING OF ACCESS ROAD TO PRIVATE DEVELOPER THROUGH PELHAM VETERANS MEMORIAL PARK) (BY PETITION) Moved and seconded. John Hargreaves spoke strongly to adopt this article. Martha St. Amand explained that this article could be used as a resolution, but the Selectmen are not bound by this article. The Board has been looking at the safety aspects. There had been negotiations with the developer. Much more discussion followed. Motion to limit debate. Adopted. Hand vote requested but not needed on second voice vote. Article adopted overwhelmingly.

ARTICLE 53 (ACCEPT McGRATH ROAD AS CLASS V HIGHWAY) (BY PETITION) Moved to adopt. Seconded. Rich Lannon spoke in favor of this article. Adopted.

ARTICLE 54 (GUN RANGE NOISE AND SAFETY ORDINANCE) (BY PETITION) The Moderator requested all non-residents be recognized before the article. Moved to defeat. Seconded. Earl Fox, President of the Pelham Fish and Game Club, introduced Al Hirsch the founder of the Club in 1921. Mr. Fox explained the need to defeat this ordinance. Many voters spoke in favor of defeating this article. A secret ballot vote had been requested. The seven petitioners were not present so a voice vote was taken. Article defeated.

1989

surplus. (NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 44 To see if the town will vote to have the 1989 income from the Library Unrestricted Trust Funds placed into the Library Capital Reserve fund, with the exception of the Zylonis Fund. (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 45 To see if the Town will vote to authorize the Board of Selectmen to sell to Pelham Fish and Game Club Inc, Simpson Mill Road, Lot #148, Tax Map 13, having an estimated value of \$1150.00. (RECOMMENDED BY THE BUDGET COMMITTEE) (BY PETITION)

ARTICLE 46 To see if the Town will vote to authorize the Board of Selectmen to sell to Pelham Fish and Game Club Inc. Simpson Mill Road, Lot #149, Tax Map 13, having an estimated value of \$1500.00. (RECOMMENDED BY THE BUDGET COMMITTEE) (BY PETITION)

ARTICLE 47 To see if the Town will vote to limit expenditures for municipal building (s) to the amount of funds available from sources other than an increase in the property tax. (RECOMMENDED BY THE BUDGET COMMITTEE) (BY PETITION)

ARTICLE 48 To see if the Town will vote to limit the total Town of Pelham 1989 operating budget to the amount of \$2,600,000 (an increase of \$125,483. over the budget voted in 1988); not included in such total shall be items included in the 1989 budget request that in 1988 were voted at the Town Meeting as warrant articles. (NOT RECOMMENDED BY THE BUDGET COMMITTEE) (BY PETITION)

ARTICLE 49 To see if the Town will vote to limit future Town expenditures for employee medical insurance coverage to an amount not to exceed \$135,000. annually (the amount requested in the 1989 budget). (NOT RECOMMENDED BY BUDGET COMMITTEE) (BY PETITION)

ARTICLE 50 To see if the Town will vote to confirm the jurisdiction of the Town Manager over the Elmer G. Raymond Memorial Park and to create an advisory board consisting of the following members to consult with and advise the Town Manager concerning the uses to be made of the Park.

1. Parks and Recreation Director
2. Chairperson of Parks and Recreation Advisory Board
3. Chairperson of Troop 25, Boy Scouts
4. Chairperson of Troop 610, Boy Scouts
5. Representative of Pelham Girl Scouts
6. Representative of Pelham Little League
7. Representative of Pelham Soccer League
8. Chairperson of Conservation Commission
9. Member of the Board of Selectmen
10. Town Manager (ex-officio)

*Repealed by
Amendments*

IV. Penalties. Pursuant to RSA 31:39, III the following penalties shall be assessed for violations of this ordinance:

A. Violations of paragraphs A or B of section II shall be subject to a maximum fine of \$100 for the individual violator, and \$200 to the gun club or range, for each violation.

B. Violations of paragraph A of section II (relative to skeet or trap shooting), paragraphs C,D,E,F, or G of section II, or section III shall subject the club or range to a maximum fine of \$500 for each violation.

V. Exception: Police. Police officers certified under RSA 188-F:26-28 shall be exempt from the provisions of this ordinance as follows:

A. Regularly scheduled training sessions of the Hillsborough County, Rockingham County, or New Hampshire State Police forces, or

B. A declaration of an emergency by the governor necessitating cooperation with the State Police pursuant to RSA 106-B:11.

ARTICLE 55 To see if the Town will vote to adopt the following By-Law which shall govern the development, operation and maintenance of the Elmer G. Raymond Memorial Park. (BY PETITION)

ELMER G. RAYMOND MEMORIAL PARK BY-LAW

ARTICLE I

PREAMBLE

In the mid 1930's Martina Gage died and willed to the Town of Pelham approximately 1029 acres of land located in various sections of Town. At its 1936 annual town meeting, the Town of Pelham adopted Warrant Article 28, as amended. This Warrant Article created a committee to locate and dispose of, by private or public sale, the land willed to the Town by Martina Gage. The committee was also directed to set aside a suitable parcel of land as a campground for the Boy Scouts and 4-H Organizations of Pelham.

On April 2, 1937, the committee set aside the George Webster Farm on Keyes Hill Road for the Boys Scouts and 4-H Organizations. This property, which is now shown as Tax Map Parcels 5-71 and 5-74, soon became known as the "Scout Lot". On March 12, 1946, at the 1946 annual town meeting, the Town officially voted to name the "Scout Lot" the "Elmer G. Raymond Memorial Park" in honor and the memory of 2nd Lieutenant Elmer Goldthwaite Raymond, who lost his life during World War II, while

-serving as a U.S. Army Air Force Flight Instructor near Columbia, Alabama.

The same town meeting placed the park "under the jurisdiction of the Scout Committee of the Pelham Boy Scouts". The Scout Committee was charged with the responsibility for developing and maintaining the park for the Scouts and other Pelham "Youth Organizations with adequate adult leadership". The Scouts have honored that charge for more than 50 years.

In the mid 1950's the Scouts, using private funds and volunteer labor, constructed a lodge at the park. At the annual town meeting held in March of 1980, the Town authorized the sale of gravel, timber and hardwood located on the Park, provided that all such sales were made pursuant to a written plan approved in writing by the Board of Selectmen, the Conservation Commission and a majority of the Scoutmasters and Cubmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs. All proceeds from such sales were required to be used solely to improve and maintain the park. In the 1980's the Scouts doubled the size of the Park by acquiring by gift or purchase nine adjacent parcels of land. During the same period, using gravel sales proceeds and volunteer labor, not local taxes, the Scouts renovated the lodge, built activity fields, constructed access roads, developed camp sites and cleared ski trails.

As the result of a Special Act written by the Scout Leaders, passed by the New Hampshire Legislature and signed by the Governor, a special trust fund was established to create sufficient annual income to operate and maintain the Park without the use of local tax dollars.

In summary, during the past 50 years, the Scouts have developed, operated and maintained the "Scout Lot" for the Town of Pelham. In the process, they have donated thousands of hours of time, generated tens of thousands of dollars, and doubled the size of the park by acquiring through gift and purchase, land which now has a fair market value in excess of a half a million dollars. This has all been accomplished through Warrant Articles approved by the Town of Pelham and this has all been accomplished without spending any local tax dollars.

ARTICLE II

PURPOSE

In March of 1987, the Town of Pelham adopted the Town Manager form of government. From March of 1987 until the Spring of 1988, the Scouts continued to develop, operate, and maintain the Elmer G. Raymond Memorial Park. They presumed to do so pursuant to the many Warrant Articles and By-Laws adopted by the Town of Pelham over the past 50 years. In the Spring of 1988, a question arose as to whether the Town Manager or the Scouts had the authority to develop, operate and maintain the park. The

PURPOSE of this By-Law is to have the Town Meeting of the Town of Pelham clarify who shall develop, operate and maintain the Park and to determine how that should be accomplished.

ARTICLE III

AUTHORITY

This By-Law is adopted pursuant to the authority granted by Chapter 31, Section 39I. (a) of the New Hampshire Revised Statutes Annotated and shall be a By-Law which clarifies the authority of the Town Manager as permitted by the first sentence of Subsection VII. of Section 6 of Chapter 37 of the New Hampshire Revised Statutes Annotated. To the extent that other New Hampshire Statutes authorize the adoption of this By-Law, this By-Law is also adopted pursuant to such other statutes.

ARTICLE IV

BOARD OF DIRECTORS

A. CREATION: The Town of Pelham does hereby create a Board of Directors which shall be known as the Elmer G. Raymond Memorial Park Board of Directors.

B. COMPOSITION: The Board of Directors shall consist of the following members -

1. A member of the Pelham Boy Scout Troop 25 Committee, who shall be appointed by that Committee.
2. A member of the Pelham Boy Scout Troop 610 Committee, who shall be appointed by that Committee.
3. A member of the Pelham Cub Scout Pack 25 Committee, who shall be appointed by that Committee.
4. A member of the Pelham Cub Scout Pack 610 Committee, who shall be appointed by that Committee.
5. Four representatives of the Pelham Girl Scouts, who shall be appointed by the Pelham Girl Scouts.
6. A member of the Pelham Conservation Commission, who shall be appointed by that Commission.
7. A member of the Pelham Recreation Advisory Board or Commission, who shall be appointed by that Board or Commission.
8. Two members of the Pelham 4-H Organizations, who shall be appointed by the 4-H Organizations.
9. A member of the Board of Selectmen, who shall be appointed by the Board of Selectmen. The Board of Selectmen may appoint the Recreation Director to attend meetings on their behalf.

C. DUTIES: The Board of Directors shall be responsible for that portion of the Elmer G. Raymond Memorial Park which lies west of Baldwin Hill Road. The Board's duties with respect to that portion of the Park that lies west of Baldwin Hill Road shall consist of the following -

1. The development, maintenance and operation of the Park.
2. The scheduling of Park usage.
3. The preparation of a long range park development plan.
4. The employment and supervision of park maintenance and administrative personnel.
5. Preparation of an annual report to the Town of Pelham.
6. Preparation and adoption of a set of Rules and Regulations governing the operation of the Park.

