

**Board of Selectmen
Regular Meeting Minutes
Monday, January 22, 2024**

Members Present

Beth Cacciotti, Chair
William Baldwin, Vice Chair (by
telephone)
David Paquette
Robert Worden
Gregory Spero

Others Present

John Apple, Town Administrator
David Williams, Communications Director

John Ottow, Co-Chair, Master Plan
Committee
Karen McFadden, Co-Chair, Master Plan
Committee

6:00 PM Open Public Meeting:

Chair Cacciotti opened the January 22, 2024 public meeting of the Atkinson Board of Selectmen at 6:00 PM.

➤ **Pledge of Allegiance**

Mr. John Ottow led the Pledge of Allegiance.

➤ **Attendance**

Selectman Spero, Selectman Worden, Vice Chair Baldwin, Selectman Paquette and Chair Cacciotti are present.

Chair Cacciotti requested Mr. Ottow and Ms. McFadden come forward to discuss the master plan.

Appearances:

➤ **Master Plan Committee – Master Plan Update**

Mr. John Ottow and Ms. Karen McFadden, Co-Chairs, Master Plan Committee came before the Board of Selectmen.

Mr. Ottow explained that the committee has been working on the master plan for around 2 years. They have often been meeting more than twice a month with more than 50 meetings open to the public, including forums, their twice monthly meetings and focus groups. People never before involved in Town government came to the meetings, which was terrific. Mr. Ottow thanked the members of the Committee, Noriko Yoshida-

Travers, Anne Brenton, Sue Coppeta, Ken Grant, Kate Rochford, and Karen McFadden. He also thanked Ellyn Murphy for one year of service. The committee worked hard. Most of the master plan is on line, except the last part. It is a narrative describing the master plan and what a master plan is. It is a community driven document. Mr. Ottow feels that this master plan is truly a community driven document. The master plan started almost 2 years ago with the existing conditions report. The consultant spoke to all the departments and committees and created the report. Then there was community input which included everything from the forum to an interview with an elementary school teach and students. The result was the outreach and engagement report which is well over 200 pages and has immense information about how people feel about Atkinson.

The last part of the master plan is the vision statement, goals and objectives, the final narrative and the action plan. Mr. Ottow read the vision statement, which he feels is the keystone of the whole report.

Atkinson's vision is to retain its rural residential character and historic resources, protect natural resources, encourage a diversity of housing opportunities, and provide or ensure basic services, infrastructure and amenities that serve the greater community and support the health, safety, well-being and quality of life of its residents.

Atkinson strives to recognize and balance the competing needs of resources, funding, demographics, environmental impact and community desires through wise resource planning, strategic planning, governance and community engagement.

Mr. Ottow informed the Board that there are six goals. The first goal is to remain a primary residential community and retain its rural character. He feels that the first goal is the most important.

Goal two is to continue to evaluate conservation opportunities. Goal three is to protect the quality of Atkinson's surface and groundwater resources. Goal four is to plan for municipal facility needs and infrastructure. Goal five is to recognize support and encourage interconnectedness and sense of community. Each of these goals has objectives and action items. These will all be available when the plan comes out.

Mr. Ottow stated he wished to discuss Goal Six – Use the Master Plan to Guide the Town. He stated that the master plan should be part of what the Town does every day and used for every decision.

Goal Six has six objectives. Mr. Ottow named three: 1) Establish an annual cross function review and update the master plan implementation actions; 2) encourage the adoption by policy and implementation of a three-five year mid-term planning process; 3) use the master plan as a road map for department managers and town officials to refer to when planning for town services and service levels, capital improvements and investments. Part of this is the capital improvement plan which is in the report and this has been started.

Mr. Ottow stated that the next page discusses action items. Each goal has action items. He stated that some of the information needed: time frames, level of priority,

responsible parties and resources has been left blank; letting department heads and other responsible parties set their objectives.

Mr. Ottow pointed out that there are four action items for goal six. Number two is to consider developing a master plan implementation committee. He feels the Town will need people whose focus it is to keep the plan moving. The master plan committee is finished. The master plan will be passed to the Planning Board. Then it has to be ensured that the plan takes place. Mr. Ottow stated that the master plan committee got the draft master plan from the consultant a few days ago and is reviewing it. When the master plan committee is finished, they will pass it to the Planning Board.

Ms. McFadden informed the Board that the Master Plan Committee should be finished with it's edits in mid-February, probably for the February 21, 2024 Planning Board Meeting when the consultant will present the plan. The Planning Board does not have a time line for adoption. One issue is the housing grant. There will be public hearing for adoption. After that, the Committee anticipates that the Planning Board will formally present the master plan to the Board of Selectmen.

Ms. McFadden stated that a new Master Plan creates an opportunity for the Town to do long range and mid range planning.

Mr. Ottow stated that the plan should belong to the Town. He believes that what is in the plan represents where the residents want to go as a Town.

Mr. Ottow asked for questions. Selectman Spero thanked Mr. Ottow and Ms. McFadden for the update. He realizes that there is a lot to be done, but it gives input from Town residents.

Selectman Worden read a lot of the comments from the public and he learned a lot. He did not know what people wanted, it was a great discovery for him. The Committee has exceeded all expectations. Implementation will be the next challenge. This can be used as a planning mechanism to help achieve the goals of the residents.

Mr. Ottow stated he had an opportunity to interview students at the Academy and was surprised to learn how close the goals of the students were to the goals of the adults.

Chair Cacciotti stated that the Board has learned that the output of these committees is only as good as the people on them. The committee is a good cross section of the community. The Board was glad to be able to fund the project.

Mr. Ottow stated that the consultant, Resilience Planning and Design was great to work with.

Chair Cacciotti stated that the Master Plan is not just based on the opinion of a few people. She believes that no one could have a problem as to how it was developed. She thanked Mr. Ottow and Ms. McFadden for their time.

Chair Cacciotti requested Mr. David Williams, Communications Director come before the Board to speak about the Comcast Franchise Agreement.

