

Minutes of the 2017 Deliberative Session for the Town of New Boston

Moderator Nyquist called the meeting to order at 7:15 p.m. to take up the work of the 2017 New Boston Warrant. Moderator Nyquist noted that there have only been two moderators for the Town of New Boston. David Nixon from 1964 to 1992 and himself from 1992 until the present.

Moderator Nyquist informed the voters that they have the power to determine the language that will be on the Official Ballot through the process of amendments. He stated that he would accept amendments to any article as long as it was in writing and that the amendment makes sense to the article being discussed. Moderator Nyquist indicated that he would use Roberts Rules of Order. A person who wishes to speak must wait for recognition by the moderator. They must identify themselves with their name and address. A motion can be made and seconded and discussion will follow on the motion. He requested that remarks be brief and substantive. No remarks may be personal. RSA 40:10 states that any voter at any time may restrict reconsideration of any article. If anyone wishes to move an article that is out of numerical order he/she must do so with a motion that has been seconded and then a vote. Moderator Nyquist indicated that he encourages debate and discussion. At a certain time any voter may move the question to end debate. There will be a second and then a vote to end debate. If there are any parliamentary inquiries you may approach the microphone and ask your question. There are three ways we can vote. Usually in the past we have voted on articles by voice. When we do that I will ask anyone in favor to please signify by aye and then anyone opposed to signify by saying nay. If the ayes have it I will say the ayes have it three times if someone disagrees they must say so before I say the ayes have it for the third time We will then go to a division vote. This is where we will use the "V" cards. I will ask the question again and you will hold up your "V" card. The supervisors of the checklist will count. If there is still a question a voter may ask for a secret ballot. I will ask for 5 voters to sign a petition requesting a secret ballot on the article. I will suspend the meeting until after the voters have voted and the supervisors have counted and presented the state of the vote. At this time I have three petitions for a secret ballot for Articles 3, 4 and 11. You may withdraw your motion for a secret ballot and I will ask voters who have signed the petition to withdraw. I ask that you please listen to the explanation of the warrant article. You may move the bottom line, you may discuss line items. You may not change the default budget line item. The Governing Body of the Town is the final word on the default budget.

Keith Ammon, 174 Byam Road, I understand that we cannot alter the default budget. I would like to know if the Selectman will be available for questions regarding the default budget.

Selectman Rodney Towne answered yes.

Moderator Nyquist recognized Selectman Towne to speak. Mr. Towne recognized a number of New Boston people who have passed away this year, noting: Nonah Poole, Binny Clark, Fred Byam, Officer Gregg Begin and Officer Tim Lamy. He noted that there were also a number of people who have worked for the Town that have retired: Mary Manna from the Recreation Department after 15 years of service, Doug Smith from the Highway Department after 12 years of service and Valerie Diaz from the Planning Department after 7 years of service. Mr. Towne spoke about the budget process stating that it is a three step process in that there are many public finance committee meetings with department heads to build the budget, there is a public budget

hearing and then there is this deliberative meeting. He noted that there are state and federal rules that also drive the budget process. We work with a Capital Improvement Committee (CIP) which spreads out the large expensive needs over a 6 year period. These items are then put into a Capital Reserve Fund (CRF) which is a savings program for those large expenditures. They then become a warrant article and the voters have the final say. In 2016 the voters said do not spend the CRF. This year we have articles dealing with the CRF. One is for the fire department to replace and or refurbish old equipment. Another is for the Highway Department for money to be put away for highway heavy equipment for either replacement or refurbishment. There is a loader, backhoe and a grader. There is also a CRF for our bridge fund for the replacement of bridges which is matched by state funding. We also have a CRF for the revaluation for the 2021 town wide revaluation which is mandated by the State of NH. Another article deals with beginning work on Bedford Road. If I use this proposed budget my 2017 town tax will go to \$1506.45 (\$5.48) That would bring my 10 year increase to \$246.80/\$24.68 per year. As an example in 2007 if you had property worth \$545,500 taxes would be \$2329.29. In 2017 property worth \$496,800 taxes would be \$2,722.46 a difference of \$393.18 over 10 years.

