

**STATE OF NEW HAMPSHIRE**  
**Town of Atkinson**  
**2016 Deliberative Session Minutes**  
**January 30, 2016**

**To the inhabitants of the Town of Atkinson, in the County of Rockingham, in the State of New Hampshire, qualified to vote in Town affairs:**

*First Session of the Annual Meeting (Deliberative):*

You are hereby notified to meet at the Dyke Auditorium of the Atkinson Academy, 17 Academy Avenue in Atkinson, New Hampshire, on Saturday, the 30<sup>th</sup> day of January, 2016, at 10 o'clock in the morning to deliberate on the articles included in the Warrant. This session shall consist of explanation, discussion and debate of Warrant Articles 2016-2 through 2016-21. Warrant articles may be amended at this session per RSA 40:13, IV, with the exception of warrant articles whose wording is proscribed by law and cannot be amended per RSA 40:13, IV (a). Warrant articles that are amended shall be placed on the Official Ballot for a final vote on the main motion as amended.

*Second Session of the Annual Meeting (Voting):*

You are hereby notified to meet on Tuesday, the 8<sup>th</sup> day of March, 2016, at the Atkinson Community Center, 4 Main Street in Atkinson, NH, to vote by Official Ballot on the election of Town Officials and on all Warrant Articles. By the vote of the Selectmen, the polls for the meeting will remain open from 7 o'clock in the morning to 8 o'clock in the evening.

Present: Moderator, James M. Garrity; Selectman Chairman, William Baldwin, Selectman, Philip Consentino, Selectman, Harold Morse, Selectman, William Friel and Selectman Jason Grosky; Town Administrator, Alan Phair; Assistant Town Administrator, Barbara Snicer; Town Clerk, Rose Cavalear; Deputy Town Clerk, Bonnie Jordan; Supervisor of the Checklist Chairman, Leslie Barbera, Supervisor of the Checklist Patricia Mangini and Supervisor of the Checklist Adele Dillion; Budget Committee: Chairman, William Smith; Vice Chair, Wendy Barker, Susan Carroll, Thomas Mealey, Kay Galloway and Peter Torosian. There were a total of 93 registered voters throughout the day. Also present were non-voters including a reporter, a soundman, cameramen, and our Cable Coordinator, David Williams.

The Moderator, James Garrity, called the meeting to order at 10:00 a.m. Pastor Robert MacFarlane gave the invocation. Selectman Chairman; William Baldwin led us in the Pledge of Allegiance.

The Moderator went over his Moderator rules and asked if anyone had any questions, there were none. He went over how things work at the Deliberative Session.

## **Article #2016-1      Election of Officers**

The Moderator explained to the voters that while most officials were elected by ballot, the Surveyors of Wood and Lumber and the Fence Viewers are elected here, during Deliberative Session.

The Moderator read the slate from last year for Surveyors of Wood and Lumber: Marty Feuer, John Feuer and Edward Stewart.

**Jack Sapia made a motion to move the same slate, seconded by Debra DeSimone. There were no other nominations from the floor; last year's slate of Surveyors of Wood and Lumber were re-elected.**

The Moderator read the slate from last year for Fence Viewers: Susan Killam, Robert Stewart and Kenneth Grant.

**Jack Sapia made a motion to move the same slate, seconded by Debra DeSimone. There were no other nominations from the floor; last year's Fence Viewers were re-elected.**

## **Article #2016-2      Operating Budget**

**Shall the Town of Atkinson raise and appropriate as an Operating Budget, not including appropriations by Special Warrant Article 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 Four Hundred Thirty-two Thousand Seven Hundred Fifty-one Dollars (\$4,432,751.00)? Should this article be defeated, the Default Budget shall be Four Million Two Hundred Eighty-seven Thousand Seven Hundred Eight Dollars (\$4,287,708.00), which is the same as last year, with certain adjustments required by previous action of the Town of Atkinson 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.**

The Moderator James Garrity, asked Budget Chairman, William Smith to speak on the 2016 Operating Budget. He discussed the slides he brought on what affected the budget this year. He explained Employee Salaries are up, Medical Insurance is up, New Hampshire Retirement is up, Road Maintenance is up, Electricity is up; Solid Waste Disposal is down, Fuel expense is down among other changes.

The Moderator explained that he would be processing the Operating Budget in sections. He asked if there were any more discussion or amendments to General Government.