➤ David Williams – Communications Director – Comcast Franchise Agreement

Mr. Apple requested to speak. He informed the Board that he and Mr. Williams have met with the Comcast representative for the Town. Comcast has presented a few minor changes to the Agreement. Mr. Williams has gone through it, legal has gone through it and no issue has been found. The big issue is ensuring that the 5% amount paid to the Town according to the contract is still in place. Mr. Williams stated that it is 5% of the gross receipts related to cable television in Atkinson regardless of whether they are putting it out as a fee on everyone's bill.

Chair Cacciotti explained that Comcast is allowed to be the cable provider for Atkinson and in exchange the Town is paid 5% of gross receipts. Mr. Williams explained that Comcast can be one cable provider in Atkinson, they are given a license to do business and use right of ways. There can be other cable providers as well.

Mr. Williams reviewed the changes in the contract made by Comcast, all housekeeping related.

In paragraph n, under definitions, the definition of gross annual revenue was expanded to state "calculated in accordance with generally accepted accounting principals or GAP". This is standard wording and used as general practice by most corporations. It is good because if an audit is needed, the Town will know what their practices should be.

Another change is in Section 3.2. The minimum bandwidth was reduced from 860 megahertz to 750 megahertz. Mr. Williams stated that this is minor, the Town is above that threshold and currently not having any issues. He feels that this change was in case Comcast decides that, because of technical issues, 860 megahertz bandwidth is not needed in order to provide the service given to the Town.

Section 3.3, Subscriber Network Cable Drops was changed. It now states "the parties agree that the franchisee has the right in accordance with applicable law to deduct the value of any services that they specifically provide to the Town from franchise fees..." Basically this means that, coming out of FCC rulings, if Comcast provides the Town with a service or goods, it will allow Comcast to deduct it as a business expense to the franchise fee offered to the Town.

Section 7.4 of the current agreement was deleted. It stated that the cable company is barred from selling television sets to the subscriber base. This is because Comcast has partnered with Walmart nationally to create a television with their operating system on it.

Last, in Exhibit A, a reminder was added to the list of all the places in Town with service drops and all Town buildings get cable service gratis. A section was added stating "Pursuant to Section 3.3, any and all new municipal buildings and/or Town Public Schools... will automatically put in the connections." This is beneficial.

Mr. Williams stated that there is little that the Town should be concerned about. Mr. Williams pointed out that cable companies are not considered utilities and have to run their own cable, which is cost prohibitive if there is not a large subscriber base. Mr. Williams also stated that it is unlikely that Atkinson could have more than one cable company due to the small subscriber base. The only other company that has lines in Atkinson and could ask for a cable franchise. is the telephone company.

Chair Cacciotti asked if because it does not cost anything to allow Comcast to use the right of way is it 100% profit for the Town. Mr. Apple agreed. Chair Cacciotti then stated that the 5% franchise fee is part of Town revenue and asked if the revenue is trailing up or down. Mr. Williams responded that revenues are fairly stable. 16 years ago the Town was earning around \$100,000, now it is earning around \$120,000 to \$130,000. People cutting the cable have not made a difference. The big jump in revenue occurred when people switched from analog TV to digital. Mr. Apple stated that Town revenues from cable were over \$160,000 in 2023. There has been around a 3% increase in revenue this year.

Mr. Williams informed the Board that the revenue comes from subscribers but also from home shopping networks. The Town gets 5% of what is sold on Comcast in Atkinson. Comcast also makes commercial airspace available for advertisers and provides production services for local businesses. Atkinson gets 5% of whatever is aired in Atkinson. Chair Cacciotti remarked that there is an opportunity to increase revenues.

Mr. Apple stated that the next step is to abide by an RSA requiring a public hearing. The agreement date is set for February 12, 2024. The next Board meeting is February 5, 2024 and the public hearing can be held then. At that time, Mr. Apple will have a clean copy of the franchise agreement for the Board of Selectmen to sign.

The Board members thanked Mr. Williams. Mr. Apple informed the Board that the contract is for ten years. Mr. Williams stated that the contract can be extended for five years but recommends review after that.

Chair Cacciotti requested to move to new business and police officer resignation.

New Business:

➤ Police Officer Resignation – Patrolman Jared Lozowski

Mr. Apple informed the Board that the resignation letter for Officer Lozowski is in their packet. He has worked as a patrolman for the Atkinson Police Department for the past five years but is resigning to go to work for a police department where his family has worked previously.

Selectman Worden made a motion to accept the resignation of Patrolman Jared Lozowski and thank him for his distinguished service to the Town of Atkinson. Selectman Worden also asked the Town Administrator to write a letter thanking

Patrolman Lozowski. The motion was seconded by Vice Chair Baldwin. Vote: 5/0/0. The motion passes.

Chair Cacciotti asked how many short this makes the department. Selectman Worden informed her that there are three short with one in training.

Chair Cacciotti requested the Board move to the next item on the agenda.

➤ **Fire Department Retirement – Deputy Chief David Holigan**

Selectman Spero read a statement thanking Deputy Chief Holigan and citing his service with the Atkinson Fire Department:

“He was hired by the Atkinson Fire Association in 1990 as an EMT. Deputy Chief Holigan began as a volunteer firefighter and EMS member for the Town. From there he received certifications of Fire 1, Fire 2, Interior Firefighter, Unrestricted Firefighter, EMR, EMT, A-EMT, Medic, CDL, State EVOG, State Ladder Operator and received merits of Fire Officer 1 and 2. He has been a fire captain and most recently a deputy chief. Deputy Chief Holigan was the Town fire inspector, helping to train others in the department with the NFPA code book and regulations. For over 30 years he has responded to many different emergency calls around the clock and in many cases helped with incident command and administer life saving exercises. Deputy Chief Holigan has assisted the Atkinson Fire Department in modernizing its information technology needs and advancements. He has been a staple of the Atkinson Fire Department. We appreciate his distinguished service.”

Selectman Spero made a motion to accept the letter requesting retirement effective January 31, 2024 from Deputy Chief Holigan. Selectman Worden seconded the motion. Vote: 5/0/0. All in favor.