Moderator Nyquist recognized

Dick Moody, 19 Baker Lane for a parliamentary question.

Mr. Moody asked if the voters would vote to move Article 11 to come after Article 3.

Moderator Nyquist asked for a second on the motion. Seconded by Glen Dickey.

Moderator Nyquist asked for a vote. The ayes have it and Article #11 will follow Article #3.

Article 3. To see if the Town will vote to raise and appropriate two million five hundred ten thousand dollars (\$2, 510,000) for the purpose of design and construction of a new Fire and EMS Facility in the Town of New Boston and to include funds for the re-purposing/demolition of the present Fire Station. Said sum to be raised by the issuance of a serial bond (s) or notes not to exceed two million five hundred ten thousand dollars (\$2,510,000) under and in compliance with the provisions of the Municipal Finance Act (RSA Chapter 33:1 e seg, as amended) and to bonds or notes, to determine the rate(s) of interest thereon and to take such other actions as may be in the best interest of the Town of New Boston. (3/5ths vote required.)

Selectman Joseph Constance moved the article and Selectman Christine Quirk seconded.

The Fire Wards are requesting funding to design and construction of a new fire station. Research and needs study has been thoroughly investigated and a plan developed by the Fire Station Building Committee over four plus years. The results have been reviewed at the CIP meeting as well as a presentation has been made to the Finance Committee/Board of Selectmen that explains in detail all aspects of the project. The Board of Selectmen added \$60,000 above the original Fire Ward request to allow for the flexibility to refurbish or demolish the existing Fire Station structure. The land for the building was purchased as a result of a Town Meeting vote in 2015.

Moderator Nyquist asked if there was any discussion:

Kaleb Jacob, 22 Fraser Drive: Who paid for the flyer that went out to the town? Moderator Nyquist indicated that this comment was not relative to the substance of the article.

Moderator Nyquist recognized Keith Ammon

Keith Ammon, 174 Byam Road, There are rules required by the state for sending out flyers that must indicate who paid for the ad. It causes voters to distrust. I am opposed to the article. A

little history: Five years ago property on Byam and River Roads was available for \$900,000 and a Bond was proposed for \$800,000. It did not meet the 3/5 majority requirement. The Town said no in 2013. In 2014 the draft ballot for the article was \$205,000 to purchase the Post Office property. At the last minute a motion was made to amend the article to pay for the property from unallocated funds. And we did not float the bond. It said no tax impact. You were spending taxpayer money with no impact. There was \$19,000 on the ballot to develop a study that failed by 65%. The study was done anyway. It has been determined to get a new Fire Station and not maintain the present one and that is a government overreach.

Patrick Burke, 8 Cedar Drive, The bond relating to the Town. How does the Town manage its money regarding the interest on the bond that will be passed onto the voter? Because the Town of New Boston does not have any debt we will have higher interest on the bond. Our rating will be lower making the interest rates go up.

Selectman Constance replied that because we have no debt that New Boston will have an excellent rating.

Moderator Nyquist asked if there was further discussion:

Jamie Boyle, 81 Pine Road: When the design was done was the police department considered?

Selectman Towne: The police department was asked and they feel that they can be comfortable where they are for many years to come.

Scott Hunter, 116 Riverdale Road: I am an elected fire ward for the town of New Boston and sworn to uphold public safety. We put together a plan. If you look at a single issue you can argue a reason not to build. There are many issues. This plan will expand public safety. I ask that you show support for this article.

Susan Case, 79 Styles Road: I support public safety. The police department is growing and they are outgrowing their building. We need to include the Police Department.

Glenn Dickey, 54 McCurdy Road: No one can read anyone's mind. The Finance Committee reviewed and recommended based on information from Department Heads. Our budgets are stretched. I encourage voters to vote on their circumstances.

