

TOWN OF FREMONT NH
2012 DELIBERATIVE SESSION
SATURDAY, FEBRUARY 6, 2012
ELLIS SCHOOL 7:00 PM

Moderator Rydeen called the first session of the Annual Town Meeting to order at 7:00 pm. He stated that anyone who has not checked in with Supervisors to please do so. He then asked everyone to stand for the Pledge of Allegiance led by Police Chief Neal Janvrin, followed by a moment of silence for all our service men and women.

Moderator Rydeen stated that a modified version of Roberts Rules of Order would be used as a guide to run the meeting. He explained that Articles can be amended at this meeting, but will not be voted on at this time. Voting on the Articles will take place on Election Day, Tuesday March 13, 2012. He said the persons who are presenting an Article will be allowed 10 minutes to speak and members of the audience will be allowed 4 minutes to speak. He asked that before speaking, you state your name and address. Handouts of the Rules of Order, the Warrant Articles Narrative, Town Budget form MS-7 and the Default Budget form MS-7D were available for those in attendance.

Upon request from the Moderator the head table introduced themselves. Budget Committee members; Gene Cordes, Charles Kimball, Jeanne Nygren, Sharon Girardi, and Greg Fraize. Town Counsel; John Ryan. Selectmen; Brett Hunter, Greta St. Germain and Annmarie Scribner. Town Administrator; Heidi Carlson and Town Clerk; Lori Holmes.

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 then read the names of the Town & School candidates running for office.

Moderator Rydeen read aloud Article 2:

ARTICLE 2: Are you in favor of amending ARTICLE IV-A of the Fremont Zoning Ordinance (In-Law Accessory Apartments) as follows:

1. *Delete the second portion of the sentence in section G; "Any new entrances shall be located on the side or rear of the building and shall be at ground level". The Planning Board recommends this article.*

2. ~~Delete section H in its entirety; "All in-law/accessory apartments shall have accessible entrances and shall conform to dwelling unit Type B construction, as specified in the International Residential Code (IRC).~~ The Planning Board recommends this article.

Town Counsel John Ryan spoke up saying that we should just move to Article 5 as Articles 2, 3 and 4 cannot be amended and must appear on the ballot as written.

Moderator Rydeen stated that he would read each Article and allow discussion of each Article. He said this is a Deliberative Session and people are allowed to speak, ask questions and request better clarification about the Articles.

Article 2 moved by Brett Hunter, seconded by Annmarie Scribner.

Matthew Thomas asked what the logic and reasoning is for this Article. He asked why someone could not have a side door if they wanted to.

Andy Kohlhofer stated that he is a member of the Planning Board and this is an existing Ordinance that is being amended. By deleting that section of the Ordinance, people are then allowed the freedom of deciding where they want the entrance to be and are not be forced to make it handicapped.

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

Moderator Rydeen read aloud Article 3:

ARTICLE 3: Are you in favor of amending Article XI -E; 4 (d) of the Fremont Zoning Ordinance (Aquifer Protection District) by adding "except for propane and natural gas". The Planning Board recommends this article.

Article 3 moved by Brett Hunter, seconded by Annmarie Scribner.

Andy Kohlhofer said propane or natural gas does not have an odor and does not cause a leaching problem. It does not pose any health issues, so it is being excluded from the Ordinance.

There being no further discussion, Moderator Rydeen stated *Article 3 will appear on the ballot as written.*

Moderator Rydeen read aloud Article 4:

ARTICLE 4: Are you in favor of amending Article XIX, 1.3-C of the Fremont Zoning Ordinance (Signs) - "For Sale Signs" by adding "*and do not exceed six (6) square feet in size*". The Planning Board recommends this article.

Article 4 moved by Brett Hunter, seconded by Annmarie Scribner.

Matthew Thomas stated he did not feel six (6) square feet is a large enough size. If someone owned commercial property and wanted to sell it, he feels six (6) square feet is too small. He would like some rationale about this Article.

Andy Kohlhofer said that there have been issues from property owners regarding large signs and the placement of these signs. The Planning Board felt six (6) square feet to be adequate.

