

TOWN OF FREMONT NH  
2011 DELIBERATIVE SESSION  
TUESDAY, FEBRUARY 08, 2011  
ELLIS SCHOOL 7:00 PM

Town Moderator Michael Rydeen called the first session of the 2011 Annual Town Meeting to order at 7:03 PM. He asked all in attendance to stand for the Pledge of Allegiance, led by Police Chief Neal Janvrin. Chief Janvrin then requested a moment of silence for the servicemen and women who are serving our country. There were approximately 70 people in attendance.

Moderator Rydeen explained HB 77, which is new legislation signed by the Governor, that amends RSA 40:13 regarding SB 2 deliberative sessions.

Moderator Rydeen asked for members at the head table to introduce themselves to the audience. Seated were Budget Committee members; Andy Kohlhofer, Mike Nygren, Charles Kimball, Pat Martel, Lori Allore and Ida Keane. Town Counsel; John Ryan. Selectmen; Brett Hunter and Annmarie Scribner. Town Administrator; Heidi Carlson. Town Clerk; Lori Holmes.

He 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. All in attendance will be civil and respectful of each other. Non-residents would not be allowed to speak except for staff that may provide information pertinent to the Article being discussed. The governing body can decide otherwise if a request is made. Each speaker will be allowed four (4) minutes at the microphone. 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 08, 2011. Handouts of the Rules of Order, 2011 Warrant Article Narrative, and 2011 Budget reports were available for review.

Moderator Rydeen read aloud Article 1 and explained it does not require any action and cannot be amended. He proceeded to read the names of the candidates who filed for Town and School District Offices. He then explained the procedure of restricting reconsideration of Warrant Articles.

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

Moderator Rydeen read aloud Article 2.

**ARTICLE 2:** To see if the Town will vote to authorize the Selectmen to enter into a seven year long-term lease/purchase agreement in the amount of four hundred sixty-five thousand dollars (\$465,000) for the purchase of a 2011 KME Fire Truck; and to raise and appropriate the sum of one hundred thousand dollars (\$100,000) for the down payment; and further to authorize the withdrawal of one hundred thousand dollars (\$100,000) from the Fire Truck Capital Reserve Fund for said down payment. The lease

does not contain an escape clause. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-0. (3/5-ballot vote required.)

Brett Hunter moved Article 2. Annmarie Scribner seconded.

Joseph Nichols, Deputy Fire Chief and member of the Truck Committee spoke about the fire trucks presently owned by the Town. He explained which trucks were old and outdated. He said the Committee looked at various options and various trucks. It was the decision of the Committee to purchase the KME truck. He explained the details of the truck. Brentwood has this same truck and it serves a great purpose.

There being no further discussion, Moderator Rydeen stated that *Article 2 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 3.

**ARTICLE 3:** 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 \$2,599,038?

Should this article be defeated, the default budget shall be \$2,452,659 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.

Annmarie Scribner moved Article 3. Brett Hunter seconded.

Andy Kohlhofer, Budget Committee member, gave the report of the Budget Committee. He explained the Committee's rationale behind their decisions regarding the budget. He said they looked at and assessed the total needs of the Town and the School District combined. The Committee also looked at what the future needs of the Town and School District were. They reviewed revenue numbers. He stated that the roads are in need of great repair. He believes the budget being brought forth is a good and fair budget. There is not a significant difference between the Budget Committee's number and the Selectmen's number.

Brett Hunter made a motion to amend Article 3 to increase the bottom line by \$15,000 to be added to Government Buildings for a new keyless entry system at the Fremont Safety Complex.

Seconded by David Barker.

Hunter said there are some security issues that have recently arisen at the Safety Complex. There are many keys out there, unable to keep track of who may have a key. The security system that they would like to install is a keyless entry system and holders could be deleted at such time as they no longer have authority to enter the building.

Rich Butler, Fire Chief, stated there is no accountability for the keys. He has no idea how many keys are out there and who actually has a key. During this past month over

\$1,000 worth of items have been stolen from the Safety Complex.

