

REPORT OF THE ANNUAL TOWN MEETING FOR THE TOWN OF RYE, NEW HAMPSHIRE

January 31, 2015 and March 10, 2015

DELIBERATIVE SESSION

At 9:05 a.m. on the 31st day of January, 2015 at the Junior High School gymnasium, Moderator Eaton convened the meeting and led those in attendance in reciting the Pledge of Allegiance. He thanked everyone for coming to the meeting.

Moderator Eaton continued the tradition of reading the list of our friends and neighbors who had passed away during 2014. A moment of silence was observed in their memory. He then introduced all those seated on the stage starting to his left: Town Clerk/Tax Collector Elizabeth Yeaton, Town Counsel Michael Donovan, Board of Selectmen Priscilla Jenness, Chairman Craig Musselman and Joe Mills, Finance Director/Assistant Town Administrator Cyndi Gillespie and Town Administrator Michael Magnant. Following the introductions, he read a list of candidates running for both town and school offices. He reminded those in attendance that a Candidates Night is scheduled for February 26th [later changed to March 2nd] at 7:00 p.m. at the Public Library. The town and school election will be held on Tuesday, March 10th from 8:00 a.m. until 7:00 p.m. at the Rye Elementary School. In addition, he encouraged all to attend the School Deliberative Session to be held on Wednesday, February 4th at 6:30 p.m. at the Jr. High School. In case of inclement weather, that meeting will be held the next day, February 5th.

Next Moderator Eaton stated his rules for the meeting. Copies were available for those who wished to read along. He read as follows:

MODERATOR'S RULES FOR DELIBERATIVE SESSION

1. Meeting Purpose. *The purpose of this meeting is to discuss and debate the articles on the town warrant. However, because Rye has adopted the SB2 Deliberative Session form of government, this meeting may not exclude articles from the ballot. Up or down voting on an article only occurs at the March election. Nonetheless, you may amend most articles to change how they appear on the ballot.*

2. Moderator's Rules. *By state law, the Moderator sets the rules and procedures of the meeting. I won't follow Robert's Rules of Order or any other complicated rules of parliamentary procedure. Instead, we will follow **my rules**. I may not run a perfect meeting, but I will do my best to run a fair meeting. Ultimately though, this is **your meeting**. By majority vote, you can change my rules, or overrule any decision I make.*

3. Procedure. *I will read each article in the order that it appears on the warrant, unless somebody moves to take an article out of order. After reading an article, I will ask for a motion*

to move it to the floor for debate. Like all motions, it must be seconded. I will then recognize the article's sponsor. After that, everyone here is invited to speak. If you want to speak to an article, come line up behind the microphone. When it's your turn, introduce yourself by name and street address. I will recognize everybody who wants to speak to an article before I permit someone to speak twice. Please **address all comments to me**, not to other people here. I am not setting a time limit for speaking, but use common sense, and consider that you may lose your audience if you speak too long. And if I ask you to wrap it up, wrap it up. I also remind you that we are here in the spirit of fair debate. **I realize that people may feel very passionate about some of the articles on the warrant today. However, I urge you not to let your passion get the better of you – I expect everybody to be civil and courteous, not to raise their voices, and to avoid bitterness, and I will not permit personal attacks against people or their motives.** When there is no more discussion on an article, I will order it to be placed on the ballot, either as written or as amended.

4. Amendments. Any registered voter can move to amend an article. Amendments must be **in writing**, unless they are very simple. I will read the amendment, and then open the floor for discussion. When you are ready to vote, I will restate the amendment. There are **5 limits to amendments**. **1st**, articles whose words are prescribed by law may not be amended. **2nd**, to avoid confusion, I will not permit amendments to amendments before the original amendment is voted on. **3rd**, an amendment may not add a new subject. **4th**, you cannot increase the budget, including warrant articles, by more than 10%. **Finally**, amendments cannot **eliminate an article's subject matter**. This means that you cannot amend an article to delete all but a few words of the text and you cannot insert the word "not" into an article; nor can you offer any other amendment that would "nullify" an article or "render it senseless." However, changing the dollar amount of an appropriation does **not** eliminate its subject matter.

5. Voting. If you haven't already done it, check in at the clerk's table, get a **PINK** voting card, and sign it. To vote, I will ask you to raise your card. I will only vote if my vote will break or create a tie. We will vote by **secret ballot** if, before voting on an article, **5 voters present** sign a **written** request for a secret ballot.

6. Recounts / Questioning a Vote. A recount will be taken of non-secret ballot votes if 7 voters, either orally or in writing, make such a request. Such recounts will be conducted by secret ballot. The recount of a secret ballot will be taken on the request of 5 voters.

7. Reconsideration. Any voter can move to reconsider a vote. You do not need to have been in the majority to make such a motion. However, I will not permit multiple motions to reconsider.

8. Restricting Reconsideration. You may also move to restrict reconsideration of an article. Such a motion may be made after I order an article to be placed on the ballot. It is **not debatable**. If the motion carries, this meeting may not reconsider that article later.

9. Calling the Question. This is the same as moving to end debate. This motion is **not debatable**. It requires a **two-thirds majority** to pass. If the question is called, I will let the person who is speaking finish before I call for a vote. However, **unlike in years past**, I will not

automatically let other people who are seeking the floor speak. Rather, it will be up to you decide whether there is to be further discussion on the article.

10. Non-Voters Who Wish to Speak. *Sometimes a person who is not a registered Rye voter may wish to speak. I will ask if there is any objection. If nobody objects, I will permit that person to speak. If there is an objection, I will call for a vote. The will of the majority will prevail. However, I will allow Town department heads who do not live in Rye to speak to issues relating to their departments.*

11. Your Meeting. *I remind you that this is your meeting. You may appeal any ruling I make, and I will entertain any motion that is made.*

Moderator Eaton stated Articles 1 and 2 invite you to go and vote for candidates running for office. Article 3 concerning Zoning amendments, as well as Article 4 concerning Rye Building Code amendments, are usually not discussed as they may not be amended, but they may be discussed if the meeting wishes to. Hearing no motion to discuss Articles 3 and 4, **Moderator Eaton ordered that they be placed on the ballot as written.**

Article 5 was read by Moderator Eaton.

ARTICLE 5. Are you in favor of the adoption of Article 5, as follows:
To see if the Town will raise and appropriate the sum of four million one hundred thousand dollars (\$4,100,000), gross budget, for the purpose of renovating the Town Hall 1839 building and constructing connected new Town Hall office space, along with equipment and furnishings, and authorize the borrowing of up to four million one hundred thousand dollars (\$4,100,000) through the issuance of not more than four million one hundred thousand dollars (\$4,100,000) of bonds or notes in accordance with the provisions of the Municipal Finance Act (N.H. RSA Chapter 33 as amended) and to authorize the Selectmen to issue and negotiate such bonds or notes, to determine the rate of interest thereof, and to take such actions as may be necessary to effect the issuance, negotiation, sale and delivery of such bonds or notes as shall be in the best interest of the Town of Rye, and further, to apply for and accept and expend Federal and State Grants and any private donations towards this purpose. (3/5) ballot vote required.) This appropriation is in addition to the operating budget.

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Article 5 was **moved** to the floor by Selectman Jenness and **seconded** by Selectman Joe Mills.

Mrs. Jenness stated Town Hall began life as a Methodist Church in 1839 and was purchased by the Town for a Town Hall in 1873. The building became the political and social center of the town. In the 1930's there were no offices at the Town Hall so business was conducted all over the town, often in the homes of the elected officials. Once Rye was selected to have a Municipal Court, the basement of the building was converted to accommodate the court and within a few years the Town Clerk as well as the Tax Collector began operating out of offices at the building.

Soon a Building Inspector's office was added and all space at the basement level was filled. It was not long after when offices appeared on the upper level to accommodate assessing, finance, welfare, planning, recreation, selectmen's secretary/office and sewer departments, as well as the treasurer and the town administrator, plus office equipment for each. No second story space remained unused. Today there are offices in corridors, foyers and on the stage. In addition to overcrowding and safety issues, the Town Hall is not in compliance with the Americans with Disabilities Act.

Much effort has been invested over the past 5 years in seeking information in order to determine the best solution. This includes energy audits, survey of all Town owned buildings, structural analysis of Town Hall, studies done on the old Police Building, a full Space Needs Study of Town Hall, a grant written for the installation of a Geo-thermal system and attic ventilation at Town Hall and a comparative analysis of Town facilities in 14 other area towns our size prepared by Cyndi Gillespie.

Basic decisions have been made with public input by the Town Hall Committee composed of representation from the Budget Committee, Planning Board, Energy Committee, Recreation Commission, Historic District Commission and Heritage Commission plus a builder and engineers with support from staff providing, financial data as needed and coordination.

Numerous Town Hall open houses have been held, public input has been encouraged at Town Hall Committee meetings and special presentation meetings for the public with the SMP architects (Sheerr McCrystal Palson Architecture, LLC) have been held. Detailed minutes and video streaming of committee meetings are available on the Town website.

The plan you see today is the result of the following decisions made by the Town Hall Committee:

- Town Hall and the business operations of the Town should remain at the current site.
- Town Hall should be renovated (as opposed to restored) to reclaim the hall with its curvilinear stairs, tin ceiling, wainscoting and stage.
- A "separate yet connected" addition should be subservient to the Town Hall building.
- The addition should be simple in form: rectangular as opposed to an ell.

Advantages of this plan include:

- No land purchase is necessary.
- The plan is phased: no modular unit rentals will be required.
- A "connected yet separate" addition concept allows renovation of the Hall plus some office space in the Town Hall building and the remaining offices in the addition.
- Consolidation of Town business operations is retained.
- Timing of this project proposal is to our advantage, as we retired 3 long term bonds in 2014 (Safety Building, Library Addition and the original Conservation bond) and a short term bond for the Public Works backhoe.

Mrs. Jenness introduced Eric Paulson from SMP Architecture and asked him to speak to the project.

Due to technical difficulties getting the computer presentation to run, Mrs. Jenness asked Town Hall Committee Chair Paul Goldman to speak.