Selectman Worden stated he also wanted to thank Deputy Chief Holigan for his distinguished service, particularly as assistant chief and deputy chief helping the Town over the last few years especially moving from Chief Murphy to Chief Murray and seeing the Town through the appointment of the first full time chief. He has been an asset to the community, there are big shoes to fill. He wishes Deputy Chief Holigan luck in his retirement, regretfully accepts his resignation and thanks Deputy Chief Holigan.

Chair Cacciotti asked for further comment. There was none. She requested to move to the next order of business.

➤ **New Police Station Information Postings**

Chair Cacciotti requested Mr. Apple speak. Mr. Apple stated that he is requesting that since the bond warrant article has been finalized and will appear on the ballot. Mr. Apple is requesting permission to place a sign at the Main Street location stating “Proposed location of the proposed new Atkinson Police Station”. One of the main questions is where is the location of the proposed new police station. The sign will allow people to see where the proposed location is as they drive by. This will get more

information out to residents as to what is on the ballot and why it was put on the ballot this year.

Mr. Apple is also requesting an overview of the total cost of \$8.4 million be posted. This is a turnkey project which includes almost everything. There is also a tax impact. Right now the Town is looking at a 25 year bond and conservatively a 5.5% interest rate which is high. It may come in lower. Rates in December were 3.5% for a 20 year bond. It would be a \$.46 per thousand assessed home value. For a \$500,000 home, it would be a \$230 tax impact on annual tax or \$19.00 per month.

Mr. Apple is requesting permission to post a link on the Town web page and Facebook page. It will inform voters of what the end product is supposed to be. A draft of the project is currently posted on the Police Station Steering Committee web page. Selectman Worden noted that from all indications the interest rate should be from 3.5% to 4%. Chair Cacciotti stated that many people have been speculating on the interest rates. She believes that there should be some explanation regarding the interest rate. She also believes that the rate should be lower than 5% because interest rates have been trending lower.

Selectman Worden stated that there is no note. Chair Cacciotti recommended adding that the Town is actively soliciting other funding resources and possible sources should be added. It is an ongoing process.

Mr. Apple stated that the 5.5% interest rate comes from New Hampshire Bond Bank. A 20 year bond sold in December was at 3.5% interest rate. They prefer estimating high, but feels it could be less than that but have listed it as a conservative rate.

Chair Cacciotti recommended changing some of the language on the web page so that it talks to lay people. Also, the training meeting area is much more important in the new building than people realize. It is not just for 3 police officers to learn how to do CPR. It can handle regional meetings and could be a revenue source, the main function area for public safety. This could be expanded on and made more layperson friendly. Also, something talking about the current police station suffering from many size and age deficiencies should be added.

Mr. Apple stated that this information can be posted on the Town website and Facebook page. The Police Station Steering Committee could post the information. Some handouts could be offered at the Community Center. He would like to have something to point people to the information regarding the proposed new police station. Contact information would be put on it as well. Handouts could also be placed at Town Hall.

Chair Cacciotti reiterated that Mr. Apple is requesting the Board to allow him to put a sign up at the site of the proposed police station. All members of the Atkinson Board of Selectmen agreed.

Chair Cacciotti asked if a vote is needed. Mr. Apple said no. The Board agreed to allow a sign. Mr. Apple will send it to the Police Steering Committee as well.

Chair Cacciotti requested discussion on the Housing Opportunity Grant Contract with Rockingham Planning Commission.

➤ **Housing Opportunity Grant Contract**

Mr. Apple informed the Board that a letter from the Chair of the Planning Board is in the packet. It gives an overview of the reasons the Planning Board changed contractors during the grant process. The grant is for developing a report on housing needs and a regulatory audit of Atkinson zoning. The grant was awarded to the Town. The Planning Board had to change contractors in the middle of the grant process. Rockingham Planning Commission (RPC) will be the new contractor. RPC is very well known, the Town has worked with them for a long time. They had a meeting with members of the Planning Board and also met with the Town Administrator. The Planning Board states in the letter that it is confident that Rockingham Planning Commission should have something on time.

Mr. Apple requested the Board of Selectmen approve the contract with Rockingham Planning Commission to finish the housing needs assessment and regulatory audit.

Selectman Worden made a motion for the Board of Selectmen to authorize Ms. Sue Killam, Chair of the Atkinson Planning Board to sign an amended contract with Rockingham Planning Commission for technical assistance to the Town of Atkinson in accordance with the InvestNH Municipal Planning & Zoning grant. Member Spero seconded the motion. Vote: 5/0/0. All in favor.

Chair Cacciotti thanked the Planning Board for reacting so quickly to find a vendor to finish the contract and also assist with MS4.

Old Business:

Chair Cacciotti requested the Board move to the final review of the 2024 Warrant Articles and vote. She thanked Mr. Paquette for going through the Articles to ensure that the wording is updated and correct. She requested the Board members vote to recommend or not recommend the appropriate articles.

Mr. Apple informed the Board that the Articles were reviewed by DRA and since the amount for Article 4 is over \$100,000 it is viewed as a capital lease and has to go before the operating budget.

➤ **2024 Warrant Articles – Final Review**

Article #2024-01 Election of Officers

Recommended by the Board of Selectmen: Yes, 0 No, 0 Abstain

Article #2024-02 Police Station Bond

Shall the Town vote to raise and appropriate the sum of Nine Million Two Hundred Thousand Dollars (\$9,400,000) for the construction and original equipping of a new Police Station building, and associated site work, to authorize the issuance of not more than Nine Million Two Hundred Thousand Dollars (\$8,400,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (RSA Chapter 33); to authorize the Selectmen to issue, negotiate, sell and deliver such bonds or notes and to determine the rate of interest thereon and the maturity and other terms thereof, to apply for, obtain and accept federal, state or other aid, if any, which may be available for said project and to comply with all laws applicable to said project; to authorize the Selectmen to take such other actions or to pass any other votes relative thereto as shall be in the best interest of the Town of Atkinson, New Hampshire: furthermore, to authorize the withdrawal of One Million Dollars (\$1,000,000) from the Undesignated Fund Balance for such purpose? This article is in addition to Warrant Article -05, the Operating Budget. (3/5- ballot vote required).

