

**TOWN OF WEARE, NH  
2024 DELIBERATIVE SESSION MINUTES  
FEBRUARY 3, 2024**

Moderator Jon Morton called the meeting to order at 9:00 a.m. and asked everyone to rise for the Pledge of Allegiance.

Moderator Morton recognized those residents of Weare who passed away in 2023.

Moderator Morton explained the rules of order guidelines for the deliberative session – today’s votes will be cast using the colored voting card; if you are a registered voter and do not have a card, you must sign in with the Supervisors of the Checklist to receive one; if you are not a registered voter you cannot participate in voting and must be seated in the designated area for non-voters. The warrant article will be read as it appears on the warrant and placed on the floor for discussion, debate, and/or amendment so there is a final version that will appear on the ballot for March 12<sup>th</sup>. If someone would like to restrict reconsideration, once an article has had a final vote, a motion must be made to do so. Any voter may question a ruling by the moderator by asking to appeal the ruling to the body as a whole; a majority vote is required to overrule the moderator. The selectmen, Finance Committee, and/or petitioner will be called on, as appropriate, to speak first to an article. The floor will then be opened to questions, comments, and/or amendments by the voters. If someone would like to speak on an article, please stand in line at the microphone and when you are recognized to speak, state your name clearly prior to beginning. All speakers will be required to show their voter id, sticker or card – only registered voters will be allowed to speak unless a majority of the voters present decide otherwise. Mr. Morton asked that the Town Counsel and employees, who don’t live in town, be given permission to speak at this session without objection. Questions and/or comments will be directed to the moderator and no conversation directed to others on the floor will be allowed. A motion to call a question will not be accepted until all have had a fair opportunity to express their views. In order to make this meeting run smoothly and efficiently, please be brief and non-repetitive with comments and stick to the subject matter within the article; if a speaker is repeating what has already been discussed, the moderator will ask them to move on to any other questions or comments they may have. Amendments will be accepted however, they must be in writing in order to eliminate any confusion and will only be accepted once the selectmen, Finance Committee, and/or petitioner have an opportunity to speak – only one amendment will be allowed on the floor at any given time; once an amendment is voted on, the moderator will ask for any other amendments. An amendment cannot change the subject matter or purpose of the article as posted. A request to have a paper ballot must be in writing and signed by five registered voters.

Moderator Morton proceeded onto the warrant articles beginning with Article 6.

**ARTICLE 6**

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 vote of the first session, for the purposes set forth therein, totaling Eight Million Five Hundred Seventy-Four Thousand One Hundred Forty-

Four Dollars (\$8,574,144)? Should this article be defeated, the default budget shall be Eight Million Two Hundred Forty Thousand Seven Hundred Seventy-Four Dollars (\$8,240,774), 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 one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Recommended by Board of Selectmen)

Chair Ricky Hippler, Board of Selectmen, introduced Selectman Sherry Burdick, Selectman Salim Blume, Town Counsel Laura Spector-Morgan, Attorney Weston Sager, Selectman Benji Knapp, Selectman Janice Mathews, Town Administrator Naomi Bolton, Finance Administrator Beth Rouse, Library Director Clay Kriese, Acting Fire Chief Mark Roarick, DPW Director Jason Fiske and Police Chief Chris Moore.

Chair Hippler moved the article as read. The motion was seconded.

Chair Hippler explained that the operating budget is a 4.05 percent increase over the default budget; 21.5 percent of that increase is related to insurance premiums rising. He noted that the town is not immune to the increased costs for goods, services and contracts that will allow the town to continue the level of services which the town has come to expect. He pointed out that the operating budget also includes warrant articles that were approved as reoccurring cost in 2023.

Tom Clow, Finance Committee Chair, was recognized to speak. The committee does not support this article. Noting the 8.1% tax hike last year, the committee took a hard look at areas where it could limit this year's tax increase without severely impacting operations. The difference between the proposed and default budgets of \$333,370 results in a \$91 tax difference on a \$350,000 property. A majority of the committee supports the default budget. Budgeted, but unspent money, as a result of highway department and other position vacancies, will help cover increased health insurance and other costs. If actual revenues exceed conservative estimates, the gap will be further reduced. The minority supports the proposed budget noting the default does not fund certain increased costs, such as insurance, for which funds will have to be found elsewhere. Last year, the voters approved the proposed budget to get back on track after multiple years of default budgets. The minority does not want to head down that road again noting the impact of multi-year default budgets.

Moderator Morton opened the floor for public comment.

Helene Kurk, Mt. Dearborn Road, doesn't see a warrant article specific to hazardous waste as in past years. She inquired whether it's embedded within the proposed budget.

Chair Hippler responded that it was inserted into the budget a few years ago; it is line 998 under the transfer station Hazardous Waste Day. He added that when they opened the transfer station to accept, it was closed within nine minutes because they accepted as much waste that the line item would allow.

Ms. Kurk inquired whether it was increased for this year because there were residents not able to dispose of their waste this past year.

Chair Hippler responded that it has been increased – it has been doubled.

Frank Campana, Quaker Street, stated that the proposed budget passed last year and the town ended up, for various reasons, with over \$500,000 in surplus money and of that amount they spent \$154,000 leaving a balance of roughly \$350,000 that went back into the general fund. He indicated that the town did not return any money to reduce taxes. He explained that the town portion of the tax bill increased 23 percent, a 71 cent increase on the tax bill, the overall rate which includes schools, county and state education fund went up 8.3 percent, \$1.44 increase on the tax bill. He supports the opportunity to vote for the default budget. He does not support the proposed budget in light of the December tax bill.

There being no further discussion, Town Counsel Spector-Morgan clarified that as they have discussed over the last several years, they don't have to vote to place this on the warrant.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

#### **ARTICLE 7**

Shall the Town approve the cost items contained in the three (3) year collective bargaining agreement reached between the Board of Selectmen and the New England Police Benevolent Association (NEPBA) Union for the Police Department Employees, which calls for the following increases in salaries and benefits at the current staffing level:

<u>Fiscal</u>	<u>Estimated</u>
<u>Year</u>	<u>Increase</u>
2024	\$65,439 – 5%
2025	\$66,056 – 5%
2026	\$69,359 – 5%

and further to raise and appropriate the sum of Sixty-Five Thousand Four Hundred Thirty-Nine Dollars (\$65,439) for the current fiscal year, such sum representing the additional costs attributable to the increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels? (Recommended by Board of Selectmen)

Estimated tax impact = \$0.05

Selectman Burdick moved the article as read. The motion was seconded.

Selectman Burdick explained that this article is to bring the wages up. She noted that officers with an associate degree will increase from 24 cents per hour to 48 cents per hour; a bachelor's degree will increase from 48 cents per hour to 72 cents per hour; a master's degree will increase from 72 cents per hour to 96 cents per hour.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The committee believes this contract offers a balanced solution for taxpayers and the town. The 5% increase each year, although it exceeds the current rate of

inflation, is reasonable given the inherent risks of the profession and the difficulty in filling positions statewide and nationally. We are currently have all positions filled and this contract will give us the best opportunity to keep it so. Retaining officers avoids the lengthy certification process through the Police Academy and local on-the-job training. The estimated first-year cost of the contract is \$18 on a \$350,000 property with similar projected increases in 2025 and 2026. The estimated total cost of the contract after three years will be \$397,788 with a \$53 tax impact on a \$350,000 property. The minority believes the 5% annual increases exceeded inflation and might have the effect of ensuring non-union raise requests in the next three years would also potentially exceed inflation.

Brent Dickinson, Dels Way, pointed out that there was a dissenting vote from the Finance Committee and asked that Chief Moore respond to this. He further asked how readily available candidates are for hire.

Police Chief Moore stated that he's looked at the officers pay rate compared to the rate of inflation since he's been here; they've gotten just over a one percent raise in 4 ½ years which is keeping steady with inflation but unfortunately, they are not equal to still compete with neighboring jurisdictions. He added that communities are adding sign on bonuses of up to \$30,000 trying to lure officers away. He further added that officers are topping out at \$90,000 after three years in some jurisdictions but topping out at around \$65,000 here. He feels this article will help maintain their competitiveness to where they wouldn't lose officers.

There being no further discussion, Moderator Morton announced that Article 7 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 8**

Shall the Town raise and appropriate the sum of Ninety Eight Thousand One Hundred Ninety Dollars (\$98,190), representing a 5% COLA pay increases for all non-union Town and Library personnel, except the Town Administrator? If this article is approved, this would become part of the annual operating budget and the difference in wages and benefits annually would be One Hundred Thirty Thousand Nine Hundred Twenty Dollars (\$130,920). (Recommended by Board of Selectmen) Estimated tax impact = \$0.08

Selectman Blume moved the article as read. The motion was seconded.

Selectman Blume explained this represents increases for 58 full-time and permanent part-time employees plus numerous Parks & Recreation employees, as well as numerous on-call firefighters and per diem employees. He noted that 32.8 percent of this warrant article is for the increases to the Department of Public Works personnel, 33.4 percent of this warrant article is for the increases of first responders, the remaining 33.8 percent is for the Town Clerk's Office, Assessing, Library, Transfer Station, Selectmen's Office, Tax Collector, Finance, Land Use, Parks & Recreation, Code Enforcement, Welfare, and Health Departments.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. This article gives a 5% COLA pay raise to almost all non-union town employees. While this percentage exceeds the actual 3.2% COLA over the past year, a majority of members believe it acceptable this year given the high inflation in previous years. The 5% will also keep non-union raises consistent with the Police Union 5% raise. The estimated annual tax impact is \$28 on a \$350,000 property. The minority believes the 5% was excessive and should have been 3-4% to be consistent with the real COLA. It also believes pay raises should be performance-based rather than across the board.

Frank Campana, Quaker Street, reminded everyone of the school budgets as they go through these articles. He feels the Board of Selectmen need to discuss pay raises for contracted employees and non-contracted employees and tie them more to the rate of the inflation at the time.

Travis Corcoran, Quaker Street, feels that the non-union raises are above actual cost of living and feels that some of the contracts they signed in the past are out of control. He stated that he is against this article.

There being no further discussion, Moderator Morton announced that Article 8 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 9**

Shall the Town raise and appropriate the sum of Seventy Thousand Thirteen Dollars (\$70,013) to cover the cost of a wage adjustment by increasing the hourly wages for the Full Time Highway Department Personnel, by adding Three Dollars (\$3) to step one (1) for each position? This cost represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Ninety Two Thousand Seven Hundred Sixty Eight Dollars (\$92,768). (Recommended by Board of Selectmen) Estimated tax impact = \$0.05

Vice Chair Knapp moved the article as read. The motion was seconded.

Vice Chair Knapp stated this warrant article increases the DPW wages to retain the people they have and recruit new people. He pointed out that the non-union employees did not receive raises six years in a row, a few years back. He noted that there are currently seven vacancies within DPW.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. A majority of the committee believes that keeping and attracting employees is a real problem area for not only Weare, but a large number of towns and cities in NH. We have all seen the signs around NH trying to hire plow truck drivers and plow contractors. Weare is no different, as we have been unable to fill multiple vacancies in our highway department. The current regimen requires a complex smorgasbord of band-aid

remedies to get by. These include overtime, bonuses, and subcontractors to keep our roads clear and in good repair; this is not a sustainable solution. This article is designed to provide an additional wage grade adjustment so that we can be competitive in filling the vacancies. These personnel would also receive the 5% non-union raises if the previous warrant article passes. The estimated annual tax impact is \$19 on a \$350,000 property. The minority believes the 5% non-union raises proposed in the previous article were adequate as they already exceed the rate of inflation.

Richard Butt, Old Town Road, asked for background and justification in regard to being competitive; specifically, what the \$3 per hour increase does in terms of competing with other communities.

Vice Chair Knapp stated that there is no wage study to give but working in the business, he feels that this would bring it up to the average.

Chair Hippler noted that he is in the commercial driving profession and noted that anyone with a commercial license for Class A tractor trailer, the pay is in the mid \$30's per hour; a CDL-B, which is required for the town plow trucks, the pay is in the high \$20's per hour for pay.

John Lawton, Oak Hill Road, asked what the \$3.00 would bring the starting rate to.

Vice Chair Knapp responded that a truck driver would be \$23.00 per hour.

Brent Dickinson, Dels Way, questioned the hourly wage for equipment operators.

DPW Director Jason Fiske indicated that this article would bring the base equipment operator up to \$24.00 per hour. He added that the two positions currently are at \$25.00 per hour and \$26.00 per hour.

Mr. Dickinson asked if the equipment operators are also required to operate the trucks that plow the roads. He asked if the opinion is that this would get them close to competitive.

DPW Director Fiske responded yes, they operate the trucks to plow. He further responded that this would get them close to competitive with other towns; they are not competitive with the private sector.

Chuck Metcalf, North Stark Hwy, heard that there were seven current openings and questioned as to out of how many positions?

Vice Chair Knapp noted that it was thirteen; one of those is part-time.

Frank Campana, Quaker Street, feels that the board isn't asking enough for a raise to compete with the private sector. He noted his concerns with this issue coming back every year.

There being no further discussion, Moderator Morton announced that Article 9 would be placed on the ballot as written.

Naomi Bolton, Town Administrator moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 10**

Shall the Town raise and appropriate the sum of Twenty-Two Thousand Nine Hundred Ninety-Three Dollars (\$22,993) to cover a wage adjustment by increasing the hourly wages for each Full Time Fire and Rescue Personnel employee an average of \$1.50 per hour? This represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Twenty-Nine Thousand Eight Hundred Thirteen Dollars (\$29,813).  
(Recommended by Board of Selectmen) Estimated tax impact = \$0.02

Chair Hippler moved the article as read. The motion was seconded.