**Debra DeSimone made a motion; seconded by Jack Sapia to amend the Tax Collector's salary line 41504.130.00 from \$28,341 to \$30,564 an increase of \$2,223. Fica line 41504.220.00 from \$1,997 to \$2,135 an increase of \$138. Medicare line 41504.225.00 from \$467 to \$499 an increase of \$32.**

The Moderator stated that this increase would go into the Financial Administration line in the 2016 Budget.

The Moderator asked if there were any questions and there were none.

**The Moderator asked all in favor of this amendment; the amendment PASSED.**

**Debra DeSimone made a motion; seconded by Jack Sapia to amend the Town Clerk's salary line 41401.130.00 from \$47,588 to \$51,321 an increase of \$3,733. Fica line 41401.220.00 from \$5,157 to \$6,388 an increase of \$231. Medicare line 41401.225 from \$1,440 to \$1,494 an increase of \$54.**

The Moderator asked if there any questions. Susan Carroll from the Budget Committee commented that these raises were put in front of the voters last year and did not pass. They felt it was wrong to try and hide them in the budget this year. The Moderator responded that this is a legal method.

**The Moderator asked all in favor of this amendment; the amendment PASSED.**

**Debra DeSimone made a motion; seconded by Susan Killam to amend the Treasurer's salary line 41505.130.00 from \$2,040 to \$2,200 an increase of \$160, also the Assistant Treasurer's salary line 41505.110.00 from \$1,275 to \$1,375 and increase of \$100. Fica line 41505.220.00 from \$206 to \$222 an increase of \$16. Medicare 41505.225.00 from \$48 to \$52 an increase of \$4.**

The Moderator asked if there were any questions.

Leon Artus would just like to point out to the Legislative Body that while this is legal to do here, this is inappropriate to sneak money in these lines on Deliberative Session floor. The Budget Committee has worked very hard to keep the budget down. Jack Sapia would like to thank the Budget Committee and the Selectmen. He also commented that this meeting is televised and he sees nothing sneaky about this. Harlan Cheney also spoke about the people who took time out of their day to be here, and he sees nothing wrong with this.

**The Moderator asked all in favor of this amendment. PASSED**

Financial Administration line 41401.41509 has been amended to \$275,658.

The new bottom line # for General Government is \$1,098,956. 4.41%

**Leon Artus would like to make a motion to lower the Legal Services line 41531.41532 seconded by Gary Brownfield from \$28,500 to \$1.**

Leon Artus commented that the Conflict of Interest heard 4 cases last year. Three of which were sent to the Selectmen. One was recommended to excuse himself when necessary. Another one was voting on pay raises for family members and they recommended removal of office. William Innes spoke on the importance of this Legal Line to the Town. This money helps the town take legal action when needed. Mr. Innes discussed that the Conflict of Interest Committee asked for

donations on air to help sue the town after a Budget Committee meeting. Mr. Innes requested that his good neighbor's motion be given no merit. Leon Artus had more discussion on his amendment.

Jack Sapia commented on this motion, this would leave the town and all town employees exposed. "We have seen this every year, stop suing the town, this would lower the cost". Jason Grosky commented that the town is being asked not to defend itself. Jason said it is his third year standing up to defend this item. He comment that, "It's silly".

**Debra DeSimone made a motion to move the question seconded by Jack Sapia. The Moderator asked all those in favor of Limiting Debate, the motion PASSED**

**The Moderator asked all in favor of the amendment, the amendment FAILED.**

**Leon Artus would like to make a motion to raise the Conflict of Interest line Other New from 0 to \$3,000; seconded by Gary Brownfield.**

Leon Artus said this legal line was put in the Conflict of Interest Committee's budget and somehow it changed its name when it went from the Selectmen to the Budget Committee. This line was renamed as the Other New line. He stated that the Selectmen didn't want the Conflict of Interest Committee to have a legal line. Leon Artus commented that the Conflict of Interest Committee should have the same right as the other three committees in towns that have legal lines in their budgets. Jack Sapia spoke opposed to this amendment, he said that my good neighbor just argued that we shouldn't have legal lines, he is contradicting himself. William Innes spoke to this commenting that the Conflict of Interest is only an advisory committee and has no power beyond advising. He is, also, against this amendment.