Mr. Goldman explained that the Town Hall Committee was appointed by the Selectmen to address a solution to inadequate office and meeting space at Town Hall, as well the fact the building does not meet current building codes and public accessibility requirements. The charge to the committee, based on the vote at the 2014 election, was to preserve and update the historic Town Hall building, increase building space as necessary to ensure efficient workspace for Town employees for the present and the future. Over the last 3 years there have been many long meetings to review space needs, design progress and make decisions on all aspects of the project. Along with the regular meetings there have been several public presentations involving the committee and SMP.

Members of the Town Hall Committee included Paul Goldman and Victor Azzi who both served as Chairman at different times, Lucy Neiman – Vice Chairman, Beth Yeaton – Clerk, Peter Kasnet, Peter White, Mae Bradshaw, Craig Musselman and Priscilla Jenness. Tremendous support was received from Mike Magnant, Cyndi Gillespie, Janice Ireland and Kim Reed.

Alex Herlihy expressed his strong support for this project. He had offered the resources of the Historical Society Museum's resources to demonstrate the historical uses of the building. He recommended that all supporters contact their neighbors and hold informational gatherings to dispel information on the project.

Cyndi Gillespie stated the Town of Rye is in a very favorable position financially to do this project. Recently several bonds have been paid off. The town had received very low interest rates on previous bonds and she expects the same or lower rates will be available for this bond. She had prepared a handout demonstrating the Town's debt payments and liabilities and hoped everyone got a copy.

Steve Borne liked the graphs provided in the handout. When looking at the Capital Improvement Plan he noticed more purchases and projects planned for the future and could see the potential for rising taxes.

Mae Bradshaw expressed her pleasure for serving on the committee. She felt that all aspects of the project have been well vetted. A portion of the contingency budget associated with this project may well be returned to the Town because so many problems which might have been a problem have been addressed ahead of time and included in the construction. The State heritage organization approves of the design. The Rye Heritage Commission is actively seeking grants to help defer the costs of restoring the monumental windows and installing the steel supports in the current Town Hall. She pointed out that the "Great Hall" could be a revenue source as it could be rented out for performances, receptions and meetings.

After a brief period of delay due to technical difficulties, it was determined the problem could not be fixed quickly. It was **moved** by Selectman Musselman, **seconded** by Selectman Mills to table Article 5 until such time as the difficulty is resolved. Moderator Eaton stated a 2/3 majority vote would be required to table the article. The **motion carried**.

(see end of Article 13 for completion of this article.)

Moderator Eaton read Article 6.

ARTICLE 6. To see if the Town will vote to raise and appropriate the sum of one hundred thousand dollars (\$100,000) to be added to the Highway Equipment Capital Reserve Fund created in 1994. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Article 6 was **moved** to the floor for discussion by Selectman Mills and **seconded** by Selectman Musselman.

Mr. Mills stated this appropriation was part of a planned cycle of replacement for Highway Department vehicles. He expressed his opinion that this money would be well saved to provide funds to cover the cost of replacing equipment, especially in times of an emergency.

No discussion was called for. **Moderator Eaton ordered Article 6 placed on the ballot as written.**

Article 7 was read by Moderator Eaton.

ARTICLE 7. To see if the Town will vote to raise and appropriate the sum of sixty-five thousand dollars (\$65,000) for the purpose of purchasing a one (1) ton pickup truck with utility body, frame, plow and spreader for the Department of Public Works to replace a 2006 three quarter (3/4) ton pickup truck. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

It was **moved** by Selectman Musselman and **seconded** by Selectman Mills to move this article to the floor for discussion.

Selectman Musselman stated it was time to replace the ¾ ton pickup as indicated in the Capital Improvement Plan. Planned replacement keeps the fleet up to date.

Steve Borne asked Highway Director Dennis McCarthy what would happen if this article failed.

Mr. McCarthy explained the department has 15 pieces of rolling stock valued at \$1.6 million. The plan is to replace one piece of equipment yearly to spread out the purchases. This year the plan is to spend \$165,000. This would be the last year of spending at this level. Future purchases are anticipated to cost less.

Peter Crawford noticed the CIP showed 2 dump trucks are to be purchased a future year and only one shows up on a project sheet.

Director McCarthy said perhaps a sheet is missing from the CIP. There has never been a plan to purchase 2 trucks in one year. He will look into the problem.

John Hoyt had concerns that the recommendations by the Selectmen and the Budget Committee could unfairly influence the voter. He thought they should be removed.

Moderator Eaton stated these recommendations were required by law on moneyed articles.

Mr. Hoyt thought a blanket statement at the beginning of the warrant would be more appropriate.

Selectmen Musselman said they were required after each article to show that the Selectmen and the Budget Committee had done due diligence in examining each article.

Cyndi Gillespie reminded the group the citizens had voted previously to retain these recommendations.

Hearing no further request for discussion, **Moderator Eaton ordered Article 7 placed on the ballot as written.**

Moderator Eaton read Article 8.

ARTICLE 8. To see if the Town will vote to raise and appropriate the sum of fifty thousand dollars (\$50,000) to be placed in the expendable general trust fund known as the Town Employees' Accumulated Leave Fund, established pursuant to RSA 31:91-a by Article 14 of the 1990 Rye Town Meeting for the purpose of funding Town Employees' accumulated leave account. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Article 8 was **moved** to the floor by Selectman Jenness and **seconded** by Selectman Musselman.

Mrs. Jenness explained the current liability is \$486,968.38. DRA expects a town to carry 50% of the liability in a fund. Including the appropriation included in this article, we will still be \$19,014 under DRA's expectation.

Steve Borne asked Town Administrator Mike Magnant to address how the contracts deal with end of employment payouts.

Mr. Magnant stated each of the three employee contracts have caps on how much of an employee's accumulated sick and vacation time could be paid out at end of employment.

Hearing no further discussion, **Moderator Eaton ordered Article 8 placed on the ballot as written.**

A **motion to restrict reconsideration** of Articles 6, 7 and 8 was presented by Shawn Crapo and was **seconded** by Randy Crapo. Moderator Eaton called for a vote. The motion **carried**.

Article 9 was read by Moderator Eaton.

ARTICLE 9. To see if the Town will vote to add one (1) full-time patrol officer in the Rye Police Department and to raise and appropriate the sum of forty-seven thousand, two hundred fifty dollars (\$47,250) to fund the position for the last six months of calendar year 2015. This appropriation is in addition to the operating budget. (Majority vote required.)

Note: The amount of \$47,250 to fund the position for six months in 2015 includes wages and benefits based on present figures plus the required outfitting equipment. The costs to fund this position for a full year based on present figures for wages and benefits plus uniform allowance would be \$91,450.

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

Article 9 was **moved** to the floor by Selectman Jenness and **seconded** by Selectman Musselman.

Mrs. Jenness said this article repeats last year's article which was defeated by a vote of 839 to 803. Chief Walsh had presented to the Selectmen multiple page documentation as to why the additional patrolman is needed. A study of staffing levels of other NH towns of similar size was conducted. The study showed Rye was understaffed. As an example, North Hampton has 12 police officers, but Rye has only 9. Mrs. Jenness has concerns over the fact that only one patrolman is on duty in the middle of the night. Having no back up in town during these hours is just not safe.

Police Chief Kevin Walsh spoke to the article. His department has always practiced High Visibility Patrol and Aggressive Investigation. Because the department has no detective, it falls on the officers to do their own investigations. Many hours of investigation often go along with each crime making it difficult for the officers to get the work done in addition to their patrol duties. The staffing gap during the midnight shift is very troubling. He recalled an incident in 2009 involving a burglary happening in the middle of the night when a snow storm was raging. The office had to request backup from another town which took some time to happen. In a life or death situation this delay could have resulted in tragic consequences.

Chief Walsh stated people's expectation for services is understandably high in quality of life complaints. He feels his force gives 110% but they need extra help.

Selectman Jenness stated the tax impact of this article would be \$.026. She feels we should not have officers working alone on any shift.

Lori Carbajal felt the overnight shift is when officers are most at risk. The response time for officers coming from another town is too long. What would happen if our officer was shot and had to wait a long time for help to arrive? Lives are at stake and money should not be an obstacle to safety.

Selectman Mills asked Chief Walsh if another cruiser would be needed.

Chief Walsh answered in the negative.

Peter Crawford expressed his support for the article. An additional officer is needed to have two on duty at all times.

Former Police Chief Alan Gould said the same staffing level exists today as when he was chief. He has never seen another department where staffing is on such a tight schedule. He has never understood the reason for it.

No further discussion ensued. **Moderator Eaton ordered Article 9 placed on the ballot as written.**

Moderator Eaton read Article 10.

ARTICLE 10. To see if the town will raise and appropriate the sum of \$20,164.00 for the 2015 fiscal year, such sum representing the additional costs, attributable to the cost items included in the Collective Bargaining Agreement reached between the Town of Rye Board of Selectmen and the Professional Firefighters Association of Rye, at the current staffing level. This amount includes retro pay from October 1, 2014 through March 31, 2015.

The Town of Rye's Collective Bargaining Agreements are based on an April 1st to March 31st effective year. The Town's budget is on a calendar year. The range in year 2016-2017 is a minimum and maximum amount determined by a Cost of Living Adjustment (COLA). The increase in salaries and benefits required by the new agreement over those that would be paid at current staffing levels over the life of the contract are broken out as follows:

| Year | Estimated Range of Increase over prior year | |
|-------------------|---|--------------------|
| | <u>Base 2%</u> | <u>Max 3.5%</u> |
| 10/01/14-03/31/15 | <u>\$ 9,757.71</u> | N/A |
| 04/01/15-12/31/15 | <u>\$10,406.29</u> | N/A |
| 01/01/16-03/31/16 | <u>\$ 3,468.77</u> | N/A |
| 04/01/16-03/31/17 | <u>\$13,903.27</u> | <u>\$24,330.72</u> |

This appropriation is in addition to the operating budget. Majority vote required.

This article is recommended by the Selectmen (2-1)
This article is recommended by the Budget Committee (8-0)

Article 10 was **moved** to the floor by Selectman Musselman and **seconded** by Selectman Jenness.

