

**2011 TOWN OF FARMINGTON  
TOWN MEETING MINUTES  
March 9, 2011**

**To the Inhabitants of the Town of Farmington** in the County of Strafford qualified to vote in Town affairs. You are hereby notified to meet at Town Hall in said Town of Farmington on Tuesday, the eighth day of March 2011 (03/08/2011), at eight o'clock in the forenoon (8:00AM) to cast your ballot for Town Officers and for questions required by law to be on the ballot. Polls will close no earlier than seven o'clock in the evening (7:00PM). The remainder of the Warrant will be acted upon beginning at seven o'clock in the evening (7:00PM), Wednesday, the ninth day of March 2011 (3/09/2011).

Moderator, Dianna Parker, opened the meeting with a presentation of the flags and leading of the pledge of allegiance by Boy Scout Troop 188. Dianna announced that we would not be using formal rules like Roberts rules, but rather we would operate under Dianna's rules that can be overruled by majority vote. She stated that she would read each article and then ask for a motion. There will be no time limit on speaking, but everyone is to try to limit what they have to say to 3 minutes so that everyone can have a chance to do so. She asked everyone to be civil and courteous making no personal attacks. Dianna pointed out there would be a number of out of town "experts" referring specifically to the Town Administrator, Town Attorney and Public Works Director. She said that she would look to the meeting to decide if other non-residents should be allowed to speak. Any registered voter may make a motion to accept or amend the articles. She then explained secret ballot procedure and read the results of town election and school district election.

**Article 1. Election of Officers**

To choose one Selectman for three years; three Budget Committee Members for three years; one Budget Committee Member for two years; one Treasurer for one year; one Trustee of the Trust Fund for three years; and one Trustee of the Trust Fund for one year. **(Official Ballot)**

**Article 2. By Petition**

Are you in favor of decreasing the board of selectmen to 3 members? **(Official Ballot)**

**Article 3. – Zoning Amendments (Official Ballot)**

**Amendment 1**

Are you in favor of the adoption of Amendment No. 1 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To make changes to the Table of Uses regarding the following uses: Aquaculture, Dog Kennels, Dog Training Facilities, Agricultural Uses not specified, Residential Uses not specified, Institutional Uses not specified; Recreational Uses not specified, Telecommunications tower, Transmitter towers, Barber Shop/ Beauty Salon, Car Wash, Dry Cleaners, Drive Through eating place, Fully enclosed eating place, Health/Fitness Clubs, Laundromat, Mineral Exploration, Mineral Extraction, Restaurants, Commercial industrial Uses not specified, Drive-through services in conjunction with an allowed principal use, Outside storage of materials, equipment & products in conjunction with an allowed principal use, Retail sales of items manufactured on the premises.

**Yes 211      No 180**

**Amendment 2**

Are you in favor of the adoption of Amendment No. 2 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To make a minor typographical change to

Introduction, Paragraph A, Section 3.18(A), Section 3.18(B)(3), Section 3.09(C)(1) and Section 3.09 (C)(2).

**Yes 245      No 145**

**Amendment 3**

Are you in favor of the adoption of Amendment No. 3 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To move and rename section 4.02—Watershed Protection Overlay District of the Town of Farmington to Section 1.07—General Requirements.

**Yes 228      No 155**

**Amendment 4**

Are you in favor of the adoption of Amendment No. 4 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To delete Section 1.08 regarding Zoning Permits.

**Yes 198      No 171**

**Amendment 5**

Are you in favor of the adoption of Amendment No. 5 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Section 1.11(D)(2)(b)(ii) to clarify that a special use permit may be issued only after site plan or subdivision review if site plan or subdivision review is required.

**Yes 241      No 136**

**Amendment 6**

Are you in favor of the adoption of Amendment No. 6 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Sections 1.12(A)(3) and 1.12(A)(3)(b) to change reference to “Business/Civic” uses to “nonresidential” uses.

**Yes 236      No 145**

**Amendment 7**

Are you in favor of the adoption of Amendment No. 7 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To add definitions of “buildable area,” and “steep slopes.”

**Yes 265      No 115**

**Amendment 8**

Are you in favor of the adoption of Amendment No. 8 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To delete definitions of “business/civic,” “sign,” and “off-site.”

