

**STATE OF NEW HAMPSHIRE**  
**TOWN OF ATKINSON**  
**2019 DELIBERATIVE SESSION MINUTES**  
**FEBRUARY 2, 2019**  
*Town of Atkinson*

**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:*

You are hereby notified to meet at the Dyke Auditorium of the Atkinson Academy, 17 Academy Avenue in Atkinson, New Hampshire, on Saturday, the 2<sup>nd</sup> day of February, 2019, at 10 o'clock in the morning to deliberate on the articles included in the Warrant. This session will consist of explanation, discussion and debate of Warrant Articles 2019-1 through 2019-17. 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 as amended.

*Second Session of the Annual Meeting:*

You are hereby notified to meet on Tuesday, the 12<sup>th</sup> day of March, 2019, at the Atkinson Community Center, 4 Main Street in Atkinson, NH, to vote by Official Ballot on the election of Town Officials and all Warrant Articles. By the vote of the Selectmen, the polls for the meeting will remain open from 7 o'clock in the morning until 8 o'clock in the evening.

Present: Moderator, James M. Garrity and Assistant Moderator, John Troy; Selectman Chairman William M. Baldwin, Selectman Gregory S. Spero, Selectman Jason B. Grosky and Selectman William Friel and Town Administrator, Alan Phair, Assistant Town Administrator, Barbara Snicer; Interim Town Clerk, Bonnie Jordan; Supervisor of the Checklist Chairman, Leslie Barbera and Supervisor of the Checklist Ellyn Murphy; Budget Committee; Chairman, William Smith, Peter Torosian, Wendy Barker, David H. Paquette, Robert Worden, Robert Malo and a total of 101 registered voters throughout the day. Also present were non-voters including a reporter, a soundman, a cameraman, our Cable Coordinator, David Williams, our Chief of Police, Timothy Crowley, Representative for Elder Services, Edward "Ted" Houlihan and Deborah Costello, Recording Clerk.

The Moderator, James Garrity called the meeting to order at 10:00 a.m. He started off the meeting with a moment of silence for residents who passed away between last year and this year, followed by a prayer led by Pastor Jim Thomas from the Atkinson Congregational Church. Town Administrator, Alan Phair led us in the Pledge of Allegiance. The Moderator introduces the Selectmen, the Budget Committee, Interim Town Clerk and Assistant Moderator. He also commented that we had two of our State Representatives at the meeting, Peter Torosian and Debra DeSimone.

The Moderator, James Garrity, talked about the Moderator's Rules; he said nothing had changed from last year. He also commented on the 3-minute countdown clock that was used last year to keep our Good Neighbors' discussions under 3 minutes per discussion. He also commented that

we are here to discuss the Policy of the work, not the Person and not the Process. No personal attacks or unruly behavior. He also commented on this being an open meeting but only Atkinson Registered Voters are allowed to speak at the microphone and vote and he mentioned the Amendment process.

#### **Article #2019-1      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.

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

**Selectman, William Friel, made a motion to move the same slate; seconded by Assistant Town Administrator, Barbara Snicer. There were no other nominations from the floor and the last years Fence Viewers were re-elected.**

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

**Selectman, William Friel made a motion to nominate John Feuer and Edward Stewart as the Surveyors of Wood and Lumber for 2019; seconded by Assistant Town Administrator, Barbara Snicer. There were no other nominations from the floor and John Feuer and Edward A. Stewart were re-elected as Surveyors of Wood and Lumber.**

He also commented on the March 2019 upcoming voting regarding Offices and candidates as follows:

Selectman: Two (2) three (3) year term positions available; candidates running are William M. Baldwin and William Friel;

Town Clerk: One (1) two (2) year term position available; candidates running are Laura Flieder and Julianna Hale;

**Secretary to Cemetery Trustee: One (1) three (3) year term position available; no candidate as of now;**

Cemetery Trustee: One (1) two (2) year term position available; candidate running is Michael Berube;

Road Agent: One (1) two (2) year term position available; candidate running is Edward A Stewart;

Conflict of Interest Committee: Two (2) three (3) year term positions available; candidate running is Leon Artus;

**Conflict of Interest Committee; One (1) two (2) year term position available; no candidate as of now;**

**Trustees of the Trust Fund; One (1) three (3) year term position available; no candidate as of now;**

Library Trustee; Two (2) three (3) year term positions available; candidates running are Linda S. Jette and Suzanne 'Lara' Cross;

Municipal Budget Committee; Two (2) three (3) year term positions available; candidates running are Bill Smith and Raymond Fournier; and

Treasurer; One (1) three (3) year term position available; candidate running is Michael C. Turell.

The Atkinson Women's Civic Club will be hosting a Candidate's Night event at the Town Hall on March 5, 2019 at 7:00p.m. to hear from the Candidates that are running for Offices on what they are about and why you should vote for them.

**Article #2019-2 Amend Article #XVII MS-4 Illicit Discharge, Detection and Elimination.**

**Moderator suggests Residents read the Warrant to understand it better and explains what it is about.**

**Moderator states we are not allowed to modify this article at Deliberative Session.**

#### **1700.1 PURPOSE AND INTENT**

The purpose of the Illicit Discharge Detection and Elimination (IDDE) ordinance is to provide for the health, safety, and general welfare of the citizens of Atkinson through the regulation of non-storm water discharges to the storm drainage system to the maximum extent practicable as required by federal and state law. The IDDE ordinance establishes methods for controlling the introduction of pollutants into the municipal separate storm sewer system (MS4) in order to comply with requirements of the EPA National Pollutant Discharge Elimination System (NPDES) and MS4 permit process. The objectives of this ordinance are to:

1. Regulate the contribution of pollutants to the MS4 by storm water discharges by any user.
2. Prohibit illicit connections and discharges to the MS4.
3. Establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this ordinance.

#### **1700.2 DEFINITIONS**

For the purposes of this ordinance, the following terms shall mean:

Authorized Enforcement Agency. Employees or designees of the Board of Selectmen designated to enforce this ordinance.

Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

Illegal Discharge. Any direct or indirect non-storm water discharge to the storm drain system, except as exempted in Section 8 of this ordinance.

Illicit Connections. An illicit connection is defined as either of the following:

- Any drain or conveyance, whether on the surface or subsurface that allows an illegal discharge to enter the storm drain system including but not limited to any conveyances that allow any non-storm water discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency or,
- Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

Industrial Activity. Activities subject to NPDES Industrial Storm Water Permits as defined in 40 CFR, Section 122.26 (b)(14).

Municipal Separate Storm Sewer System (MS4). The system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains) owned and operated by the Town of Atkinson and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.

National Pollutant Discharge Elimination System (NPDES) Storm Water Discharge Permit. means a permit issued by EPA (or by a State under authority delegated pursuant to 33 USC § 1342(b)) that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.

Non-Storm Water Discharge. Any discharge to the storm drain system that is not composed entirely of storm water.

Pollutant. Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non-hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.

Storm Drainage System. Publicly-owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

Storm Water. Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

Storm Water Management Plan. A document which describes the Best Management Practices and

activities to be implemented by a person or business to identify sources of pollution or contamination at a site and the actions to eliminate or reduce pollutant discharges to Storm Water, Storm Water Conveyance Systems, and/or Receiving Waters to the Maximum Extent Practicable.

Wastewater. Any water or other liquid, other than uncontaminated storm water, discharged from a facility.

### **1700.3. APPLICABILITY**

This ordinance shall apply to all water, pollutants or other substances entering the storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the Board of Selectmen.

### **1700.4 COMPATIBILITY WITH OTHER REGULATIONS**

The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

### **1700.5 DISCHARGE PROHIBITIONS**

#### **1700.5.1 Prohibition of Illegal Discharges.**

No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows and if it is determined that the activity is causing an adverse impact:

1. The following discharges are exempt from discharge prohibitions established by this ordinance: water line flushing, landscape irrigation, diverted stream flows, rising ground waters, uncontaminated ground water infiltration, uncontaminated pumped ground water, discharges from potable water sources, foundation drains, air conditioning condensation, irrigation water, springs, water from crawl space pumps, footing drains, lawn watering, individual residential car washing, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges, and street wash water.
2. Discharges or flow from firefighting, and other discharges specified in writing by the Board of Selectmen as being necessary to protect public health and safety.
3. Discharges associated with dye testing, however this activity requires a verbal notification to the Board of Selectmen prior to the time of the test.
4. The prohibition shall not apply to any non-storm water discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the United States Environmental Protection Agency (EPA).