Arthur Bergin, 8 McCollum Road: Consideration of Article 3 cannot be separated from Article 11. I have sympathy for people who are concerned about their taxes. Taxes are a premium you pay for living in a democratic society. Insurance companies will not issue policies to homes that do not have a Fire Department. If you do not have a Fire Department who are you going to call? The benefits are evident. I support Articles # 3 and 11.

David Spain, 44 Barss Road, Article 3 has \$60,000 to dispose of the building. Is \$60,000 enough?

Selectman Towne: The original plan was \$35,000. Selectmen felt that it was not adequate and then added \$60,000. If it is decided to repurpose we will need to have further discussion but we think that \$100,000 will work.

Steve Sears, 19 Carriage Road: A few years ago the fire department spoke to the New Boston Grange regarding an article to purchase a Fire Truck for \$15,000 for insurance to be placed at the station on the Hilltop at the Tracking Station. It was noted that the doors on our current fire station were too small to accommodate that fire engine. Most of the new development is in the eastern part of town. Why could we not expand that fire station at the Tracking Station? At some point in time with the development and growth we will not have adequate protection. Why are we going to put a new fire station in such close proximity to the present one? Our department can serve Lyndeborough better than New Boston. We need to slow down put the breaks on and look at other options. The Air Force would be okay with adding on to the one there. Our present station has many years left in it. Why not other sites?

Dan MacDonald, 101 Tucker Mill Road, Fire Chief: In 1991 Amherst, New Boston and Bedford pulled out of an agreement. We negotiated with the Air Force and they let us use that facility. At that time the Air Force agreed to only loan us the building but with no engines. Chestnut Hill and Cedar Drive were not covered. Insurance companies said we could not support outside of 5 miles from the present Fire Department. What is up at the Hilltop is adequate for the East side of town. Placing the new Fire Department in the new location is the most centrally location for the Town.

Candace Scott, 255 Dane Road: What about the property purchased behind the present Fire Department?

Selectman Towne: We purchased that land for future development. Moving forward we can use it for future use.

Candace Scott: Has anyone ever looked at selling it to someone in the private sector?

Selectman Towne: We need to make sure that it is secure for future use of the town.

Debbie Harp, 29 Ridgeview Lane: We need to see the big picture as to what other big ticket items will come up in the next 10 years.

Richard Moody, Baker Lane, I move the question to cut debate.

Art Bergin Seconded the motion.

Moderator Nyquist asked for a vote to cut debate. The ayes have it and the motion to cut debate carries. We will now go to a Secret Ballot.

Keith Ammon asked that those that are handicap be allowed to go first.

Moderator Nyquist announced the state of the vote:

Yes: 216, No: 61, Article #3 will be placed on the official ballot as written.

Article 11 by petition: “We the undersigned voters of the Town of New Boston direct the Selectmen sell a certain parcel of Town owned land, under the provisions of RSA 42:14-a, a certain parcel of land described as land Map 8, Lot 110-2 just north of New Boston Post Office consisting approximately 3.25 acres for the sum of \$195,000.00 or higher”.

Moderator Nyquist recognized Kaleb Jacob to speak to the petitioned Article #11.

Kaleb Jacob, 22 Fraser Drive: Not everyone is in support of it. I wanted an open forum. I did not like the way it came about. We need to know how it happened. Legal, yes, with underhanded moves. Not a lot of management here. It was ill conceived to buy two pieces of land.

Moderator Nyquist recognized Kevin Collimore, 529 Bedford Road

Decisions were made based on committee's hard work, studies, honest passionate voices which should not be undone. I have an amendment to Article #11.

Moderator Nyquist read the amended Article #11

"To see if the Town will vote to retain for Town use as the location of a fire station or other municipal purpose, the property identified in the Town tax records as Map 8, lot 110-2, located just north of the New Boston Post Office, and consisting of approximately 3.25 acres."

