



TOWN OF FREMONT

2010 TOWN MEETING

WARRANT ARTICLE NARRATIVE

IN PREPARATION FOR DELIBERATIVE SESSION TO BE HELD
SATURDAY 30 JANUARY 2010 AT 9:00 AM AT ELLIS SCHOOL
SNOW DATE: MONDAY 01 FEBRUARY 2010 AT 7:00 PM AT ELLIS SCHOOL

We hope this information is helpful for your understanding of the issues to be voted upon at the 2010 Annual Town Meeting. If you have specific questions that might be answered in advance of the Deliberative Session on Saturday January 30, 2010, please feel free to call our office at 895 2226 or send an email to Selectmen@Fremont.nh.gov or to FremontTA@comcast.net.

Donald W Gates Jr

Brett A Hunter

Greta St Germain

Fremont Board of Selectmen

This document contains the written warrant articles and additional narrative information on each of the articles, so that you can better understand the subject matter prior to discussing it at the Deliberative Session.

In our second year of the SB2 Town Meeting, we are trying to provide additional information to assist voters in making informed decisions about the many municipal challenges facing the Town. The process is different with regard to activity on this warrant. The Official Warrant remains one document. It is reviewed and discussed at the Deliberative Session. Following any changes at that session, a final format of the questions is created, called the Official Ballot. Thus SB2 is called the Official Ballot law. Following Deliberative Session, a VOTER GUIDE will be prepared to include any changes from Deliberative Session, and will include all of the material to be voted on at the polls March 9, 2010.

At the Deliberative Session, Articles 4 through 24 can be amended and may appear differently on the Official Ballot, depending on actions at the Deliberative Session on January 30th. **We hope to see you at this important, interactive session.**

Voting on the finalized Official Ballot will take place on Tuesday March 9, 2010 at the Fremont Safety Complex, 425 Main Street, Fremont NH. Polls are open hours from 7:00 am to 8:00 pm. You can also request an absentee ballot for this session by contacting the Fremont Town Clerk for information at 895 8693.

By law, the Selectmen and the Budget Committee must consider any "Special" Warrant Article requesting funds and make a recommendation on the proposed expenditure. In 2009 voters decided to have the Selectmen and Budget Committee's tally votes on articles printed, along with those recommendations as outlined by Statute. The Official Warrant is written as outlined by Statute. For voter information, in the narrative portion of this guide, we have also included tax rate estimates, and other information pertinent to voter consideration of each article.

The type of vote required appears in parentheses at the end of each article as well, such as majority or 2/3 vote requirements. We have also included an estimate of what each article reflects as part of the total Town portion of the tax rate. This is only an estimate, but is based on a conservative, but reasonable growth in the Town's assessed valuation and other factors included in the adjustment of the annual tax rate.

In 2009, the Town's portion of the tax rate was \$3.44 as a reference. You can also refer to tax rate historical information elsewhere in the 2009 Town Report.

ELECTION OF TOWN OFFICERS

ARTICLE 1: To choose by ballot all necessary Town Officers for the ensuing year.

This article will list out all candidates running for an elected office within the Town. There will be a separate ballot for candidates running for Fremont School District offices. Sample ballots will be posted at the Town Hall, Safety Complex, Library and Post Office for viewing before Election Day. We will also try again to get the sample ballot on the website for viewing. If this isn't possible, the listing of candidates will still be available on the Town Clerk's page, with other election materials.

PROPOSED ZONING CHANGE

ARTICLE 2: Are you in favor of amending the Fremont Zoning Ordinance by adding new Article IV-3:A follows:

Article IV Section 3-A

As it relates to Article IV Section 3 and Article XI Section E-1; where-ever a commercial use or a mixed use of residential and commercial are proposed on the same lot the minimum lot size shall be further determined in that each 2,000 square feet (or any part thereof) of commercial use shall constitute a calculate-able unit for the purpose of determining the minimum lot size.

The lot size minimum is as determined by Article IV Section 3 and/or Article XI Section E-1; whichever applies.

Examples:

The minimum lot size for consideration of commercial Conditional Use Permit in the Flexible Use District would be 2 acres or if in the Aquifer Protection District the minimum lot size for a commercial conditional use permit would be 3 acres.

A proposed 10,000 sq ft commercial

A 10,000 square foot commercial use outside of the Aquifer District would require a total of 4.3 acres. Calculation: $10,000 / 2,000 = 5$ units and minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

A proposed 4,000 square foot mixed use w/3 residential

A mixed use 4,000 square foot commercial with 3 residential 2 bedroom dwelling units.

The lot is outside the Aquifer. Calculation: $4,000/2000 = 2$ plus 3 dwelling units = 5 calculate-able units and the minimum lot size is 2 acres, 2 acres plus 20,000 sq ft times the number of units (5) of calculation = 4.3 acres.

(See also Article XI Section E-1)

The Planning Board recommends this amendment. (Majority vote required.)

This article is not subject to change with discussion at the Deliberative Session and will appear on the ballot as shown.

The recent application of zoning districts throughout Fremont (2007) created certain "red roads" that allow for Planning Board review and approval of commercial use on properties abutting these "red roads". The Ordinance amendment now proposed would place a density requirement on the sizing of the commercial use of that property currently the Zoning Ordinance provides for acreage and frontage calculations for residential use only; but did not have additional density provisions for commercial use.