ARTICLE V

TOWN MANAGER

The Town Manager shall have jurisdiction over that half of the Elmer G. Raymond Memorial Park which lies east of Baldwin Hill Road. The Town Manager's authority over that portion of the Park shall include such authority as is granted by Chapter 37 of the New Hampshire Revised Statutes Annotated. All but one parcel of that half of the Park to be managed and maintained by the Town Manager was acquired through the efforts of the Scouts during the last nine years. The purchased land cost in excess of \$80,000.00. No portion of that sum was raised by local taxes. The gifted portion of the easterly side of the park was donated by a long time adult Scouter. At the time of the gift, the property had an appraised value in excess of \$100,000.00.

ARTICLE VI

PARK USES

That half of the Elmer G. Raymond Memorial Park located east of Baldwin Hill Road, which is to be managed and maintained by the Town Manager, shall be used primarily for team sports such as soccer, baseball and softball. However, nothing in the forgoing sentence shall prevent the use of the higher elevations of the eastern half of the Park for camping, hiking and other such purposes. On no more than ten days of each calendar year, the Elmer G. Raymond Park Board of Directors shall have the right to the exclusive use of all of that portion of the Park located east of Baldwin Hill Road. The Board of Directors shall give the Town Manager at least 60 days written notice of those days on which it desires exclusive use of the eastern portion of the Park. The Town Manager, in his or her discretion, may waive the forgoing notice requirement.

That half of the Park located west of Baldwin Hill Road, which is to be managed and maintained by the Elmer G. Raymond Memorial Park Board of Directors, shall be used primarily for passive recreation and conservation uses, such as camping, hiking, swimming, cross country skiing, fishing, skating, Scouting and other similar activities. Notwithstanding the foregoing sentence, the grassed activity fields located west of Baldwin Hill Road shall be made available to Little League and Soccer League "Farm Teams" on non Scout meeting nights and on non Scouting week ends. To the extent possible, the Board of Directors shall make a good faith effort not to simultaneously schedule "Farm Team" and passive recreation activities on the same days. "Farm Teams" are defined as those teams whose players are 9 years of age or younger and who do not wear cleats on their foot wear. Due to the lack of irrigation sprinkler systems for the fields west of Baldwin Hill Road, no team sports shall be played on the activity fields west of Baldwin Hill road during the months of July and August.

ARTICLE VII

OPERATING BUDGET

In 1981 the Legislature and Governor of the State of New Hampshire adopted and signed a Special Act which authorized the Town of Pelham to create a Trust Fund to generate income to operate and maintain the Elmer G. Raymond Memorial Park. On March 2, 1982, pursuant to that authorization, the 1982 Pelham annual town meeting created the Elmer G. Raymond Memorial Park Trust Fund by the adoption of warrant article 37. That warrant article provided in part as follows. The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval each year of the annual Town Meeting of the Town of Pelham.

Warrant Article 37 also provided that it shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Park and to present that budget to the Budget Committee and Annual Town Meeting. This budget shall be funded exclusively from Trust fund income. No portion whatsoever of the proposed budget shall be raised by local taxes.

This By-Law is not intended to change 1982 warrant article 37. Each year the maintenance and operating budget of the Park shall be prepared, appropriated and expended in accordance with 1982 warrant article 37, which created the Elmer G. Raymond Memorial Park Trust Fund.

ARTICLE VIII

SALE OF SAND, GRAVEL, LEDGE, WOOD AND TIMBER

The Town hereby authorizes the sale of sand, gravel, ledge, wood and timber from the Elmer G. Raymond Memorial Park. No such materials shall be sold except pursuant to a written agreement approved in writing by the Board of Selectmen, the Conservation Commission, and a majority of the Scoutmasters and Cubmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs. All proceeds from the sale of sand, gravel, ledge, wood and timber shall be placed in either the Elmer G. Raymond Memorial Park Trust Fund or Capital Reserve Fund as determined by the above referenced written agreement. In no event shall any sand, gravel or ledge be sold from the environmentally sensitive steep sloped portion of the Park located above elevation 200 as determined by reference to the topography maps of the Town of Pelham prepared by the United States Geological Survey. The indemnification provisions of Article IX of this By-Law and the insurance provisions of Article X of this By-Law shall also cover those activities carried out pursuant to Article VIII of this By-Law.

ARTICLE IX

INDEMNIFICATION

In accordance with the provisions of Sections 105 and 106 of Chapter 31 of the New Hampshire Revised Statutes Annotated, the Town of Pelham does hereby agree to indemnify and hold harmless the Members of the Elmer G. Raymond Memorial Park Board of Directors, those persons responsible for the appointment of said Board of Directors and those persons employed by the Board of Directors, from all losses claims and demands arising out of any acts or omissions occurring in connection with the development, management and operation of the Elmer G. Raymond Memorial Park. Such indemnification shall include all personal financial losses, damages, and expenses, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to property, if the indemnified person at the time of the accident resulting in the injury, damage or destruction was acting within the scope of his or her responsibilities regarding the Elmer G. Raymond Memorial Park. Such indemnification shall also cover any personal financial losses and expenses, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting a violation of the civil rights of an employee or any other person under any federal law, if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of his or her responsibilities regarding the Elmer G. Raymond Memorial Park.

The purpose of this indemnification Article is to provide the above described indemnitees with the same protection currently afforded the Board of Selectmen, Town Manager and other Town Officials and employees.

ARTICLE X

INSURANCE

The Town shall provide the Members of the Elmer G. Raymond Memorial Park Board of Directors, those persons responsible for the appointment of the Board of Directors and those persons employed by the Board of Directors with the same civil rights and other liability insurance coverage that is afforded to the Board of Selectmen, Town Manager and other Town Officials and employees of the Town of Pelham. To the extent that that portion of the Town's annual insurance premiums attributable to the Elmer G. Raymond Memorial Park can be determined, that portion of the premiums shall be paid out of income generated by the Elmer G. Raymond Memorial Park Trust Fund.

ARTICLE XI

VALIDITY

If any section, clause, provision, portion, or phrase of this By-Law shall be found to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect, impair, or invalidate any other section, clause, provision, portion, or phrase of this By-Law.

ARTICLE XII

EFFECTIVE DATE

This By-Law shall become effective immediately upon its adoption.

ARTICLE 56 To see if the Town will vote to accept the following roads as Town roads;

Clement Road	Mayflower Lane	Chagnon Lane
Valley View Road	Millshore Road	Eddy Lane
Colonial Drive	Madison Street	Brookview Drive
Jefferson Street	Heritage Road	Hearthstone Road
Lincoln Street	Thomas Avenue	Washington Street
Balcom Road	Homestead Road	Michelle Avenue
Timber Lane	Lane Road	Kennedy Drive
Falcon Road	Valley Forge Road	Lisa Terrace
Blueberry Circle	Mt. Vernon Drive	Koper Lane
Partridge Lane	Mercury Lane	Indian Valley Road
Pheasant Lane	Glenside Drive	Carol Drive
Vassar Drive	Hutchinson Bridge Road	Maple Drive
Spruce Lane	Nancy Avenue	Cranberry Lane
Ponderosa Drive	Gladys Avenue	Pinewood Drive

1982

36. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$50,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

37. To see if the Town will vote, pursuant to Chapter 402 of the Laws of the 1981 New Hampshire Legislature (Senate Bill 221), to create a trust fund to be known as the Elmer G. Raymond Memorial Park Trust Fund and to have said trust fund be administered by the Board of Trust Fund Trustees heretofor established and elected to administer all of the Trust Funds of the Town of Pelham in accordance with the laws of the State of New Hampshire.

Contributions to said trust fund may be made at any time by private individuals, corporations, or trusts or by public and/or private charities.

The Town of Pelham may, at any annual Town Meeting, in accordance with the applicable budget procedures of the Town, make contributions to said trust fund by transferring funds from the Elmer G. Raymond Memorial Park Capital Reserve Fund to the Elmer G. Raymond Memorial Park Trust Fund.

The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park (Tax Map Parcels 5-70, 5-71, 5-73 and 5-74) and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval, each year, of the annual Town Meeting of the Town of Pelham.

It shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Elmer G. Raymond Memorial Park and to present that budget to the Pelham Budget Committee and annual Town Meeting. This budget shall be funded exclusively from Trust Fund income. No portion whatsoever of the proposed budget shall be raised by local taxes. No portion whatsoever of the annual trust fund income shall be used to fund program activities of any Scout Troop, any Cub Pack, or any other youth group of the Town of Pelham. (BY PETITION)

38. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and place the same in the Elmer G. Raymond Memorial Park Trust Fund heretofor established for the maintenance and operation of

said Park. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until modified or revoked by a subsequent annual Town Meeting. (BY PETITION)

39. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

40. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. These funds are to be expended in accordance with criteria established by the State of New Hampshire Department of Forests and Lands and the Plant Disease Suppression Program. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

41. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. These funds are to be expended in accordance with criteria established by the State of New Hampshire Department of Forests and Lands and the Plant Disease Suppression Program. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

1. Lodge Room
2. Bobcat Lodge

1982

SERIES 1001--INTEREST ON NOTES

Moved and seconded. John Lavallee explained that this is the interest on the fire truck note. Leo Leclerc amended the figure to zero. Seconded. Vote on the amended figure defeated. Vote on the recommended figure passed in the affirmative. \$ 2,500.00

SERIES 1002--PRINCIPAL ON NOTES

Moved and seconded. John Lavallee explained that this is the payment on the fire truck note. Passed in the affirmative. \$ 6,650.00

SERIES 1101--ENGINEERING FEES

Moved and seconded. Passed in the affirmative. \$ 2,000.00

ARTICLE 33 (Exercise room for Town Employees) (BY PETITION) (Not recommended by the Budget Committee)

Moved to disapprove. Seconded. Article Disapproved.