**Debra DeSimone made a motion to move the question; seconded by William Inness.**

**The Moderator asked all in favor of moving the question. PASSED**

**The Moderator asked all in favor of this amendment. FAILED**

**All in favor of the General Government section totaling \$1,098,956 going to ballot as amended. PASSED**

**The Moderator asked if there was any debate on Public Safety there was none. The Moderator asked all in favor of Public Safety going to ballot as written. PASSED**

**The Moderator asked if there was any debate on Highways & Streets there was none. The Moderator asked all in favor of Highways & Streets going to ballot as written. PASSED**

**The Moderator asked if there was any debate on Sanitation there was none. The Moderator asked all in favor of Sanitation going to ballot as written. PASSED**

**The Moderator asked if there was any debate on Health & Welfare; there was none. The Moderator asked all in favor of Health & Welfare going to ballot as written. PASSED**

**The Moderator asked if there was any debate on Culture & Recreation; there was none. The Moderator asked all in favor of Culture & Recreation going to ballot as written. PASSED**

**The Moderator asked if there was any debate on the Conservation line. Timothy Dziechowski would like to make a motion to increase line 46111.390.00 Other Professional Services from \$2,000 to \$2,500 to increase line 46111.650.00 Care of Grounds from \$2500 to \$3,000 and to increase Line 46111.840.00 Special Programs from \$725 to \$1,225 seconded by Sue Killam.**

Timothy Dziechowski spoke to his motion letting everyone know that these amounts will keep his budget level funded, the same as last year. He spoke about the Eagle Scouts projects and buying up land in town. There were a couple of speakers for this amendment. After some discussion on the numbers in the Conservation budget William Smith of the Budget Committee agreed that this would level fund the Conservations budget which would be the same as last year.

**The Moderator asked all in favor of the amendment to the Conservation line. The amendment PASSED.**

The new Conservation bottom line \$9,027.

**The Moderator asked all in favor of the new Conservation bottom line. PASSED**

**The Moderator asked any debate on Debt; there was none.**

**The Moderator asked all in favor of Debt going to the ballot as written. PASSED**

**The Moderator asked all in favor of the amended 2016-2 Operating Budget for \$4,441,359. PASSED**

**Selectman Chairman, William Baldwin moves to restrict reconsideration on Article 1 and 2, seconded; by Michael Turrell.**

**The Moderator asked all in favor of restricting reconsideration on Article 1 and 2. PASSED**

#### **Article #2016-3 Cemetery Capital Reserve**

**Shall the Town vote to raise and appropriate the sum of Thirty-five Thousand Dollars (\$35,000.00) to be added to the Cemetery Capital Reserve Fund established in 2015 (Article #2015-7) for the purpose of developing an additional section in the Atkinson Cemetery, and name the Selectmen as Agents-to-Expend? As of December 31, 2015, there were Nine Thousand Six Hundred Sixty-six and 70/100 Dollars (\$9,666.70) remaining in the**

Cemetery Expansion Capital Reserve Fund. This article is in addition to Article #2016-2, the Operating Budget.

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

*Recommended by the Budget Committee: 5 Yes, 1 No, 0 Abstain*

Peter Torosian asked if we could clean up the wording on the Budget Committee's recommendations. He would like to see the recommendation to read as "not recommended". They would like to take out the wording "without recommendation" and replace it with, "not recommended". The Moderator said that this isn't legal language we could do that before it goes to ballot.

**The Moderator read Article 2016-3 and asked if there was any discussion on this article.**

Mr. Winsett asked how many years for this development. Cemetery Trustee, Kathleen Friel, spoke to this. She stated that they had plans from the engineer, prices to clear the land, and a five-year plan. She spoke about how the land needs to be cleared before they can get what they need. This five-year plan will be done in phases. Empty plots in the cemetery are very low right now so they will have to stop selling singles and doubles so they can use them when they are needed. This will be a gradual project. Mr. Winsett said this five- year plan should be available at the Town Hall. Kathleen Friel said that copies of the maps are at the Town Hall. More discussion for this article was given.