#### **1700.5.2 Prohibition of Illicit Connections.**

1. The construction, use, maintenance or continued existence of illicit connections to the storm

drain system is prohibited.

2. The prohibition in #1 expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.
3. A person is considered to be in violation of this ordinance if the person connects a line conveying sewage to the MS4 system or allows such a connection to continue.
4. Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system upon approval of the Board of Selectmen.
5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the Board of Selectmen requiring that such locating be completed. Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system or other stormwater discharge point be identified. Results of these investigations are to be documented and provided to the Board of Selectmen.

#### **1700.6 SURFACE WATER PROTECTION**

Every person owning property through which surface waters or a watercourse passes, or such person's lessee, shall keep and maintain that part of the surface waters or watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

#### **1700.7 REQUIREMENT TO PREVENT, CONTROL, AND REDUCE STORM WATER POLLUTANTS BY THE USE OF BEST MANAGEMENT PRACTICES**

The Board of Selectmen will adopt requirements identifying Best Management Practices for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States.

#### **1700.8 NOTIFICATION OF SPILLS**

Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. Failure to provide notification of a release as provided above is a violation of this ordinance.

#### **1700.9 VIOLATIONS, ENFORCEMENT, AND PENALTIES**

##### **1700.9.1 Violations.**

It shall be unlawful for any person to violate any provision or fail to comply with any of the

requirements of this ordinance. Any person who has violated or continues to violate the provisions of this ordinance, may be subject to the enforcement actions outlined in this section or may be restrained by injunction or otherwise abated in a manner provided by law.

In the event the violation constitutes an immediate danger to public health or public safety, the Board of Selectmen is authorized to enter upon the subject private property, without giving prior notice, to take any and all measures necessary to abate the violation and/or restore the property. The Board of Selectmen is authorized to seek costs of the abatement as outlined in Section 17.

#### **1700.9.2 Warning Notice.**

When the Board of Selectmen finds that any person has violated, or continues to violate, any provision of this ordinance, or any order issued hereunder, the Board of Selectmen may serve upon that person a written Warning Notice, specifying the particular violation believed to have occurred and requesting the discharger to immediately investigate the matter and to seek a resolution whereby any offending discharge will cease. Investigation and/or resolution of the matter in response to the Warning Notice in no way relieves the alleged violator of liability for any violations occurring before or after receipt of the Warning Notice.

#### **1700.9.3 Suspension of MS4 Access due to the Detection of Illicit Discharge**

Any person discharging to the MS4 in violation of this ordinance may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The Board of Selectmen will notify a violator of the proposed termination of its MS4 access. The violator may petition the Board of Selectmen for a reconsideration and hearing.

A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the Board of Selectmen.

The Town of Atkinson IDDE Administrative Program Implementation Procedure is available in the Board of Selectmen's Office at Town Hall, 21 Academy Ave, Atkinson, NH 03811.

*Recommended by the Planning Board: 5-Yes, 0-No, 0-Abstain*

#### **Article #2019-3      Operating Budget**

**Moderator goes over 2019 Operating Budget on page 7 of the State of New Hampshire, Town of Atkinson, 2019 Warrant.**

**Shall the Town of Atkinson vote to 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 Five Million One Hundred Twelve Thousand Four Hundred Nineteen Dollars (\$5,112,419)? Should this article be defeated, the Default Budget shall be Four Million Nine Hundred Eight Thousand One Hundred Three Dollars (\$4,908,103), 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.**

Moderator stated that we are voting on amending today is the Budget Committee's recommendations. We will be asked to discuss one major category at a time. The first being:

*General Government:*

Moderator introduces the Chairman of the Budget Committee, Bill Smith who presents a slide presentation. He went over some things that are up this year in the budget:

Slide #2 - 6 of Budget committee were volunteers and have met over about 15 times this fall to discuss the budget

Next Slide . Bill Smith goes over all increases and decreases- see page 7 of 2019 Operating Budget

9.51% increase in overall budget. Selectmen want 9.27% Budget They have fact sheets to help them deliberate. Overall small increases. Small cost adjustments.

Routine Maintenance

Final 6.37 %

Employee Salaries are up

3% raise for full-time Police Officer

2.5% cost of living

2.5 % increase for full-time employees.

Health and Service up

Fire Dept. 2 full-timers up which including funding for the first part of the year. Now is included in budget

Full-time Police Officer. Need another full-time Officer and Chief limited small adjustments

Highway up

solid waste is up over 100,000

Library is up

Elder Services up

Next Slide Overall 6.37% increase????

Next Slide General Government

Next Slide Executive down a bit because of 53<sup>rd</sup> week, leap year

Next Slide Election and Registration down

Next Slide Financial Administration increase of 7.52%

Next Slide Legal/Personal up a bit, down a bit

Next Slide Planning and Zoning increase of 4.75%

Next Slide Building down 18.9%

Next Slide Cemeteries insurance

Moderator asks if there is anyone who would like to come forward and make any Amendments under General Government.

**Barbara Snicer, 22 Devonshire Road: Article #2019-3, Operating Budget A/C #41307 Energy Commission /Education and Conferences: Motion to add Two Hundred Fifty Dollars (\$250.00) to join the Clean Energy NH, to the Operating Budget. Second: A. Phair.**



Assistant Moderator, John Troy took over for Jim Garrity. Jim Garrity, Chairman of the Atkinson Energy Commission, addressed this motion. He states that we are folks who get together and figure out how the town can save efficiently with energy and we look for ways to educate Towns people on ways to save energy and how to use it more efficiently. We have an opportunity to join Clean Energy of NH. They specialize in energy efficiently and renewable energy. We have been associated with them for a long time. They do great ideas for small towns like ours. They advocate for small towns with power companies so that we might be able to benefit from entering. Budget is \$1. Very worthwhile membership. J. Garrity encourages to vote yes.

Any further discussion on this issue?

**Passed +\$250.00**

Moderator asks if there are any more questions re: General Government

Why is General Government Buildings down 18.89% from that which was requested?

Town Administrator A. Phair answered that recommended improvement costs were cut by the Budget Committee. Cut by \$50,000

Peter Torosian said that last year \$240,000 passed to be used for repairs to the Fire Station.

**A. Phair made the motion to place \$1 in line #40.41913.225.00 MEDICARE. The reason being that there will be several of these types of Amendments that the various Recording Clerks for the various departments of the Town which used to be covered under Other Professional Services. Those individuals should now be considered employees. Thus, we have to take Medicare and FICA taxes portion and will come from 40.41911.220.00. Zoning fits under General Government Section.**

**Passed**

**Mr. Phair I would like to make an Amendment to Article 2019-3 Zoning. Motion to place \$1 in line 40.419.13.220.00 FICA for the same reason as previously stated. These are all technical friendly amendments bringing up to law.**

**Passed**

Question: It is my understanding that these are expense neutral revenue which will not change the total in the budget. We are just moving one line to another actual amount of the taxes, for example if \$100.00 social security and \$40.00 Medicare, that will be filled in later and that extra money will come out of the employee's salary? Is that correct?

A. Phair answered that is correct

Another goal of this meeting is to educate the tax payers about the process.

**A. Phair: Article 2019-3 Planning Motion to place \$1 in line #40.41911.220.00 FICA This is coming from line #40-419.111.00.00**

**Passed**

**A. Phair: Article 2019-3 Planning Board Motion to place \$1 in line #40.46111.220.00 Medicare. This is also coming from line #40-41911.110.00 for the same reason as previously stated.**

**Passed**

**A. Phair: Article 2019-3 Executive: Motion to change line 41301.110.01 (Recording Clerk Fees) from zero (\$0) to \$5,850.00 for the reason that Recording Clerks are now considered employees. Same reasons previously stated. Selectman voted an increase for the Recording Clerk based on the amount needed.**

What is title of line? A/C #40.41301.110.01 Board of Selectmen Recording Clerk **Passed**

**A. Phair: Article 2019-3 Executive Motion to change line #40.41301.225.00 Medicare from \$245 to \$330 (an increase of \$85) for the reason that Recording Clerks may now considered employees as previously stated.** **Passed**

**A. Phair looking for Amendment, Moderator has an Amendment. Article 2019-3 Executive Motion to Change Line #40.41301.220.00 FICA from \$1048.00 to \$1515.00, to add in FICA, an increase of \$467.00**

**Passed**

Karen Steele: asks questions regarding the Budget/ Default Budget/Selectman Budget for the purposes of better understanding. What is the goal and the purpose of a Board of Selectman budget?