ARTICLE 34 (To withdraw funds from Capital Reserve Fund for Improvements to Lodge at Elmer G. Raymond Memorial Park) (By Petition) (Recommended by the Budget Committee)

Moved and seconded. William Hayes explained in detail the background of this park, and strongly supported this article. No portion to be raised by local taxes. Article passed in the affirmative. \$ 6,000.00
Moderator requested that it be noted in the minutes that there is one vote in the negative.

ARTICLE 35 (To withdraw funds from Capital Reserve Fund to erect a permanent memorial in memory of Second Lieut. Elmer Goldthwaite Raymond) (By Petition) (Recommended by Budget Comm.)

Moved and seconded. Passed in the affirmative. No portion to be raised by local taxes. \$ 1,500.00

ARTICLE 36 (To withdraw funds from Capital Reserve Fund to acquire additional land to add to Elmer G. Raymond Memorial Park) (By Petition) (Recommended by the Budget Committee)

Moved and seconded. William Hayes amended the article as follows: All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all Scoutmasters and Pack Masters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. Etc. Counters called. Requires a 2/3 vote on advise of Town Council. Vote on the article as amended. Yes--112, No--14. Article as amended passed in the affirmative. No portion to be raised by local taxes. \$ 50,000.00

ARTICLE 37 (Create a trust fund to be known as Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Passed in the affirmative.

ARTICLE 38 (To withdraw funds from Elmer G. Raymond Memorial Park Capital Reserve Fund sum of \$5000. & place in Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Al Broadbent amended the figure to \$25,000.00. Seconded. Vote on the amended figure was defeated. Vote on the article as written. 2/3 vote is necessary. Counters called. Yes--108, No--8. Article passed in the affirmative. No portion to be raised by local taxes. \$ 5,000.00

ARTICLE 39 (To withdraw \$5000. in funds from Elmer G. Raymond Memorial Park Reserve Fund to control gypsy moth infestation) (By Petition) (Not Recommended by Budget Committee)

Moved to Disapprove. Seconded. Article disapproved.

ARTICLE 40 (Control gypsy moth infestation of Town of Pelham) (By Petition) (Not Recommended by Budget Committee)

Moved to disapprove. Seconded. Article disapproved.

ARTICLE 35 (To withdraw funds from Capital Reserve Fund to erect a permanent memorial in memory of Second Lieut. Elmer Goldthwaite Raymond) (By Petition) Recommended by Budget Committee)

Moved and seconded. Passed in the affirmative. No portion to be raised by local taxes. **\$ 1,500.00**

ARTICLE 36 (To withdraw funds from Capital Reserve Fund to acquire additional land to add to Elmer G. Raymond Memorial Park) (By Petition) (Recommended by the Budget Committee)

Moved and seconded. William Hayes amended the article as follows: All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all **Scoutmasters and Pack Masters** of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. Etc. Counters called. Requires a $\frac{2}{3}$ vote on advise of Town Council. Vote on the article as amended. Yes—112, No—14. Article as amended passed in the affirmative. No portion to be raised by local taxes. **\$50,000.00**

ARTICLE 37 (Create a trust fund to be known as Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Passed in the affirmative.

ARTICLE 38 (To withdraw funds from Elmer G. Raymond Memorial Park Capital Reserve Fund sum of \$5000. & place in Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Al Broadbent amended the figure to \$25,000.00. Seconded. Vote on the amended figure was defeated. Vote on the article as written. $\frac{2}{3}$ vote is necessary. Counters called. Yes—108, No—8. Article passed in the affirmative. No portion to be raised by local taxes. **\$ 5,000.00**

ARTICLE 39 (To withdraw \$5000. in funds from Elmer G. Raymond Memorial Park Reserve Fund to control gypsy moth infestation) (By Petition))Not Recommended by Budget Committee)

Moved to Disapprove. Seconded. Article disapproved.

ARTICLE 40 (Control gypsy moth infestation of Town of Pelham) (By Petition) Not Recommended by Budget Committee)

Moved to disapprove. Seconded. Article disapproved.

ARTICLE 41 (Revenue Sharing Fund)

Moved and seconded. Hal Lynde amended the set-offs against the budget appropriation as follows: Lodge Roof Repair—\$19,000., Police Cruisers—\$15,000., Fire/Police Station Roof—\$6,000., Fire Chief's Car—\$7,000., Paging System for Fire Dept.—\$4,000., Renovations Police Station—\$3,000., Winter Maintenance Equipment Rental—\$11,000., and Dry Hydrants—\$5,000. Total amount of Revenue Sharing is \$70,000.00. Seconded. Article passed in the affirmative as amended.

ARTICLE 42 (Authorize Selectmen to apply for, accept and expend money from State, Federal or other gov't unit)

Moved to approve. Seconded. Correct typographical error of year to 1982. Article passed in the affirmative. Adopted.

ARTICLE 43 (Authorize Selectmen to be "Franchising Authority" for Cable Television systems in the Town.)

Moved and seconded acquiring cable T.V. Hal I adopted.

ARTICLE 44 (Adopt of Pelham.)

Moved and seconded D, E, & F and also Section Joseph R. Gauthier Jr. and surety". Seconded. Amended The Private Dump/L

PRIVATE

I. PURPOSE

To provide for order private waste disposal fa

II. DEFINITIONS

A. Private Disposal location, tract of land, a by a person, company, c for the depositing or th garbage, manure, putres

B. Garbage — Th vegetable, or other matte in or storage of meats, containers, or wrappers

C. Manure — Th accumulation of anima materials such as straw

D. Putrescible — ment" and means the canal of man or other bacterial decomposition include garbage as defi

E. Refuse — Th or having the character without additional liqu as garbage, swill, swee or domestic solid wast or other vegetable or establishments, or any vegetables; offal, anim mings; grass clippings demolition, alteration material, cans, contain nuisance.



Telephone:

PELHAM, N. H. (603) 635-2510

BOSTON, MASS. (617) 223-7064

Boy Scouts

NINE PINWOOD DRIVE
PELHAM, NEW HAMPSHIRE
03076

August 12, 1983

TO: Trust Fund Trustees

FROM: Elmer G. Raymond Memorial Park
Capital Improvements Committee

SUBJECT: Capital Reserve and Trust Funds

As you are aware, the Pelham Town Meeting has created a Capital Reserve Fund and a Trust Fund for the Raymond Park. All proceeds from the sale of sand, gravel, hardwood and timber at the Park are placed in the Capital Reserve Fund.

From time to time the Town Meeting votes to expend funds from the Capital Reserve Fund for capital improvements or to transfer funds from the Capital Reserve Fund to the Trust Fund. Income from the Trust Fund is used to maintain and operate the Park.

The 1982 Town Meeting voted to transfer \$5,000.00 from the Capital Reserve Fund to the Trust Fund. (Warrant Article 38). The 1983 Town Meeting voted to transfer \$10,000.00 from the Capital Reserve Fund to the Trust Fund. (Warrant Article 41 as amended).

We recommend that the Trust Fund be maintained in a separate account or investment from the Capital Reserve Fund. Since the principal of the Trust Fund (in contrast to the Capital Reserve Fund) will not be spent, you may wish to invest in a long term high yield account or security.

If separate accounts have not been established, we recommend that you establish them as soon as possible. As of this point in time the Trust Fund should include the 1982 \$5,000.00 plus accrued interest on the \$5,000.00 from April 1, 1982. It should also contain the 1983 \$10,000.00 plus accrued interest on the \$10,000.00 from April 1, 1983 to date.

When the above has been accomplished, please complete and return the attached statement to me with copies of the fund bank accounts.

ELMER G. RAYMOND MEMORIAL PARK
CAPITAL IMPROVEMENTS COMMITTEE

By William T. Hayes
William T. Hayes, Chairman

located east of Baldwin Hill Road. The Board of Directors shall give the Town Manager at least 60 days written notice of those days on which it desires exclusive use of the eastern portion of the Park. The Town Manager, in his or her discretion, may waive the foregoing notice requirement.

The half of the Park located west of Baldwin Hill Road, which is to be managed and maintained by the Elmer G. Raymond Memorial Park Board of Directors, shall be used primarily for passive recreation and conservation uses, such as camping, hiking, swimming, cross country skiing, fishing, skating, Scouting and other similar activities. Notwithstanding the foregoing sentence, the grassed activity fields located west of Baldwin Hill Road shall be made available to Little League and Soccer League "Farm Team" on non-Scout meeting nights and on non-Scouting weekends. To the extent possible, the Board of Directors shall make a good faith effort not to simultaneously schedule "Farm Teams" and passive recreation activities on the same days. "Farm Teams" are defined as those teams whose players are 9 years of age or younger and who do not wear cleats on their footwear. Due to the lack of irrigation sprinkler systems for the fields west of Baldwin Hill Road, no team sports shall be played on the activity fields west of Baldwin Hill Road during the months of July and August.

ARTICLE VII

OPERATING BUDGET

In 1981 the Legislature and Governor of the State of New Hampshire adopted and signed a Special Act which authorized the Town of Pelham to create a Trust Fund to generate income to operate and maintain the Elmer G. Raymond Memorial Park. On March 2, 1982, pursuant to that authorization, the 1982 Pelham annual town meeting created the Elmer G. Raymond Memorial Park Trust Fund by the adoption of Warrant Article 37. That Warrant Article provided in part as follows. The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval each year of the annual Town Meeting of the Town of Pelham.

Warrant Article 37 also provided that it shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Park and to present that budget to the Budget Committee and Annual Town Meeting. This budget shall be funded exclusively from Trust Fund income. No portion whatsoever of the proposed budget shall be raised by local taxes.

This By-Law is not intended to change 1982 Warrant Article 37. Each year the maintenance and operating budget of the Park shall be prepared, appropriated

and expended in accordance with 1982 Warrant Article 37, which created the Elmer G. Raymond Memorial Park Trust Fund.