Chair Hippler explained that this article is intended to adjust the wage scale for full-time members of the Fire Department noting that retention of employees is becoming more difficult nationwide in both public and private sectors. He noted that this will assist in keeping their roster complete in a very competitive fire service profession.

Acting Fire Chief Mark Roarick recommends this wage increase of \$1.50 per hour echoing the difficulties of retaining staff. He explained that just the cost of getting someone new, costs approximately \$8,000 between gear, training, and overtime for another to help get a new person up to speed. He feels that this article is fair for retention and recruitment.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. The committee does not believe this wage adjustment is warranted. As of January, the eight EMT/FF full-time positions are filled with one projected vacancy. If the non-union raise in Article 8 passes, these personnel would receive the 5% COLA pay raises plus and average of \$1.50/hour (6%) for a total raise of eleven (11%) percent. Until retention and inability to hire demonstrate the need to do a wage adjustment, the committee believes the current staff of eight permanent positions and three per diem members can handle the workload. The estimated annual tax impact is \$8 on a \$350,000 property.

Kate Blume, Duck Pond Road, echoed the Finance Committee's concerns. She submitted an amendment to zero out this proposed wage adjustment.

Moderator Morton read the amendment: "shall the town raise and appropriate the sum of Zero Dollars (\$0) to cover a wage adjustment by increasing the hourly wages for each Full Time Fire and Rescue Personnel employee an average of \$0 per hour? This represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Zero Dollars (\$0)."

Moderator Morton opened discussion on the amendment.

Clarence Gardner, John Connor Road, inquired whether they are allowed to make an amendment to zero this out if the other one passes.

Town Counsel Spector-Morgan responded that she hasn't seen this happen and doesn't see why they could not amend an article to include a contingency because regular articles can have contingencies when they are placed on the ballot.

The amendment was seconded.

Ms. Blume noted she would support a contingency if the COLA passes.

There was confusion regarding adding an amendment to an amendment. Town Counsel Spector-Morgan explained that most towns don't allow amendments to amendments so adding a contingency at this point would be an amendment to an amendment. She suggested that if they want to add a contingency to this article, that they vote to defeat this and then there would be a new amendment with that contingency included; this would be the cleanest way to do this. She stated that, currently, no one has made an amendment to add that contingency so she suggested to continue to have the discussion on the amendment to zero it out, vote on it and depending on how the vote goes, have another amendment.

Frank Campana, Quaker Street, noted his confusion to references in regards to COLA increases and the \$1.50 increase within this article.

Town Counsel Spector-Morgan explained that the amendment is strictly to Article 10; it would zero out Article 10. Her understanding is that those employees would still get the COLA if that article passes.

Helene Kurk, Mt. Dearborn Road, asked if it would be easier for Ms. Blume to withdraw her amendment. As a point of information from last year's vote, she believes that the Fire Department will be part of the selectmen's responsibility and no longer the Board of Fire Wards come March.

Tom Clow, Concord Stage Rd, stated he is against the amendment because it takes away the choice of the voters.

David Pratte, Winter Rd, noted that he would like to make an amendment to bring the amount from zero to 25 cents to bring it up to 6 percent of the original ask.

Town Counsel Spector-Morgan clarified that this can't be done until they are done dealing with the current amendment.

Referencing benefits, David Erikson, Poor Farm Road, asked how competitive the town is compared to the private sector.

Chair Hippler replied that he is not aware, noting that there is not an available comparison since this is for fire services.



In response to Ms. Kurk, Town Counsel Spector-Morgan, confirmed that the selectmen take over the Fire Department responsibilities one year after the vote.

Brent Dickinson, Dels Way, inquired as to why the town doesn't have a volunteer Fire Department.

Chair Hippler responded that the town has call-force, part-time and full-time in the Fire Department. He pointed out that there are volunteer departments in the area but noted that volunteerism is dwindling. He further added that EMS requirements are becoming harder to fulfill if not in the profession full-time.

Regarding the point of order, Luke Drake, Duck Pond Road, feels that they are not following the articles that they are discussing. He feels that allowing previous articles and others to talk about issues not related to the article before them in order to provide time for someone to modify an amendment is out of order.

Travis Corcoran, Quaker Street, disagrees with Mr. Clow not supporting the amendment because it denied the voters. He noted that they are at the first session of the annual meeting and the second session is the actual vote. He stated that they are voters who are in attendance at this meeting and those not attending, it's their choice not to attend. Referencing the question as to whether they can amend an amendment, he asked that the Board of Selectmen investigate this so they know the actual answer prior to next year's meeting.

Town Counsel Spector-Morgan clarified that there is no statute as to whether they can amend an amendment. She added that towns don't necessarily operate by Robert's Rules, the moderator gets to set the rules; it's entirely up to the moderator as to whether there will be an amendment to an amendment.

Mr. Corcoran stated that it would be great to have a policy in place for next year.

Moderator Morton stated that his role isn't to overrule the town but to give everyone the opportunity to be part of the process.

Kate Blume, Duck Pond Road, withdrew her amendment. The withdrawal of the amendment was duly seconded.

Ms. Blume proposed a new amendment explaining that it contains the same language as Article 10 currently is with the amendment that "should Article 8 pass then the Article 10 increase shall raise and appropriate zero dollars". She clarified that if the COLA raises pass, the Fire Department will get their 5 percent but they would not receive an additional 6 percent from this article. The amendment was duly seconded.

Moderator Morton opened discussion on the amendment.

Bruce Fillmore, Gould Road, asked the moderator to read the amendment.

Moderator Morton read the full amendment: “Shall the Town raise and appropriate the sum of Twenty-Two Thousand Nine Hundred Ninety-Three Dollars (\$22,993) to cover a wage adjustment by increasing the hourly wages for each Full Time Fire and Rescue Personnel employee an average of \$1.50 per hour? This represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Twenty-Nine Thousand Eight Hundred Thirteen Dollars (\$29,813). Should Article 8 pass, then the Article 10 increase shall raise and appropriate zero dollars.” Mr. Morton explained that this amendment is making a contingency on Article 8 passing; if Article 8 fails, then this would still go through as read without the amendment.

Greg Smith, Reservoir Drive, supports the intent of the amendment but suggested an alternative if this ends up being withdrawn. He stated that the amendment that he would propose would read, by adding the text to the start of the article, “should Article 8 fails to pass,”. He explained that Article 10 would only occur in the event that Article 8 failed. He feels that this is simpler wording to achieve the intent of the current amendment.

Moderator Morton asked for a vote on the amendment. He announced that the amendment passed.

There being no further discussion, Moderator Morton announced that Article 10 would be placed on the ballot as amended.

Frank Campana, Quaker Street, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 11**

Shall the Town raise and appropriate the sum of Ten Thousand Two Hundred Twenty One Dollars (\$10,221) representing the cost of turning one part-time Library staff position into a full-time Library staff position. This represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Twelve Thousand Seven Hundred Forty Dollars (\$12,740). (Recommended by Board of Selectmen) Estimated tax impact = \$0.01

Selectman Mathews moved the article as read. The motion was seconded.

Selectman Mathews noted that this warrant article will convert a part-time position to a full-time position. She explained that, currently, there is a part-time vacancy position left since the retirement of Thelma Tracy (a long-time employee of the library); due to the departure, it gave the library an opportunity to evaluate and restructure. She stated that this opportunity will merge responsibilities from two existing positions into a single, comprehensive full-time position.

Library Director Clay Kriese pointed out two weaknesses within the library: not doing enough adult/senior programming and not doing enough marketing. He noted that, by adding 6 hours to

this position, it would take more time away from the circulation desk to better focus on these other administration issues.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. The committee takes note that the library is receiving increased use through numerous community programs for both adults and youth. However, staffing of one full-time Director and several part-time employees has been adequate to handle these demands. Prior to the hiring of the current Director, part-time staff were able to adequately handle the workload for an extended period. The library also has other funding sources. Thus, the committee saw no urgent operational need to establish another full-time position with benefits.

Clarence Gardner, John Connor Road, inquired in relation to the hours from part-time to full-time, 32 hours to 38 hours.

Library Director Kriese confirmed that the position is currently part-time which is 32 hours and 6 additional hours would make it full-time which is 38 hours.

Library Director Kriese relayed his frustration of not being able to attend Finance Committee meetings to address the library issues. Upon addressing the Finance Committee's statement, he feels that their term of "adequate" being used means only "good enough" or "just getting by". He wants to be better than "adequate" and go above and beyond and to expand to make their organization a high quality community gathering organization. Addressing the additional fund sources, he noted that they have a few trust funds, however, these funds were donated to the library but not for the intention of covering wages.

Clarence Gardner, John Connor Road, pointed out that the term "adequate" is in no way a word of deprecation and just means that its not insufficient.

David Erikson, Poor Farm Road, questioned whether the current position already has benefits and retirement at 32 hours.

Library Director Kriese responded that the position does not currently have benefits; the 38 hours would provide benefits.

Lori Davis, Finance Committee member, stated that Mr. Kriese has had every opportunity to attend Finance Committee meetings. Noting the costs of benefits, she feels that this 6 hours could be covered by part-time employees.

Following additional comments regarding Finance Committee meetings and the Library Director, Moderator Morton asked if there was any further public comment on this article.

There being no further discussion on the article, Moderator Morton announced that Article 11 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 12**

Shall the Town raise and appropriate the sum of Eighty-One Thousand Six Hundred Ninety Dollars (\$81,690) for the purchase of one (1) new fully outfitted and marked Chevrolet Tahoe 4x4 Police Pursuit Vehicle, with Nineteen Thousand Dollars (\$19,000) to be withdrawn from the Police Special Detail Revolving Fund; and Sixteen Thousand Dollars (\$16,000) to be withdrawn from the Unassigned Fund Balance representing monies received for Everett Dam Patrols; and the balance of Forty-Six Thousand Six Hundred Ninety Dollars (\$46,690) to be raised by taxation? (Recommended by Board of Selectmen) Estimated tax impact = \$0.04

Selectman Mathews moved the article as read. The motion was seconded.

Selectman Mathews explained that the Tahoe is replacing car #4 which is currently disabled due to a transmission issue; the repair is estimated to cost \$4,200. She indicated that car #4 is a 2017 Dodge Charger with 105,263 miles.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. Currently the department has four Dodge Chargers and two Chevy Tahoes for patrol operations. One of the Chargers has been out of service for multiple months and requires a transmission replacement. What has now changed is the recent addition of another Tahoe, via a federal grant, that is to be used as a command vehicle. This has replaced a 2013 Explorer. The command Tahoe can be used for patrol in an emergency in the event other vehicles are out of service. A majority of the committee believes the addition of the command Tahoe gives the department more options for patrol needs than it has had in the past few months so that an additional cruiser is not necessary at this time. The minority believes it is important to continue the planned replacement of Chargers which are 2017/2018 models. This year presents a perfect opportunity to replace the out-of-service Charger in lieu of spending additional funds to replace the transmission. The estimated net tax impact is \$13 on a \$350,000 property.

Frank Campana, Quaker Street, referenced the \$16,000, Unassigned Fund Balance, and questioned if this is money that would be available to reduce taxes.

Selectman Mathews answered yes.

Brent Dickinson, Dels Way, inquired as to what the repercussions would be if they violate the grant.

Police Chief Chris Moore noted that there has always been a methodology to balance the tax rate against the needs of the community. He explained that when they have 5 patrol vehicles, they average 22,000 miles annually; when they had 4 patrol vehicles, they average 25,800 miles annually which shortens the lifecycle of the vehicles; their goal is one per year. He highlighted some of the costly repairs on the vehicles and incidences in which cars are needed. He indicated that the command vehicle can be used for patrols temporarily but can't be assigned to patrols; the grant award was for a command vehicle that must be maintained for six years for that purpose or they risk losing it. He stated that he would temporarily assign it to patrol when needed if they

have an unanticipated shortage of vehicles. He clarified that the decision not to adopt a replacement plan for vehicles in need of replacement is not an unanticipated event so he could not, in good faith, assign a command vehicle to patrol just because voters aren't approving them to get vehicles.

David Erikson, Poor Farm Road, asked the Chief what will happen to the vehicle that needs to have the transmission replaced questioning whether it can be sold.

Chief Moore replied that it can be sent to auction and whatever is gained from auction would be placed back into the general fund.

Angela Drake, Duck Pond Road, asked for clarification as to whether they would still replace the transmission on the other vehicle.

Chief Moore responded that, if the warrant article passes, they would send the vehicle to auction; a new vehicle would replace vehicle 4.

Richard Butt, Old Town Road, feels that they are creating an emergency by not replacing the vehicles. He further feels that they need to stay on the plan to purchase a vehicle every year than wind up in a situation in which they will have to replace two vehicles.

Mr. Butt presented an amendment to Article 12.

Moderator Morton announced that the purpose of the amendment to Article 12 is to eliminate the tax impact by using undesignated funds to offset the \$46,690 to be raised by taxation. He explained that the last sentence that reads: "the balance of Forty-Six Thousand Six Hundred Ninety Dollars (\$46,690) to be raised by taxation?" would be canceled out with the amendment and replaced with "to be withdrawn from the Unassigned Fund Balance" in which the tax impact would be zero. The amendment was seconded.

Mr. Butt indicated that it's estimated that there is \$1,798,000 in Unassigned Fund Balance and the minimum required by DRA \$1,427,072; there is \$371,000 more in that fund than what is recommended. He feels that they should use some of this fund to offset the tax impact for this article. He added this is a friendly amendment to try and reduce the tax impact and likely guarantee approval.

Tom Clow, Concord Stage Road, supports the amendment stating that it balances out in the end.

