

New Durham Deliberative Session

Meeting Minutes

February 6, 2017

New Durham Elementary School

DRAFT

Call to Order

In accordance with the provisions of Senate Bill 2 (RSA 40:13) adopted by the Town in March 2014, the first (Deliberative) session of the 2017 Town Meeting was called to order at 7:00p.m. by Cecile Chase, Town Moderator.

All in attendance rose to Pledge of Allegiance to the flag of the United States of America.

Moderator Cecile Chase introduced herself and Town officials: Board of Selectmen Chair David Bickford, Selectmen Greg Anthes, Selectman David Swenson, Town Administrator Scott Kinmond, and Town Clerk Stephanie Mackenzie.

Town Moderator Cecile Chase read the new Moderator Rules for the conduct of the Deliberative Session which will be followed: unless changed by the voters at the meeting the Moderator will use the following rules of procedure to conduct the deliberative session.

1. We will not be using Robert's Rules but we will be using the Moderator's Rules of Respect, Courtesy and Common Sense.
2. Any voter who wishes to address the meeting will come to the microphone, be recognized by the moderator, and then state his or her name and address.
3. All questions to the Board of Selectmen, other Town officials, or other meeting participants will be directed through the moderator.
4. Each voter who desires to speak on an article will be given a chance to do so before any voter is given a second opportunity to speak on the same issue.
5. With exception of the initial presentation on Articles, which the Moderator requests are kept to no more than 10 minutes, all speakers will be limited to 3 minutes.
6. Reasonable discussion will be allowed.
7. Each amendment will be stated by the moderator before being voted upon.
8. Only one amendment to an article will be allowed on the floor at any one time. No amendment to an amendment will be allowed; such proposals will be dealt with as subsequent amendments after the first amendment has been voted upon.
9. Negative amendments will not be allowed, for instance an article that would raise and appropriate \$2,500 for equipment purchase cannot be amended to read NOT raise and appropriate \$2,500 for equipment purchase.
10. Any amendment to financial amounts must be stated in dollars. Percentage figures must be converted to dollar amounts to be accepted.
11. Voter cards will be raised by voters when voting on amendments rather than a voice vote. If the vote looks to be close assistant moderators will count the raised voter cards.
12. A motion to pass over an article until a specific time or until action has been taken on some other designated article will be accepted.

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13. Upon appeal of any ruling of the moderator, a majority vote will prevail.
14. At any time during the meeting these rules may be altered by majority vote.

Article 1: *To choose all necessary town officers for the ensuing year:*

Moderator Chase read the positions and terms as follows:

| Office | <u>Term</u> |
|--------------------------------|--------------------|
| (1) Selectman | 3 years |
| (2) Budget Committee | 3 years |
| (2) Budget Committee | 2 years |
| (2) Budget Committee | 1 year |
| (1) Cemetery Trustee | 3 years |
| (1) Library Trustee | 3 years |
| (1) Library Trustee | 1 year |
| (1) Planning Board | 3 years |
| (1) Trustee of Trust Funds | 3 years |
| (1) Zoning Board of Adjustment | 3 years |
| (1) Zoning Board of Adjustment | 2 years |

No discussion on Article 1.

Article 2: *Are you in favor of the adoption of the amendment to the existing Town Zoning Ordinance as proposed by the Planning Board? The proposed amendment establishes a new “Merry Meeting Watershed Overlay District.”*

Discussion: Jeff Allard, Alternate Member of the Planning Board, gave an overview of the amendment, outlining the intentions of the ordinance to protect the watershed of Merry Meeting Lake. He stated the overlay will cover 12,000 acres, all within the Town boundaries, contains a unique environment not found elsewhere in New Hampshire. Mr. Allard explained the large variety of wildlife in the remote and undeveloped land surrounding one of the cleanest lakes in New Hampshire. Mr. Allard stated the purpose is to protect the Town’s asset in Merry Meeting Lake as well as wildlife, water quality and preservation of open lands. A map was presented on the overhead projection, outlining the boundaries of the overlay.

David Curry, resident, questioned the types of agriculture allowed under RSA 21:34. Mr. Allard replied he did not know the specifics of the statute but that whatever is allowed today will continue to be allowed and referred Mr. Curry to the statute. Mr. Curry stated he is concerned with commercial agricultural establishments. He also asked for clarification on how taxation will be determined. Chair Bickford replied that the current

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use rate is significantly lower, noting a lot of New Durham property is already in current use and the overlay will not increase it significantly.

Matthew Ingham, resident, thanked the Planning Board to their continued commitment to environmental preservation, then pointed out some conflicts of preservation in terms of restrictive lot sizes. He suggested making the definition language more clear. Mr. Ingham also pointed out potential increased expenses to land owners with costs of zoning and surveying due to the proposed restrictions.