PROPOSED ZONING CHANGE

ARTICLE 3: Are you in favor of amending the Fremont Zoning Ordinance by changing Article IX to read as follows:

Add new proposed text

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ARTICLE IX WETLAND AND WATERSHED PROTECTION DISTRICT

A. Authorities and Purpose

- 1) Establishment of this ordinance with the authority vested in the Fremont Planning Board by the voters of the Town of Fremont, NH on March 11, 1947 and the authority vested in the Conservation Commission by the voters of the Town of Fremont, NH on RSA 36-A:1-6.
- 2) Purpose: In the interest of public health, convenience, safety, and welfare, the regulation of the District is intended to guide the use of areas of lands draining into wetlands, rivers, brooks, ponds; to control building and land uses which would contribute to pollution of surface and ground water by sewage; to prevent the destruction of watershed areas and wetlands which provide flood protection, recharge of ground water supply, and augmentation of stream flow during dry periods; to prevent unnecessary or excessive expenses to the Town to provide and maintain essential services and utilities which arise because of the inharmonious use of watershed areas and wetlands; to encourage those uses that can be appropriately and safely located in this district.

- 3) *All wetlands in this Article are subject to the jurisdiction of the NHDES Wetlands Bureau and a permit is required to dredge or fill them.*

B. Administration

- 1) Administration of the provisions of this ordinance shall be coordinated with the Fremont Conservation Commission through the designated commission member represented on the Fremont Planning Board. Responsibilities of said member shall be consistent with RSA 36:0 and RSA 36-A: 2-3.
- 2) To the extent possible, the Watershed Protection District shall, through the Planning Board, maintain close coordination with surrounding watershed districts and regional watershed authorities.

C. Definitions

- 1) Wetlands: Wetlands mean an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adopted for life in saturated soil conditions. *Wetlands will be delineated by a New Hampshire Certified Wetland Scientist according to the following standards: US Army Corps of Engineers Wetlands Delineation Manual, Technical Report Y-87-1 (January, 1987); Field Indicators for Identifying Hydric Soils in New England (Current Version) NEIWPCC Wetlands Work Group (2006); National List of Plant Species That Occur in Wetlands: Northeast (Region 1). U.S. Fish and Wildlife Service (May 1988); Code of Administrative Rules, Wetlands Bureau, State of New Hampshire (Wt 301.01).*
- 2) Watershed Protection Area: Watershed Protection Area shall mean an area of land surrounding wetlands for the purpose of controlling building and land uses which would contribute to the pollution of surface and ground water, and preventing the destruction of watershed areas and wetlands which would provide flood protection. Land areas designated as Watershed Protection Areas shall comply with the provisions of Section E.
 - i. ~~a.~~ Watershed Protection Area 1: - ~~Permanent flowage~~ *Perennial streams;* (Rivers, Brooks, ~~streams~~-named ponds *and all Prime Wetlands*) shall include all lands within one hundred fifty (150) feet of the mean annual high of the Exeter River, Piscassic River, Loon Pond, Red Brook, and Brown Brook and other perennial streams.
 - ii. ~~b.~~ Watershed Protection Area 2: - Intermittent ~~flowage~~ streams: any ~~brook~~, stream, ~~or~~ pond, *or vernal pool* having flowing or standing water for six (6) months of the year shall include all lands within one hundred (100) feet of the center line of said brook or stream and one hundred (100) feet from the mean annual high of said pond.

- iii. ~~e.~~ Watershed Protection Area 3: - Wetlands: shall include that land area within one hundred (100) feet of any designated wetland. In addition, the protection area shall include "poorly drained" and "very poorly drained" soils and a one hundred (100) foot buffer around these soils. ~~seventy five (75) feet of any wetland greater than three thousand (3,000) square feet.~~
- iv. ~~d.~~ Sections a-e-i - iii above shall be considered minimum buffer areas for watershed protection. In certain cases the Board may require increased watershed boundaries when considering, but not limited to, the following: when areas abutting watershed protection areas have excessive inclines of twelve (12) percent or greater, importance of watershed to water supply, importance of watershed to wildlife habitat. If the Board makes a determination that increased watershed protection is necessary, the Board may require the watershed protection area to be increased by up to and not to exceed one hundred (100) feet.

3) Prime Wetlands: Shall mean any areas falling within the jurisdictional definitions of RSA 482-A:3 and RSA 482-A:4 that possess one or more of the values set forth in RSA 482-A:1 and that, because of their size, unspoiled character, fragile condition or other relevant factors, make them of substantial significance. ~~Such maps or designations, or both, shall be in such form and to such scale, and shall be based upon such criteria, as are established by the commissioner through rules adopted pursuant to RSA 541-A.~~ Prime wetlands are shown on the Fremont Prime Wetland Tax Map overlay.

A: Reference NH RSA 482-A: 11, IV.

- 4) Vernal Pool means a surface water or wetland which provides breeding habitat for amphibians and invertebrates that have adapted to the unique environments provided by such pools and which typically have the following characteristics:
- a. Cycles annually from flooded to dry conditions, although the hydroperiod, size, and shape of the pool might vary from year to year;
 - b. Forms in a shallow depression or basin;
 - c. Has no permanently flowing outlet;
 - d. Holds water for at least two continuous months following spring ice-out;
 - e. Lacks a viable fish population; and
 - f. Supports one or more primary vernal pool indicators, or 3 or more secondary vernal pool indicators.

