

TOWN OF FREMONT NH

**2010 DELIBERATIVE SESSION
SATURDAY, JANUARY 30, 2010
ELLIS SCHOOL 9:00 AM**

Assistant Town Moderator Michael Rydeen called the first session of the Annual Town Meeting to order at 9:00 AM. He asked all in attendance to stand for the Pledge of Allegiance, which was led by Police Chief Neal Janvrin. Chief Janvrin then requested a moment of silence for the servicemen and women who are serving our country.

Assistant Moderator Rydeen explained the general rules of order and that a modified version of Roberts Rules of Order would be used as a guide to run the meeting. He stated that Articles can be amended at this meeting, but will not be voted on. Voting on the Articles will take place on Election Day, March 09, 2010. He also explained the procedure of restricting reconsideration of Warrant Articles. Handouts of the Rules of Order, Warrant Article Narrative, Town 2010 Budget form MS-7, and Default Budget Form MS-7D were available for review.

He then asked for members of the head table to introduce themselves to the audience. Seated at the table were Annmarie Scribner, School District Moderator (assisting the Moderator); Lori Holmes, Town Clerk; Heidi Carlson, Town Administrator; Selectmen Donald Gates Jr, Brett Hunter and Greta St. Germain; John Ryan, Town Counsel, and Budget Committee members Laurie Allore, Pat Martel, Peg Pinkham, Mike Nygren, Charles Kimball and Andy Kohlhofer. There were 62 registered voters in attendance.

Assistant Moderator Rydeen read aloud ARTICLE 1 and explained it does not require any action and cannot be amended at this time.

ARTICLE 1: To choose by ballot all necessary Town Officers for the ensuing year. He read the list of candidates declared for all Town and School District Offices.

Assistant Moderator Rydeen read aloud Article 2 (without the examples):

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

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: $4,000/2,000 = 2$ 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.)

Assistant Moderator Rydeen stated that Zoning Articles can be discussed, but they cannot be amended and must go on the ballot as written.

Don Gates Jr moved Article 2. Brett Hunter seconded.

There was no discussion of Article 2. Assistant Moderator Rydeen stated that Article 2 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 2. Brett Hunter seconded. The vote to restrict reconsideration of Article 2 passed by card vote.

Due to its length, Assistant Moderator Rydeen dispensed with the reading aloud of Article 3.

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

Add new proposed text

~~Deleted text~~

**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>

H. 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 designee. 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.)

Don Gates Jr moved Article 3. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 3 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 3. Don Gates Jr seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 4:

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.)

Don Gates Jr moved Article 4. Brett Hunter seconded.

Budget Committee Vice Chair Andy Kohlhofer read aloud the report of the Budget Committee. He stated that the 2010 proposed budget is less than the current 2009 operating budget. He highlighted some of the changes within the budget. He stated that no raises or COLA's were given to Town employees. The Town Clerk decreased her salary for 2010. The highway block grant revenue increased slightly. Interest payments reduced for the bonds. He said there are some increases such as; the Election budget (due to there being 3 elections this year) and there was an increase in health insurance premiums.

There being no further discussion, Assistant Moderator Rydeen stated that Article 4 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 4. Don Gates Jr seconded.

Road Agent Guerwood Holmes stated that he did not hear the motion and asked if he could speak about Article 4.

Peg Pinkham asked for clarification regarding if a vote had already been taken. She did not hear the motion and did not realize discussion had ended. She felt that Guerwood Holmes should have an opportunity to address Article 4.

Andy Kohlhofer said he agreed with Peg Pinkham, that Guerwood Holmes should be allowed to speak.

There was a procedural discussion. It was indicated that if the motion to restrict reconsideration failed, that the Article could be discussed further.

The motion to restrict reconsideration failed by card vote.

Don Miller made a motion to reconsider Article 4, seconded by Brett Hunter. Motion passed by card vote.

Guerwood Holmes stated that he has been the Road Agent in Fremont for 23 years. When he began the job there was only 15 miles of roadway, and now there is currently 50 miles of road. He explained that the life expectancy of a road is 20 years. He then spoke about Highway Block Grants. He stated that in 2009, the Town received approximately \$85,000 from the State. This money is issued from the State to be used for reconstruction and maintenance of roads. Last year the Highway Department never saw the money. He said that this year the Town will receive approximately \$95,000. He would like to know what the Town is doing with this money since the Highway Department isn't getting it. He would like to see the money go to the Highway Department to fix and upgrade the roads, and not go into the General Fund to offset taxes.