Selectman Musselman explained the Town has three union contracts, each for three year duration, covering the Fire, Police and Public Works departments. In 2013 the Police and Public Works departments reached an agreement on a new contract. The Fire Department did not agree on a new contract due to a change in wording on how shifts would be filled. The case went before the Public Employees Labor Relations Board which ruled in favor of the firefighters. The issue has since been resolved and a new contract has been signed. This article would ratify that contract.

Hearing no further discussion, **Moderator Eaton ordered Article 10 placed on the ballot as written.**

A **motion to restrict reconsideration** of Articles 9 and 10 was received from Shawn Crapo and **seconded** by Ray Tweedie. Moderator Eaton called for a vote. The **motion carried.**

Article 11 was read by Moderator Eaton.

ARTICLE 11. Shall the Town of Rye, if Article 10 is defeated, authorize the Board of Selectmen to call one special meeting, at its option, to address Article 10 cost items only?

Selectman Musselman **moved** Article 11 to the floor for discussion. His motion was **seconded** by Selectman Mills.

Selectman Musselman stated this type of article is required after any contract is offered for ratification.

No discussion was called for.

Moderator Eaton ordered Article 11 placed on the ballot as written.

Moderator Eaton read Article 12.

ARTICLE 12. To see if the Town will raise and appropriate the sum of twenty five thousand dollars (\$25,000) to be added to The Municipal Buildings Maintenance Expendable Trust Fund established by Article 11 at the 2007 Town Meeting under the provisions of RSA 31:19-a, for the purpose of major repairs to municipal buildings. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Article 12 was moved to the floor by Selectman Mills and **seconded** by Selectman Jenness.

Selectman Mills spoke to the article. He explained the money in this fund is used to cover major repairs to Town owned buildings. The plan is to add to this fund yearly to ease the burden on the tax payers by spreading the cost of these repairs over several years. The fund currently has a balance of \$19,000.

Frank Drake asked for an example of how this fund had been used.

Mr. Mills stated last year some of the funds were used to replace the roof on the Parsonage Apartments.

Hearing no further discussion, **Moderator Eaton ordered Article 12 placed on the ballot as written.**

Article 13 was read by Moderator Eaton.

ARTICLE 13. To see if the Town will raise and appropriate the sum of five thousand dollars (\$5,000) to be added to the Rye Public Library Building Maintenance Expendable Trust Fund established by Article 14 at the 2005 Town Meeting under the provisions of RSA 31:19-a, as a maintenance fund for the Rye Public Library building. This appropriation is in addition to the operating budget. (Majority vote required.)

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

It was **moved** by Selectman Jenness, **seconded** by Selectman Musselman, to put Article 13 on the floor for discussion.

Mrs. Jenness said this article would add money to the Library Maintenance Expendable Trust Fund. Similar to Article 12, this fund was established to have money in hand when repairs are necessary.

Frank Drake inquired as to the current fund balance.

Cyndi Gillespie advised the fund balance is \$18,158.

Hearing no further discussion, **Moderator Eaton ordered Article 13 placed on the ballot as written.**

Shawn Crapo, **seconded** by Scott Marion, **moved** to take **Article 5** off the table. Moderator Eaton called for a vote on the motion. The motion **carried**.

Because the technical difficulties of getting his presentation up and running, SMP Architect Eric Paulson presented the design for the Town Hall project using printed posters and a “flyaround” presentation which was posted on Facebook. He pointed out additional office and meeting space to be constructed behind the existing Town Hall. He commented on the multiple entry points of the buildings as well as the upper and lower level parking areas. He also spoke of conserving the tin ceiling, curvilinear stairs and the stage in the “Great Hall”.

Since no further discussion was called for, **Moderator Eaton ordered Article 5 placed on the ballot as written.**

A **motion to restrict reconsideration** of Articles 5, 12 and 13 was received from Shawn Crapo and **seconded** by Phil Winslow. Moderator Eaton called for a vote. The vote showed the **motion carried.**

Moderator Eaton read Article 14.

ARTICLE 14. To see if the town will vote to amend the special revenue fund known as the Beach Cleaning Fund which was established by Article 14 of the 2004 town warrant as follows: (1) increase the restricted beach parking permit revenues which go into the fund from 25% to 50% (of total beach permit revenues); and add “monitoring water quality and other environmental issues on Town beaches and watersheds affecting Town beaches” to the purposes for which expenditures may be made from the fund. At present expenditures from the fund are limited to “cleaning town beaches of trash and debris.” Note: expenditures from the fund require town meeting approval. (2/3 majority vote required).

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

Article 14 was **moved** to the floor by Selectman Mills and was **seconded** by Selectman Jenness.

Selectman Mills explained the selectmen proposed this article to make it possible to use more of the revenue from the sale of beach parking permits to cover the costs of other issues affecting the beaches. Permits are sold for \$20 each making them a good revenue source. The State has begun requiring more monitoring of water and environmental quality. Currently, no money has been dedicated to conducting these tests.

Selectman Musselman stated the town has had a problem of high bacteria levels in the area of Parsons Creek during the last several years. Previously, testing has only been done in that area. This year there are plans to expand the testing to include the areas from Parsons Creek to Jenness State Beach. It is not ocean water quality testing because the State conducts those tests. The Town will be monitoring the seeps in that area.

Anne Morrissey informed the voters that she was born in Rye, brought up her children here and has seen her grandchildren raised here. “Stinky Creek” has always been an accurate nickname for Parsons Creek for as long as she remembers. The area is so polluted that she never allowed

her children and grandchildren to play in the water. It bothers her to see other children in the water there. She voiced her support of the article as it will address a public health issue if passed.

Lori Carbajal, **seconded** by Tom Sherman, proposed an **amendment**. Her amended article would read:

To see if the town will vote to amend the special revenue fund known as the Beach Cleaning Fund which was established by Article 14 of the 2004 town warrant as follows: (1) increase the restricted beach parking permit revenues which go into the fund from 25% to 100% (of total beach permit revenues); (2) add “monitoring water quality and other environmental issues on Town beaches and watersheds affecting Town beaches and providing additional new beach-related services not already provided by the Town in 2014, such as a beach supervisor” to the purposes for which expenditures may be made from the fund and (3) rename the fund the Beach Operations Fund. At present expenditures from the fund are limited to “cleaning town beaches of trash and debris.” If Article 21 passes, all authority to establish budgets and expend appropriated funds from the Beach Operations Fund shall be vested in the Beach Commission. Note: expenditures from the fund require town meeting approval. (2/3 majority vote required).

Town Counsel Donovan stated the wording of this article is dictated by statute. In his opinion, some of the wording of this amendment would not be allowed.

After review Attorney Donovan stated the last sentence of the amendment would make it illegal.

Moderator Eaton ruled the **amendment out of order**, but invited Ms. Carbajal to resubmit her motion without the last sentence.

Lori Carbajal proposed the same **amendment** but without the last sentence. Steven Borne gave a **second** to the revised amendment.

Ms. Carbajal stated that Article 21 on the 1999 warrant established the Beach Commission and provided for a Beach Supervisor. No money was ever budgeted for this position.

Selectman Musselman did not support this amendment. For years there has been no Beach Supervisor. The Beach Commissioners have taken on that function when they were at home but not all the time. During the last few years the Fire Department has overseen the beaches and lifeguards. Funds are needed to conduct the required testing. The recent advisory Beach Committee never brought the lack of budget to the attention of the selectmen.

Selectman Mills ascertained that Ms. Carbajal was a member of that committee.

Cyndi Gillespie stated there was money in the budget to manage the life guards. The money in this article is just for keeping the beaches clean.

Scott Marion did not support the amendment. He felt it could evolve into spending more money over time to hire a Beach Supervisor.

Peter Crawford expressed his support for the amendment. He stated there are serious problems with the management of the life guards. Sometimes there are no Town life guards on duty necessitating the use of State life guards in an emergency.

Frank Drake asked where the other 75% goes.

Cyndi Gillespie stated it currently goes into the General Fund.

Mr. Drake stated he is against the amendment. He then **called the question**. Alan Gould **seconded** the motion.

Peter Crawford, **seconded** by Alex Herlihy, made a **motion** to go back to the 2014 Moderator's Rule regarding "calling the question", which would allow people seeking the floor to speak after the question is called.

Steve Borne felt it is important to let the people speak.

Jaci Grote expressed her belief that calling the question should end debate on an issue.

Phil Winslow **called the question** on Peter Crawford's motion to change the rules on ending debate. A **second** was received from Jim Raynes.

Moderator Eaton called for a vote stating a 2/3 majority vote was required. The vote showed the motion to change the rule on ending debate **failed**.

Moderator Eaton then called for a vote on the motion to end debate on Lori Carbajal's amendment. He declared the motion **carried**.

Moderator Eaton then called for a vote on the amendment. The vote showed the **amendment failed**.

Hearing no further discussion, **Moderator Eaton ordered Article 14 placed on the ballot as written.**

A **motion to restrict reconsideration** on Article 14 was proposed by Shawn Crapo and was **seconded** by Jim Raynes. Moderator Eaton called for a vote on Mr. Crapo's motion. The motion **carried**.

Article 15 was read by Moderator Eaton.

ARTICLE 15. Are you in favor of adoption of Article 15, as follows:
Shall we adopt the provisions of RSA 31:95-c to restrict one hundred percent (100%) of revenues from the annual lease payment of the Parsonage building to expenditures for the

purpose of building and ground maintenance and repairs at the Parsonage located at 575 Washington Road? Such revenue and expenditures shall be accounted for in a special revenue fund to be known as The Parsonage Maintenance Fund, separate from the general fund. Any surplus in said fund shall not be deemed part of the general fund accumulated surplus and shall be expended only after a vote by the legislative body (Town Meeting) to appropriate a specific amount from said fund for a specific purpose related to the purpose of the fund or source of the revenue and to designate the Board of Selectmen as agents to expend. (2/3 majority vote required).

This article is recommended by the Selectmen (3-0)
This article is recommended by the Budget Committee (8-0)

It was **moved** by Selectman Musselman and **seconded** by Selectman Jenness to move Article 15 to the floor for discussion.