Moderator answers: Board of Selectman come up with their budget recommendations and the Budget Committee gives a second opinion.

Alan Phair: Our buildings are an important part of our town which we need to take care of and plan ahead. For example, \$18,000 was removed from the Fire Station to repair a damaged drainage system in the apparatus bay floor. Also, we wanted to paint and repair the interior ceiling inside for \$15,000 that was taken out. There was \$5,000 to put a shower in the Police Station. There was \$10,000 for an addition to the side of the Town Garage's Salt Shed. There was \$11,000 to put a handicapped-accessible entrance in the Kimball House.

P. Torosian discussed various capital improvements, such as:  
Upgrading bathrooms in the Town Hall which is fully serviceable. The Town Administrator brought deductions to us. This is the 2019 budget. For consideration, we are looking for almost a 10% increase in the budget. We may see the tax rate go up if we are not responsible here. This is all Capital Improvements. Things that can be done in the future.

Debra DeSimone asked if the Board of Selectmen do their budget first, then the Budget Committee takes it and says yes or no, or do they work in parallel and what are we as citizens supposed to learn from seeing those recommendations here, but we only vote on the total Operating Budget?

Budget Committee Chairman, W. Smith said that we are an SB2 Town. The Selectman are the executives who meet every week. They do a first pass budget based on what the Town Department Heads asked for and recommend. We work in parallel. There are actually three columns in our spreadsheet: that which the departments that have asked for and that which the Selectman adjusted it to. The third column is what the Budget Committee recommends. We try to balance the needs

of the Town, the Departments and the needs of the taxpayers, because if the budget keeps going up 5-10% each year, every year, the taxes are going to go up sooner or later. There are people in this town who live on a fixed income. There are people in this town who get 0% increase. There are people who are unemployed. I was unemployed for a year recently. I got a new job and the economy has picked up but I am getting 12% less pay than I was two years ago, so taxpayers have needs too. We try to balance all of that as effectively as we can.

Moderator, Jim Garrity speaks: The Budget Committee owns the Budget until today. They bring it to us in the Warrant and now we are the Legislative body today and we can tweak it. Can't tweak it by more than 10%. The Budget Committee budget is what the voters get to consider. The vote of the Deliberative Session voters is that which goes to the ballot on March 12, 2019, for the Town to vote on in secret ballot. If, in March, the Town decides that we don't want to spend the amount of money recommended by this Deliberative Session, there is a formula that says ok we are going to spend what we did last year with certain adjustments, known as the Default Budget, then the Town may spend only what is in the Default Budget, and, perhaps opt for a Special Town Meeting to reconsider the Operating Budget, as provided in Article #2019-3.

Just to add to what the Chairman has said: The voters in Town get to decide on what they want to spend in each budget. So to help understand the process a little bit more, typically Department Heads go to the Selectmen first with their budgets. Pretty much every year there are some changes that come about. We were elected and Voters elected us to try to draft a responsible budget. The reality is that there are people in town, that in order to stay in the town, they have reverse mortgages.

John Ritch Question: I am relatively new in Town. How does the Town handle education? I don't see it anywhere.

Moderator Answers: We are part of a regional school district, the Timberlane Regional School District. There are four Towns: Atkinson, Danville, Plaistow and Sandown and the elementary schools are in each Town. There is one Middle School in Plaistow and the High School is in Plaistow. There is a school budget which is \$71 million plus, gets voted on March 12, 2019 as well. There is a Deliberative Session like this one for the school district, on Thursday night February 7, 2019, at the High School where people are allowed to ask questions about that budget. When you get your tax bill there are three parts to the tax bill: the Town, the County (Rockingham) and the School. Your tax bills pay the school budget for us and that is handled through the School Budget Committee. Atkinson has two representatives each on both the School Board and the School Budget Committee. In March when you come to vote, you will receive a multi-page ballot. The first page or so are those running for elected Town offices, followed by the opportunity to vote on each Warrant Article for both the Town and the School District.

Barbara Snicer added that there were revenues associated with the Town budget, and just learned that the Operating Budget that comes before you today were recommended by the Budget Committee as previously stated. The Warrant Articles are the Selectmen's recommendations are given to the Budget Committee for its recommendation or not.

Debra DeSimoné just wanted to make one clarification on the education portion of the tax bill. There is a 4th item on the tax bill which is the State Education Tax, on which neither the Budget Committee nor the Selectman can adjust. On your tax bill, the 4<sup>th</sup> section is based on \$6.60 per student and Atkinson happens to be a receiver Town, so we pay less because of the number of students.

Bill Smith spoke: Just to finish up on that last discussion, about 80% of your tax bill comes from the school budget, which is why we are doing what we are doing here and what we are doing here today is about 15% of your tax bill. You have a choice to make when you vote in March and voted for this budget which will be around 6.5% increase over the last year. That fails to go back to the default budget which is at 2.18 % more than last year so you have more than one chance in March of 2.18% to 6.5%. It will affect your tax bill somewhat.

All those in favor of the General Government Section as amended.

**Passed**

*Public Safety:*

Budget Committee showed Public Safety Slides.

Alan Phair: Amendment to Article 2019-3 Animal Control Motion to delete \$125.00 from line 40,44191.190.00 Fines for the reason is that the Animal Control Officer is no longer paid by the fines.

**Passed -\$125.00**

Moderator, Jim Garrity discusses Highways & Streets.

Moderator asks if there are any Amendments for Highways & Streets.

**Passed**

Moderator Jim Garrity discusses Sanitation

Moderator asks if there is any Amendment to the Sanitation

**Passed**

Moderator Jim Garrity discusses Health & Welfare

Barbara Snicer Amendment to Article 2019-3 Motion for A/C #44159 under Health Agencies Special Purpose Programs 44159.350.09 CASA. Motion to amend the Operating Budget to increase by \$200.00 for CASA. Note: Town Meeting voted \$500 for CASA in 2013 (Article #2013-9) The Motion is to Amend the CASA line to \$200.00 . “This Article is in addition to Article 2013-5 the Operating Budget but will be included in future Operating Budgets.”

Debra DeSimoné speaks: Please approve this increase. The Court Appointed Special Advocates (CASA) are for kids that are in dire need, due to the opioid crisis that we are dealing with. We are dealing with more children that need more help. The Legislature just had a meeting with the CEO of CASA and they are in desperate need of more volunteers. The Operating Budget is increasing and they are not getting much funding from the State. \$200 that is being taken away from the \$500, means a lot. CASA are the volunteers who go out and deal with these kids. There is a difference between that and the Guardians ad Litem who get paid \$65.00/hr. They see the kids once a month, if that. Volunteers of CASA get paid nothing and they see the children as often as necessary as a rule. Very important to support CASA.

Moderator asks if there are any other discussions:

Bob Malo said that Volunteers would show up and just sit around for a couple of hours doing nothing and then told to leave. He states CASA needs to get their act together and operate more efficiently. The CEO wanted more money. They want to see him make the program more effective.

Debra DeSimoné said that the Budget Committee was given the wrong information. By Law, by State Law, every CASA Volunteer that engages with a young child has no alternative but to report to the Court.

Lena Bistany-Nye, 14 Devonshire Road / CASA Volunteer said she was the one who gave that information to the Budget Committee. I was a Volunteer for CASA and spent a lot of time sitting in Court halls because they forgot about me and they didn't tell me the Hearings were cancelled, I found that they got plenty of free time from me and haven't paid for anything for me. They had forgotten about me many times. So I stayed with the child I was working with until his time was up and I quit because of that. **Passed +\$200.00**

Denise Legault, 50 Hemlock Shore Drive, asked why has General Assistance gone down?

A. Phair commented that as Town Administrator, one of my duties is to oversee the Welfare Budget. Each year we put in a certain amount of money in anticipation and hope we never have to use it. We don't have a dollar amount. The reality is that we never know who will be in need. Last year \$6,283.00 was spent.