There being no further 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 authorize the Selectmen to enter into a long-term lease/purchase agreement to purchase a new Fire Truck at a cost of four hundred sixty-nine thousand six hundred twenty-eight dollars (\$469,628) and further to raise and appropriate the sum of one hundred twenty five thousand dollars (\$125,000) and authorize the withdrawal of one hundred twenty-five thousand dollars (\$125,000) from the Fire Truck Capital Reserve Fund for a down payment to lower the agreement amount to three hundred forty-four thousand six hundred twenty-eight dollars (\$344,628) payable over a term of five (5) years. The agreement 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).

Article 5 moved by Annmarie Scribner, seconded by Greta St. Germain.

Deputy Fire Chief Joe Nichols explained that the current engine is 30 years old and another truck has been taken out of service. He also explained how other trucks in the fleet are also in need of repairs.

Annmarie Scribner said there is a definite need for the new truck. The first payment in 2013 is approximately \$79,000. The first year (2012) has a zero tax impact and in 2013 the tax impact will be approximately .21 cents. She encouraged people to support this Article.

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

Moderator Rydeen read aloud Article 6:

ARTICLE 6: 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 \$2,563,725? Should this article be defeated, the default budget shall be \$2,537,577 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. The Selectmen do not recommend this appropriation 3-0. The Budget Committee recommends this appropriation 7-0. (Majority vote required).

Article 6 moved by Gene Cordes, seconded by Charles Kimball.

Gene Cordes highlighted a few items the Budget Committee did not recommend. He said the Budget Committee reviewed the budgets very carefully. He feels the budgets that were presented to them came in pretty lean.

Andy Kohlhofer asked why there was a \$50,000 increase in public safety within the operating budget from what was spent in 2011. What is the rationale for this increase?

Police Chief Neal Janvrin replied that the money is for the Police detail line. That it does not cost the Town for this detail work. Detail work is billed out; and when payment is received it goes into the Town's general fund.

Andy Kohlhofer asked how much of an increase this is over last year.

Neal Janvrin said the amount is the same that was budgeted last year, but did not spend all of it. This line is considered a wash as the revenue received offsets the money spent.

Andy Kohlhofer wanted it confirmed that this is the second year in a row that the police officers have received a raise.

Neal Janvrin replied yes.

Andy Kohlhofer asked if we have a 2 year contract with the newly hired officers.

Neal Janvrin replied that it is a 3 year contract and the contract is working well.

Andy Kohlhofer asked if the Assistant Police Chief works patrols.

Neal Janvrin answered that the Deputy Police Chief does investigations, detective work and also nominal patrols.

There being no further 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 establish a Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of Bridge Construction and Reconstruction, to appoint the Board of Selectmen as agents to expend from said Fund, and to raise and appropriate the sum of twenty-five thousand dollars (\$25,000) to be placed in this Fund. This sum to come from fund balance (surplus) 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).

Article 7 moved by Greta St. Germain, seconded by Brett Hunter.

Road Agent Mark Pitkin stated there are 2 bridges that are in need of repair. They are the Martin Road Bridge and the Turner's Dam Bridge. The State of N.H. provides funding, but the town must allocate the monies first and will then be reimbursed 80% of the costs. He explained that if we allocate money this year, Fremont will then be placed on the State's list which will make us eligible for reimbursement in the year 2019. He again stated that we must spend the money up front first, and the State will then reimburse the town.

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

Brett Hunter made a motion to restrict reconsideration of Articles 1 – 7. Seconded by Annmarie Scribner.

Motion to restrict reconsideration of Articles 1-7 *passed by hand vote.*

Moderator Rydeen read aloud Article 8:

ARTICLE 8: 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 fund balance (surplus) 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).

Article 8 moved by Annmarie Scribner, seconded by Greta St. Germain.

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 ten thousand dollars (\$10,000) to be placed in the Town Hall Renovations Capital Reserve Fund. This sum to come from fund balance (surplus) 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).

Article 9 moved by Brett Hunter, seconded by Greta St. Germain.

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 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 7-0. (Majority vote required).

Article 10 moved by Greta St. Germain, seconded by Brett Hunter.