Clarence Gardner, John Connor Road, asked what the fund is for.

Town Counsel Spector-Morgan explained that when the town raises and appropriates too much money in one year, whatever is left over becomes the Unassigned Fund Balance; it accumulates over the years. She noted that DRA likes them to have 3 to 5 percent in case of an emergency. She further noted that anything over 5 percent is often used for tax relief or to fund a warrant article.

Neal Kurk, Mount Dearborn Road, noted his concerns with using the Unassigned Fund Balance indicating that it can be used by the selectmen at the end of the year to supplement items in which there wasn't enough money in the budget for. He feels it would be taking this power away from the selectmen and returning it to the voters in which there are positives and negatives. He is not suggesting this is a good thing or bad thing but there are consequences to this of spending what could be a tax reduction at the end of the year up front.

Diana Dickinson, Dels Way, noted her curiosity whether any of the selectmen had an opinion on this.

Selectman Mathews agrees that spending the money up front versus the end of the year does pose some risks. She added that they did discuss funding from Unassigned Fund Balance and decided this wasn't the way they wanted to go.

Selectman Blume added that it was recommended to them to retain a minimum of 5 percent but up towards even 17 percent; they are barely over the minimum currently.

Chair Hippler stated that when they went into setting the tax rate, that was the number that they had; they were short from last year with the expenditures they needed to offset. He added that when they came into this year, they set it to five percent.

Richard Butt, Old Town Road, stated that it's up to them today to decide how they are going to use that money; leaving that money in that fund is going to mean that they are giving that to the Board of Selectmen who, may or may not, use that money to offset taxes. He noted that this isn't an arbitrary request but is a critical need; by reducing the tax impact, it would likely get approval of the voters.

Kate Blume, Duck Pond Road, opposes the amendment indicating that she feels that it guarantees a pass for the article and is not a zero-tax impact in that it is money that cannot be used to lower taxes later. She added that it takes away the choice of the voter to decide whether or not they think it is worthwhile to spend some money on a police vehicle.

Clarence Gardner, John Connor Road, feels that a warrant article like this, as amended, is the voters input to the board as to how they want this money used.

Moderator Morton stated, as a point of order, they are talking about the amendment and its turning into a discussion and conversation about the unassigned fund. He clarified that they are talking about whether the unassigned fund is going to be used or not used for this amendment.

Lori Davis, Buxton School Road, is against the amendment.

Richard Butt, Old Town Road, stated that there is enough money in the unassigned fund balance, more than the minimum required by DRA, which can be used to offset this article.

Chuck Metcalf, North Stark Hwy, asked for clarification as to whether it's a recommendation or a requirement from DRA.

Town Counsel Spector-Morgan responded that it's a requirement; there are recommendations as to the amount but there's a requirement that you have some.

Mr. Metcalf, inquired as to the actual minimum requirement.

Town Counsel Spector-Morgan responded that it's five.

Neal Kurk, Mt Dearborn Rd, asked for clarification as to whether this would result in a tax increase or decrease.

Tom Clow, Finance Committee, stated that there is an additional \$500,000 in that fund at this date than there was earlier in November when the tax rate was set.

Richard Butt, Old Town Road, stated that, today, it's up to the voters to determine how this money is going to be spent; all the amendment does is purchase the vehicle without a tax impact.

There being no further discussion, Moderator Morton asked for a vote on the amendment. The amendment passes with 28 in favor and 26 opposed.

Moderator Morton announced that Article 12 would be placed on the ballot as amended.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 13**

Shall the Town vote to establish a Public Safety Services Revolving Fund pursuant to RSA 31:95-h, I (c), for the purpose of outfitting, and maintaining police vehicles and other safety equipment as needed. Funding for this revolving fund will come from grants, criminal forfeitures, and 75% of cruiser detail fees collected from private details with 25% of cruiser detail fees to go to the General Fund. 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 the monies in the fund. Further name the Board of Selectmen as agents to expend from said fund. (Recommended by Board of Selectmen)  
Estimated tax impact = \$0.00

Selectman Blume moved the article as read. The motion was seconded.

Selectman Blume explained that the primary purpose for the fund is to provide a continuous and self-sustaining source of financing for specific public safety initiatives or equipment as needed. He stated that the fund operates on a revolving basis, meaning that the money generated from its activities is continuously recycled into the fund to finance ongoing and future public safety projects; this creates a sustainable source of funding that can be used over the long term. He noted that by establishing a revolving fund, public safety services can reduce the strain on taxpayers; this financial tool allows for greater flexibility and responsiveness to emerging needs without having to wait for annual budget cycles. He further noted that it can help to mitigate

financial risks associated with unpredictable or fluctuating funding levels and in times of budget constraints, the fund can still generate revenue through its operations ensuring that essential public safety services are not compromised.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. The committee believes the language in this article is too broad as relates to funding sources. Criminal forfeitures, especially as relate to drug cases, can have a high price tag. Additionally, the article language is very vague on how the monies can be used. It is not restricted to cruiser replacements or capital improvement requests which would be subject to voter approval. "Outfitting and other safety equipment" could fall under most of the police budget line items. The committee feels control of these funds is best left with the voters as part of the town budget or as special warrant articles.

Police Chief Moore explained that they are trying to reduce the tax impact. Currently in the Police Department's overall budget, Chief Moore noted that they still don't have tasers, body-worn cameras or ballistic equipment fully funded because it got taken out last year. He stated that they do the dam patrol funds to obtain a funding source which they can use on that type of equipment. His budget is all life-cycle management; it's meant to be a zero balance. He added that there are financial processes for this but is just getting a funding source available in which they can use to offset equipment and training purchases. He pointed out that there are no taxpayer funds which come into this; they added 25 percent back to the general fund to offset any insurance, repairs, gas and registration costs because if they are working a detail, the taxpayers shouldn't have to pay for these.

Neal Kurk, Mt. Dearborn Road, asked where this money currently goes, how much is involved, and, if this article were to pass, where that money would go and how much is involved.

Finance Administrator Beth Rouse responded that currently there is no money that would be coming out of the general fund to go into this newly established revolving fund. She explained that what this fund does is allow them to go into a Special Detail Revolving fund and take that money that is just sitting there.

Mr. Kurk inquired where the criminal forfeitures currently go.

Chief Moore replied they don't have one so they need one.

Mr. Kurk asked if they did have a criminal forfeiture would it go into the general fund?

Chief Moore responded yes. He further explained that criminal forfeitures are for specific purposes and have to be managed separately.

Mr. Kurk asked if the 75 percent is currently going into the general fund.

Ms. Rouse responded that 100 percent is currently going into the Police Special Detail Revolving Fund and the Chief is proposing to put 75 percent in the newly established fund and 25 percent into the general fund to offset maintenance on the cruisers.



Luke Drake, Duck Pond Road, spoke in opposition for the basic principle of believing that the voters should be involved in these discussions on an annual basis.

Finance Administrator Beth Rouse added that when the Board of Selectmen drafted the warrant article they added a last sentence “the use of these funds to offset the purchase of a cruiser must be approved at town meeting by the legislative body” but the DRA came back to the town to remove that line because the statute doesn’t provide this type of requirement once the fund has been established. The board wanted this sentence in there but DRA asked them to remove it.

Lori Davis, Buxton School Road, noted her agreement with Mr. Drake’s comments.

Town Counsel Spector-Morgan explained that with revolving funds, by statute, the money goes in and the money goes out and never goes back to town meeting. She stated that if they don’t want that type of fund, there are other funds they can create such as special revenue funds or capital reserve funds.

Eileen Meaney, Quaker Street, feels that the town departments are not consistently, year after year, funded to have the basic equipment they need to be able to do their jobs so it requires coming at this from a different angle.

Brent Dickinson, Dels Way, asked if this fund would be funded through details.

Chief Moore responded that they have three sources currently: dam patrols, police details and if a criminal forfeiture came in.

Mr. Dickinson pointed out that, without the details, the town wouldn’t be getting their 25 percent.

Chief Moore responded that to be correct.

Mr. Dickinson noted his support for this article, adding that he feels this department is the only one being pro-active.

Diana Dickinson, Dels Way, indicated that its her understanding that the Conservation Committee has control over their funds because time can be of the essence at times and sometimes cannot wait months or another year.

Chief Moore pointed out that he can’t spend the money by himself and has to go to the board for review. He read the RSA in regard to revolving funds: “providing public safety services by municipal employees or volunteers outside the ordinary details of such persons including but not limited to public safety services in connection with special events, highway construction or other construction projects or for any other public safety purpose being appropriate by the municipality.”

Greg Smith, Reservoir Drive, expressed his support for this article and echoed the comment about the pro-active nature of the approach to this and the prior article. Chief Moore explained that they identified this source to provide a funding source for the department's needs without being a further burden on the taxpayers.

Helene Kurk, Mt. Dearborn Road, asked how much money they are talking about.

Chief Moore responded that details are a few thousand dollars per year; dam patrols are roughly \$12,000 per year if they did them all (they typically do 60 to 70 percent of them due to calls - \$7,000 to \$8,000); there have been no civil forfeiture funds since he has been here but possibly looking at something coming in.

Brief comments occurred in regard to drones, police dogs and comfort dogs.

Dan Wandell, Craney Hill Road, asked if it is possible for an amendment to strike the revolving fund language.

Town Counsel Spector-Morgan stated that, in her opinion, changing this to a different fund would not be legal because that is changing the subject of the warrant article which is to establish a revolving fund.

Referencing the 75% and 25% split, Frank Campana, Quaker Street, asked as to who and how this was determined.

Chief Moore responded that in his conversation with Town Counsel, it has to be proportional.

Dan Wandell, Craney Hill Road, inquired whether there is an article that can be presented to this warrant that would allow dollars to be funneled into the general fund.

Town Counsel Spector-Morgan stated that her understanding of criminal forfeitures is that, when they are provided to the town, they come with strings and you can only use them for certain things. She added that the selectmen are able to accept and expend those unanticipated funds but they can only be spent for the purposes given. They are in the general fund but not really in the general fund because they can't be used for general fund purposes.

Mr. Wandell asked if there is an amendment germane to this article that can be made that would allow it to be there and be used.

Town Counsel Spector-Morgan responded that they can't add anything to the warrant that's not already there. She pointed out that the "strings" on the criminal forfeitures don't come from the town, they come from whoever is giving them the money and they cannot override those "strings".

Neal Kurk, Mt. Dearborn Road, asked for clarification as to whether funds could be used to purchase new vehicles.

Town Counsel Spector-Morgan explained that whatever is in this revolving fund cannot be used to purchase vehicles so if criminal forfeitures are placed in the revolving fund, it would not be able to be used to buy new vehicles.

Richard Butt, Old Town Road, pointed out that there are other revolving funds including Parks and Recreation. He stated that money in this fund, the way the fund is defined, cannot be used to offset the cost of a new vehicle or purchase a new vehicle.

Town Counsel Spector-Morgan stated that it could be used to outfit a new vehicle but not to purchase one.

Mr. Butt suggested that the Finance Committee amend their recommendation based on this clarification.

Jack Sheahy, Center Road, spoke in opposition to the article noting he has two problems with two sources being suggested, grants and criminal forfeitures, both which are restricted.

Tom Clow, Finance Committee, announced that the committee is meeting again on the 13<sup>th</sup> and they will look at the language of recommendations.

Tom Flaherty, Sunrise Lane, stated that the one thing that struck him on this article was “and other safety equipment as needed” and would like the language to be a little tighter with more clarification for any future Chief(s) or selectmen.

Karie Tepper, Sap House Road, is concerned with the language and the restriction of funds with grants and forfeitures. She inquired whether there could be an amendment to this article to revise the language to exclude grants and criminal forfeitures.

Town Counsel Spector-Morgan responded that the article could be amended to change the funding that goes in and out of the revolving fund.

Chief Moore indicated that he was okay with excluding grants noting that the grants he does are all reimbursable and they were just trying to do a catch all.

Kate Blume, Duck Pond Road, agrees with Mr. Flaherty’s comment in regards to future Chiefs or Board of Selectmen. She doesn’t want to incentivize the police to take action against citizens in order to gain money for funds.

Chief Moore clarified that they get nothing back for any ticket or arrest they make; it’s all a neutral process.

Selectman Blume inquired regarding the cost split of acquiring a new vehicle versus the cost of outfitting a vehicle.

Chief Moore responded that the cost is around a 50 percent split.

Karie Tepper, Sap House Road, submitted an amendment to the article.

Moderator Morton announced that the amendment presented is a change on the third line to remove “from grants and criminal forfeitures” and replace with “donations”. The amendment was seconded.

Moderator Morton read the sentence to be changed by the amendment “funding for this revolving fund will come from donations, and 75% of cruiser detail fees collected from private details with 25% of cruiser detail fees to go to the General Fund.”

Eileen Meaney, Quaker Street, inquired whether there is a policy on accepting donations.

Chief Moore responded that they can’t accept donations other than minor food donations. He added that if someone is trying to donate something to the department, it needs to go to the Board of Selectmen for approval.

Neal Kurk, Mt. Dearborn Road, supports the amendment because it allows the town to take advantage of these potential criminal forfeitures and use it to purchase police cruisers.

Travis Corcoran, Quaker Street, feels that it’s a good idea for the board to address the topic of donations and have a policy in the future.

Selectman Blume likes the amendment but noted his concern that if an individual makes a donation to the town and not specifically for this fund, that it could end up in this fund.

Legal Counsel Spector-Morgan responded no, explaining that, when people make donations, they are supposed to tell you what they are for; whatever donation you make, it needs to be used in accordance with the terms of your donation.

Josh Hilliard, Woodbury Road, asked how much the Police Department has received in donations within the past few years.