Peter Torosian/Budget Committee comments that the Budget Committee took a look at what was expected of that line. In the last several years, it did not go above \$10,000.00. In fact, in 2017, we spent \$7,065.00 which we thought was an adequate amount based on historical data. In fact, the unemployment is the lowest it's been in many years. **Passed**

### *Culture & Recreation*

Moderator, Jim Garrity asks if there are any Amendments to Culture & Recreation?

No Amendments

**Passed**

### *Conservation Budget*

Alan Phair Comments; Motion to add a new line #40.46111.225 Medicare and place One Dollar (\$1) in it. Money to come from 46111.111.00 Recording Clerk for the reason being according to State Laws, Recording Secretaries must be employees as stated previously.

**Passed**

Other Amendments to Conservation Budget

Kenneth Grant, 19 Crown Hill Road, said he would like to propose an Amendment and speak to it. K. Grant made the motion to reduce the entire Conservation budget (A/C #40.46111) from \$9,027.00 to \$1,000.00, suggesting the extra funds be given to the Boy Scouts for projects.

He also spoke of Mrs. Ruth McPherson's Estate and how she divided her acreage in 1982 and 1992. Upon her death in 2000, her funds were placed in a private trust fund. The Trustee died. The law is clear. When a Trustee dies without a Successor Trustee, a Successor Trustee must be appointed. These circumstances are explained in court in clear plain language and the NH Statutes. The Trust document of Mrs. McPherson stated exactly the same that the Trustee Successor shall be appointed by the Court. This is the Law in the State of New Hampshire and Mrs. McPherson's wishes in her Will. I would like to both enter the Law and the Statute and the case of her Trust Documents. The Conservation Commission went to the Attorney General and proposed that they take the money and put it into a Conservation Trust. They created a scheme.

Moderator, Jim Garrity: We don't say the word "scheme".

This is not government money. These are private funds. The only way the Government is involved is if the Attorney General's Office has oversight. The real venue is in the Probate Court just like the Will.

The Legislative body, which is us, has oversight of expenditures. Why must we take the money from some of these trusts. Why not another Trustee? Tell the Conservation Committee that they should withdraw from their Trust Money. They don't need the money. They have over \$300,000.00. Tell them Mrs. McPherson was one of Atkinson's finest citizens. Please respect her last wishes.

Paul Wainwright / Conservation Committee

I have served 21 years. I am not going to comment on Mrs. McPherson's Conservation Trust because it is in on-going litigation and I am part of it and have no desire to be part of it. We do a lot with a very small budget, which is the smallest budget of the entire Town. None of the things that we do have anything to do with what the Conservation Fund. Things like paying recording secretary, mowing fields, trail signs and other trail maintenance, supporting the Boy Scouts and repairing the Town's kayak and canoe dock. Ted Stewart repaired it. Thank you to Ted Stewart. To summarize the items in our Operating Budget; it has nothing to do with the acquiring of land. Therefore, I ask my other Good Neighbors to vote no to change the Conservation Budget.

**Motion Failed**

#### Debt

Any Amendment on Debt/Long term debt retired in 2027.

Alan Phair speaks of principal on all debt. We had a total of \$1,714,500.00 and we already paid \$851,329.32.

**Passed**

Discuss the Default, we cannot make a change to last year's budget

Bill Smith to present slides: To summarize if the voters in March do not approve this year's proposed Operating Budget.

This will be a 6 ½ % increase. If not approved, we will go with last year's budgets with a couple of small changes having to do with contracts. This year we spent a lot of money on health insurance. This year we have new contracts. The 53<sup>rd</sup> week was an expense last year.

The bottom line is that if voters vote no; than the Town will operate on a 2.8 % increase and if they vote yes, they will have a 6 ½ % increase.

#### Article #2019-3 Operating Budget

Leon Artus asked if someone might explain to us if the current budget changes in March. How is that budget distributed across each department board? Is it taken from one place or all around?

W. Smith responded that if one looks at the handout, the slide will show you that it comes from all departments.

Moderator states that the only thing that we people are responsible for is the bottom line. We discussed all the details of the budget, but you're still allowed to discuss the budget as a whole and amend the budget as a whole.

Robert Clark Question: What is the Conservation Commission monies right now? And what has decreased or increased over the past couple of years? Is that available?

Paul Wainwright, 134 Maple Avenue/Conservation Commission answers: There is a warrant article this afternoon that will be discussed, Article #2019-15, at which time I will have lots and lots of information about the Conservation Fund.

Tom Kelly 64 Aspen Ave Question: How is the tax rate determined?

Barbara Snicer Answers: When we vote in March for both School and Town Budgets for the year; that will fix the amount we are able to spend during 2019. At the end of August, the Town and School District are required to estimate the amount of revenue that will be earned through the end of the year. The Department of Education reviews the School District's net expenses and divides it among the four participating towns, according to an agreed-upon formula. This is then sent to the Department of Revenue Administration (DRA) to combine Atkinson's share of the Timberlane budget, the Town, Atkinson's share of Rockingham County's budget, and the State Education Tax Warrant and distributes the total over the Town's valuation.

**W. Baldwin made the motion to amend Article #2019-3 The Operating Budget, to \$5,112,419. Should this article be revoked, the Default Budget will be \$4,908,103, which is the same as last year with a few adjustments. Second: B. Snicer**

**Amendment Passed +\$2,876  
Amended article moved to Ballot**

**Motion to restrict reconsideration of Article #2019-3**

**Passed**

## **Break for Lunch**

### **Article #2019-4      Police Vehicles**

**Shall the Town vote to raise and appropriate the sum of Thirty-one Thousand Eight Hundred Sixty-six Dollars (\$31,866) to lease and equip two new Police Vehicles: Ten Thousand Dollars (\$10,000) to come from the Police Outside Detail Revolving Fund and Twenty-one Thousand Eight Hundred Sixty-six Dollars (\$21,866) to be raised by taxes and to allow two Atkinson Police vehicles to be disposed of by trade, sale or bid? This appropriation is for year one of a three-year lease totaling \$95,598, subject to annual funding, at the conclusion of which the Atkinson Police Department will own the vehicles. This is a non-lapsing article per RSA 32:7, VI, and will not lapse until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget.**

Moved by W. Baldwin, seconded by B. Snicer.

Barbara Snicer enters an Amendment to Article 2019-4; **Shall the Town enter into a three-year lease/purchase agreement in the amount of Ninety-five Thousand Five Hundred Ninety-eight Dollars (\$95,598) to lease and equip two new Police vehicles, at the conclusion of which the Town of Atkinson will own these vehicles; and to raise and appropriate the sum of Thirty-one Thousand Eight Hundred Sixty-six Dollars (\$31,866) for the first year's payment, Ten Thousand Dollars (\$10,000) to come from the Police Outside Detail revolving fund and Twenty-one Thousand Eight Hundred Sixty-six Dollars (\$21,866) to be raised by taxes, and to allow two Police vehicles to be disposed of by trade, sale or bid? This is subject to annual funding and is in addition to Article #2019-3. Second: A. Phair**

There are only two things that are different.

- 1>0    The Department of Revenue said this cannot be a "non-lapsing" article; and
- 2>0    Add the word "trade" before sale.

**Amendment Passed  
Moved to the Ballot as Amended**

### **Article #2019-5      Cardiac Monitor**

**Shall the Town vote to raise and appropriate the sum of Thirty-five Thousand Dollars (\$35,000), to purchase a Cardiac Monitor for the Atkinson Fire Department's ambulance? Twenty-five Thousand Dollars (\$25,000) to be generously donated by the Atkinson Firefighters' Association, and Ten Thousand Dollars (\$10,000) to be raised by taxes? This is a non-lapsing article per RSA 32:7, VI, and will not lapse until the purchase is complete, or until December 31, 2023. This in addition to Article #2019-3, the Operating Budget.**

Recognize Chief Murphy for a friendly Amendment.