Moderator Nyquist asked if there was a second. Betsy Holmes seconded the motion. Moderator Nyquist noted that the amendment now takes priority and we will vote on that amendment.

Moderator Nyquist recognized Donald Grosso to speak

Donald Grosso, 272 Joe English Road: Mr. Grosso explained that the property is owned by Freedom Crossing, LLC. It is owned by the Parkers and the Grosso's. Part of the property was given to the Town to build the Whipple Library the rest of the property was up for appraisal and sale. There was a company who wished to purchase the property that would have put a big box store there. The intent of a big box store would not have been in keeping with the vision of the Town of New Boston. New Boston was also interested and after an appraisal it was sold to New Boston for future expansion of the Town's needs.

Moderator Nyquist informed the voters that they were the final decision makers. If he makes a decision on an article that the voters have a right to over-ride that decision with a motion and a vote.

Moderator Nyquist recognized Patrick Burke

Patrick Burke, 8 Cedar Drive, Patrick Burke indicated that the change to the amendment changed the subject of Article #11 which he thought was not legal. Moderator Nyquist asked if Mr. Burke was challenging his decision in accepting the amended Article #11. Mr. Burke indicated that he was challenging the decision. Moderator Nyquist cited a supreme court case Harriet E. Cady vs Town of Deerfield regarding warrant articles. The decision handed down by the Court on January 18, 2017 states that "Warrant articles may be amended at the deliberative session, subject to the following statutory limitations". "(a) Warrant articles whose wording is prescribed by law shall not be amended. (b) Warrant articles that are amended shall be placed on the official ballot for a final vote on the main motion, as amended. (c) No warrant article shall be amended to eliminate the subject matter of the article. An amendment that changes the dollar amount of an appropriation in a warrant article shall not be deemed to violate this subparagraph."

Moderator Nyquist called for a vote to challenge his decision on the Amendment. The nays have it and Moderator Nyquist's decision is upheld.

Moderator Nyquist recognized Victor Parrish to speak.

Victor Parrish, 21 Hopkins Road: I support the amendment on the floor. It is to support a volunteer organization. I am glad to know that when I call 911 that someone I do not know will come to help a person that I love.

Kaleb Jacob requested to withdraw the request for a secret ballot on Article #11 and that we go to a division vote.

Moderator Nyquist asked if any of the other petitioned voters who agree to a division vote. It was consented by Keith Ammon and Mike Pimenta.

Dick Moody, 19 Baker Lane moved to cut debate, seconded by Kevin Collimore.

Moderator Nyquist asked for a vote to cut debate. Those in favor of cutting debate signify by saying aye, those opposed nay. The ayes have it and debate is cut. Moderator Nyquist indicated that we would be now voting on the amendment to Article #11. Those in favor of the amendment to Article #11 please hold up your "V" cards until you have been told that you have been counted and those opposed will do the same. The vote: 203 in favor to retain the property, 28 opposed to retaining the property.

Moderator Nyquist recognized Victor Parrish who moved to restrict consideration of Articles #3 and 11. Seconded by William Gould. Ayes have it.

Article 4: To see if the Town will vote to 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 four million, seven hundred sixty four thousand, five hundred fifty eight dollars (4,764,558). Should the article be defeated, the default budget shall be four million seven hundred and five thousand, four hundred eighteen dollars (4,705,418) which is the same as last year with certain adjustments required by previous action of the Town of New Boston 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. This operating budget article does not contain appropriations contained in any other articles. (Majority Vote Required)

Selectman Rodney Towne moved the article and Selectman Christine Quirk seconded. Selectman Town spoke to the Article.

Selectman Towne: This has been a long process to this point. Department heads work hard to keep the status quo. They maintain everything from roads to paper clips.

Moderator Nyquist indicated that voters are able to discuss any line items that are pertinent. They can change the bottom line however the default budget is not up for discussion. I have received a petition for a secret ballot for this article.