Selectman Musselman explained the Parsonage Apartments are owned by the town but are leased to the Housing Partnership. Currently the annual lease payment goes in to the General Fund. The Selectmen proposed this article to place this money into a fund to provide for the long term needs of the building. Last year a new roof had to be installed on the building and it would have been nice to have had money in such a fund to cover the expenses.

Frank Drake asked why not put the lease revenue into the Town Building Fund. He felt the taxpayers would be better served by doing so.

Selectman Musselman said the matter had been discussed but the Board felt it was fairer to keep it separate and dedicated solely to the Parsonage Apartments.

Anne Morrissey, a resident of the Parsonage Apartments for the last 4 ½ years, said she had been working on the problem of upkeep of the building for 4 years. Because it is an old building, continual maintenance is required. She complained that her requests for repairs had fallen on deaf ears. This fund should have been established many years ago. There are 8 elderly women, some handicapped, who live in the building. She did not feel they should be subjected to a leaky roof, a boiler constantly in need of repairs and the driveway and walkways not being shoveled out for 2 days following a storm. “Where has the money been going to all these years?”

Jaci Grote **called the question**. Her motion was **seconded** by Alan Gould. The vote, called for by Moderator Eaton, showed the motion **carried**.

Moderator Eaton ordered Article 15 placed on the ballot as written.

Moderator Eaton read Article 16.

ARTICLE 16. Shall the Town raise and appropriate as an operating budget, not including appropriations by special warrant articles and other appropriations voted separately, the amounts set forth on the budget posted with the warrant or as amended by vote of the first session, for the purposes set forth therein totaling eight million seven hundred forty thousand eight hundred thirty four dollars (\$8,740,834)? Should this article be defeated, the default budget shall be

seven million eight hundred twenty-two thousand seventy six dollars (\$7,822,076) which is the same as last year, with certain adjustments required by previous action of the Town or by law; or the governing body may hold one special meeting, in accordance with RSA 40:13, X and XVI, to take up the issue of a revised operating budget only. (Majority vote required.)

NOTE: This operating budget warrant article does not include appropriations in ANY other warrant articles.

This article is recommended by the Selectmen. (3-0)
This article is recommended by the Budget Committee. (8-0)

It was **moved** by Selectman Musselman, **seconded** by Selectman Jenness, to place Article 16 on the floor for discussion.

Selectman Musselman offered an **amendment** and received a **second** from Selectman Jenness. The amendment would change the default budget to *eight million four hundred fourteen thousand nine hundred sixty two dollars (\$8,414,962)*.

He explained an error had been made in the preparation of the article.

When asked by Joe Cummings how the mistake was made and who found it, Cyndi Gillespie said she had failed to add in a figure which was pointed out by Peter Crawford.

Hearing no further discussion, Moderator Eaton called for a vote on the amendment. Moderator Eaton declared the amendment **passed**.

Paul Goldman, chairman of the Budget Committee, asked if the committee would have to vote again on their recommendation. Attorney Donovan answered that both the Selectmen and Budget Committee members should meet following the Deliberative Session to revise their recommendations.

Selectman Musselman stated the budget had been well vetted by both the Board of Selectmen and the Budget Committee. Each line item had been reviewed with close scrutiny. The Selectmen had, on more than one occasion, been accused of being “cheap”. He considers that to be a compliment.

Peter Crawford asked if there was money in the budget to draw down the principal on the conservation bond.

Mrs. Gillespie replied the budget contained interest only payment.

Mr. Crawford agreed the debt service principal was down as explained in Article 5. As a result the tax rate should go down. However, if the debt service is removed from the bottom line, it would show the budget is still increasing every year.

Hearing no further discussion on the article, **Moderator Eaton ordered Article 16 placed on the ballot as amended.**

Moderator Eaton read Article 17.

ARTICLE 17. To see if the Town will vote to adopt a Fireworks Ordinance which prohibits the retail and wholesale sale of fireworks and the possession, display and discharge of fireworks within the Town of Rye. Persons who have been issued a Certificate of Competency by the N.H. Commissioner of Public Safety are exempt from the prohibition of the possession, display and discharge of fireworks provided they obtain a permit from the Fire Chief for each occasion on which fireworks are to be displayed and discharged. The ordinance includes standards for issuance of permits and enforcement procedures, including fines of \$50.00 for the first offense and \$100.00 for a second offense in the same calendar year. Copies of the complete ordinance are posted at the Town Hall and on the town's website. Copies of the complete ordinance will be available at the deliberative session, and a copy will be posted at the polling place.

Article 17 was **moved** to the floor by Selectman Jenness and **seconded** by Selectman Musselman.

Mrs. Jenness advised that other towns in the area have fireworks ordinances. People know that Rye doesn't have one so they come here to enjoy their fireworks. She asked Police Chief Walsh to speak to the article.

Chief Walsh explained it was at residents request that he recommended this article to the selectmen. Those using fireworks are often under the influence of alcohol which only increases the danger. People may have the property owner's permission to use them on their property but bad management, such as setting off more than one or two at a time, leads to injuries or fires. A number of these injuries have been significant. Because it is becoming a quality of life issue regulations are needed.

Shawn Crapo asked if sparklers and small fireworks would be included in the new regulations

Chief Walsh replied sparklers are not in the category of regulated fireworks. However, he is not a fan of them as they too lead to injuries. He recalled an incident where multiple sparklers were inserted into a bottle and set off. The bottle exploded and a young boy lost fingers as a result and had to be med-flighted to Boston.

Frank Drake urged support of the article. He stated he lives at the beach and finds fireworks unsafe and very intrusive during the summer months.

Town Counsel Donovan read from RSA 160-B:16 dealing with prohibition of the use of sparklers.

Anne Morrissey expressed her opinion that fireworks should be totally banned in Rye because they are dangerous to the children.

Mae Bradshaw, **seconded** by Susan Anderson, **moved** the question. Moderation Eaton called for a vote. The motion **carried**.

Moderator Eaton ordered Article 17 placed on the ballot as written.

Moderator Eaton invited a motion to waive the reading of Article 18 due to its length. It was so **moved** by Ron Hordon and **seconded** Don Perrault.

ARTICLE 18. To see if the Town will amend the present text of Section 9 of the Town of Rye Parking Ordinance by addition of the following Section 9.5.

9.5 Towing and Immobilization for Unpaid Fines.

- a. Authorization for Towing or Immobilization. The Police Chief is authorized to have a motor vehicle, the owner of which is listed on the Tow and Immobilization List and which is illegally parked in or on any public way, towed and stored, or otherwise immobilized, subject to the notice provision of this section.
- b. Preliminary Notice of Possible Towing or Immobilization. The Police Chief may, at any time subsequent to an owner accumulating three (3) unpaid parking tickets or unpaid fines in excess of \$135.00 on any and all vehicles registered in the owner's name, send the owner, by certified mail, notice that failure to resolve the violations within ten (10) days' notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines. If the owner of the vehicle is issued a must appear in court summons, and defaults, this may lead to the towing or immobilization of the vehicle.

The Preliminary Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owner's responsibility for paying the towing and storage charge for any vehicle which is towed.

- c. Final Notice of Possible Towing or Immobilization. If the Preliminary Notice of Possible Towing or Immobilization does not result in the resolution of the subject unpaid parking fines, the Police Chief may, at any time ten (10)days subsequent to the mailing of the Preliminary Notice, sent to the owner by certified mail or by issuance of a red-tag warning directly on the driver's side window of the registered vehicle, notice that failure to resolve the violations within five (5) days of receipt of the notice may lead to towing or immobilization of any or all of the owner's vehicles pending resolution of the outstanding tickets and fines. If the owner of the vehicle is issued a must appear in court summons and defaults, this may lead to the towing or immobilization of the vehicle.

The Final Notice shall describe the right of appeal set forth in Subsection "e" of this section and the owner's responsibility for paying the towing and storage charge for any vehicle which is towed.

- d. Tow or Immobilization List: The Police Department shall maintain a list of owners whose vehicles are subject to being towed and held in storage or immobilized pending final resolution of unpaid parking violations. The list shall include all motor vehicles belonging to an owner who has received notice as specified in Subsection “b.” The owner’s name shall be removed from the list if the Police Chief, after hearing, orders otherwise or if all fines for offenses contained in the Notice of Towing or Immobilization are paid in full and received.
- e. Hearing: At the request of the recipient of a notice issued pursuant to Subsections “b” or “c,” the Police Department shall arrange a hearing with the Police Chief. Such hearing shall be scheduled during normal business hours of the Police Department. The Police Chief shall conduct and preside over all hearings. The hearing shall be informal and the rules of evidence shall not apply. At such hearing, the owners of the motor vehicle which is the subject of the hearing may present any defense of law or fact which is relevant to the issue of whether or not the subject vehicle should be placed on the Tow or Immobilization List. The decision of the Police Chief shall be final.
- f. Release of Towed or Immobilized Vehicles: A person may have his or her name or vehicle removed from the Tow or Immobilization List, and/or motor vehicles released from storage, and/or may have immobilization devices removed in the following manner:
 - 1) By order of the Police Chief, after hearing; or
 - 2) Police Chief may use his discretion prior to a hearing; or
 - 3) By payment in full of all parking fines attributable to the violations contained in the Notice of Towing or Immobilization; or
 - 4) By posting a bond with the 10th Circuit Court of Portsmouth in an amount sufficient to make payment in full of all parking fines arising out of the violations contained in the notice of towing or immobilization in order to allow a judicial determination of the violations pursuant to state law; or
 - 5) By a judicial determination resolving the violations and the payment of any fine arising out of such determination.
- g. Unauthorized Removal of Immobilization Device: A person shall not remove an immobilization device from a vehicle without authority to do so. Any person who removes an immobilization device from a vehicle without authority to do so shall be guilty of a misdemeanor and subject to a penalty of \$1,000.00.
- h. Release of Stored Vehicle: A motor vehicle that has been towed and stored pursuant to this article, shall not be released until all fees and charges incurred by the towing company for the towing and storage of the vehicle have been paid.

Article 18 was **moved** to the floor by Selectman Musselman and **seconded** by Selectman Jenness.