Neal Janvrin, Police Chief, said that when plans were developed for the Safety Complex, to save money, the Building Committee decided to omit the keyless entry system. At the present time there is no control as to who is coming and going from the Complex. There needs to be better control, better accountability for who is entering the building. He feels \$15,000 for a security system is money well spent.

Butler stated that the system is designed and set up to allow for expansion. He indicated that the town would be able to expand this system to other Town buildings if the need arises.

Andy Kohlhofer informed residents that the money being added to the bottom line does not mean it will be used to purchase the specific item being discussed. It is being added to the bottom line, and the Selectmen can spend the money how they so choose. He said the Board doesn't necessarily have to spend the amended dollar amount for the specific reason the Article was amended.

There being no further discussion, Moderator Rydeen stated that the bottom line now being voted on is \$ 2,614,038.00. This is the amended amount. *The amendment passed by hand count.*

Tax Collector, Kathy Arsenault then made a motion to amend Article 3 to increase the bottom line by \$2,750.00 for the Deputy Tax Collector's salary.

Seconded by Renee King.

Arsenault explained that her 2011 budget recommendation for the Deputy Tax Collector is \$3,250.00. The Selectmen and the Budget Committee only recommended \$500.00. She also stated that she reduced the Deputy stipend from what has been previously budgeted over the past few years.

Annmarie Scribner stated that the Selectmen looked at the Deputy positions and feel those positions are only a "fill-in" position in the absence of the Department Head. The Board of Selectmen feels that a \$500.00 stipend is adequate for the Deputy positions.

Arsenault said she doesn't necessarily disagree with a set stipend, but does not feel it should be the only pay. She supports an additional salary for the position, as she does not believe the Deputy should work only in her absence. Taxes are now being collected twice a year, doubling the workload. The Selectmen's decision also poses an issue of safety. Having only one person working in the office, collecting large sums of money during tax season is not safe. Especially since many of those work hours are at night and she would be the only one in the building.

There being no further discussion Moderator Rydeen stated that the bottom line now being voted on is \$2,616,788.00, this is the amended amount. *The amendment passed by hand count.*

Lori Holmes then moved to amend Article 3 to increase the bottom line by \$4,459.00 for the Deputy Town Clerk position. Renee King seconded the motion.

Moderator Rydeen stated that this would make the new bottom line of the operating budget of \$2,621,247. 00.

Holmes explained that for the 13 years she has worked in the Clerk's office there has always been a salary line for the Town Clerk and a salary line for the Deputy Town Clerk in the budget. She noted there are new changes made by the Selectmen in the 2011 budget. The Deputy line went from salary to a stipend with a new clerical line added. The current proposal by the Selectmen is for a \$500 Deputy Stipend and \$12,980 for a clerical salary. The Board of Selectmen also recommended decreasing the Deputy hours from the current 26 to 20 hours per week.

Annmarie Scribner explained that the Selectmen looked at all of the Deputy positions and explained some of the history of the matter, including an older clerical position which had been there but is not currently used. Selectmen feel that with the decrease in the positions in Town and a decrease in revenues this is justified. She said there would be a 20-hour per week clerical position and a Deputy position. The Board felt that was an adequate amount of time for the positions.

Holmes said that the clerical position was put in place in 2004 when the previous Deputy, Betty Stanley was planning to retire. In September of 2004 a clerical person was hired at that time to begin learning the facets of the office and to assist in a smooth transition once Betty retired and the clerical person moved up to Deputy Town Clerk. She feels that there is some confusion about Deputies and their position. She said that Department Heads had carefully and thoughtfully put together a budget and those budgets were given to the Selectmen. Some departments had decisions made by the Selectmen without any interaction with those Department Heads. Holmes stated that the law says a Deputy must be trained and have all the knowledge of the office as the Town Clerk to perform the duties of the office. A clerical worker will not be able to perform all of the duties of the Town Clerk's Office while the Town Clerk is in the office. This will have an impact on services to customers. Holmes feels that this is more complicated than just assigning a "Deputy" title to someone.