Moderator Nyquist recognized Kaleb Jacob.

Kaleb Jacob: I wish to withdraw the petition for a secret ballot on Article #4. Moderator Nyquist asked if there were any other voters who signed the petition that were willing to withdraw their request. Keith Ammon and Michael Pimenta both agreed to withdraw the secret ballot petition. Keith Ammon presented a proposed amendment to Article #4

“To see if the Town will vote to raise and appropriate as an operating budget not including appropriations by special warrant article and other appropriations voted separately, for the purposes 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 four million six hundred twenty-one thousand, six hundred twenty one dollars (\$4,621,621). Should this article be defeated, the default budget shall be four million seven hundred and five thousand, four hundred eighteen dollars (\$4,705,418) which is the same as last year with certain adjustments required by previous action of the Town of New Boston 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. This operating budget article does not contain appropriations contained in any other articles. (Majority Vote Required) (Selectmen and Finances Committee Recommend 7-0)”
This will lower the budget by 3%.

Moderator Nyquist asked if there was a motion. Keith Ammon moved the amendment and Patrick Burke seconded the motion.

Moderator Nyquist asked Keith Ammon to speak to his motion.

Keith Ammon: With SB2 towns the voter is never given the chance to say no. Budgets go up and never go down. This is a 6% increase. The amendment is a reasonable request for a 3% increase. This gives the voter a chance to vote the budget down.

Kaleb Jacob, This is a good compromise.

Victor Parrish, This removes the voters ability to not appreciate what the Selectmen have suggested.

Selectmen Towne, The selectmen have not approved or even looked at this amendment. The amendment should not read that the Selectmen and Finance Committee recommend.

Keith Ammon, Selectmen can still approve the amendment.

Kaleb Jacob: How much money is in the unreserved fund?

Selectman Towne: \$1.3 million. This is good management. The town needs to have money in the unreserved fund. Departments turn money back that they did not use. In case of emergency we need to have money.

Selectman Constance: The budget is a grisly process. It is open to all throughout the process. Departments cut \$203,000 from what they requested.

Jan Chamberlain, 77 Beard Road, Fire Department, I have a problem voting on the amendment to not see where the cuts will be. I do not want to blindly say yes. Last year budget cuts were difficult on what we had to do.

Moderator Nyquist recognized Dick Moody who moved the question. Debbie Davis seconded the motion.

Moderator Nyquist explained that if the amendment passes it goes on the ballot if it is defeated we go back to the original Article.

Moderator Nyquist called for a voice vote on the amendment. The nays have it and we go back to the original Article.

Moderator Nyquist called for a voice vote on the original Article. The ayes have it and Article #4 as written in the warrant will be placed on the official ballot.

Article 5: To see if the Town will vote to raise and appropriate one hundred twenty thousand dollars (\$120,000) to be placed in the existing Fire Department Vehicle and Equipment Capital Reserve Fund. (Majority Vote Required)

Selectman Christine Quirk moved the article,

Selectman Joseph Constance seconded

Based on the replacement cost of each vehicle plus equipment for the year of replacement or refurbishment \$120,000 must be allotted to fund each year to ensure sufficient money is available at the time scheduled replacement/refurbishment. The department has six trucks with a life expectancy of between 15-30 years.

Moderator Nyquist asked if there was any discussion. Seeing none he asked for a vote. The ayes have it and Article #5 will be placed on the official ballot as written.

Article 6: To see if the Town will vote to raise and appropriate ninety thousand dollars (\$90,000) to be placed in the existing Highway Truck Capital Reserve Fund. (Majority Vote Required)

Selectman Towne moved the article,

Selectman Christine Quirk seconded

The Highway Truck Capital Reserve Fund covers the replacement of a small dump truck plus three regular six wheelers and one 10 wheel dump. The smaller truck has a life expectancy of 10 years and the larger trucks 15 years plus. If prudent, a replaced truck may be kept off line for back-up and to plow snow.