Selectmen Musselman stated that a boot had been purchased a few years ago. Because there is no ordinance in place cover its use, the boot has never been able to be used. As a result, the Town has no way to collect fines from multiple offenders.

Alan Gould stated it was hard to maintain the rules of towing.

No further discussion of the article was called for. **Moderator Eaton ordered Article 18 placed on the ballot as written.**

Joe Cummins **moved** to reconsider the failed motion addressing ending debate immediately when the question is called. His motion was **seconded** by Steve Borne who feels people already requesting the floor when the question is called should be allowed to speak.

Frank Drake, **seconded** by Phil McDonough, **moved the question.** The voters **affirmed** the motion.

Moderator Eaton called for a vote on the reconsideration motion. The motion was **voted down** by the voters.

A **motion to restrict reconsideration** on the vote dealing with calling the question was made by Phil McDonough. Frank Drake presented a **second** to the motion.

Moderator Eaton called for a voter on Mr. McDonough's motion. The voters **passed** the motion.

Moderator Eaton read Article 19.

ARTICLE 19. To see if the Town will vote to adopt the Winter Road Weight Limits Ordinance which was adopted by the Board of Selectmen on April 14, 2014 and which authorizes the Public Works Director to establish temporary weight limits on town roads. Copies of the proposed ordinance are posted at the town hall and on the town website. A copy of the proposed ordinance will also be posted at the polling place.

It was **moved** by Selectman Musselman and **seconded** by Selectman Jenness to place Article 19 on the floor for discussion.

Selection Musselman explained this was a simple article requested by Public Works Director Dennis McCarthy to prevent damage to the roads.

Tom Pearson questioned what would happen if someone was building a house. Would contractors be able to deliver concrete and building supplies to the site if these limits were in place?

Director McCarthy answered that could happen. Deliveries could still take place if a bond was presented to cover any road damage. He tries to work with owners and contractors to see if there are any options open to them.

Anne Morrissey gave comments about large trucks going through the center of town at all times of the year.

Hearing no further discussion, **Moderator Eaton ordered Article 19 placed on the ballot as written.**

Article 20 was read by Moderator Eaton.

ARTICLE 20. Shall the number of members appointed to the Rye Heritage Commission be increased from five to seven, thereby expanding the volunteer opportunities beyond what was authorized in Article 18 of the 2011 Warrant Articles? This change is in accordance with New Hampshire Revised Statutes Annotated, Sections 673:4-a and 674:44

Selectman Jenness **moved** Article 20 to the floor. Her motion received a **second** from Selectman Musselman.

Mrs. Jenness stated the members of the Heritage Commission are ambitious and very enthusiastic. They have several projects ongoing such as the preservation of the old graveyards in town, many of which are severely overgrown and in need of repair. There are many more projects that need their attention. The problem is there are too few members to get them all accomplished.

Mae Bradshaw, Chairman of the Heritage Commission agreed they had a lot of work to do. In addition to the Graveyard Project, they have been very busy getting the Town Hall listed on the NH List of Historical Buildings, applying for grants to help defray the costs of renovating the monumental windows on the upper level of Town Hall and installing the steel supports to be put in place during the rehab of Town Hall should the project pass the vote. They have successfully conducted fundraising in the amount \$10,000 to be used as feed money for matching grants. According to Attorney Bradshaw, there are people willing to serve on the Heritage Commission should its numbers be increased.

As no further discussion was called for, **Moderator Eaton ordered Article 20 placed on the ballot as written.**

Moderator Eaton read Article 21.

ARTICLE 21. To see if the Town will vote to **dissolve** the Rye Beach Commission which was established by Article 25 of the 1999 Town Warrant as follows:

Article #25: To see if the Town will vote to establish a Beach Commission consisting of three Rye residents to be appointed for three-year terms by the Board of Selectmen and whose responsibilities shall be as follows:

1. To assist the Board of Selectmen in hiring a Beach Supervisor.
2. To act as a liaison between the Beach Supervisor and the Board of Selectmen.
3. To ensure that the Beach Supervisor performs the duties of his or her position as set forth in the job description.

4. To work with the Beach Supervisor in the preparation of an annual Beach Budget.

And to furthermore place all operations of the Beach Lifeguards; including hiring of staff, supervision, training, preparation of the beach annual budget under the direction of the Rye Fire Department.

Article 21 was **moved** to the floor by Selectman Mills and **seconded** by Selectman Musselman.

Selectman Mills said the Board of Selectmen came to this decision after past Fire Chief Skip Sullivan retired. The Beach Commissioners had not been functioning in their roles with the exception of Mike Labrie who worked with the ad hoc Beach Committee. Anticipating this warrant article, the Board decided not to replace the Beach Commissioners whose terms had expired. The Fire Department personnel had been functioning in the roll of life guard managers.

Fire Chief Tom Lambert, new to the position in September, 2014, stated he was aware of the department's roll as Life Guard Supervisor. They are prepared to continue in this roll, managing the beaches and overseeing the life guards.

Steve Borne offered an **amendment** and was **seconded** by Scott Marion. The amendment would change the wording of the article to the following:

To see if the Town will vote place all operations of the Beach Lifeguards; including hiring of staff, supervision, training, preparation of the beach annual budget under the direction of the Rye Fire Department.

Selectman Musselman said they would still need to dissolve the Beach Commission.

John Sherman felt strongly that we need to keep the Beach Commission. His wife had, over the years, served on committees to study the beaches. Reports had been submitted to the selectmen and no changes had ever been made. Most recently, she had served on the Beach Committee in 2014. This committee had recommended 8 points, including beach usage and parking issues, and the selectmen did nothing. A \$10,000 study of parking on Route 1-A had been done. As a result, paid parking had been recommended which could generate \$400,000 yearly. Again, nothing was done. The original warrant Article 25 from 1999 could address all these issues. However, no Beach Supervisor was ever hired. In his opinion, the original article from 1999 should not be eliminated but rather, implemented.

Selectman Musselman stated Mr. Sherman's presentation was uninformed. The new rules, which will address beach use issues with a permitting program, are now in place. The Beach Committee's recommendations were not received until December, 2014. The Board of Selectmen has not had time to deal with them.

The parking study was received in January, 2015 and the Board is evaluating the 1st steps to be taken this year. It will require continuing evaluations to make sure all issues are fully vetted. They need to explore if the State could take the revenue generated by parking fees. They also need to consider the impact of fewer parking spots at the beaches. He felt it was irresponsible of

Mr. Sherman to accuse the Selectmen of not acting on the studies conducted and recommendations received.

Keper Connell, a member of the Beach Committee, advised a lot of hard work had gone into their recommendations.

Lori Carbajal stated the members of the committee spent hours at the beach last summer in order to conduct their studies. The Fire Department did a great job in managing the life guards. But, there needs to be a liaison between the Town and the people. Other large beach communities have beach management governing bodies which work well in this capacity.

John Sherman said his remarks were not intended to be an attack on the Selectmen. He just doesn't understand why committees continue to be appointed but no changes are made based on their recommendations. He never sees selectmen at the beach.

Selectman Mills responded that his wife is there every Saturday and reports conditions to him.

Peter Crawford voiced his support for the amendment. In his opinion, Mike Labrie acted illegally by acting alone (as a Beach Commissioner) in dealing with the Fire Department to manage the life guards. We need a Beach Commission.

Steve Hillman supports clean, safe beaches but does not support the amendment. He would like to see the Beach Commission dissolved but retain the Beach Committee. In his opinion, stating there had been no action taken by the Selectmen was not accurate. Beach Use Permits have already been implemented.

Rob Wright had some confusion about the amendment. After Moderator Eaton restated how the article would read after the amendment, Mr. Wright voiced his support of the amendment. He felt it would be premature to dissolve the Beach Commission. He also commended the Fire Department on managing the life guards.

Betty Anderson asked if it was legal to strike one of the purposes of an article.

Moderator Eaton ruled the amendment legal.

Scott Marion asked if the points listed in the article were the only responsibilities of the Beach Commissioners.

Selectman Musselman answered in the affirmative. He said that if the Beach Commission is not dissolved and this amendment passes, there would be 2 beach managers: the Beach Supervisor and the Fire Department. There is no money provided to hire a Beach Supervisor.

Scott Marion expressed support for the amendment and letting the Beach Commission continue.

Frank Drake did not support the amendment stating the duties of the Beach Commissioners have already been given to the Fire Department.

John Sherman, **seconded** by Keith Eveland, **called the question** on the amendment.

Moderator Eaton called for a vote on the amendment. The vote showed the amendment **failed**.

Steve Borne thought the Beach Commission should be put on hold for a year.

Frank Drake wanted to see the Beach Committee continue.

Lori Carbajal asked if the Beach Committee was still in existence.

Selectman Musselman said members would be appointed again.

Jane Ireland **called the question** on the article. Ron Hordon **seconded** her motion.

A vote confirmed the voters wanted **debate ended**. **Moderator Eaton ordered Article 21 placed on the ballot as written.**

Article 22 was read by Moderator Eaton.

ARTICLE 22. (By Petition) To see if the Town shall raise and appropriate \$3000, pursuant to RSA 31:19-a, to establish a Master Plan Expendable Trust Fund for the purposes of defraying the cost of outside assistance in a process of continuous, chapter by chapter, improvement of the Master Plan, and to appoint the Planning Board as agent to expend such funds. The Planning Board shall, as required by RSA 674:3, engage the residents in refining a vision for their Town, to be set forth in the Master Plan, which shall then become the basis for revised land use regulations. At least one chapter shall be updated each year, starting with a new chapter on the effects of climate change and sea level rise in 2015, incorporating conclusions from the 2014 Climate Change Workshops, with revisions to address the effects of the increasing average age of Town residents no later than 2016.

This article is not recommended by the Selectmen. (3-0)
This article is not recommended by the Budget Committee. (8-0)

Selectman Jenness, **seconded** by Selectman Mills, **moved** the article to the floor.

Peter Crawford spoke to several problems in the recent updating of the Master Plan. These include problems with the demographics, lack of attention to storm water flooding and lack of public input requested. In addition, the Planning Board is very busy and overwhelmed by their workload. They need assistance in preparing the Master Plan which is the basis for zoning changes.