Don Gates Jr stated that the funds come from the State to help offset the highway budget. He believes we need a plan as to what roads will be worked on and improved on. He does not want to see deterioration of the roads.

Andy Kohlhofer explained that when the Road Agent submits his budget, the grant money is used to reduce the bottom line of the recommended Highway budget.

Budget Committee member, Mike Nygren said he wanted a survey done to review each Department. To see if there was a possibility to reduce the hours worked in the workweek by employees. He said there was an error made in the Planning & Zoning Clerical salary line in the amount of \$3,168. He said the money was subtracted by mistake and should be added back into the operating budget.

Andy Kohlhofer made a motion to amend Article 4 to add \$3,168 into line 1-4191-001, Planning & Zoning Clerical line. Don Gates Jr seconded.

Cheryl Rowell asked if 2008 was the last time that employees received a raise?

Town Administrator, Heidi Carlson, replied yes. She explained that due to the hard economic times, the Selectmen did not feel this would be the appropriate time to offer raises or a COLA to employees and officials. The Town is operating on wages as approved at the 2008 Town Meeting.

The motion made by Andy Kohlhofer passed by card vote. The 2010 operating budget request is now \$2,443,424.

Cheryl Rowell asked if the Town employees have an "Evergreen" clause?

Heidi Carlson replied no, and explained that at the present time there were no union contracts in place for the Town.

Guerwood Holmes then read the RSA about Highway Block Grants. He said the RSA is for paving and maintenance of roadways, not to offset the bottom line of the highway budget.

He would like to see the \$95,000 put back into the budget for paving of roads. He said the Town couldn't continue to do nothing year after year, because it will cost the Town much more money in the long run to upgrade roads. He believes the Town should do a little paving each year.

Guerwood Holmes made a motion to increase the 2010 budget by \$95, 000, seconded by Peg Pinkham.

Jeff Rowell asked if the \$95,000 was guaranteed money to the Town?

Heidi Carlson indicated that the actual amount of Highway Block Grant due to Fremont for calendar year 2010 is \$98,989. She then explained that much time was spent on budgets this year. The Selectmen had several discussions about paving and decided to leave the budget as is, deciding against a warrant article for road upgrade work. Carlson explained the budgetary process for expenses and offsetting revenues.

There being no further discussion, a vote on the amendment (as motioned by Guerwood Holmes) was taken. The amendment failed by card vote.

There being no further discussion, Assistant Moderator Rydeen stated that Article 4 would be placed on the ballot as amended with a 2010 operating budget bottom line of \$2,443,424.

Greta St Germain moved to restrict reconsideration of Article 4. Don Gates Jr seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 5:

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.

Don Gates Jr moved Article 5. Brett Hunter seconded.

Andy Kohlhofer explained the Article. He stated that the Town did not pass this Article last year, and the assessment recertification is required by law, and has to take place. If the Town does not pass this Article, the State will step in and force us to do it at a higher cost to the taxpayers, and without any local oversight.

Don Gates Jr stated that if the Town does not appropriate the money, and authorize the withdrawal from Capital Reserve, that the Selectmen will not be involved in the decision of who to hire, the NH Department of Revenue Administration (DRA) will step in and conduct the revaluation process and the Town will not have a say in who will do the work.

Keith Stanton asked about the process being considered in Epping to propose legislation changes.

Heidi Carlson further explained that the process is currently required every five years, as per NH Statutes and the NH Constitution. Selectman St Germain met with the DRA Commissioner last week, and there is a possibility that legislative and constitutional changes can be proposed, but that it will not happen in time for Fremont to meet its State mandated recertification date this cycle, which is April 1, 2010.

Carlson explained that if the voters do not authorize Article 5, that the DRA will go to the NH Board of Land Appeals and petition to have a recertification ordered in Fremont. This is their procedure as outlined in Statute, and will cost the taxpayers the full amount, which DRA will add onto the tax rate, without the benefit of using our saved funds in the Capital Reserve Fund.

Don Gates Jr indicated that DRA had sent a letter in follow-up to the meeting that Greta St Germain attended last week with Senator Barnes and the Commissioner, as well as other local legislative representatives, indicating that Fremont would not be treated any different than any other municipality, and that the Law and Constitution would be followed procedurally.

Neil Rowland asked about Article 28-A of the NH Constitution and the recertification being an unfunded mandate.