Andy Kohlhofer stated that he again wanted people to understand that the Selectmen may choose not to spend the money the way it is being presented for the amendment.

Scribner spoke again to say that the Selectmen spent a lot of time with the budgets; and reviewing each Department's detailed rationale of their budget. They felt the Town Clerk's budget was clear and they made decisions based on revenue numbers. She added that the Board had to make difficult decisions based on the economy, and that a lot of thought went into them. She felt that if both of them are in the office that the wait would not be that long, and given the economy, this plan could work very well.

Linda Zukas asked about the needed coverage for when the Town Clerk is out of the office. Holmes answered the question indicating that she did not receive vacation time from the town; and that her absence would be due more so for training or illness.

Holmes further stated that she understood the numbers and felt that the full rationale was not clear. She said that overall revenue for the Town Clerk's Office was only down

about \$8,000 in 2010 and to report accurately, there was one additional workday in 2009. She stated that the economy did not greatly impact the year-end numbers. Transactions remained level. She said several things were pertinent to the revenue numbers for 2010. She explained that they also work to help save residents money by assisting them with cost saving options available to residents in the services provided, thus impacting bottom line numbers.

There being no further discussion, *the amendment to raise the operating budget to \$2,621,247 passed by card vote.*

Moderator Rydeen stated *Article 4 will appear on the ballot as amended.*

Kathy Arsenault made a motion to restrict reconsideration for Articles 2 and 3. Renee King seconded the motion. *Motion passed by hand count.*

Moderator Rydeen read aloud Article 4.

**ARTICLE 4:** 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 Department Equipment 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 5-1. (Majority vote required.)

Brett Hunter moved Article 4. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 4 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 5.

**ARTICLE 5:** 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.)

Brett Hunter moved Article 5. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 5 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 6.

**ARTICLE 6:** 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.)

Annmarie Scribner moved Article 6. Brett Hunter seconded.

Matt Courcy asked how much is currently in the fund and how much is placed in the fund each year?

Heidi Carlson, Town Administrator said she does not have last years Town Report with her, but she believes there is approximately \$500,000 in the fund. She explained in detail how the Unreserved Fund Balance works, and that it contained unexpended appropriations and revenue over what was budgeted at the time of the annual fall tax rate setting.

There being no discussion, Moderator Rydeen stated *Article 6 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 7.

**ARTICLE 7:** To see if the Town will vote to raise and appropriate the sum of fifteen thousand dollars (\$15,000) to be placed in the Property Reassessment Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

Annmarie Scribner moved Article 7. Brett Hunter seconded.

There being no further discussion, Moderator Rydeen stated *Article 7 will appear on the ballot as written.*

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 Fire Truck Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.)

Annmarie Scribner moved Article 8. Brett Hunter seconded.

There being no discussion, Moderator Rydeen stated *Article 8 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 9.

**ARTICLE 9:** 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 Maintenance Building Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 4-2. (Majority vote required.)

Annmarie Scribner moved Article 9. Brett Hunter seconded.

There being no discussion, Moderator Rydeen stated *Article 9 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 10.

**ARTICLE 10:** To see if the Town will vote to raise and appropriate the sum of ten thousand dollars (\$10,000) to be placed in the Historic Museum 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 does not recommend this appropriation 5-1. (Majority vote required.)

Brett Hunter moved Article 10. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 10 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 11.

**ARTICLE 11:** 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 Police Cruiser for the Police Department; and further to authorize the withdrawal of twenty-four thousand dollars (\$24,000) from the Police Cruiser Capital Reserve Fund created for this purpose. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required.) There is \$2,996 to be raised by taxation for this article.

Annmarie Scribner moved Article 11. Brett Hunter seconded.

There being no discussion, Moderator Rydeen stated *Article 11 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 12.