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain, 0

Article #2024- 03 Purchase of a 3-acre lot with a 4-bdrm, 3-bthrm house at 20 Academy Ave (across the street from Town Hall) (By Petition).

Shall the Town of Atkinson vote to enter into a 5-year lease purchase agreement for the purchase of the property at 20 Academy Ave, a 3-acre lot including a 4-bedroom 3- bathroom house, to be used as a location for a future new police station and annex to the Town Hall and police station for \$720,000.00 (\$600,000.00 for purchase, \$20,000.00 for a bond counselor, \$5,000.00 for closing costs and \$95,000.00 for the first year's payments against the note [5 payments]). There will be no impact on the 2024 budget.

Discussion: none

Vote: 0/5/0. All against.

Recommended by the Board of Selectmen: Yes, 0 No, 5 Abstain 0

➤ Article #2024-04 Dump Truck Lease Agreement

Shall the Town enter into a five-year lease/purchase agreement in the amount of One Hundred Seventy Four Thousand Four Hundred Ninety-Eight Dollars (\$174,498) for the purchase of a 2024 CV International Department of Public

Works (DPW) Dump Truck equipped with plows and sander to replace a 2017 DPW Dump Truck and allow the replaced Dump Truck to be disposed of by trade, sale or bid; and to raise and appropriate Thirty Nine Thousand Two Hundred Eighty One Dollars and Seventy Two Cents (\$39,281.72) for the first year's payment to be raised by taxes; and in each of the following four years of the agreement the appropriation of \$39,281.72 will be contained in the operating budget? This is in addition to Article-05 the Operating Budget. (3/5 ballot vote required for a Capital Lease).

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-05 Operating Budget

Shall the Town 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 \$7,137,005. Should this article be defeated, the Default Budget shall be \$6,752,232, 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 RSA40:13, X and XVI, to take up the issue of a Revised Operating Budget only.

Discussion: Mr. Apple stated that Mr. Paquette found that the article numbers have changed.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-06 Town Clerk/Tax Collector Salary

Shall the Town authorize an increase in the Town Clerk/Tax Collector's annual salary by ten thousand dollars (\$10,000) from the Town Clerk's annual salary of Sixty Thousand Dollars (\$60,000) to be a total of Seventy Thousand Dollars (\$70,000) and to also receive Town employee benefits as well as cost of living adjustments as outlined in the Town Personnel Policy; and further to raise and appropriate the sum of Twelve Thousand One Hundred Eighteen Dollars (\$12,118) for this purpose which includes FICA, Medicare, and retirement cost? The offices of Town Clerk and Tax collector were combined on March 14, 2023, through Article #2023-18. This is in addition to Article #2024-05, the Operating Budget.

Discussion: Chair Cacciotti stated she hopes that people understand that the job description has changed.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article 2024-07 – Supplemental Perfluoroalkyl Substances (PFAS) Site Investigation

Shall the Town raise and appropriate the sum of Fifty-Nine Thousand Nine Hundred Dollars (\$59,900) to conduct, as directed by NH Department of Environmental Services, a supplemental site investigation of high PFAS readings near current and former Town facilities on Academy Avenue, such funds to come from the Undesignated Fund Balance? This article was initiated due to a letter from the NH Department of Environmental Services dated April 19, 2023, directing the Town to perform supplemental focused site investigations of PFAS evidence, higher than State law allows, in the general vicinity of the current and former Atkinson Fire Station on Academy Avenue. This supplemental work is in association with the initial site investigation completed on February 24, 2023, where PFAS chemicals, called "forever" chemicals, were discovered in local private wells. This will be a non-lapsing appropriation per RSA32:7, VI, and will not lapse until the project is complete, or by December 31, 2029, whichever is sooner. No additional tax dollars are required. This is in addition to Article -05, the Operating Budget.

Discussion: This article is mandated by the State.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-08 Shim and Overlay

Shall the Town vote to raise and appropriate the sum of Five Hundred Twenty-Seven Thousand Seven Hundred Fifty-Two Dollars (\$527,752) to repair, shim and overlay the following Town roads: Bryant Woods Rd., Birdsall Ln., Kelly Ln., Coventry Rd., Treasure Way, Mosher Dr., and Upland Rd. This is a non-lapsing article per RSA 32:7, VI, and will not lapse until the project is complete, or by December 31, 2029, whichever is sooner. This is in addition to Article -05, the Operating Budget.

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain

Article #2024-09 Elderly Exemption Income Limit

Modifying the provisions of RSA 72:39-a, shall the Town, modify the Elderly Exemption Requirements and Conditions B. to read "The taxpayer must have a net income (including Social Security) of less than \$40,500 if single, or, if married, a combined net income of less than \$50,000 during the year preceding said April 1st. ALL FIGURES LISTED FOR INCOME MUST BE FOR THE ENTIRE YEAR." The current income limits for the Elderly Exemption are \$34,700 if single and \$43,500 if married.

Discussion: Mr. Apple stated that this Article has been modified to use the language from DRA.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article 2024-10 – Fire Department Security Upgrade

Shall the Town vote to raise and appropriate the sum of Twenty Thousand (\$20,000) to be used to upgrade security at Atkinson Fire Department? The project consists of rip grading obsolete equipment to secure the building and Knox keys. The building security upgrade will consist of replacing single code door locks that are at end of life with an electronic system that will track individual access to the building. The Knox key upgrade will consist of replacing the devices that secure the keys in the apparatus. The current devices are well past their end of life and must be maintained with an obsolete Windows 98 laptop. This is a non-lapsing article per RSA 32:7 and will not lapse until the project is complete or until December 31, 2029, whichever is sooner. This is in addition to Article -05, the Operating Budget.

Discussion: This is all door locks and accessibility to the building.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article 2024-11 – Fire Department Capital Reserve

Shall the town vote to raise and appropriate the sum of One Hundred eighty thousand dollars (\$180,000.00) to be added to the Fire Department Capital Reserve Fund as modified March 14, 2000 (Article #2000-28) for the purpose of acquiring fire equipment and vehicles, as outlined by the Board of Engineers Capital Improvement Plan? This is in addition to Article -05, the Operating Budget.