ARTICLE VIII

SALE OF SAND, GRAVEL, LEDGE, WOOD AND TIMBER

The Town hereby authorizes the sale of sand, gravel, ledge, wood and timber from the Elmer G. Raymond Memorial Park. No such materials shall be sold except pursuant to a written agreement approved in writing by the Board of Selectmen, the Conservation Commission, and a majority of the Scoutmasters and Cubmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs. All proceeds from the sale of sand, gravel, ledge, wood and timber shall be placed in either the Elmer G. Raymond Memorial Park Trust Fund or Capital Reserve Fund as determined by the above referenced written agreement. In no event shall any sand, gravel or ledge be sold from the environmentally sensitive steep sloped portion of the Park located above elevation 200 as determined by reference to the topography maps of the Town of Pelham prepared by the United States Geological Survey. The indemnification provisions of Article IX of this By-Law and the insurance provisions of Article X of this By-Law shall also cover those activities carried out pursuant to Article VIII of this By-Law.

ARTICLE IX

INDEMNIFICATION

In accordance with the provisions of Sections 105 and 106 of Chapter 31 of the New Hampshire Revised Statutes Annotated, the Town of Pelham does hereby agree to indemnify and hold harmless the Members of the Elmer G. Raymond Memorial Park Board of Directors, those persons responsible for the appointment of said Board of Directors and those persons employed by the Board of Directors, from all losses, claims and demands arising out of any acts or omissions occurring in connection with the development, management and operation of the Elmer G. Raymond Memorial Park. Such indemnification shall include all personal financial losses, damages, and expenses, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of negligence or other act resulting in accidental injury to a person or accidental damage to property, if the indemnified person at the time of the accident resulting in the injury, damage or destruction, was acting within the scope of his or her responsibilities regarding the Elmer G. Raymond Memorial Park. Such indemnification shall also cover any personal financial losses and expenses, including reasonable legal fees and costs, if any, arising out of any claim, demand, suit or judgment by reason of any act or omission constituting a violation of the civil rights of an employee or other person under any federal law, if such act or omission was not committed with malice, and if the indemnified person at the time of such act or omission was acting within the scope of his or her responsibilities regarding the Elmer G. Raymond Memorial Park.

The purpose of this indemnification Article is to provide the above described indemnitees with the same protection currently afforded the Board of Selectmen, Town Manager and other Town Officials and employees.

ARTICLE X

INSURANCE

The Town shall provide the members of the Elmer G. Raymond Memorial Park Board of Directors, those persons responsible for the appointment of the Board of Directors and those persons employed by the Board of Directors with the same civil rights and other liability insurance coverage that is afforded to the Board of Selectmen, Town Manager and other Town Officials and employees of the Town of Pelham. To the extent that the portion of the Town's annual insurance premiums attributable to the Elmer G. Raymond Memorial Park can be determined, that portion of the premiums shall be paid out of income generated by the Elmer G. Raymond Memorial Park Trust Fund.

ARTICLE XI

VALIDITY

If any section, provision, portion, or phrase of this By-Law shall be found to be invalid or unconstitutional by any court of competent jurisdiction, such holding shall not effect, impair, or invalidate any other section, clause, provision, portion, or phrase of this By-Law.

ARTICLE XII

EFFECTIVE DATE

This By-Law shall become effective immediately upon its adoption.

ARTICLE 56. To see if the Town will vote to accept the following roads as Town roads:

Clement Road	Mayflower Lane	Chagnon Lane
Valley View Road	Millstone Road	Eddy Lane
Colonial Drive	Madison Street	Brookview Drive
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Balcom Road	Homestead Road	Michelle Avenue
Timber Lane	Lane Road	Kennedy Drive
Falcon Road	Valley Forge Road	Lisa Terrace
Blueberry Circle	Mt. Vernon Drive	Koper Lane
Partridge Lane	Mercury Lane	Indian Valley Road
Pheasant Lane	Glenside Drive	Carol Drive
Vassar Drive	Hutchinson Bridge Road	Maple Drive

Spruce Lane	Nancy Avenue	Cranberry Lane
Ponderosa Drive	Gladys Avenue	Pinewood Drive
Christopher Lane	Albert Street	Sawmill Road
Woodlawn Circle	Daniel Drive	Bowley Drive
Belvina Circle	Debbie Drive	Lorraine Drive
Independence Drive	Lori Lane	Leonard Drive
Lucy Avenue	Victoria Circle	Theodore Avenue
Economu Drive	Michelle Avenue	Lisa Terrace
Stevens Road	Hemlock Drive	Butternut Drive
Dale Avenue	Rita Avenue	Tina Avenue
Linda Avenue	Inwood Drive	Gordon Avenue
Arlene Drive	William Drive	Crestview Circle
Sandy Circle	F.A. Garland Drive	Apaloosa Avenue
Birch Lane	Clydsdale Avenue	Crestwood Circle
Melody Lane	Meadow Lane	Iris Avenue
Wellesley Drive	Radcliffe Drive	Colby Drive
Wheaton Road	Regis Drive	Surrey Lane
Orchard Lane	Sunrise Avenue	

ARTICLE 57. To see if the Town will vote to rescind the provisions of the Municipal Budget Law.

ARTICLE 58. To see if the Town will vote to reduce the number of the members at large of the Budget Committee from nine to six, under RSA 32:2. One-third of such members-at-large shall be elected at the Annual Meeting in 1990 for one year, one-third for two years, and one-third for three years. Each year thereafter, one-third of the members shall be elected for a term of three years until their successors are elected and qualified.

G. LOCATION. No portion of any outdoor shooting range approved for construction after adoption of this ordinance, or of any expansion of any pre-existing range, shall be located less than 1500 feet from any public road or any boundary of the club or range, regardless of the direction of fire of such outdoor range.

H. EXISTING RANGES. Clubs or ranges in operation as of the effective date of this ordinance shall have one year from such date to comply with the provisions of paragraphs E and F of section I of this ordinance.

IV. INDOOR SHOOTING RANGES. Clubs and ranges shall set the hours of operation, caliber, gauge and type of firearms, number of active shooters, and the number of meets or contests at the indoor ranges. However, noise from the discharge of firearms shall not be perceptible at a distance greater than 100 feet from the indoor shooting range enclosure.

IV. PENALTIES. Pursuant to RSA 31:39, III the following penalties shall be assessed for violations of this ordinance:

A. Violations of paragraphs A or B of section II shall be subject to a maximum fine of \$100 for the individual violator, and \$200 to the gun club or range, for each violation.

B. Violations of paragraph A of section II (relative to skeet or trap shooting), paragraphs C, D, E, F, or G of section II, or section III shall subject the club or range to a maximum fine of \$500 for each violation.

V. EXCEPTION: POLICE. Police officers certified under RSA 188-F:26-28 shall be exempt from the provisions of this ordinance as follows:

A. Regularly scheduled training sessions of the Hillsborough County, Rockingham County, or New Hampshire State Police forces, or

B. A declaration of an emergency by the governor necessitating cooperation with the State Police pursuant to RSA 1006-B:11.

ARTICLE 55. To see if the Town will vote to adopt the following By-Law which shall govern the development, operation and maintenance of the Elmer G. Raymond Memorial Park.

ELMER G. RAYMOND MEMORIAL PARK BY-LAW

ARTICLE I

PREAMBLE

In the mid 1930's Martina Gage died and willed to the Town of Pelham approximately 1,029 acres of land located in various sections of Town. At its 1936

annual town meeting, the Town of Pelham adopted Warrant Article 28, as amended. This Warrant Article created a committee to locate and dispose of, by private or public sale, the land willed to the Town by Martina Gage. The committee was also directed to set aside a suitable parcel of land as a campground for the Boy Scouts and 4-H Organizations of Pelham.

On April 2, 1937, the committee set aside the George Webster Farm on Keyes Hill Road for the Boy Scouts and 4-H Organizations. This property, which is now shown as Tax Map Parcels 5-71 and 5-74, soon became known as the "Scout Lot". On March 12, 1946, at the 1946 annual town meeting, the Town officially voted to name the "Scout Lot" the "Elmer G. Raymond Memorial Park" in honor and the memory of 2nd Lieutenant Elmer Goldthwaite Raymond, who lost his life during World War II, while serving as a U.S. Army Air Force Flight Instructor near Columbia, Alabama.

The same town meeting placed the park "under the jurisdiction of the Scout Committee of the Pelham Boy Scouts". The Scout Committee was charged with the responsibility for developing and maintaining the park for the Scouts and other Pelham "Youth Organizations with adequate adult leadership". The Scouts have honored that charge for more than 50 years.

In the mid-1950's the Scouts, using private funds and volunteer labor, constructed a lodge at the park. At the annual town meeting held in March of 1980, the Town authorized the sale of gravel, timber and hardwood located on the Park, provided that all such sales were made pursuant to a written plan approved in writing by the Board of Selectmen, the Conservation Commission and a majority of the Scoutmasters and Cubmasters of all currently chartered Pelham Boy Scout Troops and Cub Scout Packs. All proceeds from such sales were required to be used solely to improve and maintain the park. In the 1980's the Scouts doubled the size of the Park by acquiring by gift or purchase nine adjacent parcels of land. During the same period, using gravel sales proceeds and volunteer labor, not local taxes, the Scouts renovated the lodge, built activity fields, constructed access roads, developed camp sites and cleared ski trails.

As the result of a Special Act written by the Scout Leaders, passed by the New Hampshire Legislature and signed by the Governor, a special trust fund was established to create sufficient annual income to operate and maintain the Park without the use of local tax dollars.

In summary, during the past 50 years, the Scouts have developed, operated and maintained the "Scout Lot" for the Town of Pelham. In the process, they have donated thousands of hours of time, generated tens of thousands of dollars, and doubled the size of the park by acquiring through gift and purchase, land which now as a fair market value in excess of half a million dollars. This has all been accomplished through Warrant Articles approved by the Town of Pelham and this has all been accomplished without spending any local tax dollars.