**ARTICLE 12:** To see if the Town will vote to raise and appropriate the sum of six thousand three hundred eighty-five dollars (\$6,385) for the purchase of OHRV equipment; and further to authorize the withdrawal of six thousand three hundred eighty-five dollars (\$6,385) from the OHRV Special Revenue Fund created for this purpose. 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.

Brett Hunter moved Article 12. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 12 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 13.

**ARTICLE 13:** To see if the Town will vote to raise and appropriate the sum of one hundred twelve thousand dollars (\$112,000) to renovate the Fremont Highway shed to a maintenance garage and build a salt and sand pole barn storage area; and further to authorize the withdrawal of one hundred twelve thousand dollars (\$112,000) from the Highway Building Capital Reserve Fund created for this purpose. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 5-2. (Majority vote required.) There is no amount to be raised from taxation for this article.

Brett Hunter moved Article 13. Annmarie Scribner seconded.

Andy Kohlhofer asked if Article 13 could be amended?

Moderator Rydeen answered yes.

Kohlhofer made a motion to amend Article 13 to insert the words "up to" after the words "withdrawal of", and before the words "one hundred twelve thousand dollars

\$112,000”.

Seconded by Mike Nygren.

Road Agent, Mark Pitkin explained how there is no garage to work in or to do maintenance on equipment. Also, there is no bathroom and no water on site. The plan is to convert the current sand/salt building to a garage and to build a pole barn to house sand and salt.

Heidi Carlson said she sent this Article to DRA for their review. DRA stated that only schools can use the “up to” phrase. The goal of the Selectmen is to spend up to \$112,000; and that appropriating \$112,000 was the legal ceiling of what could be spent. She further said that the Town spent \$17,000 – \$18,000 less in the revaluation process, and was able to leave the unused funds in the Capital Reserve Fund.

Andy Kohlhofer began to read an article from the New Hampshire Municipal Association. He then realized the article did not pertain to this topic of discussion.

There being no further discussion, *the amendment to add the words “up to” passed by card vote.*

Article 13 passed by hand vote. Moderator Rydeen stated *Article 13 will appear on the ballot as amended.*

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 4-2. (Majority vote required.)

Annmarie Scribner moved Article 14. Brett Hunter seconded.

There being no discussion, Moderator Rydeen stated *Article 14 will appear on the ballot as written.*

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.

Brett Hunter moved Article 15. Annmarie Scribner seconded.

Andy Kohlhofer said this money comes from a fee attached to your cable bill. Comcast is sitting on this money. If the Article is accepted by the Town, this fund could be used to purchase video and camera equipment for the Town. At some point it will be returned to the Town. In accordance with the Contract, the Selectmen can end this fee at anytime with a letter to Comcast.

Heidi Carlson said that in accord with the Contract signed with Comcast in February 2009, Comcast has been collecting a franchise fee from cable subscribers since then. The Town is holding a check for just over \$15,000; and there is additional money in the fund, held currently in escrow by Comcast. The Town needs a legal fund to put the franchise fee money into, and the purpose of this fund is to purchase video and camera equipment for video feed for live broadcast, taping for rebroadcast, and an informational ticker for viewing by Comcast subscribers on a local channel (currently Comcast Channel 22). If this Article does not pass, the money collected to date will go back into the General Fund to offset taxes. This is not the purpose or intention when this fund was originally created.

Chris Kenneway stated that she heard there was \$70,000 in the Fund and that Comcast is keeping it, is this correct?

Carlson replied that Comcast has approximately \$32,000 right now and the Town has \$15,000. It will all come back to the Town and will be used to offset taxes if a fund is not created. Cable subscribers are currently paying a 5% franchise fee. As of July 1, 2011, once the Town has purchased the majority of what it needs for equipment, the franchise fee will drop to 2.5%.

Gene Cordes stated he was familiar with the Contract as he was a Selectman at the time the Contract was implemented. The intent and goal of this Fund is to have a Community Access Channel. Some residents do not have cable; hopefully this fund will take care of that. He said this was cable subscriber money, not taxpayer money. We need the franchise fee to bring this money in and use it for what it was intended for.