**The Moderator asked all in favor of moving Article 2016-3 as written to the ballot.  
PASSED**

**Selectman Chairman, William Baldwin made a motion to restrict reconsideration on Article 20016 1-3; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration to Article 2016-3. PASSED**

#### **Article #2016-4 Cemetery Improvements**

**Shall the Town vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) to include, but not limited to the following Cemetery Improvements: to add electrical service infrastructure for lighting, water lines and signage to the cemetery? This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2021, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.**

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

*Without Budget Committee Recommendation: 2 Yes, 4 No, 0 Abstain*

**The Moderator asked all in favor of moving Article 2016-4 to the ballot as written.  
PASSED**

**Selectman Chairman, William Baldwin made a motion to restrict reconsideration on Article 20016-4; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration to Article 2016-4. PASSED**

**Article #2016-5 Elder Services' Expendable Trust Fund**

**Shall the Town vote to establish an Elder Services' Expendable Trust Fund for the purpose of replacing Elder Services' vehicles and equipment, to name the Selectmen as Agents-to-Expend and to raise and appropriate Five Thousand Dollars (\$5,000.00) for this purpose? This article is in addition to Article #2016-2, the Operating Budget.**

*Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain  
Without Budget Committee Recommendation: 1 Yes, 5 No, 0 Abstain*

**The Moderator read Article 2016-5 and asked if there was any discussion on this article.**

**Leon Artus would like to make a motion to zero out the dollar amount of \$5,000; seconded by Gary Brownfield.**

Leon discussed that all these things like Expendable Trust Funds or Capital Improvement Funds are taking powers away from the Budget Committee. He discussed that he thinks that this is what is being done here. He talked about not needing the Budget Committee anymore. Barbara Snicer spoke on the purpose of this fund which is to replace the Elder Service vehicle. There was more discussion for and against this amendment.

**The Moderator asked all in favor of this amendment. FAILED**

The Moderator asked if there were anymore amendments and there were none.

**The Moderator asked all in favor of Article 2016-5 going to ballot as written. PASSED**

**Article #2016-6 Energy Upgrades of Town Buildings**

**Shall the Town vote to raise and appropriate Four Thousand Seven Hundred Twenty-one Dollars (\$4,721.00) for the purpose of installing energy-efficient lighting, weatherization and cost-reduction upgrades (expected to save the town this amount within 3 years due to energy savings) in Town buildings as recommended in the 2010 and 2015 Atkinson Energy Audits, such funds to come from the Undesignated Fund Balance? No additional tax dollars will be needed to fund this appropriation. This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2021, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.**

*Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain  
Recommended by the Budget Committee: 6 Yes, 0 No, 0 Abstain*

The Moderator read Article 2016-6 and asked if there was any discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-6 going to ballot as written. PASSED**

**Article #2016-7 Fire Department Capital Reserve**

**Shall the Town vote to raise and appropriate the sum of Ninety Thousand Dollars (\$90,000.00) 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 #2016-2, the Operating Budget.**

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

*Recommended by the Budget Committee: 6 Yes, 0 No, 0 Abstain*

The Moderator read Article 2016-7 and asked if there was any discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-7 going to ballot as written. PASSED**

**Article #2016-8      Shim and Overlay Roads**

**Shall the Town vote to raise and appropriate the sum of Three Hundred Forty Thousand Three Hundred Fourteen Dollars (\$340,314.00) to shim and overlay the following roads with approximately 4,873 Tons of DOT-approved asphalt: Green Hill Drive, Indian Ridge Road, Lower Maple Avenue, Noyes Lane, Robie Lane, Wason Lane and Willow Vale, as well as the Police Station and Town Hall parking lots? All work is to be done under the supervision of the Road Agent. This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2021, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.**

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

*Recommended by the Budget Committee: 6 Yes, 0 No, 0 Abstain*

The Moderator read Article 2016-8 and asked if there was any discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-8 going to ballot as written. PASSED**

**Selectman Chairman, William Baldwin made a motion to restrict reconsideration on Articles 2016-1-2016-8; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration on Articles 2016-1-2016-8. PASSED**

**Article #2016-9      Highway Department Truck**

**Shall the Town vote to authorize the Board of Selectmen to enter into a long-term lease/purchase agreement in the amount of Ninety-nine Thousand Nine Hundred Fifty Dollars (\$99,950.00), subject to annual funding, for the purchase of a Ford F-550 including a wing and plow, or equivalent, and accessories, for the Highway Department, and to raise and appropriate the sum of Twenty Thousand Dollars (\$20,000.00) for the first year's payment; and to authorize the Selectmen to dispose of the 2008 F-550 by trade, sale or bid? This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2021, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.**

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

*Without Budget Committee Recommendation: 1 Yes, 4 No, 1 Abstain*

The Moderator read Article 2016-9 and asked if there was any discussion on this article.