Andy Kohlhofer answered that would only apply if the legislation were new since 1989 and that provision of the Statute and Constitution has been in place for a very long time.

There being no further discussion, Assistant Moderator Rydeen stated that Article 5 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 5. Don Gates Jr seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 6:

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.)

Don Gates Jr moved Article 6. Brett Hunter seconded.

Andy Kohlhofer stated that at this time the Town owns limited equipment. A study committee will be researching whether it is more feasible for the Town to purchase their own equipment or continue as it is presently done, contracting the help. He doesn't feel a building is necessary at this time since the Town has no equipment of it's own.

There being no further discussion, Assistant Moderator Rydeen stated that Article 6 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 6. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 7:

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 the appropriation 6-0. (Majority vote required.)

Don Gates Jr moved Article 7. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 7 would be placed on the ballot as written.

Assistant Moderator Rydeen read aloud Article 8:

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.)

Don Gates Jr moved Article 8. Brett Hunter seconded.

Annmarie Scribner stated that she thought the unreserved fund balance should be used to reduce taxes, and that we could put off the renovations.

Dennis Howland asked what unreserved fund balance was.

Heidi Carlson explained what the unreserved fund balance was comprised of, including unexpended appropriations from prior years and revenues over the estimates used at the time of tax rate setting. She indicated that the Selectmen were looking for ways to continue to save for Capital Reserves, but to not have another tax impact because of it.

There being no further discussion, Assistant Moderator Rydeen stated that Article 8 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Articles 7 and 8. Don Gates Jr seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 9:

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.)

Don Gates Jr moved Article 9. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 9 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 9. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 10:

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) of this sum 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.)

Don Gates Jr moved Article 10. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 10 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 10. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 11:

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.)

Don Gates Jr moved Article 11. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 11 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 11. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 12:

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.

Don Gates Jr moved Article 12. Brett Hunter seconded.

Police Chief Neal Janvrin spoke on this Article. He said that he would like to delete the year of the police cruiser written in the Warrant Article. He said that if the Police Department is locked into a specific year, they could not take advantage of any deals that may arise on a leftover 2009 cruiser at a cheaper cost.

Neal Janvrin then moved to amend Article 12 to delete the year 2010. Peg Pinkham seconded.

The amendment passed by card vote.

There being no further discussion, Assistant Moderator Rydeen stated that Article 12 would be placed on the ballot as amended.

Greta St Germain moved to restrict reconsideration of Article 12. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 13:

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.

Don Gates Jr moved Article 13. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 13 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 13. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 14:

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.)

Don Gates Jr moved Article 14. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 14 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 14. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 15:

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 monies 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.

Don Gates Jr moved Article 15. Brett Hunter seconded.

Renee King asked how much money was in the fund? Heidi Carlson indicated that for 2010 budget purposes, \$25,000 had been used as an estimate.

Don Miller suggested that if the Town's revenues were down, why wouldn't we use this additional money to offset the tax rate.

Heidi Carlson spoke of the work that had been done on the Cable Contract and that the plan was always to be able to fund public access with the franchise fee money.

Gene Cordes provided historical perspective information as he had been on the Board of Selectmen at the time and worked on the Cable Contract. He said that the intent of the Contract and the franchise fees being charged was always to fund public access. He said that if this Article does not pass, than he felt the Selectmen should renegotiate the Contract and have the franchise fee removed from the subscriber's bills, as it is there to fund certain improvements including public access. He explained that subscribers, not taxpayers, are funding the cable improvements. He said that in his opinion these monies should be used for the purposes for which they were intended.

There being no further discussion, Assistant Moderator Rydeen stated that Article 15 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 15. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 16:

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.)

Don Gates Jr moved Article 16. Brett Hunter seconded.

Neil Rowland asked questions about whether this would be use to protect wetlands, and what bonafide organizations were allowed to do with the easements.

Heidi Carlson provided some information on the potential uses of money as authorized under this Article.

Jack Karcz then provided additional information about the example of the Anderson easement on Old Ridge Road.

There being no further discussion, Assistant Moderator Rydeen stated that Article 16 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 16. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 17:

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.)

Don Gates Jr moved Article 17. Brett Hunter seconded.

Andy Kohlhofer explained that any exemption or credit granted actually makes the taxes higher for all other taxpayers.

Gene Cordes stated that the energy exemptions will not lower value, but will exempt the value of improvements added that fit the criteria. He discussed the energy exemptions in general.