**Yes 217      No 156**

**Amendment 9**

Are you in favor of the adoption of Amendment No. 9 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend definitions of “home business,” “home occupation,” “special exception,” and “sign, off-site.”

**Yes 215      No 156**

**Amendment 10**

Are you in favor of the adoption of Amendment No. 10 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Section 2.00(E)(3) to provide that abutters shall be notified of public hearings five business days prior to the hearing rather than one week prior to the hearing.

**Yes 205      No 181**

**Amendment 11**

Are you in favor of the adoption of Amendment No. 11 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Sections 2.01(C), 2.02(C), 2.03(C), 2.04(C), 2.05(D), 2.07(C), 2.08(D) regarding special exceptions to clarify that in addition to the criteria set forth in those sections, uses permitted by special exception must also meet the general special exception criteria in Section 2.00(E).

**Yes 207      No 156**

**Amendment 12**

Are you in favor of the adoption of Amendment No. 12 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Sections 2.01(D), 2.02(E), 2.03(D), to change references to “upland” to “buildable area;” and to amend Sections 2.02(E) and 2.03(D) to require lots which do not have access to municipal water or wastewater to contain a minimum of 30,000 square feet of contiguous buildable area instead of 40,000 square feet.

**Yes 200      No 176**

**Amendment 13**

Are you in favor of the adoption of Amendment No. 13 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Section 3.03 and 3.03(A) to change references from “Supervisor of Vehicle Maintenance & Highway” or “SVM&H” to “Public Works Director.”

**Yes 272      No 111**

**Amendment 14**

Are you in favor of the adoption of Amendment No. 14 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To delete section 3.08 regarding Off Street Parking.

**Yes 196      No 171**

**Amendment 15**

Are you in favor of the adoption of Amendment No. 15 as proposed by the planning board for the Farmington Zoning Ordinance as follows: To amend Section 3.11(C) regarding Telecommunication Towers to require a fall zone of 150% rather than 100% of the tower’s height; and to amend Section 3.11(F)(2) to allow existing towers to be increased in height to allow co-location so long as the tower will not exceed a total height of 190 feet.

**Yes 251      No 132**

**Amendment 16**

Are you in favor of the adoption of Amendment No. 16 as proposed by the planning board for the Farmington Zoning Ordinance as follows: Amend Sections 3.14(B)(1), (2), and (4) regarding Housing Standards to incorporate the definitions of “building,” “New Hampshire Building Code” and “Structure” found in RSA 155-A:1.

**Yes 245      No 130**

To see if the Town will vote to raise and appropriate the Budget Committee recommended sum of **\$5,703,052 (Five Million, Seven Hundred and Three Thousand and Fifty Two Dollars)** for general municipal operations. The Selectmen recommend **\$5,714,688 (Five Million, Seven Hundred and fourteen Thousand, Six Hundred and Eighty Eight Dollars)**. This article does not include appropriations in special or individual articles addressed separately. **(Majority Vote Required)**