Andy Kohlhofer stated this is a mandatory expenditure. We can either raise the money in small amounts or pay one large lump sum all at once. The town must pay for this; it is a state law that Town's must do a reassessment every 5 years.

There being no further 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 fifty thousand dollars (\$50,000) to be placed in the Fire Truck Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-1. (Majority vote required).

Article 11 moved by Annmarie Scribner and seconded by Greta St. Germain.

Andy Kohlhofer said he recalls this amount being \$25,000 at one time and asked why it is now \$50,000.

Joe Nichols explained that the tow is falling behind on appropriating funds to save for a new fire truck. It costs approximately a half million dollars for a new truck. Our current

trucks are old, in need of many repairs and updates. Our trucks are outdated, making it difficult to provide current and up to date training by State standards and requirements. We are trying to save some of the money now by having the Capital Reserve Fund so the taxpayers are not hit with a large amount all at once.

Andy Kohlhofer stated that there is already a Warrant Article to buy a new truck, now this. How many trucks are you planning to buy over the next 10 years?

Annmarie Scribner replied that we need to start planning now. For the taxpayer, fifty thousand dollars (\$50,000) is approximately fourteen (.14) cents on a thousand.

Fire Chief Rich Butler said the newest truck the fire department has is a 2002, next is a 1988 and the next is a 1979. The average life expectancy for a fire truck is 20 years. If Article 5 passes, by the time that truck is paid for we will need to purchase another truck to replace one of the other older trucks.

There being no further 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 fifty thousand dollars (\$50,000) to be placed in the Highway Equipment Capital Reserve Fund. The Selectmen recommend this appropriation 3-0. The Budget Committee recommends this appropriation 6-1. (Majority vote required).

Article 12 moved by Brett Hunter, seconded by Annmarie Scribner.

Andy Kohlhofer asked what the findings were by the Highway Study Committee this past year regarding the town owning their own equipment vs. renting (the current practice).

Greta St. Germain stated she is a member of the Highway Study Committee. The Committee compiled much data over this past year and the Committee's final determination is that it would be more beneficial and cost effective for the town to own its own equipment. She explained that we currently do not have a highway building for work and repairs to be done on equipment. It is a storage building for sand & salt. The highway personnel are subjected to the elements of the weather. The Selectmen are looking to possibly enclose the current building and to also purchase a backhoe this year.

Andy Kohlhofer asked what the savings would be for purchasing /owning vs. renting.

Greta St. Germain replied it would cost approximately \$112, 000 for the Town to purchase its own backhoe. She reiterated that it is a savings to the town to own its own equipment.

There being no further discussion, Moderator Rydeen stated *Article 11 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 fifteen thousand dollars (\$15,000) to purchase and equip a Police vehicle to be used as a Detective car for the Police Department; and further to authorize the withdrawal of twelve thousand five hundred dollars (\$12,500) from the Police Capital Reserve Fund created for this purpose. The Selectmen recommend this appropriation 3-0. The Budget Committee does not recommend this appropriation 6-1. (Majority vote required).

Article 13 moved by Greta St. Germain, seconded by Brett Hunter.

Annmarie Scribner made a motion to amend Article 13 to say “to authorize the withdrawal of twelve thousand five hundred dollars (\$12,500) from the Police Capital Reserve Fund created for this purpose”, which eliminates the fifteen thousand dollar (\$15,000) amount. Seconded by Greta St. Germain.

Gene Cordes asked if we withdraw \$12,500 this year will we need to purchase a new cruiser in 2013?

Andy Kohlhofer said the Budget Committee did not recommend this Article and that he would like to offer an amendment to the Article.

Moderator Rydeen called a point of order. He said there is currently a motion to amend on the floor. A second amendment cannot be put forth until a vote is taken on the first motion to amend.

Heidi Carlson said the \$12,500 for Article 8, if approved, is not included in this amount to be withdrawn. Article 8 and Article 13 are two separate Articles. If Article 8 passes there will be a \$12,500 fund balance for a purchase in 2014.

Amendment passed by hand vote.