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article 2024-12 – Fire Department Command Vehicle

Shall the town vote to raise and appropriate the sum of seventy-two thousand dollars (72,000.00) for the purchase of a new fire department command vehicle and associated equipment, such funds to come from the Fire Department Capital Reserve Fund established for the purpose of acquiring fire equipment and vehicles? This is a non-lapsing article per RSA 32:7, VI, and will not lapse until the project is complete or until December 31, 2029, whichever is sooner, and is in addition to Article #2024-05, the Operating Budget.

Discussion: Selectman Paquette stated that there is no money in the Fire Department Capital Reserve fund at present. \$830,000 was spent on the last fire truck. The plan was to replace it in 2025. Given those two things, he will say no. Chair Cacciotti stated that if the voters vote for it now and will not be implemented until 2025, it will still be within the time limit.

Vote: 4/1/0. Four in favor, one against.

Recommended by the Board of Selectmen: Yes, 4 No, 1 Abstain 0

Article 2024-13 – Fire Department Staffing

Shall the town approve the addition of two (2) full time firefighter/EMT's and one (1) part time firefighter/EMT to supplement the existing full time and part time (paid call) personnel at an annual cost of Two Hundred Twenty Three Thousand Three Hundred Dollars (\$223,300), including benefits and uniforms beginning date June 1, 2024, and to raise and appropriate the sum of One Hundred Forty Four Thousand Seventy Three Dollars(\$144,073), to be raised by taxes? This is in addition to Article -05, the Operating Budget.

Discussion: none

Vote: 4/1/0. Four in favor, one against.

Recommended by the Board of Selectmen: Yes, 4 No, 1 Abstain 0

Article 2024-14 – Default Budget

Shall we rescind the provisions of RSA 40:14-b, as adopted by the Town on March 8, 2011, so that the default budget will be determined by the governing body instead of the Budget Committee? This article returns the development of the default budget to the governing body, which being the most informed of personnel and contractual related costs simplifies the process and ensures accuracy.

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-15 Emergency Management Communication and Information Systems Capital Reserve Fund

Shall the Town vote to raise and appropriate the sum of Twenty-Five Thousand Dollars (\$25,000) to be added to the Emergency Management Communication and Information Systems Capital Reserve Fund, as established March 14, 2023, Article #2023-10, for the purpose of funding the purchase and replacement of Town Emergency Management Communication and Information Systems? It is the intention to request Twenty-Five Thousand Dollars (\$25,000) per year. This is in addition to Article-05 the Operating Budget.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article 2024-16 Atkinson Community Power

Shall the Town adopt the Atkinson Community Power plan, to authorize the Select Board to implement the plan, and to take all action in furtherance thereof, pursuant to RSA 53-E? The Atkinson Community Power plan is an initiative to offer lower electricity rates to residents. The plan will launch only if it can offer lower rates. Initial participation can be declined by individual residents, and residents can opt out at any time in the future. Tax impact: none.

Discussion: none

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-17 Control Invasive Plants on Town Conservation Land

Shall the Town vote to raise and appropriate the sum of Fifteen Thousand Dollars (\$15,000) to hire one or more qualified, professional contractors to control

invasive plants in the Town's conservation lands, with said funds to come from the Forest Maintenance Fund, the work to be performed under the direction and control of the Atkinson Conservation Commission? The Forest Maintenance Fund was established at Town Meeting in 1991 pursuant to RSA 31 :113 for the purpose of maintaining the health of the town's conservation lands, and is funded by timber harvests in the Town's conservation lands. As of December 31, 2023, there were Twenty Nine Thousand Two Hundred Twenty One Dollars and Eighty Four Cents (\$29,221.84) in the Forest Maintenance Fund. This will be a non-lapsing appropriation per RSA32:7, VI, and will not lapse until the project is complete, or by December 31, 2029, whichever is sooner. Passage of this article will have no impact on the 2024 Operating Budget.

Discussion: none.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-18 Long Term Care Permitted Uses - (Advisory only)

Currently the Town of Atkinson Zoning does not allow:

- Assisted Living Communities
- Nursing Homes
- Hospice Care
- Medical Rehabilitation Facilities.

The Planning Board is seeking the non-binding opinion of voters. This article is advisory only and does not mandate any action by the Planning Board.

Do you want the Planning Board to develop zoning options to accommodate any of these uses?

Discussion: Chair Cacciotti asked if the Select Board should vote on it because it does not have anything to do with the governance of the Town. This is an issue for the Planning board. Selectman Worden stated that it is advisory. Selectman Spero agrees. Vice Chair Baldwin stated that the Planning Board is trying to get a feel from the public as to whether or not the residents want something like this. Chair Cacciotti does not want to take a position and give the impression that the Board of Selectmen is in favor. Selectman Spero would like to know how people stand on these types of facilities. Vice Chair Baldwin stated that it does not matter if the Board votes on it. The Planning Board will have a feel on how to make some type of zoning change. Selectman Worden would abstain.

Mr. Apple explained that the Planning Board submitted the article to ask permission from the Board of Selectmen to put it on the ballot. It was written by the Planning Board.

Vote: 0/0/5. All abstaining.

Recommended by the Board of Selectmen: Yes, 0 No, 0 Abstain 5

Article #2024-19 Modify the Conflict of Interest Ordinance

This following change is necessary in order to make the Ordinance consistent with existing Town policy and State statutes. Are you in favor of the following modifications, as proposed by the Conflict of Interest Committee, to the Conflict of Interest Ordinance last revised March 14, 2023, which are as follows:

Replace the following section 2a:

Vacancies: Should a vacancy in this Committee arise, the remaining Members will appoint, through a vetting process, a Town resident to serve out the remainder of the term.