**Edward Stewart made a motion to amend the numbers down to the total amount to \$79,043 and to change the annual amount to \$17,529.29; seconded by George Winchell.**



Edward Stewart would love to see this pass. This reflects the trade-in value as it exists now and to enter in to a 5-year lease agreement with Grappone Ford in order to purchase this. Peter Torosian spoke for the Budget Committee discussing why they didn't support this article. He discussed that we just got a new truck in December and they would have like to see some time pass so they could do a cost comparison on it. There was more discussion for and against this article.

**The Moderator asked anymore debate on this amendment, all in favor of this amendment. PASSED**

**The Moderator asked all in favor of Article 2016-9 going to ballot as amended. PASSED**

**Article #2016-10 Highway Department Maintenance**

**Shall the Town vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) for equipment maintenance, if and only if Article #2016-9 to purchase a Highway Department truck fails to pass? This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2021, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.**

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

*Recommended by the Budget Committee: 6 Yes, 0 No, 0 Abstain*

The Moderator read Article 2016-10 and asked if there was any discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-10 going to ballot as written. PASSED**

**Article #2016-11 Winter Expendable Trust Fund**

**Shall the Town vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to be added to the Winter Expendable Trust Fund, established March 9, 2010 (Article #2010-15) for the purpose of funding additional costs, in excess of the annual Operating Budget, for the plowing and removal of snow and winter weather management, and name the Selectmen as Agents-to Expend, such funds to come from the Undesignated Fund Balance? No additional tax dollars will be needed to fund this appropriation. As of December 31, 2015, there were Forty Thousand Eighty-nine and 51/100 Dollars (\$40,089.51) in the Winter Expendable Trust Fund. This is in addition to Article #2016-2, the Operating Budget.**

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

*Without Budget Committee Recommendation: 2 Yes, 4 No, 0 Abstain*

The Moderator read Article 2016-11 and asked if there was any discussion on this article and there was none.

The Moderator asked if the Budget Committee would like to speak on this. Peter Torosian from the Budget Committee thought that the \$40,000 that is in there already would be enough to use

for this year. He checked out some of the weather patterns from a few years ago and he feels comfortable that we would have a reasonable margin for this year without adding money.

Chairman Selectman, William Baldwin spoke about the very bad snow we had last year. We were under budgeted for last year's snowfall and this article would help take care of this incase it is needed for this year. Selectman, William Baldwin asked that this article be supported. Peter Torosian from the Budget Committee spoke about the record cold and snow we had last year. He said that we didn't dip into the \$40,000 last year, so they felt that this amount didn't need to be increased. They are not against having the money in there; they feel that the town can get along without adding to this money this year. There was more discussion for this article about the different places that the town received money that helped with this problem last year.

**The Moderator asked all in favor of Article 2016-11 going to ballot as amended. PASSED**

**Selectman Chairman, William Baldwin makes a motion to restrict reconsideration on Articles 2016-1-2016-11; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration on Articles 2016-1-2016-11. PASSED**

**The Moderator ajourned for lunch at 12:20pm and we returned back to the meeting at 12:50pm.**

**Article #2016-12      Facilities' Maintenance Expendable Trust Fund**

**Shall the Town vote to establish a Facilities' Maintenance Expendable Trust Fund for the purpose of providing funding for unanticipated maintenance expenses for Town facilities, raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) and name the Selectmen the Agents-to-Expend these funds? This is in addition to Article #2016-2, the Operating Budget.**

*Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain  
Without Budget Committee Recommendation: 1 Yes, 5 No, 0 Abstain*

**The Moderator called the meeting to order after lunch at 12:50pm.**

The Moderator read Article 2016-12 and asked if there was any discussion on this article and there was none.

The Moderator asked the Budget Committee to speak to why they didn't recommend this. Peter Torosian from the Budget Committee said the majority of the committee didn't want us to get in the habit of having Expendable Trust Fund for each department in the town. The town has to have a certain amount of surplus of funds and they feel that this surplus was enough to fund Maintenance if needed. There were several discussions about money needed in case of unforeseen emergencies. There was more discussion for and against this Article.