Neal Janvrin stated this money is to fund a used vehicle. The Police Department is currently using a donated car. The vehicle is getting old, it is not large enough to transport people, and the gas mileage is not very efficient. He would like to purchase a more discreet vehicle as they are currently using a vehicle with the word DARE printed

on both sides of the car. He explained how at times they have a situation which requires them to transport a juvenile, and it would be more appropriately discreet to have an unmarked vehicle. He will look for a car that offers more room, is more fuel efficient, a more multi-purpose vehicle.

Andy Kohlhofer said the Budget Committee did not recommend this Article so he would like to amend the Article to say \$0 dollars, seconded by Mike Nygren.

The amended motion *failed by hand count*.

There being no further discussion, Moderator Rydeen stated *Article 13 will appear on the ballot as amended*.

Moderator Rydeen asked the Budget Committee if they would like to revote their recommendation on Article 13 since it has been amended.

Chairman Gene Cordes polled the Budget Committee members. The vote was 3-3 to re-vote their original recommendation. Their vote to re-vote *failed*.

Moderator Rydeen read aloud Article 14:

ARTICLE 14: 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 6-1. (Majority vote required).

Article 14 moved by Annmarie Scribner, seconded Brett Hunter.

Neal Janvrin explained this is to purchase new safety equipment for the OHRV. There is no tax impact to the voters because the money for this fund is generated from the OHRV summons' that are issued. He said that 60% of the money from the summons' goes to the town. Currently, there is approximately \$15,000 - \$16,000 in the account.

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

Brett Hunter made a motion to restrict reconsideration of Articles 8 - 14. Seconded by Annmarie Scribner.

Motion to restrict reconsideration of Articles 8 - 14 *passed by hand vote*.

Moderator Rydeen read aloud Article 15:

ARTICLE 15: 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 6-0. (Majority vote required).

Article 15 moved by Brett Hunter, seconded by Annmarie Scribner.

There being no 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 six hundred dollars (\$600) to fund an increase in the Treasurer's Annual Stipend. (Current stipend of \$6,000 is included in the Town's operating budget). The Selectmen do not recommend this appropriation 3-0. The Budget Committee does not recommend this appropriation 5-1. (Majority vote required).

Article 16 moved by Annmarie Scribner, seconded by Greta St. Germain.

Andy Kohlhofer made a motion to amend Article 16 to say to zero (\$0) dollars. Seconded by Annmarie Scribner.

Greta St. Germain explained how the Selectmen do have the option to not put this Article on the ballot. The Selectmen have studied what other town Treasurers are paid and felt the current stipend paid to be fair. The Selectmen wanted to put this on the ballot, at the request of the Treasurer, so the voters can make the decision.

Amended motion *failed by hand count.*

There being no further 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 establish an expendable trust fund under the provisions of RSA 31:19-a, to be known as the 250th Celebration Expendable Trust Fund for the purpose of funding the 250th anniversary celebration to be held in 2014 and to raise and appropriate ten thousand dollars (\$10,000) to be placed in this fund and further to name the Selectmen as agents to expend. The Selectmen recommend this

appropriation 3-0. The Budget Committee recommends this appropriation 6-0. (Majority vote required).

Article 17 moved by Brett Hunter, seconded by Annmarie Scribner.

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

Moderator Rydeen read aloud Article 18:

ARTICLE 18: To see if the Town will vote to adopt a Conflict of Interest Ordinance as follows:

CONFLICT OF INTEREST ORDINANCE. SECTION I: PURPOSE: Pursuant to RSA 31:39-(a), the activities of all officers, or employees of the Town, whether elected or appointed, shall be regulated as follows: SECTION II: DEFINITIONS: Conflict of Interest shall be defined as a financial, pecuniary or other interest in any official vote, or any other action, transaction or activity undertaken by the Town or its officers, or the Boards or Commissions, which would result in a benefit to such officer or employee not shared by the public in general. The term "pecuniary interest" shall include gifts or consideration in the form of favors, money or services, or the receipt of anything of value whether present or future. The term "activity" shall include any hearing, debate, discussion or official Board vote. SECTION III: PROHIBITED ACTIVITY: No officer or employee of the Town shall engage in or participate in any Conflict of Interest as defined under Section II above. SECTION IV: DISCLOSURE: All officers and employees of the Town shall disclose any potential or actual financial or other interest in any business, contract, public proceeding or transaction which involves the Town or any of its agencies. Such disclosure shall be made in writing to the Board of Selectmen. SECTION V: CONFIDENTIAL INFORMATION: No officer or employee shall disclose any confidential information regarding any other official, employee or member of any Board or Commission. The term "confidential information" shall mean any information, material date or thing which is not available to the public under the Right to Know Laws of the State of New Hampshire. SECTION VI: EXEMPTIONS: This Ordinance shall not apply to election contributions given to any person running for public office. SECTION VII: EFFECTIVE DATE: This Ordinance shall not apply to any presently elected officer or appointed officer or employee of the Town for a period of forty-five (45) days from the date of the enactment of the Ordinance. SECTION VIII: ENFORCEMENT: Any officer or employee subject to the provisions of this Ordinance shall be subject to removal proceedings before the Superior Court, as provided in RSA 31:39-a.

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

Article 18 moved by Brett Hunter, seconded by Annmarie Scribner.

Gene Cordes asked if there is an established amount when it comes to gifts.

Greta St. Germain replied the original amount was set at \$50.00. She explained how the Selectmen had originally adopted this as a policy last year, but they later learned it is required to be on the ballot to be voted on as an Ordinance by the voters. She said this Ordinance will hold employees, town officials and volunteers to a higher standard. This Article will hold everyone to a high code of ethics in how we behave and how we act.

Neal Janvrin stated that his interpretation of this Ordinance would prohibit him from discussions at deliberative sessions. He gave an example by saying if his own pay raise was being discussed at a deliberative session he would not be allowed to participate in that discussion. He believes this eliminates the freedom for a town employee to speak on their own behalf regarding their pay raise.

Gene Cordes asked if this encompasses volunteers as previously stated by Greta (St. Germain).

John Ryan replied that this does not encompass volunteers.

Joyce Booker - Janvrin stated that the way this Ordinance reads, it infringes upon our First Amendment rights.

Greta St. Germain explained that this does not take away anyone's right to speak. The Ordinance is written to say that if you have a pecuniary or a financial interest in the outcome of a particular situation, you need to let the voters know that before you speak.

Joyce Booker - Janvrin reiterated that this Ordinance as written, does infringe upon on our First Amendment rights. You cannot take away our right to freedom of speech.

John Ryan explained that the intention of RSA 31-39-a does not tell employees or public officials who have a direct or pecuniary interest in a particular situation that they cannot participate. It does not prohibit someone from speaking about a raise.

Joyce Booker - Janvrin commented that she would like to see this re-written.

Andy Kohlhofer gave an example by saying that if one of his neighbors came before the Planning Board wanting to make changes to their property and those changes could

possibly increase his (Andy's) property value and be personally beneficial to him, that he as a member of the Planning Board would be unable to vote as a Planning Board member because it would be a direct and pecuniary interest to him.

Mike Rydeen said he would like someone to define the term "financial gain".

Jack Karcz asked if the last sentence of section 2 could be removed. He then made a motion to amend Article 18 to remove the last sentence of section 2. Seconded by Rich Butler.

Gene Cordes said to not define this would make it worse. There needs to be some defining of this. Gene gave an example of his understanding of this section of the Article.

John Ryan stated that he found it useful and beneficial to the Town for the sentence to remain in the policy. By leaving it in, there could be no contest of how the word is used.

Annmarie Scribner said she wanted to make it clearer. She said that, I, as Annmarie Scribner, private citizen can sign anything and do and say anything I want, but if I sign something as Annmarie Scribner, Selectmen, I cannot do or say anything I want.

Amendment failed by hand vote.

Kathy Arsenault asked a question regarding section 4 "Disclosure". She asked if she wanted to speak out publicly about an Article, would she have to write a letter to the Board of Selectmen to notify them of her intent, or does she have to ask their permission.

John Ryan replied that no, it is not about permission, it is as it states, about disclosure. You must notify the Selectmen in writing and disclose your intent. He then continued that the Board of Selectmen however can seek alternative action if they feel it is necessary to do so.

Kathy Arsenault asked, ultimately one would have to seek permission from the Board of Selectmen.