Arthur Capello made a motion to entertain Article 4 ahead of 3a, seconded by Emmanuel Krasner. This was approved by a show of cards vote. See Article 4. Arthur Capello made a motion to accept Article 3a, seconded by Ann Titus. Gerry McCarthy made a motion to amend Article 3a by \$8,300, seconded by Arthur Capello. Gerry explained that this was to bring the budget number up to \$5,711,352 by adding \$4000 for the coast bus, \$300.00 for the 500 Boy's Club and \$4000 to bring the recreation department up to enable them to maintain the same level of staffing that they currently have. Arthur Capello reminded the audience that ultimately the Board of Selectmen can decide where it is spent if we add it into the budget. It does not have to go to the above recommendations. Tanya Hughes asked if this would be for the supervisor position. Gerry McCarthy said yes that would be the discussion. Manny Krasner spoke in support of Coast Bus and the rest of it. Cindy Snowden asked for the opinion of the Board if this was added. Gerry said this is his amendment and he did not want to put them on the spot. Charlie King said that he would like to see all agencies funded at 80% across the board. He felt that they could find the money elsewhere in the budget to achieve the goal. Paula Proulx said that she thinks that the coast bus is entirely necessary, but she did not want to discuss the recreation department issue at this time, Arthur Capello emphasized that the Board of Selectmen can still choose to fund it at the full amount at any time. Joan Funk agreed with Charlie in favor of additional funds for coast. Everyone speaking for the Coast Bus had felt that people will not be able to get to their jobs who are utilizing it to get to work. Brad Nichols from Coast Bus gave some information on Route 6. Arthur Capello stated that we are still giving financial backing for Coast but he felt we have to look out for the tax base, not just those who use coast. John Scruton asked for the value of Coast and asked how many cents to the tax rate it would be to add the \$4,000. It is less than one cent. Eric Martin asked if he understood right that if this does not pass, we can still fund it. If this is not added, there will have to be cuts in other areas. Gerry McCarthy stated that the town had spent a lot of time on the budget and he felt that they had done a fairly good job, but it is tight and he felt that if they had to come up with \$8,000 it would be very tight. Charlie stated that we had started off \$300,000 down because of a potential loss in the rooms and meals tax revenue from the state. He mentioned that the town employees had not had raises for several years and, if we get some rooms and meals revenue, there had been discussion on putting some of it towards employees. Fire Chief, Rich Fowler stated that the ambulance is already overtaxed. If we cut the coast bus which is used to get people to medical appointments as well as work, the ambulance will end up doing more as people will have to give up medical visits causing more medical issues requiring ambulance services. Brad Nichols was asked by Seth Malone what the daily rider rates were and Brad said year to date the ridership rates were up 12% and said that the monthly average was 1200. This fluctuates depending on weather. Arthur Capello asked if Coast had given staff and bus drivers wage increases over the last year or 2. Brad said that they have given minimal increases to stay competitive and that they have asked them to significantly increase their contribution to health care. Arthur Capello made a motion to call the question, seconded by Manny. This was approved by a show of cards vote. The amendment was approved by a show of cards vote. Manny Krasner made a motion to amend to increase line 4550-4559 from \$264,591 to \$269,965 increasing by \$5,374, seconded Sue Loker. Manny explained this was for the Library. Moderator, Dianna Parker, excused herself from the discussion as a member of the Library Board of Directors. She appointed Kathy Seaver to moderate in her absence. After much discussion on the increase in services and need for the Library and the budget process, William Cameron made a motion to call the question, seconded by Arthur Capello and approved by a show of cards vote. The amendment was defeated by a counted show of cards vote. We are back to the amended amount of \$5,711,352. Charlie King made a motion to call the question, seconded by Arthur Capello and approved by a show of cards vote. Article 3a, as amended was approved by a show of

cards vote. Arthur Capello made a motion to restrict reconsideration, seconded by Ann Titus and approved by a show of cards vote.

#### **Article 4 Emergency Medical Motorized CRF**

To see if the Town will vote to raise and appropriate the sum of **\$15,000.00 (Fifteen Thousand Dollars)** to be added to the previously established Emergency Medical Motorized Equipment Capital Reserve Fund. **This Article is recommended by the Board of Selectmen. This article is recommended by the Budget Committee. (Majority vote required)**

Joan Funk made a motion to approve, duly seconded. Being no discussion, Article 4 was approved by a show of cards vote. (Back to 3a.)

#### **Article 5 Public Buildings Maintenance CRF**

To see if the Town will vote to raise and appropriate the sum of **\$10,000.00 (Ten Thousand Dollars)** to be added to the previously established Public Buildings Maintenance Capital Reserve Fund. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority vote required)**

Joan Funk made a motion to approve Article 5, seconded by Cindy Snowden. Joyce White asked if this was the original appropriation that was asked for at the meetings. Arthur Capello said that he believed that the Selectmen had cut it prior to bringing to the Budget Committee. Joan said that she believed that it was cut as nearly everything was cut. Manny Krasner asked how much was in the fund currently to which Town Administrator, Alan Gould stated \$34,178.15 as of 12/31/2010. Seth Malone asked if all these articles for specific funds were above and beyond what the Selectmen and Budget Committee had discussed. Arthur Capello stated that every year we raise and appropriate to put away money to these funds so that you do not have a hit on your tax rate for large items. Rachel Burke asked if anyone knows what amount of interest we get. The Trustees report in the Town Report was pointed out to her. Being no further discussion Article 5 was approved by a show of cards vote.