~~D. Test Procedures (Subdivision Regulation): Soil testing procedures shall be subject to the prior review, approval and on site inspection by the Planning Board or its designate. Such procedures shall be conducted by, and at the expense of the landowner/subdivider. A complete record of the tests shall be submitted to the Selectmen and placed on file with the Planning Board.~~

D. Uses Permitted: Any of the following uses that do not result in the erection of any dwelling or building in public or private use or alter the surface configuration (except as permitted) of the land may be permitted in this District consistent with State and Federal wetland regulations:

- 1) Forestry, tree farming, within the limits of RSA 224:44a.
- 2) Agriculture, including grazing, farming, and harvesting of crops, except that mink farms and piggeries shall not be included in this district.
- 3) Drainage ways, *treatment swales*, streams, creeks, or other paths of normal run-off water.
- 4) Water impoundments, detention basins, and well supplies.
- 5) Wildlife refuge.
- 6) Open space as may be permitted by subdivision regulations and other sections of this ordinance.

E. ~~F.~~ Special Provisions

- 1) No waste disposal system may be located closer than one hundred (100) feet to any wetland.
- 2) No waste disposal system may be located within a watershed protection area.
- 3) Wetlands shall not be used to satisfy the minimum lot area and setback requirements, but may be included in the total lot area.
- 4) Watershed protection areas may be included in the minimum lot size requirements. All dwellings, structures, or parking areas shall have no portion within the Watershed Protection Area.

F. ~~G.~~ Prime Wetlands: In accordance with RSA 482-A:15 the wetland system commonly known as "Spruce Swamp" and other designated wetland systems described in documents and maps filed by the Planning Board and Conservation Commission with the Town Clerk and State of New Hampshire Department of Environmental Services, is hereby designated as a prime wetland. *Prime wetlands are shown on the Fremont Prime Wetland Tax Map overlay.*

G. ~~H.~~ Special Exceptions: The Board of Adjustment, after proper public notice and public hearing, may grant special exceptions for the following uses within the district, the application for such uses having been referred by the Planning Board for site plan review, the Conservation Commission, the Health Officer and Building Inspector and reported on by all four (4) prior to the public hearing or thirty (30) days have elapsed following such referral without receipt of such reports.

- 1) Recreation, including golf courses, parks (but not an amusement park), boating, fishing, landings, picnic areas and any non-commercial ~~open air~~ *passive* recreation use ~~provided there are adequate provision for disposal of waste products and for parking.~~
- 2) Dredging, filling, drainage (~~in compliance with the RSA 149:8a~~) or otherwise altering the surface configuration of the land; streets, roads and other access ways and utility rights if essential to the productive use of land if so located and constructed as to

minimize any detrimental impact of such uses upon the wetland and watershed protection areas.

3) A) Proper evidence to this effect shall be submitted in writing to the Board of Adjustment and shall be accompanied by ~~the findings of a review by the Rockingham County Soil Conservation Service District of the environment effects of such proposed use upon the wetland and watershed protection area in question.~~ a functional analysis of the wetland and shall include an evaluation of alternatives to determine a demonstrated need for the impact. A mitigation plan for such impacts within the watershed protection area shall be included.

B) *The above evaluations must be submitted by an independent New Hampshire Certified Wetland Scientist as designated by the Town of Fremont.*

H. *Structural Setbacks: The following setbacks to wetlands shall be observed by all structures in order to protect the integrity and functionality of the wetlands resources referenced below.*

| Resource | Size of Resource | Relationship to Surface Waters | Minimum Setback |
|--|---|---|------------------------|
| <i>Prime Wetlands and Perennial Streams in Watershed Protection Area 1</i> | <i>Any size</i> | <i>n/a</i> | <i>150 feet</i> |
| <i>Wetlands and Intermittent Streams in Watershed Protection Area 2</i> | <i>Wetlands 20,000 square feet or more and all Intermittent Streams in WWPA 2</i> | <i>Contiguous with Surface Waters</i> | <i>100 feet</i> |
| <i>Vernal Pools</i> | <i>All Sizes</i> | <i>n/a</i> | <i>100 feet</i> |
| <i>Wetlands</i> | <i>Greater than 3,000 square feet and less than 20,000 square feet</i> | <i>Not Contiguous with Surface Waters</i> | <i>75 feet</i> |
| | <i>Less than 3,000 square feet</i> | <i>Not Contiguous with Surface Waters</i> | <i>25 feet</i> |

I. *Buffers: The following vegetative buffers shall be observed in order to protect the integrity and functionality of the wetlands resources referenced below.*

| Resource | Size of Resource | Type of Buffer | Size of Buffer |
|--|-------------------------|----------------------------------|-----------------------|
| <i>Prime Wetlands and Perennial Streams in Watershed Protection Area 1</i> | <i>All sizes</i> | <i>Limited-Cut*</i> | <i>150 Feet</i> |
| | | <i>No-Cut and No-Disturbance</i> | <i>50 Feet</i> |

| | | | |
|---|--|----------------------------------|----------------|
| <i>All Wetlands & Intermittent Streams in Watershed Protection Area 2</i> | <i>Wetlands over 20,000 square feet</i> | <i>No-Cut and No-Disturbance</i> | <i>50 Feet</i> |
| <i>Vernal Pools</i> | <i>All sizes</i> | <i>No-Cut and No-Disturbance</i> | <i>50 Feet</i> |
| <i>All other Wetlands</i> | <i>Greater than 3,000 and less than 20,000 square feet</i> | <i>No-Cut and No-Disturbance</i> | <i>25 Feet</i> |

** Tree cutting must follow the standards of the NHDES Comprehensive Shoreland Protection Act. Live trees and saplings may be removed provided certain criteria are met. Starting from the northerly or easterly boundary of the property, and working along the Prime Wetland boundary, divide the buffer into 50 feet x 50 feet segments. Within each segment a minimum combined tree and sapling score of at least 50 points must be maintained.*

Calculating the tree and sapling score within a 50 foot by 50 foot segment:

Determine each tree and sapling circumference 4½ feet above the ground, uphill side and score as follows:

Diameter of Tree or Sapling Score

1 inch to 6 inches = 1 pt

6 inches to 12 inches = 5 pts

Greater than 12 inches = 10 pts

Prior to cutting a report and map must be prepared and submitted to the Fremont Conservation Commission or their designee for approval.