Chief Moore responded zero.

There being no further discussion on the amendment, Moderator Morton asked for a vote on the amendment. The amendment passed with a vote of 26 to 18.

Moderator Morton announced that Article 13 would be placed on the ballot as amended.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

#### **ARTICLE 14**

Shall the Town raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) to be placed into the Community Cable Access TV Fund Capital Reserve Fund with said amount to come

from the Unassigned Fund Balance? This represents previously collected cable franchise fees. (Recommended by Board of Selectmen) Estimated tax impact = \$0.00

Selectman Mathews moved the article as read. The motion was seconded.

Selectman Mathews explained that the Board of Selectmen renewed the cable franchise agreement with Comcast noting that this renewal entitled the Town of Weare to receive \$30,000 for possible upgrades to the cable channel (Weare Channel 6) as well as audio video equipment. She added that the town also receives approximately \$80,000 annually that is posted to the General Fund to offset taxes.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. Last year the town received \$30,000 as part of a franchise agreement with Comcast. The committee supports transferring these funds into the Cable TV Capital Reserve. The first-floor conference room is the only space from which meetings can be telecast. Its space is limited and ill-suited for high public attendance. These funds could be used to make cable improvements to other rooms such as the larger second floor conference room. That would give the town flexibility in telecasting larger meetings. The minority felt the funds should remain undesignated and may have better use elsewhere.

There being no discussion, Moderator Morton announced that Article 14 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 15**

Shall the Town raise and appropriate the sum of Twenty-Nine Thousand Five Hundred Sixty-Six Dollars (\$29,566) representing the additional cost of turning the Part Time Building Inspector into a Full Time Building Inspector? This represents wages, payroll taxes and New Hampshire Retirement System contributions for nine (9) months. If this article is approved, this would become part of the annual operating budget with an estimated annual cost of Fifty-Two Thousand Eight Hundred Fifty-Three Dollars (\$52,853) (Recommended by Board of Selectmen) Estimated tax impact = \$0.02

Vice Chair Knapp moved the article as read. The motion was seconded.

Vice Chair Knapp explained that this article is to increase the hours of the Building Inspector from 25 hours a week to 40 hours a week.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The town currently has an unfilled part-time building inspector position. Hiring and retaining an employee has been difficult. Adjacent towns are assisting on an as-available basis. This is causing delays for contractors, builders and homeowners who are required to have projects approved. Our town needs to be more responsive to these demands.

Using multiple inspectors also increases the liability risks to the town. The minority felt new construction is down and the town could wait on the need for a full-time position. The difference in going from part to full time creates an estimated annual tax impact of \$14.

Bruce Fillmore, Gould Road, inquired whether this will be the only job for this person.

Vice Chair Knapp responded that this would be the only job right now.

There being no further discussion, Moderator Morton announced that Article 15 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 16**

Shall the Town raise and appropriate the sum of Two Hundred Eighty Thousand Dollars (\$280,000) to be added to the previously established Highway Truck and Equipment Replacement Capital Reserve Fund. (The intent is to purchase one (1) new fully equipped 10-wheel plow truck for the Highway Department.) The amount of Seventy-Nine Thousand, Seven Hundred Ninety-Seven Dollars (\$79,797) will come from the Unassigned Fund Balance from monies received from the State of NH pursuant to House Bill 2; and the balance of Two Hundred Thousand, Two Hundred Three Dollars (\$200,203) to be raised by taxation. (Recommended by Board of Selectmen) Estimated tax impact = \$0.16

Chair Hippler moved the article as read. The motion was seconded.

Chair Hippler explained that the purpose of this article is to purchase a new ten-wheel plow truck in an effort to continue upgrading the Highway Department vehicles; this truck will replace the 2007 Volvo 6-wheeler that is in fair to poor condition. The ten-wheel truck will provide the ability to haul 50 percent more road treatment reducing the trips needed to go back to obtain more sand/salt mix.

DPW Director Jason Fiske stated that the ten-wheelers are more efficient when it comes to salting and sanding than the six-wheelers. He added that they still have to plow the same miles of road, but it makes their drive time less which, in turn, will be safer for those plow drivers.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The committee supports the continued replacement of some of its older plow trucks. Maintaining and keeping our roads clear is one of the town's most critical functions. The replacements in the past few years have improved the situation. The DPW fleet now has six (6) ten-wheelers, all less than ten (10) years old with another on order from last year's warrant. DPW continues to operate and maintain four (4) trucks that have been in service for over sixteen years. This warrant article will replace one (1) of those. Some monies from the State will be used to offset the purchase. The estimated tax impact will be \$54 on a \$350,000 property. Trucks are an expensive item. The minority, while supporting the continued replacement of older trucks, believes that this year we need to defer this purchase because of the

high tax impact of other non-discretionary demands, most specifically the landfill cap in Article 21. As we move forward, the committee encourages DPW to look at the possibility of reducing the total number of trucks required, noting the improved efficiencies and higher load capacity of the ten-wheelers.

Richard Butt, Old Town Road, proposed an amendment.

Moderator Morton explained that the amendment relates to the last line of the article by changing “to be raised by taxation” to “to be withdrawn from the Unassigned Fund Balance”, changing the tax impact from sixteen cents to zero.

Mr. Butt indicated that the same arguments from the prior article for police can be used for this one.

Frank Campana, Quaker Street, fully supports the amendment.

Kate Blume, Duck Pond Road, questioned what would it take the unreserved fund balance percentage down to if this amendment passes along with the other one for the police vehicle.

Chair Hippler replied that it would leave \$121,000, over the five percent, in the unreserved fund balance.

The amendment was seconded.

There being no further discussion on the amendment, Moderator Morton asked for a vote on the amendment.

The amendment fails; 21 in favor and 31 in opposition to the amendment.

There being no further discussion on the article, Moderator Morton announced that Article 16 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 17**

Shall the Town raise and appropriate the sum of Ninety Thousand Seven Hundred Seventy-Six Dollars (\$90,776) to be placed into the Bridge Reconstruction Capital Reserve Fund with said amount is to come from the Unassigned Fund Balance. This amount represents State Bridge Aid previously received pursuant to House Bill 2. (Recommended by Board of Selectmen)  
Estimated tax impact = \$0.00

Selectman Burdick moved the article as read. The motion was seconded.

Selectman Burdick stated that the town received additional State Bridge Aid per House Bill 2 in the amount of \$90,775.75, adding that this money can only be used for the maintenance, construction, or reconstruction of municipally owned bridges. She noted that this warrant article is just requesting to place the monies already received into the Capital Reserve Fund established for this reason.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. Last year, the State provided the town funds designated for bridges. This article will allow those funds to be added to the town's existing Bridge Construction Capital Reserve Fund. This will help ensure we have the matching funds available when the State gives the go-ahead for projects, the River Road bridge being the most critical. There is no tax impact.

There being no discussion, Moderator Morton announced that Article 17 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

#### **ARTICLE 18**

Shall the Town raise and appropriate the sum of Six Hundred Thousand Dollars (\$600,000) to be added to the previously established Road Reconstruction Capital Reserve Fund for road reconstruction and resurfacing of roads with up to Two Hundred Eighty-Four Thousand Dollars (\$284,000) anticipated from the State of New Hampshire Highway Block Grant (pursuant to RSA 235) and the remaining balance to be raised by taxation? (If the Town receives the anticipated amount of the Highway Block Grant, the amount to be raised by taxation will be \$316,000. If the Town receives less than anticipated, the difference will need to be raised by taxation, and if the Town receives more than anticipated, less will be raised by taxation.) (Recommended by Board of Selectmen) Estimated tax impact = \$0.24

Vice Chair Knapp moved the article as read. The motion was seconded.

Vice Chair Knapp pointed out that this warrant article is on the ballot every year; this provides funding for the primary responsibility of the Highway Department which is to repair, rebuild, and maintain the roads to insure safe travel for residents and visitors; road improvements and upgrades lead to less maintenance in the future. He added that roads are the largest infrastructure asset the town owns and, without proper maintenance, repair costs are extremely expensive and could result in unsafe roads.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The 2019 road reconstruction bond "righted the ship" and set us on a path to keep up with road maintenance provided we continue annual funding. If this article fails, we would still receive the anticipated \$284,000 portion funded by the State. That amount, however, would be totally inadequate to keep us on track. Falling behind will only lead to higher road reconstruction costs later. The minority felt the taxpayers living on unpaved roads in the community would not receive a fair benefit from this article. The estimated tax impact on a \$350,000 property is \$86.



Vice Chair Knapp pointed out that this money goes to all Class V roads that the Highway Department maintains and isn't just for pavement; culverts, etc. are also included.

Frank Campana, Quaker Street, noted that if the state comes in at \$100,000 short, they are going to be taxed that extra \$100,000 to make up for the \$600,000.

Town Counsel Spector-Morgan clarified that it's a total of \$600,000; \$284,000 is coming from the state but, if the state comes in at \$184,000, then that extra \$100,000 will have to be raised by taxation.

Mr. Campana asked if it would be more appropriate that, if they receive \$100,000 less from the state, to deduct that from the \$600,000; they would only be getting \$500,000 for the roads but wouldn't be getting taxed above the \$600,000.

Town Counsel Spector-Morgan stated that would be a legal amendment.

Tom Clow, Finance Committee, noted that his understanding over the years is that the state estimate has been pretty close.

There being no further discussion, Moderator Morton announced that Article 18 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 19**

Shall the Town raise and appropriate the sum of One Hundred Seventy-Five Thousand Dollars (\$175,000) for the purpose of purchasing a new roadside mower? This would replace the 1995 New Holland Mower that the Town purchased used in 2019. (Recommended by Board of Selectmen) Estimated tax impact = \$0.14

Selectman Burdick moved the article as read. The motion was seconded.

Selectman Burdick noted that they currently do not have a mower and either have to purchase one or rent one at \$14,000 for three weeks. She pointed out that the purpose of the mower is: to improve visibility; prevent overgrowth onto the infrastructure such as guardrails, culverts and catch basins; ensure that road shoulders and edges are accessible to emergency vehicles and pedestrians; can control the spread of invasive species as well as minimize habitat for disease carrying insects such as ticks.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. This article will replace a 1995 mower, which was acquired as used in 2019 until it was no longer operable last year. Without a new mower, the town can contract out for limited mowing in the worst areas. The annual cost to do roadside mowing on all roads would far exceed the cost of a new mower. While the committee agrees with the need for roadside mowing, it believes the \$175,000 can be put to better use this year on higher priority

needs. The minority believes the most cost-effective means of roadside mowing is with town-owned equipment and operators. The estimated tax impact is \$47 on a \$350,000 property.

There being no discussion, Moderator Morton announced that Article 19 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 20**

Shall the Town raise and appropriate the sum of Fifty-Three Thousand Dollars (\$53,000) for the purpose of purchasing a new battery powered trailer caddy to move empty and loaded trash trailers at the Transfer Station and to authorize the withdrawal of the sum of Fifty-Three Thousand Dollars (\$53,000) from the previously established Transfer Station Recyclable Special Revenue Fund which was created for this purpose? This will replace the 1988 Ford 8000. (Recommended by Board of Selectmen) Estimated tax impact = \$0.00

Selectman Blume moved the article as read. The motion was seconded.

Selectman Blume explained that it's important to the board to have less of a requirement of a CDL at the transfer station. He noted that there was also some concern as to whether this particular caddy could operate in the environment there: they were reassured that it would and they do have a path if it's found not to be the case.

DPW Director Jason Fiske indicated that there is only two individuals within the Highway Department that have the correct license but no one at the transfer station does; this piece of equipment eliminates that issue. He added that there will be a trial period for this, noting that there were concerns whether or not it would work for their environment.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The movement of trash trailers at the transfer station is currently done using a 1988 truck tractor which requires a CDL licensed operator. On high-demand days this requires difficult coordination to make sure full trailers can be switched out. The trailer caddy can be operated without the CDL license and will be more efficient and cost-effective than the near-term option of replacing the old truck tractor. The article will be funded from the recently authorized Transfer Station Recyclable Special Revenue Fund. There is no tax impact.

Ricky Hippler (recusing himself from the Board of Selectmen to speak as an individual), Quaker Street, stated he is against this article because he is unsure whether the lot at the transfer station is going to sustain the weight with a fully loaded trailer. He feels they are at a tipping point as to whether they spend this money to haul their own and repurpose that \$60,000 or buy the trailer caddy.

Richard Butt, Old Town Road, pointed out that there was a balance in the fund of \$49,000 in November and questioned the balance amount with this withdrawal.

Chair Hippler responded that it would leave approximately \$27,000.

There being no further discussion, Moderator Morton announced that Article 20 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 21**

Shall the Town establish a Landfill Repair and Maintenance Capital Reserve Fund under the provisions of RSA 35:1 for the purpose of funding repairs and maintenance needs for the landfill cap and raise and appropriate the sum of One Hundred Fifty Thousand Dollars (\$150,000) to be placed in this fund? Further name the Board of Selectmen as agents to expend from said fund. Recommended by the Board of Selectmen. Estimated tax impact = \$0.12

Vice Chair Knapp moved the article as read. The motion was seconded.

Vice Chair Knapp explained that due to an inspection that was conducted in 2023, the landfill cap needs maintenance noting that the whole area needs to be excavated and the liner will need to be inspected and make sure there are no rips. This has to be done.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The town has an obligation to keep its former landfill area properly sealed or “capped”. Recent storms have damaged the cap requiring repairs. This article will establish a Capital Reserve Fund from which to draw down and affect the repairs we are obligated to do. The estimated tax impact is \$42 on a \$350,000 property.