Andy Kohlhofer said there is a lot that this money can do. There is a lot of use for this cable equipment within the Town. Taping the meetings of various Boards and Committees, recording of town history items for example. Channel 22 will make it available to everyone.

There being no further discussion, Moderator Rydeen stated *Article 15 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 16.

**ARTICLE 16:** To see if the Town will vote to raise and appropriate the sum of five thousand two hundred dollars (\$5,200) for an increase in the Road Agent Salary. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 4-2. (Majority vote required.)

Brett Hunter moved Article 16. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 16 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 17.

**ARTICLE 17:** To see if the Town will vote to change the term of elected Road Agent from one (1) to three (3) years. The Selectmen recommend this article 3-0. The Budget Committee recommends this article 6-0.

Annmarie Scribner moved Article 17. Brett Hunter seconded.

Mark Pitkin stated this Article would greatly help the Road Agent with long term planning for the roads and implementing projects.

There being no further discussion, Moderator Rydeen stated *Article 17 will appear on the ballot as written.*

Annmarie Scribner moved to restrict reconsideration on Articles 4 – 16. Renee King seconded. There being no discussion, *motion passed by hand count.*

Moderator Rydeen read aloud Article 18.

**ARTICLE 18:** Pursuant to RSA 41:45-a, are you in favor of having the office of Town Clerk combined with the office of Tax Collector, thereby creating a new office of Town Clerk-Tax Collector to be held by one individual, with a term of 3 years? The Selectmen recommend this article 3-0. The Budget Committee recommends this article 6-0. (Majority ballot vote required).

Brett Hunter moved Article 18. Annmarie Scribner seconded.

Moderator Rydeen stated that this Article 18 is not amendable, but it can be discussed.

Kathy Arsenault said neither the Tax Collector nor the Town Clerk were asked their opinion or input about this Article brought forth by the Selectmen. She continued that this was brought forth by Petition last year and discussed at length at last year's Deliberative Session. Since that time, there has been no further discussion, consultation, or consideration with the Tax Collector or Town Clerk. She stated that she is opposed to supporting this Article at this time.

Annmarie Scribner stated that was Greta's (St. Germain) idea to put forth this Article. She stated that unfortunately, Greta is not here, as she is the one who compiled the information on this. She continued to say that the Selectmen did not feel it necessary to include the Clerk or Collector in discussions as they have reached their own decision. She said the combining of the offices would save the town money.

Chris Kenneway asked if the offices are already combined, and what is the benefit of this Article?

Scribner stated that the Tax Office is currently open only a few hours a week and the Town Clerk's Office is open 30 or so hours per week. If combined, both offices would be open those hours. Both positions currently carry a salary of approximately \$29,000 for the Clerk and \$16,500 for the Deputy. Combining the two offices will save the Town

money. The Board did research last year and found that the Town of Brentwood has a full-time Clerk/Collector and perhaps a full-time Deputy as well and they can get the work done.

Lori Holmes referenced Annmarie Scribner's previous comments regarding the hard decisions made by the Selectmen and Budget Committee due to the economy and revenue numbers. She said revenue is down slightly and transaction numbers are close to the same as last year, and thought that if something is not broken it is not the time to fix it. Why create new when the economy has not improved. She stated has been in office 13 years and has done a lot of research talking with fellow Clerks; many of whom are combination Clerk/Collectors. She listed some examples to include the average Clerk/Collector salary at \$45,700 for 40 hours; Deputy \$30,500 with 34 average hours worked. Many of them also have an assistant clerical person working in the office.

Holmes continued saying the Clerks' office is currently open 30 hours for providing Clerk services; that combining the positions will create a full-time employee who will ask for benefits. She said there would also be a cost for renovations to the office space to accommodate both offices.

There being no further discussion, Moderator Rydeen stated *Article 18 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 19.

**ARTICLE 19:** 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 3-0. The Budget Committee does not recommend this article 5-1. (Majority vote required.)

Brett Hunter moved Article 19. Annmarie Scribner seconded.