Mr. Allard explained the existing overlay districts in Town around Merry Meeting Lake. He stated much of the language of the proposal comes from the State of New Hampshire and has been reviewed by legal counsel.

Article 3: *Shall the Town 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 the vote of the first session, for the purposes set forth therein, totaling \$2,751,234. Should this article be defeated, the default budget shall be \$2,793,117, which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold a special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only.*

(Note: Operating Budget & Default Budget includes the Library Budget)

Majority vote required

Estimated Tax Rate Impact- 2017 Proposed Budget \$4.59 per \$1,000 assessed evaluation.
Estimated Tax Rate Impact- 2017 Default Budget \$4.69 per \$1,000 assessed evaluation.

The Board of Selectmen recommends this article by a **3 to 0** vote.

The Budget Committee recommends this article by a **7 to 0** vote.

Discussion: Cathy Orlowicz, Budget Committee Chair gave an overview of how the Operating Budget is reviewed and discussed by the Budget Committee and with the Board of Selectmen.

No further discussion on Article 3.

Article 4: *To see if the Town will vote to raise and appropriate the sum of Three Hundred and Thirty Thousand Dollars (\$330,000) for the purposes of a **Road Program** with One Hundred Eleven Thousand Dollars (\$111,000) to come from Highway Block Grant Aid; One Hundred Sixty Two Thousand Dollars (\$162,000) to come from the Road*

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Reconstruction Capital Reserve Fund; the remainder of Fifty-Seven Thousand Dollars (\$57,000) to come from taxation.

Majority vote required

Estimated Tax Rate Impact- \$0.14 per \$1,000 assessed valuation.

The Board of Selectmen recommends this article by a **2 to 1** vote.

The Budget Committee recommends this article by a **7 to 0** vote.

Discussion: Town Administrator Kinmond gave an overview of the article and explained the funding sources as well as how the estimate for the proposed work was obtained. He stated the Director of Public Works developed a proposal for roads to be considered which include Birch Hill Road for reclaim, Bracket Hill Road for reclaim and Olde Bay Road for shim with crack-sealing on Davis Crossing Road. Town Administrator Kinmond noted the road plans would be looked at again in the spring. Chair Bickford stated the Board of Selectmen recognize the need for road work and noted this is over and above regular road maintenance.

No further discussion on Article 4.

Article 5: *To see if the Town will vote to raise and appropriate the sum of One Hundred and Seventy Thousand Dollars (\$170,000) to be placed in previously established **Capital Reserve Funds** as follows, with said funds to come from taxation:*

| Account | Established | 2017 |
|---------------------------------------|----------------------------|------------------|
| Police Cruiser | March 15, 2000, Article 17 | \$12,500 |
| 1772 Meeting House Restoration | March 15, 2000, Article 14 | \$10,000 |
| Fire Truck | March 12, 2003, Article 11 | \$50,000 |
| Highway Equipment | March 15, 2006, Article 12 | \$7,000 |
| Solid Waste Facilities Equipment | March 10, 2010, Article 14 | \$5,000 |
| Public Safety Facilities Improvements | March 10, 2010, Article 17 | \$5,000 |
| Municipal Facility Land Acquisition | March 13, 2007, Article 8 | \$5,000 |
| Fire Dept. Ancillary Equipment | March 10, 2015, Article 5 | \$5,000 |
| Library Facilities | March 13, 2007, Article 7 | \$13,000 |
| Smith Ballfield & Equipment | March 13, 2007 Article 9 | \$7,500 |
| Road Reconstruction | March 10, 2010, Article 5 | \$50,000 |
| Total | | \$170,000 |

Majority Vote Required

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Estimated Tax Rate Impact- \$0.42 per \$1,000 of assess valuation.

The Board of Selectmen recommends this article by a **3 to 0** vote.

The Budget Committee recommends this article by a **7 to 0** vote.

Discussion: Town Administrator Kinmond stated the list of Capital Reserve Funds to be funded come from the Capital Improvement Plan Committee and the Budget Committee for present and future projects.

Jeff Allard, resident stated the Planning Board recommended \$51,000 for the Highway Equipment although the CRF although the amount listed is \$7,000. Selectman Anthes stated they feel the Highway Department is headed in the direction of lease/purchase for equipment so there is no need to continue funding this account. There is also an adequate balance currently in this account. He stated the CIP did feel it was necessary to fund this account as much this year after looking at the current equipment and their conditions. Mr. Allard stated he doesn't want to be in the situation where they are forced to contract services because they can't afford to replace necessary equipment. Selectman Swenson stated they need to look at the Highway Department and develop a strategic plan.

Bill Meyer, resident, stated he doesn't want to fall behind with funding the Highway Department trucks. **Mr. Meyer made a motion to add \$50,000 to the Highway Truck CRF. Motion failed for lack of second.** Moderator Chase stated she's not sure of the motion is legal.