**The Moderator asked all in favor of Article 2016-12 going to ballot as written. PASSED**

**Article #2016-13 Mosquito Control Expendable Trust Fund**

Shall the Town vote to raise and appropriate Forty-nine Thousand Three Hundred Ninety Dollars (\$49,390.00) for the purpose of insect control, such funds to be put into the Mosquito Control Expendable Trust Fund, established March 14, 2006 (Article #2006-11) for that purpose and to name the Selectmen as Agents-to-Expend this money? As of December 31, 2015, there were Two Thousand Nine Hundred Forty-one and 92/100 Dollars (\$2,941.92) in the Mosquito Control Expendable Trust Fund. This is in addition to Article #2016-2, the Operating Budget.

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

*Recommended by the Budget Committee: 5 Yes, 1 No, 0 Abstain*

The Moderator read Article 2016-13 and asked if there was any discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-13 going to ballot as written. PASSED**

**Article #2016-14 Recreation Capital Reserve**

Shall the Town vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to be added to the Recreation Capital Reserve Fund established on March 9, 2004 (Article #2004-25) for the purpose of acquisition, design, renovation and development of recreation areas? As of December 31, 2015, there were One Thousand Eight Hundred Twenty-four and 87/100 Dollars (\$1,824.87) in the Recreation Capital Reserve Fund. This article is in addition to Article #2, the Operating Budget.

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

*Without Budget Committee Recommendation: 1 Yes, 5 No, 0 Abstain*

The Moderator read Article 2016-14 and asked if there was any discussion on this article and there was none.

The Moderator asked the Budget Committee if they wanted to speak to not recommending this article. Peter Torosian from the Budget Committee said they are trying to get away from Capital Reserve funds. The Moderator asked if there were any more discussion on this article and there was none.

**The Moderator asked all in favor of Article 2016-14 going to ballot as written. PASSED**  
**Selectman Chairman, William Baldwin made a motion to restrict reconsideration on Articles 2016-1-2016-14; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration on Articles 2016-1-2016-14. PASSED**

**Article #2016-15 250<sup>th</sup> Anniversary Celebration Capital Reserve**

Shall the Town vote to raise and appropriate the sum of Five Thousand Dollars (\$5,000.00) to be added to the 250<sup>th</sup> Anniversary Expendable Trust Fund, established on March 11, 2014 (Article #2014-19); for the purpose of celebrating the 250<sup>th</sup> anniversary of Atkinson's Incorporation in 2017, naming the Selectmen as Agents-to-Expend? As of December 31, 2015, there were Three Thousand Five Hundred Two and 36/100 Dollars

(\$3,502.36) in the 250<sup>th</sup> Anniversary Capital Reserve Fund. This is in addition to Article #2016-2, the Operating Budget.

*Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain  
Without Budget Committee Recommendation: 1 Yes, 5 No, 0 Abstain*

The Moderator read Article 2016-15 and asked if there was any discussion on it.

**The Moderator asked all in favor of Article 2016-15 going to ballot as written. PASSED**

**Article #2016-16      250<sup>th</sup> Anniversary Fireworks**

**Shall the Town vote to raise and appropriate the sum of Ten Thousand Dollars (\$10,000.00) for a fireworks event during Atkinson's 250<sup>th</sup> Anniversary Celebration in 2017?** This is a non-lapsing article and will not lapse until the work is complete or until December 31, 2017, whichever comes first. This is in addition to Article #2016-2, the Operating Budget.

*Recommended by the Board of Selectmen: 5 Yes, 0 No, 0 Abstain  
Without Budget Committee Recommendation: 2 Yes, 4 No, 0 Abstain*

The Moderator read Article 2016-16 and asked if there was any discussion on it.

Harlen Cheney spoke on this article and said that this 250<sup>th</sup> Anniversary Celebration will benefit our children and grandchildren. Chairman, William Smith of the Budget Committee spoke on this article. He compared this celebration to the Fire Department Car Show saying that everyone doesn't have to buy a ticket to the car show and it is a good celebration without taxpayer's funds. There should be fundraising for this celebration. There were a few more discussions for this article.