#### **Article 6 Fire Vehicle/Equipment CRF**

To see if the Town will vote to raise and appropriate the sum of **\$7,500.00 (Seven Thousand Five Hundred Dollars)** to be added to the previously established Fire Vehicle/Equipment Capital Reserve Fund. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority Vote required)**

James Stoakes made a motion to move Article 16 ahead of Article 6, seconded by Kathy King. This was approved by a show of cards vote. (See article 16.) Manny made a motion to approve Article 6, seconded by Chris Somma. Arthur Capello asked how much was in the fund to which Alan said \$68,659.79. Arthur asked how much a new vehicle would cost. The Fire Chief said between \$300,000-\$375,000. Article 6 was approved by a show of cards vote.

#### **Article 7 Town Employee Financial Obligation CRF**

To see if the Town will vote to raise and appropriate the sum of **\$10,000.00 (Ten Thousand Dollars)** to be added to the previously established Town Employee Financial Obligation Capital Reserve Fund. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority Vote Required)**

Kathy King made a motion to approve seconded by Chris Somma. Manny Krasner asked what the obligations are and how they were created. It was explained. Being no further discussion, Article 7 was approved by a show of cards vote.

#### **Article 8 Landfill Closure Transfer Station Special Revenue Fund**

To see if the Town will vote to raise and appropriate the amount of **\$1,000,000 (One Million Dollars)** for the closure of the landfill, by withdrawing up to that amount from the Landfill Closure Transfer Station Special Revenue Fund created for that purpose. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority vote required).**

Joan Funk made a motion to approve, seconded by Charlie Doke. Arthur Capello asked what the balance in the fund was. Alan responded that it is \$1,270,220.88. Erica Ranagan said that she was against this because she pays a lot in stickers, bags, etc. and she gets no services because she lives on a private road. Alan Gould explained that we have to close the landfill and we have to fund it. We are not looking for new money, just the authorization to spend money that we already have in this fund. The landfill will close 12/31/2011. We should be in the process where closure has been designed and we have a contract, then we will need to begin the construction process. We have collected and saved the money to begin the process, now we need to spend some of the money to comply with the mandates. Being no further discussion, Article 8 was approved by a show of cards vote.

#### **Article 9 Highway Equipment CRF**

To see if the Town will vote to raise and appropriate the sum of **\$11,000 (Eleven Thousand Dollars)** to be added to the previously established Highway Equipment Capital Reserve Fund. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority Vote Required)**

A motion to approve was made by Neil Johnson, seconded by Rachel Burke. Being no discussion, Article 9 was approved by a show of cards vote.

#### **Article 10 Trash Bag Sticker Revenue**

To see if the Town will vote under the provisions of RSA 31:95-c to restrict 100% of the revenues received from trash bag stickers until December 31, 2011 for deposit into the special revenue fund known as the Landfill Closure Transfer Station Special Revenue Fund created in 2004 by Article 21 and amended in 2010 by Article 12. Beginning January 1, 2012 100% of trash bag sticker revenues received will be deposited into the Town's general fund. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority Vote Required by Ballot) Yes 76 No 17**

Joseph Pitre made a motion to approve, seconded by Chris Somma. Manny Krasner said he was presuming given Article 8, this will be sufficient and this fund won't be needed further. Alan stated that the money from the stickers this year will go in to continue to build the fund until 1/1/2012. This may not be enough, but we will need to fund the transfer station and we think it might be close to being enough to cover the expenditure. If it does not cover it we will be raising money next year. However, next year sticker money will be used for the operation of the transfer station. Charlie King, said, to follow up, depending on what the bids come in we hope to have enough to cover it, if not, we will come back to raise and appropriate or take money from the fund balance. Dianna announced the procedure for the ballot vote and voting began.

Manny Krasner made a motion to move on Article 15 next, seconded by William Cameron. There was no discussion and it was approved by a counted show of cards vote 42 Yes and 37 No. (See article 15.)

The results of the ballot vote were: Yes 76 No 17

#### **Article 11 Conservation Fund**

To see if the Town will vote to restrict 100% of revenues received from the sale of timber on Town owned land managed by the Conservation Commission to be deposited in the Town's Conservation

Fund. This article remains in effect until rescinded by a vote of the legislative body. **This Article is recommended by the Board of Selectmen. This Article is recommended by the Budget Committee. (Majority Vote Required).**

Dave Connolly made a motion to approve, seconded by Gerry McCarthy. Being no discussion, Article 11 was approved by a show of cards vote.