Andy Kohlhofer stated that he did not recommend this Article because he feels control will be taken away from the taxpayers.

Conservation Commission Chair, Jack Karcz, does not agree with Andy's statement. He explained the intent of the Article and the benefits to the Town.

Gene Cordes explained that this Article would help preserve the land without burdening the community.

There being no further discussion, Moderator Rydeen stated *Article 19 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 20.

**ARTICLE 20:** To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Radio Communications Capital Reserve Fund previously established in 1998. The Selectmen recommend this article 3-0. The Budget Committee

recommends this article 6-0. (Majority vote required.)

Brett Hunter moved Article 20. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 20 appear on the ballot as written.*

Moderator Rydeen read aloud Article 21.

**ARTICLE 21:** To see if the Town will vote to adopt the provisions of NH RSA 41:14-a in accordance with NH RSA 41:14-c to authorize the Selectmen to sell land, buildings, or both, which have been acquired by tax deed. The Selectmen recommend this article 3-0. The Budget Committee recommends this article 7-0. (Majority vote required).

Brett Hunter moved Article 21. Annmarie Scribner seconded.

There being no discussion, Moderator Rydeen stated *Article 21 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 22.

**ARTICLE 22:** By Petition: "Shall the Town of Fremont vote to eliminate the \$3.19 "franchise fee" (tax) that has been placed on all Comcast subscribers bills by the Fremont Selectmen?" The Selectmen do not recommend this article 3-0. The Budget Committee does not recommend this article 7-0. (Majority vote required).

Moderator Rydeen said that this is a Petitioned Article; so moving the Article must come from the floor.

Keith Stanton moved Article 22. Shawn Perreault seconded.

Keith Stanton stated that there is approximately \$106, 000 in the Franchise Fee Fund. He said Comcast had promised the Town video equipment but to date the town has not received any equipment. He stated that the town would not have to renegotiate its contract if we are to do away with this fee. That this fee is actually considered a tax.

Chris Kenneway asked if the Contract ends in 2014 does the franchise fee also end in 2014?

Heidi Carlson replied that the Contract runs from July 2009 – February 18, 2019. The Contract states the franchise fee will be 5% for the first nine quarters of the Contract and then 2.5% for the remainder of the Contract.

Kenneway then asked if we would be violating the Contract if we do away with this fee?

Carlson replied no.

Kenneway asked why is this called a tax?

Keith Stanton answered that it is a tax because the IRS classifies it as such.

Moderator Rydeen asked Assistant Moderator, Peter Gilligan to stand in for him at the podium while he went to the microphone to ask a question as a resident.

Mike Rydeen asked do we now pay for Channel 22 and how would we pay for Channel

22 if we discontinue the fee?

Heidi Carlson answered that if we do not move ahead and create a fund to legally deposit franchise fees in, that Channel 22 would eventually end. Comcast has said they will no longer support it once the Town's fund is established and the transition is made from the work being done at the head end in Exeter, to being done from the Fremont Town Hall.

Carlson further explained that the Selectmen's original intent, following the work done by the Cable Study Committee, was to get several things accomplished with the franchise fees. This included cabling Old Ridge Road; where cable is not currently available, re-engineer two (2) areas of Town (Midnight Sun Drive and Compromise Lane area), which currently receive a feed from another Town, construct a return line from Fremont to Exeter, and an allowance for some cable equipment. The cost of these items was to come from franchise fees. The return line is nearly constructed at a cost of over \$57,000, which is double the original estimate from Comcast. Thus, Comcast has to pay the vendor who did this work from the escrowed funds. All totaled, it is estimated that there is nearly \$100,000 collected to date in franchise fees.

Andy Kohlhofer stated that the Budget Committee did not recommend this Article because the Town needs to look into the future. We might not have Cable TV when this Contract ends in 2019. With technology advancing daily, we might not need a Channel 22 when the contract ends because everything will be on "You Tube" or another source. Selectmen are free to end the fee any time they so choose.