David Curry, resident, questioned the purpose of the deliberative session if voters are not able to amend the articles although he is not in favor of amending this article. There was discussion about the rules of amendments and determined amendments to articles are possible but with restrictions. Selectman Swenson clarified that the funds assigned to a CRF are restricted with what they can be used for.

Cathy Orlowicz, Budget Committee Chair Bickford, stated the CRF in the article is for Highway Equipment and this does not include trucks. She also noted the current balance in the CRF is \$230,000 and there is no scheduled replacement until 2026. It was determined that per state statute, articles may be amended but cannot add a subject that is not an article.

Mr. Meyer made a motion to amend Article 5 and add a line to the CRF for Highway Truck and place \$50,000 into that account, subject to legal review and approval by New Hampshire Department of Revenue Administration, funds to come from taxation. Ellen Phillips seconded the motion for discussion. Discussion: Janis Anthes, resident, asked who is responsible for developing the strategic plan, whether it's the Planning Board or Board of Selectmen. Selectman Swenson replied it is the responsibility of the Board of Selectmen although it has been recommended by the

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Planning Board. Chair Bickford noted the CRF is well funded and recommended voting down the motion. Moderator Chase called for a vote by show of voter cards. **Motion passed by majority vote.**

No further discussion on Article 5.

Article 6: *To see if the Town will vote to raise and appropriate the sum of Sixty-five Thousand Dollars (\$65,000) to be placed in previously established **Expendable Trust Funds** as follows, with said funds to come from taxation:*

| Account | Established | 2017 |
|-------------------------------|-----------------------------------|-----------------|
| Computer & Office Maint. | March 13, 1996, Article 11 | \$10,000 |
| | Revised March 9, 2011, Article 26 | |
| Accrued Benefits Liability | March 13, 1996, Article 16 | \$25,000 |
| Town Buildings & Improvements | March 15, 2000, Article 15 | \$30,000 |
| Total | | \$65,000 |

Majority Vote Required

Estimated Tax Rate Impact- \$0.16 per \$1,000 of assess valuation.

The Board of Selectmen recommends this article by a **3 to 0** vote.

The Budget Committee recommends this article by a **7 to 0** vote.

No discussion on Article 6.

Article 7: *To see if the Town will vote to change the purpose of the existing “Fire Trucks” Capital Reserve Fund (CRF), to the “Fire Vehicles” Capital Reserve Fund, and designate the Board of Selectmen as agents to expend.*

Two-Thirds Vote Required

The Board of Selectmen recommends this article by a **3 to 0** vote.

Discussion: Town Administrator Kinmond stated this was discussed last year but no change was made at that time. He explained the change allows for funds to be used for future purchase of other types of fire department vehicles.

David Shagoury, resident, stated the Capital Reserve Fund should remain for the original intent which was for purchase of fire trucks only and not open it up to be used for anything.

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No further discussion on Article 7.

Article 8: *To see if the Town will vote to discontinue the Reevaluation Capital Reserve Account (CRF) that was created by Article 12 at the March 15, 2000 Town Meeting. Said funds, with accumulated interest to date of withdrawal, are to be transferred to the Town's General Fund.*

Majority Vote Required

The Board of Selectmen recommends this article by a **3 to 0** vote.

Discussion: Chair Bickford explained the \$153,000 balance was left over in the account when the Board of Selectmen decided to change to reevaluations done on a yearly basis rotation instead of every five years.

Ellen Phillips, resident, stated the Budget Committee doesn't vote on this article but there was lots of discussion and stated the funds should stay there for use on future reevaluation as the funds have already be raised and appropriated. Chair Bickford replied that if returned to the General Fund it can be used for other purposes than just reevaluation.

David Curry, resident, noted the \$90,000 for last year's reevaluation came from the General Fund. He stated this fund has a designated purpose and doesn't support the article to remove the funds.

Cathy Orlowicz, Budget Committee Chair stated no funds were appropriated for the 2017 reevaluation and asked where the funds would come from if the CRF is dissolved. Chair Bickford replied they would come up with the funds from somewhere, noting this year's costs for reevaluation should only be about \$20,000, and stated Town Administrator Kinmond indicated there was money left over at the end of last year.

No further discussion on Article 8.

Article 9: *To conduct and other business which may legally come before the Town.*

Discussion: Town Administrator Kinmond stated the Board of Selectmen put together special recognition of Town employees last summer. He stated awards were given to retirees and for longevity of employees, as well as for customer service, most valuable employee and health and fitness. Selectman Swenson thanked Town Administrator Kinmond for his first year of service to the Town and commended him for his hard work.

Adjourn

Moderator Chase adjourned the meeting at 8:50p.m.

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Respectfully Submitted,

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