There being no discussion, Moderator Morton announced that Article 21 would be placed on the ballot as written.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 22**

Shall the Town raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) for cemetery improvements and fund this appropriation by authorizing the withdrawal of said sum from Cemetery Trust Funds Cy Pres Account? Recommended by the Board of Selectmen. Estimated tax impact = \$0.00

Selectman Burdick moved the article as read. The motion was seconded.

Selectman Burdick noted that this warrant article is placed on the ballot every year for maintenance within the fences of the town owned cemeteries adding that monies are to be withdrawn from the Cy Pres accounts; there is not tax impact to the taxpayers.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. This is a recurring article; funds are used to maintain the interior of

town cemeteries. The only change from previous years is the amount which has been raised from \$10,000 to \$30,000 for necessary repairs. This is funded through withdrawal from the Cemetery Trust, which has a balance of \$154,000.

There being no discussion, Moderator Morton announced that Article 22 would be placed on the ballot as written.

Naomi Bolton, Town Administrator, moved to restrict reconsideration. The motion was seconded and passed.

### **ARTICLE 23**

Shall the Town raise and appropriate the sum of Twenty Five Thousand Dollars (\$25,000) to allow the Conservation Commission to secure contracted services with a Licensed Forester for forestry services including plan updates, harvest layout, harvest management, forest inventory, trail maintenance and development, invasive species control and other related services; and to allow the Conservation Commission to contract or purchase materials or services for maintenance and upkeep of town forests, and fund this appropriation by authorizing with withdrawal of that sum from the Town Forest Account? Recommended by the Board of Selectmen. Estimated tax impact = \$0.00

Selectman Burdick moved the article as read. The motion was seconded.

Selectman Burdick stated that the Conservation Commission proposes this warrant article every year to contract for professional services to manage and ensure the best use of the towns' forests. She pointed out that this is funded out of the Town Forest Fund and there is no tax impact to the taxpayers.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee recommends this article. The committee supports the contracting of professional services to manage and ensure the best use of town forests. The Town Forest Account is being used to fund the article; it has a sufficient balance of \$30,000 to cover expenses this year.

John Lawton, Oak Hill Road, questioned the trail maintenance because he doesn't believe there are any trails to be maintained.

Tom Clow, Concord Stage Road, feels there should be something in there for building trails.

Richard Butt, Old Town Road, inquired as to how much money has been spent on trail maintenance.

Selectman Burdick responded none that she is aware of.

Mike Provencher, North Stark Highway, stated that the trails are typically maintained by the boy scouts as an eagle project.

Steve Najaar, Pond View Road and Vice Chair of Conservation Commission, indicated that the forest harvest layout includes a trail; there is some element of that layout for the cost of the forest

that did actually go to trail development. He indicated the actual bid for the harvest and that trail is going to be opened at the February Conservation Commission meeting.

Eileen Meaney, Quaker Street, believes what Mr. Najaar is referring to is a condition of the Board of Selectmen when that sale was discussed a year or two ago. She asked when the last time any money was expended at all for trail maintenance. She further asked for clarification that when they pay the town forester, they do not receive an itemized accounting as to how that money is being allocated and used for services for the town.

Moderator Morton relayed that to be correct.

Steve Najaar, Pond View Road, clarified that the \$25,000 is not handed to the town forester explaining that there are individual forestry services agreements for a particular task and, once authorized and billed, it can all be accounted back to exactly what project that actually went to. This article is an “up to amount” as an expenditure; it’s not someone getting handed \$25,000. He added that when there is a harvest, the money goes into the town’s forest account.

Eileen Meaney, Quaker Street, questioned how many accounts and how much money is in the Forest Fund and Conservation Fund.

Selectman Mathews stated that the Forest Fund has \$30,096.41 and the Conservation Fund has \$269,197.62.

Andy Fulton, Hemlock Drive and Conservation Commission Chair, stated that the language in the article has been used for many years with the addition of an amendment last year to include “trail maintenance and development.” He stated that this fund is an allowance; they are billed for specific tasks and he approves these bills which are available as part of the public record.

Vice Chair Knapp clarified that the amount is up to \$25,000.

Mr. Fulton added that the expenditure is usually less than \$25,000.

Finance Administrator Beth Rouse stated that in 2023, \$4,200 was spent out of the fund for forester contract; in 2022, \$17,000 was spent; in 2021, a little over \$10,000 was spent.

Mr. Fulton noted that the Conservation Commission appreciates the interest in trails and very much would like to reconvene a trails subcommittee. He asked the voters to support this article.

Brent Dickinson, Dels Way, noted that when resources are harvested, the Conservation Committee receive the funds but, in any other instance, funds received go back to the general fund for taxpayer input. He asked for clarification.

Town Counsel Spector-Morgan responded that it’s just the way the town forest account works explaining that, under state law, when there is a harvest on town forest property that money automatically goes into the town forest account.

Eileen Meaney, Quaker Street, asked when the bills come in do they have to go to the Board of Selectman for approval even though it's being managed by the Conservation Commission or is it decided and accepted at the Conservation Commission level.

Town Counsel Spector-Morgan read a section of RSA 31 which states: "the proceeds from said forest shall be placed in a special forest management fund and should be allowed to accumulate from year to year, unless otherwise noted by the legislative body of the city or town". In regards to the oversight of the funds, she stated that the statute provides that the city or town forest is managed by a forestry committee or if they have a Conservation Commission, it can be managed by them. She does not know, who authorizes payment from those funds.

Selectman Hippler stated that the Conservation Commission authorizes payment from the fund.

There being no further discussion, Moderator Morton announced that Article 23 would be placed on the ballot as written.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

#### **ARTICLE 24**

Shall the Town complete the easement and survey plat voted on at the March 12, 2013 Town Meeting vote on Warrant Article 29, shall the Town authorize the Conservation Commission to convey the associated conservation easement over a portion of the Banks-Shmid property (map 408/lot 123) on East Road including the existing hay field and exclusive of 20 acres set aside for ongoing gravel pit operations and future recreational facilities to a qualified land trust such as the Piscataquog Land Conservancy or Society for the Protection of New Hampshire Forests subject to the final approval of the Board of Selectmen, and further to raise and appropriate the sum of Sixty-Thousand Dollars (\$60,000) for such fees that may be requisite to come from the Town Conservation Fund. Fundraising by the Conservation Commission may reduce the amount needed from the Conservation Fund. Recommended by the Board of Selectmen. Estimated tax impact = \$0.00

Selectman Blume moved the article as read. The motion was seconded.

Selectman Blume noted that Article 24 and Article 26 are tied very closely together and asked if the rules could be suspended to discuss them together. He moved to have them discussed together.

Town Counsel Spector-Morgan indicated that is up to the Moderator; as long as the Moderator and body is fine with that, they can discuss together.

Moderator Morton read Article 26: "To see if the Town will vote to direct the Conservation Commission under the direction of Board of Selectmen to take immediate action on the division of the One Hundred and Thirty-Seven (137) acres of already purchased land on East Road previously known as the Alma Shmid property, tax map 408-123, by dispersing it as follows:

twelve acres (12) to include but not limited to the fields and front acreage of the property to be allocated to recreational facilities and ballfields, eight (8) acres to be allocated as gravel pit(s), and to convey the remaining one hundred and seventeen acres (117) as the Conservation Commission deems appropriate.”

Selectman Blume explained that this was an approved warrant article from 2013 to purchase the property and in the ten years since, there has been on and off discussion about what to do with it. He noted that the original warrant article specified putting all but twenty acres in conservation and specified that the twenty acres would be for a gravel pit and future recreational facilities. He stated this board was working with Parks & Rec and the Conservation Commission to work through this process; there was a petition article, Article 26, which they are required to put on the warrant so the Conservation Commission, at that time, asked them to put Article 24 on. He believes that it's the wish of the board that they had been given more time to do due diligence as a town.

Selectman Blume noted that they have heard hours of discussion on this and it is his belief that the intention ten years ago based on the warrant article and Parks & Rec minutes from 2013 which specified clearly that the gravel pits would be the area for the recreational facilities. He believes that the failure to have completed the paperwork in the remaining ten years is not an excuse to take a different direction than the original intention ten years ago.

Following questions regarding Selectman Blume's comments, it was clarified that he was speaking as an official.

Tom Clow, Finance Committee Chair, was recognized to speak. He indicated that the Finance committee has the same recommendations for both Article 24 and Article 26. The Finance Committee does not recommend this article. The committee does not support this article and believes there is much confusion and disagreement in town regarding the East Road property, most specifically how it was acquired and its intended long-term use. All parties including the Conservation Commission, Parks and Rec Committee, the Board of Selectmen, and Town Counsel need to come together to decide what is legal and what is the best long-term use for this property.

Town Counsel Spector-Morgan noted that she has been researching this for the past few months and, as she understands it, the dispute here relates to the hay fields and whether those are supposed to be conserved by conservation easement or whether those are available to be developed as recreation fields. She added that everyone agrees that the rest of the property, minus 20 acres, is going into conservation easement; it just a question of which portion of the property is going to be developed as rec fields and which portion is going to be preserved.

Paul Doscher, Poor Farm Road, indicated that he served as a vice president for a land conservation with the Society for the Protection of NH Forests and was involved in discussions about this project because the society was being asked to consider to hold that conservation easement after the town acquired the land. The conversations that he recalled were as Selectman Blume recited which was the intention was the land be all conserved with the exception of the gravel pit which could be used later on for recreation purposes. He spent time on the property

and realized that the gravel pit is a challenging spot to do that and understands why people feel this isn't the best choice. He asked what would happen if both of these articles passed.

Town Counsel Spector-Morgan responded that if they both pass, she believes they will have to go to court noting that she would like to avoid that.

Tom Clow, Concord Stage Road, believes that the Town Counsel's opinion was read at a recent selectmen's meeting and believes that would be pertinent to hear.

Town Counsel Spector-Morgan noted that her opinion was based on everything she saw and could not determine that there had ever been an identification of exactly which twenty acres was to be preserved. Her recommendation was that Parks & Rec, Conservation Commission and the Board of Selectmen sit down and see if they can work this out.

Frank Campana, Quaker Street, indicated that when this article first appeared in 2013, he voted in favor of it just the way that it was described: with conservation land and gravel pit to be mined by the town and used until its existence ran out and then turned over to recreation. He feels anything changing this is a violation of his vote in the affirmative in 2013.

Mike Provencher, North Stark Highway, noted that he is the sponsor of Article 26 and feels that this is something that they all need; this is about a recreational park for all the citizens of town to use. He pointed out that the challenge with the intent is that it isn't written down anywhere and that the article from 2013 doesn't specify where. He stated that what they are looking to do is utilize those front hayfields as a turnkey solution to solve an immediate problem of overuse on the existing fields.

Legal Counsel Spector-Morgan read the 2013 warrant article: "to see if the town would authorize the selectmen to enter into an agreement to purchase 137 acres of the Alma Shmid property on East Road for an amount not to exceed \$600,000 in an effort to protect the rural character and natural resources of the town. Further, to authorize the selectmen to convey certain conservation easements over a portion of the property to a qualified land trust such as the Piscataquog Land Conservatory or the Society for the Protection of NH Forests. Twenty acres of the property will be set aside for future recreational facilities and gravel pit for the town." She stated that it goes on to talk about the funding "to raise and appropriate \$380,000 to be offset by \$15,000 from the Conservation Fund and \$130,000 from Mildred Hall Trust Fund. The remainder of the purchase cost will be offset by grant being sought by the Russell Foundation." She added that in the discussion in 2013, "Selectman Lacasse said that this is some land that contains a gravel pit that they will set aside and use for our own gravel and some other property for future ball fields." "Mr. McSweeney said that eight acres has an existing gravel pit on it and an additional twelve acres will be set aside to create twenty acres of athletic fields."

Moderator Morton questioned whether this resolves anything.

Legal Counsel Spector-Morgan responded that she cannot determine where those twenty acres are supposed to be from everything she has read.



Denise Purington, Thorndike Road, indicated that she is a member of the Parks & Rec Commission but is currently appearing as a citizen. She inquired whether Town Counsel had an opportunity to look at the purchase option.

Legal Counsel Spector-Morgan responded that she did.

Ms. Purington asked if anything in the purchase option indicates that the hay fields must go into an easement.

Legal Counsel Spector-Morgan responded not that she recalls.

Ms. Purington questioned if that purchase option was ever transferred to the town or is it currently executed by somebody else.

Legal Counsel Spector-Morgan believes that the purchase option was transferred to the town because the town ended up buying it but doesn't know the answer to this off the top of her head.

Ms. Purington asked if anyone from the town signed that purchase option.

Legal Counsel Spector-Morgan replied that she didn't believe so.

Ms. Purington inquired as to how it got transferred.

Legal Counsel Spector-Morgan responded because it was assignable.

Ms. Purington asked whether the deed on the property was reviewed.

Legal Counsel Spector-Morgan replied yes.

Ms. Purington inquired whether there was anything in the deed that restricted the hayfields from being used for anything.

Legal Counsel Spector-Morgan responded not that she recalled.

Ms. Purington questioned whether there was anything in the documents that indicated that the gravel pit and the recreational field has to be contiguous to each other.

Legal Counsel Spector-Morgan responded no.

Ms. Purington questioned whether those legal documents play an important role in the decisions of what they look at going forward.

Legal Counsel Spector-Morgan replied obviously.

Ms. Purington inquired if this warrant article was submitted at the same time as all other boards and commissions were required to submit their warrant articles, in the same timely fashion.

Chair Hippler responded it was not; it was done afterwards explaining that they can put anything on until January 29<sup>th</sup>.

Ms. Purington asked if this article had the opportunity to go through CIP and Planning like the other articles from boards and commissions.

Chair Hippler responded no.