Peter Crawford offered an **amendment** to the article which was **seconded** by Burt Dibble. The amended article would read as follows:

To see if the Town shall raise and appropriate \$3000, pursuant to RSA 31:19-a, to establish a Master Plan Expendable Trust Fund for the purposes of defraying the cost of outside assistance in a process of continuous, chapter by chapter, improvement of the Master Plan, and to appoint the Planning Board as agent to expend such funds. The Planning Board shall, as required by RSA 674:3, engage the residents in refining a vision for their Town, to be set forth in the Master Plan, which shall then become the basis for revised land use regulations. The Town recommends to the Planning Board at least one chapter shall be updated each year, starting with a new chapter on the effects of climate change and sea level rise in 2015, incorporating conclusions from the 2014 Climate Change Workshops, with revisions to address the effects of the increasing average age of Town residents no later than 2016.

Selectman Jenness asked if the article was legal and would it give the Planning Board enough time to accomplish the goals set forth in the article.

Town Counsel Donovan advised the article would usurp the duties of the Planning Board.

Bill Epperson, Planning Board Chairman stated they met the requirements of updating the Master Plan. A Master Plan must include a Vision Plan and a Land Use Plan. Rye's Master Plan encompasses much more detailed information. He stated he had plans to present another amendment.

Moderator Eaton advised the amendment on the floor had to be dealt with before another amendment could be considered.

Phil Winslow, **seconded** by Becky Franz, **called the question** on the amendment. A vote was called for by Moderator Eaton. Moderator Eaton called for a vote.

The meeting voted to end debate.

A vote was called for by Moderator Eaton on the amendment, and it showed the amendment **failed**.

Bill Epperson offered his **amendment** and was **seconded** by Phil McDonough.

To see if the Town shall raise and appropriate, if other funds are not available, \$3000, pursuant to RSA 31:19-a, to establish a Master Plan Expendable Trust Fund for the purposes of defraying the cost of outside assistance in a process of continuous, chapter by chapter, improvement of the Master Plan, and to appoint the Planning Board as agent to expend such funds. The Planning Board shall, as required by RSA 674:3, inform the residents and invite input in refining a vision for their Town, to be set forth in the Master Plan, which shall then become the basis for revised land use regulations.

Attorney Donovan suggested a friendly amendment to strike the words "if other funds are not available" from the amendment to make the article legal. Mr. Epperson and Mr. McDonough agreed to the friendly amendment.

Paul Goldman stated the Budget Committee did not recommend this article because it did not come from the Planning Board. He asked if the Budget Committee could change their recommendation.

Moderator Eaton replied they would be able to change their recommendation.

Mr. Goldman asked if the article was still a petitioned warrant article.

Moderator Eaton informed him it was.

Steve Borne stated it was hard to track changes to the Master Plan. More public hearings would make it easier.

Peter Crawford expressed his support of the amendment. He looked forward to the Selectmen and Budget Committee changing their recommendations.

Bill Epperson stated that within the Planning Board, no personal biases are allowed. The members have the best interest of the town at heart.

Jaci Grote **called the question** on Mr. Epperson's amendment. She received a **second** from Becky Franz. Moderator Eaton asked for a vote on the motion to end debate. The motion **passed**. He then called for a vote on the amendment. The amendment **passed**.

Hearing no further discussion, **Moderator Eaton ordered Article 22 placed on the ballot as amended.**

Moderator Eaton read Article 23.

ARTICLE 23. (By Petition)

New Hampshire Resolution to Get Big Money Out of Politics

To request that the Town of Rye, NH, stand with communities across the country to defend democracy from the corrupting influence of big money in our political system, by calling upon our legislators to amend the United States Constitution to establish that:

- 1) Only individual human beings are endowed with constitutional rights, and
- 2) Money is not speech, and therefore regulating political spending is not equivalent to limiting political speech.

And that the People of Rye, NH hereby instruct our state and federal representatives to enact resolutions and legislation to advance this effort, and to reduce the influence of big money and increase transparency and voter participation in our electoral system.

And that the record of the vote approving this article shall be transmitted by written notice to Rye's Congressional delegation, and to Rye's State Legislators, and to the Governor of New

Hampshire, and to the President of the United States, informing them of the instructions from their constituents, by the Town Administrator's office within 30 days of the vote.

It was **moved** by Steve Borne, **seconded** by Susan Anderson, to bring Article 23 to the floor.

Steve Borne referenced Granny D's walk across the country at an advanced age as an example of support for such an article. He advised the group that 400 people took part in the NH People's Rebellion Walk. In NH there is nothing like Proposition 2 ½ or Proposition 7 in place to curb spending. Last year 57 other NH towns passed articles similar to this one. This year close to 100 towns will be voting on this same article. He knows there is no solution to be voted on at this time. He does expect our legislators will hear the message and act upon it.

Deidre Smyrnos supported the article. Whatever your concerns are, presently there is no good legislation to support change.

Joe Cummins asked where the cut off is. What is the definition of "big"?

Steve Borne replied there are no lines to be drawn. We just need to let the legislators know of our concerns.

Hearing no further discussion, **Moderator Eaton ordered Article 23 placed on the ballot as written.**

Article 24 was read by Moderator Eaton.

ARTICLE 24. (By Petition) To see if the Town shall create a committee to evaluate the pros and cons of different locations and designs for an indoor field turf facility to be used for town recreation and youth sports team practices.

The report should be completed by June 30th and presented jointly to the Board of Selectmen and the Rye Recreation Commission. The Committee will engage with local youth sports teams, e.g. Rye Little League, Rye Travel Soccer, Seacoast Lacrosse, Portsmouth Youth Football and others to collect requirements and estimated usage.

The report will include:

- Utilization assessment from different groups
- Possible locations
- Design options
 - o As a stand-alone facility
 - o As part of a recreation facility on Recreation Road
- Estimated construction costs
- Potential grants and funding options (fund raising, other towns...)

It was **moved** by Steve Borne, **seconded** by Steve Hillman to move Article 24 to the floor for discussion.

Steve Borne stated the purpose of this article is to get youth sports groups in the community together to make decisions as to what is needed for our kids. The plan is to coordinate with similar groups in other communities.

Selectman Musselman said Rye is beginning the process of studying a new recreation facility. He was not sure if a facility such as this would be included. He offered an **amendment** to strike “Estimated Construction Costs” from the article. His motion was **seconded** by Steve Hillman.

There being no further discussion, Moderator Eaton called for a vote on Selectman Musselman’s amendment. After the vote he declared the **amendment passed**.

Steve Hillman stated he was an advocate for youth sports and had coached many teams over the years. It would be good to involve other towns in this study. He liked the fact that it could be used year round. It would be better for kids to be using such a facility than to be playing with electronics for hours at a time. He offered his services to serve on the committee if approved.

Susan Anderson had concerns about a recycled tire substrate for the artificial turf. She proposed an **amendment**, **seconded** by Steve Borne, to add “*possible health issues related to artificial turf*” as a bullet item.

There being no further discussion, Moderator Eaton called for a vote on the amendment. The vote confirmed the **amendment passed**.

Ray Jarvis questioned the need for such a facility. He does not believe the need exists. “Would it make our kids any better?”

Selectman Mills agreed with Mr. Jarvis. He has been involved with youth sports since 1960. In his opinion, we have many other needs in town that should come before such a facility. If kids need more activity they should be riding their bikes and not being chauffeured everywhere.

Nancy Weiland offered an **amendment** which was **seconded** by Jane Ireland. She would add “*Assessment of need.*” as a bullet item within the article.

Steve Borne reminded everyone there was no cost associated with this article.

Scott Marion thought the amendment was unnecessary and felt it was redundant. He wanted to thank Mr. Mills for planning bike paths around town. Laughter was expressed by the audience.

Mr. Mills wanted all to know that years ago he had proposed widening the roads to accommodate bikes and baby carriages.

Hearing no further discussion, Moderator Eaton called for a vote on Mrs. Weiland’s amendment. He declared the **amendment passed**.

Frank Drake felt this has the potential to become a very expensive project. There are too many other projects of more importance to spend money on. He questioned if this would involve funding from other towns.

Steve Borne replied it would have to have funding from other towns to be feasible. Grants may be available to defray some of the costs.

Steve Hillman informed Mr. Mills that his daughter rides her bike up Central Road to the recreation fields for practices. This project would be a huge asset to the town and perhaps a money maker. He also stated there is no problem using recycled tires as a substrate to artificial turf. Anything toxic is dissipated or becomes inert during the processing of it.

Upon request, Moderator Eaton restated the article as amended:

To see if the Town shall create a committee to evaluate the pros and cons of different locations and designs for an indoor field turf facility to be used for town recreation and youth sports team practices.

The report should be completed by June 30th and presented jointly to the Board of Selectmen and the Rye Recreation Commission. The Committee will engage with local youth sports teams, e.g. Rye Little League, Rye Travel Soccer, Seacoast Lacrosse, Portsmouth Youth Football and others to collect requirements and estimated usage.

The report will include:

- *Utilization assessment from different groups*
- *Possible locations*
- *Design options*
 - o *As a stand-alone facility*
 - o *As part of a recreation facility on Recreation Road*
- *Possible health issues related to artificial turf*
- *Assessment of need*
- *Potential grants and funding options (fund raising, other towns...)*

No further discussion was requested. **Moderator Eaton ordered Article 24 placed on the ballot as amended.**

Article 25 was read by Moderator Eaton.

ARTICLE 25. (By Petition) To see if the Town will vote to implement a SMART (Save Money and Reduce Trash) program for a one year trial period – to be extended on the condition that the volume of municipal solid waste is decreased by at least 30% during this period. This “Pay as You Throw” program is predicted to reduce tonnage going to the landfill from the Rye

Transfer Station by 40% or approximately 500 tons per year and at the same time increase the amount recycled. Residents will be required to use designated Town of Rye trash bags to be purchased at a cost of \$1.25 for 15 gallon and \$2 for 30 gallon size bags. The reduction in expenditures to the Town of Rye should exceed \$150,000 annually. The revenue from this program is to be used to offset the cost of operating the transfer station. The combined revenue and reductions in expenditures from this program should lower the tax burden by \$150,000 or more annually.