1988 Town Report

ARTICLE II

PURPOSE

In March of 1987, the Town of Pelham adopted the Town Manager form of government. From March of 1987 until the Spring of 1988, the Scouts continued to develop, operate, and maintain the Elmer G. Raymond Memorial Park. They presumed to do so pursuant to the many Warrant articles and By-Laws adopted by the Town of Pelham over the past 50 years. In the Spring of 1988, a question arose as to whether the Town Manager or the Scouts had the authority to develop, operate and maintain the park. The PURPOSE of this By-Law is to have the Town Meeting of the Town of Pelham clarify who shall develop, operate and maintain the Park and to determine how that should be accomplished.

ARTICLE III

AUTHORITY

This By-Law is adopted pursuant to the authority granted by Chapter 31, Section 391. (a) of the New Hampshire Revised Statutes Annotated and shall be a By-Law which clarifies the authority of the Town Manager as permitted by the first sentence of Subsection VII of Section 6 of Chapter 37 of the New Hampshire Revised Statutes Annotated. To the extent that other New Hampshire Statutes authorize the adoption of this By-Law, this By-Law is also adopted pursuant to such other statutes.

ARTICLE IV

BOARD OF DIRECTORS

- A. CREATION: The Town of Pelham does hereby create a Board of Directors which shall be known as the Elmer G. Raymond Memorial Park Board of Directors.
- B. COMPOSITION: The Board of Directors shall consist of the following members—
1. A member of the Pelham Boy Scout Troop 25 Committee, who shall be appointed by that Committee.
 2. A member of the Pelham Boy Scout Troop 610 Committee, who shall be appointed by that Committee.
 3. A member of the Pelham Cub Scout Pack 25 Committee, who shall be appointed by that Committee.
 4. A member of the Pelham Cub Scout Pack 610 Committee, who shall be appointed by that Committee.
 5. Four representatives of the Pelham Girl Scouts, who shall be appointed by the Pelham Girl Scouts.
 6. A member of the Pelham Conservation Commission, who shall be appointed by that Commission.

7. A member of the Pelham Recreation Advisory Board or Commission, who shall be appointed by that Board or Commission.
8. Two members of the Pelham 4-H Organizations, who shall be appointed by the 4-H Organizations.
9. A member of the board of Selectmen, who shall be appointed by the Board of Selectmen. The Board of Selectmen may appoint the Recreation Director to attend meetings on their behalf.

C. DUTIES: The Board of Directors shall be responsible for that portion of the Elmer G. Raymond Memorial Park which lies west of Baldwin Hill Road. The Board's duties with respect to that portion of the Park that lies west of Baldwin Hill Road shall consist of the following—

1. The development, maintenance and operation of the Park.
2. The scheduling of Park usage.
3. The preparation of a long range park development plan.
4. The employment and supervision of park maintenance and administrative personnel.
5. Preparation of an annual report to the Town of Pelham.
6. Preparation and adoption of a set of Rules and Regulations governing the operation of the Park.

ARTICLE V

TOWN MANAGER

The Town Manager shall have jurisdiction over that half of the Elmer G. Raymond Memorial Park which lies east of Baldwin Hill Road. The Town Manager's authority over that portion of the Park shall include such authority as is granted by Chapter 37 of the New Hampshire Revised Statutes Annotated. All but one parcel of that half of the Park to be managed and maintained by the Town Manager was acquired through the efforts of the Scouts during the last nine years. The purchased land cost in excess of \$80,000.00. No portion of that sum was raised by local taxes. The gifted portion of the easterly side of the park was donated by a long time adult Scouter. At the time of the gift, the property had an appraised value in excess of \$100,000.00.

ARTICLE VI

PARK USES

That half of the Elmer G. Raymond Memorial Park located east of Baldwin Hill Road, which is to be managed and maintained by the Town Manager, shall be used primarily for team sports such as soccer, baseball and softball. However, nothing in the foregoing sentence shall prevent the use of the higher elevations of the eastern half of the Park for camping, hiking and other such purposes. On no more than ten days of each calendar year, the Elmer G. Raymond Park Board of Directors shall have the right to the exclusive use of all of that portion of the Park

36. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$50,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (BY PETITION) RECOMMENDED BY BUDGET COMMITTEE)

37. To see if the Town will vote, pursuant to Chapter 402 of the Laws of the 1981 New Hampshire Legislature (Senate Bill 221), to create a trust fund to be known as the Elmer G. Raymond Memorial Park Trust Fund and to have said trust fund be administered by the Board of Trust Fund Trustees heretofor established and elected to administer all of the Trust Funds of the Town of Pelham in accordance with the laws of the State of New Hampshire.

Contributions to said trust fund may be made at any time by private individuals, corporations, or trusts or by public and/or private charities.

The Town of Pelham may, at any annual Town Meeting, in accordance with the applicable budget procedures of the Town, make contributions to said trust fund by transferring funds from the Elmer G. Raymond Memorial Park Capital Reserve Fund to the Elmer G. Raymond Memorial Park Trust Fund.

The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park (Tax Map Parcels 5-70, 5-71, 5-73 and 5-74) and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval, each year, of the annual Town Meeting of the Town of Pelham.

It shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Elmer G. Raymond Memorial Park and to present that budget to the Pelham Budget Committee and annual Town Meeting. This budget shall be funded exclusively from Trust Fund income. No portion whatsoever of the proposed budget shall be raised by local taxes. No portion whatsoever of the annual trust fund income shall be used to fund program activities of any Scout Troop, any Cub Pack, or any other youth group of the Town of Pelham. (BY PETITION)

38. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and place the same in the Elmer G. Raymond Memorial Park Trust Fund heretofor established for the maintenance and operation of

said Park. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until modified or revoked by a subsequent annual Town Meeting. (BY PETITION)

39. To see if the Town will vote, pursuant to Chapter 402 of the Laws of the 1981 New Hampshire Legislature (Senate Bill 221), to create a trust fund to be known as the Elmer G. Raymond Memorial Park Trust Fund and to have said trust fund be administered by the Board of Trust Fund Trustees heretofor established and elected to administer all of the Trust Funds of the Town of Pelham in accordance with the laws of the State of New Hampshire. Contributions to said trust fund may be made at any time by private individuals, corporations, or trusts or by public and/or private charities. The Town of Pelham may, at any annual Town Meeting, in accordance with the applicable budget procedures of the Town, make contributions to said trust fund by transferring funds from the Elmer G. Raymond Memorial Park Capital Reserve Fund to the Elmer G. Raymond Memorial Park Trust Fund. The annual income from said trust fund shall be used to operate and maintain the Elmer G. Raymond Memorial Park (Tax Map Parcels 5-70, 5-71, 5-73 and 5-74) and the structures thereon. No income from said Trust Fund shall be appropriated and expended, except in accordance with the applicable budget procedures of the Town of Pelham, including the approval, each year, of the annual Town Meeting of the Town of Pelham. It shall be the duty, each year, of the majority of the Scoutmasters and Packmasters of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs to prepare an annual budget for the maintenance and operation of the Elmer G. Raymond Memorial Park and to present that budget to the Pelham Budget Committee and annual Town Meeting. This budget shall be funded exclusively from Trust Fund income. No portion whatsoever of the proposed budget shall be raised by local taxes. No portion whatsoever of the annual trust fund income shall be used to fund program activities of any Scout Troop, any Cub Pack, or any other youth group of the Town of Pelham. (BY PETITION)

40. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and to expend the same to acquire additional land to add to the Park. All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. No portion whatsoever of said funds shall be raised by local taxes. This warrant article shall remain in full force and effect until modified or revoked by a subsequent annual Town Meeting. (BY PETITION)

41. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$5,000.00 and place the same in the Elmer G. Raymond Memorial Park Trust Fund heretofor established for the maintenance and operation of

1. Lodge Roof
2. Bobcat Load

ARTICLE 35 (To withdraw funds from Capital Reserve Fund to erect a permanent memorial in memory of Second Lieut. Elmer Goldthwaite Raymond) (By Petition) Recommended by Budget Committee)

Moved and seconded. Passed in the affirmative. No portion to be raised by local taxes. **\$ 1,500.00**

ARTICLE 36 (To withdraw funds from Capital Reserve Fund to acquire additional land to add to Elmer G. Raymond Memorial Park) (By Petition) (Recommended by the Budget Committee)

Moved and seconded. William Hayes amended the article as follows: All purchases shall be pre-approved by a majority of the Board of Selectmen, a majority of the Conservation Commission and a majority of all **Scoutmasters and Pack Masters** of all then currently chartered Pelham Boy Scout Troops and Cub Scout Packs. Etc. Counters called. Requires a $\frac{2}{3}$ vote on advise of Town Council. Vote on the article as amended. Yes—112, No—14. Article as amended passed in the affirmative. No portion to be raised by local taxes. **\$50,000.00**

ARTICLE 37 (Create a trust fund to be known as Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Passed in the affirmative.

ARTICLE 38 (To withdraw funds from Elmer G. Raymond Memorial Park Capital Reserve Fund sum of \$5000. & place in Elmer G. Raymond Memorial Park Trust Fund) (By Petition)

Moved and seconded. Al Broadbent amended the figure to \$25,000.00. Seconded. Vote on the amended figure was defeated. Vote on the article as written. $\frac{2}{3}$ vote is necessary. Counters called. Yes—108, No—8. Article passed in the affirmative. No portion to be raised by local taxes. **\$ 5,000.00**

ARTICLE 39 (To withdraw \$5000. in funds from Elmer G. Raymond Memorial Park Reserve Fund to control gypsy moth infestation) (By Petition))Not Recommended by Budget Committee)

Moved to Disapprove. Seconded. Article disapproved.

ARTICLE 40 (Control gypsy moth infestation of Town of Pelham) (By Petition) Not Recommended by Budget Committee)

Moved to disapprove. Seconded. Article disapproved.