John Ryan replied no. You have to disclose in writing your intent and that the Selectmen have the right to seek alternative action if they feel it is necessary.

Kathy Arsenault said this doesn't seem to be just about disclosure; it appears it is also seeking the permission of the Board of Selectmen.

Gene Cordes made a motion to amend Article 18, section II, insert “valued at fifty (50.00) dollars or more” after the wording “which would result in a benefit”. Seconded by Andy Kohlhofer.

Annmarie Scribner said she understands what Gene (Cordes) is trying to do, but thinks we are talking about two different things.

Motion to amend *failed by hand vote*.

Leon Holmes Sr. asked if Article 18 can be deleted altogether.

Moderator Rydeen replied that in accordance with RSA 40:13, IV you cannot eliminate the subject matter or the intent of an Article.

Annmarie Scribner stated you need to hold people accountable for what they say and also to what the town expects of them. If you do not have this, the town could run amuck. You need to hold people accountable. This Article is moving Fremont in a good way.

Leon Holmes Sr. stated that he does not feel this is necessary. In all the years that he has lived in town he has never seen any major problems or the need for something like this.

Greta St. Germain said this Code of Ethics Article is not something new to towns. There are many towns that have a similar policy to this one. She then named a few towns; Hampton, Sandown, Brentwood, etc. She said the RSA on this is specific and that there are also RSA's for Town Officials regarding removal from office for improper procedures by that official. She stated that we are not reinventing the wheel here. We want town officials to be held to a higher standard.

Matthew Thomas understands why the Selectmen are doing this. He reads a lot. Stated that many towns are having issues with people having their own agendas. Does believe we need this Code of Ethics policy.

Mike Rydeen where did this particular policy come from?

Greta St. Germain replied that we already had this policy written and the Selectmen adopted it back in June 2010. We did not know we had to put it on the ballot for the people vote on.

James Thompson asked if we copied Hampton's policy.

Greta St. Germain said we created our own, that the statute is pretty clear regarding a Code of Ethics.

Joyce Booker – Janvrin asked if there are Code of Ethics statutes for Town Officials, why we can't use the statutes.

John Ryan said the Selectmen had drawn up a policy which the Selectmen adopted last June. He took their policy along with reviewing the statute and drafted a revised policy for the Selectmen. The law doesn't state you are required to have a Conflict of Interest Policy, but if you do create one, there is a specific statute that is required to be followed.

Ida Keane asked if this enables the Selectmen to remove someone from office if they violate this policy.

John Ryan answered yes.

Mike Rydeen commented that many companies have personnel policies in place and this is similar to that.

Gene Cordes does not want an individual or the town to use their time unnecessarily, but would like to amend Section II to remove the word "discussion" in the last sentence. Seconded by Jack Karcz.

John Ryan stated that removing this word would not pose beneficial for the Town.

Gene Cordes gave an example regarding a "discussion".

Amendment failed by hand vote.

Andy Kohlhofer called the question. Seconded by Mike Nygren.

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: 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 7-0. (Majority ballot vote required).

Article 19 moved by Annmarie Scribner and seconded by Brett Hunter.

Mary Anderson stated she was a former Fremont Tax Collector of 27 years and Deputy Town Clerk for 15 years. She said as a resident she is disappointed to see this Article back again for the 3rd straight year. The voters have already spoken. She continued saying there are two good people doing a great job in their positions, there is no need to combine and what is happening here is a disgrace to the town.

Linda Zukas asked what the whole plan for this new position was and what the salary amount and benefits would be.

Greta St. Germain replied that Officials do not get benefits. That something the voters would have to decide.

Linda Zukas said that answer did not help to tell us anything about what it will cost us and / or save us. She again asked what it will cost for this new position and for a Deputy as well. She also asked if there was a plan in place for coverage if the elected official was sick, or during vacations, or personal time, etc.