Dale Mottram asked are the fees only to be used for cable utilization or can they be used for other types of media mainstreaming / alternative media?

Carlson answered that the Warrant Article says "for the purpose of cable access". How the Town would define how those funds would be spent is up to the Selectmen.

There being no further discussion, Moderator Rydeen stated *Article 22 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 23.

**ARTICLE 23:** By Petition: "Shall the Town vote to rescind the adoption of an Official Budget Committee in accordance with the provisions of the Municipal Budget Act (NH RSA Chapter 32:14)? The Selectmen do not recommend this article 3-0. The Budget Committee does not recommend this article 7-0. (Majority vote required).

Moderator Rydeen said that like Article 22, this is a Petitioned Article; so moving the article must come from the floor.

Kathy Arsenault moved Article 24. Marion Guidoboni seconded.

Chris Kenneway stated that she feels the handout "Narrative for Warrant Articles" written by the Selectmen was inappropriate and she found it offensive.

Andy Kohlhofer said that in 1937 the Budget Committee was an appointed Committee and in 1982 became an elected Committee. He said the Committee looks at everything,

the School and the Town. We don't hire or fire; we have no allegiance to any one Department. We work many hours to make the budgets work. He believes the Budget Committee is helpful to the community.

Peg Pinkham agrees that the Budget Committee puts in a lot of time. But, they are not the ones held accountable for the budget, the School Board and the Selectmen are. She does not agree that we should do away with the Budget Committee altogether. She would like to see an Advisory Committee like the Town once had. She believes this would work for Fremont.

Keith Stanton called for a "point of order". In order to include the School on this issue there should have been two separate Articles presented, one for the Town and one for the School. He said as the School District Clerk, he did not see this petition on the School Ballot.

Chris Kenneway stated she was directed to submit the Petition this way.

Attorney Ryan was asked his opinion. He stated that he couldn't give an opinion because this is a Petition Article.

Ida Keane, School Board Representative on the Budget Committee, believes we should not do away with the Budget Committee. She feels it provides a good means of checks and balances.

Marion Guidoboni said she agrees with Kenneway, but would like to see an Advisory Committee as Pinkham suggested.

Kenneway said the Budget Committee can make recommendations, but it is the School Board and the Selectmen who oversee the budget and have to answer to the taxpayers as to how the money is being spent. They are the ones who are held accountable for the decisions being made. She then spoke about RSA 32:23. She said that she does support an Advisory Committee.

Andy Kohlhofer called the question.

Moderator Rydeen reiterated what he said at the beginning of the meeting regarding calling the question while there are still residents in line at the microphone waiting to speak. He said that once those that are already standing in line speak, a vote would be taken.

Kenneway asked if the Article could be amended?

Moderator Rydeen read aloud RSA 32:1-13.

Marion Guidoboni said she believes the Article was put forth with good intentions.

Ray Perreault stated he thinks the Article is misleading. What happens to the Budget Committee if this passes? Can we amend this Article?

Guidoboni called for a "point of order". She asked if the new law, HB 77 has anything to do with not being able to amend the Article?

Moderator Rydeen replied no.

There being no further discussion, Moderator Rydeen stated *Article 23 would appear on the ballot as written.*

Moderator Rydeen read aloud Article 24.

**ARTICLE 24:** By Petition: "To see if the Town of Fremont NH will vote to approve the following ordinance:

All entrance onto private property for non-recreational purposes, including but not limited to bio-diversity studies, endangered species or habitat survey's sampling, delineation, and other data gathering projects, whether or not authorized by municipal agencies, boards, or commissions, shall require prior, written notification to the property owner(s) and prior written permission from the property owner(s).

Such notification shall include a specific and complete description of:

1. The purpose or reason for accessing the property;
2. The date and duration of the requested access;
3. Species, land, or environmental features that are being evaluated;
4. The way information collected will be recorded and retained;
5. The method or methods by which information will be shared with government boards, agencies, other third parties and/or the general public.