With the following language:

Vacancies: Should a vacancy in this Committee arise, the remaining Members will appoint, through a vetting process, a Town resident to serve **until the next town election at which time the voters of the Town shall then elect a candidate for the balance of the unexpired term or the full term as the case may be as determined by the Town Clerk.**

Discussion: This is recommended by the Conflict of Interest Committee. Vice Chair Baldwin is not sure that the Conflict of Interest Committee can change the first part. The members are all elected to the Committee or appointed by the Board of Selectmen until the term ends, then they run for re-election. Chair Cacciotti stated that the Budget Committee appoints their own. Selectman Paquette stated that it is according to the RSA. The RSA allows several differences between initial placement of a member and replacement of a member. Chair Cacciotti stated that it would serve the Town better to have someone there until the end of the term. It would make good sense to let them appoint someone. Selectman Worden stated that people who were not elected should be the first to be selected. Selectman Paquette stated the language is being changed from “until the end of the term” to “until the next election” which narrows the time frame down.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024-21 Modify the Conflict of Interest Ordinance

This change is proposed in the spirit of the sunshine laws and the public's right-to-know and will make what the COI does even more transparent to the public. Are you in favor of the following modifications, as proposed by the Conflict of Interest Committee, to the Conflict of Interest Ordinance last revised March 14, 2023, which are as follows:

Change non-public to public in the following section 2(c):

After this Committee determines it has jurisdiction over the matter and conducts its investigation, it can conclude that the matter deserves further action in the form of a hearing. The hearing will be held in a public setting. The hearing shall occur with notice posted in two (2) public places seven (7) days prior thereto. When appearing before the Conflict of Interest Committee, the Respondent may call witnesses on his or her behalf and may retain representation by legal counsel at his or her own expense. RSA 31:104 provides protection to a person acting in his or her official capacity in good faith and within the scope of his or her authority. This could include payment of legal costs. At notification of public hearing, each party must notify the others, in writing, if they will be represented by legal counsel. Pursuant to RSA 31:39- a, if this Committee, by majority vote, finds that there is a violation of this Ordinance, it will be considered grounds for recommending disciplinary action to the Board of Selectmen

Discussion: Selectman Paquette stated that with this change, if the Conflict of Interest Committee decides that a hearing is needed, it will be public. He does not agree. Selectman Worden agrees. Chair Cacciotti stated it is up to the voters. Selectman Spero is not in favor, Vice Chair Baldwin is not in favor.

Vote: 0/5/0. All against.

Recommended by the Board of Selectmen: Yes, 0 No, 5 Abstain 0

Article #2024- 21 Adopt Partisan Official Ballot System (By Petition)

To see if the town will vote to adopt the partisan official ballot system. RSA Chapter 669, Section 669:12. This shall apply to all officers who shall be elected by official ballot, Section 669:15 and all officers the town has specified to be elected by ballot. Section 669:17.

Discussion: Selectman Paquette stated that this article means that if someone wants to run for Town office, you have to register with either the Democrat or Republican parties. A person running for office would have to list their affiliation on the ballot. Chair Cacciotti asked about the current requirements to run for office in Atkinson. Mr. Apple stated that this Article would also require all officers of the Town to be elected by ballot, for example, the Police and Fire Chief.

Vote: 0/5/0. All against.

Recommended by the Board of Selectmen: Yes, 0 No, 5 Abstain, 0

Article #2024-22 Establish an Advisory Budget Committee (By Petition)

To see if the Town will vote to rescind Budget Committee Section 32:14 of New Hampshire RSA Chapter 32 Municipal Budget Law previously adopted by the Town on March 13, 1965, to abolish the Atkinson Budget Committee and to establish an Advisory Budget Committee per Section 32:24. If approved, the Board of Selectmen will appoint a volunteer committee of qualified individuals to aid the Board of Selectmen in their consideration of the annual budget.

Discussion: There is a list of people who submitted petition warrant articles. Chair Cacciotti asked if the Board of Selectmen members should vote. The Board of Selectmen did not bring the Article forward and the Article also mentions the Board appointing a volunteer committee. She recommends abstaining. Selectman Paquette stated that the Board of Selectmen manages the budget so they should have a say on whether it approves the budget put forth by the Budget Committee. Chair Cacciotti stated she does not have enough information. Selectman Paquette stated that an advisory committee would point out which lines they think should be changed and submit it to the Board of Selectmen. At present, the Budget Committee changes the lines and the budget is submitted directly to the Deliberative Session. The Budget Committee has been cutting lines that include contracts. A committee that is incorrect should be changed. Selectman Spero stated this would bring the budget back to the Board of Selectmen and the Board would have the final say before the Deliberative Session and the voters get to approve or disapprove.

Chair Cacciotti stated that the argument has been made that the Budget Committee is a check and balance for the Board of Selectmen and asked if the DRA is the check and balance to an extent. The DRA 10% rule would still apply, but it would be after approval by the Board of Selectmen. This would make the budget more representative, it would be from the department heads to the Board of Selectmen, then go to the Budget Committee for their advice, come back to the Board of Selectmen then go to Deliberative and the Town residents. Selectman Paquette explained that the process would be the same, except now the Budget Committee has final say. If they were advisory, they would be advising the Selectmen on their final say. Then it would go to the Deliberative Session. Chair Cacciotti stated that she thinks it makes sense for the Budget Committee be changed to advisory based on what Selectman Paquette has told her. Selectman Worden stated that Selectman Paquette is liaison to the Budget Committee and has been Chair of the Board of Selectmen and he supports him. Selectman Spero stated that he understands the points made by Selectman Paquette and he understands the reason for the position but he will abstain because it is such a big change. Chair Cacciotti clarified that this is a signed petition brought to the Town Clerk by a resident. Vice Chair Baldwin stated he will vote. Selectman Spero asked Selectman Paquette if there would be issues with making the changes legally. Chair Cacciotti stated that the Hampstead budget committee is advisory. Selectman Spero would like the budget process to be as efficient as possible. It would bring the

department heads back to the Board of Selectmen. Chair Cacciotti stated that the amount of time and energy used by the Department Heads to go to the Budget Committee costs the Town money. They have always asked for what is needed by their departments. The Town Administrator goes through each department budget, then the Board of Selectmen looks at it. The budget would still go to the Budget Committee for their advice. Their advice would be valuable for the Board of Selectmen to make their decision. The vast majority of the budget is numbers that cannot be changed. The things that can be changed are not things that make a big difference in the tax rate. It would probably save the taxpayers by not having department heads go through the process. Selectman Spero asked Vice Chair Baldwin about previous budget committees. Vice Chair Baldwin stated that it was a lot different and the expertise on the Board of Selectman was different. Chair Cacciotti recommends trying it. Selectman Spero decided to change his vote to a “yes” because Selectman Paquette has spent so many hours together with Mr. Apple on the budget.