ARTICLE 41 (Revenue Sharing Fund)

Moved and seconded. Hal Lynde amended the set-offs against the budget appropriation as follows: Lodge Roof Repair—\$19,000., Police Cruisers—\$15,000., Fire/Police Station Roof—\$6,000., Fire Chief's Car—\$7,000., Paging System for Fire Dept.—\$4,000., Renovations Police Station—\$3,000., Winter Maintenance Equipment Rental—\$11,000., and Dry Hydrants—\$5,000. Total amount of Revenue Sharing is \$70,000.00. Seconded. Article passed in the affirmative as amended.

ARTICLE 42 (Authorize Selectmen to apply for, accept and expend money from State, Federal or other gov't unit)

Moved to approve. Seconded. Correct typographical error of year to 1982. Article passed in the affirmative. Adopted.

ARTICLE 43 (Authorize Selectmen to be "Franchising Authority" for Cable Television systems in the Town.)

Moved and seconded. I acquiring cable T.V. Hal Lynde adopted.

ARTICLE 44 (Adopt ordinance for Pelham.)

Moved and seconded. D, E, & F and also Section Joseph R. Gauthier Jr. amended "surety". Seconded. Amended. The Private Dump/Landfill

PRIVATE

I. PURPOSE

To provide for orderly private waste disposal facilities.

II. DEFINITIONS

A. Private Disposal — The location, tract of land, area owned by a person, company, corporation for the depositing or the disposal of garbage, manure, putrescible material, or other matter.

B. Garbage — The refuse, vegetable, or other matter in or storage of meats, fish, containers, or wrappers with the exception of those used for the disposal of garbage.

C. Manure — The accumulation of animal excrement materials such as straw, manure, or other matter.

D. Putrescible — The "putrescent" and means the liquid canal of man or other liquid bacterial decomposition; include garbage as defined in this ordinance.

E. Refuse — The refuse or having the character of refuse without additional liquid as garbage, swill, sweepings or domestic solid wastes; or other vegetable or animal establishments, or any refuse, vegetables; offal, animal manure; grass clippings; demolition, alteration or material, cans, container or nuisance.



Telephone:

PELHAM, N. H. (603) 635-2510
BOSTON, MASS. (617) 223-7064

Boy Scouts

NINE PINWOOD DRIVE
PELHAM, NEW HAMPSHIRE
03076

August 12, 1983

TO: Trust Fund Trustees

FROM: Elmer G. Raymond Memorial Park
Capital Improvements Committee

SUBJECT: Capital Reserve and Trust Funds

As you are aware, the Pelham Town Meeting has created a Capital Reserve Fund and a Trust Fund for the Raymond Park. All proceeds from the sale of sand, gravel, hardwood and timber at the Park are placed in the Capital Reserve Fund.

From time to time the Town Meeting votes to expend funds from the Capital Reserve Fund for capital improvements or to transfer funds from the Capital Reserve Fund to the Trust Fund. Income from the Trust Fund is used to maintain and operate the Park.

The 1982 Town Meeting voted to transfer \$5,000.00 from the Capital Reserve Fund to the Trust Fund. (Warrant Article 38). The 1983 Town Meeting voted to transfer \$10,000.00 from the Capital Reserve Fund to the Trust Fund. (Warrant Article 41 as amended).

We recommend that the Trust Fund be maintained in a separate account or investment from the Capital Reserve Fund. Since the principal of the Trust Fund (in contrast to the Capital Reserve Fund) will not be spent, you may wish to invest in a long term high yield account or security.

If separate accounts have not been established, we recommend that you establish them as soon as possible. As of this point in time the Trust Fund should include the 1982 \$5,000.00 plus accrued interest on the \$5,000.00 from April 1, 1982. It should also contain the 1983 \$10,000.00 plus accrued interest on the \$10,000.00 from April 1, 1983 to date.

When the above has been accomplished, please complete and return the attached statement to me with copies of the fund bank accounts.

ELMER G. RAYMOND MEMORIAL PARK
CAPITAL IMPROVEMENTS COMMITTEE

By William T. Hayes
William T. Hayes, Chairman

Annual Town Report, 1986

Town of Pelham, NH

38. To see if the Town will vote to raise and appropriate the sum of Twenty-Eight Thousand (\$28,000.00) dollars to purchase a 1986 21-passenger bus to be used by the Pelham Senior Citizens, this appropriation to be offset by revenues of \$2800.00 anticipated from the Pelham Council on Aging, or to take any other action relative thereto. (BY PETITION) (RECOMMENDED BY BUDGET COMMITTEE)

39. To see if the Town will vote to raise and appropriate the sum of \$11,000 for the sandblasting, primer painting and painting of the wrought iron fence at Gibson Cemetery. (RECOMMENDED BY BUDGET COMMITTEE)

40. To see if the Town will vote to raise and appropriate the sum of \$3,900 for oil penetration of avenues in Gibson Cemetery. (RECOMMENDED BY BUDGET COMMITTEE)

41. To see if the Town will vote to raise and appropriate the sum of \$96,112.44 for highway reconstruction, said sum to be expended at the discretion of the Board of Selectmen. (RECOMMENDED BY BUDGET COMMITTEE)

42. To see if the Town will vote to expend the sum of \$4,500 from income generated by the Elmer G. Raymond Memorial Park Trust Fund for the purpose of operating and maintaining the Park for the period beginning March 15, 1986 and ending on March 15, 1987. NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES. (RECOMMENDED BY BUDGET COMMITTEE)

43. To see if the Town will vote, pursuant to Senate Bill 221, to withdraw the sum of \$10,000.00 from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund and place said sum in the Elmer G. Raymond Memorial Park Trust Fund heretofor established for the maintenance and operation of said Park. NO PORTION WHATSOEVER OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

44. To see if the Town will vote to withdraw from funds now in or hereinafter placed in the Elmer G. Raymond Memorial Park Capital Reserve Fund the sum of \$10,000.00 and to expend the same to make capital improvements to the Park and to purchase capital equipment for the Park. NO PORTION WHATSOEVER OF SAID SUM SHALL BE RAISED BY LOCAL TAXES. This warrant article shall remain in full force and effect until fully utilized or until modified or revoked by a subsequent annual Town Meeting. (RECOMMENDED BY BUDGET COMMITTEE)

45. To see if the Town will vote to raise and appropriate the sum of \$2,841.12 to purchase Pelham Tax Map Parcel 12-42 from Frederick G. Schlapp. (RECOMMENDED BY BUDGET COMMITTEE)

46. To see if the Town will vote to raise and appropriate the sum of \$3,749.00 to be used to fund the Town's share of the membership assessment of the Nashua Regional Planning Commission. (RECOMMENDED BY BUDGET COMMITTEE)

47. To see if the Town will vote to authorize withdrawal from the Revenue Sharing Fund established under provision of the State and Local Assistance Act of 1972 for the use of set offs against the budget appropriation indicated herein below, the amount of \$61,914, and further to authorize the Selectmen to make prorated reductions in the amounts, if estimated entitlements are reduced, or take any action hereon - Capital Improvements at the Incinerator \$61,914. (RECOMMENDED BY BUDGET COMMITTEE)

48. To see if the Town will vote to raise and appropriate the sum of \$12,178.55 as the town's share of the cost of providing the services of the Merrimack Valley Home Health Care Association (\$1.45 per capita). (RECOMMENDED BY BUDGET COMMITTEE)

49. To see if the Town will vote to raise and appropriate the sum of \$8,231.02 to support innovative, preventative and early intervention services as well as outpatient services to Pelham residents who (because of their inability to pay) cannot pay the full service charge at the Center for Life Management (\$.98) per capita. (RECOMMENDED BY BUDGET COMMITTEE)

50. To see if the Town will vote to raise and appropriate the sum of \$30,849 for Worker's Compensation Insurance, under the New Hampshire Municipal Association Self-Funded Worker's Compensation Fund. (RECOMMENDED BY BUDGET COMMITTEE)

51. To see if the Town Meeting will vote to direct the Board of Selectmen to cap the premium paid for medical insurance for all employees of the Town, at the premium that is being paid as of April 1, 1986. This shall remain in effect until changed or modified by any subsequent Town Meeting. The Town will honor the terms of any signed union contract with the town that requires any cost over and above the Cap that has been established as of April 1, 1986, until said contracts expire. At that time, the premiums paid by the Town of Pelham will revert to premiums paid as of April 1, 1986. (BY PETITION)

A 1986 Annual Town Report,

Town of Pelham, NH

- SERIES 400 (SUMMER MAINTENANCE) Passed in the affirmative. \$123,000.00
- SERIES 401 (WINTER MAINTENANCE) Passed in the affirmative. \$219,613.00
- SERIES 402 (RESEALING) Scott Neskey amended the figure to \$140,000.00. Seconded. He explained that there are fifty-two roads in need of resealing. With the additional money it should be possible to do twenty miles of roads. Many spoke in favor of this amendment. Vote on the article as amended passed in the affirmative. \$140,000.00
- SERIES 404 (STREET LIGHTING) Passed in the affirmative. \$15,016.00
- SERIES 406 (BRIDGES) Passed in the affirmative. \$2,500.00
- ARTICLE 41 (HIGHWAY RECONSTRUCTION) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Passed in the affirmative. \$96,112.44
- SERIES 500 (LIBRARY) Passed in the affirmative. \$86,429.00
- ARTICLE 36 (1986 INCOME FROM TRUST FUNDS PLACED IN LIBRARY CAPITAL RESERVE FUND) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Passed in the affirmative. \$1,000.00
- ARTICLE 37 (SITE INSPECTION BY A STRUCTURAL ENGINEER) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Bill McDewitt spoke in favor of this article. Adopted. \$31,000.00
- SERIES 600 (TOWN POOR) Passed in the affirmative. \$17,000.00
- SERIES 601 (OLD AGE ASSISTANCE) Passed in the affirmative. \$830.00
- SERIES 700 (MEMORIAL DAY) Passed in the affirmative. \$25.00
- SERIES 701 (SOLDIERS AID) John Hargreaves questioned why this amount was so small. He tried to amend the figure but it was defeated. Original figure passed in the affirmative. \$24,185.00
- SERIES 800 (PARKS) Passed in the affirmative.