Moderator Nyquist asked if there was any discussion. Seeing none he asked for a vote. The ayes have it and Article #6 will be placed on the official ballot.

Article 7: To see if the Town will vote to raise and appropriate the sum of thirty five thousand dollars (\$35,000) to be added to the Revaluation Capital Reserve Fund to be used to complete the 2021 town wide revaluation as required by law. (Majority Vote Required)

Selectman Christine Quirk moved the article

Selectman Joseph Constance seconded.

As required by State Law the Town must provide a complete revaluation of all parcels every five years; the next year being 2021. A total amount of \$160,000 is the final estimated cost to complete.

Moderator Nyquist asked if there was any discussion. Seeing none he called for a vote. The ayes have it and Article #7 will be placed on the official ballot.

Article 8: To see if the Town will vote to raise and appropriate thirty thousand dollars (\$30,000) to be placed in the existing Highway Heavy Equipment Capital Reserve Fund. (Majority Vote Required)

Selectman Towne moved the article

Selectman Constance seconded.

This fund allows for the replacement of the loader, grader and the backhoe on a 12-15 year replacement cycle.

Moderator Nyquist asked if there was any discussion. Seeing none he called for a vote. The ayes have it and Article #8 will be placed on the official ballot.

Moderator Nyquist recognized Keith Ammon who moved to restrict reconsideration of Articles #5-8. Frederick Hayes seconded the motion .

Moderator Nyquist asked for a vote. The ayes have it and Articles #5-8 will be restricted for reconsideration.

Article 9: To see if the Town will vote to raise and appropriate forty thousand dollars (\$40,000) to be added to the existing Town Bridge Repair/Replacement Capital Reserve Fund. (Majority Vote Required)

Selectman Christine Quirk moved the article

Selectman Joe Constance seconded.

The funding under this Warrant Article is consistent with the CIP recommendation and scheduling for bridge repair and replacement projects. In order to keep up with the high cost of bridge repairs in the future, the Road Agent has a long term plan for future upkeep and construction. In order to avoid spikes in the appropriations for some years, the CIP Committee spreads the Capital Reserve Funding consistently over the years.

Moderator Nyquist asked if there was any discussion. Seeing none he called for a vote. The ayes have it and Article #9 will be placed on the official ballot.

Article 10: To see if the Town will vote to raise and appropriate the sum of eighty five thousand dollars (\$85,000) for the purpose of improvements on Bedford Road. This is a non-lapsing appropriation and will not lapse until the project is complete or until December 31, 2021, whichever comes first. (Majority Vote Required)

Selectman Joseph Constance moved the article

Selectman Rodney Towne seconded

This year's request is an ongoing effort to continue construction on various locations in Town. The Bedford Road stretch will be made safer and also meet the standards prescribed by the Road Agent.

Moderator Nyquist asked if there was any discussion.

Kaleb Jacob asked what projects will be done on Bedford Road

Moderator Nyquist recognized Richard Peruse to speak.

Richard Peruse, Highway Director: The improvements on Bedford Road will include new pipe, insulation and new pavement. It will be between McCurdy and Christie Roads

Moderator Nyquist asked if there was any further discussion. Seeing none he asked for a vote. The ayes have it and Article #10 will be placed on the official ballot.

Article 12: To act on any other business that may legally come before this meeting.

Selectman Constance moved to restrict reconsideration on Article #9-10. Seconded by Frederick Hayes. Moderator Nyquist asked for a vote. The ayes have it and Articles #9-10 are restricted for reconsideration.

Moderator Nyquist recognized Joseph Segien who made a motion to adjourn. Seconded by Maralyn Segien. All in favor signified by saying aye. The meeting was adjourned at 11:00 pm

Respectfully submitted

Cathy Strausbaugh
Deputy Clerk
February 15, 2017