There being no further discussion, Assistant Moderator Rydeen stated that Article 17 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 17. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 18:

ARTICLE 18: To see if the Town will vote to accept deeded title to Rislove's 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.)

Don Gates Jr moved Article 18. Brett Hunter seconded.

Andy Kohlhofer said that the Budget Committee had recommended this Article because they believe that Town Regulations require it once roads have been completed per specifications. He also said that the Town would expect litigation if the roads were not accepted.

Matthew Thomas said that he thought it might help to deter development if some roads were not accepted.

Don Gates said that he felt that once developers follow the proper procedures that it was incumbent on the Town to accept the roadways. He also said that we could face litigation as the developers have done all of the required steps to have roads built, inspected, and approved by the Road Agent and the Town Engineer.

Gene Cordes reiterated the planning process and procedures for road building and acceptance.

Andy Kohlhofer offered that not all development is bad and that it will help improve the overall value of the Town.

Keith Stanton asked about the taxes for the roadway and who was paying them.

Heidi Carlson answered that she believes the Assessors consider the roadway value in each of the lot values. If these roads are not Town roads, the residents will not have mail delivery, bus transportation, or trash pickup.

Annmarie Scribner called the question.

With the question being called and no further discussion, Assistant Moderator Rydeen stated that Article 18 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 18. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 19:

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 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.)

Don Gates Jr moved Article 19. Brett Hunter seconded.

Road Agent Guerwood Holmes said that as with Article 18, this road has had all of the necessary inspections completed and he believes it should be accepted.

There being no further discussion, Assistant Moderator Rydeen stated that Article 19 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 19. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 20:

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.)

Don Gates Jr moved Article 20. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 20 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 20. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 21:

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 Budget Committee recommends this article 8-0. (Majority vote required.)

Don Gates Jr moved Article 21. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 21 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 21. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 22:

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.)

Don Gates Jr moved Article 12. Brett Hunter seconded.

There being no discussion, Assistant Moderator Rydeen stated that Article 22 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 22. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 23:

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.)

Kathy Arsenault moved Article 23. Mary Jo Holmes seconded.

No petitioner came forward to discuss the Article.

Andy Kohlhofer explained the Budget Committee's thoughts on the Article. The Petitioner did not submit any additional information to aid in the understanding of the Article.

Peg Pinkham asked for if there was a Petitioner present and if they would come forward to give explanation. No one did.

Assistant Moderator Rydeen stated that Article 23 would be placed on the ballot as written.

Greta St Germain moved to restrict reconsideration of Article 23. Brett Hunter seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen read aloud Article 24:

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).

Annmarie Scribner moved Article 24. Kathy Arsenault seconded.

Greta St Germain stated that she was the Petitioner. She said that the intent was to create a new full-time office and to be able to provide more customer service to the residents. She stated that the Town is going to twice per year tax billing in 2010 and this is anticipated to be more work. She explained that this Article is multifaceted, and it also encompasses the Town Treasurer. She explained RSA 41:9 regarding the Selectmen's responsibility to establish and

maintain appropriate internal control procedures. She would like to have the Treasurer working in the current Tax Collector Office at the Town Hall vs. from her home.

Greta St. Germain made a motion to amend Article 24 to read "a full-time position." Don Gates seconded.

The amendment passed by card vote.

There being no further discussion, Assistant Moderator Rydeen stated that Article 24 would be placed on the ballot as amended.

Greta St Germain moved to restrict reconsideration of Article 24. Brett Hunter seconded. The vote to restrict reconsideration failed by card vote.

Annmarie Scribner then spoke as the Tax Collector, stating that Lori Holmes is her Deputy, and that between them, the voicemail messages are answered on a daily basis. She said that during the busy season, she works between 30 and 40 hours per week, and the rest of the year, estimates she works approximately 10 hours per week. She also stated that she had never been consulted regarding this petition. She feels that combining the offices at this time, does not afford the new Tax Collector (elected in March) the opportunity to set new hours and to do the job. She also stated with regard to the Treasurer moving into the Tax Collector's Office, that there is plenty of room in the Selectmen's Office, including an empty desk, that can afford the Treasurer space to work in the Town Hall.

Lori Holmes stated that she did not feel it was her place to tell the voters whether or not she supports this Article. She felt it was her obligation to share with the voters the information and data she has compiled regarding the combining of offices. She feels the voters deserve to have all the information on all Articles to assist them when casting their vote. She provided data on salaries, work hours, clerical help and benefits received by communities with a combined position with a population between 3,000 – 4,999. She felt that more time, research and data were necessary before this question should be put before the voters.