- SERIES 801 (RECREATION) Passed in the affirmative. \$58,573.00
- ARTICLE 42 (EXPEND INCOME FROM E. G. RAYMOND MEMORIAL PARK TRUST FUND) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Article adopted. \$4,500.00
- ARTICLE 43 (WITHDRAW FUNDS FROM E. G. RAYMOND MEMORIAL CAPITAL RESERVE FUND) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Article adopted. \$10,000.00
- ARTICLE 44 (WITHDRAW FUNDS & EXPEND FOR CAPITAL IMPROVEMENTS TO E. G. RAYMOND PARK) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. John Hargreaves questioned where is the money going from the gravel being hauled from the E. G. Raymond Park? William Hayes explained that the Park is to be maintained with this money. Article adopted. \$10,000.00
- Wm. Hayes moved to consider Article 63 at this time. Defeated.
- SERIES 900 (CEMETERIES) Passed in the affirmative. \$33,725.00
- ARTICLE 39 (PAINT WROUGHT IRON FENCE AT GIBSON CEMETERY) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Passed in the affirmative. \$11,000.00
- ARTICLE 40 (OIL PENETRATION OF AVENUES IN GIBSON CEMETERY) (RECOMMENDED BY BUDGET COMMITTEE) Moved and seconded. Passed in the affirmative. \$3,900.00
- Ralph Daley moved to reconsider Series 900. Seconded. Vote on reconsideration was defeated.
- SERIES 1000 (INTEREST ON TEMPORARY LOANS) Passed in the affirmative. \$3,000.00
- SERIES 1001 (INTEREST ON NOTES) Passed in the affirmative. \$6,950.00
- SERIES 1002 (PRINCIPAL ON NOTES) Passed in the affirmative. \$13,000.00
- SERIES 1101 (ENGINEERING) Passed in the affirmative. \$2,500.00

work, diesel pump and rental of 1 the tank. This will be a non-lapse until project is whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The town will vote to raise and add to the existing General Fund facility in the amount of \$12,000.00 funded from surplus. (NO PORTION LOCAL TAXES). (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to raise and appropriate the sum of \$2,000 (Two Thousand Dollars) for the annual testing of two (2) 2,000 (Two Thousand) located at the Fire/Police Station for the purpose of any federal and/or state purposes. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to accept Federal grant (Eight thousand dollars) from the National Highway Traffic Safety Administration for the use of Muldoon Park and to authorize the use of the same in accordance with the terms of the grant. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to raise and appropriate the sum of \$8,000 (Eight Thousand Dollars) for the purchase of a copy machine for the use of the Planning Department, Town Clerk/Tax Assessor, Board of Adjustment, Building Inspectors, to include a one year non-lapsing account per RSA 32:7, and will not lapse until project is completed or in two (2) years, whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to raise and appropriate the sum of \$8,000.00 (Eight Thousand Dollars) for the purchase of a copy machine for the use of the Planning Department, Town Clerk/Tax Assessor, Board of Adjustment, Building Inspectors, to include a one year non-lapsing account per RSA 32:7, and will not lapse until project is completed or in two (2) years, whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to raise and appropriate the sum of \$6,000 (Six Thousand Dollars) to be paid to the Water Company for hydrant fees. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

The Town will vote to raise and appropriate the sum of \$6,000 (Six Thousand Dollars) for the purchase of a copy machine for the use of the Planning Department, Town Clerk/Tax Assessor, Board of Adjustment, Building Inspectors, to include a one year non-lapsing account per RSA 32:7, and will not lapse until project is completed or in two (2) years, whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

professional fees for a systems coordinator for the Town wide computer systems. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 51 To see if the town will vote to expend \$4,500.00 (Four Thousand Five Hundred Dollars) from the interest generated by the Elmer G. Raymond Memorial Trust Fund for the purpose of operation and maintenance of the park. (NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES.) This is the same amount that was approved yearly since the 1986 Town Meeting. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 52 To see if the Town will vote to raise and appropriate the sum of \$3,500.00 (Three Thousand Five Hundred Dollars) for the third (3rd) of a five (5) year commitment to support a Hazardous Material Mutual Aid district. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 53 To see if the Town will vote to raise and appropriate the sum of \$3,000.00 (Three Thousand Dollars) for the purpose of continuing to provide the members of the Pelham Fire and Police Department with the Hepatitis B Vaccinations. This would be in accordance with N.F.P.A. 1500 and OSHA 29 CFR 1910.1030. This article shall be encumbered for up to five (5) years in accordance with R.S.A. 32:7. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 54 To see if the Town will vote to raise and appropriate the sum of \$2,500.00 (Two Thousand Five Hundred Dollars) to assist the Zoning Ordinance Revision Committee in rewriting the present zoning ordinance. Money to be used for consultation fees and a recording secretary for the committee and the production of documents. This will be a non-lapsing account per RSA 32:7, and will not lapse until project is completed or in two (2) years, whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 55 To see if the town will vote to create an expendable general fund trust under the provisions of RSA 31:19-a to be known as the PVMP Maintenance Fund for the purpose of sand replacement, hydroraking, and other projects related to Town swim area to be funded from surplus from annual beach sticker fees, and further to name the Selectmen as agents of the fund provided for by RSA 35:1 and 35:15, and vote to raise and appropriate an operating transfer out to said PVMP Maintenance Fund in the amount of \$2,467.00 (Two Thousand Four Sixty Seven Dollars) to be funded from surplus. (NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES) (RECOMMENDED BY THE BOARD OF SELECTMEN) (NOT RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 56 To see if the Town will vote to raise and appropriate the sum of \$2,266.00 (Two Thousand Two Hundred Sixty Six Dollars) for the purpose of purchasing and installation of a telecommunications system for the deaf (TDD) specifically designed to aid public safety answering points specifically the fire/police

1993 TOWN REPORT

ARTICLE 43 To see if the Town will vote to expend \$4,500.00 (Four Thousand Five Hundred Dollars) from the interest generated by the Elmer G. Raymond Memorial Trust Fund for the purpose of operation and maintenance of the park. (NO PORTION OF SAID AMOUNT SHALL BE RAISED BY LOCAL TAXES.) This was the same amount that was approved yearly since the 1986 Town Meeting. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 44 To see if the Town will vote to raise and appropriate the sum of \$12,368.00 (Twelve Thousand Three Hundred Sixty Eight Dollars) for Pelham forestry and to authorize the withdrawal of this amount from the Pelham Forest Maintenance Fund established for this purpose pursuant to RSA 31:113; to continue the Multiple Use Forest Management Program for all of Pelham's forest land as first undertaken under article 33 voted at the 1992 town meeting. This will be a non-lapsing account per RSA 32:3, VI and will not lapse for three years. (NO PORTION OF SAID AMOUNT TO BE RAISED BY LOCAL TAXES) (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 45 To see if the town will vote to add the approximately 9.43 acres of parcel 1992 Tax map - 7, Lot - 9 and the approximately 8.0 acres of parcel 1992 Tax Map - 7, Lot - 12 and to return the approximately 31 acre parcel 1992 Tax map - 7, Lot - 13 as provided by RSA 31:110 to the Arthur H. Peabody Memorial Town Forest on Old Lawrence Road established at the 1980 Town meeting. (RECOMMENDED BY THE BOARD OF SELECTMEN)

ARTICLE 46 To see if the Town will vote to raise and appropriate the sum of \$15,000.00 (Fifteen Thousand Dollars) to be added to The Pelham 250th Anniversary Fund, an expendable general trust fund under RSA 31:19-a, said Fund having been created under Article 33 at the 1994 Town Meeting; the Selectmen to coordinate and cooperate with The Pelham 250th Anniversary Committee, Inc. in expending said Fund; or to take any other action relative thereto. This article and the funds herein appropriated are specifically designated as nonlapsing and shall be encumbered for three (3) years after the end of this fiscal year, in accordance with RSA 32:7, VI. (RECOMMENDED BY THE BOARD OF SELECTMEN) (NOT RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 47 To see if the Town will vote to raise and appropriate the sum of \$17,550.00 (Seventeen Thousand Five Hundred and Fifty Dollars) for the purchase of Self Contained Breathing Apparatus for the use by members of the Fire Department, the second year of a three year purchase plan. This will be a non-lapsing account per RSA 32:7, and will not lapse until the project is completed or in two (2) years, whichever is less. (RECOMMENDED BY THE BOARD OF SELECTMEN) (RECOMMENDED BY THE BUDGET COMMITTEE)

ARTICLE 48 To see if t appropriate an operating transfer Reserve Fund, from surplus, the s Dollars) and authorize the use/t fund balance for this purpose. SELECTMEN) (RECOMMENDED BY THE BU

ARTICLE 49 To see if t appropriate the sum of \$14,600. Dollars)) to be paid to Consumer hydrant fees. (RECOMMENDED BY TH BY THE BUDGET COMMITTEE)

ARTICLE 50 To see if t appropriate the sum of \$3,500 Dollars) for the fourth year o support a Hazardous Materials Mu THE BOARD OF SELECTMEN) (RECOMMEN

ARTICLE 51 To see if t appropriate the sum of \$21,594.0 Ninety Four Dollars) to purchas Police Interceptor Patrol Vehic cost of the vehicle, equipment lettering. (RECOMMENDED BY TH RECOMMENDED BY THE BUDGET COMM

ARTICLE 52 To see if t appropriate the sum of \$17,500. Dollars) to fund the Pelham Pol Thousand Five Hundred Dollars) o This will be a non-lapsing accou until the project is completed less. (RECOMMENDED BY THE BOAR BUDGET COMMITTEE)

ARTICLE 53 To see if appropriate the sum of \$8,316 Sixteen Dollars and Forty Four eight (8) channel Digital Voi ability. Lease to include ins tapes. (RECOMMENDED BY THE purchase RECOMMENDED BY THE BU

ARTICLE 54 To see if appropriate the sum of \$3,000. purpose of relocating the P include a leased telephone 1:

1994 TOWN
REPORT



TOWN OF PELHAM

PARKS & RECREATION DEPARTMENT

6 Village Green
Pelham, NH 03076

(603) 635-2721
Fax (603) 635-8274
Recreation@pelhamweb.com

April 22, 2005

Board of Selectmen
6 Village Green
Pelham, NH 03076

Dear Selectmen,

As part of an on-going search to meet the needs of the residents with the funds that have been allotted to the Parks and Recreation Department, a concerned citizen has brought to my attention the following information regarding the Trust Funds set-up for Pelham Parks and Recreation.