This article is recommended by the Rye Recycling Education Committee

This article is recommended by the Rye Energy Committee

Susan Anderson, **seconded** by Mel Low, **moved** the article to the floor for discussion.

Ms. Anderson explained the Rye Recycling Education Committee was established by the Board of Selectmen in 2013 with the charge of educating town residents on recycling and maximizing the effectiveness of the recycling drop-off facility at the Transfer Station. Besides herself, the all-volunteer committee members include Deirdre Smyrnos, Mel Low, Alan Bucklin and Lynde Karin. Over the last 1 ½ years research was conducted with members visiting numerous transfer stations in the seacoast area looking for ways to improve the effectiveness of our Transfer Station. Starting with open minds, committee members soon realized that Pay As You Throw (PAYT) was the best way to encourage more recycling. Forty-seven NH communities have successfully adopted this program. Many went in to it with grave concerns but all have kept it. She stated we are, essentially, throwing away \$57,000 every year due to the cost of shipping recyclable trash and not getting our full recycling revenue. The committee members know there are concerns regarding this program and they are available to answer your questions. She advised all to pick up the hand-outs on the way out.

Mel Low believes Rye would be the 1st SB2 town to implement this program. The City of Concord adopted it and has seen a 42% reduction in non-recyclable trash being disposed of at their facility. Recently Eliot, Maine adopted the program. Former Public Works Director Bud Moynahan served on Eliot's committee. They have seen a 50% reduction in non-recyclable trash. He realizes voters have objections to this article; he sees the fire in their eyes. Notwithstanding, he highly recommended the program.

Mr. Low suggests Rye could see a reduction of 500 tons of trash every year raising our recycle rate from 30% to over 50%. That equates to 1 less load a week (at \$140 per load) going to the landfill. He related that Public Works Director Dennis McCarthy implemented this program when he worked in Raymond. Mr. Low knows the program is very controversial but feels we can get past that. Early in the 1970's Rye was a leader in the state by beginning a recycling program. We have fallen behind and need to improve our efforts. He estimates his household would spend \$50 per year on bag purchases. He asked the voters to consider the benefits to our children if we adopt this program now. He asked everyone to consider the trial period being asked for.

Deirdre Smyrnos advised the committee has researched multiple options to boost our recycling rate and PAYT is the best and most equitable solution. It is economically sustainable as it promotes decreased trash, environmentally sustainable because it increases recycling and it is

equitable – you only pay for what you dispose. The savings of \$57,000 could be put to better use. We need to begin treating trash as a utility bill like we do with water and electricity. Other communities are seeing recycling rates of 60% to 80%. Some are aiming for Zero Waste/ 100% reclamation and recycling by 2020. This article proposes a one-year trial that could become continued if at least a 30% reduction in trash is attained. Environmental gains could also be possible by reducing carbon and methane emissions associated with trash disposal.

Ray Jarvis stated he goes to the dump every week. He recycles all that's allowed. Are we asking those who recycle to recycle more? How would this be accomplished? He was not in favor of this article and stated it would add costs to those who already recycle.

Selectman Mills presented an **amendment** to remove the recommendation lines at the end of the article. Selectman Musselman gave a **second** to the motion. Mr. Mills stated such recommendations are usually offered by the Selectmen and Budget Committee for moneyed articles to show due diligence was done by both in examining and considering the expenditure. It would not apply to this article.

Phil McDonough asked if, by removing the recommendation, the article would still be legal.

Moderator Eaton replied it would still be legal.

John Sherman asked why the Selectmen did not recommend this article.

Selectman Mills replied they wanted to look at other options and felt the money to be saved may not be accurate.

Tom Pearson, **seconded** by Scott Marion, **called the question** on the amendment. Moderator Eaton called for a vote on ending the debate on the amendment. The motion **passed**. A hand count on the motion to amend was too close to call. Moderator Eaton assigned 2 persons to count the cards being held up on each side of the room. He declared the amendment **passed** by a vote of 39 to 25.

John Hoyt expressed his discontent with the article. In his view the numbers don't add up. He felt every tax payer is already paying to use the facility.

Jaci Grote was in agreement with the article, stating our waste management must get better. Asking for a 1 year trial period is a reasonable request. The recycling rate of 31% comes directly from records kept at the Recycling Center by Director McCarthy.

Tom Pearson spoke in favor of recycling but was not in favor of the article. He felt those who do recycle would lose. It would be like a slap in the face to them. The bags would be too costly. The better way to go would be through education of the public. Flyers could be given out describing the recycling rules. Someone could be stationed at the packer to remind folks that recycling is mandatory in Rye. In addition, he feels bags will have to be changed out before they are full as they get smelly if left out too long. This would not be an efficient or economical use of the bags.

Alan Gould respects Mr. Low. However, it doesn't make sense to spend more on something you're already doing. He has observed misuse and lack of recycling going on at the Transfer Center.

Steve Borne feels it is unfair to subsidize those who don't recycle.

Scott Marion spoke in support of the article. He would like to see an increase in the types of plastic accepted at the Recycling Center. He estimates his family would use one bag per week. He offered an **amendment** to strike the phrase in the first sentence after the dash and replace it with the following: "*to be extended based on a cost benefit analysis conducted by the Selectmen*". Jean Low **seconded** his proposed amendment.

Ray Jarvis felt doing a cost benefit analysis on those who do recycle would not make sense. They should be left out of the calculation.

Alan Gould felt the program should be brought back to the voters to continue the program and not left up to the Selectmen to decide.

Scott Marion thought it should be simple to conduct the analysis but more than a one year trial would be needed to get accurate results.

Susan Anderson advised that Director McCarthy keeps detailed records and should be able to do a hard analysis. She expects a family of 4 to use two 30 gallon bags per month at a cost of \$4.00.

A motion to **call the question** on the amendment was presented by Phil Winslow and was **seconded** by Frank Drake. The motion **passed**.

Moderator Eaton called for a vote on the amendment. The amendment **passed** by a vote (card count) of 27 to 25.

Selectman Musselman said each member of the Board had different viewpoints on this article. He is an Environmental Engineer and often deals with solid waste. His household uses a hauler. This article would encourage the use of haulers and our taxes would go down. In communities which use this program, less trash is brought to the facility but fewer recyclables are received. People could make the decision to buy less, use a hauler or take their trash to other towns who don't participate in a similar program. The desired environmental benefits would not be attained.

Craig Krespach said he is one of the 31% of people who recycle. The bag sizes being offered would not be helpful to him. He uses 50 gallon bags. He offered an **amendment** to include 50 gallon bags at a cost of \$3.00. Scott Marion **seconded** the amendment.

Deidre Smyrnos said she was not sure if the supplier offered that size bags.

Mr. Krespach replied that 50 gallon bags could be found elsewhere if her supplier doesn't carry them.

Frank Drake, **seconded** by Tom Pearson, **called the question** on the amendment. The motion **passed**.

Moderator Eaton called for a vote on the amendment. He declared the amendment **passed**.

Moderator Eaton restated the amended article:

To see if the Town will vote to implement a SMART (Save Money and Reduce Trash) program for a one year trial period – to be extended based on a cost- benefit analysis conducted by the Board of Selectmen. This “Pay as You Throw” program is predicted to reduce tonnage going to the landfill from the Rye Transfer Station by 40% or approximately 500 tons per year and at the same time increase the amount recycled. Residents will be required to use designated Town of Rye trash bags to be purchased at a cost of \$1.25 for 15 gallon and \$2 for 30 gallon size bags, and \$3 for 50 gallon bags. The reduction in expenditures to the Town of Rye should exceed \$150,000 annually. The revenue from this program is to be used to offset the cost of operating the transfer station. The combined revenue and reductions in expenditures from this program should lower the tax burden by \$150,000 or more annually.

Frank Drake, **seconded** by Scott Marion, **called the question** on the article. The vote on ending debate on the article **passed**.

Moderator Eaton ordered Article 25 placed on the ballot as amended.

Article 26 was read by Moderator Eaton.

ARTICLE 26. (By Petition) Shall all Boards, Commissions and Committees of the Town, and subcommittees thereof, be required, whenever possible, to hold those meetings in a location, such as the Town Hall Courtroom or the Library, where video streaming facilities are provided? When such meetings are held in these locations, video and audio streaming shall be enabled for all portions of the meeting except those that may be non-public pursuant to RSA 91-A:3.

It was **moved** by Burt Dibble, **seconded** by Peter Crawford, to move the article to the floor for discussion.

Dr. Dibble gave a short history on how video streaming came to pass in Rye. Any concerns people had about the process have proved not to be a problem. In addition to providing live coverage of meetings, it also gives voters an archival record to access at any time. This is the Town’s way to get voters involved even if they cannot be present at the meetings. The proposed rehab of the “Great Hall” will include equipment to video stream meetings, presentations and performances. The Library also uses video streaming.

Scott Marion, a School Board member, supports this article. He advised there is an article to provide video streaming at the Jr. High School cafeteria on the School District Warrant this year.

Frank Drake, **seconded** by Peter Crawford, **called the question** on the article. The vote on ending debate on the article **passed**.

Moderator Eaton ordered Article 26 placed on the ballot as written.

Moderator Eaton read Article 27.

ARTICLE 27. (By Petition) To address shortcomings observed in the first use of the “a to p” process (the “Process”) for conservation land purchases, promulgated by the Board of Selectmen on January 6, 2014, only the written information (the “Information Submittal”) and testimony at the public hearing may be considered in approving or recommending any acquisition; and the Information Submittal shall also include, notwithstanding any waiver provisions of the Process:

- a. An Independent appraisal: For all acquisitions where the total consideration exceeds \$150,000, an independent appraisal, performed at the behest of the Town, complying with the Uniform Standards of Professional Appraisal Practice (“USPAP”), and conducted by an appraiser licensed pursuant to RSA 310-B;
- b. Proof of value: When the appraisal assumes an increase in value based on a hypothetical subdivision, a reasonable approximation of the information required to obtain approval of a Major Subdivision, including, at a minimum, the overall, topographic and soils plan requirements of sections 401, 402.2 and 403.1.E of the Rye Land Development Regulations;
- c. Demonstrated legal permissibility: When a waiver, variance or special exception is assumed, a demonstration of the reasonable likelihood of the same being granted, as provided by USPAP Standard 1-3;
- d. Absence of environmental liability: Such assessments and data as are necessary to determine and disclose the potential risk of environmental liability associated with the parcel; and
- e. An independent survey: The property survey plan and boundary description provided for in paragraph 2(b) of the Process. The survey shall comply with section 401.2 of the Rye Land Development Regulations.