Ms. Purington asked why Article 24 is specifically restricting the hay fields. She noted that at the Parks and Rec January meeting, it was stated that 85 percent of this property is unusable. She further noted that, at a joint committee meeting of the Conservation Commission and Board of Selectmen on January 10, she believes a member of the Board of Selectmen asked the Conservation Commission if the current warrant Article 24 was in line with the original warrant article; the response from the Conservation Commission was to redirect and to clarify the original warrant article. She asked for clarification as to what was meant by “redirecting the original warrant article”. She inquired that if the town votes not to restrict the hay fields, will the Conservation Commission respect and accept the voters vote or do they have the ability to do whatever they decide to do.

Legal Counsel Spector-Morgan stated that its her opinion that the Conservation Commission doesn’t have the authority to convey an easement without town meeting approval. She thinks the Conservation Commission is bound in conveying the conservation easement on this property to whatever this body votes.

Ms. Purington inquired whether Article 24 was submitted to counter Article 26.

Selectman Blume responded that he believes that was the intention.

Referencing 2014 Conservation Commission minutes, Ms. Purington noted that they voted to make sure they secured a lease on the haying on this field and that some of the revenue would come back to the town. She asked if this lease was ever completed.

Chair Hippler responded that it was brought forth by former Selectman Cahill and it was never executed.

Andy Fulton, Hemlock Drive and Conservation Commission Chair, inquired whether board, commission and committee meeting minutes are legal documents.

Legal Counsel Spector-Morgan responded that they are.

Mr. Fulton read a letter from Raymond Banks, Sr. dated February 2, 2024: “to all Weare residents, this letter is in reference to the land I sold to the Town of Weare. When I sold this land at a bargain price to the town we agreed the field would be protected and left as agricultural. I also greatly reduced the price as the town did not have all the funds; the town was in need of gravel and this was also done to benefit the residents without a tax burden. They would have to outsource for gravel which would have raised residential taxes. The town now wants to renege

on their promise and turn the land into recreational fields. I don't believe the town has done any sort of impact study on East Road; there are no sidewalks for children walking and the road is very curvy. Alma Shmid was very involved in the community participating in almost all events held. It was Alma's wish before she passed away to have the town purchase this land for conservational use only. The Conservation Commission came to me about purchasing the land; they were in the process of purchasing the abutting property. They promised to put recreational fields in the back area of the pit where the large mound of gravel was; they were to put the loam back in place for the field. The gravel has been removed and is now used by the police firing range and no there is no loam on that land; maybe it was used somewhere else and needs to be replaced." The letter further states that his daughter and family were involved in town sports programs and continued "we are not trying to deter Parks & Rec from putting fields in Weare but the property on East Road was not sold for this reason as promised. Fish and Game goes on the property, as needed, to check the health of the wildlife. Perhaps the field could be used as gardens to help feed those in need."

Mr. Fulton stated that the Conservation Commission is trying to finish what was started; the easement has not been put in place despite the voters ten years ago indicating that it was the will of the majority. He noted that what the Conservation Commission would like to do is complete that – the article ten years ago authorized the selectmen to do that and the purpose of this article is to authorize the Conservation Commission to do that as it is more fitting and more their skill set than with the Board of Selectmen or Town Administrator. He stated that the article, ten years ago, did not provide the mechanism for paying for the conservation in which there are costs involved: survey costs, acquisition costs, agreement with an entity that will take the responsibility for monitoring compliance through perpetuity (forever) and forever is what Alma Shmid hoped for and what Ray Sr. is hoping for. He added that what the Conservation Commission would like is to offer to the town the opportunity to get that done and, in their view as intended at that time, the conservation easement would include the hay field. He stated that what was happening back then was important and what they are trying to do now, as a commission, is answer the what should we do not what could we do. He noted that they're being told that there were not legal restrictions put on the location of the 20 acres to be carved out of the 137. He highlighted minutes from Parks & Rec dated November 12, 2013 regarding the East Road property which stated there were large pits in the area where the field will go and that the town plans to remove gravel from this area so work on the fields cannot begin until the town is done using the pit/removing the gravel. He pointed out that none of the participants in procuring the property ten years ago have recorded meeting minutes saying the contrary. He indicated that the work needs to get done and this is providing an avenue to get that work done.

Eileen Meaney, Quaker Street, addressed the Moderator in regard to point of order noting that the former speaker asked questions for him to hold to direct to the Chair of the Conservation Commission.

Denise Purington, Thorndike Road, referencing the January Parks & Rec meeting, stated that it was indicated that 85 percent of the wood portion of the property would not be viable for field land.

Conservation Commission Chair Fulton responded that he spoke in regards to the layout of the property and most of it is rugged terrain; it's hillside and is sloped and he doesn't envision building a ball field on the side of a hill. He announced that the 85 percent was an estimate and not a calculation.

Referencing the joint committee meeting with the Conservation Commission and Board of Selectmen, Ms. Purington pointed out that Mr. Fulton was asked by Chair Hippler if this Article 24 aligned with the original 2013 article and he stated that the intent of this article was to redirect and clarify the original. She asked for clarification as to what was meant by "redirect".

Mr. Fulton believes that if the original warrant article was written with the word "20 contiguous acres" nobody would've argued against that and it would've gone to the voters; it would have been a more clear record of the intent of those voting on it. He wants to make it clear that the position of the Conservation Commission is that the hay field should be preserved as open space land in perpetuity.

Ms. Purington asked for clarification to what was meant by "redirect".

Mr. Fulton replied that he believes that he has explained that to the best of his ability and doesn't have a more specific answer.

Shelby O'Donnell, Clark Mill Road, noted that when looking back at what voters voted on they cannot guess the intent of all of the voters. She pointed out that the town owns the land and feels that it's important that this go to a vote so that the town, now, can decide what the town, now, wants to do with the land because it's owned by the town, now, and not the past town who owned it at that time.

Brent Dickinson, Dels Way, noted that "intent" keeps appearing and asked if he sold a piece of property, whether he can enforce his will on that property once the purchase is completed.

Legal Counsel Spector-Morgan responded unless it's in the deed.

Mr. Dickinson inquired whether the lack of an easement is contributing to this discussion or this problem.

Legal Counsel Spector-Morgan thinks that if a conservation easement had been granted more close to the time to when the town acquired the property, they would have a much better understanding of everyone's intent.

Lisa Grolljahn, Quaker Street, wanted clarification that Selectman Blume was not speaking earlier as a member of Parks & Rec.

Selectman Blume stated that his intention was to inform everyone that he has been part of the conversation over the past year.

Ms. Grolljahn indicated that she was speaking as a taxpayer, parent and educator adding, for full disclosure, that she currently serves on Parks & Rec. She stressed the benefits of adequate, accessible athletic fields adding that dedicated recreational spaces benefits the whole community. She stated that they are not there to argue if fields will be put on this property, they already know they will be; it is where they go that is in question. She served on the Conservation Commission when they talked about the land and field for future years and it was never her thought that those fields would be placed in the most unacceptable and most expensive portion of that property. She feels that putting the fields where the current pit is located is a long trek and not only would it be more disruptive from an environmental standpoint but also not fiscally responsible; the existing fields which were deemed not good for agriculture are the most cost-effective places for athletic fields. She stated that the fields ultimately will go on this land per the 2013 warrant article and they should be fiscally responsible with their next step.

Tara Mann, Worthley Road, echoed what the other Parks & Rec individuals have said. She doesn't feel that Selectman Blume is being accurate if he is stating the Parks & Rec position on this.

Selectman Blume clarified that he was not stating Parks & Rec's position but the information that he had available trying to specify as the board member that had attended the park meetings and what informed his decision being present in the meetings.

Ms. Mann indicated that the 2013 warrant article authorized the Board of Selectmen and not the Conservation Commission to be involved in this noting that, according to what was written within the article, wasn't supposed to be involved outside the \$50,000 monetary contribution. She questioned how the Conservation Commission became in charge of this; how can they vote themselves in charge that a warrant article says they are not in charge of. In 2013, she pointed out that Selectman LaCasse spoke to the intention in which she read: "the land contains a gravel pit they will set aside and use for our own gravel and some other property for future ball fields". Ms. Mann further pointed out that the Finance Committee had recommended it based on three things: eight-acre gravel pit on the land will be used by the Highway Department to replace gravel supplies that is currently being purchased; about twelve acres will be set aside for recreation and future ball fields; the remaining land will be set aside for conservation land. She highlighted her frustrations with the Conservation Commission's recommendation and Mr. Fulton's comments. She added that part of any board's job is to conduct themselves in a manner that is fiscally responsible.

Chris Mann, Worthley Road, in terms of meeting minutes being legal documents, inquired whether they are binding documents, binding an agreement together; would they be put in the same league as a deed.

Legal Counsel Spector-Morgan responded that in terms of defining the rights, ownership and use of the property – no.

Mr. Mann asked when it's known when the gravel will be mined down being his point that nobody knows. He stated that one of the things brought up in the original warrant article was to preserve the rural nature of the East Road corridor noting that the purchase that they did for this

property is not on the road; it's set back approximately 1,000 feet. He indicated that the promises were there, on both sides, but only one was in writing which was for the ball fields. He inquired whether the option reflect the appropriate acreage.

Legal Counsel Spector-Morgan replied that the option was 129.8 acres.

Mr. Mann doesn't feel that anything with this deal went through the way it should have. Referencing the property next door, he noted that the deed and purchase agreement contains conveyances right in there. He indicated that the hay fields were put into it to sweeten the pot so they could get an agricultural grant that never came through; it wasn't on the original option, it was put in after to secure funds. He stated he doesn't believe that the original intent was to include the hay fields at all and if Mr. Banks wanted to preserve those hay fields forever, he could have put the entire land into conservation or sold off the portion.

Wendy Fulton, Hemlock Drive, stated there is no confusion as to how this warrant article came to be ten years ago; it was brought to this town by a resident, Ian McSweeney, who at the time was employed by the Russell Foundation. The foundation had money that they were using to conserve land and do specific projects. She indicated that there is some confusion about how the funding went and requested that someone from the Conservation Commission speak to the purchase price and where the funding came from for this land. Her understanding is that the original warrant article in 2013 was that the Conservation Commission would put \$50,000 towards it, the town would be paying \$200,000, Mildred Hall Trust was contributing, and Ian McSweeney was going to be looking for some grants; those grants didn't come through. She noted that it happens a lot where grants dry up but it doesn't mean anything is wrong with the land. She explained that the Conservation Commission felt that the land was valuable to the town so they took a vote at a public meeting, which was properly posted and done in accordance with the laws of the state, to give more money.

Andy Fulton, Conservation Commission, confirmed that the commission participated in the backfill; the backfilling of the gap left from the grants. He explained that the grants were there to magnify the local money with other available money; the Conservation Commission added \$150,000 above the \$30,000 already pledged to the project. He stated that the Conservation Fund is supported by the land use and change tax receipts explaining that land use change is verbiage for when large parcels of land get a tax break above ten acres and property taxes are greatly reduced as long as its kept available to the public but when the status of the land is changed such as development, there is a tax penalty and a portion of the tax penalty goes to the Conservation Fund and a portion to the General Fund.

Wendy Fulton, Hemlock Drive, feels that this land wouldn't be here to talk about if the Conservation Commission hadn't stepped up to the plate; there would be no options of the gravel pits being mined, of hay fields, and any ball fields on the property. She noted she was there when this was originally discussed, and it is clear to her that those hay fields were going to be preserved. She pointed out that the original article in 2013 granted the Board of Selectmen the authority further relaying her frustration with the easement not being put into place by them. She feels that Article 24 is going back to the original intent of what was supposed to happen.

Moderator Morton asked Neal Kurk to substitute for him as the moderator due to prior obligations.

Steve Najaar, Pond View Road, indicated a zoning variance was granted because of the apartment complex there needed more land, five acres per unit; when looking at ZBA minutes, it's clear in the application what the purpose was which was to preserve the hay fields. He indicated that Mr. Banks attended a Conservation Commission meeting and was upset and wanted to buy the land back because he believed the fields were getting conserved. He moved to make an amendment to strike the rest of the Article 24 after the word "selectmen" to get rid of the dollar amount.

Acting Moderator Kurk asked Mr. Najaar to put his amendment in writing. He asked Town Counsel whether there would be a problem with that amendment if presented.

Legal Counsel Spector-Morgan responded that there is no problem with that amendment in fact, when she reviewed the warrant, she questioned why it was on there clarifying that the Conservation Commission has the authority to spend money out of the Conservation Fund.

Mr. Najaar presented an amendment to Article 24. The motion was seconded.

Acting Moderator Kurk announced that the amendment was to delete, from Article 24, the fourth line up from the bottom after of the Board of Selectmen.

Acting Moderator Kurk opened discussion on the amendment.

Eileen Meaney, Quaker Street, inquired whether the language, in the amendment, "on East Road including the existing hay field and exclusive of 20 acres set aside for ongoing gravel pit operations and future recreational facilities to a qualified land trust" acts as though the hay fields were protected when the original article and everything related to this acquisition in 2013 did not protect those hay fields. She questioned whether this amendment would then protect them.

Town Counsel Spector-Morgan indicated that if they pass the amendment, it strikes to raise and appropriate money and still authorizes the conveyance to the Conservation Commission to include the hay field and not to include twenty other acres.

John Lawton, Oak Hill Road, noted his confusion to the amendment.

Acting Moderator Kurk explained that the amendment deletes all of the article that deals with funding; confirmed by Town Counsel, the funding can happen independent of the article.

Town Counsel Spector-Morgan confirmed that the amendment would delete beginning with "and further to raise and appropriate the sum of Sixty-Thousand Dollars (\$60,000)"; all of this language for funding.