Chief Murphy made the motion to insert some additional wording per the Budget Committee's request, as follows:

**Shall the Town vote to raise and appropriate the sum of Thirty-five Thousand Dollars (\$35,000), to purchase a Cardiac Monitor to replace the existing cardiac monitor in the**



**Atkinson Fire Department's ambulance, Twenty-five Thousand Dollars (\$25,000) to be generously donated by the Atkinson Firefighters' Association, and Ten Thousand Dollars (\$10,000) to be raised by taxes? This is a non-lapsing article per RSA 31:7, VI, and will not lapse until the purchase is complete, or until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget. Second: B. Snicer.**

M. Murphy/Atkinson Fire Chief speaks. The current cardiac monitor that we have is fifteen (15) years old and needs to be replaced with new technology. The Fire Association has been working on this and now is the time. Chief Murphy hopes we all agree on this.

**Amendment Passed  
Amended Article Moved to Ballot**

**Article #2019-6 Fire Department Capital Reserve**  
**Shall the Town vote to raise and appropriate the sum of One Hundred Twenty Thousand Dollars (\$120,000) 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 #2019-3, the Operating Budget. Moved by W. Baldwin and seconded by B. Snicer.**

**Article Moved to Ballot**

**Motion to restrict reconsideration of Articles #2019-4, 2019-5 and 2019-6 by W. Baldwin.  
Second: A. Phair. Passed**

Moderator explained that restricting reconsideration means we just decided that those articles are closed and cannot be revisited for seven hours.

**Article #2019-7 Fire Station Repairs**  
**Shall the Town vote to raise and appropriate One Dollar (\$1) for the purpose of supplementing the repairs to the Atkinson Fire Station appropriated in 2018 (Article #2018-9) This is a non-lapsing article per RSA 32:7, VI, and will not lapse until the project is complete, or until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget.**

A. Phair made the motion to amend Article #2019-7 Fire Station Repairs by changing the amount of One Dollar (\$1) to Twelve Thousand Six Hundred Seventy-seven Dollars (\$12,677). Second: W. Baldwin.

W. Baldwin presented the history of this repair. During a particularly violent windstorm in March of 2017, a portion of siding blew off the Fire Station. Our insurance estimate was limited to replacing the damaged siding. The Town hired Architect Robert William Hannon (RWH Architects) and Envelope Consultant David Douglass, AIA, Envelope Architecture & Consulting to perform a Water Infiltration Investigation in September 2017. The recommendation was that "...the entire building be stripped and re-clad with proper material and installation methods. Additionally, wall studs that have been affected by water infiltration should be repaired...".

Didn't we already approve this last year?

Moderator answers; Yes we did. Article 2018-9 for \$240,000. So that money is already spoken for. they didn't know how much more they would need when they got the bids back and they found out that they needed \$12,677.00 to install the rigid insulation and the repairs. Those repairs are not done yet.

Why wasn't it done yet?

This is an "Add Alternative" option of installing additional ridged insulation. This adds a higher core value for long term operating costs. While we have the walls opened, it is the right move for the Fire Station long-term.

So, what happened to the money that was put aside last year?

Moderator: Is that being spent this year plus \$12,677.00 for a total of \$252,677?  
Yes, replied Mr. Baldwin,

Jason Grosky the \$240,000.00, that was set aside last year for the Fire Station, has not been done yet. We have had some different options and different suggestions of things that we could add on into this project. One of them was the rigid insulation. So that was adding \$20,000.00 to a bid that was \$7,000.00 less than what was expected. So that is the difference that you see here. This number at about \$13,000.00. There was also an option to put brick work on the forzano at the Fire Station for about another \$20,00.00. We decided against that. We recommended against spending money asking you folks to support this. Another thing that we discussed this morning prior to this meeting and we spoke about a week ago, was setting aside money in a contingency in case that if once you open up walls, you never know what you will find. It is probably anticipated that we find more things that weren't expected that needs to done. Typically, a contingency fund is about 10%. So if you have a \$200,00.00 project, you would probably want to put away \$20,000.00 in case you run into problems. In our discussion with the Budget Committee this morning. The Budget Committee was against setting aside any type of contingency. So the Board agreed that, in the event that there are problems down the road, there is not a contingency set aside. Fortunately, "Chip" Krause, our Project Manager, will have to deal with that issue if and when problems arise.

P. Torosian noted that the Budget Committee agreed to support the \$12,677 amendment to this article for the additional installation of rigid insulation. The job needs to be done while the Fire Station is being repaired. The \$240,00.00 that was voted by last year's Town Meeting is a non-lapsing Warrant and which will cover basically the cost of repairs and we can add the rigid insulation while in the process. If we end up in a situation where they over expend, we can find that money.

**Amendment Passed**  
**Amended Article moved to Ballot**

**Article #2019-8      Island Pond Road Reconstruction and Culvert**  
**Shall the Town vote to raise and appropriate Four Hundred Twenty-two Thousand Five Hundred Seventy-five Dollars (\$422,575) for a base roadway reconstruction of Island Pond**

**Road from Brookside Terrace to the Hampstead Town Line, and to replace Culvert Crossing #1?** This is a non-lapsing article per RSA 32:7, VI, and will not lapse until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget.

Motion: B. Snicer. Second: W. Baldwin.

**Article Moved to Ballot**

**Article #2019-9 Ceiling-Array Microphones reconsideration restricted from 2-9**

**Shall the Town vote to raise and appropriate Nine Thousand Dollars (\$9,000) to purchase and install two Shure Ceiling-Array Microphones and allied equipment required for the installation and operation in Town Hall for Atkinson Community Television?** Such funds to come from the Cable Capital Reserve Fund, established in 1993 for this purpose. As of December 31, 2018, there were Two Hundred Nineteen Thousand Nine Hundred Eight and 03/100 Dollars (\$219,908.03) in the Cable Capital Reserve Fund. This is a non-lapsing article per RSA 32:7, VI, and will not lapse until this purchase and installation is complete, or until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget. Motion: B. Snicer, Second: W. Baldwin.

**Article Moved to Ballot**

**Motion to Restricting Reconsideration of all articles through Article #2019-9 W. Baldwin.**  
**Second: W. Friel. Passed**

**Article #2019-10 Close-Captioning for ACTV-20**

**Shall the Town vote to raise and appropriate Seventy Thousand Dollars (\$70,000) to purchase and install an automated AI-based Closed-Captioning generator and encoder and allied equipment needed for installation and operation in Town Hall for Atkinson Community Television?** Such funds to come from the Cable Capital Reserve Fund, established in 1993 for this purpose. This is non-lapsing article per RSA 32:7, VI, and will not lapse until this purchase and installation is complete, or until December 31, 2023. This is in addition to Article #2019-3, the Operating Budget. Motion: B. Snicer. Second: W. Baldwin.

Barbara Snicer 22 Devonshire Rd. appealed to the Budget Committee to reverse their decision on getting Close Captioning. The people here who have cable have paid the money that goes into this Capital Reserve Fund. The problem is that 18% of the population or more, are hard of hearing and in the Town. We have many people who have the Town to provide someone to sign meetings for them. The age of Atkinson's population is increasing, and we are going to have more and more people who are having hearing problems. We get complaints from people in condos that their neighbor's TV is way too loud. We have to have some consideration to the people in those situations and to be able to provide them with access to Town meetings and informational shows.

Leon Artus 114 Maple Avenue, asked what percentage of town subscribes to Comcast?

David Williams, Station Manager, Atkinson Cable Television answered Mr. Artus' question. The number of people with cable fluctuates every year. We don't have the exact count. Roughly there are about 2,200 households out of 2,900 in Atkinson that currently have cable, and it actually went up when we changed over from Analog to Digital television.

Moderator, Jim Garrity asked that aside from meetings, not just this meeting, is it just on Channel 20? And then you can go back and stream it on VIMEO or Facebook.

Dave Williams: Yes, and yes.

If captioning was available on Channel 20, would what was shown previously historical things also have the captioning in them?

Dave Williams, Station Manager, Atkinson Cable Television: The system we are looking at allows us to take any digital file (i.e. anything that already comes up on Vimeo) and could put it through and we can have the captioning added back into it.

Is it just for subscribers or for anyone?