J. Test Procedures: Soil testing procedures shall be subject to the prior review, approval and on site inspection by the Planning Board or its designate. Such procedures shall be conducted by, and at the expense of, the landowner/ subdivider. A complete record of the tests shall be submitted to the Selectmen and placed on file with the Planning Board.

ENFORCEMENT

A. This Ordinance may be enforced by the Planning Board, Building Inspector, Code Enforcement Officer or the Board of Selectmen.

B. Any owner found violating any provisions of this Ordinance shall be subject to the "Fines and Penalties" provisions of RSA 676:16 & 17, and the Cease and Desist Order process under RSA 676:17(a) and 17(b) or such other injunctive or other equitable relief under law that a Court may deem appropriate. The Town specifically reserves the right to request and obtain mandatory injunctive relief both immediate and permanent, requiring the landowner to repair, replace, mitigate or otherwise remedy any such violation and to restore the property to its original condition. All costs, fees or expenses including legal fees, engineering fees, consulting fees incurred by the Town shall without

limitation be recoverable by the Town against the owner and shall be subject to the collection provisions provided under 676:17(a) IX.

C. Any Notice sent to the owner advising that owner of any violation of this Ordinance may be regular mail or transmitted electronically or served in hand or at the abode of the owner or the location of the property, by any official of the Town or member of the Police Department, or by the Town's legal counsel.

Buffer and setback diagram to be added as Appendix A.

The Planning Board recommends this amendment. (Majority vote required.)

This article is not subject to change with discussion at the Deliberative Session and will appear on the ballot as shown.

This article has been proposed by the Fremont Planning Board and been through a series of Public Hearings for review. This is the final version of their work. The amendment to this Ordinance now proposed would:

- *Re-define the wetland buffers and setbacks.*
- *Specifically identify vernal pools under a watershed protection area.*
- *Increase the minimum setback to some wetlands and decrease it to others*
- *Provide a limited-cut and a no-cut/no-disturb buffer of varying distances to all wetlands including vernal pools, wetlands and prime wetlands, perennial and intermittent streams.*
 1. *Tree cutting must follow the standards of the NHDES Comprehensive Shoreland Protection Act.*
 2. *Prior to cutting, a report and map must be prepared and submitted to the Fremont Conservation Commission or their designee for approval.*

2010 OPERATING BUDGET

ARTICLE 4: Shall the Town of Fremont raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein, totaling \$2,440,256? Should this article be defeated, the default budget shall be \$2,552,072, which is the same as last year, with certain adjustments required by previous action of the Town of Fremont or by law or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.

Note: This operating budget warrant article does not include appropriations contained in ANY other warrant articles. The Selectmen recommend this appropriation 2-0. The Budget Committee recommends this appropriation 7-0. (Majority vote required.)

This is the total operating budget for the Town of Fremont. This article is referred to as the master budget article and is the sum total of all operating budgets, excluding warrant articles. The full budget detail can be found on

the State Form MS-7, which is available on the Town's website, in the 2009 Annual Town Report, or a printed copy can be obtained at the Selectmen's Office.

Now that SB2 is in place, this master budget article includes only the number recommended by the Budget Committee of \$2,440,256. The Board of Selectmen recommended \$2,472,388 for the operating budget. The difference in these numbers is \$32,132. The Budget Committee did not recommend operating expenses within some budgets. These amounts can be viewed on the State Form MS-7 in the 2009 Town Report.

Following are some highlights of changes in the operating budgets, based on the Board of Selectmen's recommendations:

Wages in all areas remain at the same level as they were in 2008; as the 2009 adopted budget was the default budget. This would remain the same into 2010 as well.

Most departments, cognizant of the difficult economic times, came in with initial budget proposals that were level with (and in some cases less than) the default budget. Selectmen reviewed each budget carefully.

Executive: *Decrease requested for Town Clerk salary*

Election and Registration: *Increased due to multiple elections scheduled for 2010.*

Reappraisal of Property: *Multi-year contract with MRI (Municipal Resources Inc) to include a CPI increase in the cost of contracted assessing services.*

Personnel Administration: *Increased due to a health insurance premium increase, despite the Town selecting a plan with a higher deductible and higher co-payments; along with State-mandated NH Retirement increases.*

General Government Buildings: *The budget includes \$10,000 for repainting the Olde Meetinghouse.*

Highway Department: *Block Grant revenue from the State of NH increased slightly to \$98,988.*

Solid Waste Collection: *The contract rate for solid waste and recycling pickup increased by 5% with a monthly fuel adjustment for prior 12 months, which was effectively a decrease, offsetting the overall increase in the cost of the contract.*

Solid Waste Disposal: *The amount of solid waste generated has decreased (due to increased recycling and the toter program); and the tipping fee remained constant (with no CPI increase for the Turnkey Landfill July 1, 2009 to June 30, 2010 fiscal year).*

Debt Service: *Interest payments reduced over the life of the bonds.*

Interest on Tax Anticipation Notes: *Unclear market rate of interest rate for borrowing, and an increase in the amount of borrowing for Town and School funding (in anticipation of taxes) to meet cash flow needs. The Selectmen have voted to go to bi-annual tax billing for the tax year beginning 04/01/2010 which will reduce some of the borrowing costs.*

If the Budget Committee's proposed operating budget passes, it is estimated at this time that the tax rate for the Town would decrease by a few pennies. All tax impact estimates are per \$1,000 of valuation. The number of veteran credits, exemptions, and amount of overlay (which affect the final rate) are not available at this time, and are estimated for the purposes of establishing tax rate changes. These current estimates of Overlay, Exemptions and Veteran Credits add about \$0.25 to the tax rate. We are also assuming a conservative but reasonable amount of growth in the total assessed valuation of the Town, which is the largest component of the tax rate setting formula.