Greta St. Germain replied that this Article has no plan in it for a Deputy. This Article is about combining the two positions. She said that in 2009, the total combined salary for 3 people was \$72,686. She referred to past budget rationales and said the Clerk has been open between 30 – 32 hours a week while the Tax Collector is open 3 hours a week. She believes this is in the best interest of the town and there will be a substantial savings to the town. There are 131 communities in N.H., most of which are combined. She has spoken to other towns and they have found combining the offices to be beneficial. There is no tax impact to the people. She continued that we also hope that in combining the positions we are hoping to renovate the Town Hall.

Matthew Dustin asked what do they do when they are not open and how many additional hours is included in that.

Lori Holmes replied the Town Clerk's Office is open 30 hours a week to the public, and guarantees a 34 hour work week (30 open and 4 hours for bookkeeping) for her salary. She described some of the work required to be completed once the office closes for the day. She stated that it is now 2012 and it would be better and more accurate to compare salaries and revenue numbers to more recent years, like the past one or two. Salaries have gone down since 2009. The Clerk's salary is \$29,491; the Clerk's Clerical Assistant is something just over \$12,000. The Tax Collector is \$16,500 and the two deputy positions are \$500 per year (Deputy Tax Collector and Deputy Town Clerk). This is much less than the \$72,000 that was previously stated by Greta (St. Germain). She explained that revenue numbers have gone up and the number of transactions processed has also gone up.

Greta St. Germain said the revenue numbers are in the town report available for review. The voters can decide.

Kathy Arsenault agreed that this is up to the voters and the voters have spoken for the past two years already. She said Greta (St. Germain) talked about speaking to other towns and gathering information from other towns about combining the offices. She questioned why other towns were contacted, when we have our own resources here in Fremont. She said the Fremont Town Clerk and Tax Collector have never been contacted to discuss the best option for Fremont. She continued to say that for three Deliberative sessions this has been discussed, including 2010 when Annmarie (Scribner) herself was the Tax Collector and she was concerned and spoke out about never being contacted by the Selectmen at the time about the proposal of combining the two offices.

Annmarie Scribner said the Selectmen feel there is no reason to speak with the Clerk or the Collector at this time. This will come after the position is in place. She understands that this is the third deliberative session this has been discussed. We have to vote for the position first. Then we will have a whole year to work on the details and put a plan in place.

Doris Nichols asked what will happen if someone is sick.

Annmarie Scribner replied that we will have a Deputy Town Clerk/ Collector in place.

Kathy Murdock asked why we are voting on this again this year.

Annmarie Scribner replied that Kathy (Arsenault) is right, that the first year this was brought forward she herself amended the Article to read "are you in favor"? Since that Deliberative Session she has learned that she had been misinformed about how the Article really works. She stated that this is a 2-part Article. First you vote the position in and then next year you work on a plan and vote on salaries.

Joyce Booker – Janvrin asked what the Selectmen consider a "substantial" savings as stated earlier.

Annmarie Scribner said we will vote next year on the money issue and will have a whole year to figure it out. We don't have a number, but we do believe there will be a savings.

Joyce Booker – Janvrin again asked what is considered a "substantial" savings as stated earlier.

Annmarie Scribner answered that to her, \$5,000 is a "substantial" savings.

Brett Hunter called the question. Seconded by Mike Nygren.

Motion to call the question *passed by hand vote.*

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

Moderator Rydeen read aloud Article 19:

ARTICLE 20: To see if the Town will vote to appoint the Board of Selectmen as agents to expend from the Highway Building Capital Reserve Fund previously established in 1993. The Selectmen recommend this article 3-0. The Budget Committee recommends this article 6-1. (Majority vote required).

Article 20 moved by Brett Hunter, seconded by Greta St. Germain.

Andy Kohlhofer said he would like to make a motion to amend Article 20 to say “not recommend” after the words “to see if the Town will vote to”.

Moderator Rydeen stated that Article 20 cannot be amended in that manner as it will change the intent of the Article. Per RSA 40:13, IV you cannot eliminate the subject matter or the intent of an Article.

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

There being no further business to come before the legislative body, Greta St. Germain made a motion to adjourn the meeting at 9:03 pm. Annmarie Scribner seconded the motion. Motion to adjourn passed by voice vote.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Lori A. Holmes". The signature is fluid and cursive, with the first name "Lori" being the most prominent part.

Lori A. Holmes
Town Clerk