D. Williams replied that the only places one would be unlikely to receive the closed captioning would be live screen or Facebook. I would have to talk to the Vendor whose product I am looking at. It would not just assist the people who have cable in Town, but anyone that has access to the internet. I think I went through with my good neighbor, B. Snicer actually went through and pointed out that we already have an aging population. Hearing problems do increase with age. The age with the strongest hearing loss is adults 26-69 age groups. This is coming from the National Institute of Health. I am also trying to get the Budget Committee to reconsider their vote on this. We are not technically required under the FCC, the Federal Communication Committee, to provide the closed captioning. We are grandfathered in because of our budget and our size. We are not that unique. There are many others who are in this situation as well. We are not just governed by the FCC rules, we are governed by the Title 2 section of the Americans with Disabilities Act (ADA) and Title 2. My facts are coming from 2 different publications by the U.S. Department of Justice Civil Rights Division. We have to be able to provide communication for anyone who has a disability. Someone blind would be provided with brail or some sort of audio assistance. If you are handicapped and you're in a wheelchair or walker, we have to provide you with ramps. We have no accommodations for anyone who has hearing loss or a hearing disability and under Title 2, that is not acceptable. Title 2 entities are required to give primary consideration to those of aid or service requested by the person who has the disability. Normally captioning is done with a Court Stenographer with a special key board that is attached to a captioning system. And it's an ongoing cost to and the latest estimates was that it cost between \$120.00 and \$180.00 per hour to have a court stenographer type these captions. What we are suggesting is a computer based system that is as effective, if not more than effective than a stenographer and it provides the captioning at the same rate that live captioning is done. It is a one-time cost and substances like this should last us five to ten years easily.

P. Torosian asked if any other towns and/or schools provide this for their meetings.? Also, have you had any questions from Atkinson residents?

D. Williams Cable replied that one of our public officials lost his hearing a couple of years ago, and, at the time I was asked to accommodate him. At that time, short of incurring approximately \$20,000 per year for a stenographer to be present, there was nothing we could do. There are some towns that already provide closed captioning because it was built into their equipment.

Moderator: Can you tell how many people at any given time are watching Atkinson's programs on any other media?

D. Williams answered that he cannot because he is provided those figures from Comcast. We have a better idea of what's going on with VIMEO. We know that we have hard statistics that we can actually pull up on that and we have seen a very steady increase on people who watch things online, both on Vimeo and, in the past year since we have been doing live streaming, watching on Facebook. We have actually seen an increase in people watching online live and on demand.

E. Stewart, 165 Main Street asks if everyone in this room supported this article our tax rate would have no impact?

Moderator: The money is already in the bank. Everyone who has been a Comcast, Adelphia or Harron customer in Atkinson since the beginning, has paid 5% on the monthly bill to the Town for a franchise fee.

D. Williams responded that the fund is there but the money is no longer going into the fund.

E. Stewart: Thank you and please support this article.

Dan Kimball, 51 Main St. I would like to speak in favor of the article. I am a heavy user of closed captioning. I would greatly appreciate it if this passes and my wife will appreciate it also.

Marybeth Torosian, 18 Pine Knoll Drive: I decided to attend to hear from them on things such as why some of them approve this article and some don't.

Jason Grosky: I voted against it because there was not enough information in front of me to show there was a need to spend \$70,00.00 on it, no numbers and no requests. The \$70,000.00 is not tax dollars, per say, it still money that is in the Town's hand and the Town still has the responsibility to make sure it is being wisely spent. From my personal opinion I didn't see it. At the same time this \$70,000.00 was proposed, we were also being asked by the program director to set aside a warrant article for , I want to say \$20,000.00 but that number may be incorrect. To raise and appropriate \$20,00.00 in tax dollars to add into this fund that the Selectmen said no. and they took that out. So just be aware, that while you are being asked now to spend \$70,000.00 that is not tax dollars this year, you are going be asked to raise and appropriate your tax money to replenish the Capital Reserve Fund so that is why I voted no.

P. Torosian responded that there will be future needs and eventually we are going to run out of that money and have to raise tax money to replenish that fund. There are now more and more people getting their information from the internet where people can do that on their own.

R. Malo explained that this is a very desirable thing for Atkinson to do. Even if it was for 20-30 or 50 people. If I had created a list of the all the needs that the town has including this captioning

I would doubt that with all the needs we have, that this system should be at the top of the priority list. I guarantee you a lot of these things that we planned for next year and the year after are going to serve a lot larger population than this voice captioning system.

Sam Butterfield 45 Maple Avenue: To follow up on what was just said: this is a specific reserve for cable television. I was wondering if you would be able to give us some examples of what some of these other priorities that might be more of a priority. We are not talking about what we spend in one day. So maybe a definition of what this money cannot be spent on or what it can.

R. Worden, Budget Committee, explained that the original reason for the money having been set aside was to help our cable system. Our cable system is in the back of the Selectmen's building. Holed in a little closet that is barely operational. It is amazing the quality of Dave and his crew can do in the small area. Those funds were really supposed to be for that purpose for the cable station space. But there is really no person for community development or any space for large equipment. The cable station is going to need a better department. We are just concerned. We are all in favor in general but this is not going to be replenished. We are not getting the money back and if there is anything major and the cable program goes down and we go toward this money and we will eventually deplete it even by a third, we are going to have no resources and have to go to the taxpayers. So our general consideration was just to go gently, to let them talk last, and be able to make sure that day to day operations of cable will continue.

Julianna Hale: Just looking objectively at this, not sure if it is going to sway me, if we are looking at a tool that could potentially transcribe every meeting would that be an opportunity to look at the reporting clerk function and I know we have money going into that role so maybe there is synergy there, I don't know. If you have everything dictated more or less from a computer, is there anything gained for efficiently?

D. Williams, Cable Television: The nice thing about this system is that it can be used to create cyber work files. In order to do that they have to generate a text file that can be then used as a direct transfer. This system can actually be taught very quickly and very effectively as to who is who. All it needs are some voice samples of every person involved. With a fair degree of accuracy and actually not just what was said but it can say Chairman Baldwin said this. It is going to go away eventually if you don't put any money back into it. I have asked for multiple years to have a warrant article to put back on there to direct some of the franchise fees back into that fund because that is how that Capital Reserve was intended. You are never going to be able to keep that money growing on its own unless we never use it. Realistically speaking we cannot do that. We can't not use the money and hope that eventually over 30-40 years this money will eventually grow.

R. Malo Budget Committee, just wanted to answer the question regarding some of the other priorities. One is building maintenance dropped so much and there are a number of buildings that need repairs and we are saying we can't afford it. Also, Elder Services got way below what they were asking for. Why were trips cancelled and calls came in questioning. The list will go on and on with examples of real needs that are affecting a lot of people. We had a huge increase last year and another increase. We are going to desperately try next year to normalize what in fact the cost of living increases. We need the voter to help us to keep the taxes down. Otherwise, your

property values increase and your taxes go up. There is a very close correlation between property values and taxes.

Moderator asks: None of these expenses come out of the cable fund?

Bob Malo Budget Committee: True, once it is gone it will come out of taxes. For example, a lot of equipment we have is old and needs to be replaced. Once we spend this money on a captioning system, you're not going to have it to replace some of the equipment and to maintain the capability that we have.

**Article Moved to Ballot**

Moderator Jim Garrity: You see this is something we haven't touched on but what is important is discussion. There are a lot of people who religiously watch this meeting and this whole debate will help them decide how to vote.

**Article #2019-11      Town Hall Generator**

**Shall the Town vote to raise and appropriate Thirty-five Thousand Dollars (\$35,000) to purchase and install a generator capable of running the computer servers and telephone system for the Town Hall, such funds to come from the Undesignated Fund Balance?**

This is to replace a 2013 article for the same amount, which has lapsed. This is a non-lapsing article per RSA 32:7, VI, and will not lapse until the project is complete, or until December 31, 2023. This is in addition Article #2019-3, the Operating Budget. Motion: W. Baldwin. Second: B. Snicer

We have a friendly Amendment by B. Snicer. The Department of Revenue stated we need to change a word. So if you look at the 3<sup>rd</sup> line down, the word "Undesignated" needs to be changed to "Unassigned".

How much money is in the Unassigned Fund Balance?

Barbara Snicer responded that we won't know for certain for 3 to 4 months, until the audit is complete. According to the 2017 audit, we had \$1,314,113 unassigned. The State requires a minimum retainage of 5%, or \$1,027,658. At the time the 2018 tax rate was set, there was \$1,179,613 (5.74%) retained. This left only \$134,500 plus that which is left over from 2018 available.