The estimated amount of tax impact is shown for each of the warrant articles in the narrative portion. If the operating budget and all articles as proposed by the Town pass, the Town's portion of the tax rate is estimated to increase by approximately \$0.06. Passage of the operating budget as proposed would reflect a slight decrease in the tax rate.

FUNDING THE 2010 RECERTIFICATION PROCESS – No amount to be raised by taxation

ARTICLE 5: To see if the Town will vote to raise and appropriate the sum of seventy-six thousand dollars (\$76,000) to perform an assessment recertification for the tax year beginning 04/01/2010 pursuant to NH DRA Rules; and further to authorize the withdrawal of seventy-six thousand dollars (\$76,000) from the Property Reassessment Capital Reserve Fund created for this purpose. This will be a non-lapsing appropriation per RSA 32:7, VI and will not lapse until the recertification is complete or by December 31, 2011, whichever is sooner. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required.) There is no amount to be raised from taxation for this article.

This article requests funding for the planned 2010 Recertification in accordance with the NH Department of Revenue Administration Rules, the NH Constitution and NH RSA 21-J regarding assessing. As the Town currently funds a Capital Reserve Fund for the purpose of Property Reassessment, the cost will be removed from that Fund; making the tax impact of this article \$0.00. The Town is considering a statistical update (less involved than the 2005 Full Revaluation) to take into account market fluctuations in the years since that revaluation was completed.

The Town held public hearings and included several informational articles in the monthly newsletter to allow for public input as well as get information out to taxpayers on the importance of passage of this article. The Selectmen have been advised by the NH Department of Revenue Administration (DRA) that if voters do not approve this article, that they will pursue action with the NH Board of Tax and Land Appeals (BTLA) to have a reassessment process ordered. If this happens, the Town may be ordered by the BTLA to have the work done, and would lose local control of the project. The DRA would then hire a contractor and oversee the process, generally at a 10% cost premium (ie: 10% more than the Town could get the work done for).

If you have additional questions about this process or the importance of the affirmative passage by voters, please contact the Selectmen's Office. The cost impact on the tax rate of this article is zero if we do it ourselves. If we are ordered to do it, we cannot utilize the money already saved in the Capital Reserve Fund, and the full cost will be added to the 2010 tax rate. (If not approved locally, this could add another \$0.20 to the tax rate.)

Articles 6 through 11 request funding for six existing Capital Reserve Funds with each purpose specified. Money voted will add to what has already been set aside. These funds accrue over time and are then used to offset the cost of larger capital purchases when needed. To see the amount already saved in each of these funds, refer to the Annual Report of the Trustees of Trust Funds in the 2009 Town Report. The purpose of Capital Reserve funding is to create a more balanced effect on the tax rate by saving a portion of the cost every year so it is available when a capital purchase becomes necessary. Saving money in Capital Reserve Funds creates a more balanced effect on the tax rate by reducing the impact of one-time large expenditures.

Additionally this year, the Board is recommending some of the Capital Reserve Funds be funded from unreserved fund balance. This means that there is no tax impact of this savings, and it is transferred from the existing unreserved fund balance. That sum is in essence money turned back from unexpended funds or additional revenues, in prior years.

CONTRIBUTION TO THE HIGHWAY BUILDING CAPITAL RESERVE FUND

ARTICLE 6: To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be placed in the Highway Building Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-3. (Majority vote required.)

The estimated tax impact of this expenditure is \$0.03 per thousand.

CONTRIBUTION TO THE POLICE CRUISER CAPITAL RESERVE FUND – No amount to be raised by taxation

ARTICLE 7: To see if the Town will vote to raise and appropriate the sum of twelve thousand five hundred dollars (\$12,500) to be placed in the Police Cruiser Capital Reserve Fund. This sum to come from unreserved fund balance and no amount to be raised from taxation. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

The Town traditionally saves annually for the purchase of a replacement police cruiser every two years. This savings plan creates a more balanced effect on the tax rate, in that a payment of the same amount is made every year; and in the second year, the sum withdrawn to fund the purchase of a replacement police cruiser.

There is no tax impact of this expenditure as it will be funded from unreserved fund balance.

CONTRIBUTION TO THE TOWN HALL RENOVATIONS CAPITAL RESERVE FUND – No amount to be raised by taxation

ARTICLE 8: To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Town Hall Renovations Capital Reserve Fund. This sum to come from unreserved fund balance and no amount to be raised from taxation. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

For several years, the Town has been working on a plan for renovations to the basement of the Town Hall. This fund will continue to save for the prospect of these renovations. The future plan is for the work to completely renovate the basement area and provide for the following: maintain the existing Planning and Zoning Office and Building Official's Office; provide for one additional small future office space within the proposed layout; enlarge and utilize space in the existing meeting room (total space of approximately 700 SF - currently it's about 390 SF); replaces the aging heating systems (circa 1965); energy conservation with improved efficiency of units; HVAC system is about 1/3 of the total cost of renovation; energy conservation with removal of "cold spaces" throughout the building; provides for a single uni-sex bathroom at the first floor level (no bathroom currently exists in the basement); provides for a second method of egress to the rear of the building(easterly side); remodels the existing entrance and corrects water entry problems (west side of building); locates and removes the exterior in-ground oil storage tank; replaces existing propane hot water heater, incorporated into new HVAC system; affords continued space for Food Pantry; with a small kitchenette area; and a future vault location for Town Records is planned into the layout.