Vote: 5/0/0. All in favor.

Recommended by the Board of Selectmen: Yes, 5 No, 0 Abstain 0

Article #2024- 23 SoRock Coalition for Healthy Youth (By Petition)

Shall the Town vote to raise and appropriate the sum of \$7,015 (approx. \$1 per person) for the purpose of supporting the community wellness services of the SoRock Coalition for Healthy Youth. SoRock provides critical resources to youth and families to reduce substance misuse and support mental health through education, programming, and the leveraging of local, state and federal resources for the benefit of the towns they serve.

Discussion: Mr. Apple explained that this is by petition. SoRock sent some material that was forwarded to the Board. This is the same program that was spoken of at the last Deliberative Session by SoRock and Chief Crowley. Chair Cacciotti stated to be clear that this is a charitable organization that is presenting a warrant article because they do not have a line item in the budget. Once this passes at Deliberative for whatever amount, they will then have their name in the Atkinson budget until it is removed and they do not have to do warrant articles anymore. They can come to the Board of Selectmen with the form and request funds. Selectman Paquette stated that it is a one year warrant as to whether the Budget Committee puts it in as a line item for next years budget. If it goes through as a charitable warrant and it passes, then they can put it in. Right now, the budget belongs to the Budget Committee. Chair Cacciotti stated that the Town has funded them in the past. Right now, she believes the Board can vote on it as is. Selectman Worden will support it to get it on the floor although he does not support the number. Selectman Paquette stated the number can be changed later.

Vote: 4/1/0. Four in favor, one opposed.

Recommended by the Board of Selectmen: Yes, 4 No, 1 Abstain 0

Article #2024- 24 Land Use Change Tax (By Petition)

Shall the Town vote to redirect the funds generated under RSA 79-A:25 from the Conservation Fund to a new Atkinson Recreation Capital Improvements Fund? Currently it's 99% Conservation Fund and 1% General Fund. Change would redirect the 99% to Atkinson Recreation Capital Improvements Fund. The remaining 1% would still go to the General Fund.

Discussion: Mr. Apple stated that this is a petition warrant article. Selectman Worden stated that this Article is going to be changed on the floor by the Planning and Zoning Administrator. He recommends the Board not support it in its present form. Vice Chair Baldwin recommends that the Board not make a recommendation. Selectman Worden agrees. Chair Cacciotti would like the Board to have a say. Selectman Paquette asked if the Board wants to move forward with it. It cannot be rewritten now to where it would be valid or legal. Until it is rewritten, the Selectmen should vote no. Chair Cacciotti stated that someone has to create a fund and so on.

Selectman Paquette recommended the Board vote to not recommend. It will be on the ballot. It is a citizens petition so it has to go forward, it can be amended at Deliberative, but he is against it as it is now. Selectman Paquette stated that the Board can tell the voters that they are not in favor, because it is not valid. The warrants are mailed to all residents. Mr. Apple stated that the warrant cannot be changed now because it is a petition. It can be changed on the floor at Deliberative, where it keeps the same purpose and intent but rewords it, making it advisory only. Then, the vote can be changed. Selectman Paquette stated that the Moderator has already agreed to it being changed. Chair Cacciotti stated that she is afraid that the Moderator will not allow it to be changed. Selectman Spero is abstaining. Vice Chair Baldwin is abstaining. Chair Cacciotti stated that if residents have an issue with the budget they should take it up with the Board of Selectmen. Mr. Apple stated that RSA 79:825 is specific that there are two standard places that land use change tax funds can go to, a conservation fund or a general fund. A separate warrant article can be created to change the land use tax fund. It can only be expended by a warrant article on a yearly basis because it is a lapsing fund. If a warrant article is not created to put it towards conservation, recreation or fire then it goes to the General Fund.

Selectman Worden recommends a study group be created to decide the best way to fund these needs. Chair Cacciotti stated she is afraid that voters will get the opinion that the Board does not want to spend on recreation. She does not understand why the article is pulling from the Conservation fund. Selectman Paquette states that the funds would come from the land use change tax. Currently, the land use change tax money goes to the Conservation Fund. Selectman Spero stated that future funds would be redirected to recreation. Mr. Apple stated that one just came through for a Maple Avenue project for \$22,000, but there may be a year where there will be no land use changes. There are not many parcels available that can be changed. Chair Cacciotti is abstaining.

Vote: 0/0/5.

Recommended by the Board of Selectmen: Yes, 0 No, 0 Abstain 5

Article #2024-25 Board of Selectmen Salaries (By Petition)

Shall the Town of Atkinson vote to eliminate the salaries of all Board of Selectmen members to be effective 4/1/24? All board and committee members, elected or appointed, in the Town of Atkinson should consider it an honor to be able to serve without pay.

Discussion: Selectman Worden will not vote. Chair Cacciotti discussed the wording and agreed that the Board should not vote.

Vote: 0/0/5.

Recommended by the Board of Selectmen: Yes, 0 No, 0 Abstain 5

Article #2024- 26 Decreasing the Number of Board of Selectmen Members (By Petition)

Are you in favor or decreasing the Board of Selectmen to three (3) Members?

Discussion: Chair Cacciotti stated that there is precedent. Selectman Worden stated that the audience did not support a similar article at last Deliberative Session. Last year, two members of the Board were ill and in the hospital and a lot of business was not accomplished.

Vote: 0/5/0.