It was **moved** by Peter Crawford, **seconded** by Victor Azzi, to move Article 27 to the floor for discussion.

Peter Crawford advised the sponsors of this article had observed the Board of Selectmen approve the purchase of part of the former Rand Lumber Company by the Conservation Commission. During the purchase process, no independent appraisal was required by the Board. The seller provided an appraisal which was accepted by the Town. Considering the original cost of the whole parcel of land when it was sold to the developer was \$1.15 million and the cost for just a

portion of the land purchased by the Conservation Commission was \$1.25 million, not requiring an independent appraisal at the Town's expense might have been penny wise and pound foolish.

Mr. Crawford went over the five points included in the article and pointed out how each could have been useful in saving tax payers money during any purchase of property. In his opinion, the assessed value of a property, based on statistical figures, should never be used as a substitute for an actual appraisal. If no environmental liability study is conducted, how would the Town be protected if hazardous materials were later found on the property? If no property survey plan and boundary description is required, how would the Town be certain of exactly what had been purchased? He felt the requirements of the article are reasonable.

Selectman Musselman offered an **amendment** which was **seconded** by Selectman Jenness. In it he proposed the wording of the amended article be as follows:

Under the "a to q" process (the Process) for conservation land purchases, promulgated by the Board of Selectmen on January 6, 2014, the written information (the "Information Submittal") and testimony at the public hearing may be considered in approving or recommending any acquisition. The selectmen may consider requiring as part of the Information Submittal an appraisal at the behest of the Town appropriately addressing the development potential of the property and a property survey plan and boundary description.

Peter Crawford asked if the amendment would delete the rest of the article.

Moderator Eaton replied the rest would be deleted.

Mr. Crawford expressed his frustration at not being able to get information from the Town. When he asked for a legal opinion he was aware the Town had received on the subject, he was denied because the opinion was now "stale". He disagreed with the reason for the denial. Voters need to insist that an independent appraisal be done on any land purchase being considered to protect the interest of the tax payers. It would have protected them in the purchase of the Rand property.

Frank Drake thought a friendly amendment that "*selectmen shall require an appraisal*" at a "to be determined" price point.

Selectman Musselman replied he was not ready to agree to a friendly amendment on his amendment without first meeting with the Conservation Commission. He did state that, in his opinion, an outside appraisal would be required on most land purchases.

Joe Cummins stated he was against the amendment. He was planning to present another amendment because he was worried that no hazardous waste impact study was included in the article as proposed.

Selectman Musselman stated no hazardous waste study had been required during the purchase of the Rand Lumber Company land because there was no evidence found during the walk through that might suggest the need for one. This land had never been developed. To require an

environmental impact study on land never developed previously or boundary survey done when good documentation is available and corner stakes are found would actually waste tax payer money. The majority of people who purchase homes never require these tests be done on their own properties.

Shawn Crapo, **seconded** by Sally King, **called the question** on Selectman Musselman's amendment. The motion **passed**. Moderator Eaton called for a vote on the amendment. He declared the amendment **passed**.

Frank Drake made a **motion to amend** the article by substituting the words "*shall require when the total consideration exceeds \$500,000.*" for the words "may consider requiring". Scott Marion **seconded** Mr. Drake's amendment.

Peter Crawford expressed his support of the amendment. The dollar figure could be changed later if necessary. It would require the selectmen to pay attention to the tax impact. The Town could require the seller to pay for the appraisal.

Jaci Grote felt it would not be fair to push the appraisal cost off on to the seller. She believes the price point in this amendment is too low.

Lee Perrault stated \$500,000 is an arbitrary figure. People trust the Conservation Commission to care for and acquire land for the town.

Phil Winslow, **seconded** by Tom King, **called the question** on Mr. Drake's amendment. The motion passed. Moderator Eaton called for a vote on the amendment. He declared the amendment **failed**.

Randy Crapo stated petitioners brought this article forward and they include costs. Why didn't the petition get presented to the Selectmen and the Budget Committee for consideration?

Joe Cummins proposed an **amendment** which was **seconded** Scott Marion. It would add the following at the end of the article: "*A hazardous waste environmental analysis shall be performed for town on bought land.*"

He believes it is prudent to have this analysis done on commercial property to protect the town.

Peter Crawford expressed support for the amendment.

Sally King is not in support of the amendment. She stated there are other ways to check for hazardous waste without adding extra costs.

Selectman Musselman questioned if this would be required only on commercial land.

Scott Marion advised he is a board member of the Southeast NH Land Trust. He asked if the subject matter of this amendment is already included in subparagraph "q" of the "Process".

Selectman Musselman answered that “q” states a study is to be done on previous commercially developed land.

Peter Crawford suggested a friendly amendment to state “*A hazardous waste environmental analysis shall be performed on property previously used for commercial use.*” Both Joe Cummins and Scott Marion agreed to accept the friendly amendment.

Jane Ireland, **seconded** by Janice Ireland **called the question** on Mr. Cummins’s amendment. The motion **passed**. Moderator Eaton called a vote on the amendment. He declared the amendment **passed**.

Moderator Eaton restated the article as amended.

Under the “a to q” process (the “Process”) for conservation land purchases, promulgated by the Board of Selectmen on January 6, 2014, only the written information (the “Information Submittal”) and testimony at the public hearing may be considered in approving or recommending any acquisition. The selectmen may consider requiring as part of the Information Submittal an appraisal at the behest of the Town appropriately addressing the development potential of the property and a property survey plan and boundary description. A hazardous waste environmental analysis shall be performed for town on property previously used for commercial use.

Shawn Crapo **called the question** on the article and was **seconded** by Phil McDonough. The motion **passed**.

Moderator Eaton ordered Article 27 placed on the ballot as amended.

Article 28 was read by Moderator Eaton.

ARTICLE 28. (By Petition) In addition to the requirements of 2013 Warrant Article 21, shall the CIP Committee annually fulfill the requirements of RSA 674:5 that it “prepare and amend a recommended program of municipal capital improvement projects” by prioritizing the proposed projects? Such prioritization shall be performed after the public hearing required by Article 21, shall take into account the Master plan guidance from the Board of Selectmen and other governing bodies, the goal of avoiding spikes in the tax rate, and the financing structure of all Town entities. Prioritization shall consist of ranking each proposed project in accordance with its year of first significant expenditure, assigning a numerical ranking, unique within each year, to each project.

It was **moved** by Scott Marion, **seconded** by Peter Crawford, to move Article 27 to the floor for discussion.

Scott Marion advised he was one of the sponsors of this article. While the hard work of the CIP Committee is much appreciated, there needs to be a prioritization of all projects considered in the

CIP. All town entities are included within the CIP. That includes the town, schools, library, sewer department and the village districts. A tax payer may receive separate bills from several of these entities. There needs to be one single group which looks at all of these entities and their planned capital projects. Careful ranking of these projects will help avoid unexpected spikes on the tax bills or invoices from these entities.

Shawn Crapo believes this article is too restrictive. The CIP is a valuable tool. “Let’s not hinder a good process.”

Ray Jarvis, chairman of the CIP Committee, advised that the members of the committee have no qualifications to prioritize the projects included in the CIP. It would be a dishonest presentation by the CIP Committee to do so.

Selectman Musselman, **seconded** by Selectman Mills, proposed an **amendment** to the article. The amended article would read as follows:

In addition to the requirements of 2013 Warrant Article 21, shall the CIP Committee annually fulfill the requirements of RSA 674:5 that it “prepare and amend a recommended program of municipal capital improvement projects” which shall take into account the Master plan and guidance from the Board of Selectmen?

Selectman Musselman advised there were legal issues with the original wording of the article.

Peter Crawford felt the amendment guts the article. It would take away the substance of the article.

Moderator Eaton gave his opinion that the amendment does not nullify the article or render it meaningless and would be allowed.

Peter Crawford stated that, at the 11/10/14 Selectmen’s meeting, Selectman Musselman was begging Mr. Jarvis for a list of priorities for the projects being submitted within the 2014 CIP. “Why the change?” He believes the committee should be the one to prioritize the projects.

Art Ditto expressed his support of the amendment.

Frank Drake, **seconded** by Phil McDonough, **called the question** on the amendment. The motion passed. The vote on the amendment itself **passed**.

Hearing no further discussion, **Moderator Eaton ordered Article 28 placed on the ballot as amended.**

A **motion to restrict reconsideration** on all articles taken up at the meeting not previously restricted was made by Phil Winslow. Scott Marion **seconded** the motion. Moderator Eaton called for a vote. He then declared the motion **carried**.

Moderator Eaton read Article 29.

ARTICLE 29. To see if the Town will vote to authorize the Selectmen to sell to the highest bidder at public auction, or sealed bid, such surplus Town equipment as is not traded in on new equipment in 2015.

Article 29 was **moved** to the floor by Selectman Mills and **seconded** by Selectman Jenness.

Selectman Mills explained this article is added to the warrant every year to enable the selectmen to sell off surplus equipment.

No further discussion was called for. **Moderator Eaton ordered Article 29 placed on the ballot as written.**

Moderator Eaton read Article 30.

ARTICLE 30. To transact any other business which may legally come before this meeting.

Article 30 was **moved** to the floor by Selectman Mills and **seconded** by Selectman Jenness.

No further business was brought to the floor.

Phil McDonough, **seconded** by Phil Winslow, **moved to dissolve** the meeting. The motion **passed**.

Moderator Eaton declared the 2015 Deliberative Session dissolved at 4:15 p.m.

Note: A tally of the checklist showed 99 voters attended the meeting.

Respectfully submitted,

Elizabeth M. Yeaton
Town Clerk/Tax Collector