This article has been placed on the warrant to continue saving for this project. There is no tax impact of this expenditure as it will be funded from unreserved fund balance.

CONTRIBUTION TO THE REVALUATION CAPITAL RESERVE FUND – No amount to be raised by taxation

ARTICLE 9: To see if the Town will vote to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in the Property Reassessment Capital Reserve Fund. This sum to come from unreserved fund balance and no amount to be raised from taxation. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

This fund plans for future revaluation/recertification work, which is required by the NH Constitution and Statutes to be done every five years. Funds added will help fund a future property reassessment process (revaluation or recertification), which would next be due for April 1, 2015.

There is no tax impact of this expenditure as it will be funded from unreserved fund balance.

CONTRIBUTION TO THE FIRE TRUCK CAPITAL RESERVE FUND

ARTICLE 10: To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the Fire Truck Capital Reserve Fund, with twenty-five thousand dollars (\$25,000) to come from unreserved fund balance and twenty-five thousand dollars (\$25,000) to be raised from taxation. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

Because of the cost of fire apparatus, the Board has increased the requested amount to this fund to save for future purchases. The goal of the fund is to be able to replace equipment when needed with less impact to taxpayers. It is anticipated that a new fire truck at this time would cost \$350,000 to \$400,000. NFPA recommends a 20-year life cycle for fire apparatus and the Town has three pieces near or exceeding this life span.

The estimated tax impact of this expenditure is \$0.06 per thousand.

CONTRIBUTION TO THE HIGHWAY EQUIPMENT CAPITAL RESERVE FUND

ARTICLE 11: To see if the Town will vote to raise and appropriate the sum of twenty thousand dollars (\$20,000) to be placed in the Highway Equipment Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-3. (Majority vote required.)

This fund was established to assist with the future capital costs of equipment for the Highway Department. The Town currently owns plows and sanders and a one-ton dump truck, which require updating and replacement as they wear out. There is also consideration that the Town may own additional equipment in the future to rely less on contracted equipment hire.

The estimated tax impact of this expenditure is \$0.05 per thousand.

REMOVAL OF FUNDS FROM CAPITAL RESERVE TO PURCHASE A POLICE CRUISER – No amount to be raised by taxation

ARTICLE 12: To see if the Town will vote to raise and appropriate the sum of twenty-six thousand nine hundred ninety-six dollars (\$26,996) to purchase and equip a 2010 Police Cruiser for the Police Department; and further to authorize the withdrawal of twenty-six thousand nine hundred ninety-six dollars (\$26,996) from the Police Cruiser Capital Reserve Fund created for this purpose. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required.) There is no amount to be raised from taxation for this article.

The Fremont Police Department maintains four fully equipped vehicles, three sedan style patrol cruisers, and one utility vehicle. The Department typically keeps a patrol vehicle for six years.

The first two years a vehicle is used as the primary patrol vehicle for 16 patrol shifts per week. The majority of the mileage is put on the cruiser during these years. Many officers use this unit. As of mid-December, the mileage on the primary unit is 113,219 and it is a 2007 Ford Crown Victoria.

The second two years it is used as a patrol back up vehicle. It is used if there is a need for a second vehicle. It is assigned to an officer for patrol duty 5 shifts per week trying to keep the mileage down on the primary patrol vehicle. It is also used for details if a cruiser is needed. This vehicle is a 2005 Ford Crown Victoria and as of mid-December has 138,243 miles.

The last two years the markings are removed from the vehicle, it becomes low profile. It is a fully equipped cruiser that is used by the Chief of Police and the Detective Division. As of mid-December the mileage on this unit is 147,899, it is a 2003 Ford Crown Vic.

The utility vehicle is a 2006 Ford Expedition. When it was purchased the plan was for it to be a 10-year vehicle. This unit is used to tow the OHRV trailer. It is used in the inclement weather when a 4-wheel drive vehicle is needed. This unit is also used as a detail vehicle when a sedan is not available. As of mid-December, the mileage on this unit is 26,916.

Because of the nature of the work the wear and tear on emergency vehicles is greater than a vehicle owned by an individual. The constant use, the number of different drivers, the constant stopping and starting, and the number of hours a cruiser sits at a scene running creates maintenance problems as the cruiser get older. We have an aggressive maintenance program but as the cruisers get older the cost of maintenance increases.

The tax impact of this purchase is \$0.00 as it is funded from the existing Capital Reserve Fund.

REMOVAL OF FUNDS FROM OHRV SPECIAL REVENUE FUND TO PURCHASE OHRV EQUIPMENT – No amount to be raised by taxation

ARTICLE 13: To see if the Town will vote to raise and appropriate the sum of five thousand one hundred fifteen dollars (\$5,115) for the purchase of OHRV equipment; and further to authorize the withdrawal of five thousand one hundred fifteen dollars (\$5,115) from the OHRV Special Revenue Fund created for this purpose. The Selectmen recommend this

appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required.) There is no amount to be raised from taxation for this article.

The funds requested in this article come from an account that is funded entirely through the Police Department's ATV enforcement program. It reflects no impact on the tax rate as it funded with court imposed fines. The equipment being requested will be used to enhance our Special Services Unit in areas ranging from ATV Patrol to Search and Rescue. Key components targeted will be communications and our ability to operate in a remote and self-sufficient manner.