### **Article 12 Sale of Municipal Vehicles and Other Equipment**

To see if the Town will vote to authorize the Selectmen to sell to the highest bidder municipal vehicles and other equipment no longer needed as determined by the Selectmen, with proceeds to go into the General Fund. **(Majority Vote Required)**

Joseph Pitre made a motion to approve, seconded by Arthur Capello and, being no discussion, Article 12 was approved show of cards vote.

### **Article 13 (By Petition)**

To see if the Town will vote to accept as Class V roads “Labrador Road and “Cottontail Lane together with utility easements and the bus stop shelter for school children as shown on a plat entitled “Subdivision Plan of Land for Jones Brook LLP, Governors Ridge Phase Two Governors Rd., Dodge Cross Rd., & Chestnut Hill Rd., Farmington, New Hampshire”, recorded in the Strafford County Registry of Deeds as Plan 86-22. **(Majority Vote Required)**

Amy Mayo made a motion to approve, seconded Gerry McCarthy, The developer, George Szirbik explained that, over the last several months he had worked with the planning board and Selectmen. He believes he has met all of the hurdles put in front of him. Erik Martin made a motion to amend to remove the bus stop shelter, seconded by Arthur Capello. Much discussion ensued. Scott Hazelton, Public Works Director, provided information in support of the town takeover. Kathy Menici, Planning Director, said that she felt that all requirements have been met and that a maintenance deposit was required in the amount of \$40,000. Charlie King said that the intent of the bus stop was for shelter for children because the bus may or may not travel down that road. The amendment passed by a show of cards vote. Erik Martin said that, because the development had gone through all appropriate approvals he wanted to show his support. Seth Malone said he wished to ask for a reconsideration of the bus stop. This failed due to a lack of a second. John Theriault questioned if the developer had met all of the requirements or if there was an exception. Charlie King said that, based upon the bond in place the developer had met all of the requirements of planning and the road acceptance policy. Cindy Snowden said that she would like to say that being a member of the planning board and knowing all of the hoops, she definitely supports this because they have done everything asked of them. Manny said he does not take a position but he wanted to make a point that he thinks it would be very helpful to avoid this struggle if the Selectmen/Planning Board put a restrictive covenant at the registry if a road is going to be a private road. Then a person buying knows it is a private road. This should be known at the onset of the plan. Charlie King made a motion to add drainage easements, seconded by Packy Campbell and being no discussion, the amendment was approved by a show of cards vote. John Scruton made a motion to call the question, seconded by Kathy King and approved by a show of cards vote. Article 13, as amended, was approved by a show of cards vote.

### **Article 14 (By Petition)**

To see if the Town will vote to accept the water and sewer infrastructure, specifically the water lines, fire hydrants, sewer lines, catch basins and drainage system located within, upon and under the 50 foot right of way known as Skyview Drive and Whipoorwill Ridge Road, previously accepted as Town roads at the 2009 annual meeting, and to accept an easement from the owner of record of the common area for maintenance of the drainage system improvements. Excluding herefrom the sewer pumping station itself which is not in the right of way. **(Majority Vote Required)**

Eric Martin asked if other roads that have infrastructure are not covered in this manner. Charlie King said that this was the first time a road with infrastructure accepted. Arthur Capello asked if there was any reason not to accept it. Cindy Snowden said that they were just asking for the same thing everyone else in town has. Manny Krasner, said that he thinks a no vote is in order here. He felt it was a problem because Article 14 is tied in with Article 15. This is connected to the pump station which has been the subject of serious litigation between the Homeowner's Association and the developer. Why should the town take on the responsibility of a private developer who has not finished his responsibility until we know it is done. Cindy Snowden said that she sees it as 2 different things with one being in the right-of-way. The Pump station is a separate court order and this does not address the pump station. Ryan Jackson pointed out that the last sentence excludes the pumping station and it was felt that the pipes are unrelated. Raymond Zahn said that everyone here voted this road in and it has been in service for 6 years and there has not been 1 sewer pipe problem or water pipe problem. After much discussion on the pros and cons of this, John Scruton made a motion to call the question, seconded by Arthur Capello and approved by a show of cards vote. Article 14 failed by a counted show of cards vote Yes 43 No 58. In light of this failure to pass, John Scruton made a motion to table Article 15, seconded by Manny Krasner and approved by a show of cards vote. Arthur Capello made a motion to restrict reconsideration on Article 14, duly seconded and approved by a show of cards vote. There was discussion on whether or not we needed to restrict reconsideration on Article 15. It was decided that John's motion was to table indefinitely to which John agreed. A new vote was taken to reaffirm and it was again approved by a show of cards vote to table Article 15 indefinitely.