**Amendment Passed**

**Amended Article Moves to Ballot**

**Article #2019-12      Mosquito Control Expendable Trust Fund**

**Shall the Town vote to raise and appropriate Forty-nine Thousand Three Hundred Ninety Dollars (\$49,390) for the purpose of insect control, such funds to go to the Mosquito Control Expendable Trust Fund, established March 14, 2006 (Article #2006-11) for that purpose?** As of December 31, 2018, there were Three Thousand Six Hundred Thirty-four and 14/100 Dollars (\$3,634.14) in the Mosquito Control Expendable Trust Fund. This in addition to Article #2019-3, the Operating Budget. Motion: B. Snicer. Second: W. Friel.

Barbara Snicer Assistant Town Administrator 22 Devonshire: I would like to appeal to the Budget Committee to approve this Article. As long as the Town of Atkinson has been contracting with

Municipal Pest Services, the annual fee has not changed, and the Town has not had any mosquito-borne diseases, such as Eastern Equine Encephalitis, West Nile Virus, Chikungunya Virus, Jamestown Canyon Virus, Powassan Virus and others. Other Towns that have used cheaper services have had problems with disease bearing mosquitos.

Bob Worden: We originally discussed this proposal and a large overage in the account at the time. Because of the questions we asked there was some forensic accounting done which we found out there was \$3,634.14 of surplus in that account. We thought the number was high and we asked if there was bidding on this. There was no bid on this professional service. There are apparently only two companies in the area who provide this level of collection and analysis. Municipal Pest Services has provided their service to us for the same price for over seven years. Mosquito control is very important .

Barbara Snicer said that as long as we have the contracted amount of money available in the account, this would not be a problem with \$3,634.14 remaining in the Capital Reserve Fund to go with \$46,000.00 to \$49,634.14. We would need the full amount. That's what all the reserve was appropriated for.

Barbara Snicer the article stands; it's the Budget Committee that needs to change their minds.

R. Worden, 18 Salem Rd I would like to make an Amendment to this article to change the amount to be raised and appropriated to Forty-Six Thousand Dollars (\$46,000) for the purpose of insect control, etc.... Second: J. Grosky.

Denise Legault, 50 Hemlock Shore Drive asked what happens if the contract comes in and it's \$50.00 more, do we have a cushion.

Moderator, Jim Garrity speaks: What happens when the contract comes in and it is more than what we agreed on? Do we kill the mosquitos or not?

Barbara Snicer Assistant Town Administrator answers: It is fixed. Their contract is fixed at \$49,390.00 for 2019. This is not to say you're not going have any mosquitos. This is to say that the disease bearing mosquitos we don't have. We analyze them all but the places where breeding areas pop up changes all the time. State requires an updated map every year.

**Amendment Passed**  
**Amended Article Moved to Ballot**

P. Torosian makes a motion to restrict reconsideration on Articles #2019-10, #2019-11 and #2019-12. Second: W. Baldwin. **Passed**

**Article #2019-13      Waive Motor Vehicle Fees for POWs**

**Shall the Town vote, as authorized by RSA 261:157-a, to adopt an ordinance waiving the fee to be charged for a permit to register one motor vehicle owned by any person who was captured and incarcerated for 30 days or more while serving in a qualified war or armed conflict as defined in RSA 72:28, V, and who was honorably discharged, provided the person**



**has provided the Town Clerk with satisfactory proof of these circumstances?** Effective January 1, 2018 a customer who qualifies for a Purple Heart will be issued one registration without any plate fee or registration fee. Also, effective January 1, 2018, if a customer qualifies for a Disabled Veteran plate or a Prisoner of War plate may also be issued an additional plate for a motorcycle. Motion: W. Baldwin. Second: B. Snicer. **Article Moved to Ballot**

**Article #2019-14      Rescind Revolving Fund**

**Shall the Town vote to rescind the Senior/Recreation Trips Revolving Fund established in 2007 (Article #2007-17) with said funds plus any accumulated interest to date to be placed in the Town's General Fund?** Motion: W. Baldwin. Second: B. Snicer.

Noriko Yoshida, Recreation Commission, explained that originally this was created ten years ago for the use of theatre trips or trips to sporting events for seniors. And we couldn't use this for anything else. We replaced it last year with a broader revolving fund (Article #2018-14) to use for additional programs.

Leon Artus Question: Why are there still funds in this account and not in the general fund?

Barbara Snicer Answers: When we planned to have the new fund for last year, there were a lot of new programs being proposed. We discussed with recreation to use up the money in the original fund for senior trips, then everything else will go through the 2018 fund. The only money that should be left in the 2007 account would be a few cents from interest.

**Article Moved to Ballot**

**Article #2019-15      Land Use Change Tax**

**Shall the Town vote to change the Land Use Change Tax (LUCT) percentage under RSA 79-A:25, to go to the Conservation Fund from 100% to 50%, the remaining 50% to go to the General Fund?** Moved by W. Baldwin, seconded by B. Snicer

Paul Wainwright Conservation Committee I make a motion to amend this warrant article by replacing the current wording in its entirety with the following:

**Shall the Town vote to reduce the Land Use Change Tax (LUCT) percentage under RSA 79-A:25 that is deposited into the Conservation Fund from 100% to 99%, the remaining 1% to go into the General Fund?** Second: B. Snicer

Paul Wainwright said that this Warrant article was proposed during the month of December while I was away. So it was not written with the help of the Conservation Committee and without our knowledge. The original intent of this Warrant was to change the percentage of the Land Use Change Tax (LUCT) to the Conservation Fund and distribute a portion of it to the General Fund. However, with all the development currently taking place in town, I feel this is the wrong time to even think about decreasing funding for land conservation, protecting environmentally significant places in town for future generations of Atkinson residents. In 1998 the Town to deposit 100% of the land exchange tax to the Conservation Fund. That was Warrant Article #1998-2. This policy

was most recently reconsidered in 2011. That is Warrant Article #2011-14 which also passed. Furthermore, the Town of Atkinson's 2015 Master Plan recommends that 100% of LUCT be continued to be allocated to the Conservation Fund. Furthermore, two of our neighbors also deposited 100% in their Conservation Fund, as do many of the other Towns in New Hampshire. However there is a much bigger question that needs to be addressed and that is: Do the Townspeople of Atkinson want an ongoing sustainable program for better identifying and act on opportunities to conserve additional land for the future generations of Atkinson residents with the goal of currently protecting things such as environment endangered species habitat, nature trails and water shed protection? Because that is what the Conservation Committee tries to do. Having to finish my first year as chair of the commission, I realized that we have a need for greater community involvement in this process. We need to develop a comprehensive plan for the future for what the Conservation manages, and we cannot do it ourselves nor should we. In the very near future, maybe next Monday at the Conservation Committee meeting I will be asking the Commissioners for a working group of both members and others to set goals and recommend specific actions for land conservation in town. I would like the residents to get involved in this effort and to contact us at our email address which is [conservation@atkinson-nh.gov](mailto:conservation@atkinson-nh.gov) or call at home (603) 362-6589.

J. Garrity asked What is the Land Use Change Tax?

Paul Wainwright summarized: In 1974 the town voted at the town meeting to establish the Conservation Commission (Article #1974-23) as is stated in 36A That is the state law that describes the purpose and responsibilities of the Conservation Commission. This warrant article also established a Conservation Fund and stated that the purpose of this act was to acquire and protect natural resource areas in Town. That article was passed. In 2003, the purpose of the Conservation Commission was further clarified at a Town Meeting (Article #2003-28) to include both purchasing land and Conservation Easements on privately-owned land. As described in RSA 79A, the Land Use Change Tax is a byproduct of the common assessment law of current use which allows owners of the land to have their land assessed as it is currently being used, rather than as developed land. This is good for landowners because it encourages them to retain their land rather than be taxed into selling it, and it is good for the town because it results in preserving open space. As described in RSA 79A, when a piece of land in current use is developed, there is a land use change tax assessed and paid for that portion of land changed from its historic function by the person developing the land. This assessment is 10% of the market value of that portion of land removed from current use. This is the Land Use Change tax. The logic behind this is that land and conservation efforts are going to be funded according to the amount of land that is being developed.