The tax impact of this purchase is \$0.00 as it is funded from the existing Special Revenue Fund.

FUNDING THE MOSQUITO CONTROL PROGRAM

ARTICLE 14: To see if the Town will vote to raise and appropriate the sum of forty-nine thousand five hundred fifty dollars (\$49,550) to continue the Public Health Mosquito Control Program. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 8-0. (Majority vote required.)

This article requests funding to continue the mosquito control program, which has been in place for four years in Fremont. The contractor has offered the program with no increase in cost for 2010. The Selectmen have placed this article on the warrant so that the community can have an opportunity to consider it annually and decide whether or not to proceed again this year with a town-wide program. The program for 2010 is consistent with what was done in 2008 and 2009, and allows for up to two emergency sprayings of public lots and ballfields at Memorial Park and Ellis School, should that be necessary. The overall mosquito control program is a comprehensive program beginning with surveillance, monitoring, and trapping and testing of adult mosquitoes; to treatment of larvae (a major focus of an effective control program) through adulticiding.

The 2010 program, if approved, would begin immediately following Town Meeting. A program would need to be funded annually if the Town continues to have concerns about the mosquito population. The information the Town has received from State Health Officials at this time indicates that EEE and WNV will again be issues in NH during 2010. They cannot forecast to what extent, but feel it is important for towns to remain vigilant and prepared.

A reimbursement grant from the State of NH in the amount of \$1,962 has been shown as a budgeted revenue to offset this warrant article. The estimated tax impact of this program is \$0.11.

ESTABLISHING THE CABLE ACCESS REVOLVING FUND – No amount to be raised by taxation

ARTICLE 15: To see if the Town will vote to establish a revolving fund pursuant to RSA 31:95-h, for the purpose of Cable Access, and to raise and appropriate twenty-five thousand dollars (\$25,000) from cable franchise fees, to be placed in said fund. All revenues received from cable franchise fees will be deposited into the fund, and the money in the fund shall be allowed to accumulate from year to year, and shall not be considered part of the Town's General Fund unreserved fund balance. The Town Treasurer shall have custody of all moneys in the fund, and shall pay out the same only upon order of the governing body and no further approval is required by the legislative body to expend. Such funds may be

expended only for the purpose for which the fund was created. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.) There is no amount to be raised from taxation for this article.

This article is made possible by new legislation contained in NH RSA 31:95-h. Creation of a cable fund in this fashion will allow for cable franchise fee revenues to go in; and allows for expenses from it for the purchase of equipment related to cable/public access.

The renewal contract was signed in February 2009, and the work of appointing a cable access management committee, laying out the plans for public access, and purchase of the necessary equipment, will begin once there is an outlet for the receipt of franchise fees. The Town must have a legal mechanism to accept and expend funds without action by Town Meeting each year.

If this article does not pass, any money received from cable franchise fees would be returned to the general fund to offset property taxes, and no funding would be available for cable access management.

There is no tax dollar impact of this article. Expenses would be funded from cable franchise fee revenues received from Comcast.

AUTHORIZING THE CONSERVATION COMMISSION WITH REGARD TO PROPERTY INTERESTS

ARTICLE 16: To see if the Town will vote to adopt the provisions of NH RSA 36-A:4-a, I (b) to authorize the Conservation Commission to expend funds for contributions to qualified organizations for the purchase of property interests, or facilitating transactions related thereto, where the property interest is to be held by the qualified organization and the Town will retain no interest in the property. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 6-1. (Majority vote required.)

This article was presented by the Fremont Conservation Commission and is supported by the Board of Selectmen. The law changed in 2008 allowing Conservation Commissions to contribute conservation funds to projects sponsored by private conservation groups such as land trusts for acquisitions of property interests (fee or easement) held by the organizations, and/or transaction costs related to these purchases, without having to hold a legal interest in property. Example: related to the rights obtained by the Society for Protection of NH Forests, the Town may share in the expense in the name of open space preservation. This might include survey work or title research involving a Fremont property that an outside agency will ultimately hold an easement on. Purchasing and caring for conservation land has substantial costs in money, time and responsibility. There are times when partnering with another organization such as a land trust may be the most efficient use of your conservation dollars. The law requires a public hearing before specific expenditures are made.

ADOPTING THE WOOD HEATING ENERGY EXEMPTION

ARTICLE 17: To see if the Town will vote to adopt the provisions of NH RSA 72:70 for the property tax exemption on real property equipped with wood heating energy systems, which exemption shall be in an amount equal to one hundred percent (100%) of the assessed value of the wood heating energy systems in accordance with NH RSA 72:69, 72:27, 72:33, 72:34;

and 72:34-a. The Selectmen recommend this article 2-0. The Budget Committee does not recommend this article 6-1. (Majority vote required.)

The tax impact of this article cannot be determined as there is no way to determine how many property owners may be eligible. The value of the exemption is deducted from the total assessed value of the property, and reduces the overall assessed valuation of the Town.

This was originally proposed by the Energy Committee in 2009. The intent of this article (and the solar and wind exemptions adopted in 2009) is to encourage certain energy improvements that are alternatives to petroleum and other fossil fueled energy sources by exempting from assessment improvements as defined within the RSA's listed within each exemption.

The Town's contracted Assessor has indicated that they would not place a value on the extra cost of installing qualified heating systems in this exemption. If the property has a "conventional" heating system and installs wood as an additional system, the property would be valued with just the regular heating system, with no added value for the second system. If the qualified wood system were the only system installed, the extra cost involved in doing so would not be valued. Most likely the value would be similar, if not the same, as a property with just a "conventional" system. Until sales of such properties occur, the only data regarding value would be cost. As sales do occur, it is possible that other considerations may need to be addressed.