#### **Article 15 (By Petition)**

To see if the Town will vote to accept the responsibility of the operation and maintenance of the sewer pumping station situated at Campbell Commons Subdivision as shown on the plan entitled "Proposed Cluster Development, Open Space Plan, Map U-9, Lots 18 & 19, Map R-34, Lot 1-8, Elm Street & Dick Dame Lane, Farmington, N.H. for RSA Development, LLC" dated January, 2003, revised June, 2005, prepared by Norway Plains Associates, Inc., and recorded in the Strafford County Registry of Deeds as Plan #80-71, and as further shown on a certain plan entitled "Proposed Cluster Development, Map U-9, Lots 18 & 19, Map R-34, Lot 1-8, Elm Street & Dick Dame Lane, Farmington, N.H. for RSA Development, LLC" dated January 2003, revised June, 2005, said plans prepared by Norway Plains Associates, Inc., and recorded in the Strafford County Registry of Deeds as Plan #80-72 and #80-73, under the following provisions: (1) upon Order of the Strafford County Superior Court the Town will receive \$5000.00 from the present court ordered escrow account to fund the repairs required by the Court, and (2) the Town Superintendent of Water and Sewer certify completion of work required by said order, together with the easement rights from the owner of record to have access to and control of the said pump system. **(Majority Vote Required)**

Packy Campbell made a motion, seconded by Charlie King to move Article 14 ahead of Article 15 which was approved by a show of cards vote. (See Article 14.)

(Article 15 was tabled – see Article 14)

#### **Article 16 (By Petition)**

To see if the Taxpayers will direct and authorize the selectmen to purchase 1 Fire Engine. The fire engine will be purchased utilizing a lease/purchase agreement. The truck to cost no more than \$410,000 and the lease/purchase payment to be no more than \$70,000 per year. The first payment due will be paid out of existing capital reserve funds already accrued in the fire truck replacement fund. **(2/3 Majority Vote Required by Ballot) This Article is not recommended by the Board of Selectmen. This Article is not recommended by the Budget Committee**



Chris Somma made a motion to approve, seconded by Tracy Cameron. Rick Gladding discussed background information on the current equipment and mutual aid. Eric Martin said that he would like to hear from the Budget Committee and the Board of Selectmen. Brian St. Onge stated that the Chief had told them he would support it, but he had not put it into the budget. He said that part of the problem was the way it was worded. It calls for a lease purchase with the first year coming from a capital reserve fund and does not have an opt out. Alan stated that the petition had some technical problems. It does not include language to raise and appropriate which could be a problem with DRA. The bigger issue is the fact that it would have us use Capital Reserve funds and we would not be able to have a non appropriation clause, so that means that this town meeting would enter into the lease and fund the first payment from the capital reserve and then next year we would still have to find a way to pay for even if there is no money appropriated in subsequent years. Attorney Mitchell gave his opinion on the escape clause and explained that makes this long-term debt which creates two problems. One is that long-term debt requires a 2/3 majority vote. If it is amended with no escape clause there is a potential that DRA would treat as an illegal change. He cautioned that the articles were reviewed by a lower level staff member at DRA with no issues but last year Barbara Robinson, Municipal Services Director said that this type of move was an illegal change. We cannot guarantee what their action will be when they review what we approve. Discussion ensued on grants, having too much money put away to get the grants, and whether or not it was discussed during the budget process. After much discussion, John Scruton said that it seems that there is a need but we not going to be able to proceed tonight. He made a motion to table indefinitely and have it come back next year, seconded by Arthur Capello and approved by a show of hands vote.

**Article 17** To transact such other business as may legally come before this meeting. **(Majority Vote Required)**

A motion to adjourn at 10:15 was made by Arthur Capello, duly seconded and approved by a show of cards vote.

Respectfully Submitted,

Kathy L. Seaver, Town Clerk-Tax Collector