**The Moderator asked all in favor of Article 2016-16 going to ballot as written. PASSED**

**Article #2016-17      Administrative Enforcement of Ordinances**

**Shall the Town adopt the provisions of RSA 31:39-c Administrative Enforcement of Ordinances, which state:**

**"Notwithstanding any other provision of law, a town may use the following provisions in the enforcement of its ordinances and regulations:**

**1. Any town may establish, by ordinance adopted by the legislative body, a system for the administrative enforcement of violations of any municipal code, ordinance, bylaw, or regulation and for the collection of penalties, to be used prior to the service of a formal summons and complaint. Such a system may be administered by a police department or other municipal agency. The system may include opportunities for persons who do not wish to contest violations to pay such penalties by mail. The system may also provide for a schedule of enhanced penalties the longer such penalties remain unpaid; provided, however, that the penalty for any separate offense shall in no case exceed the maximum penalty for a violation as set forth in RSA 31:39, III.**

**II. A written notice of violation containing a description of the offense and any applicable schedule of penalties, delivered in person or by first-class mail to the last-known address of the offender, shall be deemed adequate service of process for purposes of any administrative enforcement system established under paragraph I.**

**III. If the administrative enforcement system established under paragraph I is unsuccessful at resolving alleged violations, or in the case of a town that has not established such a system, a summons may be issued as otherwise provided by law, including use of the procedure for plea by mail set forth in RSA 31:39-d.”?**

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

The Moderator read Article 2016-17 and asked if there was any discussion on it.

The Moderator discussed that this is an article that we cannot change because it is dictated by the statute.

Leon Artus spoke on this article discussing that he was against it because this gives the Board of Selectmen the powers to add fines, discretionary fines to whoever has broken their ordinances. He had more discussion on why he was against this. The Moderator asked if anyone had any more discussion on this article and there was none.

**The Moderator called the question. The Moderator asked all in favor of Article 2016-17 going to ballot as written. PASSED**

**Article #2016-18      Acceptance of Unanticipated Sources of Funds**

**Shall the Town accept the provisions of RSA 31:95-b, providing that any town, at an annual meeting, may adopt an article authorizing indefinitely, until specific rescission of such authority, the Selectmen to apply for, accept and expend, without further action by the Town Meeting, unanticipated money from a state, federal or other governmental unit or a private source which becomes available during the fiscal year?**

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

The Moderator read Article 2016-18 and asked if there was any discussion on it and there was none. The Moderator said this is just a housekeeping article that we have to do every fiscal year.

**The Moderator asked all in favor of Article 2016-18 going to ballot as written. PASSED**

**Article #2016-19      Acceptance of Reports**

**Shall the Town accept reports of agents, auditors and committees as written in the 2015 Annual Report?**

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

The Moderator read Article 2016-19 and asked if there was any discussion on it. He said this is another housekeeping article.

**The Moderator asked all in favor of Article 2016-19 going to ballot as written. PASSED**

**Article #2016-20      Conflict of Interest Legal Line (by Petition)**

**Shall the Town of Atkinson establish a legal expense line for the Conflict of Interest Committee in the amount of \$100.00 to handle legal consultation in regards [sic] to conflict of interest complaint, as necessary?**

*Without Budget Committee Recommendation: 0 Yes, 5 No, 1 Abstain*

*Without Board of Selectman Recommendation: 0 Yes, 4 No, 1 Abstain*

The Moderator read article 2016-20 and asked if there was any discussion on it.

Leon Artus spoke on this article discussing that the Conflict of Interest Committee is there to judge the ethical behavior of Elected Officials. He knows that the Selectmen will zero out this line. The Moderator stopped him because his discussion was singling out a person. He told him he could get back in line and try again.

**Jason Grosky would like to make a motion to amend this article; seconded by Sue Killam**

**Shall the Town of Atkinson establish a legal expense line for the Conflict of Interest Committee in the amount of zero dollars (\$0) to handle legal consultation in regard to conflict of interest complaints, as necessary?**

Jason said that a little while ago when we were talking about legal money the contradiction was pointed out about how on one hand to eliminate one legal budget line and on the other to create one. Jason stated that we shouldn't have any Superior Court filings from Town of Atkinson VS Town of Atkinson. The Conflict of Interest Committee exists as a check, as a shield to make sure that the Elected Officials are doing their job properly. There is the difference between a true conflicts and someone claiming anything they want to. The Conflict of Interest Committee is a shield, but, over the past year it has been used as a sword to go after someone they don't like. This isn't something we should be blowing good taxpayer's money on. There was more discussion on this amendment for and against.