Acting Moderator Kurk took the vote on the amendment to Article 24. He announced that the amendment passed.

Acting Moderator Kurk opened discussion on the article, as amended.

Bill Anderson, East Road, noted that he is an abutter to the property and noted that when moving forward to look at what is the best use of this property and what is the best location for recreational athletic fields. His first concern is to make sure that the voters understand that when they drive by East Road and look at the vast hay fields there, most of that area is still privately owned; the only area in question is the hay field in the rear portion that is beyond where the snowmobile trails go through. He doesn't want people to have the misconception that the whole area can be developed for recreational fields. That area has been a rural agricultural area for multi-generations and the rural nature is important to him as an abutter. He noted his concern with increased traffic if developed as a recreational area. He pointed out that there are a number of various fields in town in various states of maintenance and repair and feels that this would add to those and create another set of fields which would be a burden to maintain. He doesn't support Article 26.

Denise Purington, Thorndike Road, announced that she is speaking as a resident but is a member of Parks & Rec. She stated that several organizations approached the Board of Selectmen with a need for fields and the Board of Selectmen came to Parks & Rec and asked them to look at the East Road property. She highlighted the walk through of the property. She added that the town has 22.8 percent of its land in conservation. She pointed out that they currently have seven to eight ball fields on nine acres of land and with twelve acres, they could have another potential nine fields.

Ms. Purington proposed an amendment to Article 24.

Acting Moderator Kurk announced that this proposed amendment would amend the article to read as follows: "shall the town complete the easement and survey plat voted on at the March 12, 2013 Town Meeting vote on Warrant Article 29, shall the Town authorize the Conservation Commission to convey"

Town Counsel Spector-Morgan finished reading the amendment where Mr. Kurk left off: "the associated conservation easement over a portion of the Banks-Shmid property (map 408/lot 123) on East Road not to include the existing hay field and exclusive of 8 acres set aside for ongoing gravel pit operations and 12 acres to include existing hay fields for future recreational facilities."

The proposed amendment was seconded.

Ms. Purington spoke to her amendment stating that her desire in amending Article 24 is to align articles 24 and 26 so they can ask the voters "do you want to include or exclude the hay fields from this vote."

Acting Moderator Kurk asked Town Counsel to read the amendment in its entirety.

Town Counsel Spector-Morgan read: "shall the town complete the easement and survey plat voted on at the March 12, 2013 Town Meeting vote on Warrant Article 29, shall the Town authorize the Conservation Commission to convey the associated conservation easement over a



portion of the Banks-Shmid property (map 408/lot 123) on East Road not to include the existing hay field and exclusive of 8 acres set aside for ongoing gravel pit operations and 12 acres to include existing hay fields for future recreational facilities to a qualified land trust such as the Piscataquog Land Conservancy or Society for the Protection of New Hampshire Forests subject to the final approval of the Board of Selectmen.”

Acting Moderator Kurk asked if the amendment to Article 24 is basically making this the same thing as Article 26.

Ms. Purington responded yes explaining that making the amendment she made puts the same question before the voters; the intent is to try to align the two warrant articles so it would not be confusing to the taxpayers on voting day.

Acting Moderator Kurk asked Town Counsel to opine what happens if this amendment passes and the voters vote yes on both or yes on one and no on the other.

Town Counsel Spector-Morgan clarified that if this amendment passes and the articles are aligned, if either one of them passes she feels they have a situation where they would have recreational fields in the hay fields and they have a direction to convey the conservation easement over a portion of the property not including the hay fields.

Tara Mann, Worthley Road, spoke in favor of the proposed amendment.

Andy Fulton, Hemlock Drive and Conservation Commission Chair, feels that the proposed amendment increases confusion and feels that voters are smart enough to realize what they are voting for.

Greg Smith, Reservoir Drive, spoke in opposition to the proposed amendment because he feels it would create confusion.

Wendy Fulton, Hemlock Drive, spoke in opposition to the proposed amendment.

Joshua Hilliard, Woodbury Road, spoke in opposition to the proposed amendment.

Travis Corcoran, Quaker Street, spoke in opposition to the proposed amendment.

Steve Najaar, Pond View Road, spoke in opposition to the proposed amendment.

Diana Dickinson, Dels Way, spoke in favor of the proposed amendment.

Acting Moderator Kurk took the vote on the amendment to Article 24. He announced that the amendment failed.

Dan Wandell, Craney Hill Road, does not support the infrastructure changes that would take place toward open space; children are equally served by open space.

Andy Fulton, Hemlock Drive and Conservation Commission Chair, clarified that approximately eight percent of the Town of Weare is owned by the town and managed by the Conservation Commission as the land manager of those.

James Drury, Oak Hill Road, spoke in opposition to this article.

Tara Mann, Worthley Road, spoke in opposition to this article stating that the fields are going in there but it's just a question of where.

Kate Blume, Duck Pond Road, feels that there hasn't been a sufficient plan made about what types of facilities are needed.

Brief discussion occurred in regard to procedure as to discussions, voting and restricting reconsideration with both articles.

Mark Payeur, Lull Road, questioned whether there will be discussion when they get to Article 26.

Acting Moderator Kurk responded yes.

There being no further discussion, Acting Moderator Kurk announced that Article 24 would be placed on the ballot as amended.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

Acting Moderator Kurk announced that they are moving to Article 26. See Article 26 for discussion.

## **ARTICLE 25**

To see if the Town will vote to restrict eligibility for appointed positions to Town Boards and Committees to two (2) consecutive terms, which shall include any part of a term served, and shall remain ineligible for the next succeeding three (3) years? (By Petition)

Chair Hippler moved the article as read.

Tara Mann, Worthley Road, indicated that currently, all but one, of the town's appointed boards are completely full and often times those that serve remain on those boards term after term making it impossible for new people with new skill sets, perspectives and ideas to have a seat at the table. She feels it will revitalize boards by allowing new and diverse ideas and perspectives to intermingle with seasoned, experienced board members. She highlighted some clarifying points: pertains only to appointed boards; there is not a lack of community members willing to serve; this doesn't prevent former board members from continuing to attend, participate or volunteer to help.

Travis Corcoran, Quaker Street, provided context explaining it is part of the same fight as Articles 24 and 26; the Conservation Commission is doing a great job of conserving the forests, fields, etc. and there is another faction that has a legitimate desire for fields. It is his understanding they have felt stymied by the Conservation Commission and their action to this is a “clean flush”. He pointed out that all the members of the Conservation Commission have served the maximum two consecutive terms. He stated that if this were passed without discussion or people understanding it, the end result would be that the entire Conservation Commission would be flushed. He feels that this is ill considered and sort of a stealth move of one particular fight and wouldn’t be beneficial for the town. He stated it would be appropriate to study and understand what effect this would have, get some tallies of how many people are looking to replace open-board seats, etc.

Mr. Corcoran proposed an amendment explaining that it’s identical to the existing writing except “vote to restrict” is changed to “vote to study restricting”.

Acting Moderator Kurk read the proposed amendment: “to see if the town will vote to study restricting eligibility for appointed positions to Town Boards and Committees to two (2) consecutive terms, which shall include any part of a term served, and shall remain ineligible for the next succeeding three (3) years.” The motion was seconded.

Tom Clow, Finance Committee, stated that the Finance Committee didn’t have any recommendations because it wasn’t applicable.

Tom Clow, Concord Stage Road, is against the amendment.

Eileen Meaney, Quaker Street, spoke in opposition to the amendment pointing out that the Finance Committee ordinance restricts members for serving two consecutive terms so a study of this and how it works has already been in effect so it’s not anything new.

Tara Mann, Worthley Road, noted her agreement with Ms. Meaney. She stated that the intention of the article was not as Mr. Corcoran had stated.

Brent Dickinson, Dels Way, indicated that he is against the amendment adding that he feels there needs to be a method to “flush out”; they don’t need to study it, they need to get rid of people after a certain period of time.

Town Counsel Spector-Morgan stated that she was asked to review this and it is her opinion that you cannot limit the terms of anyone on a statutorily created board whether appointed or elected. She knows the case that the Supreme Court has decided relates to elected boards but the question that they were presented with was broader; unless the State imposes a term limit, she doesn’t believe this body can.

Acting Moderator Kurk asked if it’s known what committees are statutory so they would know where this would not apply.

Town Counsel Spector-Morgan responded that it would apply to the Conservation Commission as a statutory, the Zoning Board, as she recalls, is appointed and in her opinion it cannot be applied to the Planning Board. With that being said, she pointed out that the selectmen are the appointing authority so if they decided after someone served two terms that it was time for someone else to serve, that would be a completely legal decision; she just wouldn't adopt a policy.

Charlene Provencher, North Stark Highway, asked why they are so opposed to letting this go before the voters. She noted her disagreement with the amendment.

Chris Mann, Worthley Road, spoke against the amendment.

Tara Mann, Worthley Road, stated that because Weare is an SB2, town meeting town, the State has transferred some of its statutory and legislative authority to the towns to create their own rules, regulations, ordinances, etc. She cited case law in regard to this.

Town Counsel Spector-Morgan disagrees that the case gives the authority to do this but doesn't feel they need to have that debate here.

Dan Wandell, Craney Hill Road, questioned the legality of the article.

Town Counsel Spector-Morgan believes that it's illegal as it applies to statutory boards and committees; what does that mean from a practical point of view, nothing until someone is not reappointed and challenges it on the basis of this.

Mr. Wandell asked if Town Counsel would concur with that opinion in the event that this amendment would move forward – is there any legal or statutorial problems studying it.

Town Counsel Spector-Morgan responded that there are no problems with studying it.

Brent Dickinson, Dels Way, spoke in regard to legal rights.

Referencing the town's appointed boards, Tara Mann, Worthley Road, questioned whether the appointing body is the Board of Selectmen or the Town Moderator.

Town Counsel Spector-Morgan responded that, statutorily, it is always the Board of Selectmen but the Finance Committee is the Town Moderator.

Ms. Mann asked for confirmation that it's not an automatic renewal once a term is up and would need to be reappointed.

Town Counsel Spector-Morgan replied absolutely.

Helene Kurk, Mt. Dearborn Rd, noted her concern with the possibility of losing institutional knowledge.

Lori Davis, Buxton School Road, stated that the Board of Selectmen are capable of appointing people noting there are boards that are not filled because nobody wants to be on them. She feels that a certain commission is being targeted because a certain group of people want something done. Knowledge is crucial to certain boards because they require in-depth knowledge, requires doing homework and many hours.

Chris Mann, Jr., Worthley Road, feels that the amendment is unnecessary and supports the article as proposed.

Paul Doscher, Poor Farm Road, supports the amendment because he feels what it does is put them in a position so they are not going to find themselves sued by someone finding themselves in legal action because they were kicked off a board due to a town meeting vote.

Chris Mann, Jr., called the question on the amendment. The motion was seconded and passed.

Acting Moderator Kurk read the amendment for a vote: “to see if the town will vote to study restricting eligibility for appointed positions to Town Boards and Committees to two (2) consecutive terms, which shall include any part of a term served, and shall remain ineligible for the next succeeding three (3) years”. The amendment passed.

Discussion was opened to the article as amended.

Tom Flaherty, Sunrise Lane, noted that the Finance Committee already has an ordinance which includes term limits and asked if this article could usurp that ordinance already in place.

Town Counsel Spector-Morgan responded that a petition article is just as valid as any other article.

Acting Moderator Kurk stated that the Finance Committee ordinance states that members can serve two consecutive three-year terms and, in the past, the Moderator has interpreted that to allow a person a one year break and then can be reappointed. He clarified that the question is, if this article passes, would the Moderator then be required to have a three-year break between the consecutive terms.

Town Counsel Spector-Morgan replied that there is no law on this, but she would say yes it would apply to the Finance Committee as well.

Mr. Flaherty pointed out that there are boards, committees and commissions and this petition only refers to boards and committees. He inquired whether it would also apply to commissions.

Town Counsel Spector-Morgan replied that they do the same thing and feels that there is an argument either way.

Wendy Fulton, Hemlock Drive, spoke in support of the amended article pointing out how hard the volunteers work for the town. She pointed out the value of having long-term members on some of the boards.

Chris Mann, Worthley Road, proposed an amendment to the amended article.

Acting Moderator Kurk read the amendment: “to see if the town will vote to restrict eligibility for appointed positions provided that the affected board, committee, or commission is not regulated and would be pre-empted by NH state statute to two (2) consecutive terms, which shall include any part of a term served, and shall remain ineligible for the next succeeding three (3) years.” The amendment was seconded.

Mr. Mann explained that the idea for the amendment is to get rid of the idea that it might come into a legal question if the state statute pre-empts the ability for that article to be effective on selected boards and commissions.

Travis Corcoran, Quaker Street, feels this amendment is substantially the same as the original.

Lori Davis, Buxton School Road, noted her concern with a potential lawsuit if they begin knocking people off of committees with inexperienced individuals in the midst of working on planning and zoning.

Helene Kurk, Mt. Dearborn Road, inquired whether, if this passes, can there be a future warrant article to throw it out at a future deliberative session.

Acting Moderator Kurk responded of course.

Eileen Meaney, Quaker Street, asked if the amendment could be read again.

Acting Moderator Kurk explained that the current warrant article is a study and the proposed amendment would revert it back to the original article with some changes: “to see if the town will vote to restrict eligibility for appointed positions provided that the affected board or committee or commission is not regulated and will not be pre-empted by NH state statute to two (2) consecutive terms, which shall include any part of a term served, and shall remain ineligible for the next succeeding three (3) years.”

Shelby O'Donnell, Clark Mill Road, feels that it's a misunderstanding that someone who is new to a committee does not have any expertise in the subject matter and further feels that any appointing person would look at the credentials of the candidate.