NH RSA 72:69 Definition of Woodheating Energy System. – *In this subdivision "woodheating energy system" means a wood burning appliance designed to operate as a central heating system to heat the interior of a building. The appliance may burn wood solely or burn wood in combination with another fuel. A central heating system shall include a central appliance to distribute heat by a series of pipes, ducts or similar distribution system throughout a single building or group of buildings. A wood burning appliance shall not include a fireplace, meaning a hearth, fire chamber or similarly prepared place with a chimney intended to be usable in an open configuration whether or not it may also be closed and operated closed; or a wood stove meaning a wood burning appliance designed for space heating purposes which does not operate as a central heating system or as a sole source of heat.*

ACCEPTANCE OF NEW ROADWAY

ARTICLE 18: To see if the Town will vote to accept deeded title to Risloves Way (approximately 2,660 feet) as designated on Plans # D-31622 and D-32813 from Allan Rislove, with a maintenance bond to be held by the Town in the amount of \$50,000 in accordance with Fremont Subdivision Regulations. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 8-0. (Majority vote required.)

This article proposes to accept deeded title to Risloves Way. All necessary inspections have been completed and recommendations in place from the Town's Road Agent, Consulting Engineer, and Fremont Planning Board. A maintenance bond is being held by the Town in the amount of \$50,000.

ACCEPTANCE OF NEW ROADWAY

ARTICLE 19: To see if the Town will vote to accept deeded title to Moose Meadow (approximately 1,150 feet) as designated on Plan # D-34369 from Shawn and Kim Senter, with a two year maintenance bond to be held by the Town in the amount of \$25,000 in accordance with Fremont Subdivision Regulations. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 8-0. (Majority vote required.)

This article proposes to accept deeded title to Moose Meadow. All necessary inspections have been completed and recommendations in place from the Town's Road Agent, Consulting Engineer, and Fremont Planning Board. A maintenance bond is being held by the Town in the amount of \$25,000.

AUTHORIZING THE BOARD OF SELECTMEN TO ACCEPT NEW TOWN ROADS

ARTICLE 20: To see if the Town will vote to delegate to the Board of Selectmen the authority to accept dedicated streets. A public hearing shall be held on the proposed acceptance prior to taking action. This authority shall be pursuant to NH RSA 674:40-a. The Selectmen recommend this article 3-0. The Budget Committee recommends this article 8-0. (Majority vote required.)

This article proposes to vest with the Board of Selectmen the authority to accept new Town roads, once they have been completed to current standards. This is common practice in many towns, and would be done once all inspections have been completed to the satisfaction of the Planning Board, Road Agent, and Town's Consulting Engineer.

APPOINTING THE BOARD OF SELECTMEN AS AGENTS OF THE PROPERTY REASSESSMENT CAPITAL RESERVE FUND

ARTICLE 21: To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Property Reassessment Capital Reserve Fund previously established in 1995. The Selectmen recommend this article 3-0. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 8-0. (Majority vote required.)

NH Statute allows that Selectmen can be appointed agents of Capital Reserve Funds, such that the money could be expended from them for allowed purposes, without further Town Meeting action. This would allow the Town to undertake the recertification process as required by Law at the five-year intervals, being funded with any existing Capital Reserve Funds.

APPOINTING THE BOARD OF SELECTMEN AS AGENTS OF THE TOWN HALL RENOVATIONS CAPITAL RESERVE FUND

ARTICLE 22: To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Town Hall Renovations Capital Reserve Fund previously established in 2006. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 8-0. (Majority vote required.)

NH Statute allows that Selectmen can be appointed agents of Capital Reserve Funds, such that the money could be expended from them for allowed purposes, without further Town Meeting action. This is being proposed because there are grants becoming available for energy-related projects, and this could possibly include the renovations to the basement of the Town Hall. If a grant were received that needed partial Town funding, the Board could use Capital Reserve Funds. The Selectmen would hold a public hearing to include the use of any unanticipated grant funds which might become available during the year.

RESOLUTION REGARDING AN AMENDMENT TO THE NH CONSTITUTION THAT DEFINES MARRIAGE

ARTICLE 23: By Petition: To see if the Town will vote to approve the following resolution to be forwarded to our State Representatives, our State Senator, the Speaker of the House and the Senate President.

Resolved: The citizens of New Hampshire should be allowed to vote on an amendment to the New Hampshire Constitution that defines "marriage."

The Selectmen recommend this article 2-0. The Budget Committee recommends this article 5-3. (Majority vote required.)

This article has been submitted by petition to send a resolution to NH Legislative Officials regarding allowing citizens to vote on an amendment to the NH Constitution that defines marriage.

COMBINING THE POSITIONS OF TOWN CLERK AND TAX COLLECTOR

ARTICLE 24: By Petition: Are you in favor of combining the position of Tax Collector and Town Clerk in accordance with RSA 41:45-a, thereby creating a new office of Town Clerk-Tax Collector to be held by one individual and to have the term of office be 3 years, with a proposed combined salary of \$40,000.00. If approved an article shall be placed on the ballot at the next annual meeting to choose a Town Clerk-Tax Collector. The Selectmen recommend this article 2-0. The Budget Committee recommends this article 5-3. (Majority ballot vote required).

This article has been submitted by petition to combine the positions of Town Clerk and Tax Collector to one position, with a proposed salary of \$40,000. If approved, there would be one elected position on the ballot for a combined Town Clerk-Tax Collector three year term in March of 2011. The intent of the petitioner is improved efficiency and customer service, and financial savings for the Town.