**Debra DeSimone made a motion to call the question, seconded by Barbara Snicer.**

**The Moderator asked all in favor of Article 2016-20 as amended. PASSED**

**The Moderator asked all in favor of Article 2016-20 going to ballot as amended. PASSED**

**Selectman Chairman, William Baldwin made a motion to restrict reconsideration on Article 2016-1-2016-20; seconded by Barbara Snicer.**

**The Moderator asked all in favor of restricting reconsideration on Articles 2016-1-2016-20. PASSED**

**Article #2016-21      Conflict of Interest Ordinance (By Petition)**

To eliminate the conflict between this ordinance and Statutory Law. The Statute that allows the establishment of Conflict of Interest ordinances (RSA 31:39-a) clearly states that “The superior court shall have jurisdiction over any removal proceedings instituted under an ordinance adopted under this section.”. In order to make the Town of Atkinson Conflict of Interest Ordinance compliant with this Statute.

**Shall the Town of Atkinson make the following changes to the language of the Conflict of Interest Ordinance?**

Section VII. F. AFTER “Findings shall include supporting arguments” STRIKE “to order removal of or” AND ADD AT THE END “in the case of a recommendation for removal, The Selectmen SHALL forward said recommendation to Rockingham Superior Court for adjudication.

Section VII. H. STRIKE “If the Selectmen determine, by a majority vote, that removal is warranted, the elected or appointed member” AND REPLACE WITH “If a recommendation for removal is made the respondent [sic]”

Section VII. ADD Letter “L” STATING “If the subject of the conflict of interest complaint is a member of the board of selectmen, the remaining board members must recuse themselves from sitting in judgement [sic] of any punishment, as doing so will result in a violation of this Ordinance, in this case a petition SHALL be made to Rockingham Superior Court to either adjudicate the recommended punishment, or to appoint at least three former selectmen for this purpose.”

**Current wording**

F. Findings as to elected and appointed members (excluding town employees) shall be forwarded to the respondent and Selectmen with a recommendation for removal or censure, if appropriate. Findings shall include supporting arguments. The Selectmen shall have authority to order removal of or censure said elected or appointed members.

**Revised wording**

F. Findings as to elected and appointed members (excluding town employees) shall be forwarded to the respondent and Selectmen with a recommendation for removal or censure, if appropriate. Findings shall include supporting arguments. The Selectmen shall have authority to-----censure said elected or appointed members. In the case of a recommendation for removal. The Selectmen SHALL forward said recommendation to Rockingham Superior Court for adjudication.

**Current wording**

H. If the Selectmen determine, by a majority vote, that removal is warranted, the elected or appointed member shall be given the opportunity to resign. If said member chooses not to resign, a petition to remove shall be filed with the Superior Court.

Revised wording

H. If the recommendation for removal is made the elected or appointed member shall be given the opportunity to resign. If said member chooses not to resign, a petition to remove shall be filed with the Superior Court.

Section VII. ADD Letter "L"

STATING ""If the subject of the conflict of interest complaint is a member of the board of selectmen, the remaining board members must recuse themselves from sitting in judgement [sic] of any punishment, as doing so will result in a violation of this Ordinance, in this case a petition SHALL be made to Rockingham Superior Court to either adjudicate the recommended punishment, or to appoint at least three former selectmen for this purpose."

*Without Board of Selectman Recommendation: 0 Yes, 4 No, 1 Abstain*

The Moderator read Article 2016-21 and asked if there was any discussion on it.

Leon Artus spoke on this article. He discussed that this wording cannot be changed per the law. The Moderator asked if he got this information from the Municipal Association. Leon replied that he did.

Jason Grosky asked for the residents to vote against this article. This is not per the law it is a fallacy, manufacturing of the law. This takes the Conflict of Interest Committee from being an advisory board to an actionable board jumping the Board of Selectmen and forcing people's hands. Using this to go after people they don't like. Please vote it down. Leon Artus firmly disagrees. This is the legislation that has been discussed for hours across the state. The law is very clear; it is in RSA 31.39 Conflict of Interest. It states that the Superior Court "shall" have jurisdictions over any removal recommendation particularly of a Selectman. The Selectmen cannot decide what the punishment should be for another board member, which would be a conflict of interest. Debra DeSimone read RSA 39:39a. There was more discussion for and against this article.

**Harlan Cheney made a motion to move the question, seconded by Selectman William Baldwin.**

**The Moderator asked all in favor of moving the question. PASSED**

**The Moderator asked all in favor of moving Article 2016- 21 to ballot as written. PASSED**

**The Moderator, James Garrity dissolved the meeting at 1:43pm.**

A True Record, Attest: Rose M. Cavalera Town Clerk



A True Copy of Record, Attest: Rose M. Curdlean Town Clerk