Specifically, I would like the board to examine Warrant Articles 50 and 51 from 1996 both of which were adopted at Town Meeting. In both cases the Selectmen were named as the agents to expend the funds collected in the Golden Brook Park Private Trust Fund and the Pelham Veterans Memorial Park Public Trust Fund. As stated in both Warrant Articles, "Providing that these funds are to be used for the operation and maintenance" of said park.

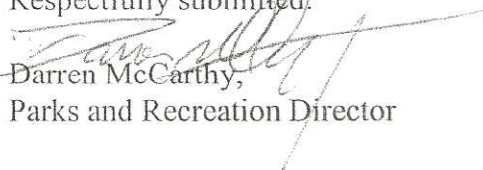
I am requesting that the Board sign below to allow the Parks and Recreation Department to expend the funds to offset the costs of trash removal and maintenance expenses at both areas.

Current estimates put the fund totals as follows:

Golden Brook Park: \$315.18

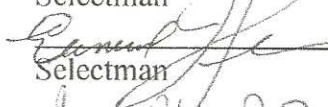
PVMP Public Trust: \$77.36

Respectfully submitted:



Darren McCarthy,
Parks and Recreation Director



Selectman



Selectman



Selectman

Selectman

Selectman

Board of Selectmen hold a public hearing, that it published in a newspaper. Given that this has not ion. Motion to limit debate. Debate is limited.

rough Article 41. Articles 28 through 41 are

STUDY TO ADDRESS FUTURE NEEDS DISPOSAL) (RECOMMENDED BY BOARD OF BUDGET COMMITTEE) Moved & seconded. Bill erned about the future of the incinerator. This e and federal clean air regulations are being aying for a study to be done, perhaps we could oney. Others felt this was a premature action. icle 42 is defeated.

GENERAL FUND TRUST MAINTENANCE OF PORTION OF SAID AMOUNT SHALL BE ED BY BOARD OF SELECTMEN) (E) Moved & seconded. Article 43 is adopted.

CYCLING EQUIPMENT CAPITAL RESERVE ELECTMEN) (RECOMMENDED BY BUDGET is adopted.

IP MAINTENANCE FUND) (RECOMMENDED BY) BY BUDGET COMMITTEE) Moved & seconded.

EREST GENERATED BY ELMER G. RAYMOND D BY BOARD OF SELECTMEN)

E) Jim Druding moved to withdraw with...."TO SEE IF THE TOWN WILL VOTE TO 050.00 FOR THE OPERATION AND RIAL PARK FOR FISCAL YEAR 1997." Seconded. Discussion followed principal amount of the trust fund is currently station by the auditors. Hal Lynde stated that s and Article 47 would be defeated thereby until the original principal amount is attained. The : 46 as amended is adopted.

\$2,050.00

3. RAYMOND MEMORIAL TRUST FUND) EN) (NOT RECOMMENDED BY BUDGET stated that this article should be defeated.

ARTICLE 48 (REAUTHORIZE AND CONTINUE ELMER G. RAYMOND MEMORIAL TRUST FUND) Larry Major moved to amend this article by deleting the words..." AND FURTHER TO APPOINT THE SELECTMEN AS AGENTS OF THE FUND PURSUANT TO RSA 31:32." Seconded. Mr. Major's motion to amend this article is defeated. Tom Kirby moved to amend this article by deleting the entire wording and replacing it with"TO SEE IF THE TOWN WILL VOTE TO REAUTHORIZE AND CONTINUE THE ELMER G. RAYMOND MEMORIAL PARK TRUST FUND FOR THOSE PURPOSES AS PROVIDED IN ARTICLE 37 OF THE 1981 TOWN MEETING, PURSUANT TO CHAPTER 402 (SENATE BILL-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE NOW KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PUBLIC TRUST FUND AND,

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE ELMER G. RAYMOND MEMORIAL PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND,

PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF ELMER G. RAYMOND MEMORIAL PARK AND, FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32." Mr. Kirby explained that the intent of this amendment is to allow private contributions and gifts to be donated and protect their use for the purpose they were intended. Jim Druding stated that establishing these funds in this manner will allow making improvements to the parks without it affecting the Parks & Recreation Operating Budget. The amendment made by Mr. Kirby is adopted. Article 48 as amended is adopted.

ARTICLE 49 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE MULDOON PARK TRUST FUND) Tom Kirby moved to delete this entire article and replace it with the following...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO

RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND; FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE MULDOON PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND; PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF GEORGE M. MULDOON PARK AND; FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. Seconded. Amendment to Article 49 is adopted. Article 49 as amended is adopted.

\$250.00

ARTICLE 50 (CREATE AN EXPENDABLE TRUST FUND KNOWN AS THE GOLDEN BROOK PARK TRUST FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Tom Kirby moved to amend this article by deleting it entirely and replacing it with...."TO SEE IF THE TOWN WILL VOTE TO CREATE A MUNICIPAL EXPENDABLE TRUST FUND PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A TO BE KNOWN AS THE GOLDEN BROOK PARK PUBLIC TRUST FUND AND TO RAISE AND APPROPRIATE THE SUM OF \$250.00 FROM SURPLUS TO THIS FUND AND;

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE GOLDEN BROOK PARK PRIVATE TRUST FUND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY VOTE AT A FUTURE TOWN MEETING AND; PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF GOLDEN BROOK PARK AND ALL OF ITS FACILITIES INCLUDING NEWCOMB FIELD AND THE "TOT LOT";

AND FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. Seconded. Amendment is adopted. Article 50 as amended is adopted.

\$250.00

ARTICLE 51 (REAUTHORIZE AND CONTINUE THE PVMP MAINTENANCE FUND TO BE RENAMED PELHAM VETERANS MEMORIAL PARK TRUST FUND (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Tom Kirby moved to delete this entire article and replace it with....

"TO SEE IF THE TOWN WILL VOTE TO REAUTHORIZE AND CONTINUE THE PVMP MAINTENANCE FUND TO BE RENAMED THE PELHAM VETERANS MEMORIAL PARK PUBLIC TRUST FUND AS A MUNICIPAL EXPENDABLE TRUST FUND TO BE FUNDED FROM SURPLUS ARISING FROM BEACH STICKER FEES AND OTHER ACTIVITIES, PURSUANT TO CHAPTER 402 (SB-221) OF THE LAWS OF 1981 AND TO RSA 31:19-A AND;

FURTHERMORE TO ACCEPT A TRUST FUND PURSUANT TO RSA 31:19 TO BE KNOWN AS THE PELHAM VETERANS MEMORIAL PARK PRIVATE TRUST FUND AND TO AUTHORIZE THE BOARD OF SELECTMEN TO ACCEPT CONTRIBUTIONS AND GIFTS TO SAID TRUST UNTIL SUCH AUTHORITY IS RESCINDED BY A VOTE AT A FUTURE TOWN MEETING AND;

PROVIDING THAT THESE TRUST FUNDS ARE TO BE USED FOR THE OPERATION AND MAINTENANCE OF THE PELHAM VETERANS MEMORIAL PARK TO INCLUDE AQUATIC WEED CONTROL, SAND REPLACEMENT AND THOSE OTHER PROJECTS RELATED TO THE TOWN SWIM AREA AND;

FURTHER TO APPOINT THE PELHAM BOARD OF SELECTMEN AS AGENTS OF THESE FUNDS PURSUANT TO RSA 31:32. (RECOMMENDED BY BOARD OF SELECTMEN)(RECOMMENDED BY BUDGET COMMITTEE) Seconded. Amendment is adopted. Article 51 as amended is adopted.

ARTICLE 52 (\$4,725.00 TO RESURFACE TENNIS COURT AT PVMP)(BY PETITION) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Seconded. Article 52 is adopted.

\$4,725.00

ARTICLE 53 (\$1,200.00 TO PURCHASE MONUMENT AT MULDOON PARK IN MEMORY OF THERESA MULDOON) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Seconded. Article 53 is adopted.

\$1,200.00

ARTICLE 54 (\$37,000.00 TO RENOVATE & EC (RECOMMENDED BY BOARD OF SELECTMEN COMMITTEE) Seconded. John Lavalley explained Further, Peter Flynn stated that if any grant money this warrant article would be turned back to the town.

ARTICLE 55 (\$7,500.00 OF LAND USE CHANGE CONSERVATION FUND) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Seconded. Article 55 is adopted.

ARTICLE 56 (\$26,995.00 TO EQUIP PELHAM FIRE CIRCULATION AND CARD CATALOGUE COMMISSION) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Seconded. Article 56 is adopted.

ARTICLE 57 (\$5,000.00 TO SUPPORT SERVICE CARE TRANSITION FUND COMMUNITY GRANT) (RECOMMENDED BY BOARD OF SELECTMEN) (RECOMMENDED BY BUDGET COMMITTEE) Seconded. Article 57 is adopted. John Lavalley explained that if we get this grant money, it will be in need of it in the community. Ron Bourque department in the Town because the state has been cutting services. Article 57 is adopted.

Motion to restrict reconsideration on all articles. Motion is subject to restricted reconsideration.

John Lavalley, Chairman of the Budget Committee Municipal Budget. Taxable items totaled \$4,182,539.00. The total figure is \$4,379,539.00.

Moderator Currier adjourned the meeting at 10:15