Recommended by the Board of Selectmen: Yes, 0 No, 5 Abstain 0

Assessing:

➤ 2023 Abatement

○ Map 23, Lot 78

Abate: Deny

Selectman Worden made a motion to deny the Abatement for Map 23, Lot 78 pending review of the issue. Selectman Spero seconded the motion. Vote: 5/0/0. All in favor of denying.

➤ 2024 Veterans Tax Credits

- | | |
|----------------------|------------------|
| ○ Map 1 Lot 12051-06 | Rec: Grant \$750 |
| ○ Map 12 Lot 1-6B | Rec: Grant \$750 |
| ○ Map 14 Lot 39 | Rec: Grant \$750 |
| ○ Map 10 Lot 7-88B | Rec: Grant \$750 |
| ○ Map 17 Lot 53-18B | Rec: Grant \$750 |

Selectman Spero made a motion to approve Veteran’s tax credits to Map 1, Lot 12051-6, grant for \$750, Map 12 Lot 1-6B, grant for \$750, Map 14 Lot 39, grant for \$750, Map 10 Lot 7-88B, grant for \$750, and Map 17 Lot 53-18B, grant for \$750. The motion was seconded by Selectman Worden. Vote: 5/0/0. All in favor.

Chair Cacciotti asked for liaison reports.

Liaison Reports:

Fire Department: Selectman Spero stated that he and the Town Administrator visited the new Chief to welcome him aboard. He appeared to be very upbeat and positive. Everyone at the Fire Department is rallying around the new chief. He is gaining input from everyone. Selectman Spero will try to meet with the new chief weekly.

Selectman Spero and the Town Administrator also spoke with former Deputy Chief Holigan after his retirement. Deputy Chief Holigan informed them that it was his time to retire. Mr. Apple stated that it was informative in getting Deputy Chief Holigan’s perspective on how the department has grown over time. Selectman Spero stated that it might be a good idea to get feedback from longstanding employees. Chair Cacciotti agreed that it was a tough loss.

Recreation Commission: Selectman Worden stated that the Recreation Commission met last week and are firming up their plans to bring back Atkinson Days to the community. They are working with all the departments and will be sitting down with the Board of Selectmen to firm up the plans. Right now, it is penciled in for September 7, 2024. Even though their warrant article will need some work, they are not discouraged by the slow start but are encouraged that Recreation is now on the “radar”. They are working with CIP on the capital projects wish list. It is now a working commission. Selectman Worden thanked the Commission Chairman and the Recreation Director.

Capital Improvement: Selectman Paquette stated that there was a presentation of the Master Plan Committee earlier and the CIP is a derivative of that. He has been unable to attend their meetings because they are scheduled at the same time as the Board of Selectmen meetings, but he has reviewed the minutes.

Budget Committee: Meets Wednesday for the continuation of their public hearing. They will be going over warrants and adding recommendations. Hopefully, that will conclude public meetings for the budget committee.

Department of Public Works: They have taken delivery of the new loader. They asked the Board to remind people to keep trash barrels and cars off the road when plows are going through. The trash trucks can reach six feet back. The last few storms have gone well. There were a few breakdowns but DPW is hard at work making repairs. DPW has three trucks, most of the trucks that residents see belong to contractors. The State plows State roads. DPW asks for patience from residents. If there is an issue, call DPW or the Town Administrator. Lastly, the DPW has been working on unfreezing catch basins so water will have some place to go when the snow melts. Thanks to everyone at DPW.

Police Station Steering Committee: no report

Tax Collector: no report

Atkinson Public Television: no report

Cemetery Trustees: no report

Library: no report

Conservation Commission: no report

Planning Board: no report

Selectman Worden reminded Chair Cacciotti of the breakfast meeting on February 3, 2024 before the Deliberative Session and asked that the invitation be passed along. He reminded Mr. Apple to have a list of budget changes that are needed to be incorporated for the Deliberative Session so they can be passed on to be included in the spreadsheet. The Assistant Town Manager will put the findings together.

Donations:

- **Conservation Fund Donation - \$30.00**
- **Elder Services Transportation Fund**

LAST	FIRST	ADDRESS		DATE	AMOUNT	
Hammond	Patricia	10 Stevens Ct	Atkinson	IH 0381	1/2/24	\$100.00
Godden	Judith	16 Centerview Rd			1/9/24	\$25.00
Nicoli	June	25 Pope Rd Apt B3			1/3/24	\$920.00
Mancusi	Marie	30 Ridgewood Dr			1/11/24	\$19.00 Cash
Ferguson	Alfreda	14 Sleepy Hollow Rd			1/2/44	\$100.00
					TOTAL	\$264.00

Selectman Worden made a motion to accept the donation by the citizens of Atkinson of \$264 to the Elder Services Transportation Fund and accept the

donation of \$30 to go to the Conservation Fund. Selectman Spero seconded the motion. Vote: 5/0/0. All in favor.

Approval of Minutes:

Chair Cacciotti thanked Vice Chair Baldwin for doing a fantastic job of chairing when she was unable to attend.

➤ **January 8, 2024 Regular Meeting Minutes**

The following corrections were made by Selectman Paquette:

Line 5 – Conservation Committee should be Conservation Commission
Line 1218 – should read Atkinson Board of Selectmen adjourned at 8:44.

Chair Cacciotti requested a motion.

Selectman Worden made a motion to accept the regular meeting minutes of Monday, January 8, 2024 as amended by Selectman Paquette. The motion was seconded by Selectman Spero. Vote: 5/0/0. All in favor.

FYI:

- Deliberative Session will be held at Atkinson Academy in Dyke Auditorium on Saturday, February 3rd (Snow Day - February 10th) beginning at 10:00 AM.

Future Agenda:

- The next Selectmen's meeting will be held on Saturday, February 3, 2024, at 8:30 AM prior to Deliberative Session.
- The Next Regular Meeting will be held on Monday, February 5, 2024, at 6:00 PM.

Selectman Spero reminded voters that Tuesday is primary voting day at the Community Center. Two members of the Board of Selectman will be present throughout the day. If Vice Chair Baldwin is unable to attend, Chair Cacciotti will find a second.

The Monday, January 22, 2024 meeting of the Atkinson Board of Selectmen adjourned at 8:05 PM.