Information gathered without permission shall not be recorded, made public, or used for studies and/or grants. Data gathered without permission shall invoke a fine of \$250 per tax parcel payable to the Town of Fremont. The requirements of this ordinance shall not apply to federal, state, or local law enforcement, emergency fire and ambulatory services, local assessment officials, boundary surveys, customary utility activities, or emergency response related to public health or animal control."

Moderator Rydeen said that this Article like the previous two Articles is a petitioned Article; so moving the Article must come from the floor.

Andy Kohlhofer moved Article 24. Matthew Thomas seconded.

Neal Janvrin asked how could the Town enforce this Article?

Matthew Thomas made a motion to allow Carson Springer to speak and to answer questions about the Article. He said he is not a resident of Fremont, but is the petitioner for the Article.

Andy Kohlhofer seconded. *Motion passed by hand count.*

Carson Springer apologized to the Budget Committee, Selectmen and the Planning/Zoning Boards for not having the proper time to meet with them about the proposed petition. He thanked the audience for allowing him to speak. He said that although he is not a resident, he is a property owner in Fremont. His family has owned land in Fremont for 275 years. He then said that he is presenting the same article in Danville. He continued saying that other towns in New Hampshire are also considering this same Article. He then talked about not giving the landowner notification for

trespassing on the land.

Mr. Springer proceeded to distribute handouts to the audience containing an amendment to Article 24.

Dale Mottram moved to accept Carson Springer's proposed amendment.

Andy Kohlhofer seconded.

Carson Springer read the proposed amendment aloud: The amendment to Article 24 will now read; "All contracts or grant agreements entered into by the Town of Fremont that require the entry onto private property for non-recreational purposes including: bio-diversity studies, endangered species or habitat survey's, sampling, delineation, and other environmental data gathering projects shall require prior, written notification to the property owner(s) and prior written permission from the property owner(s). Information gathered without permission shall not be recorded, made public, used for studies and/or grants, or used for land use and resource planning. Information gathered with permission may only be used for the purpose stated in the notification. The remainder of the wording for Article 24 remains the same.

Attorney John Ryan stated that this Article couldn't be amended at the meeting in accordance with the language of RSA39.

Peg Pinkham asked why the Selectmen are not recommending this Article?

Carson Springer stated that there is a presumption in N.H. about open access to land for recreational purposes. It is currently being used for other reasons under that authority. He then said that for the first time he has had to post his property due to access. He believes strongly that notice should be given to the property owner.

Andy Kohlhofer said the Budget Committee did not recommended this Article based on Chief Janvrin's concerns at the Public Budget Hearing about enforcing the verbiage of the Article.

Brett Hunter then stated that the Selectmen did not recommended it because they did not have enough information at the time a decision needed to be made.

Carson Springer apologized again for this, indicating that he had simply run out of time due to the statutory deadline for petition submission.

Brett Hunter moved to call the question. Shawn Perreault seconded. *Motion failed by hand count.*

Moderator Rydeen did additional research on whether Petition Articles can be amended, using the NH Local Government Center's website.

There was further discussion about the ability to amend this Article.

Ray Perreault asked why could Article 24 be amended but not Article 23?

Moderator Rydeen replied, Article 23 is written in accordance by Statute, while Article 24 is not, therefore allowing the verbiage to be amended.

Neal Janvrin called the question. Renee King seconded. *The motion passed by hand vote.*

The vote to amend Article 24 passed by hand vote. There being no further discussion on the amended Article, Moderator Rydeen stated that *Article 24 will appear on the ballot as amended.*

Kathy Arsenault moved to restrict reconsideration on Articles 17 through 24. Lori Holmes seconded. *The vote passed by hand vote.*

With no further business to come before the legislative body, Gene Cordes moved to adjourn the meeting at 9:56 pm. Kathy Arsenault seconded and the vote was approved.

Respectfully submitted,

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

Lori A. Holmes

Town Clerk

Coyote in the area of Andreski Drive  
Winter 2011  
Photo Courtesy of the Wright Family