Don Miller asked what the two positions were paid currently.

Heidi Carlson answered that proposed salaries for 2010 were just over \$29,000 for the Town Clerk and \$16,500 for the Tax Collector; and that in 2009, the Town Clerk's salary was just over \$34,000; and the Tax Collector's salary was \$16,500.

Cheryl Rowell asked if this was a new full-time position, would there be any additional benefit costs?

Heidi Carlson responded that full-time Town employees are a little different than Elected Town Officials, but that the possibility exists for a full-time Town Official, working the same 40 hour schedule as current Town employees do, could request to be included in the Town's benefit program, but it would need to be authorized by the voters. If that were to be done, the cost was estimated at between \$12,000 and \$18,000 in benefits.

Breeda Royer asked if the current Town Clerk's office or current Tax Collector's office had enough space to be able to do both jobs, or would renovations need to be done? If so, has anyone looked into those costs?

Lori Holmes replied that where the 2 offices are currently located, there is not enough space in either one of them to possibly do both jobs. She stated that there is barely adequate space in the Clerk's office.

Kathy Arsenault stated that she does not support this Article at this time. She continued that she proof reads the Budget Committee meeting minutes weekly, as well as reads the Selectmen's meeting minutes on a weekly basis. She stated that through out the entire budget season last fall, the Tax Collector presented her budget to both the Selectmen and Budget Committee and this combination was never mentioned. She continued that the Town Clerk presented her budget as well to the Selectmen and the Budget Committee and this combination of offices was never mentioned. She stated that she feels this petition was rushed just for the sake of having it on the ballot in March, without the proper research being done.

Peg Pinkham spoke and stated that perhaps more time is needed and asked if we could amend the Article to read "Are you in favor of creating a Study Committee to research the combining of the Town Clerk / Tax Collector's office.

Attorney Ryan clarified that this is a floor Article and is subject to change by the voters at Deliberative Session. He responded to Peg Pinkham's question, stating that we could not change the content of the verbiage in that particular manner.

Annmarie Scribner moved to amend the article to read "Are you in favor". Peg Pinkham seconded.

There was a review of case law and other information to determine if this was acceptable. The Moderator and Attorney Ryan reviewed material and the Moderator declared that this was an acceptable amendment.

The vote to amend the Article to read "Are you in favor" failed by card vote.

Mary Kaltenbach moved to amend the salary to \$300,000 to increase the likelihood of it failing in March. Peg Pinkham seconded.

Dennis Buteau commented that the Town's budget is about \$3.00 or 15% of the overall tax rate. He stated some of this was simply small town politics.

The vote to amend the Article to set the salary at \$300,000 failed by card vote.

Kathy Arsenault stated that she initially did not understand the amendment the first time it was proposed as "Are you in favor of" with no further verbiage.

She then moved to amend Article 24 again to read "Are you in favor" and delete the rest of the wording. Peg Pinkham seconded.

The vote to amend Article 24 to read "Are you in favor" passed by card vote.

There being no further discussion, Assistant Moderator Rydeen stated that Article 24 would be placed on the ballot as amended.

Annmarie Scribner moved to restrict reconsideration of Article 24. Peg Pinkham seconded. The vote to restrict reconsideration passed by card vote.

Assistant Moderator Rydeen asked the audience if there was any other business to transact that may legally come before this meeting?

Don Gates Jr made a presentation to Gene Cordes and Peter Bolduc as 2010 Town Report Appreciation recipients. Gene Cordes was thanked for his 18 years of service to the Town as a Selectman, and received a standing ovation from the audience. Peter Bolduc was thanked for his service as well, but was not in attendance.

Gene Cordes thanked the audience and the Board of Selectmen. He stated that he had forged a lot of friendships over the years as a Selectman. He also said that serving the Town was a humbling experience.

Assistant Moderator Rydeen announced that there would be a Candidates Night at 7:00 pm on Wednesday February 17, 2010 at the Ellis School Gymnasium. The candidates and public are encouraged to attend.

There being no further business, Annmarie Scribner motioned to adjourn the meeting. Charles Kimball seconded. The vote to adjourn was approved by voice vote. The meeting adjourned at 12:45pm.

Respectfully submitted,

A handwritten signature in cursive script, reading "Lori A. Holmes".

Lori A Holmes
Town Clerk