Tom Clow, Concord Stage Road, opposes the amendment.

Steve Najaar, Pond View Road, spoke against the amendment.

Mr. Clow moved the question. The motion was seconded.

Acting Moderator Kurk took the vote to stop discussion on the amendment. The vote was in favor of stopping discussion.

Acting Moderator Kurk took the vote on the amendment. He announced that the amendment fails.

There being no further discussion, Acting Moderator Kurk announced that Article 25 would be placed on the ballot as amended.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 26**

To see if the Town will vote to direct the Conservation Commission under the direction of Board of Selectmen to take immediate action on the division of the One Hundred and Thirty-Seven (137) acres of already purchased land on East Road previously known as the Alma Shmid property, tax map 408-123, by dispersing it as follows: twelve acres (12) to include but not limited to the fields and front acreage of the property to be allocated to recreational facilities and ballfields, eight (8) acres to be allocated as gravel pit(s), and to convey the remaining one hundred and seventeen acres (117) as the Conservation Commission deems appropriate. (This article has no tax impact as land is already owned by the Town of Weare) (By Petition)

Kate Blume, Duck Pond Road, proposed an amendment stating that she feels immediate action is hasty considering the variety of opinions.

Acting Moderator Kurk read the amendment: “to see if the town will vote to direct the Conservation Commission and the Parks & Recreation Commission under the direction of Board of Selectmen to conduct a study on the feasibility and legality of the division of the 137 acres of already purchased land on East Road previously known as the Alma Shmid property, tax map 408-123.”

The amendment was seconded.

Bruce Fillmore, Gould Road, inquired whether a petition article could be amended.

Acting Moderator Kurk responded that petition articles can be amended; you can’t change the subject but you can do what you want to the subject.

Mike Provencher, North Stark Highway, feels that the amendment is changing the intent of the article. He stated that the signatures acquired for the petition aren’t for the amendment purpose. He feels that it’s more of a rewrite and not an amendment.

Town Counsel Spector-Morgan clarified that it is a rewrite but also a legal amendment; you can change the intent of the article as long as you don’t eliminate the subject matter which is the use of the property.

Steve Najaar, Pond View Road, asked, if they conduct the study, is the town engineer already paid for or does money need to be appropriated to conduct the study.

Town Counsel Spector-Morgan stated that it cannot be amended to add an appropriation.

Tara Mann, Worthley Road, asked how much this study is going to cost, who's going to do it, and how long it's going to take. She feels it's irresponsible to put something forth that's going to require that the taxpayers expend money without disclosing how much that money is going to be.

Tom Flaherty, Sunrise Lane, feels they do need a study based on the dialogue.

Tom Clow, Concord Stage Road, is in favor of the amendment because it would get them back to the drawing board which he believes is what legal is suggesting.

Wendy Fulton, Hemlock Drive, spoke in support of the amendment noting that having discussions and plans in place before acting is critical to responsible stewardship of land and of finances.

Dan Wandell, Craney Hill Road, is in favor of the amendment insomuch that the intent is explicitly progressive toward an end.

Lori Davis, Buxton School Road, supports the amendment.

Greg Smith, Reservoir Drive, requested that the amendment be reread.

Acting Moderator Kurk read the amendment: "to see if the town will vote to direct the Conservation Commission and the Parks & Recreation Commission under the direction of Board of Selectmen to conduct a study on the feasibility and legality of the division of the 137 acres of already purchased land on East Road previously known as the Alma Shmid property, tax map 408-123."

Mr. Smith noted his concern is that it specifies a study on the division of the property but does not indicate a purpose of division.

Lisa Grolljahn, Quaker Street, noted that the petition received over 600 signatures and feels that it should remain intact.

Tara Mann, Worthley Road, questioned whether this would be a binding or advisory warrant if its asking for something that might require money.

Town Counsel Spector-Morgan responded that because there is no appropriated money, it would be advisory.

Chris Mann, Worthley Road, noted he does not support the amendment.

Eileen Meaney, Quaker Street, feels that the decision of the legality of the division of the property has already occurred and doesn't understand the point of the amendment.



Acting Moderator Kurk pointed out that there are two aspects within the amendment: feasibility and legality. He noted that the purpose of the amendment is to come up with a plan that Parks & Rec, Conservation Commission, and the Board of Selectman can get behind.

After brief discussion in regard to the legality part of the amendment, Town Counsel Spector-Morgan noted that she believes the intent is to have a study as to where this could go both from a feasible and legal point of view. She stated that she is only one lawyer; she's reviewed the documents and made a determination, but other lawyers could have differing opinions.

Kate Blume, Duck Pond Road, stated that the key for her is also the feasibility portion of this; to her it means bringing entities together for the opportunity to provide "this is what we need" and have a discussion as to what kind of fields, what size fields, how many and is there going to be room on this property for those. She feels that it's a good idea to have everybody come together to talk about what the needs are before they decide to take some land and commit it to putting something on there when that something may not be sufficient for what is needed for the future.

Greg Smith, Reservoir Drive, feels the intent of the amendment is admirable and is the right thing that should be done. With that said and as it stands, to just create a mandate to study the feasibility and legality of division with no state purpose of the division, he would have to argue against the amendment due to its lack of clarity.

Chris Mann, Jr., Worthley Road, spoke in opposition to the amendment as proposed. He's in favor of the spirit of the amendment, however, feels that the time for it would have been in the past.

Shelby O'Donnell, Clark Mill Road, feels that the amendment takes away from the spirit of the petition that was signed by so many.

Mike Provencher, North Stark Highway, noted that WAC has met with Parks & Rec and has talked to them about the needs in terms of the number of fields needed.

Travis Corcoran, Quaker Street, asked if its permissible to move the question.

Acting Moderator Kurk responded that it's permissible but suggests holding that motion to allow other speakers.

Andy Fulton, Hemlock Drive, indicated that while he hesitates to support the amendment, he is also partially in favor of it because it does afford an opportunity.

Chris Mann, Worthley Mann, questioned whether they could vote to reconsider on something that has already been restricted.

Acting Moderator Kurk responded no.

Mr. Mann asked whether they could do a reconsideration in seven days if it was duly noted per RSA 40:10.

Town Counsel Spector-Morgan cited RSA 40:10: “that no vote or article which has been restricted under this section, nor the restriction itself, shall be reconsidered during that meeting or any adjourned session of such meeting.” Citing paragraph II, “upon approval of a motion to reconsider any vote or warrant article subject to such a restriction, actual reconsideration shall take place at an adjourned session of the meeting, held at least 7 days after,” she noted that they could, as a body, vote to reconsider Article 24 but they would need to have another session in 7 days to do that.

Mr. Mann asked if it could be a smaller session in place of one such as this.

Town Counsel Spector-Morgan responded that it would need to be a session like this.

Mark Payeur, Lull Road, is not in favor of the amendment because there is no money for a study.

John Lawton, Oak Hill Road, spoke in opposition to the amendment.

Travis Corcoran, Quaker Street, indicated that the wording of the proposed amendment says “study” and questioned whether this mandates that they pay an external consultant or does that mean that the selectmen shall study the issue.

Acting Moderator Kurk stated that as he understands, it would not require any expenditure of any money; it just requires a study to be done.

Mr. Corcoran called the question.

Acting Moderator Kurk took a vote on stopping discussion on the amendment announcing that the motion passed with the required two-thirds vote. He announced that they were voting on the amendment. The amendment failed.

Acting Moderator Kurk opened the floor for any discussion on the article as read.

Andy Fulton, Hemlock Drive, questioned what it means for the Conservation Commission if this passes – is it immediate action, what’s the direction, is it bound by this.

Town Counsel Spector-Morgan replied that because the Conservation Commission only has the authority to convey conservation easements as this body authorizes, yes, they would be bound.

Mr. Fulton questioned whether this is to be interpreted as the Conservation Commission would then step aside and have no opinion on the development of the hayfield.

Town Counsel Spector-Morgan answered that she doesn’t know what the intention was, but the article is for the Conservation Commission to grant a conservation easement excluding 12 acres including the hayfield.

Denise Purington, Thorndike Road, made a motion to stop debate. The motion was carried in favor by the necessary two-thirds vote.

Acting Moderator Kurk announced that Article 26 would be placed on the ballot as read.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 27**

To see if the Town will vote to rescind the provisions of RSA 79-A:25 II, which authorized the deposit of 75% of the land use change tax collected by the Town to be deposited into the conservation fund. And, shall the Town adopt the provisions of RSA 79-A:25-a, (RSA 79-A:25-a being Disposition of Revenue) to account for revenues received from the land use change tax in a fund separate from the general fund? Any surplus remaining in the land use change tax fund shall not be part of the general fund until such time as the legislative body shall have had the opportunity at an annual meeting to vote to appropriate a specific amount from the land use change tax fund for any purpose not prohibited by the laws or by the constitution of this state. After an annual meeting any unappropriated balance of the land use change tax revenue received during the prior fiscal year shall be recognized as general fund revenue for the current fiscal year. (By Petition)

Chair Hippler moved the article as read. The motion was seconded.

Denise Purington, Thorndike Road, highlighted the State law regarding properties being in current use. Referencing RSA 79, she explained that a town, by vote, can elect to place a whole amount, a specific percentage or a combination of an amount and percentage into different funds from the revenue that comes back every year from that tax. She read a piece of legislation: “the legislative body shall have the opportunity at an annual meeting to appropriate a specific amount of for said fund for any purpose not prohibited by law or by Constitution of the State.” She stated this article was put forth in order to allow the decision of the voters how this money is spent; they aren’t looking to take money away from anybody, just looking to put the control into the hands of the taxpayers.

Tom Clow, Finance Committee Chair, was recognized to speak. The Finance Committee does not recommend this article. This article would eliminate funding the town’s Conservation Fund. Land conservation is essential if Weare is to remain a rural community. It takes money to do that and the committee believes the current Conservation Fund has served the town well.

Travis Corcoran, Quaker Street, noted his concern with this article relating to the last few articles and specific groups.

Steve Najaar, Pond View Road, seconded Mr. Corcoran’s comments. He feels it’s an important fund and is important to conservation. Mr. Najaar proposed an amendment: “to see if the town will vote to authorize under the provisions of RSA 79-A:25 a, deposit of 100% of the land use change tax collected by the Town to be deposited into the conservation fund.”

Eileen Meaney, Quaker Street, noted her concerns with statements being made reminding everyone of civility.

Tom Clow, Concord Stage Road, spoke in opposition to the amendment noting that he feels that the present breakdown they currently have is sensible.

Denise Purington, Thorndike Road, spoke against the amendment.

John Lawton, Oak Hill Road, spoke against the amendment.

Brent Dickinson, Dels Way, spoke against the amendment.

Josh Hilliard, Woodbury Road, is opposed of both the petition and the amendment. He noted that if the amendment is withdrawn, he suggests making an amendment to study the potential to rescind rather than move forward with a vote of action at this time.

Steve Najaar, Pond View Road, withdrew his amendment.

Josh Hilliard, Woodbury Road, proposed an amendment with the only change is to insert “to see if the town will vote to study to rescind the provisions.” The motion was seconded.

Acting Moderator Kurk clarified the amendment: “to see if the town will vote to study to rescind” with the rest of the article remaining as printed.

Tara Mann, Worthley Road, noted her concern with slanderous comments and asked the Moderator and Selectmen to take action on these.

Town Counsel Spector-Morgan questioned the amendment for clarification, whether the second part was changing within the amendment.

After clarification and revision, acting Moderator Kurk read the full amendment: “to see if the town will vote to study to rescind the provisions of RSA 79-A:25 II which authorized the deposit of 75% of the land use change tax collected by the town to be deposited into the conservation fund.” The revised amendment was seconded.

Josh Hilliard, Woodbury Road, feels that this makes sense given the adversarial contentiousness around this.

Helene Kurk, Mt. Dearborn Road, inquired as to who is doing the studying in regards to all the studies.

Town Counsel Spector-Morgan stated that it would be up to the selectmen as to who is doing the studying if this article passes.

Dan Wandell, Craney Hill Road, supports the amendment as restated in the spirit similar to the conclusions that the Finance Committee has arrived at.

Shelby O'Donnell, Clark Mill Road, values her ability to vote on very specific uses of her tax money noting that she is not in favor of any changes that take away abilities to put decisions back to the general public.

Kate Blume, Duck Pond Road, pointed out that time can be of the essence if the Conservation Commission needs to make a purchase; it is not always feasible to hold a town vote in a timely manner in which they would be able to make an appropriate purchase. In her mind, the conservation fund is a special fund that does need to be able to access money when they need to. She supports the amendment for the study of it but hopes that they will retain control of it.

There being no further discussion, acting Moderator Kurk read the full amendment for the vote: "to see if the town will vote to study to rescind the provisions of RSA 79-A:25 II which authorized the deposit of 75% of the land use change tax collected by the town to be deposited into the conservation fund."

Acting Moderator Kurk announced that Article 27 would be placed on the ballot as amended.

Naomi Bolton, Town Administration, moved to restrict reconsideration. The motion was seconded and passed.

## **ARTICLE 28**

To transact any other business which may legally come before this meeting?

Town Administrator Naomi Bolton thanked everyone for attending. She indicated that Chairman Hippler has served on the Board of Selectmen for nine years and has opted not to run. She further indicated that Selectman Burdick has served for six years on the Board of Selectmen and has also opted not to run. On behalf of the board, herself, and everyone else she thanked them.

There being no further business, Acting Moderator Kurk adjourned the meeting.

*A true copy; I attest:  
Michelle Mulholland*

Maureen Billodeau  
Town Clerk