J. Garrity asks: What is the balance in the fund?

Paul Wainwright: The Land Use Change tax is a variable source of funding. Many years it has been zero, some years it can be significant, such as last year when the Page Farm was taken out of Current Use. According to D. DeSimone, our Tax Collector for the past several years, the average income from the Land Use Change Tax is just under \$22,500.00 per year. The balance in the Conservation Fund is \$510,479.36. That sounds like a lot of money and it is, except when you're trying to buy land in Atkinson. In Atkinson that money would buy you a couple of house lots.

Since taking over as Chairman of the Conservation Commission I have been committed to seeking out other sources of funding, including grants, so that we could leverage our Conservation Fund. Grants usually are matching funds and I propose to use our Conservation Funds in that way, but we need help. Commercial Announcement, if there is anyone in town with experience filing grant applications, please call the number on this screen or go to [conservation@atkinson-nh.gov](mailto:conservation@atkinson-nh.gov)

J. Garrity speaks: How much land is under Conservation?

Paul Wainwright: The land I am familiar with includes the following three things:

#1 Land that is set aside for a specific environmental purpose such as endangered species habitat adding the proper space to protect the wetlands current watershed protection to recharging the ground water. That is either owned by the Conservation Commission and administrated by the Conservation Commission and is protected by a Conservation Easement owned by a conservation organization such as the South East Land Trust and it is opened to residents and others for passive recreation or educational purposes. These total 514 acres or 7% of the Town's land. There is a table and map of these lands on the website as is. This notebook contains all of the Conservation Commission's resource documents. Go to: <http://town-atkinsonnh.com/conservation.html>

#2 Another important category is getting an open space which is required by zoning. Although much of this land would not meet the definition of conservation land, it is preserving the rural character of this town as going forward to 2015 active land. These lands total 690 acres and there is a table and map of these lands.

#3 Land to be considered is current use land which currently totals 867 acres, on the table.

J. Garrity asks: If we want to spend conservation money, what is the process to do that?

Paul Wainwright answers: Once we have the Purchase and Sales Agreement, we need to do two things: One is a Public Hearing and two is approval from the Board of Selectmen to spend that money. We need greater community involvement both up front in planning certain goals and others to participate in a land conservation working group. Another way to get community involvement is to occasionally have a community forum, perhaps a quarterly discussion and presentation. A third possibility would be to hold office hours, maybe once or twice a month when residents could come in and talk about whatever (s)he wanted. Just to come in and talk to us. We are not a secret society. We are your Conservation Commission.

Robert Clark speaks: How much money has been put in that account in the past two to three years? I am against changing it to the 1% for the Town. I think a fifty-fifty split is a fair and reasonable offer and let's just see what the numbers were last year and the year before and let the people decide whether they want the Conservation Commission to have that money or have it split into the Town's budget. Thank You.

P. Wainwright, Conservation: As they say in all the investment commercials, the future investments may differ from the history. According to our Tax Collector, Debra DeSimone: The revenue generated from the Land Use Change Tax from 2008-2016 was zero (0). There was no

land that came out of Current Use. In 2017, the Land Use Change tax was \$395,000.00 and in 2018 it was \$207,700.00. Most of that was Page Farm. 2019 may still be a big zero (0).

Moderator, J. Garrity speaks ; Thank you, does anyone else want to talk to this Amendment in which the Conservation Committee gets 99% and the General Fund gets 1%

Barbara Brown 7 Island Pond Road: No matter how you feel about the conservation funds, there is one thing that I think the residents should be aware: every time an Occupancy Permit is issued, there is an impact fee, and correct me if I am wrong, that goes into the General Fund.

B. Snicer Assistant Town Administrator: No, impact fees are kept by the Treasurer and the only authorized use of our impact fees is to offset Atkinson's portion of the school budget.

D. Paquette: I just want to remind the people that the Amendment is to basically go back to what is currently there changing by 1%. We are getting rid of the Amendment and I would like to leave it where it is and let the people have a choice of how much we want to give to Conservation.

D. LeGault, 50 Hemlock Shore Drive: We keep forgetting about the Master Plan. A section of the Master Plan that says 100% of the fund should go to the Conservation Commission unless the Town is today against what we worked so hard to conserve.

W. Baldwin, Selectman said that he has a lot of respect for the Chairman of Conservation and we have had several conversations about this, however we still differ on this issue. The Town has approximately 7,186 acres and 1,043 acres or so are designated to Conservation in various categories. so about 18% of the Town's acreage is being conserved. I find that very big. I think we have the promise of conserving land and its importance and as my good neighbor has stated that they have \$500.00 - \$10,000.00 for future purposes and they will be getting more funding as land comes available. So, at the end of the day , the question is What is the goal?

D. LeGault: Isn't that stated in the Master Plan

W. Baldwin, Selectman: It could be. I don't know what it says.

W. Baldwin, Selectman: Furthermore, the reason I favor the fifty, fifty split is for something reasonable to the unassigned fund. We can also keep down the tax rate. This is important because we have a lot of elderly and a lot of folks who are struggling to pay their taxes and we are fortunate that the Town of Atkinson has the third lowest tax rate in the State of New Hampshire. You have people that sit on the Board of Selectmen and people that sit on the Budget Committee and others in the community that volunteer to help preserve this great community we call Atkinson.

Jeff Netta 13 Sawyer Avenue: I am an Alternate on the Conservation Commission. Now the numbers that Paul brought forward are averaging \$22,500 per year. I don't see how that makes a huge impact on the rate of Atkinson and we are the voters. So the 99% to 1% is still critical to the voters. That is all I have to say about this right now.

J. Grosky, Selectman: 18 Indian Ridge Rd. This money was created in the first place to try to preserve the properties that are out there by having them stay undeveloped. I can't think of a better use of the money when it comes out of the present form to be able to set it aside for conservation efforts to divert fifty percent (50%) of the money from this fund which has not multiplied quickly over time as my good neighbor stated. When we had one big piece of property that came out of current use over the last couple of years. This is not a significant account that is added up year after year. There are not millions in this account and if 50% of that money is diverted to the Operating Budget, you folks are never going to be able to see what they spent that money on. I assure you that the opposite is true. If this money is set aside for Conservation oversight and at some point if they find the right property to go after, to purchase and to preserve, you will then be able to look back over time and say, that is where our money went. I encourage you to support this change from 99 to 1 and then when this goes on the ballot, I encourage you to vote no, so the 100% stays in conservation.

Bill Friel Statement: Just to be clear, the money doesn't go back into the Operating Budget. It goes into a revenue account. We use that money what's there, to refine our tax rate. The Budget Committee has done a great job. The unassigned fund values are getting smaller and smaller. At some point, we can't buy down the tax rate.

Moderator: Shall the Town vote to reduce the Land Use Change Tax (LUCT) percentage under RSA 79-A:25 that is deposited into the Conservation Fund from 100% to 99%, the remaining 1% to go into the General Fund?

Jeff Netta Question: My neighbor said it says the fund has a language question. It says General Fund in the Amendment as opposed to Undesignated Fund. Are they the same thing?

Barbara Snicer Answers: No, they are not the same. The General Fund is the money that we use to pay bills, etc. The money that is in the General Fund is all the money that is appropriated for all expenses. The Unassigned Fund Balance is what is left over, uncommitted, at the end of the year in the General Fund.

**Passed**

Moderator, J. Garrity: Any more Amendments?

**Amended Article Moved to Ballot**

Paul Wainwright, Conservation Committee votes to restrict reconsideration of Article #2019-15.  
Second: B. Snicer.

**Passed**

**Article #2019-16 Keno (By Petition)**

**To see if the town will vote to allow the operation of Keno within the Town pursuant to the provision of NH RSA 284:41 through 51.** Motion: A. Phair. Second: W. Baldwin.

**Article Moved to Ballot**

**Article #2019-17 Acceptance of Reports**

**Shall the Town accept the reports of agents, auditors and committees as written in the 2018 Annual Report?** Motion: W. Baldwin. Second: B. Snicer.

**Article Moved to Ballot**

Moderator, J. Garrity Before we end this meeting I would like to recognize and thank our retiring Town Administrator, Alan J. Phair. Folks lets stand and give him a round of applause.

Now, our former Town Clerk, Rose Cavalear.

**Motion to adjourn at 2:10 PM by W. Baldwin. Second: B. Snicer.**

**Passed**

Given under my hand this 2<sup>nd</sup> day of February, 2019.

  
Bonnie Jordan, Interim Town Clerk